

Visa Work Limitations – Student & Working Holiday Visas

This fact sheet sets out work conditions for certain visa types that are common to the education sector. Australian employers could face infringements or civil penalties if they allow illegal work regardless of whether they knew someone was an illegal worker or not. Department of Home Affairs expects employers to take reasonable steps to make sure they are not employing, referring or contracting illegal workers and that their employees abide by the terms and conditions of the particular visa they have been granted.

Summary - Student Visa Holders

If you are a student visa holder, you and your dependant family members have permission to work as part of your visa. You and your family members must not breach the work conditions that apply to your student visa.

It is important to note that from 1 July 2016 the Department of Home Affairs have combined a number of visa types into one SubClass being the **500 Student Visa** - <https://www.homeaffairs.gov.au/trav/visa-1/500->. Previously the following visa subclasses were available of which you may still be a holder:

- [Independent ELICOS sector visa \(subclass 570\)](#)
- [School Sector visa \(subclass 571\)](#)
- [Vocational Education and Training Sector visa \(subclass 572\)](#)
- [Higher Education Sector Visa \(subclass 573\)](#)
- [Postgraduate Research Sector Visa \(subclass 574\)](#)
- [Non Award Sector visa \(subclass 575\)](#)
- [Foreign Affairs or Defence sector visa \(subclass 576\)](#)
- [Student Guardian Visa \(subclass 580\)](#)

Any renewals of above subclasses will need to be via the 500 Student Visa.

Definitions

Work conditions

You cannot work until you have commenced your course in Australia. Once your course has commenced you are permitted to work a maximum of 40 hours per fortnight when your course is **in session**, and unlimited hours when your course is **out of session**.

Any family members who are listed as secondary visa holders on the primary student visa must not start work until the primary student visa holder has started their course.

Work that is formally registered as part of your course is not included in the 40 hours per fortnight limitation.

Student visa holders and their dependants who are subject to visa condition [8104 or 8105](#), may take part in volunteer work outside of the 40 hours per fortnight work limitation if:

- their main purpose is to study in Australia and voluntary work remains secondary to this, and
- the work involved would not otherwise be undertaken by an Australian resident, and
- the work is genuinely voluntary for a non-profit organisation and no remuneration, in cash or kind, is received in return for the activity.

Unpaid work that does not fit within the above description of volunteer work, is counted towards the 40 hours per fortnight limitation.

If you are a postgraduate research student:

- you can work a maximum of 40 hours per fortnight during any preliminary courses you undertake
- if you have commenced your masters by research or doctoral degree in Australia, there is no limit on the number of hours you may work.

Fortnight

A fortnight is a period of 14 days commencing on any Monday and ending on the second following Sunday.

An example of how 40 hours a fortnight is calculated: After their course has commenced, a student visa holder works the following numbers of hours over a four week period:

- week one - 15 hours work
- week two - 25 hours work
- week three - 25 hours work
- week four - 10 hours work.

In the above example, the total hours worked in week two and week three is more than 40 hours. This means the student is non-compliant with the work limitation and may be subject to visa cancellation.

Defining course in session and out of session

We consider your course to be **in session**:

- for the duration of the advertised semesters, including exam periods
- when you are undertaking another course, during a break from your main course and points from that course will be credited to your main course.

We consider your course to be **out of session**:

- during scheduled course breaks
- if your course has been deferred or suspended in line with [Standard 9 of the National Code of Practice for Providers of Education and Training to Overseas Students](#)
- if you have completed your course as scheduled (as per the dates listed on your CoE) and still hold a valid student visa
- if your enrolment has been cancelled due to the [default of your education provider](#) until you secure alternative enrolment and commence the course.

Refer to Appendix 1, 2 & 3 for specifics relating to work limitation condition number (e.g. 8105, 8106 etc.)

Summary – Working Holiday Visa Holders

If you are a Working Holiday SubClass 417 visa holder, this is viewed as a temporary visa for young people who want to holiday and work in Australia for up to a year. It is a temporary visa that encourages cultural exchange and closer ties between Australia and eligible countries.

Working in Australia – six months with one employer: You can generally only work six months with one employer in any capacity (i.e. part-time, full-time). More information is available at [Working in Australia – six months with one employer](#)

Appendix 1

The table below describes the conditions that apply to all student visa holders.

Conditions that apply to all student visa holders

Condition number	Who this applies to	Description
8105	All students	<p>You cannot work more than 40 hours per fortnight when your course is in session (other than work which has been registered as a part of the course). A fortnight means any period of 14 days commencing on a Monday and ending at the end of the second following Sunday.</p> <p>You can work for more than 40 hours per fortnight during recognised vacation periods offered by your education provider.</p> <p>You cannot start paid work until you have started your course in Australia.</p> <p>No work limits apply if you are studying a Masters by research or Doctorate course in Australia.</p>
8202	All students	<p>You must remain enrolled in a registered course (unless you are a Foreign Affairs or Defence sponsored student or secondary exchange student in which case you must maintain full-time enrolment in your course of study or training). Note: A registered course is one that is on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).</p> <p>You must maintain enrolment in a registered course that is the same level as, or at a higher level than, the registered course for which you were granted a visa. See: Changing courses</p> <p>You must maintain satisfactory attendance in your course and course progress for each study period as required by your education provider.</p>
8501	All students	<p>You must maintain adequate arrangements for health insurance during your stay in Australia. Note: Under policy, you must maintain Overseas Student Health Cover (OSHC).</p>
8516	All students	<p>You must continue to satisfy the requirements for grant of your student visa. This means, for example, that you continue to have sufficient financial capacity to support your study and stay in Australia.</p>
8517	All students	<p>You must maintain adequate schooling arrangements for your school-age dependents who joined you in Australia for more than 3 months as part of your student visa application.</p>

Cont.

Condition number	Who this applies to	Description
8532	All students	<p>If you are younger than 18 years of age, you must have accommodation and support, and your general welfare must be maintained for the duration of your stay in Australia.</p> <p>To maintain your welfare, you must stay in Australia with:</p> <ul style="list-style-type: none"> • your parent or legal custodian or • a relative who has been nominated by your parents or custodians who is aged over 21 and is of good character or • have accommodation, support and general welfare arrangements in place that have been approved by your education provider. <p>You must not change your arrangements without the written approval of your education provider.</p> <p>If your welfare arrangements are approved by your education provider you must not travel to Australia until your welfare arrangements start.</p>
8533	All students	<p>You must tell your education provider:</p> <ul style="list-style-type: none"> • the address where you live in Australia within seven days of arriving in Australia • if you change the address where you live within seven days of the change • if you change education provider within seven days of receiving the electronic confirmation of enrolment certificate or evidence of enrolment.
8535	DFAT/Defence sponsored students	<p>While you remain in Australia, you are not entitled to be granted a further substantive visa, other than:</p> <ul style="list-style-type: none"> • a protection visa • a Student visa (subclass 500) granted on the basis of support from the Commonwealth government or a foreign government. <p>Note: The effect of this visa condition is that, except in extremely limited circumstances, it will not be possible for you to remain in Australia beyond the date authorised by your visa.</p>

Cont.

Condition number	Who this applies to	Description
8203	All Iranian citizens studying higher education or postgraduate courses	<p>You must not change your course of study, or your thesis or research topic, unless approval is given by the Department after it has obtained an assessment from the competent Australian authorities. If you are considering changing your thesis, major or research topic you must complete Form 1221 - Additional personal particulars information (PDF 290KB) and submit to Adelaide.student.centre@border.gov.au. Your subject line must be '8203/8204 assessment'.</p>
8204	All Iranian citizens studying higher education or postgraduate courses	<p>We must grant approval for you to start or change a:</p> <ul style="list-style-type: none">• graduate certificate• graduate diploma• master's degree• doctorate• a bridging course that is a prerequisite to a course of study or research for a master degree or a doctorate. <p>You must not start or change course unless we have given approval and we have obtained an assessment from competent Australian authorities. If you are considering changing your course, you must complete Form 1221 - Additional personal particulars information (PDF 290KB) and submit to Adelaide.student.centre@border.gov.au. Your subject line must be 8203/8204 assessment.</p>

Appendix 2

The table below describes the conditions that might be attached to a student visa. You can find your visa conditions in [VEVO](#).

Conditions that might be attached to a student visa

No.	Who this might apply to	Description
8303	Any student	You must not be involved in activities that are disruptive to, or in violence threaten harm to, the Australian community or a group within the Australian community.
8534	Any student	<p>While you remain in Australia, you are not entitled to be granted a further substantive visa, other than:</p> <ul style="list-style-type: none"> • a protection visa • a Temporary Graduate visa (subclass 485) • a Student Guardian visa (subclass 590).
8535	Students sponsored by the Commonwealth or a foreign government	<p>while you remain in Australia, you are not entitled to be granted a further substantive visa, other than:</p> <ul style="list-style-type: none"> • a protection visa • a Student visa (subclass 500) granted on the basis of support from the Commonwealth government or a foreign government <p>Note: The effect of this visa condition is that, except in extremely limited circumstances, it will not be possible for you to remain in Australia beyond the date authorised by your visa.</p>

Appendix 3

The visas of members of your family unit have conditions that your family must comply with.

Conditions that might be attached to your family members

Condition number	Who this applies to	Description
8104	All family member visa holders	<p>You cannot work more than 40 hours per fortnight. A fortnight means the period of 14 days starting on a Monday.</p> <p>You must not start work until the primary student visa holder has started their course.</p> <p>Exceptions - family members of the following students can work unlimited hours once the primary student visa holder has started their course:</p> <ul style="list-style-type: none"> • students studying a master's by coursework or research degree • students studying doctorate degree.
8201	All family member visa holders who are over 18 years of age	You cannot study for more than three months while in Australia. This condition applies to student dependent visa holders who were 18 years of age or older when the visa was granted.
8516	All family member visa holders	<p>You must meet the requirements for your student visa.</p> <p>For example, you must continue to be a member of the family of the primary applicant and you must continue to have enough money for stay in Australia.</p> <p>See: Applying for a Student Visa</p>
8501	All family member visa holders	You must have health insurance during your stay in Australia. You must maintain Overseas Student Health Cover (OSHC).
8204	All Iranian citizens	<p>We must grant approval for you to start or change a course or a thesis or research topic for a:</p> <ul style="list-style-type: none"> • graduate certificate • graduate diploma • master's degree • doctorate • bridging course that is a prerequisite to a course of study or research for a master degree or a doctorate. <p>You must not start or change course without approval from the Department and the Department has obtained an assessment from competent Australian authorities. If you are considering changing your course you must complete Form 1221 - Additional personal particulars information and submit to Adelaide.student.centre@border.gov.au. Your subject line must be '8203/8204 Assessment'.</p>

Cont.

Condition number	Who this applies to	Description
8303	This is not a mandatory condition but we might apply it to any student family visas.	You must not be involved in any activities that are disruptive to, or in violence threatening harm to, the Australian community or a group within the Australian community.
8518	All family member visa holders under 18 years of age	Schooling arrangements must be maintained while in Australia. This condition applies to dependant student visa holders who are under 18 years of age, while they are in Australia.
8534	This is not a mandatory condition but we might apply it to any student family visas.	You are not entitled to be granted a further substantive visa, while you remain in Australia, other than: <ul style="list-style-type: none">• a protection visa• a Temporary Graduate (subclass 485) visa• a Student Guardian (subclass 590) visa. The effect of this visa condition is that, except in extremely limited circumstances, you cannot stay in Australia beyond the date on your visa.