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BY: M14

It may assist you to determine what you do next if I provide you with some background information on the MODL and how it is compiled.

The Skill Stream of the Migration Program is regularly modified to respond to Labour Market changes. One mechanism used to do so is the Migration Occupations in Demand List (MODL).

MODL includes occupations and specialisations identified by the Department of Employment and Workplace Relations (DEWR) as being in ongoing national shortage.

Based on the advice of the Minister for Employment and Workplace Relations, the MODL is gazetted by the Minister for Immigration and Indigenous Affairs.

The underlining principle of the MODL is that only occupations or specialisations that are in widespread, persistent and ongoing shortage are targeted.

The MODL is reviewed twice a year to take into consideration existing and emerging skill shortages.

As the Government's labour market adviser, DEWR completes extensive surveys of occupations in national shortage in the Australian labour market. When constructing the MODL, DEWR take into consideration variables including analysis of current skill shortages and the number of people currently employed in MODL occupations, 2 and 5 year employment growth forecasts, the Skilled Vacancy Index as well as long range employment forecasting undertaken by Monash University.

Variables included in DEWR's MODL methodology are:

- the skill level of the occupation and the skill assessment process required under Migration Regulations and procedures ie the MODL is limited to 60 point occupations for which the Australian Government has appointed an assessment body to undertake occupation-specific assessments ;
- the size of local employment for the occupation -minimum of 1 500 persons (noting employer sponsored migration arrangements are more likely to satisfy employer skill needs);
- the average annual unemployment rate for the occupation -to minimise the displacement effects on Australian jobseekers;
- employment growth data or a DEWR assessment of persistent skill shortages in an occupation relates to future job prospects; and
- the likelihood that migrants are able to gain employment in that

occupation -relates to employer acceptance and transferability of overseas skills to the Australian labour market.

As the occupation of Massage Therapist is only a 40-point occupation (See form 1121i at www.immi.gov.au/allforms/pdf/1121i.pdf) and does not have an assessment body appointed to undertake the occupation-specific assessment, there is no provision to include the occupation on the MODL at this time.

Your first step to have the occupation included on MODL is to demonstrate that the occupation meets DEWR's criteria above (with the exception of having an assessment body appointed to undertake the occupation-specific assessments). You may want to discuss the possibility of this occurring with DEWR. To date, they have not raised this possibility. Our contact in DEWR is Ms Jane Press (jane.press@dewr.gov.au).

If DEWR's research confirms that the occupation meets their criteria, then the next step is to appoint an occupation-specific assessment body. In most cases DIMIA takes advice on this from the Dept of Education, Science and Training (DEST). The procedure to appoint an assessing body is currently under review, however I wish to assure that DIMIA is advised as soon as an occupation meets the occupation-shortage criteria. If there is an occupation-specific body appointed for the occupation then we move for its immediate gazettal on MODL. If there is not an occupation-specific assessing body appointed, then we work with DEST and DEWR to resolve this as soon as possible. If this occurs in respect of the occupation of Massage Therapist, then we may contact you at that time for your input.

I wish to confirm that the occupation of Massage Therapist is on the Skilled Occupation List (SOL) but is not on the Migration Occupations in Demand List (MODL). The MODL is a subset of the SOL. The reasons for this were explained in my earlier response. Following is information on the SOL.

Skilled Occupation List (SOL):

All applicants under the General Skilled Migration (GSM) program are required to nominate the occupation against which they wish to have their skills assessed, and for which they must meet Australian standards, from the SOL.

It may be useful if I outline generally how the SOL is drawn up and how the number of points awarded to an occupation is determined.

The SOL includes all occupations that require a degree, diploma or trade qualifications except those:

- (i) which are clearly in significant oversupply in Australia;
- (ii) in which new migrants would not be immediately employable in Australia; or
- (iii) which are already targeted through other visa categories such as the Business Skills and Distinguished Talent visa categories.

In determining which occupations are on the SOL, and the number of points the occupation is awarded under the GSM points test, extensive consultation was undertaken with the relevant assessing bodies, Government departments responsible for the skills assessment regime and an external reference group.

The number of points awarded to an occupation was based largely on the entry requirements for the occupation in Australia, using the Australian Standard Classification of Occupations Dictionary (ASCO) as a guide.

Accordingly:

- (i) 40 points are available for 'generalist' occupations which require diploma or advanced diploma level qualifications;
- (ii) 50 points are available for 'generalist' occupations which require degree level qualifications, but which do not necessarily require training for a particular occupation; and
- (iii) 60 points are available for occupations which require degree (or higher) or trade certificate-level qualifications where entry to the occupation requires training in a body of knowledge specific to the occupation and which are generally regulated or governed by professional gatekeepers.

This break-up also reflects the relative labour market performance of the occupations, ie. persons with 60 point occupations have traditionally performed much better than persons with 40 point occupations, with the 50 point occupations sitting in the middle.

All applicants in 50 and 40 point occupations must, by operation of law, possess a formal qualification rather than "on the job" training. This requirement was put in place as research shows that persons without formal qualifications seeking to enter the Australian labour market had greater difficulty obtaining employment than do persons with such qualifications.

As you are aware, the occupation of Massage Therapist (ASCO 3494-11) is currently included on the SOL. Because the entry requirement for this occupation (as stated in the ASCO dictionary) an AQF Diploma (or higher qualification), it is awarded '40' points against the skill factor under the GSM points-test. This is in keeping with the rationale for the award of points, as detailed above.

Q. What I am hoping / or attempting to discover is if physiotherapist assistants are on the list & if not how I go about making that happen? You have answered the latter but if I could clarify the first part that would be of value.

The occupation of Physiotherapist Assistant falls within the major ASCO group 6 –“ Intermediate Clerical, Sales and Service workers” ASCO code, 6313-19.

The skill level requirement for this occupation (as stated in the ASCO dictionary) is an AQF Certificate II (or higher qualification) or at least 1 year relevant experience. The skill level of this occupation is such that it fails to meet the skill level threshold to be included on either the SOL or MODL. Consequently, it is not an eligible occupation for GSM visa purposes.

It is possible that persons working in this occupation who wish to work/live in Australia may be eligible to enter under the Regional 457 or RSMS visa programs where there is more flexibility with the skill entry level. Michael Hayes in the Business Employment Section may be able to provide you with more information on their requirements. I have therefore copied him into my response.