

## **EXPLANATORY STATEMENT**

Issued by the Minister for Immigration and Multicultural Affairs

*Migration Regulations 1994*

### ***Migration (Class of Persons for Nil VAC for Subclass 600 (Visitor) Visa Applications—Pacific Australia Card Holders) Specification 2025***

The instrument (departmental reference LIN 25/007) is made under subparagraph 1236(2)(a)(iv) of Schedule 1 to the *Migration Regulations 1994* (the Migration Regulations), and for the purposes of that subparagraph.

The instrument commences on 22 March 2025. It is a legislative instrument for the purposes of the *Legislation Act 2003* (the Legislation Act).

#### ***Purpose***

Subparagraph 1236(2)(a)(iv) of Schedule 1 to the Migration Regulations provides that in relation to an application for a Subclass 600 (Visitor) visa (Subclass 600 visa), that is not in the Frequent Traveller stream, the first instalment of the visa application charge (VAC) for an applicant who is in a class of persons specified by the Minister, is nil.

The purpose of the instrument is to specify the class of persons for whom the amount of the first instalment of the VAC is nil, under subparagraph 1236(2)(a)(iv) of Schedule 1 to the Migration Regulations. Section 5 of the instrument provides that a person (the applicant) is specified if they:

- hold a valid Pacific Australia Card; and
- seek to be granted a Subclass 600 (Visitor) visa in either the Tourist stream or the Business Visitor stream as set out in Schedule 2 to the Migration Regulations; and
- are outside Australia at the time of application.

The Australian Government, through the Department of Foreign Affairs and Trade, issue invitations for a Pacific Australia Card (PAC) to key leaders in a range of fields, from Pacific Island Forum countries and territories (not including New Zealand) to receive (or apply) for a PAC. An individual cannot apply for a card directly. Eligibility for the card is generally connected to a position. As New Zealand citizens are eligible for a Subclass 444 (Special Category) visa, which attracts a nil VAC, and provides the holder with the right to reside in Australia indefinitely, a PAC is unnecessary.

The instrument operates to provide PAC holders who are outside Australia at the time of application and seeking to be granted a Subclass 600 visa in the Tourist stream or Business Visitor stream, with a nil VAC. These applicants, unless they applied for the visa in the course of acting as a representative of a foreign government, would otherwise be required to pay the VAC amount of \$195, which is the base application charge for a Subclass 600 visa application (that is not in the Frequent Traveller stream) for an applicant who is outside Australia.

Implementation of a nil VAC for PAC holders supports the Government's broader goal of deepening Australia's connections and people-to-people ties within the Indo-Pacific region. In particular, the instrument reflects the Government's commitment to facilitate travel from the Pacific to Australia.

### ***Consultation***

Whole of government consultation, including consultation with the Department of Foreign Affairs and Trade, Prime Minister and Cabinet, Department of Finance and Department of the Treasury was undertaken to develop the policy settings to facilitate travel and strengthen connections between Australia and the Pacific. The Government's Migration Strategy, released on 11 December 2023, outlines a new vision for Australia's migration system including a commitment to deepening people-to-people ties in the Indo-Pacific. This instrument supports this commitment. The Migration Strategy was informed by extensive consultation with business, unions and other stakeholders, and more than 450 submissions received as part of the Review of the Migration System.

The Office of Impact Analysis (OIA) was consulted and considered that a detailed analysis is not required under the Australian Government Impact Analysis Framework. The OIA reference number is OIA24-08544.

### ***Details of the instrument***

#### **Section 1      Name**

This section provides that the name of the instrument is the *Migration (Class of Persons for Nil VAC for Subclass (600) Visitor Visa Applications—Pacific Australia Card Holders) Specification 2025*.

#### **Section 2      Commencement**

This section provides that the instrument commences on 22 March 2025.

#### **Section 3      Authority**

This section provides that the instrument is made under subparagraph 1236(2)(a)(iv) of Schedule 1 to the *Migration Regulations 1994* (the Migration Regulations).

#### **Section 4      Definitions**

This section sets out definitions of certain terms used in the instrument, including ***Pacific Australia Card***, which means a card by that name issued to a person by the Government of Australia.

#### **Section 5      Class of persons for nil VAC – Subclass 600 (Visitor) visa**

This section specifies who will be in a class of persons for the purposes of subparagraph 1236(2)(a)(iv) of Schedule 1 to the Migration Regulations. Subparagraph 1236(2)(a)(iv) provides that in relation to an application for a Subclass 600 (Visitor) visa that is not in the Frequent Traveller stream, the first instalment of the visa application charge for an applicant who is in a class of persons specified by the Minister, is nil.

Section 5 of the instrument provides that a person who is the holder of a valid Pacific Australia Card, who seeks to be granted a Subclass 600 (Visitor) visa in the Tourist stream or Business Visitor stream, and is outside Australia at the time of application, is specified to be in a class of persons.

The effect of section 5 of the instrument is that if the applicant falls within the class of persons specified, the visa application charge is nil. Applicants who do not fall within this class of persons will be liable to pay the relevant VAC as set out in subitem 1236(2) of Schedule 1 to the Migration Regulations.

***Parliamentary scrutiny etc.***

The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because instruments made under Schedule 1 to the Migration Regulations are prescribed as being exempt from disallowance. See table item 20(b) in section 10 of the *Legislation (Exemptions and Other matters) Regulation 2015*. As the instrument is exempt from disallowance, a Statement of Compatibility with Human Rights is not required.

The instrument is made by the Minister under and in accordance with subparagraph 1236(2)(a)(iv) of Schedule 1 to the Migration Regulations.