



**EXPLANATORY NOTE FOR AUSTRALIAN EMPLOYERS
INTERNATIONAL RELATIONS (SUBCLASS 403) VISA APPLICATION
MOU ON TRAINEES BETWEEN AUSTRALIA AND SWITZERLAND**

The Memorandum of Understanding (MOU) between Australia and Switzerland provides for the exchange of trainees, who are nationals of either country, to visit the other country to gain professional and trade skills and to improve their linguistic knowledge.

This Explanatory Note—which should be read in conjunction with the MOU—provides background information to Australian Host Employers on the standard Statutory Declaration which provides a streamlined option for employers seeking to engage a Subclass 403 Visa Applicant under this MOU.

1. Is the primary purpose of the position to receive workplace based training and not to work?

- If the primary purpose of the position is to receive workplace based training for a period of up to 12 months in the first instance—to enhance the visa holder’s professional or vocational skills and increase their English proficiency—the MOU is an option.
- However, if the primary purpose is to work (with any training being incidental or to satisfy Australia work safety law), other migration programs or visas may be more appropriate.
- The Department of Jobs and Small Business retains the right to request information from the Australian Host Employer on the workplace based training to be provided to the Subclass 403 Visa Applicant/Holder under this MOU. This may include information on the scope of the workplace based training (including but not limited to: training modules, periods of supervised practice, learning outcomes, and assessment processes); relevance of workplace based training to the previous qualifications and work experience of the Visa Applicant/Holder and to the nominated occupation; and the qualifications of the Employee responsible for the delivery of training to, and supervision of, the Subclass 403 Visa Applicant/Holder.

2. Does the workplace based training position you are offering the subclass 403 visa applicant relate to a “Profession” or “Trade and Technical occupation”? See Attachment A for occupations, noting this may vary (including as a result of changes to ANZSCO).

- In the Australian labour market, Professions are occupations appearing in the Australian and New Zealand Standard Classification of Occupations (ANZSCO) Major Group 2 with a skill level 1. Skill level 1 is aligned to an Australian bachelor degree requiring a minimum of three years full-time tertiary study.
- In the Australian labour market, Trade and Technical occupations appear in ANZSCO Major Group 3 and have a skill level 2 or 3. Skill level 2 is aligned to an Australian diploma requiring a minimum of two years full-time tertiary study and skill level 3 is aligned to an Australian certificate III/IV which may be awarded following the completion of an Australian Apprenticeship.
- ANZSCO is available at [www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/69651C2DD21FE15BCA2575DF001CB1CC/\\$File/12200_2006.pdf](http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/69651C2DD21FE15BCA2575DF001CB1CC/$File/12200_2006.pdf).
- This MOU does not cover Australian Apprentice positions or occupations which do not appear in ANZSCO Major Group 2 or 3 as listed in Attachment A. That is, visa holders cannot undertake workplace based training—or undertake duties associated with occupations which are not identified in Attachment A. For example, Subclass 403 visa holders in Australia under this MOU cannot undertake lesser-skilled or unskilled labouring duties.
- If you are not sure if the position relates to an eligible profession or trade in Australia, please email a copy of the duties for the position to the Department of Jobs and Small Business at swiss-mou@jobs.gov.au. A response will usually be provided to an Australian employer within 10 working days of receipt.

3. As the Australian employer are you satisfied the visa applicant has skills to the Australian standard?

- As subclass 403 visa applicants are not subject to formal skills assessment, the Australian employer will need to be satisfied applicants have skills to the Australian standard for the professional or trade and technical occupation for which they are being recruited.
- If appropriate, the Australian employer needs to be satisfied visa applicants will meet the expectations of their clients and the requirements of any related contracts.

4. Does the visa applicant hold all relevant licensing, registration or certification required by applicable Australian law for the profession/trade/technical occupation and/or industry of employment?

- See 3 above. Detailed information—including on provisional and conditional licensing arrangements—is on the websites of relevant Australian assessing authorities or on the website of the relevant Australian registration or licensing body. Some useful information and links to the websites and information portals is available at www.licencerecognition.gov.au/Pages/default.aspx.
- It is non-lawful for a Subclass 403 Visa Holder to work—or undertake workplace based training—in Australia without satisfying applicable Australian licensing/registration requirements and (as appropriate) holding all relevant Australian industry certification which may include character checks and formal training.

5. Have you offered the visa applicant an employment contract (or contract of service) which includes salary and employment conditions which comply with all applicable Australian workplace law and standards (including but not limited to awards, agreements, superannuation, workers' compensation and workplace health and safety)?

- Salary and conditions must be aligned with the applicable Australian industrial instrument (includes awards and agreements) which applies to the position and/or workplace in which the trainee will be employed. Information on individual awards and conditions can be found at www.fairwork.gov.au. For workplaces not covered by the *Fair Work Act 2009*, advice can be sought from the relevant state government industrial relations body.
- The employment contract should not:
 - Refer to an Australian Apprenticeship position (includes apprentices and trainees) which include an Australian citizenship or permanent residence requirement. It is less likely—given the MOU is specific to professional and trade occupations—that the national minimum wage will apply.
 - Refer to any period of unpaid work or unpaid work placement.
 - Relate to a position where the primary purpose is for work (rather than workplace based training).
- If the employment contract refers to deductions, then for workplaces covered by the *Fair Work Act 2009*, deductions can only be made in certain circumstances including when the deduction is authorised (see section 324 of the *Fair Work Act 2009*):
 - In writing by the employee and is principally for the employee's benefit;
 - By the employee in accordance with an enterprise agreement or modern award.
- The employment contract should propose the length of time for training position (of up to 12 months in the first instance).
- The MOU does not provide for the entry of independent contractors.

6. Process Arrangements

- Australian employers should contact the Department of Jobs and Small Business (swiss-mou@jobs.gov.au) prior to submitting a Statutory Declaration to arrange a teleconference to ensure the workplace based training is in scope of the MOU. Information may also be provided on other labour market and workplace relations issues during this teleconference.
- The Department of Jobs and Small Business has not appointed any third party to provide advice on labour market and workplace relations issues associated with this MOU. There is no role for labour hire firms or recruitment agents or other companies in the management of this MOU.

ELIGIBLE “PROFESSIONAL” AND “TRADE AND TECHNICAL OCCUPATIONS”

The following is a list of occupations covered by the Australia Swiss MOU for Trainees based on the skill level of the occupations in the Australian labour market as classified in the Australian and New Zealand Standard Classification of Occupations. The following list does not reflect occupations with shortages, recruitment difficulties or unmet demand in the Australian labour market and should not be referred to as such.

The following list contains a number of occupations for which mandatory licensing, registration and or certification requirements apply in the Australian labour market. Employers should ensure that subclass 403 visa holders entering Australia under this MOU satisfy these mandatory requirements.

Employers should read the duties associated with the occupation in ANZSCO before completing a Statutory Declaration, noting subclass 403 visa holders should not undertake duties associated with any other occupation and cannot perform less-skilled or unskilled (labouring) work.

Occupation	ANZSCO
Commodities Trader	222111
Finance Broker	222112
Insurance Broker	222113
Financial Market Dealer	222211
Futures Trader	222212
Stockbroking Dealer	222213
Financial Investment Manage	222300
Financial Investment Adviser	222311
Human Resource Adviser	223111
Recruitment Consultant	223112
ICT Trainer	223211
Training and Development Professional	223311
Actuary	224111
Mathematician	224112
Statistician	224113
Health Information Manager	224213
Records Manager	224214
Economist	224311
Land Economist	224511
Valuer	224512
Librarian	224611
Management Consultant	224711
Organisations and Methods Analyst	224712
Liaison Officer	224912
Advertising Specialist	225111
Market Research Analyst	225112
Market Specialist	225113
ICT Account Manager	225211
ICT Business Development Manager	225212
ICT Sales Representative	225213
Public Relations Professional	225311
Sales Representative (Industrial Products)	225411

Sales Representative (Medical and Pharmaceutical Products)	225412
Aeroplane Pilot	231111
Flying Instructor	231113
Helicopter Pilot	231114
Marine Surveyor	231215
Architect	232111
Landscape Architect	232112
Surveyor	232212
Cartographer	232213
Fashion Designer	232311
Industrial Designer	232312
Jewellery Designer	232313
Graphic Designer	232411
Illustrator	232412
Multimedia Designer	232413
Web Designer	232414
Interior Designer	232511
Urban and Regional Planner	232611
Chemical Engineer	233111
Materials Engineer	233112
Civil Engineer	233211
Geotechnical Engineer	233212
Quantity Surveyor	233213
Structural Engineer	233214
Transport Engineer	233215
Electrical Engineer	233311
Electronics Engineer	233411
Industrial Engineer	233511
Mechanical Engineer	233512
Production or Plant Engineer	233513
Mining Engineer (Excluding Petroleum)	233611
Petroleum Engineer	233612
Aeronautical Engineer	233911
Agricultural Engineer	233912
Biomedical Engineer	233913
Environmental Engineer	233915
Naval Architect	233916
Agricultural Consultant	234111
Agricultural Scientist	234112
Forester	234113
Chemist	234211
Food Technologist	234212
Wine Maker	234213
Conservation Officer	234311
Environmental Consultant	234312
Environmental Research Scientist	234313
Park Ranger	234314
Geologist	234411
Geophysicist	234412
Hydrogeologist	234413
Biochemist	234513
Biotechnologist	234514

Botanist	234515
Marine Biologist	234516
Microbiologist	234517
Zoologist	234518
Medical Laboratory Scientist	234611
Veterinarian	234711
Conservator	234911
Metallurgist	234912
Meteorologist	234913
Physicist	234914
Physicist (Medical Physicist only)	234914
Exercise Physiologist	234915
Art Teacher (Private Tuition)	249211
Dance Teacher (Private Tuition)	249212
Drama Teacher (Private Tuition)	249213
Music Teacher (Private Tuition)	249214
Dietician	251111
Nutritionist	251112
Medical Laboratory Technician	251211
Medical Diagnostic Radiographer	251211
Medical Radiation Therapist	251212
Sonographer	251214
Environmental Health Officer	251311
Occupational Health and Safety Adviser	251312
Optometrist	251411
Orthoptist	251412
Hospital Pharmacist	251511
Industrial Pharmacist	251512
Retail Pharmacist	251513
Health Promotion Officer	251911
Orthotist or Prosthetist	251912
Chiropractor	252111
Osteopath	252112
Acupuncturist	252211
Homeopath	252212
Naturopath	252213
Dental Specialist	252311
Dentist	252312
Occupational Therapist	252411
Physiotherapist	252511
Podiatrist	252611
Audiologist	252711
Midwife	254111
Nurse Researcher	254212
Registered Nurse (Aged Care)	254412
Registered Nurse (Child and Family Health)	254413
Registered Nurse (Community Health)	254414

Registered Nurse (Critical Care and Emergency)	254415
Registered Nurse (Developmental Disability)	254416
Registered Nurse (Disability and Rehabilitation)	254417
Registered Nurse (Medical)	254418
Registered Nurse (Medical Practice)	254421
Registered Nurse (Mental Health)	254422
Registered Nurse (Perioperative)	254423
Registered Nurse (Surgical)	254424
Registered Nurse (Paediatric)	254425
ICT business Analyst	261111
Systems Analyst	261112
Multimedia Specialist	261211
Web Developer	261212
Analyst Programmer	261311
Developer Programmer	261312
Software Engineer	261313
Software Tester	261314
Database Administrator	262111
ICT Security Specialist	262112
Systems Administrator	262113
Computer Network and Systems Engineer	263111
Network Administrator	263112
Network Analyst	263113
ICT Quality Assurance Engineer	263211
ICT Support Engineer	263212
ICT Systems Test Engineer	263213
Telecommunications Engineer	263311
Telecommunications Network Engineer	263312
Barrister	271111
Intellectual Property Lawyer	271214
Solicitor	271311
Drug and Alcohol Counsellor	272112
Family and Marriage Counsellor	272113
Rehabilitation Counsellor	272114
Student Counsellor	272115
Clinical Psychologist	272311
Educational Psychologist	272312
Organisational Psychologist	272313
Psychotherapist	272314
Historian	272411
Interpreter	272412
Translator	272413
Archaeologist	272414
Social Worker	272511
Community Arts Worker	272611
Recreation Officer	272612
Welfare Worker	272613
Operating Theatre Technician	311214
Pharmacy Technician	311215
Pathology Collector (Australia)	311216
Chemistry Technician	311411
Earth Science Technician	311412

Life Science Technician	311413
School Laboratory Technician	311414
Hydrographer	311415
Building Associate	312112
Construction Estimator	312114
Plumbing Inspector	312115
Surveying or Spatial Science Technician	312116
Civil Engineering Draftsperson	312211
Civil Engineering Technician	312212
Electronic Engineering Draftsperson	312311
Electrical Engineering Draftsperson	312311
Electronic Engineering Technician	312312
Electrical Engineering Technician	312312
Mechanical Engineering Draftsperson	312511
Mechanical Engineering Technician	312512
Maintenance Planner	312911
Metallurgical or Materials Technician	312912
Hardware Technician	313111
ICT Customer Support Officer	313112
Web Administrator	313113
Radio Communications Technician	313211
Telecommunications Field Engineer	313212
Telecommunications Network Planner	313213
Telecommunications Technical Officer or Technologist	313214
Automotive Electrician	321111
Motor Mechanic (General)	321211
Motorcycle Mechanic	321213
Small Engine Mechanic	321214
Metal Fabricator	322311
Pressure Welder	322312
Welder (First Class)	322313
Aircraft Maintenance Engineer (Avionics)	323111
Aircraft Maintenance Engineer (Mechanical)	323112
Aircraft Maintenance Engineer (Structures)	323113
Fitter (General)	323211
Fitter and Turner	323212
Metal Machinist (First Class)	323214
Textile, Clothing and Footwear Mechanic	323215
Engraver	323311
Gunsmith	323312
Locksmith	323313
Precision Instrument Maker and Repairer	323314
Saw Maker and Repairer	323315
Watch and Clock Maker and Repairer	323316
Engineering Patternmaker	323411
Toolmaker	323412
Panelbeater	324111
Vehicle Body Builder	324211

Vehicle Trimmer	324212
Vehicle Painter	324311
Stonemason	331112
Carpenter and Joiner	331211
Carpenter	331212
Joiner	331213
Floor Finisher	332111
Painting trades workers	332211
Glazier	333111
Fibrous Plasterer	333211
Solid Plasterer	333212
Roof Tiler	333311
Plumber (General)	334111
Airconditioning and Mechanical Services Plumber	334112
Drainer	334113
Gasfitter	334114
Roof plumber	334115
Electrician (General)	341111
Electrician (Special Class)	341112
Lift Mechanic	341113
Airconditioning and Refrigeration Mechanic	342111
Electrical Linesworker	342211
Business Machine Mechanic	342311
Communicators Operator	342312
Electronic Equipment Trades Worker	342313
Electronic Instrument Trades Worker (General)	342314
Electronic Instrument Trades Worker (Special Class)	342315
Cabler (Data and Telecommunications)	342411
Telecommunications Cable Joiner	342412
Telecommunications Linesworker	342413
Telecommunications Technician	342414
Pastrycook	351112
Butcher or Smallgoods Maker	351211
Horse Trainer	361112
Zookeeper	361114
Shearer	361211
Veterinary Nurse	361311
Florist	362111
Arborist	362212
Landscape Gardener	362213
Greenkeeper	362311
Print Finisher	392111
Screen Printer	392112
Graphic Pre-press Trades Worker	392211
Printing Machinist	392311
Small Offset Printer	392312
Canvas Goods Fabricator	393111
Leather Goods Maker	393112
Sail Maker	393113
Shoemaker	393114
Apparel Cutter	393211
Clothing Pattern Maker	393212

Dressmaker or Tailor	393213
Upholsterer	393311
Cabinetmaker	394111
Furniture Finisher	394211
Picture Framer	394212
Wood Machinist	394213
Wood Turner	394214
Boat Builder and Repairer	399111
Shipwright	399112
Chemical Plant Operator	399211
Gas or Petroleum Operator	399212
Power Generator Plant Operator	399213
Gallery or Museum Technician	399311
Library Technician	399312
Jeweller	399411
Make Up Artist	399514
Musical Instrument Maker or Repairer	399515
Signwriter	399611
Interior Decorator	399912
Optical Mechanic	399914
Plastics Technician	399916
Wool Classer	399917
Fire Protection Equipment Technician	399918