

EXPLANATORY STATEMENT

Migration Regulations 1994

FEES FOR ASSESSMENT OF QUALIFICATIONS AND EXPERIENCE

(Subregulation 5.40(1))

1. This Instrument is made under subregulation 5.40(1) of the *Migration Regulations 1994* ('the Regulations').
2. Subregulation 5.40(1) of the Regulations provides that the fee payable to an Agency (within the meaning of the *Financial Management and Accountability Act 1997 (the FMA Act)*) for an application for assessment for the purposes of the FMA Act of a person's occupational qualifications or experience (or both), an application for assessment for the purposes of the FMA Act of a person's educational qualifications, and an application for internal review of an assessment, is the fee specified by the Minister in an instrument in writing for this regulation.
3. The purpose of the Instrument is to specify fees payable to Trades Recognition Australia (TRA) within the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education for certain applications for assessments in accordance with the standards set by TRA under subregulation 2.26B(2). The Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education is an agency within the meaning of the FMA Act.
4. TRA has prepared a new Cost Recovery Impact Statement (CRIS) that reflects TRA's key functions and activities and shows the new fees. The new fees are calibrated to ensure that TRA will recover the cost of delivering trades skills assessments/recognition services, but not over-recover costs.
5. This Instrument operates to specify fees payable for assessing the occupational qualifications or experience (or both) and/or educational qualifications of certain people seeking migration who nominate occupations where TRA is the relevant assessing authority, for the purposes of paragraphs 5.40(1)(a) and 5.40(1)(b).
6. This Instrument also operates to specify fees payable for an application for internal review of an assessment made by TRA for the purpose of paragraph 5.40(1)(c).

7. Consultation with the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education and the Department of Finance and Deregulation was undertaken before the Instrument was made.
8. The Office of Best Practice Regulation has advised that a Regulatory Impact Statement is not required (OBPR Reference 13204).
9. 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.
10. The Instrument, IMMI 13/037, commences on 3 May 2013.