

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING : 23 May 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE17/083) - 457 changes - waivers for labour market testing under FTA - Programme 2.3: Visas

Senator Carr, Kim (L&CA 25) asked:

Senator KIM CARR: I might come back to this question: the number of people issued with these visas will depend on the labour market testing, won't it?

Mr Wilden: Labour market testing is only one element. The visas themselves, the temporary skilled shortage and the temporary skilled shortage medium, are both demand driven. We obviously made, with Treasury, a bunch of assumptions about volumes there. ENS and RSMS are parts of the permanent migration program, so they clearly would be set each year by the government.

Senator KIM CARR: Is there any waiver for labour market testing within any free trade agreements?

Mr Wilden: There are. There are exemptions under the free trade agreements.

Senator KIM CARR: Which ones?

Mr Wilden: I would have to come back with a complete list—but the majority. I know that most do have an exemption for labour market testing for specific categories.

Senator KIM CARR: Could you provide that for me on notice?

Mr Wilden: Sure.

Senator KIM CARR: That should be relatively easy to get.

Answer:

Australia's free trade agreements that waive labour market testing requirements for specific categories of entrants are:

- Australia-New Zealand Closer Economic Relations Trade Agreement (entered into force 1983) for:
 - Executives and Senior Managers as Intra-Corporate Transferees;
 - Specialists as Intra-Corporate Transferees;
 - Independent Executives; and
 - Contractual Service Suppliers.
- World Trade Organization General Agreement on Trade in Services (WTO GATS) (entered into force 1 January 1995) for:
 - Executives and Senior Managers as Intra-Corporate Transferees;
 - Independent Executives; and
 - Specialists who have been nominated by their employer following two years of full-time employment in Australia with the same nominating employer.

While not strictly a free trade agreement, WTO GATS forms the basis of labour market access commitments in free trade agreements.

- Singapore-Australia Free Trade Agreement (entered into force 28 July 2003) for:
 - Executives and Managers as Intra-Corporate Transferees;

- Specialists as Intra-Corporate Transferees; and
 - Specialists who have been nominated by their employer following two years of full-time employment in Australia with the same nominating employer.
- Thailand-Australia Free Trade Agreement (entered into force 1 January 2005) for:
 - Executives and Senior Managers as Intra-Corporate Transferees;
 - Specialists as Intra-Corporate Transferees;
 - Independent Executives; and
 - Contractual Service Suppliers.
- Australia-Chile Free Trade Agreement (entered into force 6 March 2009) for:
 - Managers as Intra-Corporate Transferees;
 - Specialists as Intra-Corporate Transferees;
 - Independent Executives; and
 - Contractual Service Suppliers.
- ASEAN-Australia-New Zealand Free Trade Agreement (entered into force 1 January 2010) for:
 - Executives and Senior Managers as Intra-Corporate Transferees;
 - Specialists as Intra-Corporate Transferees;
 - Independent Executives; and
 - Specialists who have been nominated by their employer following two years of full-time employment in Australia with the same nominating employer.
- Malaysia-Australia Free Trade Agreement (entered into force 1 January 2013) for:
 - Executives and Senior Managers as Intra-Corporate Transferees;
 - Specialists as Intra-Corporate Transferees;
 - Independent Executives; and
 - Specialists who have been nominated by their employer following two years of full-time employment in Australia with the same nominating employer.
- Korea-Australia Free Trade Agreement (entered into force 12 December 2014) for:
 - Executives and Senior Managers as Intra-Corporate Transferees;
 - Specialists as Intra-Corporate Transferees;
 - Independent Executives; and
 - Contractual Services Suppliers.
- Japan-Australia Economic Partnership Agreement (entered into force 15 January 2015) for:
 - Executives and Senior Managers as Intra-Corporate Transferees;
 - Specialists as Intra-Corporate Transferees;
 - Investors of Japan; and
 - Contractual Service Suppliers.
- China-Australia Free Trade Agreement (entered into force 20 December 2015) for:
 - Executives, Senior Managers and Managers as Intra-Corporate Transferees;
 - Specialists as Intra-Corporate Transferees;
 - Independent Executives; and
 - Contractual Service Suppliers.