



Migration (IMMI 18/039: Mandatory Skills Assessment—Subclass 482 Visa) Instrument 2018

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

Dated: 15 March 2018

Alan Tudge

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 18/039: Mandatory Skills Assessment—Subclass 482 Visa) Instrument 2018*.
- (2) This instrument may be cited as IMMI 18/039.

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Note: This table relates only to the provisions of this instrument as originally made.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 paragraph 1240(3)(g) of Schedule 1 to 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;
- (c) Hong Kong;
- (d) Macau;
- (e) standard business sponsor.

In this instrument:

exempt applicant: see subsections 7(1), (2) and (4).

nec is short for not elsewhere classified.

permitted foreign country: see subsection 7(3).

Regulations means the *Migration Regulations 1994*.

TRA means Trades Recognition Australia.

Part 2—Specification of occupations etc. for Subclass 482 visa

5 Specification of occupations etc.

- (1) This section applies in relation to an application by a person seeking to satisfy the primary criteria for the grant of a Subclass 482 (Temporary Skill Shortage) visa.
- (2) For the purposes of subparagraphs 1240(3)(g)(ii), (iv) and (v) of Schedule 1 to the Regulations:
 - (a) an occupation mentioned in column 1 of an item of the following table is specified; and
 - (b) an assessing authority mentioned in column 3 of the item is the assessing authority for the occupation; and
 - (c) the type of assessment mentioned in column 4 of the item is specified for the occupation; and
 - (d) the 3 year period ending immediately before the day the application is made is specified.

Note: Column 2 of the following table sets out the ANZSCO code for each specified occupation. This is included for information only.

Occupations etc.				
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Assessing authority	Column 4 Type of assessment
1	automotive electrician	321111	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
2	baker	351111	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
3	cabinetmaker	394111	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
4	carpenter	331212	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
5	carpenter and joiner	331211	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
6	chef	351311	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.

Occupations etc.				
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Assessing authority	Column 4 Type of assessment
7	cook	351411	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
8	diesel motor mechanic	321212	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
9	electrician (general)	341111	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
10	electrician (special class)	341112	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
11	fitter (general)	323211	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
12	fitter and turner	323212	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
13	fitter-welder	323213	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
14	joiner	331213	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
15	metal fabricator	322311	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
16	metal fitters and machinists (nec)	323299	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
17	metal machinist (first class)	323214	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
18	motor mechanic (general)	321211	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
19	panelbeater	324111	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
20	pastrycook	351112	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.

Occupations etc.				
Item	Column 1 Occupation	Column 2 ANZSCO code	Column 3 Assessing authority	Column 4 Type of assessment
21	program or project administrator	511112	VETASSESS	Skills Assessment for General Professional Occupations
22	sheetmetal trades worker	322211	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
23	specialist managers (nec) except: (a) ambassador; or (b) archbishop; or (c) bishop	139999	VETASSESS	Skills Assessment for General Professional Occupations
24	toolmaker	323412	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.
25	welder (first class)	322313	TRA	(a) 457 Skills Assessment; or (b) TSS Skills Assessment.

6 Specification of classes of persons

- (1) This section applies in relation to an application by a person seeking to satisfy the primary criteria for the grant of a Subclass 482 (Temporary Skill Shortage) visa.
- (2) For the purposes of subparagraph 1240(3)(g)(iii) of Schedule 1 to the Regulations, the class of persons mentioned in column 2 of an item of the following table is specified for the occupation mentioned in column 1 of that item.

Class of persons		
Item	Column 1 Occupation	Column 2 Class of persons
1	automotive electrician	Persons: (a) who hold a passport issued by Fiji, Hong Kong, India, Macau, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
2	baker	Persons: (a) who hold a passport issued by China, Fiji, Hong Kong, India, Macau, Papua New Guinea, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.

Class of persons		
Item	Column 1 Occupation	Column 2 Class of persons
3	cabinetmaker	Persons: (a) who hold a passport issued by Brazil, Fiji, Hong Kong, India, Macau, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
4	carpenter	Persons: (a) who hold a passport issued by Brazil, Fiji, Hong Kong, India, Macau, Papua New Guinea, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
5	carpenter and joiner	Persons: (a) who hold a passport issued by Brazil, Fiji, Hong Kong, India, Macau, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
6	chef	Persons: (a) who hold a passport issued by Bangladesh, Brazil, China, Fiji, Hong Kong, India, Macau, Nepal, Pakistan, Papua New Guinea, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
7	cook	Persons: (a) who hold a passport issued by Bangladesh, Brazil, China, Fiji, Hong Kong, India, Macau, Nepal, Pakistan, Papua New Guinea, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
8	diesel motor mechanic	Persons: (a) who hold a passport issued by Fiji, Hong Kong, India, Macau, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
9	electrician (general)	Persons: (a) who hold a passport issued by Fiji, Hong Kong, India, Macau, Philippines, South Africa or Vietnam; and (b) who are not exempt applicants for the occupation.
10	electrician (special class)	Persons: (a) who hold a passport issued by Fiji, Hong Kong, India, Macau, Philippines, South Africa or Vietnam; and (b) who are not exempt applicants for the occupation.
11	fitter (general)	Persons: (a) who hold a passport issued by Brazil, China, Fiji, Hong Kong, India, Macau, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and

Class of persons		
Item	Column 1 Occupation	Column 2 Class of persons
		(b) who are not exempt applicants for the occupation.
12	fitter and turner	Persons: (a) who hold a passport issued by Brazil, China, Fiji, Hong Kong, India, Macau, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
13	fitter-welder	Persons: (a) who hold a passport issued by Brazil, China, Fiji, Hong Kong, India, Macau, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
14	joiner	Persons: (a) who hold a passport issued by Brazil, Fiji, Hong Kong, India, Macau, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
15	metal fabricator	Persons: (a) who hold a passport issued by Brazil, China, Fiji, Hong Kong, India, Macau, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
16	metal fitters and machinists (nec)	Persons: (a) who hold a passport issued by Brazil, China, Fiji, Hong Kong, India, Macau, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
17	metal machinist (first class)	Persons: (a) who hold a passport issued by Brazil, China, Fiji, Hong Kong, India, Macau, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
18	motor mechanic (general)	Persons: (a) who hold a passport issued by Fiji, Hong Kong, India, Macau, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
19	panelbeater	Persons: (a) who hold a passport issued by China, Fiji, Hong Kong, India, Macau, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
20	pastrycook	Persons: (a) who hold a passport issued by Brazil, China, Fiji, Hong Kong, India, Macau, Papua New Guinea, Philippines, South Africa,

Class of persons		
Item	Column 1 Occupation	Column 2 Class of persons
		Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
21	program or project administrator	All persons other than exempt applicants for the occupation.
22	sheetmetal trades worker	Persons: (a) who hold a passport issued by Brazil, China, Fiji, Hong Kong, India, Macau, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
23	specialist managers (nec) except: (a) ambassador; or (b) archbishop; or (c) bishop	All persons other than exempt applicants for the occupation.
24	toolmaker	Persons: (a) who hold a passport issued by Brazil, China, Fiji, Hong Kong, India, Macau, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.
25	welder (first class)	Persons: (a) who hold a passport issued by Brazil, China, Fiji, Hong Kong, India, Macau, Philippines, South Africa, Thailand, Vietnam or Zimbabwe; and (b) who are not exempt applicants for the occupation.

7 Exempt applicant for an occupation

- (1) A person who has applied for a Subclass 482 (Temporary Skill Shortage) visa is an **exempt applicant** for an occupation mentioned in column 1 of an item of the table in section 6 if:
- (a) all of the following apply in relation to the person:
 - (i) the person holds a Subclass 457 (Temporary Work (Skilled)) visa or Subclass 482 (Temporary Skill Shortage) visa;
 - (ii) the person satisfied the primary criteria for the grant of that visa;
 - (iii) the person is employed in Australia in the nominated occupation to which the application relates; or
 - (b) both of the following apply in relation to the person:
 - (i) the person is employed by a company operating an established business overseas in the same occupation as, or a similar occupation to, the nominated occupation to which the application relates;

- (ii) the person is nominated by a standard business sponsor who is that company or an associated entity of that company.
- (2) A person who has applied for a Subclass 482 (Temporary Skill Shortage) visa is an ***exempt applicant*** for an occupation mentioned in column 1 of an item of the table (other than item 21 or 23) in section 6 if:
 - (a) both of the following apply in relation to the person:
 - (i) the person holds a relevant qualification for the nominated occupation to which the application relates that is commensurate with the qualification specified for the occupation in ANZSCO;
 - (ii) the qualification was obtained as a result of the successful completion of a course of study or training in Australia or a permitted country for the occupation; or
 - (b) both of the following apply in relation to the person:
 - (i) the nominated occupation to which the application relates requires the person to hold a licence, registration or membership to perform the occupation;
 - (ii) the person has been granted that license, registration or membership; or
 - (c) the person has met the standards set by TRA under the Offshore Skills Assessment Program for the nominated occupation to which the application relates.
- (3) A ***permitted foreign country*** for an occupation mentioned in column 1 of an item of the table in section 6 is a foreign country, or a Special Administrative Region of a foreign country, that is not mentioned in column 2 of that item.
- (4) A person who has applied for a Subclass 482 (Temporary Skill Shortage) visa is an ***exempt applicant*** for an occupation mentioned in item 21 or 23 of column 1 of the table in section 6 if:
 - (a) the person holds a relevant qualification for the nominated occupation to which the application relates that is commensurate with the qualification specified for the occupation in ANZSCO; and
 - (b) the person will receive annual earnings of at least AUD180,000; and
 - (c) the person is nominated by a standard business sponsor who has been given accredited status by the Department.