

EXPLANATORY STATEMENT

Migration Regulations 1994

ARRANGEMENTS FOR WORK AND HOLIDAY AND WORKING HOLIDAY

VISA APPLICATIONS 2016/101

(items 1224A and 1225 and paragraph 462.221(c))

1. Instrument IMMI 16/101 is made under paragraph 462.221(c) of Schedule 2 to the *Migration Regulations 1994* (the Regulations) and subregulation 2.07(5) of the Regulations for the purposes of items 1224A and 1225 of Schedule 1.
2. The Instrument revokes IMMI 16/056 (F2016L00676) in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*, which states where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.
3. The Instrument operates to:
 - a. specify foreign countries that have issued a valid passport that an applicant making a Work and Holiday (Temporary) (Class US) visa application must hold;
 - b. specify education qualifications applicable to an applicant making a Work and Holiday (Temporary) (Class US) visa application;
 - c. specify the place and manner for making a valid Working Holiday (Temporary) (Class TZ) and Work and Holiday (Temporary) (Class US) visa application; and
 - d. specify that applicants holding a passport issued by specified foreign countries are a class of persons who do not have to provide evidence of government support for the grant of a Work and Holiday (Temporary) (Class US) visa.
4. The purpose of the Instrument to:
 - a. specify the place and manner for making an application for a Work and Holiday (Temporary) (Class US) visa for an applicant who is, or has previously been, the holder of a Work and Holiday (Temporary) (Class US) visa;

- b. remove the Islamic Republic of Iran from the list of foreign countries that have issued a valid passport that an applicant lodging a Work and Holiday (Temporary) (Class US) visa application must hold; and
 - c. remove the Islamic Republic of Iran from the class of persons who do not have to provide evidence of government support for the grant of a Work and Holiday (Temporary) (Class US) visa.
5. In preparation of this Instrument, consultation was undertaken with the Office of Northern Australia and with industry stakeholders through the Tourist Visa Advisory Group. The Northern Australian taskforce, which was based in the Department of the Prime Minister and Cabinet, also undertook extensive consultation in developing the White Paper as a whole.
6. The Office of Best Practice Regulation (OBPR) has advised that a Regulatory Impact Statement is required (OBPR Reference 19212) for Establishing a second Work and Holiday (subclass 462) visa initiative for northern Australia to support tourism and agriculture. The prepared statement is at **Attachment A** to this Explanatory Statement.
7. The Senior Executive Service, Band two, Visa and Citizenship Management Division was delegated the powers contained in subregulation 2.07(5) of the Regulations and paragraph 462.221(c) of Schedule 2 to the Regulations in Instrument of Delegation DEL 16/048, signed on 4 August 2016.
8. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*, the Instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
9. The Instrument commences immediately after the commencement of the *Migration Legislation Amendment (2016 Measures No. 4) Regulation 2016*.

Attachment A**SHORT-FORM REGULATION IMPACT STATEMENT**

Name of department/agency: Department of Immigration and Border Protection (DIBP)

OBPR reference number: **19212**

Name of proposal: Establishing a second Work and Holiday (subclass 462) visa initiative for northern Australia to support tourism and agriculture.

Summary of the proposed policy and any options considered:

Work and Holiday (subclass 462) visa holders who undertake three months (88 days) work in the tourism or agriculture in northern Australia will acquire eligibility for a second Work and Holiday visa.

This will create an incentive encouraging Work and Holiday visa holders to perform tourism or agriculture work in northern Australia during their stay, thereby assisting the industry with its short term seasonal labour needs and also encouraging increased tourism visitation to the region.

What are the regulatory impacts associated with this proposal? Explain

The Department expects the proposal to result in a relatively minor increase of regulatory burden in the form of an increased number of Work and Holiday (subclass 462) visa applications from participants.

What are the regulatory costs associated with this proposal? Explain and quantify.

As there is expected to be an increase in the total number of Work and Holiday (subclass 462) visa applications as a result of the proposal, there will be a notional increase in regulatory cost associated with the time taken to complete these additional visa applications.

Based on participation rates in the existing second Working Holiday (subclass 417) visa initiative, which is similar in nature to the Work and Holiday proposal, it is expected that around one in every five Work and Holiday participants will acquire a second Work and Holiday visa. As there were 10,214 Work and Holiday visas were granted in 2013-14, this would translate to approximately 2,000 new Work and Holiday visa applications as a direct result of the proposal.

We therefore calculate the regulatory costs of this proposal to be \$29,000 per annum. This costing has been assessed and agreed by the Office of Best Practice Regulation (OBPR) under the Regulatory Burden Management Framework, and is quantified in the regulatory burden and cost offset estimate table below.

Regulatory burden and cost offset estimate table:

Average annual regulatory costs (from business as usual)				
Change in costs (\$ million)	Business	Community organisations	Individuals	Total change in cost

Average annual regulatory costs (from business as usual)				
Total, by sector	\$0	\$0	\$0.029	\$0.029
Cost offset (\$ million)	Business	Community organisations	Individuals	Total, by source
Agency	\$0	\$0	(\$0.679)	(\$0.679)
Are all new costs offset?				
<input checked="" type="checkbox"/> Yes, costs are offset <input type="checkbox"/> No, costs are not offset <input type="checkbox"/> Deregulatory—no offsets required				
Total (\$0.029 – \$0.679) (\$ million) = (\$0.65)				

What are the offsets for the regulatory costs associated with this proposal?

The department proposes to use the reduction in regulatory burden of \$679,000 per annum from the continuing expansion of online lodgement for visitor visas in China and India (OBPR ID 19031) to fully offset this regulatory cost.