



## **Migration (Regional Areas) Instrument (LIN 20/292) 2020**

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

Dated: 15 December 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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## Part 1—Preliminary

### 1 Name

- (1) This instrument is the *Migration (Regional Areas) Instrument (LIN 20/292) 2020*.
- (2) This instrument may be cited as LIN 20/292.

### 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 the instrument	Immediately following the commencement of Schedule 1 to the <i>Migration Amendment (Temporary Graduate Visas) Regulations 2020</i>	20 January 2021

Note: This table relates only to the provisions of this instrument as originally made.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 1.15M(1);
- (b) subregulation 1.15M(2);
- (c) the definition of **regional Australia** in subregulation 5.19(16);
- (d) subparagraph 888.226(2)(c)(i) of Schedule 2;
- (e) paragraph 892.213(3)(b) of Schedule 2.

### 4 Definitions

Note: A number of expressions used in this instrument are defined in the *Migration Act 1958*, including **Territory**.

In this instrument:

**Act** means the *Migration Act 1958*.

**Regulations** means the *Migration Regulations 1994*.

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## **5 Schedules**

The instrument specified in Schedule 2 to this instrument is repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Part 2—Regional areas

### 6 Regional areas

- (1) A part of Australia mentioned in column 1 of **table 1** in Schedule 1 that comes within a postcode mentioned in column 2 for that item is a specified **designated city or major regional centre** for the purposes of subregulation 1.15M(1) of the Regulations.
- (2) A part of Australia mentioned in column 1 of **table 2** in Schedule 1 that comes within a postcode mentioned in column 2 for that item is a specified **regional centre or other regional area** for the purposes of subregulation 1.15M(2) of the Regulations.
- (3) A part of Australia:
  - (a) mentioned in column 1 of table 1 in Schedule 1 that comes within a postcode mentioned in column 2 for that item; or
  - (b) mentioned in column 1 of table 2 in Schedule 1 that comes within a postcode mentioned in column 2 for that item;is specified for the purposes of the definition of regional Australia in subregulation 5.19(16) of the Regulations.
- (4) An area of Australia:
  - (a) mentioned in column 1 of table 1 in Schedule 1 that comes within a postcode mentioned in column 2 for that item; or
  - (b) mentioned in column 1 of table 2 in Schedule 1 that comes within a postcode mentioned in column 2 for that item;is specified for the purposes of subparagraph 888.226(2)(c)(i) and paragraph 892.213(3)(b) of Schedule 2 to the Regulations.

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## Part 3—Application

### 7 Application

This instrument applies to:

- (a) a nomination made under paragraph 140GB(1)(b) of the Act, on or after 20 January 2021; or
- (b) an application for approval of a nomination made under subregulation 5.19(1) of the Regulations, on or after 20 January 2021; or
- (c) an application made on or after 20 January 2021, for any of the following visas:
  - (i) Subclass 189 (Skilled—Independent) visa;
  - (ii) Subclass 190 (Skilled—Nominated) visa;
  - (iii) Subclass 485 (Temporary Graduate) visa;
  - (iv) Subclass 491 (Skilled Work Regional (Provisional)) visa;
  - (v) Subclass 888 (Business Innovation and Investment) (Permanent) visa;
  - (vi) Subclass 892 (State/Territory Sponsored Business Owner) visa; or
- (d) an assessment made under section 93 of the Act, on or after 20 January 2021; or
- (e) any of the following visas granted on or after 20 January 2021:
  - (i) Subclass 491 (Skilled Work Regional (Provisional)) visa;
  - (ii) Subclass 485 (Temporary Graduate) visa.



## Schedule 1—Regional Areas

**Table 1**

Item no.	Column 1	Column 2
1	New South Wales	2259, 2264 to 2308, 2500 to 2526, 2528 to 2535 and 2574
2	Victoria	3211 to 3232, 3235, 3240, 3328, 3330 to 3333, 3340 and 3342
3	Queensland	4207 to 4275, 4517 to 4519, 4550 to 4551, 4553 to 4562, 4564 to 4569 and 4571 to 4575
4	Western Australia	6000 to 6038, 6050 to 6083, 6090 to 6182, 6208 to 6211, 6214 and 6556 to 6558
5	South Australia	5000 to 5171, 5173 to 5174, 5231 to 5235, 5240 to 5252, 5351 and 5950 to 5960
6	Tasmania	7000, 7004 to 7026, 7030 to 7109, 7140 to 7151 and 7170 to 7177
7	Australian Capital Territory	All postcodes in the Australian Capital Territory

**Table 2**

Item no.	Column 1	Column 2
1	New South Wales	2250 to 2258, 2260 to 2263, 2311 to 2490, 2527, 2536 to 2551, 2575 to 2739, 2753 to 2754, 2756 to 2758 and 2773 to 2898
2	Victoria	3097 to 3099, 3139, 3233 to 3234, 3236 to 3239, 3241 to 3325, 3329, 3334, 3341, 3345 to 3424, 3430 to 3799, 3809 to 3909, 3912 to 3971 and 3978 to 3996
3	Queensland	4124 to 4125, 4133, 4183 to 4184, 4280 to 4287, 4306 to 4498, 4507, 4552, 4563, 4570 and 4580 to 4895
4	Western Australia	All postcodes in Western Australia not mentioned in table 1
5	South Australia	All postcodes in South Australia not mentioned in table 1
6	Tasmania	All postcodes in Tasmania not mentioned in table 1
7	Northern Territory	All postcodes in the Northern Territory
8	Norfolk Island	All postcodes in Norfolk Island
9	Other territories	All postcodes in a Territory other than the Australian Capital Territory, the Northern Territory or Norfolk Island

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## **Schedule 2—Repeals**

### ***Migration (LIN 19/217: Regional Areas) Instrument 2019 (F2019L01446)***

#### **1 The whole of the instrument**

Repeal the instrument

## **EXPLANATORY STATEMENT**

### *Migration Regulations 1994*

#### ***Migration (Regional Areas) Instrument (LIN 20/292) 2020***

*(subregulation 1.15M(1); subregulation 1.15M(2); subregulation 5.19(16); subparagraph 888.226(2)(c)(i) of Schedule 2; paragraph 892.213(3)(b) of Schedule 2)*

1. The instrument, LIN 20/292, is made under subregulation 1.15M(1); subregulation 1.15M(2) and subregulation 5.19(16) of the *Migration Regulations 1994* (the Regulations); subparagraph 888.226(2)(c)(i) and paragraph 892.213(3)(b) of Schedule 2 to the Regulations.
2. The instrument repeals *Migration (LIN 19/217: Regional Areas) Instrument 2019 (F2019L01446)* in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (the AIA). Subsection 33(3) of the AIA states 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.
3. The instrument operates to specify:
  - a. a part of Australia to be a designated city or major regional centre for the purposes of subregulation 1.15M(1) of the Regulations;
  - b. a part of Australia to be a regional centre or other regional area for the purposes of subregulation 1.15M(2) of the Regulations;
  - c. a part of Australia as regional Australia for the purposes of subregulation 5.19(16) of the Regulations;
  - d. an area for the purposes of paragraph 892.213(3)(b) of Schedule 2 of the Regulations;
  - e. an area for the purposes of subparagraph 888.226(2)(c)(i) of Schedule 2 of the Regulations.
4. The purpose of the instrument is to give effect to changes to the Regulations by the *Migration Amendment (Temporary Graduate Visas) Regulations 2020* (the Amendment Regulations). In relation to the instrument, the Amendment Regulations amend the definition of **designated regional area** in regulation 1.15M. The new definition allows the Minister to specify a part of

Australia to be a *designated city or major regional centre* or a *regional centre or other regional area*.

5. The instrument specifies parts of Australia to be a *designated city or major regional centre* or a *regional centre or other regional area* for the purposes of new regulation 1.15M of the Regulations. This is done by specifying postcodes for each area in table 1 and table 2 of Schedule 1 to the instrument, respectively.
6. The specified parts of Australia that are a designated regional area are the same as those specified in the previous instrument, LIN 19/217. The instrument also **does not make changes to the specified postcodes for the purposes of the definition of *regional Australia* in subregulation 5.19(16)** and for the purposes of subparagraph 888.226(2)(c)(i) and paragraph 892.213(3)(b) of Schedule 2 to the Regulations. These areas are specified in table 1 and 2 of Schedule 1 to the instrument.
7. The Amendment Regulations also operate **to provide access to a second Subclass 485 (Temporary Graduate) visa in the Post-Study Work stream (Subclass 485 visa PSWS) in certain circumstances, where the applicant lived in a designated regional area for at least two years before applying for the second visa.** An applicant for a Subclass 485 visa PSWS who studied in a regional centre or other regional area will be eligible for a two year visa grant. An applicant for a Subclass 485 visa PSWS who studied in a designated city or major regional centre will be eligible for a one year visa grant.
8. The instrument includes at section 7, that it applies to applications for a Subclass 485 visa PSWS made on or after 20 January 2021 and to a Subclass 485 visa PSWS granted on or after 20 January 2021.
9. The instrument also applies, as set out in section 7 to:
  - a. a nomination made under paragraph 140GB(1)(b) of the *Migration Act 1958* (the Act) on or after 20 January 2021;
  - b. an application for approval of a nomination made under subregulation 5.19(1) of the Regulations on or after 20 January 2021;
  - c. **an application for a Subclass 189 (Skilled—Independent) visa; a Subclass 190 (Skilled—Nominated) visa; a Subclass 491 (Skilled Work Regional (Provisional)) visa; a Subclass 888 (Business Innovation and Investment) (Permanent) visa; and a Subclass 892 (State/Territory Sponsored Business Owner) visa made on or after 20 January 2021;**

- d. an assessment made under section 93 of the Act on or after 20 January 2021;
  - e. a Subclass 491 (Skilled Work Regional (Provisional)) visa granted on or after 20 January 2021.
10. Other than the time specified for the instrument's application provisions (on or after 20 January 2021 in all cases) and the inclusion of the Subclass 485 visa PSWS in the instrument, the instrument continues to apply in the same manner as LIN 19/217.
  11. Consultation was undertaken with the Department of Education, Skills and Employment in relation to the regional measures in Schedule 1 to the Amendment Regulations. No specific consultation was undertaken in relation to the instrument, as the instrument changes were necessary to give effect to the changes introduced by the Amendment Regulations.
  12. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 25049).
  13. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
  14. The instrument commences immediately following the commencement of Schedule 1 to the *Migration Amendment (Temporary Graduate Visas) Regulations 2020*, on 20 January 2021.