

EXPLANATORY STATEMENT*Migration Regulations 1994***VISAS ATTRACTING A SUBSEQUENT TEMPORARY
APPLICATION CHARGE 2016/098***(paragraphs 2.12C(5)(a) and 2.12C(5)(c))*

1. Instrument IMMI 16/098 is made under paragraphs 2.12(5)(a) and 2.12(5)(c) of the *Migration Regulations 1994* (the Regulations).
2. The Instrument revokes IMMI 16/012 (F2016L00625) 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 require holders of a specified visa who make an application in Australia for a subsequent temporary visa to pay a subsequent temporary application charge (STAC). The applicant must have been in Australia at the time of the application for a previous visa and the visa was not granted under circumstances specified in paragraph 2.12C(5)(e) of the Regulations. The amount of the STAC is specified in subregulation 2.12C(6) of the Regulations.
4. The purpose of the Instrument is to remove visa subclasses that have been repealed by:
 - a) the *Migration Amendment (Temporary Activity Visas) Regulation 2016*; and
 - b) the *Migration Amendment (2016 Measures No. 4) Regulation 2016*.
5. Consultation was undertaken with the Office of Northern Australia and with industry stakeholders through the Tourist Visa Advisory Group before the Instrument was made. 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. Further, 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.
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 required (OBPR Reference 19212) for the amendments to the Regulations relating to Subclass 462. The prepared statement is at **Attachment A** to this Explanatory Statement.
9. In relation to the streamlining of temporary activity visas, OBPR has also been consulted and advised that a Regulatory Impact Statement is not required for this change.
10. 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.
11. The Instrument commences immediately after the commencement of the *Migration Amendment (Temporary Activity Visas) Regulation 2016* and the *Migration 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
Total, by sector	\$0	\$0	\$0.029	\$0.029

Average annual regulatory costs (from business as usual)				
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.