

From: Reception <reception@twu.com.au>

Date: Monday, 23 January 2017 at 7:47 AM

To: Serene Limaye

Subject: FW: Stakeholder Consultation on behalf of Northline Pty Ltd - Proposed Company Specific Labour Agreement with TWU a Relevant Industrial Stakeholder

Kind Regards

Siri Taripanah

Receptionist and Team Support Administrator



Transport Workers Union of Australia

Tony Sheldon National Secretary

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From: Alan Chanesman - Lipman James

Date: Sunday, 22 January 2017 3:41 PM

To: "twu@twu.com.au" <twu@twu.com.au>

Cc: John Burford

Subject: Stakeholder Consultation on behalf of Northline Pty Ltd - Proposed Company Specific Labour Agreement with TWU a Relevant Industrial Stakeholder

Mr Tony Sheldon
National Secretary
Transport Worker Union (TWU)
National Office

Dear Mr Sheldon

RE: YEAR 1 - LABOUR AGREEMENT CONSULTATION WITH A RELEVANT INDUSTRIAL STAKEHOLDER

We act by express consent on behalf of our client, Northline Pty Ltd (Northline) who has commenced Year 1 Labour Agreement negotiations with the Commonwealth allowing them to continue sponsoring skilled overseas workers to cover significant skilled personnel shortages.

The Department of Immigration and Border Protection (DIBP) requires all organisations seeking access to a Labour Agreement to consult with relevant industrial stakeholders which best represent employees in occupations proposed under the Labour Agreement; the industry bodies which best represent employers in the industry; and any other agency or community group that may be impacted by the proposed Labour Agreement.

This correspondence is to inform you about the company's intentions in requesting a Labour Agreement and to seek your feedback. DIBP will take your views into account in their negotiations with Northline.

Therefore, Northline approaches the TWU as a relevant industrial stakeholder concerning the process Northline is engaged in.

During this consultation the Commonwealth have asked us to inform relevant industrial stakeholders that your organisation's written response (email is acceptable) is requested within ten (10) working days of receipt of this correspondence in order to be considered by DIBP as relevant to the Labour Agreement negotiation process. We are obliged to follow up with you after a further five (5) working days if we do not hear from you and provide you with an additional five (5) working days to respond.

Northline are seeking access to overseas workers due to significantly heightened demand for skilled workers they are experiencing. As critical State and Territory shortages become more acute the domestic labour market advertising Northline undertook and the measures detailed below have proven commercially unsuccessful. Therefore, the only remaining option for Northline is to temporary sponsor qualified workers in the following occupations/s from the international marketplace.

Occupation	ANZSCO Code	Requested Nominations			
		Year 1	Year 2	Year 3	
Forklift Driver	721311	20	20	20	An
List of tasks	<p>The Forklift Operator is responsible for the safe and efficient loading and unloading of a range of freight to legal capacity and blending freight to achieve maximum payloads</p> <p>Key Challenges</p> <ul style="list-style-type: none"> - Compliance with safety procedures in line with freight deadlines and commitments -Ensuring accurate matching, sorting and scanning of freight; -Loading and unloading of general freight including, long lengths, ugly, oversized freight -The ability to visualise and plan the load; -Meeting set loading and unloading deadlines whilst maintaining safety and zero damage -Blending of freight to maximise revenue of each load; -Ensuring appropriate load restraint in line with Chain of Responsibility; -Ensure loads are within mass legislative requirements 				
Skills Assessment	<ul style="list-style-type: none"> -Forklift Licence (Class LF) (to be gained once in Australia); -Forklift Operator experience, Transport Industry Experience with a general carrier of mixed dimensional and weight loads; -Physical fitness to handle repetitive lifting (manual handling) of freight/curtains up to 20 kgs.; -Ability to effectively work with and deal with people internally and externally; -Adaptability; -Ability to work autonomously and unsupervised; -Good literacy and numeracy skills; -Good communication skills and a proactive attitude; -Good time management skills, can work to deadlines. 				<p>Mandatory requirement for the occupation:</p> <p>Forklift Licence (Class LF) (general)</p>

Regardless, Northline remains firmly committed to searching for skilled personnel in the following order:

1. continue their search for workers with skills available within the Australian domestic market
2. continue their search for Australians presently residing overseas with appropriate skills
3. cross train or upskill their existing Australian staff
4. sponsor appropriately skilled workers from overseas where those skills are not readily available in Australia

Northline confirms that the Terms and Conditions of Employment for all persons employed under a Commonwealth Labour Agreement will be no less favourable than the Terms and Conditions of Employment that are provided, or would be provided, to an Australian citizen or permanent resident for performing equivalent work in the name workplace at the same location, and that their remuneration will be commensurate with the prevailing Market Salary Rate (MSR) which will not be less than the prevailing Road Transport & Distribution Award 2010 Award and the Temporary Skilled Migration Income Threshold (TSMIT) and the relevant On behalf of DIBP, I must advise that your response will not necessarily veto the Northline Labour Agreement request, however your input is valued and will be taken into consideration where evidence is provided that supports any objections. If we do not hear from you DIBP will assume that you do not have a concrete objection to our proposal and the negotiation process will continue. If you voice significant concerns DIBP may contact you directly.

We would appreciate if you could treat this correspondence 'Commercial In-Confidence' and should not be used for any other purpose other than which it was/is intended and not be disclosed to any other party. Copies of all correspondence between us will be provided to DIBP.

Mr Sheldon, thank you, we look forward to TWU's response concerning our request on behalf of Northline.

Yours sincerely

Alan Chanesman

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MIGRATION LAW

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National Secretary
Tony Sheldon

24 January 2017

Mr Alan Chanesman
Lipman James
Level 1, 3 Male Street
BRIGHTON. VIC. 3186

Dear Mr Chanesman

RE: Application by Northline Pty Ltd for a Labour Agreement

I have received your correspondence regarding the above matter. Whilst we are considering further matters in relation to your application, there are a number of issues arising out of the advice you have provided for which we require more information.

In the sixth paragraph of your letter you refer to "... *the measures detailed below* ...". There are no measures detailed below. Can you please specify the recruitment measures undertaken, including where and when the positions have been advertised, the locations of the vacancies, the number of positions advertised, the nature of the positions, i.e. full-time/part-time/casual, and whether or not a rate of pay was advertised or whether prospective employees were advised of remuneration upon enquiry.

Furthermore, the Department of Immigration and Border Protection has produced a document titled "Information About Requesting a Labour Agreement" which is readily available on the Department's website. On page 13 of that document it sets out the information that must be provided to stakeholders and information that may assist stakeholders in making an informed comment. To assist the TWU in this process, can you please also advise the following:

1. Details of any concessions to the standard programme sought by you (e.g. concessions relating to English language or skill level).
2. The proposed salary for overseas workers, preferably including how the market salary rate has been determined.
3. Details of the qualifications and years of experience that will be expected of workers.
4. Details of how skills assessment will be conducted.
5. The number of Australians currently employed in the occupations requested under the proposed labour agreement.

6. If concessions are sought under this labour agreement, your proposed strategies to ensure worker welfare.
7. A workforce profile showing the current and projected proportion of your workforce (identifying Australian and overseas workers separately).
8. Northline's training plan including details of training you intend to provide to your Australian workforce covering the period of the requested labour agreement and how you propose to meet the training requirement.

As we have a limited time frame to complete this consultative process, your earliest response would be appreciated.

Yours sincerely

Tony Sheldon
National Secretary

Cc: labour.agreement.section@border.gov.au

From: Rayleen Wright - Lipman James

Date: Monday, 6 February 2017 at 6:08 PM **To:** Serene Limaye

Cc: 'Labour Agreement Section' <labour.agreement.section@border.gov.au>

Subject: Stakeholder Consultation - Northline Labour Agreement

Dear Mr Sheldon

NORTHLINE LABOUR AGREEMENT – STAKEHOLDER CONSULTATION

Thank you for your letter to Alan Chanesman dated 24 January 2017 and Alan sends his apologies for not replying sooner as he is away from his office.

In response to your correspondence;

Point 1 - Northline is not seeking any concessions in their Labour Agreement request.

Point 2 - Northline intends to pay the proposed salary for overseas workers pursuant to the '*Road Transport Distribution Award 2010*' and meet equivalent terms and conditions of employment and minimum salary levels as required by the Cth '*Migration Act*' and '*Migration Regulations*' for the nominated occupation of Forklift Driver.

In respect to your points 3,4,5,6,7,8 - Northline provided the required information to the Department of Immigration and Border Protection on a 'commercial in confidence' basis. However in order to assist I have re-attached the completed table the Department of Immigration instructs Labour Agreement applicants to provide stakeholders per the consultation process.

Occupation	ANZSCO Code	Requested Nominations			Location(s)
		Year 1	Year 2	Year 3	
Forklift Driver	721311	20	20	20	Any of the business locations
List of tasks	<p>The Forklift Operator is responsible for the safe and efficient loading and unloading of vehicles and containers, loading a range of freight to legal capacity and blending freight to achieve maximum payloads.</p> <p>Key Challenges</p> <ul style="list-style-type: none"> - Compliance with safety procedures in line with freight deadlines and commitments; -Ensuring accurate matching, sorting and scanning of freight; -Loading and unloading of general freight including, long lengths, ugly, oversized freight safely and with zero damage; -The ability to visualise and plan the load; -Meeting set loading and unloading deadlines whilst maintaining safety and zero damages; -Blending of freight to maximise revenue of each load; -Ensuring appropriate load restraint in line with Chain of Responsibility; -Ensure loads are within mass legislative requirements 				
Skills Assessment	<ul style="list-style-type: none"> -Forklift Licence (Class LF) (to be gained once in Australia); -Forklift Operator experience, Transport Industry Experience with a general carrier of mixed dimensional and weight loads; -Physical fitness to handle repetitive lifting (manual handling) of freight/curtains up to 20 kgs.; -Ability to effectively work with and deal with people internally and externally; -Adaptability; -Ability to work autonomously and unsupervised; -Good literacy and numeracy skills; -Good communication skills and a proactive attitude; -Good time management skills, can work to deadlines. 			<p>Mandatory registration and/or licencing for the occupation?*</p> <p>Forklift Licence (Class LF) (gained once in Australia)</p>	Yes

Alan asked me to forward the information on to you.

Kind regards

Rayleen Wright
Managing Partner



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Brighton Victoria 3186
Melbourne & Brisbane