

EXPLANATORY STATEMENT*Migration Regulations 1994***ARRANGEMENTS FOR APPLICATIONS FOR BRIDGING VISAS 2016/095**

(Items 1301, 1302, 1303, 1304, 1305, 1306 – Bridging A, B, C, D, E and F visas)

1. Instrument IMMI 16/095 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations) for items 1301, 1302, 1303, 1304, 1305 and 1306 of Schedule 1 to the Regulations.
2. The Instrument revokes IMMI 16/014 (F2016L00554) under subregulation 2.07(5) of the Regulations and 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. For sections 45 and 46 of the *Migration Act 1958* (which deal with applications for visas), subregulation 2.07(5) of the Regulations empowers the Minister to make legislative instruments specifying the requirements in relation to the approved form for making an application, the way in which an application for a visa must be made and the place at which an application must be made. This instrument specifies those requirements for visas Bridging A (Class WA), Bridging B (Class WB), Bridging C (Class WC), Bridging D (Class WD), Bridging E (Class WE) and Bridging F (Class WF).
4. The purpose of this Instrument is to update the forms listed as approved forms for making an application for an Item 1301 Bridging A (Class WA), an Item 1303 Bridging C (Class WC), or an Item 1305 Bridging E (Class WE). Additionally the Instrument also specifies that applications for Bridging E (Class WE) visas made on paper forms 1005 and 1008 may not be sent by fax. These amendments do not affect the lodgement methods available for applications for Bridging E (Class WE) visas on forms other than 1005 and 1008, or for applications for other visa classes dealt with in this Instrument.

5. The Department of Immigration and Border Protection (the Department) consulted extensively in developing the new visa framework. In September 2014, the Department issued a discussion paper and received 68 submissions. The submissions were considered in the formulation of a proposed framework that was released for consultation in December 2014. Responses were received from 71 industry stakeholders. In April 2015, the Department again sought stakeholder views by conducting a survey and received 1177 responses. The responses were considered by the Department in formulating the final framework.
6. Adjacent to this review, the Department and the Ministry for the Arts undertook a joint review of the Entertainment (subclass 420) visa and released a discussion paper on 12 January 2015, which provided an overview of a range of deregulation opportunities and proposed changes to longstanding VAC concessions. Sixty-three key stakeholders, including unions, entertainment bodies, current sponsors, relevant government agencies and migration agents were advised of the review. The department met with a number of stakeholders to discuss their comments about the range of deregulation opportunities raised in the paper. Most recently, public information sessions on the temporary activity visas were conducted in Perth, Melbourne, Brisbane and Sydney from 23 to 30 September 2016.
7. The Office of Best Practice Regulation (OBPR) has been consulted and advised that a Regulation Impact Statement is not required in relation to this Instrument (OBPR Reference: 21280).
8. Under section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015* and paragraph 44(2)(b) of the *Legislation Act 2003*, this Instrument is exempt from disallowance and therefore a Statement of Compatibility with Human Rights is not required.
9. The Instrument commences on 19 November 2016.