

EXPLANATORY STATEMENT

Migration Act 1958

DETERMINATION OF THE FIXED MAXIMUM NUMBER OF SPECIFIED SKILLED VISAS THAT MAY BE GRANTED IN THE 2015-2016 FINANCIAL YEAR 2015

1. Instrument IMMI 15/112 is made under section 85 of the *Migration Act 1958* (the Act).
2. The Instrument revokes IMMI 10/023 (F2010L01599), under subsection 33(3) of the *Acts Interpretation Act 1901*.
3. The purpose of the Instrument is to determine the fixed maximum number of the specified visas that may be granted within the financial year 1 July 2015 to 30 June 2016 for:
 - a) Subclass 175 Skilled – Independent visas: 219;
 - b) Subclass 176 Skilled – Sponsored visas: 36; and
 - c) Subclass 475 Skilled – Regional Sponsored visas: 29.
4. The Instrument sets out the Minister's determination of the maximum number of visas in the specified subclass that may be granted in the financial year 1 July 2015 to 30 June 2016 for the purposes of the prescribed criterion for that subclass. The relevant prescribed criterion for each criterion as listed in the Instrument is:
 - a) Subclass 175 Skilled – Independent visas: Paragraph 175.228(a) of Schedule 2 of the *Migration Regulations 1994* (the Regulations);
 - b) Subclass 176 Skilled – Sponsored visas: Paragraph 176.229(a) of Schedule 2 of the Regulations;
 - c) Subclass 475 Skilled – Regional Sponsored visas: Paragraph 475.229(a) of Schedule 2 of the Regulations.
5. Section 39(2) of the Act, when read with this determination and the relevant criterion for each class, has the effect that when grants of that relevant subclass have reached the

ministerially determined maximum, any outstanding applications for visas of that subclass are taken not to have been made.

6. The department has undertaken internal stakeholder consultation. External consultation, including the notification of affected clients, will be undertaken closer to the implementation date on 22 September 2015.
7. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required, (OBPR Reference 19379).
8. Under section 44 of the *Legislative Instruments Act 2003*, the Instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
9. The Instrument, IMMI 15/112 commences on 22 September 2015.