



LIN 24/094

Migration Amendment (Skills in Demand Visa and Related Matters) Instrument 2024

I, Julian Hill, Assistant Minister for Citizenship and Multicultural Affairs, make the following instrument.

Dated 6 December 2024

Julian Hill
Assistant Minister for Citizenship and Multicultural Affairs

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1 Name

This instrument is the *Migration Amendment (Skills in Demand Visa and Related Matters) Instrument 2024*.

2 Commencement

This instrument commences on 7 December 2024.

3 Authority

This instrument is made under the *Migration Act 1958* and the *Migration Regulations 1994*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 of IMMI 18/039

Migration (IMMI 18/039: Mandatory Skills Assessment—Subclass 482 Visa) Instrument 2018

1 Section 4 (paragraph (a) of note)

Repeal the paragraph.

2 Section 4

Insert:

ANZSCO is specified to mean, for the definition of *ANZSCO* in regulation 1.03 of the Regulations, the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 23 November 2022.

3 Subsection 5(1)

Omit “(Temporary Skill Shortage)”, substitute “(Skills in Demand)”.

4 Subsection 5(2) (table)

Omit “457 Skills Assessment” (wherever occurring), insert “SID Skills Assessment”.

5 Subsection 5(2) (table item 3)

Omit the table item, substitute:

3	cabinetmaker	394112	TRA	(a) SID Skills Assessment; or (b) TSS Skills Assessment.
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6 Subsection 5(2) (table item 23)

Repeal the table item.

7 Subsection 6(1)

Omit “(Temporary Skill Shortage)”, substitute “(Skills in Demand)”.

8 Subsection 6(2) (table item 23)

Repeal the table item.

9 Subsection 7(1)

Omit “(Temporary Skill Shortage)” (first occurring), substitute “Skills in Demand”.

10 Subparagraph 7(1)(a)(i)

Omit “or Subclass 482 (Temporary Skill Shortage) visa”, substitute “, Subclass 482 (Temporary Skill Shortage) visa or Subclass 482 (Skills in Demand) visa”.

11 Subsection 7(2)

Omit “Subclass 482 (Temporary Skill Shortage) visa is an exempt applicant for an occupation mentioned in column 1 of an item of the table (other than item 21 or 23)”, substitute “Subclass 482 (Skills in Demand) visa is an exempt applicant for an occupation mentioned in column 1 of an item of the table (other than item 21)”.

12 Subsection 7(4)

Omit “Subclass 482 (Temporary Skill Shortage) visa is an exempt applicant for an occupation mentioned in item 21 or 23”, substitute “Subclass 482 (Skills in Demand) visa is an exempt applicant for an occupation mentioned in item 21”.

13 After section 7

Insert:

8 Application of amendments made by LIN 24/094

The amendments of this instrument made by Schedule 1 to the *Migration Amendment (Skills in Demand Visa and Related Matters) Instrument 2024* (the **amending instrument**) apply in relation to an application for a visa that is made on or after the commencement of the amending instrument.

Schedule 2—Amendments of LIN 19/216

Migration (LIN 19/216: Exemptions from Skill, Age and English Language Requirements for Subclass 186, 187 and 494 Visas) Instrument 2019

1 Section 5 (paragraphs (a) and (d) of the note)

Repeal the paragraphs.

2 Section 5

Insert:

Act means the *Migration Act 1958*.

3 Section 5

Insert:

ANZSCO means:

- (a) in relation to an application for a Subclass 186 (Employer Nomination Scheme) visa—the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 23 November 2022;
- (b) in relation to an application for a Subclass 187 (Regional Sponsored Migration Scheme) visa or a Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa—the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 27 June 2013.

4 Section 5 (paragraph (c) of the definition of *regional medical practitioner applicant*)

Repeal the paragraph, substitute:

- (c) during the 3 years immediately before the day the visa application was made, the person held one or more of the following visas for a total period of at least 2 years:
 - (i) a Subclass 457 (Temporary Work (Skilled)) visa;
 - (ii) a Subclass 482 (Temporary Skill Shortage) visa;
 - (iii) a Subclass 482 (Skills in Demand) visa; or
 - (iv) if the last substantive visa held by the applicant was a visa mentioned in paragraph (i), (ii) or (iii)—a bridging visa granted on the basis that the person was an applicant for a visa mentioned in paragraph (i), (ii) or (iii), a Subclass 186 (Employer Nomination Scheme) visa or a Subclass 187 (Regional Sponsored Migration Scheme) visa.

5 Section 5 (definition of *Subclass 457/482 worker*)

Repeal the definition, substitute:

Subclass 457/482 worker, in relation to an application for a visa, means a person in relation to whom the following applies:

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- (a) during the 3 years ending immediately before the day the visa application was made, the person was employed for a total period of at least 2 years in one or more positions related to a nomination approved under section 140GB of the Act; and
 - (b) for each of those 2 years, the person's earnings for the year were equal to or greater than the high income threshold (as applying at the end of the year); and
 - (c) during the 3 years immediately before the day the visa application was made, the person held one or more of the following for a total period of at least 2 years:
 - (i) a Subclass 457 (Temporary Work (Skilled)) visa;
 - (ii) a Subclass 482 (Temporary Skill Shortage) visa;
 - (iii) a Subclass 482 (Skills in Demand) visa; or
 - (iv) if the last substantive visa held by the applicant was a visa mentioned in paragraph (i), (ii) or (iii)—a bridging visa granted on the basis that the person was an applicant for a visa mentioned in paragraph (i), (ii) or (iii), a Subclass 186 (Employer Nomination Scheme) visa or a Subclass 187 (Regional Sponsored Migration Scheme) visa.

6 After section 12

Insert:

13 Application of amendments made by LIN 24/094

The amendments of this instrument made by Schedule 2 to the *Migration Amendment (Skills in Demand Visa and Related Matters) Instrument 2024* (the **amending instrument**) apply in relation to an application for a visa made on or after the commencement of the amending instrument, where the associated nomination of an occupation was also made on or after that date.

Schedule 3—Amendments of IMMI 18/033

Migration (IMMI 18/033: Specification of Income Threshold and Annual Earnings and Methodology of Annual Market Salary Rate) Instrument 2018

1 Section 3

Repeal the section, substitute:

3 Authority

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

- (a) paragraph 2.72(15)(b);
- (b) subregulation 2.72(17);
- (c) paragraph 2.72C(15)(b);
- (d) paragraph 2.72C(15)(d);
- (e) paragraph 2.79(1A)(b).

2 Section 4 (paragraph (a) of definition of *Relevant information*)

Repeal the paragraph, substitute:

- (a) information published on the Australian Government’s Jobs and Skills Australia, Occupation and Industry Profiles webpage;

3 Section 5

After “2.72(15)(b)”, insert “, 2.72C(15)(b)”.

4 Section 6

Omit “paragraph 2.72(15)(d)”, substitute “2.72C(15)(d)”.

5 After section 11

Insert:

12 Application of amendments made by LIN 24/094

The amendments of this instrument made by Schedule 3 to the *Migration Amendment (Skills in Demand Visa and Related Matters) Instrument 2024* (the **amending instrument**) apply to nomination of a proposed occupation in relation to:

- (a) the holder of subclass 457 (Temporary Work (Skilled)) visa; or
- (b) the holder of subclass 482 (Temporary Skill Shortage) visa; or
- (c) the holder of a subclass 482 (Skills in Demand) visa; or
- (d) an applicant or a proposed applicant (a **nominated person**) for a subclass 482 (Skills in Demand) visa;

made on or after the commencement of the amending instrument.

Schedule 4—Amendments of LIN 19/212

Migration (LIN 19/212: Specification of Exempt Occupations) Instrument 2019

1 Section 4 (definition of ANZSCO)

Repeal the definition, substitute:

ANZSCO means:

- (a) for paragraphs 6(1)(a), (b), (c) and (f) and a corresponding reference in subsection 6(3)—the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 23 November 2022;
- (b) for paragraphs 6(1)(d), (g) and (h) and a corresponding reference in subsection 6(3):
 - (i) the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 27 June 2013, for an application for a Subclass 482 (Skills in Demand) visa associated with a nomination lodged before 7 December 2024;
 - (ii) the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 23 November 2022, for all other applications;
- (c) for paragraph 6(1)(e) and a corresponding reference in subsection 6(3):
 - (i) the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 27 June 2013, for a nomination relating to the Subclass 187 (Regional Sponsored Migration Scheme) visa in the Temporary Residence Transition stream;
 - (ii) the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 23 November 2022, for a nomination relating to the Subclass 186 (Employer Nomination Scheme) visa in the Temporary Residence Transition stream;
- (d) for paragraph 6(1)(i) and a corresponding reference in subsection 6(3)—the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 27 June 2013;
- (e) for subsection 6(2) and a corresponding reference in subsection 6(3)—the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 27 June 2013.

2 Subsection 6(1)

Repeal the subsection, substitute:

- (1) For the purposes of subregulation 2.72(13) of the Regulations, an occupation listed in column 1 of an item of the table in subsection (3) (for which an

ANZSCO code is listed in column 2 of the item) is specified for the purposes of the following provisions of the Regulations:

- (a) paragraphs 2.72(11)(c) and 2.72(12)(c);
- (b) subregulation 2.73(13);
- (c) paragraphs 2.73(14)(c) and 2.73(14A)(c);
- (d) paragraph 2.86(2A)(b) and subregulation 2.86(2AA);
- (e) subregulation 5.19(7);
- (f) subclause 186.227(2) of Schedule 2 to the Regulations;
- (g) clauses 482.223 and 482.233 of Schedule 2 to the Regulations;
- (h) paragraph 8607(3)(a) of Schedule 8 to the Regulations;
- (i) paragraph 5.19(5A)(f).

3 Subsection 6(3) (table item 3)

Omit “medical”.

Schedule 5—Amendments of LIN 18/036

Migration (LIN 18/036: Period, manner and evidence of labour market testing) Instrument 2018

1 Section 4

Insert:

ANZSCO means:

- (a) in relation to a nomination of an occupation relating to an application, or proposed application, for a Subclass 482 (Skills in Demand) visa—the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 23 November 2022;
- (b) in any other case—the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 27 June 2013.

2 Section 4 (paragraph (c) of the definition of *select position*)

After “Subclass 482 (Temporary Skill Shortage) visa”, insert “, Subclass 482 (Skills in Demand) visa”.

3 Section 4 (subparagraph (e)(i) of the definition of *select position*)

Omit “Medical”.

Schedule 6—Amendments of LIN 19/260

Migration (LIN 19/260: Assessing Authorities for Subclass 494 Visas) Instrument 2019

1 Subsection 6(1) (table item 30)

Repeal the item, substitute:

30	surveyor	GCA
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2 Subsection 6(1) (table item 79)

Repeal the item, substitute:

79	early childhood (pre-primary school) teacher	ACECQA
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3 Section 9 (after table item 28)

Insert:

28AA	GCA	Geospatial Council of Australia
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4 Section 9 (table item 36)

Repeal the table item.

Schedule 7—Amendments of LIN 20/166

Migration (LIN 20/166: Australian Values Statement for Public Interest Criterion 4019) Instrument 2020

1 After section 5

Insert:

5A Application of amendments made by LIN 24/094

The amendments of this instrument made by Schedule 7 to the *Migration Amendment (Skills in Demand Visa and Related Matters) Instrument 2024* (the ***amending instrument***) apply in relation to a visa application, made on or after the commencement of the amending instrument, for a subclass of visa mentioned in an item in a table in Schedule 1 to this instrument.

2 Item 18 of Table 1 in Schedule 1

Omit “(Temporary Skill Shortage)”, substitute “(Skills in Demand)”.

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