

EXPLANATORY STATEMENT

Migration Regulations 1994

MIGRATION (LIN 19/034: FEES FOR ASSESSMENT OF QUALIFICATIONS AND EXPERIENCE) INSTRUMENT 2019

(Subregulation 5.40(1))

1. Instrument LIN 19/034 is made under subregulation 5.40(1) of the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals IMMI 13/037 (F2013L00727) (the old law) 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. The instrument operates to specify, for the purposes of subregulation 5.40(1) of the Regulations:
 - the fees payable to an Assessing Authority for an application of assessment of a person's occupational qualifications or experience (or both) and educational qualifications; and
 - the fees payable for an application for internal review of an assessment.
4. The purpose of the instrument is to update the assessment types and fees payable to Trades Recognition Australia for an assessment under subparagraph 5.40(1)(a) and (b) of the Regulations. Specifically, the changes from the old law in the instrument are as follows:
 - a. the following 7 assessment types and associated fees in the old law, have been retained in the new instrument in section 6, these are:
 - i. Migration Skills Assessment (AUD1,000);
 - ii. Migration Points Advice (based on a satisfactory Migration Skills Assessment Outcome) (AUD600);

- iii. Migration Points Advice (based on a satisfactory Skilled Worker Program Skills Assessment Outcome) (AUD1,100);
- iv. Job Ready Program Provisional Skills Assessment (AUD300);
- v. Job Ready Program Employment Assessment (AUD500);
- vi. Job Ready Program Workplace Assessment (AUD2,000);
- vii. Job Ready Program Final Assessment (AUD150).

b. the following 22 assessment types and associated fees, have been added to section 6 of this instrument:

- i. TSS Skills Assessment Program Documentary Evidence Assessment (AUD1,280);
- ii. TSS Skills Assessment Program Documentary Evidence – Reassessment (AUD450);
- iii. TSS Skills Assessment Program Technical Interview – Pathway 1 (AUD2,000);
- iv. TSS Skills Assessment Program Technical Interview - Pathway 1 – Reassessment (AUD1,000);
- v. TSS Skills Assessment Program Technical Interview - Pathway 2 (AUD900);
- vi. TSS Skills Assessment Program Technical Interview - Pathway 2 – Reassessment (AUD450);
- vii. TSS Skills Assessment Program Practical Assessment (AUD2,200);
- viii. TSS Skills Assessment Program Practical Assessment – Reassessment (AUD1,100);
- ix. Offshore Skills Assessment Program Documentary Evidence Assessment (AUD1,280);
- x. Offshore Skills Assessment Program Documentary Evidence – Reassessment (AUD450);
- xi. Offshore Skills Assessment Program Technical Interview - Pathway 1 (AUD2,000);

- xii. Offshore Skills Assessment Program Technical Interview - Pathway 1 – Reassessment (AUD1,000);
- xiii. Offshore Skills Assessment Program Technical Interview - Pathway 2 (AUD900);
- xiv. Offshore Skills Assessment Program Technical Interview - Pathway 2 – Reassessment (AUD450);
- xv. Offshore Skills Assessment Program Practical Assessment (AUD2,200);
- xvi. Offshore Skills Assessment Program Practical Assessment – Reassessment (AUD1,100);
- xvii. Trades Recognition Service Documentary Evidence Assessment (AUD1,280);
- xviii. Trades Recognition Service Documentary Evidence – Reassessment (AUD450);
- xix. Trades Recognition Service Technical Interview - Pathway 1 (AUD2,000);
- xx. Trades Recognition Service Technical Interview - Pathway 1 – Reassessment (AUD1,000);
- xxi. Trades Recognition Service Practical Assessment (AUD2,200);
- xxii. Trades Recognition Service Practical Assessment – Reassessment (AUD1,100).

5. The instrument also specifies in section 7, the assessment types and fees payable to TRA for internal review of an assessment under subparagraph 5.40(1)(c) of the Regulations. Specifically, changes from the old law in the instrument are as follows:

- a. The following 3 assessment types and their associated fee payable to TRA for internal review have been retained from the old law:
 - i. Migration Skills Assessment (AUD900);
 - ii. Migration Points Advice (AUD300);
 - iii. Job Ready Program Provisional Skills Assessment (AUD300);

- b. The following 9 assessment types and their associated fees payable to TRA for internal review have been added to the instrument in section 7:
- i. TSS Skills Assessment Program Documentary Evidence Assessment (AUD700);
 - ii. TSS Skills Assessment Program Technical Interview (AUD700);
 - iii. TSS Skills Assessment Program Practical Assessment (AUD700);
 - iv. Offshore Skills Assessment Program Documentary Evidence Assessment (AUD700);
 - v. Offshore Skills Assessment Program Technical Interview (AUD700);
 - vi. Offshore Skills Assessment Program Practical Assessment (AUD700);
 - vii. Trades Recognition Service Documentary Evidence Assessment (AUD700);
 - viii. Trades Recognition Service Technical Interview (AUD700);
 - ix. Trades Recognition Service Practical Assessment (AUD700).
6. The fees for assessment types are based on consultations with Registered Training Organisations. The fee amounts aim to achieve full cost recovery for the services provided.
7. Consultation was undertaken with TRA within the Department of Education and Training before the instrument was made. TRA consulted with the Department of Finance in preparation of the charging model and identification of cost recovery fees for the assessments. The Minister for Finance and the Public Service approved the charging arrangements in December 2018.
8. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 23595).
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 March 2019.