RECOMMENDATIONS

Recommendation 1

2.85 The committee recommends that the government amend the Enterprise Migration Agreement (EMA) guidelines to require that robust labour market testing be conducted prior to project owners making an EMA application. Adequate labour market testing should include the following:

- **advertising vacancies locally and nationally at genuine market rates, including mandatory use of the resources sector Jobs Board;**
- **offering relocation assistance measures where required; and**
- **providing information on specific measures undertaken to employ groups who are currently disadvantaged or under-represented in the workforce such as indigenous workers, women, unemployed local job-seekers, recently retrenched workers, and older, and why positions sought under the EMA cannot be filled by increasing the participation of these groups.**

Recommendation 2

2.86 The committee recommends that the government continue to develop and improve the Jobs Board. Improvements should include the provision of a range of incentives and obligations to ensure that companies participate in the Jobs Board, and the exclusion of employers who do not use the Jobs Board from accessing workers through the subclass 457 visa program.

Recommendation 3

2.87 The committee recommends that the government assess the extent to which the resource sector requires Australian workers to have direct industry experience, but then seeks to employ (and train) overseas labour to fill alleged skill shortages.

Recommendation 4

2.88 The committee recommends that the government establish a complaints mechanism for Australians who are unable to obtain work with an Enterprise Migration Agreement holder, despite being available for work and possessing the requisite qualifications or the ability to be trained in the relevant qualification.

Recommendation 5

2.89 The committee recommends that the government conduct a reassessment of the skills shortages in the resources sector.

Recommendation 6

2.90 The committee recommends that the government consider changing the definition of 'project workforce' for the purposes of calculating training

obligations under the subclass 457 visa program. The new definition should include employees and independent contractors.

Recommendation 7

2.91 The committee recommends that the government amend the Enterprise Migration Agreement guidelines to ensure that training of workers from other sectors be a requirement.

Recommendation 8

2.92 The committee recommends that the government create a new sponsorship obligation requiring sponsors to inform each subclass 457 visa holder in writing of their rates of pay and terms and conditions of employment, and provide a document outlining the role of the Department of Immigration and Citizenship, the Fair Work Ombudsman and unions in pursuing underpayment claims.

Recommendation 9

2.93 The committee recommends that the Enterprise Migration Agreement applicants provide timely information to unions and other stakeholders about the proposed project during the stakeholder consultation phase.

Recommendation 10

2.94 The committee recommends that the Department of Immigration and Citizenship work with the resource sector to determine a definition of commercial-in-confidence, for the purposes for redacting Enterprise Migration Agreements before public release.

Recommendation 11

2.95 The committee recommends that the government make relevant and timely information relating to Enterprise Migration Agreements, subclass 457 visas and Regional Migration Agreements publicly available.

Recommendation 12

2.96 In light of the committee's view that weaknesses in the subclass 457 system could be addressed through the reforms detailed in foregoing recommendations, the committee recommends that the bill not be proceeded with.