

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

**2006-2007 SUPPLEMENTARY BUDGET SENATE ESTIMATES HEARING
2ND NOVEMBER 2006
EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

QUESTIONS ON NOTICE

Outcome 3: Increased workforce participation

Output Group 3.2: Labour market strategies

Output 3.2.1: Labour Market Analysis

Question Number: W844-07

Question:

Senator Wong asked in writing:

Amex request to use Japanese workers in a Sydney call centre

What are the current rules relating to the payment of foreign workers in those circumstances and how are the minimum gazetted rates determined?

Answer:

Labour Agreements must reflect the Migration Regulations and policy requirements of the relevant visa subclass.

All temporary visa holders must be engaged in accordance with Australian standards and conditions of employment (including industrial instruments, superannuation, workers compensation, occupational health and safety and taxation provisions).

In the case of subclass 457 visa holders, if the industrial instrument refers to a higher rate than the MSL, the higher rate in the industrial instrument applies.

The gazetted MSL is referenced to ABS data on average weekly ordinary time earnings.