

EXPLANATORY STATEMENT

Migration Regulations 1994

SPECIFICATION OF REGIONAL CERTIFYING BODIES AND POSTCODES DEFINING REGIONAL AUSTRALIA FOR CERTAIN VISAS (REGULATIONS 5.19(4)(e), 1.20GA(1)(e), 5.19(5), 2.43(1)(la) and 471.229G)

1. This Instrument is made under regulation 1.17 and subregulation 5.19(5) and paragraphs 5.19(4)(e), 1.20GA(1)(e), 2.43(1)(la) and item 471.229G of Schedule 2 to the *Migration Regulations 1994* ('the Regulations').
2. Paragraph 5.19(4)(e) of the Regulations provides that only a body that has been specified for the purposes of that paragraph may certify that an employer nomination meets the requirements of subregulation 5.19(4).

Paragraph 1.20GA(1)(e) of the Regulations provides that only a body that has been specified for the purposes of that paragraph may certify that a nomination meets the requirements of paragraphs 1.20GA(1)(a),(b),(c) and (d).

Item 471.229G of Schedule 2 to the Regulations provides that only a body approved by the Minister can certify a proposed apprenticeship position was unable to be filled by local recruitment.

Sub-regulation 5.19(5) of the Regulations provides that regional Australia means a part of Australia specified by Gazette Notice.

Paragraph 2.43(1)(la) sets out the prescribed ground for cancelling a visa under section 116 of the *Migration Act 1958* and provides that in the case of the holder of a subclass 457 Business (Long Stay) visa who was granted the visa on the basis of being employed in Australia by a business sponsor, and in respect of whom there is a nomination of an activity under regulation 1.20GA, that the visa holder is living or working within an area specified in a Gazette Notice for that paragraph.

3. The purpose of the Instrument is to specify the Regional Certifying Bodies that are approved to certify certain nominations made under the Regional Sponsored Migration Scheme, subclass 457 Business (Long Stay) visa and subclass 471 Trade Skills Training visa programs. The instrument also specifies the postcodes defining regional Australia for the purposes of the Regional Sponsored Migration Scheme and subclass 457 Business (Long Stay) visa program.
4. The Instrument operates to specify three additional Regional Certifying Bodies: Central Queensland Area Consultative Committee; Roma Town Council; and Gladstone Area Promotion and Development Limited, to provide for the certification of nominations and apprenticeship vacancy positions covering parts of central and south-west Queensland.

The Instrument operates to reflect name changes to existing Regional Certifying Bodies.

The Instrument also operates to remove certain metropolitan postcodes in Victoria from the specification of postcodes defining regional Australia.

5. Consultation was undertaken before the instrument was made as follows:
 - The Department of Immigration and Multicultural Affairs consulted with the Queensland Department of State Development, Trade and Innovation who indicated their support for the specification of three additional Regional Certifying Bodies in Queensland.
 - Certain specified Regional Certifying Bodies consulted with the Department of Immigration and Multicultural Affairs regarding changes to their registered names.
 - The Department for Victorian Communities consulted with the Department of Immigration and Multicultural Affairs regarding changes to the postcodes defining regional Victoria.
6. This Instrument, IMMI 06/010, commences on registration on the Federal Register of Legislative Instruments.