

## **EXPLANATORY STATEMENT**

### *Migration Regulations 1994*

#### **Migration (LIN 19/001: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2019**

##### *(Paragraph 5.36(1A)(a))*

1. The *Migration (LIN 19/001: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2019* is made under paragraph 5.36(1A)(a) of the *Migration Regulations 1994* (Regulations).
2. The instrument repeals *Migration (IMMI 18/063: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2018* (F2018L00888) under paragraph 5.36(1A)(a) of the Regulations, and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (Interpretation Act). Subsection 33(3) of the Interpretation Act states that 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 under the power in paragraph 5.36(1A)(a) of the Regulations, for the Minister to specify foreign currencies, those currencies corresponding International Organization for Standardization code and their relevant exchange rate in relation to the Australian Dollar. The instrument is used to assist in the working out of the amount of payment of a fee, as defined in subregulation 5.36(4) of the Regulations (other than a visa application charge (VAC) payment to which subregulation 5.36(3A) of the Regulations applies).
4. The purpose of the instrument is to undertake the biannual update of the foreign currency exchange rates.
5. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*, consultation was not necessary because 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 24638).
7. The Acting Chief Financial Officer, Finance Division, who made the instrument was delegated the powers required to make the instrument in the Delegations and Authorisations Instrument MHA No. 5 of 2018, signed on 10 April 2018.
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 January 2019.