

EXPLANATORY STATEMENT*Migration Regulations 1994***PAYMENT OF VISA APPLICATION CHARGES AND FEES IN FOREIGN
CURRENCIES 2016/035
(Conversion Instrument)***(Subregulation 5.36(1A))*

1. Instrument IMMI 16/035 is made under subregulation 5.36(1A) of the *Migration Regulations 1994* (the Regulations).
2. The Instrument revokes IMMI 16/001 (F2015L02120) under subsection 33(3) of the *Acts Interpretation Act 1901*, which states 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 for the Minister to specify under regulation 5.36(1A)(a) of the Regulations, the foreign currencies and their relevant exchange rates in relation to the Australian Dollar in which the payment of a fee and/or a visa application charge other than a visa application charge payment mentioned in subregulation 5.36(3A) of the Regulations that must be made in accordance with regulation 2.12JA of the Regulations, is to be paid to the Department of Immigration and Border Protection.
4. The purpose of the Instrument is to update the currency exchange rates for the purposes of paying a visa application charge, other than a visa application charge payment mentioned in subregulation 5.36(3A) of the Regulations, and/or a fee.
5. In accordance with section 15J(2)(e) of the *Legislation Act 2003*, consultation was not necessary as the Instrument is of a minor or machinery nature and does not substantially alter existing arrangements.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 20790).
7. The Minister delegated his powers contained in subparagraph 5.36(1A) of the Regulations to the Chief Financial Officer, Finance Division of the Department of

Immigration and Border Protection, in Instrument of Delegation DEL 16/013, signed on 18 March 2016.

8. Under 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.
9. The Instrument commences on 1 July 2016.