

**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.