EXPLANATORY STATEMENT

Select Legislative Instrument 2005 No. 133

Issued by the Minister for Immigration and Multicultural and Indigenous Affairs

Migration Act 1958

Migration Amendment Regulations 2005 (No. 3)

Subsection 504(1) of the *Migration Act 1958* (the Act) provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters which by the Act are required or permitted to be prescribed, 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 provisions listed in Attachment A.

The purpose of the Regulations is to amend the *Migration Regulations 1994* (the Principal Regulations) to: amend the definition of "foreign country" and "Macau"; facilitate electronic lodgement for General Skilled Migration applications, create a new Investor Retirement temporary visa, make various amendments to special purpose visas, Business (Short Stay) visas, tourist visas, students visas, Working Holiday Maker visas, Prospective Marriage Spouse visas and Skilled – Independent Regional visas, require "international cargo ships" to report passenger and crew information, facilitate the registration of overseas Migration Agents, authorise the disclosure and use of movement records; and make a number of technical amendments.

In particular, the Regulations amend the Principal Regulations to:

- make various technical amendments relating to the definitions of "foreign country" and "Macau" as the Macau Special Administrative Region of the People's Republic of China (Schedule 1);
- enable applicants for certain classes of skilled visa to make a visa application either on paper or via the Internet by specifying the manner in which an Internet application may be made and making various other changes to the visa application validity requirements and grant criteria for certain Skilled Migration visas (Schedule 2);
- introduce a new temporary Investor Retirement (Class UY) visa for persons of retirement age who can benefit Australia through significant investment in State/Territory government bonds, and whose presence in Australia will be at no net cost to the Australian community (Schedule 3);
- provide for non-citizens joining foreign non-military ships in Australia as members of the crew to be taken to have been granted special purpose visas (Schedule 4);

- specify an international cargo ship as a kind of ship to which passenger and crew reporting requirements under Division 12B of Part 2 of the *Migration Act 1958* (the Act) are to apply (Schedule 5);
- close the Nominated Temporary Business Entry Scheme, by removing the option for Subclass 456 Business (Short Stay) visa applicants to have their application lodged in Australia by an approved nominator (Schedule 6);
- facilitate the registration of overseas migration agents who hold Australian permanent resident visas (Schedule 7);
- collapse the Subclass 676 (Tourist (Short Stay)) visa regulations with the Subclass 686 (Tourist (Long Stay)) visa regulations, into one new visa class with universal criteria; the new Tourist (Class TR) (Subclass 676) visa (Schedule 8);
- enable more than one student guardian visa to be granted in respect of a student visa holder, where the grant of the visa would benefit the relationship between the government of Australia and the government of a foreign country and provide for these student guardians to work in Australia in limited circumstances (Schedule 9);
- allow students from high and very high immigration risk countries to demonstrate their financial capacity by way of financial support from certain non-profit organisations (Schedule 10);
- require substantial compliance with the conditions of a student visa applicant's last substantive visa, in addition to any subsequent bridging visa (Schedule 11);
- ensure that a student visa applicant is not affected by the subsequent reassignment of a type of course to another subclass of student visa (Schedule 11);
- provide for greater flexibility to implement electronic lodgement for applications for a Student (Temporary) (Class TU) visa (Schedule 12);
- vary the student visa evidentiary requirements relating to foundation courses and English language proficiency for 'higher risk' applicants (Schedule 13);
- make changes to the Subclass 417 (Working Holiday) visa to align the criteria for paper and Internet visa applications, provide for a Gazette Notice to specify the passports and conditions that must be held by applicants and remove redundant references to applicants granted a visa between 1 July 2000 and 30 June 2002 (Schedule 14);
- repeal the Subclass 831, Prospective Marriage Spouse visa (Schedule 15);
- provide for an applicant for a Skilled - Independent Regional visa to be awarded an additional 10 points on the skilled migration points test where the applicant is sponsored by a State or Territory government agency (Schedule 16); and
- provide that movement records may be disclosed, accessed and used in certain circumstances specified by the Minister in a Gazette Notice (Schedule 17).

Details of the Regulations are set out in Attachment B.

The Regulations reflect regular changes that are made to the Principal Regulations. These are changes that give effect to the ongoing update of immigration policy and regulations.

The Regulations commence on 1 July 2005. The commencement date is a consequence of various systems requirements necessary to allow the implementation of the Regulations.

The Office of Regulation Review in the Productivity Commission has been consulted and advises that the Regulations are not likely to have a direct effect, or substantial indirect effect, on business and are not likely to restrict competition.

The following external agencies and other bodies were consulted in relation to the Regulations:

- Department of Foreign Affairs and Trade in relation to the amendments in Schedule 1;
- Department of Health and Ageing on impact of additional retirement age people on aged care services. Consultation with State governments formed the original basis for the changes made by Schedule 3;
- Australian Customs Service in connection with the practical implications of implementing the regulations (Schedule 4);
- Department of Transport and Regional Services to co-ordinate the dual reporting requirements; maritime terminology and mechanisms to identify vessels (Schedule 5);
- Tourism and Visa Advisory Group (which includes the Department of Industry, Tourism and Resources and Tourism Australia) who agreed with the proposal for change in Schedule 8;
- Department of Education, Science and Training, in consultation with industry and State government bodies, advised that courses classified as a foundation studies on the Commonwealth Register of Institutions and Courses for Overseas Students are a legitimate alternative pathway to further study in the Higher Education sector (Schedule 13);
- Information Law Branch of the Attorney General's Department in relation to the amendments in Schedule 17.

No other consultations were conducted in relation to the other Schedules to the Regulations, as the amendments were considered not to have relevant implications for any external agencies or other bodies.

The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

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ATTACHMENT A

Subsection 504(1) of the *Migration Act 1958* (the Act) provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters which by the Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act. Subsection 5(1) of the Act provides, amongst other things, that "prescribed" means prescribed by the regulations.

In addition to subsection 504(1), the following provisions may apply:

- subsections 29(2) and 29(3) of the Act, which provide that the regulations may prescribe a period during which the holder of a visa may travel to, enter, re-enter and remain in Australia;
- section 31 of the Act, which deals with classes of visas. In particular:
  - subsection 31(1) of the Act, which provides that the regulations are to prescribe classes of visas;
  - subsection 31(3) of the Act, which provides that the regulations may prescribe criteria for a visa or visas of a specified class;
  - subsection 31(4) of the Act, which provides that the regulations may prescribe whether visas of a particular class are visas to travel to and enter Australia, or to remain in Australia, or both;
  - subsection 31(5) of the Act, which provides that the regulations may specify that a visa is a visa of a particular class;
- subsection 33(2) which provides that members of a class of persons having a prescribed status are taken to have been granted a special purpose visa;
- subsection 40(1) of the Act, which provides that the regulations may provide that visas or visas of a specified class may only be granted in specified circumstances;
- subsection 41(1) of the Act, which provides that the regulations may provide that visas or visas of a specified class are subject to specified conditions;
- subsection 41(2) of the Act, which provides that, without limiting subsection 41(1), the regulations may provide that a visa, or visas of a specified class, are subject to:
  - a condition that, despite anything else in the Act, the holder of the visa will not, after entering Australia, be entitled to be granted a substantive visa (other than a protection visa or a temporary visa of a specified kind), while he or she remains in Australia; or
  - a condition imposing restrictions about the work that may be done in Australia by the holder, which, without limiting the generality of this paragraph, may be restriction on doing any work, work other than specified work or work of a specified kind;
- subsection 41(3) of the Act, which provides that, in addition to any conditions specified under subsection 41(1), the Minister may specify that a visa is subject to such conditions as are permitted by the regulations for the purposes of this subsection;
- subsection 45B(1) of the Act, which provides that the amount of visa application charge is the amount, not exceeding the visa application charge limit, prescribed in relation to the application;
- subsection 45B(2) of the Act, which provides that the regulations may prescribe that the amount in relation to an application be nil;

- paragraph 45C(2)(b) of the Act, which provides that the regulations may also make provision for the remission, refund or waiver of visa application charge or an amount of visa application charge;
- section 46 of the Act, which deals with when an application for a visa is a valid application. In particular:
  - subsection 46(3), which provides that the regulations may prescribe criteria that must be satisfied for an application for a visa of a specified class to be a valid application;
  - subsection 46(4) of the Act, which provides that, without limiting subsection 46(3), the regulations may also prescribe the circumstances that must exist for an application for a visa of a specified class to be a valid application, how and where an application for a visa of a specified class must be made, and where an applicant must be when an application for a visa of a specified class is made;
- subsection 52(1) of the Act, which provides that a visa applicant or interested person must communicate with the Minister in a prescribed way;
- subsection 52(2) of the Act, which provides that the regulations may prescribe different ways of communicating and specify the circumstances when communication is to be in a particular way;
- section 70 of the Act, which provides that subject to the regulations if a non-citizen is granted a visa, an officer is to give the non-citizen evidence of the visa;
- subsection 71(1) of the Act, which provides for the regulations to prescribe the way in which evidence of a visa is to be given;
- section 93 of the Act, which provides that the Minister shall make an assessment of an applicant's points score by giving the applicant the prescribed number of points for each prescribed qualification that is satisfied in relation to the applicant;
- section 140B of the Act, which provides that the regulations may provide that sponsorship by an approved sponsor is a criterion for a visa of a prescribed kind (however described), and that this criterion is in addition to any other criteria for the visa that may be prescribed or set out under any other provision of the Act, or of any other Act;
- subsection 140C(1) of the Act, which provides that the regulations may provide that sponsorship by an approved sponsor is a criterion for a valid application for a visa of a prescribed kind (however described);
- subsection 140C(2) of the Act, which provides that the regulations may provide that it is a criterion for a valid application for a prescribed kind of visa that the visa applicant's proposed sponsor has applied to be an approved sponsor at, or before, the time the visa application is made;
- subsection 245I(1), which provides that a kind of aircraft or ship may be specified in the regulations as being a kind of aircraft or ship to which Division 12B of the Act applies;
- paragraph 294(1)(b) of the Act, which provides that an applicant must not be registered unless he or she is an Australian citizen, or an Australian permanent resident (within the meaning of the regulations), or a New Zealand citizen who holds a special category visa;
- subparagraph 488(2)(a)(vii) of the Act, which provides that that the Minister may authorise an officer to perform an act or actions that would otherwise be prohibited by subsection 488(1) for the purposes of prescribed Commonwealth, State of Territory legislation;

- paragraph 488(2)(g) of the Act, which provides that the Minister may authorise a prescribed employee of a prescribed agency of the Commonwealth or of a State or Territory, to perform, for prescribed purposes, an act or actions that would otherwise be prohibited by subsection 488(1);
- section 495 of the Act, which provides that the Minister may, in writing, approve a form for the purposes of a provision of this Act in which the expression "approved form" is used;
- subparagraph 504(1)(c)(i), which provides that the Governor-General may make regulations making provision for or in relation to the furnishing or obtaining of information with respect to persons on board a vessel arriving at a port in Australia in the course of, or at the conclusion of, a voyage or flight that commenced at, or during which the vessel called at, a place outside Australia;
- paragraph 504(1)(d) of the Act provides that the regulations may make provision for and in relation to the use that may be made by persons or bodies other than officers of the Department of information collected under paragraph 504(1)(c);
- paragraph 504(1)(e) of the Act, which provides that the regulations may be made in relation to the giving of documents to, the lodging of documents with, or the service of documents on the Minister, the Secretary or any other person or body, for the purposes of the Act; and
- section 505 of the Act, which provides that, to avoid doubt, regulations for the purpose of prescribing a criterion for visas of a class may provide that the Minister, when required to decide whether an applicant for a visa of the class satisfies the criterion:
  - is to get a specified person or organisation, or a person or organisation in a specified class, to give an opinion on, or make an assessment of, or make a finding or decision about a specified matter; and
  - is to have regard to that opinion, assessment, finding or decision, or take that opinion, assessment, finding or decision to be correct;

  for the purposes of deciding whether the applicant satisfies the criterion.

ATTACHMENT B

Details of the proposed *Migration Amendment Regulations 2005 (No. 3)*

Regulation 1 – Name of Regulations

This regulation provides that these Regulations are the *Migration Amendment Regulations 2005 (No. 3)*.

Regulation 2 – Commencement

This regulation provides that these Regulations commence on 1 July 2005.

Regulation 3 – Amendment of *Migration Regulations 1994*

This regulation provides that Schedules 1 to 17 amend the *Migration Regulations 1994* (the Principal Regulations).

Regulation 4 – Transitional

Subregulation (4)1 provides that the amendments made by Schedule 2 apply in relation to an application for a visa made on or after 1 July 2005.

Subregulation 4(2) provides that the amendments made by Schedule 3 (other than by item [1]) apply in relation to an application for a visa made on or after 1 July 2005.

Subregulation 4(3) provides that the amendments made by items [1] to [4] of Schedule 4 apply in relation to:

- persons who enter Australia on or after 1 July 2005; and
- a person who:
  - entered Australia before 1 July 2005; and
  - holds a Subclass 771 (Transit) visa, on or after 1 July 2005, for the purpose of signing on to a non-military ship as a member of the crew.

Subregulation 4(4) provides that the amendments made by item [5] of Schedule 4 applies in relation to an application for a visa made on or after 1 July 2005.

Subregulation 4(5) provides that the amendments made by Schedule 6 apply in relation to an application for a visa made on or after 1 July 2005.

Subregulation 4(6) provides that the amendments made by Schedule 7 apply in relation to:

- an application for a visa made on or after 1 July 2005; and
- an application for registration as a migration agent under Part 3 of the *Migration Act 1958*:
  - made, but not decided by the Migration Agents Registration Authority, before 1 July 2005; or
  - made on or after 1 July 2005.

Subregulation 4(7) provides that the amendments made by Part 1 of Schedule 8 apply in relation to an application for a visa made on or after 1 July 2005.

Subregulation 4(8) provides that the amendments made by Part 2 of Schedule 8 apply in relation to:

- the refund of a first instalment of visa application charge; or
- the cancellation of a visa;

that occurs on or after 1 July 2005.

Subregulation 4(9) provides that the amendments made by Schedule 9 apply in relation to an application for a visa made on or after 1 July 2005.

Subregulation 4(10) provides that the amendments made by Schedule 10 apply in relation to an application for a visa made on or after 1 July 2005.

Subregulation 4(11) provides that the amendments made by Schedule 11 apply:

- for items [1], [4], [7], [10], [13] and [16] of that Schedule – in relation to an application for a visa made, but not finally determined (within the meaning of subsection 5(9) of the *Migration Act 1958*), before 1 July 2005; and
- for all other items of that Schedule – in relation to an application for a visa made on or after 1 July 2005.

Subregulation 4(12) provides that the amendments made by Schedule 12 apply in relation to an application for a visa made on or after 1 July 2005.

Subregulation 4(13) provides that the amendments made by Part 1 of Schedule 13 apply:

- for items [3], [5], [7], [10], [15], [17], [19], [21] and [23] of that Part – in relation to an application for a visa made, but not finally determined (within the meaning of subsection 5(9) of the *Migration Act 1958*), before 1 July 2005; and
- for the other items of that Part – in relation to an application for a visa made on or after 1 July 2005.

Subregulation 4(14) provides that the amendments made by Part 2 of Schedule 13 apply in relation to an application for a visa made on or after 1 July 2005.

Subregulation 4(15) provides that amendments made by Schedule 14 apply in relation to an application for a visa made on or after 1 July 2005.

Subregulation 4(16) provides that amendments made by Schedule 15 apply in relation to an application for a visa made on or after 1 July 2005.

Subregulation 4(17) provides that the amendments made by Schedule 16 apply in relation to an application for a visa:

- made on or after 1 July 2005; or
- made, but not finally determined (within the meaning of subsection 5(9) of the *Migration Act 1958),* before 1 July 2005.

Schedule 1 – Amendments relating to foreign countries

Item [1] – Regulation 1.03, after definition of *long-term spouse relationship*

This item inserts a definition of *Macau* in regulation 1.03 of Part 1 of the Principal Regulations.

The definition provides that *Macau* refers to the Macau Special Administrative Region of the People's Republic of China.

This is a technical amendment which will provide consistency with the definition of Hong Kong in the Principal Regulations. Hong Kong is defined as the Hong Kong Special Administrative Region of the People's Republic of China.

Item [2] – Regulation 1.03, note 2

This item substitutes Note 2 after regulation 1.03 of Part 1 of the Principal Regulations with a new Note 2.

New Note 2 includes the full wording of the definition of *foreign country* from paragraph 22(1)(f) of the *Acts Interpretation Act 1901* (the AIA). *Foreign country* means any country (whether or not an independent sovereign state) outside Australia and the external Territories.

The previous Note 2 referred to the definition in the AIA but did not give the full wording of the definition. The purpose of this amendment is to improve clarity and consistency and assist readers of the Principal Regulations.

Item [3] – Subregulation 2.25A(1), note

This item substitutes the Note in subregulation 2.25A(1) of Part 2 of the Principal Regulations with a new Note.

The new Note includes the full wording of the definition of *foreign country* from paragraph 22(1)(f) of the AIA. *Foreign country* means any country (whether or not an independent sovereign state) outside Australia and the external Territories.

The previous Note referred to the definition in the AIA but did not give the full wording of the definition. The purpose of this amendment is to improve clarity and consistency and assist readers of the Principal Regulations.

Item [4] – Subregulation 5.36(1), note

This item substitutes the Note in subregulation 5.36(1) of Part 5 of the Principal Regulations with a new Note.

The new Note includes the full wording of the definition of *foreign country* from paragraph 22(1)(f) of the *Acts Interpretation Act 1901* (the AIA). *Foreign country* means any country (whether or not an independent sovereign state) outside Australia and the external Territories.

The previous Note referred to the definition in the AIA but did not give the full wording of the definition. The purpose of this amendment is to improve clarity and consistency and assist readers of the Principal Regulations.

Item [5] – Schedule 1, paragraph 1224A(3)(a), note

This item substitutes the Note in paragraph 1224A(3)(a) in item 1224A of Schedule 1 to the Principal Regulations, with a new Note.

The new Note includes the full wording of the definition of *foreign country* from paragraph 22(1)(f) of the *Acts Interpretation Act 1901* (the AIA). *Foreign country* means any country (whether or not an independent sovereign state) outside Australia and the external Territories.

The previous Note referred to the definition in the AIA but did not give the full wording of the definition. The purpose of this amendment is to improve clarity and consistency and assist readers of the Principal Regulations.

Item [6] – Schedule 2, subclause 417.211(3), note

This item substitutes the Note after subclause 417.211(3) of Part 417 of Schedule 2 to the Principal Regulations, with a new Note.
The new Note includes the full wording of the definition of *foreign country* from paragraph 22(1)(f) of the *Acts Interpretation Act 1901* (the AIA). *Foreign country* means any country (whether or not an independent sovereign state) outside Australia and the external Territories.
The previous Note referred to the definition in the AIA but did not give the full wording of the definition. The purpose of this amendment is to improve clarity and consistency and assist readers of the Principal Regulations.

Schedule 2 – Amendments relating to Class DD, DE and UX visas

Item [1] – Subregulation 2.07AG(1)

This item amends subregulation 2.07AG(1) of Part 2 of the Principal Regulations by inserting a reference to a Class UX visa.
The purpose of this amendment is to ensure that, for section 46 of the Act, an application for a substantive visa by a person mentioned in subregulation 2.07AG(2) is a valid application if the application is for a Class DD, DE or a Skilled – Independent Regional (Provisional) (Class UX) visa. The effect this amendment is to encourage skilled migration to regional Australia.

Item [2] – After regulation 2.10B

This item inserts new regulation 2.10C in Part 2 of the Principal Regulations.
New regulation 2.10C specifies that the applicable time and date when an application is made by Internet is Australian Eastern Standard Time, and when in force, Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory.
The purpose of new regulation 2.10C is to remove any doubt about the date and time that an Internet application is made, particularly when local time where the applicant makes the application is different to Australian Eastern Standard Time in the Australian Capital Territory (ACT). Determining when a person makes an application is important in circumstances where it is a requirement that an application is made before a particular day or time, for example in relation to meeting age-based requirements for certain visa classes.

Item [3] – Schedule 1, after paragraph 1128(3)(b), at the foot

This item inserts a note after paragraph 1128(3)(b) of Schedule 1 to the Principal Regulations.
The note refers to new regulation 2.10C, inserted by these Regulations, which specifies that the applicable time and date when an application is made by Internet is Australian Eastern Standard Time, and when in force, Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory.

Item [4] – Schedule 1, subitem 1128BA(1)

This item substitutes subitem 1128BA(1) of Schedule 1 to the Principal Regulations with new subitem 1128BA(1).
The purpose of this amendment is to specify that applicants may make an application for a Skilled – Australian-sponsored Overseas Student (Residence) (Class DE) visa either using paper application form 47SK or electronically using new form 47SK (Internet).

Item [5] – Schedule 1, paragraph 1128BA(3)(a)

This item omits paragraph 1128BA(3)(a) of Schedule 1 to the Principal Regulations. The purpose of this amendment is to omit the requirement for an application to be made in Australia but not in immigration clearance, which is made redundant by amendments made to paragraph 1128BA(3)(h) by these Regulations (see Item [7] below). These amendments provide that an application for a Skilled – Australian-sponsored Overseas Student (Residence) (Class DE) visa must be made by posting the application to a post office box address specified in a Gazette Notice, by delivery by a courier to an address specified in a Gazette Notice, or as an Internet application.

Item [6] – Schedule 1, paragraph 1128BA(3)(c)

This item substitutes paragraph 1128BA(3)(c) of Schedule 1 to the Principal Regulations with new paragraph 1128BA(3)(c).

New paragraph 1128BA(3)(c) requires an application to be accompanied by a declaration by the applicant seeking to satisfy the primary criteria that all persons included in the application have undergone a medical examination for the purpose of the application, and that each applicant who is at least 16 years old has, during the 12 months immediately before the day when the application is made, applied for an Australian Federal Police check in relation to the applicant.

This amendment replaces the visa application validity requirement for the application to be accompanied by satisfactory evidence with a requirement to be met by relevant declarations made by the applicant seeking to satisfy primary criteria for grant of a visa, on behalf of all applicants included in the application. This ensures that applications are subject to the same visa application validity requirements whether made using a paper application form or electronically using an Internet application form.

Item [7] – Schedule 1, paragraphs 1128BA(3)(h) and (i)

This item substitutes paragraphs 1128BA(3)(h) and (i) of Schedule 1 to the Principal Regulations with new paragraphs 1128BA(3)(h) and (i).

New paragraph 1128BA(3)(h) provides that an application for a Skilled – Australian-sponsored Overseas Student (Residence) (Class DE) visa must be made by posting the application to a post office box address specified in a Gazette Notice, by delivery by a courier to an address specified in a Gazette Notice, or as an Internet application. The purpose of this amendment is to provide for an application for a Skilled – Australian-sponsored Overseas Student (Residence) (Class DE) visa to be made via the Internet.

This item also inserts a note after new paragraph 1128BA(3)(h). The note refers to new regulation 2.10C, inserted by these Regulations, which specifies that the applicable time and date when an application is made by Internet is Australian Eastern Standard Time, and when in force, Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory.

New paragraph 1128BA(3)(i) requires an applicant seeking to satisfy the primary criteria to make a declaration that the applicant or the applicant's spouse (if the spouse has made a combined application with the applicant) is a person to whom paragraphs 1128BA(3)(j) and (ja) apply.

This amendment replaces the visa application validity requirement for the application to be accompanied by satisfactory evidence with a requirement to be met by relevant declarations made by the applicant seeking to satisfy primary criteria for grant of a

visa. This ensures that applications are subject to the same visa application validity requirements whether made using a paper application form or electronically using an Internet application form.

Item [8] – Schedule 1, subparagraph 1128BA(3)(j)(iv)

This item substitutes subparagraph 1128BA(3)(j)(iv) of Schedule 1 to the Principal Regulations with new subparagraph 1128BA(3)(j)(iv).

New subparagraph 1128BA(3)(j)(iv) requires the application to be accompanied by a declaration under paragraph 1128BA(3)(i) by the applicant seeking to satisfy the primary criteria that the applicant or the applicant's spouse (if the spouse has made a combined application with the applicant) who is a former overseas student has applied for an assessment of the former overseas student's skills for the nominated skilled occupation by a relevant assessing authority.

This amendment replaces the requirement for the application to be accompanied by satisfactory evidence that the applicant (or spouse) has had his or her skills assessed. The new requirement is be met by a declaration made by the applicant seeking to satisfy primary criteria for grant of a visa. This ensures that applications are subject to the same visa application validity requirements whether made using a paper application form or electronically using an Internet application form. The new provision also varies the requirement that an applicant must have received an assessment of his or her skills at time of application. Under the provision as amended, applicants need only declare that they have applied for a skills assessment.

Item [9] – Schedule 1, paragraph 1128BA(3)(ja)

This item substitutes paragraph 1128BA(3)(ja) of Schedule 1 to the Principal Regulations with new paragraph 1128BA(3)(ja).

New paragraph 1128BA(3)(ja) sets out the Australian educational requirements that apply to an applicant who is a former overseas student for the purposes of paragraph 1128BA(3)(j). These requirements are the subject of a declaration under paragraph 1128BA(3)(i) by the applicant seeking to satisfy the primary criteria.

The amendment removes the requirement for the applicant to give satisfactory evidence that the educational requirements are met. This is consequential to the amendment made by item [7] above. That amendment requires the applicant to make a declaration that the applicant (or spouse) is a person to whom paragraphs 1128BA(3)(j) and (ja) apply.

Item [10] – Schedule 1, paragraphs 1128BA(3)(k), (l) and (m)

This item substitutes paragraphs 1128BA(3)(k), (l) and (m) of Schedule 1 to the Principal Regulations with new paragraphs 1128BA(3)(k), (l) and (m).

New paragraph 1128BA(3)(k) includes the existing requirement that an application made using form 47SK must include a sponsorship form 40 completed by a person who is the sponsor of the applicant, and additionally provides that an application made using form 47SK (Internet) must be accompanied by a sponsorship form 40 (Internet) completed by a person who is the sponsor of the applicant.

This amendment ensures that an applicant who makes an application using a paper application form must be accompanied by a paper sponsorship form, completed by their sponsor, with their application. An application made via the Internet, must be accompanied by a completed Internet sponsorship form.

New paragraph 1128BA(3)(l) requires an application be accompanied by a declaration by the applicant seeking to satisfy the primary criteria in relation to the

applicant's sponsor. An application by an applicant seeking to satisfy the criteria for the grant of a Subclass 882 (Skilled — Designated Area-sponsored Overseas Student) visa must also be accompanied by a declaration in relation to the sponsor's residence (paragraph 1128BA(3)(m)).

These amendments replace the visa application validity requirement for the application to be accompanied by satisfactory evidence with a requirement to be met by relevant declarations made by the applicant seeking to satisfy primary criteria for grant of a visa. This ensures that applications are subject to the same visa application validity requirements whether made using a paper application form or electronically using an Internet application form.

Item [11] – Schedule 1, paragraphs 1128BA(3)(p) and (pa)

This item substitutes paragraphs 1128BA(3)(p) and (pa) of Schedule 1 to the Principal Regulations with new paragraphs 1128BA(3)(p) and (pa).

The purpose of this amendment is to require, where an applicant is, or was at any time, the holder of an AusAID student visa or a student visa in certain circumstances, that the application be accompanied by declarations by the applicant seeking to satisfy the primary criteria. This ensures that applications are subject to the same visa application validity requirements whether made using a paper application form or electronically using an Internet application form.

The intention is that paragraphs 1128BA(3)(p) and (pa) should apply to applicants seeking to satisfy either the primary or secondary criteria for grant of a visa. However, as only the applicant seeking to satisfy the primary criteria can make the declaration, that applicant must make the declaration in relation to all applicants included in the application.

New paragraph 1128BA(3)(p) applies in respect of an applicant who is, or was at any time, the holder of an AusAID student visa, within the meaning of regulation 1.04A, or of a Student visa (that is, a Subclass 560, 562, 563, 570, 571, 572, 573, 574, 575 or 576 visa) granted to the applicant for a course of study or training for which the applicant is or was provided financial support by the Commonwealth, the government of a State or Territory, the government of a foreign country or a multilateral agency. New paragraph 1128BA(3)(p) requires a declaration that the course of study or training (whether or not the applicant has ceased the course) is one designed to be undertaken over a period of less than 12 months, or that the applicant has ceased, completed, withdrawn from, or been excluded from the relevant course of study and has spent at least 2 years outside Australia since ceasing or completing, or withdrawing or being excluded from, the course.

New paragraph 1128BA(3)(pa) applies in respect of an applicant who is, or was at any time, a member of the family unit of a person who was the holder of a visa of a kind mentioned in new paragraph 1128BA(3)(p) and to whom new subparagraph 1128BA(3)(p)(ii) applies. It requires a declaration that the applicant has spent at least 2 years outside Australia since that person ceased, completed, withdrew from or was excluded from the course of study or training to which the visa related.

Item [12] – Schedule 1, subitem 1128CA(1)

This item substitutes subitem 1128CA(1) of Schedule 1 to the Principal Regulations with new subitem 1128CA(1).

The purpose of this amendment is to specify that applicants may make an application for a Skilled — Independent Overseas Student (Residence) (Class DD) visa either using paper application form 47SK or electronically using new form 47SK (Internet).

Item [13] – Schedule 1, paragraph 1128CA(3)(a)

This item omits paragraph 1128CA(3)(a) of Schedule 1 to the Principal Regulations.
The purpose of this amendment is to omit the requirement for an application to be made in Australia but not in immigration clearance, which is made redundant by amendments made by Item [14] below, to paragraph 1128CA(3)(c).

Item [14] – Schedule 1, paragraphs 1128CA(3)(c) and (d)

This item substitutes paragraphs 1128CA(3)(c) and (d) of Schedule 1 to the Principal Regulations with new paragraphs 1128CA(3)(c) and (d).
New paragraph 1128CA(3)(c) provides that an application for a Skilled — Independent Overseas Student (Residence) (Class DD) visa must be made by posting the application to a post office box address specified in a Gazette Notice, by delivery by a courier to an address specified in a Gazette Notice, or as an Internet application.
The purpose of this amendment is to provide for an application for a Skilled – Independent Overseas Student (Residence) (Class DD) visa to be made via the Internet.
This item also inserts a note after new paragraph 1128CA(3)(c). The note refers to new regulation 2.10C, inserted by these Regulations, which specifies that the applicable time and date when an application is made by Internet is Australian Eastern Standard Time, and when in force, Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory.
New paragraph 1128CA(3)(d) requires that an application must be accompanied by a declaration by the applicant seeking to satisfy the primary criteria that all persons included in the application have undergone a medical examination for the purpose of the application (subparagraph 1128CA(3)(d)(i)) and that each applicant who is at least 16 years old has, during the 12 months immediately before the day when the application is made, applied for an Australian Federal Police check in relation to the applicant (subparagraph 1128CA(3)(d)(ii)).
This amendment replaces the visa application validity requirement for the application to be accompanied by satisfactory evidence with a requirement to be met by relevant declarations made by the applicant seeking to satisfy primary criteria for grant of a visa. This ensures that applications are subject to the same visa application validity requirements whether made using a paper application form or electronically using an Internet application form.

Item [15] – Schedule 1, paragraph 1128CA(3)(k)

This item substitutes paragraph 1128CA(3)(k) of Schedule 1 to the Principal Regulations with new paragraph 1128CA(3)(k).
The purpose of this amendment is to require an application by an applicant seeking to satisfy the primary criteria to be accompanied by a declaration under paragraph 1128CA(3)(k) that the applicant has applied for an assessment of the applicant's skills for the nominated skilled occupation by a relevant assessing authority.
This amendment replaces the visa application validity requirement for the application to be accompanied by satisfactory evidence with a requirement to be met by relevant declarations made by the applicant seeking to satisfy primary criteria for grant of a visa.
The purpose of this amendment is to ensure that applications are subject to the same visa application validity requirements whether made using a paper application form or electronically using an Internet application form. This amendment also allows

applicants to make an application once they have applied for an assessment of the applicant's skills by a relevant assessing authority, where previously an applicant would have been unable to make an application until the skill's assessment was completed.

Item [16] – Schedule 1, paragraphs 1128CA(3)(l),(m) and(ma)

This item substitutes paragraphs 1128CA(3)(l),(m) and (ma) of Schedule 1 to the Principal Regulations with new paragraphs 1128CA(3)(l), (m) and (ma).

New paragraph 1128CA(3)(l) sets out the Australian educational requirements that are the subject of a declaration by the applicant seeking to satisfy the primary criteria.

This amendment replaces the visa application validity requirement for the application to be accompanied by satisfactory evidence with a requirement to be met by relevant declarations made by the applicant seeking to satisfy primary criteria for grant of a visa. This ensures that applications are subject to the same visa application validity requirements whether made using a paper application form or electronically using an Internet application form.

New paragraphs 1128CA(3)(m) and (ma) require, where the applicant has held an AusAID student visa or a student visa in certain circumstances, that the application be accompanied by declarations by the applicant seeking to satisfy the primary criteria. This ensures that applications are subject to the same visa application validity requirements whether made using a paper application form or electronically using an Internet application form.

The intention is that paragraphs 1128CA(3)(m) and (ma) should apply both to the applicant seeking to satisfy the primary criteria and any applicant seeking to satisfy the secondary criteria. However, as only the applicant seeking to satisfy the primary criteria can make the declaration, that applicant must make the declaration in relation to all applicants included in the application.

New paragraph 1128CA(3)(m) applies in respect of an applicant who is, or was at any time, the holder of an AusAID student visa, within the meaning of regulation 1.04A, or of a Student visa (that is, a Subclass 560, 562, 563, 570, 571, 572, 573, 574, 575 or 576 visa) granted to the applicant for a course of study or training for which the applicant is or was provided financial support by the Commonwealth, the government of a State or Territory, the government of a foreign country or a multilateral agency. It requires a declaration that the course of study or training (whether or not the applicant has ceased the course) is one designed to be undertaken over a period of less than 12 months, or that the applicant has ceased, completed, withdrawn from, or been excluded from the relevant course of study and has spent at least 2 years outside Australia since ceasing or completing, or withdrawing or being excluded from, the course.

New paragraph 1128CA(3)(ma) applies in respect of an applicant who is, or was at any time, a member of the family unit of a person who was the holder of a visa of a kind mentioned in paragraph (m) and to whom subparagraph (m)(ii) applies. It requires a declaration that the applicant has spent at least 2 years outside Australia since that person ceased, completed, withdrew from or was excluded from the course of study or training to which the visa related.

Item [17] – Schedule 1, paragraph 1212A(3)(ka)

This item substitutes paragraph 1212A(3)(ka) of Schedule 1 to the Principal Regulations with new paragraph 1212A(3)(ka).

The effect of this amendment is to require that an applicant who is, or was at any time, a member of the family unit of a person who was the holder of a visa of a kind mentioned in paragraph (k) and to whom subparagraph (k)(ii) applies, must have spent at least 2 years outside Australia since that person ceased, completed, withdrew from or was excluded from the course of study or training to which the visa related.
This amendment ensures that an applicant who is, or was at any time a member of the family until of a person who was the holder of a visa of a kind mentioned in paragraph (k) and to whom subparagraph (k)(i) applies, is not required to have spent 2 years outside Australia in order to make an application for a Graduate – Skilled (Temporary) (Class UQ) visa.

Item [18] – Schedule 1, subitem 1218A(1)

This item substitutes subitem 1218A(1) of Schedule 1 to the Principal Regulations with new subitem 1218A(1).
The purpose of this amendment is to specify that applicants must make an application for a Skilled — Independent Regional (Provisional) (Class UX) visa either using paper application form 47SK or electronically using new form 47SK (Internet).

Item [19] – Schedule 1, paragraphs 1218A(3)(a) and (b)

This item substitutes paragraphs 1218A(3)(a) and (b) of Schedule 1 to the Principal Regulations with new paragraph 1218A(3)(b).
The purpose of this amendment is to omit the requirement in paragraph 1218A(3)(a) for an application to be made in Australia but not in immigration clearance.
New paragraph 1218A(3)(b) provides that an application for a Skilled — Independent Regional (Provisional) (Class UX) visa must be made by posting the application to a post office box address specified in a Gazette Notice, by delivery by a courier to an address specified in a Gazette Notice, or as an Internet application.
The purpose of this amendment is to provide for an application for a Skilled – Independent Regional (Provisional) Class UX visa to be made via the Internet.
This item also inserts a note after new paragraph 1218A(3)(b). The note refers to new regulation 2.10C, inserted by these Regulations, which specifies that the applicable time and date when an application is made by Internet is Australian Eastern Standard Time, and when in force, Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory.

Item [20] – Schedule 1, paragraph 1218A(5)(e)

This item substitutes paragraph 1218A(5)(e) of Schedule 1 to the Principal Regulations with new paragraph 1218A(5)(e).
The purpose of this amendment is to require that an application must be accompanied by a declaration by the applicant seeking to satisfy the primary criteria that all persons included in the application have undergone a medical examination for the purpose of the application and that each applicant who is at least 16 years old has, during the 12 months immediately before the day when the application is made, applied for an Australian Federal Police check in relation to the applicant.
This amendment replaces the visa application validity requirement for the application to be accompanied by evidence with a requirement to be met by relevant declarations made by the applicant seeking to satisfy primary criteria for grant of a visa. This ensures that applications are subject to the same visa application validity

requirements whether made using a paper application form or electronically using an Internet application form.

Item [21] – Schedule 1, sub-subparagraph 1218A(5)(f)(i)(B)

This item substitutes sub-subparagraph 1218A(5)(f)(i)(B) of Schedule 1 to the Principal Regulations with new sub-subparagraph 1218A(5)(f)(i)(B).

New sub-subparagraph 1218A(5)(f)(i)(B) requires the application to be accompanied by a declaration by the applicant seeking to satisfy the primary criteria who has a written invitation from the Minister under regulation 2.08DA, was less than 45 years old when the application for a Skilled — Independent (Migrant) (Class BN) visa was made and has applied for the visa in accordance with regulation 2.08DA, that he or she has received such an invitation.

Requiring this declaration ensures that applications are subject to the same visa application validity requirements whether made using a paper application form or electronically using an Internet application form.

Item [22] – Schedule 1, paragraphs 1218A(5)(h),(i),(j),(k) and (l)

This item substitutes paragraphs 1218A(5)(h), (i), (j), (k) and (l) of Schedule 1 to the Principal Regulations with new paragraphs 1218A(5)(h), (i), (j), (k) and (l).

New paragraph 1218A(5)(h) sets out the Australian educational requirements that are subject to a declaration by the applicant seeking to satisfy the primary criteria.

New paragraph 1218A(5)(i) requires the application by the applicant seeking to satisfy the primary criteria to be accompanied by a declaration that the applicant has applied for an assessment of the applicant's skills for the nominated skilled occupation by a relevant assessing authority.

New paragraph 1218A(5)(j) requires the application to be accompanied by a declaration by the applicant seeking to satisfy the primary criteria that the applicant is sponsored by a State or Territory government agency.

New paragraphs 1218A(5)(k) and (l) require in certain circumstances that the application be accompanied by declarations by the applicant seeking to satisfy the primary criteria.

The intention is that paragraphs 1218A(5)(k) and (l) should apply to applicants seeking to satisfy the primary or secondary criteria. However, as only the applicant seeking to satisfy the primary criteria can make the declaration, that applicant must make the declaration in relation to all applicants included in the application.

New paragraph 1218A(5)(k) applies in respect of an applicant who is, or was at any time, the holder of an AusAID student visa, within the meaning of regulation 1.04A, or of a Student visa (that is, a Subclass 560, 562, 563, 570, 571, 572, 573, 574, 575 or 576 visa) granted to the applicant for a course of study or training for which the applicant is or was provided financial support by the Commonwealth, the government of a State or Territory, the government of a foreign country or a multilateral agency. It requires a declaration that the course of study or training (whether or not the applicant has ceased the course) is one designed to be undertaken over a period of less than 12 months, or that the applicant has ceased, completed, withdrawn from, or been excluded from the relevant course of study and has spent at least 2 years outside Australia since ceasing or completing, or withdrawing or being excluded from, the course.

New paragraph 1218A(5)(l) applies in respect of an applicant who is, or was at any time, a member of the family unit of a person who was the holder of a visa of a kind mentioned in paragraph (k) and to whom subparagraph (k)(ii) applies. It requires a

declaration that the applicant has spent at least 2 years outside Australia since that person ceased, completed, withdrew from or was excluded from the course of study or training to which the visa related.
Requiring these declarations ensures that applications are subject to the same visa application validity requirements whether made using a paper application form or electronically using an Internet application form.

Item [23] – Schedule 1, subparagraph 1218A(6)(a)(i)

This item substitutes subparagraph 1218A(6)(a)(i) of Schedule 1 to the Principal Regulations with new subparagraph 1218A(6)(a)(i).
The purpose of this amendment is to require the application to be accompanied by a declaration by the applicant seeking to satisfy the primary criteria that he or she is at least 18 years old and less than 45 years old or, has received a written invitation from the Minister under regulation 2.08DA, was less than 45 years old when the application for a Skilled — Independent (Migrant) (Class BN) visa was made and has applied for the visa in accordance with regulation 2.08DA.
Requiring this declaration ensures that applications are subject to the same visa application validity requirements whether made using a paper application form or electronically using an Internet application form.

Item [24] – Schedule 1, paragraphs 1218A(6)(b),(c) and(d)

This item substitutes paragraphs 1218A(6)(b), (c) and (d) of Schedule 1 to the Principal Regulations with new paragraphs 1218A(6)(b) and (c).
New paragraph 1218A(6)(b) requires the application to be accompanied by a declaration by the applicant seeking to satisfy the primary criteria that a relevant assessing authority has assessed the skills of the applicant for his or her nominated skilled occupation.
This amendment removes the requirement for an application to be accompanied by evidence that an Australian Federal Police check has been sought by each applicant who is at least 16 years old, as applicants who meet the requirements of sub-item 1218A(6) may not have entered Australia previously.
New paragraph 1218A(6)(c) requires the application to be accompanied by a declaration by the applicant seeking to satisfy the primary criteria that the applicant is sponsored by a State or Territory government agency.
Requiring these declarations ensures that applications are subject to the same visa application validity requirements whether made using a paper application form or electronically using an Internet application form.

Item [25] – Schedule 1, after paragraph 1223A(3)(af), at the foot

Item [26] – Schedule 1, after paragraph 1223A(3)(ca), at the foot

These items insert notes after paragraphs 1223A(3)(af) and 1223A(3)(ca) of Schedule 1 to the Principal Regulations.
The note refers to new regulation 2.10C, inserted by these Regulations, which specifies that the applicable time and date when an application is made by Internet is Australian Eastern Standard Time, and when in force, Australian Eastern Standard Time incorporating Daylight Saving Time in the Australian Capital Territory.

Item [27] – Schedule 1, subitem 1301(1)

This item amends subitem 1301(1) of Schedule 1 to the Principal Regulations by inserting the words 47SK (Internet).

The purpose of this amendment is to specify that an application for a Bridging A (Class WA) visa may be made using a form 47SK or a form 47SK (Internet).
Item [28] – Schedule 1, subitem 1301(1)

This item amends subitem 1301(1) of Schedule 1 to the Principal Regulations by inserting the number 1182.
The purpose of this amendment is to specify that an application for a Bridging A (Class WA) visa may be made using a form 1182.
Item [29] – Schedule 2, subclause 495.211(1)

This item substitutes subclause 495.211(1) of Schedule 2 to the Principal Regulations with new subclause 495.211(1).
The purpose of this amendment is to require that the Minister is satisfied that the applicant has been employed in a skilled occupation as set out in paragraphs 495.211(1)(a) and (b).
Item [30] – Schedule 2, clause 495.213

This item substitutes clause 495.213 of Schedule 2 to the Principal Regulations with new clauses 495.213, 495.214, 495.215, 495.216, 495.217, 495.218 and 495.219 and 495.219A.
The purpose of this amendment is to require that, as primary criteria to be satisfied at time of application, the Minister is satisfied about the matters specified in new clauses 495.213 to 495.219A where declarations were made by the applicant seeking to satisfy primary criteria as requirements for making a valid visa application. These criteria require the Minister to be satisfied that:

- if the applicant is the holder of a Skilled — Independent Regional (Provisional) (Class UX) visa or the last substantive visa held by the applicant since last entering Australia was a Skilled — Independent Regional (Provisional) (Class UX) visa, the applicant has complied with the conditions of that visa (new clause 495.213);
- if a declaration was required to be made for paragraph 1218A(5)(i) of Schedule 1, the applicant has applied for an assessment of the applicant's skills for the nominated skilled occupation by a relevant assessing authority (new clause 495.214);
- if a declaration was required to be made for paragraph 1218A(5)(e)(i) of Schedule 1, the applicant has undergone a medical examination for the purpose of the application (new clause 495.215);
- if a declaration was required to be made for subparagraph 1218A(5)(e)(ii) of Schedule 1, the applicant has applied for an Australian Federal Police check in relation to the applicant during the 12 months immediately before the day when the application is made (new clause 495.216);
- if a declaration was made for sub-subparagraph 1218A (5)(f)(i)(B) or subparagraph 1218A(6)(a)(i) of Schedule 1, the applicant to whom the declaration relates meets the requirements for which the declaration was made (new clause 495.217);
- if a declaration was required to be made for paragraph 1218A(5) (h), (k) or (l) of Schedule 1, the applicant meets the requirements for which a declaration was made (new clause 495.218);

- if a declaration was required to be made for paragraph 1218A(6)(b) of Schedule 1, a relevant assessing authority has assessed the skills of the applicant for his or her nominated skill occupation (new clause 495.219); and
- the applicant is sponsored by a State or Territory government agency (new clause 495.219A).

These primary criteria verify declarations made by the applicant seeking to satisfy primary criteria and ensure that applications are subject to the same criteria whether made using a paper application form or electronically using an Internet application form.

Item [31] – Schedule 2, clause 495.224

This item substitutes clause 495.224 of Schedule 2 to the Principal Regulations with new clause 495.224.

The purpose of this amendment is to require as a primary criterion to be satisfied at time of decision that no evidence has become available since the time of application that the information given to meet the requirements of item 1218A of Schedule 1, or to satisfy Subdivision 495.21 of Schedule 2, was false or misleading in a material particular.

Item [32] – Schedule 2, paragraph 495.227(2)(b)

This item substitutes paragraph 495.227(2)(b) of Schedule 2 to the Principal Regulations with new paragraph 495.227(2)(b).

This amendment provides that the address for lodgement of a sponsorship application made on form 1244 under paragraph 495.227(2)(a) is to be specified in a Gazette Notice.

Item [33] – Schedule 2, after clause 495.231

This item inserts new clauses 495.232 and 495.233 in Schedule 2 to the Principal Regulations.

New clause 495.232 requires as a primary criterion to be satisfied at time of decision that a relevant assessing authority has assessed the skills of the applicant as suitable for his or her nominated skilled occupation.

New clause 495.233 requires as a primary criterion to be satisfied at time of decision that, if required under amendments made by these regulations to paragraph 1218A(5) of Schedule 1 to the Principal Regulations, the applicant has provided to the Minister an Australian Federal Police check undertaken in the past 12 months in relation to the applicant.

Item [34] – Schedule 2, after clause 495.312

This item inserts new clauses 495.313, 495.314 and 495.315 in Schedule 2 to the Principal Regulations.

The purpose of this amendment is to require, as secondary criteria to be satisfied at time of application, that the Minister is satisfied about the matters specified in new clauses 495.313, 495.314 and 495.315 where declarations were required to be made by the applicant seeking to satisfy primary criteria. These criteria require the Minister to be satisfied that:

- if a declaration was required to be made for subparagraph 1218A(5)(e)(i) of Schedule 1, the applicant has undergone a medical examination for the purpose of the application (new clause 495.313);

- if a declaration was required to be made for subparagraph 1218A(5)(e)(ii) of Schedule 1 in relation to the applicant, the applicant has applied for an Australian Federal Police check in relation to the applicant during the 12 months immediately before the day when the application is made (new clause 495.314); and
- if a declaration was required to be made for paragraph 1218A(5)(k) or (l) of Schedule 1 in relation to the applicant, the applicant meets the requirements for which a declaration was made (new clause 495.315).

These secondary criteria verify declarations made by the applicant seeking to satisfy primary criteria and ensure that applications are subject to the same criteria whether made using a paper application form or electronically using an Internet application form.

Item [35] – Schedule 2, after clause 495.325

This item inserts new clause 495.326 in Schedule 2 to the Principal Regulations. New clause 495.326 requires, as a secondary criterion to be satisfied at time of decision, that if required under amendments made by these regulations to paragraph 1218A(5) of Schedule 1 to the Principal Regulations, an Australian Federal Police check undertaken in the past 12 months in relation to the applicant has been provided to the Minister.

Item [36] – Schedule 2, Subdivision 880.21

This item substitutes Subdivision 880.21 of Schedule 2 to the Principal Regulations with new Subdivision 880.21.

The purpose of this amendment is to require, as primary criteria to be satisfied at time of application, that the Minister is satisfied about the matters specified in new Subdivision 880.21 where declarations were required to be made by the applicant seeking to satisfy primary criteria. These criteria require the Minister to be satisfied that:

- the applicant has applied for an assessment of the applicant's skills for the nominated skilled occupation by a relevant assessing authority (new clause 880.211);
- during the 12 months immediately before the day when the application is made, the applicant has applied for an Australian Federal Police check in relation to the applicant (new clause 880.212);
- the applicant has undergone a medical examination for the purpose of the application (new clause 880.213);
- the applicant meets the requirements of paragraph 1128CA(3)(l) of Schedule 1 (new clause 880.214);
- each of the degrees, diplomas or trade qualifications mentioned in subparagraph 1128CA(3)(l)(i) or (ii) of Schedule 1 is relevant to the skilled occupation nominated by the applicant in his or her application (new clause 880.215); and
- if a declaration was required to be made for paragraphs 1128CA(3)(m) or (ma) of Schedule 1 in relation to the applicant, the applicant meets the requirements for which a declaration was made (new clause 880.216).

These primary criteria verify declarations made by the applicant seeking to satisfy primary criteria and ensure that applications are subject to the same criteria whether made using a paper application form or electronically using an Internet application form.

Item [37] – Schedule 2, clause 880.224

This item substitutes clause 880.224 of Schedule 2 to the Principal Regulations with new clause 880.224.
The purpose of this amendment is to require as a primary criterion to be satisfied at time of decision that no evidence has become available since the time of application that information given to meet the requirements of item 1128CA of Schedule 1 or satisfy Subdivision 880.21 of Schedule 2, was false or misleading in a material particular.
Item [38] – Schedule 2, after clause 880.229

This item inserts clauses 880.230 and 880.231 in Schedule 2 to the Principal Regulations.
The purpose of this amendment is to require, as primary criteria to be satisfied at time of decision, that a relevant assessing authority has assessed the skills of the applicant as suitable for his or her nominated skilled occupation (new clause 880.230) and that an Australian Federal Police check undertaken in the past 12 months in relation to the applicant has been provided to the Minister (new clause 880.231).
Item [39] – Schedule 2, Subdivision 880.31

This item substitutes Subdivision 880.31 of Schedule 2 to the Principal Regulations with new Subdivision 880.31.
The purpose of this amendment is to require, as secondary criteria to be satisfied at time of application, that the Minister is satisfied about the matters specified in new Subdivision 880.31 where declarations were required to be made by the applicant seeking to satisfy primary criteria. These criteria require the Minister to be satisfied that:

- if the applicant is at least 16 years old, during the 12 months immediately before the day when the application is made, the applicant has applied for an Australian Federal Police check in relation to the applicant (new clause 880.311);
- the applicant has undergone a medical examination for the purpose of the application (new clause 880.312); and
- if a declaration was required to be made for paragraph 1128CA(3)(m) or (ma) of Schedule 1 in relation to the applicant, the applicant meets the requirements for which a declaration was made (new clause 880.313).

These secondary criteria verify declarations made by the applicant seeking to satisfy primary criteria and ensure that applications are subject to the same criteria whether made using a paper application form or electronically using an Internet application form.
Item [40] – Schedule 2, after clause 880.324

This item inserts new clause 880.325 in Schedule 2 to the Principal Regulations.
The purpose of this amendment is to require as a secondary criterion to be satisfied at time of decision that if an applicant is at least 16 years old, the applicant has provided to the Minister an Australian Federal Police check undertaken in the past 12 months in relation to the applicant.

Item [41] – Schedule 2, Subdivision 881.21

This item substitutes Subdivision 881.21 of Schedule 2 to the Principal Regulations with new Subdivision 881.21.
The purpose of this amendment is to require, as primary criteria to be satisfied at time of application, that the Minister is satisfied about the matters specified in new Subdivision 881.21 where declarations were required to be made by the applicant seeking to satisfy primary criteria. These criteria require the Minister to be satisfied that:

- the applicant or the applicant's spouse meets the requirements for which a declaration was made for paragraph 1128BA(3)(i) of Schedule 1 (new clause 881.211);
- during the 12 months immediately before the day when the application is made, the applicant has applied for an Australian Federal Police check in relation to the applicant (new clause 881.212);
- the applicant has undergone a medical examination for the purpose of the application (new clause 881.213);
- each of the degrees, diplomas or trade qualifications mentioned in subparagraph 1128BA(3)(ja)(i) or (ii) of Schedule 1 is relevant to the skilled occupation nominated by the applicant, or the applicant's spouse in his or her application (new clause 881.214);
- the applicant is sponsored by a person who meets the requirements set out in paragraph 1128BA(3)(l) of Schedule 1 (new clause 881.215); and
- if a declaration was required to be made for paragraph 1128BA(3)(p) or (pa) of Schedule 1 in relation to the applicant, the applicant meets the requirements of the paragraph for which the declaration was made (new clause 881.216).

These primary criteria verify declarations made by the applicant seeking to satisfy primary criteria and ensure that applications are subject to the same criteria whether made using a paper application form or electronically using an Internet application form.

Item [42] – Schedule 2, clause 881.226

This item substitutes clause 881.226 of Schedule 2 to the Principal Regulations with new clause 881.226.
The purpose of this amendment is to require as a primary criterion to be satisfied at time of decision that no evidence has become available since the time of application that the information given to meet the requirements of item 1128BA of Schedule 1 or satisfy Subdivision 881.21 of Schedule 2 was false or misleading in a material particular.

Item [43] – Schedule 2, after clause 881.231

This item inserts new clauses 881.232 and 881.233 in Schedule 2 to the Principal Regulations.
New clause 881.232 requires as a primary criterion to be satisfied at time of decision that a relevant assessing authority has assessed the skills of the applicant, or the applicant's spouse as suitable for his or her nominated skilled occupation.
New clause 881.233 requires as a primary criterion to be satisfied at time of decision that an Australian Federal Police check undertaken in the past 12 months in relation to the applicant has been provided to the Minister.

Item [44] – Schedule 2, after clause 881.311

This item inserts new clauses 881.312, 881.313 and 881.314 in Schedule 2 to the Principal Regulations.
The purpose of this amendment is to require, as secondary criteria to be satisfied at time of application, that the Minister is satisfied about the matters specified in new clauses 881.312, 881.313 and 881.314 where declarations were required to be made by the applicant seeking to satisfy primary criteria. These criteria require the Minister to be satisfied that:

- if the applicant is at least 16 years old, during the 12 months immediately before the day when the application is made, the applicant has applied for an Australian Federal Police check in relation to the applicant (new clause 881.312);
- the applicant has undergone a medical examination for the purpose of the application (new clause 881.313); and
- if a declaration was required to be made for paragraph 1128BA(3)(p) or (pa) of Schedule 1 in relation to the applicant, the applicant meets the requirements for which the declaration was made (new clause 881.314).

These secondary criteria verify declarations made by the applicant seeking to satisfy primary criteria and ensure that applications are subject to the same criteria whether made using a paper application form or electronically using an Internet application form.

Item [45] – Schedule 2, after clause 881.325

This item inserts new clause 881.326 in Schedule 2 to the Principal Regulations.
The purpose of this amendment is to require as a secondary criterion to be satisfied at time of decision that if the applicant is at least 16 years old, an Australian Federal Police check undertaken in the past 12 months in relation to the applicant has been provided to the Minister.

Item [46] – Schedule 2, Subdivision 882.21

This item substitutes Subdivision 882.21 of Schedule 2 to the Principal Regulations with new Subdivision 882.21.
The purpose of this amendment is to require, as primary criteria to be satisfied at time of application, that the Minister is satisfied about the matters specified in new Subdivision 882.21 where declarations were required to be made by the applicant seeking to satisfy primary criteria. These criteria require the Minister to be satisfied that:

- the applicant, or the applicant's spouse, meets the requirements for which a declaration was made for paragraph 1128BA(3)(i) of Schedule 1 (new clause 882.211);
- during the 12 months immediately before the day when the application is made, the applicant has applied for an Australian Federal Police check in relation to the applicant (new clause 882.212);
- the applicant has undergone a medical examination for the purpose of the application (new clause 882.213);
- each of the degrees, diplomas or trade qualifications mentioned in subparagraph 1128BA(3)(ja)(i) or (ii) of Schedule 1 is relevant to the skilled occupation nominated by the applicant, or the applicant's spouse, in his or her application (new clause 882.214);

- the applicant is sponsored by a person who meets the requirements set out in paragraph 1128BA(3)(l) and (m) of Schedule 1 (new clause 882.215); and
- if a declaration was required to be made for paragraph 1128BA(3)(p) or (pa) of Schedule 1 in relation to the applicant, the applicant meets the requirements of the paragraph for which the declaration was made (new clause 882.216).

These primary criteria verify declarations made by the applicant seeking to satisfy primary criteria and ensure that applications are subject to the same criteria whether made using a paper application form or electronically using an Internet application form.

Item [47] – Schedule 2, clause 882.226

This item substitutes clause 882.226 of Schedule 2 to the Principal Regulations with new clause 882.226.

The purpose of this amendment is to require as a primary criterion to be satisfied at time of decision that no evidence has become available since the time of application that the information given to meet the requirements of item 1128BA of Schedule 1 or satisfy Subdivision 882.21 was false or misleading in a material particular.

Item [48] – Schedule 2, after clause 882.232

This item inserts new clauses 882.233 and 882.234 in Schedule 2 to the Principal Regulations.

New clause 882.233 requires as a primary criterion to be satisfied at time of decision that a relevant assessing authority has assessed the skills of the applicant, or the applicant's spouse as suitable for his or her nominated skilled occupation.

New clause 882.234 requires as a primary criterion to be satisfied at time of decision that an Australian Federal Police check undertaken in the past 12 months in relation to the applicant has been provided.

Item [49] – Schedule 2, after clause 882.311

This item inserts new clauses 882.312, 882.313 and 882.314 in Schedule 2 to the Principal Regulations.

The purpose of this amendment is to require, as secondary criteria to be satisfied at time of application, that the Minister is satisfied about the matters specified in new clauses 882.312, 882.313 and 882.314 where declarations were required to be made by the applicant seeking to satisfy primary criteria. These criteria require the Minister to be satisfied that:

- if the applicant is at least 16 years old, during the 12 months immediately before the day when the application is made, the applicant has applied for an Australian Federal Police check in relation to the applicant (new clause 882.312);
- the applicant has undergone a medical examination for the purpose of the application (new clause 882.313); and
- if a declaration was required to be made for paragraph 1128BA(3)(p) or (pa) of Schedule 1 in relation to the applicant, the applicant meets the requirements of the paragraph for which the declaration was made (new clause 882.314).

These secondary criteria verify declarations made by the applicant seeking to satisfy primary criteria and ensure that applications are subject to the same criteria whether made using a paper application form or electronically using an Internet application form.

Item [50] – Schedule 2, after clause 882.325

This item inserts new clause 882.326 in Schedule 2 to the Principal Regulations. The purpose of this amendment is to require, as a secondary criterion to be satisfied at time of decision, that if the applicant is at least 16 years old, an Australian Federal Police check undertaken in the past 12 months in relation to the applicant has been provided to the Minister.

Schedule 3 – Amendments relating to Investor Retirement visas

Item [1] – Schedule 1, note after the heading

This item deletes the last sentence in the note after the heading in Schedule 1 to the Principal Regulations as its contents are incorrect. In particular, the sentence contains a reference to subregulation 2.07(2), which no longer exists.

Item [2] – Schedule 1, after item 1212A

This item inserts new item 1212B Investor Retirement (Class UY) into Schedule 1 to the Principal Regulations. New item 1212B prescribes a new class of visa, and sets out the requirements for making a valid application for an Investor Retirement (Class UY) visa.

New subitem 1212B(1) provides that the required form for an application for an Investor Retirement (Class UY) visa is form 147.

New subitem 1212B(2) specifies the visa application charges that must be paid for an application for an Investor Retirement (Class UY) visa.

New paragraph 1212B(2)(a) provides that the first instalment of the visa application charge, which is payable at the time the application for an Investor Retirement (Class UY) visa is made, is $170.

New paragraph 1212B(2)(b) provides that the second instalment of the visa application charge, which is payable before the grant of an Investor Retirement (Class UY) visa, is $8000. The intention of new paragraph 1212B(2)(b) is that each applicant, including any secondary applicant who applies separately or as part of a combined application, must pay a second instalment visa application charge of $8000 in respect of their application for an Investor Retirement (Class UY) visa.

New subitem 1212B(3) sets out other requirements that need to be met to make a valid application for an Investor Retirement (Class UY) visa.

New paragraph 1212B(3)(a) provides that an application for an Investor Retirement (Class UY) visa must be made by:

- posting the application (with the correct pre-paid postage) to the post office box address specified in a Gazette Notice; or
- having the application delivered by courier service, or otherwise hand-delivered to the address specified in a Gazette Notice.

New paragraph 1212B(3)(b) provides that the application may be made in or outside Australia, but not in immigration clearance.

New paragraph 1212B(3)(c) provides that an application by a person claiming to be a spouse of a person who is an applicant for an Investor Retirement (Class UY) visa may be made at the same time and place as, and combined with, the application by that person.

New paragraph 1212B(3)(d) provides that an applicant seeking to satisfy the primary criteria for the grant of an Investor Retirement (Class UY) (Subclass 405) visa:

- must be sponsored by an 'appropriate regional authority' (as defined in regulation 1.03); and
- must provide with the application, form 1249 signed by an officer of the sponsoring 'appropriate regional authority', who is authorised to sign a sponsorship of that kind; and
- must be 55 years of age or over, unless they hold an Investor Retirement (Class UY) visa, or the last substantive visa that they held since last entering Australia was an Investor Retirement (Class UY) visa.

New subitem 1212B(4) provides that Subclass 405 is the only subclass within the Investor Retirement (Class UY) visa class.

Item [3] – Schedule 1, paragraphs 1217(3)(a) and (b)

This item substitutes paragraphs 1217(3)(a) and (b) of Schedule 1 to the Principal Regulations with new paragraphs 1217(3)(a) and (b).

New paragraph 1217(3)(a) provides that an application for a Retirement (Temporary)(Class TQ) visa must be made by:

- posting the application (with the correct pre-paid postage) to the post office box address specified in a Gazette Notice; or
- having the application delivered by courier service, or otherwise hand-delivered to the address specified in a Gazette Notice.

The effect of new paragraph 1217(3)(a) is that whereas previously applicants for a Class TQ visa were able to make their applications at a Commonwealth diplomatic, consular or migration office outside Australia, or at an office of Immigration in Australia, they are now required to send their applications in the manner, and to the address, specified in new paragraph 1217(3)(a).

New paragraph 1217(3)(b) provides that an applicant may be in or outside Australia, but not in immigration clearance in order to make a valid application.

Item [4] – Schedule 1, after paragraph 1217(3)(c)

This item inserts new paragraph 1217(3)(d) into Schedule 1 to the Principal Regulations. New paragraph 1217(3)(d) provides that applicants may only make a valid application for a Retirement (Temporary)(Class TQ) visa on or after 1 July 2005 if:

- the applicant is the holder of a Subclass 410 visa; or
- the last substantive visa held by the applicant since last entering Australia was a Subclass 410 visa; or
- the applicant claims to be the spouse of a person who holds a Subclass 410 visa; or
- the applicant claims to be the spouse of a person whose last substantive visa since last entering Australia was a Subclass 410 visa.

The purpose of this amendment is to close off this visa class to new applications from 1 July 2005, unless the applicant fits into one of the above listed categories.

Item [5] – Schedule 2, after Part 310

This item inserts new Part 405 (Investor Retirement) into Schedule 2 to the Principal Regulations. New Part 405 (Investor Retirement) sets out the criteria and other

requirements that an applicant for the new Investor Retirement (Class UY) visa must meet for the grant of a Subclass 405 (Investor Retirement) visa.

Division 405.1 – Interpretation

Division 405.1 provides interpretation provisions specific to new Part 405 of Schedule 2 to the Principal Regulations.

New clause 405.111 provides that 'designated investment' means an investment in a security specified by the Minister under regulation 5.19A for this Part. Regulation 5.19A sets out the types of securities that the Minister may approve.

The note in clause 405.111 provides that 'appropriate regional authority' is defined in regulation 1.03. Regulation 1.03 provides that 'appropriate regional authority' in relation to a State or Territory and applications for visas of a particular class, means a Department or authority of that State or Territory that is specified by Gazette Notice, for the purposes of these Regulations, in relation to the grant of visas of that class.

Division 405.2 – Primary Criteria

This division specifies the primary criteria that must be met for the grant of a Subclass 405 visa.

The note in new division 405.2 provides that the primary criteria must be satisfied by at least 1 member of a family unit. Any other member of the family unit who is an applicant for a visa of this subclass need satisfy only the secondary criteria. It is intended that the Subclass 405 visa only be available to a person seeking to meet the primary criteria for grant of this visa ('the primary applicant') and his or her spouse (if any), and that there are no other dependent members of the family unit.

Subdivision 405.21 – Criteria to be satisfied at time of application

New note 1 in subdivision 405.21 provides that there are no criteria to be satisfied at the time of application if the applicant is outside Australia.

New note 2 clarifies that the requirements for making a valid application for an Investor Retirement (Class UY) visa are set out in item 1212B of Schedule 1.

New clause 405.211 provides that if at the time of application the applicant is in Australia, the applicant must:

- hold a substantive visa; or
- since last entering Australia have held a substantive visa and satisfy Schedule 3 criteria 3002, 3004 and 3005, which are additional criteria an applicant must meet if he or she does not hold a substantive visa at the time of application for the new Subclass 405 visa. Criterion 3002 sets a time limit in which an application must be made. Criterion 3004 provides a number of requirements that an applicant must meet which include why the applicant ceased to hold a substantive visa, compelling reasons for the grant of a further visa, and whether the applicant met conditions of previously held visas. Criterion 3005 provides that such an applicant is able to benefit from meeting Schedule 3 criteria only once.

Subdivision 405.22 – Criteria to be satisfied at time of decision

New subdivision 405.22 specifies the criteria that must be satisfied at the time of decision.

New clause 405.221 provides that the family unit of the applicant must not include any person dependent on the applicant, or if the applicant has a spouse, any other person dependent on the applicant or the applicant's spouse. The purpose of new clause 405.221 is to ensure that the applicant and the applicant's spouse (if any) do

not have any dependants, whether or not such dependants are seeking to come to Australia.
New clause 405.222 specifies the special return criteria 5001 and 5002 that the applicant must satisfy if he or she has previously been in Australia. Special return criteria 5001 and 5002 relate to persons who have been deported, had a visa cancelled or have been removed from Australia under certain provisions of the Act.
New clause 405.223 provides that if the applicant is in Australia, the applicant must have complied substantially with the conditions that apply or applied to the last of any substantive visas and any bridging visas held by the applicant.
New clause 405.224 requires that if the applicant is an AusAID student or an AusAID recipient, the applicant has the support of the AusAID Minister for the grant of the visa.
New clause 405.225 provides that the Minister may waive the requirement in new clause 405.224 (see above) if the Minister is satisfied that, in the particular case, waiver is justified by:

- compelling circumstances that affect the interests of Australia; or
- compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen.

New clause 405.226 requires that the Minister be satisfied that the applicant intends to comply with any conditions subject to which the visa is granted.
New clause 405.227 sets out the criterion that applicants who do not fall within clause 405.228 must satisfy. It is intended that new clause 405.227 will apply to first time applicants for a Subclass 405 visa and those applicants who otherwise do not fall within clause 405.228.
New subclause 405.227(2) provides that where the appropriate regional authority that sponsors the applicant indicates that the applicant and his or her spouse (if any) intend to live in a part of Australia at a postcode that is specified in the Gazette Notice for item 6A1001 of Schedule 6A, the applicant must satisfy the requirements in new paragraphs 405.227(2)(a), 405.227(2)(b) and 405.227(2)(c).
New paragraph 405.227(2)(a) requires that the net value of the assets of the applicant, or if the applicant has a spouse, the combined net value of the assets of the applicant and his or her spouse, that is available and is capable of being transferred to Australia is not less than AUD500,000. It is intended that where the applicant has a spouse, the assets of the applicant, the assets of the spouse and any joint assets may be counted separately and together for the purposes of establishing a total minimum net value of AUD 500,000 worth of assets.
New paragraph 405.227(2)(b) requires that the applicant has access to, or if the applicant has a spouse, the applicant and their spouse collectively have access to, an annual net income of at least AUD 50,000. It is intended that the applicant's income, the spouse's income and any joint income may be counted separately and together for the purposes of establishing a minimum annual net income of AUD 50,000.
New paragraph 405.227(2)(c) requires that the applicant and his or her spouse (if any) have made a 'designated investment' in the name of the applicant, or in the name of the applicant and the applicant's spouse of an amount of at least AUD500,000. It is not intended that the designated investment be able to be made in the name of the applicant's spouse only. The investment must be made in the same State or Territory in which the appropriate regional authority that sponsors the applicant is located.

New subclause 405.227(3) provides that where the appropriate regional authority that sponsors the applicant indicates that the applicant and his or her spouse (if any) do NOT intend to live in a part of Australia at a postcode that is specified in the Gazette Notice for item 6A1001 of Schedule 6A, the applicant must satisfy the requirements in new paragraphs 405.227(3)(a), 405.227(3)(b) and 405.227(3)(c).
New paragraph 405.227(3)(a) requires that the net value of the assets of the applicant, or if the applicant has a spouse, the combined net value of the assets of the applicant and his or her spouse that is available and capable of being transferred to Australia is not less than AUD750,000. It is intended that where the applicant has a spouse, the assets of the applicant, the assets of the spouse and any joint assets may be counted separately and together for the purposes of establishing a total minimum net value of AUD 750,000 worth of assets.
New paragraph 405.227(3)(b) requires that the applicant has access to, or if the applicant has a spouse, the applicant and his or her spouse collectively have access to a minimum annual net income of not less than AUD65,000. It is intended that the income of the applicant, the applicant's spouse (if any), and any joint income may be counted separately and together for the purposes of establishing a minimum net income of AUD 65,000.
New paragraph 405.227(3)(c) requires that the applicant and his or her spouse (if any) have made a 'designated investment' in the name of the applicant, or in the name of the applicant and the applicant's spouse, of an amount of at least AUD750,000. It is not intended that the designated investment be able to be made in the name of the applicant's spouse only. The investment must be made in the same State or Territory in which the appropriate regional authority that sponsors the applicant is located.
New subclause 405.227(4) sets out requirements relating to the resources of the applicant and his or her spouse (if any) mentioned in subclauses 405.227(2) and (3). These resources are:

- the assets mentioned in paragraphs 405.227(2)(a) and (3)(a);
- any assets from which the annual income mentioned in paragraphs 405.227(2)(b) and (3)(b) is derived, and any rights to the income such as pension and superannuation rights; and
- the assets by which the designated investment mentioned in paragraphs 405.227(2)(c) and (3)(c) is funded.

New subclause 405.227(4) requires that these resources:

- are legally owned and lawfully acquired by:
  - the applicant; or
  - the applicant's spouse; or
  - the applicant and his or her spouse together; and
- other than resources relating to inheritance, or to the applicant's or the spouse's superannuation or pension, have been held by the applicant, the applicant's spouse or the applicant and his or her spouse together, throughout the 2 years immediately before the application for an Investor Retirement (Class UY) visa is made.

New subclause 405.227(5) requires that the Minister be satisfied that the applicant and his or her spouse (if any) have adequate health insurance cover for the period of their intended stay in Australia as the holder/s of a Subclass 405 visa. The purpose of new subclause 405.227(5) is to ensure that the applicant provides evidence that he or

she, and his or her spouse (if any), hold private health insurance cover that the Minister considers adequate in order to be granted this visa.
New subclause 405.227(6) specifies the public interest criteria that both the applicant and the applicant's spouse (if any) must satisfy.
New clause 405.228 sets out the criteria that must be met by an applicant who already holds a Subclass 405 visa, or by an applicant whose last substantive visa since last entering Australia was a Subclass 405 visa. It is intended that new clause 405.228 will apply to applicants in Australia seeking the grant of a further Subclass 405 visa.
New subclause 405.228(2) provides that where the appropriate regional authority that sponsors the applicant indicates that the applicant and his or her spouse (if any) intend to live in a part of Australia at a postcode that is specified in the Gazette Notice for item 6A1001 of Schedule 6A, the applicant must satisfy the requirements in new paragraphs 405.228(2)(a) and 405.228(2)(b).
New paragraph 405.228(2)(a) requires that the applicant has access to, or if the applicant has a spouse, the applicant and his or her spouse collectively have access to a minimum annual net income of not less than AUD50,000. It is intended that the applicant's income, the spouse's income and any joint income may be counted separately and together for the purposes of establishing a minimum annual net income of AUD 50,000.
New paragraph 405.228(2)(b) requires that the applicant and his spouse (if any) have made and maintained a 'designated investment' in the name of the applicant, or in the name of the applicant and the applicant's spouse of an amount of at least AUD250,000. It is not intended that a designated investment be able to be made in the name of the applicant's spouse only. The investment must be made in the same State or Territory in which the appropriate regional authority that sponsors the applicant is located.
New subclause 405.228(3) provides that where the appropriate regional authority that sponsors the applicant indicates that applicant and his or her spouse (if any) do NOT intend to live in a part of Australia at a postcode that is specified in the Gazette Notice for item 6A1001 of Schedule 6A, the applicant must satisfy the requirements in new paragraphs 405.228(3)(a) and 405.228(3)(b).
New paragraph 405.228(3)(a) requires that the applicant has access to, or if the applicant has a spouse, the applicant and his or her spouse collectively have access to a minimum annual net income of not less than AUD65,000. It is intended that the applicant's income, the spouse's income and any joint income may be counted separately and together for the purposes of establishing a minimum annual net income of AUD65,000.
New paragraph 405.228(3)(b) requires that the applicant and his or her spouse (if any) have made and maintained a 'designated investment' in the name of the applicant, or in the name of the applicant and the applicant's spouse of an amount of at least AUD500,000. It is not intended that a designated investment be able to be made in the name of the applicant's spouse only. The investment must be made in the same State or Territory in which the appropriate regional authority that sponsors the applicant is located.
New subclause 405.228(4) sets out requirements relating to the resources of the applicant and his or her spouse (if any) mentioned in subclauses 405.228(2) and (3). These resources are:

- any assets from which the annual income mentioned in paragraphs 405.228(2)(a) and (3)(a) is derived, and any rights to the income such as pension and superannuation rights; and
- the assets by which the designated investment mentioned in paragraph 405.228(2)(a) and (3)(b) is funded.

New subclause 405.228(4) requires that these resources are legally owned and lawfully acquired by:
- the applicant; or
- the applicant's spouse; or
- the applicant and his or her spouse together.

New subclause 405.228(5) requires that the Minister is satisfied that:
- the applicant and his or her spouse (if any) have had adequate health insurance cover for the period of their stay in Australia as the holder/s of a Subclass 405 visa; and
- the applicant and his or her spouse (if any) continue to have adequate health insurance cover for the period of their intended stay in Australia as the holder/s of a Subclass 405 visa.

The purpose of new subclause 405.228(5) is to ensure that the applicant provides evidence that he or she, and his or her spouse (if any), have held, and continue to hold private health insurance cover that the Minister considers adequate in order to be granted this visa.
New subclause 405.228(6) specifies the public interest criteria that both the applicant and the applicant's spouse (if any) must satisfy.
New subclauses 405.228(7), 405.228(8) and 405.228(9) specify the health criteria that both the applicant and the applicant's spouse (if any) must satisfy.
Division 405.3 – Secondary Criteria

This division specifies the secondary criterion that must be met for the grant of a Subclass 405 visa.
The note in new division 405.3 provides that the secondary criteria must be satisfied by any applicant who is a member of the family unit of a person who satisfies the primary criteria. The secondary criteria can be satisfied only by a spouse of an applicant who satisfies the primary criteria, and there must not be any other member of the family unit.
Subdivision 405.31 – Criteria to be satisfied at time of application

New subdivision 405.31 specifies the criteria that a person seeking to satisfy the secondary criterion must satisfy at the time of application.
New subclause 405.311 requires that the applicant be the spouse of a person who satisfies the primary criteria for the grant of a Subclass 405 visa.
New subclause 405.312 requires that if the applicant is outside Australia at the time of application and the application is made separately from that of the applicant's spouse:
- the spouse is, or is expected soon to be, in Australia; and
- the applicant intends to stay temporarily in Australia with the spouse.

Subdivision 405.32 – Criteria to be satisfied at time of decision

New subdivision 405.32 specifies the criteria that the applicant must satisfy at the time of decision.
New clause 405.321 requires that the applicant continue to be a spouse of a person who, having satisfied the primary criteria, is the holder of a Subclass 405 visa.
New clause 405.322 requires the applicant to be able to continue to satisfy the criteria in clause 405.312 (see above).
New clause 405.323 provides that the family unit of the applicant must not include any person (other than the applicant's spouse) who is dependent on applicant or the applicant's spouse.
New clause 405.324 specifies the special return criteria 5001 and 5002 that the applicant must satisfy if he or she has previously been in Australia. Special return criteria 5001 and 5002 relate to persons who have been deported, had a visa cancelled or have been removed from Australia under certain provisions of the Act.
New clause 405.325 provides that if the applicant is in Australia, the applicant must have complied substantially with the conditions that apply or applied to the last of any substantive visas and any bridging visas held by the applicant.
New clause 405.326 requires that the applicant have the support of the AusAID Minister for the grant of the visa if the applicant is an AusAID student or an AusAID recipient.
New clause 405.327 provides that if there are:

- compelling circumstances that affect the interests of Australia; or
- compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen;

the Minister may waive the requirement in new clause 405.326.
New clause 405.328 requires the Minister to be satisfied that the applicant intends to comply with any conditions subject to which the visa is granted.
New clause 405.329 sets out the criteria that applicants who do not fall within clause 405.330 must satisfy. It is intended that new clause 405.329 will apply to first time secondary applicants for a Subclass 405 visa and those applicants who otherwise do not fall within clause 405.330.
New subclause 405.329(2) requires that the Minister be satisfied that the applicant has adequate health insurance cover for their period of their intended stay in Australia as the holder of a Subclass 405 visa. It is intended that the applicant must give evidence that they hold private health insurance cover that the Minister considers satisfactory.
New subclause 405.329(3) specifies the public interest criteria that the applicant must satisfy for grant of the visa.
New clause 405.330 specifies the criteria that must be met by an applicant who already holds a Subclass 405 visa, or whose last substantive visa since last entering Australia was a Subclass 405 visa. It is intended that new clause 405.330 will apply to applicants in Australia seeking the grant of a further Subclass 405 visa.
New subclause 405.330(2) requires that the Minister be satisfied that the applicant:

- has held adequate health insurance cover in Australia during the period of his or her stay in Australia as the holder of a Subclass 405 visa; and
- continues to have adequate health insurance cover in Australia for the period of his or her intended stay in Australia as the holder of a Subclass 405 visa.

It is intended that the applicant provide evidence that he or she has held, and continues to hold private health insurance that the Minister considers satisfactory in order to be granted this visa.
New subclause 405.330(3) specifies the public interest criteria that must be satisfied for the grant of the visa
New subclause 405.330(4) requires that the applicant be free from tuberculosis.
New subclause 405.330(5) requires that the applicant be free from any disease or condition that is, or may result in the applicant being a threat or danger to public health or the Australian community.
New subclause 405.330(6) provides that if the applicant has been required by a Medical Officer of the Commonwealth to sign an undertaking to present himself or herself to a State or Territory health authority for follow up assessment, then the applicant has provided such an undertaking.
Division 405.4 – Circumstances applicable to grant

New clause 405.411 provides that if the applicant was in Australia at the time of application, the applicant must be in Australia, but not immigration clearance, at the time of grant.
New clause 405.412 provides that if the applicant was outside Australia at the time of application, the applicant must be outside Australia at the time of grant.
Division 405.5 – When visa is in effect

New clause 405.511 provides that the visa is a temporary visa which permits the holder to travel to, enter and remain in Australia until a date specified by the Minister.

Division 405.6 – Conditions

New clause 405.611 provides that conditions 8104, 8501 and 8516 are mandatory conditions for the Subclass 405 visa.
Condition 8104 requires that the holder of the visa must not engage in work for more than 20 hours a week whilst in Australia.
Condition 8501 requires that the holder of the visa must maintain adequate arrangements for health insurance while in Australia.
Condition 8516 requires that the holder of the visa must continue to satisfy the primary or secondary criteria, as the case requires, for the grant of the visa.
New clause 405.612 provides that any 1 or more of the following conditions may be imposed at the discretion of the Minister: 8301, 8303, 8502, 8522, 8525 and 8526.
Condition 8301 requires that after the visa holder has entered Australia, he or she must satisfy relevant public interest criteria before the visa ceases.
Condition 8303 requires that the holder of the visa must not become involved in activities disruptive to, or violence threatening harm to, the Australian community or a group within the Australian community.
Condition 8502 requires that the holder of the visa must not enter Australia before the entry to Australia of a person specified in the visa.
Condition 8522 requires that the holder of the visa must leave Australia not later than the time of departure of the person:

- who satisfied the primary criteria; and
- of whose family unit the holder is a member.

Condition 8525 requires that the holder of the visa must leave Australia by a specified means of transport on a specified day or within a specified period.
Condition 8526 requires that the holder of the visa must notify the Secretary of the Department in writing, not earlier than 7 days before the day the visa ceases to be in effect, and not later than that day, of the holder's place of residence in Australia by posting the notification to the Central Office of Immigration in the Australian Capital Territory.
Division 405.7 – Way of giving evidence

New clause 405.711 provides that no evidence of the visa need be given.
New clause 405.712 provides that if evidence of the visa is given, it is to be given by a visa label affixed to a valid passport.
Item [6] – Schedule 2, Division 410.1

This item omits Division 410.1 of Schedule 2 to the Principal Regulations.
The purpose of omitting subclauses 410.111(1) and (2) is to remove the definition of 'equivalent visa', as this definition is now redundant.
Item [7] – Schedule 2, note before clause 410.211

This item substitutes the note before clause 410.211 of Schedule 2 to the Principal Regulations with a new note to clarify that no criteria needs to be satisfied at the time of application for a Retirement (Temporary) (Class TQ) visa if the applicant is outside Australia at that time.
Item [8] – Schedule 2, subclauses 410.211(1) and (2)

This item substitutes subclauses 410.211(1) and (2) of Schedule 2 to the Principal Regulations with new subclauses 410.211(1) and (2).
This amendment is consequential to the insertion of new paragraph 1217(3)(d) into Schedule 1 to the Principal Regulations by these Regulations.
Item [9] – Schedule 2, paragraph 410.211(3)(b)

This item amends paragraph 410.211(3)(b) of Schedule 2 to the Principal Regulations.
This amendment is consequential to the insertion of new paragraph 1217(3)(d) into Schedule 1 to the Principal Regulations by these Regulations.
Item [10] – Schedule 2, subclause 410.211(4)

This item omits subclause 410.211(4) from Schedule 2 to the Principal Regulations.
This amendment is consequential to the insertion of new paragraph 1217(3)(d) into Schedule 1 to the Principal Regulations by these Regulations.
New paragraph 1217(3)(d) provides that an applicant may only make a valid application for a Retirement (Temporary)(Class TQ) visa on or after 1 July 2005 if:

- the applicant is the holder of a Subclass 410 visa; or
- the last substantive visa held by the applicant since last entering Australia was a Subclass 410 visa; or
- the applicant claims to be the spouse of a person who holds a Subclass 410 visa; or
- the applicant claims to be the spouse of a person whose last substantive visa since last entering Australia was a Subclass 410 visa.

Subclause 410.211(4) states, that amongst other things, an applicant meets the requirements of this subclause if their last substantive visa was of a kind specified in paragraph 410.211(2)(b). Following the insertion of new paragraph 1217(3)(d), persons who would have satisfied paragraph 410.211(2)(b) would not be able to make a valid application for a Retirement (Temporary)(Class TQ) visa.

Item [11] – Schedule 2, paragraph 410.221(1)(b)

This item substitutes a reference to subclause 410.221(9) of Schedule 2 to the Principal Regulations with a reference to subclause 410.221(8). This item is consequential to the omission of subclause 410.221(9) of Schedule 2 to the Principal Regulations, by these Regulations.

Item [12] – Schedule 2, subclause 410.221(5)

This item amends subclause 410.221(5) of Schedule 2 to the Principal Regulations to remove a reference to where an application was made. This amendment is consequential to amendments made to paragraphs 1217(3)(a) and (b) of Schedule 1 to the Principal Regulations by these Regulations which require that all applications be sent to a particular address specified in a Gazette Notice.

Item [13] – Schedule 2, subclause 410.221(6)

This item amends subclause 410.221(6) of Schedule 2 to the Principal Regulations to remove a reference to where an application was made. This amendment is consequential to amendments made to paragraphs 1217(3)(a) and (b) of Schedule 1 to the Principal Regulations by these Regulations, which require that all applications be sent to a particular address specified in a Gazette Notice.

Item [14] – Schedule 2, subclause 410.221(8)

This item amends subclause 410.221(8) of Schedule 2 to the Principal Regulations. This amendment is consequential to the insertion of new paragraph 1217(3)(d) into Schedule 1 to the Principal Regulations, and the omission of subclauses 410.221(9) and (10) of Schedule 2 to the Principal Regulations, by these Regulations.

New paragraph 1217(3)(d) provides that an applicant may only make a valid application for a Retirement (Temporary)(Class TQ) visa on or after 1 July 2005 if:

- the applicant is the holder of a Subclass 410 visa; or
- the last substantive visa held by the applicant since last entering Australia was a Subclass 410 visa; or
- the applicant claims to be the spouse of a person who holds a Subclass 410 visa; or
- the applicant claims to be the spouse of a person whose last substantive visa since last entering Australia was a Subclass 410 visa.

Persons who might have previously satisfied subclauses 410.221(9) and (10) are unable to make a valid application under new paragraph 1217(3)(d). Accordingly, subclauses 410.221(9) and (10) have also been omitted by these Regulations (see below).

As a consequence, subclause 410.221(8) has been amended to reflect that an applicant must meet the requirements of subclause 410.221(8), and there is no alternative possibility of satisfying subclauses 410.221(9) or (10).

Item [15] – Schedule 2, subclauses 410.221(9) and (10)

This item omits subclauses 410.221(9) and (10) of Schedule 2 to the Principal Regulations. This amendment is consequential to the insertion of new paragraph 1217(3)(d) into Schedule 1 to the Principal Regulations by these Regulations.
New paragraph 1217(3)(d) provides that an applicant may only make a valid application for a Retirement (Temporary)(Class TQ) visa on or after 1 July 2005 if:

- the applicant is the holder of a Subclass 410 visa; or
- the last substantive visa held by the applicant since last entering Australia was a Subclass 410 visa; or
- the applicant claims to be the spouse of a person who holds a Subclass 410 visa; or
- the applicant claims to be the spouse of a person whose last substantive visa since last entering Australia was a Subclass 410 visa.

Persons who might have previously satisfied subclauses 410.221(9) and (10) are precluded from making a valid application under new paragraph 1217(3)(d), and as a consequence these provisions are now redundant and have been omitted.

Item [16] – Schedule 2, clause 410.312

This item amends clause 410.312 of Schedule 2 to the Principal Regulations to remove a reference to where an application was made. This amendment is consequential to amendments made by these Regulations to paragraphs 1217(3)(a) and (b) of Schedule 1 to the Principal Regulations, which require that all applications be sent to a particular address specified in a Gazette Notice.

Item [17] – Schedule 2, subclause 410.321(3)

This item amends subclause 410.321(3) of Schedule 2 to the Principal Regulations. This amendment is consequential to the insertion of new paragraph 1217(3)(d) into Schedule 1 to the Principal Regulations, and the omission of subclauses 410.221(9) and (10) of Schedule 2 to the Principal Regulations, by these Regulations.
New paragraph 1217(3)(d) sets out the limited circumstances when an applicant may make a valid application for a Retirement (Temporary)(Class TQ) visa on or after 1 July 2005. Persons who might have previously satisfied subclauses 410.221(9) and (10) are unable to make a valid application under new paragraph 1217(3)(d). Subclauses 410.221(9) and (10) have been omitted from the Regulations by these Regulations.
As a consequence, subclause 410.321(3) has been amended to reflect the fact that there is no alternative possibility of satisfying subclauses 410.221(9) or (10), and the applicant must satisfy subclause 410.321(3).

Item [18] – Schedule 2, subclause 410.321(4)

This item omits subclause 410.321(4) of Schedule 2 to the Principal Regulations. This amendment is consequential to the insertion of new paragraph 1217(3)(d) into Schedule 1 to the Principal Regulations, and the omission of subclauses 410.221(9) and (10) of Schedule 2 to the Principal Regulations, by these Regulations.

New paragraph 1217(3)(d) sets out the limited circumstances when an applicant may make a valid application for a Retirement (Temporary)(Class TQ) visa on or after 1 July 2005. Persons who might have previously satisfied subclauses 410.221(9) or (10) are unable to make a valid application under new paragraph 1217(3)(d).

Subclauses 410.221(9) and (10) have been omitted from the Regulations by these Regulations.
As a consequence, subclause 410.321(4) has been omitted as it applies in cases where subclause 410.221(9) is relevant.

Item [19] – Schedule 2, subclause 410.321(5)

This item amends subclause 410.321(5) of Schedule 2 to the Principal Regulations to remove a reference to where an application was made. This amendment is consequential to amendments made to paragraphs 1217(3)(a) and (b) of Schedule 1 to the Principal Regulations by these Regulations, which require that all applications be sent to a particular address specified in a Gazette Notice.

Item [20] – Schedule 2, subclause 410.321(6)

This item amends subclause 410.321(6) of Schedule 2 to the Principal Regulations to remove references to where an application was made. This amendment is consequential to amendments made to paragraphs 1217(3)(a) and (b) of Schedule 1 to the Principal Regulations by these Regulations, which require that all applications be sent to a particular address specified in a Gazette Notice.

Item [21] – Schedule 2, subclause 410.411 and 410.412

This item substitutes subclauses 410.411 and 410.412 of Schedule 2 to the Principal Regulations with new subclauses 410.411 and 410.412.
New subclause 410.411 provides that if the applicant was in Australia at the time of application, the applicant must be in Australia, but not in immigration clearance at the time of grant.
New subclause 410.412 provides that if the applicant was outside Australia at the time of application, the applicant must be outside Australia at the time of grant.
This amendment is consequential to amendments made to paragraphs 1217(3)(a) and (b) of Schedule 1 to the Principal Regulations by these Regulations, which require that all applications be sent to a particular address specified in a Gazette Notice. The purpose of this amendment is to remove references to applications being made in the migration zone and outside Australia.

Item [22] – Schedule 2, paragraph 410.511(a)

This item amends paragraph 410.511(a) of Schedule 2 to the Principal Regulations to provide that a Subclass 410 visa is in effect until a date specified by the Minister. The purpose of this amendment is to mirror the visa in effect provisions of the new Subclass 405 visa, which will allow a visa to be granted for a period as set out in policy.

Item [23] – Schedule 2, paragraph 410.511(b)

This item amends paragraph 410.511(b) of Schedule 2 to the Principal Regulations, and is consequential to the omission of paragraph 410.511(c) of Schedule 2 to the Principal Regulations by these Regulations.

Item [24] – Schedule 2, paragraph 410.511(c)

This item omits paragraph 410.511(c) of Schedule 2 to the Principal Regulations, and is consequential to the amendment of paragraph 410.511(a) by these Regulations.

Item [25] – Schedule 4, Part 2, before item 4051

This item inserts new item 4050 into Part 2 of Schedule 4 to the Principal Regulations.
New item 4050 specifies the new Subclass 405 visa and condition 8104 as a relevant condition for the purposes of paragraph 4013(2)(b) of Schedule 4 to the Regulations.
The purpose of this amendment is to ensure that holders of a Subclass 405 visa, or previous holders of such visas, may be affected by a risk factor and subject to some limitations on grant of a further visa if they failed to comply with condition 8104 on their last visa. Condition 8104 provides that the holder must not engage in work for more than 20 hours a week while the holder is in Australia.

Schedule 4 – Amendments relating to special purpose visas

Item [1] – Regulation 1.03, definition of *member of the crew*, paragraph (c)

This item makes a technical amendment to paragraph (c) of the definition of *member of the crew* in regulation 1.03 of Part 1 of the Principal Regulations, consequential to the insertion of a new paragraph (d) in the definition by these Regulations (see Item [2] below).

Item [2] – Regulation 1.03, definition of *member of the crew*, after paragraph (c)

This item inserts a new paragraph (d) in the definition of *member of the crew* in regulation 1.03 of Part 1 of the Principal Regulations. New paragraph (d) provides for the definition to include a non-citizen who arrives in Australia for the purpose of signing on to a non-military ship as a member of the crew of the ship. This amendment operates in conjunction with amendments made to regulation 2.40 of Part 2 of the Principal Regulations by these Regulations, with the effect that non-citizens coming within new paragraph (d) have a prescribed status as holders of special purpose visas from the time they sign on to the crew of the ship.

Item [3] – Paragraph 2.40(6)(c)

This item substitutes a new paragraph 2.40(6)(c) in Part 2 of the Principal Regulations.
New subparagraph 2.40(6)(c)(i) retains the provisions of the previous paragraph 2.40(6)(c) relating to the time when members of the crew of non-military ships (other than ships being imported into Australia) who are on the ship when it enters Australia have a prescribed status as the holder of a special purpose visa under paragraph 2.40(1)(k) of Part 2 of the Principal Regulations.
New subparagraph 2.40(6)(c)(ii) inserts additional provisions in relation to members of the crew of non-military ships (other than ships being imported into Australia) who join the ship after it has entered Australia. These provisions relate to the additional group of non-citizens covered by the new paragraph (d) inserted in the definition of *member of the crew* in regulation 1.03 of Part 1 of the Principal Regulations by these Regulations. Members of this class of non-citizens have a prescribed status as holders of special purpose visas under paragraph 2.40(1)(k) of Part 2 of the Principal Regulations from the time they sign on to the ship in Australia in accordance with new subregulation 2.40(6A), inserted in Part 2 of the Principal Regulations by these Regulations, provided that at the time they sign on they are lawful non-citizens in the migration zone and have been issued with a passport that is in force and a document that identifies the person as a seafarer employed on the ship.

Item [4] – After subregulation 2.40(6)

This item inserts a new subregulation 2.40(6A) in Part 2 of the Principal Regulations. The purpose of new subregulation 2.40(6A) is to set out the process under which a non-citizen is taken to have signed on to a non-military ship in Australia as a member of the crew, in order to have a prescribed status as the holder of a special purpose visa under new subparagraph 2.40(6)(c)(ii), inserted in the Principal Regulations by these Regulations. A person is taken to have signed on to the ship when an officer (within the meaning of section 5 of the Act) confirms that:

- the person is recorded in the ship's crew list attachment sheet or supernumerary crew list attachment sheet; and
- the person has been issued with a passport and a document that identifies the person as a seafarer employed on the ship.

The *Note* at the end of new subregulation 2.40(6A) explains what a crew list attachment sheet and supernumerary crew list attachment sheet are.

Item [5] – Schedule 2, paragraph 771.212(b)

This item amends paragraph 771.212(b) of Part 771 of Schedule 2 to the Principal Regulations to refer to an applicant establishing that his or her principal purpose of entering Australia is 'signing on to a non-military ship … as member of the crew'. Previously the paragraph referred to an applicant having the principal purpose of 'joining' the ship.

This change is consequential upon the amendments to the definition of *member of the crew* in regulation 1.03 and amendments to paragraph 2.40(6)(c) of the Principal Regulations, and the insertion of new subregulation 2.40(6A) in the Principal Regulations, by these Regulations, to make provision for persons signing on to non-military ships in Australia to have a prescribed status as the holders of special purpose visas. These amendments adopt the term 'signing on' to the ship rather than 'joining' the ship, and new subregulation 2.40(6A) sets out the circumstances under which a person is taken to have 'signed on' to a ship. It is therefore appropriate that the relevant criterion for grant of a Subclass 771 (Transit) visa use the same term.

Schedule 5 – Amendment relating to reporting requirements for international cargo ships

Item [1] – After regulation 3.13B

This item inserts a new regulation 3.13C Information about passengers and crew to be given before arrival of international cargo ship, in Part 3 of the Principal Regulations.

New subregulation 3.13C(1) provides that for the purposes of subsection 245I(1) of the Act, an *international cargo ship* is a kind of ship to which Division 12B of the Act applies.

The effect of new subregulation 3.13C(1) is that the operator of an international cargo ship that is due to arrive at a port in Australia from a place outside Australia must report to the Department of Immigration and Multicultural and Indigenous Affairs on the passengers and crew who will be on board the ship at the time it arrives at a port in Australia.

Under section 245J of the Act, the system to be used for the purposes of reporting and the information about the passengers or crew on the ship that is to be reported is specified in an instrument signed by the Secretary.

New subregulation 3.13C(2) defines international cargo ship to mean a civilian vessel which:

- has a gross tonnage of at least 500 tons; and
- either:
  - is used to provide international sea transportation of cargo; or
  - is used to provide services to ships or shipping.

The newly created definition of an international cargo ship specifically excludes international passenger cruise ships, fishing and fishing support vessels and pleasure craft.

Schedule 6 – Amendments relating to Subclass 456 Business (short stay) visas

Item [1] – Subregulation 2.07AA(1)

This item omits subregulation 2.07AA(1) of the Principal Regulations.

The purpose of this omission is to remove the option for Subclass 456 Business (Short Stay) visa applicants to have their application lodged on their behalf, in Australia, by an approved nominator, as part of the Nominated Temporary Business Entry scheme.

Item [2] – Schedule 1, paragraph 1223A(1)(a)

This item substitutes paragraph 1223A(1)(a) of Schedule 1 to the Principal Regulations with a new paragraph 1223A(1)(a).

The purpose of this new paragraph is to ensure that all applicants for a Temporary Business Entry (Class UC) visa who intend to remain in Australia for 3 months or less, use form 456. This amendment is consequential to amendments to remove of the

option for Subclass 456 Business (Short Stay) visa applicants to have their application lodged on their behalf, in Australia, by an approved nominator, made by these regulations.

Item [3] – Schedule 1, subparagraph 1223A(2)(a)(i)

This item makes a technical amendment to omit the reference to subparagraph 1223(2)(a)(iv) of Schedule 1 to the Principal Regulations.

This amendment is consequential to the omission of subparagraph 1223(2)(a)(iv) by these Regulations which removes the fee structure for applications lodged in Australia, on behalf of the applicant, by an approved nominator.

Item [4] – Schedule 1, subparagraph 1223(2)(a)(iv)

This item omits subparagraph 1223(2)(a)(iv) of Schedule 1 to the Principal Regulations.

The purpose of this omission is to remove the fee structure for applications lodged in Australia, on behalf of the applicant, by an approved nominator. This amendment is consequential to amendments to remove of the option for Subclass 456 Business (Short Stay) visa applicants to have their application lodged on their behalf, in Australia, by an approved nominator, made by these regulations.

Item [5] – Schedule 1, sub-subparagraph 1223A(2)(a)(v)(A)

This item makes a technical amendment to omit the reference to subparagraph 1223(2)(a)(iv) of Schedule 1 to the Principal Regulations.

This amendment is consequential to amendments to omit subparagraph 1223(2)(a)(iv) of Schedule 1 to the Principal Regulations, made by these regulations.

Item [6] – Schedule 1, paragraph 1223(3)(a)

This item substitutes paragraph 1223(3)(a) of Schedule 1 to the Principal Regulations with a new paragraph 1223(3)(a).

The purpose of this amendment is to ensure that when lodging an application for a Subclass 456 Business (Short Stay) visa the applicant must be made outside Australia and the application must be lodged outside Australia. This amendment is consequential to amendments to omit paragraph 1223(3)(ac) of Schedule 1 to the Principal Regulations, made by these regulations.

Item [7] – Schedule 1, paragraph 1223(3)(ac)

This item omits paragraph 1223(3)(ac) of Schedule 1 to the Principal Regulations.

The purpose of this omission is to remove the requirement that an application lodged by an approved nominator, on the applicant's behalf, must be lodged in Australia. This amendment is consequential to amendments to remove of the option for Subclass

456 Business (Short Stay) visa applicants to have their application lodged on their behalf, in Australia, by an approved nominator, made by these regulations.

Item [8] – Schedule 2, clauses 456.111 and 456.112, including the note

This item omits clauses 456.111 and 456.112 of Schedule 2 to the Principal Regulations, and substitutes the note with a new note.

The purpose of this omission is to remove the definition of the term *approved nominator* and remove the provision that applications lodged on the applicant's behalf by an approved nominator is taken to be an application lodged outside Australia for the purposes of that Part of the Schedule. This amendment is consequential to amendments to remove of the option for Subclass 456 Business (Short Stay) visa applicants to have their application lodged on their behalf, in Australia, by an approved nominator, made by these regulations.

Schedule 7 – Amendment relating to Australian permanent residents

Item [1] – Regulation 1.03, definition of *Australian permanent resident*

This item substitutes the definition of *Australian permanent resident* in regulation 1.03 of the Principal Regulations with a new definition of *Australian permanent resident*. The new definition of Australian permanent resident provides that:

- in relation to an applicant for a Return (Residence) (Class BB) visa or a Resident Return (Temporary) (Class TP) visa, – Australian permanent resident means a non-citizen who is the holder of a permanent visa, or
- in any other case (other than in the case of an applicant for registration as a migration agent under Part 3 of the Act), – *Australian permanent resident* means a non-citizen who, being usually resident in Australia, is the holder of a permanent visa.

The new definition of *Australian permanent resident* is followed by a Note which states that for paragraph 294(1)(b) in Part 3 'Migration Agents and Immigration Assistance' of the Act, which makes it a requirement that a person be an *Australian permanent resident* in order to be registered as a migration agent, new regulation 6C of the *Migration Agents Regulations 1998* specifies the persons who are *Australian permanent residents* for the purposes of an applicant for registration as a migration agent under Part 3 of the Act.
The purpose of this amendment is to allow for the registration of agents who are holders of an Australian permanent visa, but who primarily reside overseas and would not otherwise meet the requirements of 'usually resident in Australia'. This will streamline the Authority's registration process and broaden the range of people who can seek to be registered as agents and subsequently be subject to the Authority's Code of Conduct.

Schedule 8 – Amendments relating to tourist visas

Part 1 – Amendments relating to applications for visas

Item [1] – After paragraph 2.07AO (3)(r)

This item inserts a reference to the new Subclass 676 (Tourist) visa into subclause 2.07AO(3) of Part 2 of the Principal Regulations. This amendment is consequential to the creation of the new Tourist (Class TR) (Subclass 676) visa in the Principal Regulations, by these Regulations.

Subclause 2.07AO(3) lists various visa subclasses that certain refugee and humanitarian, protection and return pending visa applicants who meet specified criteria, may make a valid application for. The purpose of this amendment is to ensure that the new Subclass 676 (Tourist) visa is included in that list.

Item [2] – After paragraph 2.12BF(1)(q)

This item inserts a reference to the new Subclass 676 (Tourist) visa into subclause 2.12BF(1) of Part 2 of the Principal Regulations. This amendment is consequential to the creation of the new Tourist (Class TR) (Subclass 676) visa in the Principal Regulations, by these Regulations.

Subclause 2.12BF(1) lists visas in relation to which certain refugee and humanitarian, protection and return pending visa applicants, and members of their family unit, must satisfy alternative health criterion for. The purpose of this amendment is to ensure that the new Subclass 676 (Tourist) is included in this list.

Item [3] – Sub-subparagraph 2.15(1)(b)(ii)(A)

This item substitutes new sub-subparagraph 2.15(1)(b)(ii)(A) into Part 2 of the Principal regulations.

This item is consequential to creation of the new Tourist (Class TR) (Subclass 676) visa, and the repeal of the Short Stay Visitor (Class TR) (Subclass 676) visa and the Long Stay Visitor (Class TN) (Subclass 686) visa from the Principal Regulations, by these Regulations.

Sub-subparagraph 2.15(1)(b)(ii)(A) prescribes the period in which a person is to give additional information or comments in response to an invitation. The purpose of this amendment is to ensure that the prescribed period applies to the new Tourist (Class TR) visa, as well as the Medical Treatment (Visitor)(Class UB) visa.

Item [4] – Subparagraph 2.15(3)(b)(i)

This item substitutes new subparagraph 2.15(3)(b)(i) into Part 2 of the Principal Regulations.

This item is consequential to creation of the new Tourist (Class TR) (Subclass 676) visa, and the repeal of the Short Stay Visitor (Class TR) (Subclass 676) visa and the Long Stay Visitor (Class TN) (Subclass 686) visa from the Principal Regulations, by these Regulations.

Subparagraph 2.15(3)(b)(i) prescribes the period in which an interview is to take place in the case of an application for the new Tourist (Class TR) visa or a Medical Treatment (Visitor)(Class UB) visa.

Item [5] – Paragraph 2.21B(1)(b)

This item omits the reference to a Long Stay (Visitor) (Class TN) visa and inserts a reference to the new Tourist (Class TR) visa into paragraph 2.21B(1)(b) of Part 2 of the Principal Regulations.

This item is consequential to the repeal of the Long Stay Visitor (Class TN) visa from the Principal Regulations, by these Regulations, and the insertion of the new Tourist (Class TR) visa into the Principal Regulations, by these Regulations.
Paragraph 2.21(1)(B) of the Regulations relates to the grant of a bridging A, C or E visa without application. The purpose of the amendment is to ensure that a non-citizen who is in Australia, but not in immigration clearance, who has made a valid oral application for the new Tourist (Class TR) visa, and whose application has not been finally determined, may be able to be granted a bridging visa A, C or E without application in certain circumstances.

Item [6] – Paragraph 3.03(3)(g)

This item omits the reference to subregulation 3.03(5) from paragraph 3.03(3)(g) of Part 3 of the Principal Regulations. This item amendment is a technical amendment consequential to the omission of subregulation 3.03(5) from the Principal Regulations, by these Regulations (see item 7 below).

Item [7] – Subregulation 3.03(5)

This item omits subregulation 3.03(5) from Part 3 of the Principal Regulations.
Subregulation 3.03(5) refers to non-citizens who are not required to show evidence of their visa, and who are required to satisfy alternative immigration clearance requirements as set out in paragraph 3.03(3)(g).
The omission of this item is consequential to the creation of the new Tourist (Class TR) (Subclass 676) visa, and the repeal of the Short Stay Visitor (Class TR) (Subclass 676) visa and the Long Stay Visitor (Class TN) (Subclass 686) visa from the Principal Regulations, by these Regulations.

Item [8] – Subregulation 4.23(1)

This item inserts a reference to the new Tourist (Class TR) visa into subregulation 4.23(1) of Part 4 of the Principal Regulations.
The purpose of this amendment is to ensure that the expedited review (close family visit) provisions in regulation 4.23 also apply to persons refused the grant of the new Tourist (Class TR) visa.

Item [9] – Schedule 1, item 1214

This item omits item 1214, which sets out the requirements for making a valid application for a Long Stay Visitor (Class TN) (Subclass 686) visa, from Schedule 1 to the Principal Regulations.
This amendment is consequential to the collapse of the Short Stay Visitor Visa (Class TR) and the Long Stay Visitor Visa (Class TN) into one new Tourist (Class TR) visa in the Principal Regulations. The requirements for making a valid application for the new Tourist (Class TR) visa are set out in new item 1218 of these Regulations.

Item [10] – Schedule 1, item 1218

This item substitutes item 1218 of Schedule 1 to the Principal Regulations, which sets out the requirements for a valid application for a Short Stay Visitor Visa (Class TR) with new item 1218.
This amendment is consequential to the collapse of the Short Stay Visitor Visa (Class TR) and the Long Stay Visitor Visa (Class TN) into one new, streamlined Tourist (Class TR) visa in the Principal Regulations.
New item 1218 sets out the form, visa application charge and other requirements for making a valid application for the new Tourist (Class TR) (Subclass 676) visa.
New paragraph 1218(1)(a) provides that if the applicant is in Australia, the applicant must apply on form 601 (a paper based form), or on form 601E (an application over the internet). Only certain persons may make an application on a form 601E (see new paragraph 1218(3)(e)).

New paragraph 1218(1)(b) provides that if an applicant:

- is a citizen of the People's Republic of China (PRC); and
- is in the PRC; and
- is intending to travel to Australia as a member of a tour organised by a travel agent specified in a Gazette Notice for the purposes of this paragraph and
- makes the application at a diplomatic or consular office maintained by, or on behalf of, the Commonwealth in PRC,

the applicant must apply on form 48G.

New paragraph 1218(1)(c) provides that if the applicant is outside Australia, and paragraph 1218(1)(b) does not apply, the applicant must apply on forms 48, 48(Internet), 48N or 48R.

New subparagraph 1218(2)(a)(i) provides that the first instalment of the visa application charge (payable at the time the application for the visa is made), is nil in the case of an applicant who applies in the course of acting as a representative of a foreign government.

New subparagraph 1218(2)(a)(ii) provides that in any other case, the first instalment of the visa application charge is $65 if the applicant is outside Australia at the time of application, or $200 if the applicant is in Australia at the time of application.

New paragraph 1218(2)(b) provides that there is no second instalment of the visa application charge (payable before the grant of the visa).

New subitem 1218(3) sets out the other requirements for making a valid application for a Tourist (Class TR) visa.

New paragraph 1218(3)(a) provides that if the applicant is in Australia, the visa application must be made in Australia.

New paragraph 1218(3)(b) provides that if the applicant is outside Australia, the application must be made outside Australia.

New paragraph 1218(3)(c) provides that if the application is made outside Australia (other than an application on a form 48 (Internet)), the application must be made either at:

- a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia; or
- an office of a visa application agency that is approved in writing by the Minister for the purpose of receiving applications for Tourist (Class TR) visas.

New paragraph 1218(3)(d) provides that an application may only be made on form 48 (Internet) if the applicant is in a class of persons specified in a Gazette Notice for this subparagraph. The purpose of this provision is to ensure that only certain classes of persons specified in a Gazette Notice for the purpose of this subparagraph are able to apply whilst they are offshore, over the Internet (using form 48 (Internet)). The intention is that these persons include persons who are the holders of a passport of a specified kind and meet particular conditions also specified in the Gazette Notice.

New paragraph 1218(3)(e) provides that an application may only be made on a form 601E (an application over the Internet, where the applicant is in Australia), if the applicant is the holder of:

- a subclass 676 (Tourist(Short Stay)) visa; or
- a subclass 676 (Tourist) visa; or
- a subclass 976 (Electronic Travel Authority (Visitor) visa).

New paragraph 1218(3)(f) provides that an oral application for a Tourist (Class TR) visa may only be made if the applicant:

- is in Australia (but not in immigration clearance); and
- is the holder of a Long Stay (Visitor) (Class TN) visa, a Short Stay (Visitor) (Class TR) visa, or a Tourist (Class TR) visa.

New paragraph 1218(3)(g) provides that an application, other than an oral application, by a person included in the passport of another person may be made at the same time and place as, and combined with, the application by that person.

New subitem 1218(4) provides that there is only one visa subclass, the Subclass 676 (Tourist) visa, in the Tourist (Class TR) visa class.

Item [11] – Schedule 1, subitem 1222(5), definition of *relevant visa*, after paragraph (m)

This item inserts the new Tourist (Class TR) visa into the definition of *relevant visa* in subitem 1222(5) of Schedule 1 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

The purpose of amendment is to ensure that the new Tourist (Class TR) visa is included as one of the relevant visas for the purposes of item 1222. Item 1222 sets out the requirements for a valid application for a Student (Temporary) (Class TU) visa.

Item [12] – Schedule 2, sub-subparagraph 411.211(b)(i)(E)

The item amends sub-subparagraph 411.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 411.211(b)(i)(F) in the Principal Regulations, by these Regulations (see item [13] below).

Item [13] – Schedule 2, after sub-subparagraph 411.211(b)(i)(E)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 411.211(b)(i)(F) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

The purpose of this amendment is to ensure that the new Tourist (Class TR) visa is included as one of the visas that the applicant may hold at the time of application, where the application for the Subclass 411 (Exchange) visa was made in the migration zone.

Item [14] – Schedule 2, sub-subparagraph 415.211(b)(i)(D)

The item amends sub-subparagraph 415.211(b)(i)(D) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 415.211(b)(i)(E) in the Principal Regulations, by these Regulations (see item [15] below).

Item [15] – Schedule 2, after sub-subparagraph 415.211(b)(i)(D)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 415.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This item

is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations. (see item [16] below)

Item [16] – Schedule 2, sub-subparagraph 416.211(b)(i)(D)

The item amends sub-subparagraph 416.211(b)(i)(D) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 416.211(b)(i)(E) in the Principal Regulations, by these Regulations (see item [17] below).

Item [17] – Schedule 2, after sub-subparagraph 416.211(b)(i)(D)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 416.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [18] – Schedule 2, sub-subparagraph 418.211(b)(i)(E)

The item amends sub-subparagraph 418.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 418.211(b)(i)(F) in the Principal Regulations, by these Regulations (see item [19] below).

Item [19] – Schedule 2, after sub-subparagraph 418.211(b)(i)(E)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 418.211(b)(i)(F) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [20] – Schedule 2, subclause 418.231

This item inserts a reference to the new Tourist (Class TR) visa into subclause 418.231 of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Clause 418.231 sets out requirements relating to sponsorship if the application for the subclass 418 visa is made in the migration zone and, at the time of application, the applicant was the holder of an Electronic Travel Authority (Class UD), Long Stay (Visitor) (Class TN), Short Stay (Visitor) (Class TR), Working Holiday (Temporary) (Class TZ) or Subclass 456 (Business (Short Stay)) visa. The purpose of this amendment is to ensure that these sponsorship requirements also apply in relation to holders of the new Tourist (Class TR) visa.

Item [21] – Schedule 2, sub-subparagraph 419.211(b)(i)(D)

The item amends sub-subparagraph 419.211(b)(i)(D) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 419.211(b)(i)(E) in the Principal Regulations, by these Regulations (see item [22] below).

Item [22] – Schedule 2, after sub-subparagraph 419.211(b)(i)(D)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 419.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [23] – Schedule 2, sub-subparagraph 420.211(b)(i)(D)

The item amends sub-subparagraph 420.211(b)(i)(D) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 420.211(b)(i)(E) in the Principal Regulations, by these Regulations (see item [24] below).

Item [24] – Schedule 2, after sub-subparagraph 420.211(b)(i)(D)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 420.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [25] – Schedule 2, sub-subparagraph 421.211(b)(i)(D)

The item amends sub-subparagraph 421.211(b)(i)(D) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 421.211(b)(i)(E) in the Principal Regulations, by these Regulations.

Item [26] – Schedule 2, after sub-subparagraph 421.211(b)(i)(D)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 421.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [27] – Schedule 2, sub-subparagraph 422.211(b)(i)(E)

The item amends sub-subparagraph 422.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 422.211(b)(i)(F) in the Principal Regulations, by these Regulations.

Item [28] – Schedule 2, after sub-subparagraph 422.211(b)(i)(E)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 422.211(b)(i)(F) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [29] – Schedule 2, clause 422.227B

This item inserts a reference to the new Tourist (Class TR) visa into clause 422.227B of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Clause 422.227B sets out requirements in relation to sponsorship if the application for the subclass 422 (Medical Practitioner) visa is made in the migration zone and, at the time of application, the applicant was the holder of an Electronic Travel Authority (Class UD), Long Stay (Visitor) (Class TN), Short Stay (Visitor) (Class TR), Working Holiday (Temporary) (Class TZ) or Subclass 456 (Business (Short Stay)) visa. The purpose of this amendment is to ensure that these sponsorship requirements also apply in relation to holders of the new Tourist (Class TR) visa.

Item [30] – Schedule 2, sub-subparagraph 423.211(b)(i)(D)

This item amends sub-subparagraph 423.211(b)(i)(D) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 423.211(b)(i)(E) in the Principal Regulations, by these Regulations.

Item [31] – Schedule 2, after sub-subparagraph 423.211(b)(i)(D)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 423.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [32] – Schedule 2, sub-subparagraph 424.211(b)(i)(E)

This item omits sub-subparagraph 424.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment, as sub-subparagraph 424.211(b)(i)(E) contains a now redundant reference to the Special Tourist (Visitor) (Class TS) visa, a visa which was repealed from the Principal Regulations in April 1995.

Item [33] – Schedule 2, sub-subparagraph 424.211(b)(i)(F)

This item amends sub-subparagraph 424.211(b)(i)(F) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 424.211(b)(i)(G) in the Principal Regulations, by these Regulations.

Item [34] – Schedule 2, after sub-subparagraph 424.211(b)(i)(F)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 424.211(b)(i)(G) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [35] – Schedule 2, sub-subparagraph 425.211(b)(i)(D)

This item amends sub-subparagraph 425.211(b)(i)(D) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 425.211(b)(i)(E) in the Principal Regulations, by these Regulations.

Item [36] – Schedule 2, after sub-subparagraph 425.211(b)(i)(D)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 425.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [37] – Schedule 2, sub-subparagraph 427.211(b)(i)(D)

This item amends sub-subparagraph 427.211(b)(i)(D) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 427.211(b)(i)(E) in the Principal Regulations, by these Regulations.

Item [38] – Schedule 2, after sub-subparagraph 427.211(b)(i)(D)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 427.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [39] – Schedule 2, sub-subparagraph 428.211(b)(i)(D)

This item amends sub-subparagraph 428.211(b)(i)(D) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 428.211(b)(i)(E) in the Principal Regulations, by these Regulations.

Item [40] – Schedule 2, after sub-subparagraph 428.211(b)(i)(D)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 428.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [41] – Schedule 2, sub-subparagraph 430.211(b)(i)(D)

This item amends sub-subparagraph 430.211(b)(i)(D) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 430.211(b)(i)(E) in the Principal Regulations, by these Regulations.

Item [42] – Schedule 2, after sub-subparagraph 430.211(b)(i)(D)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 430.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [43] – Schedule 2, sub-subparagraph 432.211(b)(i)(D)

This item amends sub-subparagraph 432.211(b)(i)(D) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 432.211(b)(i)(E) in the Principal Regulations, by these Regulations.

Item [44] – Schedule 2, after sub-subparagraph 432.211(b)(i)(D)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 432.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [45] – Schedule 2, sub-subparagraph 442.211(b)(i)(E)

This item amends sub-subparagraph 442.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 432.211(b)(i)(F) in the Principal Regulations, by these Regulations.

Item [46] – Schedule 2, after sub-subparagraph 442.211(b)(i)(E)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 442.211(b)(i)(F) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [47] – Schedule 2, sub-subparagraph 457.211(b)(i)(E)

This item amends sub-subparagraph 457.211(b)(i)(E) of Schedule 2 to the Principal Regulations. This amendment is a technical amendment consequential to the insertion of new sub-subparagraph 457.211(b)(i)(F) in the Principal Regulations, by these Regulations.

Item [48] – Schedule 2, after sub-subparagraph 457.211(b)(i)(E)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 457.211(b)(i)(F) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [49] – Schedule 2, after subparagraph 570.211(2)(a)(xv)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 570.211(2)(a)(xva) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Subparagraph 570.211(2)(a) lists some alternative visas that an applicant must hold at time of application if the application for the student visa is made in Australia. The purpose of the amendment is to ensure that the new Tourist (Class TR) visa is included in this list of visas.

Item [50] – Schedule 2, after sub-subparagraph 570.227(c)(i)(N)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 570.227(c)(i)(NA) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Subparagraph 570.227(c)(i) lists the visas that an applicant may hold, if at the time of application, the applicant met certain requirements. The purpose of the amendment is to ensure that the new Tourist (Class TR) visa is included in this list of visas.

Item [51] – Schedule 2, after subparagraph 570.312(2)(a)(xv)

This item inserts a reference to the new Tourist (Class TR) visa into new subparagraph 570.312(2)(a)(xva) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Paragraph 570.312(2)(a) lists visas that a person seeking to satisfy the secondary criteria for a student visa may hold at the time of application, if the application for the student visa is made in Australia. The purpose of the amendment is to ensure that the new Tourist (Class TR) visa is included in this list of visas.

Item [52] – Schedule 2, after subparagraph 571.211(2)(a)(xv)

This item inserts a reference to the new Tourist (Class TR) visa into new subparagraph 571.211(2)(a)(xva) of Schedule 2 to the Principal Regulations. This

item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [53] – Schedule 2, after sub-subparagraph 571.227(c)(i)(N)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 571.227(c)(i)(NA) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [54] – Schedule 2, after subparagraph 571.312(2)(a)(xv)

This item inserts a reference to the new Tourist (Class TR) visa into new subparagraph 571.312(2)(a)(xva) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [55] – Schedule 2, after subparagraph 572.211(2)(a)(xv)

This item inserts a reference to the new Tourist (Class TR) visa into new subparagraph 572.211(2)(a)(xva) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [56] – Schedule 2, after sub-subparagraph 572.227(c)(i)(N)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 572.227(c)(i)(NA) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [57] – Schedule 2, after subparagraph 572.312(2)(a)(xv)

This item inserts a reference to the new Tourist (Class TR) visa into subparagraph 571.312(2)(a)(xva) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [58] – Schedule 2, after subparagraph 573.211(2)(a)(xv)

This item inserts a reference to the new Tourist (Class TR) visa into new subparagraph 573.211(2)(a)(xva) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [59] – Schedule 2, after sub-subparagraph 573.227(c)(i)(N)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 573.227(c)(i)(NA) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [60] – Schedule 2, after subparagraph 573.312(2)(a)(xv)

This item inserts a reference to the new Tourist (Class TR) visa into new subparagraph 573.312(2)(a)(xva) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [61] – Schedule 2, after subparagraph 574.211(2)(a)(xv)

This item inserts a reference to the new Tourist (Class TR) visa into new subparagraph 574.211 (2)(a)(xva) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [62] – Schedule 2, after sub-subparagraph 574.227(c)(i)(N)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 574.227(c)(i)(NA) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [63] – Schedule 2, after subparagraph 574.312(2)(a)(xv)

This item inserts a reference to the new Tourist (Class TR) visa into subparagraph 574.312(2)(a)(xva) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [64] – Schedule 2, after subparagraph 575.211(2)(a)(xv)

This item inserts a reference to the new Tourist (Class TR) visa into subparagraph 575.211(2)(a)(xva) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [65] – Schedule 2, after sub-subparagraph 575.227(c)(i)(N)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 575.227(c)(i)(NA) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [66] – Schedule 2, after subparagraph 575.312(2)(a)(xv)

This item inserts a reference to the new Tourist (Class TR) visa into new subparagraph 575.312(2)(a)(xva) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [67] – Schedule 2, after subparagraph 576.211(2)(a)(xv)

This item inserts a reference to the new Tourist (Class TR) visa into subparagraph 576.211(2)(a)(xva) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [68] – Schedule 2, after subparagraph 576.312(2)(a)(xv)

This item inserts a reference to the new Tourist (Class TR) visa into new subparagraph 576.312(2)(a)(xva) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [69] – Schedule 2, after subparagraph 580.211(2)(a)(xv)

This item inserts a reference to the new Tourist (Class TR) visa into new subparagraph 580.211(2)(a)(xva) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [70] – Schedule 2, after sub-subparagraph 580.227(c)(i)(N)

This item inserts a reference to the new Tourist (Class TR) visa into new sub-subparagraph 580.227(c)(i)(NA) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [71] – Schedule 2, after subparagraph 580.311(2)(a)(xv)

This item inserts a reference to the new Tourist (Class TR) visa into new subparagraph 580.311(2)(a)(xva) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Item [72] – Schedule 2, sub-subparagraphs 773.213(1)(g)(iii)(A) and (B)

This item substitutes sub-subparagraphs 773.213(1)(g)(iii)(A) and (B) in Schedule 2 to the Principal Regulations with new sub-subparagraph 773.213(1)(g)(iii)(A).

New sub-subparagraph 773.213(1)(g)(iii)(A) inserts a reference to the new Tourist (Class TR) visa as an eligible visa for the grant of a subclass 773 (Border) visa. This amendment is consequential to the collapse of the Short Stay Visitor Visa (Class TR) and the Long Stay Visitor Visa (Class TN) into one new Tourist (Class TR) visa in the Principal Regulations.

Item [73] – Schedule 2, subparagraph 855.211(1)(a)(vi)

This item substitutes new subparagraph 855.211(1)(a)(vi) into Schedule 2 to the Principal Regulations.

New subparagraph 855.211(1)(a)(vi) inserts a reference to the new Tourist (Class TR) visa in the list of visa subclasses that an applicant may not hold when applying for a subclass 855 (Labour Agreement) visa. This amendment is consequential to the collapse of the Short Stay Visitor Visa (Class TR) and the Long Stay Visitor Visa (Class TN) into one new Tourist (Class TR) visa in the Principal Regulations.

Item [74] – Schedule 2, sub-subparagraph 855.211(2)(b)(i)(F)

This item substitutes new sub-subparagraph 855.211(2)(b)(i)(F), which refers to the new Tourist (Class TR) visa, into Schedule 2 to the Principal Regulations.

This amendment omits the reference to the Special Tourist (Visitor)(Class TS) visa, as this visa has been repealed and the reference is redundant. It replaces it with a reference to the new Tourist (Class TR) visa, as a consequential amendment to the creation of the new Tourist (Class TR) visa by these Regulations.

Item [75] – Schedule 2, subparagraph 856.211(1)(a)(vi)

This item substitutes new subparagraph 856.211(1)(a)(vi), which refers to the new Tourist (Class TR) visa, into Schedule 2 to the Principal Regulations.

This amendment omits the reference to the Special Tourist (Visitor)(Class TS) visa, as this visa has been repealed and the reference is redundant. It replaces it with a

reference to the new Tourist (Class TR) visa, as a consequential amendment to the creation of the new Tourist (Class TR) visa by these Regulations.

Item [76] – Schedule 2, sub-subparagraph 856.211(2)(b)(i)(F)

This item substitutes new sub-subparagraph 856.211(2)(b)(i)(F), which refers to the new Tourist (Class TR) visa, into Schedule 2 to the Principal Regulations.
This amendment omits the reference to the Special Tourist (Visitor)(Class TS) visa, as this visa has been repealed and the reference is redundant. It replaces it with a reference to the new Tourist (Class TR) visa, as a consequential amendment to the creation of the new Tourist (Class TR) visa by these Regulations.

Item [77] – Schedule 2, subparagraph 857.211(1)(a)(vi)

This item substitutes new subparagraph 857.211(1)(a)(vi), which refers to the new Tourist (Class TR) visa, into Schedule 2 to the Principal Regulations.
This amendment omits the reference to the Special Tourist (Visitor)(Class TS) visa, as this visa has been repealed and the reference is redundant. It replaces it with a reference to the new Tourist (Class TR) visa, as a consequential amendment to the creation of the new Tourist (Class TR) visa by these Regulations.

Item [78] – Schedule 2, sub-subparagraph 857.211(2)(b)(i)(F)

This item substitutes new sub-subparagraph 857.211(2)(b)(i)(F), which refers to the new Tourist (Class TR) visa, into Schedule 2 to the Principal Regulations.
This amendment omits the reference to the Special Tourist (Visitor)(Class TS) visa, as this visa has been repealed and the reference is redundant. It replaces it with a reference to the new Tourist (Class TR) visa, as a consequential amendment to the creation of the new Tourist (Class TR) visa by these Regulations.

Item [79] – Schedule 2, subparagraph 858.211(1)(a)(vi)

This items substitutes new subparagraph 858.211(1)(a)(vi), which refers to the new Tourist (Class TR) visa, into Schedule 2 to the Principal Regulations.
This amendment omits the reference to the Special Tourist (Visitor)(Class TS) visa, as this visa has been repealed and the reference is redundant. It replaces it with a reference to the new Tourist (Class TR) visa, as a consequential amendment to the creation of the new Tourist (Class TR) visa by these Regulations.

Item [80] – Schedule 2, sub-subparagraph 858.211(2)(b)(i)(F)

This item substitutes new subparagraph 858.211(2)(b)(i)(F), which refers to the new Tourist (Class TR) visa, into Schedule 2 to the Principal Regulations.
This amendment omits the reference to the Special Tourist (Visitor)(Class TS) visa, as this visa has been repealed and the reference is redundant. It replaces it with a reference to the new Tourist (Class TR) visa, as a consequential amendment to the creation of the new Tourist (Class TR) visa by these Regulations.

Item [81] – Schedule 2, sub-subparagraph 956.511(a)(ii)(A)

This item inserts a reference to the new Subclass 676 (Tourist) visa into sub-subparagraph 956.511(a)(ii)(A) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.
Sub-subparagraph 956.511(a)(ii)(A) lists temporary visas that alter the time that a Subclass 956 Electronic Travel Authority (Business Entrant – Long Validity) comes

into effect. The purpose of the amendment is to ensure that the new Subclass 676 (Tourist) visa is included in this list.

Item [82] – Schedule 2, sub-subparagraph 977.511(a)(ii)(A)

This item inserts a reference to the new Subclass 676 (Tourist) visa into sub-subparagraph 977.511(a)(ii)(A) of Schedule 2 to the Principal Regulations. This item is consequential to the creation of the new Tourist (Class TR) visa in the Principal Regulations, by these Regulations.

Sub-subparagraph 977.511(a)(ii)(A) lists temporary visas that alter the time that a Subclass 977 Electronic Travel Authority (Business Entrant – Short Validity) comes into effect. The purpose of the amendment is to ensure that the new Subclass 676 (Tourist) visa is included in this list.

Item [83] - Schedule 2, Part 676

This item substitutes new Part 676 into Schedule 2 to the Principal Regulations. New Part 676 (Tourist) sets out the criteria and other requirements that an applicant for the new Tourist (Class TR) visa must meet for the grant of a Subclass 676 (Tourist) visa.

Division 676.1 Interpretation

Division 676.1 provides interpretation provisions specific to new Part 676 of Schedule 2 to the Principal Regulations. There are no interpretation provisions specific to new Part 676.

The note in division 676.1 explains that an oral application is defined in regulation 1.03. Regulation 1.03 defines an oral application in relation to a visa, as meaning an application made in accordance with regulation 2.09. Regulation 2.09 sets out the limited circumstances in which an oral application can be made.

Division 676.2 Primary criteria

This division 676.2 specifies the primary criteria that must be met in order to be granted a Subclass 676 (Tourist) visa.

The note in new division 676.2 provides that all applicants must satisfy the primary criteria in order to be granted the visa.

Subdivision 676.21 Criteria to be satisfied at time of application

This subdivision specifies the criteria that must be met at the time of application.

New clause 676.211 requires that the applicant satisfy the Minister that the applicant's expressed intention to only visit Australia is genuine. The Minister may, among other things, require the applicant to provide information to satisfy the Minister that the applicant's claims to be a visitor are genuine.

New clause 676.212 requires that the applicant seeks to visit Australia, or remain in Australia as a visitor for one of the following purposes:

- visiting an Australia citizen or Australian permanent resident, who is a parent, spouse, child, brother or sister of the applicant; or
- for a purpose other than a purpose related to business or medical treatment.

New clause 676.213 requires that the applicant:

- has adequate funds, or access to adequate funds for personal support during the period of the visit; or
- meets the criteria provided in paragraph 676.221(3)(f) – which relates to financial hardship or compelling personal reasons for the grant of the visa .

New clause 676.214 provides that if the applicant is a citizen of the PRC mentioned in paragraph 1218(1)(b):

- the applicant must be a resident of an area in PRC specified in a Gazette Notice for this paragraph;
- the travel agent organising the applicant's tour to Australia must be specified in a Gazette Notice for the purposes of subparagraph 1218(1)(b)(iii); and
- the applicant must provide a written statement of the details of the tour arrangement with his or her application.

New clause 676.215 provides that if the applicant is in Australia:

- the applicant must hold a substantive visa other than a Subclass 426 (Domestic Worker (Temporary) – Diplomatic or Consular) visa; or
- if the applicant does not hold a substantive visa, the applicant was the holder of a substantive temporary visa other than a Subclass 426 visa immediately before ceasing to hold a substantive visa, and the applicant satisfies Schedule 3 criteria 3001, 3003, 3004 and 3005 which are additional criteria applicable to unlawful non-citizens and certain bridging visa classes; and
- the applicant has complied substantially with the conditions that apply or applied to the last of any substantive visas held by the applicant, and to any subsequent bridging visa.

Subdivision 676.22 Criteria to be satisfied at time of decision

New subdivision 676.22 specifies the criteria that must be satisfied at the time of decision.

New subclause 676.221(1) provides that the applicant meets the requirements of either subclause 667.221(2) or 667.221(3) to satisfy subclause 676.221.

New subclause 676.221(2) combines the time of decision criteria previously provided for in subclauses 676.221(2) and (5) of the Subclass 676 (Tourist (Short Stay)) visa, a visa which is being repealed by these Regulations. New subclause 676.221(2) provides that the applicant meets the requirements of this subclause if:

- the applicant satisfies the Minister that the applicant's expressed intention to only visit Australia is genuine; and
- the applicant continues to satisfy the criteria in 676.212 and 676.213, which relate to the purpose of the applicant's visit, and having sufficient funds for personal support during the period of the visit (unless paragraph 676.211(3)(f) – financial hardship or compelling personal reasons for the grant of the visa, applies); and
- either:
    - if the applicant has not turned 18, public interest criterion 4001, 4002, 4003, and 4004 (which relate to character, national security and not having any outstanding debts to the Commonwealth), criterion 4005 (which relates to health), criterion 4011 (which relates to risk of overstay), criterion 4012 (which relates to undertakings regarding the care of the applicant), criterion 4013 (which relates to the risk factor) and criterion 4017 and 4018 (which relate to custody issues and the best interests of the child), are satisfied in relation to the applicant; or

    - if the applicant has turned 18, public interest criterion 4001, 4002, 4003, 4004, 4005, 4011, 4012, 4013 and 4014 are satisfied in relation to the applicant; and
- if the applicant is a citizen of PRC as mentioned in paragraph 1218(1) of Schedule 1, the applicant continues to be a resident of an area in PRC mentioned in the Gazette Notice for paragraph 676.214, the travel agent organising the applicant's tour to Australia continues to be specified in the Gazette Notice for paragraph 676.214, and the Minister has approved the details of the tour arrangements that were provided with the application; and
- if the applicant is in Australia:
    - the applicant continues to have complied substantially with the conditions that apply or have applied to the last of any substantive visas held by the applicant, and to any subsequent bridging visa; and
    - the Minister is satisfied that the further period of stay in Australia is not sought for the purpose of commencing, continuing or completing any studies or training; and
    - the Minister is satisfied that the applicant intends to comply with any conditions subject to which the visa is granted.

New subclause 676.221(3) combines the time of decision criteria previously provided for in subclauses 676.221(3) and (4) of the Subclass 676 (Tourist (Short Stay)) visa, a visa which is being repealed by these regulations. New subclause 676.221(3) provides that the applicant meets the requirements of this subclause if:

- the applicant is in Australia; and
- the application was not an oral application; and
- the application was not made on form 601 E (an application over the internet); and
- the applicant satisfies the Minister that the applicant's expressed intention to only visit Australia is genuine; and
- the applicant continues to satisfy the criteria in clauses 676.212, which relates to the purpose of the applicant's visit; and
- either:
    - the applicant has compelling personal reasons for the grant of the visa; or
    - each of the following applies:
        - the applicant is suffering financial hardship as a result of changed circumstances since entering Australia;
        - the applicant, or a member of their immediate family, is likely to become a charge on public funds in Australia;
        - for reasons beyond the applicant's control, the applicant or a member of the applicant's family cannot leave Australia;
        - the Minister is satisfied that the applicant has compelling personal reasons to work in Australia; and
- the applicant satisfies public interest criterion 4005; and
- the Minister is satisfied that the applicant intends to comply with any conditions subject to which the visa is granted.

New clause 676.222 is the same as previous clauses 676.222 and 676.223 of the Subclass 676 (Tourist (Short Stay)) visa, a visa which is being repealed by these regulations. New clause 676.222 provides that if the applicant is an AusAID student or recipient, the applicant has the support of the AusAID Minister for the grant of the

visa. The Minister may waive the requirements for support of the AusAID Minister if the Minister is satisfied that, in the particular case, waiver is justified by compelling circumstances that affect the interests of Australia, or compassionate or compelling circumstances that affect the interests of an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen.
New clause 676.223 provides that if the applicant has previously been in Australia, the applicant satisfies Schedule 5 special return criteria 5001 and 5002, which relate to periods of exclusion and special re-entry requirements.
New clause 676.224 provides that if the grant of the visa would result in the applicant being authorised to stay in Australia for more than 12 consecutive months as the holder of 1 or more visitor visa visas or a Subclass 417 (Working Holiday) visa, then the Minister must be satisfied that exceptional circumstances exist for the grant of the visa. The purpose of this provision is to incorporate the requirement previously contained in the Subclass 686 (Tourist (Long Stay)) visa, a visa which is being repealed by these regulations.
Division 676.3 Secondary criteria: Nil

Division 676.3 provides that there are no secondary criteria to be met for the grant of the Subclass 676 (Tourist) visa. The new note in Division 676.3 explains that all applicants must satisfy the primary criteria.
Division 676.4 Circumstances applicable to grant

This Division specifies the circumstances applicable to the grant of the visa.
New clause 676.411 provides that if the applicant was outside Australia at the time of application, the applicant must be outside Australia at the time of grant of the visa.
New clause 676.412 provides that if the applicant is a citizen of the PRC as mentioned in paragraph 1218(1)(b), then the applicant must be in PRC at the time of grant of the visa.
New clause 676.413 provides that if the applicant was in Australia at the time of application, the applicant must be in Australia at the time of grant of the visa.
Division 676.5 When visa is in effect

This Division specifies when the visa is in effect.
New clause 676.511 provides that if the visa was granted to an applicant outside Australia, the visa is a temporary visa which permits the holder to:

- travel to and enter Australia on 1 or more occasions until a date specified by the Minister for the purpose; and
- to remain in Australia for a period, or until a date specified by the Minister for the purpose.

New clause 676.512 provides that if the visa was granted to an applicant in Australia (not being granted on the basis of an oral application), the visa is a temporary visa permitting the holder to remain in Australia for a period, or until a date specified by the Minister for the purpose. If the holder leaves Australia during the visa period, the temporary visa permits the holder to:

- travel to, enter and remain in Australia on one or more occasions until a date specified by the Minister for the purpose; and
- remain in Australia after each entry, for a period , or until a date specified by the Minister for the purpose.

New clause 676.513 provides that if the visa was granted to an applicant in Australia on the basis of an oral application, the visa is a temporary visa permitting the holder to remain in Australia until the last stay date. The last stay date is the earlier of:

- the date 6 months after the latest date on which the substantive visa held by the applicant at the time of making the oral application would have permitted the holder to remain in Australia; and
- the date 12 months from the date on which the holder last entered Australia.

If the visa holder leaves Australia during the visa period, the visa also permits the holder to:

- travel to and enter Australia on one or more occasions until the later of:
    - the last stay date; and
    - the latest date on which the substantive visa held by the applicant at the time of making the application would have permitted the holder to enter Australia; and
- remain in Australia after each entry for a period, or until a date specified by the Minister for the purpose.

Division 676.6 Conditions

This Division specifies the conditions that are applicable to the new Subclass 676 (Tourist) visa.
New clause 676.611 provides that, in the case of a visa granted to an applicant in circumstances where the Minister is satisfied, for sub-subparagraph 676.221(3)(f)(ii)(D), that the applicant has compelling personal reasons to work in Australia, then conditions 8201 and 8205 are mandatory conditions, and visa condition 8503 may be imposed at the discretion of the Minister.
Condition 8201 provides that while in Australia the holder must not engage, for more than 3 months, in any studies or training;
Condition 8205 provides that if the holder is at least 11 years of age and:
(a) is from a country other than a country that is designated, by Gazette Notice, as a country in relation to which this condition does not apply; and
(b) intends to study in a class-room environment for a period greater than 4 weeks;

the holder must, before commencing that study, pass a chest X-ray examination carried out by a medical practitioner who is qualified as a radiologist.
Condition 8503 provides that the holder will not, after entering Australia, be entitled to be granted a substantive visa, other than a protection visa, while the holder remains in Australia.
New clause 676.212 provides that in the case of a visa granted to a person who is a citizen of the PRC mentioned in paragraph 1218(1)(b), conditions 8101, 8207, 8503 and 8530 are mandatory conditions.
Condition 8101 provides that the holder must not engage in work in Australia;
Condition 8207 provides that the holder must not engage in any studies or training in Australia;
Condition 8530 provides that the holder must not discontinue, or deviate from, the tour arrangements approved, in writing, by the Minister under subparagraph 676.221(2)(d)(ii).

New clause 676.613 provides that, in any other case, conditions 8101, 8201 and 8205 are mandatory conditions for the Subclass 676 (Tourist) visa. Visa condition 8503 may be imposed at the discretion of the Minister.

Division 676.7 Ways of giving evidence

New clause 676.711 provides that no evidence of the visa need be given.

New clause 676.712 provides that if evidence of the visa is given, it is to be given by a visa label affixed to a valid passport.

Item [84] Schedule 2, Part 686

This item omits the Part 686 (Long Stay) visa from Schedule 2 to the Principal Regulations and is consequential to the collapse of the Subclass 676 (Tourist (Short Stay)) visa with the Subclass 686 (Tourist (Long Stay)) into one new visa class with universal criteria - the new Tourist (Class TR) (Subclass 676) visa.

Item [85] Schedule 4, Part 2, after item 4065

This item inserts the Subclass 676 (Tourist) visa as a visa with conditions applicable under Schedule 4 to the Principal Regulations, for the purposes of subclause 4013(2). The effect of this amendment is that where a holder of the new Subclass 676 (Tourist) visa fails to comply with conditions 8101 or 8201, and this leads to the cancellation of the visa under specific provisions of the Act, a three year exclusion period may apply to a visa applicant seeking the grant of a visa where clause 4013 is a criterion for grant of that visa.

Item [86] Schedule 8, clause 8530

This item amends clause 8530 of Schedule 8 to the Principal Regulations to ensure that the correct paragraph reference under the new Subclass 676 (Tourist) visa regulations is included.

Item [87] Schedule 9, Part 1, item 23, column 2

This item omits paragraph 1218(3)(bb) from the list of persons to whom special entry and clearance arrangements apply under section 166 of the Act (Part 1 of Schedule 9 to the Principal Regulations), and replaces it with a reference to new paragraph 1218(3)(d).

This amendment is a technical amendment consequential to the amendments to item 1218 of Schedule 1 to the Principal Regulations, made by these Regulations.

Item [88] Schedule 9, Part 1, item 25

This item omits item 25 from the list of persons to whom special entry and clearance arrangements apply under section 166 of the Act (Part 1 of Schedule 9 to the Principal Regulations).

Item 25 relates to certain groups of persons who are not required to show evidence of their visa, and are required to satisfy alternative immigration clearance arrangements. As new clause 676.711 of these Regulations provides that no evidence of the visa need be given, this item is redundant.

Part 2 Further amendments

Item [89] Paragraph 2.12F(2)(d)

This item amends paragraph 2.12F(2)(d) to the Principal Regulations by omitting references to the Long Stay (Visitor) (Class TN) and Short Stay (Visitor) (Class TR)

visa. This item then inserts a reference to the new Tourist (Class TR) visa. This amendment is consequential to the collapse of the Short Stay Visitor Visa (Class TR) and the Long Stay Visitor Visa (Class TN) into one new Tourist (Class TR) visa in the Principal Regulations by these Regulations.

Item [90] Subparagraph 2.12F(2)(d)(i)

This item substitutes subparagraph 2.12F(2)(d)(i) of the Principal Regulations with new subparagraph 2.12F(2)(d)(i). This amendment is a technical amendment, consequential to the collapse of the Subclass 676 (Short Stay) visa and the Subclass 686 (Long Stay) visa into one new Subclass 676 (Tourist) visa in the Principal Regulations by these Regulations.

Item [91] Paragraph 2.43(1)(e)

This item substitutes new paragraph 2.43(1)(e) into Part 2 of the Principal Regulations.

This item is consequential to creation of the new Tourist (Class TR) (Subclass 676) visa, and the repeal of the Short Stay Visitor (Class TR) (Subclass 676) visa and the Long Stay Visitor (Class TN) (Subclass 686) visa from the Principal Regulations, by these Regulations.

The purpose of substituted paragraph 2.43(1)(e) is to prescribe that for the holder of a Electronic Travel Authority (Class UD), Long Stay (Visitor) (Class TN) and a Tourist (Class TR) visa cancellation of the visa may occur when the holder is under the age of 18 years and either, the holder's home country did not permit the removal of the holder and at least 1 of the persons who could lawfully determine where the additional applicant is to live did not consent to the grant of the visa, or the grant of the visa was inconsistent with any Australian child order in force in relation to the visa holder.

Item [92] Subparagraph 2.43(1)(f)(ii)

This item substitutes subparagraph 2.43(1)(f)(ii) with new subparagraphs 2.43(1)(f)(ii) and (iii) in Part 2 of the Principal Regulations.

This item is consequential to creation of the new Tourist (Class TR) (Subclass 676) visa, and the repeal of the Short Stay Visitor (Class TR) (Subclass 676) visa and the Long Stay Visitor (Class TN) (Subclass 686) visa from the Principal Regulations, by these Regulations.

The purpose of the substituted subparagraphs is to prescribe that for holders of a Long Stay (Visitor) (Class TN) and the new Tourist (Class TR) visa, who applied using a form 601E (an application over the internet), cancellation of the visa may occur if the holder is under the age of 18 years and is not accompanied by his or her parent or guardian.

Item [93] Subparagraphs 2.43(1)(j)(i), (ia), (ib) and (ii)

This item substitutes subparagraphs 2.43(1)(j)(i), (ia), (ib) and (ii) with new subparagraphs 2.43(1)(j)(i), (ii), (iii) and (iv).

This item is consequential to creation of the new Tourist (Class TR) (Subclass 676) visa, and the repeal of the Short Stay Visitor (Class TR) (Subclass 676) visa and the Long Stay Visitor (Class TN) (Subclass 686) visa from the Principal Regulations, by these Regulations.

The purpose of the substituted subparagraphs is to provide that holders of Subclasses 676 (Tourist), 676 (Tourist (Short Stay)), 679 (Sponsored Family Visitor) and 686 (Tourist (Long Stay) may have their visa cancelled if the Minister is satisfied that the

visa holder did not have, at the time of the grant of the visa, or has ceased to have, an intention only to visit, or remain in, Australia as a visitor temporarily for the purpose of visiting an Australian citizen, or Australian permanent resident, who is a parent, spouse, child, brother or sister of the visa holder or for another purpose, other than a purpose related to business or medical treatment.

Schedule 9 – Amendments relating to Student Guardian visas

Item [1] – Schedule 2, paragraph 580.223(2)(c)

This item amends paragraph 580.223(2)(c) in Schedule 2 to the Principal Regulations.

This item provides an exception to paragraph 580.223(2)(c) where an applicant meets the requirements of subclause 580.222(4).

The purpose of this amendment is to allow certain nominating students who intend to live with one, or more than one, student guardian visa holder where it will benefit the relationship between the government of Australia and the government of a foreign country.

Item [2] – Schedule 2, after paragraph 580.223(2)(c), at the foot

This item inserts a Note after paragraph 580.223(2)(c) in Schedule 2 to the Principal Regulations.

The Note explains that certain nominating students may intend to live with more than one student guardian, in addition to the visa applicant.

The purpose of this amendment is to assist visa decision makers by clarifying the amendment in paragraph 580.223(2)(c) in item [1] above, that allows certain nominating students to intend to live with more than one student guardian visa holder.

Item [3] – Schedule 2, Division 580.6

This item substitutes Division 580.6 in Schedule 2 to the Principal Regulations with a new Division 580.6.

New Division 580.6 makes provision for certain student guardian visa holders to have limited permission to work. Currently, no student guardian visa holders have permission to work in Australia.

New subclause 580.611(1) maintains the provisions of the previous clause 580.611 relating to the conditions imposed on holders of subclass 580 (Student Guardian) visa condition 8101 is a mandatory condition. Condition 8101 provides that the holder must not engage in work in Australia.

New subclause 580.611(2) inserts new provision regarding the conditions imposed on holders of Subclass 580 (Student Guardian) visa on basis of meeting subregulation 5.80.222(4). Where such a visa is granted because will benefit the relationship between the government of Australia and the government of a foreign country. Conditions are the same as for other Subclass 580 (Student Guardian) visa holders except for condition 8106. Condition 8106 provides that the visa holder must engage in work in Australia only if the work is relevant to the conduct of the business, or performance of the tasks, specified in the visa application

New clause 580.612 is a technical amendment and amends clause 580.612 so that it is consistent with other similar clauses in the Principal Regulations. There is no change to the provisions and conditions, which apply to members of the family unit of student guardian visa holder.

Schedule 10 – Amendments relating to student visas

Item [1] – Schedule 2, clause 580.111, after definition of *acceptable individual*

This item inserts a new definition, *acceptable non-profit organisation,* in clause 580.111 of Part 580 of Schedule 2 of the Principal Regulations. The new definition clarifies that *an acceptable non-profit organisation* means an organisation that is lawfully and actively operating in Australia or overseas on a non-profit basis, and has funds or income sufficient to provide the financial support that the organisation proposes to provide.

The new definition is relevant to other amendments made to Part 580 of Schedule 2 of the Principal Regulations by these Regulations, which expand the categories of *funds from an acceptable source* that may be available to a nominating student of an applicant for a Subclass 580 (Student Guardian) visa where the student is from an assessment level 4 (very high immigration risk) or level 3 (high immigration risk) country.

Assessment level is defined at Regulation 1.03 of Part 1 of Division 1.2 of the Principal Regulations.

Item [2] – Schedule 2, clause 580.112, definition of *funds from an acceptable source*, subparagraph (e)(vi)

This item omits subparagraph (e)(vi) of the definition of *funds from an acceptable source* in clause 580.112 of Part 580 of Schedule 2 of the Principal Regulations, and substitutes new subparagraphs (e)(vi) and (e)(vii).

New subparagraph (e)(vi) makes a technical amendment consequential to the insertion of new subparagraph (e)(vii). New subparagraph (e)(vii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the criteria to be satisfied at time of decision at subclause 580.226(3) for an applicant for a Subclass 580 (Student Guardian) visa if the nominating student was at the time his or her visa was granted, subject to assessment level 4.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 580 (Student Guardian) visa, to include funds from *an acceptable non-profit organisation* as defined in clause 580.111 of Part 580 of Schedule 2 of the Principal Regulations.

Item [3] – Schedule 2, clause 580.113, definition of *funds from an acceptable source*, subparagraph (e)(vi)

This item omits subparagraph (e)(vi) of the definition of *funds from an acceptable source* in clause 580.113 of Part 580 of Schedule 2 of the Principal Regulations, and substitutes new subparagraphs (e)(vi) and (e)(vii).

New subparagraph (e)(vi) makes a technical amendment consequential to the insertion of new subparagraph (e)(vii). New subparagraph (e)(vii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the criteria to be satisfied at time of decision at subclause 580.226(4) for an applicant for a Subclass

580 (Student Guardian) visa if the nominating student was at the time his or her visa was granted, subject to assessment level 3.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 580 (Student Guardian) Visa, to include funds from *an acceptable non-profit organisation* as defined in clause 580.111 of Part 580 of Schedule 2 of the Principal Regulations.

Item [4] – Schedule 5A, clause 5A101, after definition of *AASES (Acceptance Advice of Secondary Exchange Student)*

This item inserts a new definition, *acceptable non-profit organisation,* in clause 5A101 of Part 1 of Schedule 5A to the Principal Regulations. The new definition clarifies that *an acceptable non-profit organisation* means an organisation that is lawfully and actively operating in Australia or overseas on a non-profit basis, and has funds or income sufficient to provide the financial support that the organisation proposes to provide.

The new definition is relevant to other amendments made to Schedule 5A of the Principal Regulations by these Regulations, which expand the categories of *funds from an acceptable source* that may be available to an applicant in relation to subclauses 5A205(2); 5A208(2); 5A305(2); 5A308(2); 5A405(2); 5A408(2); 5A505(2); 5A508(2); 5A605(2); 5A608(2); 5A705(2) and 5A708(2), where the student is from an assessment level 4 (very high immigration risk) or level 3 (high immigration risk) country.

Assessment level is defined at Regulation 1.03 of Part 1 of Division 1.2 of the Principal Regulations.

Item [5] – Schedule 5A, subclause 5A205(2), definition of *funds from an acceptable source*, subparagraph (b)(vi)

This item omits subparagraph (b)(vi) of the definition of *funds from an acceptable source* in subclause 5A205(2) of Division 2 of Part 2 of Schedule 5A of the Principal Regulations, and substitutes new subparagraphs (b)(vi) and (b)(vii).

New subparagraph (b)(vi) makes a technical amendment consequential to the insertion of new subparagraph (b)(vii). New subparagraph (b)(vii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation.* This amendment is relevant to the financial capacity requirements for an applicant for a Subclass 570 (Independent ELICOS Sector) visa in Division 2 of Part 2 of Schedule 5A of the Principal Regulations if the applicant is subject to assessment level 4.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 570 (Independent ELICOS Sector) visa, to include funds from *an acceptable non-profit organisation* as defined in clause 5A101 of Part 1 of Schedule 5A of the Principal Regulations.

Item [6] – Schedule 5A, subclause 5A208(2), definition of *funds from an acceptable source*, subparagraph (d)(vii)

This item omits subparagraph (d)(vii) of the definition of *funds from an acceptable source* in subclause 5A208(2) of Division 3 of Part 2 of Schedule 5A of the Principal Regulations, and substitutes new subparagraphs (d)(vii) and (d)(viii).

New subparagraph (d)(vii) makes a technical amendment consequential to the insertion of new subparagraph (d)(viii). New subparagraph (d)(viii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the financial capacity requirements for an applicant for a Subclass 570 (Independent ELICOS Sector) visa in Division 2 of Part 2 of Schedule 5A of the Principal Regulations if the applicant is subject to assessment level 3.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 570 (Independent ELICOS Sector) visa, to include funds from *an acceptable non-profit organisation* as defined in clause 5A101 of Part 1 of Schedule 5A of the Principal Regulations.

Item [7] – Schedule 5A, subclause 5A305(2), definition of *funds from an acceptable source*, subparagraph (d)(vi)

This item omits subparagraph (d)(vi) of the definition of *funds from an acceptable* source in subclause 5A305(2) of Division 2 of Part 3 of Schedule 5A of the Principal Regulations, and substitutes new subparagraphs (d)(vi) and (d)(vii).

New subparagraph (d)(vi) makes a technical amendment consequential to the insertion of new subparagraph (d)(vii). New subparagraph (d)(vii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the financial capacity requirements for an applicant for a Subclass 571 (Schools Sector) visa in Division 2 of Part 3 of Schedule 5A of the Principal Regulations if the applicant is subject to assessment level 4.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 571 (Schools Sector) visa, to include funds from *an acceptable non-profit organisation* as defined in clause 5A101 of Part 1 of Schedule 5A of the Principal Regulations.

Item [8] – Schedule 5A, subparagraph 5A308(2)(d)(vii), definition of *funds from an acceptable source*

This item omits subparagraph (d)(vii) of the definition of *funds from an acceptable source* in subclause 5A308(2) of Division 3 of Part 3 of Schedule 5A of the Principal Regulations, and substitutes new subparagraphs (d)(vii) and (d)(viii).

New subparagraph (d)(vii) makes a technical amendment consequential to the insertion of new subparagraph (d)(viii). New subparagraph (d)(viii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the financial

capacity requirements for an applicant for a Subclass 571 (Schools Sector) visa in Division 3 of Part 3 of Schedule 5A of the Principal Regulations if the applicant is subject to assessment level 3.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 571 (Schools Sector) visa, to include funds from *an acceptable non-profit organisation* as defined in clause 5A101 of Part 1 of Schedule 5A of the Principal Regulations.

Item [9] – Schedule 5A, subclause 5A405(2), definition of *funds from an acceptable source*, subparagraph (b)(vii)

This item omits subparagraph (b)(vii) of the definition of *funds from an acceptable source* in subclause 5A405(2) of Division 2 of Part 4 of Schedule 5A of the Principal Regulations, and substitutes new subparagraphs (b)(vii) and (b)(viii).

New subparagraph (b)(vii) makes a technical amendment consequential to the insertion of new subparagraph (b)(viii). New subparagraph (b)(viii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the financial capacity requirements for an applicant for a Subclass 572 (Vocational Education and Training Sector) visa in Division 2 of Part 4 of Schedule 5A of the Principal Regulations if the applicant is subject to assessment level 4.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 572 (Vocational Education and Training Sector) visa, to include funds from *an acceptable non-profit organisation* as defined in clause 5A101 of Part 1 of Schedule 5A of the Principal Regulations.

Item [10] – Schedule 5A, subclause 5A408(2), definition of *funds from an acceptable source*, subparagraph (d)(vii)

This item omits subparagraph (d)(vii) of the definition of *funds from an acceptable source* in subclause 5A408(2) of Division 3 of Part 4 of Schedule 5A of the Principal Regulations, and substitutes new subparagraphs (d)(vii) and (d)(viii).

New subparagraph (d)(vii) makes a technical amendment consequential to the insertion of new subparagraph (d)(viii). New subparagraph (d)(viii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the financial capacity requirements for an applicant for a Subclass 572 (Vocational Education and Training Sector) visa in Division 3 of Part 4 of Schedule 5A of the Principal Regulations if the applicant is subject to assessment level 3.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 572 (Vocational Education and Training Sector) visa, to include funds from *an acceptable non-profit organisation* as defined in clause 5A101 of Part 1 of Schedule 5A of the Principal Regulations.

Item [11] – Schedule 5A, subclause 5A505(2), definition of *funds from an acceptable source*, subparagraph (d)(vii)

This item omits subparagraph (d)(vii) of the definition of *funds from an acceptable source* in subclause 5A505(2) of Division 2 of Part 5 of Schedule 5A of the Principal Regulations, and substitutes new subparagraphs (d)(vii) and (d)(viii).

New subparagraph (d)(vii) makes a technical amendment consequential to the insertion of new subparagraph (d)(viii). New subparagraph (d)(viii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the financial capacity requirements for an applicant for a Subclass 573 (Higher Education Sector) visa in Division 2 of Part 5 of Schedule 5A of the Principal Regulations if the applicant is subject to assessment level 4.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 573 (Higher Education Sector) visa, to include funds from *an acceptable non-profit organisation* as defined in clause 5A101 of Part 1 of Schedule 5A of the Principal Regulations.

Item [12] – Schedule 5A, subclause 5A508(2), definition of *funds from an acceptable source*, subparagraph (e)(vii)

This item omits subparagraph (e)(vii) of the definition of *funds from an acceptable source* in subclause 5A508(2) of Division 3 of Part 5 of Schedule 5A of the Principal Regulations, and substitutes new subparagraphs (e)(vii) and (e)(viii).

New subparagraph (e)(vii) makes a technical amendment consequential to the insertion of new subparagraph (e)(viii). New subparagraph (e)(viii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the financial capacity requirements for an applicant for a Subclass 573 (Higher Education Sector) visa in Division 3 of Part 5 of Schedule 5A of the Principal Regulations if the applicant is subject to assessment level 3.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 573 (Higher Education Sector) visa, to include funds from *an acceptable non-profit organisation* as defined in clause 5A101 of Part 1 of Schedule 5A of the Principal Regulations.

Item [13] – Schedule 5A, subclause 5A605(2), definition of *funds from an acceptable source*, subparagraph (d)(vii)

This item omits subparagraph (d)(vii) of the definition of *funds from an acceptable source* in subclause 5A605(2) of Division 2 of Part 6 of Schedule 5A of the Principal Regulations, and substitutes new subparagraphs (d)(vii) and (d)(viii).

New subparagraph (d)(vii) makes a technical amendment consequential to the insertion of new subparagraph (d)(viii). New subparagraph (d)(viii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the financial capacity requirements for an applicant for a Subclass 574 (Postgraduate Research Sector) visa in Division 2 of Part 6 of Schedule 5A of the Principal Regulations if the applicant is subject to assessment level 4.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 574 (Postgraduate Research Sector) visa, to include funds from *an acceptable non-profit organisation* as defined in clause 5A101 of Part 1 of Schedule 5A of the Principal Regulations.

Item [14] – Schedule 5A, subclause 5A608(2), definition of *funds from an acceptable source*, subparagraph (d)(vii)

This item omits subparagraph (d)(vii) of the definition of *funds from an acceptable source* in subclause 5A608(2) of Division 3 of Part 6 of Schedule 5A of the Principal Regulations, and substitutes new subparagraphs (d)(vii) and (d)(viii).

New subparagraph (d)(vii) makes a technical amendment consequential to the insertion of new subparagraph (d)(viii). New subparagraph (d)(viii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the financial capacity requirements for an applicant for a Subclass 574 (Postgraduate Research Sector) visa in Division 3 of Part 6 of Schedule 5A of the Principal Regulations if the applicant is subject to assessment level 3.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 574 (Postgraduate Research Sector) visa, to include funds from *an acceptable non-profit organisation* as defined in clause 5A101 of Part 1 of Schedule 5A of the Principal Regulations.

Item [15] – Schedule 5A, subclause 5A705(2), definition of *funds from an acceptable source*, subparagraph (b)(vi)

This item omits subparagraph (b)(vi) of the definition of *funds from an acceptable source* in subclause 5A705(2) of Division 2 of Part 7 of Schedule 5A of the Principal Regulations, and substitutes new subparagraphs (b)(vi) and (b)(vii).

New subparagraph (b)(vi) makes a technical amendment consequential to the insertion of new subparagraph (b)(vii). New subparagraph (b)(vii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the financial capacity requirements for an applicant for a Subclass 575 (Non-Award Sector) visa in Division 2 of Part 7 of Schedule 5A of the Principal Regulations if the applicant is subject to assessment level 4.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 575 (Non-Award Sector) visa, to include funds from *an acceptable non-profit organisation* as defined in clause 5A101 of Part 1 of Schedule 5A of the Principal Regulations.

Item [16] – Schedule 5A, subclause 5A708(2), definition of *funds from an acceptable source*, subparagraph (d)(vii)

This item omits subparagraph (d)(vii) of the definition of *funds from an acceptable source* in subclause 5A708(2) of Division 3 of Part 7 of Schedule 5A of the Principal Regulations, and substitutes new subparagraphs (d)(vii) and (d)(viii).

New subparagraph (d)(vii) makes a technical amendment consequential to the insertion of new subparagraph (d)(viii). New subparagraph (d)(viii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the financial capacity requirements for an applicant for a Subclass 575 (Non-Award Sector) visa in Division 3 of Part 7 of Schedule 5A of the Principal Regulations if the applicant is subject to assessment level 3.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 575 (Non-Award Sector) visa, to include funds from *an acceptable non-profit organisation* as defined in clause 5A101 of Part 1 of Schedule 5A of the Principal Regulations.

Item [17] – Schedule 5B, clause 5B101, before definition of *course fees*

This item inserts a new definition, *acceptable non-profit organisation*, in clause 5B101 of Part 1 of Schedule 5B to the Principal Regulations. The new definition clarifies that *an acceptable non-profit organisation* means an organisation that is lawfully and actively operating in Australia or overseas on a non-profit basis, and has funds or income sufficient to provide the financial support that the organisation proposes to provide.

The new definition is relevant to other amendments made to Schedule 5B of the Principal Regulations by these Regulations, which expand the categories of *funds from an acceptable source* that may be available to an applicant in subclauses 5B201(3); 5B202(3); 5B301(3) and 5B302(3), where the student is from an assessment level 4 (very high immigration risk) or level 3 (high immigration risk) country.

Assessment level is defined at Regulation 1.03 of Part 1 of Division 1.2 of the Principal Regulations.

Item [18] – Schedule 5B, subclause 5B201(3), definition of *funds from an acceptable source*, subparagraph (d)(vii)

This item omits subparagraph (d)(vii) of the definition of *funds from an acceptable source* in subclause 5B201(3) of Part 2 of Schedule 5B of the Principal Regulations, and substitutes new subparagraphs (d)(vii) and (d)(viii).

New subparagraph (d)(vii) makes a technical amendment consequential to the insertion of new subparagraph (d)(viii). New subparagraph (d)(viii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the evidentiary requirements for a Subclass 570, 571, 572, 573 or 575 visa if the applicant is subject to assessment level 4.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 570, 571, 572, 573 or 575 visa to include funds from *an acceptable non-profit organisation* as defined in clause 5B101 of Part 1 of Schedule 5B of the Principal Regulations.

Item [19] – Schedule 5B, subclause 5B202(3), definition of *funds from an acceptable source*, subparagraph (d)(vii)

This item omits subparagraph (d)(vii) of the definition of *funds from an acceptable source* in subclause 5B202(3) of Part 2 of Schedule 5B of the Principal Regulations, and substitutes new subparagraphs (d)(vii) and (d)(viii).

New subparagraph (d)(vii) makes a technical amendment consequential to the insertion of new subparagraph (d)(viii). New subparagraph (d)(viii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the evidentiary requirements for a Subclass 574 visa if the applicant is subject to assessment level 4.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 574 visa to include funds from *an acceptable non-profit organisation* as defined in clause 5B101 of Part 1 of Schedule 5B of the Principal Regulations.

Item [20] – Schedule 5B, subclause 5B301(3), definition of *funds from an acceptable source*, subparagraph (d)(vii)

This item omits subparagraph (d)(vii) of the definition of *funds from an acceptable source* in subclause 5B301(3) of Part 3 of Schedule 5B of the Principal Regulations, and substitutes new subparagraphs (d)(vii) and (d)(viii).

New subparagraph (d)(vii) makes a technical amendment consequential to the insertion of new subparagraph (d)(viii). New subparagraph (d)(viii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the evidentiary requirements for a Subclass 570, 571, 572, 573 or 575 visa if the applicant is subject to assessment level 3.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 570, 571, 572, 573 or 575 visa to include funds from *an acceptable non-profit organisation* as defined in clause 5B101 of Part 1 of Schedule 5B of the Principal Regulations.

Item [21] – Schedule 5B, subclause 5B302(3), definition of *funds from an acceptable source*, subparagraph (d)(vii)

This item omits subparagraph (d)(vii) of the definition of *funds from an acceptable source* in subclause 5B302(3) of Part 3 of Schedule 5B of the Principal Regulations, and substitutes new subparagraphs (d)(vii) and (d)(viii).

New subparagraph (d)(vii) makes a technical amendment consequential to the insertion of new subparagraph (d)(viii). New subparagraph (d)(viii) inserts an additional provision in the definition of *funds from an acceptable source* by referring to *an acceptable non-profit organisation*. This amendment is relevant to the evidentiary requirements for a Subclass 574 visa if the applicant is subject to assessment level 3.

The effect of this item is to extend the sources of funds in relation to an application for a Subclass 574 visa to include funds from *an acceptable non-profit organisation* as defined in clause 5B101 of Part 1 of Schedule 5B of the Principal Regulations.

Schedule 11 – Further amendments relating to student visas

Item [1] – Schedule 2, paragraph 570.232(b)

This item substitutes new paragraph 570.232(b) in Part 570 of Schedule 2 to the Principal Regulations.
The purpose of this amendment is to ensure that a student visa applicant is not affected by the reassignment of a type of course to another subclass of student visa, which may occur after they have made their application. The intention is that an applicant should be eligible at time of decision for the subclass of student visa that was relevant when the non-citizen made the application.

Item [2] – after clause 570.234

Item [3] – after clause 570.332

These items insert new clauses 570.235 and 570.333 into Part 570 of Schedule 2 to the Principal Regulations.

New clauses 570.235 and 570.333 both provide that if an application for a student visa was made in Australia, the applicant is required to have complied substantially with the conditions that apply or applied to the last of any substantive visas held by the applicant. In addition, the applicant must comply with the conditions that apply or applied to any subsequent bridging visa held by the applicant.

Other clauses, omitted by these Regulations, impose a similar requirement. The requirement is imposed on the main applicant at both the time of application and the time of decision to grant or refuse the visa. The requirement is imposed on family member applicants at time of application only.

The purpose of these new clauses is to tidy the regulations by imposing the requirement on all applicants at time of decision only. In addition, they require the applicant to have complied substantially with the conditions on any intervening bridging visas.
Item [4] – Schedule 2, paragraph 571.232(b)

This item substitutes new paragraph 571.232(b) into Part 571 of Schedule 2 to the Principal Regulations.
The purpose of this amendment is to ensure that a student visa applicant is not affected by the reassignment of a type of course to another subclass of student visa, which may occur after they have made their application. The intention is that an applicant should be eligible at time of decision for the subclass of student visa that was relevant when the non-citizen made the application.

Item [5] – after clause 571.236

Item [6] – after clause 571.332

These items insert new clauses 571.237 and 571.333 into Part 571 of Schedule 2 to the Principal Regulations.

New clauses 571.237 and 571.333 both provide that if an application for a student visa was made in Australia, the applicant is required to have complied substantially with the conditions that apply or applied to the last of any substantive visas held by the applicant. In addition, the applicant must comply with the conditions that apply or applied to any subsequent bridging visa held by the applicant.

Other clauses, omitted by these Regulations, impose a similar requirement. The requirement is imposed on the main applicant at both the time of application and the time of decision to grant or refuse the visa. The requirement is imposed on family member applicants at time of application only.

The purpose of these new clauses is to tidy the regulations by imposing the requirement on all applicants at time of decision only. In addition, they require the applicant to have complied substantially with the conditions on any intervening bridging visas.

Item [7] – Schedule 2, paragraph 572.231(b)

This item substitutes new paragraph 572.231(b) into Part 572 of Schedule 2 to the Principal Regulations.

The purpose of this amendment is to ensure that a student visa applicant is not affected by the reassignment of a type of course to another subclass of student visa, which may occur after they have made their application. The intention is that an applicant should be eligible at time of decision for the subclass of student visa that was relevant when the non-citizen made the application.

Item [8] – after clause 572.234

Item [9] – after clause 572.332

These items insert new clauses 572.235 and 572.333 into Part 572 of Schedule 2 to the Principal Regulations.

New clause 572.235 and 572.333 both provide that if an application for a student visa was made in Australia, the applicant is required to have complied substantially with the conditions that apply or applied to the last of any substantive visas held by the applicant. In addition, the applicant must comply with the conditions that apply or applied to any subsequent bridging visa held by the applicant.

Other clauses, omitted by these Regulations, impose a similar requirement. The requirement is imposed on the main applicant at both the time of application and the time of decision to grant or refuse the visa. The requirement is imposed on family member applicants at time of application only.

The purpose of these new clauses is to tidy the regulations by imposing the requirement on all applicants at time of decision only. In addition, they require the

applicant to have complied substantially with the conditions on any intervening bridging visas.

Item [10] – Schedule 2, paragraph 573.231(b)

This item substitutes new paragraph 572.231(b) into Part 572 of Schedule 2 to the Principal Regulations.

The purpose of this amendment is to ensure that a student visa applicant is not affected by the reassignment of a type of course to another subclass of student visa, which may occur after they have made their application. The intention is that an applicant should be eligible at time of decision for the subclass of student visa that was relevant when the non-citizen made the application.

Item [11] – after clause 573.234

Item [12] – after clause 573.332

These items insert new clauses 573.235 and 573.333 into Part 573 of Schedule 2 to the Principal Regulations.

New clauses 573.235 and 573.333 both provide that if an application for a student visa was made in Australia, the applicant is required to have complied substantially with the conditions that apply or applied to the last of any substantive visas held by the applicant. In addition, the applicant must comply with the conditions that apply or applied to any subsequent bridging visa held by the applicant.

Other clauses, omitted by these Regulations, impose a similar requirement. The requirement is imposed on the main applicant at both the time of application and the time of decision to grant or refuse the visa. The requirement is imposed on family member applicants at time of application only.

The purpose of these new clauses is to tidy the regulations by imposing the requirement on all applicants at time of decision only. In addition, they require the applicant to have complied substantially with the conditions on any intervening bridging visas.

Item [13] – Schedule 2, paragraph 574.231(b)

This item substitutes new paragraph 574.231(b) into Part 574 of Schedule 2 to the Principal Regulations.

The purpose of this amendment is to ensure that a student visa applicant is not affected by the reassignment of a type of course to another subclass of student visa, which may occur after they have made their application. The intention is that an applicant should be eligible at time of decision for the subclass of student visa that was relevant when the non-citizen made the application.

Item [14] – Schedule 2, after clause 574.234

Item [15] – Schedule 2, after clause 574.332

These items insert new clauses 574.235 and 574.333 into Part 574 of Schedule 2 to the Principal Regulations.

New clauses 574.235 and 574.333 both provide that if an application for a student visa was made in Australia, the applicant is required to have complied substantially

with the conditions that apply or applied to the last of any substantive visas held by the applicant. In addition, the applicant must comply with the conditions that apply or applied to any subsequent bridging visa held by the applicant.

Other clauses, omitted by these Regulations, impose a similar requirement. The requirement is imposed on the main applicant at both the time of application and the time of decision to grant or refuse the visa. The requirement is imposed on family member applicants at time of application only.

The purpose of these new clauses is to tidy the regulations by imposing the requirement on all applicants at time of decision only. In addition, they require the applicant to have complied substantially with the conditions on any intervening bridging visas.

Item [16] - Schedule 2, paragraph 575.231(b)

This item substitutes new paragraph 575.231(b) into Part 575 of Schedule 2 to the Principal Regulations.

The purpose of this amendment is to ensure that a student visa applicant is not affected by the reassignment of a type of course to another subclass of student visa, which may occur after they have made their application. The intention is that an applicant should be eligible at time of decision for the subclass of student visa that was relevant when the non-citizen made the application.

Item [17] – Schedule 2, after clause 575.234

Item [18] – Schedule 2, after clause 575.332

Item [19] – Schedule 2, after clause 576.232

Item [20] – Schedule 2, after clause 576.333

These items insert new clauses 575.235, 575.333, 576.233 and 576.334 into Parts 575 and 576 of Schedule 2 to the Principal Regulations.

New clauses 575.235, 575.333, 576.233 and 576.334 provide that if an application for a student visa was made in Australia, the applicant is required to have complied substantially with the conditions that apply or applied to the last of any substantive visas held by the applicant. In addition, the applicant must comply with the conditions that apply or applied to any subsequent bridging visa held by the applicant.

Other clauses, omitted by these Regulations, impose a similar requirement. The requirement is imposed on the main applicant at both the time of application and the time of decision to grant or refuse the visa. The requirement is imposed on family member applicants at time of application only.

The purpose of these new clauses is to tidy the regulations by imposing the requirement on all applicants at time of decision only. In addition, they require the applicant to have complied substantially with the conditions on any intervening bridging visas.

Item [21] – Further amendments - omissions

This item omits the following clauses from Parts 570, 571, 572, 573, 574, 575 and 576 of Schedule 2 to the Principal Regulations:

- Clauses: 570.212, 570.226, 570.313
- Clauses: 571.212, 571.226, 571.313
- Clauses: 572.212, 572.226, 572.313
- Clauses: 573.212, 573.226, 573.313
- Clauses: 574.212, 574.226, 574.313
- Clauses: 575.212, 575.226, 575.313
- Clauses: 576.212, 576.225, 576.313.

These clauses provide that if a student visa application was made in Australia, the applicant is required to have complied substantially with the conditions on their current or last held substantive visa.

These clauses impose this requirement on the main applicant at both the time of application and the time of decision to grant or refuse the visa. They impose the requirement on family member applicants at time of application only.

This item omits these requirements as a consequence of amendments made by these Regulations that insert a similar a requirement to be met by all applicants at time of decision only.

Schedule 12 – Amendments relating to Student eVisas

Item [1] – Schedule 1, after paragraph 1222(1)(a)

This item amends subitem 1222(1) of Schedule 1 to the Principal Regulations to insert a new paragraph 1222(1)(aa).
New paragraph 1222(1)(aa) provides that the relevant form for a person applying for a Student (Temporary)(Class TU) visa, who is in Australia and is included in a class of persons specified by Gazette Notice for the purposes of subparagraph 1222(1)(aa)(i) is form 157A or 157A (Internet). The relevant form for a person applying for a Student (Temporary)(Class TU) visa, who is in Australia and is included in a class of persons specified by Gazette Notice for the purpose of subparagraph 1222(1)(aa)(ii) is form 157P or 157P (Internet).
The purpose of this amendment is to allow for the class of persons who satisfy the criteria in paragraph 1222(1)(aa), to be changed from time to time to respond to the changing capabilities of the Department's eVisa initiatives.
Item [2] – Schedule 1, paragraph 1222(1)(ba)
This item omits paragraph 1222(1)(ba) of Schedule 1 to the Principal Regulations. This paragraph prescribed the form to be used in the case of an application made in Australia by an applicant who holds a Subclass 570, 571, 572, 573, 574, 575 or 576 visa that is subject to condition 8101 or 8104, and who seeks a visa of any of those subclasses that is not subject to condition 8101. This provision is made redundant by new paragraph 1222(1)(aa) inserted by these Regulations.
Item [3] – Schedule 1, paragraph 1222(1)(d)
This item substitutes paragraph 1222(1)(d) of Schedule 1 to the Principal Regulations with a new paragraph 1222(1)(d).
The amendments provide that the relevant application form for an applicant for a Student (Temporary)(Class TU) visa who does not satisfy the criteria in paragraphs 1222(1)(a), 1222(1)(aa), 1222(1)(b), 1222(1)(ba) or 1222(1)(c) of Schedule 1 to the Principal Regulations, is Form 157A. This form is to be used by applicants

regardless of whether the application is made in Australia or outside Australia. These applicants will not be able to make an application on an internet form.

Item [4] – Schedule 1, paragraphs 1222(3)(ca), (cb), (cc) and (cd)

This item omits paragraphs 1222(3)(ca), (cb), (cc) and (cd) of Schedule 1 to the Principal Regulations.

The effect of this omission is to remove references in subitem 1222(3) of Schedule 1 to the Principal Regulation to the class of persons, based on location, age and other factors, who can make an application for a Student (Temporary) (Class TU) visa using an Internet form.

Consequent to amendments made to subitem 1222(1) by these Regulations, the classes of persons who can make their application for a Student (Temporary)(Class TU) visa using an Internet form will be specified by Gazette Notice.

Schedule 13 – Amendments relating to student visas

Part 1 – Amendments

Item [1] – Schedule 5A, item 5A101 – definition of *foundation course*

This item substitutes the definition of *foundation course* in item 5A101 of Schedule 5A to the Principal Regulations with a new definition of *foundation course*.

This amendment removes the requirement that the course be registered at the level of foundation studies and replaces it with the requirement that the course be merely registered as foundation studies.

The current list of registered courses appears on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) and is managed under section 10 of the *Education Services for Overseas Students Act 2000*.

The effect of the amendment is to enable the Minister to accept foundation studies programs, which are registered on CRICOS at 'foundation studies', for the purposes of English language proficiency and other student visa evidentiary requirements under Schedule 5A. The purpose of this amendment is to remove reliance on any one course level, with regard to pre-requisite evidentiary requirements for various student visas.

Item [2] – Schedule 5A, sub-subparagraph 5A204(c)(ii)(A)

This item makes a minor technical amendment to sub-subparagraph 5A204(c)(ii)(A) in Schedule 5A to the Principal Regulations by replacing the words in the English language with the words in English. The purpose of this technical amendment is to ensure that the relevant phraseology is consistent throughout the Principal Regulations and schedules to the Principal Regulations.

Item [3] – Schedule 5A, sub-subparagraph 5A204(c)(ii)(B)

This item substitutes sub-subparagraph 5A204(c)(ii)(B) in Schedule 5A to the Principal Regulations with two new sub-subparagraphs.

The effect of this amendment is to vary and extend the relevant provisions which exempt certain categories of Subclass 570 (Independent ELICOS Sector) visa applicants (Assessment Level 4) from having to undergo English language proficiency testing. More specifically, the effect on applicant exemption eligibility is threefold:

- applicants must have successfully completed a qualification from the Australian Qualifications Framework at the Certificate IV level or higher (in Australia, and in English), as opposed to merely studying towards one;
- a new category of applicant eligible for the English language proficiency testing exemption is created for those who have successfully completed a foundation course (in Australia, and in English));
- applicants who have successfully completed a foundation course at the Australian Qualifications Framework Certificate IV level or higher (in Australia, and in English) are no longer eligible to apply for an exemption from the English language proficiency testing requirements under the corresponding second sub-subparagraph (instead they must provide evidence under the new sub-subparagraph).

Item [4] – Schedule 5A, sub-subparagraph 5A404(d)(ii)(A)

This item makes a minor technical amendment to sub-subparagraph 5A404(d)(ii)(A) in Schedule 5A to the Principal Regulations by replacing the words in the English language with the words in English. The purpose of this technical amendment is to ensure that the relevant phraseology is consistent throughout the Principal Regulations and schedules to the Principal Regulations.

Item [5] – Schedule 5A, sub-subparagraph 5A404(d)(ii)(B)

This item substitutes sub-subparagraph 5A404(d)(ii)(B) in Schedule 5A to the Principal Regulations with two new sub-subparagraphs.

The effect of this amendment is to vary and extend the relevant provisions which exempt certain categories of Subclass 572 (Vocational Education and Training Sector) visa applicants
(Assessment Level 4) from having to undergo English language proficiency testing. More specifically, the effect on applicant exemption eligibility is threefold:

- applicants must have successfully completed a qualification from the Australian Qualifications Framework at the Certificate IV level or higher (in Australia, and in English), as opposed to merely studying towards one;
- a new category of applicant eligible for the English language proficiency testing exemption is created for those who have successfully completed a foundation course (in Australia, and in English));
- applicants who have successfully completed a foundation course at the Australian Qualifications Framework Certificate IV level or higher (in Australia, and in English) are no longer eligible to apply for an exemption from the English language proficiency testing requirements under the corresponding second sub-

subparagraph (instead they must provide evidence under the new sub-subparagraph).

Item [6] – Schedule 5A, sub-subparagraph 5A407(d)(ii)(A)
This item makes a minor technical amendment to sub-subparagraph 5A407(d)(ii)(A) in Schedule 5A to the Principal Regulations by replacing the words in the English language with the words in English. The purpose of this technical amendment is to ensure that the relevant phraseology is consistent throughout the Principal Regulations and schedules to the Principal Regulations.
Item [7] – Schedule 5A, sub-subparagraph 5A407(d)(ii)(B)
This item substitutes sub-subparagraph 5A407(d)(ii)(B) in Schedule 5A to the Principal Regulations with two new sub-subparagraphs.

The effect of this amendment is to vary and extend the relevant provisions which exempt certain categories of Subclass 572 (Vocational Education and Training Sector) visa applicants (Assessment Level 3) from having to undergo English language proficiency testing. More specifically, the effect on applicant exemption eligibility is threefold:

- applicants must have successfully completed a qualification from the Australian Qualifications Framework at the Certificate IV level or higher (in Australia, and in English), as opposed to merely studying towards one;
- a new category of applicant eligible for the English language proficiency testing exemption is created for those who have successfully completed a foundation course (in Australia, and in English));
- applicants who have successfully completed a foundation course at the Australian Qualifications Framework Certificate IV level or higher (in Australia, and in English) are no longer eligible to apply for an exemption from the English language proficiency testing requirements under the corresponding second sub-subparagraph (instead they must provide evidence under the new sub-subparagraph).

Item [8] – Schedule 5A, subparagraph 5A504(1)(aa)(ii)
This item amends subparagraph 5A504(1)(aa)(ii) in Schedule 5A to the Principal Regulations by omitting the words of at least 1 year's duration.
The effect of this amendment is to remove the requirement that the relevant educational qualifications referred to in the aforementioned sub-subparagraph, be at least one year in duration.
The purpose of this amendment is to remove any reliance on course duration as a measure of an educational course's worth as a prerequisite qualification for the purposes of the student visa evidentiary requirements under Schedule 5A.
Item [9] – Schedule 5A, sub-subparagraph 5A504(1)(d)(ii)(A)
This item makes a minor technical amendment to sub-subparagraph 5A504(d)(ii)(A) in Schedule 5A to the Principal Regulations by replacing the words in the English language with the words in English. The purpose of this technical amendment is to ensure that the relevant phraseology is consistent throughout the Principal Regulations and schedules to the Principal Regulations.

Item [10] – Schedule 5A, sub-subparagraph 5A504(1)(d)(ii)(B)
This item substitutes sub-subparagraph 5A504(1)(d)(ii)(B) in Schedule 5A to the Principal Regulations with two new sub-subparagraphs.

The effect of this amendment is to vary and extend the relevant provisions which exempt certain categories of Subclass 573 (Higher Education Sector) visa applicants (Assessment Level 4) from having to undergo English language proficiency testing. More specifically, the effect on applicant exemption eligibility is threefold:

- applicants must have successfully completed a qualification from the Australian Qualifications Framework at the Certificate IV level or higher (in Australia, and in English), as opposed to merely studying towards one;
- a new category of applicant eligible for the English language proficiency testing exemption is created for those who have successfully completed a foundation course (in Australia, and in English)); or
- applicants who have successfully completed a foundation course at the Australian Qualifications Framework Certificate IV level or higher (in Australia, and in English) are no longer eligible to apply for an exemption from the English language proficiency testing requirements under the corresponding second sub-subparagraph (instead they must provide evidence under the new sub-subparagraph).

Item [11] – Schedule 5A, subparagraph 5A506(b)(ii)
Item [12] – Schedule 5A, subparagraph 5A506(c)(ii)
Item [13] – Schedule 5A, subparagraph 5A507(1)(aa)(ii)
These items amend the relevant subparagraphs in Schedule 5A to the Principal Regulations by omitting the words of at least 1 year's duration.
The effect of these amendments is to remove the requirement that the relevant educational qualifications referred to in the above sub-subparagraphs be at least one year in duration.
The purpose of these amendments is to remove any reliance on course duration as a measure of an educational course's worth as a prerequisite qualification for the purposes of the student visa evidentiary requirements under Schedule 5A.
Item [14] – Schedule 5A, sub-subparagraph 5A507(1)(d)(ii)(A)
This item makes a minor technical amendment to sub-subparagraph 5A507(d)(ii)(A) in Schedule 5A to the Principal Regulations by replacing the words in the English language with the words in English. The purpose of this technical amendment is to ensure that the relevant phraseology is consistent throughout the Principal Regulations and schedules to the Principal Regulations.
Item [15] – Schedule 5A, sub-subparagraph 5A507(1)(d)(ii)(B)

This item substitutes sub-subparagraph 5A507(1)(d)(ii)(B) in Schedule 5A to the Principal Regulations with two new sub-subparagraphs.

The effect of this amendment is to vary and extend the relevant provisions which exempt certain categories of Subclass 573 (Higher Education Sector) visa applicants (Assessment Level 3) from having to undergo English language proficiency testing. More specifically, the effect on applicant exemption eligibility is threefold:

- applicants must have successfully completed a qualification from the Australian Qualifications Framework at the Certificate IV level or higher (in Australia, and in English), as opposed to merely studying towards one;
- a new category of applicant eligible for the English language proficiency testing exemption is created for those who have successfully completed a foundation course (in Australia, and in English));
- applicants who have successfully completed a foundation course at the Australian Qualifications Framework Certificate IV level or higher (in Australia, and in English) are no longer eligible to apply for an exemption from the English language proficiency testing requirements under the corresponding second sub-subparagraph (instead they must provide evidence under the new sub-subparagraph).

Item [16] – Schedule 5A, sub-subparagraph 5A604(2)(d)(ii)(A)
This item makes a minor technical amendment to sub-subparagraph 5A604(2)(d)(ii)(A) in Schedule 5A to the Principal Regulations by replacing the words in the English language with the words in English. The purpose of this technical amendment is to ensure that the relevant phraseology is consistent throughout the Principal Regulations and schedules to the Principal Regulations.
Item [17] – Schedule 5A, sub-subparagraph 5A604(2)(d)(ii)(B)
This item substitutes sub-subparagraph 5A604(2)(d)(ii)(B) in Schedule 5A to the Principal Regulations with two new sub-subparagraphs.

The effect of this amendment is to vary and extend the relevant provisions which exempt certain categories of Subclass 574 (Postgraduate Research Sector) visa applicants (Assessment Level 4) from having to undergo English language proficiency testing. More specifically, the effect on applicant exemption eligibility is threefold:

- applicants must have successfully completed a qualification from the Australian Qualifications Framework at the Certificate IV level or higher (in Australia, and in English), as opposed to merely studying towards one;
- a new category of applicant eligible for the English language proficiency testing exemption is created for those who have successfully completed a foundation course (in Australia, and in English));
- applicants who have successfully completed a foundation course at the Australian Qualifications Framework Certificate IV level or higher (in Australia, and in English) are no longer eligible to apply for an exemption from the English language proficiency testing requirements under the corresponding second sub-subparagraph (instead they must provide evidence under the new sub-subparagraph).

Item [18] – Schedule 5A, sub-subparagraph 5A607(2)(d)(ii)(A)
This item makes a minor technical amendment to sub-subparagraph 5A607(2)(d)(ii)(A) in Schedule 5A to the Principal Regulations by replacing the words in the English language with the words in English. The purpose of this technical amendment is to ensure that the relevant phraseology is consistent throughout the Principal Regulations and schedules to the Principal Regulations.
Item [19] – Schedule 5A, sub-subparagraph 5A607(2)(d)(ii)(B)
This item substitutes sub-subparagraph 5A607(2)(d)(ii)(B) in Schedule 5A to the Principal Regulations with two new sub-subparagraphs.
The effect of this amendment is to vary and extend the relevant provisions which exempt certain categories of Subclass 574 (Postgraduate Research Sector) visa applicants (Assessment Level 3) from having to undergo English language proficiency testing. More specifically, the effect on applicant exemption eligibility is threefold:

- applicants must have successfully completed a qualification from the Australian Qualifications Framework at the Certificate IV level or higher (in Australia, and in English), as opposed to merely studying towards one;
- a new category of applicant eligible for the English language proficiency testing exemption is created for those who have successfully completed a foundation course (in Australia, and in English);
- applicants who have successfully completed a foundation course at the Australian Qualifications Framework Certificate IV level or higher (in Australia, and in English) are no longer eligible to apply for an exemption from the English language proficiency testing requirements under the corresponding second sub-subparagraph (instead they must provide evidence under the new sub-subparagraph).

Item [20] – Schedule 5A, sub-subparagraph 5A704(d)(ii)(A)
This item makes a minor technical amendment to sub-subparagraph 5A704(d)(ii)(A) in Schedule 5A to the Principal Regulations by replacing the words in the English language with the words in English. The purpose of this technical amendment is to ensure that the relevant phraseology is consistent throughout the Principal Regulations and schedules to the Principal Regulations.
Item [21] – Schedule 5A, sub-subparagraph 5A704(d)(ii)(B)
This item substitutes sub-subparagraph 5A704(d)(ii)(B) in Schedule 5A to the Principal Regulations with two new sub-subparagraphs.

The effect of this amendment is to vary and extend the relevant provisions which exempt certain categories of Subclass 575 (Non-Award Sector) visa applicants (Assessment Level 4) from having to undergo English language proficiency testing. More specifically, the effect on applicant exemption eligibility is threefold:

- applicants must have successfully completed a qualification from the Australian Qualifications Framework at the Certificate IV level or higher (in Australia, and in English), as opposed to merely studying towards one;
- a new category of applicant eligible for the English language proficiency testing exemption is created for those who have successfully completed a foundation course (in Australia, and in English));

- applicants who have successfully completed a foundation course at the Australian Qualifications Framework Certificate IV level or higher (in Australia, and in English) are no longer eligible to apply for an exemption from the English language proficiency testing requirements under the corresponding second sub-subparagraph (instead they must provide evidence under the new sub-subparagraph).

Item [22] – Schedule 5A, sub-subparagraph 5A707(d)(ii)(A)
This item makes a minor technical amendment to sub-subparagraph 5A707(d)(ii)(A) in Schedule 5A to the Principal Regulations by replacing the words in the English language with the words in English. The purpose of this technical amendment is to ensure that the relevant phraseology is consistent throughout the Principal Regulations and schedules to the Principal Regulations.
Item [23] – Schedule 5A, sub-subparagraph 5A707(d)(ii)(B)
This item substitutes sub-subparagraph 5A704(d)(ii)(B) in Schedule 5A to the Principal Regulations with two new sub-subparagraphs.

The effect of this amendment is to vary and extend the relevant provisions which exempt certain categories of Subclass 575 (Non-Award Sector) applicants (Assessment Level 3) from having to undergo English language proficiency testing. More specifically, the effect on applicant exemption eligibility is threefold:

- applicants must have successfully completed a qualification from the Australian Qualifications Framework at the Certificate IV level or higher (in Australia, and in English), as opposed to merely studying towards one;
- a new category of applicant eligible for the English language proficiency testing exemption is created for those who have successfully completed a foundation course (in Australia, and in English);
- applicants who have successfully completed a foundation course at the Australian Qualifications Framework Certificate IV level or higher (in Australia, and in English) are no longer eligible to apply for an exemption from the English language proficiency testing requirements under the corresponding second sub-subparagraph (instead they must provide evidence under the new sub-subparagraph).

Part 2 – Further Amendments

Item [24] – Schedule 5A, sub-subparagraph 5A204(c)(ii)(B)
Item [25] – Schedule 5A, sub-subparagraph 5A404(d)(ii)(B)
Item [26] – Schedule 5A, sub-subparagraph 5A407(d)(ii)(B)
Item [27] – Schedule 5A, sub-subparagraph 5A504(1)(d)(ii)(B)
Item [28] – Schedule 5A, sub-subparagraph 5A507(1)(d)(ii)(B)
Item [29] – Schedule 5A, sub-subparagraph 5A604(2)(d)(ii)(B)
Item [30] – Schedule 5A, sub-subparagraph 5A607(2)(d)(ii)(B)
Item [31] – Schedule 5A, sub-subparagraph 5A704(d)(ii)(B)
Item [32] – Schedule 5A, sub-subparagraph 5A707(d)(ii)(B)

These items amend the aforementioned sub-subparagraphs of Schedule 5A to the Principal Regulations by replacing the words studied towards with the words successfully completed.

The effect of these amendments is to require eligible applicants to have successfully completed, as opposed to merely studied towards, a qualification from the Australian Qualification Framework at the Certificate IV level or higher in a course conducted in English, in order to be eligible for an exemption from English language proficiency testing.
The purpose of this amendment is to provide consistency between all onshore exemptions from English language proficiency testing requirements. It does this by providing that, as with the other exemption provisions, the relevant prerequisite educational course must be completed, as opposed to merely commenced.

Schedule 14 – Amendments relating to working holiday visas

Item [1] - Schedule 1, item 1225

This item substitutes item 1225 of Schedule 1 to the Principal Regulations, which sets out the requirements for a valid application for a Working Holiday (Temporary) (Class TZ) visa with new item 1225.
New item 1225 is largely the same as previous item 1225. However these amendments remove the now redundant references to applicants who were granted Working Holiday visas between 1 July 2000 and 30 June 2002.
New subitem 1225(1) provides that the applicant must apply for a Working Holiday (Temporary) (Class TZ) visa on approved forms 1150 or 1150E.
New subitem 1225(2) provides that the first instalment of the visa application charge (payable at the time the application for the visa is made), is $170.
New subitem 1225(3) sets out the other requirements for making a valid application for a Working Holiday (Temporary) (Class TZ) visa. It provides that an application must be made outside Australia. It also provides that the applicant must be outside Australia.

Item [2] - Schedule 2, clause 417.111, before definition of *working holiday visa*

This item inserts the definition of a *working holiday eligible passport* in clause 417.111 of Schedule 2 to the Principal Regulations. The new definition provides that a *working holiday eligible passport* means a valid passport held by a person who is a member of a class of persons specified in a Gazette Notice under paragraph 417.211 (3) (a) or (b).

Paragraph 417.211(3)(a) provides that if the applicant holds a passport of the kind specified in a Gazette Notice for this paragraph an application can be made in any foreign country. Paragraph 417.211(3)(b) provides that if the applicant holds a passport of the kind specified in a Gazette Notice for this paragraph an application must be made in a foreign country specified in the Notice for that kind of passport.

The purpose of this amendment is to ensure that only those applicants who holds a passport of the kind specified in a Gazette Notice for the purpose of paragraphs 417.211(3)(a) or 417.211(3)(b) are eligible to be granted a subclass 417, Working Holiday visa.

Item [3] - Schedule 2, subclause 417.211(1)

This item substitutes subclause 417.211(1) of Schedule 2 to the Principal Regulations with new subclause 417.211(1). This amendment removes the now redundant references to applicants who were granted a Working Holiday visa between 1 July 2000 and 30 June 2002.

The purpose of the amendment is to ensure that the applicant meet all the criteria contained in subclause 417.211(2) to 417.211(5) inclusive.

Item [4] - Schedule 2, paragraph 417.211(2)(c)

This item substitutes paragraph 417.211(2)(c) of Schedule 2 to the Principal Regulations with new paragraph 417.211(2)(c). The purpose of this amendment is to provide that the applicant must hold a working holiday eligible passport to meet the Subclass (417) Working Holiday visa criteria.

Item [5] - Schedule 2, subclause 417.211(3), except the note

This item substitutes subclause 417.211(3) of Schedule 2 to the Principal Regulations with new subclause 417.211(3).

The purpose of paragraph 417.211(3)(a) is to provide that if the applicant is a member of a class of persons specified in a Gazette Notice for this paragraph that they may apply for a subclass 417 (Working Holiday) visa in any foreign country.

The purpose of paragraph 417.211(3)(b) is to provide that if the applicant is a member of a class of persons specified in a Gazette Notice for this paragraph that they may apply for a subclass 417 (Working Holiday) visa in the foreign country specified in the Gazette Notice for that class of persons.

Item [6] - Schedule 2, subclause 417.211(5), note

This item omits the note after subclause 417.211(5) of Schedule 2 to the Principal Regulations. This amendment removes the now redundant references to applicants who were granted a Working Holiday visa between 1 July 2000 and 30 June 2002.

Item [7] - Schedule 2, clause 417.212

This item omits clause 417.212 of Schedule 2 to the Principal Regulations.

This amendment removes the different criteria for Internet applications. All visa applications for the Subclass 417 (Working Holiday) visa will now be required to meet the same criteria for both paper and Internet-based visa applications.

Item [8] - Schedule 2, clause 417.221(1)

This item substitutes subclause 417.221(1) of Schedule 2 to the Principal Regulations with new subclause 417.221(1). This amendment removes the now redundant references to applicants who were granted a Working Holiday visa between 1 July 2000 and 30 June 2002.

The purpose of the amendment is to ensure that the applicant meet all the criteria contained in subclause 417.221(2) to 417.221(7) inclusive.

Item [9] - Schedule 2, clause 417.221(7), note

This item omits the note after subclause 417.221(7) of Schedule 2 to the Principal Regulations. This amendment removes the now redundant references to applicants who were granted a Working Holiday visa between 1 July 2000 and 30 June 2002.

Item [10] - Schedule 2, clause 417.222

This item omits clause 417.222 of Schedule 2 to the Principal Regulations.
This amendment removes the different criteria for Internet applications. All visa applications for the Subclass 417 (Working Holiday) visa will now be required to meet the same criteria for both paper and Internet-based visa applications.
Item [11] Schedule 2, Divisions 417.4, 417.5 and 417.6

This item substitutes divisions 417.4, 417.5 and 417.6 of Schedule 2 to the Principal Regulations with new divisions 417.4, 417.5 and 417.6.
417.4 – Circumstances applicable to grant
New clause 417.411 provides that the applicant must be outside Australia at the time of grant. The purpose of this amendment is to remove the reference to people who were granted Working Holiday visas between 1 July 2000 and 30 June 2002.

417.5 – When visa is in effect
New clause 417.511 provides that the visa is a temporary visa which permits the holder to:

- travel to and enter Australia within 12 months after the date of grant of the visa; and
- to travel to, enter and remain in Australia until 12 months after the date of first entry to Australia.

The purpose of this amendment is to remove the reference to people who were granted Working Holiday visas between 1 July 2000 and 30 June 2002.
417.6 – Conditions
New clause 417.611 provides that schedule 8 visa conditions 8108 and 8201 are mandatory conditions for the Subclass 417 (Working Holiday) visa. Visa conditions 8106, 8107, 8301, 8303, 8403, 8501, 8502, 8503, 8516, 8522, 8525 and 8526 maybe imposed at the discretion of the Minister.

Schedule 15 – Amendments relating to Prospective Marriage Spouse visas

Item [1] – Paragraph 1.15A(3)(ab)

This item omits paragraph 1.15A(3)(ab) from Part 1 of the Principal Regulations.
Paragraph 1.15A(3)(ab) provides that the Minister must have regard to all the circumstances of a relationship when forming an opinion about whether an applicant for a Subclass 831 (Prospective Marriage Spouse) visa is in a married or a defacto relationship.
This omission is consequential to the repeal of Subclass 831 (Prospective Marriage Spouse) by these Regulations.
Item [2] – Subregulation 1.15A(4)

This item omits the cross-reference to paragraph 1.15A(3)(ab) from subregulation 1.15A(4) of Part 1 of the Principal Regulations.
This amendment is consequential to the omission of paragraph 1.15A(3)(ab) by these Regulations.
Item [3] – Schedule 1, subitem 1115(1)

This item substitutes new subitem 1115(1) into Schedule 1 to the Principal Regulations.

This amendment removes the reference to form 47SP which relates to the Subclass 831 (Prospective Marriage Spouse) visa.
This amendment is consequential to the repeal of Subclass 831 by these Regulations.
Item [4] – Schedule 1, subparagraph 1115(2)(a)(vi)

This item omits subparagraph 1115(2)(a)(vi) from Schedule 1 to the Principal Regulations.
Subparagraph 1115(2)(a)(vi) provides the visa application charge for certain applicants who are seeking a Subclass 831 (Prospective Marriage Spouse) visa.
This omission is consequential to the repeal of Subclass 831 by these Regulations.
Item [5] – Schedule 1, paragraph 1115(3)(a)

This item omits paragraph 1115(3)(a) from Schedule 1 to the Principal Regulations.
Paragraph 1115(3)(a) relates to where an applicant seeking a Subclass 831 (Prospective Marriage Spouse) visa must make their visa application.
This omission is consequential to the repeal of Subclass 831 by these Regulations.
Item [6] – Schedule 1, paragraph 1115(3)(aa)

This item substitutes new paragraph 1115(3)(aa) into Schedule 1 to the Principal Regulations.
Paragraph 1115(3)(aa) relates to where an applicant seeking a Subclass 832 (Close Ties) visa must make their visa application.
As the only other subclass in the class, Subclass 831 (Prospective Marriage Spouse), is repealed by these Regulations, it is no longer necessary to specify that this provision relates to Subclass 832 only. The reference to a person seeking to satisfy the criteria for a Subclass 832 visa is therefore removed.
Item [7] – Schedule 1, paragraph 1115(3)(c)

This item omits paragraph 1115(3)(c) from Schedule 1 to the Principal Regulations.
Paragraph 1115(3)(c) relates to applicants seeking a Subclass 831 (Prospective Marriage Spouse) visa.
This omission is consequential to the repeal of Subclass 831 by these Regulations.
Item [8] – Schedule 1, subitem 1115(4)

This item amends subitem 1115(4) of Schedule 1 to the Principal Regulations.
Subitem 1115(4) lists the subclasses in Special Eligibility (Residence) (Class AO).
This amendment removes the reference to Subclass 831 (Prospective Marriage Spouse) from the list.
This amendment is consequential to the repeal of Subclass 831 by these Regulations.
Item [9] – Schedule 1, paragraph 1214C(3)(d)

This item omits paragraph 1214C(3)(d) from Schedule 1 to the Principal Regulations.
Paragraph 1214C(3)(d) limits who may apply for a Partner (Temporary) (Class UK) visa. It excludes holders of a Subclass 300 (Prospective Marriage) visa who applied for that visa before 1 November 1996. The reason for the exclusion was to streamline those people into the Subclass 831 visa.
With the repeal of Subclass 831 by these Regulations, it is no longer intended to exclude such persons from applying for a Partner (Temporary) (Class UK) visa.
Paragraph 1214C(3)(d) is therefore omitted by these Regulations.

Item [10] – Schedule 2, Part 831

This item omits Part 831 from Schedule 2 to the Principal Regulations.
Only holders of a Subclass 300 (Prospective Marriage) visa who applied for a Subclass 300 visa before 1 November 1996 can apply for a Subclass 831 (Prospective Marriage Spouse) visa.
Holders of a Subclass 300 visa who applied for that visa after 1 November 1996 are streamlined into the Partner (Temporary) (Class UK) visa. The pre 1 November 1996 case load has significantly reduced and it is no longer practical to maintain a separate visa subclass. Therefore Subclass 831 is repealed and the remaining case load is streamlined into the Partner (Temporary) (Class UK) visa.

Schedule 16 – Amendments relating to the general points test

Item [1] – Subparagraph 2.26A(2)(a)(iv)

This items makes a technical amendment to subparagraph 2.26A(2)(a)(iv) of Part 2 of the Principal Regulations, consequential to the omission of subparagraph 2.26A(2)(a)(v) by these Regulations.

Item [2] – Subparagraph 2.26(2)(a)(v)

This item omits subparagraph 2.26(2)(a)(v) of Part 2 of the Principal Regulations. This omission removes Subclass 495 (Skilled - Independent Regional (Provisional)) visa (SIR visa) as a visas for which each qualification specified in column 2 of an item in Part 1, 2, 3, 4, 5, 6, 7, 8 or 10 of Schedule 6A is prescribed as a qualification in relation to the grant of that visa. This amendment is consequential to the insertion of a new paragraph 2.26A(2)(c) by these Regulations.

Item [3] – Subparagraph 2.26A(2)(b)(iii)

This item makes a technical amendment to subparagraph 2.26A(2)(b)(iii) of Part 2 of the Principal Regulations, consequential to the insertion of a new paragraph 2.26A(2)(c) by these Regulations.

Item [4] – After paragraph 2.26A(2)(b)

This item inserts new paragraph 2.26(2)(c) in Part 2 of the Principal Regulations.

New paragraph 2.26(2)(c) provides that each qualification specified in column 2 of an item in Part 1, 2, 3, 4, 5, 6, 7, 8, 9A or 10 of Schedule 6A is prescribed as a qualification in relation to the grant, to the applicant, of a Skilled - Independent Regional (Provisional) visa (SIR visa). The effect of this amendment is to add new Part 9A to Schedule 6A (inserted by these Regulations) to the points test qualifications relevant to SIR visas. New Part 9A provides for the award of points to applicants for a SIR visa who are sponsored by a State or Territory Government agency.

Item [5] – Schedule 6A, Part 9, heading

This item substitutes the heading in Part 9 of Schedule 6A to the Principal Regulations with a new heading. The heading states, Part 9 Sponsorship qualification – general and is consequential to the insertion of new Part 9A to the Principal Regulations by these Regulations.

Item [6] – Schedule 6A, after Part 9

This item inserts new Part 9A of Schedule 6A to the Principal Regulations, which is headed Part 9A Sponsorship qualification for Skilled – Independent Regional (Provisional) (Class UX) visa (SIR visa).

The effect of Part 9A is to introduce a new qualification in relation to the grant of a SIR visa. This amendment provides that when assessed in accordance with section 93 of the Act, a SIR visa applicant will be eligible for an additional 10 points where the applicant is sponsored by a State or Territory government agency.

Schedule 17 – Amendments relating to movement records

Item [1] – After regulation 3.10

This item inserts new subregulation 3.10A in Part 3 of the Principal Regulations. New subregulation 3.10A has two subregulations 3.10A(1) and 3.10A(2).

New subregulation 3.10A(1) prescribes Commonwealth, State or Territory legislation for the purposes of subparagraph 488(2)(a)(vii) of the Act. The prescribed legislation is the Commonwealth, State or Territory legislation specified by the Minister in a Gazette Notice. The Minister may authorise an officer of the Department to read, examine, reproduce, use or disclosure the movement records for the purposes of any prescribed Commonwealth, State or Territory legislation. New subregulation 3.10A(2) prescribes matters for the purposes of paragraph 488(2)(g), under which the Minister may authorise a prescribed employee of a

prescribed Commonwealth, State or Territory agency to read, examine, reproduce, use or disclosure the movement records for a prescribed purpose. The prescribed Commonwealth, State or Territory agencies, prescribed employees and prescribed purposes are those Commonwealth, State or Territory agencies, their employees and purposes specified by the Minister in a Gazette Notice.