

EXPLANATORY STATEMENT

Migration Regulations 1994

MIGRATION (LIN 18/170: PROFESSIONAL YEAR PROGRAMS) INSTRUMENT 2018

(Subregulation 2.26AC(6))

1. Instrument LIN 18/170 is made under the definition of ***professional year*** in subregulation 2.26AC(6) of the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals instrument *IMMI 12/029 - Professional Year Programs*, signed on 12 June 2012, in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*, which states 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. Subregulation 2.26AC(6) of the Regulations provides that professional year means a course specified by the Minister in an instrument in writing for this definition.
4. A professional year is intended to be a formally structured program that involves both study and work experience. It serves to provide overseas graduates with an introduction to their chosen occupation in Australia. In recognition of the value of these programs in assisting former overseas students to become job ready, the Minister specifies professional year programs as being acceptable for migration purposes. The professional year must be specifically relevant to the occupation nominated in the graduate's General Skilled Migration (GSM) visa application. Not all occupations will have a professional year that is recognised for migration purposes.
5. Applicants who have completed a specified professional year in their nominated occupation, or a closely related occupation will be awarded points under the GSM points test.

6. The purpose of this instrument is to update the name of The Institute of Chartered Accountants in Australia to Chartered Accountants Australia and New Zealand. This instrument will also specify the professional year program run by:
 - a. The Australian Computer Society, which is available to information technology graduates;
 - b. Chartered Accountants Australia and New Zealand, Certified Practising Accountants Australia and the Institute of Public Accounting, which is available to accounting graduates; and
 - c. Engineers Australia, which is available to engineering graduates.
7. The Office of Best Practice Regulation has advised that a Regulatory Impact Statement is not required (OBPR Reference 24058).
8. 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.
9. The instrument commences the day after registration on the Federal Register of Legislation.