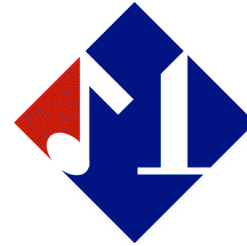


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Australia's representative to the International Music Council



Music Council of Australia

The Hon Peter Garrett, AM, MP
Minister for the Environment, Heritage and the Arts
Parliament House
Canberra ACT 2600
August 29, 2009
By email

Cc: Senator the Hon Christopher Evans
Minister for Immigration and Citizenship
Leader of the Government in the Senate

Dear Minister

Re: Aussie Musicians Centre Stage

I write regarding your policy regarding support acts appearing ahead of all international touring acts performing in Australia, an initiative the Australian Music Council strongly supports.

The Council understands that the delay in implementing this commitment may be a result of the Government's other commitment to streamlining regulations: specifically that, effectively, before addition of a new regulation another must be removed.

The Music Council would like to offer a suggestion that might facilitate the implementation of the regulation change required before this policy can be given effect.

In 2000, the then Department of Immigration, Multicultural and Indigenous Affairs undertook a review of the Temporary Residence Program. That review resulted, in 2002, in the release of *In Australia's Interests – A Review of the Temporary Residence Program*.

Amongst other visas considered, the report considered the Media and Film Staff Visa (subclass 423) and the Entertainment Visa (subclass 420).

In respect of the 420 visa, the review recommended that the definition of net employment benefit be revisited and strengthened as follows:

“That consultations be undertaken with industry representatives and relevant unions to clarify the definition of ‘net benefit to the entertainment industry’ and draft an agreed set of guidelines for assessing this criterion. If a sufficiently robust definition of net employment benefit can not be developed then establishment of an expert panel to determine ‘net employment benefit’ in the small number of cases where promoters and unions are in dispute could then be explored.”¹

It also recommended:

“That reference to ‘cultural and non-commercial’ be changed to ‘non-commercial’ and that this be clearly defined in the Migration Regulations following further consultation with industry stakeholders.”²

These recommendations are consistent with the Government election commitment in respect of support acts.

The report also made recommendations in respect of the 423 visa. This subclass covers persons representing an overseas news organization – foreign correspondents, television news crews and the like – entering Australia to work on documentaries and television commercials exclusively for overseas use, and persons entering Australia under a country-to-country agreement.

The report recommended that this visa be abolished, finding that

- the short stay temporary business visa (subclass 456) or, if required to stay longer than three months, the long stay business visa (subclass 457) would be more appropriate for people representing overseas news media organizations,
- the provisions for persons entering Australia to make documentaries or commercials for overseas use should be transferred to the entertainment visa (subclass 420), and
- persons entering under a country-to-country agreement could be managed in ways that did not require the retention of the 423 visa.³

The recommendations set out in Chapter 13 of the report also made several recommendations for further streamlining and rationalisation of visa provisions for international relations purposes.

¹ *In Australia's Interests – A Review of the Temporary Residence Program*, Commonwealth of Australia, 2002, 10.25 Recommendation, page 193.

² *Ibid*, 10.30 Recommendation, page 195.

³ *Ibid*, 8.15, pages 170-171.

The Music Council understands that some of these recommendations were implemented to the extent that the necessary drafting was undertaken but not tabled in the House of Representatives.

The Music Council considers that operating on the recommendations of *In Australia's Interests* would enable the Government to streamline the Temporary Residence Program by abolishing the 423 visa as set out above and rationalising the international relations visas as set out in Chapter 13, thus allowing the Government to give effect to its election commitments in respect of support acts.

Yours sincerely

Richard Letts
Executive Director