



Migration (Specification of Occupations and Assessing Authorities) Amendment (LIN 19/243: Subclass 491 Visas) Instrument 2019

I, David Coleman, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make the following instrument.

Dated 29 October 2019

David Coleman
Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

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1 Name

- (1) This instrument is the *Migration (Specification of Occupations and Assessing Authorities) Amendment (LIN 19/243: Subclass 491 Visas) Instrument 2019*.
- (2) This instrument may be cited as LIN 19/243.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	1 November 2019
2. Schedule 1	At the same time as Schedule 1 to the <i>Migration Amendment (New Skilled Regional Visas) Regulations 2019</i> commences.	16 November 2019
3. Schedule 2	16 November 2019.	16 November 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following provisions of the *Migration Regulations 1994*:

- (a) subregulation 1.15I(1);
- (b) subregulation 2.26B(1);
- (c) item 4 of the table in subitem 1230(4) of Schedule 1;
- (d) subitem 1241(5) of Schedule 1.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Subclass 491 visas

Part 1—Main amendments

Migration (LIN 19/051: Specification of Occupations and Assessing Authorities) Instrument 2019

1 Paragraph 3(g)

Repeal the paragraph, substitute:

(g) subitem 1241(5) of Schedule 1.

2 Subsection 7(1) (table item 1, column 1, subparagraph (b)(ii))

Omit “Subclass 489 (Skilled—Regional (Provisional)) visa on or after the day this instrument commences”, substitute “Subclass 491 (Skilled Work Regional (Provisional)) visa”.

3 Subsection 7(1) (table item 4, column 1, subparagraphs (a)(ii) and (c)(ii))

Omit “Subclass 489 (Skilled—Regional (Provisional)) visa on or after the day this instrument commences”, substitute “Subclass 491 (Skilled Work Regional (Provisional)) visa”.

4 Paragraphs 7(6)(a) and (d)

Omit “item 4 of the table in subitem 1230(4)”, substitute “subitem 1241(5)”.

5 Subsection 10(1) (note 2)

Omit “Subclass 489 (Skilled—Regional (Provisional)) visa”, substitute “Subclass 491 (Skilled Work Regional (Provisional)) visa”.

Part 2—Application of amendments

Migration (LIN 19/051: Specification of Occupations and Assessing Authorities) Instrument 2019

6 In the appropriate position in Part 3

Insert:

14 Application of amendments made by Schedule 1 to LIN 19/243

The amendments made by Part 1 of Schedule 1 to LIN 19/243:

- (a) apply in relation to an application for a Subclass 491 (Skilled Work Regional (Provisional)) visa made on or after 16 November 2019; and
- (b) do not apply in relation to an application for a Subclass 489 (Skilled—Regional (Provisional)) visa made before 16 November 2019.

Schedule 2—Other amendments relating to assessing authorities

Migration (LIN 19/051: Specification of Occupations and Assessing Authorities) Instrument 2019

1 Section 4 (definition of *Medium and Long-term Strategic Skills List*)

Omit “section 8”, substitute “subsection 8(1)”.

2 Section 8

Before “The occupations”, insert “(1)”.

3 Section 8 (table item 3, column 3)

Omit “TRA”, substitute “ACECQA”.

4 Section 8 (cell at table item 73, column 3)

Repeal the cell, substitute:

the assessing authority for the
occupation under subsection (2)

5 Section 8 (table item 92, column 3)

Omit “ANZPAC”, substitute “PodBA”.

6 At the end of section 8

Add:

- (2) The assessing authority:
 - (a) for a physicist (other than a medical physicist) is VETASSESS; and
 - (b) for a medical physicist is ACPSEM.

7 After section 10

Insert:

10A Specification of assessing authorities for child care centre managers and podiatrists—assessments that occurred before 16 November 2019

For the purposes of subregulation 2.26B(1) of the Regulations, a person or body listed in column 2 of an item of the following table for a skilled occupation is specified as the relevant assessing authority for:

- (a) the skilled occupation; and
- (b) all countries;

for the purposes of an application for a skills assessment made by a resident of one of those countries if the assessment occurred before 16 November 2019.

Assessing authorities		
Item	Column 1 Occupation	Column 2 Assessing authority
1	child care centre manager	TRA
2	podiatrist	Australian and New Zealand Podiatry Accreditation Council Limited

8 Section 11

Omit “For the purposes of column 3 of the Medium and Long-term Strategic Skills List, the Short-term Skilled Occupation List and the Regional Occupation List, an”, substitute “An”.

9 Section 11 (after table item 2)

Insert:

2A ACECQA Australian Children’s Education and Care Quality Authority

10 Section 11 (table item 13)

Repeal the item.

11 Section 11 (after table item 32)

Insert:

32A PodBA Podiatry Board of Australia