

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (IMMI 18/063: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2018

(Paragraph 5.36(1A)(a))

1. The *Migration (IMMI 18/063: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2018* is made under paragraph 5.36(1A)(a) of the *Migration Regulations 1994* (Regulations).
2. The instrument repeals *Migration (IMMI 17/118: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2017* (F2017L01601) under paragraph 5.36(1A)(a) of the Regulations, and 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 for the purposes of paragraph 5.36(1A)(a) of the Regulations, for the Minister to specify foreign currencies, their ISO codes and their relevant exchange rates in relation to the Australian Dollar. The instrument is used to assist in the working out of the amount of payment of a fee, as defined in subregulation 5.36(4) of the Regulations (other than a visa application charge (VAC) payment to which subregulation 5.36(3A) of the Regulations applies) under regulation 5.36 of the Regulations.
4. The purpose of the instrument is to undertake the biannual update of the foreign currency exchange rates for the purposes of paragraph 5.36(1A)(a) of the Regulations..
5. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*, consultation was not necessary because the instrument is of a minor or machinery nature and does not substantially alter existing arrangements.

6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 23782).
7. The Chief Financial Officer, Finance Division, who made the instrument was delegated the powers required to make the instrument in the Delegations and Authorisations Instrument 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 commences on 1 July 2018.