Symphony Services Australia’s response to Visa Simplification Policy Consultation Paper

Introduction
Symphony Services Australia ("Symphony Services") is a not-for-profit entity providing services to the professional orchestral sector and the wider community. The company is incorporated as a cultural organisation for the promotion and encouragement of music, for providing assistance to orchestras and other music performance or educational organisations, and for charitable purposes.

This submission is provided on behalf of our network members, the six Australian state orchestras, namely, Adelaide Symphony Orchestra, Melbourne Symphony Orchestra, Queensland Symphony Orchestra, Sydney Symphony Orchestra, Tasmanian Symphony Orchestra, and West Australian Symphony Orchestra.

Symphony Services and the Australian orchestral network welcome the Australian Government’s proposed visa simplification proposal. As a Standard Business and Temporary Work (Entertainment Stream) Sponsor, Symphony Services is pleased that the Government is committed to reducing the burden and cost of unnecessary or inefficient regulation imposed on individuals, businesses and community organisations.

The Australian orchestras appreciate that the regime to date facilitates the entry of non-citizens to Australia to work temporarily in the entertainment industry thereby providing the Australian community with access to a wide range of overseas social and cultural events and activities.

The Department of Immigration and Boarder Protection shall be aware that our member orchestras regularly engage their visiting international artists, conductors and musicians on 408 visas, ensuring that their audiences and musicians enjoy internationally renowned music practitioners of the highest calibre throughout the year in Australia. In addition, we arrange 457 visas for a very small number of international players (currently less than 10) within the orchestras when those positions have been unable to be filled locally after what is usually a multiple-round recruitment process. These visas should be seen in the context of the orchestras as employers of over 2,500 professional musicians and administrative staff who are resident Australian citizens.

Classical music industry
The Australian Government is familiar with the truly globalised nature of the classical music industry and the international reputation of the Australian symphony orchestras. The orchestras’ reputations and continuity rely on their ability to attract international musicians, conductors and artists of the highest calibre in order to present seasonal concerts of artistic excellence. Planning years in advance, the artistic teams of the orchestras shape the repertoire for each season and engage featured artists, musicians and conductors to excite their audiences and ensure successful performances throughout Australia.

1 Australian Government Regulator Performance Framework (2015)
2 Discussion paper: Review of the Temporary Work (Entertainment) Visa (subclass 420) (2015)
The orchestras invite international and Australian musicians, conductors and artists to enhance their orchestras’ musicality. Australian and non-citizen musicians, conductors and artists are engaged on a short-term basis to perform certain repertoire at specific concerts.

Symphony Services is registered with the Department as a Temporary Work Activity Sponsor in the Entertainment stream. We can nominate the visa applicant musicians, conductors and artists that we contract on our members’ behalf to undertake work with their orchestras, frequently in joint tours of more than one orchestra.

Just as visiting musicians, conductors and artists are the life-blood of the orchestras, individual permanent musicians of each Australian orchestra are in turn invited to perform and work with other Australian and international orchestras.

Whilst other industries are learning to adapt to global trends in employment, business and competition for skilled migrants and resources, the classical music industry always was and continues to be a truly global industry. The biggest challenge for Australian orchestras in attracting and retaining internationally skilled musicians is our geographical position in relation to the predominantly European and American base for our industry participants. Therefore our members rely on visa programs that accommodate short-stay, temporary and permanent visa arrangements for their artistic pursuits and development.

Key components for review

1. Simplifying our visa arrangements

Any simplification of the current application process is welcomed, provided the existing capacity to augment the Australian orchestras with the best and brightest international performers is maintained.

Given that the Australian symphony orchestras receive significant federal funding it would be logical to minimise the use of this funding for visa compliance. We would support a simplified process where that status is recognised, thereby permitting the artist to simply apply for a visitor visa for stays of up to three months.

We note the New Zealand government has in recent years introduced a system whereby a work visa is no longer necessary for ‘High-end Musical Acts’ working in New Zealand. We understand that the New Zealand Symphony Orchestra has had to register with New Zealand Immigration as an Approved Music Promoter and any artists entering New Zealand to work with them do so under a Visitor’s Visa that requires only that they provide a letter from the orchestra confirming the engagement. Symphony Services would support a similar a visa regime focused on the visiting artist(s), allowing them to apply online for a temporary work visa with minimum fuss and expense. The orchestras would in turn appreciate being able to redirect saved resources to other priorities for the orchestras and their audiences.

Whilst we support simplification of the visa regime, Symphony Services recognises the benefit of the current regime in that our member orchestras can plan, contract and advertise their artistic talent, confident that the contracted overseas artists shall be granted a temporary work visa, subject to them meeting basic migration checks. If our current level of certainty for successful applicants for visas cannot be guaranteed in a newly designed process, then we would support retention of the current regime.

2. Temporary and permanent residence

Symphony Services and the orchestras support a system of temporary to permanent residence transition for highly skilled workers. The Australian orchestras employ an extremely small number of international candidates to fill highly skilled positions. A local recruitment process is always held either prior to, or concurrent with, the international process. International candidates are only appointed after local options have been exhausted. These positions are either senior management roles or leadership roles within the orchestra itself.
In the infrequent cases where international candidates are appointed to a position in an Australian orchestra, they are offered either a permanent position or a long contract to provide the stability the organisation needs to operate at the highest level and to match the long planning cycles of the orchestra. This also provides the candidate with a reasonable incentive to leave an existing stable position in Europe, the UK, USA or other country and move to Australia. In many cases, the candidate eventually becomes an Australian citizen. In all cases, the contribution to Australia is substantial, including not only performance at the very highest level but also the mentoring and teaching of Australian colleagues.

Symphony Services would also like to see flexibility in the minimum age of permanent residence transition where the length of time required to establish excellence maybe be longer than the current age limits allow. For instance, the job codes listed below require years of training and experience to reach the extremely high levels of excellence required to carry out the role successfully.

3. Modernising Australia’s visa arrangements

Symphony Services supports the statement that *Temporary and permanent workers complement the Australian workforce to assist us to fill skills gaps.* The orchestras have historically filled a very small number of critical roles across four key job codes using 457 visas (now to be TSS visas). These codes are:

- Chief Executive or Managing Director (111111)
- Musician (Instrumental) (211213)
- Arts Administrator or Manager (139911)
- Music Director (211212)

Currently the first two codes (CEO and Musician, Instrumental) are on the MLTSSL list and the second two (Arts Administrator or Manager and Music Director) are on the STSOL. To truly fill the skills gaps experienced by the orchestras, all four job codes need to be on the MLTSSL list, as stability and longer-term employment contracts are required. Symphony Services has requested this change and will continue to work to ensure this very small and finite group of people are able to fill key gaps in our sector that are unable to be filled by local candidates. A thorough business case regarding these job codes was submitted to the Department of Immigration and Border Protection in June 2017 and can be provided on request.

**Conclusion**

I trust this assists the Government in its policy consultation process. Please use the contact details below for further information or any clarification that may be required.

Kate Lidbetter  
Chief Executive Officer  
Symphony Services Australia  
02 8215 4664  
lidbetterk@symphonyinternational.net

August 2017

---