

## **EXPLANATORY STATEMENT**

### *Migration Regulations 1994*

#### **Migration (IMMI 18/085: Arrangements for Temporary Work and Temporary Activity Visa Applications) Instrument 2018**

##### *(Regulation 2.07(5))*

1. The *Migration (IMMI 18/085: Arrangements for Temporary Work and Temporary Activity Visa Applications) Instrument 2018* is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals the *Migration (IMMI 17/127: Arrangements for Temporary Work and Temporary Activity Visa Applications) Instrument 2017* (F2017L01480) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (Interpretation Act). Subsection 33(3) of the Interpretation Act states that where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.
3. The instrument operates to specify the approved forms and the place and manner for making an application for the following classes of visa:
  - a) Investor Retirement (Class UY) visa;
  - b) Retirement (Temporary) (Class TQ) visa;
  - c) Temporary Work (Short Stay Specialist) (Class GA) visa;
  - d) Temporary Work (International Relations) (Class GD) visa;
  - e) Temporary Activity (Class GG) visa; and
  - f) Training (Class GF) visa.
4. The purpose of the instrument is to specify, for a person making an application for a Temporary Work (International Relations) (Class GD) visa and that person is seeking to satisfy the criteria in the Pacific Labour Scheme stream, that:

- a) the application must be made as an internet application; or
  - b) if authorised by an officer of the Department, the application may be made by lodging a Form 1403 in accordance with the directions in the email, by the end of the following day after the date that the authorising email was sent.
5. Consultation was undertaken before the instrument was made with the Department of Jobs and Small Business and the Department of Foreign Affairs and Trade.
  6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 23669).
  7. The instrument's signatory officer (Senior Executive Service, Band one, Immigration and Visa Services Division) was delegated the powers required to make the instrument in the Instrument of Delegation MHA No. 5 of 2018, signed on 10 April 2018.
  8. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
  9. The instrument applies to applications made on or after the commencement of this instrument.
  10. The instrument commences immediately after the commencement of the *Migration Amendment (Pacific Labour Scheme) Regulations 2018*.