EXPLANATORY STATEMENT

Issued by the Minister for Immigration and Multicultural Affairs

Migration Act 1958

Migration Amendment (National Innovation Visa) Regulations 2024

The *Migration Act 1958* (the Migration Act) is an Act relating to the entry into, and presence in, Australia of aliens, and the departure or deportation from Australia of aliens and certain other persons.

Subsection 504(1) of the Migration Act provides that the Governor-General may make regulations, not inconsistent with the Migration Act, prescribing matters required or permitted to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the Migration Act.

The *Migration Amendment (National Innovation Visa) Regulations 2024* (the Amendment Regulations) amend the *Migration Regulations 1994* (the Migration Regulations) to:

- rename the Global Talent (Class BX) visa to the National Innovation (Class BX) visa;
- require visa applicants to be invited by the Minister to apply for the National Innovation visa;
- require that an applicant's internationally recognised record of exceptional and outstanding achievement to be the same as that stated in the invitation at the time of application; and
- repeal references to the 'Prime Minister's Special Envoy for Global Business and Talent Attraction' for Subclass 858 visa applications.

The Subclass 858 (Class BX) visa is a permanent pathway stream available for skilled global migrants with internationally recognised record of exceptional and outstanding achievements in certain priority sectors. The Australian Government in December 2023, as part of the Migration Strategy, announced the repeal of 'Global Talent' visa and introduction of a new talent visa that would drive the growth in sectors that are of national importance and provide a permanent pathway to settlement into Australia. The Amendment Regulations were also announced in 2024-25 Budget Paper No. 2.

The Amendment Regulations make technical amendments to various parts of the Migration Regulations by omitting references to 'Global Talent' and substituting with 'National Innovation'. Furthermore, the Amendment Regulations also establish the need for National Innovation (Class BX) applicants to be invited, in writing by the Minister to make a valid visa application, and require the visa applicant to produce equivalent record of internationally recognised record of exceptional and outstanding achievement as indicated in their invitation letter to be granted their visa.

The Amendment Regulations also repeal 'Prime Minister's Special Envoy for Global Business and Talent Attraction' criteria that was previously available for the Global Talent visa. Regulation 1.03 of the Migration Regulations previously required the position of 'Prime Minister's Special Envoy' be occupied by an SES employee of the Department of Home Affairs (the Department). This position has been vacant since 2020, and with less than five visa applications being granted since its introduction, the Government considered this pathway no longer aligned with the objectives of the new National Innovation visa.

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The matters dealt with in the Amendment Regulations are appropriate for implementation in regulations rather than by parliamentary enactment. It has been the consistent practice of the Government of the day to provide for detailed valid application requirements in the Migration Regulations rather than in the Migration Act itself, with the Migration Act also providing such authority in the provisions listed in Attachment A.

Section 17 of the *Legislation Act 2003* (the Legislation Act) provides that the rule-maker must be satisfied that there has been consultation undertaken that is appropriate and reasonably practicable before making a legislative instrument. Consultation conducted by the Department in developing the Amendment Regulations is set out in Attachment B.

The current Migration Regulations have been in place since 1994, when they replaced regulations made in 1989 and 1993. Providing for these details to be in delegated legislation rather than primary legislation gives the Government the ability to effectively manage the operation of a citizen or a non-citizen's entry into Australia and respond quickly to emerging needs.

A Statement of Compatibility with Human Rights has been completed in accordance with the *Human Rights (Parliamentary Scrutiny) Act 2011.* The overall assessment is that the Amendment Regulations are compatible with human rights, with a copy of the Statement being available at Attachment C.

The Office of Impact Analysis (OIA) has been consulted in relation to the amendments. No Impact Analysis was required. The OIA consultation reference number is OIA24-07084.

The Amendment Regulations amend the Migration Regulations, which are exempt from sunsetting under table item 38A of section 12 of the *Legislation (Exemptions and Other Matters) Regulations 2015.* The Migration Regulations are exempt from sunsetting on the basis that the repeal and remaking of the Migration Regulations:

- is unnecessary as the Migration Regulations are regularly amended numerous times each year to update policy settings for immigration programs;
- would require complex and difficult to administer transitional provisions to ensure, amongst other things, the position of the many people who hold Australian visas, and similarly, there would likely be a significant impact on undecided visa and sponsorship applications; and
- would demand complicated and costly training and operational changes that would impose significant strain on Government resources and the Australian public for insignificant gain, while not advancing the aims of the Legislation Act.

The Amendment Regulations will be repealed by operation of Division 1 of Part 3 of Chapter 3 of the Legislation Act. Specifically, that Division (under section 48A) operates to automatically repeal a legislative instrument that has the sole purpose of amending or repealing another instrument. As the Amendment Regulations will automatically repeal, they do not engage the sunsetting framework under Part 4 of the Legislation Act.

The Amendment Regulations are a legislative instrument for the purposes of the Legislation Act.

The Amendment Regulations commence on 6 December 2024. Further details of the Amendment Regulations are set out in Attachment D.

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ATTACHMENT A

The following provisions of the *Migration Act 1958* (the Migration Act) provide the authority for making the *Migration Amendment (National Innovation Visa) Regulations 2024*:

- subsection 31(1) provides that the *Migration Regulations 1994* (the Regulations) may prescribe classes of visas;
- subsection 31(3) provides for the Regulations to prescribe the criteria for the grant of a visa;
- subsection 31(4) provides that the Regulations may prescribe whether visas of a class are visas to travel to and enter Australia, or to remain in Australia, or both;
- subsection 40(1) provides that the Regulations may provide that visas or visas of a specified class may only be granted in specified circumstances;
- subsection 41(1) provides that, without limiting the generality of the section, the regulations may provide that visas or visas of a specified class are subject to specified conditions;
- section 46 provides for the Regulations to prescribe the criteria and requirements to make a valid visa application;
- paragraph 65(1)(a)(ii) requires the Minister to grant a visa, subject to other conditions of section 65, if the Minister is satisfied that criteria for the visa prescribed by the Migration Act or the regulations have been satisfied; and
- subsection 504(1) provides that the Governor-General may make regulations, not inconsistent with the Migration Act, prescribing matters required or permitted to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the Migration Act.

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ATTACHMENT B

The Department of Home Affairs (the Department) consulted with the following Commonwealth Government agencies in the development of the Amendment Regulations:

- Australian Trade and Investment Commission (AUSTRADE);
- Australian Olympic Committee;
- Australian Sports Commission;
- Department of Agriculture, Fisheries and Forestry;
- Department of Climate Change, Energy, the Environment and Water;
- Department of Defence;
- Department of Education;
- Department of Employment and Workplace Relations;
- Department of Finance;
- Department of Health;
- Department of Industry, Science and Resources;
- Department of Infrastructure, Transport, Regional Development, Communications and the Arts;
- Department of Prime Minister and Cabinet;
- Department of the Prime Minister and Cabinet;
- Department of the Treasury; and
- Jobs and Skills Australia.

The following State and Territory Government agencies were also consulted in the development of the Amendment Regulations:

- Department of Industry, Tourism and Trade, Northern Territory Government;
- Department of Jobs, Precincts and Regions, Victorian Government;
- Department of State Development, Government of South Australia;
- Investment NSW, Premier's Department, NSW Government;
- Office of the Chief Scientist, NSW Government;
- Small Business Development Corporation, Government of Western Australia;
- Trade and Investment, Queensland Government;
- Treasury and Economic Development Directorate, ACT Government; and
- Treasury, Queensland Government.

Feedback on the changes was generally positive from all consultations, including in relation to the approach to managing and delivering the National Innovation visa program.

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ATTACHMENT C

Statement of Compatibility with Human Rights

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

Migration Amendment (National Innovation Visa) Regulations 2024

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 Australian Government (the Government) announced on 11 December 2023, as part of the Migration Strategy, the introduction of a new National Innovation visa (NIV) to drive productivity growth in sectors of national importance. Further, during the 2024-25 Budget the Government announced implementation of the NIV.

The *Migration Amendment (National Innovation Visa) Regulations 2024* (the Amendment Regulations) amend the *Migration Regulations 1994* (the Migration Regulations) to:

- rename the Subclass 858 (Global Talent) visa to the Subclass 858 (National Innovation) visa;
- introduce a new requirement for applicants to be invited to apply for the visa; and
- remove references to the Prime Minister's Special Envoy for Global Business and Talent Attraction (Prime Minister's Special Envoy) invitation option, to strengthen Australia's global talent attraction strategy.

The NIV is a small, exclusive program that will support productivity growth by enabling highly talented migrants to come to Australia only by invitation from the Minister. The NIV has the same assessment criteria as the Global Talent visa under subclause 858.212(2) of Schedule 2 to the Migration Regulations maintaining the same classes of persons eligible for the visa.

A new item under item 1113 of Schedule 1 to the Migration Regulations requires applicants to be invited, in writing, by the Minister to apply for the visa. This aligns the application process with that used in other Skilled Migration visas and enables the Minister to target high-calibre migrants.

The Global Talent visa previously allowed for a pathway where an applicant could be endorsed by the Prime Minister's Special Envoy. This position was vacant and less than five candidates were endorsed by the Prime Minister's Special Envoy since the introduction of the Global Talent visa stream in 2020. As a result, the NIV program does not make use of the Special Envoy invitation option for National Innovation visa applicants.

Transitional arrangements

Applicants who have already applied for a Global Talent visa will continue to have their application assessed under the requirements of the legislation in place at the time of application.

The amendments made by the Amendment Regulations will only apply for new applications made on or after the commencement of the instrument, that is, 6 December 2024.

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Human rights implications

This Disallowable Legislative Instrument engages the following right: the right to work in Article 6(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which provides:

> *The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.*

Neither the International Covenant on Civil and Political Rights (ICCPR) nor the ICESCR give a right for non-citizens to enter Australia for the purposes of seeking residence or employment. The UN Human Rights Committee, in its General Comment 15 on the position of aliens under the ICCPR, stated:

> *The [ICCPR] does not recognize the right of aliens to enter or reside in the territory of a State party. It is in principle a matter for the State to decide who it will admit to its territory. However, in certain circumstances an alien may enjoy the protection of the [ICCPR] even in relation to entry or residence, for example, when considerations of non-discrimination, prohibition of inhuman treatment and respect for family life arise.*
>
> *Consent for entry may be given subject to conditions relating, for example, to movement, residence and employment. A State may also impose general conditions upon an alien who is in transit. However, once aliens are allowed to enter the territory of a State party they are entitled to the rights set out in the [ICCPR].*

As such, Australia is able to set requirements for the entry of non-citizens into Australia and conditions for their stay, and does so on the basis of reasonable and objective criteria. It is open to the Government to change visa settings for new applicants to meet its policy priorities for a well-managed migration program, consistently with its international obligations, that are intended to benefit the Australian community as a whole. To the extent these measures affect persons outside Australia who may have previously been eligible for a Global Talent visa but would now require and invitation to apply for a NIV, the measure will not engage Australia's international obligations.

However, the measure may engage the work rights of persons in Australia. The introduction of an invitation requirement by the Amendment Regulations supports the Migration Strategy intent to refine the outcomes of the visa to drive productivity growth in sectors of national importance and attract highly talented migrants. The requirement that applicants be invited by the Minister before they apply for the NIV supports the Migration Strategy's intent to better identify migrants who drive Australia's long-term prosperity and drive growth in sectors of national interest.

Individuals who were previously eligible to apply for the Global Talent visa will need to receive an invitation to be eligible for the new National Innovation visa. Individuals that do not receive an invitation will no longer be able to pursue this pathway. However, the Amendment Regulations do not affect the existing unrestricted working rights of Global Talent visa applicants or holders, and would not affect their ability to apply for Australian citizenship or other permanent visas, if required.

The transitional arrangements ensure that existing applicants to the Global Talent visa will continue to have their applications assessed under the existing criteria. To the extent that the Amendment Regulations limit the right to work of potential future Global Talent visa applicants by preventing them from applying for the National Innovation visa if they do not receive an invitation from the Department, it is necessary, reasonable and proportionate to the legitimate aims of maintaining a temporary migration program that benefits the Australian community as whole.

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Conclusion

This Disallowable Legislative Instrument is compatible with human rights because, to the extent that it may limit human rights, those limitations are reasonable, necessary and proportionate to legitimate aims.

The Hon Tony Burke MP

Minister for Immigration and Multicultural Affairs

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ATTACHMENT D

Details of the *Migration Amendment (National Innovation Visa) Regulations 2024*

Section 1 – Name

This section provides that the title of this instrument is the *Migration Amendment (National Innovation Visa) Regulations 2024* (the Amendment Regulations).

Section 2 – Commencement

This section provides that the Amendment Regulations will commence on 6 December 2024.

Section 3 – Authority

This section provides that the Amendment Regulations are made under the *Migration Act 1958* (the Migration Act).

Section 4 – Schedules

This section provides for how the amendments made in Schedule 1 to the Amendment Regulations operate.

Schedule 1 – Amendments

Migration Regulations 1994

Item [1] – Regulation 1.03 (definition of *Prime Minister's Special Envoy for Global Business and Talent Attraction*)

Regulation 1.03 of the *Migration Regulations 1994* (the Migration Regulations) previously defined such position as an SES employee who is occupying, or is acting in, that position. This position has been vacant since 2020 and has not been utilised to support the desired talent to apply for a visa as originally intended. The purpose of item [1] is to repeal the definition of 'Prime Minister's Special Envoy for Global Business and Talent Attraction' as a consequence of the repeal of the Global Talent (Class BX) visa, as the definition will no longer be of relevance for the purpose of the National Innovation (Class BX) visa (see also items [8] and [16]).

Regulation 1.03 has not been used in any other provisions of the Migration Regulations and therefore will not affect the operation of any other visa subclasses.

Item [2] – Subregulation 1.12(7) (heading)

Item [3] – Subregulation 1.12(7)

Item [2] and [3] provides that references to 'Global Talent' is omitted and substituted with 'National Innovation'. Subregulation 1.12(7) of the Migration Regulations provide for specific requirements for a person under 18 that is a member of the family unit of an applicant for a Global Talent (Class BX) visa.

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Due to the name change of the Class BX visa, item [2] amends the heading for subregulation 1.12(7) of the Migration Regulations, and item [3], as a consequence, substitute all references to 'Global Talent' with 'National Innovation'. The items would not affect the substantive operation of subregulation 1.12(7) of the Migration Regulations.

Item [4] – Subregulation 2.06AAB(1) (table item 30)

Item [4], similar to items [2] and [3] of these Amendment Regulations, replaces references to 'Global Talent' and substitutes it with 'National Innovation' for subregulation 2.06AAB(1) of the Migration Regulations.

Subregulation 2.06AAB(1) provides a list of visa subclasses that are prescribed for the purpose of paragraph 46A(1A)(b) of the Migration Act. Paragraph 46A(1A)(b) of the Migration Act provides that an application for a visa prescribed for the purposes of this paragraph is allowed for visa applications by unauthorised maritime arrivals, who ordinarily cannot make a valid visa application under subsection 46A(1) of the Migration Act.

Table item 30 of subregulation 2.06AAB(1) of the Migration Regulations lists Subclass 858 (Global Talent) visa as a prescribed visa subclass. Due to the name change of the Subclass 858 (Global Talent) visa, item 4 of these Amendment Regulations amends the name of Subclass 858 to 'Global Talent' with 'National Innovation'.

The items would not affect the substantive operation of subregulation 2.06AAB(1) of the Migration Regulations.

Item [5] – Paragraph 5.35AB(1)(m)

Item [5] provides that references to 'Global Talent' will be substituted with 'National Innovation' for paragraph 5.35AB(1)(m) of the Migration Regulations.

Subregulation 5.35AB(1) of the Migration Regulations provides a list of visa subclasses that are prescribed for the purpose of subsection 506(1) of the Migration Act. That subsection provides the Secretary the power to request a person to provide the tax file number of an applicant for, or a holder or former holder of, a visa prescribed by the regulations.

This item is a technical amendment due to the name change of Subclass 858 visa from 'Global Talent' to 'National Innovation', and will not affect the substantive operation of subregulation 5.35AB(1).

Item [6] – Item 1113 of Schedule 1 (heading)

Item [7] – Paragraph 1113(3)(c) of Schedule 1

Item [6] and [7] of the Amendment Regulations amends item 1113 of Schedule 1 to the Migration Regulations by substituting references to 'Global Talent' with 'National Innovation'.

Item 1113 of Schedule 1 to the Migration Regulations provide for the criteria that a visa applicant for Global Talent (Class BX) visa must satisfy when making a valid application for a visa, as required under section 46 of the Migration Act.

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Due to the name change of the Class BX visa, item [6] will change the heading of item 1113 from 'Global Talent' to 'National Innovation'.

Item [7] will allow a visa applicant claiming to be a member of the family unit of a person who is an applicant for a 'National Innovation (Class BX) visa' to may be made at the same time and place as, and combined with, the primary application.

Item [8] – Paragraph 1113(3)(f) of Schedule 1

Paragraph 1113(3)(f) of Schedule 1 to the Migration Regulations previously required the visa applicant to seek endorsement by the Prime Minister's Special Envoy for Global Business and Talent Attraction as being likely to make a significant contribution to the Australian economy if granted a Subclass 858 (Global Talent) visa.

Item [8] repeals the provision and such endorsement will no longer be available as a permanent visa pathway for the National Innovation visa program. Item [8] also align with item [1] of the Amendment Regulations which repeals the definition under regulation 1.03 of the Migration Regulations.

Item [9] – After subitem 1113(3) of Schedule 1

Item [9] of the Amendment Regulations provides that a new subitem 1113(3A) of Schedule 1 to the Migration Regulations will be inserted to require the applicant to be invited, in writing, by the Minister to apply for a Subclass 858 (National Innovation) visa, and to apply for that visa within the period stated in the invitation.

This was previously not a mandatory requirement for Subclass 858 (Global Talent) visa stream. However, with only a limited number of visa grants being available under the new Subclass 858 (National Innovation), by inserting a new invitation requirement under item [9] of the Amendment Regulations, the new visa will achieve the objective of creating a single, exclusive and streamlined pathway for a relatively small number of highly talented individuals in a sector that is of national importance for Australia.

Item [10] – Subitem 1113(4) of Schedule 1

Subitem 1113(4) of Schedule 1 to the Migration Regulation specifies '858 (Global Talent)' as the only visa subclass of the Global Talent (Class BX) visa.

Due to the name change of the Subclass 858 visa, item [10] of the Amendment Regulations is a technical amendment changing the visa subclass' title from 'Global Talent' to 'National Innovation'.

Item [11] – Paragraph 773.213(2)(zy) of Schedule 2

Item [11] of the Amendment Regulations substitute references to 'Global Talent' to 'National Innovation' for the Subclass 858 under paragraph 773.213(2)(zy) of Schedule 2 to the Migration Regulations.

Clause 773.213 of Schedule 2 to the Migration Regulations relates to the Subclass 773 (Border) visa, where paragraph 773.213(2)(zy) of Schedule 2 provides a list of visa subclasses to which sub-subparagraph 773.213(1)(d)(i)(B) of Schedule 2 to the Migration Regulations applies. Item [11] is a

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technical amendment as a consequence of the name change for Subclass 858 visa, and will not affect the substantive operation of the Subclass 773 (Border) visa.

Item [12] – Part 858 of Schedule 2 (heading)

Part 858 of Schedule 2 to the Migration Regulations provides for the criteria and other conditions that a visa applicant for a Subclass 858 (National Innovation) visa must satisfy to be granted a visa, as required under section 65 of the Migration Act.

Item [12], similar to item [6] of the Amendment Regulations, is a technical amendment required as a result of name change of the Subclass 858 visa from 'Global Talent' to 'National Innovation', and amends the heading of Part 858 accordingly.

Item [13] – Before clause 858.212 of Schedule 2

Item [13] inserts a new clause 858.211 of Schedule 2, requiring the primary applicant to have been invited, in writing, by the Minister to apply for the visa, to be granted the visa under section 65 of the Migration Act. This item aligns with the requirement introduced in item [9] of Schedule 1 to these Amendment Regulations.

Item [14] – Subclause 858.212(1) of Schedule 2

Item [14] repeals and substitute subclause 858.212(1) of Schedule 2 to the Migration Regulations with a new criterion, requiring the Subclass 858 (National Innovation) visa applicant to meet either subclauses 858.212(2) and (3), or subclause 858.212(4) of Schedule 2 to the Migration Regulations. Subclause 858.212(2) of Schedule 2 remains unchanged, and will continue to require the visa applicant to demonstrate that they:

- have an internationally recognised record of exceptional and outstanding achievements in one of the areas under paragraph 858.212(2)(a) of Schedule 2 to the Migration Regulations, that is, in a profession, sport, arts, academia and research;
- be still prominent in the area and be an asset to the Australian community;
- would have no difficulty in obtaining employment, or in becoming established independently, in Australia in their area; and
- produce a completed 'approved form 1000', which requires the applicant's record of achievement in their relevant defined sector under paragraph 858.212(2)(a) be attested to by an Australian citizen, Australian permanent resident, an eligible New Zealand citizen or an Australian organisation that has a national reputation in in relation to the area of the applicant.

Subclause 858.212(3) of Schedule 2 has been inserted by item [15] below.

The existing requirements under subclause 858.212(4) of Schedule 2 also remain unchanged and require the applicant to have provided special assistance to the Australian Government in matters of security, and requiring the Minister to act on the advice of either the Director-General of Security, or Minister responsible for an intelligence or security agency within the meaning of the *Australian Security Intelligence Organisation Act 1979*.

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Item [15] – After subclause 858.212(2) of Schedule 2

Item [15] inserts a new subclause 858.212(3) of Schedule 2 to the Migration Regulations, requiring the applicant who has been invited to apply for Subclass 858 (National Innovation) visa to produce the same internationally recognised record of exceptional and outstanding achievement in their area as stated in their invitation.

Prior to being invited to apply, the applicant would ordinarily submit an expression of interest through the Department of Home Affairs website, producing evidence to demonstrate how they could meet the criteria under subclause 858.212(2) of Schedule 2. Based on the evidence produced, the Minister may invite the individual to apply for a Subclass 858 (National Innovation) visa. Noting the broad nature of requirements under subclause 858.212(2) of Schedule 2, the purpose of item [15] is to minimise the possibility of an applicant inflating their achievements, to ensure that the talented applicant must provide genuine and accurate record of achievement at all stages, and to prevent any inflated expression of interest claims.

Item [16] – Clause 858.229 of Schedule 2

Clause 858.229 of Schedule 2 to the Migration Regulations previously was applicable for applicants who, at the time of application, had been endorsed by the Prime Minister's Special Envoy for Global Business and Talent Attraction as being likely to make a significant contribution to the Australian economy if granted a Subclass 858 (Global Talent) visa.

Item [16] repeals clause 858.229 of Schedule 2 as part of the repeal of 'Prime Minister's Special Envoy for Global Business and Talent Attraction' pathway available for the Subclass 858 visa. This item also aligns with items [1] and [8] of Schedule 1 to these Amendment Regulations.

Item [17] – Division 858.3 of Schedule 2 (note 2 to the heading)

Item [18] – Paragraph 858.311(a) of Schedule 2

Both items [15] and [16] are technical amendments as a result of the name change of the Subclass 858 visa. Item [15] amends Note 2 to the heading of Division 858.3 of Schedule 2, and item [16] amends paragraph 858.331(a) of Schedule 2, both from 'Global Talent' to 'National Innovation'.

Item [19] – In the appropriate position in Schedule 13

Item [19] inserts a new Part 142 in Schedule 13 to the Migration Regulations. This Part provides for the application of the amendments made by these Amendment Regulations.

New subclause 14201(1) of Part 142 of Schedule 13 to the Migration Regulations provides that the amendment made by Schedule 1 to the Amendment Regulations apply in relation to an application for a visa made on or after 6 December 2024. This means that the Amendment Regulations only apply to new visa applications made for the Subclass 858 (National Innovation) visa, and no visa applications can be made in relation to the Subclass 858 (Global Talent) visa after 6 December 2024.

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New subclause 14201(2) of Part 142 of Schedule 13 to the Migration Regulations is a transitional provision applicable for the purpose of a subclause 9502(2) of Part 95 of Schedule 13 to the Migration Regulations. Part 95 of Schedule 13 provides for the operation of provisions as a result of amendments made by the *Migration Amendment (2021 Measures No. 1) Regulations 2021*, that renamed the 'Subclass 858 (Distinguished Talent) (Class BX) visa' to 'Subclass 858 (Global Talent) (Class BX) visa'.

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