



Fact sheet

Training Contracts and Holders of Temporary Work (Skilled) Visa (subclass 457)

A training contract must satisfy the relevant legislative requirements for it to be approved for registration. Sub-regulation 42(2)(cc) of the *Vocational Education and Training (General) Regulations 2009* provides that a training contract may be refused registration if the prospective apprentice or trainee is not an Australian citizen, or their visa does not support the employment and study arrangements of the training contract.

This fact sheet outlines the Department of Training and Workforce Development's position regarding Temporary Work (Skilled) visa (subclass 457) holders wanting to enter into an apprenticeship or traineeship training contract in Western Australia.

TEMPORARY WORK (SKILLED) VISA (SUBCLASS 457)

The Temporary Work (Skilled) visa (subclass 457) allows overseas skilled workers to travel to Australia and work in their nominated occupation for their approved sponsor for up to four years.

Primary 457 visa holders

A primary 457 visa holder is sponsored by an employer on the basis that the visa holder already possesses the required skills and experience relevant and necessary to perform the tasks of the nominated occupation.

A 457 visa holder is required to work in their nominated occupation at the nominated skill level. It follows that a primary 457 visa holder should not be undertaking an apprenticeship or traineeship in their nominated occupation whilst in Australia, as by doing so they are likely to be in breach of their subclass 457 visa conditions. As a result, apprenticeship or traineeship training contracts will not be registered for a primary 457 visa holder.

The Commonwealth Department of Immigration and Border Protection advises that some training (other than an apprenticeship or traineeship) can be undertaken by 457 visa holders. The visa holder must, however, continue to meet visa requirements. Training can be undertaken if required for the 457 visa holder to maintain their skills or meet legislative requirements necessary to perform work within their nominated position.

Apprenticeship Office

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Secondary 457 visa holders

A secondary 457 visa holder is a member of the primary 457 visa holder's family. Secondary 457 visa holders may be eligible to apply to enter into an apprenticeship or traineeship, providing that their visa is valid for the duration of the training contract.

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