

**EXPLANATORY STATEMENT***Migration Regulations 1994***Migration (IMMI 17/092: Areas of Australia and kinds of work –  
specified Subclass 462 work) Instrument 2017**  
*(regulation 1.15FA of the Migration Regulations)*

1. Instrument IMMI 17/092 is made under regulation 1.15FA of the *Migration Regulations 1994* (the Regulations).
2. The instrument repeals the instrument ‘*Areas of Work and Kinds of Work – Specified Subclass 462 Work 2016/097*’ made under regulation 1.15FA of 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. If an applicant for a Subclass 462 (Work and Holiday) visa is, or has previously been in Australia as the holder of a Subclass 462 (Work and Holiday) visa, the applicant must have, while they were the holder of that visa, carried out a period or periods of “specified Subclass 462 work” totalling at least 3 months. Instrument IMMI 17/092 operates to specify the areas of Australia and the kinds of work for the purposes of the definition of “specified Subclass 462 work” in regulation 1.03 of the Regulations.
4. The purpose of instrument IMMI 17/092 is to include 13 additional Queensland postcodes to the list of specified areas of Australia for the definition of “specified Subclass 462 work”.
5. Consultation was undertaken with the Office of Northern Australia, to harmonise the definition of Northern Australia for the purpose of initiatives flowing from the White Paper on Developing Northern Australia.

6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is not required (OBPR Reference 22512).
7. The officer (Senior Executive Service, Band 1, Economic Policy Branch) 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 IMMI 17/092 commences on 1 September 2017.