

EXPLANATORY STATEMENT*Migration Regulations 1994***Migration (Industry Associations and Membership Levels) Instrument (LIN 20/061)****2020***(Paragraphs 132.232(3)(a) and (b) of Schedule 2)*

1. The instrument, LIN 20/061, is made under paragraphs 132.232(3)(a) and (b) to Schedule 2 of the *Migration Regulations 1994* (the Regulations).
2. This instrument repeals IMMI 12/052 (F2012L01309) made under paragraphs 132.232(3)(a) and (b) of Schedule 2 to the Regulations in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the AIA). 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. Under subregulation 132.232(1) of Schedule 2 to the Regulations, a visa applicant seeking to satisfy the primary criteria for the grant of a Subclass 132 (Business Talent) visa in the Venture Capital Entrepreneur stream, must have entered into a legally enforceable agreement with an Australian company to receive venture capital funding.
4. Paragraphs 132.232(3)(a) and (b) of Schedule 2 to the Regulations provides that an Australian company is a member of an industry association or similar body specified by the Minister, and in a category of membership specified by the Minister.
5. The instrument operates to specify the Australian Investment Council Limited as an industry association and the Corporate Venture Capital Membership and Venture Capital Fund Manager Membership as categories of membership of that industry association.

6. The purpose of the instrument is to change the name of the industry association from The Australian Private Equity and Venture Capital Association Limited to the Australian Investment Council Limited. The instrument also changes the specified category of membership of the industry association as Corporate Venture Capital Membership and Venture Capital Fund Manager Membership.
7. In 2018, the Australian Investment Council Limited made changes to its membership categories. The Venture Capital Membership was replaced with the Venture Capital Fund Manager Membership and the Corporate Venture Capital Membership. Both memberships fulfil the same role as the previous Venture Capital Membership, and facilitate venture capital funding to Australian businesses. This continues to support the intent of the Subclass 132 (Business Talent) visa in the Venture Capital Entrepreneur stream.
8. Consultation was undertaken with Australian Investment Council Limited, who advised of their change of name and the newly created Corporate Venture Capital Membership and Venture Capital Fund Manager Membership. As these changes are of a minor or machinery nature and do not substantially alter existing arrangements, no further consultation was undertaken in accordance with paragraph 15J(e) of the *Legislation Act 2003*.
9. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 25274).
10. 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.
11. The instrument commences on the day after registration on the Federal Register of Legislation.