

EXPLANATORY STATEMENT

Issued by the Assistant Minister for Citizenship and Multicultural Affairs

Migration (ANZSCO Definition) Specification 2024

The instrument *Migration (ANZSCO Definition) Specification 2024* (departmental reference LIN 24/105) is made under regulation 1.03 in Part 1 of the *Migration Regulations 1994* (the Migration Regulations).

The instrument amends *Migration (LIN 19/051: Specification of Occupations and Assessing Authorities) Instrument 2019* (LIN 19/051), in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (Acts Interpretation Act). Subsection 33(3) of the Acts Interpretation Act provides 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.

The instrument specifies the definition of ANZSCO for the purposes of regulation 1.03 of the Migration Regulations. The term ANZSCO is defined to mean the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 27 June 2013. However, for regulations 2.72 and 2.73 and subregulation 5.19(5) of the Migration Regulations, ANZSCO is defined as meaning the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 23 November 2022. The ANZSCO is available on the ABS website at:

<https://www.abs.gov.au/statistics/classifications/anzsco-australian-and-new-zealand-standard-classification-occupations/latest-release>

This updates the definition of ANZSCO so that it is consistent with the amendments made to the Migration Regulations by the *Migration Amendment (2024 Measures No. 1) Regulations 2024* (Amendment Regulations).

The instrument is exempt from disallowance under section 42 of the *Legislation Act 2003* (Legislation Act). This is because instruments made under Part 1 of the Migration Regulations are prescribed as being exempt from disallowance under paragraph (b) of item 20 of the table in section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*. A statement of compatibility with human rights is therefore not required.

The Office of Impact Analysis (OIA) has been consulted in relation to the Amendment Regulations generally, advising that no Impact Analysis is required. The OIA consultation reference number is OBPR23-04044.

The Department of Home Affairs has consulted on the Migration Strategy with business, unions and other stakeholders throughout the Migration Review. Whole of Government consultation occurred, along with consultation involving peak body, state

and territory, and industry representatives via the Ministerial Advisory Council on Skilled Migration (MACSM) and Skilled Migration Officials Group (SMOG) groups.

The instrument commences on 7 December 2024.

Further details of the instrument are set out in Attachment A.

The Migration Regulations specify no conditions that need to be satisfied before the power to make the instrument may be exercised.

The instrument is a legislative instrument for the purposes of the Legislation Act.

Details of the *Migration (ANZSCO Definition) Specification 2024*

Section 1 – Name of instrument

This section provides that the title of the instrument is the *Migration (ANZSCO Definition) Specification 2024* (LIN 24/105).

Section 2 – Commencement

This section provides the instrument commences on 7 December 2024.

Section 3 – Authority

This section provides that the instrument is made under regulation 1.03 of the *Migration Regulations 1994* (Migration Regulations).

Section 4 – Definitions

This section sets out definitions to be used in the instrument.

Section 5 – Schedules

This section provides that 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.

Section 6 – Definition of ANZSCO

Subsection 6(1) provides that, for the purposes of the definition of **ANZSCO** in regulation 1.03 of the Migration Regulations, ANZSCO has the meaning given in subsections (2) and (3).

Subsection 6(2) provides a default definition of ANZSCO, which applies in the Migration Regulations except as provided in subsection 6(3) or where otherwise indicated in a contrary intention (e.g. in an instrument made under the Migration Regulations).

Subsection 6(2) defines ANZSCO as meaning the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 27 June 2013. This is ANZSCO version 1.2, released on 26 June 2013.

Subsection 6(3) defines ANZSCO for regulations 2.72 and 2.73 and subregulation 5.19(5) of the Migration Regulations as meaning the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 23 November 2022. This is the version of ANZSCO released on 23 November 2022.

The Australian Bureau of Statistics publishes the definition of ANZSCO on its website at <https://www.abs.gov.au/statistics/classifications/anzsco-australian-and-new-zealand-standard-classification-occupations>.

Schedule 1—Amendments

Schedule 1 amends *Migration (LIN 19/051: Specification of Occupations and Assessing Authorities) Instrument 2019* (LIN 19/051).

Item [1] – Section 5

Item 1 repeals section 5 of LIN 19/051. This removes the provision in LIN 19/051 that defined ANZSCO for the purpose of regulation 1.03 of the Migration Regulations. This definition is instead being specified in *Migration (ANZSCO Definition) Specification 2024* (LIN 24/105).