Migration Amendment Regulations 1999 (No. 4) 1999 No. 68

EXPLANATORY STATEMENT

STATUTORY RULES 1999 NO. 68

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

Migration Act 1958

Migration Amendment Regulations 1999 (No. 4)

Section 504 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 to be prescribed by the Act or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

In addition, regulations may be made pursuant to the following powers:

- section 29 of the Act provides that the regulations may prescribe a period during which the holder of a visa may travel to, enter and remain in Australia;
- section 31 of the Act provides that the regulations are to prescribe classes of visas and that the regulations may prescribe criteria for visas of a specified class;
- subsection 33(2) of the Act provides for the regulations to prescribe status for the purpose of the grant of special purpose visas;
- subsection 40(1) of the Act provides that the regulations may provide that visas or visas of a specified class may only be granted in specified circumstances;
- section 41 of the Act provides that, without limiting the generality of the section, the regulations may provide that visas or visas of a specified class are subject to specified conditions, including but not limited to a condition restricting work rights;
- section 45 of the Act provides that the regulations may make provisions in relation to applications for visas;
- section 45B of the Act provides that the amount of visa application charge is the amount, not exceeding the visa application charge limit, prescribe in relation to the application;

- subsection 46(2) of the Act provides for prescribing a class of visas an application for which may be taken under the regulations to have been validly made;

- subsection 71 (1) of the Act provides for the regulations to prescribe the way in which evidence of a visa is to be given;

- paragraph166(1)(b) of the Act provides that the regulations may require information to be given to a clearance officer by persons who enter Australia;

- subsection 338(9) of the Act provides for MRT-reviewable decisions to be prescribed;

- section 347 of the Act provides for the way in which an application for an MRT reviewable decision must be made to the Migration Review Tribunal ("MRT");

- subparagraph 355A(2)(c)(ii) of the Act provides that the Principal Member of the MRT must not give a direction that the MRT constituted for a particular review be reconstituted unless a period equal to or longer than the period prescribed has elapsed since the Tribunal was constituted;

- section 359B of the Act provides that the regulations may prescribe when addition information or comments are to be given to MRT;

- subsection 360A(4) of the Act provides that the period of notice that an applicant is to be given by the NIRT must be a prescribed period or, if no period is prescribed, a reasonable period;

- subsection 367(1) of the Act provides for the period in which the MRT must notify the applicant of a decision covered by subsection 338(4) of the Act to be prescribed;

- subsection 368A(3) of the Act provides that the MRT must give the, applicant and the Secretary written notice of the handing down of certain decisions and that the period of notice given must be a prescribed period, or if no period is prescribed, a reasonable period;

- section 395 of the Act provides that the MRT consists of a Principal Member and such number of Senior Members and other members that does not exceed the prescribed number,

- subparagraph 422A(2)(c)(ii) of the Act provides the Principal Member of the

Refugee Review Tribunal ("RRT") must not give a direction that the RRT for a

particular review be reconstituted for the purposes of that review unless a period

equal to or longer than the period prescribed has elapsed since the RRT was

constituted;

- section 424B of the Act provides that the regulations may prescribe when addition information or comments are to be given to RRT;

- subsection 42SA(3) of the Act provides that the period of notice that an applicant is to be given by the RRT must be a prescribed period or, if no period is prescribed, a reasonable period;

- subsection 430A(3) of the Act provides that the RRT must give the applicant and the Secretary written notice of the handing down of certain decisions and that the period of notice given must be at least the prescribed period, or if no period is prescribed, a reasonable period; and

- paragraph 504(1)G) of the Act provides that the regulations may enable a person who is alleged to have contravened section 229 or 230 of the Act to pay to the Commonwealth, as an alternative to prosecution, a prescribed penalty, not exceeding $3000.

The purpose of the Regulations is to amend the Migration Regulations1994 to make changes to the criteria for certain subclasses of visa; prescribe new visa classes and repeal certain other classes; make consequential amendments as a result of the *Migration Legislation Amendment Act (No.1)1998* which established the Migration Review Tribunal; change the way in which applications for certain classes of visa are made; increase certain penalties and make technical and consequential changes. In particular, the Regulations will:

- prescribe the way in which applications for review of a decision to the Migration Review Tribunal must be made, the way in which information is to be given to the MRT and the Refugee Review Tribunal and other technical and consequential amendments arising from the *Migration Legislation Amendment Act (No. 1) 1998* (item 1101, 1104 to 1143);

- provide review for decisions to refuse offshore spouse and interdependency visa applications and amend bridging visa criteria to allow persons seeking review of such decision to remain lawfully in Australia during the processing of any such review, consequential to the *Migration Legislation Amendment Act (No. 1) 1998* (item 1102,1201,1202,1301 to 1317 and 1401);

- repeal- the visa classes: Vietnamese (Special Assistance) Class (Class BK) and Minorities of Former USSR (Special Assistance) (Class AV) (item 2106 to 2109, 2201, 2202, 2315 and 2316);

- allow students, and their family members, who hold a Student (Temporary), (Class TU) visa that is subject to work restrictions, to make an application for a further Class TU visa without work restrictions at the educational institution at which the student is enrolled, provided the institution has been approved by the Minister to receive such applications (items 2110, 2112 and 2113);

- establish the Olympic (Support) (Temporary) Class (Class UI) and prescribe how a valid application for a Class UI visa may be made (items 2111, 2203 and 2317);

- repeal the provisions whereby certain persons visiting the Christmas Island Casino are taken to be granted visas (item 2115, 2116 and 2401);

- require persons seeking to meet the criteria for an Employer Nomination visa (Subclass 121) or for a Skilled visa (Subclass 805), under the Regional Sponsored Migration Scheme, to hold, or be eligible for, any mandatory registration, licensing or professional body membership required for the person's proposed employment in Australia (item 2117 to 2119, 2303 to 2306,2318 and 2319);

- increase the penalty prescribed as an alternative to prosecution, for an offence against section 229 or 230 of the Act (item 2120);

- provide that an application for a Business Skills (Residence) (Class BH) visa, on form 1029, is also an application for a Bridging A (Class WA) visa (item 2204);

- make changes to the criteria for the grant of Return (Residence) (Class BB) visas to provide that where a Five Year Resident Return visa (Subclass 155) is granted to a person on the basis that they are a member of the family unit of a holder of a Subclass 155 visa, the family member's visa will have the same validity as the visa held by the family head (items 2307 to 2314); and

- make technical and consequential amendments (item 1103, 2101 to 2105, 2115, 2122, 2301, 2302).

Details of the Regulations are set out in the Attachment.

The Regulations will commence on 1 June (the consequential amendments arising from

the *Migration Legislation Amendment Act (No. 1) 1998 and 1 July 199*9 (for all other provisions).

ATTACHMENT

Regulation 1 -Name of regulations

This regulation provides that these regulations are the *Migration Amendment Regulations* 1999 (No. 4).

Regulation 2 - Commencement

This regulation provides that these regulations commence as follows:

* on 1 June 1999 -regulations 1 to 5 and Schedule 1;

* on 1 July 1999 - regulation 6 and Schedule 2.

Regulation 3 - Amendment of *Migration Regulations* 1994

This regulation provides that Schedules 1 and 2 to these regulations amend the *Migration Regulations* 1994 ("the Regulations").

Regulation 4 - Transitional - MRT-reviewable decisions

This regulation provides a 21 -day period of review for certain persons who have been the subject of certain business decisions which were made in the period commencing on 11 May 1999 and ending at the end of 31 May 1999.

The regulation gives legislative effect to a temporary administrative arrangement.

Regulation 5 - Transitional - Bridging visas

This regulation provides that the amendments made by items 1102, 1201, 1202 and 1301 to 1310 of Schedule 1 to these regulations apply in relation to an application for a Bridging A (Class WA), Bridging B (Class (WB) or Bridging E (Class WE) visa made on or after 1 June 1999.

Regulation 6 - Transitional - amendments commencing on 1-July 1999

This regulation provides that transitional arrangements are in place for a number of provisions contained within these regulations. The effect of these transitional arrangements is that applications made prior to 1 July are not affected by the amendments contained in these regulations.

Subregulation 6(1) provides that the amendments made by items 2117 to 2119, 2303 to 2306, 2318 and 2319 of Schedule 2 to these regulations apply in relation to an application for an Employer Nomination (Migrant) (Class AN) visa made on or after 1 July 1999.

Subregulation 6(2) provides that the amendments made by items 2106, 2108, 2201 and 2315 of Schedule 2 to these regulations do not apply in relation to an application for a Minorities of Former USSR (Special Assistance) (Class AV) visa that is not finally determined before 1 July 1999.

Subregulation 6(3) provides that the amendments made by items 2107, 2109, 2302 and 2316 of Schedule 2 to these regulations do not apply in relation to an application for a Vietnamese (Special Assistance) (Class BK) visa that is not finally determined before 1 July 1999.

Subregulation 6(4) provides that the amendments made by items 2301 and 2302 of Schedule 2 to these regulations apply in relation to an application for a Bridging E (Class WE) visa made on or after 1 July 1999.

Subregulation 6(5) provides that the amendments made by items 2307 to 2314 of Schedule 2 to these regulations apply in relation to an application for a Return (Residence) (Class BB) visa made on or after 1 July 1999.

Subregulation 6(6) provides that the amendments made by items 23 18 and 2319 of Schedule 2 to these regulations apply in relation to an application for a General (Residence) (Class AS) visa made on or after 1 July 1999.

Schedule 1 - Amendments commencing on 1 June 1999 Part 1 - Amendments of Parts 1, 2 and 4 Item 110 1 - Regulation 1.03, definition of *review authority*

This item substitutes a new definition of "review authority" at regulation 1.03. The new definition of "review authority" removes the reference to a review officer, and replaces the reference to the "Immigration Review Tribunal" with the "Migration Review Tribunal".

The amendments are consequential to the formation of the new Migration Review Tribunal ("MRT"), as a result of the merger of the Migration Internal Review Office ("MIRO") and the Immigration Review Tribunal ("IRT").

Item 1102 - After regulation 2.21

This item inserts new regulation 2.21A, which deals with the grant of a Bridging A (Class WA) visa without application. New regulation 2.21A provides that, despite Schedule 1 to the Regulations, the Minister must grant a Bridging A (Class WA) visa to a person in the circumstances set out in subregulation 2.2 1 A(1).

Item 1103 - Division 4.1, note

This is a technical amendment.

Item 1104 - Regulations 4.02 to 4.09

This item replaces regulations 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08 and 4.09 with new regulation 4.02.

New regulation 4.02 prescribes MRT-reviewable decisions and who may apply for review. The decisions prescribed in new regulation 4.02 have not previously been merits-reviewable decisions, except in relation to the amendments contained in regulation 4, above.

Item 1105 -Regulation 4.10, he

This is a technical amendment.

Item 1106 - Subregulations 4. 10(1) and (2)

This item substitutes new subregulations 4. 10(1) and (2).

This item sets out periods of time in which applications for review of MRT-reviewable decisions must be given to the MRT.

Subregulation 4. 10(1) sets out the periods in which an application for review of a decision must be given to the MRT where the decision is an MRT-reviewable decision by virtue of subsection 338(2), (3), (5), (6), (7), (8) or (9) of the *Migration Act 1958* ("the Act"). The periods of time are as follows:

* if the decision is in relation to subsection 338(2) of the Act - 21 days after the applicant receives notice of the decision;

* if the decision is in relation to subsection 338(3) of the Act - 2 working days after the applicant receives notice of the decision, or if in that time the applicant gives notice to the Tribunal that he or she intends to apply for review of the decision, 5 working days after the Tribunal receives notice from the applicant,

* if the decision is in relation to subsection 338(5), (6), (7) or (8) of the Act - 70 days after the applicant receives notice of the decision; or

* if the decision is in relation to subsection 338(9) of the Act - 21 days after the applicant receives notice of the decision.

However, if the applicant is a detainee, subregulation 4.10(2) will apply.

Subregulation 4.10(2) sets out the periods in which an application for review of a decision must be given to the MRT by a detainee where the decision is an MRT reviewable decision by virtue of subsection 338(4) of the Act (subsection 338(4) of the Act deals with a decision to refuse to grant or to cancel a bridging visa of a person who is in immigration detention because of that refusal or cancellation), or in any other case. The periods of time are as follows:

* if the decision is in relation to subsection 338(4) of the Act - 2 working days after the detainee receives notice of the decision; or -

* in any other case - 2 working days after the detainee receives notice of the decision, or if in that time the detainee gives notice to the Tribunal that he or she intends to apply for review of the decision, 5 working days after the Tribunal receives notice from the applicant

New subregulation 4.10(2A) prescribes the number of days for subparagraph 347(1)(b)(iii) of the Act as 28 days. The period prescribed under paragraph 3470)(b) (see new paragraph 4. 1 0(1)(d)) must not exceed the period prescribed in subparagraph 347(1)(b)(iii).

Item 1107 - Subregulation 4.10(3)

Item 1108 - Subregulation 4.10(4)

Item 1109 - Paragraph 4.11(a)

Item 1110 - Regulation 4.12, heading

These are technical amendments consequential to the formation of the new MRT, as a result of the merger of MIRO and the IRT.

Item 1111 - Subregulation 4.12(1)

Item 1113 - Subregulation 4.12(3)

Item 1116 - Subregulation 4.12(5)

These items omit subregulations 4.12(1), (3) and (5). Subregulations 4.12(1), (3) and (5) deal with internal review, which will no longer exist, consequential to the formation of the new MRT, as a result of the merger of MIRO and the IRT.

Item 1112 - Paragraph 4.12(2)(c)

Item 1114 - Paragraph 4.12(4)(a)

Item 1115 - Paragraph 4.12(4)(c)

Item 1117 - Paragraph 4.12(6)(a)

Item 1118 - Paragraph 4.12(6)(c)

Item 1119 - Regulation 4.13, heading

These are technical amendments consequential to the formation of the new MRT, as a result of the merger of MIRO and the IRT.

Item 1120 - Subregulation 4.13(1)

This item substitutes new subregulation 4.13(1). The amendment provides that the fee for an application for review of a decision by the MRT is $850.

Item 1121 - Subregulation 4.13(2)

This is a technical amendment consequential to the formation of the new MRT, as a result of the merger of MRO and the IRT.

Item 1122 - Subregulation 4.13

This item amends subregulation 4.13(4) so that an officer of the MRT, authorised in writing by the Registrar of the MRT, can also exercise the power set out in subregulation 4.13(4).

Item 1123 -Paragraph 4.14, heading

This is a technical amendment consequential to the formation of the new MRT, as a result of the merger of MIRO and the IRT.

Item 1124 - Paragraph 4.14(1)(c)

This item contains an amendment consequential to the amendment contained in item 1122, above.

Item 1125 - Paragraph 4.14(1)(f)

This is a technical amendment consequential to the formation of the new MRT, as a result of the merger of MIRO and the IRT.

Item 1126 - Subregulation 4.14(3)

This item omits subregulation 4.14(3), as it will no longer be possible to take advantage of this subregulation in relation to review by the MRT.

Item 1127 - Regulations 4.17 and 4.18

This item replaces regulations 4.17 and 4.18 with new regulations 4.17, 4.18, 4.18A, and 4.1 8B.

Regulation 4.17 - Prescribed periods - invitation to comment or give additional information (Act, s 359B(2))

Pursuant to subsection 3 59B(2) of the Act, new regulation 4.17 sets out the periods of time in which a person, who has been invited under section 359 or 359A of the Act to give additional information or to comment on information, has to give the additional information or comments to the MRT if the invitation is to give additional information or comments otherwise than at an interview.

New subregulations 4.17(2), (3) and (4) set out the time periods which apply in the situations outlined in those subregulations. The periods of time are as follows:

if the invitation relates to an application for review of a decision that applies to a detainee because of the cancellation of, or refusal to grant, a bridging visa 2 working days after the person receives the invitation; if the invitation relates to an application for review of another decision that applies to a detainee and the information or comment is to be provided from a place in Australia - 7 days after the person receives the invitation; or if the invitation relates to any other application for review - 28 days after the person receives the invitation.

New paragraph 4.17(3)(b) refers to the situation where the invitation is sent to a person at a place in Australia and the information or comment will be provided from a place within Australia. It is not intended that if the person, for example, leaves Australia on holiday, the information or comment is then provided from a place that is not in Australia.

New subregulation 4.17(5) applies in respect of new subregulation 4.17(2), and makes reference to subsection 367(2) of the Act and regulation 4.27 of the Regulations. Reference is made to subsection 367(2) and regulation 4.27 in new subregulation 4.17(5) because new subregulation 4.17(2), regulation 4.27 and subsection 367(2) all apply in respect of MRT-reviewable decisions covered by subsection 338(4) of the Act. Section 367 and regulation 4.27 relate to the time period within which the Tribunal must make its decision on review in respect of MRT-reviewable decisions covered by subsection 338(4) of the Act.

Therefore, under new subregulation 4.17(5), the prescribed period in which a person has to provide further information or comments to the MRT will never extend beyond the time in which the Tribunal is required to make its decision on review.

New subregulation 4.17(6) provides for the response to be taken to be given to the Tribunal when it is received by a registry of the Tribunal.

Regulation 4.18 - Prescribed periods - invitation to comment or give additional information (Act, s 359B(3))

Pursuant to subsection 359B(3) of the Act, new regulation 4.18 sets out the periods of time in which a person, who has been invited under section 359 or 359A of the Act to give additional information or to comment on information, has to give the additional information or comments to the MRT if the invitation is to give additional information or comments at an interview.

New subregulations 4.18(2), (3) and (4) set out the time periods which apply in the situations outlined in those subregulations'. The periods of time are as follows:

* if the invitation relates to an application for review of a decision that applies to a

  detainee because of the cancellation of, or refusal to grant, a bridging visa -

  4 working days after the person receives the invitation;

* if the invitation relates to an application for review of another decision that applies to, a detainee - 7 days after the person receives the invitation; or

* if the invitation relates to any other application for review - 28 days after the person receives the invitation.

New subregulation 4.18(5) applies in respect of new subregulation 4.18(2), and makes reference to subsection 367(2) of the Act and regulation 4.27 of the Regulations.

Reference is made to subsection 367(2) and regulation 4.27 in new subregulation 4.18(5) because new subregulation 4.18(2), regulation 4.27 and subsection 367(2) all apply in respect of MRTreviewable decisions covered by subsection 338(4) of the Act. Section 367 and regulation 4.27 relate to the time period within which the MRT must make its decision on review in respect of MRTreviewable decisions covered by subsection 338(4) of the Act.

Therefore, under new subregulation 4.18(5), the prescribed period in which a person has in which to provide further information or comments to the MRT will never extend beyond the time in which the Tribunal is required to make its decision on review.

Regulation 4.18A - Prescribed periods - invitation to comment or give additional information (Act, s 359B(4))

Pursuant to subsection 359B(4) of the Act, new regulation 4.18A prescribes the further period of time in which a person, who has been invited to give additional information or to comment on information other than at an interview within a period prescribed in regulation 4.17, has to respond to the invitation.

New subregulations 4.18A(2), (3) and (4) set out the time periods which apply in the situations outlined in those subregulations. The periods of time are as follows:

* if the invitation relates to an application for review of a decision that applies to a detainee because of the cancellation of, or refusal to grant, a bridging visa - 5 working days after the person receives notice of the extended period;

* if the invitation relates to an application for review of another decision that applies to a detainee - 14 days after the person receives notice of the extended period; or

* if the invitation relates to any other application for review - 28 days after the person receives notice of the extended period.

New subregulation 4.18A(5) applies in respect of new subregulation 4.18A(2), and makes reference to subsection 367(2) of the Act and regulation 4.27 of the Regulations.

Reference is made to subsection 367(2) and regulation 4.27 in new subregulation

4. 1 SA(5) because new subregulation 4.18A(2), regulation 4.27 and subsection 367(2) all apply in respect of MRT-reviewable decisions covered by subsection 338(4) of the Act. Section 367 and regulation 4.27 relate to the time period within which the MRT must make its decision on review in respect of MRT-reviewable decisions covered by subsection 338(4) of the Act.

Therefore, under new subregulation 4.18A(5), the prescribed further period in which a person has to provide further information or comments to the MRT will never extend beyond the time in which the Tribunal is required to make its decision on review.

New subregulation 4.18A(6) provides for the response to be taken to be given to the Tribunal when it is received by a registry of the Tribunal.

Regulation 4.18B ~ Prescribed periods - invitation to comment or give additional information (Act, s 359B(5))

Pursuant to subsection 359B(5) of the Act, new regulation 4.18B prescribes the further period of time in which a person, who has been invited to give additional information or to comment on information at an interview, within a period prescribed in regulation 4.18, has to respond to the invitation.

New subregulations 4.18B(2), (3) and (4) set out the time periods which apply in the situations outlined in those subregulations. The periods of time are as follows:

* if the invitation relates to an application for review of a decision that applies to a

  detainee because of the cancellation of, or refusal to grant, a bridging visa -

  2 working days after the person receives notice of the extended period;

* if the invitation relates to an application for review of another decision that applies to a detainee - 7 days after the person receives notice of the extended period; or

* if the invitation relates to any other application for review - 14 days after the person receives notice of the extended period.

New subregulation 4.18B(5) applies in respect of new subregulation 4.18B(2), and makes reference to subsection 367(2) of the Act and regulation 4.27 of the Regulations.

Reference is made to subsection 367(2) and regulation 4.27 in new subregulation 4.18B(5) because new subregulation 4. 1 SB(2), regulation 4.27 and subsection 367(2) all apply in respect of MRTreviewable decisions covered by subsection 338(4) of the Act. Section 367 and regulation 4.27 relate to the time period within which the MRT must make its decision on review in respect of MRT-reviewable decisions covered by subsection 338(4) of the Act.

Therefore, under new subregulation 4.18B(5), the prescribed further period in which a person has to provide further information or comments to the MRT will never extend beyond the time in which the Tribunal is required to make its decision on review.

Item 1128 - Regulation 4.21

This item replaces regulation 4.21 with new regulations 4.21 and 4.22.

New regulation 4.21 sets out the period of notice that the MRT must give the applicant of the day on which, and the time and place at *which,* the applicant is scheduled to appear, pursuant to subsection 360A(4) of the Act.

If the decision under review applies to an applicant *who* is a detainee, the prescribed period is 2 working days after the notice is received. In any other case, the prescribed period is 7 working days after the notice is received.

New regulation 4.22 prescribes the number of Senior Members and the number of members of the MRT, pursuant to paragraphs 395(b) and 395(c) of the Act, respectively.

Item 1129 - Paragraph 4.23(1)(e)

This is a technical amendment consequential to the formation of the new MRT, as a result of the merger of MIRO and the IRT.

Item 1130 - Subregulation 4.23 (2)

This item omits subregulation 4.23(2). Subregulation 4.23(2) deals with internal review, which will no longer exist, consequential to the formation of the new MRT, as a result of the merger of MIRO and the IRT.

Item 1131 Subregulation 4.23(3)

This is a technical amendment consequential to the formation of the new MRT, as a result of

Item 1132 - Regulation 4.24, heading

This is a technical amendment.

Item 1133 - Subregulation 4.24(1)

This is a technical amendment consequential to the formation of the new MRT, as a result of the merger of MIRO and the IRT.

Item 11,34 - Regulations 4.26 and 4.27

This item replaces regulations 4.26 and 4.27 with new regulations 4.26, 4.27, and 4.27A.

New regulation 4.26 prescribes the period of time at, or after which the Principal Member may direct that the MRT, constituted for the purpose of a particular review, be reconstituted, pursuant to subparagraph 35SA(2)(C)(ii) of the Act.

If the applicant for review of a decision (except a decision to which regulation 4.27 applies) is a detainee when the Tribunal is constituted for the review, the prescribed period is 2 months after the day on which the Tribunal is constituted. If the applicant for review is not a detainee when the Tribunal is constituted for the review, the prescribed period is 3 months after the day on which the Tribunal is constituted.

New regulation 4.27 replaces existing regulation 4.26 and prescribes the period for subsection 367(1) of the Act as 7 working days after the day on which the application is received.

New regulation 4.27A prescribes the period of notice for subsection 368A(3) of the Act, which deals with the MRT giving the applicant and Secretary written notice of the day on which, and the time and place at which, certain decisions are to be handed down. The prescribed period is 7 days after the day the notice is received.

Item 1135 - After regulation 4.29

This item inserts new regulation 4.30 after regulation 4.29.

New regulation 4.30 prescribes the period of time at, or after -Which, the Principal Member may direct that the Refugee Review Tribunal ("RRT"), constituted for the purpose of a particular review, be reconstituted, pursuant to subparagraph 422A(2)(c)(ii) of the Act.

If the applicant for review of a decision is a detainee when the Tribunal is constituted for the review, the prescribed period is 2 months after the day on which the Tribunal is constituted. If the applicant for review is not a detainee when the Tribunal is constituted for the review, the prescribed period is 3 months after the day on which the Tribunal is constituted.

Item 1136 - Regulation 4.35

This item replaces regulation 4.35 with new regulations 4.35, 4.35A, 4.35B, 4.35C, 4.35D and 4.35E.

Regulation 4.35 - Prescribed periods - invitation to comment or give additional information (Act, s 424B(2))

Pursuant to subsection 424B(2) of the Act, new regulation 4.35 sets out the periods of time in which a person, who has been invited under section 424 or 424A of the Act to give additional information or to comment on information, has to give the additional information or comments to the RRT if the invitation is to give additional information or comments other than at an interview.

New subregulations 4.35(2),(3),(4) and (5) set out the time periods which apply in the situations outlined in those subregulations. The periods of time are as follows:

* if the invitation relates to an application for review of a decision that applies to a detainee and the information or comment is to be provided from a place in Australia 7 days after the person receives the invitation;

* if the invitation relates to an application for review of a decision that does not apply to a detainee and the information or comment is to be provided from a place in Australia - 14 days after the person receives the invitation;

* if the invitation relates to an application for review of a decision that applies to a detainee and the information or comment is to be provided from a place that is not in Australia - 28 days after the person receives the invitation; or

* if the invitation relates to an application for review of a decision that applies to a person who is not a detainee and the information or comment is to be provided from a place that is not in Australia - 28 days after the person receives the invitation.

New paragraphs 4.35(2)(b) and (3)(b) refer to the situation where the invitation is sent to a person at a place in Australia and the information or comment will be provided from a place within Australia. It is not intended that if the person, for example, leaves Australia on holiday, the information or comment is then provided from a place that is not in Australia.

New paragraphs 4.35(4)(b) and (5)(b) refer to the situation where the invitation is sent to a person at a place that is not in Australia and the information or comment will be provided from a place that is not within Australia.

New subregulation 4.35(6) provides for the response to be taken to be given to the RRT when it is received by a registry of the Tribunal.

Regulation 4.35A - Prescribed periods - invitation to comment or give additional information (Act, s 424B(3))

Pursuant to subsection 424B(3) of the Act, new regulation 4.35A sets out the periods of time in which a person, who has been invited under section 424 or 424A of the Act to give additional information or to comment on information, has to give the additional information or comments to the RRT if the invitation is to give additional information or comments at an interview.

New subregulations 4.35A(2) and (3) set out the time periods which apply in the situations outlined in those subregulations. The periods of time are as follows:

if the invitation relates to an application for review of a decision that applies to a detainee - 14 days after the person receives the invitation; or if the invitation relates to an application for review of a decision that does not apply to a detainee -28 days after the person receives the invitation.

Regulation 4.35B - Prescribed periods - invitation to comment or give additional information (Act, s 424B(4))

Pursuant to subsection 424B(4) of the Act, new regulation 4.35B prescribes the further period of time in which a person, who has been invited to give additional information or to comment on information other than at an interview, within a period prescribed in regulation 4.35, has to respond to the invitation.

New subregulations 4.35B(2) and (3) set out the time periods which apply in the situations outlined in those subregulations. The periods of time are as follows:

* if the information or comment to which the invitation relates is to be provided from a place in Australia - 28 days after the person receives notice of the extension; or

* if the information or comment to which the invitation relates is to be provided from a place that is not in Australia - 70 days after the person receives notice of the extension.

New subregulation 4.35B(2) refers to the situation where the invitation is sent to a person at a place in Australia and the information or comment will be provided from a place within Australia. It is not intended that if the person, for example, leaves Australia on holiday, the information or comment is then provided from a place that is not in Australia.

New subregulation 4.35B(4) provides for the response to be taken to be given to the RRT when it is received by a registry of the Tribunal.

Regulation 4.35C - Prescribed periods - invitation to comment or give additional information (Act, s 424B(5))

Pursuant to subsection 424B(5) of the Act, new regulation 4.35C prescribes the further period of time in which a person, who has been invited to give additional information or to comment on information at an interview, within a period prescribed in regulation 4.35A, has to respond to the invitation.

New subregulation 4.35C(2) prescribes the period as 28 days after the person receives notice of the extension.

Regulation 4.35D - Prescribed periods - notice to appear before Tribunal (Act, s 425A)

New regulation 4.35D prescribes the periods of notice which the RRT must give the applicant, if the applicant is invited to appear before the Tribunal, in relation to the day, time and place of the applicant's appearance before the Tribunal, pursuant to subsection 425A(3) of the Act. The periods of time are as follows:

* if the applicant is a detainee - 7 days after the person receives the invitation; or

* in any other ease - 14 days after the person receives the invitation.

Regulation 4.35E - Prescribed period - notice of handing down of Tribunal decisions (Act, s 430A)

New regulation 4.35E prescribes the period of notice for subsection COA(3) of the Act, which deals with the Refugee Review Tribunal giving the applicant and Secretary written notice of the day on which, and the time and place at which, certain decisions are to be handed down. The period is prescribed as 7 days after the applicant is given notice.

Item 1137- Regulation 4.38

This item replaces the definition of "Tribunal" in Division 4.3 as a consequence of the formation of the new MRT, as a result of the merger of MIRO and the IRT. It still includes a reference to the RRT.

Item 1138 - Regulation 5.01, heading

This is a technical amendment.

Item 1139 - Regulation 5.01, definition of *review officer*

Item 1140 - Subregulation 5.03(1)

These are technical amendments consequential to the formation of the new MRT, as a result of the merger of MIRO and the IRT.

Item 1141 -Paragraph 5.03(1A)(b)

This is a technical amendment.

Item 1142 - After paragraph 5.03(1A)(b)

This item inserts new paragraph 5.03(1A)(c) so that regulation 5.03 also applies in respect of a person who is invited in writing by a Tribunal to give information or comments to the Tribunal.

Item 1143 - Subregulation 5.41 (1)

This amendment is consequential to the formation of the new MRT, as a result of the merger of MIRO and the IRT.

Part 2 - Amendments of Schedule 1

Item 1201 - Paragraph 1301(3)(d)

This item makes technical amendments to paragraph 1301(3)(d) and provides a new circumstance in subparagraph 1301(3)(d)(iv) for a Bridging A (Class WA) visa application to be valid. New subparagraph 1301(3)(d)(iv) provides that the applicant must have previously held a Bridging A (Class WA) visa granted under new regulation 2.2 1 A in respect of the substantive visa referred to in paragraph (c). The substantive visa referred to in paragraph 1301(3)(c) would be either a Spouse (Migrant) (Class BC) visa or an Interdependency (Migrant) (Class BI) visa.

The intention is that where a person has been the holder of a Bridging A (Class WA) visa granted under new regulation 2.21A, the person will be able to apply for a further Bridging A (Class WA) visa, provided that that bridging visa is in respect of the same substantive visa. That is, at the time of application for the further Bridging A (Class WA) visa:

the valid application for the substantive visa has not yet been finally determined; or the applicant has applied for judicial review (within statutory time limits) of the decision to refuse the substantive visa, and those judicial review proceedings have not yet been completed.

The provision does not limit the number of applications that may be made for a farther Bridging A (Class WA) visa. For example, a person who has previously held a Bridging A (Class WA) visa, granted under new regulation 2.21A, and who has subsequently held, for example, a Bridging A (Class WA) visa and then a Bridging B (Class WB) visa, can apply for a further Bridging A (Class WA) visa, provided that the bridging visa is in respect of the same substantive visa.

Item 1202 - After subitem 1301(4)

This is a technical amendment.

Part 3 - Amendments of Schedule 2

Item 1301 - Subclause 0 10.211 (1)

This amendment is consequential to the amendments contained in item 1302, below.

Item 1302 - After subclause 010.211(4)

This item adds new subclauses 010.211(5) and (6) to clause 010.211.

As a result of the insertion of new subclause 010.211(5), an applicant will be eligible for the grant of a Subclass 0 10 (Bridging Visa A) visa if.

0 the applicant has made a valid application for a Spouse (Migrant) (Class BC) visa or an Interdependency (Migrant) (Class BI) visa.,

0 that application has not been finally determined;

0 the applicant has applied for a Subclass 010 visa in respect of that application; and

0 the applicant holds, or has previously held, a Bridging A (Class WA) visa that was granted under regulation 2.21A, in respect of the Spouse (Migrant) (Class BC) visa or the Interdependency (Migrant) (Class BI) visa.

The effect of the last dot point, above, is that provided that the applicant holds, or previously held, a Bridging A (Class WA)Visa granted under regulation 2.21A, in respect of a Spouse (Migrant) (Class BC) or Interdependency (Migrant) (Class BI) visa, the **applicant can apply for a further** Bridging A (Class WA) visa, if it is in respect of the same substantive Spouse (Migrant) (Class BC) or Interdependency (Migrant) (Class BI) visa.

The words "or has previously held" demonstrate dig for example, an applicant could have held a Bridging A (Class WA) visa under regulation 2.21A, followed by a Bridging B (Class WA) visa. The applicant could then, in accordance with new subclause 0 10.211 (5), be granted a further Bridging A (Class WA) visa, provided that that application is in respect of the same Spouse (Migrant) (Class BC) or Interdependency (Migrant) (Class BI) visa as the Bridging A (Class WA) visa granted under regulation 2.21A.

As a result of the insertion of new subclause 010.211(6), an applicant will be eligible for the grant of a Subclass 010 visa if.

* the applicant has made a valid application for a Spouse (Migrant) (Class BC) visa or an Interdependency (Migrant) (Class BI) visa;

* that application was refused;

* the applicant has applied, within statutory time limits, for judicial review of that refusal as the holder of a Bridging A (Class WA) or Bridging B (Class WB) visa;

* the judicial review proceedings (including any proceedings on appeal) are not completed; and

* the applicant holds, or has previously held, a Bridging A (Class WA) visa that was granted under regulation 2.21A in respect of the Spouse (Migrant) (Class BC) visa or the Interdependency (Migrant) (Class BI) visa.

Item 1303 - Clause 010.411, note

This is a technical-amendment.

Item 1304 - Subclause 010.611(3)

This item substitutes new subclauses 010.611(3) and 010.611(4).

New subclause 010.611(3) provides that there are no conditions attached to a Subclass 010 (Bridging Visa A) visa that was granted under regulation 2.21A.

New subclause 010.611(4) sets out the conditions attached to a Subclass 010 visa in any case other than those outlined in subclauses 010.6.11(1), (2), or (3).

Therefore, where a person has previously held a Subclass 0 10 visa that was granted without application, and then subsequently holds a Subclass 010 visa in respect of a Spouse (Migrant) (Class BC) visa or an Interdependency (Migrant) (Class BI) visa, subclause 010.611(4) will apply.

Item 1305 - Subclause 020.212(1)

This amendment is consequential to the amendments contained in item 1306, below.

Item 1306 - After subclause 020.212(3)

This item adds new subclauses 020.212(4) and (5) to clause 020.212.

As a result of the insertion of new subclause 020.212(4), an applicant will be eligible for the grant of a Subclass 020 (Bridging Visa B) visa if.

* the applicant has made a valid application for a Spouse (Migrant) (Class BC) visa or an Interdependency (Migrant) (Class BI) visa;

* that application has not been finally determined;

* the applicant wishes to leave and re-enter Australia during the processing of that application; and

* the Minister is satisfied that the applicant's reasons for wishing to do so are substantial.

As a result of the insertion of new subclause 020.212(5), an applicant will be eligible for the grant of a Subclass 020 visa if.

* the applicant has made a valid application for a Spouse (Migrant) (Class BC) visa or an Interdependency (Migrant) (Class BI) visa;

* that application was refused;

* the applicant has applied, within statutory time limits, for judicial review of that refusal;

* the judicial review proceedings (including any proceedings on appeal) are not completed;

* the applicant wishes to leave and re-enter Australia during those proceedings; and

* the Minister is satisfied that the applicant's reasons for wishing to do so are substantial.

Item 1307 - Subclause 050.212(1)

This amendment is consequential to the amendments contained in item 1308, below.

Item 1308 - After subclause 050.212(8)

This item adds new subclause 050.212(9) to clause 050.212.

As a result of the insertion of new subclause 050.212(9), an applicant will be eligible for the grant of a Subclass 050 (Bridging Visa (General)) visa if.

the applicant has made a valid application for a Spouse (Migrant) (Class BC) visa or an Interdependency (Migrant) (Class BI) visa; that application was refused; the applicant has applied for judicial review of the decision to refuse the application and does not meet the criterion for the grant of a Subclass 010 (Bridging Visa A) visa in paragraph 0 1 0.211(6)(c) for the grant of a Bridging A (Class WA) visa; and the judicial review proceedings (including any proceedings on appeal) are not completed.

Item 1309 - Clause 050.512

Item 1310 - Clause 050.612A

These amendments are consequential to the amendments contained in item 1308, above.

Item 1311 - Subclause 100.221(1)

This amendment is consequential to item 1312, below.

Item 1312 - After subclause 100.221(4)

This item inserts new subclause 100.221(4A) to clause 100.221.

The effect of new subclause 100.221(4A) is that an applicant will now be eligible for the grant of a Subclass 100 (Spouse) visa without the requirement that the applicant hold a Subclass 309 (Spouse (Provisional)) visa, provided that the applicant satisfies new subparagraph 100.221(4A)(b)(i) or (ii).

Therefore, an applicant for a Spouse (Migrant) (Class BC) visa who ceases to hold a Subclass 309 visa on notification of a decision to refuse the grant of a Subclass 100 visa will nevertheless be eligible for the grant of a Subclass 100 visa after a successful review of the decision by the *NW* or after a successful decision following remittal by the MRT.

Item 1313 - Subclause 110.221(1)

This amendment is consequential to item 1314, below.

Item 1314 - After subclause 110.221(4)

This item inserts new subclause 110.221(4A) to clause 110.221.

The effect of new subclause 11 0.221(4A) is that an applicant will now be eligible for the grant of a Subclass 110 (Interdependency) visa without the requirement that the applicant hold a Subclass 3 10 (Interdependency (Provisional)) visa, provided that the applicant satisfies new subparagraph 110.221(4A)(b)(i) or (ii).

Therefore, an applicant for an Interdependency (Migrant) (Class BI) visa who ceases to hold a Subclass 3 10 visa on notification of a decision to refuse the grant of a Subclass 110 visa will nevertheless be eligible for the grant of a Subclass 110 visa after a successful review of the decision by the MRT or after a successful decision following remittal by the MRT.

Item 1315 - Subclause 801.221(8)

This item substitutes new subclause 801.221(8), to add the situation described in new subparagraph 801.221(8)(b)(i). The amendment makes it clear that an applicant for a General

(Residence) (Class AS) visa who ceases to hold a Subclass 820 (Spouse) visa on notification of a decision to refuse the grant of a Subclass 801 (Spouse) visa will nevertheless be eligible for the grant of a Subclass 801 visa after a successful decision following remittal (of the decision to refuse the Subclass 801 visa) by the MRT.

Item 1316 - Subclause 814.221(7)

This item substitutes new subclause 814.221(7), to add the situation described in new subparagraph 814.221(7)(b)(i). -1he amendment makes, it clear that an applicant for a General (Residence) (Class AS) visa who ceases to hold a Subclass 826 (Interdependency) visa on notification of a decision to refuse the grant of a Subclass 814 (Interdependency) visa will nevertheless be eligible for the grant of a Subclass 814 visa after a successful decision following remittal (of the decision to refuse the Subclass. 814 visa) by the MRT.

Item 1317 Paragraph 851.221(b)

This amendment is consequential to the formation of the new MRT, as a result of the merger of MIRO and the IRT.

Part 4 - Amendment of Schedule 4

Item 1401 - Paragraph 4014(3)(a)

This amendment is consequential to the formation of the new MRT, as a result of the merger of MIRO and the IRT.

Schedule 2 - Amendments commencing on 1 July 1999

Part 1 - Amendments of Parts 1, 2 and 5

Item 2101 - Regulation 1.03, heading

Item 2102 - Regulation 1.03, definitions of *Education* and *Education Minister*

Item 2103 - Regulation 1.03, after definition of eligi*ble New Zealand citizen*

Item 2104 - Regulation 1.03, definition of *Industry Minister*

Item 2105 - Regulation 1.03, definition of *labour agreement, paragraph (a)*

These are technical amendments to regulation 1.03 in respect of the names of Commonwealth Portfolios.

Item 2106 - Paragraph 1.13(c)

Item 2108 - Paragraph 1.20(1)(b)

These items make amendments consequential to repeal of the Minorities of Former USSR (Special Assistance) (Class AV) visa class by these regulations (items 2201 and 2315 below).

Item 2107 - Paragraph 1. 13(c)

Item 2109 - Paragraph 1.20(1)(b)

These items make amendments consequential to the repeal of the Vietnamese (Special Assistance) (Class BK) visa class by these regulations (items 2202 and 2316 below).

Item 2110 - Paragraph 2.07AA(2)(c)

Item 2113 - Subregulation 2.10(2A)

These items make amendments consequential to the changes made to paragraph 2. 10(1)(b) by these regulations (item 2112 below).

Item 2111 - After regulation 2.07AC

This item inserts new regulation 2.07AD. This regulation provides that an application for an Olympic (Support) (Temporary) (Class UI) visa is taken to be validly made if the applicant provides, in the manner prescribed, his or her passport details to a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia.

Item 2112 - Paragraph 2.10(1)(b)

This item makes technical amendments to paragraph 2.10(1)(b) which provides where an application made in Australia may be made, and inserts a new subparagraph. New subparagraph 2.10(1)(b)(iii) provides that students and their family members who hold a Student (Temporary) (Class TU) visa subject to a "no work" condition may make an application for a further Class TU visa without that condition:

* at any office of Immigration in Australia; or

* at the educational institution at which the student is enrolled, if the institution has been approved in writing by the Minister to receive such applications.

Item 2114 - Subregulation 2.26(5), definition of *relevant Australian authority,* paragraph (b)

This is a technical amendment.

Item 2115 - Paragraphs 2.40(1)(r) and (s)

This item omits provisions which permit the granting of Special Purpose* Visas to certain persons (Indonesian citizens, other persons who hold a visa to return to Indonesia, and Singaporean citizens) visiting the Christmas Island Casino.

The amendments are consequential to the closure of the Christmas Island Casino.

Item 2116 - Subregulations 2.40(14) and (15)

This item makes further amendments as a consequence of the repeal of paragraphs 2-40(1)(r) and (s) (item 2115 above).

Item 2117 - Subregulation 5.19(3A)

This item makes a consequential amendment to item 2118 below.

Item 2118 - After paragraph 5.19(4)(c)

This item inserts new paragraph 5.19(4)(ca) which provides that for approval of an employer nomination under the Regional Sponsored Migration Scheme, the person to be appointed must hold, or be eligible for, any registration, licensing or professional body membership required in Australia for the performance of the proposed employment.

Item 2119 - Paragraph 5.19(4)(d)

This is a technical amendment.

Item 2120 - Subregulation 5.20

This item increases the penalty prescribed as an alternative to prosecution, for an offence against section 229 or 230 of the Act, from $2000 to $3000.

Item 2121 - Paragraph 5.40(1)(b)

This is a technical amendment.

Part 2 - Amendments of Schedule 1

Item 2201 -Item 1122

This item omits item 1122 of Schedule 1 to the Regulations. The effect of this is to repeal the Minorities of Former USSR (Special Assistance) (Class AV) visa class.

Item 2202 -Item 1132

This item omits item 1132 of Schedule 1 to the Regulations. The effect of this is to repeal the Vietnamese (Special Assistance) (Class BK) visa class.

Item 2203 - After item 1214A

This item inserts a new Class into Schedule 1 to the Regulations, to be known as the "Olympic (Support) (Temporary) (Class UI)". This class contains new Subclass 499 (Olympic (Support)). This item provides that there is no form or visa application charge applicable. Further, an applicant must be outside Australia at the time of application. A member of the family unit of a person may make a combined application at the same time and place as, and combined with any other member of the family unit.

Item 2204 - Subitem 1301 (1)

This item amends subitem. 1301(1) to insert a reference to form 1029 so that an application for a Business Skills (Residence) (Class BH) visa is also an application for a Bridging A (Class WA) visa

The purpose of this item is to ensure that if an applicant's substantive visa expires during the processing of their permanent residence application they remain lawful.

Part 3 - Amendments of Schedule 2 Item 2301 - Clause 051.111, definition of judicial *review* Item 2302 - Clause 051.212

These are technical amendments.

Item 2303 - Sub-subparagraph 121.211(3)(c)(i)(C)

Item 2305 - Sub-subparagraph 121.211(3)(c)(ii)C)

These are consequential amendments.

Item 2304 - After sub-subparagraph 121.211(3)(c)(i)(C)

Item 2306 - After sub-subparagraph 121.211(3)(c)(ii)(C)

These items insert a new requirement into the criteria to be satisfied at time of application for the grant of an Employer Nomination visa (Subclass 121) under the Regional Sponsored Migration Scheme. The new provisions require the applicant to hold, or be eligible for, any registration, licensing or professional body membership required in Australia for the performance of the proposed employment

Item 2307 - Paragraph 155.211 (b)

Item 2314 - Paragraph 157.211 (b)

These items insert new paragraphs l55.21 1 (b) and 157.211 (b) providing for the grant of a Five Year Resident Return (Subclass 155) or a Three Month Resident Return (Subclass 157) visa respectively, to a former Australian permanent resident, other than a former Australian permanent resident whose most recently held permanent visa was cancelled, provided the applicant meets the other prescribed requirements for the grant of the visa.

Item 2308 - Subclause 155.212(1)

Item 2309 - Subclause 155.212(3)

Item 23 10 -Paragraph 155.212(3)(b)

These are technical amendments.

Item 2311 - After subclause 155.212(3)

This item inserts new subclause 155.212(3A) which provides that if an onshore applicant has been absent from Australia for a continuous period of 5 years or more then they must show compelling reasons for that absence. If the applicant is, or was, an Australian permanent resident, then the continuous period of 5 years commences from the date of grant of the applicant's most recently held permanent visa. If the applicant is a former Australian citizen, then the continuous period of 5 years commences from the date that person ceases to be an Australian citizen.

Item 2312 - After subclause 155.212(4)

This item inserts a note after subclause 155.212(4). That note directs the reader that a visa granted to a member of the family unit, of a person holding a Subclass 155 visa that is still in effect, will have the same validity to that of the visa held by the person of whose family they are a member.

Item 2313 - Paragraph 155.511 (a)

This item provides that if the applicant is a member of the family unit of a person holding. a Subclass 155 visa that is still in effect, the family member's visa will have the same validity as that visa held by the person of whose family they are a member.

Item 2315 - Part 210

This item omits Part 210 of Schedule 2 to the Regulations. The effect of this is to repeal the Minorities of Former USSR (Subclass 210) visa subclass.

Item 2316 - Part 217

This item omits Part 217 of Schedule 2 to the Regulations. The effect of this is to repeal the Vietnamese (Subclass 217) visa subclass.

Item 2317 - After Part 457

This item inserts new Part 499 (Olympic (Support)) into Schedule 2 to the Regulations.

The Olympic (Support) (Subclass 499) visa is required to provide appropriate flexibility

in the grant of temporary visas in the context of the Olympic and Paralympic Games,

accommodating applicants whose circumstances do not fall conveniently with in the scope

of existing visa requirements.

There are no primary criteria to be satisfied at the time of application.

The primary criteria to be satisfied at the time of decision is that the applicant:

* must provide a statement signed by the Chief Executive Officer of the Sydney Organising Committee for the Olympic Games to the effect that the grant of a Subclass 499 visa to the applicant would make a positive contribution to the Sydney Olympic or Paralympic Games;

* does not satisfy the primary criteria for the grant of a temporary visa of another subclass;

* must satisfy public interest criteria 4001, 4002, 4003, 4004, 4005, 4010, 4013, and 4014; and

* if they have previously been in Australia, must satisfy special return criteria 5001 and 5002.

The secondary criteria must be satisfied by applicants who are the members of the family unit of a person who satisfies the primary criteria.

There is no secondary criteria to be satisfied at the time of application.

The secondary criteria to be satisfied at the time of decision is that the applicant:

* must satisfy public interest criteria 4001, 4002, 4003, 4004, 4005, 4010, 4013, and 4014; and

* if they have previously been in Australia, must satisfy special return criteria 5001 and 5002.

New clause 499.411 provides that the applicant must be outside Australia at the time of grant.

New clause 499.511 provides that it is a temporary visa permitting the holder to travel to and enter Australia, on one or more occasions until a date specified by the Minister.

New clause 499.611 provides that the Olympic (Support) visa is subject to the following mandatory condition - 8107. New clause 499.612 provides that any 1 or more of the following discretionary conditions - 8106, 8107, 8303, 8501, 8502, 8503 and 8516 may also be imposed.

New clause 499.711 provides that no evidence of the visa need be given.

Item 2318 - Subparagraph 805.213(4)(c)(iii)

This item makes a consequential amendment to item 2319 below.

Item 2319 - After subparagraph 805.213(4)(c)(iii)

This item inserts a new requirement into the criteria to be satisfied at time of application for the grant of a Skilled visa (Subclass 805) under the Regional Sponsored Migration Scheme. The new provision requires the applicant to hold, or be eligible for, any registration, licensing or professional body membership required in Australia for the performance of the proposed employment.

Part 4 - Amendment of Schedule 9

Item 2401 - Part 1, items 18, 19 and 20

This item makes further amendments as a consequence of the repeal of paragraphs 2.40(1)(r) and (s).