

REPLACEMENT EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (LIN 19/048: Specification of Occupations—Subclass 482 Visa) Amendment

Instrument 2019

(Subregulation 2.72(9))

1. This instrument is made under subregulation 2.72(9) of the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals and substitutes subparagraph (c)(i) of the definition of *health workforce certificate* in Section 4 of the *Migration (LIN 19/048: Specification of Occupations- Subclass 482 Visa) Instrument 2019* (LIN 19/048). The purpose of this amendment is to rectify a drafting error by substituting the correct ABN for the NSW Rural Doctors Network Ltd.
3. The instrument also removes inapplicability condition 23 from the occupation of Horse Breeder (ANZSCO code 121316) in the Regional Occupation List (item 12 in the table in subsection 8(3) of LIN 19/048). The purpose of this amendment is to correct an oversight in the principal instrument.
4. In accordance with paragraph 15J(2)(e) of the *Legislation Act 2003*, consultation with the NSW Rural Doctors Network Ltd did occur prior to the drafting of the principal instrument, however the amendment of the ABN number was to rectify a drafting error, to substitute the correct ABN for the NSW Rural doctors Network Ltd, and this rectification was of a minor or machinery nature and does not substantially alter existing arrangements.
5. The removal of inapplicability condition 23 from the occupation of Horse Breeder (ANZSCO code 121316) in the Regional Occupation List, was the result of consultation undertaken for the principal instrument. Consultation for the principal instrument was as follows:
 - a. the community was given an opportunity to provide submissions responding to the proposed changes, where 204 submissions were received;
 - b. 78 meetings with employers and industry peak bodies were held, including 8 industry roundtables; and

- c. inter-departmental committee meetings were held with the Department of the Prime Minister and Cabinet, the Department Industry, Innovation and Science, the Department of Education and Training, the Department of Agriculture and Water Resources, the Department of Foreign Affairs and Trade, the Department of Communications and the Arts, the Department of Infrastructure, Regional Development and Cities, and the Department of Health.
6. The Office of Best Practice Regulation (OBPR) was consulted in relation to LIN 19/048 (OBPR Reference: 23806, 23385 and 23390).
7. Under section 42 of the *Legislation Act 2003*, the instrument is subject to disallowance and therefore a Statement of Compatibility with Human Rights has been provided at Attachment A.
8. The instrument commences on the day after registration on the Federal Register of Legislation.

ATTACHMENT A

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Migration (LIN 19/048: Specification of Occupations – Subclass 482 visa) Amendment Instrument 2019

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Migration (LIN19/048: Specification of Occupations – Subclass 482) Amendment Instrument 2019

The *Migration Regulations 1994* (the Migration Regulations) set out requirements for the grant of a Temporary Skill Shortage (Subclass 482) visa. One requirement is that the applicant be nominated by their employer, in an occupation that appears on one of the skilled occupations lists for this subclass of visa. This instrument specifies the lists of skilled occupations and Australian and New Zealand Standard Classification of Occupations (ANZSCO) codes for the assessment of nominations under the relevant Migration Regulations.

This instrument makes the following amendments to the *Migration (LIN 19/048: Specification of Occupations- Subclass 482 Visa) Instrument 2019*:

- (a) corrects a drafting error in subparagraph (c)(i) of the definition of *health workforce certificate* in section 4 by substituting the correct ABN for the NSW Rural Doctors Network Ltd.
- (b) removes inapplicability condition 23 from the occupation of Horse Breeder (ANZSCO code 121316) in the Regional Occupation List (item 12 in the table in subsection 8(3) of the instrument). The purpose of this amendment is to ensure that the instrument reflects the correct policy intention for this occupation.

Human rights implications

The instrument has been assessed against the seven core international human rights treaties and it does not engage any of the applicable rights or freedoms.

Conclusion

This Disallowable Legislative Instrument is compatible with human rights as therefore it does not raise any human rights issues.

The Hon David Coleman MP
Minister for Immigration, Citizenship and Multicultural Affairs