



Migration (LIN 19/183: Arrangements for Working Holiday Visa Applications) Instrument 2019

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

Dated 26 June 2019

Gaye Lalor

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

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<i>Migration (LIN 18/173: Arrangements for Working Holiday Visa Applications)</i>	
<i>Instrument 2018 (F2018L01507)</i>	7

Part 1—Preliminary

1 Name

- (1) This instrument is the *Migration (LIN 19/183: Arrangements for Working Holiday Visa Applications) Instrument 2019*.
- (2) This instrument may be cited as LIN 19/183.

2 Commencement

This instrument commences on 1 July 2019.

3 Authority

This instrument is made under the following provisions of the Regulations:

- (a) subregulation 2.07(5);
- (b) subitem 1225(5) of Schedule 1;
- (c) subclause 417.211(2) of Schedule 2.

4 Definitions

In this instrument:

authorising email means an email authorising an applicant to make an application in a different place or a different manner.

Regulations means the *Migration Regulations 1994*.

5 Schedules

The instrument specified in Schedule 2 to this instrument is repealed as set out in that Schedule, and any item in Schedule 1 to this instrument has effect according to its terms.

Part 2—Arrangements for Working Holiday Visa Applications

6 Working Holiday (Temporary) (Class TZ) visa applications

Approved form

- (1) For the purposes of subitem 1225(1) of Schedule 1 to the Regulations, the specified approved form for making an application for a Working Holiday (Temporary) (Class TZ) visa is:
 - (a) 1150 (Internet); or
 - (b) if an officer of the Department has sent an authorising email to the applicant—1150.

Place and manner

- (2) For the purposes of subitem 1225(3) of Schedule 1 to the Regulations, the specified place and manner for making an application for a Working Holiday (Temporary) (Class TZ) visa is:
 - (a) if an officer of the Department has sent an authorising email to the applicant:
 - (i) the applicant must attach a copy of the authorising email to the approved form mentioned in paragraph (1)(b); and
 - (ii) the applicant must submit the application in accordance with the directions in the authorising email by the end of the next day after which the authorising email was sent (AEST or AEDST as applicable to the date on which the authorising email was sent); or
 - (b) if paragraph (a) does not apply to the applicant—as an internet application.

Part 3—Working Holiday Eligible Passports

7 Subclass 417 (Working Holiday) visa eligible passports

- (1) For the purposes of subclause 417.211(2) of Schedule 2 to the Regulations, the following kind of working holiday eligible passport is specified:
 - (a) the passport is issued by a country or region specified in an item in Column 1 of the table in Schedule 1; and
 - (b) the passport satisfies the conditions specified for that item in Column 2 of that table.
- (2) For the purposes of subparagraph 417.211(2)(b)(ii) of Schedule 2 to the Regulations, a younger age of an applicant from a country or a region specified in an item of Column 1 of the table in Schedule 1 is specified in Column 3 for that item.

Part 4—Application provision

8 Application of this instrument

- (1) This instrument applies in relation to an application for a Working Holiday (Temporary) (Class TZ) visa that is made on or after 1 July 2019.
- (2) Despite the repeal of *Migration (LIN 18/173: Arrangements for Working Holiday Visa Applications) Instrument 2018* (F2018L01507) in Schedule 2, that instrument continues to apply in relation to an application for a Working Holiday (Temporary) (Class TZ) visa that is made but not finally determined before 1 July 2019.

Schedule 1—Countries or regions, passport conditions and age requirements

Note: Where no younger age is specified, subparagraph 417.211(2)(b)(i) of Schedule 2 to the Regulations applies.

Item	Column 1 Country or region	Column 2 Conditions	Column 3 Specified younger age (if any)
1	Belgium	Passport must indicate that the applicant is a national of Belgium.	30
2	Canada	Passport must indicate that the applicant is a national of Canada.	
3	Cyprus	Passport must indicate that the applicant is a national of Cyprus.	30
4	Denmark	Passport must indicate that the applicant is a national of Denmark.	30
5	Estonia	Passport must indicate that the applicant is a national of Estonia.	30
6	Finland	Passport must indicate that the applicant is a national of Finland.	30
7	France	Passport must indicate that the applicant is a national of France.	
8	Germany	Passport must indicate that the applicant is a national of Germany.	30
9	Hong Kong - Special Administrative Region of the People's Republic of China	Nil.	30
10	Ireland	Passport must indicate that the applicant is a national of Ireland.	
11	Italy	Passport must indicate that the applicant is a national of Italy.	30
12	Japan	Passport must indicate that the applicant is a national of Japan.	30
13	Malta	Passport must indicate that the applicant is a national of Malta.	30
14	Netherlands	Passport must indicate that the applicant is a national of the Netherlands.	30
15	Norway	Passport must indicate that the applicant is a national of Norway.	30
16	Republic of Korea	Passport must indicate that the applicant is a	30

Item	Column 1 Country or region	Column 2 Conditions	Column 3 Specified younger age (if any)
		national of the Republic of Korea.	
17	Sweden	Passport must indicate that the applicant is a national of Sweden.	30
18	Taiwan	Passport must not purport to be an official or diplomatic passport.	30
19	United Kingdom	Passport must indicate that the applicant's nationality is British Citizen or British National (Overseas).	30

Schedule 2—Amendments

Migration (LIN 18/173: Arrangements for Working Holiday Visa Applications) Instrument 2018 (F2018L01507)

1 The whole of the instrument

Repeal the instrument.

EXPLANATORY STATEMENT*Migration Regulations 1994***Migration (LIN 19/183: Arrangements for Working Holiday Visa Applications)****Instrument 2019**

(Subregulation 2.07(5), subitem 1225(5) of Schedule 1 and subclause 417.211(2) of Schedule 2 to the Regulations)

1. The instrument, LIN 19/183, is made under subregulation 2.07(5), subitem 1225(5) of Schedule 1 and subclause 417.211(2) of Schedule 2 to the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals LIN 18/173 (F2018L01507) made under subregulation 2.07(5), subitem 1225(5) of Schedule 1 and subclause 417.211(2) of Schedule 2 to the Regulations, 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 the requirements for making an application for a Working Holiday (Temporary) (Class TZ) visa. For the purposes of subitem 1225(1) of Schedule 1 to the Regulations, the instrument specifies the approved forms for making an application. For the purposes of subitem 1225(3) of Schedule 1 to the Regulations, the instrument specifies the place and manner in which an application is to be made.
4. The instrument also operates to outline the criteria for a Subclass 417 (Working Holiday) visa. Under paragraph 417.211(2)(a) of the Regulations, a working holiday eligible passport must be held by a person seeking to meet the criteria for a Subclass 417 (Working Holiday) visa. The instrument specifies the countries or regions that may issue a working holiday eligible passport and any criteria that the passport must meet to be eligible. Furthermore, for the purposes of paragraph 417.211(2)(a) and subparagraph 417.211(2)(b)(ii) of the Regulations, the instrument specifies a younger

- age for applicants from those specified countries or regions except for France, Canada and Ireland, where the applicant's age is as prescribed by paragraph 417.211(2)(b)(i) of the Regulations.
5. The purpose of the instrument is to increase the eligible age for French applicants for the Subclass 417 (Working Holiday) visa to the maximum of 35 as allowed by the Regulations. The instrument also amends Schedule 2 to the instrument to include reference to a region (in addition to a country) and provide greater clarity for the age requirements.
 6. The changes will only apply in relation to new applications for a Working Holiday (Temporary) (Class TZ) visa made on or after 1 July 2019. Applications made before 1 July 2019 are subject to the requirements set out in LIN 18/173.
 7. Consultation was undertaken before the instrument was made as follows:
 - a. Previously, the Department had consulted with tourism industry stakeholders through the Tourism Visa Advisory Group in relation to a decision to increase the eligible age for Subclass 417 (Working Holiday) visa applicants. Additionally, the Department consulted with the Department of Employment, the Department of Foreign Affairs and Trade, the Department of Finance, the Department of the Treasury, the Department of Agriculture and Tourism Australia on the increase of the eligible age.
 - b. The Department (with support from the Department of Foreign Affairs and Trade) commenced bilateral negotiations with the Government of France to secure an agreement for the implementation of the age increase. In-principle agreement with the Government of France was reached in late 2018. Official confirmation by France was received on 24 June 2019.
 8. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 22248).
 9. The officer (Senior Executive Service, Band one, Immigration and Visa Services Division) who made the instrument was delegated the powers required to make the instrument in *Minister – Delegations Instrument No. 5 of 2018 (Instrument Making Powers) (MHA No. 5 of 2018)*, signed on 10 April 2018.

10. 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.

11. The instrument **commences on 1 July 2019**.