

EXPLANATORY STATEMENT

Migration Regulations 1994

CLASS OF PERSONS

(Sub-subparagraph 1231(2)(a)(iv)(A))

1. This Instrument is made under sub-subparagraph 1231(2)(a)(iv)(A) of Schedule 1 to the *Migration Regulations 1994* ('the Regulations').
2. Sub-subparagraph 1231(2)(a)(iv)(A) provides that for applicants within a class of persons specified in an instrument in writing, a visa application charge (VAC) of nil will apply.
3. The purpose of this Instrument is to revoke the previous Instrument IMMI 13/010 and, in addition, to specify a class of persons, crew members of the *Pacific Jewel* who lodge applications prior to the August 2013 dry dock refit to remain on board the ship during that refit. Persons in this class will be entitled to a nil VAC when applying for a Subclass 400 (Temporary Work (Short Stay Activity)) visa.
4. The Instrument also operates to specify a class of persons, for the purposes of sub-subparagraph 1231(2)(a)(iv)(A) of Schedule 1 to the Regulations, applying for a Subclass 400 visa, who have been invited to Australia by the Australian Government, or by an Australian state or territory government, to assist in providing emergency services in connection with a disaster or emergency.
5. Pursuant to subsection 18(1) of the *Legislative Instruments Act 2003* consultation was not necessary. The Instrument is of a minor or machinery nature and does not substantially alter existing arrangements.
6. The Office of Best Practice Regulation has advised that a Regulation Impact Statement (RIS) is not required (OBPR Reference 15053).
7. Under section 44 of the *Legislative Instruments Act 2003*, the Instrument is exempt from disallowance and therefore a Human Rights Statement of Compatibility is not required.

8. The Instrument, IMMI 13/073, commences on 1 July 2013 immediately after the commencement of *Migration Amendment (Visa Application Charge and Related Matters) Regulation 2013*.