

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING : 27 February 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(AE17/071) - Labour Agreement applications and guidelines - Programme 2.3: Visas

Senator Pratt, Louise (L&CA 115) asked:

Senator PRATT: Can you explain to the committee the process for applying to the department for a labour agreement?

Mr Wilden: I may seek some assistance here from my colleagues in the program management area. We are the policy owner. In terms of the labour agreements, there is a group of policy settings if you like around what can constitute a labour agreement in terms of occupations, salary rates and those sort of issues. There is a large body of information required as part of that application process and that can go to issues such as the make up of the workforce and what you have done to look for Australian workers in the first instance et cetera. Ms Dacey has just joined me; she looks after the labour agreement process in her area so she may be able to add a bit more richness to the reply.

Senator PRATT: Just to speed things up could you include, within your response, the requirements to consult, the requirements to advertise locally and the minimum requirements for advertising.

Ms Dacey: You can have a labour agreement in a couple of different ways. There are some industry templates or an individual employer can approach the department. The consultation requirements are between the employer and stakeholders, so the department does not actually consult, but we make an assessment of the consultation as part of our assessment. It will probably take different forms depending on the nature of the business.

Senator PRATT: What does the requirement to consult look like? Is it set out in guidelines and what do those guidelines say?

Ms Dacey: It would be, but I do not have that particular level of detail. There will be advice that we give to people as they make approaches and put their applications forward.

Senator PRATT: Are you able to provide a copy of the guidelines for consultation?

Ms Dacey: Yes. I will check and confirm for you on notice what the wording is that we provide to applicants.

Answer:

The process for requesting a labour agreement commences with an email received from a migration agent or an employer, indicating that they are interested in requesting a labour agreement.

The Department then provides the requestor with an information pack, which includes an information guide and a business case proforma that they need to complete.

Note: The exact nature of the pack will depend on whether the agent/employer is requesting a 'company specific' labour agreement or an agreement based on an existing industry template.

The agent/employer must then email the completed business case proforma back to the Department, together with significant supporting documentation, before their request will be considered.

As part of this process, the employer is required to detail, and provide evidence of, labour market testing activities undertaken in the previous six months, including information on the period of job advertising, the number of applications received, the number of applicants who were hired and reasons why those unsuccessful were found to be unsuitable, supported by evidence of job advertising. They must:

- complete a summary of domestic recruitment efforts – see: <https://www.border.gov.au/Forms/Documents/domestic-recruitment-summary-template.pdf>; and
- provide additional supporting evidence of these recruitment activities.

Prior to requesting a labour agreement, unless seeking an agreement under the Minister of Religion template arrangements, employers must also consult with relevant industrial stakeholders. Requests for labour agreements will not be processed unless advice on the outcome of these stakeholder consultations is provided with their completed business case proforma.

Detailed information on labour agreements is available on the Department's website at: <http://www.border.gov.au/Trav/Work/Empl/Labour-agreements>