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## Migration Amendment Regulations 1999 (No. 4)

Statutory Rules 1999 No. 4

4  
68

I, MAJOR GENERAL MICHAEL JEFFERY, AC, MC,  
Administrator of the Commonwealth of Australia, acting with  
the advice of the Federal Executive Council, make the following  
regulations under the *Migration Act 1958*.

Dated *30 April* 1999.

*P M Jeffery*  
Administrator

By His Excellency's Command,

PHILIP RUDDOCK  
Minister for Immigration and Multicultural Affairs



# Migration Amendment Regulations 1999 (No. 1)<sup>1</sup>

4

Statutory Rules 1999 No. 1<sup>2</sup>

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made under the

*Migration Act 1958*

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**1 Name of regulations**

These regulations are the *Migration Amendment Regulations 1999* (No. 4).

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**2 Commencement**

These regulations commence as follows:

- (a) on 1 June 1999 — regulations 1 to 5 and Schedule 1;
- (b) on 1 July 1999 — regulation 6 and Schedule 2.

**3 Amendment of *Migration Regulations 1994***

Schedules 1 and 2 amend the *Migration Regulations 1994*.

**4 Transitional — MRT-reviewable decisions**

(1) In this regulation:

*business sponsor* means a pre-qualified business sponsor, or a standard business sponsor, within the meaning of Division 1.4A of the *Migration Regulations 1994*.

*original decision* means any of the following decisions under the *Migration Regulations 1994*:

- (a) a decision under regulation 1.20D to reject a person's application;
- (b) a decision under regulation 1.20E to refuse to renew the approval of a person;
- (c) a decision under regulation 1.20F to revoke the approval of a person;
- (d) a decision under regulation 1.20H to refuse to approve the nomination of an activity by a business sponsor.

## Regulation 4

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**review officer** has the same meaning as in section 337 of the *Migration Act 1958*, as in force immediately before the commencement of item 9 of Schedule 1 to the *Migration Legislation Amendment Act (No. 1) 1998*.

**review officer's decision** means a decision of a review officer on an original decision.

**Tribunal** has the same meaning as in section 337 of the *Migration Act 1958*, as in force immediately before the commencement of item 7 of Schedule 2 to the *Migration Legislation Amendment Act (No. 1) 1998*.

- (2) For subsection 338 (9) of the Act, an original decision is an MRT-reviewable decision if:
  - (a) notice of the original decision is given to the person to whom it relates in the period from the beginning of 11 May 1999 to the end of 31 May 1999 and an application has not been made for review by a review officer of that decision; or
  - (b) an application for review by a review officer of the original decision is not decided by the officer before 1 June 1999.
- (3) For subsection 338 (9) of the Act, a review officer's decision is an MRT-reviewable decision if:
  - (a) notice of the review officer's decision is given to the person to whom it relates in the period from the beginning of 11 May 1999 to the end of 31 May 1999 and an application has not been made for review by the Tribunal of that decision; or
  - (b) an application for review by the Tribunal of the decision is not decided by the Tribunal before 1 June 1999.
- (4) An application for review mentioned in paragraph (2) (b) or (3) (b) is taken to be an application for review of an MRT-reviewable decision.

- (5) For paragraph 347 (1) (b) of the Act, the period in which an application for review of an MRT-reviewable decision mentioned in this regulation must be given to the Migration Review Tribunal is the period of 21 days from 1 June 1999.
- (6) For subparagraph 347 (1) (b) (iii) of the Act, the prescribed number of days in respect of an MRT-reviewable decision mentioned in this regulation is 28 days.

*Note* For subparagraph 347 (1) (b) (iii) of the Act, there must be a prescribed number of days in respect of kinds of decisions covered by subsection 338 (9) of the Act. The prescribed period for applications for review must end not later than the prescribed number of days after notification of the decision.

- (7) For paragraph 347 (2) (d) of the Act, an application for review of an original decision may only be made by:
  - (a) in the case of a decision mentioned in paragraph (a) of the definition of *original decision* in subregulation (1) — a person to whose application the decision relates;
  - (b) in the case of a decision mentioned in paragraph (b) or (c) of that definition — a person to whose approval the decision relates;
  - (c) in the case of a decision mentioned in paragraph (d) of the definition — the business sponsor to whose nomination of an activity the decision relates.

## 5 Transitional — Bridging visas

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 any of the following visas made on or after 1 June 1999:

- (a) a Bridging A (Class WA) visa;
- (b) a Bridging B (Class WB) visa;
- (c) a Bridging E (Class WE) visa.

**6 Transitional — amendments commencing on 1 July 1999**

- (1) The amendments made by items [2117] to [2119] and [2303] to [2306] 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.
- (2) 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.
- (3) The amendments made by items [2107], [2109], [2202] 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.
- (4) 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.
- (5) 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.
- (6) The amendments made by items [2318] 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.

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## Schedule 1 Amendments commencing on 1 June 1999

(regulation 3)

### Part 1 Amendments of Parts 1, 2 and 4

#### [1101] Regulation 1.03, definition of *review authority*

*substitute*

*review authority:*

- (a) means the Migration Review Tribunal; and
- (b) for Parts 010, 020, 030, 040, 041, 050 and 051 of Schedule 2 — includes the Refugee Review Tribunal.

#### [1102] After regulation 2.21

*insert*

##### **2.21A Grant of Bridging A (Class WA) visas without application**

- (1) This regulation applies to a person:
  - (a) who is in Australia, but not in immigration clearance; and
  - (b) whose application for a Spouse (Migrant) (Class BC) visa or an Interdependency (Migrant) (Class BI) visa was withdrawn, or refused (except under section 501, 501A or 501B of the Act), when the person was in Australia; and
  - (c) who was, immediately before that withdrawal or refusal, the holder of a Subclass 309 (Spouse (Provisional)) or Subclass 310 (Interdependency (Provisional)) visa; and



- (d) who has not already been granted a visa under this regulation in relation to the withdrawal or refusal.
- (2) Despite Schedule 1, the Minister must grant a Bridging A (Class WA) visa in relation to the person.

**[1103] Division 4.1, note**

*substitute*

*Note* This Division of Part 4 deals with review of visa decisions. It refers to the definition of **MRT-reviewable decision** in Division 2 of Part 5 of the Act.

Review of decisions relating to protection visas is dealt with in Division 4.2.

**[1104] Regulations 4.02 to 4.09**

*substitute*

**4.02 Prescribed MRT-reviewable decisions and who may apply for review (Act, ss 338 and 347)**

- (1) In this regulation:
  - business sponsor** means a pre-qualified business sponsor, or a standard business sponsor, within the meaning of Division 1.4A.
- (2) For subsection 338 (9) of the Act, a decision to refuse to grant a Subclass 100 (Spouse) or 110 (Interdependency) visa is an MRT-reviewable decision, if:
  - (a) the application for the visa was made outside the migration zone; and
  - (b) the decision was made when the applicant was:
    - (i) in the migration zone; and
    - (ii) the holder of a Subclass 309 (Spouse (Provisional)) or Subclass 310 (Interdependency (Provisional)) visa.

- (3) For paragraph 347 (2) (d) of the Act, an application for review of the decision mentioned in subregulation (2) may only be made by the person to whose application the decision relates.
- (4) For subsection 338 (9) of the Act, each of the following decisions is an MRT-reviewable decision:
  - (a) a decision under regulation 1.20D to reject a person's application;
  - (b) a decision under regulation 1.20E to refuse to renew the approval of a person;
  - (c) a decision under regulation 1.20F to revoke the approval of a person;
  - (d) a decision under regulation 1.20H to refuse to approve the nomination of an activity by a business sponsor.
- (5) For paragraph 347 (2) (d) of the Act, an application for review of a decision mentioned in subregulation (4) may only be made by:
  - (a) in the case of a decision mentioned in paragraph (4) (a) — a person to whose application the decision relates;
  - (b) in the case of a decision mentioned in paragraph (4) (b) or (c)— a person to whose approval the decision relates;
  - (c) in the case of a decision mentioned in paragraph (4) (d) — the business sponsor to whose nomination of an activity the decision relates.

**[1105] Regulation 4.10, heading**

*substitute*

**4.10 Time for lodgment of applications with Tribunal  
(Act, s 347)**

**[1106] Subregulations 4.10 (1) and (2)**

*substitute*

- (1) For paragraph 347 (1) (b) of the Act, the period in which an application for review of an MRT-reviewable decision must be given to the Tribunal:
  - (a) if the MRT-reviewable decision is mentioned in subsection 338 (2) of the Act — starts when the applicant receives notice of the decision and ends at the end of 21 days after the day on which the notice is received; or
  - (b) if the MRT-reviewable decision is mentioned in subsection 338 (3) of the Act:
    - (i) starts when the applicant receives notice of the decision and ends at the end of 2 working days after the day on which the notice is received; or
    - (ii) if, in the period mentioned in subparagraph (i), the applicant gives notice to the Tribunal that he or she intends to apply for review of the decision — starts when the notice is received by the Tribunal and ends at the end of 5 working days after the day on which the notice is received; or
  - (c) if the MRT-reviewable decision is mentioned in subsection 338 (5), (6), (7) or (8) of the Act — starts when the applicant receives notice of the decision and ends at the end of 70 days after the day on which the notice is received; or

- 
- (d) if the MRT-reviewable decision is prescribed under subsection 338 (9) of the Act — starts when the applicant receives notice of the decision and ends at the end of 21 days after the day on which the notice is received.
- (2) However, the period in which an application by a detainee for review of an MRT-reviewable decision must be given to the Tribunal:
- (a) in the case of an application for review of a decision of a kind mentioned in subsection 338 (4) of the Act — starts when the detainee receives notice of the decision and ends at the end of 2 working days after the day on which the notice is received; or
- (b) in any other case:
- (i) starts when the detainee receives notice of the decision and ends at the end of 2 working days after the day on which the notice is received; or
- (ii) if, in the period mentioned in subparagraph (i), the detainee gives notice to the Tribunal that he or she intends to apply for review of the decision — starts when the notice is received by the Tribunal and ends at the end of 5 working days after the day on which the notice is received.
- (2A) For subparagraph 347 (1) (b) (iii) of the Act, the prescribed number of days in respect of an MRT-reviewable decision prescribed under subsection 338 (9) of the Act is 28 days.

*Note* For subparagraph 347 (1) (b) (iii) of the Act, there must be a prescribed number of days in respect of kinds of decisions covered by subsection 338 (9) of the Act. The prescribed period for applications for review must end not later than the prescribed number of days after notification of the decision.

**[1107] Subregulation 4.10 (3)**

*omit*

paragraph (2) (b)

*insert*

(2) (b) (ii)

**[1108] Subregulation 4.10 (4)**

*omit*

IRT-reviewable

*insert*

MRT-reviewable

**[1109] Paragraph 4.11 (a)**

*omit*

paragraph (c) or (d) of the definition of *Part 5 reviewable decision* in section 337

*insert*

subsection 338 (4)

**[1110] Regulation 4.12, heading**

*substitute*

**4.12 Combined applications for Tribunal review**

**[1111] Subregulation 4.12 (1)**

*omit*

**[1112] Paragraph 4.12 (2) (c)**

*omit*

IRT-reviewable

*insert*

MRT-reviewable

**[1113] Subregulation 4.12 (3)**

*omit*

**[1114] Paragraph 4.12 (4) (a)**

*omit*

paragraph (e) of the definition of *Part 5 reviewable decision*

*insert*

subsection 338 (5) of the Act

**[1115] Paragraph 4.12 (4) (c)**

*omit*

IRT-reviewable

*insert*

MRT-reviewable

**[1116] Subregulation 4.12 (5)**

*omit*

**[1117] Paragraph 4.12 (6) (a)**

*omit*

paragraph (f) or (g) of the definition of *Part 5 reviewable decision* in section 337

*insert*

subsection 338 (6) or (7)

**[1118] Paragraph 4.12 (6) (c)**

*omit*

IRT-reviewable

*insert*

MRT-reviewable

**[1119] Regulation 4.13, heading**

*substitute*

**4.13 Tribunal review — fees and waiver**

**[1120] Subregulation 4.13 (1)**

*substitute*

- (1) Subject to this regulation, the fee for an application for review of a decision by the Tribunal is \$850.

**[1121] Subregulation 4.13 (2)**

*omit*

paragraph (c) or (d) of the definition of *Part 5 reviewable decision* in section 337

*insert*

subsection 338 (4)

**[1122] Subregulation 4.13 (4)**

*omit*

The Registrar, or a Deputy Registrar, of the Tribunal

*insert*

The Registrar, or a Deputy Registrar, of the Tribunal, or another officer of the Tribunal authorised in writing by the Registrar,

**[1123] Regulation 4.14, heading**

*substitute*

**4.14 Refund of fees by Tribunal**

**[1124] Paragraph 4.14 (1) (c)**

*omit*

or a Deputy Registrar

*insert*

, a Deputy Registrar or another officer of the Tribunal authorised by the Registrar



**[1125] Paragraph 4.14 (1) (f)**

*omit*

subsection 346 (4)

*insert*

section 339

**[1126] Subregulation 4.14 (3)**

*omit*

**[1127] Regulations 4.17 and 4.18**

*substitute*

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

- (1) This regulation applies, for subsection 359B (2) of the Act, if a person is invited to give additional information, or to comment on information, other than at an interview.
- (2) If the invitation relates to an application for review of a decision that applies to a detainee because of:
  - (a) the cancellation of a bridging visa that applies to the detainee; or
  - (b) a refusal to grant a bridging visa that applies to the detainee;the prescribed period for giving the information or comments starts when the person receives the invitation and ends at the end of 2 working days after the day on which the invitation is received.
- (3) If:
  - (a) the invitation relates to an application for review of another decision that applies to a detainee; and

- (b) the information or comment to which the invitation relates is to be provided from a place in Australia;

the prescribed period for giving the information or comments starts when the person receives the invitation and ends at the end of 7 days after the day on which the invitation is received.

- (4) If the invitation relates to any other application for review, the prescribed period for giving the information or comments starts when the person receives the invitation and ends at the end of 28 days after the day on which the invitation is received.
- (5) However, if the prescribed period mentioned in subregulation (2) would end before the end of a period prescribed in regulation 4.27, or a period last extended under subsection 367 (2) of the Act, the prescribed period:
- (a) starts when the invitation is received; and
- (b) ends at the end of the period prescribed in regulation 4.27 or extended under subsection 367 (2).
- (6) A response to the invitation is taken to be given to the Tribunal when a registry of the Tribunal receives the response.

*Note 1* Regulation 5.02 applies if an invitation is given to a detainee.

*Note 2* Regulation 5.03 applies if an invitation is given to a person who is not a detainee.

#### **4.18 Prescribed periods — invitation to comment or give additional information (Act, s 359B (3))**

- (1) This regulation applies, for paragraph 359B (3) (b) of the Act, if a person is invited to give additional information, or to comment on information, at an interview.

- (2) If the invitation relates to an application for review of a decision that applies to a detainee because of:
- (a) the cancellation of a bridging visa that applies to the detainee; or
  - (b) a refusal to grant a bridging visa that applies to the detainee;

the prescribed period for giving the information or comments starts when the person receives the invitation and ends at the end of 4 working days after the day on which the invitation is received.

- (3) If the invitation relates to an application for review of another decision that applies to a detainee, the prescribed period for giving the information or comments starts when the person receives the invitation and ends at the end of 7 days after the day on which the invitation is received.
- (4) If the invitation relates to any other application for review, the prescribed period for giving the information or comments starts when the person receives the invitation and ends at the end of 28 days after the day on which the invitation is received.
- (5) However, if the prescribed period mentioned in subregulation (2) would end before the end of a period prescribed in regulation 4.27, or a period last extended under subsection 367 (2) of the Act, the prescribed period:
- (a) starts when the invitation is received; and
  - (b) ends at the end of the period prescribed in regulation 4.27 or extended under subsection 367 (2).

*Note 1* Regulation 5.02 applies if an invitation is given to a detainee.

*Note 2* Regulation 5.03 applies if an invitation is given to a person who is not a detainee.

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

- (1) This regulation applies, for subregulation 359B (4) of the Act, if:
  - (a) a person is invited to give additional information, or to comment on information, within a period prescribed in regulation 4.17; and
  - (b) the invitation is to give the information or comments other than at an interview; and
  - (c) the prescribed period is to be extended by the Tribunal.
- (2) If the invitation relates to an application for review of a decision that applies to a detainee because of:
  - (a) the cancellation of a bridging visa that applies to the detainee; or
  - (b) a refusal to grant a bridging visa that applies to the detainee;

the period by which the Tribunal may extend the prescribed period starts when the person receives notice of the extended period and ends at the end of 5 working days after the day on which the notice is received.
- (3) If the invitation relates to an application for review of another decision that applies to a detainee, the period by which the Tribunal may extend the prescribed period starts when the person receives notice of the extended period and ends at the end of 14 days after the day on which the notice is received.
- (4) If the invitation relates to any other application for review, the period by which the Tribunal may extend the prescribed period starts when the person receives notice of the extended period and ends at the end of 28 days after the day on which the notice is received.

- (5) However, if the prescribed further period mentioned in subregulation (2) would end before the end of a period prescribed in regulation 4.27, or a period last extended under subsection 367 (2) of the Act, the prescribed further period:
- (a) starts when notice of the extended period is received; and
  - (b) ends at the end of the period prescribed in regulation 4.27 or extended under subsection 367 (2).
- (6) A response to the invitation is taken to be given to the Tribunal when a registry of the Tribunal receives the response.

*Note 1* Regulation 5.02 applies if an invitation is given to a detainee.

*Note 2* Regulation 5.03 applies if an invitation is given to a person who is not a detainee.

#### **4.18B Prescribed periods — invitation to comment or give additional information (Act, s 359B (5))**

- (1) This regulation applies, for paragraph 359B (5) (b) of the Act, if:
- (a) a person is invited to give additional information, or to comment on information, within a period prescribed in regulation 4.18; and
  - (b) the invitation is to give the information or comments at an interview; and
  - (c) the prescribed period is to be extended by the Tribunal.
- (2) If the invitation relates to an application for review of a decision that applies to a detainee because of:
- (a) the cancellation of a bridging visa that applies to the detainee; or
  - (b) a refusal to grant a bridging visa that applies to the detainee;

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the period by which the Tribunal may extend the prescribed period starts when the person receives notice of the extended period and ends at the end of 2 working days after the day on which the notice is received.

- (3) If the invitation relates to an application for review of another decision that applies to a detainee, the period by which the Tribunal may extend the prescribed period starts when the person receives notice of the extended period and ends at the end of 7 days after the day on which the notice is received.
- (4) If the invitation relates to any other application for review, the period by which the Tribunal may extend the prescribed period starts when the person receives notice of the extended period and ends at the end of 14 days after the day on which the notice is received.
- (5) However, if the prescribed period mentioned in subregulation (2) would end before the end of a period prescribed in regulation 4.27, or a period last extended under subsection 367 (2) of the Act, the prescribed period:
  - (a) starts when notice of the extended period is received; and
  - (b) ends at the end of the period prescribed in regulation 4.27 or extended under subsection 367 (2).

*Note 1* Regulation 5.02 applies if an invitation is given to a detainee.

*Note 2* Regulation 5.03 applies if an invitation is given to a person who is not a detainee.

**[1128] Regulation 4.21**

*substitute*

**4.21 Prescribed periods — notice to appear before Tribunal (Act, s 360A)**

For subsection 360A (4) of the Act, the prescribed period:

- (a) if the decision under review applies to an applicant who is a detainee — starts when the applicant receives notice of the invitation to appear before the Tribunal and ends at the end of 2 working days after the day on which the notice is received; or
- (b) in any other case — starts when the applicant receives notice of the invitation to appear before the Tribunal and ends at the end of 7 working days after the day on which the notice is received.

*Note 1* Regulation 5.02 applies if a notice is given to an applicant who is a detainee.

*Note 2* Regulation 5.03 applies if notice is given to an applicant who is not a detainee.

**4.22 Numbers of Senior Members and members of Tribunal (Act, s 395)**

- (1) For paragraph 395 (b) of the Act (which deals with the number of Senior Members of the Tribunal), 5 is prescribed.
- (2) For paragraph 395 (c) of the Act (which deals with the number of members of the Tribunal), 50 is prescribed.

**[1129] Paragraph 4.23 (1) (e)**

*omit*

internal review, and review by the Tribunal,

*insert*

review by the Tribunal

**[1130] Subregulation 4.23 (2)**

*omit*

**[1131] Subregulation 4.23 (3)**

*omit*

A decision of a review officer

*insert*

The decision

**[1132] Regulation 4.24, heading**

*substitute*

**4.24 Expedited review (decisions to cancel visas)**

**[1133] Subregulation 4.24 (1)**

*omit*

paragraph (d) of the definition of *Part 5 reviewable decision*  
in section 337

*insert*

subsection 338 (4)



**[1134] Regulations 4.26 and 4.27**

*substitute*

**4.26 Prescribed periods — reconstitution of Tribunal  
(Act, s 355A)**

For subparagraph 355A (2) (c) (ii) of the Act, the prescribed period:

- (a) 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 — starts when the Tribunal is constituted and ends at the end of 2 months after the day on which the Tribunal is constituted; or
- (b) if the applicant for review is not a detainee when the Tribunal is constituted for the review — starts when the Tribunal is constituted and ends at the end of 3 months after the day on which the Tribunal is constituted.

**4.27 Prescribed period for making certain decisions  
(Act, s 367)**

For subsection 367 (1) of the Act, the prescribed period starts when the application for review is received by the Tribunal and ends at the end of 7 working days after the day on which the application is received.

*Note* Subsection 367 (1) of the Act provides for the regulations to limit the time in which the Tribunal must review certain decisions on bridging visas.

**4.27A Prescribed period — notice of handing down of  
decisions (Act, s 368A)**

For subsection 368A (3) of the Act, the prescribed period:

- (a) starts when the Tribunal gives the applicant notice of the day on which, and the time and place at which, the decision is to be handed down; and

- (b) ends at the end of 7 days after the day on which notice is received.

*Note* Regulation 5.03 provides when the notice is taken to be received.

**[1135] After regulation 4.29**

*insert*

**4.30 Prescribed periods — reconstitution of Tribunal (Act, s 422A)**

For subparagraph 422A (2) (c) (ii) of the Act, the prescribed period:

- (a) if the applicant for review of a decision is a detainee when the Tribunal is constituted for the review — starts when the Tribunal is constituted and ends at the end of 2 months after the day on which the Tribunal is constituted; or
- (b) if the applicant for review is not a detainee when the Tribunal is constituted for the review — starts when the Tribunal is constituted and ends at the end of 3 months after the day on which the Tribunal is constituted.

**[1136] Regulation 4.35**

*substitute*

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

- (1) This regulation applies, for subsection 424B (2) of the Act, if a person is invited to give additional information, or to comment on information, other than at an interview.

(2) If:

- (a) the invitation relates to an application for review of a decision that applies to a detainee; and
- (b) the information or comment to which the invitation relates is to be provided from a place in Australia;

the prescribed period for giving the information or comments starts when the person receives the invitation and ends at the end of 7 days after the day on which the invitation is received.

(3) If:

- (a) the invitation relates to an application for review of a decision that does not apply to a detainee; and
- (b) the information or comment to which the invitation relates is to be provided from a place in Australia;

the prescribed period for giving the information or comments starts when the person receives the invitation and ends at the end of 14 days after the day on which the invitation is received.

(4) If:

- (a) the invitation relates to an application for review of a decision that applies to a detainee; and
- (b) the information or comment to which the invitation relates is to be provided from a place that is not in Australia;

the prescribed period for giving the information or comments starts when the person receives the invitation and ends at the end of 28 days after the day on which the invitation is received.

- (5) If:
- (a) the invitation relates to an application for review of a decision that applies to a person who is not a detainee; and
  - (b) the information or comment to which the invitation relates is to be provided from a place that is not in Australia;

the prescribed period for giving the information or comments starts when the person receives the invitation and ends at the end of 28 days after the day on which the invitation is received.

- (6) A response to the invitation is taken to be given to the Tribunal when a registry of the Tribunal receives the response.

*Note 1* Regulation 5.02 applies if an invitation is given to a detainee.

*Note 2* Regulation 5.03 applies if an invitation is given to a person who is not a detainee.

#### **4.35A Prescribed periods — invitation to comment or give additional information (Act, s 424B (3))**

- (1) This regulation applies, for paragraph 424B (3) (b) of the Act, if a person is invited to give additional information, or to comment on information, at an interview.
- (2) If the invitation relates to an application for review of a decision that applies to a detainee, the prescribed period for giving the information or comments starts when the person receives the invitation and ends at the end of 14 days after the day on which the invitation is received.

- (3) If the invitation relates to an application for review of a decision that does not apply to a detainee, the prescribed period for giving the information or comments starts when the person receives the invitation and ends at the end of 28 days after the day on which the invitation is received.

*Note 1* Regulation 5.02 applies if an invitation is given to a detainee.

*Note 2* Regulation 5.03 applies if an invitation is given to a person who is not a detainee.

#### **4.35B Prescribed periods — invitation to comment or give additional information (Act, s 424B (4))**

- (1) This regulation applies, for subsection 424B (4) of the Act, if:
- (a) a person is invited to give additional information, or to comment on information, within a period prescribed in regulation 4.35; and
  - (b) the invitation is to give the information or comments other than at an interview; and
  - (c) the prescribed period is to be extended by the Tribunal.
- (2) If the information or comment to which the invitation relates is to be provided from a place in Australia, the period by which the Tribunal may extend the prescribed period starts when the person receives notice of the extended period and ends at the end of 28 days after the day on which the notice is received.
- (3) If the information or comment to which the invitation relates is to be provided from a place that is not in Australia, the period by which the Tribunal may extend the prescribed period starts when the person receives notice of the extended period and ends at the end of 70 days after the day on which the notice is received.

- 
- (4) A response to the invitation is taken to be given to the Tribunal when a registry of the Tribunal receives the response.

*Note 1* Regulation 5.02 applies if an invitation is given to a detainee.

*Note 2* Regulation 5.03 applies if an invitation is given to a person who is not a detainee.

#### **4.35C Prescribed periods — invitation to comment or give additional information (Act, s 424B (5))**

- (1) This regulation applies, for paragraph 424B (5) (b) of the Act, if:
- (a) a person is invited to give additional information, or to comment on information, within a period prescribed in regulation 4.35A; and
  - (b) the invitation is to give the information or comments at an interview; and
  - (c) the prescribed period is to be extended by the Tribunal.
- (2) The period by which the Tribunal may extend the prescribed period starts when the person receives notice of the extended period and ends at the end of 28 days after the day on which the notice is received.

*Note 1* Regulation 5.02 applies if an invitation is given to a detainee.

*Note 2* Regulation 5.03 applies if an invitation is given to a person who is not a detainee.

#### **4.35D Prescribed periods — notice to appear before Tribunal (Act, s 425A)**

For subsection 425A (3) of the Act, the prescribed period:

- (a) if the applicant is a detainee — starts when the applicant receives notice of the invitation to appear before the Tribunal and ends at the end of 7 days after the day on which the notice is received; or

- (b) in any other case — starts when the applicant receives notice of the invitation to appear before the Tribunal and ends at the end of 14 days after the day on which the notice is received.

*Note 1* Regulation 5.02 applies if a notice is given to an applicant who is a detainee.

*Note 2* Regulation 5.03 applies if notice is given to an applicant who is not a detainee.

#### **4.35E Prescribed period — notice of handing down of Tribunal decisions (Act, s 430A)**

For subsection 430A (3) of the Act, the prescribed period:

- (a) starts when the Tribunal gives the applicant notice of the day on which, and the time and place at which, the decision is to be handed down; and
- (b) ends at the end of 7 days after the day on which notice is received.

*Note* Regulation 5.03 provides when the notice is taken to be received.

#### **[1137] Regulation 4.38**

*substitute*

##### **4.38 Definition for Division 4.3**

In this Division:

***Tribunal*** means the Migration Review Tribunal or the Refugee Review Tribunal.

#### **[1138] Regulation 5.01, heading**

*substitute*

##### **5.01 Definition for Division 5.1**

**[1139] Regulation 5.01, definition of *review officer***

*omit*

**[1140] Subregulation 5.03 (1A)**

*omit*

, a Tribunal or review officer

*insert*

or a Tribunal

**[1141] Paragraph 5.03 (1A) (b)**

*omit*

visa.

*insert*

visa; or

**[1142] After paragraph 5.03 (1A) (b)**

*insert*

(c) a person who is invited in writing by a Tribunal to give information or comments to the Tribunal.

**[1143] Subregulation 5.41 (1)**

*omit*

an internal review, or review by the Immigration Review Tribunal,

*insert*

a review by the Migration Review Tribunal



## Part 2 Amendments of Schedule 1

### [1201] Paragraph 1301 (3) (d)

*substitute*

- (d) Applicant must:
- (i) hold a substantive visa; or
  - (ii) hold a Bridging A (Class WA) or Bridging B (Class WB) visa; or
  - (iii) have held a substantive visa when he or she made the substantive visa application referred to in paragraph (c); or
  - (iv) have previously held a Bridging A (Class WA) visa granted under regulation 2.21A in respect of the substantive visa referred to in paragraph (c).

### [1202] After subitem 1301 (4)

*insert*

*Note* The Minister must grant a Bridging A (Class WA) visa in the circumstances set out in regulation 2.21A.

## Part 3 Amendments of Schedule 2

### [1301] Subclause 010.211 (1)

*omit*

(3) or (4).

*insert*

(3), (4), (5) or (6).

---

**[1302] After subclause 010.211 (4)**

*insert*

(5) An applicant meets the requirements of this subclause if:

- (a) the applicant has made a valid application for a Spouse (Migrant) (Class BC) visa or an Interdependency (Migrant) (Class BI) visa; and
- (b) the application has not been finally determined; and
- (c) the applicant has applied for a bridging visa in respect of that application; and
- (d) the applicant holds, or has previously held, a Bridging A (Class WA) visa granted under regulation 2.21A in respect of the visa referred to in paragraph (a).

(6) An applicant meets the requirements of this subclause if:

- (a) the applicant has made a valid application for a Spouse (Migrant) (Class BC) visa or an Interdependency (Migrant) (Class BI) visa; and
- (b) that application was refused; and
- (c) the applicant has, within the statutory time limits, applied for judicial review of that refusal as the holder of a Bridging A (Class WA) or Bridging B (Class WB) visa; and
- (d) the judicial review proceedings (including proceedings on appeal, if any) are not completed; and
- (e) the applicant holds, or has previously held, a Bridging A (Class WA) visa granted under regulation 2.21A in respect of the visa referred to in paragraph (a).

**[1303] Clause 010.411, note**

*substitute*

*Note 1* The applicant must be an eligible non-citizen at the time of grant: see Act s 73.

*Note 2* The Minister must grant a Bridging A (Class WA) visa in the circumstances set out in regulation 2.21A.

**[1304] Subclause 010.611 (3)**

*substitute*

(3) In the case of a visa granted under regulation 2.21A: Nil.

(4) In any other case: whichever of conditions 8101, 8102, 8103, 8104, 8105, 8107, 8108, 8111 and 8112 applies to:

- (a) the visa held by the holder at the time of application; or
- (b) if that visa has ceased — the last Bridging A (Class WA) or Bridging B (Class WB) visa held by the holder.

**[1305] Subclause 020.212 (1)**

*omit*

(2) or (3).

*insert*

(2), (3), (4) or (5).

---

**[1306] After subclause 020.212 (3)**

*insert*

(4) An applicant meets the requirements of this subclause if:

- (a) the applicant has made a valid application for a Spouse (Migrant) (Class BC) visa or an Interdependency (Migrant) (Class BI) visa; and
- (b) the application has not been finally determined; and
- (c) the applicant wishes to leave and re-enter Australia during the processing of that application; and
- (d) the Minister is satisfied that the applicant's reasons for wishing to do so are substantial.

(5) An applicant meets the requirements of this subclause if:

- (a) the applicant has made a valid application for a Spouse (Migrant) (Class BC) visa or an Interdependency (Migrant) (Class BI) visa; and
- (b) that application was refused; and
- (c) the applicant has, within the statutory time limits, applied for judicial review of the decision to refuse the application; and
- (d) the judicial review proceedings (including proceedings on appeal, if any) are not completed; and
- (e) the applicant wishes to leave and re-enter Australia during those proceedings; and
- (f) the Minister is satisfied that the applicant's reasons for wishing to do so are substantial.

**[1307] Subclause 050.212 (1)**

*omit*

(7) or (8).

*insert*

(7), (8) or (9).

**[1308] After subclause 050.212 (8)**

*insert*

(9) An applicant meets the requirements of this subclause if:

- (a) the applicant has made a valid application for a Spouse (Migrant) (Class BC) visa or an Interdependency (Migrant) (Class BI) visa; and
- (b) that application was refused; and
- (c) the applicant has applied for judicial review of the decision to refuse the application and does not satisfy the criterion in paragraph 010.211 (6) (c) for the grant of a Bridging A (Class WA) visa; and
- (d) the judicial review proceedings (including proceedings on appeal, if any) are not completed.

**[1309] Clause 050.512**

*omit*

or paragraph 050.212 (4) (a) or (d)

*insert*

paragraph 050.212 (4) (a) or (d) or subclause 050.212 (9)

**[1310] Clause 050.612A**

*omit*

or subclause 050.212 (6):

*insert*

or subclause 050.212 (6) or (9):

**[1311] Subclause 100.221 (1)**

*omit*

or (4).

*insert*

, (4) or (4A).

**[1312] After subclause 100.221 (4)**

*insert*

(4A) The applicant meets the requirements of this subclause:

- (a) if the applicant held a Subclass 309 (Spouse (Provisional)) visa that ceased on notification of a decision of the Minister to refuse a Subclass 100 visa; and
- (b) if the Tribunal:
  - (i) has remitted that decision for reconsideration and, as a result, the Minister decides that the applicant satisfies the criteria for the grant of a Subclass 100 visa apart from the criterion that the applicant hold a Subclass 309 visa; or

- (ii) has determined that the applicant satisfies the criteria for the grant of a Subclass 100 visa apart from the criterion that the applicant hold a Subclass 309 visa.

**[1313] Subclause 110.221 (1)**

*omit*

or (4).

*insert*

, (4) or (4A).

**[1314] After subclause 110.221 (4)**

*insert*

(4A) The applicant meets the requirements of this subclause:

- (a) if the applicant held a Subclass 310 (Interdependency (Provisional)) visa that ceased on notification of a decision of the Minister to refuse a Subclass 110 visa; and
- (b) if the Tribunal:
  - (i) has remitted that decision for reconsideration and, as a result, the Minister decides that the applicant satisfies the criteria for the grant of a Subclass 110 visa apart from the criterion that the applicant hold a Subclass 310 visa; or
  - (ii) has determined that the applicant satisfies the criteria for the grant of a Subclass 110 visa apart from the criterion that the applicant hold a Subclass 310 visa.

---

**[1315] Subclause 801.221 (8)**

*substitute*

(8) The applicant meets the requirements of this subclause:

- (a) if the applicant held a Subclass 820 (Spouse) visa that ceased on notification of a decision of the Minister to refuse a Subclass 801 visa; and
- (b) if the Tribunal:
  - (i) has remitted that decision for reconsideration and, as a result, the Minister decides that the applicant satisfies the criteria for the grant of a Subclass 801 visa apart from the criterion that the applicant hold a Subclass 820 visa; or
  - (ii) has determined that the applicant satisfies the criteria for the grant of a Subclass 801 visa apart from the criterion that the applicant hold a Subclass 820 visa.

**[1316] Subclause 814.221 (7)**

*substitute*

(7) The applicant meets the requirements of this subclause:

- (a) if the applicant held a Subclass 826 (Interdependency) visa that ceased on notification of a decision of the Minister to refuse a Subclass 814 visa; and
- (b) if the Tribunal:
  - (i) has remitted that decision for reconsideration and, as a result, the Minister decides that the applicant satisfies the criteria for the grant of a Subclass 814 visa apart from the criterion that the applicant hold a Subclass 826 visa; or



- (ii) has determined that the applicant satisfies the criteria for the grant of a Subclass 814 visa apart from the criterion that the applicant hold a Subclass 826 visa.

**[1317] Paragraph 851.221 (b)**

*omit*

a review officer or

**Part 4 Amendment of Schedule 4**

**[1401] Paragraph 4014 (3) (a)**

*substitute*

- (a) applied for review by the Migration Review Tribunal or the Refugee Review Tribunal;  
and

## Schedule 2      Amendments commencing on 1 July 1999

(regulation 3)

### Part 1      Amendments of Parts 1, 2 and 5

#### [2101] Regulation 1.03, heading

*substitute*

##### 1.03 Definitions

#### [2102] Regulation 1.03, definitions of *Education* and *Education Minister*

*omit*

Employment,

#### [2103] Regulation 1.03, after definition of *eligible New Zealand citizen*

*insert*

*Employment Minister* means the Minister for  
Employment, Workplace Relations and Small  
Business.

#### [2104] Regulation 1.03, definition of *Industry Minister*

*omit*

Tourism

*insert*

Resources

**[2105] Regulation 1.03, definition of *labour agreement*, paragraph (a)**

*omit*

Education

*insert*

Employment

**[2106] Paragraph 1.13 (c)**

*omit*

210,

**[2107] Paragraph 1.13 (c)**

*omit*

, 216 or 217

*insert*

or 216

**[2108] Paragraph 1.20 (1) (b)**

*omit*

210,

**[2109] Paragraph 1.20 (1) (b)**

*omit*

, 216 or 217

*insert*

or 216

---

**[2110] Paragraph 2.07AA (2) (c)**

*omit*

subparagraph 2.10 (1) (b) (iii)

*insert*

subparagraph 2.10 (1) (b) (ii)

**[2111] After regulation 2.07AC**

*insert*

**2.07AD Applications for Olympic (Support)  
(Temporary) visas**

- (1) For subsection 46 (2) of the Act, the Olympic (Support) (Temporary) (Class UI) visa class is a prescribed class of visa.
- (2) An application for an Olympic (Support) (Temporary) (Class UI) visa is taken to have been validly made if the application is made in accordance with subregulations (3) and (4).
- (3) The application must be made:
  - (a) in person; or
  - (b) by telephone; or
  - (c) by written communication (including facsimile message); or
  - (d) by electronic transmission using a computer; or
  - (e) in any other manner that is approved in writing by the Minister.
- (4) The applicant must provide his or her passport details to a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia.

*Note* For other provisions about applications for Olympic (Support) (Temporary) (Class UI) visas: see item 1214B in Schedule 1.

**[2112] Paragraph 2.10 (1) (b)**

*substitute*

- (b) in the case of an application to be made in Australia:
  - (i) if the application is for an Electronic Travel Authority (Class UD) visa — in immigration clearance; or
  - (ii) if the application is for a Temporary Business Entry (Class UC) visa made in accordance with subregulation 2.07AA (2) — at an office of Immigration that is approved in writing by the Minister for the purpose of receiving applications of that kind; or
  - (iii) if the application is for a Student (Temporary) (Class TU) visa, and the applicant holds a Subclass 560, 562 or 563 visa that is subject to condition 8101, and the applicant seeks a Subclass 560 or 563 visa that is not subject to condition 8101:
    - (A) at any office of Immigration in Australia; or
    - (B) at the educational institution where the applicant is enrolled (if the institution is approved in writing by the Minister for the purpose of receiving applications of that kind); or
    - (C) if the applicant holds a Subclass 560 or 563 visa as a member of the family unit of a person who, having satisfied the primary criteria, holds a Subclass 560 or 562 visa — at the educational institution where the person is enrolled (if the institution is approved in writing by the Minister for the purpose of receiving applications of that kind); or

- (iv) in any other case — subject to regulation 2.09 and subregulation (3), at any office of Immigration in Australia.

**[2113] Subregulation 2.10 (2A)**

*omit*

subparagraph (1) (b) (iii)

*insert*

subparagraph (1) (b) (ii)

**[2114] Subregulation 2.26 (5), definition of *relevant Australian authority*, paragraph (b)**

*substitute*

- (b) Department of Employment, Workplace Relations and Small Business; or

**[2115] Paragraphs 2.40 (1) (r) and (s)**

*omit*

**[2116] Subregulations 2.40 (14) and (15)**

*omit*

**[2117] Subregulation 5.19 (3A)**

*omit*

paragraph (3) (c)

*insert*

paragraphs (3) (c) and (4) (ca)

**[2118] After paragraph 5.19 (4) (c)**

*insert*

- (ca) if it is mandatory in Australia in respect of work of the kind to be performed under the appointment that a person be the holder of a qualification of a kind specified in subregulation (3A) — the Minister is satisfied that the person to be appointed is, or is eligible to become, the holder of the qualification; and

**[2119] Paragraph 5.19 (4) (d)**

*omit*

the applicant

*insert*

the person to be appointed

**[2120] Subregulation 5.20 (2)**

*omit*

\$2,000.

*insert*

\$3,000.

**[2121] Paragraph 5.40 (1) (b)**

*omit*

Department of Workplace Relations and Small Business

*insert*

Department of Employment, Workplace Relations and Small Business

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## Part 2 Amendments of Schedule 1

### [2201] Item 1122

*omit*

### [2202] Item 1132

*omit*

### [2203] After item 1214A

*insert*

#### 1214B. Olympic (Support) (Temporary) (Class UI)

- (1) Form: Nil.
- (2) Visa application charge: Nil.
- (3) Other:
  - (a) Applicant must be outside Australia.
  - (b) Application by a person claiming to be a member of the family unit of a person who is an applicant for an Olympic (Support) (Temporary) (Class UI) visa may be made at the same time and place as, and combined with, the application by that person.
- (4) Subclasses:
  - 499 Olympic (Support)

*Note* For how an application for an Olympic (Support) (Temporary) (Class UI) visa is taken to have been validly made, see regulation 2.07AD.



**[2204] Subitem 1301 (1)**

*after*

1005,

*insert*

1029,

**Part 3 Amendments of Schedule 2**

**[2301] Clause 051.111, definition of *judicial review***

*omit*

**[2302] Clause 051.212**

*substitute*

- 051.212 The applicant, or a person acting on behalf of the applicant, has signed an undertaking acceptable to the Minister that:
- (a) if the applicant withdraws the application for a protection visa, the applicant will depart Australia, or present himself or herself to Immigration for removal, within 28 days after the applicant withdraws the application; and
  - (b) if the application for a protection visa is finally determined and refused, the applicant will depart Australia, or present himself or herself to Immigration for removal, within 28 days after the latest of the following:
    - (i) the applicant is notified that the protection visa application has been finally determined and refused;
    - (ii) the applicant withdraws an application for judicial review of the decision to refuse the protection visa application (the *visa decision*);

- 
- (iii) proceedings for judicial review of the visa decision are completed, and the outcome is that the visa decision is maintained;
  - (iv) the applicant withdraws an appeal against the outcome of judicial review of the visa decision;
  - (v) proceedings on an appeal against the outcome of judicial review of the visa decision are completed, and the outcome is that the visa decision is maintained.

**[2303] Sub-subparagraph 121.211 (3) (c) (i) (C)**

*omit*

appointment; or

*insert*

appointment; and

**[2304] After sub-subparagraph 121.211 (3) (c) (i) (C)**

*insert*

- (D) is, or is eligible to become, the holder of a qualification of a kind specified in subregulation 5.19 (3A) if it is mandatory in Australia, in respect of work of the kind to be performed under the appointment, that a person be the holder of the qualification; or

**[2305] Sub-subparagraph 121.211 (3) (c) (ii) (C)**

*omit*

appointment.

*insert*

appointment; and

**[2306] After sub-subparagraph 121.211 (3) (c) (ii) (C)**

*insert*

- (D) is, or is eligible to become, the holder of a qualification of a kind specified in subregulation 5.19 (3A) if it is mandatory in Australia, in respect of work of the kind to be performed under the appointment, that a person be the holder of the qualification.

**[2307] Paragraph 155.211 (b)**

*substitute*

- (b) immediately before last leaving Australia, was an Australian citizen but has subsequently lost or renounced Australian citizenship; or
- (c) is a former Australian permanent resident, other than a former Australian permanent resident whose most recent permanent visa was cancelled.

---

**[2308] Subclause 155.212 (1)**

*after*

subclause (2), (3)

*insert*

, (3A)

**[2309] Subclause 155.212 (3)**

*after*

the requirements of this subclause if

*insert*

the applicant is outside Australia, and

**[2310] Paragraph 155.212 (3) (b)**

*omit*

if outside Australia,

**[2311] After subclause 155.212 (3)**

*insert*

(3A) The applicant meets the requirements of this subclause if the applicant is in Australia, and the Minister is satisfied that the applicant:

- (a) has substantial business, cultural, employment or personal ties with Australia which are of benefit to Australia; and
- (b) has not been absent from Australia for a continuous period of 5 years or more since:
  - (i) the date of grant of the applicant's most recent permanent visa, unless there are compelling reasons for the absence; or

- (ii) the date on which the applicant ceased to be a citizen, unless there are compelling reasons for the absence.

**[2312] After subclause 155.212 (4)**

*insert*

*Note* The period of a visa granted under paragraph 155.212 (4) (a) can be no greater than the period of the Subclass 155 visa granted to the other family member, and mentioned in paragraph 155.212 (4) (a): see clause 155.511.

**[2313] Paragraph 155.511 (a)**

*substitute*

- (a) if paragraph 155.212 (4) (a) applies to the applicant:
  - (i) the period of the Subclass 155 visa mentioned in paragraph 155.212 (4) (a); or
  - (ii) a shorter period determined by the Minister; or
- (b) in any other case:
  - (i) a period of 5 years from the date of grant; or
  - (ii) a shorter period determined by the Minister.

**[2314] Paragraph 157.211 (b)**

*substitute*

- (b) immediately before last leaving Australia, was an Australian citizen but has subsequently lost or renounced Australian citizenship; or

---

(c) is a former Australian permanent resident, other than a former Australian permanent resident whose most recent permanent visa was cancelled.

**[2315] Part 210**

*omit*

**[2316] Part 217**

*omit*

**[2317] After Part 457**

*insert*

**Subclass 499      Olympic (Support)**

**499.1      Interpretation**

*Note* There are no interpretation provisions specific to this Part.

**499.2      Primary criteria**

*Note* The primary criteria must be satisfied by at least 1 member of a family unit. The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

**499.21      [No criteria to be satisfied at time of application]**

**499.22 Criteria to be satisfied at time of decision**

499.221 The applicant provides to the Minister 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:

- (a) the Games of the XXVII Olympiad in Sydney in the year 2000; or
- (b) the Games of the XIth Paralympiad in Sydney in the year 2000.

499.222 The applicant does not satisfy the primary criteria for the grant of a temporary visa of another subclass.

499.223 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4010, 4013 and 4014.

499.224 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001 and 5002.

**499.3 Secondary criteria**

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

**499.31 Criteria to be satisfied at time of application**

499.311 The applicant is a member of the family unit of a person who has applied for a Subclass 499 visa.

499.312 If the application is made separately from that of the family unit member who satisfies the primary criteria:

- (a) that family unit member is, or is expected soon to be, in Australia; and
- (b) the applicant intends to stay temporarily in Australia as a member of that family unit.

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**499.32 Criteria to be satisfied at time of decision**

- 499.321 The applicant continues to be a member of the family unit of a person who, having satisfied the primary criteria, holds a Subclass 499 visa.
- 499.322 The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4010, 4013 and 4014.
- 499.323 If the applicant has previously been in Australia, the applicant satisfies special return criteria 5001 and 5002.

**499.4 Circumstances applicable to grant**

- 499.411 The applicant must be outside Australia at the time of grant.

**499.5 When visa is in effect**

- 499.511 Temporary visa permitting the holder:
- (a) to travel to, and enter, Australia on 1 or more occasions until a date specified by the Minister; and
  - (b) to remain in Australia until a date specified by the Minister.

**499.6 Conditions**

- 499.611 If the applicant satisfies the primary criteria, condition 8107 applies.
- 499.612 Any 1 or more of conditions 8106, 8107, 8303, 8501, 8502, 8503 and 8516 may be imposed.

**499.7 Way of giving evidence**

- 499.711 No evidence need be given.



**[2318] Subparagraph 805.213 (4) (c) (iii)**

*omit*

appointment.

*insert*

appointment; and

**[2319] After subparagraph 805.213 (4) (c) (iii)**

*insert*

- (iv) is, or is eligible to become, the holder of a qualification of a kind specified in subregulation 5.19 (3A) if it is mandatory in Australia, in respect of work of the kind to be performed under the appointment, that a person be the holder of the qualification.

**Part 4 Amendment of Schedule 9**

**[2401] Part 1, items 18, 19 and 20**

*omit*

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**Notes**

1. These regulations amend Statutory Rules 1994 No. 268, as amended by 1994 Nos. 280, 322, 376 and 452; 1995 Nos. 3, 38, 117, 134, 268, 302 and 411; 1996 Nos. 12, 75 (regulations 7 and 8 were disallowed by the Senate on 11 September 1996), 76, 108, 121, 135, 198, 211 (regulations 4, 10, 11, 13.3, 14-37, 47-49, 51, 53-55, 74, 77.16, 77.19, 78, 85, 119 and 114 were disallowed by the Senate on 7 November 1996) and 276; 1997 Nos. 17, 64, 91, 92, 109, 137, 184, 185, 216, 263, 279, 288, 301 and 354; 1998 Nos. 36, 37, 104 (regulation 15 was disallowed by the Senate on 2 July 1998), 139, 210, 214, 284, 285 (disallowed by the Senate on 31 March 1999), 304, 305, 306 and 322; 1999 Nos. 8, 58 and 64.
2. Made by the Administrator on *L* 1999, and notified in the *Commonwealth of Australia Gazette* on *L* 1999.

*30 April  
7 May*