

EXPLANATORY STATEMENT

Migration Regulations 1994

MIGRATION (IMMI 18/037: REGIONAL CERTIFYING BODIES AND REGIONAL POSTCODES) INSTRUMENT 2018

(Subregulation 5.19(16) and subparagraph 5.19(12)(g)(i))

1. Instrument IMMI 18/037 is made under subregulation 5.19(16) and subparagraph 5.19(12)(g)(i) of the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals *Migration (IMMI 17/059 Regional Certifying Bodies and Postcodes) Instrument 2017* (F2017L01460). Instrument IMMI 17/059 is repealed subsequent to the repeal of sub-subparagraph 5.19(4)(h)(ii)(F) and subregulation 5.19(7) of the Regulations by the *Migration Legislation Amendment (Temporary Skill Shortage Visa and Complementary Reforms) Regulations 2018*.
3. Subregulation 5.19(12) of the Regulations operates to set out the eligibility requirements for occupations for the Subclass 187 (Regional Sponsored Migration Scheme) visa applicants. The instrument operates to specify the state and territory bodies who have responsibility for the local area where the nominated position is located and who may advise the Minister about the matters relating to the nominated position. A specified body may be referred to as Regional Certifying Body, this is consistent with the repealed instrument.
4. The instrument also defines the meaning of ‘*regional Australia*’ for the purposes of subregulation 5.19(16) of the Regulations. Regional areas across Australia are defined by reference to the state/territory and to the postcode of that area, this is consistent with the repealed instrument.
5. The instrument only applies to applications for approval of a nomination made on or after 18 March 2018.
6. The purpose of this instrument is to address changes to the Regulations by the *Migration Legislation Amendment (Temporary Skill Shortage Visa and Complementary Reforms) Regulations 2018*.

7. These changes are part of a broad package of reforms for the employer sponsored skilled visa programs, announced by the Government on 18 April 2017. The Department of Home Affairs has engaged with external stakeholders since the announcement in developing the policy settings and considered feedback received.
8. These reforms were also informed by earlier reviews including: the 2014 Independent Review into the integrity of the 457 programme; the 2016 Productivity Commission Inquiry Report: Migrant Intake into Australia; the 2016 Review of the Temporary Skilled Migration Income Threshold; and the 2016 Senate Inquiry: A National Disgrace: The Exploitation of Temporary Work Visa Holders. These reviews were subject to extensive consultation processes, including: individuals; academics; bodies and businesses who use the employer sponsored skilled visa programs; migration agents; representatives of foreign governments; the Ministerial Advisory Council on Skilled Migration; and government departments and agencies.
9. A Regulation Impact Statement has been prepared in accordance with advice from the Office of Best Practice Regulation (OBPR). The OBPR Reference number is 21946.
10. 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.
11. The instrument commences on 18 March 2018.