

EXPLANATORY STATEMENT

Migration Regulations 1994

**ARRANGEMENT FOR TEMPORARY WORK AND TEMPORARY ACTIVITY VISA
APPLICATIONS 2016/112**

(Items 1212B, 1217, 1231, 1234, 1237 and 1238)

1. Instrument IMMI 16/112 is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations) for items 1212B, 1217, 1231, 1234, 1237 and 1238 of Schedule 1 to the Regulations.
2. The Instrument revokes IMMI 15/042 (F2015L00555) and IMMI 15/121 (F2015L01447) under subregulations 2.07(5) of the Regulations 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 specify the approved forms, classes of applicants, and the place and manner for making a valid application for the relevant visas. The Instrument states that an applicant for a:
 - a. Training (Class GF) visa must apply using the form 1479 or 1479 (Internet); and
 - b. Temporary Activity (Class GG) visa must apply using form 1480 or 1480 (Internet).

The applicant must complete an approved form in accordance with any directions on that form. The Instrument is also for the Minister to specify, under subregulation 2.07(5), the manner in which an application for a Training (Class GF) and a Temporary Activity (Class GG) visa must be made.

4. The Department of Immigration and Border Protection (the Department) has undertaken to streamline temporary activity visas. This change is given effect by the *Migration Amendment (Temporary Activity Visas) Regulation 2016*. The purpose of the Instrument

is for the Minister to specify the approved form for making an application for an Item 1237 Training Temporary Activity (Class GG) visa, and for an Item 1238 Temporary Activity (Class GF) visa.

5. Extensive consultation was undertaken for the development of the new visa framework for temporary activity visas that is given effect by the *Migration Amendment (Temporary Activity Visas) Regulation 2016*.
6. 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.
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 advised that a Regulatory Impact Statement is not required (OBPR Reference 19898).
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*.