

EXPLANATORY STATEMENT

Migration Act 1958

Migration Regulations 1994

**PASS MARKS AND POOL MARKS IN RELATION TO APPLICATIONS FOR GENERAL
SKILLED MIGRATION VISAS
(CLASSES VE, VC, VF, VB, SI, SN AND SP)
(Subsections 96(1) and 96(2))**

1. This Instrument is made under Subsections 96(1) and 96(2) of the *Migration Act 1958* (“the Act”).
2. This Instrument revokes Instrument number IMMI 11/027 signed on 25 June 2011.
3. Subsections 96(1) and 96 (2) of the Act respectively provide that the Minister may, from time to time, by notice in the Gazette, specify, in relation to visas of a particular class, the pass mark and pool mark for the purposes of the Act and the *Migration Regulations 1994* (“the Regulations”).
4. The purpose of the Instrument is to specify the pass and pool marks for each of the visas listed below:
 - Skilled - Independent (Migrant) (Class VE) Subclass 175 visa;
 - Skilled - Sponsored (Migrant) (Class VE) Subclass 176 visa;
 - Skilled - Regional (Provisional) (Class VC) Sponsored Subclass 487 visa;
 - Skilled - Regional (Provisional) (Class VF) Sponsored Subclass 475 visa;
 - Skilled - Independent (Residence) (Class VB) Subclass 885 visa;
 - Skilled - Sponsored (Residence) (Class VB) Subclass 886 visa;
 - Skilled - Independent (Permanent) (Class SI) Subclass 189 visa;
 - Skilled - Nominated (Permanent) (Class SN) Subclass 190 visa; and
 - Skilled - Regional Sponsored (Provisional) (Class SP) Subclass 489 visa.

5. The effect of the Instrument is to:
- continue to specify the pass and pool marks for Class VE, VC, VF and VB visa applications; and
 - continue to specify the pass and pool marks for Class VE, VC, VF and VB points tested visa applications lodged prior to 1 July 2011; and
 - continue to specify pass and pool marks for Class VE, VC, VF and VB points tested visa applications lodged on or after 1 July 2011 for certain applications for which transitional arrangements apply; and
 - specify the pass and pool marks for Class SI, SN and SP visas lodged on or after 1 July 2012.
 - specify the pass and pool marks for Class SI, SN and SP visas which are set at 60 points, to take advantage of the additional capacity provided by SkillSelect to manage the skilled migration program; and
 - continue to set each pool mark to equal the applicable pass mark.
6. Consultation was unnecessary as, under section 18(1) of the *Legislative Instruments Act 2003*, the Instrument is of a minor or machinery nature and does not substantially alter existing arrangements.
7. The Office of Best Practice Regulation was consulted in relation to the implementation of the SkillSelect reforms and has advised that a Regulatory Impact Statement is not required (OBPR Reference 2011/13150).
8. Under section 44 of the *Legislative Instruments Act 2003* the Instrument is exempt from disallowance and therefore a Human Rights Statement of Compatibility is not required.
9. This Instrument number, IMMI 11/027, commences on 1 July 2012, immediately after the commencement of *Migration Amendment Regulations 2012 (No. 2)*.