EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (IMMI 17/036: Payment of Visa Application Charges and Fees in Foreign Currencies) Instrument 2017

(Paragraph 5.36(1A)(a))

1. Instrument IMMI 17/036 is made under paragraph 5.36(1A)(a) of Part 5 of the *Migration Regulations 1994* (the Regulations).

2. The instrument repeals IMMI *17/001* (F2016L02007) under paragraph 5.36(1A)(a) of Part 5 of the Regulations and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the AIA). Subsection 33(3) of the AIA states that 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 foreign currencies and their relevant exchange rates in relation to the Australian Dollar. The instrument is used to calculate the amount of a fee and a visa application charge (other than a visa application charge payment to which paragraph 5.36(3A) of Part 5 of the Regulations applies) that must be paid in accordance with paragraph 5.36 of Part 5 of the Regulations.

4. The purpose of the instrument is to update the currency exchange rates for the purposes of paragraph 5.36(1A)(a) of Part 5 of the Regulations.

5. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003* consultation was not necessary. 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 22305).

7. The Chief Financial Officer, Finance Division, who made the instrument was delegated the powers required to make the instrument in the Instrument of Delegation DEL 17/026, signed on 9 May 2017.

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 2017.