Migration Amendment (Working Holiday Maker) Regulations 2019

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 21 February 2019

Peter Cosgrove
Governor-General

By His Excellency's Command

David Coleman
Minister for Immigration, Citizenship and Multicultural Affairs

Contents

1 Name

This instrument is the *Migration Amendment (Working Holiday Maker) Regulations 2019*.

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	1 July 2019.	1 July 2019

Note: This table relates only to the provisions of this instrument as originally made.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 the *Migration Act 1958*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Migration Regulations 1994

1 Subparagraph 1224A(3)(c)(ii) of Schedule 1

Before "the application", insert "if the applicant has held only one Subclass 462 (Work and Holiday) visa in Australia—".

2 Subparagraph 1224A(3)(c)(iii) of Schedule 1

Repeal the subparagraph, substitute:

> (iia) if the applicant has held 2 Subclass 462 (Work and Holiday) visas in Australia—the application must be accompanied by a declaration by the applicant that:
>> (A) the applicant has carried out specified Subclass 462 work for a total period of at least 6 months; and
>> (B) all of that work was carried out while the applicant held the second Subclass 462 (Work and Holiday) visa or while the applicant held a bridging visa that was in effect and was granted on the basis of the application for the second Subclass 462 (Work and Holiday) visa (made at a time when the applicant held the first Subclass 462 (Work and Holiday) visa); and
>> (C) all of that work was carried out on or after 1 July 2019; and
> (iii) the applicant has not held more than 2 Subclass 462 (Work and Holiday) visas in Australia (including any Subclass 462 (Work and Holiday) visa held by the applicant at the time of application); and

3 Paragraph 1225(3B)(c) of Schedule 1

Before "the application", insert "if the applicant has held only one Subclass 417 (Working Holiday) visa in Australia—".

4 Paragraph 1225(3B)(d) of Schedule 1

Repeal the paragraph, substitute:

> (ca) if the applicant has held 2 Subclass 417 (Working Holiday) visas in Australia—the application must be accompanied by a declaration by the applicant that:
>> (i) the applicant has carried out specified work in regional Australia for a total period of at least 6 months; and
>> (ii) all of that work was carried out while the applicant held the second Subclass 417 (Working Holiday) visa or while the applicant held a bridging visa that was in effect and was granted on the basis of the application for the second Subclass 417 (Working Holiday) visa (made at a time when the applicant held the first Subclass 417 (Working Holiday) visa); and
>> (iii) all of that work was carried out on or after 1 July 2019; and
> (d) the applicant has not held more than 2 Subclass 417 (Working Holiday) visas in Australia (including any Subclass 417 (Working Holiday) visa held by the applicant at the time of application); and

5 Subclause 417.211(1) of Schedule 2

Omit "and (5)", substitute ", (5) and (6)".

6 Subclause 417.211(5) of Schedule 2

Omit "is, or has previously been, in Australia as the holder of a Subclass 417 visa", substitute "has held only one Subclass 417 visa in Australia".

7 Paragraph 417.211(5)(a) of Schedule 2

Omit "(whether on a full-time, part-time or casual basis)".

8 Paragraph 417.211(5)(b) of Schedule 2

Omit ", or is equivalent to, at least 3 months full-time work", substitute "at least 3 months".

9 At the end of clause 417.211 of Schedule 2

Add:

(6) If the applicant has held 2 Subclass 417 visas in Australia, the Minister is satisfied that:

    (a) the applicant has carried out a period or periods of specified work in regional Australia; and

    (b) the total period of that work is at least 6 months; and

    (c) all of that work was carried out while the applicant held:

        (i) the second Subclass 417 visa; or

        (ii) a bridging visa that was in effect and was granted on the basis of the application for the second Subclass 417 visa (made at a time when the applicant held the first Subclass 417 visa); and

    (d) all of that work was carried out on or after 1 July 2019; and

    (e) the applicant has been remunerated for that work in accordance with relevant Australian legislation and awards.

10 Paragraph 417.221(2)(a) of Schedule 2

Omit "and (5)", substitute ", (5) and (6)".

11 Paragraph 417.222(b) of Schedule 2

Repeal the paragraph, substitute:

    (b) the applicant has not held more than 2 Subclass 417 (Working Holiday) visas in Australia (including any Subclass 417 (Working Holiday) visa held by the applicant at the time of decision on the application).

12 Clause 462.211B of Schedule 2

Omit "and 462.218", substitute ", 462.218 and 462.219".

13 Clause 462.218 of Schedule 2

Omit "is, or has previously been, in Australia as the holder of a Subclass 462 (Work and Holiday) visa", substitute "has held only one Subclass 462 (Work and Holiday) visa in Australia".

14 At the end of Subdivision 462.21 of Schedule 2

Add:

462.219

If the applicant has held 2 Subclass 462 (Work and Holiday) visas in Australia, the Minister is satisfied that:

(a) the applicant has carried out a period or periods of specified Subclass 462 work; and

(b) the total period of that work is at least 6 months; and

(c) all of that work was carried out while the applicant held:

(i) the second Subclass 462 (Work and Holiday) visa; or

(ii) a bridging visa that was in effect and was granted on the basis of the application for the second Subclass 462 (Work and Holiday) visa (made at a time when the applicant held the first Subclass 462 (Work and Holiday) visa); and

(d) all of that work was carried out on or after 1 July 2019; and

(e) the applicant has been remunerated for that work in accordance with relevant Australian legislation and awards.

15 Paragraph 462.221A(a) of Schedule 2

Omit "and 462.218", substitute ", 462.218 and 462.219".

16 At the end of Subdivision 462.22 of Schedule 2

Add:

462.224

If the applicant is, or has previously been, in Australia as the holder of a Subclass 462 (Work and Holiday) visa, the applicant has not held more than 2 Subclass 462 (Work and Holiday) visas in Australia (including any Subclass 462 (Work and Holiday) visa held by the applicant at the time of decision on the application).

17 In the appropriate position in Schedule 13

Insert:

Part 84—Amendments made by the Migration Amendment (Working Holiday Maker) Regulations 2019

8401 Operation of Schedule 1

The amendments of these Regulations made by items 1 to 16 of Schedule 1 to the *Migration Amendment (Working Holiday Maker) Regulations 2019* apply in relation to visa applications made on or after 1 July 2019.