

EXPLANATORY STATEMENT

Migration Regulations 1994

**ARRANGEMENTS FOR TEMPORARY WORK (SHORT STAY ACTIVITY)
(SUBCLASS 400) VISA APPLICATIONS 2015**

(Item 1231)

1. This Instrument is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations), for item 1231 of Schedule 1 to the Regulations.
2. This Instrument revokes Instrument number IMMI 14/100 [F2014L01558], signed on 14 November 2014, specifying a class of persons for paragraph 1231(1)(a) of Schedule 1 to the Regulations.
3. Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), 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 purpose of the Instrument is to specify the form numbers of the approved form or forms, the manner of lodgement and the addresses to which an application must be made for applications for a Temporary Work (Short Stay Activity) (subclass 400) visa, as well as to specify which passport holders are eligible to make a Subclass 400 visa application via the Internet using form 1400 (Internet).
5. The Instrument operates to specify approved forms for making valid applications and addresses for lodgement and the manner in which applications must be made for making valid applications.
6. The Instrument further operates to specify classes of persons who are eligible to make an application for a Subclass 400 visa via the Internet using form 1400 (Internet). These classes of persons are defined as holders of specified passports. Persons who do not fall into a class specified in the Instrument are not able to lodge a valid application for a Subclass 400 visa using form 1400 (Internet) but instead must apply on a paper form, number 1400. The instrument includes passport holders from Bangladesh, Nepal, Sri Lanka and holders of passports issued by the Palestinian Authority in addition to previously specified passport holders.

7. Consultation is unnecessary as, under section 18(1) of the *Legislative Instruments Act 2003*, the Instrument is of a minor or machinery nature and does not substantially alter existing arrangements.
8. Under section 44 of the *Legislative Instruments Act 2003* the Instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
9. The Office of Best Practice Regulation has advised that a Regulatory Impact Statement is not required (OBPR Reference 17108).
10. The Instrument, IMMI 15/036, commences on 18 April 2015.