



Migration Amendment (Skills Assessing Authorities) Regulations 2024

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 12 December 2024

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Julian Hill
Assistant Minister for Citizenship and Multicultural Affairs
Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs

Contents

1	Name	1
2	Commencement.....	1
3	Authority	1
4	Schedules.....	1
Schedule 1—Amendments		2
Part 1—Amendments		2
<i>Migration Regulations 1994</i>		2
Part 2—Application of amendments		9
<i>Migration Regulations 1994</i>		9

1 Name

This instrument is the *Migration Amendment (Skills Assessing Authorities) Regulations 2024*.

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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	14 December 2024

Note: This table relates only to the provisions of this instrument as originally made.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 *Migration Act 1958*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Part 1—Amendments

Migration Regulations 1994

1 Paragraph 1.13A(2)(e)

Omit “an assessing authority”, substitute “a relevant assessing authority”.

2 Subregulation 2.26B(1)

Omit “the Minister may, by an instrument in writing for this subregulation”, substitute “the Minister (the *Immigration Minister*) may, by legislative instrument”.

3 Division 2.6 of Part 2 (heading)

Repeal the heading, substitute:

Division 2.6—Relevant assessing authorities and matters relating to the application of the points system

4 Paragraph 2.26B(1)(a)

Repeal the paragraph, substitute:

(a) an occupation; and

5 Subregulation 2.26B(1A)

Before “Minister”, insert “Immigration”.

6 Subregulation 2.26B(1A)

Omit “a skilled”, substitute “an”.

7 Subregulation 2.26B(1A)

Omit “relevant” (second occurring).

8 Subregulation 2.26B(1B)

Repeal the subregulation, substitute:

Approving assessing authorities

(1B) For the purposes of subregulation (1A), the Skills Assessment Minister may:

(a) approve a person or body as the assessing authority for:

(i) an occupation; and

(ii) one or more countries; and

(b) impose one or more conditions on the approval.

(1BA) The Skills Assessment Minister must not approve a person or body under subregulation (1B) unless the Minister is satisfied that the person or body is suitable to be so approved.

(1BB) The Skills Assessment Minister must, as soon as practicable after approving a person or body under subregulation (1B):

- (a) give the person or body a written notice that sets out:
 - (i) the decision; and
 - (ii) the reasons for the decision; and
 - (iii) the conditions (if any) imposed on the approval; and
- (b) give a copy of the notice to the Immigration Minister.

Imposition etc. of conditions after approval

- (1BC) If a person or body has been approved under subregulation (1B), the Skills Assessment Minister may, at any time, do any one or more of the following:
 - (a) impose one or more additional conditions on the approval;
 - (b) vary a condition that has been imposed on the approval;
 - (c) remove a condition that has been imposed on the approval.
- (1BD) If a condition is imposed or varied under subregulation (1BC), the condition only applies in relation to a thing done, or not done, on or after the day the decision to impose or vary the condition takes effect.
- (1BE) If the Skills Assessment Minister makes a decision in relation to a person or body under subregulation (1BC), the Skills Assessment Minister must, as soon as practicable after making the decision:
 - (a) give the person or body a written notice that sets out:
 - (i) the decision; and
 - (ii) the reasons for the decision; and
 - (iii) the day the decision takes effect; and
 - (iv) if an additional condition is imposed on their approval—that condition; and
 - (v) if a condition that has been imposed on their approval is varied—the condition as varied; and
 - (vi) if a condition that has been imposed on their approval is removed—the removed condition; and
 - (vii) if subparagraph (iv) or (v) applies—the effect of subregulation (1BD); and
 - (b) give a copy of the notice to the Immigration Minister.

Agreement of Immigration Minister to the imposition etc. of conditions

- (1BF) Before the Skills Assessment Minister imposes a condition, or varies or removes a condition that has been imposed, on the approval of a person or body approved under subregulation (1B) or (1BC), the Immigration Minister must agree to the imposition, variation or removal of the condition.

Revocation of approval

- (1BG) If a person or body has been approved under subregulation (1B) as the assessing authority for an occupation and one or more countries, the Skills Assessment Minister may revoke the approval if the Minister:
 - (a) is no longer satisfied that the person or body is suitable to be so approved; or
 - (b) is satisfied that the person or body has breached a condition imposed on the approval; or

(c) is satisfied that another person or body is more suitable to be approved as the assessing authority for the occupation and one or more of those countries.

(1BH) Before the Skills Assessment Minister revokes the approval of a person or body under subregulation (1BG), the Minister must consult the Immigration Minister.

(1BI) The Skills Assessment Minister must, as soon as practicable after revoking the approval of a person or body under subregulation (1BG):

(a) give the person or body a written notice that sets out:

(i) the decision; and

(ii) the reasons for the decision; and

(iii) the day that the revocation takes effect; and

(b) give a copy of the notice to the Immigration Minister.

Note: The review of a decision revoking the approval of an assessing authority is dealt with in Division 4.4 of Part 4.

(1BJ) If the approval of a person or body is revoked under subregulation (1BG), the revocation does not affect, for the purposes of these Regulations, an assessment of the skills of an individual that was completed by the person or body before the day the revocation takes effect.

9 Subregulation 2.26B(1C)

Omit “his or her power under subregulation (1B)”, substitute “the Minister’s powers under this regulation (other than the power under subregulation (1BG) to revoke the approval of a person or body as the assessing authority for an occupation and one or more countries)”.

10 Subregulation 2.26B(2)

Omit “a skilled”, substitute “an”.

11 Subregulation 2.26B(2)

Omit “the skilled”, substitute “the”.

12 Subregulation 2.26B(3)

Omit “a skilled”, substitute “an”.

13 Part 4 (heading)

Repeal the heading, substitute:

Part 4—Review of decisions—reviewable migration and protection decisions

14 After Part 4

Insert:

Part 4A—Review of decisions—assessing authority approvals

Division 4A.1—Preliminary

4.40 Definitions

In this Part:

revocation decision means a decision of the Skills Assessment Minister under subregulation 2.26B(1BG) to revoke an approval of a person or body as an assessing authority for an occupation and one or more countries.

Division 4A.2—Reconsideration and review of decisions revoking assessing authority approval

4.41 Reconsideration of revocation decision

- (1) A person or body (the *aggrieved entity*) whose interests are affected by a revocation decision may request the Skills Assessment Minister to reconsider the decision.

Form and timing of request

- (2) The request must:
 - (a) be in writing; and
 - (b) set out the reasons for the request; and
 - (c) be made within:
 - (i) 30 days after the day the aggrieved entity is notified of the revocation decision; or
 - (ii) if the Skills Assessment Minister allows a longer period (whether before or after the end of the 30-day period referred to in subparagraph (i))—that longer period.

Reconsideration of decision

- (3) On receiving a request made in accordance with subregulation (2), the Skills Assessment Minister:
 - (a) must review the revocation decision; and
 - (b) must affirm, vary or set aside the revocation decision; and
 - (c) if the Skills Assessment Minister sets aside the revocation decision—may make such other decision as the Skills Assessment Minister thinks appropriate.
- (4) The Skills Assessment Minister must do so before the end of:
 - (a) the period of 30 days beginning on the day the Skills Assessment Minister receives the request, unless paragraph (b) applies; or
 - (b) if the aggrieved entity and the Skills Assessment Minister agree on a longer period—that longer period.

Notice of decision on reconsideration

- (5) The Skills Assessment Minister must give the aggrieved entity written notice of the Skills Assessment Minister's decision on reconsideration and of the reasons for that decision.
- (6) The Skills Assessment Minister must give the Minister a copy of the notice.

When decision on reconsideration takes effect

- (7) The Skills Assessment Minister's decision on reconsideration takes effect:
 - (a) on the day specified in the notice; or
 - (b) if a day is not specified—on the day on which that decision is made.

Skills Assessment Minister may be taken to have affirmed decision

- (8) The Skills Assessment Minister is taken to have made a decision affirming the revocation decision under reconsideration if the Skills Assessment Minister has not notified the aggrieved entity of the Skills Assessment Minister's decision on reconsideration before the end of the period applicable under subregulation (4).

4.42 Reconsideration of revocation decision on own initiative

- (1) The Skills Assessment Minister may reconsider a revocation decision if satisfied that there is sufficient reason to do so.
- (2) If the Skills Assessment Minister decides under subsection (1) to reconsider a revocation decision, the Skills Assessment Minister must, within 14 days after commencing reconsideration of the revocation decision, give the person or body (the *interested entity*) whose interests are affected by the decision written notice that:
 - (a) states that the decision is being reconsidered; and
 - (b) specifies the day the reconsideration commenced.
- (3) After reconsidering the revocation decision, the Skills Assessment Minister:
 - (a) must affirm, vary or set aside the revocation decision; and
 - (b) if the Skills Assessment Minister sets aside the revocation decision—may make such other decision as the Skills Assessment Minister thinks appropriate.
- (4) The Skills Assessment Minister must, as soon as practicable after making the reconsideration decision:
 - (a) give the interested entity written notice of the Skills Assessment Minister's decision; and
 - (b) give the Minister a copy of the notice.

4.43 ART review of decisions

Applications may be made to the ART for review of the following decisions:

- (a) a decision under subregulation 4.41(3) that is made by the Skills Assessment Minister;
- (b) a decision under subregulation 4.41(8) that is taken to have been made by the Skills Assessment Minister;

(c) a decision under subregulation 4.42(3) that is made by the Skills Assessment Minister.

15 Subclause 1137(4B) of Schedule 1 (table item 4, column headed “Further requirements—Visas in the Points-tested stream”, paragraph (c))

After “assessing authority”, insert “for that occupation”.

16 Subclause 1138(4) of Schedule 1 (table item 4, column headed “Requirements”, paragraph (c))

After “assessing authority”, insert “for that occupation”.

17 Subclause 1230(4) of Schedule 1 (table item 4, column headed “Requirements”, paragraph (c))

After “assessing authority”, insert “for that occupation”.

18 Subparagraphs 1240(3)(g)(iv) and (v) of Schedule 1

Repeal the subparagraphs, substitute:

- (iv) the relevant assessing authority for the occupation must have assessed the applicant’s skills as suitable for that occupation within the period specified in the legislative instrument; or
- (v) both of the following must apply:
 - (A) the applicant has made an arrangement with the relevant assessing authority for the occupation to assess the applicant’s skills;
 - (B) the relevant assessing authority has not completed the assessment.

19 Subclause 1241(4) of Schedule 1 (table item 4, column headed “Requirements”, paragraph (c))

Omit “the skilled”, substitute “that”.

20 Paragraph 1242(5)(a) of Schedule 1

Repeal the paragraph, substitute:

- (a) the relevant assessing authority for the nominated occupation has assessed the applicant’s skills as suitable for that occupation; and

21 Paragraph 1242(5)(b) of Schedule 1

Omit “is not”, substitute “was not”.

22 Clause 186.111 of Schedule 2 (Note 1)

After “*labour agreement*”, insert “and *relevant assessing authority*”.

23 Paragraph 186.234(2)(a) of Schedule 2

Repeal the paragraph, substitute:

- (a) the relevant assessing authority for the occupation has assessed the applicant’s skills as suitable for the occupation;

24 Paragraph 186.234(2)(aa) of Schedule 2

Omit “is not”, substitute “was not”.

25 Paragraph 189.222(1)(a) of Schedule 2

Repeal the paragraph, substitute:

- (a) the relevant assessing authority for the applicant’s nominated skilled occupation had assessed the applicant’s skills as suitable for that occupation; and

26 Paragraph 190.212(1)(a) of Schedule 2

Repeal the paragraph, substitute:

- (a) the relevant assessing authority for the applicant’s nominated skilled occupation had assessed the applicant’s skills as suitable for that occupation; and

27 Paragraphs 192.112(2)(e) and 408.112(2)(e) of Schedule 2

Omit “an assessing authority”, substitute “a relevant assessing authority”.

28 Clause 485.223 of Schedule 2

After “authority”, insert “for that occupation”.

29 Subclause 485.224(1) of Schedule 2

After “authority”, insert “for the occupation”.

30 At the end of clause 494.111 of Schedule 2

Add:

Note: For *relevant assessing authority*: see regulation 1.03.

31 Paragraph 494.224(2)(a) of Schedule 2

Repeal the paragraph, substitute:

- (a) the relevant assessing authority for the applicant’s nominated occupation has assessed the applicant’s skills as suitable for that occupation;

32 Subclause 494.224(6) of Schedule 2

Omit “1242(5)(a) of Schedule 1 and paragraphs (2)(a) and”.

Part 2—Application of amendments

Migration Regulations 1994

33 In the appropriate position in Schedule 13

Insert:

Part 146—Amendments made by the Migration Amendment (Skills Assessing Authorities) Regulations 2024

14601 Operation of amendments

- (1) Despite the repeal of subregulation 2.26B(1B) by Part 1 of Schedule 1 to the *Migration Amendment (Skills Assessing Authorities) Regulations 2024* (the **amending Part**), an approval given under that subregulation that is in force immediately before the commencement of the amending Part continues to be in force, after that commencement, as if the repeal had not happened.
- (2) Subregulation 2.26B(1BC), as inserted by the amending Part, applies in relation to an approval given under subregulation 2.26B(1B) before, on or after the commencement of the amending Part.
- (3) Subregulation 2.26B(1BG), as inserted by the amending Part, applies in relation to the following:
 - (a) an approval given under subregulation 2.26B(1B) on or after the commencement of the amending Part;
 - (b) an approval given under subregulation 2.26B(1B) before that commencement if the ground for the revocation of the approval relates to:
 - (i) if the ground for the revocation is the ground mentioned in paragraph 2.26B(1BG)(a) or (c)—a thing done, or not done, on or after that commencement; and
 - (ii) otherwise—a thing done, or not done, after the time mentioned in subregulation 2.26B(1BD).
- (4) The amendments of these Regulations made by items 18, 20, 23, 31 and 32 of the amending Part apply in relation to an application for a visa made on or after the commencement of that Part.
- (5) The amendments of these Regulations made by items 25 and 26 of the amending Part apply in relation to an application made in response to an invitation given by the Minister on or after the commencement of that Part.

Unless otherwise indicated in this document, it is Copyright of the Commonwealth of Australia and the following applies:

Copyright Commonwealth of Australia.

This material does not purport to be the official or authorised version. Reproduction and use of this material is subject to a [Creative Commons Attribution-NonCommercial-ShareAlike 3.0 Australia License](#).

You should make independent inquiries and obtain appropriate advice before relying on the information in any important matter.

This document has been distributed by LexisNexis Australia. All queries regarding the content should be directed to the author of this document.