

EXPLANATORY STATEMENT

Issued by authority of the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

Migration Regulations 1994

Migration (ICC Men's T20 World Cup 2022 and FIFA Women's World Cup 2023—AGEEs) Instrument (LIN 21/049) 2021

- 1 The instrument, Departmental reference LIN 21/049, is made under subregulation 2.07(5), subparagraph 1237(2)(a)(i) of Schedule 1 and paragraphs 408.229(b) and (c) of Schedule 2 to the *Migration Regulations 1994* (the Regulations).
- 2 The instrument repeals *Migration (Classes of Persons and Specified Events for Class GG visa and Subclass 408 (Temporary Activity) visa Instrument 2019/231* (LIN19/231) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*. That subsection provides that a power to make a legislative instrument includes a power to amend or repeal that instrument in the same manner, and subject to the same conditions, as the power to make the instrument.
- 3 The instrument commences on 13 November 2021, and is a legislative instrument for the *Legislation Act 2003* (the Legislation Act).

Purpose

- 4 A person may be eligible for the grant of a Subclass 408 (Temporary Activity) visa (Subclass 408 visa) where one of the primary criteria set out in Subdivision 408.2 of Schedule 2 to the Regulations applies. One of the primary criteria is that the person seeks to enter or remain in Australia to undertake work directly associated with an 'Australian Government endorsed event' (AGEE) (see clause 408.229). Such an event must be specified by legislative instrument, and an applicant for a Subclass 408 visa pursuant to clause 408.229 of Schedule 2 to the Regulations must be in a class of persons specified in that instrument in relation to the event (see paragraphs 408.229(b) and (c)).
- 5 The purpose of the instrument is to specify two AGEEs and the related class of persons for each event, for clause 408.229 of Schedule 2 to the Regulations. The events are the Federation Internationale de Football Association (FIFA) Women's World Cup 2023 (FWWC 2023) and the International Cricket Council (ICC) Men's Twenty20 World Cup 2022 (ICC Men's T20WC 2022).
- 6 The instrument also provides, for subparagraph 1237(2)(a)(i) of Schedule 1 to the Regulations, a nil visa application charge amount for applicants in a class of persons specified in the instrument.

Consultation

- 7 The Office for Sport, in the Department of Health, the Department of Prime Minister and Cabinet and the Treasury were consulted in relation to the implementation of visa support measures for the FWWC 2023 implemented by the legislative instrument.
- 8 On 3 July 2020, the Minister for Sport, on behalf of the Australian Government, agreed to extend the support arrangements in place for the ICC Men's T20 World Cup 2020, which was postponed due to

COVID-19, to the ICC Men's T20WC 2022. These arrangements include the visa support measures being implemented by the instrument for the ICC Men's T20WC 2022.

- 9 The Office of Best Practice Regulation (OBPR) was also consulted and considered that the instrument dealt with matters of a minor nature and no regulatory impact statement was required. The OBPR reference number is 43543.

Details of the instrument

- 10 Section 1 sets out the name of the instrument.
- 11 Section 2 provides the instrument commences on 13 November 2021. This date aligns with updates to Departmental systems that will allow applications to be made under the instrument.
- 12 Section 3 sets out definitions of terms used in the instrument.
- 13 Section 4 provides that the FWWC 2023 and the ICC Men's T20 World Cup 2022 are specified events for paragraph 408.229(b) of Schedule 2 to the Regulations.
- 14 Section 5 sets out, for paragraph 408.229(c) of Schedule 2 to the Regulations the class of persons for the FWWC 2023. An applicant is in the specified class of persons if, at the time of application, the applicant meets all of the requirements mentioned in section 5. The applicant must be:
- approved for accreditation by the 2023 FWWC entity as a participant in the competition (paragraph 5(a)); and
 - endorsed in writing by the 2023 FWWC entity as a participant in the competition (paragraph 5(b)); and
 - a kind of person mentioned in paragraph 5(c).
- 15 Section 6 sets out, for paragraph 408.229(c) of Schedule 2 to the Regulations the class of persons for the ICC Men's T20 World Cup 2022. An applicant is in the specified class of person if, at the time of application, the applicant meets all of the requirements mentioned in section 6. The applicant must be:
- approved for accreditation by the T20 World Cup 2020 Ltd, in conjunction with the ICC, as a participant of the ICC Men's T20 World Cup 2022 (paragraph 6(a)); and
 - endorsed in writing by the T20 World Cup 2020 Ltd as a participant in the ICC Men's T20 World Cup 2022 (paragraph 6(b)); and
 - a kind of person mentioned in paragraph 6(c).
- 16 Section 7 sets out, for subparagraph 1237(2)(a)(i) of Schedule 1 to the Regulations that for applicants for the class of persons specified in section 5 or 6, the visa application charge amount is nil.
- 17 An applicant for a Subclass 408 visa in relation to an AGEE (as specified for clause 408.229 of Schedule 2 to the Regulations) will need to nominate which event they are applying in relation to at the

time of application for a visa. At the time of making the instrument, a number of different events are specified for this purpose.¹

- 18 Subsection 8(1) repeals LIN 19/231. The specified events in that instrument have passed and therefore is no longer required. Subsection 8(2) provides that the instrument, LIN 21/04, is repealed on 24 August 2023. The instrument will not be required from that date as both events will have concluded.

Parliamentary scrutiny etc.

- 19 The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because the powers to make the instrument are prescribed in item 20 of the table in section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*.
- 20 The instrument was made by a Senior Executive Service Band One in the Immigration Programs Division of the Department who has been delegated the powers to make the instrument by the Minister for Home Affairs.

¹ See, for example, the *Migration (LIN 20/229: COVID-19 Pandemic event for Subclass 408 (Temporary Activity) visa and visa application charge for Temporary Activity (Class GG) visa) Instrument 2020* which relates to people who work in essential services.