



# Migration Legislation Amendment Regulation 2012 (No. 4)<sup>1</sup>

## Select Legislative Instrument 2012 No. 238

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Migration Act 1958*.

Dated 11 October 2012

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

CHRIS BOWEN  
Minister for Immigration and Citizenship

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### 1 Name of regulation

This regulation is the *Migration Legislation Amendment Regulation 2012 (No. 4)*.

### 2 Commencement

This regulation commences on 24 November 2012.

### 3 Amendment of *Migration Regulations 1994*

Schedules 1 to 4 amend the *Migration Regulations 1994*.

### 4 Amendment of *Migration Agents Regulations 1998*

Schedule 5 amends the *Migration Agents Regulations 1998*.

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## Schedule 1      **Amendments of *Migration Regulations 1994***

(section 3)

**[1]      Regulation 1.03, definition of *domestic worker sponsor*, paragraph (b)**

*substitute*

- (b) is approved as a sponsor in relation to the domestic worker sponsor class by the Minister under subsection 140E (1) of the Act, on the basis of an application made before 24 November 2012.

*Note* *Approved sponsor* is defined in subsection 5 (1) of the Act.

**[2]      Regulation 1.03, definition of *exchange sponsor*, paragraph (b)**

*substitute*

- (b) is approved as a sponsor in relation to the exchange sponsor class by the Minister under subsection 140E (1) of the Act, on the basis of an application made before 24 November 2012.

*Note* *Approved sponsor* is defined in subsection 5 (1) of the Act.

**[3]      Regulation 1.03, definition of *foreign government agency sponsor*, paragraph (b)**

*substitute*

- (b) is approved as a sponsor in relation to the foreign government agency sponsor class by the Minister under subsection 140E (1) of the Act, on the basis of an application made before 24 November 2012.

*Note* *Approved sponsor* is defined in subsection 5 (1) of the Act.

**[4] Regulation 1.03, definition of *IASS agreement***

*omit*

**[5] Regulation 1.03, definition of *occupational trainee***

*omit*

**[6] Regulation 1.03, definition of *occupational trainee sponsor*, paragraph (b)**

*substitute*

- (b) is approved as a sponsor in relation to the occupational trainee sponsor class by the Minister under subsection 140E (1) of the Act, on the basis of an application made before 24 November 2012.

*Note* *Approved sponsor* is defined in subsection 5 (1) of the Act.

**[7] Regulation 1.03, definition of *religious worker sponsor*, paragraph (b)**

*substitute*

- (b) is approved as a sponsor in relation to the religious worker sponsor class by the Minister under subsection 140E (1) of the Act, on the basis of an application made before 24 November 2012.

*Note* *Approved sponsor* is defined in subsection 5 (1) of the Act.

**[8] Regulation 1.03, definition of *sport sponsor*, paragraph (b)**

*substitute*

- (b) is approved as a sponsor in relation to the sport sponsor class by the Minister under subsection 140E (1) of the Act, on the basis of an application made before 24 November 2012.

*Note* *Approved sponsor* is defined in subsection 5 (1) of the Act.

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**[9] Regulation 1.03, definition of *temporary work sponsor*, paragraph (j)**

*substitute*

- (j) a superyacht crew sponsor;
- (k) a long stay activity sponsor;
- (l) a training and research sponsor.

**[10] Regulation 1.03, definition of *visiting academic sponsor*, paragraph (b)**

*substitute*

- (b) is approved as a sponsor in relation to the visiting academic sponsor class by the Minister under subsection 140E (1) of the Act, on the basis of an application made before 24 November 2012.

*Note* *Approved sponsor* is defined in subsection 5 (1) of the Act.

**[11] Regulation 1.03**

*insert*

*long stay activity sponsor* means a person who:

- (a) is an approved sponsor; and
- (b) is approved as a sponsor in relation to the long stay activity sponsor class by the Minister under subsection 140E (1) of the Act.

*Note* *Approved sponsor* is defined in subsection 5 (1) of the Act.

**[12] Regulation 1.03**

*insert*

*Subclass 420 (Entertainment) visa* includes a Subclass 420 (Temporary Work (Entertainment)) visa.

*Note* Amendments of these Regulations that commenced on 24 November 2012 renamed the Subclass 420 (Entertainment) visa.

**[13] Regulation 1.03**

*insert*

**Subclass 420 (Temporary Work (Entertainment)) visa** includes a Subclass 420 (Entertainment) visa.

*Note* Amendments of these Regulations that commenced on 24 November 2012 renamed the Subclass 420 (Entertainment) visa.

**[14] Regulation 1.03**

*insert*

**Subclass 457 (Business (Long Stay)) visa** includes a Subclass 457 (Temporary Work (Skilled)) visa.

*Note* Amendments of these Regulations that commenced on 24 November 2012 renamed the Subclass 457 (Business (Long Stay)) visa.

**[15] Regulation 1.03**

*insert*

**Subclass 457 (Temporary Work (Skilled)) visa** includes a Subclass 457 (Business (Long Stay)) visa.

*Note* Amendments of these Regulations that commenced on 24 November 2012 renamed the Subclass 457 (Business (Long Stay)) visa.

**[16] Regulation 1.03**

*insert*

**training and research sponsor** means a person who:

- (a) is an approved sponsor; and
- (b) is approved as a sponsor in relation to the training and research sponsor class by the Minister under subsection 140E (1) of the Act.

*Note* **Approved sponsor** is defined in subsection 5 (1) of the Act.

**[17] Subparagraph 1.08 (d) (i)**

*omit*

Subclass 457 (Business (Long Stay)) visa

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*insert*

Subclass 457 (Temporary Work (Skilled)) visa

**[18] Subregulation 1.12 (10)**

*omit*

Subclass 457 (Business (Long Stay)) visa

*insert*

Subclass 457 (Temporary Work (Skilled)) visa

**[19] Paragraph 1.12 (11) (a)**

*omit each mention of*

Subclass 457 (Business (Long Stay)) visa

*insert*

Subclass 457 (Temporary Work (Skilled)) visa

**[20] Paragraph 1.12 (12) (a)**

*omit each mention of*

Subclass 457 (Business (Long Stay)) visa

*insert*

Subclass 457 (Temporary Work (Skilled)) visa

**[21] Regulation 1.16B**

*omit*

**[22] Paragraphs 1.20 (4) (ea) to (ec)**

*omit*

**[23] Paragraph 1.20 (4) (fa)**

*omit*

**[24] Paragraph 1.20 (4) (h)**

*substitute*

- (ga) Special Program (Temporary) (Class TE);
- (gb) Subclass 401 (Temporary Work (Long Stay Activity));
- (gc) Subclass 402 (Training and Research);
- (gd) Subclass 420 (Temporary Work (Entertainment));
- (h) Subclass 457 (Temporary Work (Skilled)).

**[25] Regulation 1.40**

*substitute*

**1.40 Eligible passport and principal course**

- (1) In this Division, a passport is an *eligible passport* if:
  - (a) it is a valid passport of a kind specified by the Minister in an instrument in writing for this subregulation; and
  - (b) the conditions (if any) specified by the Minister in an instrument in writing for passports of that kind are satisfied.
- (2) In a provision of:
  - (a) this Division; or
  - (b) Part 402, 570, 571, 572, 573, 574 or 575 of Schedule 2; or
  - (c) Schedule 5A;if an applicant for a student visa proposes to undertake a course of study that is a registered course, or an applicant for a Subclass 402 (Training and Research) visa has undertaken a course of study that is a registered course, the course is the *principal course*.
- (3) For subregulation (2), if:
  - (a) an applicant for a student visa proposes to undertake 2 or more courses of study that are registered courses, or an applicant for a Subclass 402 (Training and Research) visa has undertaken 2 or more courses of study that are registered courses; and



- 
- (b) either:
- (i) one of the courses of study (*course A*) is a prerequisite to another of the courses (*course B*); or
  - (ii) one of the courses of study (*course B*) may be taken only after the completion of another of the courses (*course A*);
- course B, not course A, is the *principal course*.

**[26] Regulation 2.07AH**

*omit*

Subclass 457 (Business (Long Stay)) visa

*insert*

Subclass 457 (Temporary Work (Skilled)) visa

**[27] Paragraphs 2.12F (2B) (a) and (b)**

*omit*

**[28] Paragraph 2.12F (2B) (f)**

*substitute*

- (g) Special Program (Temporary) (Class TE);
- (h) Subclass 401 (Temporary Work (Long Stay Activity));
- (i) Subclass 402 (Training and Research);
- (j) Subclass 420 (Temporary Work (Entertainment)).

**[29] Subparagraph 2.43 (1) (ia) (i)**

*substitute*

- (i) a Subclass 401 (Temporary Work (Long Stay Activity)) visa; or
- (ia) a Subclass 402 (Training and Research) visa; or
- (ib) a Subclass 403 (Temporary Work (International Relations)) visa; or
- (ic) a Subclass 411 (Exchange) visa; or

**[30] Paragraph 2.43 (1) (kb)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[31] Paragraph 2.43 (1) (l)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[32] Paragraph 2.43 (1) (la)***omit*

Subclass 457 (Business (Long Stay)) visa

*insert*

Subclass 457 (Temporary Work (Skilled)) visa

**[33] Subparagraph 2.43 (1) (lc) (i)***substitute*

- (i) a Subclass 401 (Temporary Work (Long Stay Activity)) visa; or
- (ia) a Subclass 402 (Training and Research) visa; or
- (ib) a Subclass 411 (Exchange) visa; or

**[34] Subparagraph 2.43 (1) (ld) (i)***substitute*

- (i) a Subclass 401 (Temporary Work (Long Stay Activity)) visa; or
- (ia) a Subclass 402 (Training and Research) visa; or
- (ib) a Subclass 411 (Exchange) visa; or

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**[35] Subparagraph 2.43 (1) (ld) (ix)**

*substitute*

(ix) a Subclass 457 (Temporary Work (Skilled)) visa;

**[36] Subparagraph 2.43 (1) (le) (iii)**

*substitute*

(iii) a Subclass 457 (Temporary Work (Skilled)) visa;

**[37] Paragraph 2.43 (1B) (b)**

*omit*

**[38] Paragraph 2.56 (a)**

*substitute*

- (a) the Subclass 401 (Temporary Work (Long Stay Activity)) visa;
- (aa) the Subclass 402 (Training and Research) visa;
- (ab) the Subclass 411 (Exchange) visa;

**[39] Paragraph 2.56 (k)**

*substitute*

(k) the Subclass 457 (Temporary Work (Skilled)) visa;

**[40] Subregulation 2.57 (1), definition of *foreign government agency*, paragraph (c)**

*substitute*

- (c) an organisation:
  - (i) that is conducted under the official auspices of an international organisation recognised by Australia; and
  - (ii) that is operating in Australia.

**[41] Subregulation 2.57 (1), definition of *overseas employer***

*substitute*

*overseas employer*, in relation to a person who applies, or proposes to apply, for a Training and Research (Class GC) visa, means:

- (a) a body corporate, or an unincorporated association (other than an individual or sole trader), that conducts activities under the auspices of the government of a foreign country or a province, territory or state of a foreign country; and
- (b) a multilateral agency that:
  - (i) is operating; and
  - (ii) has operated for a continuous period of 12 months before the date of the application; or
- (c) a registered business that:
  - (i) is conducted by a body corporate or unincorporated association (other than an individual or sole trader) outside Australia; and
  - (ii) is actively and lawfully operating outside Australia; and
  - (iii) has actively and lawfully operated outside Australia for a continuous period of 12 months before the date of application; and
  - (iv) employs the person.

**[42] Subregulation 2.57 (1), definition of *primary sponsored person*, sub-subparagraph (b) (i) (A)**

*substitute*

- (A) who holds a Subclass 457 (Temporary Work (Skilled)) visa; and

**[43] Subregulation 2.57 (1), definition of *primary sponsored person*, sub-subparagraph (b) (ii) (C)**

*substitute*

- (C) whose last substantive visa was a Subclass 457 (Temporary Work (Skilled)) visa; and

**[44] Subregulation 2.57 (1), definition of *professional development agreement***

*substitute*

*professional development agreement* means a written agreement between:

- (a) a person applying for approval as a professional development sponsor; and
- (b) an overseas employer of the person who is intended to be a primary sponsored person.

**[45] Subregulation 2.57 (1), definition of *professional development program***

*omit*

subregulation 2.60 (3)

*insert*

subregulation 2.60 (2)

**[46] Subregulation 2.57 (1), definition of *secondary sponsored person*, sub-subparagraph (b) (i) (A)**

*substitute*

- (A) who holds a Subclass 457 (Temporary Work (Skilled)) visa; and

**[47] Subregulation 2.57 (1), definition of *secondary sponsored person*, sub-subparagraph (b) (ii) (A)**

*substitute*

- (A) who holds a Subclass 457 (Temporary Work (Skilled)) visa; and

**[48] Subregulation 2.57 (1), definition of *secondary sponsored person*, sub-subparagraph (b) (iii) (C)**

*substitute*

- (C) whose last substantive visa was a Subclass 457 (Temporary Work (Skilled)) visa; and

**[49] Subregulation 2.57 (1), definition of *secondary sponsored person*, sub-subparagraph (b) (iv) (C)**

*substitute*

- (C) whose last substantive visa was a Subclass 457 (Temporary Work (Skilled)) visa; and

**[50] Subregulation 2.57 (1), definition of *sporting organisation***

*substitute*

*sporting organisation* means:

- (a) an Australian organisation that administers or promotes sport or sporting events; or  
(b) a government agency that administers or promotes sport or sporting events; or  
(c) a foreign government agency that administers or promotes sport or sporting events.

**[51] Paragraph 2.58 (l)**

*substitute*

- (l) a superyacht crew sponsor;  
(m) a long stay activity sponsor;  
(n) a training and research sponsor.

**[52] Paragraph 2.59 (h)**

*omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

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**[53] Regulation 2.60**

*substitute*

**2.60 Criterion for approval as a professional development sponsor**

- (1) For subsection 140E (1) of the Act, the criterion that must be satisfied for the Minister to approve an application by a person for approval as a professional development sponsor is that the Minister is satisfied that:
- (a) the applicant has applied for approval as a professional development sponsor in accordance with the process set out in regulation 2.61; and
  - (b) the applicant is:
    - (i) an Australian organisation that has operated in Australia continuously for a period of 12 months immediately prior to making the application for approval as a professional development sponsor; or
    - (ii) an Australian organisation that has been approved by the Minister for the purpose of this subparagraph; or
    - (iii) a government agency; and
  - (c) each of the following applies:
    - (i) the applicant is a party to a professional development agreement;
    - (ii) the agreement is in force at the time of the Minister's consideration of the application;
    - (iii) the applicant has completed form 1402A as required by the form; and
  - (d) the applicant is offering to conduct a professional development program that satisfies the requirements mentioned in subregulation (2); and
  - (e) the applicant has demonstrated an overall capacity to conduct a professional development program involving primary sponsored persons; and
  - (f) the applicant has paid any security requested by an authorised officer under section 269 of the Act; and

- (g) each of the parties to the professional development agreement has the capacity to meet its financial commitments; and
- (h) either:
  - (i) there is no adverse information known to Immigration about the applicant, a person associated with the applicant, or the overseas employer of the person who is intended to be a primary sponsored person; or
  - (ii) it is reasonable to disregard any adverse information known to Immigration about the applicant, a person associated with the applicant or the overseas employer of the person who is intended to be a primary sponsored person.

*Note* The meanings of *associated with* and *adverse information* are explained in subregulations 2.57 (2) and (3).

- (2) The professional development program mentioned in paragraph (1) (d) must meet the following requirements:
  - (a) the program must be relevant to, and consistent with, the development of the skills of the managers or professionals, or both, that it is proposed will participate in the program;
  - (b) the program must provide skills and expertise relevant to, and consistent with, the business and business background of a proposed primary sponsored person's overseas employer;
  - (c) the duration of the program must not exceed:
    - (i) 18 months; or
    - (ii) if the Secretary is satisfied that exceptional circumstances exist that warrant an extension of the period of the program—a longer period approved by the Secretary;
  - (d) the primary form of the program must be the provision of face-to-face teaching in a classroom or similar environment;
  - (e) the primary content of the program must not be a practical component;



- 
- (f) any practical component of the program:
- (i) must not exceed 7 hours in any day and 35 hours in any week; and
  - (ii) must not adversely affect the Australian labour market; and
  - (iii) must require or involve the payment of remuneration to a proposed primary sponsored person only by the proposed primary sponsored person's overseas employer.

**[54] Regulations 2.60B and 2.60C**

*substitute*

**2.60B Criterion for approval as an exchange sponsor**

- (1) For subsection 140E (1) of the Act, and in addition to the criteria set out in regulation 2.60A, this regulation sets out the criterion that must be satisfied for the Minister to approve an application by a person for approval as an exchange sponsor.
- (2) The application must be made before 24 November 2012.

**2.60C Criterion for approval as a foreign government agency sponsor**

- (1) For subsection 140E (1) of the Act, and in addition to the criteria set out in regulation 2.60A, this regulation sets out the criterion that must be satisfied for the Minister to approve an application by a person for approval as a foreign government agency sponsor.
- (2) The application must be made before 24 November 2012.

*Note* Amendments of these Regulations that commenced on 24 November 2012 repealed the Subclass 415 (Foreign Government Agency) visa. If an application for approval as a foreign government agency sponsor is not associated with an application for a Subclass 415 visa, the sponsorship application fee may be refunded: see regulation 2.61.

**[55] Regulation 2.60E***substitute***2.60E Criterion for approval as a visiting academic sponsor**

- (1) For subsection 140E (1) of the Act, and in addition to the criteria set out in regulation 2.60A, this regulation sets out the criterion that must be satisfied for the Minister to approve an application by a person for approval as a visiting academic sponsor.
- (2) The application must be made before 24 November 2012.

**[56] Regulations 2.60G to 2.60J***substitute***2.60G Criterion for approval as a sport sponsor**

- (1) For subsection 140E (1) of the Act, and in addition to the criteria set out in regulation 2.60A, this regulation sets out the criterion that must be satisfied for the Minister to approve an application by a person for approval as a sport sponsor.
- (2) The application must be made before 24 November 2012.

**2.60H Criterion for approval as a domestic worker sponsor**

- (1) For subsection 140E (1) of the Act, and in addition to the criteria set out in regulation 2.60A, this regulation sets out the criterion that must be satisfied for the Minister to approve an application by a person for approval as a domestic worker sponsor.
- (2) The application must be made before 24 November 2012.

*Note* Amendments of these Regulations that commenced on 24 November 2012 repealed the Subclass 427 (Domestic Worker (Temporary)—Executive) visa. If an application for approval as a domestic worker sponsor is not associated with an application for a Subclass 427 visa, the sponsorship application fee may be refunded: see regulation 2.61.

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**2.60I Criterion for approval as a religious worker sponsor**

- (1) For subsection 140E (1) of the Act, and in addition to the criteria set out in regulation 2.60A, this regulation sets out the criterion that must be satisfied for the Minister to approve an application by a person for approval as a religious worker sponsor.
- (2) The application must be made before 24 November 2012.

**2.60J Criterion for approval as an occupational trainee sponsor**

- (1) For subsection 140E (1) of the Act, and in addition to the criteria set out in regulation 2.60A, this regulation sets out the criterion that must be satisfied for the Minister to approve an application by a person for approval as an occupational trainee sponsor.
- (2) The application must be made before 24 November 2012.

**[57] After regulation 2.60K**

*insert*

**2.60L Criterion for approval as a long stay activity sponsor**

- (1) For subsection 140E (1) of the Act, and in addition to the criteria set out in regulation 2.60A, this regulation sets out the criterion that must be satisfied for the Minister to approve an application by a person for approval as a long stay activity sponsor.
- (2) The person must be:
  - (a) a sporting organisation that is lawfully operating in Australia; or
  - (b) a religious institution that is lawfully operating in Australia; or
  - (c) an Australian organisation that is lawfully operating in Australia and has an agreement with a foreign organisation relating to the exchange of staff; or

- (d) a government agency that has an agreement with a foreign organisation relating to the exchange of staff; or
- (e) a foreign government agency that has an agreement with a foreign organisation relating to the exchange of staff.

## **2.60M Criteria for approval as a training and research sponsor**

- (1) For subsection 140E (1) of the Act, and in addition to the criteria set out in regulation 2.60A, this regulation sets out the criteria that must be satisfied for the Minister to approve an application by a person for approval as a training and research sponsor.
- (2) The person must be:
  - (a) an Australian organisation that is lawfully operating in Australia; or
  - (b) a government agency; or
  - (c) a foreign government agency.
- (3) The person must be:
  - (a) intending to engage in occupational training; or
  - (b) a tertiary or research institution.

## **[58] Subregulation 2.61 (2), table**

*substitute*

<b>Item</b>	<b>If the person ...</b>	<b>the approved form is ...</b>	<b>and the application fee is ...</b>
1	(a) makes an application for approval as a standard business sponsor; and (b) operates a business in Australia	1196S or 1196 (Internet)	\$420
2	(a) makes an application for approval as a standard business sponsor; and (b) does not operate a business in Australia	1196S	\$420
3	(a) makes an application for approval as a professional development	1402S	nil

Item	If the person ...	the approved form is ...	and the application fee is ...
	sponsor; and		
	(b) is a Commonwealth agency		
4	(a) makes an application for approval as a professional development sponsor; and	1402S	\$1 660
	(b) is not a Commonwealth agency		
5	makes an application for approval as a long stay activity sponsor	1401S	\$420
6	makes an application for approval as a training and research sponsor	1402S	\$420
7	makes an application for approval as an entertainment sponsor	1420S	\$420
8	makes an application for approval as a special program sponsor	1416S	\$420
9	makes an application for approval as a superyacht crew sponsor	1366	nil

**[59] Regulation 2.65**

*substitute*

**2.65 Application**

This Division applies in relation to an approval as:

- (a) a standard business sponsor; or
- (b) a temporary work sponsor who is not
  - (i) an exchange sponsor; or
  - (ii) a foreign government agency sponsor; or
  - (iii) a sport sponsor; or
  - (iv) a domestic worker sponsor; or
  - (v) a religious worker sponsor; or
  - (vi) an occupational trainee sponsor; or
  - (vii) a visiting academic sponsor.

*Note* Amendments of these Regulations that commenced on 24 November 2012 closed the sponsorship categories of exchange sponsor, foreign government agency sponsor, sport sponsor, domestic worker sponsor, religious worker sponsor, occupational trainee sponsor and visiting academic sponsor. The terms of an approval as one of those sponsors are no longer able to be varied.

**[60] Regulation 2.66A, heading**

*substitute*

**2.66A Process to apply for variation of terms of approval as certain temporary work sponsors**

**[61] Subregulation 2.66A (1)**

*substitute*

- (1) For subsection 140GA (1) of the Act:
- (a) a person may apply to the Minister for a variation of a term of an approval as a long stay activity sponsor by making an application in accordance with approved form 1401S; and
  - (b) a person may apply to the Minister for a variation of a term of an approval as a training and research sponsor by making an application in accordance with approved form 1402S; and
  - (c) a person may apply to the Minister for a variation of a term of an approval as an entertainment sponsor by making an application in accordance with approved form 1420S; and
  - (d) a person may apply to the Minister for a variation of a term of an approval as a special program sponsor by making an application in accordance with approved form 1416S.

**[62] Paragraph 2.68 (i)**

*omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

- 
- [63] Regulation 2.72, heading**  
*substitute*
- 2.72 Criteria for approval of nomination—Subclass 457 (Temporary Work (Skilled)) visa**
- [64] Subregulation 2.72 (1)**  
*omit*  
a Subclass 457 (Business (Long Stay)) visa  
*insert*  
a Subclass 457 (Temporary Work (Skilled)) visa
- [65] Subregulation 2.72 (6)**  
*omit*  
a Subclass 457 (Business (Long Stay)) visa  
*insert*  
a Subclass 457 (Temporary Work (Skilled)) visa
- [66] Subparagraph 2.72 (7A) (a) (i)**  
*omit*  
a Subclass 457 (Business (Long Stay)) visa  
*insert*  
a Subclass 457 (Temporary Work (Skilled)) visa
- [67] Subparagraph 2.72 (7A) (a) (ii)**  
*omit*  
the Subclass 457 (Business (Long Stay)) visa  
*insert*  
the Subclass 457 (Temporary Work (Skilled)) visa

**[68] Subparagraph 2.72 (7A) (b) (i)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[69] Subparagraph 2.72 (7A) (b) (iii)***omit*

the Subclass 457 (Business (Long Stay)) visa

*insert*

the Subclass 457 (Temporary Work (Skilled)) visa

**[70] Subregulation 2.72A (1)***substitute*

(1) This regulation applies to a person:

(a) who is an approved sponsor; and

(b) who, under paragraph 140GB (1) (b) of the Act, has nominated an occupation, a program or an activity in relation to a visa and a person, as explained by the table.

<b>Item</b>	<b>Visa to which the nomination relates</b>	<b>Person to whom the nomination relates</b>
1	Subclass 401 (Temporary Work (Long Stay Activity)) visa	Holder Applicant Proposed applicant
2	Subclass 402 (Training and Research) visa	Holder Applicant Proposed applicant
3	Subclass 411 (Exchange) visa	Holder Applicant
4	Subclass 419 (Visiting Academic) visa	Applicant



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5	Subclass 420 (Temporary Work (Entertainment)) visa	Holder Applicant Proposed applicant
6	Subclass 421 (Sport) visa	Holder Applicant
7	Subclass 423 (Media and Film Staff) visa	Applicant
8	Subclass 427 (Domestic Worker (Temporary)—Executive) visa	Applicant
9	Subclass 428 (Religious Worker) visa	Holder Applicant
10	Subclass 442 (Occupational Trainee) visa	Holder Applicant

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**[71] Subregulation 2.72A (3)**

*substitute*

- (3) The Minister is satisfied that the person has:
- (a) made a nomination of an occupation or activity in relation to a holder of, or an applicant or a proposed applicant for, a Subclass 420 (Temporary Work (Entertainment)) visa in accordance with the process set out in regulation 2.73B; or
  - (b) made a nomination of an occupation or activity in relation to an applicant for a Subclass 423 (Media and Film Staff) visa in accordance with the process set out in regulation 2.73B; or
  - (c) made a nomination of an occupation or activity in relation to a holder of, or an applicant for, a Subclass 421 (Sport) visa in accordance with the process set out in regulation 2.73C; or
  - (d) made a nomination of an occupation, a program or an activity in relation to a visa and a person, as explained by the table in accordance with the process set out in regulation 2.73A.

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Item	Visa to which the nomination relates	Person to whom the nomination relates
1	Subclass 401 (Temporary Work (Long Stay Activity)) visa	Holder Applicant Proposed applicant
2	Subclass 402 (Training and Research) visa	Holder Applicant Proposed applicant
3	Subclass 411 (Exchange) visa	Holder Applicant
4	Subclass 419 (Visiting Academic) visa	Applicant
5	Subclass 427 (Domestic Worker (Temporary)—Executive) visa	Applicant
6	Subclass 428 (Religious Worker) visa	Holder Applicant
7	Subclass 442 (Occupational Trainee) visa	Holder Applicant

---

**[72] Paragraph 2.72B (1) (a)**

*substitute*

- (a) who is an exchange sponsor or a long stay activity sponsor; and

**[73] Paragraph 2.72B (1) (b)**

*omit*

or a proposed applicant

---

**[74] After subregulation 2.72B (1)**

*insert*

*Note* Amendments of these Regulations that commenced on 24 November 2012 repealed the Subclass 411 (Exchange) visa. If a nomination does not identify an applicant or holder described in this subregulation, the nomination fee may be refunded: see subregulation 2.73A (7).

**[75] Subregulation 2.72B (2)**

*after*

exchange sponsor

*insert*

or the long stay activity sponsor

**[76] Subregulation 2.72B (3)**

*after*

exchange sponsor

*insert*

or a long stay activity sponsor

**[77] Subregulation 2.72B (4)**

*after each mention of*

exchange sponsor

*insert*

or the long stay activity sponsor

**[78] Paragraph 2.72C (1) (b)**

*substitute*

(b) who, under paragraph 140GB (1) (b) of the Act, has nominated an occupation, a program or an activity in relation to an applicant for a Subclass 419 (Visiting Academic) visa (the *identified visa applicant*).

**[79] After subregulation 2.72C (1)***insert*

*Note* Amendments of these Regulations that commenced on 24 November 2012 repealed the Subclass 419 (Visiting Academic) visa. If a nomination does not identify an applicant described in this subregulation, the nomination fee may be refunded: see subregulation 2.73A (7).

**[80] Subregulation 2.72C (4)***omit*

identified visa holder or applicant

*insert*

identified visa applicant

**[81] Subregulation 2.72C (5)***omit each mention of*

identified visa holder or applicant

*insert*

identified visa applicant

**[82] Subregulation 2.72C (6)***omit*

identified visa holder or applicant

*insert*

identified visa applicant

**[83] Regulation 2.72D, heading***substitute***2.72D Criteria for approval of nomination—Subclass 420  
(Temporary Work (Entertainment)) visa**

---

**[84] Paragraph 2.72D (1) (b)**

*omit*

, a program

**[85] Paragraph 2.72D (2) (b)**

*omit*

(4) to (9)

*insert*

(4) to (10)

**[86] Subregulation 2.72D (8), heading**

*substitute*

*Support staff for profit*

**[87] Paragraph 2.72D (8) (a)**

*substitute*

- (a) the identified visa holder or applicant will be supporting an entertainer or a body of entertainers in relation to a performing contract for one or more specific engagements (other than non-profit engagements) in Australia by assisting a performance or by providing personal services; and

**[88] Paragraph 2.72D (9) (a)**

*substitute*

- (a) the identified visa holder or applicant will be:
- (i) performing as an entertainer in one or more specific engagements that are for non-profit purposes; or
  - (ii) supporting an entertainer or a body of entertainers in relation to one or more specific engagements that are for non-profit purposes, by assisting a performance or by providing personal services; and

**[89] After subregulation 2.72D (9)**

*insert*

*Documentary program or commercial for use outside Australia*

(10) The Minister is satisfied that:

- (a) the identified visa holder or applicant will make a documentary program or commercial that is for an overseas market; and
- (b) there is no suitable person in Australia who is capable of doing, and available to do, the nominated occupation or activity; and
- (c) the nominated occupation or activity would not be contrary to the interests of Australia.

**[90] Paragraph 2.72E (1) (a)**

*substitute*

- (a) who is a sport sponsor or a long stay activity sponsor; and

**[91] Paragraph 2.72E (1) (b)**

*omit*

or a proposed applicant

**[92] After subregulation 2.72E (1)**

*insert*

*Note* Amendments of these Regulations that commenced on 24 November 2012 repealed the Subclass 421 (Sport) visa. If a nomination does not identify an applicant or holder described in this subregulation, the nomination fee may be refunded: see subregulation 2.73C (7).

**[93] Subregulation 2.72E (2)**

*after*

the sport sponsor

*insert*

or the long stay activity sponsor

---

**[94] Paragraph 2.72E (2) (a)**

*after*

a sport sponsor

*insert*

or a long stay activity sponsor

**[95] Subregulation 2.72E (3)**

*omit*

**[96] Subregulation 2.72E (5)**

*after each mention of*

sport sponsor

*insert*

or the long stay activity sponsor

**[97] Subregulation 2.72E (6)**

*after each mention of*

sport sponsor

*insert*

or the long stay activity sponsor

**[98] Paragraph 2.72F (1) (b)**

*substitute*

(b) who, under paragraph 140GB (1) (b) of the Act, has nominated an occupation, a program or an activity in relation to an applicant for a Subclass 423 (Media and Film Staff) visa (the *identified visa applicant*).

**[99] After subregulation 2.72F (1)**

*insert*

*Note* Amendments of these Regulations that commenced on 24 November 2012 repealed the Subclass 423 (Media and Film Staff) visa. If a nomination does not identify an applicant described in this subregulation, the nomination fee may be refunded: see subregulation 2.73B (8).

**[100] Paragraph 2.72F (4) (a)***omit*

identified visa holder or applicant

*insert*

identified visa applicant

**[101] Paragraph 2.72F (5) (a)***omit*

identified visa holder or applicant

*insert*

identified visa applicant

**[102] Paragraph 2.72F (6) (a)***omit*

identified visa holder or applicant

*insert*

identified visa applicant

**[103] Paragraph 2.72G (1) (b)***substitute*

- (b) who, under paragraph 140GB (1) (b) of the Act, has nominated an occupation in relation to an applicant for a Subclass 427 (Domestic Worker (Temporary)—Executive) visa (the *identified visa applicant*).

*Note* Amendments of these Regulations that commenced on 24 November 2012 repealed the Subclass 427 (Domestic Worker (Temporary)—Executive) visa. If a nomination does not identify an applicant described in this subregulation, the nomination fee may be refunded: see subregulation 2.73A (7).

**[104] Subregulations 2.72G (4) to (7)***omit*

holder or



---

**[105] Paragraph 2.72H (1) (a)**

*substitute*

- (a) who is a religious worker sponsor or a long stay activity sponsor; and

**[106] Paragraph 2.72H (1) (b)**

*omit*

or a proposed applicant

**[107] After subregulation 2.72H (1)**

*insert*

*Note* Amendments of these Regulations that commenced on 24 November 2012 repealed the Subclass 428 (Religious Worker) visa. If a nomination does not identify an applicant or holder described in this subregulation, the nomination fee may be refunded: see subregulation 2.73A (7).

**[108] Subregulation 2.72H (2)**

*omit*

or the party to a work agreement are set out in subregulations (3) to (5)

*insert*

or the long stay activity sponsor are set out in subregulations (3) and (4)

**[109] Subregulation 2.72H (3)**

*omit*

or a party to a work agreement (other than a Minister) of a kind mentioned in subregulation 2.76 (4)

*insert*

or a long stay activity sponsor

**[110] Subregulation 2.72H (4)***omit*

If the person making the nomination is a religious worker sponsor, the Minister

*insert*

The Minister

**[111] Subparagraph 2.72H (4) (a) (ii)***after*

the religious worker sponsor

*insert*

or the long stay activity sponsor

**[112] Subregulation 2.72H (5)***omit***[113] Regulation 2.72I, heading***substitute***2.72I Criteria for approval of nomination—Subclass 442 (Occupational Trainee) visa and Subclass 402 (Training and Research) visa****[114] Subregulation 2.72I (1)***substitute*

- (1) This regulation applies to a person:
  - (a) who is an occupational trainee sponsor or a training and research sponsor; and
  - (b) who, under paragraph 140GB (1) (b) of the Act, has nominated an occupation, a program or an activity in relation to either of the following persons (the *identified visa holder or applicant*):

- 
- (i) a holder of, or an applicant for, a Subclass 442 (Occupational Trainee) visa;
  - (ii) a holder of, or an applicant or proposed applicant for, a Subclass 402 (Training and Research) visa.

*Note* Amendments of these Regulations that commenced on 24 November 2012 repealed the Subclass 442 (Occupational Trainee) visa. If a nomination does not identify an applicant or holder described in this subregulation, the nomination fee may be refunded: see subregulation 2.73A (7).

**[115] Subregulation 2.72I (2)**

*after*

occupational trainee sponsor

*insert*

or the training and research sponsor

**[116] Subregulation 2.72I (3)**

*after*

occupational trainee sponsor

*insert*

or a training and research sponsor

**[117] Paragraph 2.72I (5) (b)**

*omit*

**[118] Paragraph 2.72I (5) (ba)**

*omit*

if the nomination is made on or after 1 July 2010—

**[119] After regulation 2.72I**

*insert*

**2.72J Criteria for approval of nomination—Subclass 401 (Temporary Work (Long Stay Activity)) visa**

- (1) This regulation applies to a person:
  - (a) who is:
    - (i) a long stay activity sponsor; or
    - (ii) an exchange sponsor; or
    - (iii) a sport sponsor; or
    - (iv) a religious worker sponsor; and
  - (b) who, under paragraph 140GB (1) (b) of the Act, has nominated an occupation or an activity in relation to a holder of, or an applicant or a proposed applicant for, a Subclass 401 (Temporary Work (Long Stay Activity)) visa (the *identified visa holder or applicant*).
- (2) For subsection 140GB (2) of the Act, and in addition to the criteria set out in regulation 2.72A, the criteria that must be satisfied for the Minister to approve the nomination by the person are set out in one of subregulations (3), (4) and (5).

***Staff Exchange***

- (3) If the person is a long stay activity sponsor who is a party to an exchange agreement, or an exchange sponsor, the Minister is satisfied that:
  - (a) there is a written agreement in place between the person and a reciprocating foreign organisation; and
  - (b) the agreement provides for the identified visa holder or applicant to work for the person in the nominated occupation or activity in Australia for a specified period; and
  - (c) the agreement provides a named person, who is an Australian citizen or an Australian permanent resident, with the opportunity to obtain experience with the reciprocating foreign organisation for a specified period; and

- 
- (d) the exchange, as set out in paragraphs (a) to (c), will be of benefit to both the identified visa holder or applicant, and to the Australian citizen or Australian permanent resident; and
  - (e) the nominated position is a skilled position.

*Sporting Activity*

- (4) If the person is a long stay activity sponsor who is a sporting organisation, or a sport sponsor:
  - (a) the Minister is satisfied that:
    - (i) the identified visa holder or applicant:
      - (A) is entered individually or as a member of a team to compete in a sporting event, or sporting events, in Australia, and is not entered as a Taiwanese national claiming to represent Taiwan, China or the Republic of China; or
      - (B) has been, or will be, appointed or employed, under a contractual agreement, to assist a participant or team of a kind mentioned in sub-subparagraph (A); or
      - (C) has been, or will be, appointed or employed, under a contractual agreement, to assist a sportsperson who:
        - (I) is an Australian citizen or an Australian permanent resident; and
        - (II) is known internationally in the field of sport; and
        - (III) has a record of participation in international events;in one or more specified sporting events; and
    - (ii) the identified visa holder or applicant is not a player, a coach or an instructor in relation to an Australian sporting team or sporting organisation; or

- (b) the Minister is satisfied that:
- (i) the person and the identified visa holder or applicant have entered into a formal arrangement that provides for the identified visa holder or applicant to be a player, a coach or an instructor in relation to an Australian sporting team or sporting organisation; and
  - (ii) the formal arrangement specifies the period during which the identified visa holder or applicant will be a player, a coach or an instructor in relation to the Australian team or organisation; and
  - (iii) the arrangement will be of benefit to the sport in Australia; and
  - (iv) the identified visa holder or applicant has an established reputation in the field of sport; and
  - (v) the person has provided a letter of endorsement from the national sporting body responsible for administering the sport in Australia, certifying that:
    - (A) the identified visa holder or applicant has the ability to play, coach or instruct at the Australian national level; and
    - (B) the participation of the identified visa holder or applicant in the sport in Australia would benefit the sport in Australia by raising the standard of competition; or
- (c) the Minister is satisfied that the identified visa holder or applicant:
- (i) will act as a judge or adjudicator at one or more sporting events or sporting competitions in Australia; and
  - (ii) has the appropriate experience and skills to perform that role.

*Religious Work*

- (5) If the person is a long stay activity sponsor who is a religious institution, or a religious worker sponsor, the Minister is satisfied that the identified visa holder or applicant:
- (a) will be engaged on a full-time basis to work or participate in an activity in Australia that:
    - (i) is predominately non-profit in nature; and
    - (ii) directly serves the religious objectives of the person; and
  - (b) has appropriate qualifications and experience to work or participate in the nominated position.

**[120] Regulation 2.73, heading***substitute***2.73 Process for nomination—Subclass 457 (Temporary Work (Skilled)) visa****[121] Paragraph 2.73 (1A) (b)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[122] Paragraph 2.73A (1) (b)***substitute*

- (b) who identifies in the nomination an occupation, a program or an activity in relation to a visa and a person who will work or participate in the occupation, program or activity, as explained by the table.

<b>Item</b>	<b>Visa to which the nomination relates</b>	<b>Person to whom the nomination relates</b>
1	Subclass 401 (Temporary Work (Long Stay Activity))	Holder

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	visa	Applicant Proposed applicant
2	Subclass 402 (Training and Research) visa	Holder Applicant Proposed applicant
3	Subclass 411 (Exchange) visa	Holder Applicant
4	Subclass 419 (Visiting Academic) visa	Applicant
5	Subclass 427 (Domestic Worker (Temporary)—Executive) visa	Applicant
6	Subclass 428 (Religious Worker) visa	Holder Applicant
7	Subclass 442 (Occupational Trainee) visa	Holder Applicant

---

**[123] Subregulations 2.73A (3) and (4)**

*substitute*

- (3) If the person identifies in the nomination the holder of, or an applicant or proposed applicant for, a Subclass 401 (Temporary Work (Long Stay Activity)) visa, the person must make the nomination in accordance with approved form 1401N.
- (3A) If the person identifies in the nomination the holder of, or an applicant or proposed applicant for, a Subclass 402 (Training and Research) visa, the person must make the nomination in accordance with approved form 1402N.
- (3B) If subregulations (3) and (3A) do not apply, the person must make the nomination in accordance with approved form 1378.
- (4) The nomination must be accompanied by the fee in the table.



Item	Nomination	Fee
1	Nomination mentioned in subregulation (3), if the applicant, proposed applicant or holder is in a class of persons specified by the Minister in an instrument in writing for this item	nil
2	Any other nomination:	
	(a) if the person is seeking to make more than 20 nominations together	\$3,400
	(b) if paragraph (a) does not apply	\$170

**[124] Regulation 2.73B, heading**

*substitute*

**2.73B Process for nomination—Subclass 420 (Temporary Work (Entertainment)) visa and Subclass 423 (Media and Film Staff) visa**

**[125] Subregulation 2.73B (1)**

*substitute*

- (1) This regulation applies to a person:
- (a) who is nominating an occupation or an activity under paragraph 140GB (1) (b) of the Act; and
  - (b) who identifies in the nomination, as the person who will work or participate in the occupation or activity (the ***visa holder or applicant***):
    - (i) the holder of, or an applicant or proposed applicant for, a Subclass 420 (Temporary Work (Entertainment)) visa; or
    - (ii) an applicant for a Subclass 423 (Media and Film Staff) visa.

**[126] Subregulation 2.73B (3)***substitute*

- (3) If the person identifies the holder of, or an applicant or a proposed applicant for, a Subclass 420 (Temporary Work (Entertainment)) visa in the nomination, the person must make the nomination in accordance with approved form 1420N.
- (3A) If the person identifies an applicant for a Subclass 423 (Media and Film Staff) visa in the nomination, the person must make the nomination in accordance with approved form 1379.

**[127] Paragraph 2.73C (1) (b)***omit*

or a proposed applicant

**[128] Regulation 2.75, heading***substitute***2.75 Period of approval of nomination—Subclass 457 (Temporary Work (Skilled)) visa****[129] Subregulation 2.75 (1)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[130] Paragraph 2.75 (2) (c)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[131] Subregulation 2.75A (1)***substitute*

- (1) This regulation applies to a nomination of an occupation, a program or an activity in relation to a visa and a person, as explained by the table.

<b>Item</b>	<b>Visa to which the nomination relates</b>	<b>Person to whom the nomination relates</b>
1	Subclass 401 (Temporary Work (Long Stay Activity)) visa	Holder Applicant Proposed applicant
2	Subclass 402 (Training and Research) visa	Holder Applicant Proposed applicant
3	Subclass 411 (Exchange) visa	Holder Applicant
4	Subclass 419 (Visiting Academic) visa	Applicant
5	Subclass 420 (Temporary Work (Entertainment)) visa	Holder Applicant Proposed applicant
6	Subclass 421 (Sport) visa	Holder Applicant
7	Subclass 423 (Media and Film Staff) visa	Applicant
8	Subclass 427 (Domestic Worker (Temporary)—Executive) visa	Applicant
9	Subclass 428 (Religious Worker) visa	Holder Applicant
10	Subclass 442 (Occupational Trainee) visa	Holder Applicant

**[132] Paragraphs 2.75A (2) (c) and (d)***substitute*

- (c) 3 months after the day on which the person's approval as the kind of sponsor that could make the nomination ceases; and
- (d) if the person's approval as the kind of sponsor that could make the nomination is cancelled under subsection 140M (1) of the Act—the day on which the person's approval is cancelled; and

**[133] Paragraph 2.75A (2) (e)***omit***[134] Subregulation 2.76 (1)***omit*

subregulation (2), (3) or (4)

*insert*

this regulation

**[135] Paragraph 2.76 (2) (b)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[136] Paragraphs 2.76 (2) (c) and (d)***substitute*

- (c) must be in effect.

**[137] Subregulations 2.76 (3) and (4)***omit*

---

**[138] Subparagraph 2.79 (1) (a) (i)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[139] Subparagraph 2.79 (1) (a) (ii)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[140] Subparagraph 2.79 (1) (b) (i)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[141] Subparagraph 2.79 (1) (b) (ii)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[142] Subparagraph 2.79 (1A) (a) (i)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[143] Subparagraph 2.79 (1A) (a) (ii)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[144] Subparagraph 2.79 (4) (a) (ii)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[145] Subparagraph 2.79 (4) (a) (iii)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[146] Sub-subparagraph 2.79 (4) (b) (i) (A)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

---

**[147] Subregulation 2.80 (1)**

*substitute*

- (1) This regulation applies to a person who is or was:
- (a) a long stay activity sponsor or a religious worker sponsor of a primary sponsored person or a secondary sponsored person (the *sponsored person*), if:
    - (i) the primary sponsored person holds:
      - (A) a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Religious Worker stream; or
      - (B) a Subclass 428 (Religious Worker) visa; or
    - (ii) the last substantive visa held by the primary sponsored person was:
      - (A) a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Religious Worker stream; or
      - (B) a Subclass 428 (Religious Worker) visa; or
  - (b) a professional development sponsor of a primary sponsored person (the *sponsored person*), if:
    - (i) the primary sponsored person holds a Subclass 402 (Training and Research) visa in the Professional Development stream; or
    - (ii) the last substantive visa held by the primary sponsored person was a Subclass 402 (Training and Research) visa in the Professional Development stream; or
  - (c) a special program sponsor of a primary sponsored person or a secondary sponsored person (the *sponsored person*), if:
    - (i) the primary sponsored person holds a Subclass 416 (Special Program) visa granted on the basis that the person satisfied the criterion in paragraph 416.222 (a) of Schedule 2; or
    - (ii) the last substantive visa held by the primary sponsored person was a Subclass 416 (Special Program) visa granted on that basis; or

- (d) a party to a work agreement (other than a Minister), and who is or was an approved sponsor of a primary sponsored person or secondary sponsored person (the *sponsored person*), if
  - (i) the primary sponsored person holds a Subclass 457 (Temporary Work (Skilled)) visa; or
  - (ii) the last substantive visa held by the primary sponsored person was a Subclass 457 (Temporary Work (Skilled)) visa; or
- (e) a standard business sponsor of a primary sponsored person or a secondary sponsored person (the *sponsored person*), if:
  - (i) the primary sponsored person holds a Subclass 457 (Temporary Work (Skilled)) visa; or
  - (ii) the last substantive visa held by the primary sponsored person was a Subclass 457 (Temporary Work (Skilled)) visa.

**[148] Paragraph 2.80 (3) (d)**

*substitute*

- (d) be made while the person whose travel will be funded is the holder of the Subclass 401 (Temporary Work (Long Stay Activity)) visa, the Subclass 402 (Training and Research) visa, the Subclass 416 (Special Program) visa, the Subclass 428 (Religious Worker) visa or the Subclass 457 (Temporary Work (Skilled)) visa.

**[149] Subparagraph 2.80 (5) (a) (i)**

*substitute*

- (i) if the primary sponsored person holds a Subclass 402 (Training and Research) visa—on the day the primary sponsored person is granted the visa; or
- (ia) if the primary sponsored person or secondary sponsored person holds a Subclass 416 (Special Program) visa—on the day the primary sponsored person or secondary sponsored person is granted the visa; or



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**[150] Subparagraph 2.80 (5) (a) (ii)**

*omit*

a Subclass 428 (Religious Worker) visa or a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 401 (Temporary Work (Long Stay Activity)) visa, a Subclass 428 (Religious Worker) visa or a Subclass 457 (Temporary Work (Skilled)) visa

**[151] Sub-subparagraph 2.80 (5) (b) (iii) (B)**

*substitute*

(B) the Subclass 401 (Temporary Work (Long Stay Activity)) visa, the Subclass 402 (Training and Research) visa, the Subclass 416 (Special Program) visa, the Subclass 428 (Religious Worker) visa or the Subclass 457 (Temporary Work (Skilled)) visa has ceased to be in effect;

**[152] Sub-sub-subparagraph 2.80 (5) (b) (iii) (C) (II)**

*substitute*

(II) the last substantive visa held by the primary sponsored person was a Subclass 401 (Temporary Work (Long Stay Activity)) visa, a Subclass 402 (Training and Research) visa, a Subclass 416 (Special Program) visa, a Subclass 428 (Religious Worker) visa or a Subclass 457 (Temporary Work (Skilled)) visa;

**[153] Sub-subparagraph 2.80 (5) (c) (iii) (B)**

*substitute*

(B) the Subclass 401 (Temporary Work (Long Stay Activity)) visa, the Subclass 416

(Special Program) visa, the Subclass 428 (Religious Worker) visa or the Subclass 457 (Temporary Work (Skilled)) visa has ceased to be in effect;

**[154] Sub-sub-subparagraph 2.80 (5) (c) (iii) (C) (II)**

*substitute*

- (II) the last substantive visa held by the secondary sponsored person was a Subclass 401 (Temporary Work (Long Stay Activity)) visa, a Subclass 416 (Special Program) visa, a Subclass 428 (Religious Worker) visa or a Subclass 457 (Temporary Work (Skilled)) visa;

**[155] Subparagraph 2.82 (3) (c) (i)**

*omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[156] Subparagraph 2.82 (3) (c) (ii)**

*omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[157] Subregulation 2.83 (2), note**

*omit*

---

**[158] After subregulation 2.84 (4J)**

*insert*

- (4K) If the person is or was a long stay activity sponsor, the person must inform Immigration about each of the following events:
- (a) a change to the information, in relation to the person's address and contact details, provided to Immigration in the person's application for approval as a long stay activity sponsor;
  - (b) a primary sponsored person fails to participate in the nominated occupation or activity for which the primary sponsored person was identified;
  - (c) a primary sponsored person ceases participation in the nominated occupation or activity for which the primary sponsored person was identified;
  - (d) a change to the formal arrangement between the primary sponsored person and the person;
  - (e) a change to the exchange agreement;
  - (f) the person has paid the return travel costs of a primary sponsored person or secondary sponsored person in accordance with the obligation mentioned in regulation 2.80.
- (4L) If the person is or was a training and research sponsor, the person must inform Immigration about each of the following events:
- (a) a change to the information, in relation to the person's address and contact details, provided to Immigration in the person's application for approval as a training and research sponsor;
  - (b) a primary sponsored person fails to participate in the nominated occupation, program or activity for which the primary sponsored person was identified;
  - (c) a primary sponsored person ceases participation in the nominated occupation, program or activity for which the primary sponsored person was identified;
  - (d) a primary sponsored person fails to participate in the research project in relation to which the primary sponsored person was granted the visa.

**[159] Subregulation 2.84 (6), table, item 3A***omit*

(4J)

*insert*

(4L)

**[160] Paragraph 2.85 (1) (a)***substitute*

- (a) an approved sponsor in relation to a primary sponsored person or a secondary sponsored person, if:
- (i) the primary sponsored person holds a Subclass 470 (Professional Development) visa; or
  - (ii) the last substantive visa held by the primary sponsored person was a Subclass 470 (Professional Development) visa; or
  - (iii) the primary sponsored person holds a Subclass 402 (Training and Research) visa in the Research stream or Professional Development stream; or
  - (iv) the last substantive visa held by the primary sponsored person was a Subclass 402 (Training and Research) visa in the Research stream or Professional Development stream; or

**[161] Paragraphs 2.85 (1) (d) to (f)***substitute*

- (d) an approved sponsor in relation to a primary sponsored person or a secondary sponsored person, if:
- (i) the primary sponsored person holds a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Sport stream, or the Religious Worker stream, in relation to a volunteer role; or
  - (ii) the last substantive visa held by the primary sponsored person was a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Sport stream, or the Religious Worker stream, in relation to a volunteer role; or

- 
- (iii) the primary sponsored person holds a Subclass 421 (Sport) visa in relation to a volunteer role; or
  - (iv) the last substantive visa held by the primary sponsored person was a Subclass 421 (Sport) visa in relation to a volunteer role; or
  - (v) the primary sponsored person holds a Subclass 428 (Religious Worker) visa in relation to a volunteer role; or
  - (vi) the last substantive visa held by the primary sponsored person was a Subclass 428 (Religious Worker) visa in relation to a volunteer role; or
- (e) an approved sponsor in relation to a primary sponsored person or a secondary sponsored person, if:
- (i) the primary sponsored person holds a Subclass 402 (Training and Research) visa in the Occupational Trainee stream in relation to a volunteer role; or
  - (ii) the last substantive visa held by the primary sponsored person was a Subclass 402 (Training and Research) visa in the Occupational Trainee stream in relation to a volunteer role; or
  - (iii) the primary sponsored person holds a Subclass 442 (Occupational Trainee) visa in relation to a volunteer role; or
  - (iv) the last substantive visa held by the primary sponsored person was a Subclass 442 (Occupational Trainee) visa in relation to a volunteer role.

**[162] Subparagraph 2.85 (4) (a) (ii)**

*after*

secondary sponsored person holds

*insert*

a Subclass 401 (Temporary Work (Long Stay Activity)) visa,

**[163] Sub-subparagraph 2.85 (4) (a) (ii) (B)***omit*

person; and

*insert*

person; or

**[164] After subparagraph 2.85 (4) (a) (ii)***insert*

- (iii) if the primary sponsored person holds a Subclass 402 (Training and Research) visa in the Research stream or the Professional Development stream—on the day the visa is granted; or
- (iv) if the primary sponsored person holds a Subclass 402 (Training and Research) visa in the Occupational Trainee stream:
  - (A) on the day the Minister approves a nomination by the person that identifies the primary sponsored person; or
  - (B) if the primary sponsored person does not hold the visa on the day the Minister approves the nomination—on the day the primary sponsored person is granted the visa on the basis of being identified in an approved nomination by the person; and

**[165] Subregulation 2.86 (1)***substitute*

- (1) This regulation applies to:
  - (a) a person who is or was an approved sponsor in relation to a primary sponsored person if:
    - (i) the primary sponsored person holds a visa in relation to which the primary sponsored person was required to be nominated by an approved sponsor; or

- 
- (ii) an occupation, a program or an activity was required to be nominated in relation to the primary sponsored person by an approved sponsor; and
  - (b) a person who is or was an approved sponsor in relation to a person who was a primary sponsored person if:
    - (i) the last substantive visa held by the primary sponsored person was a visa in relation to which the primary sponsored person was required to be nominated by an approved sponsor; or
    - (ii) an occupation, a program or an activity was required to be nominated in relation to the primary sponsored person by an approved sponsor.

**[166] Subregulation 2.86 (2)**

*omit each mention of*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[167] Paragraph 2.86 (2A) (a)**

*omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[168] Paragraph 2.86 (2A) (b)**

*omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[169] Subregulation 2.86 (2C)**

*substitute*

- (2C) If the primary sponsored person holds a visa other than a Subclass 457 (Temporary Work (Skilled)) visa, the person must ensure that the primary sponsored person works or participates in the nominated occupation, program or activity in relation to which the primary sponsored person was identified.

**[170] Subparagraph 2.86 (3) (a) (iii)**

*omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[171] Subregulation 2.87 (1)**

*omit*

(other than a professional development sponsor)

**[172] Subparagraph 2.87 (2A) (a) (iii)**

*substitute*

- (iii) a long stay activity sponsor in relation to a sponsored person; and

**[173] Subparagraphs 2.87 (2A) (b) (i) and (ii)**

*substitute*

- (i) the primary sponsored person holds a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Religious Worker stream; or
- (ii) the last substantive visa held by the primary sponsored person was a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Religious Worker stream; or



- 
- (iii) the sponsored person holds a Subclass 427 (Domestic Worker (Temporary)—Executive) visa or a Subclass 428 (Religious Worker) visa; or
  - (iv) the last substantive visa held by the sponsored person was a Subclass 427 (Domestic Worker (Temporary)—Executive) visa or a Subclass 428 (Religious Worker) visa;

**[174] Subregulation 2.87A (1)**

*substitute*

- (1) This regulation applies to a person who:
  - (a) is or was an approved sponsor; and
  - (b) under paragraph 140GB (1) (b) of the Act, has nominated an occupation or an activity in relation to a holder of:
    - (i) a Subclass 401 (Temporary Work (Long Stay Activity)) visa in the Exchange stream; or
    - (ii) a Subclass 411 (Exchange) visa.

**[175] Subregulation 2.87A (2)**

*after*

subregulation 2.72B (4)

*insert*

or 2.72J (3)

**[176] Paragraph 2.87A (3) (a)**

*omit*

the exchange sponsor

*insert*

the person

**[177] Regulation 2.94A, heading**

*substitute*

**2.94A Failure to comply with certain terms of special program agreement or professional development agreement****[178] Subregulation 2.94A (1)**

*after*

sponsor

*insert*

or a professional development sponsor

**[179] Subregulation 2.94A (2)**

*substitute*

- (2) For subparagraph 140L (1) (a) (ii) of the Act, an additional circumstance is that the Minister is satisfied that:
- (a) the person has not complied with a term or condition of the special program agreement in relation to which the special program sponsor was approved; or
  - (b) the person has not complied with a term or condition of the professional development agreement in relation to which the professional development sponsor was approved.

**[180] Paragraph 2.94A (3) (b)**

*after*

agreement

*insert*

or professional development agreement

---

**[181] Paragraph 2.94A (3) (c)**

*after*

agreement

*insert*

or professional development agreement

**[182] Paragraph 4.02 (1A) (a)**

*substitute*

(a) a Subclass 401 (Temporary Work (Long Stay Activity)) visa;

(aa) a Subclass 402 (Training and Research) visa;

(ab) a Subclass 411 (Exchange) visa;

**[183] Paragraph 4.02 (1A) (k)**

*substitute*

(k) a Subclass 457 (Temporary Work (Skilled)) visa;

**[184] Paragraph 4.02 (4) (l)**

*omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[185] Subregulation 5.38 (1)**

*omit*

a Subclass 426 (Domestic Worker (Diplomatic or Consular)) visa or

**[186] Schedule 1, item 1205**

*substitute*

**1205. Special Program (Temporary) (Class TE)**

- (1) Form: 1416
- (2) Visa application charge:
  - (a) First instalment (payable at the time the application is made): \$315
  - (b) Second instalment (payable before grant of visa): nil
- (3) Other:
  - (a) An application must be made by:
    - (i) posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in an instrument in writing for this subparagraph; or
    - (ii) having the application delivered by courier service, or otherwise by hand, to the address specified by the Minister in an instrument in writing for this subparagraph; or
    - (iii) faxing the application to the fax number specified by the Minister in an instrument in writing for this subparagraph.
  - (b) An applicant seeking to satisfy the criterion for the grant of a Subclass 416 (Special Program) visa specified in paragraph 416.222 (d) of Schedule 2 must be outside Australia.
  - (c) An applicant not mentioned in paragraph (b) may be in or outside Australia, but not in immigration clearance.
  - (d) An applicant seeking to satisfy the primary criteria must:
    - (i) specify, in the application, the person who proposes to be the special program sponsor in relation to the applicant; and
    - (ii) provide evidence that the person is a special program sponsor, or is a person who has applied for approval as a special program sponsor but whose application has not yet been decided.

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(e) An application by a person claiming to be a member of the family unit of a person who is an applicant for a Special Program (Temporary) (Class TE) visa may be made at the same time and place as, and combined with, an application by that person or any other member of the family unit who claims to be a member of the family unit of the primary applicant.

(4) Subclasses:

Subclass 416 (Special Program)

**[187] Schedule 1, items 1207 and 1208**

*omit*

**[188] Schedule 1, item 1220B**

*omit*

**[189] Schedule 1, subparagraph 1223A (1) (b) (i)**

*substitute*

(i) seeks to satisfy the criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa; and

**[190] Schedule 1, subparagraph 1223A (1) (ba) (i)**

*substitute*

(i) seeks to satisfy the criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa; and

**[191] Schedule 1, subparagraph 1223A (1) (bb) (i)**

*substitute*

(i) seeks to satisfy the secondary criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa; and

**[192] Schedule 1, subparagraph 1223A (1) (bc) (i)***substitute*

- (i) the applicant seeks to satisfy the criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa; and

**[193] Schedule 1, subparagraph 1223A (2) (a) (iii)***substitute*

- (iii) In the case of each applicant who seeks to satisfy the criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa: \$350

**[194] Schedule 1, subparagraph 1223A (2) (a) (v)***omit***[195] Schedule 1, paragraph 1223A (3) (aa)***substitute*

- (aa) Subject to paragraphs (af) and (ag), an application by an applicant who seeks to satisfy the criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa may be made in or outside Australia, but not in immigration clearance.

**[196] Schedule 1, paragraphs 1223A (3) (ad) and (ae)***omit***[197] Schedule 1, subparagraph 1223A (3) (af) (i)***substitute*

- (i) seeks to satisfy the criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa; and

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**[198] Schedule 1, subparagraph 1223A (3) (af) (ii)**

*omit*

457.223 (2), (4) or (10)

*insert*

457.223 (2) or (4)

**[199] Schedule 1, subparagraph 1223A (3) (ag) (i)**

*substitute*

- (i) who seeks to satisfy the criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa; and

**[200] Schedule 1, subparagraph 1223A (3) (c) (i)**

*substitute*

- (i) seeks to satisfy the secondary criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa; and

**[201] Schedule 1, subparagraph 1223A (3) (ca) (i)**

*substitute*

- (i) seeks to satisfy the secondary criteria for the grant of a Subclass 457 (Temporary Work (Skilled)) visa; and

**[202] Schedule 1, subparagraph 1223A (3) (ca) (ii)**

*omit*

457.223 (2), (4) or (10)

*insert*

457.223 (2) or (4)

**[203] Schedule 1, paragraph 1223A (3) (d)**

*omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[204] Schedule 1, paragraph 1223A (3) (da)**

*omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[205] Schedule 1, subitem 1223A (4)**

*substitute*

(4) Subclasses:

Subclass 456 (Business (Short Stay))

Subclass 457 (Temporary Work (Skilled))

**[206] Schedule 1, after item 1230**

*insert*

**1232. Temporary Work (Long Stay Activity) (Class GB)**

(1) Form: 1401

(2) Visa application charge:

(a) First instalment (payable at the time the application is made):

Item	For ...	the charge is ...
1	an applicant who is: <ul style="list-style-type: none"> <li>(a) outside Australia at the time of application; and</li> <li>(b) a member of a sporting body that comprises at least 10 other applicants who make applications at the same time</li> </ul>	\$3,150 divided by the number of applicants in the sporting body



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	and place	
2	an applicant who is in a class of persons specified by the Minister in an instrument in writing for this item	nil
3	any other applicant	\$315

---

(b) Second instalment (payable before grant of visa): nil

(3) Other:

(a) If an applicant is in Australia, an application must be made by:

- (i) posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in an instrument in writing for this subparagraph; or
- (ii) having the application delivered by courier service, or otherwise by hand, to the address specified by the Minister in an instrument in writing for this subparagraph; or
- (iii) faxing the application to the fax number specified by the Minister in an instrument in writing for this subparagraph.

(b) If an applicant is outside Australia, an application must be made at a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia.

(c) An applicant may be in or outside Australia, but not in immigration clearance.

(d) An application must specify:

- (i) the person who has identified the applicant in a nomination for the purposes of section 140GB of the Act; and
- (ii) that the person is:
  - (A) a long stay activity sponsor; or
  - (B) an exchange sponsor; or
  - (C) a sport sponsor; or
  - (D) a religious worker sponsor; or

- (E) a person who has applied for approval as one of those sponsors but whose application has not yet been decided.
  - (e) An application by a person claiming to be a member of the family unit of a person who is an applicant for a Temporary Work (Long Stay Activity) (Class GB) visa may be made at the same time and place as, and combined with, an application by that person or any other member of the family unit who claims to be a member of the family unit of the primary applicant.
- (4) Subclasses:
- Subclass 401 (Temporary Work (Long Stay Activity))

### **1233. Training and Research (Class GC)**

- (1) Form: 1402
- (2) Visa application charge:
  - (a) First instalment (payable at the time the application is made): \$315
  - (b) Second instalment (payable before grant of visa): nil
- (3) Other:
  - (a) An application must be made:
    - (i) for an applicant in a class of persons specified by the Minister in an instrument in writing for this subparagraph—by posting the application (with the correct pre-paid postage) to the post office box address specified in the instrument; or
    - (ii) for an applicant in a class of persons specified by the Minister in an instrument in writing for this subparagraph—by having the application delivered by courier service, or otherwise by hand, to the address specified in the instrument; or
    - (iii) for an applicant in a class of persons specified by the Minister in an instrument in writing for this subparagraph—by faxing the application to the fax number specified in the instrument; or

- (iv) for an applicant in a class of persons specified by the Minister in an instrument in writing for this subparagraph—at a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia.
- (b) An application by a person claiming to be a member of the family unit of a person who is seeking to satisfy the primary criteria for the grant of a Training and Research (Class GC) visa may be made at the same time and place as, and combined with, an application by that person or any other member of the family unit who claims to be a member of the family unit of the primary applicant.
- (4) An applicant seeking to satisfy the primary criteria for a Subclass 402 (Training and Research) visa in the Occupational Trainee stream must meet the requirements in the table.

Item	Requirements
1	An applicant may be in or outside Australia, but not in immigration clearance
2	<p>If an applicant seeks to undertake a program of occupational training that will be provided by the Commonwealth, an application must specify:</p> <p>(a) the person who has agreed, in writing, to be the applicant's training and research sponsor or occupational trainee sponsor; and</p> <p>(b) that the person is:</p> <p>(i) a training and research sponsor; or</p> <p>(ii) an occupational trainee sponsor; or</p> <p>(iii) a person who has applied for approval as a training and research sponsor or an occupational trainee sponsor, but whose application has not yet been decided</p>
3	<p>If an applicant seeks to undertake a program of occupational training that will not be provided by the Commonwealth, an application must specify:</p> <p>(a) the person who has identified the applicant in a nomination for section 140GB of the Act; and</p> <p>(b) that the person is:</p> <p>(i) a training and research sponsor; or</p>

---

Item	Requirements
	<ul style="list-style-type: none"> <li>(ii) an occupational trainee sponsor; or</li> <li>(iii) a person who has applied for approval as a training and research sponsor or an occupational trainee sponsor, but whose application has not yet been decided</li> </ul>

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(5) An applicant seeking to satisfy the primary criteria for a Subclass 402 (Training and Research) visa in the Research stream must meet the requirements in the table.

Item	Requirements
1	An applicant may be in or outside Australia, but not in immigration clearance
2	An application must specify: <ul style="list-style-type: none"> <li>(a) the person who has agreed, in writing, to be the applicant's training and research sponsor or visiting academic sponsor; and</li> <li>(b) that the person is:               <ul style="list-style-type: none"> <li>(i) a training and research sponsor; or</li> <li>(ii) a visiting academic sponsor; or</li> <li>(iii) a person who has applied for approval as a training and research sponsor or visiting academic sponsor, but whose application has not yet been decided</li> </ul> </li> </ul>

(6) An applicant seeking to satisfy the primary criteria for a Subclass 402 (Training and Research) visa in the Professional Development stream must meet the requirements in the table.

Item	Requirements
1	An applicant must be outside Australia
2	An application must specify the person who has agreed in writing to be the applicant's professional development sponsor

(7) Subclasses:

Subclass 402 (Training and Research)

**1234. Temporary Work (International Relations) (Class GD)**

(1) Form: 1403

(2) Visa application charge:

(a) First instalment (payable at the time the application is made):

Item	For ...	the charge is ...
1	an applicant: (a) to whom privileges and immunities are, or are expected to be, accorded under the <i>International Organisations (Privileges and Immunities) Act 1963</i> or the <i>Overseas Missions (Privileges and Immunities) Act 1995</i> ; and (b) who is expected to be recommended by the Foreign Minister for the grant of a visa	nil
2	an applicant who: (a) holds a valid diplomatic, official or service passport; and (b) holds a third person note of support for the application from the government, or a government agency, of the applicant's home country	nil
3	an applicant who is in a class of persons specified by the Minister in an instrument in writing for this item	nil
4	any other applicant	\$315

(b) Second instalment (payable before grant of visa): nil

## (3) Other:

- (a) If an applicant is in Australia, an application must be made by:
  - (i) posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in an instrument in writing for this subparagraph; or
  - (ii) having the application delivered by courier service, or otherwise by hand, to the address specified by the Minister in an instrument in writing for this subparagraph; or
  - (iii) faxing the application to the fax number specified by the Minister in an instrument in writing for this subparagraph.
- (b) If the applicant is outside Australia, an application must be made at a diplomatic, consular or migration office maintained by or on behalf of the Commonwealth outside Australia.
- (c) An applicant may be in or outside Australia, but not in immigration clearance.
- (d) An application by a person claiming to be a member of the family unit of a person who is an applicant for an Temporary Work (International Relations) (Class GD) visa may be made at the same time and place as, and combined with, an application by that person or any other member of the family unit who claims to be a member of the family unit of the primary applicant.

## (4) Subclasses:

Subclass 403 (Temporary Work (International Relations))

**1235. Temporary Work (Entertainment) (Class GE)**

(1) Form: 1420

(2) Visa application charge:

(a) First instalment (payable at the time the application is made):

Item	For ...	the charge is ...
1	an applicant who: <ul style="list-style-type: none"> <li>(a) is outside Australia at the time of application; and</li> <li>(b) appears to the Minister, on the basis of the information contained in the application, to have been identified in a nomination under section 140GB of the Act:               <ul style="list-style-type: none"> <li>(i) to perform as an entertainer in one or more specific engagements that are for non-profit purposes; or</li> <li>(ii) to support an entertainer, or a body of entertainers, in relation to one or more specific engagements that are for non-profit purposes</li> </ul> </li> </ul>	nil
2	an applicant: <ul style="list-style-type: none"> <li>(a) who is outside Australia at the time of application; and</li> <li>(b) who appears to the Minister, on the basis of the information contained in the application, to have been identified in a nomination under section 140GB of the Act by an entertainment sponsor that is an organisation:               <ul style="list-style-type: none"> <li>(i) funded wholly or in part by the Commonwealth; and</li> <li>(ii) approved by the Secretary for this item</li> </ul> </li> </ul>	nil

---

3	an applicant who is: (a) outside Australia at the time of application; and (b) a member of an entertainment body that comprises at least 10 other applicants who make applications at the same time and place;  and to whom neither of items 1 or 2 applies	\$3,150 divided by the number of applicants in the entertainment body
4	any other applicant	\$315

---

(b) Second instalment (payable before grant of visa): nil

(3) Other:

(a) An application must be made by:

- (i) posting the application (with the correct pre-paid postage) to the post office box address specified by the Minister in an instrument in writing for this subparagraph; or
- (ii) having the application delivered by courier service, or otherwise by hand, to the address specified by the Minister in an instrument in writing for this subparagraph; or
- (iii) faxing the application to the fax number specified by the Minister in an instrument in writing for this subparagraph.

(b) An applicant may be in or outside Australia, but not in immigration clearance.

(c) An application must specify:

- (i) the person who has identified the applicant in a nomination for section 140GB of the Act; and
- (ii) that the person is:
  - (A) an entertainment sponsor; or
  - (B) a person who has applied for approval as an entertainment sponsor but whose application has not yet been decided.



(d) An application by a person claiming to be a member of the family unit of a person who is an applicant for an Temporary Work (Entertainment) (Class GE) visa may be made at the same time and place as, and combined with, an application by that person or any other member of the family unit who claims to be a member of the family unit of the primary applicant.

(4) Subclasses:

Subclass 420 (Temporary Work (Entertainment))

**[207] Schedule 1, subitem 1301 (1)**

*omit*

1398 or 1408

*insert*

1398, 1401, 1402, 1403, 1408, 1416 or 1420

**[208] Schedule 1, subitem 1303 (1)**

*omit*

1398 or 1408

*insert*

1398, 1401, 1402, 1403, 1408, 1416 or 1420

**[209] Schedule 1, subitem 1305 (1)**

*omit*

or 1383

*insert*

, 1383, 1401, 1402, 1403, 1416 or 1420

**[210] Schedule 2, paragraph 010.611 (3C) (a)**

*omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[211] Schedule 2, paragraph 020.611 (4A) (a)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[212] Schedule 2, sub-subparagraph 303.212 (a) (i) (B)***omit***[213] Schedule 2, sub-subparagraph 303.212 (a) (i) (N)***substitute*(N) Prospective Marriage (Temporary)  
(Class TO);(O) Temporary Work (Long Stay Activity)  
(Class GB);

(P) Training and Research (Class GC);

(Q) Temporary Work (International Relations)  
(Class GD);

(R) Temporary Work (Entertainment) (Class GE);

(S) Special Program (Temporary) (Class TE); or

**[214] Schedule 2, subparagraph 303.212 (a) (ii)***omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[215] Schedule 2, after Part 309***insert***Subclass 401 Temporary Work (Long Stay Activity)**

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## 401.1 Interpretation

401.111 In this Part:

*adverse information* has the meaning given by subregulation 2.57 (3).

*associated with* has the meaning given by subregulation 2.57 (2).

*sporting organisation* has the meaning given by subregulation 2.57 (1).

*Note* For *exchange sponsor*, *long stay activity sponsor*, *sport sponsor*, *religious institution* and *religious worker sponsor*: see regulation 1.03.

## 401.2 Primary criteria

*Note* The primary criteria for the grant of a Subclass 401 visa include criteria set out in streams.

If an applicant applies for a Subclass 401 visa in the Exchange stream, the criteria in Subdivisions 401.21 and 401.22 are the primary criteria for the grant of the visa.

If an applicant applies for a Subclass 401 visa in the Sport stream, the criteria in Subdivisions 401.21 and 401.23 are the primary criteria.

If an applicant applies for a Subclass 401 visa in the Religious Worker stream, the criteria in Subdivisions 401.21 and 401.24 are the primary criteria.

The primary criteria must be satisfied by at least one member of a family unit, unless a member of the family unit holds one of the following visas on the basis of satisfying the primary criteria:

- a Subclass 411 (Exchange) visa;
- a Subclass 421 (Sport) visa;
- a Subclass 428 (Religious Worker) visa.

The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

All criteria must be satisfied at the time a decision is made on the application.

### 401.21 Common criteria

*Note* These criteria are for all applicants seeking to satisfy the primary criteria for a Subclass 401 visa.

- 401.211 If the applicant was in Australia at the time of application:
- (a) at that time, the applicant held a substantive temporary visa that was not:
    - (i) a Subclass 403 (Temporary Work (International Relations)) visa in the Domestic Worker (Diplomatic or Consular) stream; or
    - (ii) a Subclass 426 (Domestic Worker (Temporary)—Diplomatic or Consular) visa; or
    - (iii) a Subclass 771 (Transit) visa; or
    - (iv) a special purpose visa; or
  - (b) if the applicant did not hold a substantive visa at that time:
    - (i) the last substantive temporary visa held by the applicant was not a visa mentioned in paragraph (a); and
    - (ii) the applicant satisfies Schedule 3 criteria 3002, 3003, 3004 and 3005.
- 401.212
- (1) The applicant is identified in a nomination of an occupation or activity approved under section 140GB of the Act.
  - (2) The nomination was made by a person who was, at the time the nomination was approved:
    - (a) a long stay activity sponsor; or
    - (b) an exchange sponsor; or
    - (c) a sport sponsor; or
    - (d) a religious worker sponsor.
  - (3) The approval of the nomination has not ceased under regulation 2.75A.
  - (4) Either:
    - (a) there is no adverse information known to Immigration about the person who made the approved nomination or a person associated with that person; or
    - (b) it is reasonable to disregard any adverse information known to Immigration about the person who made the approved nomination or a person associated with that person.

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- 401.213 The applicant has adequate arrangements in Australia for health insurance during the period of the applicant's intended stay in Australia.
- 401.214 The applicant genuinely intends to stay temporarily in Australia to carry out the occupation or activity for which the visa is granted, having regard to:
- (a) whether the applicant has complied substantially with the conditions to which the last substantive visa, or any subsequent bridging visa, held by the applicant was subject; and
  - (b) whether the applicant intends to comply with the conditions to which the Subclass 401 visa would be subject; and
  - (c) any other relevant matter.
- 401.215 The applicant has:
- (a) adequate means to support himself or herself; or
  - (b) access to adequate means to support himself or herself;
- during the period of the applicant's intended stay in Australia.
- 401.216 (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4013, 4014 and 4020.
- (2) If the applicant had turned 18 at the time of application, the applicant satisfies public interest criterion 4019.
- (3) If the applicant has not turned 18, the applicant satisfies public interest criteria 4012, 4017 and 4018.
- 401.217 The applicant satisfies special return criteria 5001, 5002 and 5010.
- 401.218 Either:
- (a) the applicant holds a valid passport that:
    - (i) was issued to the applicant by an official source; and
    - (ii) is in the form issued by the official source; or
  - (b) it would be unreasonable to require the applicant to hold a passport.

**401.22 Criteria for Exchange stream**

*Note* These criteria are only for applicants seeking to satisfy the primary criteria for a Subclass 401 visa in the Exchange stream.

- 401.221 (1) The applicant is identified in a nomination by:
- (a) a long stay activity sponsor who is a party to an exchange agreement; or
  - (b) an exchange sponsor.
- (2) The nomination meets the criteria in subregulation 2.72J (3).
- 401.222 An exchange agreement between the long stay activity sponsor or the exchange sponsor and a reciprocating foreign organisation is still in place.

**401.23 Criteria for Sport stream**

*Note* These criteria are only for applicants seeking to satisfy the primary criteria for a Subclass 401 visa in the Sport stream.

- 401.231 (1) The applicant is identified in a nomination by:
- (a) a long stay activity sponsor who is a sporting organisation; or
  - (b) a sport sponsor.
- (2) The nomination meets the criteria in subregulation 2.72J (4).
- 401.232 If the nominated activity for which the applicant was identified in the nomination required a formal arrangement to be in place between the long stay activity sponsor or the sport sponsor and the applicant, the formal arrangement is still in place.

**401.24 Criteria for Religious Worker stream**

*Note* These criteria are only for applicants seeking to satisfy the primary criteria for a Subclass 401 visa in the Religious Worker stream.

- 401.241 (1) The applicant is identified in a nomination by:
- (a) a long stay activity sponsor who is a religious institution; or
  - (b) a religious worker sponsor.

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(2) The nomination meets the criteria in subregulation 2.72J (5).

### 401.3 Secondary criteria

*Note* These criteria are for applicants who are members of the family unit of a person who:

- (a) satisfies the primary criteria; or
- (b) holds one of the following visas on the basis of satisfying the primary criteria:
  - a Subclass 411 (Exchange) visa;
  - a Subclass 421 (Sport) visa;
  - a Subclass 428 (Religious Worker) visa.

All criteria must be satisfied at the time a decision is made on the application.

#### 401.31 Criteria

401.311 The applicant is a member of the family unit of a person (the ***primary applicant***) who holds any of the following visas granted on the basis of satisfying the primary criteria:

- (a) a Subclass 401 visa;
- (b) a Subclass 411 (Exchange) visa;
- (c) a Subclass 421 (Sport) visa;
- (d) a Subclass 428 (Religious Worker) visa.

401.312 The approved sponsor of the primary applicant:

- (a) has agreed, in writing, to be the sponsor of the applicant; and
- (b) has not withdrawn its agreement to be the sponsor in relation to the applicant; and
- (c) has not ceased to be the sponsor of the primary applicant; and
- (d) either:
  - (i) there is no adverse information known to Immigration about the sponsor or a person associated with the sponsor; or

- (ii) it is reasonable to disregard any adverse information known to Immigration about the sponsor or a person associated with the sponsor.
- 401.313 The applicant has adequate arrangements in Australia for health insurance during the period of the applicant's intended stay in Australia.
- 401.314 The applicant genuinely intends to stay temporarily in Australia as a member of the family unit of the primary applicant, having regard to:
- (a) whether the applicant has complied substantially with the conditions to which the last substantive visa, or any subsequent bridging visa, held by the applicant was subject; and
  - (b) any other relevant matter.
- 401.315 The applicant has:
- (a) adequate means to support himself or herself; or
  - (b) access to adequate means to support himself or herself; during the period of the applicant's intended stay in Australia.
- 401.316 (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4013, 4014 and 4020.
- (2) If the applicant had turned 18 at the time of application, the applicant satisfies public interest criterion 4019.
- (3) If the applicant has not turned 18, the applicant satisfies public interest criteria 4017 and 4018.
- 401.317 The applicant satisfies special return criteria 5001, 5002 and 5010.
- 401.318 Either:
- (a) the applicant holds a valid passport that:
    - (i) was issued to the applicant by an official source; and
    - (ii) is in the form issued by the official source; or
  - (b) it would be unreasonable to require the applicant to hold a passport.



#### 401.4 Circumstances applicable to grant

- 401.411 If the application is made in Australia, the applicant:
- (a) must be in Australia when the visa is granted; but
  - (b) must not be in immigration clearance.
- 401.412 If the application is made outside Australia, the applicant must be outside Australia when the visa is granted.

#### 401.5 When visa is in effect

- 401.511 Temporary visa permitting the holder:
- (a) to travel to, and enter, Australia on one or more occasions until a date, not later than 2 years after the date the visa is granted, specified by the Minister; and
  - (b) to remain in Australia for:
    - (i) 2 years after the date the visa is granted; or
    - (ii) a lesser period specified by the Minister.

#### 401.6 Conditions

- 401.611 If the applicant satisfies the primary criteria for the grant of the visa, conditions 8107, 8303 and 8501 must be imposed.
- 401.612 If the applicant satisfies the secondary criteria for the grant of the visa, conditions 8303 and 8501 must be imposed.
- 401.613 Conditions 8106, 8301, 8502, 8503, 8516, 8522, 8525 and 8526 may be imposed.

### Subclass 402 Training and Research

#### 402.1 Interpretation

- 402.111 In this Part:
- adverse information* has the meaning given by subregulation 2.57 (3).
- associated with* has the meaning given by subregulation 2.57 (2).
- completed*, in relation to a principal course, means:

- (a) for an award course—having met the academic requirements for the award; and
- (b) for a non-award course—having met the course requirements.

*Note* The academic requirements for the award of an academic qualification do not include the formal conferral of the award. Therefore, a person can complete a principal course, for this Part, before the award is formally conferred.

***overseas employer*** has the meaning given by subregulation 2.57 (1).

***principal course*** has the meaning given by regulation 1.40.

***professional development agreement*** has the meaning given by subregulation 2.57 (1).

*Note* For ***occupational trainee sponsor***, ***professional development sponsor***, ***training and research sponsor*** and ***visiting academic sponsor***: see regulation 1.03.

## 402.2 Primary criteria

*Note* The primary criteria for the grant of a Subclass 402 visa include criteria set out in streams.

If an applicant applies for a Subclass 402 visa in the Occupational Trainee stream, the criteria in Subdivisions 402.21 and 402.22 are the primary criteria for the grant of the visa.

If an applicant applies for a Subclass 402 visa in the Research stream, the criteria in Subdivisions 402.21 and 402.23 are the primary criteria.

If an applicant applies for a Subclass 402 visa in the Professional Development stream, the criteria in Subdivisions 402.21 and 402.24 are the primary criteria.

The primary criteria must be satisfied by at least one member of a family unit, unless a member of the family unit holds one of the following visas on the basis of satisfying the primary criteria:

- a Subclass 419 (Visiting Academic) visa;
- a Subclass 442 (Occupational Trainee) visa.

The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

All criteria must be satisfied at the time a decision is made on the application.

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**402.21 Common criteria**

*Note* These criteria are for all applicants seeking to satisfy the primary criteria for a Subclass 402 visa.

402.211 If the applicant was in Australia at the time of application:

- (a) at that time, the applicant held a substantive temporary visa that was not:
  - (i) a Subclass 403 (Temporary Work (International Relations)) visa in the Domestic Worker (Diplomatic or Consular) stream; or
  - (ii) a Subclass 426 (Domestic Worker (Temporary)—Diplomatic or Consular) visa; or
  - (iii) a Subclass 771 (Transit) visa; or
  - (iv) a special purpose visa; or
- (b) if the applicant did not hold a substantive visa at that time:
  - (i) the last substantive temporary visa held by the applicant was not a visa mentioned in paragraph (a); and
  - (ii) the applicant satisfies Schedule 3 criteria 3002, 3003, 3004 and 3005.

402.212 Either:

- (a) the applicant has turned 18; or
- (b) the applicant has not turned 18 and seeks to enter Australia to participate in an occupational training program relating to sport; or
- (c) the applicant has not turned 18 and exceptional circumstances exist for the grant of the visa.

402.213 The applicant has adequate arrangements in Australia for health insurance during the period of the applicant's intended stay in Australia.

402.214 The applicant genuinely intends to stay temporarily in Australia to carry out the occupation, program or activity for which the visa is granted, having regard to:

- (a) whether the applicant has complied substantially with the conditions to which the last substantive visa, or any subsequent bridging visa, held by the applicant was subject; and

- (b) whether the applicant intends to comply with the conditions to which the Subclass 402 visa would be subject; and
  - (c) any other relevant matter.
- 402.215 The applicant has:
  - (a) adequate means to support himself or herself; or
  - (b) access to adequate means to support himself or herself; during the period of the applicant's intended stay in Australia.
- 402.216 (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4013, 4014 and 4020.
  - (2) If the applicant had turned 18 at the time of application, the applicant satisfies public interest criterion 4019.
  - (3) If the applicant has not turned 18, the applicant satisfies public interest criteria 4012, 4017 and 4018.
- 402.217 The applicant satisfies special return criteria 5001, 5002 and 5010.
- 402.218 Either:
  - (a) the applicant holds a valid passport that:
    - (i) was issued to the applicant by an official source; and
    - (ii) is in the form issued by the official source; or
  - (b) it would be unreasonable to require the applicant to hold a passport.

#### **402.22 Criteria for Occupational Trainee stream**

*Note* These criteria are only for applicants seeking to satisfy the primary criteria for a Subclass 402 visa in the Occupational Trainee stream.

- 402.221 (1) Either:
  - (a) if the occupational training is not to be provided to the applicant by the Commonwealth:
    - (i) the applicant is identified in a nomination by a training and research sponsor or an occupational trainee sponsor; and

- 
- (ii) the nomination meets the criteria in regulation 2.72I; and
  - (iii) the approval of the nomination has not ceased under regulation 2.75A; and
  - (iv) either:
    - (A) there is no adverse information known to Immigration about the nominator or a person associated with the nominator; or
    - (B) it is reasonable to disregard any adverse information known to Immigration about the nominator or a person associated with the nominator; or
- (b) if the occupational training is to be provided to the applicant by the Commonwealth:
- (i) a training and research sponsor or an occupational trainee sponsor has agreed, in writing, to be the approved sponsor in relation to the applicant; and
  - (ii) the sponsor has not withdrawn its agreement to be the approved sponsor in relation to the applicant and has not ceased to be an approved sponsor.
- (2) For subclause (1), occupational training to be provided by the Commonwealth includes occupational training to be provided by:
- (a) a body corporate incorporated for a public purpose under an Act or regulations made under an Act; or
  - (b) an authority or body (other than a body corporate) established for a public purpose under an Act or regulations made under an Act.
- 402.222 Occupational opportunities available to Australian citizens or permanent residents of Australia will not be adversely affected if the visa is granted.
- 402.223 (1) This clause applies if the applicant was in Australia at the time of application and:
- (a) at that time, the applicant held a visa of one of the following subclasses:
    - (i) Subclass 570 (Independent ELICOS Sector);

- (ii) Subclass 572 (Vocational Education and Training Sector);
  - (iii) Subclass 573 (Higher Education Sector);
  - (iv) Subclass 574 (Postgraduate Research Sector);
  - (v) Subclass 575 (Non-Award Sector); or
- (b) if the applicant did not hold a substantive visa at that time, the last substantive visa held by the applicant was a visa mentioned in paragraph (a).
- (2) Either:
- (a) the applicant:
- (i) has completed the principal course, at the diploma level or higher, in Australia in relation to which:
    - (A) the visa held by the applicant at the time of application was granted; or
    - (B) if the applicant did not hold a substantive visa at the time of application—the last substantive visa held by the applicant was granted; and
  - (ii) seeks to undertake occupational training closely related to the principal course; and
  - (iii) would complete the occupational training within 12 months; or
- (b) the applicant:
- (i) has completed the principal course in Australia in relation to which:
    - (A) the visa held by the applicant at the time of application was granted; or
    - (B) if the applicant did not hold a substantive visa at the time of application—the last substantive visa held by the applicant was granted; and
  - (ii) must complete a period of practical employment experience in order to obtain registration in a profession in which registration is a prerequisite for the practice of the profession in:
    - (A) the applicant's usual country of residence; or
    - (B) Australia.

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**402.23 Criteria for Research stream**

*Note* These criteria are only for applicants seeking to satisfy the primary criteria for a Subclass 402 visa in the Research stream.

402.231 Each of the following applies:

- (a) a training and research sponsor or a visiting academic sponsor (the *sponsor*) has agreed, in writing, to be the approved sponsor in relation to the applicant;
- (b) the sponsor is an Australian tertiary or research institution;
- (c) the sponsor has not withdrawn its agreement to be the sponsor in relation to the applicant and has not ceased to be the sponsor;
- (d) either:
  - (i) there is no adverse information known to Immigration about the sponsor or a person associated with the sponsor; or
  - (ii) it is reasonable to disregard any adverse information known to Immigration about the sponsor or a person associated with the sponsor.

402.232 The applicant will observe or participate in an Australian research project:

- (a) at the sponsoring Australian tertiary or research institution; and
- (b) in collaboration with other academics employed by the institution.

402.233 The applicant:

- (a) is employed, or was formerly employed, as an academic at a tertiary education institution or research institution; and
- (b) has a significant record of achievement in his or her field.

402.234 The applicant will not receive from the sponsor a salary, scholarship or allowance (other than an allowance for living expenses in Australia and travel costs).

**402.24 Criteria for Professional Development stream**

*Note* These criteria are only for applicants seeking to satisfy the primary criteria for a Subclass 402 visa in the Professional Development stream.

402.241 Each of the following applies:

- (a) a professional development sponsor (the *sponsor*) has agreed, in writing, to be the approved sponsor in relation to the applicant;
- (b) the sponsor has not withdrawn its agreement to be the sponsor in relation to the applicant and has not ceased to be the sponsor;
- (c) either:
  - (i) there is no adverse information known to Immigration about the sponsor or a person associated with the sponsor; or
  - (ii) it is reasonable to disregard any adverse information known to Immigration about the sponsor or a person associated with the sponsor.

402.242 The applicant:

- (a) has an overseas employer; and
- (b) is in a managerial or professional position in relation to the overseas employer.

402.243 There is no information indicating that any of the parties to the professional development agreement are unable to meet their financial commitments under the agreement.

402.244 The sponsor is satisfied that the applicant:

- (a) will undertake the professional development program mentioned in the visa application; and
- (b) has managerial or other professional skills and work experience that are relevant to that program.

402.245 The sponsor is satisfied in relation to the applicant's English language proficiency for the purposes of undertaking the professional development program mentioned in the visa application.



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## 402.3 Secondary criteria

*Note* These criteria are for applicants who are members of the family unit of a person who:

- (a) satisfies the primary criteria; or
- (b) holds one of the following visas on the basis of satisfying the primary criteria:
  - a Subclass 419 (Visiting Academic) visa;
  - a Subclass 442 (Occupational Trainee) visa.

All criteria must be satisfied at the time a decision is made on the application.

### 402.31 Criteria

402.311 The applicant is a member of the family unit of a person (the ***primary applicant***) who holds any of the following visas granted on the basis of satisfying the primary criteria:

- (a) a Subclass 402 visa in the Occupational Trainee stream;
- (b) a Subclass 402 visa in the Research stream;
- (c) a Subclass 419 (Visiting Academic) visa;
- (d) a Subclass 442 (Occupational Trainee) visa.

402.312 If the primary applicant applied for the visa mentioned in clause 402.311 on or after 14 September 2009, the approved sponsor of the primary applicant:

- (a) has agreed, in writing, to be the sponsor of the applicant; and
- (b) has not withdrawn its agreement to be the sponsor in relation to the primary applicant; and
- (c) has not ceased to be the sponsor of the applicant; and
- (d) either:
  - (i) there is no adverse information known to Immigration about the sponsor or a person associated with the sponsor; or
  - (ii) it is reasonable to disregard any adverse information known to Immigration about the sponsor or a person associated with the sponsor.

- 402.313 The applicant has adequate arrangements in Australia for health insurance during the period of the applicant's intended stay in Australia.
- 402.314 The applicant genuinely intends to stay temporarily in Australia as a member of the family unit of the primary applicant, having regard to:
- (a) whether the applicant has complied substantially with the conditions to which the last substantive visa, or any subsequent bridging visa, held by the applicant was subject; and
  - (b) any other relevant matter.
- 402.315 The applicant has:
- (a) adequate means to support himself or herself; or
  - (b) access to adequate means to support himself or herself;
- during the period of the applicant's intended stay in Australia.
- 402.316 (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4013, 4014 and 4020.
- (2) If the applicant had turned 18 at the time of application, the applicant satisfies public interest criterion 4019.
- (3) If the applicant has not turned 18, the applicant satisfies public interest criteria 4017 and 4018.
- 402.317 The applicant satisfies special return criteria 5001, 5002 and 5010.
- 402.318 Either:
- (a) the applicant holds a valid passport that:
    - (i) was issued to the applicant by an official source; and
    - (ii) is in the form issued by the official source; or
  - (b) it would be unreasonable to require the applicant to hold a passport.

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## **402.4 Circumstances applicable to grant**

- 402.411 An applicant for a Subclass 402 visa in the Professional Development stream must be outside Australia when the visa is granted.
- 402.412 Any other applicant may be in or outside Australia, but not in immigration clearance, when the visa is granted.

## **402.5 When visa is in effect**

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

## **402.6 Conditions**

- 402.611 (1) If the applicant satisfies the primary criteria for the grant of a Subclass 402 visa in the Occupational Trainee stream:
- (a) conditions 8102, 8303, 8501 and 8516 must be imposed; and
  - (b) conditions 8106, 8301, 8502, 8503, 8522, 8525 and 8526 may be imposed.
- (2) If the applicant satisfies the primary criteria for the grant of a Subclass 402 visa in the Research stream:
- (a) conditions 8103, 8107, 8303, 8501 and 8516 must be imposed; and
  - (b) conditions 8106, 8301, 8502, 8503, 8522, 8525 and 8526 may be imposed.
- (3) If the applicant satisfies the primary criteria for the grant of a Subclass 402 visa in the Professional Development stream:
- (a) conditions 8102, 8303, 8501, 8503, 8516, 8531 and 8536 must be imposed; and
  - (b) conditions 8106, 8301, 8502, 8522, 8525 and 8526 may be imposed.

- 402.612 (1) If the applicant satisfies the secondary criteria for the grant of a Subclass 402 visa on the basis of being a member of the family unit of a person who holds a Subclass 402 visa in the Occupational Trainee stream:
- (a) conditions 8104, 8303 and 8501 must be imposed; and
  - (b) conditions 8106, 8301, 8502, 8503, 8516, 8522, 8525 and 8526 may be imposed.
- (2) In any other case, if the applicant satisfies the secondary criteria:
- (a) conditions 8303 and 8501 must be imposed; and
  - (b) conditions 8106, 8301, 8502, 8503, 8516, 8522, 8525 and 8526 may be imposed.

## **Subclass 403                      Temporary Work (International Relations)**

### **403.1      Interpretation**

403.111 In this Part:

*Australian signatory* is a department or agency of:

- (a) the Commonwealth; or
- (b) a State or Territory;

that is a signatory to the relevant agreement.

*foreign government agency* has the meaning given by subregulation 2.57 (1).

*foreign signatory* means a government, of a foreign country, that is a signatory to the relevant agreement.

*relevant agreement* means a written agreement that:

- (a) is in effect; and
- (b) is between:
  - (i) a department or agency of the Commonwealth, a State or a Territory; and
  - (ii) a government of a foreign country; and
- (c) is at least partly for the purpose of facilitating the temporary entry of people to Australia; and

- (d) is not an agreement or arrangement, or a type of agreement or arrangement, that is specified by the Minister in an instrument in writing for this paragraph.

*Note* For *Foreign Minister*: see regulation 1.03.

## 403.2 Primary criteria

*Note* The primary criteria for the grant of a Subclass 403 visa include criteria set out in streams.

An applicant must satisfy the criteria in Subdivision 403.21 and also in one of Subdivisions 403.22 to 403.25.

An application for a Subclass 403 visa will be assessed against as many streams as necessary, whether or not the applicant specifies a particular stream in the application. The criteria in Subdivisions 403.22 to 403.25 will be used in turn as primary criteria for the grant of the visa as the application is assessed.

The primary criteria must be satisfied by at least one member of a family unit, unless a member of the family unit holds one of the following visas on the basis of satisfying the primary criteria:

- a Subclass 406 (Government Agreement) visa;
- a Subclass 415 (Foreign Government Agency) visa.

The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

All criteria must be satisfied at the time a decision is made on the application.

### 403.21 Common criteria

*Note* These criteria are for all applicants seeking to satisfy the primary criteria for a Subclass 403 visa.

- 403.211 The applicant has adequate arrangements in Australia for health insurance during the period of the applicant's intended stay in Australia.
- 403.212 The applicant genuinely intends to stay temporarily in Australia for the purpose for which the visa is granted, having regard to:
- (a) whether the applicant has complied substantially with the conditions to which the last substantive visa, or any subsequent bridging visa, held by the applicant was subject; and

- (b) whether the applicant intends to comply with the conditions to which the Subclass 403 visa would be subject; and
  - (c) any other relevant matter.
- 403.213 The applicant has:
  - (a) adequate means to support himself or herself; or
  - (b) access to adequate means to support himself or herself; during the period of the applicant's intended stay in Australia.
- 403.214 (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4013, 4014 and 4020.  
  
(2) If the applicant has not turned 18, the applicant satisfies public interest criteria 4012, 4017 and 4018.
- 403.215 The applicant satisfies special return criteria 5001, 5002 and 5010.
- 403.216 Either:
  - (a) the applicant holds a valid passport that:
    - (i) was issued to the applicant by an official source; and
    - (ii) is in the form issued by the official source; or
  - (b) it would be unreasonable to require the applicant to hold a passport.

#### **403.22 Criteria for Government Agreement stream**

*Note* These criteria are only for applicants being assessed against the primary criteria for a Subclass 403 visa in the Government Agreement stream.

- 403.221 If the applicant was in Australia at the time of application:
  - (a) at that time, the applicant held a substantive temporary visa that was not:
    - (i) a Subclass 403 visa in the Domestic Worker (Diplomatic or Consular) stream; or
    - (ii) a Subclass 426 (Domestic Worker (Temporary)—Diplomatic or Consular) visa; or
    - (iii) a Subclass 771 (Transit) visa; or

- 
- (iv) a special purpose visa; or
- (b) if the applicant did not hold a substantive visa at that time:
- (i) the last substantive temporary visa held by the applicant was not a visa mentioned in paragraph (a); and
  - (ii) the applicant satisfies Schedule 3 criteria 3002, 3003, 3004 and 3005.
- 403.222 (1) The applicant will be engaged in work, or an activity, in Australia in accordance with the terms and conditions of a relevant agreement.
- (2) The applicant meets the requirements of the relevant agreement.
- (3) An Australian signatory agrees to the applicant's stay in Australia.
- (4) The foreign signatory agrees to the applicant's stay in Australia.
- (5) If the foreign signatory is not the national government of the relevant foreign country, the national government of the foreign country does not oppose the applicant's stay in Australia.
- 403.223 If the Minister has required the applicant to provide a letter from an Australian signatory stating that the Australian signatory is satisfied that:
- (a) the applicant is to be employed or engaged in Australia in accordance with the standards for wages and working conditions provided for under relevant Australian legislation and awards; and
  - (b) the applicant has complied with any licensing, registration or equivalent requirements associated with the applicant's employment or engagement;
- the applicant has provided the letter.
- 403.224 The employment or engagement of the applicant would be of benefit to Australia.
- 403.225 (1) The applicant satisfies public interest criterion 4005.

(2) If the applicant had turned 18 at the time of application, the applicant satisfies public interest criterion 4019.

### **403.23 Criteria for Foreign Government Agency stream**

*Note* These criteria are only for applicants being assessed against the primary criteria for a Subclass 403 visa in the Foreign Government Agency stream.

403.231 If the applicant was in Australia at the time of application:

- (a) at that time, the applicant held a substantive temporary visa that was not:
  - (i) a Subclass 403 visa in the Domestic Worker (Diplomatic or Consular) stream; or
  - (ii) a Subclass 426 (Domestic Worker (Temporary)—Diplomatic or Consular) visa; or
  - (iii) a Subclass 771 (Transit) visa; or
  - (iv) a special purpose visa; or
- (b) if the applicant did not hold a substantive visa at that time:
  - (i) the last substantive temporary visa held by the applicant was not a visa mentioned in paragraph (a); and
  - (ii) the applicant satisfies Schedule 3 criteria 3002, 3003, 3004 and 3005.

403.232 The applicant is:

- (a) a person who:
  - (i) seeks to enter Australia to be employed as a representative of a foreign government agency that does not enjoy official status in Australia; and
  - (ii) would not, as a representative of that kind, enjoy official status in Australia; or
- (b) a foreign language teacher intending to work in an Australian school but as an employee of a foreign government.

403.233 The employment or engagement of the applicant would be of benefit to Australia.



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403.234 The application has the support, in writing, of the foreign government agency.

403.235 (1) The applicant satisfies public interest criterion 4005.

(2) If the applicant had turned 18 at the time of application, the applicant satisfies public interest criterion 4019.

**403.24 Criteria for Domestic Worker (Diplomatic or Consular) stream**

*Note* These criteria are only for applicants being assessed against the primary criteria for a Subclass 403 visa in the Domestic Worker (Diplomatic or Consular) stream.

403.241 If the applicant was in Australia at the time of application:

(a) at that time, the applicant held:

(i) a Subclass 403 visa in the Domestic Worker (Diplomatic or Consular) stream; or

(ii) a Subclass 426 (Domestic Worker (Temporary)—Diplomatic or Consular) visa; or

(b) if the applicant did not hold a substantive visa at that time:

(i) the last substantive visa held by the applicant was a visa mentioned in paragraph (a); and

(ii) the applicant satisfies Schedule 3 criteria 3003 and 3004.

403.242 If the application is made in Australia:

(a) the applicant is undertaking full-time domestic duties in the household of a person:

(i) who holds a subclass 995 Diplomatic (Temporary) visa; and

(ii) who had entered into an employment agreement with the applicant on the basis of which the applicant was previously granted a Subclass 403 visa in the Domestic Worker (Diplomatic or Consular) stream or a Subclass 426 (Domestic Worker (Temporary)—Diplomatic or Consular) visa; or

- (b) the applicant seeks to remain in Australia to undertake full-time domestic duties in the household of a person:
    - (i) for whom the applicant is not currently undertaking full-time domestic duties; and
    - (ii) who holds a Subclass 995 (Diplomatic (Temporary)) visa; and
    - (iii) who has entered into an employment agreement with the applicant in relation to those duties.
- 403.243 If the application is made outside Australia, the applicant:
- (a) has turned 18; and
  - (b) seeks to enter Australia to undertake full-time domestic duties in the household of a person who:
    - (i) holds a Subclass 995 (Diplomatic (Temporary)) visa; and
    - (ii) is not a permanent resident of Australia; and
    - (iii) has entered into an employment agreement with the applicant in relation to those duties; and
  - (c) is to be employed or engaged in Australia in accordance with the standards for wages and working conditions provided for under relevant Australian legislation and awards.
- 403.244 The application has the support, in writing, of the Foreign Minister.
- 403.245 (1) The applicant satisfies public interest criterion 4005.
- (2) If the applicant had turned 18 at the time of application, the applicant satisfies public interest criterion 4019.

#### **403.25 Criteria for Privileges and Immunities stream**

*Note* These criteria are only for applicants being assessed against the primary criteria for a Subclass 403 visa in the Privileges and Immunities stream.

- 403.251 If the applicant was in Australia at the time of application:
- (a) at that time, the applicant held a substantive temporary visa that was not:
    - (i) a Subclass 403 visa in the Domestic Worker (Diplomatic or Consular) stream; or

- 
- (ii) a Subclass 426 (Domestic Worker (Temporary)—Diplomatic or Consular) visa; or
  - (iii) a Subclass 771 (Transit) visa; or
  - (iv) a special purpose visa; or
  - (b) if the applicant did not hold a substantive visa at that time:
    - (i) the last substantive temporary visa held by the applicant was not a visa mentioned in paragraph (a); and
    - (ii) the applicant satisfies Schedule 3 criteria 3003, 3004 and 3005.

403.252 (1) The applicant is a person to whom privileges and immunities are, or are expected to be, accorded to the applicant under the *International Organisations (Privileges and Immunities) Act 1963* or the *Overseas Missions (Privileges and Immunities) Act 1995*.

(2) The application has the support, in writing, of the Foreign Minister.

### 403.3 Secondary criteria

*Note* These criteria are for applicants who are members of the family unit of a person who:

- (a) satisfies the primary criteria; or
- (b) holds one of the following visas on the basis of satisfying the primary criteria:
  - a Subclass 406 (Government Agreement) visa;
  - a Subclass 415 (Foreign Government Agency) visa.

All criteria must be satisfied at the time a decision is made on the application.

#### 403.31 Criteria

403.311 The applicant is a member of the family unit of a person (the *primary applicant*) who holds any of the following visas granted on the basis of satisfying the primary criteria:

- (a) a Subclass 403 visa in the Government Agreement stream;

- (b) a Subclass 403 visa in the Foreign Government Agency stream;
  - (c) a Subclass 403 visa in the Privileges and Immunities stream;
  - (d) a Subclass 406 (Government Agreement) visa;
  - (e) a Subclass 415 (Foreign Government Agency) visa.
- 403.312 If the primary applicant holds a Subclass 403 visa in the Government Agreement stream or a Subclass 406 (Government Agreement) visa:
- (a) the relevant agreement permits the applicant to enter Australia as a member of the family unit of the primary applicant; and
  - (b) an Australian signatory has agreed to the applicant's stay in Australia; and
  - (c) if the relevant agreement contains terms and conditions that apply to a member of the family unit of the primary applicant, the applicant meets the requirements of the terms and conditions.
- 403.313 The applicant has adequate arrangements in Australia for health insurance during the period of the applicant's intended stay in Australia.
- 403.314 The applicant genuinely intends to stay temporarily in Australia as a member of the family unit of the primary applicant, having regard to:
- (a) whether the applicant has complied substantially with the conditions to which the last substantive visa, or any subsequent bridging visa, held by the applicant was subject; and
  - (b) any other relevant matter.
- 403.315 The applicant has:
- (a) adequate means to support himself or herself; or
  - (b) access to adequate means to support himself or herself; during the period of the applicant's intended stay in Australia.
- 403.316 (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4013, 4014 and 4020.

- 
- (2) If the applicant has not turned 18, the applicant satisfies public interest criteria 4012, 4017 and 4018.
- (3) If the primary applicant holds:
- (a) a Subclass 403 visa in the Government Agreement stream; or
  - (b) a Subclass 403 visa in the Foreign Government Agency stream; or
  - (c) a Subclass 406 (Government Agreement) visa; or
  - (d) a Subclass 415 (Foreign Government Agency) visa;
- the applicant satisfies public interest criterion 4005.
- (4) If:
- (a) the primary applicant holds:
    - (i) a Subclass 403 visa in the Government Agreement stream; or
    - (ii) a Subclass 403 visa in the Foreign Government Agency stream; or
    - (iii) a Subclass 406 (Government Agreement) visa; or
    - (iv) a Subclass 415 (Foreign Government Agency) visa; and
  - (b) the applicant had turned 18 at the time of application;
- the applicant satisfies public interest criterion 4019.
- 403.317 The applicant satisfies special return criteria 5001, 5002 and 5010.
- 403.318 Either:
- (a) the applicant holds a valid passport that:
    - (i) was issued to the applicant by an official source; and
    - (ii) is in the form issued by the official source; or
  - (b) it would be unreasonable to require the applicant to hold a passport.

#### **403.4 Circumstances applicable to grant**

- 403.411 If the application is made in Australia, the applicant:
- (a) must be in Australia when the visa is granted; but

(b) must not be in immigration clearance.

403.412 If the application is made outside Australia, the applicant must be outside Australia when the visa is granted.

### **403.5 When visa is in effect**

403.511 Temporary visa permitting the holder:

- (a) to travel to and enter Australia, during a period specified by the Minister:
  - (i) more than once; or
  - (ii) if the Minister specifies—once only; and
- (b) to remain in Australia for a period specified by the Minister.

### **403.6 Conditions**

403.611 Conditions 8303, 8501 and 8516 must be imposed.

403.612 If the visa is:

- (a) a Subclass 403 visa in the Government Agreement stream; or
- (b) a Subclass 403 visa in the Foreign Government Agency stream; or
- (c) a Subclass 403 visa in the Privileges and Immunities stream;

condition 8107 must be imposed.

403.613 If the visa is a Subclass 403 visa in the Domestic Worker (Diplomatic or Consular) stream, condition 8110 must be imposed.

403.614 Conditions 8106, 8301, 8502, 8503, 8522, 8525 and 8526 may be imposed.

### **[216] Schedule 2, Part 406**

*omit*

### **[217] Schedule 2, Part 411**

*omit*

**[218] Schedule 2, Part 415***omit***[219] Schedule 2, Part 419***omit***[220] Schedule 2, Part 420***substitute***Subclass 420 Temporary Work  
(Entertainment)****420.1 Interpretation***Note 1* For *Arts Minister*: see regulation 1.03.*Note 2* There are no interpretation provisions specific to this Part.**420.2 Primary criteria***Note* The primary criteria must be satisfied by at least one member of a family unit, unless a member of the family unit holds a Subclass 423 (Media and Film Staff) visa on the basis of satisfying the primary criteria.

The other members of the family unit who are applicants for a visa of this subclass need satisfy only the secondary criteria.

All criteria must be satisfied at the time a decision is made on the application.

**420.21 Criteria***Note* These criteria are for all applicants seeking to satisfy the primary criteria for a Subclass 420 visa.**420.211 If the applicant was in Australia at the time of application:**

- (a) at that time, the applicant held a substantive temporary visa that was not:
  - (i) a Subclass 403 (Temporary Work (International Relations)) visa in the Domestic Worker (Diplomatic or Consular) stream; or

- (ii) a Subclass 426 (Domestic Worker (Temporary)—Diplomatic or Consular) visa; or
    - (iii) a Subclass 771 (Transit) visa; or
    - (iv) a special purpose visa; or
  - (b) if the applicant did not hold a substantive visa at that time:
    - (i) the last substantive temporary visa held by the applicant was not a visa mentioned in paragraph (a); and
    - (ii) the applicant satisfies Schedule 3 criteria 3002, 3003, 3004 and 3005.
- 420.212 (1) The applicant is identified in a nomination of an occupation or activity approved under section 140GB of the Act.
- (2) The nomination was made by a person who was an entertainment sponsor at the time the nomination was approved.
- (3) The nomination meets the criteria in regulation 2.72D.
- (4) The approval of the nomination has not ceased under regulation 2.75A.
- (5) Either:
- (a) there is no adverse information known to Immigration about the person who made the approved nomination or a person associated with that person; or
  - (b) it is reasonable to disregard any adverse information known to Immigration about the person who made the approved nomination or a person associated with that person.
- 420.213 The applicant has adequate arrangements in Australia for health insurance during the period of the applicant's intended stay in Australia.



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- 420.214 The applicant genuinely intends to stay temporarily in Australia to carry out the occupation or activity for which the visa is granted, having regard to:
- (a) whether the applicant has complied substantially with the conditions to which the last substantive visa, or any subsequent bridging visa, held by the applicant was subject; and
  - (b) whether the applicant intends to comply with the conditions to which the Subclass 420 visa would be subject; and
  - (c) any other relevant matter.
- 420.215 The applicant has:
- (a) adequate means to support himself or herself; or
  - (b) access to adequate means to support himself or herself; during the period of the applicant's intended stay in Australia.
- 420.216 (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4013, 4014 and 4020.
- (2) If the applicant had turned 18 at the time of application, the applicant satisfies public interest criterion 4019.
- (3) If the applicant has not turned 18, the applicant satisfies public interest criteria 4012, 4017 and 4018.
- 420.217 The applicant satisfies special return criteria 5001, 5002 and 5010.
- 420.218 Either:
- (a) the applicant holds a valid passport that:
    - (i) was issued to the applicant by an official source; and
    - (ii) is in the form issued by the official source; or
  - (b) it would be unreasonable to require the applicant to hold a passport.

### **420.3 Secondary criteria**

*Note* These criteria are for applicants who are members of the family unit of a person who:

- (a) satisfies the primary criteria; or
- (b) holds a Subclass 423 (Media and Film Staff) visa on the basis of satisfying the primary criteria.

All criteria must be satisfied at the time a decision is made on the application.

#### **420.31 Criteria**

420.311 The applicant is a member of the family unit of a person (the *primary applicant*) who holds any of the following visas granted on the basis of satisfying the primary criteria:

- (a) a Subclass 420 visa;
- (b) a Subclass 423 (Media and Film Staff) visa.

420.312 The approved sponsor of the primary applicant:

- (a) has agreed, in writing, to be the sponsor of the applicant; and
- (b) has not withdrawn its agreement to be the sponsor in relation to the applicant; and
- (c) has not ceased to be the sponsor of the primary applicant; and
- (d) either:
  - (i) there is no adverse information known to Immigration about the sponsor or a person associated with the sponsor; or
  - (ii) it is reasonable to disregard any adverse information known to Immigration about the sponsor or a person associated with the sponsor.

420.313 The applicant has adequate arrangements in Australia for health insurance during the period of the applicant's intended stay in Australia.

420.314 The applicant genuinely intends to stay temporarily in Australia as a member of the family unit of the primary applicant, having regard to:

- (a) whether the applicant has complied substantially with the conditions to which the last substantive visa, or any subsequent bridging visa, held by the applicant was subject; and
- (b) any other relevant matter.

- 
- 420.315 The applicant has:
- (a) adequate means to support himself or herself; or
  - (b) access to adequate means to support himself or herself;
- during the period of the applicant's intended stay in Australia.
- 420.316 (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4013, 4014 and 4020.
- (2) If the applicant had turned 18 at the time of application, the applicant satisfies public interest criterion 4019.
- (3) If the applicant has not turned 18, the applicant satisfies public interest criteria 4017 and 4018.
- 420.317 The applicant satisfies special return criteria 5001, 5002 and 5010.
- 420.318 Either:
- (a) the applicant holds a valid passport that:
    - (i) was issued to the applicant by an official source; and
    - (ii) is in the form issued by the official source; or
  - (b) it would be unreasonable to require the applicant to hold a passport.

#### **420.4 Circumstances applicable to grant**

- 420.411 If the applicant was in Australia at the time of application, the applicant:
- (a) must be in Australia when the visa is granted; but
  - (b) must not be in immigration clearance.
- 420.412 If the applicant was outside Australia at the time of application, the applicant must be outside Australia when the visa is granted.

**420.5 When visa is in effect**

420.511 Temporary visa permitting the holder:

- (a) to travel to, and enter, Australia on one or more occasions; and
- (b) to remain in Australia for a period specified by the Minister.

**420.6 Conditions**

420.611 If the applicant satisfied the primary criteria for the grant of a Subclass 420 visa:

- (a) conditions 8107, 8109, 8303 and 8501 must be imposed; and
- (b) conditions 8106, 8301, 8502, 8503, 8516, 8522, 8525 and 8526 may be imposed.

420.612 If the applicant satisfied the secondary criteria for the grant of a Subclass 420 visa:

- (a) conditions 8303 and 8501 must be imposed; and
- (b) conditions 8106, 8301, 8502, 8503, 8516, 8522, 8525 and 8526 may be imposed.

**[221] Schedule 2, Part 421**

*omit*

**[222] Schedule 2, Parts 423 to 428**

*omit*

**[223] Schedule 2, Part 442**

*omit*

**[224] Schedule 2, Part 457, title**

*substitute*

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## Subclass 457                      Temporary Work (Skilled)

**[225]      Schedule 2, subclause 457.111 (2), note**

*substitute*

*Note* For *AUD, labour agreement, ownership interest* and *standard business sponsor*: see regulation 1.03.

**[226]      Schedule 2, subclause 457.223 (1)**

*omit*

subclause (2), (4), (7A), (8), (9) or (10)

*insert*

subclause (2), (4) or (8)

**[227]      Schedule 2, subclause 457.223 (7A)**

*omit*

**[228]      Schedule 2, subclauses 457.223 (9) and (10)**

*omit*

**[229]      Schedule 2, clause 457.223B**

*omit*

or subclause 457.223 (9)

**[230]      Schedule 2, clause 457.224**

*substitute*

457.224      (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4006A, 4010, 4013, 4014 and 4020.

(2) If the applicant had turned 18 at the time of application, the applicant satisfies public interest criterion 4019.

**[231] Schedule 2, clause 457.227**

*omit*

**[232] Schedule 2, subclause 457.324 (1)**

*omit*

in accordance with approved form 1196N or 1196 (Internet)

**[233] Schedule 2, subclause 457.324 (2)**

*omit*

in accordance with approved form 1196N or 1196 (Internet)

**[234] Schedule 2, clause 457.324D**

*omit*

or subclause 457.223 (9)

*insert*

, or subclause 457.223 (9) as in force immediately before 24 November 2012

**[235] Schedule 2, subparagraph 457.325 (b) (ii)**

*after*

subclause 457.223 (9)

*insert*

as in force immediately before 24 November 2012

**[236] Schedule 2, paragraph 457.325 (c)**

*omit*

**[237] Schedule 2, paragraph 457.325 (d)**

*after*

subclause 457.223 (9)

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*insert*

as in force immediately before 24 November 2012

**[238] Schedule 2, paragraph 457.511 (c)**

*omit*

**[239] Schedule 2, subparagraph 457.511 (d) (i)**

*omit*

, (c)

**[240] Schedule 2, subparagraph 457.511 (d) (iii)**

*omit*

(a), (b) or (c)

*insert*

(a) or (b)

**[241] Schedule 2, paragraph 457.611 (1) (a)**

*omit*

or subclause 457.223 (9)

**[242] Schedule 2, paragraph 457.611 (1) (b)**

*omit*

the requirements of subclause 457.223 (8) or subclause 457.223 (9);

*insert*

the requirements of:

(i) subclause 457.223 (8); or

(ii) subclause 457.223 (9) as in force immediately before 24 November 2012;

**[243] Schedule 2, subclause 457.611 (2)***substitute*

(2) If the applicant satisfies the primary criteria, condition 8107 must be imposed.

**[244] Schedule 2, clause 461.213***substitute*

461.213 If the application is made in Australia:

- (a) at the time of application, the applicant held a substantive temporary visa other than:
  - (i) a Subclass 403 (Temporary Work (International Relations)) visa in the Domestic Worker (Diplomatic or Consular) stream; or
  - (ii) a Subclass 426 (Domestic Worker (Temporary)—Diplomatic or Consular) visa; or
- (b) if the applicant did not hold a substantive visa at that time:
  - (i) the last substantive temporary visa held by the applicant was not a visa mentioned in paragraph (a); and
  - (ii) the applicant satisfies Schedule 3 criteria 3002, 3003, 3004 and 3005.

**[245] Schedule 2, Part 470***omit***[246] Schedule 2, subparagraph 570.211 (2) (a) (xvi)***substitute*

- (xvi) Working Holiday (Temporary) (Class TZ);
- (xvii) Temporary Work (Long Stay Activity) (Class GB);
- (xviii) Training and Research (Class GC);
- (xix) Temporary Work (Entertainment) (Class GE);



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(xx) Special Program (Temporary) (Class TE); or

**[247] Schedule 2, sub-subparagraph 570.227 (c) (i) (O)**

*substitute*

- (O) Working Holiday (Temporary) (Class TZ);
- (P) Temporary Work (Long Stay Activity) (Class GB);
- (Q) Training and Research (Class GC);
- (R) Temporary Work (Entertainment) (Class GE);
- (S) Special Program (Temporary) (Class TE); or

**[248] Schedule 2, subparagraph 570.312 (2) (a) (xvi)**

*substitute*

- (xvi) Working Holiday (Temporary) (Class TZ);
- (xvii) Temporary Work (Long Stay Activity) (Class GB);
- (xviii) Training and Research (Class GC);
- (xix) Temporary Work (Entertainment) (Class GE);
- (xx) Special Program (Temporary) (Class TE); or

**[249] Schedule 2, subparagraph 571.211 (2) (a) (xvi)**

*substitute*

- (xvi) Working Holiday (Temporary) (Class TZ);
- (xvii) Temporary Work (Long Stay Activity) (Class GB);
- (xviii) Training and Research (Class GC);
- (xix) Temporary Work (Entertainment) (Class GE);
- (xx) Special Program (Temporary) (Class TE); or

**[250] Schedule 2, sub-subparagraph 571.227 (c) (i) (O)**

*substitute*

- (O) Working Holiday (Temporary) (Class TZ);

- (P) Temporary Work (Long Stay Activity) (Class GB);
- (Q) Training and Research (Class GC);
- (R) Temporary Work (Entertainment) (Class GE);
- (S) Special Program (Temporary) (Class TE); or

**[251] Schedule 2, subparagraph 571.312 (2) (a) (xvi)**

*substitute*

- (xvi) Working Holiday (Temporary) (Class TZ);
- (xvii) Temporary Work (Long Stay Activity) (Class GB);
- (xviii) Training and Research (Class GC);
- (xix) Temporary Work (Entertainment) (Class GE);
- (xx) Special Program (Temporary) (Class TE); or

**[252] Schedule 2, subparagraph 572.211 (2) (a) (xvi)**

*substitute*

- (xvi) Working Holiday (Temporary) (Class TZ);
- (xvii) Temporary Work (Long Stay Activity) (Class GB);
- (xviii) Training and Research (Class GC);
- (xix) Temporary Work (Entertainment) (Class GE);
- (xx) Special Program (Temporary) (Class TE); or

**[253] Schedule 2, sub-subparagraph 572.227 (c) (i) (O)**

*substitute*

- (O) Working Holiday (Temporary) (Class TZ);
- (P) Temporary Work (Long Stay Activity) (Class GB);
- (Q) Training and Research (Class GC);
- (R) Temporary Work (Entertainment) (Class GE);
- (S) Special Program (Temporary) (Class TE); or

**[254] Schedule 2, subparagraph 572.312 (2) (a) (xvi)***substitute*

- (xvi) Working Holiday (Temporary) (Class TZ);
- (xvii) Temporary Work (Long Stay Activity) (Class GB);
- (xviii) Training and Research (Class GC);
- (xix) Temporary Work (Entertainment) (Class GE);
- (xx) Special Program (Temporary) (Class TE); or

**[255] Schedule 2, subparagraph 573.211 (2) (a) (xvi)***substitute*

- (xvi) Working Holiday (Temporary) (Class TZ);
- (xvii) Temporary Work (Long Stay Activity) (Class GB);
- (xviii) Training and Research (Class GC);
- (xix) Temporary Work (Entertainment) (Class GE);
- (xx) Special Program (Temporary) (Class TE); or

**[256] Schedule 2, sub-subparagraph 573.227 (c) (i) (O)***substitute*

- (O) Working Holiday (Temporary) (Class TZ);
- (P) Temporary Work (Long Stay Activity) (Class GB);
- (Q) Training and Research (Class GC);
- (R) Temporary Work (Entertainment) (Class GE);
- (S) Special Program (Temporary) (Class TE); or

**[257] Schedule 2, subparagraph 573.312 (2) (a) (xvi)***substitute*

- (xvi) Working Holiday (Temporary) (Class TZ);
- (xvii) Temporary Work (Long Stay Activity) (Class GB);
- (xviii) Training and Research (Class GC);

- (xix) Temporary Work (Entertainment) (Class GE);
- (xx) Special Program (Temporary) (Class TE); or

**[258] Schedule 2, subparagraph 574.211 (2) (a) (xvi)**

*substitute*

- (xvi) Working Holiday (Temporary) (Class TZ);
- (xvii) Temporary Work (Long Stay Activity) (Class GB);
- (xviii) Training and Research (Class GC);
- (xix) Temporary Work (Entertainment) (Class GE);
- (xx) Special Program (Temporary) (Class TE); or

**[259] Schedule 2, sub-subparagraph 574.227 (c) (i) (O)**

*substitute*

- (O) Working Holiday (Temporary) (Class TZ);
- (P) Temporary Work (Long Stay Activity) (Class GB);
- (Q) Training and Research (Class GC);
- (R) Temporary Work (Entertainment) (Class GE);
- (S) Special Program (Temporary) (Class TE); or

**[260] Schedule 2, subparagraph 574.312 (2) (a) (xvi)**

*substitute*

- (xvi) Working Holiday (Temporary) (Class TZ);
- (xvii) Temporary Work (Long Stay Activity) (Class GB);
- (xviii) Training and Research (Class GC);
- (xix) Temporary Work (Entertainment) (Class GE);
- (xx) Special Program (Temporary) (Class TE); or

**[261] Schedule 2, subparagraph 575.211 (2) (a) (xvi)***substitute*

- (xvi) Working Holiday (Temporary) (Class TZ);
- (xvii) Temporary Work (Long Stay Activity) (Class GB);
- (xviii) Training and Research (Class GC);
- (xix) Temporary Work (Entertainment) (Class GE);
- (xx) Special Program (Temporary) (Class TE); or

**[262] Schedule 2, sub-subparagraph 575.227 (c) (i) (O)***substitute*

- (O) Working Holiday (Temporary) (Class TZ);
- (P) Temporary Work (Long Stay Activity) (Class GB);
- (Q) Training and Research (Class GC);
- (R) Temporary Work (Entertainment) (Class GE);
- (S) Special Program (Temporary) (Class TE); or

**[263] Schedule 2, subparagraph 575.312 (2) (a) (xvi)***substitute*

- (xvi) Working Holiday (Temporary) (Class TZ);
- (xvii) Temporary Work (Long Stay Activity) (Class GB);
- (xviii) Training and Research (Class GC);
- (xix) Temporary Work (Entertainment) (Class GE);
- (xx) Special Program (Temporary) (Class TE); or

**[264] Schedule 2, subparagraph 576.211 (2) (a) (xvi)***substitute*

- (xvi) Working Holiday (Temporary) (Class TZ);
- (xvii) Temporary Work (Long Stay Activity) (Class GB);
- (xviii) Training and Research (Class GC);

- (xix) Temporary Work (Entertainment) (Class GE);
- (xx) Special Program (Temporary) (Class TE); or

**[265] Schedule 2, subparagraph 576.312 (2) (a) (xvi)**

*substitute*

- (xvi) Working Holiday (Temporary) (Class TZ);
- (xvii) Temporary Work (Long Stay Activity) (Class GB);
- (xviii) Training and Research (Class GC);
- (xix) Temporary Work (Entertainment) (Class GE);
- (xx) Special Program (Temporary) (Class TE); or

**[266] Schedule 2, subparagraph 580.211 (2) (a) (xvi)**

*substitute*

- (xvi) Working Holiday (Temporary) (Class TZ);
- (xvii) Temporary Work (Long Stay Activity) (Class GB);
- (xviii) Training and Research (Class GC);
- (xix) Temporary Work (Entertainment) (Class GE);
- (xx) Special Program (Temporary) (Class TE); or

**[267] Schedule 2, sub-subparagraph 580.227 (c) (i) (O)**

*substitute*

- (O) Working Holiday (Temporary) (Class TZ);
- (P) Temporary Work (Long Stay Activity) (Class GB);
- (Q) Training and Research (Class GC);
- (R) Temporary Work (Entertainment) (Class GE);
- (S) Special Program (Temporary) (Class TE); or

**[268] Schedule 2, subparagraph 580.311 (2) (a) (xvi)**

*substitute*

- (xvi) Working Holiday (Temporary) (Class TZ);

- 
- (xvii) Temporary Work (Long Stay Activity) (Class GB);
  - (xviii) Training and Research (Class GC);
  - (xix) Temporary Work (Entertainment) (Class GE);
  - (xx) Special Program (Temporary) (Class TE); or

**[269] Schedule 2, paragraph 675.216 (a)**

*substitute*

(a) either:

- (i) at the time of application, the applicant held a substantive temporary visa other than:
  - (A) a Subclass 403 (Temporary Work (International Relations)) visa in the Domestic Worker (Diplomatic or Consular) stream; or
  - (B) a Subclass 426 (Domestic Worker (Temporary)—Diplomatic or Consular) visa; or
- (ii) if the applicant did not hold a substantive temporary visa at the time of application:
  - (A) the last substantive temporary visa held by the applicant was not a visa mentioned in paragraph (a); and
  - (B) the applicant satisfies Schedule 3 criteria 3001, 3003, 3004 and 3005; and

**[270] Schedule 2, paragraph 676.215 (a)**

*substitute*

(a) either:

- (i) at the time of application, the applicant held a substantive temporary visa other than:
  - (A) a Subclass 403 (Temporary Work (International Relations)) visa in the Domestic Worker (Diplomatic or Consular) stream; or

- (B) a Subclass 426 (Domestic Worker (Temporary)—Diplomatic or Consular) visa; or
- (ii) if the applicant did not hold a substantive temporary visa at the time of application:
  - (A) the last substantive temporary visa held by the applicant was not a visa mentioned in paragraph (a); and
  - (B) the applicant satisfies Schedule 3 criteria 3001, 3003, 3004 and 3005; and

**[271] Schedule 2, paragraphs 685.216 (1) (a) and (b)**

*substitute*

(a) either:

- (i) at the time of application, the applicant held a substantive temporary visa other than:
  - (A) a Subclass 403 (Temporary Work (International Relations)) visa in the Domestic Worker (Diplomatic or Consular) stream; or
  - (B) a Subclass 426 (Domestic Worker (Temporary)—Diplomatic or Consular) visa; or
- (ii) if the applicant did not hold a substantive temporary visa at the time of application:
  - (A) the last substantive temporary visa held by the applicant was not a visa mentioned in paragraph (a); and
  - (B) the applicant satisfies Schedule 3 criteria 3001, 3003, 3004 and 3005; and

**[272] Schedule 2, paragraph 773.213 (3) (s)**

*substitute*

- (s) Skilled—Regional Sponsored (Provisional) (Class SP);
- (t) Temporary Work (Long Stay Activity) (Class GB);
- (u) Training and Research (Class GC);



(v) Temporary Work (Entertainment) (Class GE).

**[273] Schedule 2, paragraph 773.213 (4) (b)**

*substitute*

(b) Subclass 457 (Temporary Work (Skilled)) visa.

**[274] Schedule 4, Part 2, after item 4055AA**

*insert*

4055AAA 402 (Training and Research) 8102, 8103, 8501,  
8531 or 8536

**[275] Schedule 8, subclause 8107 (3)**

*omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[276] Schedule 8, subclause 8107 (3B)**

*omit*

a Subclass 457 (Business (Long Stay)) visa

*insert*

a Subclass 457 (Temporary Work (Skilled)) visa

**[277] Schedule 8, subclause 8107 (3B)**

*omit*

subclause 457.223 (8), (9) or (10)

*insert*

subclause 457.223 (8)

**[278] Schedule 8, subclause 8107 (4)**

*omit*

(4) If:

*insert*

(4) If the visa is:

**[279] Schedule 8, paragraphs 8107 (4) (a) and (b)**

*substitute*

- (a) a Subclass 401 (Temporary Work (Long Stay Activity)) visa; or
- (b) a Subclass 402 (Training and Research) visa; or
- (ba) a Subclass 420 (Temporary Work (Entertainment)) visa;

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## Schedule 2      **Amendments of *Migration Regulations 1994* relating to fees**

(section 3)

### [1]      **After subregulation 2.61 (6)**

*insert*

- (7) The Minister may refund an application fee if the application:
- (a) is for approval as a foreign government agency sponsor; and
  - (b) was made before 24 November 2012 but not decided before that day; and
  - (c) is not associated with an application for a Subclass 415 (Foreign Government Agency) visa.
- (8) The Minister may refund an application fee if the application:
- (a) is for approval as a domestic worker sponsor; and
  - (b) was made before 24 November 2012 but not decided before that day; and
  - (c) is not associated with an application for a Subclass 427 (Domestic Worker (Temporary)—Executive) visa.

### [2]      **After subregulation 2.73A (6)**

*insert*

- (7) The Minister may refund a nomination fee if:
- (a) the nomination identifies a proposed applicant for:
    - (i) a Subclass 411 (Exchange) visa; or
    - (ii) a Subclass 419 (Visiting Academic) visa; or
    - (iii) a Subclass 427 (Domestic Worker (Temporary)—Executive) visa; or
    - (iv) a Subclass 428 (Religious Worker) visa; or

- (v) a Subclass 442 (Occupational Trainee) visa; and
- (b) the nomination was made before 24 November 2012 but not decided before that day; and
- (c) the proposed applicant did not apply for the visa before 24 November 2012.

**[3] After subregulation 2.73B (7)**

*insert*

- (8) The Minister may refund a nomination fee if:
  - (a) the nomination identifies a proposed applicant for a Subclass 423 (Media and Film Staff) visa; and
  - (b) the nomination was made before 24 November 2012 but not decided before that day; and
  - (c) the proposed applicant did not apply for the visa before 24 November 2012.

**[4] After subregulation 2.73C (6)**

*insert*

- (7) The Minister may refund a nomination fee if:
  - (a) the nomination identifies a proposed applicant for a Subclass 421 (Sport) visa; and
  - (b) the nomination was made before 24 November 2012 but not decided before that day; and
  - (c) the proposed applicant did not apply for the visa before 24 November 2012.

**[5] Schedule 2, clauses 457.225 to 457.226A**

*substitute*

- 457.225 The applicant satisfies special return criteria 5001, 5002 and 5010.

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**[6] Schedule 2, clause 457.322**

*omit*

**[7] Schedule 2, clauses 457.326 and 457.327**

*substitute*

457.326 The applicant satisfies special return criteria 5001, 5002 and 5010.

**Schedule 3**      **Amendments of *Migration Regulations 1994* relating to certain visas**

(section 3)

**[1]      Subparagraph 1.08 (c) (i)**

*substitute*

- (i) is an applicant for a Business (Temporary) (Class TB) visa; and

**[2]      Regulation 1.20AA**

*omit*

**[3]      Paragraph 2.12F (2B) (c)**

*omit*

**[4]      Schedule 1, item 1214AA**

*omit*

**[5]      Schedule 1, subparagraph 1223A (2) (a) (vi)**

*omit*

**[6]      Schedule 2, Part 422**

*omit*

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**Schedule 4      Amendment of *Migration Regulations 1994* relating to transitional matters**

(section 3)

**[1]      Schedule 13, after Part 5**

*insert*

**Part 6      Amendment made by *Migration Legislation Amendment Regulation 2012 (No. 4)***

**601      Operation of Schedule 1**

- (1) The amendments of these Regulations made by Schedule 1 to the *Migration Legislation Amendment Regulation 2012 (No. 4)* apply in relation to an application made on or after 24 November 2012 for:
- (a) a visa; or
  - (b) approval as a sponsor; or
  - (c) approval of a nomination; or
  - (d) the variation of the terms of an approval as a sponsor.
- (2) However, the amendments made by Schedule 1 do not apply in relation to an application for a visa that is taken to have been made by a person before, on or after 24 November 2012 in accordance with regulation 2.08 of these Regulations.

**602      Operation of Schedule 2**

The amendments of these Regulations made by Schedule 2 to the *Migration Legislation Amendment Regulation 2012 (No. 4)* apply in relation to:

- (a) an application for:
  - (i) a visa; or

- (ii) approval as a sponsor; or
  - (iii) approval of a nomination;  
made before 24 November 2012 but not finally determined before that date; and
- (b) an application made on or after 24 November 2012 for a visa.

**603 Operation of Schedule 3**

- (1) The amendments of these Regulations made by Schedule 3 to the *Migration Legislation Amendment Regulation 2012 (No. 4)* apply in relation to an application made on or after 24 November 2012 for:
- (a) a visa; or
  - (b) approval as a sponsor.
- (2) However, the amendments made by Schedule 3 do not apply in relation to an application made on or after 24 November 2012 for a visa made by a person seeking to satisfy the secondary criteria for the grant of the visa.
- (3) Also, the amendments made by Schedule 3 do not apply in relation to an application made on or after 24 November 2012 for approval as a sponsor made in relation to an application for a visa made by a person seeking to satisfy the secondary criteria for the grant of the visa.



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## Schedule 5      **Amendments of *Migration Agents Regulations 1998***

(section 4)

### [1]      **Regulation 3E**

*substitute*

### 3E      **Definitions for Division 2.2**

In this Division:

***applicant*** means a person who genuinely seeks to satisfy, or intends to seek to satisfy, the criteria for the grant of:

- (a) a Subclass 402 (Training and Research) visa in the Professional Development stream; or
- (b) a Subclass 470 (Professional Development) visa.

***professional development sponsor*** means an organisation that is sponsoring, or intends to sponsor, an applicant in relation to his or her application for:

- (a) a Subclass 402 (Training and Research) visa in the Professional Development stream; or
- (b) a Subclass 470 (Professional Development) visa.

### [2]      **Subregulation 3F (1)**

*substitute*

- (1) For subregulation (2), the ***relevant circumstances*** are that a professional development sponsor gives assistance of the kind mentioned in subsection 276 (1) or (2) of the Act to an applicant in relation to:

- (a) a Subclass 402 (Training and Research) visa; or
- (b) a Subclass 470 (Professional Development) visa.

**[3] Subregulation 3G (1)**

*substitute*

- (1) For subregulation (2), the *relevant circumstances* are that a professional development sponsor makes representations of the kind mentioned in subsection 282 (4) of the Act on behalf of an applicant in relation to:
- (a) a Subclass 402 (Training and Research) visa; or
  - (b) a Subclass 470 (Professional Development) visa.

**[4] After Part 4**

*insert*

**Part 5 Transitional provisions****Division 1 Amendments made by *Migration Legislation Amendment Regulation 2012 (No. 4)*****12 Operation of amendments**

The amendments of these Regulations made by Schedule 5 to the *Migration Legislation Amendment Regulation 2012 (No. 4)* apply in relation to an application for a visa made on or after 24 November 2012.

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.comlaw.gov.au](http://www.comlaw.gov.au).