
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*

**Nationals of 'Nominated Countries'**
Brazil, China (including HK & Macau), Fiji, India, Papua New Guinea, Philippines, South Africa, Thailand, Vietnam and Zimbabwe

In order to lodge a visa application, applicant must automatically undertake a Skills Assessment recognised by Trades Recognition Australia (TRA)

**Nationals of all other countries**

Applicant lodges visa application, including evidence of relevant skills (e.g. experience, qualifications, memberships of relevant bodies or associations, references and CVs) and other visa requirements, including offer of employment, employer sponsorship, English language skills, health and character requirements etc.

Is DIBP satisfied the applicant possesses the skills and experience necessary to work in the Nominated Occupation in Australia (based on evidence submitted with visa application)?

- **No**
- **Yes**

TRA recognised Skills Assessment undertaken

Visa application lodged with evidence of successful Skills Assessment, and other visa requirements, including offer of employment, employer sponsorship, English language skills, health and character requirements etc.

Evidence of successful Skills Assessment submitted to DIBP

Visa Application Processed

If granted a visa, successful applicant must fulfil State/Territory licensing or registration requirements, including any necessary skills assessment/testing required by that process, and commence work within 90 days of arrival in Australia

Visa holder can work in Australia, governed by applicable laws and regulations

*Applicants should consult the Department of Immigration and Border Protection (DIBP) for current information on required pathways and documents*
**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 Jointer [322211]
Tool Maker [323412]
Vehicle Painter [324311]
Welder (First Class) [322313]

For further information on Nominated Countries and Nominated Occupations see:
China-Australia Free Trade Agreement
Investment Facilitation Arrangement/Project Agreement Operation Flowchart

Step 1: Investment Facilitation Arrangement MoU

- Chinese Project Company with Eligible Project under the MOU (i.e., infrastructure development project in a specified sector of more than $150 million in capital expenditure – e.g., a mining infrastructure project or tourism resort development).
- China International Contractors Association recommends project on behalf of Project Company.
- DFAT endorses where evidence is provided that the project:
  - Is at least 50% owned by a Chinese enterprise (or if less than 50% owned, a Chinese enterprise holds a substantial interest).
  - Expected capital expenditure of at least $150 million
  - Is related to infrastructure development within the food and agribusiness; resources and energy; transport, telecommunications, power supply and generation, environmental or tourism sectors.
- Consultation with DIBP

Step 2: Project Agreement

- Project Company prepares a request for a project agreement
- DIBP assesses project agreement request against requirements. Consider whether a strong business case has been made for the requested occupations and concessions
- Assistant Minister of Immigration and Border Protection agrees to enter into a Project Agreement

Project Deed of Agreement
Deed of Agreement between DIBP and the Project Company which specifies Project Company’s obligations and the occupations and minimum terms and conditions that must be met by employers engaging under the agreement

Step 3: Labour Agreement

- Project company endorses each employer
- Each employer requests a labour agreement
- DIBP assesses requests
- Labour Agreement with employer
  Provides terms and conditions of agreement, including agreed occupations, numbers, sponsorship obligations and nomination requirements
- Temporary visas granted

Requirements and safeguards:
- Requirements and safeguards:
  - Evidence of being registered in Australia and the owner or project manager of a major resource or infrastructure project
  - Supporting business case
  - Robust labour market analysis
  - Project workforce strategy
  - Evidence of stakeholder consultation

Requirements and safeguards:
- Requirements and safeguards:
  - The project company is required to report annually to DIBP on the progress of the project and ongoing need for overseas workers. The report should identify whether any changes to the project impact on the need for overseas workers.

Requirements and safeguards:
- Requirements and safeguards:
  - Employers must show DIBP that there is demonstrated labour market need, Australians have been given the first opportunity through evidence of domestic recruitment activity (i.e., labour market testing) and there are no suitably qualified Australians. In addition, they must demonstrate that they:
    - are a direct employer
    - are lawfully operating for at least 12 months
    - are financially viable
    - have no adverse information
    - have had no redundancies in last six months
    - meet training requirements

Requirements and safeguards:
- Requirements and safeguards:
  - Project companies must confirm: employers have been contracted to the project; the type of services being provided; duration of the contract; request for overseas workers is consistent with the contract; and the number of overseas workers being requested is reasonable given current labour market conditions at the location.

Requirements and safeguards:
- Requirements and safeguards:
  - Employers may be given an annual ceiling on the number of overseas workers they can nominate. Numbers in each year will be dependent on a demonstration of ongoing labour market need; compliance with sponsorship obligations, including obligations to provide Australians with the first opportunity for employment and to provide training for Australians employees; and workforce profile. Employers must meet sponsorship obligations throughout period of employment of overseas workers.