

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (LIN 20/002: Places and Currencies for Paying of Fees) Instrument 2020

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

1. The *Migration (LIN 20/002: Places and Currencies for Paying of Fees) Instrument 2020* is made under paragraphs 5.36(1)(a) and (b) of the *Migration Regulations 1994* (the Regulations).
2. Paragraph 5.36(1)(a) of the Regulations states that the payment of a fee, other than a visa application charge mentioned in regulation 5.36(3A) of the Regulations must be made in a place, being Australia or a foreign country, that is specified by the Minister in a legislative instrument. *Foreign country* is defined in section 2B of the *Acts Interpretation Act 1901*.
3. Paragraph 5.36(1)(b) of the Regulations states that payment of a fee, other than a visa application charge mentioned in regulation 5.36(3A) of the Regulations must be made in a currency that is specified by the Minister in a legislative instrument.
4. Subregulation 5.36(4) of the Regulations defines *fee* for the purposes of regulation 5.36 of the Regulations.
5. 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.
6. The table in Schedule 1 to the instrument provides, in Column A, places including Australia and foreign countries, where a payment of a fee must be made in the corresponding currency for that place specified in Column B of the table.
7. 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with paragraph 15J(2)(e) of the *Legislation Act 2003*, consultation was not necessary because changes to the previous repealed instrument are minor or machinery in nature and do not substantially alter existing arrangements.
8. The Acting Chief Financial Officer, Finance Division, who made the instrument was delegated the powers required to make the instrument in the *Instrument Making Powers (Minister) Instrument 2019/228*, signed on 12 September 2019.
9. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required. The OBPR Reference is 25184.
10. Under subitem 20 (b) of 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.
11. The instrument commences on 1 January 2020.