

8103

The holder must not undertake work [in Australia](#) without the permission in writing of the Minister, which may be:

- (a) in relation to specified work; or
- (b) for a specified time.

8104

(1) The holder must not engage in work for more than 40 hours a fortnight while the holder is [in Australia](#).

(2) If the holder is a [member of the family unit](#) of a person who satisfies the primary criteria for the grant of a [student visa](#) the holder must not engage in work [in Australia](#) until the person who satisfies the primary criteria has commenced a course of study.

(3) If the course of study mentioned in subclause (2) is for the award of a masters or doctoral degree, then despite subclause (1), the holder may engage in work for more than 40 hours a fortnight while the holder is [in Australia](#).

(4) In this clause:

fortnight means the period of 14 days commencing on a Monday.

8105

(1A) The holder must not engage in any [work in Australia](#) before the holder's course of study commences.

(1) Subject to subclause (2), the holder must not engage in [work in Australia](#) for more than 40 hours a [fortnight](#) during any fortnight when the holder's course of study or training is in session.

(2) Subclause (1) does not apply:

(a) to **work** that was specified as a requirement of the course when the course particulars were entered in the Commonwealth Register of Institutions and Courses for Overseas Students; and

(b) in relation to a student visa granted in relation to a masters degree by research or doctoral degree if the holder has commenced the masters degree by research or doctoral degree.

(3) In this clause:

fortnight means the period of 14 days commencing on a Monday.

8106

The holder must engage in **work in Australia** only if the work is relevant to the conduct of the business, or performance of the tasks, specified in the visa application.

8107

(1) If the visa is not a visa mentioned in subclause (3) or (4), and was granted to enable the holder to be employed **in Australia**, the holder must not:

(a) cease to be employed by the employer in relation to which the visa was granted; or

(b) work in a position or occupation inconsistent with the position or occupation in relation to which the visa was granted; or

(c) engage in work for another person or on the holder's own account while undertaking the employment in relation to which the visa was granted.

(2) If the visa is not a visa mentioned in subclause (3) or (4), and subclause (1) does not apply, the holder must not:

- (a) cease to undertake the activity in relation to which the visa was granted; or
- (b) engage in an activity inconsistent with the activity in relation to which the visa was granted; or
- (c) engage in work for another person or on the holder's own account inconsistent with the activity in relation to which the visa was granted.

(3) If the visa is, or the last **substantive visa** held by the applicant was, a Subclass 457 (Temporary Work (Skilled)) visa that was granted on the basis that the holder met the requirements of subclause 457.223(2) or (4) (as in force before 18 March 2018):

(a) the holder:

(i) must work only in the occupation listed in the most recently approved nomination for the holder; and

(ii) unless the circumstances in subclause (3A) apply:

(A) must work only for the party to a **labour agreement** or former party to a **labour agreement** who nominated the holder in the most recently approved nomination; or

(B) if the **sponsor** is, or was, a **standard business sponsor** who was lawfully operating a business **in Australia** at the time of the **sponsor's** approval as a **standard business sponsor**, or at the time of the last approval of a variation to the **sponsor's** term of approval as a **standard business sponsor** — must work only in a position in the business of the **sponsor** or an **associated entity** of the **sponsor**; or

(C) if the **sponsor** is or was a **standard business sponsor** who was not lawfully operating a business **in Australia**, and was lawfully operating a business **outside Australia**, at the time of the **sponsor's** approval as a **standard business sponsor**, or at the time of the last approval of a variation to the **sponsor's** term of approval as a **standard business**

sponsor — must work only in a position in the business of the **sponsor**;
and

(aa) subject to paragraph (c), the holder must:

(i) if the holder was **outside Australia** when the visa was granted—commence work within 90 days after the holder's arrival **in Australia**; and

(ii) if the holder was **in Australia** when the visa was granted—commence work within 90 days after the holder's visa was granted; and

(b) if the holder ceases employment — the period during which the holder ceases employment must not exceed 60 consecutive days; and

(c) if the holder is required to hold a licence, registration or membership that is mandatory to perform the occupation nominated in relation to the holder, in the location where the holder's position is situated—the holder:

(i) must hold the licence, registration or membership while the holder is performing the occupation; and

(ii) if the holder was **outside Australia** when the visa was granted—the holder must hold that licence, registration or membership within 90 days after the holder's arrival **in Australia**; and

(iii) if the holder was **in Australia** when the visa was granted—the holder must hold that licence, registration or membership within 90 days after the holder's visa was granted; and

(iv) must notify the Department, in writing as soon as practicable if an application for the licence, registration or membership is refused; and

(v) must comply with each condition or requirement to which the licence, registration or membership is subject; and

(vi) must not engage in work that is inconsistent with the licence, registration or membership, including any conditions or requirements to which the licence, registration or membership is subject; and

(vii) must notify the Department, in writing as soon as practicable if the licence, registration or membership ceases to be in force or is revoked or cancelled.

(3A) For subparagraph For subparagraph (3)(a)(ii), the circumstances are that:

(a) the holder's occupation is specified in an instrument in writing for subparagraph 2.72(10)(e)(ii) or (iii) as in force before 18 March 2018; or

(b) the holder is continuing to work for the sponsor, or the associated entity of the sponsor, for the purpose of fulfilling a requirement under a law relating to industrial relations and relating to the giving of notice.

(4) If the visa is:

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

(b) a Subclass 402 (Training and Research) visa; or

(ba) a Subclass 420 (Temporary Work (Entertainment)) visa;

the holder must not:

(c) cease to engage in the most recently nominated occupation, program or activity in relation to which the holder is identified; or

(d) engage in work or an activity that is inconsistent with the most recently nominated occupation, program or activity in relation to which the holder is identified; or

(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 2.72(8) as in force before that day) in the most recent nomination in which the holder is identified.

- (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.

8108

The holder must not be employed in **Australia** by any 1 employer for more than 3 months, without the prior permission in writing of the Secretary.

8109

The holder must not change details of times and places of engagements specified in the application to be undertaken in **Australia** during the **visa period**, without the prior permission in writing of the Secretary.

8110

The holder:

- (a) must not engage in **work in Australia** except in the household of the employer in relation to whom the visa was granted; and
- (b) must not work in a position or occupation inconsistent with the position or occupation in relation to which the visa was granted; and

(c) must not engage in work for another person or on the holder's own account while undertaking the employment in relation to which the visa was granted; and

(d) must not cease to be employed by the employer in relation to which the visa was granted, unless paragraph (e) applies; and

(e) except with the written permission of the **Foreign Minister**, must not **remain in Australia** after the permanent departure of that employer.

8111

The holder must not:

(a) perform **work in Australia** except in the household of the employer who is the holder's **sponsor** in relation to the visa; or

(b) **remain in Australia** after the permanent departure of that employer.

8112

The holder must not engage in **work in Australia** that might otherwise be carried out by an Australian citizen or an **Australian permanent resident**.

8113

The holder must not work **in Australia** otherwise than as a **member of the crew** of a **non-military ship**.

8114

The holder must not work **in Australia** otherwise than as a **member of the crew** of a superyacht.

8115

The holder must not work in Australia other than by engaging in a business visitor activity.

8116

The holder must not work in Australia other than by engaging in an activity specified in a legislative instrument made by the Minister for this clause.

8117

The holder must not work in Australia other than as a member of the crew on either or both of the following:

- (a) the flight on which the holder leaves Australia;
- (b) one flight from a proclaimed airport to the proclaimed airport from which the holder leaves Australia.

8118

The holder must not work in Australia other than as a member of the crew on one or more of the following:

- (a) the flight on which the holder travels to Australia;
- (b) one flight from the proclaimed airport at which the holder enters Australia to another proclaimed airport;
- (c) the flight on which the holder leaves Australia;

(d) one flight from a proclaimed airport to the proclaimed airport from which the holder **leaves Australia**.