

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (LIN 19/236: Arrangements for Visitor (Class FA) Visa Applications) Amendment Instrument 2019

(Subregulation 2.07(5))

1. The instrument is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations).
2. The instrument amends LIN 19/199 (F2019L01088) 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 Minister may by legislative instrument, under subregulation 2.07(5) of the Regulations, specify an approved form for making an application for a class of visa, prescribe the way in which an application for a specified class of visa must be made, the place at which an application for a specified class of visa must be made, and any other matter.
4. The operation of this instrument is to specify additional requirements for the Visitor Subclass 600 (Visitor) (Class FA visa). Specifically, for an applicant seeking to satisfy the primary criteria for a Visitor Subclass 600 (Visitor) (Class FA visa) in the Frequent Traveller stream, the requirements in the table at Item 1236(6A) of Schedule 1 to the Regulations must be met.
5. The purpose of LIN 19/236 is to amend a drafting error in the table in Schedule 6 to LIN 19/199. The amendment repeals and substitutes the table, which contained incorrect references to subsections.

6. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*, consultation was not necessary. The instrument makes minor amendments to LIN 19/199 due to a drafting error.
7. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference: 25032).
8. The Executive Level 2 officer in the Immigration Programs Division who made the instrument was delegated the powers required to make the instrument in *Instrument Making Powers (Minister) Instrument 2019* (LIN 19/022), signed on 1 July 2019.
9. 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.
10. The instrument commences immediately following the commencement of *Migration (LIN 19/199: Arrangements for Visitor (Class FA) Visa Applications) Instrument 2019*.