


ausfilm



ENTERTAINMENT VISAS: WHAT YOU NEED TO KNOW



AUSTRALIA: THE WORLD'S BEST DESTINATION FOR SCREEN PRODUCTION.

Photographer: Greg Noakes

Ausfilm's key aim is the attraction of international film and television production and post-production to Australia. Ausfilm is a partnership organisation between private industry and government. It comprises Australia's Federal, State and Territory Governments and 30 private-sector companies. With offices in Los Angeles and Sydney, Ausfilm hosts a range of international events as well as providing advice, recommendations and guidance to international producers seeking to film in Australia.

The professional and knowledgeable Ausfilm team is based in Los Angeles and Sydney, and provides the following ten benefits and services to its clients:

1. Australian screen incentives information and advice
2. Guidance on Australian co-production arrangements
3. Locations surveys and pitches tailored to your script/project
4. Confidential briefing about your project to state and territory screen agencies
5. Information about studio complexes, production services and equipment providers
6. Referral service to Australian creative talent, technical and producing personnel
7. Information on post-production, sound design, digital and visual effects capability and facilities
8. Travel fund (restrictions apply)
9. Comparative budget service (restrictions apply)
10. Information on immigration and import regulations and procedures

YOUR GATEWAY TO THE AUSTRALIAN FILM AND TELEVISION INDUSTRY.

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If you wish to film in Australia and bring foreign personnel, all non-residents will need to apply for a temporary work visa for the duration of their stay.

WHICH VISA TO USE?

There are three main categories of visa. Your immigration consultant will advise you which visa is appropriate for your situation, based on the length of your stay and the purpose of your visit.

BUSINESS ELECTRONIC TRAVEL AUTHORITY (ETA)

A Business ETA is available for passport holders from the USA, Canada, Japan, Korea, Hong Kong, and other Asian countries. European passport holders may apply online for the e-Visitor program, which is essentially equivalent to an ETA.

Use the ETA if you:

- // Will only be undertaking limited work (i.e. you are planning a short visit to Australia to explore shooting options; or you are holding meetings or undertaking a location survey);
- // Are staying for less than 3 months; and
- // Will not be in physical production on your project.

Applying is easy. Business ETAs and e-Visitor authorisations can be purchased at the same time you purchase your airline ticket, or online at www.eta.immi.gov.au. If you purchase this visa online you do not require a stamp for your passport; upon arrival in Australia your details will be registered in the immigration computer system.

A full listing of ETA-eligible countries can be found at www.eta.immi.gov.au/ETAAus1En.html. If you do not hold an ETA passport, and are not eligible for an e-Visitor authorisation, contact your nearest Australian visa office (www.immi.gov.au/contacts) for further options.

MEDIA AND FILM STAFF VISA (SUBCLASS 423)

This visa is for the temporary entry and stay of personnel (including actors, production and support staff) involved in the production of fully offshore-financed documentary programs or commercials that will NOT ever be screened in Australia. If the documentary or commercial will be screened in Australia, then it is necessary to apply for an Entertainment Visa (subclass 420).

To be granted this visa you will need to be sponsored and nominated by an organisation or eligible individual in Australia. Due to the specific qualifying requirements, the majority of projects entering Australia will not be eligible. If you think your project may qualify for the Subclass 423 visa it is important that you consult with an entertainment industry immigration consultant and the Department of Immigration and Citizenship (DIAC) to ensure your interpretation of the Migration Regulations is correct.

If your project will be broadcast or shown in Australia (including on cable television), you will need to apply for an Entertainment Visa (Subclass 420).

<http://www.immi.gov.au/skilled/specialist-entry/423>

ENTERTAINMENT VISA (SUBCLASS 420)

The most common visa for footloose productions filming in Australia, this visa is for the temporary entry and stay of personnel who are entering Australia to undertake work in film, television or live productions in either a performance or behind-the-scenes role. Family members may accompany you during your stay with this visa.

Please note that new requirements were introduced on 14 September 2009 relating to sponsorship and health insurance verification.

<http://www.immi.gov.au/skilled/specialist-entry/420/>

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APPLICATION PROCESS FOR SUBCLASS 420 VISAS

Personnel on the majority of productions entering Australia will require the Entertainment Visa (Subclass 420) in order to import cast and crew. Your entertainment industry immigration consultant will guide you through this process as documentation requirements can differ depending upon the nature of your project.

SPONSORSHIP

The Entertainment Visa (Subclass 420) requires you to have an appropriate Australian sponsor to nominate you. A sponsor can be an eligible individual or an organisation, and your local production services company may be able to act as your sponsor. From 14 September 2009, ALL sponsors must apply for and be approved as a sponsor (form 1377 Application for approval as a temporary residence sponsor), before they can nominate applicants (form 1379) for either an Entertainment visa or a Media and Film Staff (Subclass 423) Visa. Approval as a sponsor is valid for a period of three (3) years. Using a local production services company may also enable your production to obtain rebates on Goods & Services Tax (GST) paid in Australia.

CONSULTATION

Prior to nominating a performer, the sponsor must consult with the Media, Entertainment & Arts Alliance (MEAA) in relation to the person's engagement in Australia. The Department of Immigration and Citizenship (DIAC) cannot process your application until consultation with MEAA is complete (and the application is supported) so it is advisable to commence discussions with MEAA as early as possible.

Ausfilm recommends liaising closely with your local production services company and/or immigration consultant about the MEAA consultation as they will be very familiar with MEAA's requirements.

Information required by MEAA includes:

In the case of performers

1. A copy of the script;
2. A letter outlining:
 - // Full reasons for importing an overseas actor/s noting under which section(s) of the OFTA Foreign Actor Certification Scheme (FACS) Guidelines the application is being made;
 - // A finance plan detailing the percentages of Australian and foreign finance to ensure consideration under the appropriate section of the FACS. (Please note that all details of an application are treated strictly confidentially);
 - // If the application is being made on the basis of inability to cast the role with an Australian performer, documentary evidence of compliance with the Casting Guidelines in the OFTA FACS Guidelines available here: http://www.arts.gov.au/film/film_foreign_actors_for_film_or_television
 - // Other information relevant to substantiate an application under the particular section.
3. A copy of the completed 1379 nomination form that will be lodged with DIAC;
4. A copy of the overseas actor/s resume; and
5. A copy of the deal memo/contract with the overseas actor/s.

Provision of deal memos/contracts is treated strictly confidentially. Most importantly, it is necessary that the deal memo/contract sets out that:

- // The actor is to receive remuneration and be afforded terms and conditions, including accommodation, travel and transport within Australia and per diems, no less favourable than those contained in the relevant Australian award/agreement: see Migration Regulations 1994: Sch. 2 cl. 420.255 For information regarding the relevant agreement please contact aid@alliance.org.au or +61 1300 656 512;
- // The sponsor will provide the actor with return international airfare/s and take out medical insurance on the actor's behalf.

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In the case of crew and support personnel

1. A letter that includes the following information:
 - // An overview and description of the production;
 - // The reason for importing an overseas person/s and why an Australian or Australians could not have been engaged;
 - // A list of those positions the production is planning to fill with Australians to satisfy the Net Employment Benefit Test under the Migration Regulations:
<http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument/Compilation1.nsf/bodylodgmentattachments/E0E289AF590C5C8CCA256F71004A5883?OpenDocument#REG1.12A>
 - // Other information relevant to substantiate an application.
2. A copy of the completed 1379 nomination form that will be lodged with DIAC: <http://www.immi.gov.au/allforms/pdf/1379.pdf>
3. A copy of the overseas person/s resume;
4. A copy of the deal memo/contract with the overseas crew member. Provision of deal memos/contracts is treated strictly confidentially. Most importantly, it is necessary that the deal memo/contract sets out that:
 - // The overseas person is to receive remuneration and be afforded terms and conditions, including accommodation, travel and transport within Australia and per diems, no less favourable than those contained in the relevant Australian award/agreement: see Migration Regulations 1994: Sch. 2 cl. 420. 255
For information regarding the relevant agreement please contact aid@alliance.org.au or +61 1300 656 512;
 - // The sponsor will provide the crew member with return international airfare/s and take out medical insurance on the crew member's behalf.
5. Evidence there is an intent to conform with local production conditions and safety standards (if possible, provide a copy of your production schedule). **MEAA will always require compliance with occupational health and safety regulations, and the Film Industry Recommended Safety Code.** You may need to employ a qualified Australian Safety Officer to help you comply with these regulations.

Further information can be found at: www.alliance.org.au/imports.

After considering your application, MEAA will advise in writing as to whether, in its view, your project complies with the relevant guidelines. There will be a fee payable to MEAA on the successful granting of your visa by DIAC (see **HOW MUCH WILL IT COST?** following page for details).

CERTIFICATION

Once you have received written advice from MEAA, you then apply to the Office for the Arts, Department of the Prime Minister and Cabinet (OFTA) to obtain arts certificates for actors, or other on-screen performers. Applications for certificates should be made by your Australian sponsor.

These certificates generally relate to the inclusion of Australian content, but precise requirements for clearance differ depending upon your type of project. Complete OFTA guidelines and actor clearance application forms can be obtained at: http://www.arts.gov.au/film/film_foreign_actors_for_film_or_television

APPLICATION

Sponsorship and visa application forms, together with any other supporting documentation, must be lodged at the Sydney Entertainment Processing Centre. Documentation required includes:

- // Completed Sponsorship Form 1377 (<http://www.immi.gov.au/allforms/>).
- // Completed Nomination Form 1379 (<http://www.immi.gov.au/allforms/>).
- // Completed Visa Application Form 147 (<http://www.immi.gov.au/allforms/>).
- // Copies of the deal memo/contract for each applicant.
- // Copies of the deal memo/contract for each applicant.
- // OFTA Certificates to Import Foreign Actors for a Film or Television Production.
- // Sponsorship fee for the proposed sponsor.
- // Nomination and visa application charges for each applicant.
- // Health and character testing for visa applicants is also required.
- // You are required to demonstrate you have adequate means to support yourself whilst in Australia.
- // You must also provide evidence of health insurance cover.

You may also be required to provide evidence that

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each applicant will leave Australia at the expiration of their visa (usually a return airline ticket).

Various other documents will need to be provided in support of the sponsorship and nomination applications.

HOW MUCH WILL IT COST?

Most stages of this process will attract a small fee as detailed in the table below. The rates in this table are current as at September 2009 but rate increases usually apply from 1 July each year. To confirm the current rates, go to: <http://www.immi.gov.au/allforms/990i.htm>.

! Do not lock off your budget until you have determined exactly which fees and charges are applicable to your situation.

SERVICE	COSTING
Business ETA	A\$20 per person (can be paid online with a credit card). Payable to DIAC.
Visa consultation services	This will vary depending upon the complexity of your requirements and the number of people you are importing. Your immigration consultant will provide a full fee outline in writing upon request.
Sponsorship consultation services	This will vary depending upon the size of your production, the complexity of your requirements and the number of people you are importing. Contact the production services company directly which will advise you of their fees.
Sponsorship approval fee	\$345
Nomination fee	\$140 per nominee (bulk rate discount where more than 20 nominations are made together – maximum fee A\$2,800)
MEAA Consultation fee*	Film and TV performers A\$550 per person. Film and TV personnel A\$302.50 per person. Payable to MEAA.
Entertainment Visa Application fee (form 147)	A\$260 per person or A\$2,600 if more than 10 persons are included in application and are outside of Australia at time of application. Payable to DIAC.
Media and Film Staff Visa Application Fee (form 147)	A\$260 per person. Payable to DIAC.
Safety Officer (if required)**	You may need to employ a qualified Australian Safety Officer in order to comply with Australian occupational health and safety regulations and the Film Industry Recommended Safety Code.

* Fee payable on successful grant of visa by DIAC

** **You will be required to comply with occupational health and safety regulations, and the Film Industry Recommended Safety Code (www.alliance.org.au/docman/task/cat_view/gid,38/Itemid,28/).** You may need to employ a qualified Australian Safety Officer to help you comply.

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HOW LONG WILL IT TAKE?

If you've done your homework, and started consultation early, each stage in the process should be straightforward and efficient. The following is a rough guide to the time required to process each stage:

- // MEAA consultation: Allow 14 days for performers and 7 days for other personnel.
- // OFTA FACS certificate: Allow 7 working days.
- // Entertainment Visa (Subclass 420): Allow 4 weeks.
- // Entertainment Visa (Subclass 423): Allow 4 weeks.

FOR FURTHER INFORMATION CONTACT:

For further information on Australia's visas see the Migration Regulations 1994 at: http://www.austlii.edu.au/cgi-bin/sinodisp/au/legis/cth/consol_reg/mr1994227/s1.01.html

GOVERNMENT

Department of Immigration and Citizenship
Enquiry line: 131 881; choose the "Business" option for film industry visas (usually Entertainment Visa subclass 420 or 423)
<http://www.immi.gov.au/contacts/>
Australian Immigration Offices - International
<http://www.immi.gov.au/contacts/overseas/>

Office for the Arts, Department of the Prime Minister and Cabinet (OFTA)
Switch +61 2 6274 1111
<http://www.arts.gov.au/film>

UNION

Media, Entertainment & Arts Alliance (MEAA)
Tel: +61 2 9333 0999
federal@alliance.org.au
www.alliance.org.au

IMMIGRATION CONSULTANTS

Australian Migration Service (AMS)
Tel: +1 310 278-2574 (USA)
Tel: +61 7 3356 0111 (Australia)
Tel: +41 33 823 0953 (Europe)
info@australianconsultancy.com
www.australianmigrationservice.com

DLA Phillips Fox

Tel: + 61 2 6201 8708
melanie.mckean@dlaphillipsfox.com
www.dlaphillipsfox.com

Holding Redlich

Tel: + 61 2 8083 0388
paul.hardman@holdingredlich.com.au
www.holdingredlich.com.au

AUSFILM PARTNER PRODUCTION SERVICES COMPANIES

Beyond International Ltd
Tel: + 61 2 9437 2000
mikael.borglund@beyond.com.au
www.beyond.com.au

Fox Production Services Pty Ltd
Tel: + 61 2 9383 4035
catherine.mcdonnell@foxaus.com
www.foxstudiosaustralia.com

Village Roadshow Production Services

Tel: + 61 7 5585 9670
lynn.paetz@movieworldstudios.com.au
www.movieworldstudios.com.au

AUSFILM MEMBER STUDIOS HAVE PRODUCTION FACILITATION CAPABILITY:

Fox Studios Australia
Tel: +61 2 9383 4035
sam.pantos@foxaus.com
www.foxstudiosaustralia.com

Melbourne Central City Studios

Tel: +61 3 8327 2000
mccs.admin@mccs.net.au
www.mccs.net.au

Village Roadshow Studios

Tel: +61 7 5585 9601
benzie@movieworldstudios.com.au
www.movieworldstudios.com.au

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WHAT YOU NEED TO KNOW:

- // Start the process early.
 - // Contact a qualified entertainment industry immigration specialist.
 - // Engage a local production services company to assist with your Australian requirements.
 - // Determine the type of visa you require (your immigration consultant and DIAC will assist with this).
 - // Obtain an approved Australian sponsor (if you are applying for a Subclass 420 or Subclass 423 visa). This may be your local production services company.
 - // Contact MEAA early to start the consultation process.
 - // Adjust your budget to take into account all immigration consultation fees, sponsorship fees, application fees and safety officer (if required).
 - // Submit application to OFTA to obtain clearance of actors, and other on-screen performers.
 - // Submit your sponsorship and visa application forms, together with all required supporting documentation to the DIAC Visa Processing Unit. Your forms must be lodged by your Australian sponsor.
- ! Do not lock off your budget till you have allowed for all fees and charges.**