

## **EXPLANATORY STATEMENT**

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

*Migration Act 1958*

### ***Migration (LIN 21/056: Arrangements for Visitor (Class FA) visa applications) Amendment (LIN 24/068) Instrument 2024***

1. The instrument *Migration (LIN 21/056: Arrangements for Visitor (Class FA) visa applications) Amendment (LIN 24/068) Instrument 2024* is made under subregulation 2.07(5) and item 3 of the table in subitem 1236(6) of Schedule 1 to the *Migration Regulations 1994* (Migration Regulations).
2. The instrument amends *Migration (Arrangements for Visitor (Class FA) visa applications) Instrument (LIN 21/056) 2021* (LIN 21/056) 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 24 September 2024. The instrument is a legislative instrument for the *Legislation Act 2003* (the Legislation Act).

#### ***Purpose***

4. Subregulation 2.07(5) of the Migration Regulations provides that, if an item of Schedule 1 prescribes criteria or requirements by reference to a legislative instrument made under this subregulation, the Minister may specify any of the following matters by legislative instrument:
  - (a) an approved form for making an application for a visa of a specified class;
  - (b) the way in which an application for a visa of a specified class must be made;
  - (c) the place at which an application for a visa of a specified class must be made;
  - (d) any other matter.
5. Item 3 of the table in subitem 1236(6) of Schedule 1 to the Migration Regulations provides that an applicant seeking to satisfy the primary criteria for a Subclass 600 (Visitor) visa in the Approved Destination Status (ADS) stream must be intending to travel to Australia as a member of a travel agent specified by the Minister in writing for this item.
6. This instrument provides an updated table of ADS-approved travel agents in China. The travel agents listed in the table are authorised under the ADS stream to organise tours to Australia for eligible citizens from the People's Republic of China.

## ***Consultation***

7. Consultation was undertaken with key government stakeholders, including Austrade, the Department of Foreign Affairs and Trade, Tourism Australia and the Australian Consulate-General of Guangzhou.
8. The Office of Impact Analysis (OIA) was consulted and considered that the measures in this instrument were unlikely to have more than a minor impact and therefore an Impact Analysis was not required. The OIA reference number is OIA24-07984.

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

9. Section 1 of the instrument provides that the name of the instrument is the *Migration (LIN 21/056: Arrangements for Visitor (Class FA) visa applications) Amendment (LIN 24/068) Instrument 2024*.
10. Section 2 of the instrument provides that the instrument commences on 24 September 2024.
11. Section 3 of the instrument provides that the instrument is made under subregulation 2.07(5) of the Migration Regulations and item 3 of the table in subitem 1236(6) of Schedule 1 to the Migration Regulations.
12. Section 4 of the instrument provides that each instrument mentioned in Schedule 1 to the instrument is amended as set out in the applicable item in the Schedule.
13. Item 1 of Schedule 1 to the instrument amends Schedule 1 to LIN 21/056 by substituting a new table of ADS-approved travel agents in China for the purpose of item 3 of the table in subitem 1236(6) of Schedule 1 to the Migration Regulations.

## ***Parliamentary scrutiny***

14. The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because a legislative instrument made under Part 2 of, or Schedule 1 to the Migration Regulations is exempt from disallowance under subitem 20(b) of the table in section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*.
15. As the instrument is exempt from disallowance, a Statement of Compatibility with Human Rights is not required.
16. The instrument is made by a delegate of the Minister, in accordance with the following provisions of the Migration Regulations:
  - subregulation 2.07(5); and
  - item 3 of the table in subitem 1236(6).