

EXPLANATORY STATEMENT

Issued by authority of the Minister for Immigration, Citizenship and Multicultural Affairs

Migration Regulations 1994

Migration (Supporting Innovation in South Australia Event for Class GG, Subclass 408 (Temporary Activity) Visa) Repeal Instrument (LIN 22/067) 2022

- 1 The instrument, Departmental reference LIN 22/067, is made under paragraph 408.229(b) of Schedule 2 to the *Migration Regulations 1994* (the Regulations).
- 2 The instrument repeals *Migration (LIN 18/077: Supporting Innovation in South Australia Event for Class GG, Subclass 408 (Temporary Activity) Visa) Instrument 2018* (LIN 18/077) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*. That subsection provides that a power to make a legislative instrument includes a power to amend or repeal that instrument in the same manner, and subject to the same conditions, as the power to make the instrument.
- 3 The instrument commences the day after it is registered on the Federal Register of Legislation, and is a legislative instrument within the meaning of section 8 of the *Legislation Act 2003* (the Legislation Act).

Purpose

- 4 LIN 18/077 specified, for paragraphs 408.229(b) and (c) of Schedule 2 to the Regulations, the event known as Supporting Innovation in South Australia as an ‘Australian Government endorsed event’ (AGEE) and classes of persons in relation to the event who may be eligible for a Subclass 408 (Temporary Activity) visa (Subclass 408 visa).
- 5 A person who is seeking to satisfy the primary criteria for the grant of a Subclass 408 visa must be a person to whom a clause in subdivision 408.22 of Schedule 2 to the Regulations applies. Clause 408.229 will apply to a person if the person seeks to enter or remain in Australia to undertake work directly associated with an AGEE. To meet this criterion, the AGEE must be specified in a legislative instrument made by the Minister for the purposes of paragraph 408.229(b) of Schedule 2 to the Regulations, and the applicant must be in a class of persons specified in the instrument in relation to the event.
- 6 The event commenced in November 2018 and ended in November 2021. As a result, persons cannot seek to enter or remain in Australia in relation to the event. LIN 18/077 is therefore no longer required to support the relevant visa application pathway.

Consultation

- 7 Consultation was not undertaken before this instrument was made as the instrument repeals arrangements for an event that has ended.
- 8 The Office of Best Practice Regulation (OBPR) have advised that a Regulatory Impact Statement is not required because there will be no more than a minor regulatory impact (OBPR Reference 02486).

Parliamentary scrutiny etc.

- 9 The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because the instrument is made under Schedule 2 to the Regulations, which is prescribed in paragraph (b) of item 20 of the table in section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*.
- 10 The instrument was made by a delegate of the Minister, in accordance with paragraph 408.229(b) of Schedule 2 to the Regulations.

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