



# Subclass 408 Temporary Activity Visa

## Important Information on the Transitional Arrangements, Full Fee Concessions and Union Consultation

Dear Member,

Following the recent changes to the visa application process. The following advice has been received from Department of Immigration and Border Protection (DIBP).

### TRANSITIONAL ARRANGEMENTS

As you would be aware, the new arrangements introduced for the importation of overseas artists and associated personnel, have abolished the "bulk discount" provisions where applications contained 20 or more personnel.

LPA has had a number of meetings with both the Minister's Chief of Staff and senior department officers with regard to this issue, and the costs associated with the abolition of the bulk discount on our Members. Unfortunately, DIBP has confirmed that the bulk discount provisions have been abolished. However, the Minister has agreed to our request for transitional arrangements to apply especially for those members who were in the process of negotiating with overseas groups to tour Australia in the forthcoming months.

**The transitional arrangements will apply to those organisations who have been listed in the [Legislative Instrument IMMI 16/117](#) and who will be bringing entertainers to Australia and the production, engagement or program commences on or before 30/06/2017. An application fee of \$70 per person will apply to those productions, engagements or programs instead of \$275 per person.**

### ELIGIBILITY FOR NIL VISA APPLICATION CHARGE

LPA has also been making representations to the Minister with regard to whether or not, Members that have been receiving fee exempt status for visa applications, would retain such status. The [Legislative Instrument IMMI 16/105](#) detailed the types of organisation that would receive visa fee exempt status as follows:

- i. a charity registered by the Australian Charities and Not-for-profits Commission;
- ii. an agency of:
  - A. the Commonwealth;
  - B. a State or;
  - C. a Territory; or
- iii. an agency, Embassy or Consulate of a foreign government.

The DIBP has now provided further clarification on those organisations that will be eligible for visa fee exempt status as follows:

- Supported or sponsored by a 'government funded organisation' – the organisation must receive at least 50 per cent of their revenue for their day-to-day operations, in the most recently completed financial year, by way of Commonwealth or State and Territory Government funding; or
- Supported or sponsored for a 'government funded event' – an organisation is supporting or sponsoring the applicant only for a particular event (or events), and that event (or events) has received Commonwealth or State and Territory Government funding: - **A** amounting to at least 50 per cent of the projected costs for conducting the particular event (or events); or - **B** of \$2,500,000 or more to conduct the particular event (or events).

Members that meet the above criteria, are required to provide relevant evidence to DIBP prior to 9 December 2016 for inclusion in a Legislative Instrument which will contain a list of organisations that are visa fee exempt. The Legislative Instrument will be reviewed and updated with eligible organisations on a quarterly basis.

DIBP has advised that the evidence required to receive visa fee exempt status may include:

- For 'government funded organisations' – final profit and loss statement for the organisation for the most recently completed financial year, and a copy of correspondence from the relevant Commonwealth, State and Territory government agency that identifies the funding provided.
- For 'government funded events' – copy of the projected budget for the event, and a copy of correspondence with the relevant Commonwealth, State and Territory government agency that identifies confirmed funding arrangements.

Members can provide such evidence to [specialist.entry@border.gov.au](mailto:specialist.entry@border.gov.au).

**LPA is concerned that the new criteria to receive visa fee exempt status may impact on Members who currently have visa fee exemption status. For those Members who believe they may lose the visa fee exemption, please contact [David Hamilton](#) immediately. LPA will be contacting Members over the next few days to discuss this matter.**

## UNION CONSULTATION

It has come to our attention that MEAA has distributed an "import checklist" to employers who engage overseas artists and crew.

This checklist conveys the impression that:

- An employer must make an application to MEAA in respect of each applicant, providing detailed information including the applicant's details, the contract of employment and evidence of WorkCover insurance.
- Payment of a "consultation fee" to the union is required.

Whilst the Migration Regulations 1994 require that the union is consulted in respect of overseas visa applicants, employers are not required to provide detailed information about the applicant or pay any fee.

If choosing to lodge their own visa applications, members should provide the following information to the union:

- Sponsor/Supporter name
- Full name and position of applicant(s)
- Full itinerary including venue and city details
- Net Employment Benefit form ([available here](#))
- A declaration that the Australian Minimum pay and conditions standards are met

Please [click this link](#) to download a template letter incorporating the above.

Members are advised that LPA will continue to provide immigration processing support. Should you require this support please contact Kitsa Daskalakis at [immigration@liveperformance.com.au](mailto:immigration@liveperformance.com.au) or on 03 8614 2000.



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