



Frequently Asked Questions

Information for subclass 457 visa holders

If you have any queries or concerns about your rights and responsibilities under the 457 visa scheme you should contact the Department of Immigration and Citizenship on 131 881. If you need any help with translating or interpreting contact the Translating and Interpreting Service on 131 450.

The Temporary Business (Long Stay) (subclass 457) visa allows overseas skilled workers to be sponsored by employers to fill positions of need in Australia for up to four years. Below are some frequently asked questions regarding the visa.

Can my sponsor cancel my visa?

No. Your sponsor cannot cancel your visa but they can terminate your employment. If you do stop working for your current sponsor, you have 28 days to find a new sponsor and apply for a new 457 visa. You must phone DIAC on 131 881 or approach a DIAC business centre for advice within this 28 day period to ensure your visa remains valid. You may also have the option of applying for another visa subclass. If you do not apply for another visa, you must leave Australia before the end of the 28 days, unless you have received approval from DIAC for an extension.

If your employment has been terminated by your sponsor, DIAC must be notified. Your sponsor may be required to continue paying you for a period of 28 days.

I signed an employment contract when I was overseas. Is it valid in Australia?

Any contract you have signed with your sponsor or employment agency when you were overseas is only legal in Australia if it meets all Australian laws. When working in Australia on a subclass 457 visa, you are entitled to the same working conditions as Australian permanent residents and citizens. Phone the Workplace Infoline on 1300 363 264 for advice about pay and conditions of employment in Australia.

Can I move to a new sponsor?

Yes. You can move to a new sponsor if you wish to. The new sponsor must agree to sponsor you and be approved by DIAC. You cannot work for a new sponsor unless you have been granted a work visa that allows you to work for them.

Can I bring my family dependants to Australia with me? Are they allowed to work?

You are able to bring members of your immediate family to Australia with you providing they satisfy the requirements for the visa and your sponsor agrees to sponsor them. Your dependants are eligible to both work and study (as an international student) in Australia without restrictions. For further information, phone DIAC on 131 881.

Who should pay for my medical costs if I or a family member gets sick while in Australia?

You and any family dependants should have health insurance for the whole time you are in Australia. If your sponsor has arranged the health insurance, they should be able to give you the details of your health insurance policy. The health insurance payments should not be deducted from your salary without your agreement and must not reduce your salary below the Minimum Salary Level (MSL). If you do not have health insurance and you or your family require treatment in a public hospital, your sponsor is responsible for paying these costs.

What type of accommodation am I allowed to live in?

In Australia you can live wherever you like. If you wish to find your own accommodation you are allowed to do so. Some sponsors may offer to provide accommodation but you may choose not to take their offer. If you do take their offer, they may deduct a fair rent from your salary after tax, but only with your agreement. These payments cannot reduce your salary below the MSL. Local community groups or the local council may be able to help you with this. Rental accommodation is usually advertised in the local newspaper. For information or help in home rental matters, you should contact the Residential Tenancies Authority or Office of Fair Trading in your state or territory. To contact these agencies refer to your local telephone directory, the White Pages or the Internet.

How many hours should I be working? How much money should I be paid?

Your sponsor is required to pay you an annual salary which is at least the Minimum Salary Level (MSL) or the required salary level under the instrument or other industrial agreement (under Australian law). You must be paid the larger of these amounts. You cannot be paid less than the MSL, even if you work fewer than 38 hours in any week. If you believe that you are not being paid correctly, phone DIAC on 131 881 or you can lodge a complaint and have it investigated by contacting the Workplace Ombudsman on 1300 724 200 or visit www.wo.gov.au.

What money can be deducted from my pay?

Under Australian taxation law an amount must be withheld from your salary by your sponsor to pay tax. Your sponsor must send this amount to the Australian Taxation Office (ATO).

No other deductions can be made from your salary unless they are agreed between you and your sponsor. Even if you do agree to other deductions, your employer cannot reduce your salary below the MSL (except for deducting tax as required by law). If your sponsor is deducting money from your salary (except for tax) that reduces your salary below the MSL, contact DIAC on 131 881. Your sponsor must also ensure that you understand what deductions you are agreeing to. You can cancel deduction agreements at any time you choose. If your sponsor is deducting money from your salary that you have not agreed to (except for tax) you can lodge a complaint and have it investigated by contacting the Workplace Ombudsman on 1300 724 200 or visit www.wo.gov.au.

If you believe more money is being deducted than you should be paying, contact the Office of Fair Trading in your state or territory. Contact numbers are available in your local telephone directory, the White Pages or on the Internet.

What do I need to know about Australian workplace relations laws?

It is a legal requirement for employers in the federal workplace relations system to supply a "Workplace Relations" Fact Sheet to all of their employees, both existing and new. New employees must receive it within seven days of commencing work. The fact sheet must be provided to current employees by 20 October 2007. To find out more contact the Workplace Infoline on 1300 363 264 or visit www.workplace.gov.au.

What do I need to know about Australian tax and superannuation?

Everyone employed in Australia is subject to Australian tax law. Australian tax law requires employers to withhold amounts from employees' salary and send the withheld money to the Australian Taxation Office (ATO). The employer is also required to give each employee a statement called a payment summary soon after 30 June each year.

The payment summary sets out the 'gross payments' made to the employee during the year and the 'total tax withheld'. This information is used by the employee to complete their Australian income tax return. The 'total tax withheld' as shown on the payment summary is offset against the employee's Australian income tax. Phone the ATO on 13 28 61 for more information about the tax you should pay.

In most cases, your sponsor must pay your superannuation (pension) contributions. These are in addition to your salary and are not deducted from your salary. In most cases, you have the right to choose which superannuation scheme you would like your superannuation paid into. To find out more about superannuation, phone the ATO on 13 10 20 or visit their website at www.ato.gov.au/super.

People who have entered Australia on a 457 visa which has since expired or been cancelled and who have left Australia since 1 July 2002, may claim any superannuation they have accumulated during their stay in Australia. For more information, visit the DIAC website at www.immi.gov.au/allforms/superannuation.

Do I have to pay the Medicare Levy?

You are eligible to apply for an exemption of payment of the Medicare Levy. You will need to obtain a certificate from the Medicare Levy Exemption Certification Unit of Medicare Australia. When you lodge your tax return, you will be exempt from paying the Medicare Levy if you have the certificate. For more information contact Medicare Australia on 13 20 11 or visit their website at www.medicareaustralia.gov.au.

My workplace is unsafe. What should I do?

If you feel that your workplace is unsafe or you have received no training on workplace safety issues, you should contact the workplace safety agency, such as WorkCover or WorkSafe, in your state or territory. The contact details for these agencies should be in your local telephone directory, the White Pages or on the Internet.

I am being treated unfairly at work. What can I do?

In some circumstances, you are protected from discrimination or unfair treatment in your job. If you are experiencing unfair treatment because of your race, religion, nationality, disability, age, sex, criminal record, sexual preference or trade union activity, you can phone the Human Rights and Equal Opportunity Commission (HREOC) toll free on 1300 656 419. A HREOC representative will discuss your treatment with you and tell you whether you can lodge a complaint. You could also visit their website at www.hreoc.gov.au.

Can I join a union?

Yes. Under Australia's freedom of association laws, everyone has the right to join a union. No one can make you join a union and no one can stop you from joining a union.

Still have concerns?

If you have any complaints or concerns about the way you are being treated while working in Australia contact the:

- Department of Immigration and Citizenship on 131 881 or go to www.immi.gov.au.
- Workplace Ombudsman on 1300 724 200 or go to www.wo.gov.au.
- Human Rights and Equal Opportunity Commission on 1300 656 419 or go to www.hreoc.gov.au.