

## **QUESTION TAKEN ON NOTICE**

**ADDITIONAL ESTIMATES HEARING: 13 FEBRUARY 2012**

IMMIGRATION AND CITIZENSHIP PORTFOLIO

**(AE12/0242) Program 1.1: Visa and Migration**

Senator Cash asked:

Contrary to the Government's "responsive to business, demand driven" claim, unlike criteria applicable to the Standard Business Sponsorship framework, why are Labour Agreement businesses forced to submit to Government consent of certain 'Approved Occupations' and a pre-determined 'Nomination Ceiling' (or number) for each year of the Term of Operation?

*Answer:*

A labour agreement is a contractual arrangement for access to overseas skilled workers where standard migration programs are not appropriate. It is negotiated between an employer and the Australian Government and only considered where a genuine skills shortage exists and there are no suitably qualified or experienced Australians readily available.

As labour agreements operate outside of standard migration programs, eligible occupations are set on a case-by-case basis rather than a program-wide occupations list. This allows maximum flexibility for employers in requesting occupations.

The department requires yearly nomination ceilings to be negotiated in order to ensure that there is a genuine ongoing skills shortage in the nominated occupations in the Australian labour market and there are no suitably qualified or experienced Australians that are readily available. The regulated approach is to ensure that employers negotiating a labour agreement continue to satisfy their obligations, including the training and employment of local workers.