

Migration (1993) Regulations (Amendment) 1993 No. 371

EXPLANATORY STATEMENT

STATUTORY RULES 1993 No. 371

Issued by the Authority of the Minister for Immigration and Ethnic Affairs

Subject - Migration Act 1958

Migration (1993) Regulations (Amendment)

Section 181 of the Migration Act 1958 (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, to prescribe all matters which are required or permitted by the Act to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to the Act. In particular, subparagraph 181(1)(a)(i) of the Act provides that the regulations may provide for the charging and recovery of fees in respect of any matter under the Act or the Regulations.

Without limiting the generality of section 181, section 23 of the Act enables regulations to be made providing for different classes of visas and section 33 of the Act enables regulations to be made providing for different classes of entry permits.

In addition, subsection 22AB(1) of the Act provides that the regulations may provide that a person may apply for a determination under section 22AA that he or she is a refugee, and prescribe procedures for the consideration of such an application. Without limiting subsection 22AB(1), subsection 22A11(2) provides that the regulations may provide for applications to be made in an approved form.

The purpose of the Regulations is:

- to permit the holders of visitor visas and entry permits to undertake a wide range of informal study;
- to enable the grant of an extension of temporary stay in Australia as a visitor to an applicant who has compelling personal reasons for further temporary stay;
- to limit the total stay of visitors in Australia to 12 months unless the applicant is able to show exceptional circumstances or compelling personal reasons for a longer stay as a visitor;
- to provide that a person seeking an extension of temporary stay as a visitor must show evidence of adequate arrangements for health insurance to cover possible medical or hospital expenses; and
- to make a number of corrections and minor clarifying and technical amendments. The purpose of these amendments is to ensure that the Migration (1993)

Regulations accurately implement and clearly reflect the intended policy and they have no effect on the substantive operation of the Regulations.

The Regulations commence on gazettal, apart from regulations:

- facilitating the making of an application for a determination that the applicant is a refugee, by providing that applications may be left with any officer of the Department; and
- enabling a child born to an applicant for a class 801 (spouse (after entry)) entry permit, a class 808 (confirmatory) entry permit or a class 814 (interdependency) entry permit after the application is made to be added to that application.

Those regulations implement the intended policy which was omitted by oversight when the Migration (1993) Regulations commenced on 1 February 1993. Their operation is therefore made retrospective to 1 February 1993. The effect of the regulations is entirely beneficial to the applicants concerned and is not prejudicial to any person. Retrospective commencement of these regulations is therefore in accordance with subsection 48(2) of the Acts Interpretation Act 1901.

Details of the Regulations are set out in the Attachment.

ATTACHMENT

Regulation 1 - Commencement

This regulation provides for regulations 7, 8 and 9, and subregulations 14.1, 14.2, 14.20, 14.21, 14.22, 14.23, 22.3 and 22.4 to be taken to have commenced on 1 February 1993. Retrospective commencement is entirely beneficial to the persons concerned and is not prejudicial to any person. Retrospective commencement does not therefore contravene subsection 48(2) of the Acts Interpretation Act 1901.

The remainder of these Regulations commence on gazettal.

Regulation 2 - Amendment

This regulation provides for the Migration (1993) Regulations to be amended as set out in these Regulations.

Regulation 3 - Regulation 1.3 (Interpretation)

Subregulation 3.1 omits the definition of the term "Occupations Requiring English list" from regulation 1.3 of the Migration (1993) Regulations and substitutes a new definition of that term. The effect of this amendment is to amend the cross-reference in the definition of the term "Occupations Requiring English List" as a consequence of the amendment to regulation 1.13 of the Migration (1993) Regulations referred to below.

Subregulation 3.2 inserts a new definition, "tourism", in regulation 1.3 of the Migration (1993) Regulations. The term "tourism" is defined to mean participation in

activities of a recreational nature including amateur sporting activities, informal study courses, relaxation, sightseeing and travel. The term "tourism" occurs in relation to Group 2.3 (visitor) and Group 2.4 (visitor (short stay)) visas and entry permits. The new definition is intended to reflect the policy that a person may be granted a tourist visa to undertake a range of activities including informal study during a visit to Australia.

Subregulation 3.3 omits the definition of the term "vocational proficiency in English" from regulation 1.3 of the Migration (1993) Regulations and substitutes a new definition of the term. This amendment does not involve a change in policy; it is merely intended to incorporate the definitional content of subregulation 1.13(1) of the Migration (1993) Regulations into the definition of the term "vocational proficiency in English" in regulation 1.3, thereby eliminating the need for cross-referencing regulation 1.3 to regulation 1.13.

Regulation 4 - Regulation 1.13 (Vocational proficiency in English)

This regulation omits the existing regulation 1.13 (Vocational proficiency in English) from the Migration (1993) Regulations and substitutes a new regulation 1.13 (Occupations Requiring English List). The new regulation 1.13 does not implement any new policy. Its effect is merely to redraft the regulation to reflect the transfer of the content of subregulation 1.13(1) into the definition of the term "vocational proficiency in English" in regulation 1.3 of the Migration (1993) Regulations.

Regulation 5 - Regulation 2.5 (Qualification - eligibility of spouse)

This regulation amends regulation 2.5 of the Migration (1993) Regulations to more accurately reflect the intent of policy. Regulation 2.5 operates to enable an applicant's score to be assessed taking into account the score the applicant's spouse could receive under Parts 1 and 2 of Schedule 7 of the Migration (1993) Regulations, provided the applicant's spouse is also an applicant, as a secondary person, for a visa of the same class. The intention is that the applicant remain the primary person and that the score so assessed be taken to be the score attained by the applicant. The removal of the reference to the score received by the applicant's spouse (rather than the score received by the applicant) ensures that the regulation operates as intended.

Regulation 6 - Regulation 2.24 (Certain visas to state period that holder may stay in Australia)

This regulation omits paragraph (a) from subregulation 2.24(1) of the Migration (1993) Regulations. The effect of this amendment is to remove, in respect of the grant of a Class 661 (tourist (special arrangements)) visa, the limitation that a visa to which regulation 2.24 applies must specify a period not longer than 6 months.

Regulation 7 - Regulation 2A.2 (Making of applications)

This regulation removes the word "authorised" from paragraph 2A.2(2)(b) of the Migration (1993) Regulations which refers to the lodging of a refugee status application at any office of the Department in Australia by leaving it with an authorised officer at that office. The amendment gives effect to the policy intention

that a refugee status application may be lodged at any office of the Department in Australia by leaving it with any officer of the Department at that office.

Operation of this regulation is made retrospective to 1 February 1993. This puts beyond doubt the validity of any application lodged under regulation 2A.2 (which commenced on 1 February 1993), is entirely beneficial to the applicants concerned, and is not prejudicial to any person. Retrospective commencement of this amendment does not therefore contravene subsection 48(2) of the Acts Interpretation Act 1901.

Regulation 8 - Regulation 2A.3 (Applications by persons in custody)

This regulation removes the word "authorised" from subregulation 2A.3(1) of the Migration (1993) Regulations which refers to the lodging of a refugee status application by a person who is in custody under the Migration Act 1958 at an office of the Department by leaving it with an *authorised* officer at that office. The amendment gives effect to the policy intention that a refugee status application may be lodged at any office of the Department by leaving it with any officer of the Department at that office.

Operation of this regulation is made retrospective to 1 February 1993. This puts beyond doubt the validity of any application lodged under regulation 2A.3 (which commenced on 1 February 1993), is entirely beneficial to the applicants concerned, and is not prejudicial to any person. Retrospective commencement of this amendment does not therefore contravene subsection 48(2) of the Acts Interpretation Act 1901.

Regulation 9 - Regulation 2A.9 (Applications for review)

This regulation removes the word "authorised" from subparagraph 2A.9(b)(ii) of the Migration (1993) Regulations which refers to the lodging of an application for review of a decision to refuse a refugee status application at any office of the Department in Australia by leaving it with an authorised officer at that office. The amendment gives effect to the policy intention that a refugee status application may be lodged at any office of the Department in Australia by leaving it with any officer of the Department at that office.

Operation of this regulation is made retrospective to 1 February 1993. This puts beyond doubt the validity of any application lodged under regulation 2A.9 (which commenced on 1 February 1993), is entirely beneficial to the applicants concerned, and is not prejudicial to any person. Retrospective commencement of this amendment does not therefore contravene subsection 48(2) of the Acts Interpretation Act 1901.

Regulation 10 - Regulation 7.24 (Fees in respect of applications for visas and entry permits)

Subregulation 10.1 amends subregulation 7.24(2) of the Migration (1993) Regulations by removing the reference to subregulation (3) as a consequence of the omission of that subregulation by these Regulations.

Subregulation 10.2 omits subregulation 7.24(3) of the Migration (1993) Regulations as it is inconsistent with section 34 of the Migration Act 1958. That section provides

that an entry permit may be granted to a person only if an application for the entry permit is made and any fee payable in respect of the application is paid. Subregulation 7.24(3), however, provided for the grant of a student entry permit before payment of the fee if a government of a country other than Australia undertook to be responsible for the payment of the fee (or part of the fee) in relation to the entry permit and the Minister is satisfied that the fee (or part of the fee) will be paid. In not requiring actual payment of any fee payable before the entry permit is granted subregulation 7.24(3) is inconsistent with the Act and is therefore omitted.

Regulation 11 - Regulation 7.26 (Employer nomination fee)

This regulation amends regulation 7.26 of the Migration (1993) Regulations to require that the fee payable in respect of an employer nomination must be paid at the time of lodgment of the nomination.

Regulation 12 - Schedule 1 (Classification of visas and entry permits)

This regulation amends Schedule 1, Part 2, Item 2113 (Column 3) by omitting the reference to "021" which indicates that there is provision for secondary applicants in respect of a Class 305 (Interdependency (temporary)) visa and entry permit. The omission ensures that the reference in Schedule 1 is consistent with the note in subdivision 305.12 which accurately reflects the policy intention by stating that "In relation to Class 305 visas and entry permits, all applicants are primary persons".

Regulation 13 - Schedule 2, Chapter 1.1 (Migrant visas and entry permits)

Part 105 - Class 105 (Concessional family) visa and entry permit

Subregulation 13.1 omits clause 105.323 of the Migration (1993) Regulations. The provision of this clause is incorporated, in amended form, in new clause 105.332B, inserted by these Regulations.

Subregulation 13.2 inserts two new clauses 105.332A and 105.332B in the Migration (1993) Regulations.

New subclause 105.332A(1) provides that, subject to subclause (2), an applicant for a Class 105 visa must continue to be of working age at the time of decision. New subclause 105.332A(2) qualifies subclause (1) by providing that the applicant's spouse must also be of working age at the time of decision on the application, if the applicant's score is assessed, by taking into account the score which the applicant's spouse receives under Parts 1 and 2 of Schedule 7. This provision may apply only if the applicant's spouse is also an applicant as a secondary person, for a visa of the same Class.

New subclause 105.332B(1) provides that, subject to subclause (2), if the applicant's usual occupation is an occupation on the Occupations Requiring English List, the applicant must satisfy the Minister that he or she has vocational proficiency in English. New subclause 105.332B(2) qualifies subclause, (1) by providing that the applicant's spouse must satisfy the Minister that he or she has vocational proficiency

in English at the time of decision, if points are assessed taking into account the circumstances of the applicant's spouse rather than the applicant.

Part 120 - Class 120 (Labour agreement) visa and entry permit

Subregulation 13.3 omits subdivision 120.12 of the Migration (1993) Regulations and substitutes a new subdivision 120.12. The new subdivision 120.12 sets out the purpose of grant of a Class 120 visa and entry permit to primary persons. This amendment is intended only to give a clearer general description of the Class 120 visa and entry permit, and does not reflect any change in policy.

Part 121 - Class 121 (Employer nomination) visa and entry permit

Subregulation 13.4 omits subdivision 121.12 of the Migration (1993) Regulations and substitutes a new subdivision 121.12. The new subdivision 121.12 sets out the purpose of grant of a Class 121 visa and entry permit to primary persons. This amendment is intended only to give a clearer general description of the Class 121 visa and entry permit, and does not reflect any change in policy.

Part 124 - Class 124 (Distinguished talent (Australian support)) visa and entry permit

Subregulation 13.5 omits subdivision 124.12 of the Migration (1993) Regulations and substitutes a new subdivision 124.12. The new subdivision 124.12 sets out the purpose of grant of a Class 124 visa and entry permit to primary persons. This amendment is intended only to give a clearer general description of the Class 124 visa and entry permit, and does not reflect any change in policy.

Part 125 - Class 125 (Distinguished talent and special service (independent)) visa and entry permit

Subregulation 13.6 omits subdivision 125.12 of the Migration (1993) Regulations and substitutes a new subdivision 125.12. The new subdivision 125.12 sets out the purpose of grant of a Class 125 visa and entry permit to primary persons. This amendment is intended only to give a clearer general description of the Class 125 visa and entry permit, and does not reflect any change in policy.

Part 126 - Class 126 (Independent entrant) visa and entry permit

Subregulation 13.7 omits subdivision 126.12 of the Migration (1993) Regulations and substitutes a new subdivision 126.12. The new subdivision 126.12 sets out the purpose of grant of a Class 126 visa and entry permit to primary persons. This amendment is intended only to give a clearer general description of the Class 126 visa and entry permit, and does not reflect any change in policy.

Subregulation 13.8 omits clause 126.322 (misnumbered 105.322) of the Migration (1993) Regulations and substitutes a new clause 126.322 to reflect the amendments made by subregulation 3.3 of these Regulations and to correct the numbering of the clause.

Part 127 - Class 127 (Business skills) visa and entry permit

Subregulation 13.9 omits subdivision 127.12 of the Migration (1993) Regulations and substitutes a new subdivision 127.12. The new subdivision 127.12 sets out the purpose of grant of a Class 127 visa and entry permit to primary persons. This amendment is intended only to give a clearer general description of the Class 127 visa and entry permit, and does not reflect any change in policy.

Part 128 - Class 128 (Business skills (senior executive)) visa and entry permit

Subregulation 13.10 omits subdivision 128.12 of the Migration (1993) Regulations and substitutes a new subdivision 128.12. The new subdivision 128.12 sets out the purpose of grant of a Class 128 visa and entry permit to primary persons. This amendment is intended only to give a clearer general description of the Class 128 visa and entry permit, and does not reflect any change in policy.

Part 129 - Class 129 (State/Territory sponsored business skills) visa and entry permit

Subregulation 13.11 omits subdivision 129.12 of the Migration (1993) Regulations and substitutes a new subdivision 129.12. The new subdivision 129.12 sets out the purpose of grant of a Class 129 visa and entry permit to primary persons. This amendment is intended only to give a clearer general description of the Class 129 visa and entry permit, and does not reflect any change in policy.

Part 130 - Class 130 (State/Territory sponsored business skills (senior executive)) visa and entry permit

Subregulation 13.12 omits subdivision 130.12 of the Migration (1993) Regulations and substitutes a new subdivision 130.12. The new subdivision 130.12 sets out the purpose of grant of a Class 130 visa and entry permit to primary persons. This amendment is intended only to give a clearer general description of the Class 130 visa and entry permit, and does not reflect any change in policy.

Part 152 - Class 152 (Family reunion (New Zealand citizen)) visa and entry permit

Subregulation 13.13 corrects an error in sub-subparagraph 152.321(b)(ii)(B) of the Migration (1993) Regulations by replacing the reference to "subparagraph (i)" with the intended reference to "sub-subparagraph (A)".

Subregulation 13.14 inserts a new clause 152.337 in the Migration (1993) Regulations. The effect of the new clause is to prevent the grant of a Class 152 visa before entry to an applicant who has not turned 18 unless the Minister is satisfied that the grant of the visa would not prejudice the rights and interests of any person who has custody or guardianship of, or access to, the applicant.

Regulation 14 - Schedule 2, Chapter 1.2 (Permanent resident (after entry) entry permit)

Part 801 - Class 801 (Spouse (after entry)) entry permit

Subregulation 14.1 amends subclause 801.711(1) of the Migration (1993) Regulations by adding a reference to new subclause (2A), inserted by these Regulations.

Subregulation 14.2 inserts a new subclause 801.711(2A) in the Migration (1993) Regulations. The purpose of the new subclause is to enable children born after lodgment of a parent's application for a Class 801 entry permit (after entry), but before the decision is made on that application, to be added to that application.

Operation of subregulations 14.1 and 14.2 is made retrospective to 1 February 1993 as they implement policy which was intended but which was omitted by oversight from the Migration (1993) Regulations when they commenced on 1 February 1993. Retrospective commencement of these amendments is entirely beneficial to the applicants concerned, and is not prejudicial to any person. Retrospective commencement of these amendments does not therefore contravene subsection 48(2) of the Acts Interpretation Act 1901.

Part 802 - Class 802 (Child (after entry)) entry permit

Subregulation 14.3 amends paragraph 802.736(b) of the Migration (1993) Regulations by omitting "4005 and 4006" and substituting "4007 and 4008". This amendment implements the intended policy that the health criteria to be satisfied by an applicant for a Class 802 entry permit may be waived by the Minister as provided in criteria 4007 and 4008.

Part 804 - Class 804 (Aged parent (after entry)) entry permit

Subregulation 14.4 omits paragraph 804.821(a) of the Migration (1993) Regulations and substitutes a new paragraph 804.821(a). The intention of the amendment is to make it clear that the relevant fee applies only to an applicant who holds an extended eligibility (family) entry permit (code 822) granted before the commencement of the Migration (1993) Regulations.

Part 805 - Class 805 (Skilled occupation) entry permit

Subregulations 14.5 and 14.6 re-number paragraphs 805.722(1)(b) and 805.722(1)(c) of the Migration (1993) Regulations respectively as paragraphs 805.722(1)(a) and 805.722(1)(b). This corrects a drafting error.

Subregulation 14.7 makes a stylistic amendment to subclause 805.724(1) of the Migration (1993) Regulations.

Subregulations 14.8 and 14.9 make syntactical amendments to subclause 805.724(2) and paragraphs 805.724(2)(a), (b) and (c) of the Migration (1993) Regulations respectively.

Subregulation 14.10 inserts a new paragraph 805.724(3)(aa) in the Migration (1993) Regulations to require that, for an applicant to meet the requirements of subclause 805.724(3), the fee fixed under regulation 7.26 must have been paid on the lodgment of the employer nomination. This amendment reflects the amendment made to regulation 7.26 by these Regulations, to clarify the time at which the employer nomination fee must be paid.

Subregulation 14.11 amends paragraph 805.821 (a) of the Migration (1993) Regulations by inserting after the word "permit" the words "(code number 823) granted under the Migration (1989) Regulations". The amendment is intended to clarify which entry permit must be held by an applicant for the relevant fee to apply.

Part 806 - Class 806 (Family and other close ties (after entry)) entry permit

Subregulation 14.12 makes a stylistic amendment to paragraph 806.721(1)(c) of the Migration (1993) Regulations.

Subregulation 14.13 omits subclause 806.721(2) of the Migration (1993) Regulations and inserts a new subclause 806.721(2). The effect of this amendment is to require that an applicant for a Class 806 entry permit who is an illegal entrant must not have been the holder of a Class 771 (transit) entry permit before becoming an illegal entrant. This reflects the policy intention that a person who entered Australia as the holder of a Class 771 entry permit is unable under any circumstances to apply for a Class 806 entry permit. The amendment also makes stylistic amendments to the provisions relating to the criteria to be met by illegal entrants applying for the grant of a Class 806 entry permit.

Subregulation 14.14 makes a stylistic amendment to subclauses 806.721(3), (4), (5) and (6) of the Migration (1993) Regulations.

Subregulation 14.15 makes a stylistic amendment to subclauses 806.721(7) and (8) of the Migration (1993) Regulations.

Subregulation 14.16 makes a further stylistic amendment to subclause 806.721(8) of the Migration (1993) Regulations.

Subregulation 14.17 makes a stylistic amendment to paragraph 806.731(1)(b) and subclause 806.731(2) of the Migration (1993) Regulations.

Subregulation 14.18 amends the Note following clause 806.731 of the Migration (1993) Regulations to make it clear that the "Act" referred to in the Note is the Migration Act 1958.

Subregulation 14.19 omits clause 806.732 of the Migration (1993) Regulations and substitutes a new clause 806.732. The new clause provides that members of the family units of applicants for a Class 806 entry permit must meet certain public interest criteria unless the applicant meets the requirements of subclauses 806.731(2) or (3). The effect of the new clause is that the applicants referred to are able to meet the requirements for grant of a Class 806 entry permit without members of their family units meeting the prescribed public interest criteria. The applicants referred to are eligible for certain concessions on the basis of time spent in Australia and the establishment of close personal ties.

Part 808 - Class 808 (Confirmatory) entry permit

Subregulation 14.20 makes a technical amendment to subclause 808.711 (1) of the Migration (1993) Regulations by adding a reference to new subclause (2A) inserted by these Regulations.

Subregulation 14.21 inserts a new subclause (2A) into clause 808.711 of the Migration (1993) Regulations to enable children born after lodgment of a parent's application for a Class 808 entry permit (after entry), but before the decision is made on that application, to be added to that application.

Operation of subregulations 14.20 and 14.21 is made retrospective to 1 February 1993 as they implement policy which was intended but which was omitted by oversight from the Migration (1993) Regulations when they commenced on 1 February 1993. Retrospective commencement of these amendments is entirely beneficial to the applicants concerned, and is not prejudicial to any person. Retrospective commencement of these amendments does not therefore contravene subsection 48(2) of the Acts Interpretation Act 1901.

Pan 814 - Class 814 (Interdependency (permanent)) entry permit

Subregulation 14.22 makes a technical amendment to subclause 814.711 (1) of the Migration (1993) Regulations as a consequence of the amendment made by the following subregulation of these Regulations.

Subregulation 14.23 inserts a new subclause (2A) into clause 814.711 of the Migration (1993) Regulations. The purpose of the new subclause is to enable children born after lodgment of a parent's application for a Class 814 entry permit (after entry), but before the decision is made on that application, to be added to that application.

Operation of subregulations 14.22 and 14.23 is made retrospective to 1 February 1993 as they implement policy which was intended but which was omitted by oversight from the Migration (1993) Regulations when they commenced on 1 February 1993. Retrospective commencement of these amendments is entirely beneficial to the applicants concerned, and is not prejudicial to any person. Retrospective commencement of these amendments does not therefore contravene subsection 48(2) of the Acts Interpretation Act 1901.

Regulation 15 - Schedule 2, Chapter 1.3 (Permanent resident (refugee and humanitarian) visas and entry permits)

Subregulations 15.1 to 15.5 amend paragraph 208.326(a), subparagraph 209.323(d)(i), paragraph 210.326(a), paragraph 211.323(a) and subparagraph 212.323(d)(i) of the Migration (1993) Regulations respectively to provide that the assistance specified in the undertaking referred to in clauses 208.326, 209.323, 210.326, 211.323 and 212.323 respectively is to be provided not only to the applicant but also to the applicant's dependants after their entry to Australia.

Subregulation 15.6 corrects the numbering of the clause in subdivision 213.21 of the Migration (1993) Regulations by deleting "211.211" and substituting "213.211".

Regulation 16 - Schedule 2, Chapter 2.1 (Temporary resident visas and entry permits)

Part 305 - Class 305 (Interdependency (temporary)) visa and entry permit

Subregulation 16.1 omits clause 305.341 of the Migration (1993) Regulations and the following note and substitutes a new clause 305.341 and note. The effect of the new clause is to substitute as a mandatory condition on a Class 305 visa condition 9233 (a nonterminating condition that there must be no material change in the holder's circumstances, inserted in Schedule 9 by these Regulations) for the existing mandatory condition 9113 (a terminating condition that there must be no material change in the holder's circumstances). Where the nominator of the holder of a Class 305 entry permit dies (and there is therefore a breach of the condition that there must be no material change in the holder's circumstances) it is not appropriate that the Class 305 entry permit automatically cease to be in force as under certain circumstances the holder will remain eligible for grant of a Class 814 (interdependency (permanent)) entry permit following death of the nominator. Substitution of the non-terminating condition ensures that the Class 305 entry permit does not cease to be in force in these circumstances. A consequential amendment has been made to the Note to remove reference to the operation of terminating conditions as there are no longer any mandatory terminating conditions imposed on a Class 305 visa.

Part 411 - Class 411 (Exchange) visa and entry permit

Subregulation 16.2 makes a correction to the numbering of subdivision 411.22 of the Migration (1993) Regulations. The subdivision heading currently numbered 410.22 is renumbered 411.22.

Subregulation 16.3 amends clause 411.322 of the Migration (1993) Regulations by omitting the word "exchange" from the term "exchange agreement". The removal of this term allows more flexibility to permit entry to Australia of persons covered by or referred to in agreements coming within the scope of the policy intention regardless of whether or not the agreement involves a specific exchange (ie person for person) component.

Part 420 - Class 420 (Entertainment) visa and entry permit

Subregulation 16.4 amends clause 420.333 of the Migration (1993) Regulations by deleting the reference to criterion 5008 and substituting a reference to criterion 5010. This amendment brings Class 420 into line, in respect of special re-entry criteria to be satisfied by applicants, with most of the remaining classes in Schedule 2, Chapter 2.1 of the Migration (1993) Regulations. This reflects the intended policy.

Part 426 - Class 426 (Domestic worker (diplomatic or consular)) visa and entry permit

Subregulation 16.5 omits clause 426.721 of the Migration (1993) Regulations and substitutes a new clause 426.721. The new clause repeats the content of the original clause 426.721, but adds as an alternative requirement that the applicant is an illegal entrant who, immediately before becoming an illegal entrant was the holder (as a primary person) of a Class 426 entry permit (which was not subject to a condition that the applicant was not entitled, after entering Australia, to be granted a further entry

permit while the holder remained in Australia), and who satisfies illegal entrant criterion 6005. This reflects the policy that a Class 426 entry permit may be granted after entry only to a person who holds, or held, a Class 426 entry permit.

Subregulation 16.6 omits paragraph 426.731(a) of the Migration (1993) Regulations and substitutes a new paragraph. This amendment is consequential upon the amendment made by subregulation 16.5 of these Regulations.

Regulation 17 - Schedule 2, Chapter 2.2 (Student visas and entry permits)

Part 562 - Class 562 (Iranian postgraduate student) visa and entry permit

Subregulation 17.1 overcomes a drafting error by numbering the clause in subdivision 562.81 of the Migration (1993) Regulations.

Part 563 - Class 563 (Iranian postgraduate student (dependant)) visa and entry permit

Subregulation 17.2 corrects a drafting error in the heading to Part 563 of the Migration (1993) Regulations.

Subregulation 17.3 corrects the Note following clause 563.411 of the Migration (1993) Regulations by deleting the reference to clause 562.812 and substituting it with a reference to clause 563.812, which is the intended reference.

Regulation 18 - Schedule 2, Chapter 2.3 (Visitor visas and entry permits)

Part 661 - Class 661 (Tourist (special arrangements)) visa and entry permit

Subregulation 18.1 makes a technical amendment to subdivision 661.12 of the Migration (1993) Regulations by omitting the words "(including visits of more than 3 months)" as they are unnecessary.

Subregulation 18.2 omits the Note following clause 661.223 of the Migration (1993) Regulations. This amendment is made as a consequence of the omission, by subregulation 18.6 of these Regulations, of criterion 4011 as a criterion an applicant for a Class 661 is required to satisfy.

Subregulation 18.3 corrects the reference to the approved form in clause 661.311 of the Migration (1993) Regulations. The approved form is now "form 48AJA".

Subregulation 18.4 omits clause 661.323 of the Migration (1993) Regulations. The policy intention is that an applicant's ability to satisfy the criteria for a Class 682 or Class 684 visa is not to prevent eligibility for a Class 661 visa.

Subregulation 18.5 omits clause 661.332 of the Migration (1993) Regulations and substitutes new clauses 661.332 and 661.332A. The effect of this amendment is to separate the two requirements previously contained in clause 661.332 (ie that the applicant satisfy the Minister that the expressed intention of the applicant only to visit Australia is genuine *and* that the applicant does not intend to become a permanent

resident of Australia) into two distinct clauses, thereby putting it beyond doubt that both requirements have to be met.

Subregulation 18.6 amends clause 661.333 of the Migration (1993) Regulations by omitting criterion 4011 of Schedule 4 as a criterion an applicant for a Class 661 visa is required to satisfy.

Subregulation 18.7 omits clause 661.335 of the Migration (1993) Regulations which provided that the Minister could request that an assurance of support (acceptable to the Minister) be given in relation to the applicant. This requirement is removed as the additional requirement that the applicant have adequate funds for personal support during the period of the visit (clause 661.321 refers) is sufficient as a safeguard against the applicant becoming a financial burden on the Australian community.

Subregulation 18.8 amends clause 661.521 of the Migration (1993) Regulations by omitting the words "(not exceeding 6 months)" as they are unnecessary.

Subregulation 18.9 amends clause 661.522 of the Migration (1993) Regulations by omitting the words "(not exceeding 6 months)" as they are unnecessary.

Part 680 - Class 680 (Tourist) visa and entry permit

Subregulation 18.10 omits clause 680.322 of the Migration (1993) Regulations. The policy intention is that an applicant's ability to satisfy the criteria for a Class 682 or Class 684 visa is not to prevent eligibility for a Class 680 visa.

Subregulation 18.11 omits clause 680.332 of the Migration (1993) Regulations and substitutes new clauses 680.332 and 680.332A. This amendment has, in relation to the grant of Class 680 visas (before entry), the same effect as the amendment made by subregulation 18.5 of these Regulations in relation to the grant of Class 661 visas (before entry).

Subregulation 18.12 omits clause 680.335 of the Migration (1993) Regulations which provided that the Minister could request that an assurance of support (acceptable to the Minister) be given in relation to the applicant. This requirement is removed as the additional requirement that the applicant have adequate funds for personal support during the period of the visit (clause 680.321 refers) is sufficient as a safeguard against the applicant becoming a financial burden on the Australian community.

Subregulation 18.13 clarifies the reference in subparagraph 680.721(d)(ii) of the Migration (1993) Regulations to certain criteria contained in Schedule 6 - Illegal Entrant Criteria.

Subregulation 18.14 inserts a new paragraph 680.73 1 (c) in the Migration (1993) Regulations. The new paragraph (c) is an alternative to paragraphs (a) and (b). Its effect is that an applicant for a Class 680 (tourist) entry permit who has compelling personal reasons for the grant of the entry permit and satisfies public interest criterion 4005 relating to health is eligible for grant of the entry permit even though he or she may be unable to satisfy the criteria for grant of the visa before entry.

Subregulation 18.15 omits clause 680.734 of the Migration (1993) Regulations. This clause is no longer required as its provisions are either not necessary or incorporated in the new paragraph 680.731(c), inserted by these Regulations.

Subregulation 18.16 omits clause 680.738 of the Migration (1993) Regulations and inserts new clauses 680.738 and 680.739. The effect of the omission of existing clause 680.738 is to remove provision for the Minister to request an assurance of support in respect of an applicant for a Class 680 (tourist) entry permit (after entry). This provision is not required as the requirement that the applicant have adequate funds for personal support during the period of the visit (clause 680.321 refers) is a sufficient safeguard against the applicant becoming a financial burden on the Australian community.

The new clause 680.738 provides that an applicant for a Class 680 (tourist) entry permit after entry which if granted will result in stay as a visitor for more than 12 months must satisfy the Minister that there are compelling personal reasons or exceptional circumstances for the grant of the entry permit. This implements new policy that except where compelling reasons or exceptional circumstances exist, total stay as a visitor will be limited to 12 months.

The new clause 680.739 provides that where an applicant who is the holder of a visitor entry permit seeks further stay as a tourist, the applicant must produce evidence of adequate arrangements for health insurance to cover possible medical or hospital expenses. This ensures that the Australian community is safeguarded from the possibility of longer staying visitors becoming a financial burden.

Subregulation 18.17 inserts a new paragraph 680.822(aa) in the Migration (1993) Regulations. The purpose of the new paragraph is to provide that an illegal entrant applying for a Class 680 (tourist) entry permit who held a Group 2.4 (visitor (short stay)) entry permit immediately before becoming illegal must pay a fee of \$200. Previously, by oversight these applicants were liable for the fee of \$100 prescribed at paragraph 680.822(c).

Part 682 - Class 682 (Business visitor) visa and entry permit

Subregulation 18.18 omits clause 682.332 of the Migration (1993) Regulations and substitutes new clauses 682.332 and 682.332A. This amendment has, in relation to the grant of Class 682 visas (before entry), the same effect as the amendment made by subregulation 18.5 of these Regulations in relation to the grant of Class 661 visas (before entry).

Subregulation 18.19 amends clause 682.333 of the Migration (1993) Regulations by omitting criterion 4012 of Schedule 4 as a criterion an applicant for a Class 682 visa is required to satisfy. Criterion 4012 is inappropriate in respect of an applicant for a Class 682 visa and was included by oversight.

Subregulation 18.20 omits clause 682.335 of the Migration (1993) Regulations which provided that the Minister could request that an assurance of support (acceptable to the Minister) be given in relation to the applicant. This requirement is removed as the additional requirement that the applicant have adequate funds for personal support

during the period of the visit (clause 682.321 refers) is sufficient as a safeguard against the applicant becoming a financial burden on the Australian community.

Subregulation 18.21 inserts a new paragraph 682.73 1 (c) in the Migration (1993) Regulations. The new paragraph (c) is an alternative to paragraphs (a) and (b). Its effect is that an applicant for a Class 682 (business visitor) entry permit (after entry) who has compelling personal reasons for the grant of the entry permit and satisfies public interest criterion 4005 relating to health is eligible for grant of the entry permit even though he or she may be unable to satisfy the criteria for grant of the visa before entry.

Subregulation 18.22 omits clause 682.734 of the Migration (1993) Regulations. This clause is no longer required as its provisions are either unnecessary or incorporated in the new paragraph 682.731(c), inserted by these Regulations.

Subregulation 18.23 omits clause 682.737 of the Migration (1993) Regulations and inserts new clauses 682.737 and 682.738. The effect of the omission of existing clause 682.737 is to remove provision for the Minister to request an assurance of support in respect of an applicant for a Class 682 (business visitor) entry permit (after entry). This provision is not required as the requirement that the applicant have adequate funds for personal support during the period of the visit (clause 682.321 refers) is a sufficient safeguard against the applicant becoming a financial burden on the Australian community.

The new clause 682.737 provides that an applicant for a Class 682 (business visitor) entry permit which if granted will result in stay as a visitor for more than 12 months must satisfy the Minister that there are compelling personal reasons or exceptional circumstances for the grant of the entry permit. This implements new policy that except where compelling reasons or exceptional circumstances exist, total stay as a visitor will be limited to 12 months.

The new clause 682.738 provides that where an applicant who is the holder of a visitor entry permit seeks a Class 682 entry permit, the applicant must produce evidence of adequate arrangements for health insurance to cover possible medical or hospital expenses. This ensures that the Australian community is safeguarded from the possibility of longer staying visitors becoming a financial burden.

Subregulation 18.24 inserts a new paragraph 682.822(aa) in the Migration (1993) Regulations. This amendment has, in relation to the grant of Class 682 entry permits, the same effect as the amendment made by subregulation 18.17 of these Regulations in relation to the grant of Class 680 entry permits.

Pail 683 - Class 683 (Close family visitor) visa and entry permit

Subregulation 18.25 omits clause 683.332 of the Migration (1993) Regulations and substitutes new clauses 683.332 and 683.332A. This amendment has, in relation to the grant of Class 683 visas (before entry), the same effect as the amendment made by subregulation 18.5 of these Regulations in relation to the grant of Class 661 visas (before entry).

Subregulation 18.26 amends clause 683.333 of the Migration (1993) Regulations by omitting reference to criterion 4012 of Schedule 4 as a criterion an applicant for a Class 683 visa is required to satisfy. Criterion 4012 of Schedule 4 requires that a written undertaking is given in support of an applicant who is under 18 years of age, is not travelling to Australia in the company of either or both parents and who intends to visit a person in Australia who is not a relative of the applicant. This criterion is unnecessary as the purpose of the Class 683 visa is to enable the applicant to visit close relatives.

Subregulation 18.27 omits clause 683.335 of the Migration (1993) Regulations which provided that the Minister could request that an assurance of support (acceptable to the Minister) be given in relation to the applicant. This requirement is removed as the additional requirement that the applicant have adequate funds for personal support during the period of the visit (clause 683.322 refers) is sufficient as a safeguard against the applicant becoming a financial burden on the Australian community.

Subregulation 18.28 inserts a new paragraph 683.73 1 (c) in the Migration (1993) Regulations. This amendment has, in relation to the grant of Class 683 entry permits (after entry), the same effect as the amendment made by subregulation 18.21 of these Regulations in relation to the grant of Class 682 entry permits (after entry).

Subregulation 18.29 omits clause 683.734 of the Migration (1993) Regulations. This clause is no longer required as its provisions are either unnecessary or incorporated in the new paragraph 683.731(c), inserted by these Regulations.

Subregulation 18.30 omits clause 683.738 of the Migration (1993) Regulations and inserts new clauses 683.738 and 683.739. The effect of the omission of existing clause 683.738 is to remove provision for the Minister to request an assurance of support in respect of an applicant for a Class 683 (close family visitor) entry permit (after entry). This provision is not required as the requirement that the applicant have adequate funds for personal support during the period of the visit (clause 683.322 refers) is a sufficient safeguard against the applicant becoming a financial burden on the Australian community.

The new clause 683.738 provides that an applicant for a Class 683 (close family visitor) entry permit which if granted will result in stay as a visitor for more than 12 months must satisfy the Minister that there are compelling personal reasons or exceptional circumstances for the grant of the entry permit. This implements new policy that except where compelling reasons or exceptional circumstances exist, total stay as a visitor will be limited to 12 months.

The new clause 683.739 provides that where an applicant who is the holder of a visitor entry permit seeks a Class 683 entry permit after entry, the applicant must produce evidence of adequate arrangements for health insurance to cover possible medical or hospital expenses. This ensures that the Australian community is safeguarded from the possibility of longer staying visitors becoming a financial burden.

Subregulation 18.31 inserts a new paragraph 683.822(aa) in the Migration (1993) Regulations. This amendment has, in relation to the grant of Class 683 entry permits,

the same effect as the amendment made by subregulation 18.17 of these Regulations in relation to the grant of Class 680 entry permits.

Part 684 - Class 684 (Visitor (other)) visa and entry permit

Subregulation 18.32 omits clause 684.321 of the Migration (1993) Regulations which required applicants for a Class 684 visa to show that their personal circumstances or reasons for seeking to travel to Australia fell within one of the categories outlined in clause 684.321. A new clause 684.321 is substituted which requires an applicant for a Class 684 visa to show that he or she seeks to travel to Australia as a visitor primarily for reasons other than tourism, business, medical treatment or to visit close family relatives. This reflects the policy intention that the Class 684 visa is to authorise visits to Australia by persons who do not qualify for one of the other Group 2.3 visitor visas and intend a visit of longer than three months.

Subregulation 18.33 omits clause 684.332 of the Migration (1993) Regulations and substitutes new clauses 684.332 and 684.332A. This amendment has, in relation to the grant of Class 684 visas (before entry), the same effect as the amendment made by subregulation 18.5 in relation to the grant of Class 661 visas (before entry).

Subregulation 18.34 omits clause 684.335 of the Migration (1993) Regulations which provided that the Minister could request that an assurance of support (acceptable to the Minister) be given in relation to the applicant. This requirement is removed as the additional requirement that the applicant have adequate funds for personal support during the period of the visit (clause 684.322 refers) is sufficient as a safeguard against the applicant becoming a financial burden on the Australian community.

Subregulation 18.35 inserts a new paragraph 684.731(1)(c) in the Migration (1993) Regulations. This amendment has, in relation to the grant of Class 684 entry permits (after entry), the same effect as the amendment made by subregulation 18.21 of these Regulations in relation to the grant of Class 682 entry permits (after entry).

Subregulation 18.36 omits subclause 684.731(2) of the Migration (1993) Regulations. This clause is no longer required as its provisions are either unnecessary or incorporated in the new paragraph 684.731(1)(c), inserted by these Regulations.

Subregulation 18.37 omits clause 684.734 of the Migration (1993) Regulations and substitutes new clauses 684.734 and 684.734A. The effect of the omission of existing clause 684.734 is to remove provision for the Minister to request an assurance of support in respect of an applicant for a Class 684 (visitor (other)) entry permit (after entry). This provision is not required as the requirement that the applicant have adequate funds for personal support during the period of the visit (clause 684.322 refers) is a sufficient safeguard against the applicant becoming a financial burden on the Australian community.

The new clause 684.734 provides that an applicant for a Class 684 (visitor (other)) entry permit which if granted will result in stay as a visitor for more than 12 months must satisfy the Minister that there are compelling personal reasons or exceptional circumstances for the grant of the entry permit. This implements new policy that

except where compelling reasons or exceptional circumstances exist, total stay as a visitor will be limited to 12 months.

The new clause 684.734A provides that where an applicant who is the holder of a visitor entry permit seeks a Class 684 entry permit after entry, the applicant must produce evidence of adequate arrangements for health insurance to cover possible medical or hospital expenses. This ensures that the Australian community is safeguarded from the possibility of longer staying visitors becoming a financial burden.

Subregulation 18.38 inserts a new paragraph 684.822(aa) in the Migration (1993) Regulations. This amendment has, in relation to the grant of Class 684 entry permits, the same effect as the amendment made by subregulation 18.17 of these Regulations in relation to the grant of Class 680 entry permits.

Part 685 - Class 685 (Medical treatment) visa and entry permit

Subregulation 18.39 omits clause 685.332 of the Migration (1993) Regulations and substitutes new clauses 685.332 and 685.332A. This amendment has, in relation to the grant of Class 685 visas (before entry), the same effect as the amendment made by subregulation 18.5 of these Regulations in relation to the grant of Class 661 visas (before entry).

Subregulation 18.40 omits clause 685.338 of the Migration (1993) Regulations which provided that the Minister could request that an assurance of support (acceptable to the Minister) be given in relation to the applicant. This requirement is removed as the additional requirement that the applicant have adequate funds for personal support during the period of the visit (clause 685.323 refers) is sufficient as a safeguard against the applicant becoming a financial burden on the Australian community.

Subregulation 18.41 inserts a new paragraph 685.731 (c) in the Migration (1993) Regulations. This amendment has, in relation to the grant of Class 685 entry permits (after entry), the same effect as the amendment made by subregulation 18.21 of these Regulations in relation to the grant of Class 682 entry permits (after entry).

Subregulation 18.42 omits clause 685.734 of the Migration (1993) Regulations and inserts new clauses 685.734 and 685.735. The effect of the omission of existing clause 685.734 is to remove provision for the Minister to request an assurance of support in respect of an applicant for a Class 685 (medical treatment) entry permit (after entry). This provision is not required as the requirement that the applicant have adequate funds for personal support during the period of the visit (clause 685.323 refers) is a sufficient safeguard against the applicant becoming a financial burden on the Australian community.

The new clause 685.734 provides that an applicant for a Class 685 (medical treatment) entry permit which if granted will result in stay as a visitor for more than 12 months must satisfy the Minister that there are compelling personal reasons or exceptional circumstances for the grant of the entry permit. This implements new policy that except where compelling reasons or exceptional circumstances exist, total stay as a visitor will be limited to 12 months.

The new clause 685.735 provides that where an applicant who is the holder of a visitor entry permit seeks a Class 685 entry permit after entry, the applicant must produce evidence of adequate arrangements for health insurance to cover possible medical or hospital expenses. This ensures that the Australian community is safeguarded from the possibility of longer staying visitors becoming a financial burden.

Subregulation 18.43 inserts a new paragraph 685.822(aa) in the Migration (1993) Regulations. This amendment has, in relation to the grant of Class 685 entry permits, the same effect as the amendment made by subregulation 18.17 of these Regulations in relation to the grant of Class 680 entry permits.

Regulation 19 - Schedule 2, Chapter 2.4 (Visitor (short stay) visas and entry permits

Pan 670 - Class 670 (Tourist (short stay)) visa and entry permit

Subregulation 19.1 omits clause 670.311 of the Migration (1993) Regulations and substitutes a new clause 670.311. The effect of this amendment is to provide for an application by a person who is included in the passport of another applicant for a Class 670 visa to be combined with, and lodged at the same time as, the application by the other applicant. As a consequence of an amendment made by these Regulations to clause 670.811 of the Migration (1993) Regulations, there will be no fee if an application is combined with another application on which the fee is paid.

Subregulation 19.2 omits clause 670.322 of the Migration (1993) Regulations. The policy intention is that an applicant may be eligible for the grant of a Class 670 visa even though he or she may also be able to satisfy the criteria for the grant of a Class 672 or Class 674 visa.

Subregulation 19.3 omits clause 670.332 of the Migration (1993) Regulations and substitutes new clauses 670.332 and 670.332A. The effect of this amendment is to separate the two requirements previously contained in clause 670.332 (ie that the applicant satisfy the Minister that the expressed intention of the applicant only to visit Australia is genuine *and* that the applicant does not intend to become a permanent resident of Australia) into two distinct clauses, thereby putting it beyond doubt that both requirements have to be met.

Subregulation 19.4 omits clause 670.335 of the Migration (1993) Regulations which provided that the Minister could request that an assurance of support (acceptable to the Minister) be given in relation to the applicant. This requirement is removed as the additional requirement that the applicant have adequate funds for personal support during the period of the visit (clause 670.321 refers) is sufficient as a safeguard against the applicant becoming a financial burden on the Australian community.

Subregulation 19.5 corrects the reference in subparagraph 670.721(d)(ii) of the Migration (1993) Regulations to certain criteria contained in Schedule 6 - Illegal Entrant Criteria.

Subregulation 19.6 omits clause 670.724 of the Migration (1993) Regulations. The provision of this clause is not required to be met at the time of application. It is a requirement to be met at time of decision (see clause 670.731).

Subregulation 19.7 inserts a new paragraph 670.731(c) in the Migration (1993) Regulations. The new paragraph (c) is an alternative to paragraphs (a) and (b). Its effect is that an applicant for a Class 670 (tourist (short stay)) entry permit who has compelling personal reasons for the grant of the entry permit and satisfies public interest criterion 4005 relating to health is eligible for grant of the entry permit even though he or she may be unable to satisfy the criteria for grant of the visa before entry.

Subregulation 19.8 omits clause 670.734 of the Migration (1993) Regulations. The effect of this amendment is to remove provision for the Minister to request an assurance of support in respect of an applicant for a Class 670 (tourist) (short stay) entry permit (after entry). This provision is not required as the requirement that the applicant have adequate funds for personal support during the period of the visit (clause 670.321 refers) is a sufficient safeguard against the applicant becoming a financial burden on the Australian community.

Subregulation 19.9 omits clause 670.735 of the Migration (1993) Regulations. This clause is no longer required as its provisions are either unnecessary or incorporated in the new paragraph 670.731(c), inserted by these Regulations.

Subregulation 19.10 inserts new clauses 670.738A and 670.739 in the Migration (1993) Regulations. The new clause 670.738A provides that an applicant for a Class 670 (tourist (short stay)) entry permit after entry which if granted will result in stay as a visitor for more than 12 consecutive months must satisfy the Minister that there are compelling personal reasons or exceptional circumstances for the grant of the entry permit. This implements new policy that except where compelling personal reasons or exceptional circumstances exist, the total stay as a visitor will be limited to 12 months.

The new clause 670.739 provides that where the applicant is the holder of a visitor entry permit and seeks further stay as a tourist, the applicant must produce evidence of adequate arrangements for health insurance to cover possible medical or hospital expenses. This ensures that the Australian community is safeguarded from the possibility of longer staying visitors becoming a financial burden.

Subregulation 19.11 omits paragraph 670.811(1)(a) of the Migration (1993) Regulations and inserts a new paragraph 670.811(1)(a). The purpose of the new paragraph is to provide that the fee of \$30 currently specified in respect of an application for a Class 670 visa which will authorise the holder to travel to Australia more than once and which will be valid for four years or the remaining period of validity of the applicant's passport (whichever is the shorter) is applicable only where that remaining period is not less than 12 months. In all other cases the applicable fee is nil.

Subregulation 19.12 inserts a new paragraph (c) in subclause 670.811 (1) of the Migration (1993) Regulations to provide that there is no fee for an application for a Class 670 visa which is combined with another application on which the fee is paid.

Subregulation 19.13 omits clause 670.822 of the Migration (1993) Regulations and substitutes a new clause 670.822 with the effect that there is no fee for an application for a Class 670 entry permit which is combined with another application on which the fee is paid. The fee for a separate application remains \$100.

Part 672 - Class 672 (Business visitor (short stay)) visa and entry permit

Subregulation 19.14 omits clause 672.311 of the Migration (1993) Regulations and substitutes a new clause 672.311. This amendment has, in relation to the grant of a Class 672 visa, the same effect as the amendment made by subregulation 19.1 of these Regulations in relation to the grant of a Class 670 visa.

Subregulation 19.15 omits clause 672.332 of the Migration (1993) Regulations and substitutes new clauses 672.332 and 672.332A. This amendment has, in relation to the grant of Class 672 visas (before entry), the same effect as the amendment made by subregulation 19.3 of these Regulations in relation to the grant of Class 670 visas (before entry).

Subregulation 19.16 amends clause 672.333 of the Migration (1993) Regulations by omitting criterion 4012 of Schedule 4 as a criterion an, applicant for a Class 672 visa is required to satisfy. Criterion 4012 is inappropriate in respect of an applicant for a Class 672 visa and was included by oversight.

Subregulation 19.17 omits clause 672.335 of the Migration (1993) Regulations which provided that the Minister could request that an assurance of support (acceptable to the Minister) be given in relation to the applicant. This requirement is removed as the additional requirement that the applicant have adequate funds for personal support during the period of the visit (clause 672.321 refers) is sufficient as a safeguard against the applicant becoming a financial burden on the Australian community.

Subregulation 19.18 clarifies the reference in subparagraph 672.721(d)(ii) of the Migration (1993) Regulations to certain criteria contained in Schedule 6 - Illegal Entrant Criteria.

Subregulation 19.19 omits clause 672.724 of the Migration (1993) Regulations. The provision of this clause is not required to be met at the time of application. It is a requirement to be met at time of decision (see clause 672.731).

Subregulation 19.20 inserts a new paragraph 672.731 (c) in the Migration (1993) Regulations. This amendment has, in relation to the grant of Class 672 entry permits (after entry), the same effect as the amendment made by subregulation 19.7 of these Regulations in relation to the grant of Class 670 entry permits (after entry).

Subregulation 19.21 omits clause 672.734 of the Migration (1993) Regulations. The effect of this amendment is to remove provision for the Minister to request an assurance of support in respect of an applicant for a Class 672 (business visitor (short

stay)) entry permit (after entry). This provision is not required as the requirement that the applicant have adequate funds for personal support during the period of the visit (clause 672.321 refers) is a sufficient safeguard against the applicant becoming a financial burden on the Australian community.

Subregulation 19.22 omits clause 672.735 of the Migration (1993) Regulations. This clause is no longer required as its provisions are either unnecessary or incorporated in the new paragraph 672.731(c), inserted by these Regulations.

Subregulation 19.23 inserts new clauses 672.738 and 672.739 in the Migration (1993) Regulations. This amendment has, in relation to the grant of Class 672 entry permits (after entry), the same effect as the amendment made by subregulation 19.10 of these Regulations in relation to the grant of Class 670 entry permits (after entry).

Subregulation 19.24 omits paragraph 672.811 (1) (a) of the Migration (1993) Regulations and substitutes a new paragraph 672.811(1)(a). This amendment has, in relation to the grant of Class 672 visas, the same effect as the amendment made by subregulation 19.11 of these Regulations in relation to the grant of Class 670 visas.

Subregulation 19.25 inserts a new paragraph (c) in subclause 672.811(1) of the Migration (1993) Regulations to provide that there is no fee for an application for a Class 672 visa which is combined with another application on which the fee is paid.

Subregulation 19.26 omits clause 672.822 of the Migration (1993) Regulations and substitutes a new clause 672.822 with the effect that there is no fee for an application for a Class 672 entry permit which is combined with another application on which the fee is paid. The fee for a separate application remains \$100.

Part 673 - Class 673 (Close family visitor (short stay)) visa and entry permit

Subregulation 19.27 omits clause 673.311 of the Migration (1993) Regulations and substitutes a new clause 673.311. This amendment has, in relation to the grant of a Class 673 visa, the same effect as the amendment made by subregulation 19.1 of these Regulations in relation to the grant of a Class 670 visa.

Subregulation 19.28 omits clause 673.332 of the Migration (1993) Regulations and substitutes new clauses 673.332 and 673.332A. This amendment has, in relation to the grant of Class 673 visas (before entry), the same effect as the amendment made by subregulation 19.3 of these Regulations in relation to the grant of Class 670 visas (before entry).

Subregulation 19.29 amends clause 673.333 of the Migration (1993) Regulations by omitting criterion 4012 of Schedule 4 as a criterion an applicant for a Class 673 visa is required to satisfy. Criterion 4012 of Schedule 4 requires that a written undertaking is given in support of an applicant who is under 18 years of age, is not travelling to Australia in the company of either or both parents and who intends to visit a person in Australia who is not a relative of the applicant. This criterion is unnecessary as the purpose of the Class 673 visa is to enable the applicant to visit close relatives in which case this clause becomes redundant.

Subregulation 19.30 omits clause 673.335 of the Migration (1993) Regulations which provided that the Minister could request that an assurance of support (acceptable to the Minister) be given in relation to the applicant. This requirement is removed as the additional requirement that the applicant have adequate funds for personal support during the period of the visit (clause 673.322 refers) is sufficient as a safeguard against the applicant becoming a financial burden on the Australian community.

Subregulation 19.31 clarifies the reference in subparagraph 673.721(d)(ii) of the Migration (1993) Regulations to certain criteria contained in Schedule 6 - Illegal Entrant Criteria.

Subregulation 19.32 omits clause 673.724 of the Migration (1993) Regulations. The provision of this clause is not required to be met at the time of application. It is a requirement to be met at time of decision (see clause 673.731).

Subregulation 19.33 inserts a new paragraph 673.731 (c) in the Migration (1993) Regulations. This amendment has, in relation to the grant of Class 673 entry permits (after entry), the same effect as the amendment made by subregulation 19.7 of these Regulations relation to the grant of Class 670 entry permits (after entry).

Subregulation 19.34 omits clause 673.734 of the Migration (1993) Regulations. The effect of this amendment is to remove provision for the Minister to request an assurance of support in respect of an applicant for a Class 673 (close family visitor) (short stay) entry permit (after entry). This provision is not required as the requirement that the applicant have adequate funds for personal support during the period of the visit (clause 673.322 refers) is a sufficient safeguard against the applicant becoming a financial burden on the Australian community.

Subregulation 19.35 omits clause 673.736 of the Migration (1993) Regulations. This clause is no longer required as its provisions are incorporated in the new paragraph 673.731(c), inserted by these Regulations.

Subregulation 19.36 inserts new clauses 673.738A and 673.739 in the Migration (1993) Regulations. This amendment has, in relation to the grant of Class 673 entry permits (after entry), the same effect as the amendment made by subregulation 19.10 of these Regulations in relation to the grant- of Class 670 entry permits (after entry).

Subregulation 19.37 corrects a drafting error in the Note following clause 673.741 of the Migration (1993) Regulations by substituting a reference to condition 9203 for condition "5201". There is no condition 5201.

Subregulation 19.38 omits paragraph 673.811 (1)(a) of the Migration (1993) Regulations and substitutes a new paragraph 673.811(1)(a). This amendment has, in relation to the grant of Class 673 visas, the same effect as the amendment made by subregulation 19.11 of these Regulations in relation to the grant of Class 670 visas.

Subregulation 19.39 inserts a new paragraph (c) in subclause 673.811 (1) of the Migration (1993) Regulations to provide that there is no fee for an application for a Class 673 visa which is combined with another application on which the fee is paid.

Subregulation 19.40 omits clause 673.822 of the Migration (1993) Regulations and substitutes a new clause 673.822 with the effect that there is no fee for an application for a Class 673 entry permit which is combined with another application on which the fee is paid. The fee for a separate application remains \$100.

Part 674 - Class 674 (Visitor (other) (short stay)) visa and entry permit

Subregulation 19.41 omits clause 674.311 of the Migration (1993) Regulations and substitutes a new clause 674.311. This amendment has, in relation to the grant of a Class 674 visa, the same effect as the amendment made by subregulation 19.1 of these Regulations in relation to the grant of a Class 670 visa.

Subregulation 19.42 omits clause 674.321 of the Migration (1993) Regulations which required applicants for a Class 674 visa to show that their personal circumstances or reasons for seeking to travel to Australia fell within one of the categories outlined in clause 674.321. A new clause 674.321 is substituted which requires an applicant for a Class 674 visa to show that he or she seeks to travel to Australia as a visitor primarily for reasons other than tourism, business, medical treatment or to visit close family relatives. This reflects the policy intention that the Class 674 visa is to authorise visits to Australia by persons who do not qualify for one of the other Group 2.4 visitor visas and intend a visit of less than three months.

Subregulation 19.43 makes a technical correction to the Note following the heading to subdivision 674.32 of the Migration (1993) Regulations.

Subregulation 19.44 omits clause 674.332 of the Migration (1993) Regulations and substitutes new clauses 674.332 and 674.332A. This amendment has, in relation to the grant of Class 674 visas (before entry), the same effect as the amendment made by subregulation 19.3 of these Regulations in relation to the grant of Class 670 visas (before entry).

Subregulation 19.45 omits clause 674.335 of the Migration (1993) Regulations which provided that the Minister could request that an assurance of support (acceptable to the Minister) be given in relation to the applicant. This requirement is removed as the additional requirement that the applicant have adequate funds for personal support during the period of the visit (clause 674.322 refers) is sufficient as a safeguard against the applicant becoming a financial burden on the Australian community.

Subregulation 19.46 clarifies the reference in subparagraph 674.721(d)(ii) of the Migration (1993) Regulations to certain criteria contained in Schedule 6 - Illegal Entrant Criteria.

Subregulation 19.47 omits clause 674.724 of the Migration (1993) Regulations. The provision of this clause is not required to be met at the time of application. It is a requirement to be met at time of decision (see clause 674.731).

Subregulation 19.48 inserts a new paragraph 674.73 1 (c) in the Migration (1993) Regulations. This amendment has, in relation to the grant of Class 674 entry permits (after entry), the same effect as the amendment made by subregulation 19.7 of these Regulations in relation to the grant of Class 670 entry permits (after entry).

Subregulation 19.49 corrects a drafting error in clause 674.732 of the Migration (1993) Regulations to accurately reflect the intention that an applicant for a Class 674 entry permit (after entry) is required, at the time of decision, to continue to satisfy the criteria specified in clauses 674.722 to 674.725, rather than merely the criteria specified in clauses 674.722 and 674.725.

Subregulation 19.50 omits clauses 674.734 and 674.735 of the Migration (1993) Regulations. The omission of clause 674.734 has, in relation to the grant of Class 674 entry permits (after entry), the effect to remove provision for the Minister to request an assurance of support in respect of an applicant for a Class 674 (visitor (other)) (short stay) entry permit (after entry). This provision is not required as the requirement that the applicant have adequate funds for personal support during the period of the visit (clause 674.322 refers) is a sufficient safeguard against the applicant becoming a financial burden on the Australian community. Clause 674.735 is omitted as it is no longer required. Its provisions are either unnecessary or incorporated in the new paragraph 672.731 (c), inserted by these Regulations.

Subregulation 19.51 inserts new clauses 674.738A and 674.739 in the Migration (1993) Regulations. This amendment has, in relation to the grant of Class 674 entry permits (after entry), the same effect as the amendment made by subregulation 19.10 of these Regulations in relation to the grant of Class 670 entry permits (after entry).

Subregulation 19.52 omits paragraph 674.811(1)(a) of the Migration (1993) Regulations and inserts a new paragraph 674.811(1)(a). This amendment has, in relation to the grant of Class 674 visas, the same effect as the amendment made by subregulation 19.11 of these Regulations in relation to the grant of Class 670 visas.

Subregulation 19.53 inserts a new paragraph (c) in subclause 674.811(1) of the Migration (1993) Regulations to provide that there is no fee for an application for a Class 674 visa which is combined with another application on which the fee is paid.

Subregulation 19.54 omits clause 674.822 of the Migration (1993) Regulations and substitutes a new clause 674.822 with the effect that there is no fee for an application for a Class 674 entry permit which is combined with another application on which the fee is paid. The fee for a separate application remains \$100.

Part 675 - Class 675 (Medical treatment (short stay)) visa and entry permit

Subregulation 19.55 omits clause 675.311 of the Migration (1993) Regulations and substitutes a new clause 675.311. This amendment has, in relation to the grant of a Class 675 visa, the same effect as the amendment made by subregulation 19.1 of these Regulations in relation to the grant of a Class 670 visa.

Subregulation 19.56 omits clause 675.332 of the Migration (1993) Regulations and substitutes new clauses 675.332 and 675.332A. This amendment has, in relation to the grant of Class 675 visas (before entry), the same effect as the amendment made by subregulation 19.3 of these Regulations in relation to the grant of Class 670 visas (before entry).

Subregulation 19.57 corrects a drafting error in clause 675.337 of the Migration (1993) Regulations by substituting the intended reference to public interest criterion 4005 for the reference to "public interest criterion 3006". There is no such criterion.

Subregulation 19.58 omits clause 675.338 of the Migration (1993) Regulations which provided that the Minister could request that an assurance of support (acceptable to the Minister) be given in relation to the applicant. This requirement is removed as the additional requirement that the applicant have adequate funds for personal support during the period of the visit (clause 675.323 refers) is sufficient as a safeguard against the applicant becoming a financial burden on the Australian community.

Subregulation 19.59 clarifies the reference in subparagraph 675.721(d)(ii) of the Migration (1993) Regulations to certain criteria contained in Schedule 6 - Illegal Entrant Criteria.

Subregulation 19.60 omits clause 675.724 of the Migration (1993) Regulations. The provision of this clause is not required to be met at the time of application. It is a requirement to be met at time of decision (see clause 675.731).

Subregulation 19.61 inserts a new paragraph 675.731(c) in the Migration (1993) Regulations. This amendment has, in relation to the grant of Class 675 entry permits (after entry), the same effect as the amendment made by subregulation 19.7 of these Regulations in relation to the grant of Class 670 entry permits (after entry).

Subregulation 19.62 omits clause 675.733 of the Migration (1993) Regulations. The effect of this amendment is to remove provision for the Minister to request an assurance of support in respect of an applicant for a Class 675 (medical treatment) (short stay) entry permit (after entry). This provision is not required as the requirement that the applicant have adequate funds for personal support during the period of the visit (clause 675.323 refers) is a sufficient safeguard against the applicant becoming a financial burden on the Australian community.

Subregulation 19.63 omits clause 675.735 of the Migration (1993) Regulations and substitutes new clauses 675.735 and 675.736. The original clause is no longer required as its provisions are incorporated in the new paragraph 675.731(c), inserted by these Regulations. The inclusion of the new clauses has, in relation to the grant of Class 675 entry permits (after entry), the same effect as the amendment made by subregulation 19.10 of these Regulations in relation to the grant of Class 670 entry permits (after entry).

Subregulation 19.64 omits paragraph 675.811 (1)(a) of the Migration (1993) Regulations and inserts a new paragraph 675.81 1(1)(a). This amendment has, in relation to the grant of Class 675 visas, the same effect as the amendment made by subregulation 19.11 of these Regulations in relation to the grant of Class 670 visas.

Subregulation 19.65 inserts a new paragraph (c) in subclause 675.811 (1) of the Migration (1993) Regulations to provide that there is no fee for an application for a Class 675 visa which is combined with another application on which the fee is paid.

Subregulation 19.66 omits clause 675.822 of the Migration (1993) Regulations and substitutes a new clause 675.822 with the effect that there is no fee for an application for a Class 675 entry permit which is combined with another application on which the fee is paid. The fee for a separate application remains \$100.

Regulation 20 - Schedule 2, Chapter 2.7 (Provisional visas and entry permits)

Part 300 - Class 300 (Prospective marriage) visa and entry permit

Subregulation 20.1 makes a grammatical amendment to subdivision 300.12 of the Migration (1993) Regulations to make it clear that the Class 300 visa is for entry to Australia to marry a person who is either an Australian citizen or an Australian permanent resident.

Subregulation 20.2 makes a stylistic amendment to clause 300.335 of the Migration (1993) Regulations to ensure consistency with the wording used in similar provisions elsewhere in the Migration (1993) Regulations.

Subregulation 20.3 amends the Note following the heading to Division 300.7 of the Migration (1993) Regulations to clarify that the purpose of the grant of a Class 300 entry permit after entry is to authorise a further period of stay in Australia for the holder of a Class 300 entry permit only where the holder's initial visa authorised an initial stay in Australia of a period of up to 3 months. The amendment reflects the criterion contained in clause 300.721.

Regulation 21 - Schedule 2, Chapter 2.8 (Miscellaneous visas and entry permits)

Part 771 - Class 771 (Transit) visa and entry permit

Subregulation 21.1 omits paragraph 771.322(b) of the Migration (1993) Regulations and substitutes a new paragraph 771.322(b). The effect of this amendment is to limit the application of the paragraph to vessels and crew members which are not prescribed vessels and crew members for the purposes of the definition of "exempt non-citizen" in subsection 4(1) of the Migration Act 1958 (see regulation 2.9 of the Migration (1993) Regulations).

Subregulation 21.2 amends clause 771.332 of the Migration (1993) Regulations by omitting the word "visit" and substituting the word "transit". The word "visit" was used by oversight as the purpose of Class 771 is merely to permit a person to briefly pass through Australia on the way to another country or to join a ship.

Part 773 - Class 773 (Border) visa and entry permit

Subregulation 21.3 omits subparagraph 773.323(e)(i) of the Migration (1993) Regulations and substitutes a new subparagraph 773.323(e)(i) to provide for the grant of a Class 773 visa to a dependent child travelling with his or her parents who are migrating to Australia. This is in addition to the provisions contained in the omitted subparagraph 773.323(e)(i). The new subparagraph 773.323(e)(i) encompasses a dependent child of an Australian citizen or an Australian permanent resident, the holder of a Group 1.1 (migrant), 1.2 (permanent resident (after entry)), 1.3 (permanent

residence (refugee and humanitarian)) or 1.4 (resident return) visa, and the holder of a Group 2.1 (temporary resident) visa or entry permit.

Regulation 22 - Schedule 3 (Provisions with respect to the grant of visas and entry permits included in certain groups to secondary persons)

Part 011 - Migrant visas and entry permits

Subregulation 22.1 amends clause 011.322 of the Migration (1993) Regulations so that the time of application criterion contained in that clause is applicable only in circumstances where sponsorship is required at the time of application, and not in circumstances where sponsorship is required only at the time of decision, such as in respect of applications for Class 129 (State/Territory sponsored business skills) or Class 130 (State/Territory sponsored business skills (senior executive)) visas.

Subregulation 22.2 inserts a new clause 011.334A in subdivision 011.33 of the Migration (1993) Regulations to provide, as a criterion to be satisfied at the time of decision, that, if the application is for a Class 129 (State/Territory sponsored business skills) or a Class 130 (State/Territory sponsored business skills (senior executive)) visa the relevant primary person must be sponsored under the relevant provisions of Schedule 2 and the sponsorship must include the applicant.

Part 012 - Permanent resident (after entry) entry permits

Subregulation 22.3 amends subclause 012.711(1) of the Migration (1993) Regulations to include a reference to the new subclause (3) inserted by these Regulations.

Subregulation 22.4 inserts a new subclause (3) into clause 012.711 of the Migration (1993) Regulations. The purpose of the new subclause is to enable children born after lodgment of a parent's application for a Class 812 entry permit (after entry), but before the decision is made on that application, to be added to that application.

Operation of subregulations 22.3 and 22.4 is made retrospective to 1 February 1993. Retrospective commencement of these amendments is entirely beneficial to the applicants concerned, and is not prejudicial to any person. Retrospective commencement of these amendments does not therefore contravene subsection 48(2) of the Acts Interpretation Act 1901.

Subregulation 22.5 inserts a new clause 012.732A into the Migration (1993) Regulations. The new clause provides that applicants as secondary persons for the Classes of entry permits (after entry) which may be granted under Part 012 must continue to be members of the family unit of the relevant primary person at the time of decision on the application as well as at the time of application.

Part 013 - Permanent resident (refugee and humanitarian) visas and entry permits

Subregulation 22.6 omits clause 013.322 of the Migration (1993) Regulations and substitutes new clauses 013.322 and 013.323. The new clauses provide that if a nomination or written undertaking is required in respect of a relevant primary person then the nomination or undertaking must also include a member of that primary

person's family unit who is an applicant, as a secondary applicant, under Part 013. The omitted clause 013.322 made a similar provision in relation to sponsorships but this was inappropriate as only nominations and written undertakings are required in respect of primary persons applying for Group 1.3 (permanent resident (refugee and humanitarian)) visas.

Subregulation 22.7 inserts anew clause 013.331A into the Migration (1993) Regulations. The new clause provides that applicants as secondary persons for the Classes of entry permits (after entry) which may be granted under Part 013 must continue to be members of the family unit of the relevant primary person at the time of decision on the application as well as at the time of application.

Part 021 - Temporary resident visas and entry permits

Subregulation 22.8 makes an amendment to subclause 021.311(1) of the Migration (1993) Regulations consequential on the insertion of new subclause 021.311(1A) by these Regulations.

Subregulation 22.9 inserts a new subclause 021.311(1A) in the Migration (1993) Regulations. The purpose of this amendment is to provide that an application by a secondary person for a Class 995 (diplomatic) visa must be made in accordance with the agreement reached between the Department of Foreign Affairs and Trade and the Department of Immigration and Ethnic Affairs.

Subregulation 22.10 makes an amendment to subclause 021.411(1) of the Migration (1993) Regulations consequential on the insertion of new subclause 021.411(1A) by these Regulations.

Subregulation 22.11 inserts a new subclause 021.411(1A) in the Migration (1993) Regulations. The purpose of this amendment is to provide that an application by a secondary person for a Class 995 (diplomatic) visa must be made in accordance with the agreement reached between the Department of Foreign Affairs and Trade and the Department of Immigration and Ethnic Affairs.

Subregulation 22.12 corrects a typographical error in clause 021.732 of the Migration (1993) Regulations.

Part 022 - Student visas and entry permits

Subregulation 22.13 corrects an error in the numbering of the clause numbered 022.132 of the Migration (1993) Regulations. The correct numbering is "022.122".

Subregulations 22.14 to 22.16 amend subclauses 022.341(1), 022.441(1) and 022.741(1) respectively of the Migration (1993) Regulations by adding a new paragraph (d) at the end of each subclause. Statutory Rules No 309 of 1993 introduced special arrangements for Iranian postgraduate students and their dependants. By oversight, the applicable conditions for secondary persons were not inserted in Part 022. The amendments made by subregulations 22.14 to 22.16 impose condition 9232 on student visas and entry permits granted to an applicant who is a member of the family unit of a citizen of Iran. The effect of the condition is to prevent

the holder undertaking or changing a postgraduate course of study in Australia without first obtaining approval of the Minister, given after the Minister has obtained an assessment from the competent Australian authorities that the holder is not likely to be directly or indirectly a risk to Australian national security.

Part 027 - Provisional visas and entry permits

Subregulation 22.17 amends the Note following the heading to Division 027.7 of the Migration (1993) Regulations to take account of the fact that one of the Classes of entry permit granted under Part 027, Class 300, is available to holders of a Class 300 entry permit only where the holder's initial visa authorised an initial stay in Australia of a period of up to 3 months.

Regulation 23 - Schedule 4 (public interest criteria)

Subregulations 23.1 and 23.2 make a syntactical correction to subparagraphs 4005(c)(iv) and 4007(1)(c)(iv) respectively of Schedule 4 of the Migration (1993) Regulations by omitting the word "would".

Subregulation 23.3 makes a technical amendment to clause 4008 of the Migration (1993) Regulations by renumbering a paragraph.

Subregulation 23.4 amends paragraph 4012(b) of Schedule 4 of the Migration (1993) Regulations by adding the words "or guardians" after the word "parents". .

Subregulation 23.5 inserts a new paragraph 4012(d) in Schedule 4 of the Migration (1993) Regulations. The effect of the new paragraph is to exclude children travelling as part of organised tour groups from the mandatory requirements relating to undertakings regarding the child's maintenance and general welfare while visiting Australia which are required to be given by the persons.

Regulation 24 - Schedule 5 (special re-entry criteria)

Subregulation 24.1 makes a technical amendment to subparagraph 5011(2)(b) consequential to the omission of paragraph (c) by these Regulations.

Subregulation 24.2 omits paragraph 5011(2)(c) as it is a repetition of the provisions of paragraph 5011(1) to which this paragraph refers.

Regulation 25 - Schedule 6 (Illegal entrant criteria)

Subregulation 25.1 transfers the Note following clause 6001 to immediately above that clause to clarify the intention that the Note applies equally to all of Schedule 6 and not just clause 6001.

Subregulation 25.2 amends paragraphs 6002(a) and subparagraph 6002(b)(i) by inserting the word "working" before the word "days" to clarify the policy intention that period referred to does not include weekends or public holidays.

Regulation 26 - Schedule 9 (Visa and entry permit conditions)

Subregulation 26.1 omits clause 9106 of the Migration (1993) Regulations and substitutes a new clause 9106. Clause 9106 is a condition imposed on Group 2.3 (visitor) and Group 2.4 (visitor (short stay)) visas and entry permits. The omitted clause 9106 prevented the holder undertaking any course of formal study or training in Australia. This condition prevented study in Australia other than that incidental to the purpose of the visit. The new clause 9106 has the effect of defining the range of study which the holder may undertake in Australia more widely. This reflects the definition of the term "tourism" inserted in regulation 1.3 of the Migration (1993) Regulations by subregulation 3.2 of these Regulations, which acknowledges that informal study courses may be the main purpose of a visit to Australia and not simply incidental to another purpose.

Subregulation 26.2 omits clauses 9229 and 9230 of Part 2, Schedule 9 of the Migration (1993) Regulations and substitutes new clauses 9229 and 9230. The effect of this amendment is to enable clauses 9229 and 9230 to be imposed as conditions on Class 300 (prospective marriage) visas granted before entry and Class 300 entry permits granted after entry, to primary persons and secondary persons respectively.

The new clause 9229 provides that the holder, being a primary person, must enter into the marriage in respect of which the visa or entry permit was granted within three months of initial entry to Australia or within three months after the date of the grant of a Class 300 entry permit, whichever is the later date.

The new clause 9230 is imposed on visa or entry permit granted to a secondary person. The relevant primary person is required to enter into the marriage in respect of which the visa or entry permit was granted within three months of that person's initial entry to Australia or within three months after the date of the grant of a Class 300 entry permit to the primary person, whichever is the later date.

Subregulation 26.3 inserts a new clause 9233 in Part 2, Schedule 9 of the Migration (1993) Regulations. The effect of this amendment is to create a non-terminating condition which may be imposed on visas and entry permits, to the effect that there must be no material changes in the circumstances of the holder. While this condition may be imposed as a terminating condition (see clause 9113 in Part 1 of Schedule 9), it is also required as a non-terminating condition in situations where breach of the condition is not required to result in the entry permit or visa ceasing to be in force should the Minister determine that the condition has been breached and notify the holder in writing of that determination.