



Migration Amendment (Temporary Activity Visas) Regulation 2016

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 10 November 2016

Peter Cosgrove
Governor-General

By His Excellency's Command

Peter Dutton
Minister for Immigration and Border Protection

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1 Name

This is the *Migration Amendment (Temporary Activity Visas) Regulation 2016*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	19 November 2016.	19 November 2016

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Migration Act 1958*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—General amendments

Part 1—Subclass 408 (Temporary Activity) visa

Migration Regulations 1994

1 At the end of Part 2 of Schedule 1

Add:

1237 Temporary Activity (Class GG)

- (1) Form: The approved form specified by the Minister in a legislative instrument made for the purposes of this item under subregulation 2.07(5).
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):
 - (i) for an applicant in a class of persons specified by the Minister in a legislative instrument made for the purposes of this subparagraph under subregulation 2.07(5), the amount is nil; and
 - (ii) for an applicant whose application is combined with an application made by a person referred to in subparagraph (i), the amount is nil; and
 - (iii) for an applicant in a class of persons specified by the Minister in a legislative instrument made for the purposes of this subparagraph under subregulation 2.07(5):

First instalment		
Item	Component	Amount
1	Base application charge	\$70
2	Additional applicant charge for an applicant who is at least 18	\$70
3	Additional applicant charge for an applicant who is less than 18	\$20

- (iv) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$275
2	Additional applicant charge for an applicant who is at least 18	\$275
3	Additional applicant charge for an applicant who is less than 18	\$70

- (b) the second instalment (payable before grant of visa) is nil.

Note 1: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and

non-Internet application charge. Not all of the components may apply to a particular application.

Note 2: Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and who has combined the application with that applicant's application.

Additional requirements

(3) The requirements in the table must be met.

Requirements	
Item	Requirements
1	An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for the purposes of this item under subregulation 2.07(5)
2	An applicant may be in or outside Australia, but not in immigration clearance
3	<p>If an applicant:</p> <p>(a) is seeking to satisfy the criterion in clause 408.219A of Schedule 2 on the basis of a clause in Subdivision 408.22 of Schedule 2 other than clause 408.229 (Australian Government endorsed events); and</p> <p>(b) either:</p> <p style="padding-left: 20px;">(i) is in Australia; or</p> <p style="padding-left: 20px;">(ii) is outside Australia, and states on the application form that the proposed length of stay in Australia exceeds 3 months;</p> <p>the application must meet the requirement in subitem (4) or (5) of this item</p>
4	<p>If an applicant holds a substantive visa, the visa must not be:</p> <p>(a) a permanent visa; or</p> <p>(b) a Subclass 403 (Temporary Work (International Relations)) visa in the Domestic Worker (Diplomatic or Consular) stream; or</p> <p>(c) a Subclass 771 (Transit) visa; or</p> <p>(d) a special purpose visa; or</p> <p>(e) a temporary visa specified by the Minister in a legislative instrument made for the purposes of this paragraph under subregulation 2.07(5)</p>
5	<p>If an applicant is in Australia and does not hold a substantive visa:</p> <p>(a) the applicant must have held a substantive visa; and</p> <p>(b) the last substantive visa held by the applicant must not have been:</p> <p style="padding-left: 20px;">(i) a Subclass 403 (Temporary Work (International Relations)) visa in the Domestic Worker (Diplomatic or Consular) stream; or</p> <p style="padding-left: 20px;">(ii) a Subclass 771 (Transit) visa; or</p> <p style="padding-left: 20px;">(iii) a special purpose visa; and</p> <p>(c) the application must be made:</p> <p style="padding-left: 20px;">(i) within 28 days after the day when the last substantive visa held by the applicant ceased to be in effect; or</p> <p style="padding-left: 20px;">(ii) if that last substantive visa was cancelled, and the Tribunal has made a decision to set aside and substitute the cancellation decision or the Minister's decision not to revoke the cancellation—within 28 days after the day when the applicant is taken, under section 368D or 379C of the Act, to have been notified of the Tribunal's decision</p>
6	<p>An applicant seeking to satisfy the primary criteria must declare in the application (the primary application) whether or not each of the following:</p> <p>(a) the applicant;</p>

Requirements

Item Requirements

- (b) any person who has made a combined application with the applicant; has engaged in conduct, in relation to the primary application or the combined application, that constitutes a contravention of subsection 245AS(1) of the Act
-
- (4) For the purposes of item 3 of the table in subitem (3), an application meets the requirement in this subitem if the application specifies a person who has agreed to be the applicant's sponsor in relation to the application, and the person is:
- (a) a temporary activities sponsor; or
 - (b) a person who has applied for approval as a temporary activities sponsor, but whose application has not yet been decided.
- (5) For the purposes of item 3 of the table in subitem (3), an application lodged on or before 18 May 2017 meets the requirement in this subitem if the application specifies a person who has agreed to be the applicant's sponsor in relation to the application, and the person is:
- (a) a long stay activity sponsor; or
 - (b) a training and research sponsor; or
 - (c) a special program sponsor; or
 - (d) an entertainment sponsor; or
 - (e) a superyacht crew sponsor; or
 - (f) a person who has applied for approval as a sponsor mentioned in any of paragraphs (a) to (e), but whose application has not yet been decided.
- (6) An application by a person claiming to be a member of the family unit of a person (the **primary applicant**) who is an applicant for a Temporary Activity (Class GG) visa may be made at the same time and place as, and combined with, an application by the primary applicant or any other member of the family unit who claims to be a member of the family unit of the primary applicant.
- (7) Subclasses:
Subclass 408 (Temporary Activity)

2 Before Part 410 of Schedule 2

Insert:

Subclass 408—Temporary Activity

408.1—Interpretation

408.111

In this Part:

adverse supporter information: see clause 408.112.

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

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

net employment benefit: an activity which a person seeks to enter or remain in Australia to carry out is taken to bring a ***net employment benefit*** to the Australian entertainment industry if:

- (a) the person seeks to enter or remain in Australia to carry out the activity individually or in association with a group; and
- (b) the Minister is satisfied that the carrying out of the activity would lead to greater employment of Australian citizens or Australian permanent residents (or both) than if a person normally resident in Australia undertook the activity.

passes the sponsorship test: a person ***passes the sponsorship*** test in relation to an applicant if:

- (a) the person:
 - (i) is an approved sponsor; and
 - (ii) has agreed, in writing, to be the sponsor of the applicant; and
 - (iii) has not withdrawn that agreement; and
 - (iv) has not ceased to be the sponsor of the applicant; and
- (b) either:
 - (i) there is no adverse information known to Immigration about the person, or a person associated with the person; or
 - (ii) it is reasonable to disregard any adverse information known to Immigration about the person, or a person associated with the person; and
- (c) if the person is not a temporary activities sponsor—the application was made on or before 18 May 2017.

Note: The sponsor may be, but is not required to be, the same as the sponsor (or applicant for approval as a sponsor) specified in the visa application.

passes the support test: a person or organisation ***passes the support test*** in relation to an applicant if:

- (a) if requested by the Minister—the applicant produces a letter of support, from the person or organisation, which:
 - (i) identifies the event, activity or work for which the applicant seeks to enter or remain in Australia; and
 - (ii) sets out the duties of the applicant in relation to the event, activity or work; and
 - (iii) sets out the date or dates, and the location or locations, of the event, activity or work; and
- (b) either:
 - (i) there is no adverse supporter information known to Immigration about the person or organisation, or a person associated with the person or organisation; or
 - (ii) it is reasonable to disregard any adverse supporter information known to Immigration about the person or organisation, or a person associated with the person or organisation.

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

408.112

- (1) In this Part, **adverse supporter information** is any adverse information relevant to the suitability of a person or organisation to support an application for a Subclass 408 visa (otherwise than as an approved sponsor of the applicant), and includes information that the person or organisation, or a person associated with the person or organisation:
- (a) has been found guilty by a court of an offence under a Commonwealth, State or Territory law that relates to one or more of the matters referred to in subclause (2); or
 - (b) has, to the satisfaction of a competent authority, acted in contravention of such a law; or
 - (c) has been the subject of administrative action (including being issued with a warning), by a competent authority, for a possible contravention of such a law; or
 - (d) is under investigation, subject to disciplinary action or subject to legal proceedings in relation to an alleged contravention of such a law; or
 - (e) has become insolvent within the meaning of subsections 5(2) and (3) of the *Bankruptcy Act 1966* and section 95A of the *Corporations Act 2001*.
- (2) The matters are the following:
- (a) discrimination;
 - (b) immigration;
 - (c) industrial relations;
 - (d) occupational health and safety;
 - (e) people smuggling and related offences;
 - (f) slavery, sexual servitude and deceptive recruiting;
 - (g) taxation;
 - (h) terrorism;
 - (i) trafficking in persons and debt bondage.
- (3) The conviction, contravention, administrative action, investigation, disciplinary action, legal proceedings or insolvency mentioned in paragraphs (1)(a) to (e) must have occurred within the previous 3 years.
- (4) In this clause:

competent authority has the meaning given by subregulation 2.57(1).

408.2—Primary criteria

Note 1: The primary criteria must be satisfied by at least one member of a family unit. Any other member of the family unit who is an applicant for a visa of this subclass need satisfy only the secondary criteria.

Note 2: All criteria must be satisfied at the time a decision is made on the application.

408.21—Common criteria

Note: These criteria are for all applicants seeking to satisfy the primary criteria for a Subclass 408 visa.

408.211

The applicant does not intend to engage in activities that will have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents.

408.212

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

408.213

The applicant genuinely intends to stay temporarily in Australia for the purpose for which the visa is granted, having regard to:

- (a) if the applicant has held a substantive visa—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 408 visa would be subject; and
- (c) any other relevant matter.

408.214

The applicant does not hold:

- (a) a permanent visa; or
- (b) a temporary visa specified by the Minister in a legislative instrument made for the purposes of this paragraph.

408.215

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.

408.216

- (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4013, 4014, 4020 and 4021.
- (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.

408.217

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

408.218

Either:

- (a) the applicant has not, in the previous 3 years, engaged in conduct that constitutes a contravention of subsection 245AR(1), 245AS(1), 245AT(1) or 245AU(1) of the Act; or
- (b) both of the following apply:
 - (i) the applicant has engaged in such conduct in that period;
 - (ii) the Minister considers that it is reasonable to disregard the conduct.

408.219

- (1) Subject to subclause (2), the applicant:
 - (a) will not be performing as an entertainer in Australia:
 - (i) under a performing contract; or
 - (ii) for non-profit purposes; and
 - (b) will not be supporting an entertainer or a group of entertainers in Australia; and
 - (c) will not be directing, producing or taking another part in:
 - (i) a film, television or radio production that is to be shown or broadcast in Australia; or
 - (ii) a theatre production or concert that is to be performed in Australia; or
 - (iii) a recording that is to take place in Australia.
- (2) This clause does not apply to an applicant who satisfies the requirements in clause 408.229 (Australian Government endorsed events) or 408.229A (entertainment).

408.219A

A clause in Subdivision 408.22 applies to the applicant.

408.22—Alternative criteria

Note: A clause in this Subdivision must apply to the applicant in order for the applicant to satisfy the primary criterion in clause 408.219A.

408.221

Invited participant in an event

This clause applies to the applicant if:

- (a) the applicant seeks to enter or remain in Australia to participate in one or more events; and
- (b) the applicant stated on the application form that the proposed length of stay in Australia did not exceed 3 months; and
- (c) the applicant has been invited to participate in the event or events by a person or organisation; and
- (d) the person or organisation:
 - (i) is directly responsible for the event or events; or
 - (ii) has a formal role in preparing for, or conducting, the event or events; and

- (e) the duties or tasks to be undertaken by the applicant are appropriate and reasonable, having regard to the requirements of the event or events; and
- (f) either:
 - (i) the person or organisation is a temporary activities sponsor and passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made—the person or organisation passes the support test in relation to the applicant.

408.222

- (1) This clause applies to the applicant if subclause (2) or (3) applies to the applicant.

Sports trainee

- (2) This subclause applies to the applicant if:
 - (a) the applicant seeks to enter or remain in Australia to participate in sport by being trained by a sporting organisation (the **relevant sporting organisation**) that is lawfully operating in Australia; and
 - (b) the applicant is a sports person or adjudicator who:
 - (i) is currently competing or adjudicating at the Australian national level, or equivalent; or
 - (ii) is endorsed by the relevant peak sporting body in Australia or overseas as having the demonstrated potential to compete or adjudicate at the Australian national level, or equivalent; and
 - (c) the relevant sporting organisation has an international reputation for training elite sportspeople or adjudicators; and
 - (d) the relevant sporting organisation is not a sporting club that, as its primary activity, competes in sporting competitions below the Australian national level for the sport; and
 - (e) either:
 - (i) the relevant sporting organisation is a temporary activities sponsor, or a long stay activity sponsor, and passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—the relevant sporting organisation passes the support test in relation to the applicant.

Elite player, coach, instructor or adjudicator

- (3) This subclause applies to the applicant if:
 - (a) the applicant seeks to enter or remain in Australia to be a player, a coach, an instructor or an adjudicator in relation to an Australian sporting team or sporting organisation; and
 - (b) the applicant has been invited to participate in the activity referred to in paragraph (a) by a sporting organisation (the **relevant sporting organisation**) that is lawfully operating in Australia; and
 - (c) the applicant has entered into a formal arrangement that provides for the applicant to participate in the activity referred to in paragraph (a) for a period specified in the arrangement; and

- (d) the Minister has been provided with a letter of endorsement from the national sporting body responsible for administering the sport in Australia, certifying that the applicant has the ability to play, coach, instruct or adjudicate at the Australian national level; and
- (e) either:
 - (i) the relevant sporting organisation is a temporary activities sponsor, or a long stay activity sponsor, and passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—the relevant sporting organisation passes the support test in relation to the applicant.

408.223

Religious worker

This clause applies to the applicant if:

- (a) the applicant seeks to enter or remain in Australia to provide services as a religious worker; and
- (b) the applicant has been invited to provide the services by a religious institution that is lawfully operating in Australia; and
- (c) the applicant 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 religious institution; and
- (d) the applicant has appropriate qualifications and experience to undertake the work or activity; and
- (e) either:
 - (i) the religious institution is a temporary activities sponsor, or a long stay activity sponsor, and passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—the religious institution passes the support test in relation to the applicant.

408.224

Domestic worker

This clause applies to the applicant if:

- (a) the applicant seeks to enter or remain in Australia to provide services as a domestic worker; and
- (b) the applicant has been invited to provide the services by a person or organisation that is:
 - (i) a foreign government agency that employs a person (the **first visa holder**) who holds a Subclass 403 (Temporary Work (International Relations)) visa in the Privileges and Immunities stream; or

- (ii) a foreign organisation that is lawfully operating in Australia and that employs a person (the *first visa holder*) who holds a Subclass 457 (Temporary Work (Skilled)) visa; and
- (c) the first visa holder is the national managing director, deputy national managing director or State or Territory manager of an Australian office of the foreign government agency or foreign organisation; and
- (d) the applicant will be employed to undertake full-time domestic duties in the private household of the first visa holder; and
- (e) the grant of the visa would not cause the number of domestic workers holding visas for employment in the household of the first visa holder to exceed 3 (including the applicant); and
- (f) the applicant has turned 18; and
- (g) the applicant has experience working as a domestic worker; and
- (h) the person or organisation provides evidence that:
 - (i) the person or organisation has been unable to find a suitable person in Australia to undertake the duties; or
 - (ii) there are compelling reasons for employing the applicant; and
- (i) the applicant is to be employed in Australia in accordance with the standards for wages and working conditions provided for under relevant Australian legislation and awards; and
- (j) either:
 - (i) the person or organisation is a temporary activities sponsor, or a long stay activity sponsor, and passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—the person or organisation passes the support test in relation to the applicant.

408.225

Superyacht crew

This clause applies to the applicant if:

- (a) the applicant is a member of the crew of a superyacht; and
- (b) the applicant has turned 18; and
- (c) either:
 - (i) the captain, owner or operator of the superyacht is a temporary activities sponsor, or a superyacht crew sponsor, and passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—the captain, owner or operator of the superyacht passes the support test in relation to the applicant.

408.226

- (1) This clause applies to the applicant if either subclause (2) or (3) applies to the applicant.

Research

- (2) This subclause applies to the applicant if:
- (a) the applicant seeks to enter or remain in Australia to observe or participate in an Australian research project:
 - (i) at an Australian tertiary or research institution (the **relevant institution**) that is lawfully operating in Australia; and
 - (ii) in collaboration with academics employed by the relevant institution; and
 - (b) the applicant:
 - (i) is employed, or was formerly employed, as an academic at a tertiary or research institution; and
 - (ii) has a significant record of achievement in his or her field; and
 - (c) either:
 - (i) the relevant institution is a temporary activities sponsor, or a training and research sponsor, and passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—the relevant institution passes the support test in relation to the applicant.

Research (student)

- (3) This subclause applies to the applicant if:
- (a) the applicant:
 - (i) is a student of a foreign educational institution; or
 - (ii) has graduated from a foreign educational institution during the 12 months preceding the making of the application; and
 - (b) the applicant seeks to enter or remain in Australia to undertake research at an Australian tertiary or research institution (the **relevant institution**) that is closely related to the course in which the student is or was enrolled at the foreign educational institution; and
 - (c) the relevant institution is lawfully operating in Australia; and
 - (d) either:
 - (i) the relevant institution is a temporary activities sponsor, or a training and research sponsor, and passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—the relevant institution passes the support test in relation to the applicant.

408.227

Staff exchange

This clause applies to the applicant if:

- (a) the applicant seeks to enter or remain in Australia to work for an organisation (the **first organisation**) that is:
 - (i) an Australian organisation that is lawfully operating in Australia; or

- (ii) a government agency; or
- (iii) a foreign government agency; and
- (b) there is a written agreement between the first organisation and a foreign organisation (the *reciprocating organisation*) that provides for:
 - (i) the applicant to work for the first organisation in Australia for a period specified in the agreement; and
 - (ii) a named person, who is an Australian citizen or an Australian permanent resident, to have the opportunity to obtain experience with the reciprocating organisation for a specified period; and
- (c) the exchange set out in paragraph (b) will be of benefit to both the applicant and the Australian citizen or Australian permanent resident; and
- (d) the work that the applicant will perform for the first organisation will be in a skilled position; and
- (e) either:
 - (i) the first organisation is a temporary activities sponsor, or a long stay activity sponsor, and passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—the first organisation passes the support test in relation to the applicant.

408.228

- (1) This clause applies to the applicant if any of subclauses (2) to (5) apply to the applicant.

Youth exchange program

- (2) This subclause applies to the applicant if:
- (a) the applicant seeks to enter or remain in Australia to participate in a youth exchange program that has been approved in writing by the Secretary for the purposes of this paragraph; and
 - (b) the program is being conducted by a person or organisation that is:
 - (i) an Australian organisation that is lawfully operating in Australia; or
 - (ii) a government agency; and
 - (c) the person or organisation is a party to a special program agreement with the Secretary in relation to the program; and
 - (d) either:
 - (i) the person or organisation is a temporary activities sponsor, or a special program sponsor, and passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—the person or organisation passes the support test in relation to the applicant.

School to School Interchange Program

- (3) This subclause applies to the applicant if:

Schedule 1 General amendments

Part 1 Subclass 408 (Temporary Activity) visa

- (a) the applicant seeks to enter or remain in Australia to participate in the School to School Interchange Program; and
- (b) the School to School Interchange Program is being conducted, or is proposed to be conducted, by a person or organisation that is:
 - (i) a community-based, non-profit Australian organisation that is lawfully operating in Australia; or
 - (ii) a government agency; and
- (c) either:
 - (i) the person or organisation is a temporary activities sponsor, or a special program sponsor, and passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—the person or organisation passes the support test in relation to the applicant.

School Language Assistants Program

- (4) This subclause applies to the applicant if:
 - (a) the applicant seeks to enter or remain in Australia to participate in the School Language Assistants Program; and
 - (b) the School Language Assistants Program is being conducted, or is proposed to be conducted, by:
 - (i) a community-based, non-profit Australian organisation that is lawfully operating in Australia; or
 - (ii) a government agency; and
 - (c) either:
 - (i) the person or organisation is a temporary activities sponsor, or a special program sponsor, and passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—the person or organisation passes the support test in relation to the applicant.

Other programs

- (5) This subclause applies to the applicant if:
 - (a) the applicant seeks to enter or remain in Australia to participate in a program which:
 - (i) has the objective of cultural enrichment or community benefit; and
 - (ii) has been approved in writing by the Secretary for the purposes of this paragraph; and
 - (b) the program is being conducted, or is proposed to be conducted, by a person or organisation that is:
 - (i) a community-based, non-profit Australian organisation that is lawfully operating in Australia; or
 - (ii) a government agency; and
 - (c) the person or organisation is a party to a special program agreement with the Secretary in relation to the program; and
 - (d) either:

- (i) the person or organisation is a temporary activities sponsor, or a special program sponsor, and passes the sponsorship test in relation to the applicant; or
- (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—the person or organisation passes the support test in relation to the applicant.

408.229

Australian Government endorsed event

This clause applies to the applicant if:

- (a) the applicant seeks to enter or remain in Australia to undertake work directly associated with an event; and
- (b) the event is specified in a legislative instrument made by the Minister for the purposes of this paragraph; and
- (c) the applicant is in a class of persons specified in the instrument in relation to the event.

Note: There is no requirement for a person or organisation to pass the sponsorship test or pass the support test in relation to the applicant.

408.229A

- (1) This clause applies to the applicant if any of subclauses (2) to (8) apply to the applicant.

Performing in film or television production subsidised by government

- (2) This subclause applies to the applicant if:
 - (a) the applicant seeks to enter or remain in Australia to perform:
 - (i) as an entertainer under a performing contract for one or more specific engagements (other than non-profit engagements) in Australia; and
 - (ii) in a film or television production that is subsidised, in whole or in part, by a government in Australia; and
 - (iii) in a leading role, major supporting role or cameo role, or to satisfy ethnic or other special requirements; and
 - (b) the Arts Minister, or a person authorised by the Arts Minister, has provided a certificate confirming that the relevant Australian content criteria have been met; and
 - (c) either:
 - (i) an eligible sponsor passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—an eligible supporter passes the support test in relation to the applicant; and
 - (d) the eligible sponsor or eligible supporter holds any necessary licences in respect of the production; and
 - (e) the eligible sponsor or eligible supporter has consulted with relevant Australian unions in relation to the employment or engagement of the applicant in Australia.

Performing in film or television production not subsidised by government

- (3) This subclause applies to the applicant if:
- (a) the applicant seeks to enter or remain in Australia to perform:
 - (i) as an entertainer under a performing contract for one or more specific engagements (other than non-profit engagements) in Australia; and
 - (ii) in a film or television production that is not subsidised in any way by a government in Australia; and
 - (iii) in a leading role, major supporting role or cameo role, or to satisfy ethnic or other special requirements; and
 - (b) the Arts Minister, or a person authorised by the Arts Minister, has provided a certificate confirming that:
 - (i) citizens and residents of Australia have been afforded a reasonable opportunity to participate in all levels of the production; and
 - (ii) the foreign investment, or the private investment guaranteed against the foreign returns by a distributor, in the production is greater than the amount to be expended on entertainers sponsored or supported for entry; and
 - (c) either:
 - (i) an eligible sponsor passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—an eligible supporter passes the support test in relation to the applicant; and
 - (d) the eligible sponsor or eligible supporter holds any necessary licences in respect of the production; and
 - (e) the eligible sponsor or eligible supporter has consulted with relevant Australian unions in relation to the employment or engagement of the applicant in Australia.

Performing in productions not related to film or television

- (4) This subclause applies to the applicant if:
- (a) the applicant seeks to enter or remain in Australia to perform as an entertainer under a performing contract that:
 - (i) is not related to a film or television production; and
 - (ii) is for one or more specific engagements (other than non-profit engagements) in Australia; and
 - (b) the activity of the applicant referred to in paragraph (a) will bring a net employment benefit to the Australian entertainment industry; and
 - (c) either:
 - (i) an eligible sponsor passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—an eligible supporter passes the support test in relation to the applicant; and
 - (d) the eligible sponsor or eligible supporter holds any necessary licences in respect of the activity of the applicant referred to in paragraph (a); and

- (e) the eligible sponsor or eligible supporter has consulted with relevant Australian unions in relation to the employment or engagement of the applicant in Australia; and
- (f) the eligible sponsor or eligible supporter has provided an itinerary specifying the dates and venues for all performances.

Production roles other than as a performer

- (5) This subclause applies to the applicant if:
 - (a) the applicant will be directing, producing or taking another part (otherwise than as a performer) in:
 - (i) a film, television or radio production that is to be shown or broadcast in Australia; or
 - (ii) a theatre production or concert that is to be performed in Australia; or
 - (iii) a recording that is to take place in Australia; and
 - (b) the activity of the applicant referred to in paragraph (a) will bring a net employment benefit to the Australian entertainment industry; and
 - (c) either:
 - (i) an eligible sponsor passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—an eligible supporter passes the support test in relation to the applicant; and
 - (d) the eligible sponsor or eligible supporter holds any necessary licences in respect of the activity of the applicant referred to in paragraph (a); and
 - (e) the eligible sponsor or eligible supporter has consulted with relevant Australian unions in relation to the employment or engagement of the applicant in Australia; and
 - (f) the eligible sponsor or eligible supporter has provided an itinerary specifying the dates and venues for the production, concert or recording.

Support staff for profit

- (6) This subclause applies to the applicant if:
 - (a) the 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
 - (b) the activity of the applicant referred to in paragraph (a) will bring a net employment benefit to the Australian entertainment industry; and
 - (c) either:
 - (i) an eligible sponsor passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—an eligible supporter passes the support test in relation to the applicant; and
 - (d) the eligible sponsor or eligible supporter holds any necessary licences in respect of the activity of the applicant referred to in paragraph (a); and

- (e) the eligible sponsor or eligible supporter has consulted with relevant Australian unions in relation to the employment or engagement of the applicant in Australia; and
- (f) the eligible sponsor or eligible supporter has provided an itinerary specifying the dates and venues for all performances.

Non-profit engagements

- (7) This subclause applies to the applicant if:
 - (a) the 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
 - (b) either:
 - (i) an eligible sponsor passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—an eligible supporter passes the support test in relation to the applicant; and
 - (c) the eligible sponsor or eligible supporter has provided an itinerary specifying the dates and venues for all performances.

Documentary program or commercial for overseas market

- (8) This subclause applies to the applicant if:
 - (a) the applicant will participate in the making of a documentary program or commercial that is for an overseas market; and
 - (b) either:
 - (i) an eligible sponsor passes the sponsorship test in relation to the applicant; or
 - (ii) if the applicant was outside Australia when the application was made, and stated on the application form that the proposed length of stay did not exceed 3 months—an eligible supporter passes the support test in relation to the applicant.

Eligible sponsor

- (9) For the purposes of this clause, a person is an **eligible sponsor** if:
 - (a) the person is a temporary activities sponsor or an entertainment sponsor; and
 - (b) the person is:
 - (i) an Australian organisation that is lawfully operating in Australia; or
 - (ii) a government agency; or
 - (iii) a foreign government agency.

Eligible supporter

- (10) For the purposes of this clause, a person or organisation is an **eligible supporter** if the person or organisation is:

- (a) an Australian organisation that is lawfully operating in Australia; or
- (b) a government agency; or
- (c) a foreign government agency; or
- (d) an Australian citizen, an Australian permanent resident or an eligible New Zealand citizen.

408.3—Secondary criteria

Note 1: These criteria must be satisfied by applicants who are members of the family unit of a person who satisfies the primary criteria.

Note 2: All criteria must be satisfied at the time a decision is made on the application.

408.311

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 for the grant of that visa:

- (a) a Subclass 408 (Temporary Activity) visa;
- (b) a Subclass 401 (Temporary Work (Long Stay Activity)) visa;
- (c) a Subclass 402 (Training and Research) visa in the Research stream;
- (d) a Subclass 416 (Special Program) visa granted on the basis that the primary applicant satisfied the criterion in paragraph 416.222(a) (special program other than a special program of seasonal work);
- (e) a Subclass 420 (Temporary Work (Entertainment)) visa;
- (f) a Subclass 488 (Superyacht Crew) visa.

408.312

If the primary applicant was sponsored by an approved sponsor, the sponsor:

- (a) has agreed, in writing, to be the sponsor of the applicant; and
- (b) has not withdrawn its agreement to be the sponsor of 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.

408.313

Either:

- (a) the applicant has not, in the previous 3 years, engaged in conduct that constitutes a contravention of subsection 245AR(1), 245AS(1), 245AT(1) or 245AU(1) of the Act; or
- (b) both of the following apply:
 - (i) the applicant has engaged in such conduct in that period;
 - (ii) the Minister considers that it is reasonable to disregard the conduct.

408.314

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

408.315

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

- (a) if the applicant has held a substantive visa—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.

408.316

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.

408.317

- (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4013, 4014, 4020 and 4021.
- (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.

408.318

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

408.4—Circumstances applicable to grant

408.411

The applicant may be in or outside Australia at the time of grant, but not in immigration clearance.

408.5—When visa is in effect

408.511

- (1) If the applicant is outside Australia at the time of grant—temporary visa permitting the holder:
 - (a) to travel to and enter Australia until a date specified by the Minister; and
 - (b) for a primary applicant—to remain in Australia during a period (the *period of stay*) beginning on the day the applicant first enters Australia as the

holder of the visa and ending at the end of a period specified by the Minister, which must not exceed:

- (i) for a primary applicant who states on the application form that the proposed length of stay in Australia is 3 months or less—3 months; or
 - (ii) for a primary applicant who satisfies the criterion in clause 408.219A on the basis of clause 408.229 (Australian Government endorsed events)—4 years; or
 - (iii) for any other primary applicant—2 years; and
- (c) for a secondary applicant—to remain in Australia during a period (the *period of stay*) beginning on the day the applicant first enters Australia as the holder of the visa and ending on the day that the primary applicant's visa ceases to be in effect; and
- (d) to travel to and re-enter Australia during the period of stay.
- (2) If the applicant is in Australia at the time of grant—temporary visa permitting the holder:
- (a) for a primary applicant—to remain in Australia during a period (the *period of stay*) beginning on the date of grant of the visa and ending at the end of a period specified by the Minister, which must not exceed:
 - (i) for a primary applicant who satisfies the criterion in clause 408.219A on the basis of clause 408.221 (invited participant in an event)—3 months; or
 - (ii) for a primary applicant who satisfies the criterion in clause 408.219A on the basis of clause 408.229 (Australian Government endorsed events)—4 years; or
 - (iii) for any other primary applicant—2 years; and
 - (b) for a secondary applicant—to remain in Australia during a period (the *period of stay*) beginning on the date of grant of the visa and ending on the day that the primary applicant's visa ceases to be in effect; and
 - (c) to travel to and re-enter Australia during the period of stay.

408.6—Conditions

408.611

If the applicant is a primary applicant:

- (a) the visa is subject to conditions 8107 and 8303; and
- (b) if the visa was granted on the basis that clause 408.229A (entertainment) applied to the applicant—the visa is subject to condition 8109; and
- (c) conditions 8106, 8114, 8301, 8501, 8502, 8503, 8516, 8525 and 8526 may be imposed.

408.612

If the applicant is a secondary applicant:

- (a) the visa is subject to condition 8303; and
- (b) conditions 8106, 8301, 8501, 8502, 8503, 8516, 8522, 8525 and 8526 may be imposed.

Part 2—Subclass 407 (Training) visa

Migration Regulations 1994

3 At the end of Part 2 of Schedule 1

Add:

1238 Training (Class GF)

- (1) Form: The approved form specified by the Minister in a legislative instrument made for the purposes of this item under subregulation 2.07(5).
- (2) Visa application charge:
 - (a) first instalment (payable at the time the application is made):

First instalment		
Item	Component	Amount
1	Base application charge	\$275
2	Additional applicant charge for an applicant who is at least 18	\$275
3	Additional applicant charge for an applicant who is less than 18	\$70

(b) the second instalment (payable before grant of visa) is nil.

Note 1: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Note 2: Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.

Additional requirements

- (3) The requirements in the table must be met.

Requirements	
Item	Requirements
1	An application must be made at the place, and in the manner, (if any) specified by the Minister in a legislative instrument made for the purposes of this item under subregulation 2.07(5)
2	An applicant may be in or outside Australia, but not in immigration clearance
3	An application must specify the person who has agreed to be the applicant's approved sponsor
4	The person specified in an application for the purposes of item 3 must be: <ol style="list-style-type: none">(a) a temporary activities sponsor, or a person who has applied for approval as a temporary activities sponsor but whose application has not yet been decided; or(b) for an application lodged on or before 18 May 2017—a professional development sponsor or a training and research sponsor, or a person who has applied for approval as

Requirements	
Item	Requirements
	a professional development sponsor or a training and research sponsor but whose application has not yet been decided
5	<p>If the person specified in an application for the purposes of item 3 is not a Commonwealth agency:</p> <p>(a) in a case where the person is an approved sponsor of a kind referred to in item 4:</p> <ul style="list-style-type: none">(i) the person must have nominated a program of occupational training in relation to the applicant under paragraph 140GB(1)(b) of the Act; and(ii) if a decision in respect of the nomination has been made under subsection 140GB(2) of the Act, the nomination must have been approved under that subsection and the approval must not have ceased under regulation 2.75A; and(iii) the application must identify the nomination; or <p>(b) in a case where the person has applied for approval as a sponsor of a kind referred to in item 4, but the application has not yet been decided:</p> <ul style="list-style-type: none">(i) the person must have made a nomination of a program of occupational training in relation to the applicant that would be a nomination under paragraph 140GB(1)(b) of the Act if the person were an approved sponsor of a kind referred to in item 4; and(ii) the application must identify the nomination
6	<p>If an applicant holds a substantive visa, the visa must not be:</p> <ul style="list-style-type: none">(a) a permanent visa; or(b) a Subclass 403 (Temporary Work (International Relations)) visa in the Domestic Worker (Diplomatic or Consular) stream; or(c) a Subclass 771 (Transit) visa; or(d) a special purpose visa; or(e) a temporary visa specified by the Minister in a legislative instrument made for the purposes of this paragraph under subregulation 2.07(5)
7	<p>If an applicant is in Australia and does not hold a substantive visa:</p> <p>(a) the applicant must have held a substantive visa; and</p> <p>(b) the last substantive visa held by the applicant must not have been:</p> <ul style="list-style-type: none">(i) a Subclass 403 (Temporary Work (International Relations)) visa in the Domestic Worker (Diplomatic or Consular) stream; or(ii) a Subclass 771 (Transit) visa; or(iii) a special purpose visa; and <p>(c) the application must be made:</p> <ul style="list-style-type: none">(i) within 28 days after the day when the last substantive visa held by the applicant ceased to be in effect; or(ii) if that last substantive visa was cancelled, and the Tribunal has made a decision to set aside and substitute the cancellation decision or the Minister's decision not to revoke the cancellation—within 28 days after the day when the applicant is taken, under section 368D or 379C of the Act, to have been notified of the Tribunal's decision
8	<p>An applicant seeking to satisfy the primary criteria must declare in the application (the primary application) whether or not each of the following:</p> <ul style="list-style-type: none">(a) the applicant;(b) any person who has made a combined application with the applicant; <p>has engaged in conduct, in relation to the primary application or the combined application, that constitutes a contravention of subsection 245AS(1) of the Act</p>

- (4) An application by a person claiming to be a member of the family unit of a person (the *primary applicant*) who is an applicant for a Training (Class GF) 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.
- (5) Subclasses:
Subclass 407 (Training)

4 After Part 405 of Schedule 2

Insert:

Subclass 407—Training

407.1—Interpretation

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

407.2—Primary criteria

Note 1: The primary criteria must be satisfied by at least one member of a family unit. Any other member of the family unit who is an applicant for a visa of this subclass need satisfy only the secondary criteria.

Note 2: All criteria must be satisfied at the time a decision is made on the application.

407.211

Either:

- (a) the applicant has turned 18; or
- (b) the applicant has not turned 18 and exceptional circumstances exist for the grant of the visa.

407.212

The applicant has functional English.

Note: For *functional English*, see subsection 5(2) of the Act.

407.213

Each of the following applies:

- (a) an approved sponsor has agreed, in writing, to be the sponsor of the applicant;
- (b) the sponsor is:
 - (i) a temporary activities sponsor; or
 - (ii) if the application was made on or before 18 May 2017—a professional development sponsor or a training and research sponsor;
- (c) the sponsor has not withdrawn its agreement to be the sponsor of the applicant;
- (d) the sponsor has not ceased to be the sponsor of the applicant.

407.214

If the approved sponsor is not a Commonwealth agency:

- (a) the sponsor has nominated a program of occupational training in relation to the applicant under paragraph 140GB(1)(b) of the Act; and
- (b) the nomination has been approved under section 140GB of the Act on the basis of the criteria in regulation 2.72A; and
- (c) the approval of the nomination has not ceased under regulation 2.75A; 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.

407.215

The applicant does not intend to engage in activities that will have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents.

407.216

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

407.217

The applicant genuinely intends to stay temporarily in Australia for the purpose for which the visa is granted, having regard to:

- (a) if the applicant has held a substantive visa—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 407 visa would be subject; and
- (c) any other relevant matter.

407.218

The applicant does not hold:

- (a) a permanent visa; or
- (b) a temporary visa specified by the Minister in a legislative instrument made for the purposes of this paragraph.

407.219

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.

407.219A

- (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4013, 4014, 4020 and 4021.
- (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.

407.219B

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

407.219C

Either:

- (a) the Minister is satisfied that the applicant has not, in the previous 3 years, engaged in conduct that constitutes a contravention of subsection 245AR(1), 245AS(1), 245AT(1) or 245AU(1) of the Act; or
- (b) both of the following apply:
 - (i) the Minister is satisfied that the applicant has engaged in such conduct in that period;
 - (ii) the Minister considers that it is reasonable to disregard the conduct.

407.3—Secondary criteria

Note 1: These criteria must be satisfied by applicants who are members of the family unit of a person who satisfies the primary criteria.

Note 2: All criteria must be satisfied at the time a decision is made on the application.

407.311

The applicant is a member of the family unit of a person who holds any of the following visas granted on the basis of satisfying the primary criteria for the grant of the visa:

- (a) a Subclass 402 (Training and Research) visa;
- (b) a Subclass 407 (Training) visa.

407.312

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 of 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.

407.313

Either:

- (a) the Minister is satisfied that the applicant has not, in the previous 3 years, engaged in conduct that constitutes a contravention of subsection 245AR(1), 245AS(1), 245AT(1) or 245AU(1) of the Act; or
- (b) both of the following apply:
 - (i) the Minister is satisfied that the applicant has engaged in such conduct in that period;
 - (ii) the Minister considers that it is reasonable to disregard the conduct.

407.314

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

407.315

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

- (a) if the applicant has held a substantive visa—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.

407.316

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.

407.317

- (1) The applicant satisfies public interest criteria 4001, 4002, 4003, 4004, 4005, 4013, 4014, 4020 and 4021.
- (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.

407.318

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

407.4—Circumstances applicable to grant

407.411

The applicant may be in or outside Australia at the time of grant, but not in immigration clearance.

407.5—When visa is in effect

407.511

- (1) If the applicant is outside Australia at the time of grant—temporary visa permitting the holder:
 - (a) to travel to and enter Australia until a date specified by the Minister; and
 - (b) to remain in Australia during a period (the *period of stay*) beginning on the day the applicant first enters Australia as the holder of the visa and ending at the end of a period specified by the Minister, which must not exceed 2 years; and
 - (c) to travel to and re-enter Australia during the period of stay.
- (2) If the applicant is in Australia at the time of grant—temporary visa permitting the holder:
 - (a) to remain in Australia during a period (the *period of stay*) beginning on the date of grant of the visa and ending at the end of a period specified by the Minister, which must not exceed 2 years; and
 - (b) to travel to and re-enter Australia during the period of stay.

407.6—Conditions

407.611

If the applicant is a primary applicant:

- (a) the visa is subject to conditions 8102, 8303, 8501 and 8516; and
- (b) conditions 8106, 8107, 8301, 8502, 8503, 8525 and 8526 may be imposed.

407.612

If the applicant is a secondary applicant:

- (a) the visa is subject to conditions 8104, 8303 and 8501; and
- (b) conditions 8106, 8301, 8502, 8503, 8516, 8522, 8525 and 8526 may be imposed.

Part 3—Subclass 403 Temporary Work (International Relations) visa

Migration Regulations 1994

5 Regulation 1.03

Insert:

program of seasonal work means arrangements for the performance of seasonal work in Australia that have been approved, in writing, by the Secretary of a Commonwealth Department as a program of seasonal work for the purposes of this definition.

6 Regulation 1.03 (definition of *special program of seasonal work*)

Repeal the definition.

7 Paragraph 1234(2)(a) of Schedule 1

Repeal the paragraph (not including the note), substitute:

- (a) first instalment (payable at the time the application is made):
 - (i) for an applicant who is in a class of persons specified by the Minister in a legislative instrument made for the purposes of this item under subregulation 2.07(5), the amount is nil; and
 - (ii) for an applicant whose application is combined with an application made by a person referred to in subparagraph (i), the amount is nil; and
 - (iii) for any other applicant:

First instalment		
Item	Component	Amount
1	Base application charge	\$275
2	Additional applicant charge for an applicant who is at least 18	\$275
3	Additional applicant charge for an applicant who is less than 18	\$70

8 Paragraph 1234(3)(c) of Schedule 1

Repeal the paragraph, substitute:

- (b) Subject to paragraph (c), an applicant may be in or outside Australia, but not in immigration clearance.
- (c) An applicant seeking to satisfy the criteria for a Subclass 403 (Temporary Work (International Relations)) visa in the Seasonal Worker Program stream must be outside Australia.
- (ca) If an applicant is seeking to satisfy the primary criteria for a Subclass 403 (Temporary Work (International Relations)) visa in the Seasonal Worker Program stream, the application must meet the requirement in subitem (3A) or (3B).
- (cb) An applicant must not hold a permanent visa.

9 At the end of subitem 1234(3) of Schedule 1

Add:

Note: An applicant for a Temporary Work (International Relations) (Class GD) visa cannot meet the secondary criteria for the grant of the visa if the primary applicant holds a Subclass 403 (Temporary Work (International Relations)) visa in the Seasonal Worker Program stream or the Domestic Worker (Diplomatic or Consular) stream (see clause 403.311 of Schedule 2).

10 After subitem 1234(3) of Schedule 1

Insert:

- (3A) For the purposes of paragraph (3)(ca), an application meets the requirement in this subitem if the application specifies a person who has agreed to be the applicant's sponsor in relation to the application, and the person is:
- (a) a temporary activities sponsor; or
 - (b) a person who has applied for approval as a temporary activities sponsor, but whose application has not yet been decided.
- (3B) For the purposes of paragraph (3)(ca), an application meets the requirement in this subitem if:
- (a) the application is lodged on or before 18 May 2017; and
 - (b) the application specifies a person who has agreed to be the applicant's sponsor in relation to the application, and the person is:
 - (i) a special program sponsor; or
 - (ii) a person who has applied for approval as a special program sponsor, but whose application has not yet been decided.

11 Division 403.2 of Schedule 2 (note)

Omit "Subdivisions 403.22 to 403.25" (wherever occurring), substitute "Subdivisions 403.22 to 403.26".

12 Division 403.2 of Schedule 2 (note)

Omit all the words from and including "The primary criteria must be satisfied" to and including "a Subclass 415 (Foreign Government Agency) visa", substitute "The primary criteria must be satisfied by at least one member of a family unit".

13 At the end of Division 403.2 of Schedule 2

Add:

403.26—Criteria for the Seasonal Worker Program stream

Note: These criteria are only for applicants being assessed against the primary criteria for a Subclass 403 visa in the Seasonal Worker Program stream.

403.261

Each of the following applies:

- (a) an approved sponsor has agreed, in writing, to be the sponsor of the applicant;
- (b) the sponsor is:
 - (i) a temporary activities sponsor; or

- (ii) if the application was made on or before 18 May 2017—a special program sponsor;
- (c) the sponsor has not withdrawn its agreement to be the sponsor of the applicant;
- (d) the sponsor has not ceased to be the sponsor of the applicant;
- (e) 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;
- (f) the applicant is seeking to enter Australia to participate in a program of seasonal work conducted by the sponsor;
- (g) the applicant satisfies public interest criteria 4005 and 4019.

14 Division 403.3 of Schedule 2 (note)

Repeal the note, substitute:

Note 1: These criteria are for applicants who are members of the family unit of a person who satisfies the primary criteria.

Note 2: All criteria must be satisfied at the time a decision is made on the application.

15 Paragraph 403.311(c) of Schedule 2

Omit “stream;”, substitute “stream.”.

16 Paragraphs 403.311(d) and (e) of Schedule 2

Repeal the paragraphs.

17 Clause 403.312 of Schedule 2

Omit “or a Subclass 406 (Government Agreement) visa”.

18 Paragraph 403.316(3)(b) of Schedule 2

Omit “or”.

19 Paragraphs 403.316(3)(c) and (d) of Schedule 2

Repeal the paragraphs.

20 Subparagraph 403.316(4)(a)(ii) of Schedule 2

Omit “or”, substitute “and”.

21 Subparagraphs 403.316(4)(a)(iii) and (iv) of Schedule 2

Repeal the subparagraphs.

22 Clauses 403.411 and 403.412 of Schedule 2

Repeal the clauses, substitute:

403.411

- (1) An applicant who satisfies the primary criteria for the grant of:
 - (a) a Subclass 403 visa in the Government Agreement stream; or

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Part 3 Subclass 403 Temporary Work (International Relations) visa

- (b) a Subclass 403 visa in the Foreign Government Agency stream; or
 - (c) a Subclass 403 visa in the Privileges and Immunities stream;
- may be in or outside Australia, but not in immigration clearance, when the visa is granted.
- (2) An applicant who satisfies the secondary criteria for the grant of a Subclass 403 visa in relation to a primary applicant referred to in subclause (1) may be in or outside Australia, but not in immigration clearance, when the visa is granted.
 - (3) For an applicant not covered by subclause (1) or (2):
 - (a) if the applicant was in Australia when the application was made—the applicant must be in Australia, but not in immigration clearance, when the visa is granted; or
 - (b) if the applicant was outside Australia when the application was made—the applicant must be outside Australia when the visa is granted.

23 Division 403.6 of Schedule 2

Repeal the Division, substitute:

403.6—Conditions

403.611

- (1) This clause applies to an applicant who satisfies the primary criteria for the grant of:
 - (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.
- (2) The visa is subject to conditions 8107, 8303, 8501 and 8516.
- (3) Conditions 8301, 8502, 8503, 8525 and 8526 may be imposed.

403.612

- (1) This clause applies to an applicant who satisfies the secondary criteria for the grant of a Subclass 403 visa.
- (2) The visa is subject to conditions 8303, 8501 and 8516.
- (3) Conditions 8106, 8301, 8502, 8503, 8522, 8525 and 8526 may be imposed.

403.613

- (1) This clause applies to an applicant who satisfies the primary criteria for the grant of a Subclass 403 visa in the Domestic Worker (Diplomatic or Consular) stream.
- (2) The visa is subject to conditions 8110, 8303, 8501 and 8516.
- (3) Conditions 8301, 8502, 8503, 8525 and 8526 may be imposed.

403.614

- (1) This clause applies to an applicant who satisfies the primary criteria for the grant of a Subclass 403 visa in the Seasonal Worker Program stream.
- (2) The visa is subject to conditions 8107, 8303, 8501 and 8503.
- (3) Conditions 8301, 8502, 8516, 8525 and 8526 may be imposed.

Part 4—Subclass 400 Temporary Work (Short Stay Specialist) visa

Migration Regulations 1994

24 Paragraph 2.05(4AC)(a)

Omit “Activity”, substitute “Specialist”.

25 Subparagraphs 2.06AAC(a)(ii) and 2.43(1)(ia)(i)

Omit “Activity”, substitute “Specialist”.

26 Item 1231 of Schedule 1 (heading)

Repeal the heading, substitute:

1231 Temporary Work (Short Stay Specialist) (Class GA)

27 Subparagraphs 1231(2)(a)(i) and (ii) of Schedule 1

Repeal the subparagraphs.

28 Subparagraph 1231(2)(a)(v) of Schedule 1 (cell at table item 1, column headed “Amount”)

Omit “\$175”, substitute “\$275”.

29 Subparagraph 1231(2)(a)(v) of Schedule 1 (cell at table item 2, column headed “Amount”)

Omit “\$90”, substitute “\$275”.

30 Subparagraph 1231(2)(a)(v) of Schedule 1 (cell at table item 3, column headed “Amount”)

Omit “\$45”, substitute “\$70”.

31 Paragraph 1231(3)(c) of Schedule 1

Omit “Activity”, substitute “Specialist”.

32 Subitem 1231(4) of Schedule 1

Omit “Activity”, substitute “Specialist”.

33 Part 400 of Schedule 2 (heading)

Repeal the heading, substitute:

Subclass 400—Temporary Work (Short Stay Specialist)

34 Clause 400.111 of Schedule 2

Repeal the clause, substitute:

400.111

In this Part:

non-ongoing, in relation to a person's proposed engagement in work, means engagement in the following circumstances:

- (a) the work is likely to be completed within a continuous period of 6 months or less;
- (b) the person:
 - (i) has not been given an expectation of staying in Australia, for a purpose relating to the work, after the end of that period; and
 - (ii) has not made arrangements to stay in Australia, for a purpose relating to the work, after the end of that period.

35 Clause 400.212 of Schedule 2

Repeal the clause.

36 At the end of Subdivision 400.22 of Schedule 2

Add:

400.225

- (1) The applicant does not intend to engage in any course:
 - (a) leading to the completion of a primary or secondary education program; or
 - (b) leading to a degree, diploma, trade certificate or other formal award.
- (2) The applicant does not intend to engage in any other course (other than a language training program) completion of which may be unconditionally credited towards, or accepted as a prerequisite for, a course of studies at a higher educational institution in or outside Australia.

37 Subdivision 400.23 of Schedule 2

Repeal the Subdivision.

38 Before subclause 400.312(1) of Schedule 2

Insert:

- (1A) This clause applies to an applicant who is a member of the family unit of a person who holds a Subclass 400 visa in the Highly Specialised Work stream granted on the basis of satisfying the primary criteria for the grant of the visa.

39 Paragraph 400.511(a) of Schedule 2

Repeal the paragraph, substitute:

- (a) to travel to and enter Australia, within:
 - (i) 6 months after the date of the grant of the visa; or
 - (ii) a lesser period specified by the Minister; and

40 Sub-subparagraph 773.213(1)(g)(iii)(D) of Schedule 2

Omit "Activity", substitute "Specialist".

Schedule 1 General amendments

Part 4 Subclass 400 Temporary Work (Short Stay Specialist) visa

41 Subparagraph 858.211(1)(a)(v) of Schedule 2

Omit “Activity”, substitute “Specialist”.

42 Sub-subparagraph 858.211(2)(b)(i)(E) of Schedule 2

Omit “Activity”, substitute “Specialist”.

43 Subparagraph 11(a)(ii) of Part 2 of Schedule 9

Omit “Activity”, substitute “Specialist”.

Part 5—Repeals of visa classes

Division 1—Subclass 401 (Temporary Work (Long Stay Activity)) visa

Migration Regulations 1994

44 Item 1232 of Schedule 1

Repeal the item.

45 Part 401 of Schedule 2

Repeal the Part.

Division 2—Subclass 402 (Training and Research) visa

Migration Regulations 1994

46 Item 1233 of Schedule 1

Repeal the item.

47 Part 402 of Schedule 2

Repeal the Part.

Division 3—Subclass 416 (Special Program) visa

Migration Regulations 1994

48 Item 1205 of Schedule 1

Repeal the item.

49 Part 416 of Schedule 2

Repeal the Part.

Division 4—Subclass 420 (Temporary Work (Entertainment)) visa

Migration Regulations 1994

50 Regulation 1.03 (definition of Subclass 420 (Temporary Work (Entertainment)) visa)

Repeal the definition.

51 Item 1235 of Schedule 1

Repeal the item.

52 Part 420 of Schedule 2

Repeal the Part.

**Division 5—Subclass 426 (Domestic Worker (Temporary)—
Diplomatic or Consular) visa**

Migration Regulations 1994

53 Subparagraph 403.221(a)(ii) of Schedule 2

Repeal the subparagraph.

54 Subparagraph 403.231(a)(ii) of Schedule 2

Repeal the subparagraph.

55 Paragraph 403.241(a) of Schedule 2

Repeal the paragraph, substitute:

- (a) at that time, the applicant held a Subclass 403 visa in the Domestic Worker (Diplomatic or Consular) stream; or

56 Subparagraph 403.242(1)(a)(ii) of Schedule 2

Omit “or a Subclass 426 (Domestic Worker (Temporary)—Diplomatic or Consular) visa”.

57 Subparagraph 403.251(a)(ii) of Schedule 2

Repeal the subparagraph.

58 Paragraph 461.213(a) of Schedule 2

Repeal the paragraph, substitute:

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

59 Subclause 600.223(1) of Schedule 2

Omit all the words after “the visa”, substitute “was not a Subclass 403 (Temporary Work (International Relations)) visa in the Domestic Worker (Diplomatic or Consular) stream”.

60 Paragraph 600.223(2)(a) of Schedule 2

Repeal the paragraph, substitute:

- (a) the last substantive visa the applicant held was not a Subclass 403 (Temporary Work (International Relations)) visa in the Domestic Worker (Diplomatic or Consular) stream; and

61 Subclauses 602.213(2) and (4) of Schedule 2

Omit all the words after “by the applicant”, substitute “was not a Subclass 403 (Temporary Work (International Relations)) visa in the Domestic Worker (Diplomatic or Consular) stream”.

62 Subparagraph 676.215(a)(i) of Schedule 2

Repeal the subparagraph, substitute:

- (i) at the time of application, the applicant held a substantive temporary visa other than a Subclass 403 (Temporary Work (International

Relations)) visa in the Domestic Worker (Diplomatic or Consular)
stream; or

Division 6—Subclass 488 (Superyacht Crew) visa

Migration Regulations 1994

63 Item 1227A of Schedule 1

Repeal the item.

64 Part 488 of Schedule 2

Repeal the Part.

Part 6—Other amendments

Migration Regulations 1994

65 Regulation 1.03 (definition of *domestic worker sponsor*)

Repeal the definition.

66 Regulation 1.03 (at the end of paragraph (b) of the definition of *entertainment sponsor*)

Add “, on the basis of an application made before 19 November 2016”.

67 Regulation 1.03 (definition of *exchange sponsor*)

Repeal the definition.

68 Regulation 1.03 (definition of *foreign government agency sponsor*)

Repeal the definition.

69 Regulation 1.03 (at the end of paragraph (b) of the definition of *long stay activity sponsor*)

Add “, on the basis of an application made before 19 November 2016”.

70 Regulation 1.03 (definition of *occupational trainee sponsor*)

Repeal the definition.

71 Regulation 1.03 (at the end of paragraph (b) of the definition of *professional development sponsor*)

Add “, on the basis of an application made before 19 November 2016”.

72 Regulation 1.03 (definition of *religious worker sponsor*)

Repeal the definition.

73 Regulation 1.03 (at the end of paragraph (b) of the definition of *special program sponsor*)

Add “, on the basis of an application made before 19 November 2016”.

74 Regulation 1.03 (definition of *sport sponsor*)

Repeal the definition.

75 Regulation 1.03 (at the end of paragraph (b) of the definition of *superyacht crew sponsor*)

Add “, on the basis of an application made before 19 November 2016”.

76 Regulation 1.03

Insert:

temporary activities sponsor means a person who:

- (a) is an approved sponsor; and

- (b) is approved as a sponsor in relation to the temporary activities sponsor class by the Minister under subsection 140E(1) of the Act.

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

77 Regulation 1.03 (definition of *temporary work sponsor*)

Repeal the definition, substitute:

temporary work sponsor means any of the following:

- (a) a special program sponsor;
- (b) an entertainment sponsor;
- (c) a superyacht crew sponsor;
- (d) a long stay activity sponsor;
- (e) a training and research sponsor.

78 Regulation 1.03 (at the end of paragraph (b) of the definition of *training and research sponsor*)

Add “, on the basis of an application made before 19 November 2016”.

79 Regulation 1.03 (definition of *visiting academic sponsor*)

Repeal the definition.

80 After paragraph 1.20(4)(gc)

Insert:

- (gca) Subclass 407 (Training);
- (gcb) Subclass 408 (Temporary Activity);

81 At the end of subregulation 2.12F(2)

Add:

- ; (h) in relation to an application for a Subclass 408 (Temporary Activity) visa that met the requirement in item 3 of the table in subitem 1237(3) of Schedule 1, the applicant’s application was withdrawn because the applicant did not have an approved sponsor.

82 Before paragraph 2.12F(2B)(d)

Insert:

- (a) Subclass 407 (Training);

83 Subparagraph 2.43(1)(ia)(id)

Repeal the subparagraph, substitute:

- (id) a Subclass 407 (Training) visa; or
- (ie) a Subclass 408 (Temporary Activity) visa; or

84 Subparagraphs 2.43(1)(ia)(ii), (iv), (vi), (vii), (viii), (ix) and (x)

Repeal the subparagraphs.

85 Subparagraph 2.43(1)(lc)(ib)

Repeal the subparagraph, substitute:

- (ib) a Subclass 407 (Training) visa; or
- (ic) a Subclass 408 (Temporary Activity) visa; or

86 Subparagraphs 2.43(1)(lc)(ii), (iv), (v), (vi), (vii), (viii), (ix) and (x)

Repeal the subparagraphs.

87 Subparagraph 2.43(1)(ld)(ib)

Repeal the subparagraph, substitute:

- (ib) a Subclass 407 (Training) visa; or

88 Subparagraphs 2.43(1)(ld)(ii), (iv), (v), (vi), (vii) and (viii)

Repeal the subparagraphs.

89 Subparagraphs 2.43(1)(le)(ii) and (iii)

Repeal the subparagraphs, substitute:

- (ia) a Subclass 408 (Temporary Activity) visa granted on the basis that the primary sponsored person satisfied the criteria in clause 408.223 (religious worker) or 408.224 (domestic worker) of Schedule 2; or

90 Paragraphs 2.56(ab) and (b)

Repeal the paragraphs, substitute:

- (b) the Subclass 403 (Temporary Work (International Relations)) visa in the Seasonal Worker Program stream;
- (ba) the Subclass 407 (Training) visa;
- (bb) the Subclass 408 (Temporary Activity) visa;

91 Paragraphs 2.56(d), (f), (g), (h), (i), (j) and (l)

Repeal the paragraphs.

92 Subregulation 2.57(4)

Repeal the subregulation.

93 Paragraphs 2.58(b) to (n)

Repeal the paragraphs, substitute:

- (b) a temporary activities sponsor.

94 Regulations 2.60 and 2.60A

Repeal the regulations, substitute:

2.60 Criterion for approval as a temporary activities sponsor

For the purposes of subsection 140E(1) of the Act, the criterion that must be satisfied for the Minister to approve a person (the *applicant*) as a temporary activities sponsor is that the Minister is satisfied that:

- (a) the applicant has applied for approval as a temporary activities sponsor in accordance with the process referred to in regulation 2.61; and
- (b) the applicant is not already a temporary activities sponsor; and
- (c) the applicant is:
 - (i) an Australian organisation that is lawfully operating in Australia; or
 - (ii) a government agency; or
 - (iii) a foreign government agency; or
 - (iv) a sporting organisation that is lawfully operating in Australia; or

- (v) a religious institution that is lawfully operating in Australia; or
- (vi) a person who is the captain or owner of a superyacht, or an organisation that operates a superyacht; or
- (vii) a foreign organisation that is lawfully operating in Australia; and
- (d) either:
 - (i) there is no adverse information known to Immigration about the applicant or a person associated with the applicant; or
 - (ii) it is reasonable to disregard any adverse information known to Immigration about the applicant or a person associated with the applicant; and
- (e) the applicant has the capacity to comply with the sponsorship obligations applicable to a person who is or was a temporary activities sponsor.

95 Regulations 2.60D to 2.60M

Repeal the regulations.

96 Subregulations 2.60S(1) and (2)

Omit “to 2.60M”, substitute “and 2.60”.

97 After subparagraphs 2.60S(2)(e)(i) and (f)(i)

Insert:

- (ia) a Subclass 403 (Temporary Work (International Relations)) visa; or
- (ib) a Subclass 408 (Temporary Activity) visa; or

98 Subregulation 2.60S(3)

Omit “to 2.60M”, substitute “and 2.60”.

99 After subparagraphs 2.60S(3)(c)(i) and (d)(i)

Insert:

- (ia) a Subclass 403 (Temporary Work (International Relations)) visa; or
- (ib) a Subclass 408 (Temporary Activity) visa; or

100 Subregulation 2.61(2)

Repeal the subregulation.

101 Subregulation 2.61(3A)

After “standard business sponsor”, insert “or a temporary activities sponsor”.

102 Paragraph 2.61(3B)(a)

After “standard business sponsor”, insert “or a temporary activities sponsor”.

103 Subregulations 2.61(4) to (6)

Repeal the subregulations.

104 Subregulation 2.62(2)

After “approved form 1196 (Internet)”, insert “or 1478 (Internet)”.

105 Regulation 2.63 (heading)

Repeal the heading, substitute:

2.63 Standard business sponsor, temporary activities sponsor or temporary work sponsor

106 Subregulation 2.63(1)

After “standard business sponsor”, insert “, temporary activities sponsor”.

107 Paragraph 2.65(b)

Repeal the paragraph, substitute:

(b) a temporary activities sponsor.

108 Regulation 2.65 (note)

Repeal the note, substitute:

Note: Amendments of these Regulations that commenced on 19 November 2016 closed the sponsorship categories of long stay activity sponsor, training and research sponsor, special program sponsor, entertainment sponsor and superyacht crew sponsor. The terms of an approval as one of those sponsors are no longer able to be varied.

109 Regulation 2.66 (heading)

Repeal the heading, substitute:

2.66 Process to apply for variation of terms of approval

110 Subregulation 2.66(1)

After “standard business sponsor”, insert “or a temporary activities sponsor”.

111 Paragraph 2.66(5)(a)

After “standard business sponsor”, insert “or a temporary activities sponsor”.

112 Regulation 2.66A

Repeal the regulation.

113 Regulation 2.67

Omit “temporary work sponsor”, substitute “temporary activities sponsor”.

114 Regulation 2.68

Omit “to approve an application for a variation of a term of approval as a standard business sponsor”, substitute “to vary a term of an approval of a person (the *applicant*) as a standard business sponsor”.

115 At the end of regulation 2.68

Add:

Note: The criteria in regulation 2.68J, relating to transfer, recovery and payment of costs, must also be satisfied.

116 Regulation 2.68A

Repeal the regulation, substitute:

2.68A Criteria for variation of terms of approval—temporary activities sponsor

For the purposes of paragraph 140GA(2)(b) of the Act, the criteria that must be satisfied for the Minister to vary a term of a person’s approval as a temporary activities sponsor are that the Minister is satisfied that:

- (a) the person satisfies the criterion for approval as a temporary activities sponsor set out in regulation 2.60; and
- (b) the person has applied for the variation in accordance with the process referred to in regulation 2.61.

Note: The criteria in regulation 2.68J, relating to transfer, recovery and payment of costs, must also be satisfied.

117 Subregulation 2.68J(2)

Omit “to approve an application by a person (the *applicant*) for a variation of a term of approval as a sponsor”, substitute “to vary a term of an approval of a person (the *applicant*) as a sponsor”.

118 After subparagraphs 2.68J(2)(e)(i) and (f)(i)

Insert:

- (ia) a Subclass 403 (Temporary Work (International Relations)) visa; or
- (ib) a Subclass 408 (Temporary Activity) visa; or

119 Subregulation 2.68J(3)

Omit “to approve an application by a person (the *applicant*) for a variation of a term of approval as a sponsor”, substitute “to vary a term of an approval of a person (the *applicant*) as a sponsor”.

120 After subparagraphs 2.68J(3)(c)(i) and (d)(i)

Insert:

- (ia) a Subclass 403 (Temporary Work (International Relations)) visa; or
- (ib) a Subclass 408 (Temporary Activity) visa; or

121 Subregulation 2.69(2)

After “approved form 1196 (Internet)”, insert “or 1478 (Internet)”.

122 Paragraph 2.70(c)

Omit “a foreign government agency sponsor”.

123 At the end of regulation 2.70

Add:

; or (d) a temporary activities sponsor.

124 Regulations 2.72A to 2.72J

Repeal the regulations, substitute:

2.72A Criteria for approval of nomination—Subclass 407 (Training) visa

(1) This regulation applies to a person (the *sponsor*):

- (a) who is:
 - (i) a temporary activities sponsor; or

- (ii) if the nomination referred to in paragraph (b) is made on or before 18 May 2017—a professional development sponsor or a training and research sponsor; and
 - (b) who has nominated, under paragraph 140GB(1)(b) of the Act, a program of occupational training (the *nominated program*) in relation to a holder of, or an applicant or proposed applicant for, a Subclass 407 (Training) visa (the *nominee*).
- (2) For the purposes of subsection 140GB(2) of the Act, the criteria that must be satisfied for the Minister to approve the nomination are the criteria set out in this regulation.

Criteria

- (3) The Minister is satisfied that the sponsor is:
 - (a) a temporary activities sponsor; or
 - (b) if the nomination is made on or before 18 May 2017—a professional development sponsor or a training and research sponsor.
- (4) The Minister is satisfied that the sponsor made the nomination in accordance with regulation 2.73A.
- (5) The Minister is satisfied that the nominee will participate in the nominated program.
- (6) If the nominee holds a visa, the Minister is satisfied that the sponsor has listed on the nomination each secondary sponsored person who holds the same visa as the nominee on the basis of the secondary sponsored person's relationship to the nominee.
- (7) However, the Minister may disregard the fact that one or more secondary sponsored persons are not listed on the nomination if the Minister is satisfied that it is reasonable in the circumstances to do so.
- (8) The Minister is satisfied that the sponsor has provided the following:
 - (a) information that identifies the employer or employers in relation to the nominated program, including:
 - (i) the location and contact details of each employer; and
 - (ii) if the sponsor and the employer are not the same person—the relationship between the sponsor and the employer;
 - (b) information that identifies the location or locations where the nominated program will be carried out;
 - (c) information that identifies each member of the family unit of the nominee who holds, or proposes to apply for, the same visa as the nominee on the basis of satisfying the secondary criteria.
- (9) For the purposes of paragraph (8)(a), if undertaking the nominated program is a volunteer role (within the meaning given by subregulation 2.57(5)), *employer* includes the person or organisation responsible for the tasks to be carried out as part of the nominated program.
- (10) The Minister is satisfied that the sponsor has certified, in writing and as part of the nomination, whether or not the sponsor has engaged in conduct in relation to the nomination that constitutes a contravention of subsection 245AR(1) of the Act.

- (11) The Minister is satisfied that:
- (a) there is no adverse information known to Immigration about the sponsor or a person associated with the sponsor; or
 - (b) if any adverse information is known to Immigration about the sponsor or a person associated with the sponsor—it is reasonable to disregard the information.
- (12) The Minister is satisfied that:
- (a) the occupational training will be provided directly by the sponsor; or
 - (b) the sponsor is supported by a Commonwealth agency, and the Commonwealth agency has provided a letter endorsing the arrangement for the provision of the occupational training; or
 - (c) the sponsor is specified in a legislative instrument made by the Minister for the purposes of this paragraph; or
 - (d) the occupational training will be provided in circumstances specified in a legislative instrument made by the Minister for the purposes of this paragraph.
- (13) The Minister is satisfied that the sponsor does not engage in, or intend to engage in, activities that will have adverse consequences for employment or training opportunities, or conditions of employment, for Australian citizens or Australian permanent residents.
- (14) The Minister is satisfied that the nominee has functional English.
- Note: For **functional English**, see subsection 5(2) of the Act.
- (15) Regulation 2.72B applies to the nomination.
- (16) The Minister is satisfied that the nominated program is offered as a genuine training opportunity for a purpose referred to in the subregulation of regulation 2.72B that applies.

2.72B Criteria for approval of nomination—alternative criteria for Subclass 407 (Training) visa

- (1) For the purposes of subregulation 2.72A(15), this regulation applies to a nomination by an approved sponsor (the **sponsor**) of a program of occupational training in relation to a holder of, or an applicant or proposed applicant for, a Subclass 407 (Training) visa (the **nominee**) if any subregulation of this regulation applies.

Occupational training required for registration etc.

- (2) This subregulation applies if the Minister is satisfied that:
- (a) the occupational training is necessary for the nominee to obtain registration, membership or licensing in Australia, or in the home country of the nominee, in relation to the occupation of the nominee; and
 - (b) the registration, membership or licensing is required in order for the nominee to be employed in the occupation of the nominee in Australia or in the home country of the nominee; and
 - (c) the duration of the occupational training is necessary for the nominee to obtain registration, membership or licensing in Australia, or in the home country of the nominee, in relation to the occupation of the nominee, taking into account the prior experience of the nominee; and

- (d) the occupational training is workplace based; and
- (e) the nominee has appropriate qualifications and experience to undertake the occupational training.

Occupational training to enhance skills

- (3) This subregulation applies if the Minister is satisfied that:
- (a) the occupational training is:
 - (i) a structured workplace training program; and
 - (ii) specifically tailored to the training needs of the nominee; and
 - (iii) of a duration that meets the specific training needs of the nominee; and
 - (b) the occupational training is in relation to an occupation specified, with its corresponding 6-digit code, by the Minister in a legislative instrument made for the purposes of this paragraph; and
 - (c) the nominee has the equivalent of at least 12 months of full-time experience in the occupation to which the occupational training relates in the 24 months immediately preceding the time of nomination.

Occupational training for capacity building overseas—overseas qualification

- (4) This subregulation applies if the Minister is satisfied that:
- (a) the nominee is required to complete a period of no more than 6 months of practical experience, research or observation to obtain a qualification from a foreign educational institution; and
 - (b) the occupational training is a structured workplace-based training program specifically tailored to the training needs of the nominee.

Occupational training for capacity building overseas—government support

- (5) This subregulation applies if the Minister is satisfied that:
- (a) the occupational training is supported by a government agency, or by the government of a foreign country that is the home country of the nominee; and
 - (b) the occupational training is a structured workplace-based training program that is:
 - (i) specifically tailored to the training needs of the nominee; and
 - (ii) of a duration that meets the specific training needs of the nominee.

Occupational training for capacity building overseas—professional development

- (6) This subregulation applies if the Minister is satisfied that:
- (a) the nominee:
 - (i) has an overseas employer; and
 - (ii) is in a managerial or professional position in relation to the overseas employer; and
 - (b) the occupational training is relevant to, and consistent with, the development of the managerial or professional skills of the nominee; and
 - (c) the occupational training will provide skills and expertise relevant to, and consistent with, the business of the overseas employer of the nominee; and
 - (d) the primary form of the occupational training is the provision of face-to-face teaching in a classroom or similar environment.

125 Regulation 2.73A

Repeal the regulation, substitute:

2.73A Process for nomination—Subclass 407 (Training) visa

- (1) This regulation applies to a person who is nominating, under paragraph 140GB(1)(b) of the Act, a program of occupational training in relation to a holder of, or an applicant or proposed applicant for, a Subclass 407 (Training) visa.
- (2) For the purposes of subsection 140GB(3) of the Act, the person may nominate the program in accordance with a process specified in a legislative instrument made by the Minister for the purposes of this subregulation.
- (3) A legislative instrument made for the purposes of subregulation (2) may specify any of the following:
 - (a) a form for the nomination;
 - (b) a fee which must accompany the nomination;
 - (c) any other requirements in relation to the nomination.

126 Regulations 2.73B and 2.73C

Repeal the regulations.

127 Subregulation 2.74(2)

After “approved form 1196 (Internet)”, insert “or 1479N (Internet)”.

128 Regulation 2.75A (heading)

Repeal the heading, substitute:

2.75A Period of approval of nomination—Subclass 407 (Training) visa

129 Subregulation 2.75A(1)

Repeal the subregulation, substitute:

- (1) This regulation applies to a nomination, under paragraph 140GB(1)(b) of the Act, of a program of occupational training in relation to a holder of, or an applicant or proposed applicant for, a Subclass 407 (Training) visa.

130 Paragraph 2.75A(2)(f)

Omit “occupation, program or activity”, substitute “program”.

131 Paragraph 2.80(1)(a)

Repeal the paragraph, substitute:

- (a) a temporary activities sponsor or a long stay activity sponsor of a primary sponsored person or a secondary sponsored person (the *sponsored person*), if:
 - (i) the primary sponsored person holds a Subclass 408 (Temporary Activity) visa granted on the basis that the primary sponsored person satisfied the criteria in clause 408.223 (religious worker) of Schedule 2; or

- (ii) the last substantive visa held by the primary sponsored person was a Subclass 408 (Temporary Activity) visa granted on the basis that the primary sponsored person satisfied the criteria in clause 408.223 (religious worker) of Schedule 2; or
- (aa) a long stay activity sponsor of a primary sponsored person or a secondary sponsored person (the *sponsored person*), if:
 - (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

132 After paragraph 2.80(1)(c)

Insert:

- (ca) a temporary activities sponsor or 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 408 (Temporary Activity) visa granted on the basis that the primary sponsored person satisfied the criteria in clause 408.228 (special program) of Schedule 2; or
 - (ii) the last substantive visa held by the primary sponsored person was a Subclass 408 (Temporary Activity) visa granted on the basis that the primary sponsored person satisfied the criteria in clause 408.228 (special program) of Schedule 2; or

133 Paragraph 2.80(3)(d)

Omit “the Subclass 416 (Special Program) visa, the Subclass 428 (Religious Worker) visa”, substitute “the Subclass 408 (Temporary Activity) visa, the Subclass 416 (Special Program) visa”.

134 Subparagraph 2.80(5)(a)(ia)

After “holds a”, insert “Subclass 408 (Temporary Activity) visa or a”.

135 Subparagraph 2.80(5)(a)(ii)

Omit “, a Subclass 428 (Religious Worker) visa”.

136 Sub-subparagraph 2.80(5)(b)(iii)(B)

Omit “the Subclass 416 (Special Program) visa, the Subclass 428 (Religious Worker) visa”, substitute “the Subclass 408 (Temporary Activity) visa, the Subclass 416 (Special Program) visa”.

137 Sub-sub-subparagraph 2.80(5)(b)(iii)(C)(II)

Omit “a Subclass 416 (Special Program) visa, a Subclass 428 (Religious Worker) visa”, substitute “a Subclass 408 (Temporary Activity) visa, a Subclass 416 (Special Program) visa”.

138 Sub-subparagraph 2.80(5)(c)(iii)(B)

Omit “the Subclass 416 (Special Program) visa, the Subclass 428 (Religious Worker) visa”, substitute “the Subclass 408 (Temporary Activity) visa, the Subclass 416 (Special Program) visa”.

139 Sub-sub-subparagraph 2.80(5)(c)(iii)(C)(II)

Omit “a Subclass 416 (Special Program) visa, a Subclass 428 (Religious Worker) visa”, substitute “a Subclass 408 (Temporary Activity) visa, a Subclass 416 (Special Program) visa”.

140 Subregulation 2.80A(1)

Repeal the subregulation, substitute:

- (1) This regulation applies to a person who is or was a temporary activities sponsor, or a long stay activity sponsor, of a primary sponsored person or a secondary sponsored person, if:
 - (a) the sponsored person holds a Subclass 408 (Temporary Activity) visa granted on the basis that the primary sponsored person satisfied the criteria in clause 408.224 (domestic worker) of Schedule 2; or
 - (b) the last substantive visa held by the sponsored person was a Subclass 408 (Temporary Activity) visa granted on the basis that the primary sponsored person satisfied the criteria in clause 408.224 (domestic worker) of Schedule 2.

141 Before paragraph 2.80A(4)(a)

Insert:

- (aa) if subregulation (1) applies—starts to apply on the day on which the primary sponsored person is granted the visa referred to in that subregulation; or

142 Paragraph 2.80A(4)(a)

Before “starts to apply”, insert “if subregulation (1A) applies—”.

143 Subparagraph 2.80A(4)(a)(ii)

Omit “or a Subclass 427 (Domestic Worker (Temporary)—Executive) visa”.

144 Sub-subparagraph 2.80A(4)(b)(iii)(B)

Omit “Subclass 427 (Domestic Worker (Temporary)—Executive) visa”, substitute “Subclass 408 (Temporary Activity) visa”.

145 Sub-sub-subparagraph 2.80A(4)(b)(iii)(C)(II)

Omit “Subclass 427 (Domestic Worker (Temporary)—Executive) visa”, substitute “Subclass 408 (Temporary Activity) visa”.

146 Sub-subparagraph 2.80A(4)(c)(iii)(B)

Omit “Subclass 427 (Domestic Worker (Temporary)—Executive) visa”, substitute “Subclass 408 (Temporary Activity) visa”.

147 Sub-sub-paragraph 2.80A(4)(c)(iii)(C)(II)

Omit “Subclass 427 (Domestic Worker (Temporary)—Executive) visa”, substitute “Subclass 408 (Temporary Activity) visa”.

148 Subparagraph 2.82(2)(a)(iii)

After “if the person is”, insert “a temporary activities sponsor,”.

149 Subregulation 2.84(4)

After “a professional development sponsor of a primary sponsored person”, insert “(other than a holder of a Subclass 407 (Training) visa)”.

150 Subregulations 2.84(4A) and (4B)

Repeal the subregulations, substitute:

- (4A) If the person is or was a temporary activities sponsor, the person must inform Immigration about a change to the information, in relation to the sponsor’s address and contact details, provided to Immigration in the person’s application for approval as a temporary activities sponsor.
- (4B) If the person is or was:
- (a) a temporary activities sponsor in relation to a primary sponsored person; or
 - (b) a professional development sponsor in relation to a primary sponsored person who holds a Subclass 407 (Training) visa; or
 - (c) any of the following kinds of sponsor in relation to a primary sponsored person who holds a Subclass 408 (Temporary Activity) visa:
 - (i) a special program sponsor;
 - (ii) an entertainment sponsor;
 - (iii) a superyacht crew sponsor;
 - (iv) a long stay activity sponsor;
 - (v) a training and research sponsor;
- the person must inform Immigration about each of the following events:
- (d) the primary sponsored person failing to participate in the activity in relation to which the visa was granted;
 - (e) the primary sponsored person ceasing participation in the activity in relation to which the visa was granted;
 - (f) if the primary sponsored person was granted a Subclass 408 (Temporary Activity) visa on the basis that subclause 408.222(3) (elite player, coach, instructor or adjudicator) of Schedule 2 applied to the primary sponsored person—a change to the formal arrangement referred to in paragraph 408.222(3)(c) of Schedule 2;
 - (g) if the primary sponsored person was granted a Subclass 408 (Temporary Activity) visa on the basis that the primary sponsored person satisfied the criteria in clause 408.225 (superyacht crew) of Schedule 2—the cessation, or expected cessation, of a primary sponsored person’s employment with the sponsor;
 - (h) if the primary sponsored person was granted a Subclass 408 (Temporary Activity) visa on the basis that the primary sponsored person satisfied the criteria in clause 408.227 (staff exchange) of Schedule 2—a change to the agreement referred to in paragraph 408.227(b) of Schedule 2;

- (i) if the primary sponsored person was granted a Subclass 408 (Temporary Activity) visa on the basis that the primary sponsored person satisfied any of the criteria in clause 408.229A (entertainment) of Schedule 2 and the sponsor is an Australian organisation—the organisation ceasing to exist;
- (j) if the primary sponsored person was granted a Subclass 408 (Temporary Activity) visa on the basis that the primary sponsored person satisfied the criteria in subclause 408.229A(2), (3), (4), (5) or (6) (entertainment) of Schedule 2—the sponsor ceasing to hold a licence referred to in paragraph 408.229A(2)(d), (3)(d), (4)(d), (5)(d) or (6)(d) of Schedule 2, as the case may be;
- (k) the person paying the return travel costs of the primary sponsored person, or a secondary sponsored person in relation to the primary sponsored person, in accordance with the obligation referred to in regulation 2.80.

151 Subregulation 2.84(4C)

Before “primary sponsored person” (wherever occurring), insert “non-Subclass 408”.

152 Subregulation 2.84(4D)

Repeal the subregulation.

153 Subregulation 2.84(4E)

Before “primary sponsored person” (wherever occurring), insert “non-Subclass 408”.

154 Subregulations 2.84(4F), (4G), (4H) and (4I)

Repeal the subregulations.

155 Paragraph 2.84(4J)(a)

Before “primary sponsored person”, insert “non-Subclass 408”.

156 Subregulations 2.84(4K) and (4L)

Before “primary sponsored person” (wherever occurring), insert “non-Subclass 408”.

157 Subregulation 2.84(5)

Omit “(4B)(a), (4G)(a)”, substitute “(4B)(g)”.

158 Subregulation 2.84(6) (table item 1, column headed “For an event mentioned in ...”)

Omit “(4B)(a), (4G)(a)”, substitute “(4B)(g)”.

159 Subregulation 2.84(6) (table item 4, column headed “the notification must be made ...”, paragraph (a))

Omit “(4B)(a), (4G)(a)”, substitute “(4B)(g)”.

160 At the end of regulation 2.84

Add:

- (9) In this regulation:

non-Subclass 408 primary sponsored person means a primary sponsored person who does not hold a Subclass 408 (Temporary Activity) visa.

161 Subparagraphs 2.85(1)(a)(i) and (ii)

Repeal the subparagraphs.

162 After paragraph 2.85(1)(b)

Insert:

- (ba) a temporary activities sponsor or a special program sponsor in relation to a primary sponsored person or a secondary sponsored person, if:
- (i) the primary sponsored person or secondary sponsored person holds a Subclass 408 (Temporary Activity) visa granted on the basis that the primary sponsored person satisfied the criteria in clause 408.228 (special program) of Schedule 2, or the last substantive visa held by the primary sponsored person or secondary sponsored person was such a visa; and
 - (ii) the position in the activity in relation to which the primary sponsored person or secondary sponsored person was granted the visa is a volunteer role; or

163 Subparagraphs 2.85(1)(d)(iii) to (vi)

Repeal the subparagraphs, substitute:

- (iii) the primary sponsored person holds a Subclass 408 (Temporary Activity) visa granted on the basis that the primary sponsored person satisfied the criteria in clause 408.222 (sport), 408.223 (religious worker) or 408.229A (entertainment) of Schedule 2 in relation to a volunteer role; or
- (iv) the last substantive visa held by the primary sponsored person was a visa referred to in subparagraph (iii); or

164 Subparagraphs 2.85(1)(e)(iii) and (iv)

Omit “Subclass 442 (Occupational Trainee) visa”, substitute “Subclass 407 (Training) visa”.

165 Subparagraph 2.85(4)(a)(i)

Omit “Subclass 416 (Special Program) visa or a Subclass 470 (Professional Development) visa”, substitute “Subclass 408 (Temporary Activity) visa granted on the basis that the primary sponsored person satisfied the criteria in clause 408.222 (sport), 408.223 (religious worker), 408.228 (special program) or 408.229A (entertainment) of Schedule 2, or a Subclass 416 (Special Program) visa”.

166 Subparagraph 2.85(4)(a)(ii)

Omit “a Subclass 420 (Entertainment) visa, a Subclass 421 (Sport) visa, a Subclass 428 (Religious Worker) visa or a Subclass 442 (Occupational Trainee) visa”, substitute “a Subclass 407 (Training) visa or a Subclass 420 (Entertainment) visa”.

167 After regulation 2.86

Insert:

2.86A Obligation to ensure primary sponsored person works or participates in activity in relation to which the visa was granted

- (1) This regulation applies to a person (the *sponsor*) who is or was an approved sponsor of:

- (a) a primary sponsored person (the *sponsored person*) who holds a Subclass 408 (Temporary Activity) visa; or
 - (b) a person (the *sponsored person*) who was a primary sponsored person if the last substantive visa held by the sponsored person was a Subclass 408 (Temporary Activity) visa.
- (2) The sponsor must ensure that the sponsored person undertakes the activity in relation to which the visa was granted.
- (3) The obligation mentioned in subregulation (2) starts to apply on the day the visa is granted.
- (4) The obligation mentioned in subregulation (2) ceases to apply on the earliest of the following days:
- (a) the day on which the sponsored person is granted a further substantive visa that:
 - (i) is a visa of a different subclass to the last substantive visa held by the sponsored person; and
 - (ii) is in effect;
 - (b) the day on which the primary sponsored person is granted a further Subclass 408 (Temporary Activity) visa, if the sponsor is not a sponsor in relation to that further visa;
 - (c) the first day on which each of the following has occurred:
 - (i) the primary sponsored person has left Australia;
 - (ii) the visa referred to in subregulation (1) has ceased to be in effect;
 - (iii) if the primary sponsored person held a Subclass 020 (Bridging B) visa when the primary sponsored person left Australia, and the last substantive visa held by the primary sponsored person was the visa referred to in subregulation (1)—the bridging visa has ceased to be in effect.

168 After subparagraphs 2.87(1A)(c)(i), (1A)(d)(i), (1B)(c)(i) and (1B)(d)(i)

Insert:

- (ia) a Subclass 403 (Temporary Work (International Relations)) visa; or
- (ib) a Subclass 407 (Training) visa; or
- (ic) a Subclass 408 (Temporary Activity) visa; or

169 Paragraph 2.87(2A)(a)

Repeal the paragraph, substitute:

- (a) the person is or was:
 - (i) a temporary activities sponsor in relation to a primary sponsored person or a secondary sponsored person (the *sponsored person*); or
 - (ii) a long stay activity sponsor in relation to a primary sponsored person or a secondary sponsored person (the *sponsored person*); and

170 Subparagraphs 2.87(2A)(b)(iii) and (iv)

Repeal the subparagraphs, substitute:

- (iii) the sponsored person holds a Subclass 408 (Temporary Activity) visa granted to the sponsored person on the basis that the primary sponsored person satisfied the criteria in clause 408.223 (religious worker) or 408.224 (domestic worker) of Schedule 2; or

- (iv) the last substantive visa held by the sponsored person was a Subclass 408 (Temporary Activity) visa granted to the sponsored person on the basis that the primary sponsored person satisfied the criteria in clause 408.223 (religious worker) or 408.224 (domestic worker) of Schedule 2;

171 Regulation 2.87A

Repeal the regulation.

172 At the end of subregulation 2.89(1)

Add:

- ; or (d) a temporary activities sponsor in relation to a primary sponsored person or a secondary sponsored person.

173 At the end of subregulations 2.90(1) and 2.91(1)

Add:

- ; or (d) a temporary activities sponsor.

174 Paragraph 2.91(2)(b)

Omit “standard business sponsor or temporary work sponsor”, substitute “standard business sponsor, temporary work sponsor or temporary activities sponsor”.

175 Paragraphs 2.92(1)(a) and (c)

Omit “in relation to a primary sponsored person”.

176 At the end of subregulation 2.92(1)

Add:

- ; or (d) a temporary activities sponsor.

177 Subregulation 2.92(2) (heading)

Repeal the heading, substitute:

Standard business sponsors, temporary activities sponsors, professional development sponsors and temporary work sponsors

178 Subregulation 2.92(2)

After “standard business sponsor”, insert “, a temporary activities sponsor”.

179 Subregulation 2.92(4) (heading)

Repeal the heading, substitute:

Standard business sponsors, temporary activities sponsors and temporary work sponsors

180 Subregulation 2.92(4)

Omit “or a temporary work sponsor”, substitute “, a temporary activities sponsor or a temporary work sponsor, in relation to a primary sponsored person.”.

181 Paragraph 2.92(4)(c)

After “standard business sponsor”, insert “, temporary activities sponsor”.

182 At the end of subregulation 2.93(1)

Add:

- ; or (c) a temporary activities sponsor who is conducting, or has conducted, a program referred to in subclause 408.228(2) (youth exchange program) or (5) (other program) of Schedule 2.

183 After paragraph 2.93(2)(b)

Insert:

- or (c) if the person is or was a temporary activities sponsor referred to in paragraph (1)(c)—the program referred to in that paragraph;

184 Subregulation 2.94A(1)

Repeal the subregulation, substitute:

- (1) This regulation applies to a person who is or was:
 - (a) a special program sponsor; or
 - (b) a professional development sponsor; or
 - (c) a temporary activities sponsor who is conducting, or has conducted, a program referred to in subclause 408.228(2) (youth exchange program) or (5) (other program) of Schedule 2.

185 Paragraph 2.94A(2)(a)

Omit “the person”, substitute “if the person is or was a special program sponsor—the person”.

186 Paragraph 2.94A(2)(b)

Omit “the person”, substitute “if the person is or was a professional development sponsor—the person”.

187 At the end of subregulation 2.94A(2)

Add:

- ; or (c) if the person is or was a temporary activities sponsor—the person has not complied with a term or condition of the special program agreement referred to in paragraph 408.228(2)(c) or (5)(c) (as the case requires) of Schedule 2.

188 Paragraphs 4.02(1A)(ab) and (b)

Repeal the paragraphs, substitute:

- (b) a Subclass 407 (Training) visa;

189 Paragraphs 4.02(1A)(d), (f), (g), (h), (i) and (j)

Repeal the paragraphs.

190 At the end of subregulation 4.02(4)

Add:

- ; (o) a decision to refuse to grant a Subclass 407 (Training) visa to a non-citizen, if:
 - (i) the non-citizen was outside Australia at the time of application; and
 - (ii) the non-citizen was sponsored or nominated, as required by a criterion for the grant of the visa, by:

- (A) an Australian citizen; or
 - (B) a company that operates in the migration zone; or
 - (C) a partnership that operates in the migration zone; or
 - (D) the holder of a permanent visa; or
 - (E) a New Zealand citizen who holds a special category visa;
- (p) a decision to refuse to grant a Subclass 408 (Temporary Activity) visa to a non-citizen, if:
- (i) the non-citizen was outside Australia at the time of application; and
 - (ii) the non-citizen was sponsored, as referred to in paragraph (a) of the definition of *passes the sponsorship test* in clause 408.111 of Schedule 2, by:
 - (A) an Australian citizen; or
 - (B) a company that operates in the migration zone; or
 - (C) a partnership that operates in the migration zone; or
 - (D) the holder of a permanent visa; or
 - (E) a New Zealand citizen who holds a special category visa.

191 At the end of subregulation 4.02(5)

Add:

- ; (n) in the case of a decision to which paragraph (4)(o) applies—the sponsor or nominator;
- (o) in the case of a decision to which paragraph (4)(p) applies—the sponsor.

192 Paragraphs 5.19L(f) to (h)

Repeal the paragraphs, substitute:

- (f) a temporary activities sponsor.

193 After paragraph 5.19M(d)

Insert:

- (da) a Subclass 407 (Training) visa;
- (db) a Subclass 408 (Temporary Activity) visa;

194 Paragraphs 773.213(3)(b), (d) and (e) of Schedule 2

Repeal the paragraphs.

195 After paragraph 773.213(4)(a) of Schedule 2

Insert:

- (aa) Subclass 407 (Training);
- (ab) Subclass 408 (Temporary Activity);

196 Part 2 of Schedule 4 (items 4052, 4055 and 4055AA)

Repeal the items.

197 Paragraph 8107(4)(e) of Schedule 8

Repeal the paragraph, substitute:

- (e) engage in work or an activity for an employer other than the employer identified in accordance with paragraph 2.72A(7)(a) as in force before

19 November 2016 (subject to subregulation 2.72A(8) as in force before that day) in the most recent nomination in which the holder is identified.

198 At the end of clause 8107 of Schedule 8

Add:

- (5) If the visa is a subclass 407 (Training) visa, the holder must not:
- (a) cease to engage in the most recently nominated program in relation to which the holder is identified; or
 - (b) engage in work or an activity that is inconsistent with the most recently nominated program in relation to which the holder is identified; or
 - (c) engage in work or an activity for an employer other than an employer identified in accordance with paragraph 2.72A(8)(a) (subject to subregulation 2.72A(9)) in the most recent nomination in which the holder is identified.

199 In the appropriate position in Schedule 13

Insert:

Part 60—Amendments made by the Migration Amendment (Temporary Activity Visas) Regulation 2016

6001 Operation of Parts 3 and 4 of Schedule 1

The amendments of these Regulations made by Parts 3 and 4 of Schedule 1 to the *Migration Amendment (Temporary Activity Visas) Regulation 2016* apply in relation to an application for a visa made on or after 19 November 2016.

Note: Parts 3 and 4 of Schedule 1 to the *Migration Amendment (Temporary Activity Visas) Regulation 2016* commence on 19 November 2016.

6002 Operation of Parts 5 and 6 of Schedule 1

- (1) The amendments of these Regulations made by Parts 5 and 6 of Schedule 1 to the *Migration Amendment (Temporary Activity Visas) Regulation 2016* apply in relation to the following:
- (a) an application for a visa made on or after 19 November 2016;
 - (b) an application for approval as a sponsor made on or after 19 November 2016;
 - (c) an application for a variation of a term of an approval as a sponsor made on or after 19 November 2016;
 - (d) a nomination made under subsection 140GB(1) of the Act on or after 19 November 2016, including such a nomination made:
 - (i) by an approved sponsor that was approved as a sponsor as a result of an application for approval made before, on or after 19 November 2016; or
 - (ii) in relation to an application for a visa made before, on or after 19 November 2016.

- (2) If:

Schedule 1 General amendments

Part 6 Other amendments

- (a) before 19 November 2016, a person applies for approval in relation to any of the following classes of sponsor:
 - (i) a long stay activity sponsor;
 - (ii) a training and research sponsor;
 - (iii) a special program sponsor;
 - (iv) an entertainment sponsor;
 - (v) a superyacht crew sponsor;
 - (vi) a professional development sponsor; and
- (b) the Minister has not approved, or refused to approve, the person as a sponsor in relation to that class of sponsor; and
- (c) after 18 May 2017, the person gives the Minister a written notice withdrawing the application;

the application is taken to be withdrawn, and the Minister may refund the fee paid in accordance with regulation 2.61 in relation to the application.

(3) If:

- (a) before 19 November 2016, an approved sponsor makes a nomination under subsection 140GB(1) of the Act identifying a proposed applicant for:
 - (i) a Subclass 401 (Temporary Work (Long Stay Activity)) visa; or
 - (ii) a Subclass 402 (Training and Research) visa; or
 - (iii) a Subclass 420 (Temporary Work (Entertainment)) visa; and
- (b) the proposed applicant does not apply for the visa before 19 November 2016; and
- (c) the Minister has not approved, or refused to approve, the nomination; and
- (d) the approved sponsor gives the Minister a written notice withdrawing the nomination;

the nomination is taken to be withdrawn, and the Minister may refund the fee paid in accordance with regulation 2.73A in relation to the nomination.

Note: Parts 5 and 6 of Schedule 1 to the *Migration Amendment (Temporary Activity Visas) Regulation 2016* commence on 19 November 2016.

Schedule 2—Visa application charge for entrepreneur stream

Migration Regulations 1994

1 Paragraph 1104BA(2)(a) of Schedule 1

Repeal the paragraph, substitute:

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

First instalment		
Item	Component	Amount
1	Base application charge	\$2,305
2	Additional applicant charge for an applicant who is at least 18	\$1,155
3	Additional applicant charge for an applicant who is less than 18	\$575

Note: Regulation 2.12C explains the components of the first instalment of visa application charge and specifies the amounts of subsequent temporary application charge and non-Internet application charge. Not all of the components may apply to a particular application.

Additional applicant charge is paid by an applicant who claims to be a member of the family unit of another applicant and seeks to combine the application with that applicant's application.