

EXPLANATORY STATEMENT

Migration Regulations 1994

Migration (LIN 18/077: Supporting Innovation in South Australia Event for Class GG, Subclass 408 (Temporary Activity) Visa) Instrument 2018

(subregulation 2.07(5) and paragraphs 408.229(b) and 408.229(c) of Schedule 2)

1. The instrument, LIN 18/077, is made under subregulation 2.07(5) of the *Migration Regulations 1994* (the Regulations) and paragraphs 408.229(b) and 408.229(c) of Schedule 2 to the Regulations.
2. The instrument operates for the Minister to specify an event for the purposes of a Subclass 408 (Temporary Activity) visa and to specify the classes of persons who are participating in the event who may be eligible to be granted a Subclass 408 visa.
3. The purpose of the instrument is to specify the Supporting Innovation in South Australia event, as an Australian Government endorsed event for the purposes of the Regulations. Additionally, the purpose of the instrument is to specify the class of persons, which an applicant for a subclass 408 visa must fall within to be eligible to be granted the visa. The class of persons specified are applicants:
 - a. who are under 45 years old at the time of application;
 - b. who can demonstrate vocational English in accordance with the requirements set out in subregulation 1.15B(1) of the Regulations;
 - c. whose application to participate in the Supporting Innovation in South Australia event has been endorsed by the government of South Australia; and
 - d. who has completed a written, supporting, business plan to take forward a business directly related to an innovative idea.
4. Endorsement by the government of South Australia will ensure only genuine entrepreneurs with innovative ideas have access to the temporary visa. A copy of the endorsement letter from the government of South Australia will need to be attached to the primary applicant's visa application along with the supporting business plan.
5. The business plan is required for applicants to outline their innovative idea(s) and how they intend to further develop that idea in Australia as part of participating in the

event. Adaptability and the ability to learn from trial and error are expected of genuine entrepreneurs, and the business plan may therefore be modified as applicants begin to develop their innovative idea(s) and consequential business. However, a business plan ensures the applicants' intentions are clearly defined and genuine at the time they apply for the visa. Applicants will need to continue working on their innovative idea(s) and participate in activities organised by the government of South Australia and their industry partners as part of their participation in the event.

6. The government of South Australia will monitor visa holders' activities during their time in Australia to ensure adequate participation in the event. The government of South Australia will also advise the Department if they believe a visa holder's activities, including work undertaken by the visa holder, are not sufficiently associated with the event. The Minister may, as a result of this information, consider pursuing visa cancellation.
7. The event will run for three years from 21 November 2018 to the end of November 2021. The government of South Australia will run the event.
8. The Subclass 408 visa allows dependants to accompany the primary applicant to Australia for the length of the event.
9. Before this instrument was made, consultation was undertaken with the government of South Australia and the Commonwealth Department of Industry, Innovation and Science to develop the policy positions within this instrument. The government of South Australia has also undertaken consultation within the South Australian innovation ecosystem.
10. The Office of Best Practice Regulation (OBPR) have advised that a Regulatory Impact Statement is not required (OBPR Reference: 24194).
11. The officer (Senior Executive Service, Band One, Global Mobility Branch, Immigration, Citizenship and Multiculturalism Policy Division) who made the instrument was delegated the powers required to make the instrument in MHA No.5 of 2018, signed on 10 April 2018.

12. 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.
13. The instrument commences on the day after registration on the Federal Register of Legislation.