

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (LIN 20/007: Payment of Visa Application Charges and Fees in Foreign Currencies) Amendment Instrument 2020

(Paragraphs 5.36(1A)(a))

1. The *Migration (LIN 20/007: Payment of Visa Application Charges and Fees in Foreign Currencies) Amendment Instrument 2020* (Amendment Instrument) is made under paragraph 5.36(1A)(a) of the *Migration Regulations 1994* (Regulations).
2. The purpose of this instrument is to amend *Migration (LIN 20/001: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2020* (Instrument LIN 20/001) 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. Section 1 of Schedule 1 removes the authority for section 6 and Schedule 1 of LIN 20/001.
4. Section 2 of Schedule 1 removes the definition of *foreign country* from LIN 20/001 as this definition is not used in the instrument as amended.
5. Section 3 of Schedule 1 amends section 5 of LIN 20/001 to address the repeal of Schedule 1 of that instrument.
6. Section 4 of Schedule 1 omits section 6 of LIN 20/001 and substitutes with section 7 of that instrument (retitled section 6).
7. Section 5 of Schedule 1 omits section 7 of LIN 20/001, as it is now section 6.
8. Section 6 of Schedule 1 repeals Schedule 1 of LIN 20/001.
9. Section 7 of Schedule 1 omits and substitutes the title of Schedule 2 to LIN 20/001.
10. Section 8 of Schedule 1 omits and substitutes the title of Schedule 3 to LIN 20/001.
11. Instrument LIN 20/001 repealed instruments *Migration (LIN 19/041: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2019* and *Migration (LIN 19/042: Places and Currencies for Paying of Fees) Instrument 2019*. It also undertook the biannual update of the places and their corresponding currencies in which

payment of a fee may be made, and the foreign currency exchange rates in relation to the AUD.

12. The amendments made to Instrument LIN 20/001 are to ensure consistency with the amendments made to the *Australian Citizenship Regulation 2016* by the *Home Affairs Legislation Amendment (2019 Measures No.1) Regulations 2019* on 31 October 2019, in particular the definitions of *conversion instrument* and *places and currencies instrument* under subsection 16(7).
13. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*, consultation was not necessary because changes to the previous repealed instruments are minor or machinery in nature and do not substantially alter existing arrangements.
14. 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.
15. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required. The OBPR Reference is 25184.
16. 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.
17. The instrument commences on 1 January 2020.