

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (Class of Persons for Class GG visa and Subclass 408 (Temporary Activity) visa) Instrument 2019/193

(subregulation 2.07(5))

1. The instrument, LIN 19/193, is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations).
2. The instrument is made by a delegate of the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs. The head of power for the instrument is delegated to the Senior Executive Service, Band One, Immigration Programs Division in LIN 19/022 - *Instrument Making Powers (Minister) Instrument 2019*.
3. The instrument repeals *Migration (LIN 18/215: Class of Persons eligible for a nil visa application charge for Class GG visa and Subclass 408 (Temporary Activity) visa) Instrument 2018* in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (Interpretation Act). Subsection 33(3) of the Interpretation Act 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.
4. The instrument operates under subregulation 2.07(5) of the Regulations to specify prescribe criteria or requirements for the purposes of making a visa application for a Temporary Activity (Class GG) visa. The instrument, for the purposes of subparagraph 1237(2)(a)(i) of Schedule 1 to the Regulations, specifies applicants who are in a class of persons for whom the Visa Application Charge (VAC) amount is nil.
5. The purposes of the instrument is to include an eligible sponsor/supporter not included in the previous instrument LIN 18/215, Moorilla Estate Pty Ltd. Under LIN 19/193, Temporary Activity (Class GG) visa applicants in relation to the Mona Foma, are eligible for a nil visa application charge when applying under clause 408.229A (entertainment) of Schedule 2 to the Regulations and the sponsor/supporter is Moorilla

Estate Pty Ltd. The instrument also differs from LIN 18/215 as it does not include reference to the Arafura Games as that event has concluded.

6. Consultation was undertaken with the Department of Communication and the Arts, Events Tasmania and Moorilla Estate Pty Ltd. The consultation with Moorilla Estate Pty Ltd concerned their eligibility for a nil VAC for the Temporary Activity (Subclass 408) visa for entertainers seeking to perform at the Mona Foma. Mona Foma has provided evidence of their consultation and contractual arrangements with the Department of Communication and the Arts, the Tasmanian State Government and Events Tasmania relating to the organisation and funding of the Mona Foma.
7. The Office of Best Practice Regulation (OBPR) have advised that a Regulatory Impact Statement is not required (OBPR reference:19898).
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 the day after registration on the Federal Register of Legislation.