

EXPLANATORY STATEMENT

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

Migration Regulations 1994

Migration (Places and currencies for paying of fees) Instrument (LIN 22/004) 2022 (No. 2)

- 1 The instrument, Departmental reference LIN 22/004, is made under paragraphs 5.36(1)(a) and (b) of the *Migration Regulations 1994* (the Regulations).
- 2 The instrument repeals *Migration (Places and currencies for paying of fees) Instrument (LIN 22/002) 2022* (LIN 22/002) (F2021L01819) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (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 on 1 July 2022, and is a legislative instrument for the *Legislation Act 2003* (the Legislation Act).

Purpose

- 4 A number of fees and charges are payable in relation to visa applications. Subregulation 5.36(1) of the Regulations provides that the payment of certain fees must be made:
 - in a place, being Australia or a foreign country, that is specified for paragraph 5.36(1)(a); and
 - in a currency that is specified for paragraph 5.36(1)(b) as a currency in which a fee may be paid in that place.
- 5 The purpose of the instrument is to specify Australia and a number of foreign countries for paragraph 5.36(1)(a) of the Regulations and the associated currency, or currencies, in which a fee may be paid in that country for paragraph 5.36(1)(b) of the Regulations. The instrument also repeals LIN 22/002.
- 6 The instrument is required to be re-made as part of the biannual update of the places where payment of a fee may be made and the corresponding currencies that must be used for payment of a fee in that place. The instrument specifies the countries in which payment of a fee may be made and the currency in which a fee may be paid in that place. It enables the Department to advise on and accept only those currencies that are readily and legally accessible to the public and bankable by each overseas office.

Consultation

- 7 Consultation and negotiation with the Department of Foreign Affairs and Trade occurred, in relation to continued inclusion of and removal of the specified currencies. The policy implemented via the instrument has been agreed to by the Department of Home Affairs and the Department of Foreign Affairs and Trade.

- 8 The Office of Best Practice Regulation (OBPR) has advised that the instrument dealt with matters of a minor machinery nature and no regulatory impact statement was required. The OBPR reference number is 25184.

Details of the instrument

- 9 Paragraph (a) states each place mentioned in an item of the table in Schedule 1 to the instrument is specified for paragraph 5.36(1)(a) of the Regulations.
- 10 Paragraph (b) states that the currency mentioned in the item for each place of the table in Schedule 1 to the instrument is specified for paragraph 5.36(1)(b) of the Regulations.
- 11 Paragraph (c) repeals LIN 22/002.
- 12 Schedule 1 specifies, in a table, the places for making payment of fees and the corresponding currencies in which fees must be paid for each place.

Parliamentary scrutiny etc.

- 13 The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because 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.
- 14 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 in accordance with Departmental resources and arrangements.
- 15 The instrument was made by a delegate of the Minister in accordance with paragraph 5.36(1)(a) and (b) of the Regulations.