



**Australian Government**  
**Department of Immigration  
and Border Protection**



**Australian  
CUSTOMS AND  
BORDER PROTECTION**

# The Immigration and Border Protection Portfolio **Deregulation Annual Report 2014**

# Foreword



The Australian Government is committed to reducing inefficiencies in order to save time for individuals and support a strong and productive economy. In the past year many businesses, individuals and community organisations have reaped the benefits of the Government's commitment to cutting inefficient regulation.

My Portfolio has contributed to this commitment and achieved significant regulatory savings by simplifying processes and reducing red tape for traders, travellers and industry partners.

Key deregulation initiatives delivered by the Immigration and Border Protection Portfolio in 2014 included: streamlining the 457 visa programme to simplify requirements for skilled visa applicants and sponsors, expanding SmartGate automated passport processing for travellers to reduce time spent in processing queues, and simplifying import permit processes for defence and law enforcement industry partners.

In late 2014, the Department of Immigration and Border Protection (DIBP) and the Australian Customs and Border Protection Service (ACBPS) commenced the integration of the two organisations which will be stood up on 1 July 2015. The new Department will represent a fundamental turning point in Australia's approach to border protection.

The integration provides the opportunity to deliver both capability improvements and efficiencies across the border continuum. It will enable the nation to contend with the future operating environment for the border which includes an increasing volume of trade and passenger movements, increasing complexity of supply chains and travel routes and greater geographical dispersion of entry and exit points—both physical and electronic.

The deregulation agenda remains a priority for my Portfolio and we will continue to deliver reduced regulation and an improved experience for our stakeholders.

A handwritten signature in blue ink, appearing to read 'Peter Dutton'.

**The Hon. Peter Dutton MP**  
**Minister for Immigration and Border Protection**

**March 2015**

## Table of contents

|  |    |
|--|----|
| Introduction .....   | 3  |
| Portfolio Highlights .....   | 3  |
| Measures .....   | 3  |
| Deregulation Section .....   | 4  |
| Regulation Stocktake .....   | 4  |
| Summary of Key Regulatory Savings and Costs .....                                  | 5  |
| Regulation Impact Statements .....   | 6  |
| Portfolio Activity Supporting the Australian Government’s Red Tape Objective ..... | 7  |
| Deregulation Section .....   | 7  |
| Ministerial Advisory Councils .....  | 7  |
| Letters of Expectation .....   | 8  |
| The Audit of Regulations – Major Findings .....                                    | 9  |
| Stage One .....  | 9  |
| Stage Two .....  | 10 |
| Appendix A: Measures passed in 2014 .....  | 11 |
| Measures announced but not implemented in 2014 .....                               | 18 |
| Appendix B: Legislation Administered .....   | 19 |

## Introduction

The Immigration and Border Protection Portfolio has delivered on the Australian Government's policy intent underpinning the deregulation agenda and implemented a red tape reduction programme. It has taken a risk based approach to regulation, by delivering real regulatory reforms to reduce red tape, while maintaining the safeguards necessary to conduct portfolio business.

## Portfolio Highlights

### **Simplified permits for the law enforcement and defence industries**

*In October 2013, following industry consultation, the Australian Customs and Border Protection Service implemented an administrative change under the Customs (Prohibited Imports) Regulations 1956 to remove red tape in the processing of import permit applications for items imported for supply to defence and law enforcement agencies. This initiative was estimated to save \$27.4 million in compliance costs.*

*"I do realise it's not often in Government you get an email or letter thanking you, so thought I would send this... Regarding your recent change to bulk ongoing permits: this is a huge red tape saver, lets us provide excellent customer service, and allows us to be competitive in business...This is a huge red tape and time saver, so our thanks to Customs for this."*

*Lisa Morrow, NIOA Law Enforcement and Military*

## Measures

In the period September 2013 to December 2014, the Portfolio reported \$83.12 million in net red tape reductions. Among other deregulatory measures, significant red tape reductions were achieved for:

- Portfolio stakeholders in the law enforcement and defence industries;
- Businesses sponsoring workers through the 457 visa programme; and
- Eligible travellers who can now access self-service passport processing at Australian international airports.

In the same period a number of measures resulted in a modest red tape increase and included:

- Expansion of Work and Holiday visa arrangements to Poland, Portugal, Spain and Israel;
- Streamlining the Significant Investor visa stream; and
- Extension of streamlined visa processing to low immigration risk non-university providers in the higher education sector and simplification of the Student visa Assessment Level Framework.



While resulting in increased regulation the above measures have yielded positive benefits for the Australian economy, and more specifically, the tourism and education industries.

### **Streamlining the 457 programme**

*In October 2014, the Prime Minister announced the implementation of a number of key recommendations of the independent review into integrity in the 457 programme. We estimate this initiative will save sponsoring businesses and visa holders about \$29.9 million in compliance costs.*

*Implementation of the report's recommendations will ensure that businesses needing to hire overseas workers save time and money in doing so, while maintaining strong safeguards to protect employment opportunities for Australians. The reforms are expected to improve the 457 programme's integrity and its contribution to the productivity and competitiveness of the Australian economy, and thus support job creation for Australians.*

*"The 457 visa scheme is a very important part of Australia's economic policy settings and is undoubtedly a major factor in Australia's successful economic performance...the 457 visa scheme is very important for promptly filling roles with temporary skilled migrants where there are genuine skills shortages...Skilled workers on 457 visas create critical relationships and links with the rest of the global economy that facilitate future trade and investment."*

*Excerpt from the Business Council of Australia's submission to the 457 Integrity Review*

## **Deregulation Section**

To support the implementation of the Australian Government's deregulation agenda, the Portfolio established a Deregulation Unit. It is responsible for driving cultural change within the Portfolio to ensure policy makers seek practical solutions, balancing risk and regulation in their decision making.

It has done this through regular costing and reporting of new measures that increased and decreased red tape; promoting new deregulation regulation impact statements (RISs) and reporting requirements; and providing advice to business areas on the application of the Regulatory Burden Management Framework.

During the reporting period, the Portfolio completed 207 preliminary assessments and 18 short or standard form RISs.

## **Regulation Stocktake**

In 2014, the Portfolio elected to undertake a full costing of the regulatory and compliance burden of its regulation.

In costing this regulation the Portfolio took into account the length of time taken by entities to perform each identified compliance activity, the type of requirement the regulation imposed, and the frequency of the impact. The stocktake identified over 8000 items of regulation, with an estimated impact of \$1.56 billion in regulatory burden.

## Summary of Key Regulatory Savings and Costs

Table 1 - Summary of key regulatory costs reported or announced between September 2013 and December 2014. Details on individual measures are outlined in Appendix A.

| KEY MEASURES   | Reported                  |
|--|---------------------------|
|  | (\$ million) <sup>*</sup> |
| Introduction of the Safe Haven Enterprise visa and reintroduction of the Temporary Protection visa   | \$ 0.32                   |
| Expansion of Work and Holiday arrangements to Poland, Portugal, Spain and Israel   | \$ 0.30                   |
| Extension of streamlined visa processing to low immigration risk non-university providers in the higher education sector and simplification of the Student visa Assessment Level Framework | \$ 0.01                   |
| Streamlining the Significant Investor Visa stream  | \$ 0.02                   |
| <b>Total</b>   | <b>\$ 0.65</b>            |

\* Reported value of measures are rounded to two decimal places and may not reflect the end total stated in table 1

Table 2 - Summary of key deregulatory savings reported or announced between September 2013 and December 2014

| KEY MEASURES   | Reported                  |
|--|---------------------------|
|  | (\$ million) <sup>*</sup> |
| Implementation of recommendations of the independent review into the 457 visa programme              | -\$ 29.85                 |
| Simplifying import permits for defence and law enforcement industry partners                         | -\$ 27.4                  |
| Improving export 'Customs hold' arrangements   | -\$ 6.77                  |
| Simplified implementation of labour market testing requirements for the 457 programme                | -\$ 5.45                  |
| Expanding SmartGate for travellers   | -\$ 5.06                  |
| Expanding e-visa (subclass 600) online applications  | -\$ 1.95                  |
| Removal of caps on the number of workers a business can sponsor under the 457 programme              | -\$ 1.41                  |
| Lodgement of Unaccompanied Personal Effects by High Volume Specialist Operators                      | -\$ 1.22                  |
| Expanded validity on the Temporary Work (Short Stay Activity) visa (subclass 400) from 3 to 6 months | -\$ 1.21                  |
| Other measures each resulting in regulatory savings under \$1 million <sup>**</sup>                  | -\$ 3.96                  |
| <b>Total</b>   | <b>\$ 83.77</b>           |

\* Reported value of measures are rounded to two decimal places and may not reflect the end total stated in table 2

\*\* Details and individual regulatory savings for each of these measures are outlined at Appendix A

## Regulation Impact Statements

From September 2013 to December 2014, the Portfolio submitted 207 Australian Government regulatory proposals to the Office of Best Practice Regulation (OBPR) for preliminary assessment. Of the 207 proposals, 30 were assessed as requiring a RIS, and 177 were considered minor and/or machinery in nature, not requiring a RIS.

Of the 30 proposals requiring a RIS:

- 18 short or standard form RISs were completed by the Portfolio and provided to the OBPR for assessment;
- 2 RISs were no longer required; and
- 10 RISs were under development.

To ensure transparency and accountability of the Portfolio's decision making for proposals with significant regulatory impacts, one completed standard form RISs was published on the OBPR website in accordance with the Australian Government Guide to Regulation. The RIS was completed for the Migration Amendment (Offshore Resources Activity) Repeal Bill 2014 on 14 April 2014.

**Table 3: Regulation Impact Statement compliance 2014**

|   | RIS Compliance | PM's Exemptions | PIR required |
|---|----------------|-----------------|--------------|
| <b>Immigration and Border Protection Portfolio Total</b>                    | 18             | 0               | 0            |
| <b>Department of Immigration and Border Protection</b>                      | 18             | 0               | 0            |
| <b>Australian Customs and Border Protection Service</b>                     | 0              | 0               | 0            |
| <b>Measures that were minor or machinery in nature, not requiring a RIS</b> | 177            | 0               | 0            |

## Portfolio Activity Supporting the Australian Government's Red Tape Objective

### Deregulation Section

In 2014, DIBP and ACBPS commenced a historic and challenging journey following the Government's decision to integrate the two organisations on 1 July 2015. The new department will represent a fundamental turning point in Australia's approach to border protection. It encapsulates for the first time, a single view of the way the border can, and will, be managed holistically across refugee and humanitarian programmes, immigration and citizenship, trade and customs, offshore maritime security and revenue collection.

To assist the Portfolio in promoting the Government's Red Tape agenda a Deregulation Section has been established to ensure policy makers seek practical solutions in their decision making.

The Portfolio Deregulation Section currently comprises eight full time staff members. The key role of the section is to internally promote the Government's deregulation agenda, and coordinate the Portfolio's contribution to whole-of-government red tape reduction efforts.

### Ministerial Advisory Councils

The former Minister for Immigration and Border Protection, the Hon. Scott Morrison MP, selected existing consultation committees to serve in the capacity of a Deregulation Ministerial Advisory Council (MAC). These were:

- the independent panel reviewing the integrity of the 457 visa subclass (until 30 June 2014); and
- the Customs and Border Protection National Consultative Committee (CBPNCC).

The responsibilities of the MACs were to review and make recommendations on the approach and progress of regulatory reform within the Portfolio, and potential opportunities for deregulation in their representative communities.

The matters considered by the MACs during 2014 included:

- reviewing stages one and two of the Portfolio regulation audit and stocktake and consider which activities should be deemed as a high, medium or low regulatory burden;
- consideration of possible areas to investigate for deregulation; and
- consideration of the Regulatory Burden Measurement Framework and costing methodology.

The Portfolio will review MACs arrangements as part of the integration agenda with an aim to ensure broad consultation across all Portfolio stakeholders.



## Letters of Expectation

In April 2014, the former Minister for Immigration and Border Protection, the Hon. Scott Morrison MP, issued letters of expectation to heads of regulatory agencies within the Immigration and Border Protection Portfolio:

- Secretary, Department of Immigration and Border Protection (DIBP).
- Chief Executive Officer, Australian Customs and Border Protection Service (ACBPS).

The letters outlined the policy intent underpinning the deregulation agenda and articulated the Minister's expectations of Portfolio agencies to implement the red tape reduction programme. The Minister encouraged Portfolio regulators to take a risk based approach to regulation, by delivering real regulatory reforms to reduce red tape, while maintaining the safeguards necessary to conduct the Portfolio's business.

The Minister highlighted deregulation as a strategic priority for the Portfolio and requested that this be taken into account in Portfolio performance management processes. The Portfolio regulatory agencies were requested to continue to provide advice and recommendations to the Minister regarding deregulation options and opportunities.

## The Audit of Regulations – Major Findings

In September 2013, the Government instructed the Department of the Prime Minister and Cabinet to design and coordinate a stocktake of all legislation administered by each Commonwealth portfolio.

### Stage One

In stage one of the audit, the Portfolio identified over 8000 items of regulatory stock. For the purposes of the audit, any rule with an expectation of compliance was considered regulation, including primary legislation (Acts), subordinate legislation (regulations or notices) and quasi-regulations (standards and codes of practice or advice to industry or the public). A breakdown of the number of regulations administered by the Portfolio can be found below at [Table 4](#). A list of the Portfolio's primary legislation can be found at [Attachment B](#).

**Table 4 - Summary of primary, subordinate and quasi-regulation administered by the Portfolio.**

|   | No of items of primary legislation | No. of items of subordinate legislation | No. of items of quasi-regulations |
|---|------------------------------------|---|-----------------------------------|
| <b>Department of Immigration and Border Protection</b>  | 10                                 | 251                                     | 16                                |
| <b>Australian Customs and Border Protection Service</b> | 13                                 | 6835                                    | 1305                              |
| <b>Total</b>  | 23                                 | 7086                                    | 1321                              |

The regulations were categorised into high, medium and low burden, based on a range of factors including type of regulation, complexity and frequency of interaction. These activities were ranked against:

- the type of requirement the regulation imposes;
- the complexity of the regulation;
- the reach of the regulation;
- the frequency of interactions with the regulation;
- review requirements; and
- the scope for reform.

The results of this review are summarised in [Table 5](#).

Table 5 - Summary of identified groups ranked by regulatory burden imposed.

|   | Regulatory Burden |        |     |                   |
|---|-------------------|--------|-----|-------------------|
|   | High              | Medium | Low | Zero <sup>1</sup> |
| <b>Department of Immigration and Border Protection</b>  | 2                 | 3      | 11  | 0                 |
| <b>Australian Customs and Border Protection Service</b> | 1                 | 2      | 9   | 2                 |
| <b>Total</b>  | 3                 | 5      | 20  | 2                 |

<sup>1</sup> Two of the groupings/frameworks recorded a zero cost as no external burden is imposed. The two items are administrative or out of scope of the deregulation agenda.

## Stage Two

To complete the second stage of the audit, the Portfolio elected to undertake a full regulatory costing of all identified regulations.

To undertake the regulatory costing of all regulatory burdens, the Portfolio took into account the length of time taken by entities to perform each identified compliance activity, the type of requirement the regulation imposed and the frequency of the impact. The final results included a number of items administered by the Portfolio but owned by other portfolios or items where the compliance burden is shared between two or more portfolios. To minimise complexity, in such instances, the Portfolio included the entire regulatory burden in its own results. This is estimated to have added approximately \$100 million to the ACBPS result.

The regulatory burden for the Portfolio is outlined in [Table 6](#).

Table 6 - Summary of results from the Stage 2 Audit Results.

|   | Regulatory Burden |
|---|-------------------|
| <b>Department of Immigration and Border Protection</b>  | \$626,100,563     |
| <b>Australian Customs and Border Protection Service</b> | \$930,483,557     |
| <b>Total</b>  | \$1,556,584,121   |

## Appendix A: Measures passed in 2014

### Implementation of recommendations of the independent review into the 457 visa programme

- In February 2014, the Australian Government commissioned an independent review into the integrity of the 457 programme. The review's report was released on 10 September 2014 and on 18 March 2015 the Government announced its response to the recommendations. Implementation of the report's 22 recommendations has begun and is due to be completed by the end of 2015.
- The Government will reform the 457 visa programme in line with the recommendations presented in the report. This will have a range of positive impacts including reducing the overall regulatory burden placed on businesses seeking to use the programme, simplification and greater transparency of processes for applicants, and increased programme integrity achieved by strengthening and monitoring and sanctions activities. Some of the key changes to the programme will:
  - streamline the processing of sponsorship, nomination and visa applications;
  - reform sponsorship requirements to reduce the time and cost to businesses;
  - increase the sponsorship approval period from 12 to 18 months for start-up businesses; and
  - provide greater flexibility in relation to English language requirements.
- The Office of Best Practice Regulation has agreed that this will lead to an annual saving of \$29.85 million in compliance costs.

### Simplifying import permits for defence and law enforcement industry partners

- In October 2013, following industry consultation, an administrative change to the processing of import permit applications for weapons and warfare goods for supply to defence and law enforcement agencies was implemented.
- This initiative replaced the requirement to make multiple permit applications (approximately 150 applications each month by larger businesses) to import defence or law enforcement items and associated goods with one ongoing annual permit. The import permit requirements have also been clarified for low risk dual use goods that are not weapons related in themselves (for example, tyres, seat belts or wing flaps for defence aircraft). The initiative improves the ability of major defence and law enforcement industry partners to fulfil contractual supply requirements in a timely and cost effective manner.
- The Office of Best Practice Regulation has agreed that this will lead to an annual saving of \$27.4 million in compliance costs.

### Improving export 'Customs Hold' arrangements

- In July 2014, a change to the electronic cargo system improved the management and notification of cargo status to industry members in the export supply chain.
- Previously, when an item of cargo was subject to a Customs Hold, industry was only

advised after the item had been consolidated and packed with other items and was ready for transportation at the airport or seaport. This resulted in the entire cargo consolidation being held when usually only a single piece was the subject of the Hold. With the 'Hold at Customs Place' initiative, notification can occur earlier, before the item has been processed and packed ready for transportation. This will save hundreds of other items packed with the item subject to the hold from being delayed. It will also save unpacking and repacking costs and minimise missed flights and voyages.

- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$6.77 million in compliance costs.

#### **Simplified implementation of labour market testing requirements for 457 visas**

- On 15 November 2013, the Assistant Minister for Immigration and Border Protection announced a sensible approach to the implementation of the Labour Market Testing rules in the subclass 457 visa programme.
- The Government has exempted highly skilled occupations from the labour market testing requirements.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$5.45 million in compliance costs.

#### **Expanding SmartGate for travellers**

- In May 2014, SmartGate was permanently expanded to eligible United States citizens. This builds on the previously established administrative changes which enabled eligible British citizens to use SmartGate. In addition, in late 2013 eleven additional SmartGate automated passport processing devices were installed at a number of airports.
- SmartGate is a self-service processing option for eligible Australian, New Zealand, UK and US travellers (16 years or older and holding an ePassport) entering Australia. It allows travellers to avoid longer queue waiting times for manual processing. Trials to expand SmartGate processing to eligible Swiss, Irish, Canadian, Chinese and Japanese citizens are currently under way.
- The Immigration and Border Protection Portfolio estimates that changes to date will lead to an annual saving of \$5.06 million in compliance costs.

#### **Expanding e-visa (subclass 600) online applications**

- On 1 August 2014, nationals of an additional 66 countries and regions including New Zealand, the Philippines, Kenya, South Africa and Bosnia and Herzegovina became eligible to lodge online applications for the Visitor (Subclass 600) visa, bringing the total to 190 countries and regions that have the ability to apply online for an Australian visitor visa.
- E-visas save applicants time by not having to complete and submit a paper application, making it easier and more convenient to travel to Australia. This expansion is part of a significant advancement for Australia and its visitors, and will increase the global competitiveness of Australia's Visitor visa programme. It builds on previous announcements regarding expansion to 52 other countries.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$1.95 million in compliance costs.

### **Removal of a provision that caps and restricts the number of workers a business can sponsor under the Subclass 457 programme**

- On 13 December 2013, the Assistant Minister for Immigration and Border Protection agreed to remove provisions restricting the number of workers a business can sponsor under the subclass 457 programme. These changes came into effect on 14 February 2014.
- The removal of these provisions has reduced regulatory and financial burdens on those employers who would need to apply for a new or varied sponsorship should their original limit be reached. It has also reduced the administrative burden on the department with fewer sponsorship variation applications being lodged.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$1.41 million in compliance costs.

### **Lodgement of Unaccompanied Personal Effects Statements by HVSOs**

- The manual process for lodging Unaccompanied Personal Effects Statements (UPEs) resulted in a number of High Volume Specialist Operators (HVSOs) to physically submit documents to client service counters, often multiple times a week. The submitted documents are normally stored electronically by the HVSOs due to the (at times) large size of the manifests. These large documents had to be printed for submission.
- In July 2014, a new process progressively commenced for HVSO's, allowing for electronic submission of the documents, via email, negating the printing, travel and processing cost to HVSO businesses.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$1.22 million in compliance costs.

### **Expanded validity on the Temporary Work (Short Stay Activity) visa (subclass 400)**

- On 23 November 2014, the visa validity settings of the Temporary Work (Short Stay Activity) visa (subclass 400) were extended from three to six months.
- This change effectively allows the visa holder to travel to Australia within six months after the date of the grant of the visa and allows a maximum stay period of six months. The change provides more flexibility for those attending major sporting events and businesses requiring workers for highly specialised, non-ongoing or intermittent activities.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$1.21 million in compliance costs.

### **Simplifying migration agent re-registration requirements**

- On 5 December 2013, the Assistant Minister for Immigration and Border Protection announced that the Government would remove the requirement for re-registering migration agents to demonstrate additional English language competency.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$0.46 million in compliance costs.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$457,000 in compliance costs.

### **Simplification of requirements for temporary migration agreements for the resources sector**

- In February 2014, the Minister for Immigration and Border Protection agreed to the simplification of requirements for temporary migration arrangements for the resources sector.
- The simplified requirements included streamlined submission proformas and checklists to assist resource companies prepare better quality agreement requests and assist departmental officers in quicker processing. This is expected to reduce the cost to business in requesting access to a temporary migration agreement while reducing processing times.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$416,000 in compliance costs.

### **Mobile Tourist Refund Scheme**

- In September 2014, the Tourist Refund Scheme (TRS) was enhanced through online and mobile device self-service facilities.
- These allow applicants for TRS refund to enter the information required for a TRS claim using an application for personal mobile devices or via the internet in advance of departure. The submission of the data prior to presenting at the ACBPS refund office reduces the overall queue time for claimants.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$830,000 in compliance costs.

### **Simplification of certification for Australian APEC Business Travel Card applicants**

- On 1 June 2014 the Minister for Immigration and Border Protection removed a duplicative layer of certification for individuals seeking to obtain an APEC Business Travel Card.
- The changes improve access to the APEC Business Travel Card. The requirement for certification through an approved body was removed for Australian citizens applying for the APEC Business Travel Card. This initiative reduces costs and facilitates entry for small businesses to travel to APEC economies to engage in business and investment opportunities.
- The Immigration and Border Protection Portfolio estimates this will lead to an annual saving of \$756,000 in compliance costs.

### **Improving arrangements for specialists working in the offshore resources industry**

- On 26 May 2014, the Migration Amendment (Offshore Resources Activity) Bill 2014 passed the House of Representatives. The Bill is currently before the Senate.
- This Bill removes the need for overseas workers who are participating in, or supporting, offshore resources activities to hold a prescribed visa, removing the need for them to report their arrival to the department in advance, and removing the costs associated with applying for and holding the required visa. This will primarily benefit crew aboard specialised foreign vessels undertaking short-term project-based work that rely on the capacity to transfer specialists from project to project – often at short notice – and to foreign vessels entering to support offshore oil and gas projects for relatively short

periods of time – often a matter of days.

- The OBPR has agreed that this will lead to an annual saving of \$270,000 in compliance costs.

#### **Import permit exemptions for returning sports shooters**

- An exemption for the importation of firearms, exported by sporting shooters participating in international sporting events (e.g. Olympics, World Championships and Commonwealth Games), will be introduced in early 2015.
- This will reduce unnecessary red tape for competitors and significantly reduce the related administrative burdens for State and Territory Police.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$262,000 in compliance costs.

#### **Automation of the creation and delivery of an Invoice/Payment Advice through the Integrated Cargo System to clients**

- In November 2014, the development of an automated creation and delivery method for invoices ensures a more timely delivery of invoices to importers, which allows for quicker payment of duty and Goods and Services Tax (GST) and therefore the release of their importation.
- Under the previous arrangement, when an importer completed a form for clearance of imports, they would be issued an invoice for payment. This invoice would be mailed to the importer and would take an estimated two days to arrive. Until the invoice was received the importer did not have the required reference number to allow electronic payment. The new process will allow the invoice to be emailed to the importer, saving two days and allowing immediate payment.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$226,000 in compliance costs.

#### **PDF writable form conversion and email lodgement**

- In July 2014, the most highly used forms in the cargo environment (Postal Import declarations, Cargo Screening override and Refund applications) were converted to PDF writable form with an option for email lodgement.
- The change means individuals and businesses can now populate these forms electronically, no longer requiring the printing of forms for completion by hand. This change also enabled forms to be submitted more easily by email by simply pressing a lodge button embed on the form. Previously submission of forms by email entailed scanning and attaching the completed document to the email for lodgement.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$201,000 in compliance costs.

#### **Simplifying labour agreement arrangements**

- On 8 July 2014, Assistant Minister Cash agreed to a new framework to simplify the labour agreement programme for employers.
- Employers facing certain skill shortages can enter into labour agreements with the



Department of Immigration and Border Protection to access an agreed number of temporary skilled and semi-skilled workers from overseas. As part of the proposed changes, the number of labour agreement streams will be reduced from six to four and aspects of agreements will be specified for the life of the agreement rather than having to be re-negotiated annually. These changes will result in shorter negotiation times and less ongoing management through a more transparent and consistent model. In addition, Designated Area Migration Agreements (DAMAs) will make the process of accessing skilled labour from overseas easier for small businesses in specified geographical areas (such as the Northern Territory).

- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$51,000 in compliance costs.

#### **Greater visa flexibility for Chinese business visitors**

- On 7 February 2014, the Ministers for Trade and Investment and Immigration and Border Protection announced an extension of Visa Subclass 600 – Visitor Visa to permit Chinese business visitors multiple entries for a three year period. This was implemented through administrative changes.
- Previously the visa class only enabled a person to visit for business purposes for up to 12 months, meaning they had to go through multiple visa application processes. Now a Chinese business visitor will be eligible to apply for a multiple-entry three year visa.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$2,400 in compliance costs.

#### **Update of Laser Pointer classification policy**

- In April 2014 the classification policy of laser pointers was clarified.
- Before the scope of laser pointer control was clarified, many items that were not intended to be controlled (e.g. survey and construction lasers, medical lasers etc.) were being captured under the regulation.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$1,190 in compliance costs.

#### **Repeal of the Emergency (Permanent visa Application, Subclass 302) and Emergency (Temporary visa Application, Subclass 303) visas**

- These visas were repealed on 22 March 2014.
- The two Emergency visa categories were rarely used and other visa avenues, such as visitor or temporary entry visas, can be used in their place.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual saving of \$27 in compliance costs.

#### **Introduction of the Safe Haven Enterprise visa and reintroduction of the Temporary Protection visa**

- On 15 December 2014, amendments to the *Migration Act 1958* were passed which, among other measures, established a Temporary Protection visa (TPV) and a Safe

Haven Enterprise visa (SHEV) as part of the *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014*. TPVs came into effect on 16 December 2014 following Royal Assent. The SHEV will come into effect in April 2015 following further necessary amendments to the *Migration Regulations 1994*.

- The SHEV will encourage illegal arrivals who engage Australia's protection obligations to settle in a regional community and find work or study, while addressing the need to develop the economic and social structure of regional Australia.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual increase of \$328,000 in compliance costs.

#### **Expansion of Work and Holiday arrangements to Poland, Portugal, Spain and Israel**

- New Work and Holiday visa arrangements were signed with the following countries:
  - Poland (28 March 2014)
  - Spain (3 September 2014)
  - Portugal (25 September 2014)
  - Israel (22 October 2014)
- New Work and Holiday visa arrangements will help generate economic benefits by providing new sources of young people who can stay in Australia for up to 12 months. Expenditure by Working Holiday Makers is focussed on accommodation, tourism, transportation and tuition.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual increase of \$307,000 in compliance costs.

#### **Extension of streamlined visa processing to low immigration risk non-university providers in the higher education sector and simplification of the Student visa Assessment Level Framework**

- On 22 March 2014, streamlined visa processing arrangements were extended to an additional 19 eligible higher education providers and the student visa Assessment Level Framework was simplified. Simplification of the student visa Assessment Level framework reduced the number of assessment levels from five to three and provided a reduction in the financial evidence requirements for Assessment Level 3 students from 18 months to 12 months. This has meant that students from a number of key markets are able to apply for a student visa with up to \$AUD40,000 less in the bank.
- These changes have made it simpler for genuine international students to study in Australia, attracted more students from overseas and provided a vital boost to the economy, while still ensuring that immigration risk is appropriately managed.
- The Immigration and Border Protection Portfolio estimates that this will lead to an annual increase of \$16,000 in compliance costs.

#### **Enhancing the Significant Investor Visa (SIV) Stream**

- In May 2014, an internal review of the Significant Investor Visa (SIV) (subclass 188) Programme was completed.
- On 14 October 2014, as part of the Competitiveness Agenda, the Government endorsed a number of new measures to come into effect from July 2015 to increase the

effectiveness/competitiveness of the SIV programme. These include:

- Aligning complying investment policy settings with the Government's foreign investment policy.
- A commitment to identify deregulation opportunities, such as implementing measures to streamline visa processes.
- Introducing a tiered investor visa programme targeting both significant and premium high net worth applicants with variable thresholds to access to permanent residency.
- Implementing an engagement strategy that enhances the promotion of the SIV programme globally.
- Ensure that measures to increase the attractiveness of the investor visa programme are supported by enhanced integrity measures.
- The Office of Best Practice Regulation has agreed that these measures will lead to an annual increase of \$2,720 in compliance costs.

## Measures announced but not implemented in 2014

| Measure   | Cost / saving announced<br>(\$ million) | Status                   |
|---|---|--------------------------|
| <p><b>Repeal of the Non-Contributory Parent and Other Family Visa</b></p> <p>On 25 September 2014 the regulations to implement this reform were disallowed in the Senate.</p> | - \$24.11                               | Disallowed by the Senate |

## Appendix B: Legislation Administered

*Aliens Act Repeal Act 1984*

*Australian Citizenship Act 2007*

*Australian Citizenship (Transitionals and Consequential) Act 2007*

*Commerce (Trade Descriptions) Act 1905*

*Customs Act 1901, other than Part XVB and Part XVC*

*Customs Administration Act 1985*

*Customs Depot Licensing Charges Act 1997*

*Customs Securities (Penalties) Act 1981*

*Customs Tariff Act 1995*

*Customs Undertakings (Penalties) Act 1981*

*Customs (Tariff Concession System Validations) Act 1999*

*Immigration (Guardianship of Children) Act 1946*

*Import Processing Charges Act 2001*

*Import Processing Charges (Amendment and Repeal) Act 2002*

*Maritime Powers Act 2013*

*Migration Act 1958*

*Migration Agents Registration Application Charge Act 1997*

*Migration (Health Services) Charge Act 1991*

*Migration (Sponsorship Fees) Act 2007*

*Migration (Visa Application) Charge Act 1997*

*Migration (Visa Evidence) Charge Act 2012*

*Passenger Movement Charge Act 1978*

*Passenger Movement Charge Collection Act 1978*