

## EXPLANATORY STATEMENT

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

*Migration Regulations 1994*

### ***Migration (Arrangements for Temporary Work (International Relations) (Class GD) visas) Amendment Instrument (LIN 22/036) 2022***

- 1 The instrument, Departmental reference LIN 22/036, is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations).
- 2 The instrument amends *Migration (Arrangements for Temporary Work (International Relations) (Class GD) visa applications) (LIN 22/009) Instrument 2022 (LIN 22/009)* in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the Acts Interpretation Act). 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 4 April 2022, and is a legislative instrument for the *Legislation Act 2003* (the Legislation Act).

#### ***Purpose***

- 4 The purpose of the instrument is to update the approved form, place and manner (“the arrangements”) requirements for making an application for a Temporary Work (International Relations) (Class GD) visa (Class GD visa) in the Pacific Australia Labour Mobility stream (PALM stream). The Subclass 403 (Temporary Work (International Relations)) visa (subclass 403 visa) is the only subclass for the Class GD visa and now has six streams: the Australian Agricultural Worker stream, Domestic Worker (Diplomatic or Consular) stream, Foreign Government Agency stream, Government Agreement stream, PALM stream and Privileges and Immunities stream.
- 5 As announced by the Government on 14 September 2021, the PALM stream opens to new applications on 4 April 2022. This stream serves as a combination of and replacement of the Pacific Labour Scheme stream and Seasonal Worker Program stream, previously under the subclass 403 visa. As a result, visa applicants for the PALM stream will be able to apply using a single streamlined application, which offers more flexibility and less red tape.
- 6 Other than removal of the Pacific Labour Scheme stream and Seasonal Worker Program stream, there is no change to the arrangements specified in LIN 22/009 for other streams of subclass 403 visas.
- 7 Further information about the enabling provisions is provided in the explanatory statement to LIN 22/009.

#### ***Consultation***

- 8 Consultation was undertaken with key Commonwealth agencies in relation to establishing the new PALM stream from 10 June 2021 to 18 July 2021. These included the Department of Foreign Affairs and Trade, the Department of Education, Skills and Employment and the Department of Agriculture,

Water and the Environment. Along with these agencies, the Department jointly released a discussion paper on how the Government can improve, align and streamline the Pacific Labour Scheme and the Seasonal Worker Program. During this process, the Department hosted consultations with and received written submissions from industry, employers, workers, unions, community groups, states and territories and Pacific and Timorese governments. Feedback from these stakeholders contributed to the development of the subclass 403 visa in the PALM stream.

- 9 The Office of Best Practice Regulation (OBPR) was not consulted in relation to the instrument as OBPR was consulted in relation to the *Migration Amendment (Pacific Australia Labour Mobility) Regulations 2022* (Amendment Regulations), which created the Pacific Australia Labour Mobility stream for the subclass 403 visa and repeals the Pacific Labour Scheme stream and Seasonal Worker Program stream. A minor regulatory impact assessment was completed for the Amendment Regulations. The arrangements specified in the instrument are consequential to the commencement of the Amendment Regulations. The OBPR reference number is 44582.

### ***Details of the instrument***

- 10 Section 1 sets out the name of the instrument.
- 11 Section 2 provides for the commencement of the instrument on 4 April 2022. This is the date from which applications for a subclass 403 visa in the PALM stream will commence.
- 12 Section 3 provides that LIN 22/009 is amended as set out in Schedule 1.
- 13 Item 1 of Schedule 1 substitutes the heading of section 5 of LIN 22/009. This substitution removes reference to the Pacific Labour Scheme stream visa and Seasonal Worker Program stream visa, as they are being replaced by the PALM stream visa.
- 14 Item 2 of Schedule 1 substitutes paragraph 5(1)(c) of LIN 22/009. This substitution removes specification of the arrangements for the Pacific Labour Scheme stream visa as it is being repealed by the Amendment Regulations. The instrument now specifies the arrangements for the PALM stream visa, to enable applications to be made in the same way as a subclass 403 visa in the Australian Agricultural Worker stream and Domestic Worker (Diplomatic or Consular) stream. This means that the PALM stream visa application must be made using an internet form and as an internet application through ImmiAccount. An applicant who has received a written notice from the Department may make an application using a different form and manner.
- 15 Item 3 of Schedule 1 omits paragraph 5(1)(d) of LIN 22/009. This removes specification of the arrangements for the Seasonal Worker Program stream visa, as it is being repealed by the Amendment Regulations.

### ***Parliamentary scrutiny etc.***

- 16 The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because instruments made under Part 2 and Schedule 1 to the Regulations are exempt in section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*.
- 17 The instrument is appropriate to be exempt from disallowance as it concerns matters of an administrative nature. Updating legislative instruments that specify administrative matters allows for consistent internal management of the migration policy framework.

- 18 The instrument was made by a delegate of the Minister, in accordance with subregulation 2.07(5) and subitem 1234(1) and paragraph 1234(3)(a) of Schedule 1 to the Regulations.