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14 December 2018

The Secretary
Senate Legal and Constitutional Affairs References Committee
Parliament House
CANBERRA ACT 2600

Dear Sir / Madam

Submission to the inquiry into *'the effectiveness of the current temporary skilled visa system in targeting genuine skills shortages'*.

Thank you for the opportunity to contribute to the above inquiry.

CSL is an Australian-based, multinational biopharmaceutical company with significant advanced manufacturing and research and development investments in Australia and internationally.

CSL employs more than 2,000 Australians and has a long and significant track record of developing and training our own employees and graduates, supporting independent Australian medical research, and promoting STEM education in schools and universities.

Less than 3% of our Australian workforce are foreign nationals on some form of working visa but they play a critical role in maintaining the viability of our specialised, and internationally competitive research and manufacturing.

Temporary skilled visa holders are critical for CSL's Australian operations to

- meet skills gaps we cannot recruit locally because of our unique industry and operating activities
- maintain consistent operating procedures and global integration of state-of-the-art manufacturing in Victoria
- supplement Australian skills with leading-edge scientific expertise from internationally recognised researchers
- train and transfer internationally-acquired skills and knowledge to the local Australian workforce
- establish lines of business that generate new employment opportunities for Australians

We also use temporary skilled visas to provide professional development opportunities within the company for outgoing Australian employees and incoming expatriates.

All of the foreign nationals employed by CSL are tertiary qualified, well-remunerated, highly employable, and have good English language skills. They make an eminently measureable



contribution to Australia's health and wealth as well as the ongoing success of the company.

It is comparatively expensive for CSL to recruit foreign nationals and they certainly do not replace our attraction, appointment or development of Australians. However, there is simply not enough large scale R&D or manufacturing of pharmaceuticals in Australia to genuinely support a world-class talent pool without augmenting our workforce with some suitably qualified foreign nationals. Carefully targetted sponsorship is critical to the development of capabilities in Australia CSL's long-term business sustainability.

In CSL's opinion Australia needs skilled migration in targeted areas where the Australian population cannot meet known skill gaps. Highly skilled migrants however, have choices. When government implements increasingly difficult migration processes that are either not fit-for-purpose or, fail to provide reasonable security of tenure it very specifically impacts Australia's attractiveness as a location and thus our ability to maintain world-class operations locally.

In addition to the above general comments, CSL would like to make two specific points to the committee:

1. Intra-company transfers are different and should be offered a separate visa class or stream.

CSL and most companies which operate globally move employees between our international facilities, for short and medium term expatriate assignments, in order to share specific expertise and improve skillsets between countries. This includes implementing global systems consistency, providing professional development opportunities, and upskilling in-country employees with world's best practice techniques and processes.

The importance of a globally mobile workforce in multinational corporations is well recognised internationally and most peer nations offer a specific visa for exactly this purpose. In the United States it is called a 'L1 Intracompany Transferee Visa', in the United Kingdom it is called a 'Tier 2 Intracompany Transfer Visa'.

By contrast, Australia does not treat intra-company transfers as a separate category and this adds unnecessary complexity and opacity to the application process.

2. Four months is too short a time period in which to test the Australian labour market

The new legislative requirement that labour market testing (LMT) must be conducted and completed within four months prior to lodging a nomination for a TSS visa is much too short and does not allow companies to properly and appropriately 'test the market'. Given that in all cases it is overwhelmingly CSL's preference to recruit locally, we submit that at least six months and ideally eight months should be allowed.



To demonstrate this point, below are the steps which in our experience at CSL need to take place prior to lodging a TSS nomination application:

Week 1- 4: Advertising of a role in the prescribed manner and duration of 4 weeks, for senior roles concurrent search with executive search firms also takes place – this process may take longer than 4 weeks.

Week 5 – 12: Review of all applications, telephone screening, short-listing of applicants. If it becomes clear that local candidates may not fulfil the role requirements, the focus will shift towards international candidates. Interviewing of local and international candidates. If required, for senior roles, international candidates would need to travel to Australia for interview purposes – this can cause delays to the process in order to find mutually suitable timing for CSL’s multiple interviewers and the candidate.

Week 13-14: Reference checking and medical checks – may need longer subject to medical services’ availability in other countries.

Week 15-16: Formal offer extended to international candidate if local candidates have been unsuccessful. For senior roles, this offer may be followed by negotiations, which can take a while, sometimes longer than 2 weeks.

Week 16–26: Candidate has accepted the offer and is referred to CSL’s immigration agents to assist with the TSS visa application. Candidate needs to collect supporting documentation for themselves and all dependents. Subject to the police clearance process in their home country, this can take multiple weeks. If English is not their mother tongue, they may need to sit an English language test in support of their visa application, which may also take multiple weeks to arrange and for the results to come through.

From the above, clearly the requirement to lodge an application within 4 months of LMT is very difficult, and likely impossible in many cases. Even if the process goes smoothly, police clearances are quick and language testing is not required, the time pressure on the process is very high and, in our view, unrealistic. Six months is a more reasonable timeframe but even this is a practical challenge.

Certainly, at four months it is likely that in order to meet LMT requirements, CSL might be required to advertise again closer to the time of lodging the visa, even though this has already been performed, we know there are no suitable local candidates and the role has already been filled.

We therefore request that the time period within which to lodge a TSS nomination is raised from 4 months to at least 6, ideally 8 months. This would provide the recruitment process to be conducted with due consideration for both Australian and international candidates.

CSL would be pleased to present to the Committee hearing as required.



Should you require any further information at this time in relation to the above please contact CSL Director of Public Policy, Ms Anna Schulze

Yours faithfully,

Dr Andrea Douglas
Vice President, R&D Strategy and External Affairs