

EXPLANATORY STATEMENT*Migration Regulations 1994***PLACES AND CURRENCIES FOR PAYING OF FEES 2016/036****(Places and Currencies Instrument)***(Paragraphs 5.36(1)(a) and 5.36(1)(b))*

1. Instrument IMMI 16/036 is made under paragraphs 5.36(1)(a) and 5.36(1)(b) of the *Migrations Regulations 1994* (the Regulations).
2. The Instrument revokes IMMI 16/002 (F2015L02123) under subsection 33(3) of the *Acts Interpretation Act 1901* (the AI Act), which states where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character, 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.
3. The Instrument operates for the Minister to specify under paragraphs 5.36(1)(a) and 5.36(1)(b) that the payment of a fee other than a visa application charge mentioned in subregulation 5.36(3A), must be made in a place, being Australia or a foreign country listed in the Instrument's Schedule and the currency specified in the Instrument's Schedule is a currency in which a fee may be made in the relevant place. Foreign Country is defined in section 2B of the AI Act.
4. The purpose of the Instrument is to update the places and the relevant currency for the purposes of paragraphs 5.36(1)(a) and 5.36(1)(b) of the Regulations.
5. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*, consultation was not necessary as the Instrument is of a minor or machinery nature and does not substantially alter existing arrangements.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 20789).
7. The Minister delegated his powers contained in paragraphs 5.36(1)(a) and 5.36(1)(b) of the Regulations to the Chief Financial Officer, Finance Division of the Department of

Immigration and Border Protection, in Instrument of Delegation DEL 16/013, signed on 18 March 2016.

8. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the Instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
9. The Instrument commences on 1 July 2016.