

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (LIN 20/166: Australian Values Statement for Public Interest Criterion 4019) Instrument 2020

(Clause 3.1 of Part 3 of Schedule 4 to the Regulations)

1. The instrument, LIN 20/166, is made under clause 3.1 of Part 3 of Schedule 4 to the *Migration Regulations 1994* (the Regulations).
2. In accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (AIA), the instrument revokes the *Australian Values Statement for Public Criterion 4019 - 2016/113 Instrument* (IMMI 16/113) (F2018C00207) made under clause 3.1 of Part 3 of Schedule 4 to the Regulations. Subsection 33(3) of the AIA 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 approve the values statement for the subclasses of visas specified in the instrument. Part 1 of Schedule 2 to the instrument is approved as the values statement for all subclasses of visas specified in tables 1 and 2 of Schedule 1. Both Parts 1 and 2 of Schedule 2 combined are approved as the values statement for subclasses of permanent visas specified in table 2 of Schedule 1.
4. The updated values statement further expands on provisions in the approved values statement in IMMI 16/113, particularly for those relating to freedom of religion, commitment to the rule of law, parliamentary democracy, a ‘fair go’ for all and equality of opportunity.

5. The purpose of the instrument is to update the language of the values statement for all visa subclasses specified to better reflect the values that are important to Australian society. The values statement for all visa subclasses specified includes provisions relating to compliance with the laws of Australia. In addition, the values statement for specified permanent visa subclasses includes an undertaking to make reasonable efforts to learn English, if it is not the applicant's native language, and a provision relating to matters concerning Australian citizenship.
6. Consultation on the updates to the values statement was undertaken before the instrument was made with the Attorney-General's Department (including the Australian Government Solicitor) and the Department of the Prime Minister and Cabinet.
7. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 26004).
8. Under paragraph (b) of item 20 of the table in 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 30 October 2020.