

EXPLANATORY STATEMENT

Migration Regulations 1994

MIGRATION (IMMI 17/080: SPECIFICATION OF OCCUPATIONS AND ASSESSING AUTHORITIES—SUBCLASS 186 VISA) INSTRUMENT 2017

(sub-subparagraph 5.19(4)(h)(i)(A) and paragraph 186.234(2)(a) of Schedule 2)

1. Instrument IMMI 17/080 is made under sub-subparagraph 5.19(4)(h)(i)(A) and paragraph 186.234(2)(a) of Schedule 2 to the *Migration Regulations 1994* (the Regulations).
2. The instrument IMMI 17/080 operates to specify occupations for the purposes of sub-subparagraph 5.19(4)(h)(i)(A), and specify assessing authorities for the purposes of 186.234(2)(a) of Schedule 2 to the Regulations, in regard to the specification of occupations on the Medium and Long-term Strategic Skills List (MLTSSL) and the Short-term Skilled Occupation List (STSOL). Those occupations were previously specified in instrument IMMI 16/059.
3. The occupations that have been added and removed from the MLTSSL and STSOL from the previous instrument IMMI 16/059 are based on the first regular review of occupations eligible for skilled visas. The changes made are a result of advice from Government departments and extensive consultation with industry. The amended occupation lists ensure that the entry of skilled foreign workers to Australia remains carefully calibrated to Australia's needs.
4. In addition, instrument IMMI 17/080 provides for caveats, referred to as inapplicability conditions, in relation to specifications of those occupations limiting the breadth of the occupation specified for the purposes of satisfying the criteria for the relevant visa or nomination. The use of caveats has been expressly provided for in the *Migration Amendment (Specification of Occupations) Regulations 2017* which will amend the Regulations.

5. The effect of the application provision in section 10 of Part 3 to the instrument IMMI 17/080 is that it will apply in relation to applications for approval of a nomination or applications for a Subclass 186 (Employer Nomination Scheme) visa made on or after 1 July 2017.
6. The instrument IMMI 16/059 (F2016C01004) is repealed by instrument IMMI 17/081.
7. Consultation was undertaken with the Department of Education and Training, the Department of Employment, the Department of Foreign Affairs and Trade, the Department of Industry, Innovation and Science, the Department of Health, the Department of Communications and the Arts, the Department of Infrastructure and Regional Development, the Department of Agriculture and Water Resources, the Australian Research Council and Austrade.
8. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference: 22495).
9. 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.
10. The instrument commences on 1 July 2017.