

**EXPLANATORY STATEMENT**

*Migration Regulations 1994*

**MIGRATION (IMMI 18/039: MANDATORY SKILLS ASSESSMENT – SUBCLASS 482 VISA) INSTRUMENT 2018**

*(Paragraph 1240(3)(g) of Schedule 1)*

1. The instrument, IMMI 18/039 is made under paragraph 1240(3)(g) of Schedule 1 to the *Migration Regulations 1994* (the Regulations).
2. The operation of this instrument is to specify occupations, assessing authority, type of assessment and three-year period ending immediately before the day the application is made in relation to persons seeking to satisfy the primary criteria for a grant of a Subclass 482 visa. Further, the instrument specifies classes of persons relevant to persons seeking to satisfy the primary criteria for a grant of a Subclass 482 visa. The instrument also provides that a person who has applied for Subclass 482 visa is an exempt applicant for occupations listed in the instrument if the criteria are satisfied.
3. This instrument only applies to applications made on or after 18 March 2018.
4. The purpose of the instrument is to address changes to the Regulations by the *Migration Legislation Amendment (Temporary Skill Shortage Visa and Complementary Reforms) Regulations 2018*.
5. The instrument notes in section 4 that ‘ANZSCO is defined in regulation 1.03 of the Regulations.’ Regulation 1.03 of the Regulations provides the following definition of ANZSCO: ‘ANZSCO has the meaning specified by the Minister in an instrument in writing for this definition.’ The instrument made under 1.03 for the definition of ANZSCO is IMMI 18/051. Section 5 of IMMI 18/051 provides:

‘For the purposes of regulation 1.03 of the Regulations, ANZSCO means the Australian and New Zealand Standard Classification of Occupations published by the Australia Bureau of Statistics, as in force on 18 March 2018.’
6. ANZSCO may be accessed on the Australian Bureau of Statistics website (<http://www.abs.gov.au/>).

7. This instrument is 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 Subclass 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. The consultation occurred well before the instrument was made. This accords with subsection 17(1) of the *Legislation Act 2003* which envisages consultations where appropriate and reasonably practicable.
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.