



# MEMBER UPDATE: New subclass 408 Temporary Activity Visa

## Update on the Transitional Arrangements and Full Fee Concessions

Dear Member,

LPA has been in discussions with officers of the Department of Immigration and Border Protection (DIBP) requesting clarification on certain aspects of the new subclass 408 Temporary Activity Visa, which replaces the subclass 420 Entertainment Visa from 19 November 2016.

The following information has been given verbally to LPA by DIBP, and confirmation of this advice will be contained in a Legislative Instrument to be signed by the Minister in the coming days. It is advised that no comment be made on the following information until confirmed in writing by the Minister.

### Transitional Arrangements – Bulk Discount

DIBP has advised that the Bulk discount will **cease to be available from 19 November 2016**.

However, those Sponsors that have received the 'bulk discount' cap for the period 1 July 2015 – 19 November 2016 will as part of the transitional arrangement continue to have access to a transitional fee of \$70 per person for any event to be presented before or on 30 June 2017. This means that the new \$275 per person fee will not apply to those sponsors for events up until 30 June 2017.

DIBP advised that the Legislative Instrument will contain a list of Sponsors (**by sponsor number not name**) who would be eligible to access these transitional arrangements. This list will be publicly available.

### Full Fee Concessions (fee exemptions)

LPA had previously been advised that under the new subclass 408 Temporary Activity visa, full fee concessions would only be available to:

- A registered charity
- A government agency (federal, state/territory)
- A government funded (federal, state/territory) organisation
- A foreign government agency

Further information provided by DIBP indicates that the new full fee exemptions **may apply to fewer Members** than that applied under the old subclass 420 Entertainment visa.

It would appear that the definitions of a government agency, government funded organisation, and/or government funded event, have been narrowed considerably.

A **government agency** will be a Department of the Commonwealth, State/Territory government.

A **government funded organisation** will be an organisation usually set up with its own legislation, and that receives 50% or more of its revenue from the Commonwealth, state/territory government for day to day operations or for the event.

A **government funded event** will be defined as an event or organisation that receives at least \$2.5 million from government (Commonwealth, state/territory) for conducting the event.

**Those Members that were fee exempt under the subclass 420 Entertainment Visa should advise LPA if they have concerns with the new definitions and whether the new definitions may change their status from fee exempt to fee paying.** As mentioned above, the advice we have received thus far has only been verbal, and the Ministerial Instrument may provide more clarity once released.

We will advise Members again on the above issues as soon as we receive the written Instrument. Should you wish to discuss any aspects of this issue, please [contact David Hamilton](#).



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