

**EXPLANATORY STATEMENT***Migration Regulations 1994***Migration (IMMI 18/009 - Credentialed Community Language Qualifications)  
Instrument 2018***(item 6D91 of Part 6D.9 of Schedule 6)*

1. The instrument, IMMI 18/009 is made under Item 6D91 of Part 6D.9 of Schedule 6 to the *Migration Regulations 1994* (the Regulations).
2. The instrument revokes IMMI 12/020 – *Credentialed Community Language Qualifications* (F2012L01285) 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. Item 6D91 of Schedule 6 to the Regulations provides that general skilled migration visa applicants who hold an applicable credentialed community language qualification are eligible for five points towards their points test score. In order to be eligible for these points, the applicant must have a qualification in a particular language awarded or accredited by a body specified by the Minister and at the specified standard.
4. The instrument operates to specify that the National Accreditation Authority for Translators and Interpreters (NAATI) is a credentialed community language body. Further, the instrument specifies that NAATI offers credentialed community language qualifications at three certification levels which meet the standard for eligibility for the credentialed community language points.
5. The purpose of the instrument is to incorporate a new certification scheme for the credentialed community language qualifications offered by NAATI. The instrument incorporates an additional qualification for persons who are seeking recognition of their credentialed community language skills so that they are eligible for five points for their visa application, but are not seeking formal qualification as an interpreter or translator.

6. Under the new scheme there are three levels of formal credentialled community language qualifications that may be issued by NAATI accreditation at the paraprofessional level or above, certification at the certified provisional level or above or a community language credential.
7. The eligibility requirements for accreditation by NAATI at the paraprofessional level or above are:

*Advanced*

- a. a degree or higher (in any field) from a recognised higher education institution or equivalent professional knowledge and experience; and
- b. current NAATI accreditation at the professional level in the relevant language; and
- c. an employer reference as proof that the applicant has been practising regularly as a translator for a minimum of two years.

*Professional*

- a. general education to degree or diploma level in any field; or
- b. current NAATI accreditation at the paraprofessional level.

*Paraprofessional*

- a. education equivalent to at least four years of Australian secondary education; and
- b. proficiency in both English and the tested language.

8. The certification by NAATI at the certified provisional level or above contains the following levels:
  - a. certified provisional interpreter;
  - b. certified interpreter/translator;
  - c. certified specialist interpreter;
  - d. certified conference interpreter; and
  - e. certified advanced translator
9. The community language credential is the new certification option available from NAATI. This credential is obtained following successful completion of the credentialled community language test.

10. All visa applicants who have obtained language qualifications issued by NAATI prior to the instrument commencing will still be eligible for credentialled community language points. Previous NAATI qualifications held by applicants will be recognised and those applicants will not need to re-apply for language qualifications from NAATI under the new scheme in order to be eligible for credentialled community language points.
11. The instrument is relevant to (applications for):
  - a. Skilled – Independent (Permanent) (Class SI)
  - b. Skilled – Nominated (Permanent) (Class SN); and
  - c. Skilled – Regional Sponsored (Provisional) (Class SP) visas.
12. Consultation was undertaken with the NAATI.
13. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 23120).
14. Under section 42 of the *Legislation Act 2003*, the Instrument is subject to disallowance. A Human Rights Statement of Compatibility (the Statement) has been completed in accordance with section 9 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.
15. The instrument commences on 26 March 2018.



## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### **MIGRATION (IMMI 18/009: CREDENTIALLED COMMUNITY LANGUAGE QUALIFICATIONS) INSTRUMENT 2018**

This Disallowable Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Disallowable Legislative Instrument**

The National Accreditation Authority for Translators and Interpreters (NAATI) is making two changes to their accreditation framework. Firstly they are introducing NAATI Certification to replace the current accreditation process. Secondly, NAATI is introducing a "Credentialled Community Language" (CCL) test to differentiate between individuals seeking formal qualifications as an Interpreter/Translator and those seeking to have their credentialled community language skills recognised.

The skilled migration points test is used for visa subclasses 189, 190 and 489, as a way to rank intending migrants against each other based on their age, skills and qualifications. Under points test, applicants are eligible for 5 points if they meet the threshold for Credentialled Community Language qualifications. This threshold is specified in Legislative Instrument IMMI 12/020 and when the changes to NAATI accreditation commence, IMMI12/020 will no longer be accurate.

This Instrument has been drafted to address this and that reflects NAATI's new accreditation model. The relevant changes made to reflect the new NAATI accreditation model are minor, and do not engage any human rights.

#### **Human rights implications**

This Disallowable Legislative Instrument does not engage any of the applicable rights or freedoms.

#### **Conclusion**

This Disallowable Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**The Hon Alan Tudge MP**  
**Minister for Citizenship and Multicultural Affairs**