

EXPLANATORY STATEMENT*Migration Regulations 1994***MIGRATION (IMMI 18/007: SPECIFICATION OF OCCUPATIONS AND ASSESSING AUTHORITIES) INSTRUMENT 2018**

(regulation 1.03; subregulation 1.15I(1); subregulation 2.26B(1); subitem 1137(4C) of Schedule 1; item 4 of the table in subitem 1138(4) of Schedule 1; paragraph 1229(3)(k) of Schedule 1; and item 4 of the table in subitem 1230(4) of Schedule 1)

1. Instrument IMMI 18/007 is made under regulation 1.03; subregulation 1.15I(1); subregulation 2.26B(1); subitem 1137(4C) of Schedule 1; item 4 of the table in subitem 1138(4) of Schedule 1; paragraph 1229(3)(k) of Schedule 1; and item 4 of the table in subitem 1230(4) of Schedule 1 to the *Migration Regulations 1994* (the Regulations).
2. The instrument operates to:
 - a. specify skilled occupations applicable for the class for the purposes of subregulation 1.15I(1);
 - b. specify skilled occupations for the purposes of item 4 of the table in subitem 1137(4B), item 4 of the table in subitem 1230(4), paragraph 1229(3)(k), item 4 of the table in subitem 1138(4), and item 4 of the table in subitem 1230(4), of Schedule 1 to the Regulations in regard to the specification of occupations, where relevant, on the Medium and Long-term Strategic Skills List (MLTSSL) or the Short-term Skilled Occupation List (STSOL); and
 - c. specify persons and bodies as relevant assessing authorities for the purposes of subregulation 2.26B(1).
3. The occupations that have been added to and removed from the MLTSSL and STSOL compared to the previous relevant instrument IMMI 17/072 follow a regular six-monthly review by the Department of Jobs and Small Business of occupations eligible for skilled visas. This review takes into account advice from Government departments, labour market analysis and stakeholder consultation. The amended occupation lists

ensure that the entry of skilled foreign workers to Australia remains carefully calibrated to Australia's needs.

4. The instrument is different from the instrument it replaces, IMMI 17/072, in the following respects:
 - The occupations of “horse breeder” (ANZSCO 121316) and “management consultant” (ANZSCO 224711) have been removed from the STSOL and added to the MLTSSL.
 - The assessing authority for the occupation “accountant (general)” (ANZSCO 221111) has been changed from the Institute of Chartered Accountants of Australia (ICAA) to Chartered Accountants Australia and New Zealand (CAANZ).
 - The occupations of “hair or beauty salon manager” (ANZSCO 142114) and “building associate” (ANZSCO 312112) have been removed from the STSOL.
 - The occupations of “psychotherapist” (ANZSCO 272314), “property manager” (ANZSCO 612112) and “real estate representative” (ANZSCO 612115) have been added to the STSOL.
5. The instrument repeals the *Migration (IMMI 17/072: Specification of Occupations and Assessing Authorities) Instrument 2017* in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the Acts Interpretation Act). Subsection 33(3) of the Acts 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.
6. The application provision in Part 2 of Schedule 1 to the instruments provides that the repealed instrument continues in force in relation to the following:

- a. each person included in a class of persons mentioned in column 1 of items 1 and 3 of the table in subsection 6(1) of the repealed instrument, if the invitation mentioned in those items is issued before 17 January 2018; and
 - b. a person included in the class of persons mentioned in column 1 of item 2 in the table in subsection 6(1) of the repealed instrument, if the visa application mentioned in that item is made by that person before 17 January 2018.
7. The Department of Jobs and Small Business led this review, and consulted with the Department of Home Affairs as well as a number of other Government agencies, stakeholders and industry representatives.
8. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference: 23086).
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 17 January 2018.