

EXPLANATORY STATEMENT

Migration Act 1958, Migration Regulations 1994

Migration (IMMI 18/062: Amendment of IMMI 13/137) Instrument 2018

(Regulation 1.03 of the Migration Regulations 1994)

1. The instrument, IMMI 18/062, is made under 1.03 of the *Migration Regulations 1994* (the Regulations).
2. The instrument amends IMMI 13/137, *Specification Of Occupations Exempt From Labour Market Testing* (F2013L01952) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (Interpretation Act). Subsection 33(3) of the Interpretation Act 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. The purpose of the instrument is to amend IMMI 13/137 as it contains both disallowable (section 140GBC of the *Migration Act 1958*) and non-disallowable (regulation 1.03 of the Regulations) powers. By amending the instrument to remove the reference to a non-disallowable power, it allows the entire instrument to be recognised as a disallowable instrument in the future if further amendments are required. This amendment removes the definition of ANZSCO under regulation 1.03 of the Regulations. The instrument rather refers to another legislative instrument that defines the term ANZSCO under this regulation. However, this amendment does not alter the meaning of ANZSCO (which is still recognised to be the Australian and New Zealand Standard Classification of Occupations listed on the Australian Bureau of Statistics website issued on 16 June 2013). There has been no changes listed on the Australian Bureau of Statistics website since the last date of issue.
4. A Regulation Impact Statement has been prepared in accordance with advice from the Office of Best Practice Regulation (OBPR). The OBPR Reference number is 21946.
5. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.

6. The instrument commences on 18 March 2018.