

EXPLANATORY STATEMENT

Migration Regulations 1994

**CLASS OF PERSONS FOR TEMPORARY ACTIVITY (CLASS GG) VISA AND
EVENTS AND CLASS OF PERSONS FOR SUBCLASS 408 (TEMPORARY
ACTIVITY) VISA 2016/105**

(subitem 1237(2) and paragraphs 408.229(b) and 408.229(c))

1. Instrument IMMI 16/105 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations) for the purposes of subitem 1237(2) of Schedule 1 to the Regulations, and also under paragraphs 408.229(b) and 408.229(c) of Schedule 2 to the Regulations.
2. The purpose of the Instrument is to specify matters for the making of an application for a Temporary Activity (Class GG) visa and particular criteria relevant to the grant of the corresponding Subclass 408 (Temporary Activity) visa. This is a new visa class and subclass of visa made for the streamlining of temporary activity visas and given effect by the *Migration Amendment (Temporary Activity Visas) Regulation 2016*.
3. The operation of the Instrument is for the Minister to specify the first instalment of the visa application charge for the specified class of persons for a temporary activity (Class GG) visa.
4. The further operation of the Instrument is for the Minister to specify, for an applicant of a Subclass 408 (Temporary Activity) visa, the events that are Australian Government endorsed events, and the class of persons in relation to these events, for the purposes of paragraphs 408.229(b) and 408.229(c) of Schedule 2 to the Regulations.
5. Prior to making the Instrument, the Department of Immigration and Border Protection (the Department) undertook consultation with the Department of Health, the Attorney-General's Department's Office of Sport, the Australian Security Intelligence Organisation, entertainment industry stakeholders, and organisers of the 2018 Gold Coast Commonwealth Games.

6. The Department also 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.
7. 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.
8. The Office of Best Practice Regulation (OBPR) has been consulted (OBPR Reference: 19898). OBPR advised that a Regulatory Impact Statement is not required for the Instrument.
9. 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.
10. The Instrument commences immediately after the commencement of the *Migration Amendment (Temporary Activity Visas) Regulation 2016*.