

EXPLANATORY STATEMENT

Migration Act 1958

INSTRUMENT OF APPROVAL OF PRIMARY REPORTING SYSTEMS (INTERNATIONAL PASSENGER AIRCRAFT – PASSENGERS) 2015 *(Section 245J)*

1. This Instrument made under section 245J of the *Migration Act 1958* (the Act).
2. This Instrument revokes the Instrument of Approval of Primary Reporting System (International Passenger Aircraft - Passengers) (F2006B00957), 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 (F2006B00957) by Instrument IMMI 15/019 and ensure reporting requirements are maintained. The Instrument also extends its application to approve the Advance Passenger Processing System (APP) 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 primary reporting system for the purposes 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 245J(1) of the Act. The Instrument authorises system reporting and the information to be reported by that system on each passenger as defined in subsection 245J(2A) and 245J(3) 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 15/019, commences immediately after the commencement of Migration Legislation Amendment (2015 Measures No. 2) Regulation 2015.