

Tabled Document No 1

By: DIMA - Mr Andrew Metcalfe

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 ADDITIONAL ESTIMATES, MAY 2006

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 SECRETARY, DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AFFAIRS

ATTACHMENT: PROGRESS ON IMPLEMENTING THE PALMER PROGRAMME

Initiative	Status
<i>Being more open and accountable</i>	
National Communications Manager	Complete. Delivery of the national communications strategy is ongoing.
Governance and Assurance	Delivery of an enhanced internal audit programme is ongoing. There has been a 72 percent increase in internal audit activity since late last year, much of which has been a refocusing of the programme in response to the Palmer and Comrie Reports. A Governance and Assurance Branch is responsible for building governance capability in DIMA and developing a Quality Assurance Framework, for which a draft has been circulated to the Department's executive.
Review of the detention services contract	Report finalised. The Government has provided \$10.9 million over two years to better manage the performance of the existing provider. This includes funding to establish a specialist monitoring unit which will undertake regular and systemic monitoring of the contractor's performance and a new contractor based detainee case management system.
Re-tendering for the Department's Detention Services Contract	The Department will re-tender for the Detention Services Contract and a dedicated branch has been established to manage this process. This branch will also manage the tendering process for Detention Health Services as a separate RFT process.
Immigration Detention Advisory Group (IDAG)	The Terms of Reference for IDAG have been changed so that they now can: <ol style="list-style-type: none"> 1. advise on the appropriateness and adequacy of community detention intervention arrangements; and 2. contribute to the enhancement of detention program strategies and consultative processes.
Detention Health Advisory Group	A key example of our progress is the newly formed Detention Health Advisory Group (DeHAG), which has met twice since March 2006. Chaired by Associate Professor Harry Minas, DeHAG will play a major role in providing DIMA with advice regarding the design, implementation and monitoring of improvements in health care for people in immigration detention. The establishment of this Group reflects DIMA's strong commitment to being closely engaged with its key stakeholders in a more open and accountable interaction. The Group is made up of experts from psychiatry, psychology, public health, dentistry,

	refugee services, nursing, general practice and the Ombudsman's Office, which has observer status.
Relationships with external scrutineers	Ongoing. Strong strategic relationships have been built with the Commonwealth Ombudsman, the Privacy Commissioner and the Australian Public Service Commissioner. The Secretary and other executives continue high level engagement with organisations that have an interest in DIMA operations. On 20 April 2006 the Secretary wrote to around 300 external stakeholders, telling them of the findings of the staff survey, advising them of the reforms underway in the department and inviting feedback on the initiatives the Department is implementing and any other aspects which they believe can be improved.
<i>Fairer and more reasonable dealings with clients</i>	
Client satisfaction surveys	<p>DIMA has commenced a number of processes to better understand client expectations and needs. Value Creation Workshops have been conducted with clients to discuss what services they have found valuable and where DIMA can improve. We have run focus groups with overseas students and have used new methodologies and processes to analyse Ministerial correspondence for themes or consistent messaging on issues of concern.</p> <p>By early June we will have contracted a number of providers under a panel arrangement to assist us in surveying, running focus groups, conducting interviews or creating questionnaires to enable us to have a targeted approach to talking to our clients based on their specific circumstances and preferences. There will be a structured approach to client consultations and surveying that gives a better understanding across the board of the issues our clients have, and the panel arrangement gives us the flexibility to conduct client surveying on specific issues as part of the policy and program development process. Two preliminary surveys have already been conducted.</p>
Centralise client feedback mechanisms	The Global Feedback Unit has been established in the Melbourne Office – recording all feedback received via the Client Service feedback line, email and mail. An IT RFT has been completed and is scheduled for roll-out by mid year.
Overseas call handling arrangements	London and Ottawa operations commenced in November 2005. London expansion is expected to be completed in the second quarter of 2006 and expansion of the Ottawa centre is on track for completion in the third quarter of 2006. Identification of business requirements for the Asia Pacific will commence in July 2006.
Single entry client search facility	The proof of concept was completed in December 2005. Further roll-out and full implementation will occur as part of the Systems for People programme of work.

Community care model	<p>There has been extensive community consultation and negotiation over the delivery of the pilot which will commence in May in Sydney and Melbourne and will run for twelve months. The pilot programme has two components: community assistance, which will be provided through the Australian Red Cross (ARC), and an immigration information and counselling service, to be provided by the International Organization for Migration (IOM).</p> <p>The focus of the pilot will be on our most vulnerable clients, ensuring they are treated fairly and reasonably while actively progressing their immigration outcome. We will do this through a network of case managers who will assess clients such as those with acute health needs, suffering from mental illness, with a disability and frail elderly frail clients, and point them in the right direction to ensure they receive the tailored care they need</p>
Case management	<p>Work is well-advanced in developing the framework to manage clients with exceptional circumstances, including systems support. 15 skilled and qualified case managers have been recruited, trained and deployed to the Sydney and Melbourne offices in March, with a further 40 staff to be deployed in the remaining states over coming months. The National Case Management Framework will provide a holistic approach to managing clients, who have complex circumstances and/or are vulnerable, to an appropriate immigration outcome in a timely, lawful and reasonable manner. The Government has provided \$22.6m over four years to increase case management resources, which will enable implementation of the National Case Management Framework</p>
Onshore Detention Strategy	<p>A new Onshore Detention Strategy has been agreed and work has started on implementing the strategy. Australia's immigration detention services network will be rationalised by suspending the use of the Baxter Immigration Detention Facility and the Port Augusta Residential Housing Centre in 2007-08. Woomera and Singleton will be returned to Defence. Also, smaller, hostel-style Immigration Transit Accommodation Centres will be established for low flight risk detainees in Melbourne and Brisbane by 2007-08, and Adelaide by 2008-09. Further upgrades will be undertaken to Villawood, Maribyrnong, Perth and Northern Immigration Detention Facilities over the next five years.</p>
Liaison with states and territories on detainee health issues	<p>An MOU was signed with the SA Department of Health in October 2005 and common training has been implemented. Negotiations on MOUs with NT, Qld and WA have commenced, with NSW and Victoria to follow later this year.</p>
Long term detainee health services strategy	<p>A new long-term Health Strategy has been agreed and the Government has provided \$7.9 million over four years to implement it. The strategy included the renegotiation of the existing detention services contract to allow the department to directly manage the existing health contracts for people in</p>

	<p>detention centres. In addition, the department will develop a new approach to the delivery of health care which reflects the full range of detention situations and which better targets care to health risk and need. The following improvements have already been introduced:</p> <ul style="list-style-type: none"> • mental health screening of detainees at the Baxter Immigration Detention Centre, with those screening positive referred for development of a specific mental health plan. Mental health screening at other detention facilities will come on stream from mid-year • increased staff with psychiatric training • a multidisciplinary health team at Baxter • arrangements for detainee access to private psychiatric facilities have been made in some states
Client service strategy and charter	The Client Service Charter is finalised and scheduled to be launched by the Minister on 2 June 2006 as one of a number of client service initiatives.
24/7 hotline for police and consular inquiries regarding immigration status	Since February 2006, the Immigration Status Service Call Centre has been available to the Australian Federal Police, NSW, Tasmania, South Australia and the Northern Territory Police. Access for the three remaining States is scheduled to be rolled out over the next two months. Victoria and Queensland will go live late May 2006 with Western Australia in June 2006.
Advice on Muirhead standards at Baxter	An independent consultant was engaged to provide this advice and has reported with recommendations to the Department. The recommendations will be delivered as part of a new programme of work to implement the new Long-term Detention Strategy.
<i>Well trained and supported staff</i>	
Key Migration Series Instructions	A number of key instructions to assist compliance and detention officers in establishing identity and visa status have been published. Work continues on the review of key MSI's.
Systems	The Government has provided \$494.6 million over four years for the Systems for People programme of work, which will address the significant shortfalls in the departments existing information systems identified in both the Palmer and Comrie reports. The programme will rollout from July and includes the further development of the department's information systems to enable a single view of clients and improvements to records management. The funded amount includes \$153.3m in capital funding as part of the information technology systems upgrade. The cost of this measure will be partially offset by \$119.4m provided from existing resources, mostly from funding previously provided for information technology purposes.
Training	The National Training Manager started in November 2005 and a Training Strategy was finalised earlier this year which includes training in leadership and management, IT training and other

	<p>operational training.</p> <p>At this stage police have not been available to participate in a trial of the police training package. Enhanced training is still expected to commence pre-June 2006.</p>
DIMA College of Immigration	<p>A College Board has been formed to oversee the development of the College Framework and of the pilot programs. This board has agreed to change the name to the DIMA College of Immigration to reflect the broad approach to training the Department is implementing. Enhanced training courses continue to be conducted for all Compliance & Detention staff. Materials for these courses will map into the DIMA College in the longer-term. The DIMA College framework has been agreed and curriculum development is continuing in the five streams of compliance, investigation, detention management, border management and immigration intelligence. Curriculum development has also commenced in the broader issue of case management.</p> <p>A staggered course rollout is on schedule commencing mid-2006 with the first course being within the compliance stream. This will be promptly followed by courses in detention and case management.</p>
Usability evaluation	<p>Complete. This project tested the way systems are used in a variety of processing areas in DIMA.</p>
Supporting DIMA staff working on field operations	<p>ACT and Regions Office is trialling a mobile office for compliance field teams – a benefits realisation review will be conducted in June 2006. The NSW Office has trialled a new portable wireless Blackberry device for use in the field to access client data. Further roll-out of mobile systems will fall under the Systems for People programme of work.</p>
Effective Name Searching	<p>A training manual has been developed to enable officers to more effectively search departmental databases. Processes are underway to upload this to the Department's e-learning environment.</p>
Passport readers trial	<p>Complete. The Perth Office trialled passport reader technology to examine whether data could be recorded with greater accuracy. Accuracy was improved and processes times were reduced, increasing DIMA's ability to detect passport fraud. A wider roll-out is underway.</p>
Staff surveys	<p>Complete. An all staff survey was conducted in December 2005 and the results were analysed and presented to the Executive. The Secretary addressed all staff on 13 April, outlining the survey results and the way forward in the corporate planning process.</p>

PROPOSAL

THIS AGREEMENT is dated the

day of

2005

BETWEEN:

AND

WORLD WORKERS PTY LTD ACN 108 273 838 of 220 Morphett Street, ADELAIDE SA 5000 ("WW")

RECITALS

- A. The employer carries on business as an abattoir at
- B. World Workers (WW) carries on business as an employment agent.
- C. are in need of securing qualified and experienced employees to work in their abattoir and have approached WW to source suitable employees from overseas due to a shortage of qualified persons in Australia.
- D. WW have agreed to provide suitable employees to from overseas.
- E. The parties have executed this Agreement to give effect to and formalize the above intentions upon the following terms:

THE PARTIES AGREE AS FOLLOWS:

1. The above Recitals are true and correct in every material particular and are deemed by the parties to form part of this Agreement.
2. appoints WW as their sole employment agent for overseas workers for two (2) years from the date of execution of this Agreement ("the Term").
3. WW agrees, at no cost to to:-
 - 3.1 Assist sponsored persons with their visa applications and provide an induction service into Australia;
 - 3.2 Pay the cost of return travel of any sponsored person who fails to meet expectation;
 - 3.3 Notify the Immigration Department within five (5) working days of a sponsored person ceasing employment with
 - 3.4 Assist sponsored person with applications for medical and hospital insurance and until the sponsored person has secured such insurance WW will pay all their medical and hospital expenses;

- 3.5 Pay all fees, expenses, charges levied by the Commonwealth of Australia with respect to sponsored persons, which include but not limited to locating and detaining a sponsored person, removing a sponsored person from Australia and processing any application for a protection visa;
- 3.6 Take responsibility for the return to their home country of any employee provided by WW should they fail to meet expectation;
- 3.7 Provide a bi-lingual employee to assist with translation and cultural issues that arise during induction and continuing employment at
- 3.8 Subject to clause 4.5 provide, English language and introduction to Australian culture, classes to sponsored persons during their first six (6) months of employment at to assist the sponsored persons to settle into the local community.
- Duration of classes will be for five (5) hours per week on a daily basis of one (1) hour per day or either one or two block sessions per week;
- 3.9 Provide temporary accommodation to sponsored persons and assist in locating long term accommodation
- 3.10 Provide a transport service for sponsored persons to and from work each day;
- 3.11 Assist, liaise and mediate on any issues that arise between and any sponsored person especially on any cultural issues or grievances;

4.

agrees to:-

- 4.1 Exclusively use WW as their professional employment agent with respect to recruitment and employment of overseas employees for the duration of the Term
- 4.2 Pay WW the sum of Three Thousand Dollars (\$3,000.00) for each sponsored person recruited and presented for work at premises at

The minimum number of persons to be recruited and presented for work, by WW, at during the Term is five (5);

The minimum amount of professional service fee payable by during the Term of this Agreement is Fifteen thousand Dollars (\$15,000.00);

- 4.3 Subject to presentation of a signed authority from a sponsored person, deduct eight per cent (8%) from the gross wage of a sponsored person, on a weekly basis, and pay that such amounts to WW as their professional service fee on behalf of the sponsored person;
 - 4.4 Pay all moneys due and owing to WW on or before fourteen (14) day from presentation of invoices;
 - 4.5 Provide WW suitable training facilities on their premises to enable WW to provide the services referred to in clause 3.10.
5. Neither this Agreement nor any provision of this Agreement shall be amended, modified, waived, discharged or terminated orally but must be evidenced in writing.
 6. If a breach or default occurs by either party, the non breaching or defaulting party may at their option and without prejudice to any other rights or remedies they may have, after giving the breaching or defaulting party notice in writing:-
 - 6.1 Suspend any of the breaching party's obligations required under this Agreement; and/or
 - 6.2 Immediately terminate all or part of this Agreement; and/or
 - 6.3 Recover any moneys due by the breaching or defaulting party for any loss or damage suffered by the non breaching or defaulting party by reason of or arising out of any breach or default of the provisions of this Agreement.
 7. This Agreement will bind each and every party and their respective executors, administrators and permitted assigns.
 8. If any part of this Agreement is or becomes void or unenforceable then that part shall be severed from this Agreement to the extent that all parts that shall not become unenforceable shall remain in full force and effect and shall be unaffected by any severance.
 9. Each of the parties acknowledges that they have obtained legal advice or that they have been given the opportunity to obtain such advice before entering into this Agreement.
 10. This Agreement will be subject to and construed in accordance with the laws of Queensland and South Australia; and that Queensland and South Australian Courts will have non exclusive jurisdiction to determine any matters arising in connection with this Agreement.
 11. The Schedules attached hereto are true and correct in every material particular and are deemed by the parties to form part of this Agreement.

EXECUTION:

SIGNED for and on behalf of

)

.....

Director

ACN by its duly authorized

)

Officers this day of

2005

)

.....

Secretary

SIGNED for and on behalf of

)

.....

WORLD WORKERS PTY LTD

)

Director

ACN 108 273 838 by its duly authorized

)

Officers this day of

2005

)

.....

Secretary



Australian Government

Department of Immigration and
Multicultural and Indigenous Affairs

November 2005

***INFORMATION KIT
FOR CERTIFYING BODIES***

***THE CERTIFICATION OF
TRADE SKILLS TRAINING VISA
(SUBCLASS 471)
APPRENTICESHIP VACANCIES***

people our business

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Introduction

The purpose of this information kit is to assist Certifying Bodies (CBs) certify Trade Skills Training (Subclass 471) Visa apprenticeship vacancies.

It provides an overview of the Trade Skills Training (TST) as well as the general requirements for both sponsorship and visa grant. The kit also includes guidelines for certifying apprenticeship vacancies and a certification checklist to assist Certifying Bodies in the certification process.

Legislation

Legislation relating to the TST subclass 471 visa arrangements is set out in the following parts of the Migration Act and Regulations:

- Division 3A of Part 2 of the *Migration Act 1958 Cth* (the Act).
 - Division 1.4E of the Migration Regulations 1994 (the Regulations), which sets out matters relating to TST visa sponsorship applications.
 - Regulation 1220B of Schedule 1 to the Regulations, which sets out application validity requirements for the Sponsored Training (Temporary)(Class UV) visa.
 - Part 471 of Schedule 2 to the Regulations, which sets out the criteria for grant of a TST visa Subclass 471.
-

Policy

Related policy guidelines are provided in relevant parts of DIMIA's Procedures Advice Manual (PAM):

- PAM 3: Division 1.4E - Sponsorship
 - PAM 3: Sch2 Visa 471
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Forms

- *Form 1260i – Trade Skills Training (Information Form)*
 - *Form 1262 – Application for Approval as a Trade Skills Training visa Sponsor - Used by organisations seeking to become a sponsor.*
 - *Form 1267 – Trade Skills Training Visa - Certification of Apprenticeship Vacancy.* This form is completed by the sponsor and includes details of the employment and workplace. The certifying body signs this form and returns it to the sponsor.
 - *Form 1261 – Application for a Trade Skills Training Visa (Subclass 471)* Used by visa applicants and sponsors. This form is lodged on behalf of the visa applicant by the sponsor. This form must be accompanied by the Certification Form (Form 1267).
-

Lodgement

Trade Skills Training sponsorship and visa applications are lodged directly to DIMIA's Brisbane Regional Office. This has the advantage of allowing streamlined processing from one central point which results in shorter processing times.

Further information

Information on the TST Visa is available from:

- the department's website at: <http://www.immi.gov.au>
- DIMIA Brisbane Regional Office
GPO Box 9984
Brisbane QLD 4001
Ph: (07) 3360 5135
Fax: (07) 3360 5147
- Sponsored Training and Education Relations Section
Department of Immigration and Multicultural and Indigenous Affairs
PO Box 25
BELCONNEN ACT 2616
- Email: tstvisa@immi.gov.au

1. What is the Trade Skills Training visa?

Overview The Trade Skills Training visa (TST visa – Subclass 471) is a temporary visa designed to respond to the skills needs of Australian employers, particularly in regional Australia. While most of the skill needs of Australian employers will be met through the recruitment and training of Australians, immigration arrangements complement the supply of skilled labour.

The new visa will allow overseas apprentices to undertake trade skills training in regional Australia (on a full fee paying basis).

After finishing their training, overseas apprentices will be able to apply for permanent residence through existing regional migration visas (eg. Regional Sponsored Migration Scheme, Skilled Independent Regional, Employer Nomination Scheme, 457 Temporary Business Long Stay). Although the proposal will also accommodate people from overseas who wish to return to their home country after undertaking their apprenticeship training, the emphasis will be on encouraging them to remain in the region so that regional employers can retain their skills.

Definition of Regional

The TST visa is limited to regional Australia to recognise the special needs of employers to attract and retain apprentices in regional areas and areas of low population growth in trades in shortage.

The definition of ‘regional’ for the purpose of the TST visa is based upon the RSMS definition. The RSMS is the preferred definition as it covers ‘regional and less populated areas of Australia’ and includes all areas of Australia except **Brisbane, the Gold Coast, Newcastle, Sydney, Wollongong, Melbourne and Perth.**

Regional areas are defined by the attached Gazetted list of post codes applying to the RSMS and regional subclass 457 visa program (**Attachment A**).

2. Sponsorship

The arrangements for the TST visa allow Australian organisations to sponsor people to undertake apprenticeship training.

Eligible Organisations

A sponsor may be one of the following organisations:

- an employer (including a Group Training Organisation);
- a national, State, Territory or local organisation that the Minister considers is representative of industry or of a regional area of Australia (eg. peak industry association).

The sponsor need not necessarily be the employer. For example, a national body may be the sponsor and they can request a regional employer to provide the apprenticeship training. Where the sponsoring organisation is not the employer it is the sponsor who is still responsible for meeting the undertakings and ensuring that the visa applicant meets their visa requirements. For the purpose of this visa a Group Training Organisation (GTO) is considered the employer, although details of the host employer/workplace and the apprenticeship position must still be provided to DIMIA.

In addition, although the regional location of the sponsor is not a requirement that is specified under the migration regulations, the actual employment of the overseas apprentice must be in a regional location. In other words, a national industry association that is approved as the sponsor may be located in Sydney but they must be able to nominate an apprenticeship vacancy – and a host employer/supervisor – who is located in the same region as the visa applicant.

General requirements

The organisation must satisfy the following criteria to obtain approval as a TST sponsor:

- is lawfully and actively operating in Australia;
- has previously complied with migration, workplace relations and taxation legislative requirements and has a satisfactory record of compliance;
- has capacity to provide, or to arrange apprenticeships for, the number of persons the organisation seeks to sponsor as apprentices;
- if the organisation will also be the employer, that they have a satisfactory record of, or a demonstrated commitment towards, training Australian citizens and Australian permanent residents; and
- that they are capable of complying with the undertakings.

Approved TST sponsors may sponsor a specified number of TST visa holders within a two year period. The sponsorship is valid for either 2 years or until the approved number of positions is filled, whichever happens earlier. The sponsorship undertakings will remain for the duration of the apprenticeship.

In addition, the sponsor must also be able to meet their undertakings, such as:

- ensuring that each TST visa holder signs a New Apprenticeship training contract and that it is lodged through a New Apprenticeship Centre with the relevant State/Territory Training Authority within 3 months;
- ensuring that the TST visa holder is employed in accordance with all relevant Commonwealth, State and Territory legislation dealing with the employment and working conditions of the apprentice;
- ensuring that the visa holder maintains adequate health insurance cover;
- ensuring the TST visa holder is accommodated consistent with a reasonable standard of living; and
- cooperating with monitoring of the sponsor, the employer, the workplace and/or the visa holder by DIMIA.

Monitoring

Regular monitoring will be undertaken by DIMIA to ensure that sponsors are meeting their undertakings. Where sponsors are found to be in breach of their undertakings, the sponsorship may be cancelled and subsequent sponsorship applications refused.

3. Certification of the Apprenticeship Vacancy

As part of the visa application process, DIMIA will require evidence by an eligible certifying body that the proposed apprenticeship vacancy meets a range of considerations, including that no suitable Australian applicant can be found from the Australian labour market.

Approved Bodies

The agencies approved for TST certifying purposes are Regional Certifying Bodies, as for the RSMS and regional subclass 457 visa program. Please refer to the attached Gazetted list of RCBs (**Attachment A**).

Certifying Bodies that receive requests to certify for positions outside their jurisdiction should refer these to the regional certifying body closest to the nominated position. For further information about operating protocols for certifying bodies please refer to Part 7 of this information kit.

General Requirements

The certifying body is asked to certify that the apprenticeship vacancy proposed by the sponsor:

- cannot be filled locally;
- is for a trade occupation that is in genuine skills shortage in the region. This means that the trade must be:
 - on the gazetted Migration Occupation in Demand List (MODL) (see (<http://www.immi.gov.au/migration/skilled/modl.htm>); OR
 - on the State/Territory Skills Shortage List in the particular State/Territory where the apprenticeship position is located; OR
 - relates to a vacancy that has been lodged on the Australian Job Search (AJS) for a minimum of 28 days without referral of a suitable Australian jobseeker (Job Network members or employers should be able to print out evidence to this effect from AJS); OR
 - is in local shortage in a specified region where the apprenticeship vacancy is located, and is certified (by the certifying body).

General Requirements (cont.)

- is a genuine vacancy that will be available for the full period of a New Apprenticeship;
- is a full-time position that will be available for the full period of a New Apprenticeship;
- is located in regional Australia (that is, anywhere in Australia except Brisbane, Gold Coast, Newcastle, Sydney, Wollongong, Melbourne and Perth).

To assist certifying bodies make the certification assessment, specific guidelines are provided in Part 8 of this information kit.

Validity of Certification

Once a TST apprenticeship position is certified it is valid for **three months** from the date of certification, without seeking new certification. This allows a sponsoring organisation to find another visa applicant without seeking another certification, if their first choice of visa applicant does not meet the visa criteria. If the sponsor does not lodge a visa application form within three months of the certification they will have to have the apprenticeship vacancy re-certified.

Multiple Vacancies

If a sponsoring organisation seeks to have a number of different apprenticeship vacancies certified they must obtain separate certification from the certifying body for each position (this will involve completing a new form for each position).

If a sponsoring organisation has a number of **identical** apprenticeship vacancies (eg five Motor Mechanic apprenticeship vacancies all located within the same workplace, will be paid the same wage and so forth) there is the option of seeking certification of **multiple** apprenticeship vacancies. Question 24 on *Form 1267 – Trade Skills Training Visa - Certification of Apprenticeship Vacancy* deals with multiple vacancies.

4. The TST Visa Application

General requirements

The TST visa applicant must satisfy the following criteria to obtain approval.

They must:

- be aged between 18 and 35 years;
- have an offer in writing of a full time apprenticeship (this apprenticeship must be undertaken as part of the Commonwealth's New Apprenticeship scheme);
- have the appropriate level of education, qualifications and skills to undertake an apprenticeship for the position;
- have the financial capacity to meet tuition costs, living, travel and school costs for themselves and any accompanying family members;
- have at least vocational level English (i.e. IELTS level 5 or equivalent);
- meet health and character requirements;
- have adequate health insurance for themselves and any family members;
- have a genuine intention to complete their apprenticeship training; and
- have a genuine intention to comply with their visa conditions.

Visas are generally granted for the length of the job offer. TST visas may be granted to people in Australia or overseas. Those applying in Australia must generally be the holder of a substantive visa.

A decision on the visa application is made once a sponsorship application has been approved and the apprenticeship vacancy has been certified.

Family members

A TST visa holder may include members of their family on their visa application, where the sponsor agrees to extend their sponsorship undertakings to include additional family members.

Only a spouse and/or a dependent child of the apprentice can be considered for the grant of a TST visa. Other relatives cannot be included.

5. What is involved in each stage of the TST Visa process?

Stages

The TST Visa process consists of **three** distinct stages.

Step 1) Sponsorship approval

Organisations seeking to become a TST sponsor must submit a sponsorship application form (*Form 1262 – Application for Approval as a Trade Skills Training visa Sponsor*), along with all relevant supporting documentation to DIMIA Brisbane Regional Office.

The sponsorship application form may be lodged before, or together with the certification and visa application form, however, the sponsorship must be approved **before** any decision can be made on the visa application.

Step 2) Certification of the Apprenticeship Vacancy	The sponsor must send the certifying body the certification form (<i>Form 1267 Certification of Apprenticeship Vacancy</i>). The certifying body is only required to complete Part E of the certification form and return it to the sponsor.
	The certifying body plays no role in the assessment of the sponsorship or the visa application.
Step 3) Visa Application Process	The sponsor lodges the visa application form (<i>Form 1261 – Application for a Trade Skills Training visa</i>) on behalf of the visa applicant. As the certification of the apprenticeship vacancy must form part of the visa application stage, the certification form must accompany the visa application.

6. What is the role of the Certifying Body?

Role	<ul style="list-style-type: none"> • To provide advice to the sponsor to assist them in applying for certification of the apprenticeship vacancy. This should not involve filling out the application form for them. • To use your knowledge of the local employment market and conditions to assess an apprenticeship vacancy when received from a sponsor. • Certify the apprenticeship vacancy against considerations listed below prior to returning it to the sponsor who will forward it to DIMIA along with the visa application form. • Promote the regional 471 arrangements through provision of information.
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Note: To ensure privacy considerations are met, all information provided to the certifying body by the sponsor/employer in relation to their application for certification is to be treated with confidentiality and is not to be disclosed to any other party than DIMIA.

Where a certifying body has information relating to the sponsor and/or employer that would be relevant to the assessment of the visa application - particularly information concerning the sponsor/employer's business activities and viability, or training record - the certifying body may elect to provide this information to DIMIA for consideration in the assessment of the visa application. Where adverse information relating to the sponsor/employer is received from the certifying body, this information would be provided by DIMIA to the sponsor for a response as part of the visa application assessment.

Where a certifying body receives information concerning the relocation of a regional 471 visa holder to a non-regional area, they are encouraged to provide this information to DIMIA. This information may be provided to the visa holder for comment before visa cancellation is enacted.

Steps	Stage	Description
	1	Receive a Certification of Apprenticeship Vacancy Form (Form 1267), or is approached by a sponsor/potential sponsor about lodging a certification form. If approached by a sponsor/potential sponsor, refer them to the Brisbane Regional Office and/or DIMIA Website to obtain the appropriate information/forms.
	2	Decide whether you are the appropriate certifying body and are prepared to certify the proposed apprenticeship vacancy against the relevant criteria (refer to the Certifying Body Operating Protocols below).
	3	Check the apprenticeship vacancy against a range of considerations – listed in section 7 below.
	4	Certify or refuse to certify the proposed apprenticeship vacancy (at the end of Part E of Form 1267) once all the necessary information has been provided by the sponsor.
	5	Return Form 1267 with the certified apprenticeship vacancy (or non-certified vacancy) to the sponsor – who then forwards it to DIMIA.
	6	DIMIA may also contact you to obtain/clarify any additional information relevant to finalising the visa application.

7. Apprenticeship Vacancy Assessment Considerations

Guidelines for certification

These guidelines relate to the criteria outlined on *Form 1267 – Certification of Apprenticeship Vacancy*.

In making the certification assessment, the certifying body should draw upon:

- the responses provided by the sponsor/employer in Parts B & C of the certification form (form 1267); and
- the apprentice's letter of offer of employment where provided (this may be attached to the certification form if the sponsor already has a visa applicant selected for the position);
- any other supporting documentation provided.

Where the certifying body is not satisfied they have sufficient evidence to assess the apprenticeship vacancy against any one of the criteria, they may request further information from the sponsor, employer or relevant third parties, or refuse to certify the position.

In making the certification assessment, certifying bodies need to also consider instances where a sponsoring organisation has identified **multiple** identical apprenticeship vacancies. Certifying bodies should also keep in mind that the certification is valid for three months from the date of certification.

The information below outlines the criteria - and some general guidelines - to be considered by the certifying body in the certification process.

1. The apprenticeship vacancy cannot be filled locally

Certifying bodies should use their own local knowledge to determine whether the vacancy needs to be filled from overseas because there is no one available in the local labour market.

Formal labour market testing is not a requirement for the TST visa arrangements, however, the certifying body may request documentary evidence or confirmation from the sponsor to establish that they have had difficulty in finding a suitable Australian citizen or permanent resident to fill the position.

There is an additional consideration that needs to be taken into account when assessing apprenticeship positions. The certifying body should be satisfied that the sponsor is not seeking to employ an apprentice from overseas on the basis that they can be paid a lower wage. For example, a sponsor should not seek to take on an 18 year old from overseas if there is a suitable Australian who may be older, similarly, a sponsor cannot recruit an overseas applicant with no experience, if there is a suitable local applicant with experience.

In considering this factor, the certifying body should examine whether the sponsor/workplace has a commitment to training Australians of all ages. To satisfy this consideration the certifying body may wish to check the training record of a sponsor/workplace with the State/Territory Department of Education and Training and/or DEST and/or DEWR.

The certifying body may also wish to check with other employers in the region as to whether they have experienced difficulty in finding suitable Australian's to fill apprenticeship positions in the same – or similar – trade occupations.

2. The trade occupation has a genuine skill shortage in the region.

If the occupation which the New Apprenticeship is leading to is on one of the following lists, no further investigation of this criterion is required:

- the department's Migration Occupation in Demand List (MODL) (see <http://www.immi.gov.au/migration/skilled/modl.htm>); or
- other State/Territory/Regional lists relating to 'skills in demand' produced by DEWR and available on its website at <http://www.workplace.gov.au>

If the occupation which the New Apprenticeship is leading to does not appear on one of these lists, the certifying body may also use their own local knowledge to determine whether the trade is in genuine skills shortage in their particular regional area so long as all of the other primary criteria are met.

It is expected that the certifying body will require evidence of the specific local skills shortage. Evidence could include:

- State/Territory or local/regional skills shortage lists;
- research conducted by a reputable source to demonstrate that the specific trade is in skills shortage in the specific region;
- whether other employers in the region have experienced the same difficulties in finding people for the same trade occupation.

Certifying bodies will also need to consider how long the trade has been in shortage in that region. If the trade occupation has only been in skills shortage for a short period there may be difficulties for the TST visa holder obtaining work upon completion of their apprenticeship training. Certifying bodies will also need to consider whether the sponsor/employer is experiencing issues relating to recruitment or short-term labour shortage rather than genuine long-term skills shortage.

3. The apprenticeship position is a genuine vacancy.

Does the business/workplace exist?

Has there been a previous occupant in the position?

Is the business expanding?

What is the current staffing?

Is the workplace capable of supporting extra staff? (an indication of financial position may assist).

Is there any adverse information known about the employer or business in relation to staff?

Any queries on adverse information known about the employer may be referred to the Office of Workplace Services (federal awards and agreements) or State/Territory Departments of Industrial Relations.

Certifying bodies may question the genuine nature of the position where it appears to be unrelated to the activities of the business.

4. The apprenticeship position is full-time.

The vacancy must be for a full-time position and the employment offered must be for the duties of a full-time occupation for that industry in the Australian labour market.

A full-time position is one in which employment is normally for 35 hours per week. In special circumstances it might be possible to consider positions requiring less than 35 hours, but no less than 30 hours per week.

Where a Group Training Organisation is the sponsor and they intend to place the apprentice with more than one host employer, the apprentice must be employed for a total of 35 hours per week.

5. The proposed wages and conditions meet at least minimum Commonwealth, State and Territory legislative standards.

Certifying bodies should draw upon information outlined at Question 22 – Part C of the Certification Form and the Letter of Offer of employment.

Certifying bodies can assume that issues pertaining to wages and conditions are covered by the New Apprenticeships Training Agreement to be lodged with the New Apprenticeships Centres (NAC), unless they have evidence to the contrary.

6. The apprenticeship will be undertaken in a regional area.

The geographic coverage of the TST visa arrangements replicates regional and low population areas under the RSMS and regional 457 visa programs. This encompasses all of Australia **except** Brisbane, Gold Coast, Newcastle, Sydney, Wollongong, Melbourne and Perth.

The list of postcodes which specify which parts of Australia are regional (for the purposes of the RSMS and the Regional Subclass 457 visa programs) can be obtained from http://www.immi.gov.au/migration/employers/rsms_postcodes.htm

Certifying bodies are not to certify apprenticeship vacancies where the workplace is in a non-regional area.

8. Certifying Body Operating Protocols

Areas of jurisdiction

Before accepting a Certification Form from a TST sponsor, the certifying body should determine that they have the authority and that they are the appropriate certifying body to certify the apprenticeship vacancy. For the purpose of the TST visa, the agencies approved for certifying apprenticeship vacancies are the same as those for the RSMS and regional subclass 457 visa program (Regional Certifying Bodies).

Gazette Notice 28 is used by Regional Certifying Bodies (RCBs) to certify nominations for the RSMS visa. A copy of the Gazette Notice is attached (Attachment A).

DIMIA also recognises and understands that RCBs have negotiated areas of coverage and responsibility with their State/Territory Government Regional Development Boards.

A certifying body should not certify positions that are not covered by the RSMS, i.e. not falling within the list of post codes, and are only expected to certify requests for positions located in their State or Territory.

The relevant certifying body is normally the body whose area of operation covers the location of the proposed workplace of the apprenticeship position. It is anticipated that there will be cases where a certifying body certifies a position located close to its boundaries. DIMIA may question a certification when the position certified is located in a different State or Territory from the certifying body who certified the position. The exception is where the area involved falls across two State/Territory boundaries and agreement is in place for this to occur, e.g. Albury/Wodonga.

From DIMIA's perspective it cannot force a sponsor to use a particular certifying body for certification purposes within their particular State or Territory in favour of another certifying body in the same State or Territory.

Fees

DIMIA cannot and has not developed a schedule of fees for certifying bodies with regard to charging clients for their certification services. It is a matter for certifying bodies to determine what fees if any they may decide to impose. DIMIA's only expectation is that if fees are charged then they should be on a reasonable cost recovery basis and not developed as a means of raising revenue for the certifying body.

Conflict of Interest

Certifying bodies need to be aware that their role should not place officers within their organisation performing this task in a compromising position in any way. For example, a certifying officer should not be a registered migration agent as this would be deemed by DIMIA as representing a potential conflict of interest.

9. DIMIA's role

DIMIA's role DIMIA needs to be satisfied that the certifying body has correctly certified the apprenticeship vacancy and has met all of the relevant considerations.

If DIMIA is satisfied that all requirements have been met it will:

- proceed with the assessment of the visa application against a range of criteria and, on the basis of that assessment, will either approve or refuse the application; and
- supply a decision letter to the sponsor with instructions to forward it to the visa applicant.

If DIMIA is **not** satisfied that all the certification considerations have been met by the certifying body, DIMIA will either:

- contact the sponsor and/or the certifying body; OR
- refuse the visa application.

DIMIA will **not** notify the certifying body of the outcome or details of any visa decision.

Checklist for Certification of Trade Skills Training Visa (Subclass 471) Apprenticeship Vacancies

(to be retained by the regional certifying body for record)

Details of sponsor

Business name: _____

Address: _____

Contact person: _____

Telephone: _____

Details of nominated position

Name & Location of Workplace: _____

Occupation: _____

Title of qualification: _____

Qualification level: _____

Salary (gross): AUD \$ _____ Hours (weekly): _____

Date lodged: _____ / _____ / _____

Details of certification / non-certification

Met	Description	Relevant Part of Information Kit
<input type="checkbox"/>	Is the certifying body the appropriate authority to certify TST apprenticeship vacancies?	
<input type="checkbox"/>	Can the position not reasonably be filled locally?	
<input type="checkbox"/>	Is the position genuine?	
<input type="checkbox"/>	Is the position full-time?	
<input type="checkbox"/>	Is the workplace operating in a regional area?	
<input type="checkbox"/>	Do the proposed employment conditions and remuneration at least accord with levels provided for in Australian legislation & awards?	

I am / am not satisfied that the criteria for Trade Skills Training apprenticeship vacancy certification of this are met.

Name: _____ Signed: _____

Date: _____ / _____ / _____

CERTIFIED APPRENTICESHIP VACANCIES (FORM 1267) ARE TO BE RETURNED TO THE SPONSOR FOR SUBMISSION TO DIMIA FOR CONSIDERATION WITH THE VISA APPLICATION

Commonwealth of Australia

Migration Act 1958

Migration Regulations 1994

**SPECIFICATION OF BODIES FOR THE PURPOSES OF PARAGRAPHS 5.19(4)(e)
AND 1.20GA(1)(e), PARTS OF AUSTRALIA FOR THE PURPOSES OF
SUBREGULATION 5.19(5) AND AREAS FOR THE PURPOSES OF PARAGRAPH
2.43(1)(la) OF THE MIGRATION REGULATIONS 1994**

I, *AMANDA VANSTONE*, Minister for Immigration and Multicultural and Indigenous Affairs, acting under regulation 1.17 and paragraphs 5.19(4)(e) and 1.20GA(1)(e), subregulation 5.19(5) and paragraph 2.43(1)(la), and of the *Migration Regulations 1994* ('the Regulations') hereby:

1. REVOKE the Gazette Notice signed on 22 October 2002 specifying bodies for the purposes of paragraphs 5.19(4)(e) and 1.20GA(1)(e) of the Regulations and specifying areas for the purposes of paragraph 2.43(1)(la) of the Regulations;
2. SPECIFY each of the bodies listed in Schedule A to this notice as bodies for the purposes of paragraphs 5.19(4)(e) and 1.20GA(1)(e) of the Regulations;
3. SPECIFY the part of Australia, all the postcodes of which are listed in Schedule B to this notice, as the part of Australia for the purposes of subregulation 5.19(5) of the Regulations; and
4. SPECIFY the area of Australia, all the postcodes of which are NOT listed in Schedule B to this notice, as the area of Australia for the purposes of paragraph 2.43(1)(la) of the Regulations.

Dated 6 July 2005

Minister for Immigration and Multicultural and Indigenous Affairs

[NOTE 1: Regulation 1.17 provides that the Minister may, by notice published in the Gazette, specify matters required by individual provisions of these Regulations to be specified for the purposes of those provisions.

NOTE 2: Paragraph 5.19(4)(e) provides that only a body that has been specified for the purposes of that

paragraph may certify that an employer nomination meets the requirements of subregulation 5.19(4).
NOTE 3: Paragraph 1.20GA(1)(e) provides that only a body that has been specified for the purposes of that paragraph may certify that a nomination meets the requirements of paragraphs 1.20GA(1)(a), (b), (c) and (d).

NOTE 4: Subregulation 5.19(5) provides that regional Australia means a part of Australia specified by Gazette Notice.

NOTE 5: Paragraph 2.43(1)(a) sets out a prescribed ground for cancelling a visa under section 116 of the *Migration Act 1958* and relevantly provides that in the case of the holder of a Subclass 457 (Business (Long Stay)) visa who was granted the visa on the basis of being employed in Australia by a business sponsor, and in respect of whom there is a nomination of an activity under regulation 1.20GA, that the visa holder is living or working within an area specified in a Gazette Notice for that paragraph.]

Schedule A

Australian Capital Territory

Business and Tourism – Chief Minister’s Department

New South Wales

NSW Department of State and Regional Development

Central NSW

Central Western Regional Development Board

Orana Development & Employment Council

Northern NSW

Clarence Valley Business Development Board Limited

Hunter Councils Inc.

Mid North Coast Regional Development Board

Northern Rivers Regional Development Board

Port Macquarie Chamber of Commerce Inc.

Small Business Centre New England & North-West

The New England – North West Regional Development Board

Eastern NSW

Business Central Coast Inc.

Southern NSW

Albury Wodonga Business Limited

Australian Capital Region Development Council

Illawarra Regional Development Board

Murray Regional Development Board

Riverina Regional Development Board

Western NSW

Far Western Regional Development Board

Northern Territory

Department of Business, Industry & Resource Development

Queensland

Department of State Development and Innovation

Central Queensland

Central Western Queensland Remote Area Planning and Development Board

Commerce Queensland – Rockhampton

Mount Isa Chamber of Commerce

Winton Shire Council

North Queensland

Cairns Chamber of Commerce Inc.

Cape York Peninsula Development Association Inc.

Commerce Queensland – Mackay

Gulf Savannah Development Inc.

Townsville Enterprise Limited

South Australia

Department of Premier and Cabinet.

Tasmania

Multicultural Tasmania

Victoria

Department for Victorian Communities

Regional Development Victoria – Ballarat

Regional Development Victoria – Bendigo

Regional Development Victoria – Geelong

Regional Development Victoria – Mildura

Regional Development Victoria – Shepparton

Regional Development Victoria – Traralgon

Regional Development Victoria – Wangaratta

Regional Development Victoria – Wodonga

Swan Hill Rural City Council

Warrnambool City Council

Wimmera Development Association

Western Australia

Gascoyne Development Commission

Goldfields Esperance Development Commission

Great Southern Development Commission

Kimberley Development Commission

Mid West Development Commission

Peel Development Commission

Pilbara Development Commission

South West Development Commission

Wheat belt Development Commission

Schedule B

REGION	POST CODES
Australian Capital Territory	Entire Territory
New South Wales (Except Sydney, Newcastle and Wollongong)	2250 to 2251 – (Central Coast) 2256 to 2263 – (Central Coast) 2311 to 2312 2328 to 2411 2420 to 2490 2536 to 2551 2575 to 2594 2618 to 2739 2787 to 2898
Northern Territory	Entire Territory
Queensland (Except the greater Brisbane area and the Gold Coast)	4124 to 4125 4133 4211 4270 to 4272 4275 4280 4285 4287 4307 to 4499

	4515 4517 to 4519 4522 to 4899
South Australia	Entire State
Tasmania	Entire State
Victoria (Except Melbourne metropolitan area)	3211 to 3334 3340 to 3424 3430 to 3649 3658 to 3749 3753 3756 3758 3762 3764 3778 to 3781 3783 3797 3799 3810 to 3909 3921 to 3925 3945 to 3974 3979 3981 to 3996
Western Australia (Except Perth and surrounding areas)	6041 to 6044 6083 to 6084 6121 to 6126 6200 to 6799

What is the Migration Occupations in Demand List (MODL)?

The Migration Occupations in Demand List (MODL) lists those occupations and specialisations identified by the Department of Employment and Workplace Relations (DEWR) as being in ongoing national shortage.

What occupations are currently MODL?

The following is the current (as at 28 March 2006) list of occupations in demand for migration purposes.

MIGRATION OCCUPATIONS IN DEMAND (MODL)

Professionals	ASCO code
Accountant	2211-11
Anaesthetist	2312-11
Chemical Engineer	2129-17
Civil Engineer	2124-11
Computing Professional - specialising in CISSP	2231-79
Computing Professional - specialising in E-commerce Security (non-programming)	2231-79
Computing Professional - specialising in Network Security	2231-79
Computing Professional - specialising in SAP	2231-79
Computing Professional - specialising in SIEBEL	2231-79
Dental Specialist	2381-13
Dentist	2381-11
Dermatologist	2312-13
Emergency Medicine Specialist	2312-15
General Medical Practitioner	2311-11
Hospital Pharmacist	2382-11
Medical Diagnostic Radiographer	2391-11
Mining Engineer (excluding Petroleum)	2127-11
Nuclear Medicine Technologist	2391-15
Obstetrician and Gynaecologist	2312-17
Occupational Therapist	2383-11
Ophthalmologist	2312-19
Paediatrician	2312-21
Pathologist	2312-23
Petroleum Engineer	2127-13
Physiotherapist	2385-11
Podiatrist	2388-11
Psychiatrist	2312-27
Radiation Therapist	2391-13
Radiologist	2312-29
Registered Mental Health Nurse	2325-11
Registered Midwife	2324-11
Registered Nurse	2323-11
Retail Pharmacist	2382-15

Specialist Medical Practitioners (not elsewhere classified)	2312-79
Specialist Physician	2312-25
Speech Pathologist	2386-11
Sonographer	2391-17
Surgeon	2312-31

Associate Professionals	ASCO Code
Chef (excluding Commis Chef)	3322-11(part)

Trades Persons	ASCO codes
Automotive Electrician	4212-11
Baker	4512-11
Boat Builder and Repairer	4981-13
Bricklayer	4414-11
Cabinetmaker	4922-11
Carpenter	4411-13
Carpenter and Joiner	4411-11
Cook	4513-11
Drainer	4431-15
Electrical Powerline Tradesperson	4313-11
Electrician (Special Class)	4311-13
Electronic Equipment Tradesperson	4315-11
Fibrous Plasterer	4412-11
Fitter	4112-11
Flat Glass Tradesperson	4982-11
Floor Finisher	4423-11
Furniture Upholsterer	4942-11
Gasfitter	4431-13
General Electrician	4311-11
General Electronic Instrument-Tradesperson	4314-11
General Plumber	4431-11
Hairdresser	4931-11
Joiner	4411-15
Lift Mechanic	4311-15
Mechanical Services and Air-conditioning Plumber	4431-19
Metal Fabricator (Boilermaker)	4122-11
Metal Machinist (First Class)	4112-13
Motor Mechanic	4211-11
Panel Beater	4213-11
Pastry Cook	4512-13
Pressure Welder	4122-13

Refrigeration and Air-conditioning Mechanic	4312-11
Roof Plumber	4431-17
Roof Slater and Tiler	4413-11
Solid Plasterer	4415-11
Sheetmetal Worker (First Class)	4124-11
Stonemason	4416-13
Toolmaker	4113-11
Vehicle Body Maker	4215-11
Vehicle Painter	4214-11
Wall and Floor Tiler	4416-11
Welder (First Class)	4122-15

*** Important:** If you nominate one of the above specialist computing occupations, you will only be awarded MODL points if your skills assessment from the relevant the Australian Computer Society (ACS) states you have met the criteria to be recognised in one of the above specialisations.

The ACS has advised that assessments provided to successful applicants will state the ASCO Code for Computer Professional nec with the specialisation in brackets -- for example, 2231-79 (SAP). In addition, the assessment will have the following statement: "Based on the provided certified documentation, it is my opinion that the applicant has 12 months experience in (name of specialisation, for example, SAP)".

If you have a skills assessment which only states the ASCO Code for "Computer Professional nec 2231-79", you are not eligible to be awarded MODL points. A new assessment will be required if you wish to claim points for having an occupation on the MODL.

How often does the MODL change?

The MODL is reviewed twice a year to take into consideration existing and emerging skills shortages. This does not mean the list is changed twice a year. Changes only occur if there has been a significant change in labour market trends.

As the MODL may change from time to time, you are advised to check the current MODL at the time you are lodging your visa application. You should also be aware that your occupation must be on the MODL at the time you lodge your application or when your application is assessed in order to be awarded 'occupation in demand/ job offer' points on the General Skilled Migration points test.

How are occupation points awarded on the points test?

If your nominated occupation is on MODL at the time your application is assessed, you will be eligible for 'occupation in demand' points on the points test.

You will receive extra points if, in addition to your nominated occupation being on the MODL at the time your visa application is assessed, you have a job offer from a suitable Australian employer.

What is a 'suitable Australian employer'?

A 'suitable Australian employer' is an employer that has employed at least 10 people on a full-time basis for the previous two financial years.

If you intend to claim points for 'occupation in demand/job offer' you are required to submit documentary evidence that your proposed employer meets these requirements. This evidence should include:

- a letter of offer from your prospective employer on official letterhead of the company which states the full address of the company and any telephone, fax numbers, e-mail and website

- addresses
- the name and position of the person authorised to sign the employment reference typed or stamped below that person's signature – a reference with an illegible signature will not be accepted
 - details of the position you are being offered, the main five duties to be undertaken, and the salary level
 - details of the organisation making the job offer, including the number of people it has employed on a full-time basis for the previous two years

The department will make any necessary checks to ensure that the information provided is correct.

Priority processing

The Migration Act 1958 contains powers by which the Minister for Immigration and Multicultural and Indigenous Affairs can consider and finalise migration visa applications in an order of priority he/she considers appropriate.

Under this power, the Minister has identified a number of General Skilled Migration visas that are both a priority for employers generally across Australia and, more specifically, for regional and low population growth metropolitan areas. The Minister has issued a directive to give priority processing to these applications. As part of these arrangements, if your nominated occupation is on the MODL, your General Skilled Migration visa application will receive priority processing.

Table 5.3

Table 5.3: Budgeted departmental statement of cash flows (for the period ended)					
	Estimated actual 2005-06 \$'000	Budget estimate 2006-07 \$'000	Forward estimate 2007-08 \$'000	Forward estimate 2008-09 \$'000	Forward estimate 2009-10 \$'000
OPERATING ACTIVITIES					
Cash received					
Appropriations	21,448	19,072	19,493	19,747	19,979
Goods & Services	1,554	1,600	1,650	1,700	1,750
Total cash received	23,002	20,672	21,143	21,447	21,729
Cash used					
Employees	16,907	14,530	14,892	15,208	15,446
Suppliers	6,439	5,576	5,672	5,668	5,737
Transfer to DOFA	(1,000)	(200)	200	200	100
Total cash used	22,346	19,906	20,764	21,076	21,283
Net cash from or (used by) operating activities	656	766	379	371	446
INVESTING ACTIVITIES					
Cash received					
Proceeds from sales of property, plant and equipment	-	-	-	-	-
Total cash received	-	-	-	-	-
Cash used					
Purchase of property, plant and equipment	983	655	40	140	240
Total cash used	983	655	40	140	240
Net cash from or (used by) investing activities	(983)	(655)	(40)	(140)	(240)
FINANCING ACTIVITIES					
Cash received					
Contributed Equity	300	-	-	-	-
Total cash received	300	-	-	-	-
Cash used					
Repyts of lease incentive	106	197	211	225	238
Total cash used	106	197	211	225	238
Net cash from/(used by) financing activities	194	(197)	(211)	(225)	(238)
Net increase or (decrease) in cash held	(133)	(86)	128	6	(32)
Cash at the beginning of the reporting period	480	347	261	389	395
Cash at the end of the reporting period	347	261	389	395	363

Table 5.9: Schedule of budgeted administered cash flows (for the period ended...)

	Estimated actual 2005-06 \$'000	Budget estimate 2006-07 \$'000	Forward estimate 2007-08 \$'000	Forward estimate 2008-09 \$'000	Forward estimate 2009-10 \$'000
OPERATING ACTIVITIES					
Cash received					
Other taxes, fees and fines	600	500	600	600	600
Total cash received	600	500	600	600	600
Cash used					
Cash to Official Public Account	600	500	600	600	600
Total cash used	600	500	600	600	600
Net cash from/(used by) operating activities	-	-	-	-	-
Net increase or (decrease) in cash held	-	-	-	-	-
Cash at beginning of reporting period	-	-	-	-	-
Cash at end of reporting period	-	-	-	-	-

MEETING REPORT	
Meeting	Burundian Community Information Session
Date	18/2/06
Venue	Anglicare, Cabramatta
DIMA rep	Peter Vardos, FAS, Citz, Multicultural Affairs and Settlement, NatO Rocio Trapaga-Saul, Business Manager, MAS NSW Shelley Fredericks, Manager, OHPC Jane Moores, IHSS Manager, MAS NSW Marisa Dominello, Manager, MAS NSW
Community representatives	18 attendees from the general Burundian community, Sydney
Issues	<p><u>Message from Peter Vardos</u></p> <ul style="list-style-type: none"> • Let DIMA know if the community are having problems with services • DIMA guarantees it will work to fix any problems with services • DIMA wants success, not failure. We want our program to work properly. The program in Australia is amongst the best in the world. • It was a tragedy that Richard Niyonsaba died but this is not to say that the whole program is not working well. • Peter Vardos is meeting with African communities across Australia <p>ISSUES</p> <p>1. Humanitarian Processing (14 Questions)</p> <ul style="list-style-type: none"> • <u>Proposers:</u> 4 questions re: who can you propose i.e. orphan children, people who are not family members and proposer responsibilities <p>Peter Vardos clarified that there are limited places in the Refugee and Humanitarian Program and even if people meet the criteria they may not get a visa. A judgement has to be made as to who is in the most need, at most risk and in the most difficult circumstances</p> <ul style="list-style-type: none"> • <u>Forms</u> 5 questions re: sending forms to Africa and getting assistance with filling out applications • <u>Processing times</u> 1 question re: what happens if circumstances change during processing • <u>Interpreters</u> 4 questions re: problems in getting help with completing applications from AMEP, sharing personal information, very few Kirundi interpreters, need for new humanitarian entrants who speak English should be directed to Sydney to help the community and boost numbers of available interpreters. <p>2. IHSS (9 questions)</p> <ul style="list-style-type: none"> • 1 question re: where to go to get assistance after exiting from IHSS • <u>English Language training</u> 4 questions re: Most people do not know how to read and write, most people have not attended school, 510 hours of language tuition is not enough persons who are illiterate in their own language, community

Signature

Date

were not aware of SPP

Of the 18 member group:

- everyone had started English language classes with either AMES and ACL
- 7 people had finished the 510 hours
- 1 person had done the additional 100 hours SPP

Peter Vardos clarified that the ACL service is basic and that the same is provided all over Australia.

- Centrelink

4 questions re: forms and letters have not been translated into African community languages, fear that payments will be cut off arbitrarily and/or that Centrelink will not pay for TAFE fees once you are employed, finding jobs in the field where you hold qualifications is a problem as qualifications are not recognised

3. Post-Niyonsaba related issues

The issue of a community spokesperson was raised 5 times.

Some were concerned that the community had been misrepresented in the media in relation to services provided by DIMA.

A comment was made that many people in the Burundian community do not understand what happened in relation to Richard Niyonsaba and that some of what was reported in the media was not true. DIMA clarified that we cannot control what goes into the newspaper.

The community asked for assistance in electing a spokesperson and managing the Burundian and Rwandan Association. At this stage Association does not have many members.

Peter Vardos said that the Burundian community should not feel like they are alone. Advised them of FACC, the national umbrella body looking after and promoting the interests of all African communities.

Summary

70% of the meeting time was taken up with discussion relating to IHSS and general issues affecting the community at this time. While approximately 60% of the questions related to humanitarian processing, these were of a straightforward nature. The IHSS (510 hours tuition) and post-Niyonsaba issues generated the most discussion as the questions were of specific interest to the community.

Signature

Date

<p>Follow up</p>	<p>OHPC Manager</p> <ul style="list-style-type: none"> • Provide the addresses of Australian Missions in Africa, DIMA's website address and DIMA Forms to Cheryl Webster (Anglicare) to give to the community <p>IHSS Manager</p> <ul style="list-style-type: none"> • Follow-up with ACL to ensure clients are made aware of the SPP • Follow-up with ACL on issues faced by the Burundian community and clarify the level of assistance • Follow-up with Centrelink managers on translation issues of forms and letters into African community languages • Liaise with Centrelink managers to organise an information session with either the Burundian community or their representative <p>MAS Manager</p> <ul style="list-style-type: none"> • Raise spokesperson and leadership issues with relevant CSSS providers (other than Anglicare) responsible for community capacity building • Monitor the spokesperson issue through routine CLO work <p>Update (as at 18 May 06)</p> <ul style="list-style-type: none"> • All issues relating to access to additional hours under the AMEP have been discussed with ACL on an ongoing basis. • DIMA has also raised the special needs of the Burundian community regularly with ACL who have responded by employing Kirundi and Swahili speaking caseworkers and working with Resolve FM about meeting their special needs. • In March 2006, the NSW IHSS Manager met with Paul Tait, Portfolio Manager for Multicultural Services in Centrelink to raise the issue of translation of forms into African community languages. • A follow-up meeting with representatives from the Burundian community in Sydney was held at the Cabramatta MRC on 3/5/06. • At this session, addresses of the Australian missions in Africa as well as DIMA's website addresses were provided to participants. Centrelink officers attended and were able to respond to inquiries. Centrelink also offered to hold an information session specifically for the Burundian group. This session has not yet been organised. • DIMA has commenced discussions in relation to capacity-building within the Burundian community with the CSSS worker at Cabramatta MRC and Anglicare.
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MEETING REPORT	
Meeting	Burundian Community Information Session
Date	04/03/06
Venue	Migrant Resource Centre of Newcastle and Hunter Region, Newcastle
DIMA rep	Peter Vardos, FAS, Citz, Multicultural Affairs and Settlement, NatO Jose Alvarez, Deputy State Director, NSW Jane Moores, IHSS Manager, MAS NSW Kaoru Umezawa-Yang, Team Manager, OHPC NSW Catherine Francetich, Community Liaison Officer, MAS NSW
Community representatives	28 (adult) attendees from the general Burundian community, Newcastle
Issues	<p><u>Message from Peter Vardos</u></p> <ul style="list-style-type: none"> • DIMA can assure the community that their visas will not be taken away if they make complaints. It is the right of all individuals to complain when they are not receiving appropriate services • If ACL don't respond adequately to complaints, DIMA would like the community to forward the issue to the NSW MAS office • IHSS services should be the same all over Australia • ACL cannot always give clients everything they ask for as DIMA decides what services will be provided by ACL • DIMA wants to be sure that ACL are providing the services we contract them to provide • DIMA guarantees it will work with ACL to fix any problems with services <p>ISSUES</p> <p>1. Humanitarian Processing (6 Questions)</p> <ul style="list-style-type: none"> • <u>Size and Composition of the Humanitarian Program:</u> 1 question re: Australia's commitment to take more Burundians in the Humanitarian program and the large numbers of rejections the community have received when proposing SHP visas <p>Peter Vardos stated that the biggest issue for SHP applications is the large number of people who apply and the fact that there are only approximately 7,000 places available per year. Even if applicants qualify for a visa, they may not be granted one. A judgement has to be made as to who is in the most need, at most risk and in the most difficult circumstances</p> <ul style="list-style-type: none"> • <u>SHP visa application requirements:</u> 5 questions re: the lodging and processing of applications, whether friends can propose an application, how to propose an orphaned child and what proposer support is available <p>2. IHSS (17 questions)</p> <ul style="list-style-type: none"> • <u>Accommodation and tenancy:</u> 2 questions re: share accommodation. One community member expressed concern that ACL would not help him find new accommodation when he was not happy with his share house arrangement. This was at the end of a lease. A volunteer found him alternate accommodation. Concern was also raised about the lack of response from ACL to provide more furniture at the new

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accommodation (initial package left at first share house).

- Behaviour of ACL caseworkers:

2 questions re:

- Claims that ACL caseworkers are acting like policemen were made. An example was provided that when the community member had wanted to make a complaint his caseworker gave him the phone to speak to an ACL manager, although the caseworker knew he could not speak English. He stated that the caseworker's behaviour was of a threatening nature. He expressed a desire to be transferred to another service provider.
- Another community member had to get help from Sister Betty to get to hospital as she couldn't get her caseworker to come. When the caseworker found out she had asked for assistance from elsewhere he told her she shouldn't have done this.

Peter Vardos clarified the fact that only one IHSS provider exists, so we cannot transfer clients. DIMA will follow up with ACL and work to fix the problems raised. The community can ask for help from anyone, not only ACL caseworkers.

- ACL services:

7 questions re: ACL service provision.

- There was one caseworker for the whole community when ACL first took over the contract which was not enough. People were left with no assistance for significant periods of time.
- One community member stated that she was not taken to see a doctor when she was very ill and was asked to catch a bus herself.
- Community members have been unable to contact caseworkers in emergency situations and could not talk to anyone else at ACL as they do not speak English.
- The community do not know who the caseworkers are and who they can go to for assistance at ACL. They would like to meet with ACL to be introduced and raise their concerns directly.
- The problems the community have experienced with ACL have not improved recently.

Jane Moores responded: the transition between the previous service provider and ACL has not been as smooth as DIMA had hoped and this was worse in Newcastle due to a number of factors. One was that more people arrived in Newcastle than was expected due to their links to the community. DIMA apologises for this situation and is committed to working with ACL to rectify the situation for Burundian people in Newcastle. DIMA will organise a meeting for the Burundian community with ACL in the near future.

- Accessing health services:

1 question re: getting children to medical appointments. This is difficult for mothers with many children and they have not been able to get adequate help from ACL caseworkers.

Jane Moores responded that DIMA will raise the issue with ACL. We will also discuss the problem at a meeting with the Refugee Health Service for the Newcastle area to see what can be done about

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extending its opening hours.

- Post-IHSS service:
1 question re: who can help once clients have been exited from IHSS. The client received an exit letter claiming she had received services which had not been provided to her.

Peter Vardos explained that in some cases IHSS services can be extended after the initial 6 month settlement period. The individual circumstances of Burundian community members would be examined to see if this was appropriate on a case by case basis.

- Language skills and English training:
4 questions re: the translation of Government forms and letters and single mothers not attending English classes due to a lack of childcare options.

Jane Moores responded that DIMA will talk to:

- i) Government departments and banks to raise awareness about the need for translated documents; and
- ii) ACL about providing childcare facilities at their English classes

3. Other Issues (7 questions)

- Employment:
1 question re: obtaining employment

- Sports Clubs:
1 question re: joining sports clubs (The MRC began setting up a sports club which the Burundian community could join)

Peter Vardos explained that setting up sports clubs was not a responsibility of ACL but DIMA will talk to ACL to see what they can do. The MRC will also follow this up.

- Centrelink:
2 questions re: how to get concession cards for cheaper bus tickets, and the difficulty of providing for a large family on Centrelink allowances

Peter Vardos explained that concession cards are issued by Centrelink. DIMA will talk to Centrelink about the possibility of issuing these at clients' initial appointments with Centrelink.

- Driver's Licences:
3 questions re: large families who need cars and the possibility of doing driver's licence tests or having training sessions in Kirundi

Peter Vardos responded: neither ACL nor DIMA can provide cars. The RTA is responsible for issuing driver's licenses. DIMA will talk to the RTA to see what can be done.

Message from Peter Vardos

- DIMA will follow up on all of the issues raised by the community

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	<ul style="list-style-type: none">• DIMA will talk to other service providers in Newcastle to alert them to the problems the Burundian community has raised• DIMA will provide feedback to the community regarding solutions that are developed• This is only the beginning of DIMA's discussions with the Burundian community <p>Summary</p> <p>80% of the meeting time was taken up with discussion relating to IHSS, ACL service provision and general issues affecting the community at this time. 20% of the questions related to humanitarian processing and were reasonably straightforward. The IHSS program and ACL service provision generated the most discussion as many problems were identified and the questions were of specific interest to the community.</p>
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Follow up

IHSS Manager

ACL:

- Follow up concerns regarding furniture package and allegations of mistreatment by caseworker with ACL.
- Follow up with ACL regarding the provision of childcare at their English classes
- Speak to ACL about the issues raised at the information session to see what can be done specifically for the Burundians in Newcastle
- Follow up with clients who have been exited from IHSS but are in need of further IHSS services
- Organise a meeting for the Burundian community with ACL and caseworkers within the next two weeks
- Follow up with ACL regarding sports clubs which the Burundian community can access
- Raise the issue of access to health services with ACL and with the Refugee Health Service for the Newcastle area

Centrelink

- Follow-up with Centrelink managers on translation issues of forms and letters into African community languages
- Speak to Centrelink regarding the possibility of issuing travel concession cards at clients' initial appointments

Other

- Raise the issue of translating letters into community languages with Government departments and banks to try and raise awareness about the difficulties the Burundian community is facing

MAS Manager

- Raise the problems for Burundians in obtaining driver's licenses and language issues with the NSW RTA
- Follow up with the Migrant Resource Centre of Newcastle and the Hunter region regarding the sports club which was being organised for the Burundian community

Update (as of 18 May 06)

- DIMA followed-up concerns regarding furniture package and allegations of mistreatment with ACL, and all issues have been resolved
- DIMA confirmed that ACL is not the AMEP provider in Newcastle. The Newcastle and Upper Hunter MRC has since spoken to the AMEP provider who has agreed to work on this issue
- A follow-up meeting with the Burundian community was arranged for 25/3/06 to address the IHSS needs of the Burundian community with ACL, including ACL caseworkers. An officer from Centrelink was also invited to address the issue of travel concession cards
- DIMA has discussed the concept of a sports club with the Newcastle and Upper Hunter MRC and with ACL who have both agree to work together on this issue.
- DIMA has raised the issue of access to health services (ie the

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	<p>ability of clients to travel to appointments and childcare arrangements while they attend appointments) has been raised with ACL and is being monitored on an ongoing basis. In response, ACL have employed more caseworkers and an office administrative assistant in order to improve responsiveness to requests.</p> <ul style="list-style-type: none">• In March 2006, the NSW IHSS Manager met with Paul Tait, Portfolio Manager for Multicultural Services in Centrelink to raise the issue of translation of forms into African community languages.• DIMA has contacted the NSW RTA to discuss the language issues associated with obtaining driver's licences and has also discussed possible solutions with the NSW Community Relations Commission which is the contracted language services provider for the NSW RTA.• DIMA has not directly contacted Government departments or banks to raise awareness of the difficulties facing the Burundian community.
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MEETING REPORT	
Meeting	Burundian Community Information Session
Date	25/03/06
Venue	TPI House, Newcastle
DIMA rep	Peter Vardos, FAS, Citz, Multicultural Affairs and Settlement, NatO Jose Alvarez, Deputy State Director, NSW Rocio Trapaga-Saul, Business Manager, MAS NSW Jane Moores, IHSS Manager, MAS NSW Francesca Allegritti, IHSS Contract Manager, MAS NSW
Other Organisations in attendance	Helen Zimmerman, ACL Jenny Whitmarsh, ACL Kristina Plimer, ACL Wieslawa Rynkiewicz, ACL Newcastle Case Co-ordinator Margaret Piper, ACL Consultant 4 x ACL Newcastle case workers Karen Gandy, STARTTS Helen Lunn, Mission Australia Catherine Williams, Resolve FM Kerrie, Resolve FM Violetta Walsh, Co-ordinator, Newcastle and Upper Hunter MRC Lulu Tantos, Newcastle and Upper Hunter MRC Simon Pabek, Newcastle and Upper Hunter MRC Denise Hodgson, Centrelink, Newcastle 2 x child care workers <u>Interpreters:</u> Ibrahim, Newcastle community member Pastor David, Sydney Burundian leader Jane Munganyika, ACL Sydney case worker
Community representatives	28 (adult) attendees from the general Burundian community, Newcastle
Issues	<u>Message from Peter Vardos</u> <ul style="list-style-type: none"> • At the last meeting with Burundian community members in Newcastle, on 4 March 2006, many issues were raised in relation to the service provided by IHSS service providers. • We undertook at the last meeting to give the Burundian community members who attended, an opportunity to raise relevant concerns directly with the caseworkers from ACL and to link people to the MRC where that is appropriate. That is the purpose of today's meeting. • ACL cannot always give clients everything they ask for as DIMA decides what services will be provided by ACL but DIMA wants to be sure that ACL are providing the services we contract them to provide • DIMA guarantees it will work with ACL to fix any problems with services <p>At this point, we set up a number of tables each with an interpreter, a representative from ACL and a representative from DIMA. We then invited community members to come forward individually to meet with ACL to raise their specific issues.</p> <p>The community members were strongly of the view that this was not the approach they wanted to take and explained through a spokesperson</p>

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that they preferred to deal with the issues in a group.

ISSUES

1. Lack of familiarity with ACL caseworkers

Community members claimed that they did not know who their caseworkers were and who they could go to for assistance at ACL. DIMA invited all of the ACL caseworkers who work with the Burundian community in Newcastle to stand so that the community could see them. There was much discussion at this point and many of the community members indicated that they had met the workers and had been assisted by them.

2. Lack of certainty about which provider had responsibility for their settlement issues

Community members indicated that they were confused about which service provider had responsibility for their issues. Jenny Whitmarsh from ACL explained that ACL had sent letters to many of the community members at the meeting in the last few weeks, to let them know that they had been exited from IHSS to the post-IHSS provider, Newcastle and Upper Hunter Migrant Resource Centre (MRC). Wieslawa Rynkiewicz said that each family that had been exited to the MRC had been telephoned by a case worker who explained what would be happening (in Ki-Swahili or Kirundi).

However, as there was a level of confusion amongst community members at the meeting, DIMA asked ACL to confirm which individuals at the meeting had now been exited from the ACL. These individuals were then informed that they had been exited and were introduced to the staff from the MRC who were present at the meeting. The MRC staff introduced themselves and provided information about the services that they could provide.

3. Availability of childcare for parents attending AMEP

Community members claimed that many were not able to attend AMEP because there were no available places at the associated childcare centre for their children. Simon Pabek from the MRC was able to confirm that the MRC has spoken to the AMEP provider in Newcastle who had agreed to set aside childcare places for new IHSS clients.

4. Individual concerns

At this point in the meeting, there were no other group issues raised so DIMA offered participants the opportunity to meet with DIMA officers to raise individual concerns. The following issues were raised:

- Accommodation

One individual spoke about their experience moving home and the lack of assistance provided by ACL; to help them find the accommodation, the sign the lease, or to arrange and pay for the move. Another person claimed that when they had moved into long term accommodation, they had been asked to pay for the first 2 weeks accommodation even though this should have been covered by Centrelink. They had raised this with their IHSS provider at the time (the MRC) who had taken their invoice, but they had still not received a reimbursement. A third individual asked about his current

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rent arrangements which included a condition that he pay \$40 a week to have the lawn cut. He asked whether this could be changed to fortnightly.

DIMA referred these individual issues to ACL and to the MRC for resolution and assistance.

- **Medicals**

Two community members claimed that they had asked their caseworkers to take them to see the doctor but had been told that they had to contact the ACL office, although this was difficult because they didn't speak English. The office promised to send someone but either arrived late for the appointment or did not come at all. In one case, the client then contacted Sister Betty who took her to the doctor and helped to arrange her medication. When the caseworker found out she had asked for assistance from Sister Betty, he told her that she should not have done this.

DIMA raised these issues directly with ACL management who have re-briefed case workers about the need to attend appointments on time, and that entrants could seek or accept assistance from a person and that ACL should not object.

- **Cost of medicines**

One person was concerned because he is required to take medication for 6 months which is very expensive.

DIMA referred this concern to the MRC who was able to provide advice about how he could approach Centrelink to provide financial assistance. DIMA advised the entrant and case worker to request generic brand medicines if available in future.

- **Access to dental treatment**

One person was concerned about her children's teeth. She had asked her original IHSS provider (the MRC) to arrange a dental appointment but this had not been done.

As this client is now exited from ACL, the client agreed that she would pursue with the MRC.

- **Individual concerns relating to a relationship break-up**

DIMA and ACL met with a client who has many concerns about her the impact of the break-up of her relationship. The issues were discussed and help provided where possible. The client has been assisted by her STARTTS counsellor who will continue to support her after she is exited from the IHSS.

- **Advice about how to assist family and friends to migrate to Australia**

One client was concerned about bringing her mother to Australia as her mother lived in a very remote area and might not be able to receive the relevant forms that the client wanted to send from Australia. DIMA discussed various options with the client including approaching the local church or other community organisations to assist her mother.

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	<p><u>Presentation by Centrelink</u></p> <p>Denise Hodgson from Centrelink spoke to the group and answered a range of questions in relation to entitlements and access to travel concession cards.</p>
<p>Follow up</p>	<p>IHSS Manager</p> <p><u>ACL:</u></p> <ul style="list-style-type: none"> • Follow up regarding the approach taken by ACL caseworkers and the Manager at the Newcastle office towards Burundian clients in particular but all IHSS clients in general. • IHSS contract manager to re-visit Newcastle in April and to conduct spot checks following up on issues raised at this meeting <p><u>Update (as at 18 May 2006)</u></p> <ul style="list-style-type: none"> • IHSS contract manager visited Newcastle for 5 days in April 2006. A full report on her findings confirmed that there are still ongoing issues with ACL Newcastle staff, and the ACL General Manager has been briefed and staff member counselled. ACL will meet in early May 2006 to re-evaluate their staffing levels, and will report to DIMA before the next contract management meeting in May 2006. The NSW Business Manager also visited clients in Newcastle on 18 May to further follow up unresolved issues.

4 May 2006

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