



Statutory Rules 1993 No. 29¹

Migration (1993) Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, make the
following Regulations under the *Migration Act 1958*.

Dated 8 February 1993.

BILL HAYDEN
Governor-General

By His Excellency's Command,

GERRY HAND
Minister of State for Immigration, Local
Government and Ethnic Affairs

1. Commencement

1.1 Regulation 4 is taken to have commenced on 8 February 1993.

2. Amendment

2.1 The Migration (1993) Regulations are amended as set out in these Regulations.

3. New regulation 7.8AA

3.1 After regulation 7.8, insert in Division 3 of Part 7:

Prescribed evidence—paragraph 4 (1A) (b) of the Act

“7.8AA. For the purposes of paragraph 4 (1A) (b) of the Act, the evidence referred to in each of the following paragraphs is prescribed evidence of the English language proficiency of a person:

- (a) evidence that the person has completed all his or her primary education and at least 3 years of secondary education at an institution where instruction is conducted in English;
- (b) evidence that the person has completed at least 5 years of secondary education at an institution was conducted in English;
- (c) evidence that the person has completed a course of training of a duration at least 3 years leading to the award of a tertiary qualification at an institution was conducted in English;
- (d) evidence that the person has passed the Occupational English Test conducted by the National Languages Institute of Australia;
- (e) evidence that the person has attained the functional level of the Australian Assessment of Communicative English Skills (ACCESS) test, being evidence in the form of a copy of results of a test:
 - (i) completed not more than 12 months before the person applies for the grant of a visa or entry permit in relation to which those results are relevant; or
 - (ii) completed after the application is made;

being a copy certified by the body that conducted the test as the results of the test of the person;

- (f) evidence that the person has attained an overall band score of at least 5 on the International English Language Testing System (IELTS) test, being evidence in the form of a copy of results of a test:

- (i) completed not more than 12 months before the person applies for the grant of a visa or entry permit in relation to which those results are relevant; or

- (ii) completed after the application is made;

being a copy certified by the body that conducted the test as the results of the test of the person;

- (g) in the case of a person who is an applicant for a Class 127 (business skills), Class 128 (business skills (senior executive)), Class 129 (State/Territory sponsored business skills) or Class 130 (State/Territory sponsored business skills (senior executive)) visa—evidence that the person has a score of at least 20 points under Part 3 of Schedule 8, being a score awarded on the basis of an interview of the person for the purpose of attaining that score;

- (h) if:

- (i) the person is an applicant for a visa of a class that is not mentioned in paragraph (g); and

- (ii) evidence referred to in paragraph (a), (b), (c) or (d) cannot be provided by the person; and

- (ii) the person cannot be subjected to a test mentioned in paragraph (e) or (f);

evidence that the person has been determined by the Minister, on the basis of an interview of the person, to have functional English.”.

4. New regulation 7.20A

4.1 After regulation 7.20, insert:

Refugee Review Tribunal

“7.20A. The full-time member of the Refugee Review Tribunal referred to in subsection 166JF(3) of the Act must be paid the maximum remuneration and allowances payable to the holder of an office in the Senior Executive Service of the Australian Public Service classified as SES Band 1.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 12 February 1993.
2. Statutory Rules 1992 No. 367 as amended by 1993 No. 19.