

EXPLANATORY STATEMENT

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

Migration Regulations 1994

Migration (Arrangements for Temporary Work (International Relations) (Class GD) visas) Amendment Instrument (LIN 22/088) 2022 (No. 2)

- 1 The instrument, Departmental reference LIN 22/088, is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations).
- 2 The instrument amends *Migration (Arrangements for Temporary Work (International Relations) (Class GD) visa applications) (LIN 22/009) Instrument 2022 (LIN 22/009)* in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the Acts Interpretation Act). 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 on registration, and is a legislative instrument for the *Legislation Act 2003* (the Legislation Act).

Purpose

- 4 The purpose of the instrument is to remove references in LIN 22/009 to the Australian Agriculture Worker stream in the Subclass 403 (Temporary Work (International Relations)) visa (Subclass 403 visa), which is the only subclass for the Temporary Work (International Relations) (Class GD) visa. Prior to the commencement of the *Migration Amendment (Repeal of Australian Agriculture Worker Stream) Regulations 2022* (the Amendment Regulations) on 1 October 2022, the Subclass 403 visa had six streams: the Australian Agricultural Worker stream, Domestic Worker (Diplomatic or Consular) stream, Foreign Government Agency stream, Government Agreement stream, Pacific Australia Labour Mobility (PALM) stream and Privileges and Immunities stream. As the Australian Agricultural Worker stream has been repealed, the stream will no longer be specified in LIN 22/009.
- 5 Other than the removal of the Australian Agricultural Worker stream, there is no change to the arrangements specified in LIN 22/009 for other streams of the Subclass 403 visa.
- 6 Further information about the enabling provisions is provided in the explanatory statement to LIN 22/009.
- 7 The Office of Best Practice Regulation (OBPR) was not consulted in relation to the instrument as OBPR was consulted in relation to the Amendment Regulations, which repeals the Australian Agricultural Worker stream for the Subclass 403 visa. The arrangements specified in the instrument are consequential to the commencement of the Amendment Regulations. The OBPR reference number is 02917.

Details of the instrument

- 8 Section 1 sets out the name of the instrument.

- 9 Section 2 provides for the commencement of the instrument on the day after registration.
- 10 Section 3 provides that LIN 22/009 is amended as set out in Schedule 1.
- 11 Item 1 of Schedule 1 substitutes the heading of section 5 of LIN 22/009. This substitution removes reference to the Australian Agricultural Worker stream.
- 12 Item 2 of Schedule 1 omits paragraph 5(1)(a) of LIN 22/009. This removes specification of the Australian Agricultural Worker stream, as it has been repealed by the Amendment Regulations.

Parliamentary scrutiny etc.

- 13 The instrument is exempt from disallowance under section 42 of the Legislation Act. This is because it is an instrument made under Part 2 of the Regulations, which is prescribed by paragraph (b) of item 20 of the table in section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*.
- 14 The instrument was made by a delegate of the Minister, in accordance with subregulation 2.07(5) and subitem 1234(1) and paragraph 1234(3)(a) of Schedule 1 to the Regulations.

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