

Joint Standing Committee on Treaties - China-Australia Free Trade Agreement

Information Note on Movement of Natural Persons Provisions

Tabled by DFAT Deputy Secretary Jan Adams, 17 August 2015

The key Movement of Natural Persons (MNP) outcomes associated with the China-Australia Free Trade Agreement (ChAFTA) are described below. Relevant documents are available on the DFAT website: <http://dfat.gov.au/trade/agreements/chafta/official-documents/>

All outcomes are consistent with Australia's existing immigration policy settings and, upon entry into force of ChAFTA, will be facilitated through existing visa systems.

Specific commitments (set out in Chapter 10, Article 10.4 and Annex 10-A)

Australia has made "specific commitments" that allow Chinese citizens in the following categories to enter Australia:

- **business visitors** for up to a maximum of 90 days, or 6 months if the business visitor is a service seller;
- **intra-corporate transferees** (executives, managers and specialists) for up to four years;
- **independent executives** for up to four years;
- **contractual service suppliers** for up to four years; and
- **installers and servicers** for up to a maximum of 3 months.

In respect of these categories, Australia has undertaken to:

- grant temporary entry subject to visa application procedures and eligibility requirements;
- not limit the total number of visas granted; and
- not require labour market testing (LMT) or similar procedures.

For "contractual service suppliers", Australia has also guaranteed access for an annual combined total of 1,800 visas for four specified occupations with Chinese characteristics: Chinese chefs, WuShu martial arts coaches, Traditional Chinese Medicine practitioners and Mandarin language tutors.

Australia will also provide the right of entry and stay to dependants and spouses of Chinese citizens that have been granted entry in accordance with the FTA for a period of longer than one year.

China will provide guaranteed access to Australian citizens and permanent residents for the following categories:

- **intra-corporate transferees** for up to three years (including executives, managers and specialists);
- **contractual service suppliers**, in certain sectors, for one year, or longer if stipulated under the relevant contract;
- **installers and maintainers** for up to 180 days; and
- **business visitors** for up to 180 days.

China will also guarantee equivalent entry and stay for dependants and spouses of Australians that have been granted entry as intra-corporate transferees or contractual services suppliers for longer than 12 months.

Side-letter on Skills Assessment and Licensing

A treaty level side-letter sets out a commitment to cooperate to streamline skill assessment processes for temporary skilled labour visas, to encourage streamlining of licencing procedures and to improve access to skills assessment.

Under a commitment made in the side-letter, Australia will change the administrative pathway through which Chinese 457 visa applicants in 10 nominated occupations have their skills verified for the purposes of visa application, bringing China into line with the process used for most other countries (see attached flowchart on skills assessment pathways).

Chinese applicants in the 10 nominated occupations will no longer be required to obtain a formal skills assessment prior to submitting their application or having it considered by DIBP. Rather, they will be required to provide evidence that they have the requisite skills, qualifications and work experience as part of the visa application process. If a visa processing officer is not satisfied with the evidence they will require the applicant to undertake a formal skills assessment at a Registered Training Organisation.

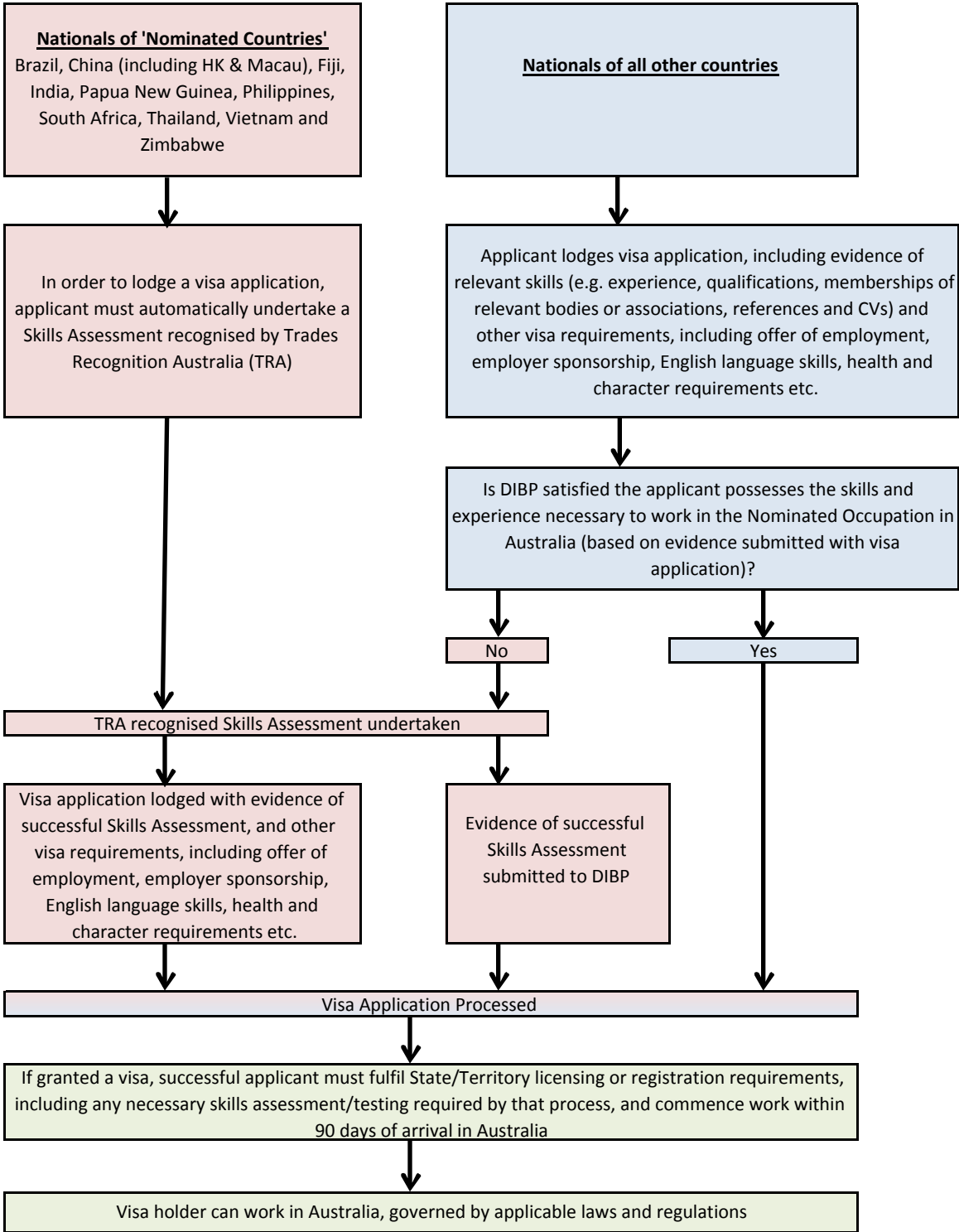
Applicants will also need to meet all the other visa requirements in addition to any Federal, State or Territory licensing or registration requirements.

The side-letter also provides for a review of the remaining occupations on the mandatory skills assessment list for Chinese applicants, with the aim of further reducing the number of occupations or eliminating the requirement within five years.

MOU on an Investment Facilitation Arrangement (IFA)

The IFA MOU was negotiated in parallel to ChAFTA but does not form part of the formal treaty. It is designed to promote Chinese investment in major infrastructure development projects in Australia by providing greater certainty in workforce planning. DIBP's Project Agreement programme, established in 2015, will be used as the basis for implementation of the IFA MOU. Project Agreements allow Australian registered businesses of major infrastructure or resource projects experiencing genuine skills or labour shortages access to skilled temporary overseas workers (see attached flowchart on IFAs).

Skills assessment pathways for applicants applying for a temporary work visa (subclass 457) in Nominated Occupations*



***457 Nominated Occupations**

as of March 2015

Automotive Electrician [321111]
Baker [351111]
Cabinetmaker [394111]
Carpenter [331212]
Carpenter and Joiner [331211]
Chef [351311]
Cook [351411]
Diesel Motor Mechanic [321212]
Driller [712211]
Electrical Linesworker [342211]
Electrician (General) [341111]
Electrician (Special Class) [341112]
Fitter (General) [323211]
Fitter and Turner [323212]
Fitter-Welder [323213]
Joiner [331213]
Metal Fabricator [322311]
Metal Machinist (First Class) [323214]
Metal Fitters and Machinists (not elsewhere classified) [323299]
Motor Mechanic (General) [321211]
Panel Beater [324111]
Pastry Cook [351112]
Pressure Welder [322312]
Sheet Metal Trades Worker [322211]
Technical Cable Joints [322211]
Tool Maker [323412]
Vehicle Painter [324311]
Welder (First Class) [322313]

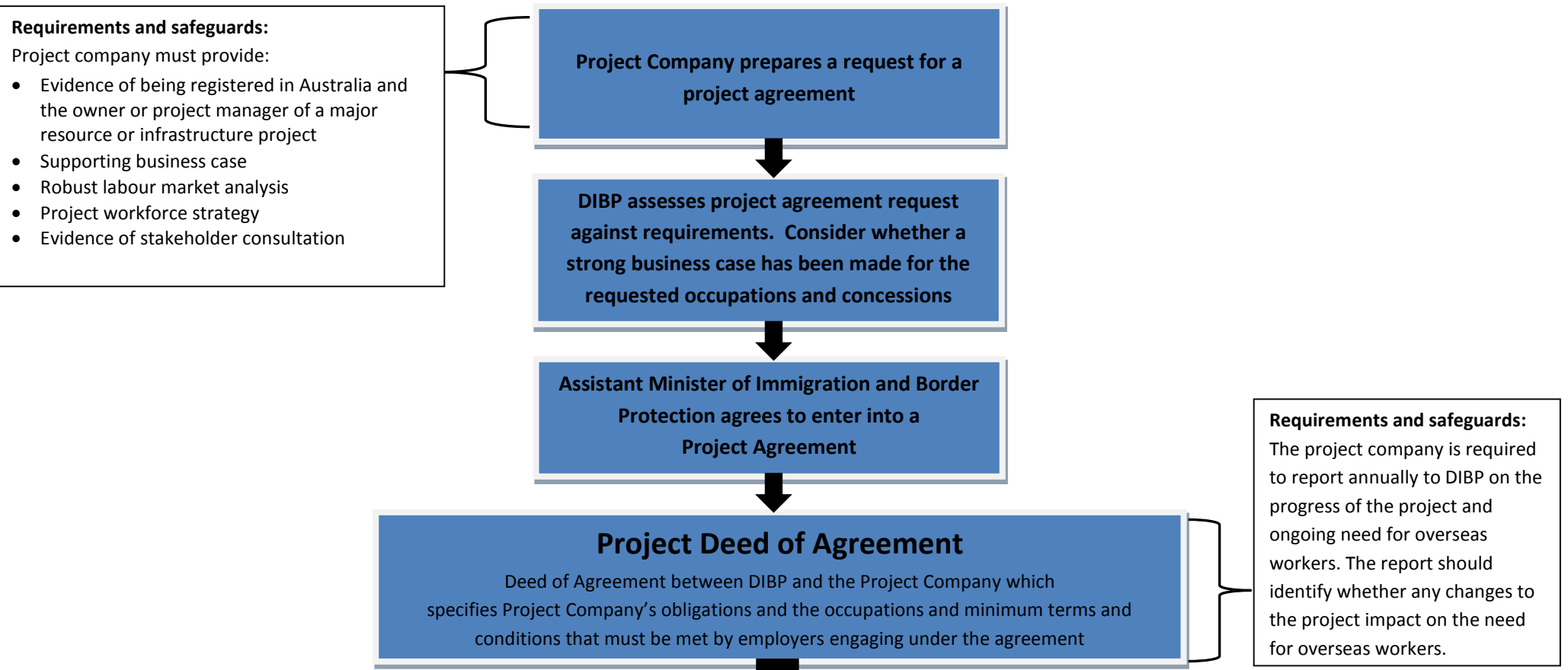
For further information on Nominated Countries and Nominated Occupations see:
<http://www.tradesrecognitionaustralia.gov.au/programs/457/pages/default.aspx>



Step 1: Investment Facilitation Arrangement MoU



Step 2: Project Agreement



Step 3: Labour Agreement

