



# **Migration Legislation Amendment (Health Workforce Certificates Measures No. 2) Instrument (LIN 20/274) 2020**

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I, Alan Tudge, Minister for Population, Cities and Urban Infrastructure, make the following instrument.

Dated 19 November 2020

Alan Tudge  
Minister for Population, Cities and Urban Infrastructure  
for the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

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## 1 Name

- (1) This instrument is the *Migration Legislation Amendment (Health Workforce Certificates Measures No. 2) Instrument (LIN 20/274) 2020*.
- (2) This instrument may be cited as LIN 20/274.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this instrument	16 December 2020.	16 December 2020

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the following provisions of the *Migration Regulations 1994*:

- (a) subregulation 2.72(9);
- (b) subregulation 2.72C(11).

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Migration (LIN 19/048: Specification of Occupations—Subclass 482 Visa) Instrument 2019*

#### **1 Section 4 (definition of *health workforce certificate*)**

Repeal the definition, substitute:

*health workforce certificate* means a document that:

- (a) describes itself as a health workforce certificate; and
- (b) is issued by a health workforce certifier.

#### **2 Section 4**

Insert:

*health workforce certifier* means any of the following:

- (a) a person in the Department administered by the Minister administering Part II of the *Health Insurance Act 1973*;
- (b) General Practice Workforce Inc (ABN 33 922 612 254);
- (c) Health Network Northern Territory Ltd (ABN 17 158 970 480);
- (d) Health Workforce Queensland Ltd (ABN 81 065 574 996);
- (e) NSW Rural Doctors Network Ltd (ABN 52 081 388 810);
- (f) Rural Doctors Workforce Agency Incorporated (ABN 68 063 926 518);
- (g) Rural Health West Ltd (ABN 29 123 188 367);
- (h) Rural Workforce Agency, Victoria Limited (ABN 31 081 163 519).

*health workforce exemption certificate* means a document that:

- (a) describes itself as a health workforce exemption certificate; and
- (b) is issued by a health workforce certifier.

#### **3 Section 9**

Before “For the purposes of”, insert “(1)”.

#### **4 Section 9 (table item 24)**

Repeal the item, substitute:

24 Either:

- (a) if the position is in a hospital—a health workforce exemption certificate that meets the requirements of subsection (2) has not been issued for the position; or
- (b) if the position is not in a hospital—a health workforce certificate that meets the requirements of subsection (3) has not been issued for the position

#### **5 At the end of section 9**

Add:

- (2) For the purposes of paragraph (a) of item 24 of the table in subsection (1), a health workforce exemption certificate must:
  - (a) specify:

- 
- (i) the occupation; and
  - (ii) the name of the person who nominates the occupation in relation to the nominee; and
  - (iii) the name and location of the hospital; and
- (b) have been issued during the 12 months ending when the nomination is made.
- (3) For the purposes of paragraph (b) of item 24 of the table in subsection (1), a health workforce certificate must specify:
- (a) the name and date of birth of the nominee; and
  - (b) the position in which the nominee is to work; and
  - (c) the location of the position; and
  - (d) the occupation.

## **6 At the end of Part 3**

Add:

### **12 Amendments made by LIN 20/274**

The amendments of this instrument made by Schedule 1 to the *Migration Legislation Amendment (Health Workforce Certificates Measures No. 2) Instrument (LIN 20/274) 2020* apply in relation to a nomination made under subsection 140GB(1) of the *Migration Act 1958* on or after the commencement of that Schedule.

## ***Migration (LIN 19/219: Occupations for Subclass 494 Visas) Instrument 2019***

### **7 Section 4**

Insert:

***health workforce certificate*** means a document that:

- (a) describes itself as a health workforce certificate; and
- (b) is issued by a health workforce certifier.

***health workforce certifier*** means any of the following:

- (a) a person in the Department administered by the Minister administering Part II of the *Health Insurance Act 1973*;
- (b) General Practice Workforce Inc (ABN 33 922 612 254);
- (c) Health Network Northern Territory Ltd (ABN 17 158 970 480);
- (d) Health Workforce Queensland Ltd (ABN 81 065 574 996);
- (e) NSW Rural Doctors Network Ltd (ABN 52 081 388 810);
- (f) Rural Doctors Workforce Agency Incorporated (ABN 68 063 926 518);
- (g) Rural Health West Ltd (ABN 29 123 188 367);
- (h) Rural Workforce Agency, Victoria Limited (ABN 31 081 163 519).

***health workforce exemption certificate*** means a document that:

- (a) describes itself as a health workforce exemption certificate; and
- (b) is issued by a health workforce certifier.

## 8 Subsections 5(2) and (3)

Repeal the subsections, substitute:

*Exception—requirement for health workforce certificate etc.*

- (2) The occupation does not apply to the nominee if:
  - (a) the occupation is any of the following:
    - (i) general practitioner;
    - (ii) resident medical officer;
    - (iii) medical practitioners (nec); and
  - (b) if the position in which the nominee is to work is in a hospital—a health workforce exemption certificate that meets the requirements of subsection (3) has not been issued for the position; and
  - (c) if the position in which the nominee is to work is not in a hospital—a health workforce certificate that meets the requirements of subsection (4) has not been issued for the position.
- (3) For the purposes of paragraph (2)(b), a health workforce exemption certificate must:
  - (a) specify:
    - (i) the occupation; and
    - (ii) the name of the person who nominates the occupation in relation to the nominee; and
    - (iii) the name and location of the hospital; and
  - (b) have been issued during the 12 months ending when the nomination is made.
- (4) For the purposes of paragraph (2)(c), a health workforce certificate must specify:
  - (a) the name and date of birth of the nominee; and
  - (b) the position in which the nominee is to work; and
  - (c) the location of the position; and
  - (d) the occupation.

## 9 At the end of the instrument

Add:

### 8 Amendments made by LIN 20/274

The amendments of this instrument made by Schedule 1 to the *Migration Legislation Amendment (Health Workforce Certificates Measures No. 2) Instrument (LIN 20/274) 2020* apply in relation to a nomination made on or after the commencement of that Schedule.