



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

I, Alan Tudge, Minister for Population, Cities and Urban Infrastructure, on behalf of the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, make this instrument.

Dated 24.9.2020

The Hon Alan Tudge MP
Minister for Population, Cities and Urban Infrastructure

1 Name

- (1) This instrument is the *Migration (LIN 20/166: Australian Values Statement for Public Interest Criterion 4019) Instrument 2020*.
- (2) This instrument may be cited as LIN 20/166.

2 Commencement

This instrument commences **on 30 October 2020**.

3 Authority

This instrument is made under clause 3.1 of Part 3 of Schedule 4 to the *Migration Regulations 1994*.

4 Repeal

This instrument repeals the *Australian Values Statement for Public Interest Criterion 4019 – 2016/113 Instrument* (IMMI 16/113) (F2018C00207), in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*.

5 Application

This instrument applies to an application for a subclass of visa listed in a table in Schedule 1, made on or after the commencement of this instrument.

6 Values statement for specified subclasses of visas

- (1) For the subclasses of visas listed in Table 1 of Schedule 1, Part 1 of Schedule 2 is approved as the values statement.
- (2) For the subclasses of visas listed in Table 2 of Schedule 1, Part 1 combined with Part 2 of Schedule 2 is approved as the values statement.

Schedule 1—Specified subclasses of visas

Note: See section 6.

Table 1: Specified subclasses of visas

Column 1	
Item	Subclasses
1	Subclass 163 (State/Territory Sponsored Business Owner (Provisional))
2	Subclass 164 (State/Territory Sponsored Senior Executive (Provisional))
3	Subclass 165 (State/ Territory Sponsored Investor (Provisional))
4	Subclass 173 (Contributory Parent (Temporary))
5	Subclass 188 (Business Innovation and Investment (Provisional))
6	Subclass 300 (Prospective Marriage)
7	Subclass 309 (Partner (Provisional))
8	Subclass 403 (Temporary Work (International Relations))
9	Subclass 405 (Investor Retirement)
10	Subclass 407 (Training)
11	Subclass 408 (Temporary Activity)
12	Subclass 410 (Retirement)
13	Subclass 417 (Working Holiday)
14	Subclass 445 (Dependent Child)
15	Subclass 461 (New Zealand Citizen Family Relationship (Temporary))
16	Subclass 462 (Work and Holiday)
17	Subclass 476 (Skilled—Recognised Graduate)
18	Subclass 482 (Temporary Skill Shortage)
19	Subclass 485 (Temporary Graduate)
20	Subclass 489 (Skilled—Regional (Provisional))
21	Subclass 491 (Skilled Work Regional (Provisional))
22	Subclass 494 (Skilled Employer Sponsored Regional (Provisional))
23	Subclass 500 (Student)
24	Subclass 590 (Student Guardian)
25	Subclass 785 (Temporary Protection)
26	Subclass 790 (Safe Haven Enterprise)
27	Subclass 820 (Partner)
28	Subclass 870 (Sponsored Parent (Temporary))
29	Subclass 884 (Contributory Aged Parent (Temporary))

Table 2: Specified subclasses of visas

Item	Column 1 Subclasses
1	Subclass 100 (Partner)
2	Subclass 101 (Child)
3	Subclass 103 (Parent)
4	Subclass 114 (Aged Dependent Relative)
5	Subclass 115 (Remaining Relative)
6	Subclass 116 (Carer)
7	Subclass 124 (Distinguished Talent)
8	Subclass 132 (Business Talent)
9	Subclass 143 (Contributory Parent)
10	Subclass 151 (Former Resident)
11	Subclass 186 (Employer Nomination Scheme)
12	Subclass 187 (Regional Sponsored Migration Scheme)
13	Subclass 189 (Skilled—Independent)
14	Subclass 190 (Skilled—Nominated)
15	Subclass 200 (Refugee)
16	Subclass 201 (In-country Special Humanitarian)
17	Subclass 202 (Global Special Humanitarian)
18	Subclass 203 (Emergency Rescue)
19	Subclass 204 (Woman at Risk)
20	Subclass 800 (Territorial Asylum)
21	Subclass 801 (Partner)
22	Subclass 802 (Child)
23	Subclass 804 (Aged Parent)
24	Subclass 808 (Confirmatory (Residence))
25	Subclass 835 (Remaining Relative)
26	Subclass 836 (Carer)
27	Subclass 838 (Aged Dependent Relative)
28	Subclass 852 (Referred Stay (Permanent))
29	Subclass 858 (Distinguished Talent)
30	Subclass 864 (Contributory Aged Parent)
31	Subclass 866 (Protection)
32	Subclass 887 (Skilled—Regional)
33	Subclass 888 (Business Innovation and Investment (Permanent))
34	Subclass 890 (Business Owner)
35	Subclass 891 (Investor)
36	Subclass 892 (State/Territory Sponsored Business Owner)
37	Subclass 893 (State/Territory Sponsored Investor)

Schedule 2—Values Statement

Note: See section 6.

Part 1

I confirm that I have read, or had explained to me, information provided by the Australian Government on Australian society and values.

I understand that Australian society values:

- *respect for the freedom and dignity of the individual;*
- *freedom of religion (including the freedom not to follow a particular religion), freedom of speech, and freedom of association;*
- *commitment to the rule of law, which means that all people are subject to the law and should obey it;*
- *parliamentary democracy whereby our laws are determined by parliaments elected by the people, those laws being paramount and overriding any other inconsistent religious or secular “laws”;*
- *equality of opportunity for all people, regardless of their gender, sexual orientation, age, disability, race, or national or ethnic origin;*
- *a ‘fair go’ for all that embraces:*
 - *mutual respect;*
 - *tolerance;*
 - *compassion for those in need;*
 - *equality of opportunity for all;*
- *the English language as the national language, and as an important unifying element of Australian society.*

I undertake to conduct myself in accordance with these values of Australian society during my stay in Australia and to obey the laws of Australia.

Part 2

I undertake to make reasonable efforts to learn the English language, if it is not my native language.

I understand that, if in the future I meet the legal qualifications for becoming an Australian citizen and my application is approved, I will need to pledge my loyalty to Australia and its people.

EXPLANATORY STATEMENT

Migration Regulations 1994

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

(Clause 3.1 of Part 3 of Schedule 4 to the Regulations)

1. The instrument, LIN 20/166, is made under clause 3.1 of Part 3 of Schedule 4 to the *Migration Regulations 1994* (the Regulations).
2. In accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (AIA), the instrument revokes the *Australian Values Statement for Public Interest Criterion 4019 - 2016/113 Instrument* (IMMI 16/113) (F2018C00207) made under clause 3.1 of Part 3 of Schedule 4 to the Regulations. 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 approve the values statement for the subclasses of visas specified in the instrument. Part 1 of Schedule 2 to the instrument is approved as the values statement for all subclasses of visas specified in tables 1 and 2 of Schedule 1. Both Parts 1 and 2 of Schedule 2 combined are approved as the values statement for subclasses of permanent visas specified in table 2 of Schedule 1.
4. The updated values statement further expands on provisions in the approved values statement in IMMI 16/113, particularly for those relating to freedom of religion, commitment to the rule of law, parliamentary democracy, a ‘fair go’ for all and equality of opportunity.

5. The purpose of the instrument is to update the language of the values statement for all visa subclasses specified to better reflect the values that are important to Australian society. The values statement for all visa subclasses specified includes provisions relating to compliance with the laws of Australia. In addition, the values statement for specified permanent visa subclasses **includes an undertaking to make reasonable efforts to learn English**, if it is not the applicant's native language, and a provision relating to matters concerning Australian citizenship.
6. Consultation on the updates to the values statement was undertaken before the instrument was made with the Attorney-General's Department (including the Australian Government Solicitor) and the Department of the Prime Minister and Cabinet.
7. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 26004).
8. Under paragraph (b) of item 20 of the table in 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.
9. The instrument commences on 30 October 2020.