



Australian Government
Department of Immigration and Citizenship

Dear Client

You will recall that I wrote to you in June to advise you of proposed changes to sponsorship and employee protection arrangements for users of a number of temporary residence visas with work rights.

I am now writing to you about certain amendments that have been made to the *Migration Regulations 1994* (the Regulations).

These amendments largely complete the scheme under the *Migration Legislation Amendment (Worker Protection) Act 2008* (the Worker Protection Act) for protecting non-citizens who come to Australia temporarily for work purposes.

The Regulations are available at www.comlaw.gov.au

Important information about the Regulations

The amendments to the Regulations under the Worker Protection Act have been made in two sets. The first set was assented to by the Governor-General on 18 June 2009, and consisted of those regulatory amendments that were of most concern to Australian employers and dealt exclusively with sponsorship and other matters relating to the Temporary Business (Long Stay) Standard Business Sponsorship (subclass 457) and Professional Development (subclass 470) visas. These regulatory amendments will commence on 14 September 2009.

The second set of regulation changes was assented to by the Governor-General on 13 August 2009, and it consists of amendments to fill out the overall scheme under the Worker Protection Act (including powers of inspectors).

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These changes also extend sponsorship and obligation, and for some visas, nomination*, requirements to a range of other temporary residence visas, being:

- *Exchange (subclass 411) visa;
- Foreign Government Agency (subclass 415) visa;
- Special Program (subclass 416) visa (excluding the Pacific Seasonal Worker Pilot Scheme);
- *Visiting Academic (subclass 419) visa;
- *Entertainment (subclass 420) visa;
- *Sport (subclass 421) visa;
- *Media and Film Staff (subclass 423) visa;
- *Domestic Worker (subclass 427) visa;
- *Religious Worker (subclass 428) visa;
- Occupational Trainee (subclass 442) visa;
- Professional Development (subclass 470) visa; and
- Superyacht Crew (subclass 488) visa.

The second set of changes also includes further amendments to the scheme as it relates to subclass 457 and subclass 470 visas. These amendments are primarily about the criteria that visa applicants would have to meet in order to be granted a visa.

Both these sets of proposed amendments will commence on 14 September 2009.

When finalised, the overall scheme of the Worker Protection Act will cover:

- process, criteria and terms of approval as a sponsor;
- process and criteria to vary the terms of approval as a sponsor;
- process and criteria for approval of a nomination;
- definition of work agreement;
- sponsorship obligations;
- circumstances, criteria and process for cancelling and barring a sponsor;
- process and criteria to waive a bar placed on a sponsor;
- disclosure of personal information to enable information sharing;
- powers which an inspector may exercise;
- amendments to enable merits review of decisions made under the enforceable sponsorship framework;
- amendments to support an infringement notice regime where a sponsor fails to satisfy a sponsorship obligation;
- amendments to visa criteria, including a requirement for applicants (except Superyacht Crew visa) to show adequate arrangements for health insurance; and
- repeal of the Education (subclass 418) visa.

At [Attachment A](#) is a plain English explanation of the sponsorship obligations, and at [Attachment B](#) a plain English explanation of the sanction provisions, both of which relate to the first and second set of changes. Alternatively the new legislation can be viewed in full at www.comlaw.gov.au

A set of frequently asked questions is currently being prepared, and these will be made available on the department's website (www.immi.gov.au) as soon as possible. Should you have any further questions please send them to education.and.tourism@immi.gov.au

Yours sincerely

(electronically signed)

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Migration and Visa Policy Division

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