

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (LIN 19/042: Places and Currencies for Paying of Fees) Instrument 2019

(Paragraphs 5.36(1)(a) and (b))

1. The *Migration (LIN 19/042: Places and Currencies for Paying of Fees) Instrument 2019* is made under paragraphs 5.36(1)(a) and (b) of the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals LIN 19/002 (F2018L01824) under paragraphs 5.36(1)(a) and (b) of the Regulations and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*, which 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, under paragraphs 5.36(1)(a) and (b) of the Regulations, for the payment of a fee, as defined in subregulation 5.36(4) of the Regulations (other than a visa application charge (VAC) payment to which subsection 5.36(3A) of the Regulations applies), the places and corresponding currencies in which those fee payments must be made.
4. The purpose of the instrument is to undertake a biannual update of the places and corresponding currencies in which payment of a fee may be made.
5. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*, consultation was not necessary because changes to the previous repealed instrument are minor or machinery in nature and do not substantially alter existing arrangements.
6. The Chief Financial Officer, Finance Division, who made the instrument was delegated the powers required to make the instrument in the *Minister - Delegations Instrument No. 5 of 2018 (Instrument Making Powers) (MHA No. 5 of 2018)*, signed on 10 April 2018.

7. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required. The OBPR Reference is 25184.
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 2019.