



Migration (IMMI 17/018: Working Holiday Visa – Specified Work and Regional Australia) Instrument 2017

I, Michael Willard, Senior Executive Service, Band one, Economic Policy Branch, and Delegate of the Minister for Immigration and Border Protection, make the following instrument.

Dated 3 August 2017.

Michael Willard

MICHAEL WILLARD

Senior Executive Service, Band one, Economic Policy Branch, and Delegate of the
Minister for Immigration and Border Protection

Contents

Part 1—Preliminary	1
1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Definitions	1
5 Schedules	1
Part 2—Regional Australia and Specified Work	2
6 Regional Australia	2
7 Specified work	4
Schedule 1—Repeals	6
<i>Working Holiday Visa – Definitions of Specified Work and Regional Australia</i> 2016/087	6

Part 1—Preliminary

1 Name

- (1) This instrument is the Migration (IMMI 17/018: Working Holiday Visa – Specified Work and Regional Australia) Instrument 2017.
- (2) This instrument may be cited as IMMI 17/018.

2 Commencement

This instrument commences **the day after it is registered** on the Federal Register of Legislation.

3 Authority

This instrument is made under subitem 1225(5) of Schedule 1 to the Regulations.

4 Definitions

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Part 2—Regional Australia and Specified Work

6 Regional Australia

- (1) For the purposes of subitem 1225(5) of Schedule 1 to the Regulations, *regional Australia* means a place specified in subsections (2) to (9).
- (2) The following postcode areas in New South Wales are specified places:
 - (a) 2311 to 2312;
 - (b) 2328 to 2411;
 - (c) 2420 to 2490;
 - (d) 2536 to 2551;
 - (e) 2575 to 2594;
 - (f) 2618 to 2739;
 - (g) 2787 to 2898.
- (3) Norfolk Island is a specified place.
- (4) The Northern Territory is a specified place.
- (5) The following postcode areas in Queensland are specified places:
 - (a) 4124 to 4125;
 - (b) 4133;
 - (c) 4211;
 - (d) 4270 to 4272;
 - (e) 4275;
 - (f) 4280;
 - (g) 4285;
 - (h) 4287;
 - (i) 4307 to 4499;
 - (j) 4510;
 - (k) 4512;
 - (l) 4515 to 4519;
 - (m) 4522 to 4899.

(6) The following postcode areas in Victoria are specified places:

- (a) 3139;
- (b) 3211 to 3334;
- (c) 3340 to 3424;
- (d) 3430 to 3649;
- (e) 3658 to 3749;
- (f) 3753;
- (g) 3756;
- (h) 3758;
- (i) 3762;
- (j) 3764;
- (k) 3778 to 3781;
- (l) 3783;
- (m) 3797;
- (n) 3799;
- (o) 3810 to 3909;
- (p) 3921 to 3925;
- (q) 3945 to 3974;
- (r) 3979;
- (s) 3981 to 3996.

(7) The following postcode areas in Western Australia are specified places:

- (a) 6041 to 6044;
- (b) 6055 to 6056;
- (c) 6069;
- (d) 6076;
- (e) 6083 to 6084;
- (f) 6111;
- (g) 6121 to 6126;
- (h) 6200 to 6799.

(8) South Australia is a specified place.

(9) Tasmania is a specified place.

Postcodes inclusive

- (10) Where subsections (2) to (9) specify postcode areas by using a number range, all postcode areas in that number range are specified places.

Example: “6041 to 6044” means postcodes 6041, 6042, 6043 and 6044.

Postcodes cross borders

- (11) Where a postcode area that is specified in this section crosses a State or Territory border, the whole of the postcode area is a specified place.

Example: Postcode area 4377 covers areas in Queensland and New South Wales. The parts of postcode area 4377 in both Queensland and New South Wales are specified places.

7 Specified work

- (1) For the purposes of subitem 1225(5) of Schedule 1 to the Regulations, **specified work** means work of a kind specified in subsections (2) to (6).
- (2) **Plant and animal cultivation:**
- (a) the harvesting and/or packing of fruit and vegetable crops;
 - (b) pruning or 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 purposes 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.
- (3) **Fishing and pearling:**
- (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.
- (4) **Tree farming and felling:**
- (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 any other place from which they are to be transported to the place where they are to be milled or processed.
- (5) **Mining:**
- (a) coal mining;
 - (b) oil and gas extraction;
 - (c) metal ore mining;

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- (d) construction material mining;
 - (e) other non-metallic mineral mining and quarrying;
 - (f) exploration;
 - (g) mining support services.

(6) **Construction:**

- (a) residential building construction;
- (b) non-residential building construction;
- (c) heavy and civil engineering construction;
- (d) land development and site preparation services;
- (e) building structure services;
- (f) building installation services;
- (g) building completion services;
- (h) other construction services.

Schedule 1—Repeals

Working Holiday Visa – Definitions of Specified Work and Regional Australia 2016/087

1 The whole of the instrument

Repeal the instrument.

EXPLANATORY STATEMENT*Migration Regulations 1994***MIGRATION (IMMI 17/018: WORKING HOLIDAY VISA – SPECIFIED WORK
AND REGIONAL AUSTRALIA) INSTRUMENT 2017***(subitem 1225(5) of Schedule 1)*

1. Instrument IMMI 17/018, is made under subitem 1225(5) of Schedule 1 to the *Migration Regulations 1994* (Regulations).
2. Instrument IMMI 17/018 repeals instrument IMMI 16/087 (F2016L01441) under subitem 1225(5) of Schedule 1 to the Regulations and in accordance with subsection 33(3) of the *Acts Interpretation Act 1901* (Interpretation Act). Subsection 33(3) of the Interpretation Act 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. Instrument IMMI 17/018 operates for the Minister to specify a place to mean regional Australia and to specify a kind of work to mean specified work for the purposes of a Working Holiday (Temporary) (Class TZ) visa. Under subitem 1225(3B) of Schedule 1, if an applicant has previously held no more than one Subclass 417 (Working Holiday) visa, the application must be accompanied by a declaration that he or she has carried out specified work in regional Australia for a total period of at least 3 months as a holder of that visa. The instrument is also relevant to subclause 417.211(5) of Schedule 2 to the Regulations, which uses the same definition of regional Australia as subitem 1225(5) of Schedule 1 to the Regulations.
4. The purpose of instrument IMMI 17/018 is for the Minister to specify, in section 6, the postcode areas previously specified in IMMI 16/087 and the additional postcode areas of 6055, 6056 and 6069 (in Western Australia) as places that are to mean regional Australia for the purposes of subitem 1225(5) of Schedule 1 to the Regulations. This will mean an applicant for a Working Holiday (Temporary) (Class TZ) visa who seeks

to meet the requirements of subitem 1225(3B) may declare specified work they carried out in these postcode areas as the holder of a Subclass 417 (Working Holiday) visa.

5. Before the instrument IMMI 17/018 was made consultation was undertaken with the Department of Employment and with the horticulture industry, particularly in the Swan Valley district.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 21811).
7. The officer who made the instrument was delegated the powers required to make the instrument in the Instrument of Delegation DEL 17/055, signed on 20 June 2017.
8. 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.
9. The Instrument commences on the day after it is registered on the Federal Register of Legislation.