

EXPLANATORY STATEMENT

Migration Regulations 1994

SKILLED OCCUPATIONS FOR SKILLS ASSESSMENTS

(SUBCLAUSE 175.211(1), SUBCLAUSE 176.211(1) AND SUBCLAUSE 475.211(1))

1. This Instrument is made under subclauses 175.211(1), 176.211(1) and 475.211(1) of Schedule 2 to the *Migration Regulations 1994* ('the Regulations').
2. Subclauses 175.211(1), 176.211(1) and 475.211(1) of the Regulations apply if an applicant has nominated a skilled occupation which is specified by the Minister in an instrument in writing for these subclauses, and the applicant has been employed in the skilled occupation for at least 12 months in the period of 24 months ending immediately before the day on which the application was made.
3. Skilled occupations for subclauses 175.211(1), 176.211(1) and 475.211(1) of the Regulations were specified in the previous Instrument IMMI 10/012 signed by the Minister on 9 March 2010, by reference to the Australian Standard Classification of Occupations ('ASCO'). The purpose of this Instrument is to specify the same occupations by reference to the Australian and New Zealand Standard Classification of Occupation ('ANZSCO'), as well as the ASCO. This will meet the operational requirements of the Department of Immigration and Citizenship ('the Department') from 1 July 2010 when ANZSCO will become the accepted descriptor of occupations within the Department and new applicants for General Skilled Migration visas from that date will need to nominate a skilled occupation by reference to the ANZSCO.
4. Affected government departments were consulted on the proposal to introduce the ANZSCO standard into the Department's skilled migration programs. These included the Australian Bureau of Statistics, the Department of Education, Employment and Workplace Relations and the Department of Infrastructure, Transport, Regional Development and Local Government.

5. State and Territory Governments were consulted via the Commonwealth State Working Party on Skilled Migration (CSWPSM). This included the ACT Chief Minister's Department, the NSW Department of State and Regional Development, the NT Department of Business and Employment, the Queensland Department of Employment, Economic Development and Innovation, the Tasmanian Department of Economic Development, Tourism and the Arts, and the SA Department of Trade and Economic Development.
6. The following documents are incorporated in the Instrument by reference:
 - ANZSCO means under 1.03 of the Regulations, the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics as current on 1 July 2010. This is the ANZSCO - First Edition, Revision 1 (ABS Catalogue No. 1220.0) and is available online at <http://www.abs.gov.au>.
 - ASCO means under 1.03 of the Regulations, the Australian Standard Classification of Occupations, Second Edition, published by the Australian Bureau of Statistics on 31 July 1997. This is the ASCO - Second Edition (ABS Catalogue No. 1220.0) and is available online at <http://www.abs.gov.au>.
7. The Office of Best Practice Regulation was consulted and advised that because changes from ASCO to ANZSCO are a consequence of the new approach adopted by the Australian Bureau of Statistics for classifying occupations, no regulation impact statement or business cost calculator report was required.
8. The Instrument, IMMI 10/027, commences on 1 July 2010.