

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 24 MAY 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE11/0125) Program 1.1: Visa and Migration

Senator Cash asked:

Contrary to the Government "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'?

Answer:

The Labour Agreement program is available to employers who have a genuine need for overseas labour (i.e. where Australian workers are not available) that cannot be met through the standard migration programs.

Unlike the standard business sponsorship stream of the 457 visa, there is no eligible occupations list for the Labour Agreement program. The requirements applicable to Labour Agreement sponsors, including the eligible occupations and numbers of workers sought, are set through agreement with each sponsor in accordance with the sponsor's needs.

A 'nomination ceiling' is set, limiting the number of overseas workers that can be sponsored under a Labour Agreement, to ensure overseas workers are not used when Australian workers are available. To be approved for a Labour Agreement, an employer must demonstrate a need for workers that cannot be met from the Australian labour market. The nomination ceiling is set according to the need demonstrated by the employer.