

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (LIN 19/035: Class of Persons and Specified Events for Class GG visa and Subclass 408 (Temporary Activity) visa) Instrument 2019

(subregulation 2.07(5), subparagraph 1237(2)(a)(i) of Schedule 1, paragraph 408.229(b) and 408.229(c) of Schedule 2)

1. The instrument, LIN 19/035, is made under subregulation 2.07(5), subparagraph 1237(2)(a)(i) of Schedule 1, and paragraphs 408.229(b) and 408.229(c) of Schedule 2 to, 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 & Citizenship Services Division under *Minister – Delegations Instrument No. 5 of 2018 (Instrument Making Powers (MHA No. 5 of 2018))*.
3. The instrument operates to:
 - (a) specify, for the purposes of paragraph 1237(2)(a)(i) of Schedule 1 to the Regulations, a class of persons for whom the visa application charge (VAC) amount is nil for a Temporary Activity (Class GG) visa, being an accredited participant of the INAS 2019 Global Games;
 - (b) specify, for the purposes of paragraph 408.229(b) of Schedule 2 to the Regulations, an event that is an Australian Government endorsed event for the purposes of a Subclass 408 (Temporary Activity) visa (Subclass 408 visa), being the INAS 2019 Global Games; and
 - (c) specify for the purposes of paragraph 408.229(c) of Schedule 2 to the Regulations, classes of persons in relation to the events specified for paragraph 408.229(b), being an accredited participant in the INAS 2019 Global Games.
4. The purpose of instrument IMMI 19/035 is to clarify the definition of ‘accredited participant of the INAS 2019 Global Games’ as a person who has been accredited by the Global Games Sports Company to participate in the event and who is:

- (a) endorsed in writing by the INAS 2019 Global Games organising committee as a participant and be performing an agreed role in the event; and
 - (b) an INAS 2019 Global Games participating nation team member including competitors; team managers; coaches and trainers; team officials; medical staff and support staff; or
 - (c) an international technical delegate or an event official including INAS Governing Board, Anti-Doping, Classification, Paralympic and International Federation Technical delegates.
5. Consultation was undertaken with Sports Inclusion Australia, who requested Australian Government Endorsed Event (AGEE) status, use of the Subclass 408 visa and a nil VAC for accredited participants of the INAS 2019 Global Games. This request was supported by the Minister for Sport. On 26 March 2019, the Minister for Immigration, Citizenship and Multicultural Affairs agreed to specify the INAS 2019 Global Games as an AGEE and to specify that certain participants accredited for the INAS 2019 Global Games as a class of persons eligible to apply for a Subclass 408 visa with a nil VAC.
 6. The Office of Best Practice Regulation (OBPR) have advised that a Regulatory Impact Statement is not required (OBPR reference: 25140).
 7. 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.
 8. The instrument commences on the day after registration on the Federal Register of Legislation.