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Joint Standing Committee on Legal and Constitutional Affairs  
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## Go8 Submission to Inquiry into the Effectiveness of the Current Temporary Skilled Visa System in Targeting Genuine Skills Shortages

The Group of Eight (Go8) thanks the Joint Standing Committee on Legal and Constitutional Affairs for the opportunity to provide input into consultations around the effectiveness of the current temporary skilled visa system in targeting genuine skills shortages. Please note that this submission represents the views of the Go8 network. Member universities may also make their own, more detailed submissions.

### Recommendations:

**Recommendation:** any changes to Australia's temporary visa framework must provide universities with an advantage in the recruitment of global talent over our major competitors.

**Recommendation:** The Go8 urges the Committee to recognise that, while Labour Market Testing may be appropriate in some circumstances, it may work to Australia's detriment in the recruitment of highly specialised skills and talent.

**Recommendation:** The Go8 urges the Committee to recommend that the requirement to advertise a role for 28 days within a 4 month period be extended to a 9 month period.

Australia is a nation built on migration, whether permanent or temporary, which has allowed us to build a strong, vibrant and connected society. With a domestic population base of only around 24 million people, Australia cannot compete on numbers against nations the size of Japan (126 million), Indonesia (260 million), the United States (326 million), or China (1.4 billion).<sup>1</sup> Our competitiveness instead relies on innovation, ingenuity and creativity. By opening our doors to temporary visitors from around the world, whether students, visiting scholars or experts travelling here on academic exchange, we significantly increase the talent pool with which we are able to do this.

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<sup>1</sup> <https://www.cia.gov/library/publications/the-world-factbook/>



As Australia's leading, research intensive universities, with six of our eight members ranked in the Top 100 of the highly prestigious Academic Ranking of World Universities (ARWU),<sup>2</sup> the extensive international connections across the Go8 helps our members remain at the forefront of research quality. In the latest Excellence in Research Australia (ERA) ratings, 99% of our research was rated as being of world class or above, allowing us to help position Australia as a leading source of expertise for many areas with global significance. These results help to keep Australia as a destination of choice for global talent seeking educational, exchange or collaboration opportunities overseas. It is essential that our visa framework – both temporary and permanent – continue to allow this type of exchange.

Key points we wish to raise in relation to this matter are highlighted below.

### Competitor Analysis

Any changes to Australia's visa framework should be cognisant of the global context in which Australian universities are operating.

We are not the only nation to realise that economic and social prosperity will increasingly rely on knowledge, with our competitors actively implementing incentive programs to recruit and retain talent.

- **China:** China's Thousand Talents Plan, running since 2008, is aimed at bringing leading Chinese scientists, academics and entrepreneurs who are currently offshore, back to China. In 2011 it was expanded to include foreign scientists to work and live in China. As noted in Nature: "It's well understood in the research community that scientists recruited through talent schemes will gain access to much higher salaries and research funding levels than their locally trained peers".<sup>3</sup>
- **Canada:** In addition to providing Can\$117.6 million to attract 15 to 35 internationally based researchers to take up Canada 150 Research Chairs,<sup>4</sup> Canada has also implemented a work permit exemption for highly skilled foreign nationals to come to Canada and work at a publicly funded, degree granting institution. This exemption will allow them to perform work for one 120-day period every 12 months.<sup>5</sup>
- **UK:** In 2007, Britain implemented the Rutherford Fund, to attract foreign researchers for stays ranging from a few months to up to 10 years. Universities and Science Minister Jo Johnson said that "The Rutherford Fund will send a strong signal that, even as we leave the European Union, we are open to the world and will reinforce our ambition of making the UK the go-to country for innovation and discovery".<sup>6</sup>

It is therefore important that changes to Australia's temporary visa framework not disadvantage or hamper our efforts to recruit global talent.

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<sup>2</sup> <http://www.shanghairanking.com/ARWU2018.html>

<sup>3</sup> <https://www.nature.com/articles/d41586-018-00538-z>

<sup>4</sup> <https://www.insidehighered.com/news/2017/07/26/several-countries-launch-campaigns-recruit-research-talent-us-and-elsewhere>

<sup>5</sup> <http://www.cic.gc.ca/english/resources/tools/temp/work/researcher-exemption.asp>

<sup>6</sup> <https://www.gov.uk/government/news/100-million-rutherford-fund-to-attract-best-researchers-to-the-uk>



## Current Skills Assessment Regime, including use of ANZSCO codes

There have been significant changes to the structure of the workforce over the last few decades.

Increasing globalization and technologically-driven advances have seen a reshaping of the Australian economic landscape, including the decline of some traditional industries – such as automotive manufacturing – and the rise of others – such as genomics and precision medicine.

Flexibility is critical to maintaining a strong and adaptive economy, especially given the current pace of change.

However, it presents a challenge for fixed classification systems such as ANZSCO, which can be further challenged by the rise of new occupations, or niche areas of expertise.

For example, many academic roles – even those arising in new academic disciplines – can be captured under broad classification bands such as “University Lecturer” (ANZSCO code 242111).

However, this is not the case for specific expertise in professional and technical staff areas, eg:

- An expert in philanthropy and fund-raising activities, recently recruited from Oxford University;
- A technician with a very specific form of expertise necessary to operate an NCRIS-funded piece of research infrastructure, which did not exist within Australia but without which the equipment could not be used;
- Specific expertise in emerging fields such as precision medicine, cybersecurity, and genomics.

These types of roles, which might occupy a specific niche within a broader category, can be more challenging to regulate. The Go8 understands that current arrangements allow for these instances to be managed through either caveats or Labour Market Agreements, however, we are interested in exploring whether it would be possible to develop more streamlined flexible arrangements to facilitate the selection of highly specialized skill sets such as in the examples provided above.

## Labour Market Testing

The Go8 delivers Australia over 101,300 quality graduates every year. These include more than 55% of Australia’s science graduates; more than 40% of our engineering graduates; and more than half of Australia’s medical, dentistry and veterinary students.<sup>7</sup>

We therefore support the principle of ensuring employment opportunities for domestic talent, and of encouraging employers to consider ways of maximizing the skills of the graduates we produce.

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<sup>7</sup> [https://go8.edu.au/sites/default/files/docs/page/go8-facts-of-distinction-2018\\_web.pdf](https://go8.edu.au/sites/default/files/docs/page/go8-facts-of-distinction-2018_web.pdf)



However, this does not preclude the need to source high level or specialized skills and experience that are not easily sourced in Australia. In fact, bringing in such specialists in new and emerging areas can help to build a domestic talent base where one doesn't currently exist.

Such candidates are often in high demand internationally, and any unnecessary delay in the recruitment process could result in the loss of those candidates to competitor nations. While the volume of such appointments is likely to remain small, they tend to bring with them disproportionate value to Australia by providing capacity to build domestic capability in their field.

Often, the only realistic mechanism for attracting these applicants is direct contact by professional recruiters, and employment contracts that are tailored to their personal circumstances through a process of direct negotiation. The imposition of a labour market testing requirement for these highly specialised roles at universities would therefore reduce the ability of Australian universities to compete in the global marketplace for highly specialised talent. Further, the current requirement to advertise a role for 28 days within a 4 month window before lodgement of visa nomination is overly restrictive given the often long lead times involved in academic recruitment. If such a requirement is to be maintained then it is recommended that the 4 month window be extended to at least 6 months, but ideally 9 months.

The Go8 therefore urges the Committee to recognise that, while Labour Market Testing may be appropriate in some circumstances, it may work to Australia's detriment in the recruitment of highly specialised skills and talent.

Thank you again for this opportunity to contribute.

Yours sincerely

**VICKI THOMSON**  
CHIEF EXECUTIVE