

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (IMMI 17/059: Regional Certifying Bodies and Regional Postcodes)

Instrument 2017

(Sub-subparagraph 5.19(4)(h)(ii)(F) and subregulation 5.19(7))

1. Instrument IMMI 17/059, is made under sub-subparagraph 5.19(4)(h)(ii)(F) and subregulation 5.19(7) of the *Migration Regulations 1994* (the Regulations).
2. Instrument IMMI 17/059 repeals *Regional Certifying Bodies and Regional Postcodes 2016/45* in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*, which states that where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.
3. Instrument IMMI 17/059 operates to specify bodies (known as Regional Certifying Bodies) to advise the Minister for the purpose of employer nominations of applicants for a Subclass 187 (Regional Sponsored Migration Scheme) visa. The matters which these bodies may advise the Minister in relation to include whether there is a genuine need for the employer to employ the person and whether the position could be filled by an Australian citizen or permanent resident who is living in the same local area.
4. Instrument IMMI 17/059 further operates to specify parts of Australia for the purpose of the definition of regional Australia in subregulation 5.19(7) of the Regulations.
5. The purpose of IMMI 17/059 is to update the specified bodies, to omit bodies which are no longer Regional Certifying Bodies and update the names of bodies which have undergone a name change. The further purpose of this instrument is to update specified parts of Australia for the definition of regional Australia to exclude the postcodes of Perth metropolitan area.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 21681).
7. The Western Australian Government and the Commonwealth Department of Infrastructure and Regional Development were consulted on the change to the definition of regional Australia. Consultation was not appropriate to be undertaken in relation to the other changes as they do not substantially alter existing arrangements.

8. Under section 10 of the *Legislation (Exemptions and Other Matter) Regulations 2015*, the instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
9. The instrument IMMI 17/059 commences on 17 November 2017.