



**Australian Government**  
**Department of Immigration and Citizenship**

Submission No. .... 869 .....
Date Received .....

29 June 2007

RECEIVED  
29 JUN 2007  
BY: MIG

*JS*  
Ms Joanne Towner  
Secretary  
Joint Standing Committee on Migration  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600

Dear Ms Towner

**Inquiry into temporary business visas**  
**Answers to questions on notice from hearing held on 1 June 2007**

Thank you again for the opportunity for the Commonwealth to provide information to the Joint Standing Committee on Migration into the inquiry into temporary business visas.

Please find attached answers to questions on notice that were received in writing from the Committee and also answers to questions that were taken on notice during the hearing on 1 June 2007.

Yours sincerely

For:  
Anthony Parsons  
First Assistant Secretary  
Migration and Temporary Entry Division

Telephone: 02 6264 1888  
Email: Anthony.Parsons@immi.gov.au

people our business

## QUESTION TAKEN ON NOTICE

JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007

REFERENCE: TEMPORARY BUSINESS VISAS

Written question: 1

1. What information are 457 workers given by DIAC about their working rights and conditions under the visa and about other relevant matters, when they first come to Australia and enter the workplace?
2. Is the employer obligated to provide them with certain standard information also?
3. Can you provide the Committee with examples of this information?

*Answer*

1. Subclass 457 workers or their authorised contact are issued with a letter at the time of visa grant. This letter outlines the conditions of the visa they have been granted including work rights, changing employers, regional work limitations, dependant work rights, sponsor's undertakings, and how to contact DIAC. A sample is at **Attachment A**. DIAC is presently developing a *Frequently Asked Questions – Information for Subclass 457 visa holders* flyer that will provide key information on the rights of Subclass 457 visa holders.
2. Sponsors are currently not required by DIAC to provide sponsored employees with standard information. During the visa application process, visa holders are required to submit evidence of the salary that they are to be paid.
3. See Attachment A.

***Subclass 457 visa application approval -  
Australian Business Sponsor***

**Fax number:** Insert fax number of Authorised contact if no Authorised contact

**Attention:** Insert name of Authorised contact if no Authorised contact

**File number:** Insert file number

**Name of Business Sponsor:** Insert Business Name

**Sponsorship Transaction Record Number (TRN):** Insert Sponsorship TRN

**Sponsorship Approval Number/Permission Request ID:** Insert Sponsorship PRID if no TRN

**Occupation:** Insert the occupation title as it appears on form 1196

**ASCO code:** Insert ASCO as recorded in ICSE

**Location/Postcode of proposed employment:** Insert Postcode

**Base Salary level:** Insert salary as recorded in ICSE

**Total Remuneration Package:** Insert 'Total Remuneration Package' as recorded in ICSE

**Visa validity period:** Insert visa period in format: 'Until DD MMM YYYY'

**Visa Transaction Record Number (TRN):** Insert Visa TRN

**Visa Approval Number/Permission Request ID:** Insert Visa RID if no TRN

**Name of Approved Primary Visa holder:** Insert primary visa applicant's name

**Passport Number:** Insert primary visa applicant's passport no. as per form 1066

**Name of Approved dependant 1:** Insert secondary applicant's name here or 'not known' or 'nil'

**Passport Number:** Insert dependant 1's passport no. as per form 1066

**Name of Approved dependant 2:** Insert secondary applicant's name here or 'not known' or 'nil'

**Passport Number:** Insert dependant 2's passport no. as per form 1066

**Sent by:** Select Method of Transmission

Insert name of Authorised contact if no Authorised contact

Insert address of Authorised contact if no Authorised contact

Dear Insert name of Authorised contact if no Authorised contact

I refer to the application for a Temporary (Long Stay) Business visa (Subclass 457) for the above named visa applicants.

## DECISION

I am pleased to advise that above named visa applicants have been granted a Subclass 457 visa. This visa provides for multiple entries to Australia and is valid until the date specified above.

### OBTAINING A VISA LABEL AS EVIDENCE OF THE VISA

#### Applicants in Australia:

As soon as possible the following applicant/s (or their authorised representative/legal guardian) should approach an office of the department in Australia to have the visa evidenced in their passport:

- Insert name/s of all onshore applicant/s or 'Not Applicable'

The contact details and website addresses of offices in Australia are listed at [www.immi.gov.au](http://www.immi.gov.au).

#### Applicants outside of Australia who are not required to obtain a visa label prior to travel:

The following applicants may travel to Australia without the need to have the visa evidenced in their passport:

- Insert name/s of applicant/s with condition 8403 or 'Not Applicable'

**Each of the applicants specified above must travel to and enter Australia on the passport number specified above. If any of the applicants specified above do not intend to travel on this passport then please contact the department prior to travel.**

Within four (4) weeks of initial arrival in Australia the above named applicant/s (or their authorised representative/legal guardian) must approach an office of the department in Australia to have the visa evidenced in their passport.

The contact details and website addresses of offices in Australia are listed at [www.immi.gov.au](http://www.immi.gov.au).

#### Applicants outside of Australia who are required to obtain a visa label prior to travel:

Prior to travelling to Australia, the following applicant/s (or their authorised representative/legal guardian) will need to have their visa evidenced in their passport:

- Insert name/s of offshore applicant/s not eligible for label free travel or "Not Applicable"

Please contact the nearest overseas Australian mission for more details on the procedures for evidencing visas. The contact details and website addresses of overseas Australian missions are listed at [www.immi.gov.au](http://www.immi.gov.au).

### PRIMARY VISA HOLDER VISA CONDITIONS - WORK LIMITATIONS

A condition on Subclass 457 visas for primary visa holders is that they must not:

- cease to be employed by the employer; or
- work in a position or occupation inconsistent with the approved position or occupation; or
- engage in work for another person or for themselves whilst working for the sponsoring employer.

If the primary visa holder wishes to change employer, they must apply for a new Subclass 457 visa and meet the requirements at that time. Failure to do so may result in cancellation of the visa. If a primary visa holder wishes to change occupation, the new position must be one that meets the skills and salary thresholds for this visa.

### **PRIMARY VISA HOLDER - REGIONAL WORK LIMITATIONS**

Primary visa holders nominated to work under special provisions for regional Australia, cannot live or work in one of the following cities:

Sydney, Newcastle, Wollongong, Melbourne, Brisbane, the Gold Coast or Perth.

### **DEPENDANT VISA HOLDER VISA CONDITIONS**

There are no limitations to work and/or study on this visa.

### **SPONSOR'S UNDERTAKINGS**

The sponsoring employer has signed undertakings that include that they will comply with Australian industrial relations laws and provide Australian levels of payment for the work that the primary visa holder does in Australia.

The sponsoring employer has also undertaken to meet the health and medical costs for sponsored visa holders while the primary visa holder works for them, or has undertaken to ensure that all sponsored visa holders have acceptable medical insurance arrangements.

Further details on the sponsor's undertakings are available at [www.immi.gov.au](http://www.immi.gov.au). If the sponsor has not met any of their undertakings please contact the department immediately.

### **CONTACTING THE DEPARTMENT**

Answers to frequently asked questions about sponsorships, nominations, and Subclass 457 visas are available at [www.immi.gov.au](http://www.immi.gov.au).

Information on other services provided by the department can also be obtained via e-mail or the telephone. A full list of e-mail addresses and telephone numbers for the department's offices in Australia and in overseas Australian missions is available at [www.immi.gov.au](http://www.immi.gov.au).

Please cite the Visa Transaction Record Number or Visa Approval Number entered at the head of this letter in any correspondence with the department.

Yours sincerely

Insert case officer name

Position Number: Insert position number

Delegate of the Minister for the purposes of Section 65 of the Migration Act 1958.

Document Date:

Select Business Centre Name

Select Business Centre e-mail address

## **QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Written question: 2

With regards to Labour Agreements:

- Do Labour Agreements generally contain conditions that exceed the requirements of 457 general sponsorship? If so, in which areas are conditions generally exceeded?
- Can these agreements allow salary and skills concessions below the current regional concessions?
- What is the average processing time for a Labour Agreement?

*Answer*

Labour agreements are tailored on a case-by-case basis. The Meat Labour Agreement in Western Australia, for example, provides a concession for English language and skills, but maintains the standard Minimum Salary Level with no regional concession.

There is no meaningful processing time that can be provided for establishing a labour agreement. The Commonwealth is determined to operate a level playing field for access to labour agreements and to limit scope for any resulting commercial advantage to one company or industry over another.

**QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Written question: 3

How do the 'permanent' Labour Agreements (subclasses 120 and 855) differ in processing from the temporary 457 Labour Agreement ie how does each of these visa subclasses work?

*Answer*

The fundamental difference between the labour agreement Subclasses 120 (offshore) and 855 (onshore) and the Temporary Business (Long Stay) Subclass 457 visa is that the labour agreement subclasses provide for permanent entry while the Subclass 457 visa provides for temporary entry for up to four years at a time. Labour agreements may provide employers scope to nominate workers under either or both the Subclass 457 and the Subclass 120/855 visas where this is a negotiated outcome.

## **QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Written question: 4

It has been claimed that currently if a 457 worker is underpaid by their employer neither DIAC nor OWS has the power to recover lost wages. Could you comment on this claim and whether this will be addressed under the new arrangements?

*Answer*

DIAC does not currently have the power to enforce the recovery of lost wages.

Workplace inspectors appointed under the *Workplace Relations Act 1996* (WR Act) have the power to enforce relevant provisions of the WR Act and regulations, the Australian Fair Pay and Conditions Standard and Federal awards, agreements and other industrial instruments. State government inspectors have similar powers under State industrial relations and occupational health and safety legislation.

Under the provisions of the Migration Amendment (Sponsorship Obligations) Bill introduced into Parliament on 21 June 2007, where DIAC is litigating against an employer, the court would have the power to order the employer to pay a person monies owed under an obligation in addition to imposing a civil penalty. For example, the court could order that salary underpayment be made good. This bill also proposes that civil penalties could be imposed on employers who breach their sponsorship obligations.

Persons owed money under an obligation could also pursue restitution. If, for example, a worker has been paid less than the MSL, he or she could pursue the underpayment in a court or small claims tribunal.

Additionally, labour agreements provide the Commonwealth the right to recover any shortfall in monies to be paid to the overseas skilled worker.



**QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Written question: 5

What does DIAC do currently, and what will it do under the new arrangements, if a 457 visa holder is faced with the possibility of deportation before any investigation and/or decision is made through the relevant investigating agency?

*Answer*

If an employer's sponsorship is cancelled or the visa holder ceases work for the employer, the visa holder will be given opportunity to find another sponsor and apply for a further Subclass 457 visa; apply for a different visa that is appropriate to their continued stay in Australia; or make arrangements to depart Australia. Generally this opportunity is limited to 28 days, however this is looked at flexibly on a case-by-case basis, particularly where circumstances are out of the visa holders control. If a former Subclass 457 visa holder faces removal from Australia, investigation of any matter relating to that person can continue in their absence.

**QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Written question: 6

In September 2006, the Australian Standard Classification of Occupations (ASCO) was updated to the Australian New Zealand Classification of Occupations (ANZSCO). Has DIAC adopted this new classification system and, if not, why not?

*Answer*

The new Australian New Zealand Classification of Occupations (ANZSCO) is not currently used under the Temporary Business (Long Stay) Subclass 457 programme. Adoption of the ANZSCO scheme is on the department's forward work programme where relevant IT changes are scheduled to support this change.

## QUESTION TAKEN ON NOTICE

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Written question: 7

Could you explain what process you follow in responding to a request for an occupation to be redefined higher in the ASCO classifications and/or added to ASCO?

*Answer*

The Australian Standard Classification of Occupations (ASCO) second edition, published in 1996, was the product of a joint review undertaken by the Australian Bureau of Statistics (ABS) and the then Department of Employment, Education, Training and Youth Affairs (DEETYA).

The development of the second edition of ASCO was made necessary by structural changes in the Australian labour market since the first edition of ASCO was published in 1986. The changes reflected widespread industry restructuring, technological change, delivery of education, and competency based approaches to career entry and progression.

A new occupational classification, the Australian New Zealand Standard Classification of Occupations (ANZSCO) published in 2006, was developed jointly by the ABS, Statistics New Zealand and the Australian Department of Employment and Workplace Relations (DEWR) to replace the ASCO second edition. Consequently no further updates will be made to ASCO.

The development of ANZSCO included extensive formal consultations with stakeholders (including government, employers, industry, education and training bodies, and licensing authorities) in Australia and New Zealand.

More generally, and to ensure ANZSCO will continue to reflect the contemporary labour markets in Australia and New Zealand, minor updates will be considered every two to three years. These updates will take the form of identifying newly emerging occupations, merging declining occupations with other occupations, and changing occupational titles. Representations could be made to the ABS for changes to ANZSCO and will be considered by ABS and Statistics New Zealand in consultation with DEWR, when updates to ANZSCO occur.

**QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Written question: 8

The 457 visa enables skilled workers with occupations listed in ASCO groups 1-4 to be sponsored. Could you confirm that occupations for which 457 visas can be granted (outside of the regional exemptions) are simply those in ASCO 1-4, or is there an eligible temporary skilled occupations list or sub-list of employer sponsored temporary entry ASCO occupations used under the program?

*Answer*

Schedule B and C of the attached Gazette Notice SGN 108, 23 June 2006 lists the occupations within Australian Standard Classification of Occupations (ASCO) major groups 1-4 that can be nominated under the standard Subclass 457 programme. The list excludes farming management occupations, which are included under regional Subclass 457 arrangements; occupations that can only be filled by permanent residents or Australian citizens; apprentice, trainee and assistant positions; and religious workers, noting that entry is provided under a separate Subclass.



**Commonwealth of Australia**

*Migration Regulations 1994*

**MINIMUM SALARY LEVELS AND OCCUPATIONS FOR THE  
BUSINESS LONG STAY VISA**

**(REGULATIONS 1.20B, 1.20G(2) AND 1.20GA(1)(a)(i))**

I, *AMANDA VANSTONE*, Minister for Immigration and Multicultural Affairs, acting under regulations 1.17 and 1.20B, subregulation 1.20G(2) and subparagraph 1.20GA(1)(a)(i) of the *Migration Regulations 1994* (“the Regulations”):

1. REVOKE Instrument number IMMI 06/028, signed on 24 April 2006, specifying minimum salary levels for the purposes of regulation 1.20B and occupations for the purposes of subregulation 1.20G(2) and subparagraph 1.20GA(1)(a)(i) of the Regulations;
2. SPECIFY a gross annual salary of AUD 41,850 EXCLUDING those items listed in Schedule A to this Instrument, calculated on a 38 hour week, as the minimum salary level for the purposes of the definition of *minimum salary level* in regulation 1.20B of the Regulations, for the occupations listed in Schedule B to this Instrument;
3. SPECIFY a gross annual salary of AUD 57,300 EXCLUDING those items listed in Schedule A to this Instrument, calculated on a 38 hour week, as the minimum salary level for the purposes of the definition of *minimum salary level* in regulation 1.20B of the Regulations, for the occupations listed in Schedule C to this Instrument;
4. SPECIFY a gross annual salary of AUD 37,665 EXCLUDING those items listed in Schedule A to this Instrument, calculated on a 38 hour week, as the minimum salary level for the purposes of the definition of *minimum salary level* in regulation 1.20B of the Regulations, for all occupations listed in Schedule D to this Instrument;
5. SPECIFY a gross annual salary of AUD 51,570 EXCLUDING those items listed in Schedule A to this Instrument, calculated on a 38 hour week, as the minimum salary level for the purposes of the definition of *minimum salary level* in regulation 1.20B of the Regulations, for all occupations listed in Schedule E to this Instrument;
6. SPECIFY each occupation listed in Schedules B and C to this Instrument as an occupation for the purposes of subregulation 1.20G(2) of the Regulations; AND
7. SPECIFY each occupation listed in Schedule D and E to this Instrument as an occupation for the purposes of subparagraph 1.20GA(1)(a)(i) of the Regulations.

This Instrument, IMMI 06/036, commences on 1 July 2006.

Dated 15 June 2006

AMANDA VANSTONE  
Minister for Immigration and Multicultural Affairs

- [NOTE 1: Regulation 1.17 provides that the Minister may, by notice published in the *Gazette*, specify matters required by individual provisions of the Regulations to be specified for the purposes of those provisions.
- NOTE 2: Regulation 1.20B defines the term *minimum salary level* to mean a level of salary worked out in the way specified in a Gazette Notice for the purposes of that defined term.
- NOTE 3: Subregulation 1.20G(1) provides which persons may nominate to the Minister an activity in which an individual is proposed to be employed by the person in Australia.
- NOTE 4: Subregulation 1.20G(2) relevantly provides if a person is mentioned in paragraph 1.20G(1)(b), (c), (d) or (e), the tasks of the nominated activity must correspond to the tasks of an occupation specified in a Gazette Notice for the purposes of subregulation 1.20G(2).
- NOTE 5: Subregulation 1.20GA(1) relevantly provides that a person mentioned in subregulation 1.20GA(2) may nominate to the Minister an activity in which an individual is proposed to be employed by the person in Australia, if the tasks of the nominated activity correspond to the tasks of an occupation specified in a Gazette Notice for the purposes of paragraph 1.20GA(1)(a)(i).]

## SCHEDULE A

- Salary packaged items; or
- Accommodation or rental assistance, board, upkeep, meals or entertainment; or
- Incentives, bonuses or commissions; or
- Shares or bonus shares; or
- Travel, holidays, health care/insurance; or
- Vehicles or vehicle allowances; or
- Communications packages; or
- Living-Away-from-Home-Allowance; or
- Superannuation contributions (either voluntary employee or compulsory employer contributions); or
- Any other non-salary benefits or deductions not included in the above, with the exception of Medicare benefits received as a fee for service by medical practitioners.

## SCHEDULE B – non- Information and Communication Technology Occupations

### 1 MANAGERS AND ADMINISTRATORS

1112-11 General Manager  
1191-11 Construction Project Manager  
1191-13 Project Builder  
1192-11 Importer or Exporter  
1192-13 Wholesaler  
1193-11 Manufacturer  
1211-11 Finance Manager  
1212-11 Company Secretary  
1213-11 Human Resource Manager  
1221-11 Engineering Manager  
1222-11 Production Manager (Manufacturing)  
1222-13 Production Manager (Mining)  
1223-11 Supply and Distribution Manager  
1231-11 Sales and Marketing Manager  
1291-11 Policy and Planning Manager  
1292-11 Director of Nursing  
1292-13 Medical Administrator  
1293-11 School Principal  
1293-13 Faculty Head  
1293-15 Regional Education Manager  
1293-79 Education Managers not elsewhere classified (nec)  
1294-13 Commissioned Fire Officer  
1294-15 Commissioned Police Officer  
1295-11 Child Care Co-ordinator  
1296-11 Media Producer  
1296-13 Artistic Director  
1299-11 Research & Development Manager  
1299-13 Laboratory Manager  
1299-15 Welfare Centre Manager  
1299-17 Environment, Parks and Land Care Manager  
1299-19 Sports Administrator  
1299-79 Specialist Managers nec

### 2 PROFESSIONALS

2111-11 Chemist  
2112-11 Geologist  
2112-13 Geophysicist  
2113-11 Anatomist or Physiologist  
2113-13 Botanist  
2113-15 Zoologist  
2113-17 Biochemist  
2113-19 Marine Biologist  
2113-79 Life Scientists nec  
2114-11 Environmental Research Scientist  
2114-13 Forester  
2114-15 Park Ranger  
2114-17 Soil Scientist  
2114-19 Agricultural Scientist  
2114-21 Agricultural Adviser  
2114-79 Env. & Ag. Science Professionals nec  
2115-11 Medical Scientist  
2119-11 Physicist  
2119-13 Meteorologist  
2119-15 Extractive Metallurgist  
2119-17 Physical Metallurgist  
2119-19 Materials Scientist  
2119-79 Natural and Physical Science Professionals nec  
2121-11 Architect  
2121-13 Landscape Architect

3112-79 Science Technical Officers nec  
3121-11 Building Associate  
3121-13 Architectural Associate  
3121-15 Surveying and Cartographic Associate  
3121-17 Building Inspector  
3121-19 Plumbing Inspector  
3121-21 Plumbing Engineering Associate  
3122-11 Civil Engineering Associate  
3122-13 Civil Engineering Technician  
3123-11 Electrical Engineering Associate  
3123-13 Electrical Engineering Technician  
3124-11 Electronic Engineering Associate  
3124-13 Electronic Engineering Technician  
3125-11 Mechanical Engineering Associate  
3125-13 Mechanical Engineering Technician  
3129-11 Biomedical Engineering Associate  
3129-13 Metallurgical and Materials Technician  
3129-15 Mine Deputy  
3129-79 Building and Engineering Associate Professionals nec  
3211-11 Branch Accountant (Financial Institution)  
3211-13 Financial Institution Branch Manager  
3212-11 Stockbroking Dealer  
3212-13 Futures Trader  
3212-15 Financial Market Dealer  
3212-17 Commodities Trader  
3212-19 Insurance Broker  
3212-21 Bookmaker  
3212-79 Financial Dealers and Brokers nec  
3213-11 Financial Investment Adviser  
3292-11 Project or Program Administrator  
3294-11 Computing Support Technician  
3321-11 Restaurant and Catering Manager  
3322-01 Head Chef  
3322-11 Chef  
3323-11 Hotel or Motel Manager  
3324-11 Club Manager (Licensed Premises)  
3325-11 Caravan Park and Camping Ground Manager  
3329-11 Other Hospitality and Accommodation Managers  
3391-11 Fitness Centre Manager  
3391-13 Other Sports Centre Manager  
3391-15 Amusement Centre Manager  
3391-79 Sport and Recreation Managers nec  
3392-11 Customer Service Manager  
3393-11 Transport Company Manager  
3399-11 Post Office Manager  
3399-13 Railway Station Manager  
3399-15 Betting Agency Branch Manager  
3399-17 Hair and Beauty Salon Manager  
3399-19 Car Rental Agency Manager  
3399-21 Fleet Manager  
3399-23 Stock and Station Agent  
3399-25 Travel Agency Manager  
3399-27 Theatre or Cinema Manager  
3399-29 Funeral Director  
3993-11 Jockey  
3993-13 Golfer  
3993-15 Footballer  
3993-17 Other Sportsperson  
3993-19 Gymnastics Coach  
3993-21 Tennis Coach



2122-11 Quantity Surveyor  
 2123-11 Cartographer  
 2123-13 Surveyor  
 2124-11 Civil Engineer  
 2125-11 Electrical Engineer  
 2125-13 Electronics Engineer  
 2126-11 Mechanical Engineer  
 2126-13 Production or Plant Engineer  
 2127-11 Mining Engineer (excluding Petroleum)  
 2127-13 Petroleum Engineer  
 2127-15 Materials Engineer  
 2128-11 Civil Engineering Technologist  
 2128-13 Mechanical Engineering Technologist  
 2128-15 Electrical or Electronics Engineering Technologist  
 2128-79 Engineering Technologists nec  
 2129-11 Aeronautical Engineer  
 2129-13 Agricultural Engineer  
 2129-15 Biomedical Engineer  
 2129-17 Chemical Engineer  
 2129-19 Industrial Engineer  
 2129-21 Naval Architect  
 2129-79 Building and Engineering Professionals nec  
 2211-11 Accountant  
 2212-11 External Auditor  
 2212-13 Internal Auditor  
 2213-11 Corporate Treasurer  
 2221-11 Public Relations Officer  
 2221-13 Marketing Specialist  
 2221-15 Market Research Analyst  
 2221-17 Advertising Specialist  
 2222-11 Sales Representative (Industrial Products)  
 2222-13 Sales Representative (Information & Commun. Products)  
 2222-15 Sales Representative (Medical & Pharmaceutical Products)  
 2222-79 Technical Sales Representatives nec  
 2291-11 Personnel Officer  
 2291-13 Personnel Consultant  
 2291-15 Industrial Relations Officer  
 2291-17 Training Officer  
 2292-11 Librarian  
 2293-11 Mathematician  
 2293-13 Statistician  
 2293-15 Actuary  
 2294-11 Management Consultant  
 2294-13 Organisation and Methods Analyst  
 2294-15 Quality Assurance Manager  
 2295-11 Valuer  
 2295-13 Land Economist  
 2299-11 Health Information Manager  
 2299-13 Records Manager  
 2299-15 Archivist  
 2299-17 Policy Analyst  
 2299-19 Intelligence Officer  
 2299-79 Business and Information Professionals nec  
 2311-11 General Medical Practitioner  
 2311-81 Medical Practitioner in Training  
 2312-11 Anaesthetist  
 2312-13 Dermatologist  
 2312-15 Emergency Medicine Specialist  
 2312-17 Obstetrician and Gynaecologist  
 2312-19 Ophthalmologist  
 2312-21 Paediatrician  
 2312-23 Pathologist  
 2312-25 Specialist Physician  
 2312-27 Psychiatrist

3993-23 Swimming Coach  
 3993-25 Horseriding Coach  
 3993-27 Other Sports Coach  
 3993-29 Sports Development Officer  
 3993-31 Sports Umpire  
 3993-33 Horse or Dog Racing Official  
 3993-35 Other Sports Official  
 3411-11 Enrolled Nurse  
 3421-11 Parole or Probation Officer  
 3421-13 Youth Worker  
 3421-15 Residential Care Officer  
 3421-17 Disabilities Services Officer  
 3421-19 Family Support Worker  
 3491-11 Ambulance Officer  
 3491-13 Intensive Care Ambulance Paramedic  
 3492-11 Dental Therapist  
 3492-13 Dental Hygienist  
 3492-15 Dental Technician  
 3493-11 Aboriginal and Torres Strait Islander Health Worker  
 3494-11 Massage Therapist  
 3911-01 Supervisor, Police Officers  
 3911-11 Police Officer  
 3991-11 Primary Products Inspector  
 3992-11 Safety Inspector  
 3995-11 Senior Fire Fighter  
 3996-11 Retail Buyer  
 3997-11 Library Technician  
 3999-11 Interior Decorator  
 3999-13 Museum or Art Gallery Technician  
 3999-15 Radio Operator  
 3999-17 Private Investigator  
 3999-19 Security Adviser

#### 4 TRADESPERSONS AND RELATED WORKERS

4111-01 Supervisor, General Mechanical Engineering Tradespersons  
 4111-11 General Mechanical Engineering Tradesperson  
 4112-01 Supervisor, Metal Fitters and Machinists  
 4112-11 Fitter  
 4112-13 Metal Machinist (First Class)  
 4112-15 Textile, Clothing or Footwear Mechanic  
 4113-01 Supervisor, Toolmakers  
 4113-11 Toolmaker  
 4114-01 Supervisor, Aircraft Maintenance Engineers  
 4114-11 Aircraft Maintenance Engineer (Mechanical)  
 4114-13 Aircraft Maintenance Engineer (Structures)  
 4114-15 Aircraft Maintenance Engineer (Avionics)  
 4115-01 Supervisor, Precision Metal Tradespersons  
 4115-11 Precision Instrument Maker and Repairer  
 4115-13 Watch and Clock Maker and Repairer  
 4115-15 Locksmith  
 4115-17 Saw Maker and Repairer  
 4115-19 Gunsmith  
 4115-21 Engraver  
 4121-01 Supervisor, General Fabrication Engineering Tradespersons  
 4121-11 General Fabrication Engineering Tradesperson  
 4122-01 Supervisor, Structural Steel and Welding Tradespersons  
 4122-11 Metal Fabricator  
 4122-13 Pressure Welder  
 4122-15 Welder (First Class)  
 4123-01 Supervisor, Forging Tradespersons  
 4123-11 Blacksmith  
 4123-13 Farrier  
 4124-01 Supervisor, Sheetmetal Tradespersons

2312-29 Radiologist	4124-11 Sheetmetal Worker (First Class)
2312-31 Surgeon	4125-01 Supervisor, Metal Casting Tradespersons
2312-79 Specialist Medical Practitioners not elsewhere classified	4125-11 Metal Casting Tradesperson
2321-11 Nurse Manager	4126-01 Supervisor, Metal Finishing Tradespersons
2322-11 Nurse Educator	4126-11 Metal Polisher
2322-13 Nurse Researcher	4126-13 Electroplater (First Class)
2323-11 Registered Nurse	4211-01 Supervisor, Motor Mechanics
2324-11 Registered Midwife	4211-11 Motor Mechanic
2325-11 Registered Mental Health Nurse	4212-01 Supervisor, Automotive Electricians
2326-11 Registered Developmental Disability Nurse	4212-11 Automotive Electrician
2381-11 Dentist	4213-01 Supervisor, Panel Beaters
2381-13 Dental Specialist	4213-11 Panel Beater
2382-11 Hospital Pharmacist	4214-01 Supervisor, Vehicle Painters
2382-13 Industrial Pharmacist	4214-11 Vehicle Painter
2382-15 Retail Pharmacist	4215-01 Supervisor, Vehicle Body Makers
2383-11 Occupational Therapist	4215-11 Vehicle Body Maker
2384-11 Optometrist	4216-01 Supervisor, Vehicle Trimmers
2385-11 Physiotherapist	4216-11 Vehicle Trimmer
2386-11 Speech Pathologist	4311-01 Supervisor, Electricians
2387-11 Chiropractor	4311-11 General Electrician
2387-13 Osteopath	4311-13 Electrician (Special Class)
2388-11 Podiatrist	4311-15 Lift Mechanic
2391-11 Medical Diagnostic Radiographer	4312-01 Supervisor, Refrigeration and Airconditioning Mechanics
2391-13 Radiation Therapist	4312-11 Refrigeration and Airconditioning Mechanic
2391-15 Nuclear Medicine Technologist	4313-01 Supervisor, Electrical Distribution Tradespersons
2391-17 Sonographer	4313-11 Electrical Powerline Tradesperson
2392-11 Veterinarian	4313-13 Cable Joints
2393-11 Dietitian	4314-01 Supervisor, Electronic Instrument Tradespersons
2394-11 Naturopath	4314-11 General Electronic Instrument Tradesperson
2394-13 Acupuncturist	4314-13 Electronic Instrument Tradesperson (Special Class)
2394-79 Natural Therapy Professionals nec	4315-01 Supervisor, Electronic and Office Equipment Tradespersons
2399-11 Audiologist	4315-11 Electronic Equipment Tradesperson
2399-13 Orthoptist	4315-13 Business Machine Mechanic
2399-15 Orthotist	4316-01 Supervisor, Communications Tradespersons
2399-79 Health Professionals nec	4316-11 General Communications Tradesperson
2411-11 Pre-Primary School Teacher	4316-13 Communications Linesperson
2412-11 Primary School Teacher	4411-01 Supervisor, Carpentry and Joinery Tradespersons
2413-11 Secondary School Teacher	4411-11 Carpenter and Joiner
2414-11 Special Needs Teacher	4411-13 Carpenter
2414-13 Teacher of the Hearing Impaired	4411-15 Joiner
2414-15 Teacher of the Sight Impaired	4412-01 Supervisor, Fibrous Plasterers
2414-79 Special Education Teachers nec	4412-11 Fibrous Plasterer
2421-11 University Lecturer	4413-01 Supervisor, Roof Slaters and Tilers
2421-13 University Tutor	4413-11 Roof Slater and Tiler
2422-11 Vocational Education Teacher	4414-01 Supervisor, Bricklayers
2491-11 Art Teacher (Private)	4414-11 Bricklayer
2491-13 Music Teacher (Private)	4415-01 Supervisor, Solid Plasterers
2491-15 Dance Teacher (Private)	4415-11 Solid Plasterer
2491-17 Drama Teacher (Private)	4416-01 Supervisor, Wall and Floor Tilers and Stonemasons
2491-79 Extra-Systemic Teachers nec	4416-11 Wall and Floor Tiler
2492-11 English as a Second Language Teacher	4416-13 Stonemason
2493-11 Education Officer	4421-01 Supervisor, Painters and Decorators
2511-11 Social Worker	4421-11 Painter and Decorator
2512-11 Welfare Worker	4422-01 Supervisor, Signwriters
2512-13 Community Worker	4422-11 Signwriter
2513-11 Rehabilitation Counsellor	4423-01 Supervisor, Floor Finishers
2513-13 Drug and Alcohol Counsellor	4423-11 Floor Finisher
2513-15 Family Counsellor	4431-01 Supervisor, Plumbers
2513-17 Careers Counsellor	4431-11 General Plumber
2513-19 Student Counsellor	4431-13 Gasfitter
2513-79 Counsellors nec	4431-15 Drainer
2514-11 Clinical Psychologist	4431-17 Roof Plumber
2514-13 Educational Psychologist	4431-19 Mechanical Services and Airconditioning Plumber
2514-15 Organisational Psychologist	4511-01 Supervisor, Meat Tradespersons

2514-79 Psychologists nec  
 2521-11 Barrister  
 2521-13 Solicitor  
 2521-79 Legal Professionals nec  
 2522-11 Economist  
 2523-11 Urban and Regional Planner  
 2529-11 Historian  
 2529-13 Interpreter  
 2529-15 Translator  
 2529-79 Social Professionals nec  
 2531-11 Painter (Visual Arts)  
 2531-13 Sculptor  
 2531-15 Potter or Ceramic Artist  
 2531-79 Visual Arts and Crafts Professionals nec  
 2532-11 Photographer  
 2533-11 Fashion Designer  
 2533-13 Graphic Designer  
 2533-15 Industrial Designer  
 2533-17 Interior Designer  
 2533-19 Illustrator  
 2534-11 Editor  
 2534-13 Print Journalist  
 2534-15 Television Journalist  
 2534-17 Radio Journalist  
 2534-19 Copywriter  
 2534-21 Technical Writer  
 2534-79 Journalists and Related Professionals nec  
 2535-11 Author  
 2535-13 Book Editor  
 2535-15 Script Editor  
 2536-11 Art Director (Film, Television or Stage)  
 2536-13 Director (Film, Television, Radio or Stage)  
 2536-15 Director of Photography  
 2536-17 Film and Video Editor  
 2536-19 Stage Manager  
 2536-21 Program Director (Radio or Television)  
 2536-23 Technical Director  
 2536-79 Film, Television, Radio and Stage Directors nec  
 2537-15 Instrumental Musician  
 2537-11 Music Director  
 2537-13 Singer  
 2537-17 Composer  
 2537-79 Musicians and Related Professionals nec  
 2538-11 Actor  
 2538-13 Dancer or Choreographer  
 2538-79 Actors, Dancers and Related Professionals nec  
 2539-11 Radio Presenter  
 2539-13 Television Presenter  
 2541-11 Aircraft Pilot  
 2541-13 Air Traffic Controller  
 2541-15 Flight Service Officer  
 2541-17 Flight Engineer  
 2541-19 Flying Instructor  
 2541-79 Air Transport Professionals nec  
 2542-11 Ship's Master  
 2542-13 Master Fisher  
 2542-15 Ship's Engineer  
 2542-17 Ship's Surveyor  
 2542-19 Ship's Officer  
 2542-79 Sea Transport Professionals nec  
 2543-11 Occupational Health and Safety Officer  
 2543-13 Environmental Health Officer  
 2549-11 Conservator  
 2549-13 Electorate Officer  
 4511-11 Butcher  
 4511-13 Smallgoods Maker  
 4511-15 Slaughterperson  
 4512-01 Supervisor, Bakers and Pastrycooks  
 4512-11 Baker  
 4512-13 Pastrycook  
 4513-11 Cook  
 4519-11 Miller  
 4519-13 Buttermaker or Cheesemaker  
 4519-15 Confectioner  
 4612-11 Shearer  
 4613-11 Wool Classer  
 4613-13 Hide and Skin Classer  
 4614-11 Horse Trainer  
 4614-79 Animal Trainers nec  
 4621-11 Nurseryperson  
 4622-11 Greenkeeper  
 4623-01 Head Gardener  
 4623-11 General Gardener  
 4623-13 Landscape Gardener  
 4623-15 Tree Surgeon  
 4911-11 Graphic Pre-Press Tradesperson  
 4912-11 Printing Machinist  
 4912-13 Small Offset Printer  
 4913-11 Binder and Finisher  
 4914-11 Screen Printer  
 4921-11 Wood Machinist (A-Grade)  
 4921-13 Wood Turner  
 4922-01 Supervisor, Cabinetmakers  
 4922-11 Cabinetmaker  
 4929-11 Picture Framer  
 4929-13 Furniture Finisher  
 4929-79 Wood Tradespersons nec  
 4931-01 Supervisor, Hairdressers  
 4931-11 Hairdresser  
 4941-11 General Clothing Tradesperson  
 4941-13 Tailor  
 4941-15 Dressmaker  
 4941-17 Apparel Cutter  
 4941-19 Patternmaker-Grader (Clothing)  
 4941-79 Clothing Tradespersons nec  
 4942-11 Furniture Upholsterer  
 4942-79 Upholsterers and Bedding Tradespersons nec  
 4943-11 Shoemaker  
 4943-13 Medical Grade Shoemaker  
 4944-11 Leather Goods Maker  
 4944-13 Canvas Goods Maker  
 4944-15 Sail Maker  
 4981-11 Shipwright  
 4981-13 Boat Builder and Repairer  
 4982-11 Flat Glass Tradesperson  
 4982-13 Glass Blower  
 4983-11 Jeweller  
 4983-13 Gem Cutter and Polisher  
 4984-11 Florist  
 4985-11 Fire Fighter  
 4986-01 Supervisor, Drillers  
 4986-11 Driller  
 4987-01 Supervisor, Chemical, Petroleum and Gas Plant Operators  
 4987-11 Chemical Plant Operator  
 4987-13 Petroleum and Gas Plant Operator  
 4988-01 Supervisor, Power Generation Plant Operators  
 4988-11 Power Generation Plant Operator  
 4992-11 Sound Technician

2549-15 Patents Examiner  
2549-17 Oenologist  
2549-19 Recreation Officer  
2549-21 Museum or Gallery Curator

**3 ASSOCIATE PROFESSIONALS**

3111-11 Medical Laboratory Technical Officer  
3111-79 Medical Technical Officers nec  
3112-11 Chemistry Technical Officer  
3112-13 Earth Science Technical Officer  
3112-15 Life Science Technical Officer  
3112-17 Agricultural Technical Officer

4992-13 Camera Operator (Film, Television or Video)  
4992-15 Television Equipment Operator  
4992-17 Broadcast Transmitter Operator  
4992-19 Motion Picture Projectionist  
4992-21 Light Technician  
4992-23 Production Assistant (Film, Television or Radio)  
4992-25 Production Assistant (Theatre)  
4992-27 Make Up Artist  
4992-79 Performing Arts Support Workers nec  
4999-11 Optical Mechanic  
4999-13 Diver  
4999-15 Aircraft Safety Equipment Worker  
4999-17 Piano Tuner

## **SCHEDULE C – Information and Communication Technology Occupations**

### **1 MANAGERS AND ADMINISTRATORS**

1224-11 Information Technology Manager

### **2 PROFESSIONALS**

2231-11 Systems Manager

2231-13 Systems Designer

2231-15 Software Designer

2231-17 Applications and Analyst Programmer

2231-19 Systems Programmer

2231-21 Computer Systems Auditor

2231-79 Computing Professionals nec

## **SCHEDULE D – non- Information and Communication Technology Occupations**

ALL OCCUPATIONS in Major Groups 1 to 7 of the Australian Standard Classification of Occupations Dictionary (“ASCO Second Edition Dictionary”), EXCLUDING:

- apprentice tradespersons and related workers;
- assistant and trainee positions;
- occupations that are “not elsewhere classified” in ASCO Major Groups 5, 6 or 7;
- occupations that, for legislative reasons, can only be filled by an Australian citizen or permanent resident;
- occupations of religious workers for which there are separate specialised temporary entry visa subclasses; and
- tour guides.

## **SCHEDULE E – Information and Communication Technology Occupations**

### **1 MANAGERS AND ADMINISTRATORS**

1224-11 Information Technology Manager

### **2 PROFESSIONALS**

2231-11 Systems Manager

2231-13 Systems Designer

2231-15 Software Designer

2231-17 Applications and Analyst Programmer

2231-19 Systems Programmer

2231-21 Computer Systems Auditor

2231-79 Computing Professionals nec

## QUESTION TAKEN ON NOTICE

JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007

### REFERENCE: TEMPORARY BUSINESS VISAS

Written question: 9

A number of statistics have been mentioned during the inquiry. Can the departments provide information on the following:

1. What are the latest statistics on how many 457 workers have become permanent residents?
2. What is the estimated cost to an employer of bringing in a 457 worker from overseas?
3. What is the total number of 457 visa holders currently working in Australia, ie a cumulative total from previous years, less those that have left?
4. What is the average salary for 457 visa holders in ASCO 1-3, ASCO 4, and ASCO 5-7?
5. What is the number of workers on 457 general sponsorship and on 457 Labour Agreements?
6. What is the number of 457 workers who have received a regional concession to the minimum salary level and who have received a regional concession to the skills level?

*Answer*

1. The number of people who have obtained permanent residence in 2006-07 to 17 June 2007 where the last substantive visa held was a Subclass 457 visa was 18 352.
2. This is a question more appropriately directed to an employer/sponsor.
3. 57 130 (as at 17 June 2007)

4.

ASCO Major Group	Average Salary
ASCO Major Group 1 to 3	\$ 77 600
ASCO Major Group 4	\$ 49 200
ASCO Major Group 5 to 7	\$ 45 700

5.

Type	Grants to Primary Applicants
Standard Business Sponsorship	40 720
Labour Agreement	3 170
<b>Total</b>	<b>43 890</b>

6.

Concession	Grants
Regional Minimum Salary Level (MSL)	660
Skill	330
Both Regional MSL and skill concession	220
<b>Total</b>	<b>1200</b>

Note: In answers 4 – 6, data relates to visas granted between 1 July 2006 and 17 June 2007.



**QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Written question: 10

Could you clarify exactly what are allowable and non-allowable deductions under the 457 visa program in terms of employer expenses, and accommodation, travel, medical, migration and recruitment costs?

*Answer*

Under the Subclass 457 visa programme the only allowable deduction that reduces the salary below the Minimum Salary Level (MSL) is Pay-As-You-Go (PAYG) tax. All other deductions must be authorised by the visa holder in accordance with Australian law and can only be made from payments that are above the rate of the MSL.

**QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Written question: 11

The Committee has heard of issues relating to recruitment, contract management services, and labour-hire companies, particularly those based offshore. What can you tell the Committee about compliance by these agencies with the 457 visa program?

*Answer*

In the offshore context DIAC has no legislative powers covering the operation of recruitment agents, contract management services or labour hire companies.

Onshore however, where these organisations are sponsors of skilled workers they are bound by the undertakings all sponsors agree to.

## QUESTION TAKEN ON NOTICE

JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007

REFERENCE: TEMPORARY BUSINESS VISAS

Written question: 12

Can you provide details of exactly who has what responsibilities at a Federal and State level for monitoring employment rights, occupational health and safety, wage levels etc – ie clarify who does what and what responsibilities each body has?

*Answer*

The Office of Workplace Services, shortly to become the Workplace Ombudsman, is responsible for ensuring that the rights and obligations of employees and employers under the *Workplace Relations Act 1996* and industrial instruments under that Act, are understood and enforced.

As part of their sponsorship undertakings, employers are required to pay at least the Minimum Salary Level (MSL) and comply with all relevant Australian laws. During the monitoring process, if an officer of DIAC suspects that an employer may not be complying with the relevant industrial instrument, the matter will then be referred to the Office of Workplace Services or the State industrial relations authority for investigation.

State and Territory government departments and authorities are responsible for monitoring compliance with state industrial instruments and occupational health and safety provisions (which are prescribed by State and Territory laws).

**QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Written question: 13

Schedule D of the Migration Regulations lists a few occupations where the minimum salary level may be \$37,665, including for tour guides. What is the purpose of this schedule?

*Answer*

Schedule D of the Gazette Notice SGN 108, 23 June 2006 specifies those occupations which can be nominated, subject to certification by Regional Certifying Body, under Subclass 457 visa regional concession arrangements.

## **QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Written question: 14

Before approving visa nominations, DIAC must be satisfied that the sponsoring employer is paying either the minimum salary level or the wage level in relevant award or industrial instrument, whichever is higher.

- How does DIAC in practice establish the wage level stipulated in the relevant award or industrial instrument before it approves a salary for a 457 visa and monitor this rate?
- Does DIAC rely on the employers' undertaking that the pay rate corresponds with the award/industrial instrument or is independent checking done to establish what the pay rate should be?

*Answer*

During processing of the nomination and associated Subclass 457 visa application, the decision maker must be satisfied that the employer will pay the Minimum Salary Level (MSL). DIAC does not assess whether the level of salary to be paid will meet the relevant industrial instrument.

As part of their sponsorship undertakings, employers are required to ensure that they comply with all relevant Australian laws. During the monitoring process, if an officer of DIAC suspects that an employer may not be complying with the relevant industrial instrument, the matter will be referred to the Office of Workplace Services or the State industrial relations authority for investigation.

**QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Written question: 15

Various submissions have recommended that 'market rates' or the 'industrial instrument' should apply rather than the current minimum salary level. Could you take the Committee through how these two salary mechanisms might work in practice as an alternative to the MSL and how you would define and monitor the different rates for compliance?

*Answer*

Such a question relates to policy and is more appropriately directed to the Minister.

**QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Written question: 16

The Committee understands that 457 workers who arrived in Australia prior to 1 July 2006 do not automatically receive the new minimum salary rates set on that date and may be receiving a lower rate of pay specified at an earlier date. How many 457 workers does this affect and what would their salaries be?

*Answer*

Some 10 000 primary Subclass 457 visa holders would fall into this category. Their salaries may, however, have been varied upwards by their employers since approval of the visa.

## **QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Written question: 17

In attachment E of your submission, you quote an Access Economics report which states that visaed employees pay the Medicare levy but are not always able to access the public health system. Are visaed employees who are not able to access Medicare reimbursed the Medicare levy?

*Answer*

Subclass 457 visa holders are generally liable for the Medicare levy if they are a resident of Australia for tax purposes for any part of the income year and their taxable income is sufficient for the levy to be payable.

However, a Subclass 457 visa holder in this situation can obtain a certificate which exempts them from the Medicare levy if they are not entitled to Medicare benefits. This most commonly arises where a person is not an eligible Australian resident for Medicare benefit purposes and their country does not have a reciprocal health arrangement with Australia.

Medicare Australia issues the exemption certificate. If the Subclass 457 visa holder lodges the certificate with their tax return, they will not have to pay any Medicare levy.

Medicare Australia does not issue these certificates until after the close of the tax year. Consequently it is possible that some Subclass 457 visa holders would have had tax and Medicare levy withheld from their pay under the Pay-As-You-Go (PAYG) withholding system. When these employees lodge the certificate with their tax return they will get a refund of any Medicare levy amounts withheld from their pay that are not needed to offset any tax they may owe.



**QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Question no: 18

Senator Polley (Hansard M 72) asked:

Please provide samples of the brochures which will be used in the intensive information campaign starting in July 2007.

*Answer*

*A Frequently Asked Questions – Information for Subclass 457 visa holders flyer is under development, along with separate information for Subclass 457 sponsors.*

## QUESTION TAKEN ON NOTICE

JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007

REFERENCE: TEMPORARY BUSINESS VISAS

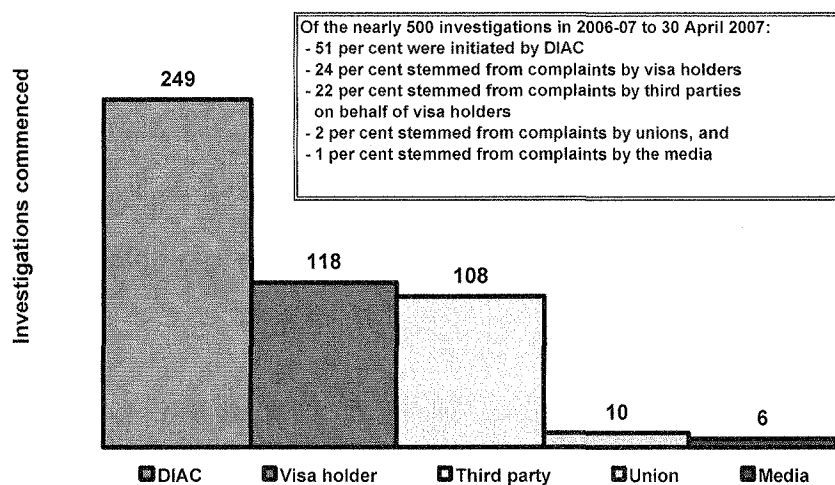
Question no: 19

Senator Polley (Hansard M 74) asked:

Please provide details of complaints DIAC has received over the last four years [2004-2007] on an annual basis?

*Answer*

As previously indicated to the Committee, data is not readily available for 2004-2006. For the period 1 July 2006 – 30 April 2007, the source of complaints is shown in the chart below.



- The 249 investigations commenced by DIAC arose from DIAC-initiated monitoring activity
- Third party complaints include those from other government agencies and from people known to visa applicants such as migration agents

**QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Question no: 20

Mr Randall and Senator Polley (Hansard M 74-75) asked:

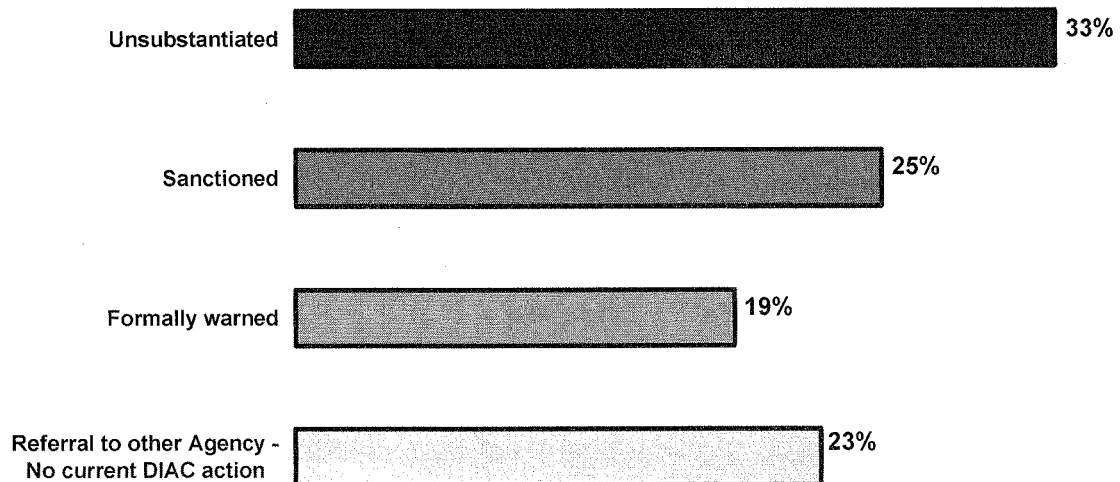
Could you provide the actual percentages of the results of the investigations by industry and violation and where the complaints have come from?

*Answer*

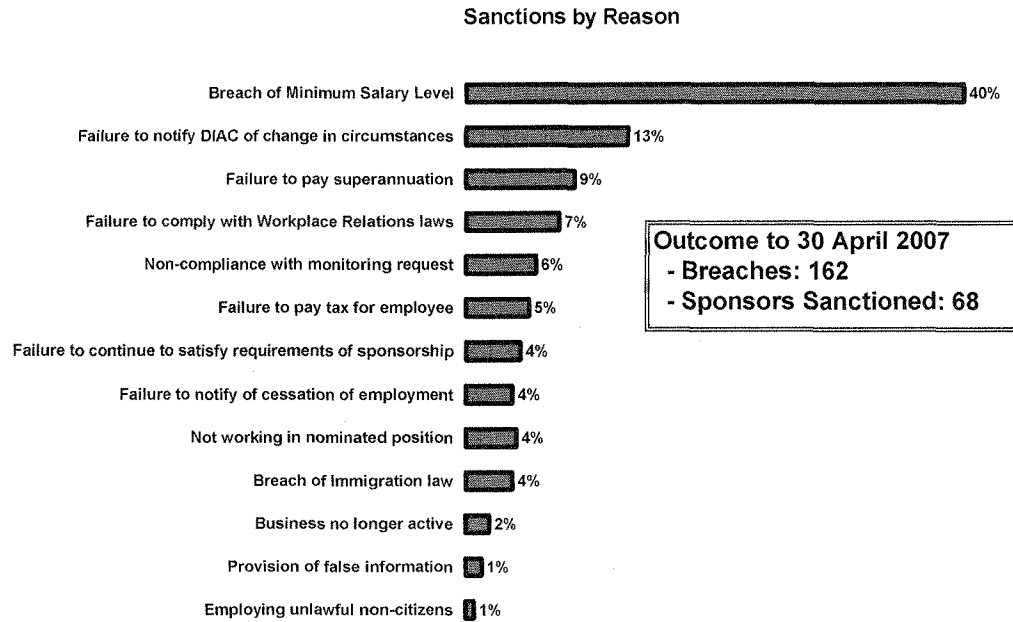
The charts below summarise investigations outcomes and reasons for sanctions. The source of complaints is provided at Question 19.

**Chart 1 – Sponsor Investigations by Outcome – 1 July 2006 – 30 April 2007**

**Closed/Inactive Investigations by Outcome  
Total: 269**



**Chart 2 – Sponsor Sanctions by Reason – 1 July 2006 – 30 April 2007**



This chart reflects the fact that some sponsors have been sanctioned for more than one reason.

**QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Question no: 21

Senator Polley (Hansard M 78) asked:

How many of those 1400 site visits included talking to the visa holders, and can you break that down to industries?

*Answer*

DIAC does not keep readily reportable records of the number of visa holders interviewed while conducting site visits.

**QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Question no: 22

Senator Parry (Hansard M 80) asked:

From the 68 sanctioned or the 50 formally warned, have there been further breaches that have warranted prosecutions or anything of that nature? [ongoing monitoring and an imposition of a sanction considered appropriate]

*Answer*

DIAC is aware of one case where a sanctioned or formally warned sponsor has had further allegations made against them. In this case, the claim was not substantiated.

## **QUESTION TAKEN ON NOTICE**

**JOINT STANDING COMMITTEE ON MIGRATION: 1 June 2007**

**REFERENCE: TEMPORARY BUSINESS VISAS**

Question no: 23

Senator Parry (Hansard M 80) asked:

Please provide, based around the following parameters given this morning by ACCI: 10,000 businesses equating to 102, 000 visa holders since the inception of the 457 visa program. Of that 102,000, 1.6 per cent of employers were reported as alleged to have done the wrong thing in one way or another – some form of breach. Of that, as the chair indicated, 30 per cent of that 1.6 per cent was found to be correctly in breach, so there was a proven allegation. I assume action was taken from that, whether it was a formal warning or whatever, So we want that verified or, if that is incorrect, what the correct statistics are in relation to those figures and what they represent.

*Answer*

In deriving the percentage of employers that breach their sponsorship undertakings, DIAC compares the number of sponsors who breach with the number of sponsors who have a Subclass 457 primary visa holder in Australia. The latter figure will include sponsors where the Subclass 457 visa grant occurred in an earlier financial year, but the visa holder remains in Australia on that visa.

As at 1 April 2007 there were 15 778 sponsors with at least one visa primary holder in Australia. DIAC has sanctioned 68 sponsors this financial year, to 31 March 2007. When projected for the full financial year DIAC would estimate 90 sponsors being sanctioned, resulting in a sanction rate of 0.57 per cent.

The ACCI calculation is similar but uses a different base number. The figure of 10 000 represents the number of sponsors who had a visa granted to a primary applicant in a financial year. DIAC prefers to use the number of sponsors who have a Subclass 457 primary visa holder in Australia as it includes all active sponsors rather than just the recent sponsors.

The figure of 102 000 does not form part of the DIAC or ACCI calculation of the rate of sanction of employers. It is the number of Subclass 457 visa holders, both primary applicants and dependants, who were in Australia at a point in time and was current at 1 April 2007.