

## **EXPLANATORY STATEMENT**

### *Migration Regulations 1994*

#### **Migration (LIN 21/002: Places and Currencies for Paying of Fees) Instrument 2021**

*(paragraph 5.36(1)(a) and (b))*

1. The instrument, LIN 21/002, is made under paragraphs 5.36(1)(a) and (b) of the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals *Migration (LIN 20/004: Places and Currencies for Paying of Fees) Instrument 2020* (F2020L00756), made under paragraphs 5.36(1)(a) and (b) of the Regulations in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the AIA).  
Subsection 33(3) of the AIA 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 to specify the place in which a fee (excluding visa application charges mentioned in subregulation 5.36(3A) of the Regulations) may be paid and to specify the currency in which a fee must be paid in that place, being Australia or a foreign country, for the purposes of paragraph 5.36(1)(a) and (b) of the Regulations, respectively. Foreign country is defined in section 2B of the AIA.
4. The purpose of the instrument is to undertake a 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. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*, consultation was not necessary. The instrument is of a minor or machinery nature and does not substantially alter existing arrangements.
5. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 25184).
6. The Chief Finance Officer, Finance Division, who made the instrument was appropriately delegated by the *Minister (Ministerial Instrument-making Powers) Delegation 2020/252*.

7. 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.
8. The instrument commences on 1 January 2021.