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17/1/07

The Secretary
Joint Standing Committee on Migration
P O Box 6021
Parliament house
CANBERRA ACT 2600

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Submission No.....	2
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Inquiry into eligibility requirements and monitoring, enforcement and reporting arrangements for temporary business visas

Thank you for the opportunity to comment on eligibility requirements for temporary business visas.

The Peel Development Commission (PDC) is a regional certifying body for the Peel Region in Western Australia appointed by the Minister for Immigration and Multicultural Affairs (DIMA) to provide a certification service to Peel based business. In addition it also has the ability to provide support for the State sponsored SIR visa.

The PDC receives requests from business sponsors to consider certification of Business Long Stay Subclass 457 visas, Regional Sponsored Migration Scheme visas and the Trade Skills Training Visa.

Business Long Stay Temporary 457 Subclass

The Commission receives requests from business sponsors to certify 457 visa applications when the minimum salary or skills exemption is required. The Commission has a checklist that includes criteria established by the DIMA which also includes additional localized criteria such as labour market testing.

The Western Australian State Migration Centre has also developed a checklist that, when presented, is approved by the Centre and the Minister for Small Business. The State Migration Centre has advised that salary waivers will no longer be approved in Western Australia with the minimum salary allowable being \$41,850. This decision was made to assist with disparity in local workplaces. During the 2006 calendar year the Commission certified 10 regional 457 visas. A number of applications have been returned to the sponsor advising of the decision not to allow regional concessions on the minimum salary level.

The Peel Development Commission provides comments on the Terms of Reference for the Inquiry Into Temporary Business Visas:

- 1. *Adequacy of Current Eligibility Requirements*
 - 1.1 *English Language Proficiency*

The Department of Immigration and Multicultural Affairs (DIMA) advises that it expects the nominee to have a level of English commensurate to the skills that are to be performed. The



level will vary depending on the employment sector. When asked how this is monitored the Commission was advised that it is reliant on the business sponsor making the assessment. DIMA is currently assessing the need to change its English language criteria for skilled migrants to be more proficient in the language.

The Peel Development Commission acknowledges that skilled migrants provide significant economic benefits to the Australian economy and in particular in rural and regional communities. Generally, skilled migrants have a 'functional' level of English, however it is felt that if the language level was increased for all skilled migrants it would allow for better awareness of occupational health and safety requirements in the workplace. Consideration could be given to the attainment of a level of the English Language Testing System (IELTS) as essential criteria when nominations are submitted or a commitment to undertake English language tuition within a given timeframe depending on the length of the visa.

Consideration will be required to the practicalities of resourcing regional areas for this option to be viable. Consultation with local authorities, educational institutions and other relevant organizations will be necessary prior to establishment to ascertain what settlement services are already provided in communities and whether language classes are an element of the service. Where services do not exist, planning and resources will be required.

Social integration would also be improved assisting with settlement issues including the ability to hold a drivers license lessening the impact on agencies providing settlement services.

1.2 Labour Market Testing

Labour market testing is not a criterion for the business sponsor however, the Peel Development Commission specifies that evidence must be provided to enable the completion of assessment for certification.

The Commission wants to be assured that the opportunity has been provided to the local labour market to apply for skilled employment vacancies before an overseas skilled nominee is presented.

The Commission therefore recommends that labour market testing be included as essential criteria for the business sponsor to undertake with employment advertising for a minimum of three (3) weeks in the preceding six (6) months to application.

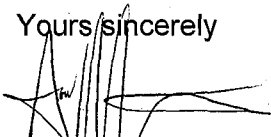
1.3 Reporting

The Commission receives 457 visa applications for consideration and certification when regional concessions are requested either for salary or skills. Currently there is no mechanism available that allows the Commission to know the numbers of 457 visa holders in the region nor does it know what occupations are being filled by the visa holders.

It would be useful to have this data provided to regional certifying bodies enabling the analysis of data and the prediction of regional economic trends including skills shortages, workforce training requirements and infrastructure requirements.

I hope that these comments are of use to your inquiry and once again thank you for the opportunity to comment. Should you require any further information please feel free to contact Nicole Nugent on telephone 9535 0000.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Arron Winchin', with a stylized flourish extending to the right.

Arron Winchin
A/CHIEF EXECUTIVE OFFICER

15 January 2007