



Interim guidelines on occupational caveats

This document is designed to provide registered migration agents with transparency on Departmental policy regarding the assessment of nomination applications lodged in relation to the specific nominated occupations that are listed in the relevant legislative instrument **with a caveat** for the Temporary Work (Skilled) (subclass 457) visa programme – whether lodged before, on or after 1 July 2017.

There are three main groups of caveated occupations which are discussed below in turn:

- **Group A:** caveats relating to work experience only
- **Group B:** caveats relating to regional location only
- **Group C:** occupation specific caveats

Note:

- This advice also applies in the context of the Employer Nomination Scheme (subclass 186) visa programme, with these caveats also applying to subclass 186 applications lodged on or after 1 July 2017.
- The subclass 457 Nominations Procedural instruction will be updated with the below advice at the next available opportunity after 1 July 2017.

Group A: caveats relating to work experience only

Caveats are in place for the occupations listed below which exclude their use for positions that do **not** require a minimum of two years relevant work experience:

Occupation	ANZSCO Code
Advertising Specialist	225111
Contract Administrator	511111
Finance Manager	132211
Graphic Designer	232411
Hairdresser	391111
ICT Project Manager	135112
ICT Support Engineer	263212
ICT Systems Test Engineer	263213
Information and Organisation Professionals nec	224999
Software Tester	261314
University Lecturer	242111
Web Developer	261212

Under policy:

- two years relevant work experience should be interpreted as two years full time work experience in the same or a similar occupation.
- unless they have significant concerns about the use of employer sponsored skilled visa programmes for the nominated position, officers may be satisfied that this caveat does not apply if:
 - any job advertisements/job descriptions provided together with the nomination application specify this as a requirement; or
 - a visa application has already been lodged and the evidence provided clearly indicates that the nominee has at least two years relevant work experience – and there is no evidence to the contrary in the nomination application that only a lesser period of work experience was required.

Note:

- Where a caveat applies this does **not** replace any higher skills requirements that may be applicable at the visa application stage as per the occupation requirements outlined in ANZSCO.
- When considering relevant work experience, officers should consider the context of the relevant occupation. For example, for the occupation of University Lecturer, work experience may take different forms such as research and teaching experience accumulated by PhD students.

Group B: caveats relating to regional location only

Caveats are in place for the occupations listed below which exclude their use for positions that are **not** located in regional Australia:

Occupation	ANZSCO Code
Aeroplane Pilot	231111
Agricultural Technician	311111
Apiarist	121311
Aquaculture Farmer	121111
Beef Cattle Farmer	121312
Cotton Grower	121211
Crop Farmers nec	121299
Dairy Cattle Farmer	121313
Fitness Centre Manager	149112
Flower Grower	121212
Flying Instructor	231113
Fruit or Nut Grower	121213
Grain, Oilseed or Pasture Grower (Aus) / Field Crop Grower (NZ)	121214
Grape Grower	121215
Helicopter Pilot	231114
Horse Breeder	121316
Livestock Farmers nec	121399
Mixed Crop and Livestock Farmer	121411

Mixed Crop Farmer	121216
Mixed Livestock Farmer	121317
Pig Farmer	121318
Post Office Manager	142115
Poultry Farmer	121321
Primary Products Inspectors nec	311399
Production Manager (Forestry)	133511
Sheep Farmer	121322
Sport's Centre Manager	149113
Sugar Cane Grower	121217
Vegetable Grower (Aus) / Market Gardener (NZ)	121221
Wine Maker	234213

As outlined in the relevant legislative instrument, Regional Australia is as per defined in subregulation 5.19(7) of the *Migration Regulations 1994*.

Under this definition, the post codes contained in the table below are considered part of 'Regional Australia' as outlined in [legislative instrument 13/045](#). In practice, this means that the caveat excludes positions that are located in: Sydney, Newcastle, Wollongong, Melbourne metropolitan area, Greater Brisbane area, or the Gold Coast.

When considering whether this caveat applies, officers should consider the postcode of the location in which the nominated position is based (i.e. as opposed to the head office of the sponsoring company).

State or territories	Postcodes that are considered part of regional Australia
Australian Capital Territory	All postcodes in the Territory
New South Wales (except Sydney, Newcastle and Wollongong)	2250 to 2251 – (Central Coast), 2256 to 2263 – (Central Coast), 2311 to 2312, 2328 to 2411, 2415, 2420 to 2490, 2536 to 2551, 2575 to 2594, 2618 to 2739, 2787 to 2898
Northern Territory	All postcodes in the Territory
Queensland (except the greater Brisbane area and the Gold Coast)	4124 to 4125, 4133 , 4211, 4270 to 4272 , 4275, 4280, 4285, 4287, 4307 to 4499, 4515 , 4517 to 4519, 4522 to 4899
South Australia	All postcodes in the State
Tasmania	All postcodes in the State
Victoria (except Melbourne metropolitan area)	3211 to 3334, 3340 to 3424, 3430 to 3649, 3658 to 3749, 3753, 3756, 3758, 3762, 3764, 3778 to 3781, 3783, 3797, 3799, 3816 to 3909, 3921 to 3925, 3945 to 3974, 3979, 3981 to 3996
Western Australia	All postcodes in the State

Note: The above instrument and list of postcodes is currently under review. Please check the Department's website for the current list.

Group C: occupation specific caveats

Information is provided below on occupations to which an occupation specific caveat applies. These occupations are listed in alphabetical order.

Accountant (ANZSCO 221111)

A caveat is in place for this occupation, which excludes its use for any of the following:

- clerical, book keeper and accounting clerk positions;
- positions in businesses that have an annual turnover of less than \$1M (AUD);
- positions in businesses that have fewer than five employees.

This caveat is designed to ensure that in the context of this occupation, employer sponsored skilled visa programmes continue to be used for skill level 1 accountants positions only – that is, positions where the nominee will be involved in planning and providing accounting systems and services relating to the financial dealings of organisations and individuals, and advising on associated record-keeping and compliance requirements.

Note: This does not mean that other tasks cannot be completed by a visa applicant nominated as an Accountant. To meet programme requirements, it is expected that only very limited/ad hoc time would, however, be spent doing other tasks, not listed in ANZSCO, that could be performed by a non-skilled employee.

Employer sponsored skilled visa programmes are **not** considered appropriate to fill skill level 4 positions such as **Accounts Clerk (ANZSCO 551111)**, **Bookkeeper (ANZSCO 5512111)**, **Cost Clerk (ANZSCO 551112)** and **Payroll Clerk (ANZSCO 551311)**, which are not currently included on the approved list of occupations and should be able to be sourced from the local labour market.

When determining whether the caveat applies, officers should first confirm that the business has at least five employees and that the annual turnover is at least \$1M based on the evidence provided by the business in their nomination application form.

If this is the case, additional assessment may be warranted to ensure that the caveat does not apply where the officer has concerns that a significant amount of the nominee's time will be spent on administrative and/or bookkeeping tasks (e.g. preparing documentation, keeping records and reconciling invoices/accounts, rather than providing financial and taxation advice and preparing more complex documentation such as financial statements and tax returns).

Animal Attendants and Trainers (NEC) (ANZSCO 361199)

A caveat is in place for this occupation which excludes its use for positions related to animal husbandry, including but not limited to positions that involve caring for livestock on a farm.

This caveat is designed to ensure that in the context of this occupation, employer sponsored skilled visa programmes continue to be used for skill level 3 animal attendant and trainer positions only, which are responsible for teaching and training animals as opposed to simply feeding or caring for them.

Employer sponsored skilled visa programmes are **not** considered appropriate to fill skilled level 5 farm worker positions (see ANZSCO **Unit Group 8415 - Livestock Farm Workers** and **Unit Group 8416 - Mixed crop and livestock farm workers**), which are not currently listed in the relevant legislative instrument and should be able to be sourced from the local labour market.

Baker (ANZSCO 351111)

A caveat is in place for this occupation which excludes **any** of the following positions:

- related to mass or standardised production, including positions based in a franchise or factory, as opposed to specialist production;
- that involve full or partial production of food product for distribution to another location;
- that predominantly involve the use of pre-prepared food product from another location.

This caveat is designed to ensure that in the context of this occupation, employer sponsored skilled visa programmes continue to be used for skilled baker positions only – that is, positions where the nominee is involved in preparing and baking bread products from scratch, as opposed to simply heating/cooking pre-prepared products or operating and/or cleaning baking machinery.

Employer sponsored skilled visa programmes are **not** considered appropriate to fill lower skilled positions within the hospitality industry, such as **Food Trades Assistants NEC (ANZSCO 851299)** or **Kitchenhand (ANZSCO 851311)**, which are not on the relevant legislative instrument and should be able to be sourced from the local labour market.

Positions covered by the caveat are likely to include factory positions that are involved in cooking standardised bread products, or positions based in a franchise where the nominee is involved in heating/cooking products that have been prepared at another location.

Where the nominated position is based in a franchise or factory, officers should confirm that this caveat does not apply by assessing the role that the nominee will undertake.

In other locations, under policy, additional assessment would usually only be warranted where the officer has concerns that a significant amount of the nominee's time will be spent on routine support tasks in a food service environment (e.g. preparing ingredients, cleaning equipment, removing cooked food from ovens), rather than preparing and baking bread products.

Cafe and Restaurant Manager (ANZSCO 141111)

A caveat is in place for this occupation which excludes positions in a limited service restaurant. A limited service restaurant includes, but is not limited to, the following:

- fast food or takeaway food services;
- fast casual restaurants;
- drinking establishments that offer only a limited food service;
- limited service cafes including, but not limited to, coffee shops or mall cafes;
- limited service pizza restaurants.

For further advice regarding how the above terms are defined, refer to section **Attachment A [Additional advice on hospitality positions](#)**.

This caveat is designed to ensure that in the context of this occupation, employer sponsored skilled visa programmes continue to be used for skill level 2 café or restaurant manager positions only – that is, leadership positions in a dining establishment that involve managerial tasks such as planning menus, organising special functions, purchasing and pricing items according to a budget and maintaining records of stock levels and financial transactions. Café and Restaurant Managers are also expected to assess the level of customer satisfaction and be responsible for selection, training and supervising of waiting and kitchen staff.

Note: This does not mean that other tasks cannot be completed by visa applicants nominated as a Café or Restaurant Manager. To meet programme requirements, it is expected that only very limited/ad hoc time would, however, be spent doing other tasks, not listed in ANZSCO, that could be performed by a non-skilled employee.

Employer sponsored skilled visa programmes are **not** considered appropriate to fill skill level 4 positions such as **Café Worker (ANZSCO 431211)** and **Waiter (ANZSCO 431511)**, which are not currently included on the approved list of subclass 457 occupations and should be able to be sourced from the local labour market.

When determining whether the caveat applies, officers should first confirm that the nominated position is not located in a limited service restaurant – using the guidelines provided at **Attachment A [Additional advice on hospitality positions.](#)**

If this is not the case, additional assessment may be warranted if the officer has concerns that a significant amount of the nominee's time will be spent on administrative or selling and/or serving food and beverages (e.g. taking orders, operating cash registers, cleaning tables, serving meals/drinks), as opposed to organising and controlling the operation of a café/restaurant.

Chefs (ANZSCO 351311)

A caveat is in place for this occupation which excludes positions involved in mass production in a factory setting and positions in a limited service restaurant. A limited service restaurant includes, but is not limited to, the following:

- fast food or takeaway food services;
- fast casual restaurants;
- drinking establishments that offer only a limited food service;
- limited service cafes including, but not limited to, coffee shops or mall cafes;
- limited service pizza restaurants.

For further advice regarding how the above terms are defined, refer to **Attachment A [Additional advice on hospitality positions.](#)**

This caveat is designed to ensure that in the context of this occupation, employer sponsored visa skilled programmes continue to be used for skill level 2 chef positions only – that is, leadership positions in a dining establishment that involve managerial tasks such as planning menus, monitoring the quality of dishes, preparing and cooking food, and advising on cooking procedures. It is **not** appropriate for use by individuals who will actually be undertaking the role of a **Cook (ANZSCO 351411)** – see guidance provided below on **Cook (ANZSCO 351411)**.

Note: Apprentice Chefs are excluded from this unit group in ANZSCO and are included in the Cook unit group.

When determining whether the caveat applies, officers should first confirm that the nominated position is not located in a limited service restaurant – using the guidelines provided at **Attachment A [Additional advice on hospitality positions.](#)**

Chief Executive or Managing Director (ANZSCO 111111)

A caveat is in place for this occupation which excludes positions that have a nominated base salary of less than AUD \$180,001 **UNLESS** they involve an intra-corporate transfer to which an international trade obligation applies.

This caveat is designed to ensure that this occupation is **not** used inappropriately to nominate supervisors and managers at a lower responsibility in the organisation than would be expected for a Chief Executive or Managing Director.

When determining whether the caveat applies, officers should first check that the base salary for the nominated occupation is at least AUD \$180,001. If this base salary is not met, officers should then consider whether any international trade obligations apply.

Conference and Event Organiser (ANZSCO 149311)

A caveat is in place for this occupation which excludes any of the following positions:

- positions in businesses that have an annual turnover of less than \$1M (AUD);
- positions that have a nominated base salary of less than \$65,000 (AUD).

This caveat is designed to ensure that this occupation is **not** used inappropriately to nominate individuals whose role is in reality more closely associated with the occupation of **Receptionist (General) (ANZSCO 542111)** which is not on the relevant legislative instrument, or who are only involved in organising large annual or one-off conferences, as opposed to regular conferences or events.

When determining whether the caveat applies, officers should first check that the base salary for the nominated occupation is at least \$65,000.

If this is the case, they should then confirm that the business has an annual turnover is at least \$1M based on the information provided by the business in nomination application form.

Additional assessment may be warranted if the case officer has concerns that a significant amount of the nominee's time will be spent on administrative tasks (e.g. welcoming visitors, managing appointments and bookings, answering enquiries), rather than organising and coordinating services for conferences and events.

Cooks (ANZSCO 351411)

A caveat is in place for this occupation which excludes positions involved in mass production in a factory setting and positions in a limited service restaurant. A limited service restaurant includes, but is not limited to, the following:

- fast food or takeaway food services;
- fast casual restaurants;
- drinking establishments that offer only a limited food service;
- limited service cafes;
- limited service pizza restaurants.

For further advice regarding how the above terms are defined, refer to **Attachment A [Additional advice on hospitality positions.](#)**

This caveat is designed to ensure that in the context of this occupation, employer sponsored skilled visa programmes continue to be used for skill level 3 cook positions only – that is, positions in a dining establishment that involve preparing, seasoning and cooking food.

It is not appropriate for use by individuals who will actually be undertaking the role of a **Fast Food Cooks (ANZSCO 851111)**, **Food Trades Assistants NEC (ANZSCO 851299)** and **Kitchenhands (ANZSCO 851311)**, or for positions that can be performed with on-the-job training, or without the skills, qualifications or employment background specified in the ANZSCO dictionary.

Cooks, unlike chefs, are less likely to operate independently in planning menus and sourcing produce, and are expected to spend the majority of their time preparing food on a daily basis.

If the nominated position is not determined to be in a limited service restaurant or be involved in mass production in a factory setting, further assessment may be warranted if the officer has concerns that a significant amount of the nominee's time will be spent on routine support tasks in a food service environment (e.g. preparing ingredients, cleaning equipment, delivering food, taking orders, packing food and beverage trays, heating food items), rather than preparing and cooking food in a dining or catering establishment.

Corporate General Manager (ANZSCO 111211)

A caveat is in place for this occupation which excludes positions that have a nominated base salary of less than AUD \$180,001 **UNLESS** they involve an intra-corporate transfer to which an international trade obligation applies.

This caveat is designed to ensure that this occupation is not used inappropriately to nominate supervisors and managers at a lower responsibility in the organisation than would be expected for a Corporate General Manager.

When determining whether the caveat applies, officers should first check that the base salary for the nominated occupation is at least AUD \$180,001. If this base salary is not met, officers should then consider whether any international trade obligations apply.

Corporate Services Manager (ANZSCO 132111)

A caveat is in place for this occupation which excludes positions that have a nominated base salary of less than AUD \$80,000 **UNLESS** they involve an intra-corporate transfer to which an international trade obligation applies.

This caveat is designed to ensure that this occupation is not used inappropriately to nominate supervisors and managers at a lower responsibility in an organisation who do not control and coordinate the overall administration of organisations.

When determining whether the caveat applies, officers should first check that the base salary for the nominated occupation is at least AUD \$80,000. If this base salary is not met, officers should then consider whether any international trade obligations apply.

Customer Service Managers (ANZSCO 149212)

A caveat is in place for this occupation which excludes its use for any of the following positions:

- based in a front-line retail setting;
- that predominately involve direct client transactional interaction on a regular basis;
- with businesses that have an annual turnover of less than \$1M (AUD);
- that have a nominated base salary of less than AUD \$65,000.

This caveat is designed to ensure that in the context of this occupation, employer sponsored skilled visa programmes continue to be used for skilled customer service manager positions only – that is, positions where the nominee will be involved in: developing and reviewing policies, programs and procedures concerning customer relations and food/services provided; planning and implementing after-sales services to follow up customer satisfaction; ensuring performance of goods purchased; and modifying and improving services provided.

Employer sponsored skilled visa programmes are not considered appropriate to fill **Retail Manager (ANZSCO 142111)** or **Retail Supervisor (ANZSCO 621511)** positions that have a 'customer service' component but are not included in the relevant legislative instrument.

The role of a Customer Service Manager involves more than just providing customer services to clients. While most organisations may require some degree of customer service, in general at a local level and in day-to-day operations, customer service functions are typically carried out by a range of staff. This may include waiters, clerical or office administrators, supervisors and general managers, and where the business is of a sufficient size and operation, a customer service representative.

By contrast, Customer Service Managers are considered to be high level roles responsible for the customer service management of organisations large enough to support and require such a function – i.e. it is expected that they would be involved in client interaction that will inform long term strategic marketing strategies, rather than day to day client interaction on a transactional basis.

As a result, it is expected that the occupation of Customer Service Manager would generally be a position within relatively large business operations with complex client interactions, and would not be concerned with general administrative and operational duties.

When determining whether the caveat applies, officers should first check that the base salary for the nominated occupation is at least AUD \$65,000.

If this is the case, they should then confirm that the annual turnover is at least \$1M based on the information provided by the business in their nomination application form.

If this is the case, officers should consider where the nominated position is located and whether it is a front-line retail position (e.g. manager of a store).

Additional assessment is warranted if the officer has concerns that the nominated position is not managerial in nature and the majority of the nominee's time will not be spent organising and controlling the operations of call/contact centres and/or developing /reviewing customer service policies, or that the position is more likely to equate to a retail manager or retail supervisor position.

Under policy, a *front-line retail setting* is a location where the sponsoring business sells goods directly to the public – that is, to individual customers. This could include a shop, store, market stall or a counter. Positions based in 'head office' would, for example, generally not be considered to be in a front-line retail setting, whereas positions based in a retail store would be.

Similarly, positions that involve regular contact with individual clients either in person, online or over the phone to sell or promote products would be considered to be involved in *direct client transactional interaction* and are likely to be excluded by the caveat.

Note:

- This caveat supports the Department's existing policy position that it is **not** appropriate to use the standard employer sponsored visa skilled programmes for store manager positions. This is because these positions align with the occupation of **Retail Manager (General) (ANZSCO 142111)**, which is not listed on the instrument. This is because it is anticipated that such positions should be able to be filled by the local labour market.

- This remains the case regardless of which occupation employers attempt to use to nominate such positions – for example, Customer Service Manager, Sales and Marketing Manager (which is similarly caveated) or Specialist Manager. **Note:** The only potential exception to the above is where a company is setting up stores in Australia for the first time and hence may want a manager experienced in their brand to lead the store. Flexibility can be considered in such circumstances on a one off basis only under the occupation of Specialist Manager, and officers should discuss with 457 programme management before proceeding to finalise any such applications.

Facilities Manager (ANZSCO 149913)

A caveat is in place for this occupation which excludes its use where the position:

- is not located in a commercial building or shopping centre environment; or
- predominantly involves the management of the provision of one particular service to a facility or managing one particular relationship.

Example: a position that manages the cleaning contract for a facility, but not other contracts relevant to the facility.

This caveat is designed to ensure that in the context of this occupation, employer sponsored visa skilled programmes are not misused to fill non-managerial positions that could be undertaken by Australian workers. This includes positions in businesses that provide a particular service to a facility such as cleaning companies or that are based in a farm rather than a commercial location.

Farmer – various (Group 121)

A caveat is in place for occupations included in this group, which excludes its use where the position predominantly involves low skilled tasks (e.g. fruit picking or packing, feeding of livestock or animals).

This caveat is designed to ensure that in the context of this occupation, employer sponsored visa skilled programmes are not misused to fill unskilled farm hand positions that could be undertaken by Australian workers.

This occupation is not appropriate to fill positions where the duties more closely align with the tasks of a **General Farm Hands (ANZSCO 841611)** or **Crop Farm Workers nec (ANZSCO 841299)**.

Occupations in this group that are subject to this caveat include the following:

Occupation	ANZSCO Code
Apiarist	121311
Aquaculture Farmer	121111
Beef Cattle Farmer	121312
Cotton Grower	121211
Crop Farmers nec	121299
Dairy Cattle Farmer	121313
Flower Grower	121212
Fruit or Nut Grower	121213
Grain, Oilseed or Pasture Grower (Aus) / Field Crop Grower (NZ)	121214
Grape Grower	121215

Horse Breeder	121316
Livestock Farmers nec	121399
Mixed Crop and Livestock Farmer	121411
Mixed Crop Farmer	121216
Mixed Livestock Farmer	121317
Pig Farmer	121318
Poultry Farmer	121321
Sheep Farmer	121322
Sugar Cane Grower	121217
Vegetable Grower (Aus) / Market Gardener (NZ)	121221

Additional assessment may be warranted where an officer has concerns that a significant amount of the nominee's time will be spent on routine support tasks in a farm environment (e.g. feeding stock, mustering, maintain buildings/equipment, operating machines, packing crops), rather than planning, organising, controlling, coordinating and/or performing farming operations.

Hair or Beauty Salon Manager (ANZSCO 142114)

A caveat is in place for this occupation which excludes its use for positions:

- that predominantly involve non-managerial hair dressing or beauty therapy related tasks; or
- in businesses that employ fewer than five employees.

This occupation is **not** appropriate to fill positions that do not have responsibility for organising and controlling the operations of a hairdressing or beauty salon, or where the duties more closely align with the tasks of a **Sales Assistant (General) (ANZSCO 621111)**, **Beauty Therapist (ANZSCO 451111)**, or a **Hair or Beauty Salon Assistant (ANZSCO 451812)** that are not on the relevant legislative instrument.

When determining whether the caveat applies, officers should first confirm that the business has at least five employees by checking the information provided in their sponsorship application and/or any more up to date information available.

If this is the case, additional assessment may be warranted if the officer has concerns that a significant amount of the nominee's time will be spent on routine support tasks in a hairdressing or beauty salon (e.g. providing massage or beauty services to clients, receiving bookings, arranging appointments, applying make-up), rather than organising and controlling the operations of a hairdressing or beauty salon.

Hotel or Motel Manager (ANZSCO 141311)

A caveat is in place for this occupation which excludes positions that predominantly involve low skilled tasks (e.g. rostering, maintaining records, reception duties, allocating duties to housekeepers, porters and doorpersons).

This occupation is **not** appropriate to fill where the duties more closely align with the tasks of a **Hotel Services Manager (ANZSCO 431411)** or a **Hotel or Motel Receptionist (ANZSCO 542113)**.

Additional assessment may be warranted where the officer has concerns that a significant amount of the nominee's time will be spent on supervising housekeepers, porters and/or door persons at a hotel, or receiving and welcoming guests, rather than organising and controlling the operations of a hotel or motel.

Management Consultant (ANZSCO 224711)

A caveat is in place for this occupation which excludes its use where the position is:

- in a business that has an annual turnover of less than \$1M; or
- in a business that employs fewer than five employees.

This caveat is designed to ensure that in the context of this occupation, the subclass 457 programme continues to be used for highly skilled management positions that assist organisations to achieve greater efficiency and solve organisational problems.

When determining whether the caveat applies, officers should confirm that the business has at least five employees and that their annual turnover is at least \$1M based on the information provided by the business in their nomination application.

Marketing Specialist (ANZSCO 225113)

A caveat is in place for this occupation which excludes its use for any of the following positions:

- based in a front-line retail setting;
- that predominately involve direct client transactional interaction on a regular basis;
- with companies that have an annual turnover of less than \$1M;
- that have a nominated base salary of less than AUD \$65,000.

This caveat is designed to ensure that in the context of this occupation, employer sponsored skilled visa programmes continue to be used for highly skilled and specialised marketing positions that will make strategic contributions to the nominating organisation/business.

Employer sponsored skilled visa programmes are **not** considered appropriate to fill lower skilled, ANZSCO **Unit Group 6113 – Sales Representatives**, positions which are not on the relevant legislative instrument and should be able to be sourced from the local labour market.

When determining whether the caveat applies, officers should first check that the base salary for the nominated occupation is at least AUD \$65,000.

If this is the case, they should then confirm that the annual turnover is at least \$1M based on the information provided by the business in their sponsorship application form and/or any more up to date information available.

If this is the case, officers should consider where the nominated position is located and whether it is a front-line retail position.

Additional assessment may be warranted if the officer has concerns that a significant amount of the nominee's time will be spent on general sales activities (e.g. selling goods, preparing sales reports, visiting clients, preparing reports, preparing shop window displays) rather than developing/coordinating advertising strategies and campaigns.

Under policy, a *front-line retail setting* is a location where the sponsoring business sells goods directly to the public – that is, to individual customers. This could include a shop, store, market stall or a counter. Positions based in 'head office' would, for example, generally not be considered to be in a front-line retail setting, whereas positions based in a retail store would be.

Similarly, positions that involve regular contact with individual clients either in person, online or over the phone to sell or promote products would be considered to be involved in *direct client transactional interaction* and are likely to be excluded by the caveat.

Massage Therapist (ANZSCO 411611)

A caveat is in place for this occupation which excludes its use in positions that:

- are non-full-time positions; or
- are not based in a therapeutic setting; or
- involve the provision of non-medical relaxation massage; or
- are not based in a retail setting (that is, wholesale services).

This caveat is designed to ensure that in the context of this occupation, employer sponsored visa skilled programmes are not misused to fill positions in a prostitution setting and positions where the tasks more closely align with that of a **Sex Worker (ANZSCO 451813)**.

Under policy, a therapeutic setting is defined as a facility that provides services which relate to the healing of disease, as opposed to relaxation services. Positions that are:

- not based in a therapeutic setting are likely to include positions based in a spa, shopping malls or a prostitution setting; or
- based in a therapeutic setting are likely to include positions based in a clinic that offers therapeutic massage, together with physiotherapy and/or chiropractic care.

Under policy, a non-medical relaxation massage is defined as a massage provided with the intent to help the client relax. This is in contrast to therapeutic massage which is expected to be delivered by a health care professional, qualified to assist with health needs and goals, in order to alleviate injuries or pain, or reduce the impacts of participation in a competitive sports event. Such professionals may schedule a number of appointments with a particular patient and provide exercises that they can continue at home.

Mechanical Engineering Technician (ANZSCO 312512)

A caveat is in place for this occupation which excludes its use in positions that relate to mobile phone repairs.

This caveat is designed to ensure that in the context of this occupation, employer sponsored skilled visa programmes are not misused to fill lower-skilled positions that involve mobile phone repairs as opposed to skill level 2 positions where the nominee will be assisting in mechanical engineering research, design, manufacture, construction, operation and maintenance of machines, manufacturing equipment, mechanical installations and facilities.

Pastry Cook (ANZSCO 351112)

A caveat is in place for this occupation which excludes any of the following positions:

- related to mass or standardised production, including positions based in a franchise or factory, as opposed to specialist production;
- that involve full or partial production of food product for distribution to another location;
- that predominantly involve the use of pre-prepared food product from another location.

This caveat is designed to ensure that in the context of this occupation, employer sponsored skilled visa programmes continues to be used for skilled pastry cook positions only – that is, positions where the nominee is involved in preparing and baking pastry products from scratch, as opposed to simply heating/cooking pre-prepared products or operating and/or cleaning baking machinery.

Employer sponsored skilled visa programmes are **not** considered appropriate to fill **Pastry Cook's Assistant (ANZSCO 851211)**, **Food Trades Assistants nec (ANZSCO 851299)** or **Kitchenhand (ANZSCO 851311)** positions that are not on the relevant legislative instrument and should be able to be sourced from the local labour market.

Where the nominated position is based in a franchise or factory, officers should confirm that this caveat does not apply by assessing the role that the nominee will undertake. Positions covered by the caveat are likely to involve factory positions that are involved in cooking standardised bread products, or positions based in a franchise where the nominee is involved in heating/cooking products that have been prepared at another location.

In other locations, under policy, additional assessment would usually only be warranted where the officer has concerns that a significant amount of the nominee's time will be spent on routine support tasks in a food service environment (e.g. preparing ingredients, cleaning equipment, removing cooked food from ovens), rather than preparing and baking buns, cakes, biscuits and pastry goods).

Recruitment Consultant (ANZSCO 223112)

A caveat is in place for this occupation which excludes any of the following positions:

- in businesses that have an annual turnover of less than \$1M (AUD);
- in businesses that have fewer than five employees;
- that have a nominated base salary of less than \$65,000 (AUD).

Employer sponsored skilled visa programmes are not considered appropriate to **Human Resources Clerk (ANZSCO 599411)** positions that are not listed on the relevant legislative instrument and should be able to be sourced from the local labour market.

When determining whether the caveat applies, officers should first check that the base salary for the nominated occupation is at least AUD \$65,000.

If this is the case, they should then confirm that the business has at least five employees and that the annual turnover is at least \$1M based on the information provided by the business in their nomination application.

Additional assessment may be required where the officer has concerns that a significant amount of the nominee's time will be spent on maintaining and updating personnel records, processing applications for employment and advising applicants about application results, rather than interviewing applicants and assisting employers to find suitable staff.

Retail buyer (ANZSCO 639211)

A caveat is in place for this occupation which excludes any of the following positions:

- based in a front-line retail setting;
- that predominately involve direct client transactional interaction on a regular basis.

This caveat is designed to ensure that in the context of this occupation, employer sponsored skilled visa programmes continue to be used for highly skilled and specialised sales and marketing positions – that is,

positions where the nominee will be involved in planning, directing and controlling sales and marketing activities within an organisation, as opposed to just assisting with sales or marketing related tasks.

Employer sponsored skilled visa programmes are not considered appropriate to fill lower skilled, ANZSCO **Unit Group 6113 – Sales Representatives**, positions which are not on the legislative instrument and should be able to be sourced from the local labour market.

Additional assessment may then be warranted if the officer has concerns that a significant amount of the nominee's time will be spent on general sales activities (e.g. selling goods, preparing sales reports, visiting clients, preparing reports) rather than planning, organising, directing, controlling and coordinating the sales and marketing activities within an organisation

Under policy, a *front-line retail setting* is a location where the sponsoring business sells goods directly to the public – that is, to individual customers. This could include a shop, store, market stall or a counter. Positions based in 'head office' would, for example, generally not be considered to be in a front-line retail setting, whereas positions based in a retail store would be.

Similarly, positions that involve regular contact with individual clients either in person, online or over the phone to sell or promote products would be considered to be involved in *direct client transactional interaction* and are likely to be excluded by the caveat.

Sales and Marketing Manager (ANZSCO 131112)

A caveat is in place for this occupation which excludes any of the following positions:

- based in a front-line retail setting;
- that predominately involve direct client transactional interaction on a regular basis;
- with companies that have an annual turnover of less than \$1M (AUD) UNLESS they involve an intra-corporate transfer to which an international trade obligation applies;
- that have a nominated base salary of less than AUD \$65,000 UNLESS they involve an intra-corporate transfer to which an international trade obligation applies.

This caveat is designed to ensure that in the context of this occupation, employer sponsored skilled visa programmes continue to be used for highly skilled and specialised sales and marketing positions – that is, positions where the nominee will be involved in planning, directing and controlling sales and marketing activities within an organisation, as opposed to just assisting with sales or marketing related tasks.

Employer sponsored skilled visa programmes are **not** considered appropriate to fill lower skilled, ANZSCO **Unit Group 6113 – Sales Representatives**, positions which are not on the legislative instrument and should be able to be sourced from the local labour market.

Note: ANZSCO also specifically excludes ICT Business Development Managers from this occupation.

When determining whether the caveat applies, officers should first check that the base salary for the nominated occupation is at least AUD \$65,000. If this base salary is not met, officers should then assess whether any international trade obligations apply.

If the base salary is at least AUD \$65,000 or international trade obligations apply, they should then confirm that the annual turnover is at least \$1M based on the information provided by the business in their nomination application. If the annual turnover is not met, officers should then assess whether any international trade obligations apply.

If both the salary and turnover 'limbs' of the caveat are met, then additional assessment may still be warranted if the officer has concerns that a significant amount of the nominee's time will be spent on general sales activities (e.g. selling goods, preparing sales reports, visiting clients, preparing reports) rather than planning, organising, directing, controlling and coordinating the sales and marketing activities within an organisation.

Under policy, a *front-line retail setting* is a location where the sponsoring business sells goods directly to the public – that is, to individual customers. This could include a shop, store, market stall or a counter. Positions based in 'head office' would, for example, generally not be considered to be in a front-line retail setting, whereas positions based in a retail store would be.

Similarly, positions that involve regular contact with individual clients either in person, online or over the phone to sell or promote products would be considered to be involved in *direct client transactional interaction* and are likely to be excluded by the caveat.

Supply and Distribution Manager (ANZSCO 133611)

A caveat is in place for this occupation which excludes any of the following positions:

- based in a front-line retail setting;
- that predominately involve direct client transactional interaction on a regular basis;
- in businesses that have an annual turnover of less than \$1M (AUD);
- that have a nominated base salary of less than AUD \$65,000 UNLESS they involve an intra-corporate transfer to which an international trade obligation applies.

This caveat is designed to ensure that in the context of this occupation, employer sponsored skilled visa programmes continue to be used for skill level 1 supply and distribution manager positions only – that is, positions where the nominee plans, organises, directs, controls and coordinates the supply, storage and distribution of goods produced by an organisation.

Employer sponsored skilled visa programmes are **not** considered appropriate for skill level 4 positions in ANZSCO Unit **Group 5911 - Purchasing and Supply Logistics Clerks** positions that are not listed on the relevant legislative instrument and should be able to be sourced from the local labour market.

When determining whether the caveat applies, officers should first check that the base salary for the nominated occupation is at least AUD \$65,000. If this base salary is not met, officers should then assess whether any international trade obligations apply.

If the base salary is at least AUD \$65,000 or international trade obligations apply, they should then confirm that the annual turnover is at least \$1M based on the information provided by the business in their nomination application.

Additional assessment is warranted where the officer has concerns that a significant amount of the nominee's time will be spent on the following tasks: preparing and processing orders, monitoring stock levels and supply sources and maintaining stock and inventory levels, recording and coordinating the flow of materials between departments, preparing production schedules, and administering and coordinating storage and distribution operations within organisations.

Under policy, a *front-line retail setting* is a location where the sponsoring business sells goods directly to the public – that is, to individual customers. This could include a shop, store, market stall or a counter. Positions based in 'head office' would, for example, generally not be considered to be in a front-line retail setting, whereas positions based in a retail store would be.

Similarly, positions that involve regular contact with individual clients either in person, online or over the phone to sell or promote products would be considered to be involved in *direct client transactional interaction* and are likely to be excluded by the caveat.

Taxation Accountant (ANZSCO 221113)

A caveat is in place for this occupation, which excludes its use for clerical, book keeper and accounting clerk positions.

This caveat is designed to ensure that in the context of this occupation, employer sponsored skilled visa programmes continue to be used for skill level 1 accountants positions only – that is, positions where the nominee will be involved in planning and providing accounting systems and services relating to the financial dealings of organisations and individuals, and advising on associated record-keeping and compliance requirements.

Note: This does not mean that other tasks cannot be completed by visa applicant nominated as an Accountant. To meet programme requirements, it is expected that only very limited/ad hoc time would, however, be spent doing other tasks, not listed in ANZSCO, that could be performed by a non-skilled employee.

Employer sponsored skilled visa programmes are **not** considered appropriate to fill skill level 4 positions such as **Accounts Clerk (ANZSCO 551111)**, **Bookkeeper (ANZSCO 5512111)**, **Cost Clerk (ANZSCO 551112)** and **Payroll Clerk (ANZSCO 551311)**, which are not currently included on the approved list of skilled occupations and should be able to be sourced from the local labour market.

Additional assessment may be warranted to ensure that the caveat does not apply where the officer has concerns that a significant amount of the nominee's time will be spent on administrative and/or bookkeeping tasks (e.g. preparing documentation, keeping records and reconciling invoices/accounts), rather than providing advice on financial and taxation advice and preparing more complex documentation such as financial statements and tax returns.

Technical Sales Representatives NEC (note: includes education sales rep) (ANZSCO 225499)

A caveat is in place for this occupation which excludes any of the following positions that:

- are based in a front-line retail setting;
- are based in a call centre and do not require a significant technical knowledge of products;
- predominantly involve selling educational courses to individual students;
- have a nominated base salary of less than AUD \$65,000.

This caveat is designed to ensure that in the context of this occupation, employer sponsored skilled visa programmes continue to be used for skilled technical sales position only, which require specialist knowledge because of the complex products they are selling.

Employer sponsored skilled visa programmes are not considered appropriate to fill lower skilled, ANZSCO **Unit Group 6113 – Sales Representatives**, positions which are not listed in the relevant legislative instrument and should be able to be sourced from the local labour market.

When determining whether the caveat applies, officers should first check that the base salary for the nominated occupation is at least AUD \$65,000.

If this is the case, officers should consider where the nominated position is located and whether it is a front-line retail position, or based in a call-centre and does not require a significant technical knowledge of products.

If this is not the case, additional assessment may then be warranted to determine whether it involves selling educational courses to individual students.

Note: this occupation cannot be used to fill positions that align with other occupations under ANZSCO **Unit Group 2254 – Technical Sales Representatives**, including those that are not on the eligible list of skilled occupations. **Technical Sales Representatives NFD (ANZSCO 225400)** is designed to cover Technical Sales Representative positions that are not elsewhere classified in ANZSCO.

Under policy, a *front-line retail setting* is a location where the sponsoring business sells goods directly to the public – that is, to individual customers. This could include a shop, store, market stall or a counter. Positions based in ‘head office’ would, for example, generally not be considered to be in a front-line retail setting, whereas positions based in a retail store would be.

Similarly, positions that involve regular contact with individual clients either in person, online or over the phone to sell or promote products would be considered to be involved in *direct client transactional interaction* and are likely to be excluded by the caveat.

Transport Company Manager (ANZSCO 149413)

A caveat is in place for this occupation which excludes positions that:

- predominately involve responsibility for low skilled tasks (e.g. truck driving).
- are in businesses that have an annual turnover of less than \$1M;
- are in businesses that have fewer than five employees.

This caveat is designed to ensure that in the context of this occupation, employer sponsored skilled visa programmes continue to be used for skill level 2 transport company manager positions – that is, positions where the nominee will be involved in organising and controlling a fleet of vehicles to transport goods and passengers, rather than just assisting with clerical, sales or driving related tasks.

Employer sponsored skilled visa programmes are **not** considered appropriate to fill positions in small scale delivery operations with minimal employees which are unlikely to require significant managerial experience and should be able to be sourced from the local labour market.

Additional assessment may then be warranted if the officer has concerns that a significant amount of the nominee’s time will be spent on administrative support tasks (e.g. maintaining records of incoming outgoing goods, preparing goods for despatch, arranging for despatch and collection of goods) or driving vehicles, rather than organising and controlling the operations of an enterprise that operates a fleet of vehicles to transport goods and passengers.

Additional advice on hospitality positions

As noted above, there are caveats in place for the occupations of Café or Restaurant Manager, Cook and Chef, which exclude the occupation from the subclass 457 and subclass 186 programmes where the position is based in a limited service restaurant. A limited service restaurant, as outlined in the instrument, includes the following:

- fast food or takeaway food services;
- fast casual restaurants;
- drinking establishments that offer only a limited food service;
- limited service cafes including, but not limited to, coffee shops or mall cafes;
- limited service pizza restaurants.

Cooks and Chef positions are also excluded from the subclass 457 programme where they are involved in mass production in a factory setting.

This section explains how the above terms are defined under policy for the purposes of these caveats.

Definitions

What is a fast food or takeaway service?

Under policy, fast food or take away food is defined as food that is quick to cook or is already cooked and as a result can be served as a quick meal or to be taken away – i.e. “a meal to go”.

Such food is to be distinguished from a restaurant or café where people sit and eat meals that are cooked and served on the premises, pay on completion of the meal and with the service provided being an important factor, as well as the food.

Examples of eating establishments considered under policy to provide fast food or takeaway services may include, but are not limited to, fast food chains, fish and chips shops, hamburger shops, kebab shops, takeaway sushi shops, Asian noodle take away shops and fried chicken shops.

Note: additional guidance is provided below in terms of factors that add weight to an eating establishment being considered a fast casual restaurant as opposed to a full service restaurant or café – see *Distinguishing between full service and limited service cafés/restaurants*.

What is a fast casual restaurant?

Fast casual restaurants, sometimes also referred to as fast casual dining outlets, are similar to fast food outlets except the quality of the food and prices of the menu are somewhat higher and they may have a liquor licence.

These restaurants are designed to offer the quality of established restaurants with the informality of fast food stores and speedier service than a full service restaurant. Typically, these outlets:

- do not provide full table service, with customers ordering their food at a counter even if it is delivered to the table;
- operate in chains or as franchises and are heavily advertised;

- offer streamlined menus similar to fast food establishments;
- offer speed, convenience, and familiarity to diners who may eat in the outlet or take their food home;
- do not generally employ chefs – with some menu items still mass-produced, even if they are made from better quality and fresh ingredients,
- cater for special dietary needs unlike fast food establishments; and
- do not have a drive through facility.

Examples of eating establishments that are considered to be fast casual restaurants may include, but are not limited to fast casual dining franchises which focus on serving a 'gourmet' or 'organic' version of fast food (e.g. burgers, fried chicken, fish and chips, sandwiches) or food from a particular country (e.g. Mexican, Greek, Italian or Japanese).

Note: additional guidance is provided below in terms of factors that add weight to an eating establishment being considered a fast casual restaurant as opposed to a full service restaurant or café – see *Distinguishing between full service and limited service cafés/restaurants*.

Drinking establishments that offer only a limited food service

Subclass 457 nominations can be received for the occupations of cooks, chefs and café or restaurant manager where the location is a drinking establishment, such as a pub, a bar, a beer hall or an izakaya. In some cases, these establishments only offer a very limited food service to accompany the drinks that they serve. In other circumstances, the menu available can be comprehensive and equivalent to that of a restaurant – with some pubs even marketing themselves as 'gastropubs'.

Employer sponsored skilled visa programmes are **not** considered appropriate to fill positions in bars/pubs where only a limited food service is provided – with such positions generally lesser skilled and considered able to be sourced from the local labour market.

Under policy, a drinking establishment is considered to have a limited food service menu where it only provides snacks (e.g. olives, dips, chips, pickles), or a very limited range of food that involves limited preparation (e.g. toasties, tacos, simple pizza or standard hamburgers).

Note: additional guidance is provided below in terms of factors that add weight to an eating establishment being considered a fast casual restaurant as opposed to a full service restaurant or café – see *Distinguishing between full service and limited service cafés/restaurants*.

Limited service cafes including a coffee shop or mall cafe

Nominations can be received for the occupations of cooks, chefs and café or restaurant manager where the location is a café. In some cases, these establishments only offer a very limited food service to accompany the drinks that they serve (e.g. coffee, tea, non-alcoholic drinks). In other circumstances, the menu available can be comprehensive and equivalent to that of a restaurant.

Employer sponsored skilled visa programmes are **not** considered appropriate to fill positions in cafes where only a limited food service is provided, such as coffee shops or mall cafes – with such positions generally lesser skilled and considered able to be sourced from the local labour market.

Under policy, factors adding weight to a finding that an eating establishment is a limited service café include that the café:

- is located in a mall;

- is primarily a coffee shop (that is, an establishment that focuses on serving hot beverages such as tea or coffee);
- have a limited food menu that involves limited preparation (e.g. toasties, sandwiches, cakes, pastries, standard hamburgers, fish and chips).

By contrast, full service cafes are likely to have a comprehensive food menu and develop most dishes from scratch in a full commercial kitchen.

Limited service pizza restaurant

Nominations can be received for the occupations of cooks, chefs and café or restaurant manager where the location is a pizza restaurant. In some cases, these establishments will provide mainly a takeaway pizza service with limited other menu items and/or only limited table services. In other circumstances, the menu available can be comprehensive and equivalent to that of a restaurant.

Employer sponsored skilled visa programmes are **not** considered appropriate to fill positions in pizza restaurants where only a limited food service is provided – with such positions generally lesser skilled and considered able to be sourced from the local labour market.

Under policy, factors adding weight to a finding that an eating establishment is a limited service café include that the pizza restaurant:

- does not serve non-pizza related items;
- has minimal onsite seating, with takeaway the main focus of the business;
- clients pay at the counter;
- clients eat pizza from pizza boxes even if on the premises.

By contrast, full service pizza restaurants are likely to have a comprehensive food menu and develop most dishes from scratch in a full commercial kitchen.

Note: additional guidance is provided below in terms of factors that add weight to an eating establishment being considered a fast casual restaurant as opposed to a full service restaurant or café – see *Distinguishing between full service and limited service cafés/restaurants*.

What is mass production in a factory setting

An additional caveat applies to the occupations of cook and chef which excludes positions from use where they involve mass production in a factory setting – with such positions generally lesser skilled and considered able to be sourced from the local labour market.

Cooks are expected to be involved in preparing and cooking food from scratch rather than, for example, just heating pre-prepared meals, or making basic food stuffs in a factory setting.

Under policy, mass production refers to the making of products using assembly line techniques, with workers working on an individual step of the production process. Such production techniques usually also involve the use of tools, machinery and other equipment, usually automated.

If a nominated position for a Cook or a Chef is based in a factory setting, officers thus need to check whether or not this additional caveat applies.

Distinguishing between full service and limited service cafés/restaurants

The sections below are designed to assist officers to determine whether the nominee will be based in a restaurant or café, or in one of the locations that is specifically excluded via a caveat on the occupation listed in the relevant legislative instrument.

Officers will need to make an assessment as to the location of the nominated position, based on the individual circumstances of the case and taking into account all the material available as to how the business actually operates. The factors outlined below which are, however, considered critical in terms of distinguishing between full service and limited service café/restaurants.

Note:

- The key factors are the way in which the food is ordered, served and consumed, not the quality of the food.
- If a food service business operates through a chain or franchise arrangement, it is possible that some outlets will be fast food or takeaway businesses while others are cafes or restaurants. It is therefore important for officers to assess this issue on a case by case basis. In this situation, officers also need to ensure that any supporting evidence provided, relates to the specific outlet that is the subject of the nomination, rather than another premises in the chain.

Factors supporting classification as a restaurant or café

Under policy, factors that **may** be relevant to an assessment that the position is based in a café or restaurant include:

- how the business is marketed to the public
- the business is mainly engaged in providing food and beverage serving services for consumption on the premises, even if take away services are available
- meals are made on-site from raw ingredients, portion size may vary depending on the cut/produce size available, involving substantial preparation (for example, peeling, chopping, de-boning, grating), seasoning and cooking - using a range of equipment and techniques depending on the nature and size of the produce that is being prepared
- a comprehensive menu is available which incorporates a broader range of ingredients that are delivered fresh to the premises
- table service is provided by a waiter/waitress – that is customers are seated at restaurant/café tables and provided with assistance while seated as required (i.e. provided with menus, asked for order, provided with additional items/assistance where required and provided with bill)
- customers pay after eating
- the business holds a liquor licence and has a comprehensive selection of alcoholic beverages available via table service
- the menu caters for special dietary requirements and varies from time to time depending on availability of produce, and seasoning
- if the menu is limited, there is a focus on organic or speciality ingredients that are prepared onsite or 'gourmet products', and/or prices are higher than would be expected at a takeaway establishment
- the size of portions may also vary from time to time given the human element involved in the preparation and cooking of the items

- the business has a full commercial kitchen and significant food storage facilities for fresh ingredients
- the business has had their performance recognised via restaurant industry awards
- employment at the business has been accepted by TRA as skilled work experience, or by a recognised training institution as sufficient to support study in a Certificate III in Commercial Cookery
- where a chain, different outlets are designed differently to reflect the local customer base and outlets are largely owned by the company rather than franchisees.

Factors supporting classification not as a restaurant or café

Under policy, factors that may be relevant to an assessment that the position is not a restaurant or café (i.e. that it is based in a fast food or take away service, or a fast casual restaurant) include that:

- the business does not offer full table service
- the business is a well-known fast food or fast casual restaurant chain
- the business markets itself as a fast food restaurant or a fast casual restaurant, within significant levels of advertising
- the business is primarily a coffee shop
- operate a franchise or restaurant chain, with different outlets are largely identical in design
- the business offers speed, convenience, and familiarity to diners who may eat in the outlet or take their food home
- the business mainly engages in providing food services ready to be taken away for immediate consumption with only limited onsite seating provided (if any)
- the business offers streamlined or limited menus, with food prepared according to a standardised format or that involves limited preparation (e.g. toasties, sandwiches, cakes, pastries, standard hamburgers, fish and chips)
- the business does not generally employ chefs – with food still mass-produced even if better quality and fresh ingredients are used than is typical in a fast food context, with special dietary needs often catered for
- the business does not have a full commercial kitchen – and only has equipment for heating/final preparation of food
- the business is located in a food hall and food courts that consists of fast food and take away services, as opposed to award winning/high profile restaurants that can now be co-located in some shopping malls
- customers are required to order at a counter and pay before eating
- limited seating and/or only communal tables shared with other business is provided
- meals are served in packaged form and/or there is a focus on 'street food' (i.e. handheld foods)
- meals are served in disposable containers (although some outlets may provide cutlery and crockery for customers dining in the establishment)
- reservations are not required or provided for
- food is distributed from a central location
- food is apportioned into predetermined quantities and sizes, seasoned to a fixed standard and delivered, pre-packaged, with preparation on-site being limited to thawing, heating and/or basic cooking (e.g. frying or grilling)

- if heating or cooking is required, cooking times for the items are usually pre-arranged for a set duration, as the time it takes to cook through can be predetermined given the control over portion size that is packaged prior to delivery to each venue
- employees of the business are covered by the Fast Food Industry Award
- the business has had their performance recognised via fast food industry awards.

Officers are reminded that the above considerations are for guidance and are not intended to be an exhaustive list. Officers must consider, on an individual basis, all circumstances of which they are aware, or should be aware, and which are relevant to the determination.