

EXPLANATORY STATEMENT

Migration Regulations 1994

DISCLOSURE OF INFORMATION TO PRESCRIBED BODIES 2015

(Regulation 5.34D)

1. This Instrument is made under regulation 5.34D of the *Migration Regulations 1994* (the Regulations).
2. The Instrument revokes IMMI 13/048 (F2013L01038) signed on 11 June 2013, under s 33(3) of the *Acts Interpretation Act 1901*.
3. The Instrument operates to specify certain Commonwealth, State, Territory and foreign bodies that are authorised to receive identifying information as prescribed bodies for the purposes of paragraph 336F(1)(d) of the *Migration Act 1958* (the Act).
4. Paragraph 336F(1)(d) of the Act permits disclosure of identifying information where the information is disclosed by officers specified by the Secretary for authorised purposes to one or more prescribed bodies of a foreign country, of the Commonwealth, or of a State or Territory. The prescribed bodies are specified by the Minister by Gazette Notice under regulation 5.34D, the subject of this Instrument.
5. The purpose of this Instrument is to include the Fair Work Ombudsman as a prescribed body under regulation 5.34D. The prescribed bodies remain the same as those specified in the previous Instrument. The Instrument gives effect to a recommendation made by the 457 Integrity Review, an independent review conducted in 2014. The panel recommended that the Department provide to the Fair Work Ombudsman, real time information relevant to the 457 Programme.
6. Consultation was undertaken by the independent panel which conducted the 457 Integrity Review. The 457 Integrity Review involved stakeholder consultation including 140 face-to-face meetings and a review of 180 written submissions from industry stakeholders.
7. The Office of Best Practice Regulation has advised that a Regulation Impact Statement (RIS) is not required (OBPR Reference 18675).

8. 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.
9. The Instrument, IMMI 15/066, commences on 18 April 2015.