

EXPLANATORY STATEMENT

Migration Act 1958

INSTRUMENT OF APPROVAL OF FALL-BACK REPORTING SYSTEMS (INTERNATIONAL PASSENGER AIRCRAFT – PASSENGERS) 2015

(Section 245K)

1. This Instrument made under section 245K of the *Migration Act 1958* (the Act).
2. This Instrument revokes the Instrument of Approval of Fall-back Reporting System (International Passenger Aircraft - Passengers) (F2006B00352), signed on 19 December 2003 under subsection 33(3) of the *Acts Interpretation Act 1901*.
3. The purpose of the Instrument is to address the approaching sun-setting of the instrument being revoked (F2006B00352) by Instrument IMMI 15/021 and ensuring that current reporting requirements are maintained. The instrument also extends its application to approve the Advance Passenger Processing System for each passenger of an *international passenger aircraft* as defined in subregulation 3.13 of the *Migration Regulations 1994* (the Regulations), for the purposes of Division 12B of Part 2 of the Act.
4. The Instrument operates to approve the listed systems as fall-back reporting systems for the purpose of reporting on each passenger of an *international passenger aircraft* for the purposes of Division 12B of Part 2 of the Act. A system can include an electronic system or a system requiring reports to be provided in documentary form as defined in subsection 245K(1) of the Act. The instrument authorises system reporting and the information to be reported by that system on each passenger, as defined in subsections 245K(1A) and 245K(2) of the Act.
5. Consultation was conducted with relevant internal and external stakeholders including with the relevant policy areas within the Department of Immigration and Border Protection, the providers of the specified systems and relevant key stakeholders in the international passenger aircraft industry.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR reference 18736).

7. 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.
8. The Instrument, IMMI 15/021, commences immediately after the commencement of *Migration Legislation Amendment (2015 Measures No. 2) Regulation 2015*.