

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF AUSTRALIA
AND
THE GOVERNMENT OF
THE PEOPLE’S REPUBLIC OF CHINA
ON A WORK AND HOLIDAY VISA ARRANGEMENT**

In the spirit of strengthening ties between their two countries and promoting improved mutual understanding amongst their young people, the Government of Australia and the Government of the People’s Republic of China (“the Participants”) have reached the following understandings in relation to granting “Work and Holiday” visas:

1. ISSUE OF “WORK AND HOLIDAY” VISAS

(a) Subject to the provisions of this Memorandum of Understanding, Australia will grant annually, according to its laws and procedures, up to 5,000 multiple entry “Work and Holiday” visas or authorisations for temporary stay for a period of twelve (12) calendar months to nationals of the People’s Republic of China who the decision-maker is satisfied:

- (i) intend primarily to holiday in Australia for a period of up to twelve (12) calendar months;
- (ii) are at least eighteen (18) years of age but have not turned thirty one (31) at the time of application for a visa;
- (iii) will not be accompanied by dependent children;
- (iv) hold a valid passport and an onward travel ticket or sufficient funds to purchase such a ticket;
- (v) possess sufficient funds for personal support for the purposes of the proposed period of work and holiday in Australia;
- (vi) meet health and character requirements as specified by Australian law;
- (vii) have not previously taken part in Australia’s “Work and Holiday” or “Working Holiday” program;
- (viii) hold tertiary qualifications, or have successfully completed at least two (2) years of undergraduate university study; and

(ix) have a level of proficiency in English which is assessed as at least functional.

(b) The Government of Australia may specify the method and place of lodgement for “Work and Holiday” visa applications lodged by nationals of the People’s Republic of China. “Work and Holiday” visa applications must be lodged at the locations so specified.

(c) Applicants from the People’s Republic of China must pay any fees associated with the visa application.

(d) Nationals of the People’s Republic of China who have applied for a visa under this Memorandum of Understanding may be denied the grant of a visa by the Government of Australia in accordance with the laws and regulations of Australia.

2. ENTRY, STAY AND WORKING CONDITIONS

(a) Subject to paragraph 1, Australia will grant permission to stay in Australia, for a period of twelve (12) calendar months, to nationals of the People’s Republic of China who apply for “Work and Holiday” visas. During such period of stay, and subject to the laws of Australia, holders of a “Work and Holiday” visa will be allowed to leave and re-enter Australia using the same visa.

(b) Nationals of the People’s Republic of China who have entered the territory of Australia on a “Work and Holiday” visa will be required to comply with the laws and regulations of Australia.

(c) The Government of Australia will require “Work and Holiday” visa holders in Australia not to engage in employment that is contrary to the purpose of the “Work and Holiday” arrangement. The Participants do not intend that “Work and Holiday” visa holders will work for the full twelve (12) calendar months of their visit. In particular, the Australian Government will require visa holders to:

(i) have regard to the principal purpose of their stay under the Work and Holiday visa arrangement which is a holiday, with work being incidental to the holiday; and

(ii) not be employed by any one (1) employer for more than six (6) months, unless permission has been granted by the Government of Australia.

(d) The Government of Australia will not permit “Work and Holiday” visa holders to engage in study or training for more than four (4) months during their stay in Australia.

(e) Nationals of the People's Republic of China who have been granted a visa under this Memorandum of Understanding may be denied entry to, or removed from, the territory of Australia in accordance with the laws and regulations of Australia. Removal of such nationals shall be handled in accordance with relevant laws and procedures.

(f) "Work and Holiday" visa holders will not be permitted to remain in Australia on their "Work and Holiday" visa beyond the authorised period of stay of twelve (12) calendar months.

3. REVIEW

As mutually determined, within a period not exceeding three years from the entry into effect of this Memorandum of Understanding, the Participants will meet to review the operation of this Memorandum of Understanding including, without limitation, the provisions of paragraph 1(a). As part of this review, the Participants will consider amendments to allow for a reciprocal Work and Holiday arrangement.

4. SUSPENSION

Subject to paragraph 6(c), the Government of Australia may, for reasons of public administration, public health, public safety, public security or immigration risk, temporarily suspend, in whole or in part, the foregoing provisions relating to entry into or stay in Australia of "Work and Holiday" visa holders who are nationals of the People's Republic of China. Any such suspension will be notified immediately to the People's Republic of China through diplomatic channels. Any such written notice of suspension will stipulate the date that the suspension ends. During the period of the suspension, the Government of Australia will not undertake any tasks under the Memorandum of Understanding which concern the suspended provision(s).

5. AMENDMENT

(a) Amendments to this Memorandum of Understanding may be made at any time by a written arrangement between the Participants through diplomatic channels.

(b) The date of effect of any such amendment will be stipulated in the diplomatic correspondence.

6. COMMENCEMENT AND DURATION

(a) This Memorandum takes effect on:

- (i) the date that the Participants mutually determine and notify to each other in writing through diplomatic channels; or
 - (ii) the first day of the month following the month in which the Government of Australia has notified the Government of the People's Republic of China in writing through diplomatic channels that its domestic procedures for giving effect to this Memorandum of Understanding have been complied with.
- (b) This Memorandum of Understanding will remain in effect unless terminated.
- (c) The Government of Australia may terminate this Memorandum of Understanding by written notice through diplomatic channels to the Government of the People's Republic of China, in which case the date of termination will be the later of:
- (i) the date of termination specified in that written notice; or
 - (ii) the date ninety (90) days following the day that the written notice is received by the Government of People's Republic of China.
- (d) Notwithstanding any termination or suspension of this Memorandum of Understanding or of any provisions of this Memorandum of Understanding, any national of the People's Republic of China who (at the date of such termination or suspension) already holds a valid "Work and Holiday" visa will be permitted to enter and/or remain in Australia according to the terms of that visa for as long as that visa remains valid, subject to Australia's laws and regulations.

7. DISPUTE RESOLUTION

Any disputes between Participants which may arise over the interpretation and/or application of this Memorandum of Understanding will be settled through direct negotiations and consultations.

SIGNED in duplicate at Canberra on the 17th day of June 2015 in the English and Mandarin (standard Chinese) languages, both texts being equally authentic.

For the Government of Australia:

For the Government of the People's Republic of China: