

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Note: This table relates only to the provisions of this instrument as originally made.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. |
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| Item | Column 1Occupation | Column 2ANZSCO code | Column 3Assessing authority | Column 4Type 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. |
| 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. |
| 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 |
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| Item | Column 1Occupation | Column 2Class 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. |
| 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(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, 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.