

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (LIN 21/001: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2021

(paragraph 5.36(1A)(a))

1. The instrument, LIN 21/001, is made under paragraph 5.36(1A)(a) of the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals *Migration (LIN 20/003: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2020* (F2020L00751), made under paragraph 5.36(1A)(a) of 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. The instrument operates to specify foreign currencies in which a fee may be paid and the relevant exchange rates for foreign currencies in relation to the Australian dollar (AUD) for the purposes of paragraph 5.36(1A)(a) of the Regulations (excluding visa application charges mentioned in subregulation 5.36(3A) of the Regulations). Accordingly, the instrument operates to specify how the amount of a fee payment is to be calculated for the purposes of subregulation 5.36(1A) of the Regulations.
4. The purpose of the instrument is to undertake a biannual update of the exchange rates for the specified foreign currencies to AUD. The exchange rates are updated in the instrument to reflect changes in foreign currencies exchange rates since the previous update.
5. The specified currencies' corresponding International Organization for Standardization (ISO) code has been noted in the instrument, for information only.
6. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*, consultation was not necessary. The instrument is of a minor or machinery nature and does not substantially alter existing arrangements.

Explanatory Statement for *Migration (LIN 21/001: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2021*

7. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 25184).
8. The Chief Finance Officer, Finance Division, who made the instrument was appropriately delegated by the *Minister (Ministerial Instrument-making Powers) Delegation 2020/252*.
9. 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.
10. The instrument commences on 1 January 2021.