

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (LIN 19/149: Manner for Providing Details of a Change in Certain Events for an Approved Sponsor of a Temporary Sponsored Parent Visa) Instrument 2019

(Subregulation 2.87CD(3))

1. Instrument LIN 19/149 is made under subregulation 2.87CD(3) of the *Migration Regulations 1994* (the Regulations).
2. The instrument's purpose and operation is to specify the manner for approved family sponsors to give details to the Department of Home Affairs (Immigration) when events mentioned in subregulation 2.87CD(2) of the Regulations occur. The specified manner to give certain information is through the approved family sponsor's ImmiAccount. Subregulation 2.87CD(1) of the Regulations require sponsors to give details in the manner specified in the instrument under subregulation 2.87CD(3) of the Regulations of the events specified in subregulation 2.87CD(2) of the Regulations while their sponsorship remains valid.
3. The instrument head of power is created by the *Migration Amendment (Temporary Sponsored Parent Visa and Other Measures) Regulations 2019*.
4. Consultation was undertaken before the instrument was made. The department consulted with other relevant government agencies and community stakeholders prior to the Government announcement of 4 May 2017 that it would implement the TSPV as part of the 2017-18 Budget measures. The agencies consulted with include:
 - a. Attorney-General's Department;
 - b. Australian Taxation Office;
 - c. Department of Finance;
 - d. Department of Health;
 - e. Department of Human Services;
 - f. Department of the Prime Minister and Cabinet;
 - g. Department of Social Services; and
 - h. The Treasury.

5. Under section 42 of the *Legislation Act 2003*, the instrument is subject to disallowance and therefore a Statement of Compatibility with Human Rights has been provided at **ATTACHMENT A**.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement (RIS) is required (OBPR Reference: 21913). The RIS has been provided.
7. The instrument commences on 17 April 2019.

ATTACHMENT A**Statement of Compatibility with Human Rights**

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

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This Disallowable Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Disallowable Legislative Instrument

This Legislative Instrument supports the framework established by *Migration Regulations 1994* (the Regulations) by specifying the manner in which an approved family sponsor must notify the department responsible for Immigration (the Department) when there has been a material change in the circumstances of the approved sponsor as required by subregulation 2.87CD(1).

The new instrument making power is provided by the *Migration Amendment (Temporary Sponsored Parent Visa and Other Measures) Regulations 2019*, which requires approval of sponsorship before a valid visa application for a Sponsored Parent (Temporary) (subclass 870) visa can be made. Under this framework, approved family sponsors are required to agree to obligations to notify the Department if there are material changes in their circumstances that could affect the welfare and wellbeing of their sponsored parents.

For the purposes of subregulation 2.87CD(3), this legislative instrument specifies the correct channel for notifying the Department, that is, via sponsor's online account with the Department. This instrument is necessary to enable sponsors comply with the requirements of subregulation 2.87CD(1).

Human rights implications

This Disallowable Legislative Instrument does not engage human rights as it is a technical measure to support sponsorship obligations for the new subclass 870 visa.

The human rights engaged by the introduction of subclass 870 visa are discussed in the Statement of Compatibility with Human Rights for the *Migration Amendment (Temporary Sponsored Parent Visa and Other Measures) Regulations 2019*.

Conclusion

This Disallowable Legislative Instrument does not engage human rights.