



Migration (IMMI 18/048: Specification of Occupations—Subclass 482 Visa) Instrument 2018

I, Alan Tudge, Minister for Citizenship and Multicultural Affairs, make the following instrument.

Dated 16 March 2018

The Hon Alan Tudge MP
Minister for Citizenship and Multicultural Affairs

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Part 1—Preliminary

1 Name

- (1) This instrument is the *Migration (IMMI 18/048: Specification of Occupations—Subclass 482 Visa) Instrument 2018*.
- (2) This instrument may be cited as **IMMI 18/048**.

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	18 March 2018.	18 March 2018

Note: This table relates only to the provisions of this instrument as originally made.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 subregulation 2.72(9) of the *Migration Regulations 1994*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Regulations, including the following:

- (a) ANZSCO;
- (b) AUD.

In this instrument:

international trade obligation means an obligation of Australia under international law that relates to international trade, including such an obligation that arises under any agreement between Australia and another country or other countries.

limited service restaurant includes the following:

- (a) a fast food or takeaway food service;
- (b) a fast casual restaurant;

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- (c) a drinking establishment that offers only a limited food service;
- (d) a limited service cafe, including a coffee shop or mall cafe;
- (e) a limited service pizza restaurant.

Medium and Long Term Strategic Skills List means the table in subsection 6(2).

nec is short for not elsewhere classified.

nominee has the meaning given by paragraph 2.72(1)(b) of the Regulations.

Regional Occupation List means the table in subsection 7(2).

Regulations means the *Migration Regulations 1994*.

Short Term Skilled Occupation List means the table in subsection 5(2).

university lecturer includes a research associate and research fellow in a university.

Part 2—Specification of occupations for Subclass 482 visa

5 Specification of occupations—Short Term Skilled Occupation List

- (1) For the purposes of subregulation 2.72(9) of the Regulations:
- (a) an occupation mentioned in column 1 of an item of the Short Term Skilled Occupation List is specified; and
 - (b) the occupation is a short term skilled occupation; and
 - (c) the 6-digit code mentioned in column 2 of the item is the 6-digit ANZSCO code for the occupation; and
 - (d) the occupation applies to any nominee, subject to section 8 of this instrument.
- (2) The following table is the Short Term Skilled Occupation List.

Short Term Skilled Occupation List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
1	aquaculture farmer	121111	9
2	cotton grower	121211	9
3	flower grower	121212	9
4	fruit or nut grower	121213	9
5	grain, oilseed or pasture grower (Aus) / field crop grower (NZ)	121214	9
6	grape grower	121215	9
7	mixed crop farmer	121216	9
8	sugar cane grower	121217	9
9	vegetable grower (Aus) / market gardener (NZ)	121221	9
10	crop farmers (nec)	121299	9
11	apiarist	121311	9
12	beef cattle farmer	121312	9
13	dairy cattle farmer	121313	9
14	mixed livestock farmer	121317	9
15	pig farmer	121318	9
16	poultry farmer	121321	9
17	sheep farmer	121322	9
18	livestock farmers (nec)	121399	9
19	mixed crop and livestock farmer	121411	9
20	sales and marketing manager	131112	3, 11, 20
21	advertising manager	131113	
22	corporate services manager	132111	4, 20, 22

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Short Term Skilled Occupation List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
23	finance manager	132211	
24	human resource manager	132311	
25	research and development manager	132511	
26	manufacturer	133411	
27	production manager (forestry)	133511	
28	production manager (manufacturing)	133512	
29	production manager (mining)	133513	
30	supply and distribution manager	133611	3, 11, 20
31	health and welfare services managers (nec)	134299	
32	school principal	134311	
33	education managers (nec)	134499	
34	ICT project manager	135112	
35	ICT managers (nec)	135199	
36	arts administrator or manager	139911	
37	laboratory manager	139913	
38	quality assurance manager	139914	
39	specialist managers (nec) except: (a) ambassador; or (b) archbishop; or (c) bishop	139999	
40	cafe or restaurant manager	141111	8
41	hotel or motel manager	141311	9
42	accommodation and hospitality managers (nec)	141999	
43	customer service manager	149212	2, 11, 19
44	conference and event organiser	149311	2, 19
45	transport company manager	149413	9, 19, 21
46	facilities manager	149913	14
47	dancer or choreographer	211112	
48	music director	211212	
49	music professionals (nec)	211299	
50	photographer	211311	
51	visual arts and crafts professionals (nec)	211499	
52	artistic director	212111	
53	book or script editor	212212	
54	director (film, television, radio or stage)	212312	

Section 5

Short Term Skilled Occupation List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
55	film and video editor	212314	
56	program director (television or radio)	212315	
57	stage manager	212316	
58	technical director	212317	
59	video producer	212318	
60	copywriter	212411	
61	newspaper or periodical editor	212412	
62	print journalist	212413	
63	technical writer	212415	
64	television journalist	212416	
65	journalists and other writers (nec)	212499	
66	company secretary	221211	
67	commodities trader	222111	
68	finance broker	222112	
69	insurance broker	222113	
70	financial brokers (nec)	222199	
71	financial market dealer	222211	
72	stockbroking dealer	222213	
73	financial dealers (nec)	222299	
74	financial investment adviser	222311	
75	financial investment manager	222312	
76	recruitment consultant	223112	19, 21, 23
77	ICT trainer	223211	
78	mathematician	224112	
79	gallery or museum curator	224212	
80	health information manager	224213	
81	records manager	224214	
82	librarian	224611	
83	organisation and methods analyst	224712	
84	patents examiner	224914	
85	information and organisation professionals (nec)	224999	
86	advertising specialist	225111	
87	marketing specialist	225113	2, 11, 19
88	ICT account manager	225211	
89	ICT business development manager	225212	
90	ICT sales representative	225213	
91	public relations professional	225311	

Section 5

Short Term Skilled Occupation List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
92	technical sales representatives (nec) including education sales representatives	225499	2, 15
93	fashion designer	232311	
94	industrial designer	232312	
95	jewellery designer	232313	
96	graphic designer	232411	
97	illustrator	232412	
98	web designer	232414	
99	interior designer	232511	
100	urban and regional planner	232611	
101	geologist	234411	
102	primary school teacher	241213	
103	middle school teacher (Aus) / intermediate school teacher (NZ)	241311	
104	education adviser	249111	
105	art teacher (private tuition)	249211	
106	dance teacher (private tuition)	249212	
107	music teacher (private tuition)	249214	
108	private tutors and teachers (nec)	249299	
109	teacher of English to speakers of other languages	249311	
110	dietitian	251111	
111	nutritionist	251112	
112	occupational health and safety adviser	251312	
113	orthoptist	251412	
114	hospital pharmacist	251511	
115	industrial pharmacist	251512	
116	retail pharmacist	251513	
117	health promotion officer	251911	
118	health diagnostic and promotion professionals (nec)	251999	
119	acupuncturist	252211	
120	naturopath	252213	
121	traditional Chinese medicine practitioner	252214	
122	complementary health therapists (nec)	252299	
123	dental specialist	252311	
124	dentist	252312	

Section 5

Short Term Skilled Occupation List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
125	resident medical officer	253112	
126	anaesthetist	253211	
127	nurse educator	254211	
128	nurse researcher	254212	
129	nurse manager	254311	
130	web developer	261212	
131	software tester	261314	
132	database administrator	262111	
133	systems administrator	262113	
134	network administrator	263112	
135	network analyst	263113	
136	ICT quality assurance engineer	263211	
137	ICT support engineer	263212	
138	ICT systems test engineer	263213	
139	ICT support and test engineers (nec)	263299	
140	judicial and other legal professionals (nec)	271299	
141	careers counsellor	272111	
142	drug and alcohol counsellor	272112	
143	family and marriage counsellor	272113	
144	rehabilitation counsellor	272114	
145	student counsellor	272115	
146	counsellors (nec)	272199	
147	psychotherapist	272314	
148	interpreter	272412	
149	social professionals (nec)	272499	
150	recreation officer	272612	
151	welfare worker	272613	
152	anaesthetic technician	311211	
153	cardiac technician	311212	
154	medical laboratory technician	311213	
155	pharmacy technician	311215	
156	medical technicians (nec)	311299	
157	meat inspector	311312	
158	primary products inspectors (nec)	311399	
159	chemistry technician	311411	
160	earth science technician	311412	
161	life science technician	311413	

Section 5

Short Term Skilled Occupation List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
162	science technicians (nec)	311499	
163	architectural draftsman	312111	
164	building inspector	312113	
165	architectural, building and surveying technicians (nec)	312199	
166	mechanical engineering technician	312512	16
167	metallurgical or materials technician	312912	
168	mine deputy	312913	
169	hardware technician	313111	
170	ICT customer support officer	313112	
171	web administrator	313113	
172	ICT support technicians (nec)	313199	
173	farrier	322113	
174	aircraft maintenance engineer (avionics)	323111	
175	aircraft maintenance engineer (mechanical)	323112	
176	aircraft maintenance engineer (structures)	323113	
177	textile, clothing and footwear mechanic	323215	
178	metal fitters and machinists (nec)	323299	
179	precision instrument maker and repairer	323314	
180	watch and clock maker and repairer	323316	
181	toolmaker	323412	
182	vehicle body builder	324211	
183	vehicle trimmer	324212	
184	roof tiler	333311	
185	business machine mechanic	342311	
186	cabler (data and telecommunications)	342411	
187	telecommunications linesworker	342413	
188	baker	351111	17
189	pastrycook	351112	17
190	butcher or smallgoods maker	351211	
191	cook	351411	7, 8
192	dog handler or trainer	361111	
193	animal attendants and trainers (nec)	361199	18
194	veterinary nurse	361311	
195	florist	362111	

Section 5

Short Term Skilled Occupation List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
196	gardener (general)	362211	
197	arborist	362212	
198	landscape gardener	362213	
199	greenkeeper	362311	
200	hairdresser	391111	
201	print finisher	392111	
202	printing machinist	392311	
203	dressmaker or tailor	393213	
204	upholsterer	393311	
205	furniture finisher	394211	
206	wood machinist	394213	
207	wood machinists and other wood trades workers (nec)	394299	
208	chemical plant operator	399211	
209	power generation plant operator	399213	
210	library technician	399312	
211	jeweller	399411	
212	camera operator (film, television or video)	399512	
213	make up artist	399514	
214	sound technician	399516	
215	performing arts technicians (nec)	399599	
216	signwriter	399611	
217	ambulance officer	411111	
218	intensive care ambulance paramedic	411112	
219	dental technician	411213	
220	diversional therapist	411311	
221	enrolled nurse	411411	
222	massage therapist	411611	12
223	community worker	411711	
224	disabilities services officer	411712	
225	family support worker	411713	
226	residential care officer	411715	
227	youth worker	411716	
228	diving instructor (open water)	452311	
229	gymnastics coach or instructor	452312	
230	horse riding coach or instructor	452313	
231	snowsport instructor	452314	

Section 6

Short Term Skilled Occupation List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
232	swimming coach or instructor	452315	
233	tennis coach	452316	
234	other sports coach or instructor	452317	
235	sports development officer	452321	
236	footballer	452411	
237	sportspersons (nec)	452499	
238	contract administrator	511111	
239	program or project administrator	511112	
240	insurance loss adjuster	599612	
241	insurance agent	611211	
242	retail buyer	639211	11

6 Specification of occupations—Medium and Long Term Strategic Skills List

- (1) For the purposes of subregulation 2.72(9) of the Regulations:
 - (a) an occupation mentioned in column 1 of an item of the Medium and Long Term Strategic Skills List is specified; and
 - (b) the occupation is a medium and long term strategic skills occupation; and
 - (c) the 6-digit code mentioned in column 2 of the item is the 6-digit ANZSCO code for the occupation; and
 - (d) the occupation is applicable to any nominee, subject to section 8 of this instrument.
- (2) The following table is the Medium and Long Term Strategic Skills List.

Medium and Long Term Strategic Skills List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
1	chief executive or managing director	111111	5
2	corporate general manager	111211	5
3	construction project manager	133111	
4	engineering manager	133211	
5	child care centre manager	134111	
6	nursing clinical director	134212	
7	primary health organisation manager	134213	
8	welfare centre manager	134214	
9	faculty head	134411	
10	chief information officer	135111	

Section 6

Medium and Long Term Strategic Skills List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
11	environmental manager	139912	
12	musician (instrumental)	211213	
13	accountant (general)	221111	6, 19, 21
14	management accountant	221112	6, 19, 21
15	taxation accountant	221113	6, 19, 21
16	external auditor	221213	
17	internal auditor	221214	
18	actuary	224111	
19	statistician	224113	
20	economist	224311	
21	land economist	224511	
22	valuer	224512	
23	management consultant	224711	19, 21, 23
24	architect	232111	
25	landscape architect	232112	
26	surveyor	232212	
27	cartographer	232213	
28	other spatial scientist	232214	
29	chemical engineer	233111	
30	materials engineer	233112	
31	civil engineer	233211	
32	geotechnical engineer	233212	
33	quantity surveyor	233213	
34	structural engineer	233214	
35	transport engineer	233215	
36	electrical engineer	233311	
37	electronics engineer	233411	
38	industrial engineer	233511	
39	mechanical engineer	233512	
40	production or plant engineer	233513	
41	mining engineer (excluding petroleum)	233611	
42	petroleum engineer	233612	
43	aeronautical engineer	233911	
44	agricultural engineer	233912	
45	biomedical engineer	233913	
46	engineering technologist	233914	
47	environmental engineer	233915	

Section 6

Medium and Long Term Strategic Skills List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
48	naval architect	233916	
49	engineering professionals (nec)	233999	
50	agricultural consultant	234111	
51	agricultural scientist	234112	
52	forester	234113	
53	chemist	234211	
54	food technologist	234212	
55	environmental consultant	234312	
56	environmental research scientist	234313	
57	environmental scientists (nec)	234399	
58	geophysicist	234412	
59	hydrogeologist	234413	
60	life scientist (general)	234511	
61	biochemist	234513	
62	biotechnologist	234514	
63	botanist	234515	
64	marine biologist	234516	
65	microbiologist	234517	
66	zoologist	234518	
67	life scientists (nec)	234599	
68	medical laboratory scientist	234611	
69	veterinarian	234711	
70	conservator	234911	
71	metallurgist	234912	
72	meteorologist	234913	
73	physicist	234914	
74	natural and physical science professionals (nec)	234999	
75	early childhood (pre-primary school) teacher	241111	
76	secondary school teacher	241411	
77	special needs teacher	241511	
78	teacher of the hearing impaired	241512	
79	teacher of the sight impaired	241513	
80	special education teachers (nec)	241599	
81	university lecturer	242111	
82	medical diagnostic radiographer	251211	
83	medical radiation therapist	251212	

Section 6

Medium and Long Term Strategic Skills List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
84	nuclear medicine technologist	251213	
85	sonographer	251214	
86	optometrist	251411	
87	orthotist or prosthetist	251912	
88	chiropractor	252111	
89	osteopath	252112	
90	occupational therapist	252411	
91	physiotherapist	252511	
92	podiatrist	252611	
93	audiologist	252711	
94	speech pathologist	252712	
95	general practitioner	253111	
96	specialist physician (general medicine)	253311	
97	cardiologist	253312	
98	clinical haematologist	253313	
99	medical oncologist	253314	
100	endocrinologist	253315	
101	gastroenterologist	253316	
102	intensive care specialist	253317	
103	neurologist	253318	
104	paediatrician	253321	
105	renal medicine specialist	253322	
106	rheumatologist	253323	
107	thoracic medicine specialist	253324	
108	specialist physicians (nec)	253399	
109	psychiatrist	253411	
110	surgeon (general)	253511	
111	cardiothoracic surgeon	253512	
112	neurosurgeon	253513	
113	orthopaedic surgeon	253514	
114	otorhinolaryngologist	253515	
115	paediatric surgeon	253516	
116	plastic and reconstructive surgeon	253517	
117	urologist	253518	
118	vascular surgeon	253521	
119	dermatologist	253911	
120	emergency medicine specialist	253912	

Section 6

Medium and Long Term Strategic Skills List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
121	obstetrician and gynaecologist	253913	
122	ophthalmologist	253914	
123	pathologist	253915	
124	diagnostic and interventional radiologist	253917	
125	radiation oncologist	253918	
126	medical practitioners (nec)	253999	
127	midwife	254111	
128	nurse practitioner	254411	
129	registered nurse (aged care)	254412	
130	registered nurse (child and family health)	254413	
131	registered nurse (community health)	254414	
132	registered nurse (critical care and emergency)	254415	
133	registered nurse (developmental disability)	254416	
134	registered nurse (disability and rehabilitation)	254417	
135	registered nurse (medical)	254418	
136	registered nurse (medical practice)	254421	
137	registered nurse (mental health)	254422	
138	registered nurse (perioperative)	254423	
139	registered nurse (surgical)	254424	
140	registered nurse (paediatrics)	254425	
141	registered nurses (nec)	254499	
142	ICT business analyst	261111	
143	systems analyst	261112	
144	multimedia specialist	261211	
145	analyst programmer	261311	
146	developer programmer	261312	
147	software engineer	261313	
148	software and applications programmers (nec)	261399	
149	ICT security specialist	262112	
150	computer network and systems engineer	263111	
151	telecommunications engineer	263311	
152	telecommunications network engineer	263312	

Section 6

Medium and Long Term Strategic Skills List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
153	barrister	271111	
154	solicitor	271311	
155	clinical psychologist	272311	
156	educational psychologist	272312	
157	organisational psychologist	272313	
158	psychologists (nec)	272399	
159	social worker	272511	
160	civil engineering draftsman	312211	
161	civil engineering technician	312212	
162	electrical engineering draftsman	312311	
163	electrical engineering technician	312312	
164	radio communications technician	313211	
165	telecommunications field engineer	313212	
166	telecommunications technical officer or technologist	313214	
167	automotive electrician	321111	
168	motor mechanic (general)	321211	
169	diesel motor mechanic	321212	
170	motorcycle mechanic	321213	
171	small engine mechanic	321214	
172	sheetmetal trades worker	322211	
173	metal fabricator	322311	
174	welder (first class)	322313	
175	fitter (general)	323211	
176	fitter and turner	323212	
177	fitter-welder	323213	
178	metal machinist (first class)	323214	
179	locksmith	323313	
180	panelbeater	324111	
181	bricklayer	331111	
182	stonemason	331112	
183	carpenter and joiner	331211	
184	carpenter	331212	
185	joiner	331213	
186	painting trades worker	332211	
187	glazier	333111	
188	fibrous plasterer	333211	
189	solid plasterer	333212	

Section 7

Medium and Long Term Strategic Skills List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
190	wall and floor tiler	333411	
191	plumber (general)	334111	
192	airconditioning and mechanical services plumber	334112	
193	drainer	334113	
194	gasfitter	334114	
195	roof plumber	334115	
196	electrician (general)	341111	
197	electrician (special class)	341112	
198	lift mechanic	341113	
199	airconditioning and refrigeration mechanic	342111	
200	technical cable joiner	342212	
201	electronic equipment trades worker	342313	
202	electronic instrument trades worker (general)	342314	
203	electronic instrument trades worker (special class)	342315	
204	chef	351311	7, 8
205	horse trainer	361112	
206	cabinetmaker	394111	
207	boat builder and repairer	399111	
208	shipwright	399112	

7 Specification of occupations—Regional Occupation List

- (1) For the purposes of subregulation 2.72(9) of the Regulations:
 - (a) an occupation mentioned in column 1 of an item of the Regional Occupation List is specified; and
 - (b) the occupation is a medium and long term strategic skills occupation; and
 - (c) the 6-digit code mentioned in column 2 of the item is the 6-digit ANZSCO code for the occupation; and
 - (d) the occupation is applicable to any nominee, subject to section 8 of this instrument.
- (2) The following table is the Regional Occupation List.

Section 7

Regional Occupation List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
1	horse breeder	121316	9, 10, 23
2	public relations manager	131114	10, 23
3	policy and planning manager	132411	10, 23
4	project builder	133112	10
5	procurement manager	133612	2, 10
6	medical administrator	134211	10
7	regional education manager	134412	10
8	sports administrator	139915	10, 23
9	caravan park and camping ground manager	141211	10
10	post office manager	142115	10
11	amusement centre manager	149111	10
12	fitness centre manager	149112	10
13	sports centre manager	149113	10
14	cinema or theatre manager	149912	10
15	financial institution branch manager	149914	10, 23
16	human resource adviser	223111	2, 6, 10
17	workplace relations adviser	223113	9, 10
18	policy analyst	224412	10
19	liaison officer	224912	2, 9, 10
20	market research analyst	225112	2, 10
21	aeroplane pilot	231111	10
22	flying instructor	231113	10
23	helicopter pilot	231114	10
24	ship's master	231213	10, 23
25	multimedia designer	232413	2, 10
26	wine maker	234213	10
27	conservation officer	234311	10
28	exercise physiologist	234915	10
29	vocational education teacher	242211	10
30	environmental health officer	251311	10
31	intellectual property lawyer	271214	10
32	translator	272413	10
33	community arts worker	272611	10
34	agricultural technician	311111	10
35	operating theatre technician	311214	10
36	pathology collector	311216	10
37	construction estimator	312114	10

Section 8

Regional Occupation List			
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Inapplicability conditions (see section 8)
38	surveying or spatial science technician	312116	10
39	mechanical engineering draftsman	312511	10
40	safety inspector	312611	10
41	maintenance planner	312911	10
42	building and engineering technicians (nec)	312999	10, 23
43	vehicle painter	324311	10
44	floor finisher	332111	10
45	electrical linesworker	342211	10, 23
46	zookeeper	361114	10
47	nurseryperson	362411	10
48	gas or petroleum operator	399212	10, 23
49	dental hygienist	411211	10
50	dental therapist	411214	10
51	emergency service worker	441211	10
52	driving instructor	451211	10
53	funeral workers (nec)	451399	10
54	flight attendant	451711	10
55	first aid trainer	451815	10
56	jockey	452413	10
57	clinical coder	599915	10
58	property manager	612112	2, 10
59	real estate representative	612115	2, 10

8 Certain occupations do not apply to nominees who are to work in certain positions

For the purposes of subregulation 2.72(9) of the Regulations, an occupation does not apply to a nominee if:

- the occupation is mentioned in column 1 of an item of the Short Term Skilled Occupation List, the Medium and Long Term Strategic Skills List or the Regional Occupation List; and
- column 3 (inapplicability conditions) of that item mentions one or more numbers; and
- the item of the following table with that number, or an item of the following table with one of those numbers, applies to the position in which the nominee is to work.

Section 8

Positions for which occupation is inapplicable	
Item	Position
1	The position does not require a minimum of 2 years' relevant work experience.
2	The position has nominated annual earnings of less than AUD65,000.
3	(a) the position has nominated annual earnings of less than AUD65,000; and (b) if the nominee is to be transferred to fill the position—the transfer is not an intra-corporate transfer to which an international trade obligation applies.
4	(a) the position has nominated annual earnings of less than AUD80,000; and (b) if the nominee is to be transferred to fill the position—the transfer is not an intra-corporate transfer to which an international trade obligation applies.
5	(a) the position has nominated annual earnings of less than AUD180,001; and (b) if the nominee is to be transferred to fill the position—the transfer is not an intra-corporate transfer to which an international trade obligation applies.
6	The position is a clerical, bookkeeper or accounting clerk position.
7	The position is involved in mass production in a factory setting.
8	The position is in a limited service restaurant.
9	The position predominantly involves responsibility for low-skilled tasks. Example 1: Rostering, maintaining records, reception duties and allocating duties to housekeepers, porters or doorpersons. Example 2: Fruit picking or packing or feeding of livestock or animals. Example 3: Truck driving.
10	The position is not located in regional Australia (within the meaning of subregulation 5.19(16) of the Regulations).
11	The position: (a) is based in a front-line retail setting; or (b) predominantly involves direct client transactional interaction on a regular basis.
12	The position: (a) is not a full-time position; or (b) is not based in a therapeutic setting; or (c) involves the provision of non-medical relaxation massage; or (d) is in a retail setting.
13	The position predominantly involves hairdressing or beauty therapy related non-managerial tasks.
14	The position: (a) is not located in a commercial building or shopping centre environment; or (b) predominantly involves managing the provision of only one particular service to a facility or managing one particular relationship. Example: Managing the cleaning contract for a facility but not other contracts relevant to the facility.
15	The position: (a) is based in a front-line retail setting; or (b) is based in a call centre and does not require a significant technical knowledge of products; or (c) predominantly involves selling educational courses to individual students.
16	The position relates to mobile phone repairs.

Section 8

Positions for which occupation is inapplicable	
Item	Position
17	The position relates to mass or standardised production (as opposed to specialist production), including the following: (a) a position based in a franchise or factory; (b) a position that: (i) involves full or partial production of food product for distribution to another location; or (ii) predominantly involves the use of pre-prepared food product from another location.
18	The position relates to animal husbandry, including caring for livestock on a farm.
19	The position is in a business that has an annual turnover of less than AUD1,000,000.
20	(a) the position is in a business that has an annual turnover of less than AUD1,000,000; and (b) if the nominee is to be transferred to fill the position—the transfer is not an intra-corporate transfer to which an international trade obligation applies.
21	The position is in a business that has fewer than 5 employees.
22	(a) the position is in a business that has fewer than 5 employees; and (b) if the nominee is to be transferred to fill the position—the transfer is not an intra-corporate transfer to which an international trade obligation applies.
23	The position has nominated annual earnings of less than AUD90,000.

EXPLANATORY STATEMENT

Migration Regulations 1994

MIGRATION (IMMI 18/048: SPECIFICATION OF OCCUPATIONS – SUBCLASS 482 VISA) INSTRUMENT 2018

(Subregulation 2.72(9))

1. The instrument, IMMI 18/048, is made under subregulation 2.72(9) of the *Migration Regulations 1994* (the Regulations).
2. The instrument replaces *Migration (IMMI 18/004: (Specification of Occupations – Subclass 457 Visa) Instrument 2018* (F2018L00044). IMMI 18/004 is repealed by operation of law following the repeal of paragraph 2.72(10)(aa) of the Regulations by the *Migration Legislation Amendment (Temporary Skill Shortage Visa and Complementary Reforms) Regulations 2018*.
3. The instrument notes in section 5 that ANZSCO is defined in regulation 1.03 of the Regulations. Regulation 1.03 of the Regulations provides the following definition of ANZSCO: ‘ANZSCO has the meaning specified by the Minister in an instrument in writing for this definition.’ The instrument made under regulation 1.03 for the definition of ANZSCO is IMMI 18/051. Section 5 of IMMI 18/051 provides:

‘For the purposes of regulation 1.03 of the Regulations, ANZSCO means the Australian and New Zealand Standard Classification of Occupations published by the Australian Bureau of Statistics, as in force on 18 March 2018.’
4. ANZSCO may be accessed on the Australian Bureau of Statistics website.
5. The purpose of the instrument is to address changes to the Regulations by the *Migration Legislation Amendment (Temporary Skill Shortage Visa and Complementary Reforms) Regulations 2018*. In particular, the changes support the new Subclass 482 (Temporary Skill Shortage) visa and related nomination criteria, which replace the Subclass 457 (Temporary Work (Skilled)) visa and related nomination criteria.
6. The instrument specifies the occupations that may be nominated in relation to applicants for Subclass 482 visas. In accordance with paragraph 2.72(9)(a) of the Regulations, occupations are specified as short term skilled occupations, or medium and long term

strategic skills occupations. For a nomination to be approved, it is a requirement that, at the time the nomination is made, the occupation is specified in a legislative instrument. It will not affect the nomination, or the related Subclass 482 visa application, if the occupation is subsequently omitted from the relevant occupation list.

7. Short term skilled occupations are listed in the Short Term Skilled Occupation List (STSOL), and medium and long term strategic skills occupations are listed in the Medium and Long Term Strategic Skills List (MLTSSL) and the new Regional Occupation List. This instrument also sets out circumstances in which an occupation is not applicable to a nominee because the position to which the occupation relates is subject to an ‘inapplicability condition’ as set out in section 8.
8. The instrument adds a Regional Occupation List with 59 specified occupations. These occupations have been introduced to support employers in regional Australia, based on advice from the Department of Jobs and Small Business. This means that occupations on the Regional Occupation List are only specified if the position is in regional Australia as defined. All other occupations, as specified in the STSOL and MLTSSL, may be nominated for positions located anywhere in Australia.
9. The creation of the Regional Occupation List involves the following changes from the content of IMMI 18/004, based on labour market needs in regional Australia:
 - a. the occupation Horse Breeder (ANSZCO code 121316) was removed from the MLTSSL and included in the Regional Occupation List;
 - b. 10 occupations, listed below, were removed from the STSOL and added to the Regional Occupation List; and
 - c. 48 new occupations, listed below, were added to the Regional Occupation List.
10. The occupations removed from the STSOL and included in the Regional Occupation List are:

a. Post Office Manager	(ANSZCO code 142115);
b. Fitness Centre Manager	(ANSZCO code 149112);
c. Sports Centre Manager	(ANZSCO code 149113);
d. Aeroplane Pilot	(ANZSCO code 231111);
e. Flying Instructor	(ANZSCO code 231113);
f. Helicopter Pilot	(ANZSCO code 231114);
g. Wine Maker	(ANZSCO code 234213);

- h. Agricultural Technician (ANZSCO code 311111);
- i. Property Manager (ANZSCO code 612112); and
- j. Real Estate Representative (ANZSCO code 612115).

11. The new occupations included in the Regional Occupation List are:

- a. Public Relations Manager (ANZSCO code 131114);
- b. Policy and Planning Manager (ANZSCO code 132411);
- c. Project Builder (ANZSCO code 133112);
- d. Procurement Manager (ANZSCO code 133612);
- e. Medical Administrator (ANZSCO code 134211);
- f. Regional Education Manager (ANZSCO code 134412);
- g. Sports Administrator (ANZSCO code 139915);
- h. Caravan Park & Camping Ground Manager (ANZSCO code 141211);
- i. Amusement Centre Manager (ANZSCO code 149111);
- j. Cinema or Theatre Manager (ANZSCO code 149912);
- k. Financial Institution Branch Manager (ANZSCO code 149914);
- l. Human Resource Adviser (ANZSCO code 223111);
- m. Workplace Relations Adviser (ANZSCO code 223113);
- n. Policy Analyst (ANZSCO code 224412);
- o. Liaison Officer (ANZSCO code 224912);
- p. Market Research Analyst (ANZSCO code 225112);
- q. Ship's Master (ANZSCO code 231213);
- r. Multimedia Designer (ANZSCO code 232413);
- s. Conservation Officer (ANZSCO code 234311);
- t. Exercise Physiologist (ANZSCO code 234915);
- u. Vocational Education Teacher (ANZSCO code 242211);
- v. Environmental Health Officer (ANZSCO code 251311);
- w. Intellectual Property Lawyer (ANZSCO code 271214);
- x. Translator (ANZSCO code 272413);
- y. Community Arts Worker (ANZSCO code 272611);
- z. Operating Theatre Technician (ANZSCO code 311214);
- aa. Pathology Collector (ANZSCO code 311216);
- bb. Construction Estimator (ANZSCO code 312114);
- cc. Surveying or Spatial Science Technician (ANZSCO code 312116);
- dd. Mechanical Engineering Draftsperson (ANZSCO code 312511);
- ee. Safety Inspector (ANZSCO code 312611);
- ff. Maintenance Planner (ANZSCO code 312911);
- gg. Building and Engineering Technicians nec (ANZSCO code 312999);
- hh. Vehicle Painter (ANZSCO code 324311);
- ii. Floor Finisher (ANZSCO code 332111);
- jj. Electrical Linesworker (ANZSCO code 342211);
- kk. Zookeeper (ANZSCO code 361114);
- ll. Nurseryperson (ANZSCO code 362411);
- mm. Gas or Petroleum Operator (ANZSCO code 399212);

- nn. Dental Hygienist (ANZSCO code 411211);
 - oo. Dental Therapist (ANZSCO code 411214);
 - pp. Emergency Service Worker (ANZSCO code 441211);
 - qq. Driving Instructor (ANZSCO code 451211);
 - rr. Funeral Workers nec (ANZSCO code 451399);
 - ss. Flight Attendant (ANZSCO code 451711);
 - tt. First Aid Trainer (ANZSCO code 451815);
 - uu. Jockey (ANZSCO code 452413); and
 - vv. Clinical Coder (ANZSCO code 599915).
12. Another change from IMMI 18/004 is that ‘inapplicability condition 1’ no longer applies to 12 occupations. This inapplicability condition operated to exclude positions that did not require two years of relevant work experience. This inapplicability condition is no longer required because all applicants for the Subclass 482 visa are required to have two years of relevant work experience. This change means that the nominee may have less than two years of relevant experience when the nomination is made, and the requirement must now be met by the time a decision is made on the visa application. The occupations affected by this change are:
- a. Finance Manager (ANZSCO code 132211);
 - b. ICT Project Manager (ANZSCO code 135112);
 - c. Information and Organisation Professionals nec (ANZSCO code 224999);
 - d. Advertising Specialist (ANZSCO code 225111);
 - e. Graphic Designer (ANZSCO code 232411);
 - f. University Lecturer (ANZSCO code 242111);
 - g. Web Developer (ANZSCO code 261212);
 - h. Software Tester (ANZSCO code 261314);
 - i. ICT Support Engineer (ANZSCO code 263212);
 - j. ICT Systems Test Engineer (ANZSCO code 263213);
 - k. Hairdresser (ANZSCO code 391111); and
 - l. Contract Administrator (ANZSCO code 511111).
13. Another change from IMMI 18/004 is that 22 occupations are no longer restricted to positions in regional Australia. Inapplicability condition 10 has been removed from the occupations, all of which continue to be included in the STSOL, based on advice from the Department of Jobs and Small Business. This is consistent with the creation of the Regional Occupation List, which covers all occupations restricted to regional Australia and specifies those occupations as medium and long term strategic skills occupations. The occupations in the STSOL that are no longer subject to inapplicability condition 10 are:
- a. Aquaculture Farmer (ANZSCO code 121111);
 - b. Cotton Grower (ANZSCO code 121211);
 - c. Flower Grower (ANZSCO code 121212);
 - d. Fruit or Nut Grower (ANZSCO code 121213);

- | | |
|---|---------------------------|
| e. Grain, Oilseed or Pasture Grower | (ANZSCO code 121214); |
| f. Grape Grower | (ANZSCO code 121215); |
| g. Mixed Crop Farmer | (ANZSCO code 121216); |
| h. Sugar Cane Grower | (ANZSCO code 121217); |
| i. Vegetable Grower | (ANZSCO code 121221); |
| j. Crop Farmers nec | (ANZSCO code 121299); |
| k. Apiarist | (ANZSCO code 121311); |
| l. Beef Cattle Farmer | (ANZSCO code 121312); |
| m. Dairy Cattle Farmer | (ANZSCO code 121313); |
| n. Mixed Livestock Farmer | (ANZSCO code 121317); |
| o. Pig Farmer | (ANZSCO code 121318); |
| p. Poultry Farmer | (ANZSCO code 121321); |
| q. Sheep Farmer | (ANZSCO code 121322); |
| r. Livestock Farmers nec | (ANZSCO code 121399); |
| s. Mixed Crop and Livestock Farmer | (ANZSCO code 121411); |
| t. Production Manager (Forestry) | (ANZSCO code 133511); |
| u. Accommodation and Hospitality Managers nec | (ANZSCO code 141999); and |
| v. Primary Products Inspectors nec | (ANZSCO code 311399). |
14. Another change from IMMI 18/004 is that the occupations of Property Manager (ANZSCO code 612112) and Real Estate Agent Representative (ANZSCO code 612115), which have been relocated from the STSOL to the Regional Occupation List, are no longer subject to inapplicability conditions 19 and 21. These conditions relate to the minimum turnover of the business (AUD 1,000,000) and the minimum number of employees in the business (five). The removal of these conditions reflects the needs of small businesses in regional Australia.
15. A technical change from IMMI 18/004 is that the term “base salary” is no longer used. The term “annual earnings” is now used in inapplicability conditions 2, 3, 4, 5 and 23 to reflect the introduction of a new framework for assessing the adequacy of the proposed remuneration of nominees for Subclass 482 visas. This framework is contained in subregulations 2.72(15) to (17) of the Regulations. The operation of the five inapplicability conditions is unaffected by this change as ‘base salary’ (an undefined term) has the same meaning as ‘annual earnings’. The definition of earnings in regulation 2.57A of the Regulations excludes amounts which cannot be determined in advance, such as non-guaranteed overtime, commissions and bonuses.

16. This instrument is part of a broad package of reforms for the employer sponsored skilled visa programs, announced by the Government on 18 April 2017. The Department of Home Affairs has engaged with external stakeholders since the announcement in developing the policy settings and considered feedback received.
17. These reforms were also informed by earlier reviews including: the 2014 *Independent Review into the Integrity of the Subclass 457 Programme*; the 2016 Productivity Commission Inquiry Report: *Migrant Intake into Australia*; the 2016 *Review of the Temporary Skilled Migration Income Threshold*; and the 2016 Senate Inquiry *A National Disgrace: The Exploitation of Temporary Work Visa Holders*. These reviews were subject to extensive consultation processes, including: individuals; academics; bodies and businesses who use the employer sponsored skilled visa programs; migration agents; representatives of foreign governments; the Ministerial Advisory Council on Skilled Migration; and government departments and agencies. The consultation occurred before the instrument was made. This accords with subsection 17(1) of the *Legislation Act 2003* which envisages consultations where appropriate and reasonably practicable.
18. As noted above, the changes from IMMI 18/004 have been occasioned by the necessity to reflect the creation of the Subclass 482 visa and the decision to establish a Regional Occupation List to give greater visibility to the additional occupations, which may only be nominated for positions in regional Australia. This instrument and the three occupation lists will be subject to further amendments in the future, in response to regular reviews by the Department of Jobs and Small Business of occupations eligible for skilled visas. The next scheduled review will be in July 2018. Changes will be made on the basis of advice from Government departments, labour market analysis and consultation with industry. The amended occupation lists will ensure that the entry of skilled foreign workers to Australia remains carefully calibrated to Australia's labour market needs.
19. A Regulation Impact statement has been prepared in accordance with advice from the Office of Best Practice Regulation (OBPR). The OBPR reference is 21946.

20. Under section 42 of the *Legislation Act 2003*, the instrument is subject to disallowance and therefore a Statement of Compatibility with Human Rights has been prepared and is attached.
21. The instrument commences on 18 March 2018.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Migration (IMMI 18/048: Specification of Occupations – Subclass 482 visa) Instrument 2018

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Migration (IMMI 18/048: Specification of Occupations – Subclass 482) Instrument 2018

The *Migration Regulations 1994* (‘the Migration Regulations’) set out requirements for the grant of a Temporary Skill Shortage (subclass 482) visa (‘the TSS visa’). One requirement is that the applicant be nominated by their employer. This instrument specifies the lists of skilled occupations and Australian and New Zealand Standard Classification of Occupations (ANZSCO) codes for the assessment of nominations under the relevant Migration Regulations.

The ANZSCO code is used by the Department of Home Affairs to ensure that applicants who wish to come to Australia as temporary skilled entrants are nominated in a skilled occupation for that purpose. ANZSCO is defined in legislative instrument IMMI 18/051 (Specification of Occupations and Assessing Authorities), under regulation 1.03.

The Short-term Skilled Occupation List (STSOL), Medium and Long-term Strategic Skills List (MLTSSL) and Regional Occupation List are designed to be dynamic and respond to changing labour market conditions. These lists are reviewed regularly by the Department of Jobs and Small Business (DJSB), based on labour market analysis and stakeholder consultation.

The MLTSSL and STSOL are currently used for the subclass 457 visa which the TSS visa is replacing. It is therefore necessary to re-specify the lists for this new subclass. In addition, new occupations are being made available for regional employer sponsors (the Regional Occupation List) through the Medium-term stream of the TSS visa with a regional caveat, and consequential changes to occupations previously listed on the MLTSSL and STSOL, based on advice from the Department of Jobs and Small Business. This includes new and amended occupational caveats that restrict the eligibility of an occupation in certain conditions.

This instrument specifies the MLTSSL, which provides eligible occupations and ANZSCO codes for nominations for the medium-term stream of the TSS visa. The medium-term stream visa can be granted with validity periods of up to four years, with opportunity to renew in Australia and to apply for permanent residence visas after three years. Occupations on the MLTSSL are those identified by the Australian Government as being in shortage in the Australian labour market in the medium to long-term. This instrument has 208 occupations on the MLTSSL.

This instrument also specifies the Regional Occupation List, which provides eligible occupations and ANZSCO codes for nominations by regional employers for the medium-term stream of the TSS visa. It includes 59 occupations eligible for positions located in regional Australia, as defined by the Migration Regulations. This is comprised of 48 new occupations,

one occupation moved from the MLTSSL and 10 occupations moved from the STSOL. DJSB identified these occupations as needed to support businesses in regional Australia.

This instrument also specifies the STSOL, which provides eligible occupations and ANZSCO codes for nominations for the short-term stream of the TSS visa. The short-term stream visa can be granted with a visa validity period of up to two years and opportunity for one renewal in Australia. Occupations on the STSOL are those identified by the Australian Government as being in shortage in the Australian labour market in the immediate to short-term. There are 242 occupations on the STSOL, as informed by DJSB's review of eligible occupations. Of these, 22 occupations no longer have a caveat applied to restrict these positions to regional Australia.

The instrument also includes inapplicability conditions ('caveats') for certain occupations for the purpose of nominations. A range of caveats are specified to provide clarification for applications and ensure the integrity of this visa program. These include, but are not limited to, caveats that limit the breadth of the occupation to certain industries, skills or tasks or specify a minimum salary. Caveats are specified for the purposes of the application satisfying the criteria for the nomination and therefore ensuring that applicants are nominated for genuinely skilled positions.

Human rights implications

The instrument has been assessed against the seven core international human rights treaties. Article 6 of ICESCR provides that:

The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

Article 2(1) of the ICCPR provides:

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 2 of the ICESCR reflects the provision relating to discrimination on article 2(1) of the ICCPR.

Article 26 of the ICCPR provides:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee, to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Specification of lists of occupations for which foreign workers may be nominated for entry and stay in Australia in this Legislative Instrument engage the above rights to non-

discrimination, including, for those persons who are already in Australia, as they relate to the right to work.

In its General Comment 18, the UN Human Rights Committee stated that:

The Committee observes that not every differentiation of treatment will constitute discrimination, if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Covenant.

Similarly, in its General Comment on Article 2 of the ICESCR (E/C.12/GC/20), UNCESCR has stated (at 13) that:

Differential treatment based on prohibited grounds will be viewed as discriminatory unless the justification for differentiation is reasonable and objective. This will include an assessment as to whether the aim and effects of the measures or omissions are legitimate, compatible with the nature of the Covenant rights and solely for the purpose of promoting the general welfare in a democratic society. In addition, there must be a clear and reasonable relationship of proportionality between the aim sought to be realized and the measures or omissions and their effects.

Neither the *International Covenant on Civil and Political Rights* (ICCPR) nor the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) give a right for non-citizens to enter Australia for the purposes of seeking residence or employment. The UN Human Rights Committee, in its General Comment 15 on the position of aliens under the ICCPR, stated that:

The [ICCPR] does not recognize the right of aliens to enter or reside in the territory of a State party. It is in principle a matter for the State to decide who it will admit to its territory. However, in certain circumstances an alien may enjoy the protection of the [ICCPR] even in relation to entry or residence, for example, when considerations of non-discrimination, prohibition of inhuman treatment and respect for family life arise.

Consent for entry may be given subject to conditions relating, for example, to movement, residence and employment. A State may also impose general conditions upon an alien who is in transit. However, once aliens are allowed to enter the territory of a State party they are entitled to the rights set out in the [ICCPR].

As such, Australia is able to set requirements for the entry of non-citizens into Australia and conditions for their stay, and does so on the basis of reasonable and objective criteria.

The aim of the TSS program is to maximise the benefits of skilled entrants to the Australian economy. This includes channelling medium-term stream skilled migrants into the occupations that have been identified to be in the long-term strategic interest of the Australian economy, and restricting short-term stream skilled migrants to occupations that are currently in shortage but for which there may not be a long-term requirement. Australia sets the requirements for the entry and conditions of stay for skilled migrants on the basis of reasonable and objective criteria, formulated by DJSB through labour market analysis and public consultation.

Further, Article 4 of ICESCR provides that the State may subject the rights enunciated in the ICESCR:

...only to such limitations as are determined by law only insofar as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in democratic society.

The authority of the Australian Government to grant visas of a particular duration and the authority to place conditions and limitations on non-citizens in respect of those visas, including their work rights, is lawful as a matter of domestic law and has as its objectives ensuring the continued access of Australian citizens and permanent residents to paid employment and the continued integrity of Australia's migration program. The list of eligible occupations in this Legislative Instrument are intended to ensure that persons who are already in Australia permanently are given the opportunity to seek work before those seeking to enter Australia to work and live in Australia. Providing Australians citizens and permanent residents with the first priority for jobs ensures that Australians are provided the opportunity to improve their standard of living and promotes their right to work. Broadly speaking, access to such opportunities promotes social stability. As such, they are for the "purpose of promoting the general welfare in a democratic society" and are justified in accordance with Article 4 of ICESCR.

Therefore, differentiating between short-term and long-term skills needs using eligible occupations on the MLTSSL, Regional Occupation List and STSOL is a reasonable and proportionate differentiation to support Australia's economic needs and helps Australian citizens and permanent residents retain access to the employment market. Further, the use of caveats that limit the breadth of the occupation to certain industries, skills or tasks or specify a minimum salary are a reasonable and proportionate measure to help ensure that the visa applicant will be employed in a genuinely skilled position. The skills lists also maintain a differentiation on the basis of the location of work, by providing additional opportunities for persons choosing to work in regional areas. This is designed to support regional employers by providing access to occupations that reflect the labour demand and skills needs of regional economies.

This engages Article 12 (1) of the International Covenant on Civil and Political Rights (ICCPR), which states:

Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

Australia's international obligations mean that visa holders cannot be required to live or work in particular areas, but they may be encouraged to do so. TSS visa holders who choose to seek nomination by an employer in a regional area but do not wish to stay in that particular regional area may instead move to another regional area and continue to work for their nominating employer. In the case that they move to another regional area to work for a different nominating employer, the same process of re-nomination will apply as in any other case where a TSS visa holder changes nominating employers. If a TSS visa holder begins work in a regional area but subsequently wishes to work in an urban area, they are not prevented from doing so. A TSS visa holder in this situation may instead apply for any other visa with work rights for which they meet the requirements under the Migration Regulations.

The 11 occupations being moved by this Instrument to be a regional occupation are already caveated to regional areas. Any subclass 457 holder who was granted a visa to work in one of

these occupations before it was caveated is entitled to continue working in their present location for the duration of their visa. Their freedom to remain in their current location and their right to work for the duration of that visa is not impacted. Changes to the lists of occupations will only affect the person if they choose to apply for a subsequent visa. If the person decides that they wish to apply for a subsequent visa to remain in Australia, they may choose to move to a regional area to continue working in that occupation or apply for any other visa with work rights for which they meet the requirements under the Migration Regulations. In addition, current visa applicants will not be impacted as the new lists will apply only to new nomination applications received after they come into effect.

The use of a regional list and caveats is reasonable and proportionate because it allows the Minister, based on advice from DJSB, the flexibility and precision required to carefully tailor the occupation lists to reflect Australia's diverse labour market needs, which vary between regional and urban centres. Restricting certain occupations to positions nominated by employers in regional Australia is reasonable and proportionate to ensure that the TSS visa supports Australia's regional economic needs and contributes to Australia's overall economic success and this does not unduly limit a foreign worker's freedom of movement or right to work.

Conclusion

The Legislative Instrument is compatible with human rights because to the extent it may limit human rights, those limitations are reasonable, necessary and proportionate.

The Hon Alan Tudge MP, Minister for Citizenship and Multicultural Affairs