

## **EXPLANATORY STATEMENT**

### *Migration Regulations 1994*

#### **Migration (LIN 18/215: Class of Persons eligible for nil visa application and Specified Events for Class GG Visa and Subclass 408 (Temporary Activity) Visa) Instrument 2018**

##### *(subregulation 2.07(5))*

1. The instrument, LIN 18/215, is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations).
2. The instrument is made by a delegate of the Minister for Immigration, Citizenship and Multicultural Affairs. The instrument making power is delegated to all Senior Executive Service, Band One officers of Immigration and Visa Services Division under *Minister – Delegations Instrument No. 5 of 2018 (Instrument Making Powers (MHA No. 5 of 2018))*.
3. The instrument repeals the instrument *Migration (IMMI 18/030: Class of Persons and Specified Events for Class GG Visa and Subclass 408 (Temporary Activity) Visa) Instrument 2018* in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (Interpretation Act). The Interpretation Act 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.
4. The instrument operates to specify, for the purposes of subparagraph 1237(2)(a)(i) of Schedule 1 to the Regulations, a class of persons for whom the visa application charge amount is nil for a Temporary Activity (Class GG) visa. Applicants who are participants of the Arafura Games applying under the invited participant in an event stream of the Subclass 408 visa, have been included in this instrument. References to the events ASEAN Australia Special Summit 2018 and the Invictus Games Sydney 2018 that were contained in IMMI 18/030, have been removed as the events specified in that instrument have now concluded. The Australian Romantic and Classical Orchestra has also been removed from IMMI 18/030 as it is now registered as a

Charity by the Australian Charities and Not-for-profits Commission and therefore already meets subparagraph 6(3)(a)(i) of the instrument.

5. Consultation was undertaken with the Northern Territory (NT) Chief Minister, who requested that participants registered for the Arafura Games 2019 are eligible for a nil Visa Application Charge (VAC) for the Temporary Activity (Subclass 408) visa. The Arafura Games Steering Committee (the Committee) was established to endorse the planning and delivery of the Games. The Committee is chaired by the NT Assistant Minister for *Bringing Back the Arafura Games*, Kate Worden and members include the Darwin Lord Mayor, the CEO of the Chamber of Commerce, the General Manager of the NT Major Events Company and key NT Government department representatives. Representatives from a number of sectors including sports, the arts, international relations, government, education, tourism, marketing and events were appointed to support the planning and delivery of the Arafura Games 2019.
6. Feedback received from public consultations was considered by the Committee who then made recommendations to NT Government about the philosophy and guiding principles that will facilitate the return of the Arafura Games.
7. In addition, the Department consulted with Department of Prime Minister and Cabinet, Department of Finance and Treasury as part of the Expenditure Revenue Committee on 12 November 2018.
8. The Office of Best Practice Regulation (OBPR) have advised that a Regulatory Impact Statement is not required (OBPR reference: 24456).
9. 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.
10. The instrument commences on the day after registration on the Federal Register of Legislation.