

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 21-22 MAY 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE12/0216) Program 1.1: Visa and Migration

Senator Xenophon asked:

457 visas and QANTAS: Mr Kukoc said: *“We would not approve the 457 visa for anyone who would be paid less than the Australian terms and conditions of employment, or engaged under less favourable conditions than Australian.”* If Qantas sought to bring in foreign pilots with 457 visas, would the benchmark ‘Australian terms and conditions of employment’ be the extent Qantas pilots’ EBA or the significantly inferior “Air Pilots Award 2010”? Given that pilots are already on the standard 457 occupation list, would DIAC take into account whether the sponsoring airline had an actual surplus of pilots in its existing workforce?

Answer:

Where an enterprise agreement applies in that particular workplace, 457 visa holders must be employed and remunerated per the enterprise agreement and not the relevant modern award.

The Department does not take into account an employer’s existing workforce when considering nomination or visa applications. However, it does assess an employer’s record of providing training opportunities to Australians when considering their application to become a standard business sponsor. Employers are also required to attest in writing to employing local labour and to having non-discriminatory employment practices.