



# **Migration Amendment (Labour Agreement Requirements (Subclass 186, 482 and 494 Visas)) Regulations 2024**

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I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 12 December 2024

Sam Mostyn AC  
Governor-General

By Her Excellency's Command

Julian Hill  
Assistant Minister for Citizenship and Multicultural Affairs  
Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs

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# 1 Name

This instrument is the *Migration Amendment (Labour Agreement Requirements (Subclass 186, 482 and 494 Visas)) Regulations 2024*.

# 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information        |                                              |                  |
|---------------------------------|----------------------------------------------|------------------|
| Column 1                        | Column 2                                     | Column 3         |
| Provisions                      | Commencement                                 | Date/Details     |
| 1. The whole of this instrument | The day after this instrument is registered. | 14 December 2024 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

# 3 Authority

This instrument is made under the *Migration Act 1958*.

# 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Migration Regulations 1994*

#### **1 Regulation 1.03 (definition of *labour agreement*)**

Repeal the definition, substitute:

*labour agreement* has the meaning given by subregulation 2.75C(1).

#### **2 Division 2.18 (heading)**

Omit “**Work**”, substitute “**Labour**”.

#### **3 After Division 2.18 (heading)**

Insert:

#### **Subdivision 2.18.1—Labour agreements**

##### **2.75C Labour agreements**

- (1) The Minister may, in writing, enter an agreement (a *labour agreement*) with a person, an unincorporated association or a partnership in Australia under which the person, unincorporated association or partnership is authorised to recruit, employ or engage services of a person in occupations and at locations covered by the agreement.
- (2) Without limiting the matters that may be specified in a labour agreement, a labour agreement may specify matters relating to the following:
  - (a) the number of approved nominations that are permitted under the agreement;
  - (b) the occupations in relation to which a position may be nominated under the agreement;
  - (c) requirements relating to salary for occupations nominated under the agreement;
  - (d) the obligations on the person, association or partnership in relation to the person being recruited, employed or engaged;
  - (e) the maximum period of stay permitted for a person undertaking an occupation nominated under the agreement;
  - (f) matters relating to criteria specified for a visa or visa of a specified class including:
    - (i) English language requirements; and
    - (ii) age requirements; and
    - (iii) skills, qualifications and employment background requirements; and
    - (iv) duration of a visa required to be held to qualify for another visa.
- (3) A labour agreement may be varied by the parties to the agreement after it has come into effect.

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**Subdivision 2.18.2—Work agreements****4 Paragraph 2.76(2)(a)**

Repeal the paragraph.

**5 Paragraph 2.76(2)(b)**

After “holder of”, insert “a Subclass 482 (Skills in Demand) Visa,”.

**6 Subparagraph 1240(3)(g)(i) of Schedule 1**

After “visa”, insert “in the Specialist Skills stream or Core Skills stream”.

**7 Clause 186.111 of Schedule 2 (note 1)**

After “*labour agreement*”, insert “and *regional provisional visa*”.

**8 Clause 186.212B of Schedule 2**

Repeal the clause.

**9 After clause 186.232 of Schedule 2**

Insert:

**186.232A**

- (1) If, at the time of application:
  - (a) the applicant held a regional provisional visa; or
  - (b) the last substantive visa held by the applicant was a regional provisional visa;
 the applicant must have held the visa for at least 3 years at the time of application unless circumstances specified in an instrument under subclause (2) exist.
- (2) The Minister may, by legislative instrument, specify circumstances for the purposes of subclause (1).

**10 Paragraph 186.241(b) of Schedule 2**

Repeal the paragraph, substitute:

- (b) the applicant has not reached the age specified by the Minister in a labour agreement:
  - (i) that is in effect; and
  - (ii) to which the employer is a party; and
  - (iii) under which the position to which the application relates is nominated.

**11 After clause 186.241 of Schedule 2**

Insert:

**186.241A**

- (1) If, at the time of application:
  - (a) the applicant held a regional provisional visa; or

- (b) the last substantive visa held by the applicant was a regional provisional visa;
- the applicant must have held the visa, at the time of application, for at least:
- (c) 3 years unless circumstances specified in the instrument under subclause (2) exist; or
  - (d) if the Minister has specified a lesser period in the labour agreement mentioned in paragraph 186.241(b)—that specified period.
- (2) The Minister may, by legislative instrument, specify circumstances for the purposes of paragraph (1)(c).

## 12 Clause 186.243 of Schedule 2

Repeal the clause, substitute:

### 186.243

- (1) The applicant has the qualifications, experience and other attributes (if any) specified by the Minister in the labour agreement mentioned in paragraph 186.241(b):
  - (a) for the occupation to which the position relates; and
  - (b) for the visa.
- (2) The applicant satisfies any language test requirements (if any) specified by the Minister in the labour agreement mentioned in paragraph 186.241(b):
  - (a) for the occupation to which the position relates; and
  - (b) for the visa.
- (3) The applicant demonstrates their English language proficiency in the manner (if any) specified by the Minister in the labour agreement mentioned in paragraph 186.241(b):
  - (a) for the occupation to which the position relates; and
  - (b) for the visa.
- (4) The applicant demonstrates that they have the skills that are necessary to perform the tasks of the occupation to which the position relates in the manner (if any) specified by the Minister in the labour agreement mentioned in paragraph 186.241(b):
  - (a) for the occupation to which the position relates; and
  - (b) for the visa.
- (5) If a manner specified in the labour agreement for the purposes of subclause (4) is that the applicant's skills must be assessed as suitable for the occupation to which the position relates, all of the following apply:
  - (a) the applicant's skills have been assessed as suitable by:
    - (i) if there is a relevant assessing authority for the occupation—the relevant assessing authority for the occupation; or
    - (ii) otherwise—the person or body specified by the Minister in the labour agreement for the occupation;
  - (b) if the assessment specified a period during which the assessment was valid, and the period did not end more than 3 years after the date of the assessment—the period has not ended;

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- (c) if paragraph (b) does not apply—not more than 3 years have passed since the date of the assessment.

### **13 Paragraph 482.241(a) of Schedule 2**

Omit “Commonwealth”, substitute “Minister”.

### **14 Paragraph 482.242(b) of Schedule 2**

Repeal the paragraph, substitute:

- (b) the applicant has worked in the nominated occupation or a related field for the period (if any) specified by the Minister in the work agreement mentioned in clause 482.241:
  - (i) for the nominated occupation; and
  - (ii) for the visa.

### **15 Clause 482.242A of Schedule 2**

Repeal the clause, substitute:

#### **482.242A**

- (1) The applicant has the skills, qualifications and employment background (if any) specified by the Minister in the work agreement mentioned in clause 482.241:
  - (a) for the nominated occupation; and
  - (b) for the visa.
- (2) The applicant demonstrates that they have the skills that are necessary to perform the tasks of the nominated occupation in the manner (if any) specified by the Minister in the work agreement mentioned in clause 482.241:
  - (a) for the nominated occupation; and
  - (b) for the visa.
- (3) If a manner specified in the work agreement for the purposes of subclause (2) is that the applicant’s skills must be assessed as suitable for the nominated occupation, all of the following apply:
  - (a) the applicant’s skills have been assessed as suitable for the nominated occupation by:
    - (i) if there is a relevant assessing authority for the occupation—the relevant assessing authority for the occupation; or
    - (ii) otherwise—the person or body specified by the Minister in the work agreement for the occupation;
  - (b) if the assessment specified a period during which the assessment was valid, and the period did not end more than 3 years after the date of the assessment—the period has not ended;
  - (c) if paragraph (b) does not apply—not more than 3 years have passed since the date of the assessment.

### **16 Clause 482.243 of Schedule 2**

Repeal the clause, substitute:

## **482.243**

- (1) The applicant satisfies any language test requirements (if any) specified by the Minister in the work agreement mentioned in clause 482.241:
  - (a) for the nominated occupation; and
  - (b) the visa.
- (2) The applicant demonstrates their English language proficiency in the manner (if any) specified by the Minister in the work agreement mentioned in clause 482.241:
  - (a) for the nominated occupation; and
  - (b) for the visa.

## **17 Paragraph 494.232(a) of Schedule 2**

Omit “Commonwealth”, substitute “Minister”.

## **18 Paragraph 494.233(b) of Schedule 2**

Repeal the paragraph, substitute:

- (b) the applicant has not reached the age specified by the Minister in the work agreement mentioned in clause 494.232:
  - (i) for the nominated occupation; and
  - (ii) for the visa.

## **19 Clause 494.234 of Schedule 2**

Repeal the clause, substitute:

## **494.234**

- (1) The applicant satisfies any language test requirements (if any) specified by the Minister in the work agreement mentioned in clause 494.232:
  - (a) for the nominated occupation; and
  - (b) for the visa.
- (2) The applicant demonstrates their English language proficiency in the manner (if any) specified by the Minister in the work agreement mentioned in clause 494.232:
  - (a) for the nominated occupation; and
  - (b) for the visa.

## **20 Subclause 494.235(1) of Schedule 2**

Repeal the subclause, substitute:

- (1) The applicant has the skills, qualifications and employment background (if any) specified by the Minister in the work agreement mentioned in clause 494.232:
  - (a) for the nominated occupation; and
  - (b) for the visa.

## **21 Paragraph 494.235(2)(b) of Schedule 2**

Repeal the paragraph, substitute:

- (b) the applicant has worked in the nominated occupation or a related field for the period (if any) specified by the Minister in the work agreement mentioned in clause 494.232:
  - (i) for the nominated occupation; and
  - (ii) for the visa.

## **22 Subclause 494.235(3) of Schedule 2**

Repeal the subclause, substitute:

- (3) The applicant demonstrates that they have the skills that are necessary to perform the tasks of the nominated occupation in the manner (if any) specified by the Minister in the work agreement mentioned in clause 494.232:
  - (a) for the nominated occupation; and
  - (b) for the visa.
- (4) If a manner specified in the work agreement for the purposes of subclause (3) is that the applicant's skills must be assessed as suitable for the nominated occupation, all of the following apply:
  - (a) the applicant's skills have been assessed as suitable for the nominated occupation by:
    - (i) if there is a relevant assessing authority for the occupation—the relevant assessing authority for the occupation; or
    - (ii) otherwise—the person or body specified by the Minister in the work agreement for the occupation;
  - (b) if the assessment specified a period during which the assessment was valid, and the period did not end more than 3 years after the date of the assessment—the period has not ended;
  - (c) if paragraph (b) does not apply—not more than 3 years have passed since the date of the assessment.

## **23 In the appropriate position in Schedule 13**

Insert:

# **Part 149—Amendments made by the Migration Amendment (Labour Agreement Requirements (Subclass 186, 482 and 494 Visas)) Regulations 2024**

## **14901 Definitions**

In this Part:

***amending regulations*** means the *Migration Amendment (Labour Agreement Requirements (Subclass 186, 482 and 494 Visas)) Regulations 2024*.

***commencement day*** means the day Schedule 1 to the amending regulations commences.

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## 14902 Operation of amendments

- (1) The amendments of these Regulations made by Schedule 1 to the amending regulations apply in relation to a visa:
  - (a) made, but not finally determined, before the commencement day; or
  - (b) made on or after the commencement day.
- (2) If:
  - (a) a labour agreement was entered into before the commencement day; and
  - (b) immediately before the commencement day the labour agreement was still in effect;then, despite the amendment of these Regulations made by Schedule 1 to the amending regulations, the labour agreement continues to have effect on and after the commencement day as if it were a labour agreement made for the purposes of regulation 2.75C, as inserted by Schedule 1 to the amending regulations.