



## **Migration (LIN 18/197: Areas of Australia and Kinds of Specified Work for Subclass 462 (Work and Holiday) visas) Instrument 2018**

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I, Gaye Lalor, Delegate of the Minister for Immigration, Citizenship and Multicultural Affairs, make the following instrument.

Dated 05 November 2018

Gaye Lalor

Gaye Lalor

Acting Senior Executive Service, Band 1, Immigration and Visa Services Division and  
Delegate of the Minister for Immigration, Citizenship and Multicultural Affairs

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# Contents

<b>Part 1—Preliminary</b> .....	<b>1</b>
1 Name.....	1
2 Commencement.....	1
4 Definitions.....	1
5 Schedules.....	1
<b>Part 2—Areas of Australia and kinds of work</b> .....	<b>2</b>
6 Areas of Australia and kinds of work.....	2
<b>Schedule 1—Areas of Australia</b> .....	<b>3</b>
<b>Part 1—Postcodes specified for Schedules 2, 3 and 4</b> .....	<b>3</b>
<b>Part 2—Postcodes specified for Schedule 4</b> .....	<b>4</b>
<b>Schedule 2—Kinds of work—Tourism and Hospitality Industry</b> .....	<b>5</b>
<b>Schedule 3—Kinds of work—Agriculture Industry</b> .....	<b>9</b>
1 Fishing and pearling.....	9
2 Tree farming and felling.....	9
<b>Schedule 4—Additional kinds of work—Agriculture Industry</b> .....	<b>10</b>
1 Plant and animal cultivation.....	10
<b>Schedule 5—Repeals</b> .....	<b>11</b>
<i>Migration (IMMI 17/092: Areas of Australia and kinds of work – specified Subclass 462 work) Instrument 2017 (F2017L01116)</i> .....	<i>11</i>

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## Part 1—Preliminary

### 1 Name

- (1) This instrument is the *Migration (LIN 18/197: Areas of Australia and Kinds of Specified Work for Subclass 462 (Work and Holiday) visas) Instrument 2018*.
- (2) This instrument may be cited as LIN 18/197.

### 2 Commencement

This instrument commences **on the day that this instrument is registered** on the Federal Register of Legislation.

### 3 Authority

This instrument is made under regulation 1.15FA of the Regulations.

### 4 Definitions

Note: A number of expressions used in this instrument are defined in the Regulations, including *ANZSCO* and *specified Subclass 462 work*.

In this instrument:

*Regulations* means the *Migration Regulations 1994*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Part 2—Areas of Australia and kinds of work

### 6 Areas of Australia and kinds of work

- (1) For the purposes of paragraph (a) of the definition of *specified Subclass 462 work* in regulation 1.03 of the Regulations:
- (a) each area represented by a postcode identified in Part 1 of Schedule 1 for the corresponding State or Territory is specified for the kinds of work specified in Schedules 2, 3 and 4; and
  - (b) each area represented by a postcode mentioned in Part 2 of Schedule 1 for the corresponding State or Territory is specified for the kinds of work specified in Schedule 4.

Note: The kinds of work specified in Schedule 4 are plant and animal cultivation.

- (2) For the purposes of paragraph (b) of the definition of *specified Subclass 462 work* in regulation 1.03 of the Regulations, the following kinds of work are specified:
- (a) each kind of work in the tourism and hospitality industry listed in Schedule 2;
  - (b) each kind of work in the agriculture industry listed in Schedules 3 and 4.

- Note
- Where postcodes are used in Schedule 1 to represent specified areas:
- (a) if those postcodes identified include number ranges—all postcode areas in that number range are specified places; and
  - (b) if the area is identified through a postcode and that postcode crosses state or territory borders—the area in both states or territories is a specified place.

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## Schedule 1—Areas of Australia

### Part 1—Postcodes specified for Schedules 2, 3 and 4

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#### Postcodes specified for Schedules 2, 3 and 4

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Column 1 State or Territory	Column 2 Postcode
Northern Territory	All postcodes in the Northern Territory
Queensland	4472; 4478; 4481; 4482; 4680; 4694; 4695; 4697; 4699 to 4707; 4709 to 4714; 4717; 4720 to 4728; 4730 to 4733; 4735 to 4746; 4750; 4751; 4753; 4754; 4756; 4757; 4798 to 4812; 4814 to 4825; 4828 to 4830; 4849; 4850; 4852; 4854 to 4856; 4858 to 4861; 4865; 4868 to 4888; 4890 to 4892; 4895
Western Australia	0872; 6537; 6642; 6646; 6701; 6705; 6707; 6710 to 6714; 6716; 6718; 6720 to 6722; 6725; 6726; 6728; 6740; 6743; 6751; 6753; 6754; 6758; 6760; 6762; 6765; 6770

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## Part 2—Postcodes specified for Schedule 4

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### Postcodes specified for Schedule 4 only

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Column 1 State or Territory	Column 2 Postcodes specified
New South Wales	2311 to 2312; 2328 to 2411; 2420 to 2490; 2536 to 2551; 2575 to 2594; 2618 to 2739; 2787 to 2898
Norfolk Island	All postcodes in Norfolk Island
Northern Territory	All postcodes in the Northern Territory
Queensland	4124 to 4125; 4133; 4211; 4270 to 4272; 4275; 4280; 4285; 4287; 4307 to 4499; 4510; 4512; 4515 to 4519; 4522 to 4899
South Australia	All postcodes in South Australia
Tasmania	All postcodes in Tasmania
Victoria	3139; 3211 to 3334; 3340 to 3424; 3430 to 3649; 3658 to 3749; 3753; 3756; 3758; 3762; 3764; 3778 to 3781; 3783; 3797; 3799; 3810 to 3909; 3921 to 3925; 3945 to 3974; 3979; 3981 to 3996
Western Australia	6041 to 6044; 6055 to 6056; 6069; 6076; 6083 to 6084; 6111; 6121 to 6126; 6200 to 6799

## Schedule 2—Kinds of work—Tourism and Hospitality Industry

<b>Tourism and Hospitality Industry</b>			
<b>Column 1 ANZSCO code</b>	<b>Column 2 Occupation title</b>	<b>Column 3 Alternative title</b>	<b>Column 4 Specialisation and occupation included in this group as provided in ANZSCO</b>
141999	Accommodation and Hospitality Managers not elsewhere classified	Not applicable	(a) Backpackers Manager; or (b) Boarding House Manager; or (c) Casino Duty Manager; or (d) Guest House Manager; or (e) Hostel Manager; or (f) Reception Centre Manager
139911	Arts Administrator or Manager	Not applicable	(a) Art Gallery Director; or (b) Community Arts Centre Manager; or (c) Cultural Centre Manager
431111	Bar Attendant	Bar Steward	Not applicable
431911	Bar Useful or Busser	(a) Bar Back; or (b) Glassie	Not applicable
431112	Barista	Not applicable	Not applicable
141911	Bed and Breakfast Operator	Not applicable	Not applicable
452211	Bungy Jump Master	Not applicable	Not applicable
141111	Cafe or Restaurant Manager	(a) Food and Beverage Manager; or (b) Restaurateur	(a) Bistro Manager; or (b) Canteen Manager; or (c) Caterer; or (d) Internet Cafe Manager
431211	Cafe Worker	(a) Cafe Assistant; or (b) Cafe Attendant	Canteen Attendant
141211	Caravan Park and Camping Ground Manager	Not applicable	Not applicable
731212	Charter and Tour Bus Driver	Not applicable	Coach Tour Driver
731111	Chauffeur	Not applicable	(a) Hire Car Driver; or (b) Limousine Driver
351311	Chef	Not applicable	(a) Chef de Partie; or (b) Commis Chef; or (c) Demi Chef; or (d) Second Chef; or (e) Sous Chef

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**Tourism and Hospitality Industry**

<b>Column 1 ANZSCO code</b>	<b>Column 2 Occupation title</b>	<b>Column 3 Alternative title</b>	<b>Column 4 Specialisation and occupation included in this group as provided in ANZSCO</b>
811411	Commercial Housekeeper	Not applicable	Not applicable
149311	Conference and Event Organiser	Event Manager	(a) Event Planner; or (b) Exhibition Organiser; or (c) Wedding Coordinator
351411	Cook	Not applicable	Not applicable
452311	Diving Instructor (Open Water)	Not applicable	(a) Dive Master; or (b) Scuba Instructor; or (c) Snorkelling Instructor; or (d) Surface Supply Breathing Apparatus (SSBA) Instructor
431912	Doorperson or Luggage Porter	Not applicable	Not applicable
452212	Fishing Guide	Not applicable	(a) Fly Fishing Guide; or (b) Ocean Fishing Guide
224212	Gallery or Museum Curator	Not applicable	Not applicable
451411	Gallery or Museum Guide	Gallery or Museum Attendant	Not applicable
431311	Gaming Worker	Croupier	(a) Casino Gaming Inspector; or (b) Gaming Pit Boss
431999	Hospitality Workers not elsewhere classified	Not applicable	(a) Hotel Cellar Hand; or (b) Uniform Room Attendant
141311	Hotel or Motel Manager	(a) Hotelier; or (b) Publican	(a) Duty Manager (Hotel); or (b) Resort Manager
542113	Hotel or Motel Receptionist	Not applicable	Not applicable
431411	Hotel Service Manager	Hotel Service Supervisor	(a) Front Office Manager (Hotel); or (b) Head Housekeeper; or (c) Head Porter (Hotel); or (d) Hotel Concierge; or (e) Hotel Office Manager
452213	Hunting Guide	Not applicable	Not applicable
851311	Kitchenhand	Kitchen Steward	(a) Dishwasher; or (b) Pantry Attendant; or (c) Sandwich Hand



<b>Tourism and Hospitality Industry</b>			
<b>Column 1 ANZSCO code</b>	<b>Column 2 Occupation title</b>	<b>Column 3 Alternative title</b>	<b>Column 4 Specialisation and occupation included in this group as provided in ANZSCO</b>
141411	Licensed Club Manager	Club Licensee	(a) Gaming Manager; or (b) Nightclub Manager
452214	Mountain or Glacier Guide	Not applicable	(a) Climbing Guide; or (b) Ski Guide
452299	Outdoor Adventure Guides not elsewhere classified	Not applicable	(a) Caving Guide; or (b) Cycle Touring Guide; or (c) Horse Trekking Guide; or (d) Sea Kayaking Guide; or (e) Skydiving Instructor
452215	Outdoor Adventure Instructor	Outdoor Adventure Leader	(a) Abseiling Instructor; or (b) Adventure Challenge Instructor; or (c) Hang-gliding Instructor; or (d) Outdoor Education Teacher; or (e) Outdoor Pursuits Instructor; or (f) Paragliding Instructor; or (g) Rock Climbing Instructor
731213	Passenger Coach Driver	Not applicable	Not applicable
899921	Ticket Collector or Usher	Venue Attendant	(a) Entertainment Usher; or (b) Gatekeeper; or (c) Turnstile Attendant
639411	Ticket Seller	Not applicable	(a) Booking Clerk; or (b) Reservations Clerk; or (c) Check-in Agent
451412	Tour Guide	(a) Tour Escort; or (b) Tour Leader	Regional Guide
451611	Tourist Information Officer	Tourist Adviser	Not applicable
149413	Transport Company Manager	Not applicable	(a) Bus Company Manager; or (b) Car Rental Agency Manager
639412	Transport Conductor	Not applicable	Not applicable
142116	Travel Agency Manager	Not applicable	Not applicable

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<b>Tourism and Hospitality Industry</b>			
<b>Column 1 ANZSCO code</b>	<b>Column 2 Occupation title</b>	<b>Column 3 Alternative title</b>	<b>Column 4 Specialisation and occupation included in this group as provided in ANZSCO</b>
451799	Travel Attendants not elsewhere classified	Not applicable	Marine Steward
451612	Travel Consultant	Travel Agent	(a) Business Travel Consultant; or (b) Domestic Travel Consultant; or (c) International Travel Consultant
452216	Trekking Guide	Bushwalking Guide	Not applicable
431511	Waiter	Food and Beverage Attendant	(a) Drink Waiter; or (b) Formal Service Waiter; or (c) Silver Service Waiter; or (d) Sommelier; or (e) Wine Steward
452217	Whitewater Rafting Guide	Not applicable	Not applicable
361114	Zookeeper	Not applicable	Aquarist

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## **Schedule 3—Kinds of work—Agriculture Industry**

### **1 Fishing and pearling**

The following are specified kinds of work in the fishing and pearling sector of the agricultural industry:

- (a) conducting operations relating directly to taking or catching fish and other aquatic species;
- (b) conducting operations relating directly to taking or culturing pearls or pearl shell.

### **2 Tree farming and felling**

The following are specified kinds of work in the tree farming and felling sector of the agricultural industry:

- (a) planting or tending trees in a plantation or forest that are intended to be felled;
- (b) felling trees in a plantation or forest;
- (c) transporting trees or parts of trees that were felled in a plantation or forest to the place where they are first to be milled or processed or from which they are to be transported to the place where they are to be milled or processed.

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## Schedule 4—Additional kinds of work—Agriculture Industry

### 1 Plant and animal cultivation

The following are specified kinds of work in the plant and animal cultivation sector of the agricultural industry:

- (a) harvesting and/or packing of fruit and vegetable crops;
- (b) pruning and trimming vines and trees;
- (c) general maintenance crop work;
- (d) cultivating or propagating plants, fungi or their products or parts;
- (e) immediate processing of plant products;
- (f) maintaining animals for the purpose of selling them or their bodily produce, including natural increase;
- (g) immediate processing of animal products including shearing, butchery, packing and tanning;
- (h) manufacturing dairy produce from raw material.

Note: For paragraph (b), this must be the applicants primary employment task and directly associated with the cultivation and commercial sale of plant produce, such as fruit and nut crops (commercial horticultural activities). General garden maintenance is not eligible.

Note: For paragraph (g), secondary processing of animal products, such as small goods processing and retail butchery is not eligible.

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## **Schedule 5—Repeals**

### ***Migration (IMMI 17/092: Areas of Australia and kinds of work – specified Subclass 462 work) Instrument 2017 (F2017L01116)***

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

Repeal the instrument.

## **EXPLANATORY STATEMENT**

### *Migration Regulations 1994*

#### **Migration (LIN 18/197: Areas of Australia and Kinds of Specified Work for Subclass 462 (Work and Holiday) visas) Instrument 2018**

##### *(regulation 1.15FA of the Regulations)*

1. The instrument, LIN 18/197, is made under regulation 1.15FA of the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals IMMI 17/092 (F2017L01116) made under regulation 1.15FA of the Regulations and 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, for Subclass 462 (Work and Holiday) visa applicants, the areas of Australia and the kinds of work that fall within the definition of ***specified Subclass 462 work*** in regulation 1.03 of the Regulations. If an applicant for a Subclass 462 (Work and Holiday) visa is, or has previously been, in Australia as the holder of that visa, the applicant must have carried out a period of ***specified Subclass 462 work*** while they were the holder of that visa.
4. The purpose of the instrument is to specify additional areas of Australia represented by their postcodes for the purposes of the definition of ***specified Subclass 462 work***. Additional areas of Australia represented by their postcodes for New South Wales, Norfolk Island, Queensland, South Australia, Victoria, Western Australia and Tasmania have been included in the instrument. Work carried out in these additional areas must only be for the additional kinds of work specified in Schedule 4 of the instrument. The additional kinds of work specified in Schedule 4 of the instrument are for plant and animal cultivation.

5. ***Specified Subclass 462 work*** for existing areas represented by their postcodes in the Northern Territory, Queensland and Western Australia remain unchanged from IMMI 17/092. These areas are contained in Part 1 of Schedule 1 of the instrument. Work carried out in these areas can be for the kinds of work specified in Schedules 2, 3 and 4 of the instrument. The kinds of work specified in these Schedules are for the tourism and hospitality industry, plant and animal cultivation, fishing and pearling and tree farming and felling.
6. Consultation was undertaken with relevant government agencies including the Department of Agriculture and Water Resources.
7. The Office of Best Practice Regulation (OBPR) have advised that a Regulatory Impact Statement is not required (OBPR Reference: 24272).
8. The officer (acting Senior Executive Service, Band one, Immigration and Visa Services Division) who made the instrument was delegated the powers required to make the instrument in the *MHA No. 5 of 2018*, signed on 10 April 2018.
9. 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.
10. The instrument commences on the day that this instrument is registered on the Federal Register of Legislation.