

EXPLANATORY STATEMENT

Migration Regulations 1994

SPECIFICATION OF FIELDS OF EDUCATION 2016/076

(Subregulation 2.26AC(5B))

1. Instrument IMMI 16/076 is made under subregulation 2.26AC(5B) of the *Migration Regulations 1994* (the Regulations).
2. Regulation 2.26AC of the Regulations establishes a system of prescribed qualifications and points in relation to the grant of a Subclass 189 (Skilled – Independent) visa, a Subclass 190 (Skilled – Nominated) visa, or a Subclass 489 (Skilled – Regional (Provisional)) visa.
3. Subregulation 2.26AC(5A) of the Regulations prescribes that a person meets the requirements for the award of a “specialist education qualification”, and is given the corresponding number of points in Schedule 6D, if the person satisfies the Minister that they have met the requirements for the award by an Australian educational institution of a masters degree by research or a doctoral degree where that degree included study for at least two academic years, and where the field of education is specified in legislative instrument. This Instrument specifies those fields of education.
4. The fields of education specified under subregulation 2.26AC(5B) for the purposes of paragraph 2.26AC(5A)(b) are: Biological Sciences; Chemical Sciences; Earth Sciences; Mathematical Sciences; Natural and Physical Sciences; Other Natural and Physical Sciences; Physics and Astronomy; Computer Science; Information Systems; Information Technology; Other Information Technology; Aerospace Engineering and Technology; Civil Engineering; Electrical and Electronic Engineering and Technology; Engineering and Related Technologies; Geomatic Engineering; Manufacturing and Engineering Technology; Maritime and Engineering Technology; Mechanical and Industrial Engineering and Technology; Other Engineering and Related Technologies; and Process and Resources Engineering.

5. The Department of Immigration and Border Protection has undertaken consultation with: the Department of Education and Training; the Department of Employment; and the Department of Industry, Innovation and Science.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 20000).
7. Under section 42 and subsection 44(2) of the *Legislation Act 2003* and Item 20 of Regulation 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the Instrument is not subject to disallowance and therefore a Statement of Compatibility with Human Rights has not been provided.
8. The Instrument commences immediately after the commencement of the *Migration Amendment (Entrepreneur Visas and Other Measures) Regulation 2016*.