



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

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I, David Coleman, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make the following instrument.

Dated 8 November 2019

David Coleman

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

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## Part 1—Preliminary

### 1 Name

- (1) This instrument is the *Migration (LIN 19/217: Regional Areas) Instrument 2019*.
- (2) This instrument may be cited as LIN 19/217.

### 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	At the same time as Schedule 1 to the <i>Migration Amendment (New Skilled Regional Visas) Regulations 2019</i> commences.	16 November 2019

Note: This table relates only to the provisions of this instrument as originally made.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

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

### 5 Definitions

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

In this instrument:

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

## Part 2—Regional areas

### 6 Regional areas

- (1) A part of Australia that comes within a postcode mentioned in column 3 of the table in subsection (3) is specified:
  - (a) to be a designated regional area for the purposes of regulation 1.15M of the Regulations; and
  - (b) for the purposes of the definition of *regional Australia* in subregulation 5.19(16) of the Regulations.
- (2) For the purposes of subparagraph 888.226(2)(c)(i) and paragraph 892.213(3)(b) of Schedule 2 to the Regulations, an area that comes within a postcode mentioned in column 3 of the table in subsection (3) of this section is specified.
- (3) The following is the table:

Postcodes			
Item	Column 1 State or Territory	Column 2 Category	Column 3 Postcodes
1	New South Wales	Cities and major regional centres	2259, 2264 to 2308, 2500 to 2526, 2528 to 2535 and 2574
2	New South Wales	Regional centres and other regional areas	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
3	Victoria	Cities and major regional centres	3211 to 3232, 3235, 3240, 3328, 3330 to 3333, 3340 and 3342
4	Victoria	Regional centres and other regional areas	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
5	Queensland	Cities and major regional centres	4207 to 4275, 4517 to 4519, 4550 to 4551, 4553 to 4562, 4564 to 4569 and 4571 to 4575
6	Queensland	Regional centres and other regional areas	4124 to 4125, 4133, 4183 to 4184, 4280 to 4287, 4306 to 4498, 4507, 4552, 4563, 4570 and 4580 to 4895
7	Western Australia	Cities and major regional centres	6000 to 6038, 6050 to 6083, 6090 to 6182, 6208 to 6211, 6214 and 6556 to 6558
8	Western Australia	Regional centres and other regional areas	All postcodes in Western Australia not mentioned in item 7

Section 6

<b>Postcodes</b>			
<b>Item</b>	<b>Column 1 State or Territory</b>	<b>Column 2 Category</b>	<b>Column 3 Postcodes</b>
9	South Australia	Cities and major regional centres	5000 to 5171, 5173 to 5174, 5231 to 5235, 5240 to 5252, 5351 and 5950 to 5960
10	South Australia	Regional centres and other regional areas	All postcodes in South Australia not mentioned in item 9
11	Tasmania	Cities and major regional centres	7000, 7004 to 7026, 7030 to 7109, 7140 to 7151 and 7170 to 7177
12	Tasmania	Regional centres and other regional areas	All postcodes in Tasmania not mentioned in item 11
13	Australian Capital Territory	Cities and major regional centres	All postcodes in the Australian Capital Territory
14	Australian Capital Territory	Regional centres and other regional areas	None
15	Northern Territory	Cities and major regional centres	None
16	Northern Territory	Regional centres and other regional areas	All postcodes in the Northern Territory
17	Norfolk Island	Cities and major regional centres	None
18	Norfolk Island	Regional centres and other regional areas	All postcodes in Norfolk Island
19	Other Territories	Cities and major regional centres	None
20	Other Territories	Regional centres and other regional areas	All postcodes in a Territory other than the Australian Capital Territory, the Northern Territory or Norfolk Island

Note: Items 14, 15, 17 and 19, and columns 1 and 2, of the table are included for information only.



## Part 3—Application of this instrument

### 7 Application of this instrument

- (1) This instrument applies in relation to the following:
  - (a) a nomination made under paragraph 140GB(1)(b) of the *Migration Act 1958* on or after 16 November 2019;
  - (b) an application for approval of a nomination made under subregulation 5.19(1) of the Regulations on or after 16 November 2019;
  - (c) an application for any of the following visas made on or after 16 November 2019:
    - (i) a Subclass 189 (Skilled—Independent) visa;
    - (ii) a Subclass 190 (Skilled—Nominated) visa;
    - (iii) a Subclass 491 (Skilled Work Regional (Provisional)) visa;
    - (iv) a Subclass 888 (Business Innovation and Investment (Permanent)) visa;
    - (v) a Subclass 892 (State/Territory Sponsored Business Owner) visa;
  - (d) an assessment made under section 93 of the *Migration Act 1958* on or after 16 November 2019 (whether the application for the relevant visa was made before, on or after 16 November 2019);
  - (e) a Subclass 491 (Skilled Work Regional (Provisional)) visa granted on or after 16 November 2019.
- (2) To avoid doubt, despite the repeal of IMMI 12/118 made by this instrument, IMMI 12/118 continues to apply, on and after 16 November 2019, in relation to an application for a Subclass 888 (Business Innovation and Investment (Permanent)) visa that was:
  - (a) made before 16 November 2019; and
  - (b) not finally determined before 16 November 2019.

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## Schedule 1—Repeals

### *IMMI 12/015*

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

Repeal the instrument.

### *IMMI 12/118*

#### **2 The whole of the instrument**

Repeal the instrument.

## **EXPLANATORY STATEMENT**

### *Migration Regulations 1994*

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

*(Regulation 1.15M; subregulation 5.19(16); subparagraph 888.226(2)(c)(i); and paragraph 892.213(3)(b))*

1. This instrument, *Migration (LIN 19/217: Regional Areas) Instrument 2019* (LIN 19/217), is made under regulation 1.15M; subregulation 5.19(16); subparagraph 888.226(2)(c)(i) of Schedule 2; and paragraph 892.213(3)(b) of Schedule 2 of the *Migration Regulations 1994* (the Regulations).
  
2. This instrument operates to:
  - a) specify parts of Australia, by postcode, for the purposes of the **new definition of *designated regional area* under regulation 1.03 of the Regulations;**
  - b) specify parts of Australia, by postcode, for the purposes of **the definition of *regional Australia* in subregulation 5.19(16) of the Regulations;**
  - c) specify areas by postcode, for the purposes of paragraphs **888.226(2)(c)(i)** and **892.213(3)(b)** of the Regulations; and
  - d) repeal the following instruments that currently specify postcodes, including for the purposes as set out in paragraphs 2(a) and (b) above, in accordance with subsection 33(3) of the *Acts Interpretations Act 1901*:
    - i) *Migration Regulations 1994 – Specification under item 6D101 of Schedule 6D – Location Of Campuses And Postcodes – June 2012* (IMMI 12/015) [**F2012L01444**]; and
    - ii) *Migration Regulations 1994 – Specification of Areas for Business Innovation and Investment (Permanent) Visa and State and Territory Sponsored Business Owner Visa – IMMI 12/118* [**F2012L02239**].
  
3. The purpose of this instrument is to implement a consistent specification of areas identified in some way as regional, across the skilled migration program, to give effect

to the changes to the Regulations made by the *Migration Amendment (New Skilled Regional Visas) Regulations 2019* (the Amendment Regulations).

4. In particular, to streamline specifications related to regional areas in Australia, the new definition *designated regional area*, as inserted by the Amendment Regulations. *Designated regional area* is defined in regulation 1.03 as meaning a part of Australia specified in an instrument under regulation 1.15M.
5. The instrument provides that parts of Australia that come within a postcode specified in column 3 of the table in section (3) of Part 2 are specified:
  - a) to be designated regional areas for the purposes of regulation 1.15M of the Regulations;
  - b) for the purposes of the definition of regional Australia in subregulation 5.19(16) of the Regulations, and;
  - c) for the purposes of subparagraph 888.226(2)(c)(i) and paragraph 892.213(3)(b) of Schedule 2 to the Regulations.
6. The note under the table in section (3) of Part 2 of the instrument outlines that parts of the table are for information only. Column 1 outlines the relevant State or Territory for a corresponding postcode in column 3. Column 2 provides that corresponding postcodes in column 3 are categorised as “Cities and major regional centres” or “Regional centres and other regional areas”.
7. The specifications for *designated regional area* has been consolidated with the specifications for *regional Australia* for the purposes of the definition under subregulation 5.19(16) and ‘area’ for the purposes of paragraph 892.213(3)(b) and subparagraph 888.226(2)(c)(i) of the Regulations.
8. This instrument applies in relation to:
  - a) a nomination made under paragraph 140GB(1)(b) of the *Migration Act 1958* (the Act) on or after 16 November 2019;
  - b) an application for approval of a nomination made under subregulation 5.19(1) of the Regulations on or after 16 November 2019;

- c) an application for a Subclass 189 (Skilled—Independent) visa, Subclass 190 (Skilled—Nominated) visa, Subclass 491 (Skilled Work Regional (Provisional)) visa; Subclass 888 (Business Innovation and Investment (Permanent)) visa; and Subclass 892 (State/Territory Sponsored Business Owner) visa;
  - d) an assessment made under section 93 of the Act on or after 16 November 2019; and
  - e) a Subclass 491 (Skilled Work Regional (Provisional)) visa granted on or after 16 November 2019.
9. Furthermore, to avoid doubt, the application provision of this instrument outlines that despite the reveal of IMMI 12/118 made by this instrument, IMMI 12/118 continues to apply, on and after 16 November 2019, in relation to an application for a Subclass 888 (Business Innovation and Investment (Permanent)) visa that was made before 16 November 2019, and not finally determined before 16 November 2019.
  10. The subject of this instrument is part of a package introducing new regional visas designed to deliver a migration program that can respond more effectively to the needs of regional Australia. These changes will also assist with governmental priorities to attract highly skilled migrants to regional areas and ease population pressure in major cities.
  11. Section 17 of the *Legislation Act 2003* requires consultations which are appropriate and reasonably practicable to be undertaken. The following Commonwealth government agencies were consulted in relation to the instrument: Attorney-General's Department; Department of Education (then Department of Education and Training); Department of Finance; Department of Foreign Affairs and Trade; Department of Health; Department of Human Services; Department of Industry, Innovation and Science; Department of Infrastructure, Transport, Cities and Regional Development (then Department of Infrastructure, Regional Development and Cities); Department of Employment, Skills, Small and Family Business (then Department of Jobs and Small Business); Department of the Prime Minister and Cabinet; Department of Social Services; and The Treasury.

12. Pursuant to the frequency and volume of the legislative amendments that are required to maintain a dynamic and responsive immigration system, it has been a consistent practice to include certain criteria and conditions in delegated legislation. The criteria for the new Subclass 491 and Subclass 494 visas have been included in delegated legislation rather than primary legislation to give the Government oversight and the ability to respond in a timely and transparent manner to emerging situations, which may include changes in the labour market and the economy. In addition, instruments made under delegated legislation are subject to the scrutiny framework out in the *Legislation Act 2003*, and oversight of the amendments is available to the Parliament under the same legislation.
13. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 25045).
14. 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.
15. The whole of this instrument commences at the same time as Schedule 1 and Schedule 2 to the *Migration Amendment (New Skilled Regional Visas) Regulations 2019* commence.