

## SKILLED MIGRATION UPDATE

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### Summary

The Department of Immigration and Citizenship (DIAC) has developed new initiatives to streamline negotiations for accessing overseas skilled workers for major resource projects and in regional Australia. Also, a number of other skilled migration changes came into effect on 1 July 2011.

### Enterprise Migration Agreements

Contractors on major resource projects are now able to apply for a project-wide labour agreement, known as an Enterprise Migration Agreement (EMA), through which they can streamline negotiations for skilled workers and access an uncapped number of temporary 457 skilled worker visas.

The new program will be available to resource projects with capital expenditure of more than two billion dollars and a peak workforce of more than 1500 workers. Employers are required to meet certain criteria including a demonstrated commitment to training.

### Key points:

- An EMA will be custom-designed for a particular resource project. An EMA will be negotiated with the project owner and will act as an umbrella arrangement for the project. The EMA will set the terms by which overseas workers will be engaged on the project, as well as outlining training commitments that must be met by the project.
- Sub-contracting employers, with the endorsement of the EMA holder, will sign onto labour agreements under the terms of the EMA, ensuring that responsibility for sponsorship obligations rests with the direct employer of the overseas worker.
- EMAs will be available to resources projects with capital expenditure of more than two billion dollars and a peak workforce of more than 1500 workers.
- Overseas workers sponsored under an EMA will hold 457 visas valid for between three months and four years and they will be subject to the *Worker Protection Act 2009*.
- To be approved for an EMA, projects will need to develop a comprehensive training plan.
- Existing migration arrangements will continue to be available to these projects as well as resource projects that do not meet these thresholds, including five-day processing for decision-ready 457 visa applications.
- 'Decision ready' applications are those applications where all supporting documentation is provided upfront to DIAC with the use of checklists available from the DIAC website.
- EMAs will take a project-wide approach to meeting skill needs. Rather than each sub-contractor having to negotiate their own labour agreement, the bulk of negotiation will occur with the project owner. This means that project owners can plan their workforce needs from the outset, and there will be a straightforward process for sub-contractors to sign up to an individual labour agreement.
- The Department aims to negotiate the agreements within three months from the time a project owner submits a complete request for an EMA. Labour agreements and visa applications associated with an EMA will be subject to expedited processing.
- Under an EMA, occupations that are not eligible for standard migration programs can be sponsored, provided the project can justify a genuine need that cannot be met from the Australian labour market. This will be critical for resources projects, particularly during the construction phase.
- Project owners will be required to demonstrate how the project will significantly contribute towards addressing future skill needs in the resources sector.

- In addition, individual sub-contractors will need to meet one of the standard training benchmarks associated with the 457 program, either by:
  - contributing two per cent of payroll to a relevant industry training fund; or
  - spending one per cent of payroll on training for their Australian employees.

Further information on Enterprise Migration Agreements can be found on [DIAC's website](#).

### Expansion of regional visa programs

The Government has significantly expanded the number of permanent migration visas which are made available on a concession basis to employers in regional areas. The number of places available in regional areas under the program has been increased from 10,000 to 16,000 places in the next financial year. Concessions under the program include a reduced English language requirement and access to a broader range of skilled workers.

Regional employers will also be able to access permanent and temporary migration solutions to skill shortages through the newly developed Regional Migration Agreements (RMAs).

#### Key points:

- RMAs are a new migration initiative that will bring together employers, local and state government and unions to cooperate on addressing local labour needs.
- RMAs will be custom-designed, geographically based migration arrangements that set out the occupations and numbers of overseas workers needed in the area.
- Concessional access to semi-skilled overseas workers will be negotiated where there is a demonstrable and critical need.
- Each RMA will be negotiated between the Government and representatives of the local area. Individual local employers will then directly sponsor workers under the terms of the RMA.
- The agreements will allow employers to use overseas workers where local labour cannot be sourced. By utilising RMAs, regional employers will be able to gain streamlined access to temporary and permanent overseas workers if they can demonstrate a genuine need.
- Consultation for RMAs will begin in early 2011-12. More information about consultations will be available on [DIAC's website](#).

- It is expected that negotiations for individual RMAs will commence in 2012. Requests for RMAs cannot be accepted until this consultation process has been completed.

Defined regional areas include:

- Adelaide and all of South Australia;
- Hobart and all of Tasmania;
- The ACT; and
- All areas outside the other state capitals.

More information about access to this regional visa program is available on [DIAC's website](#).

Further information on other visa options is also available on [DIAC's website](#).

### Other changes

A number of other skilled migration changes came into effect on 1 July 2011, including:

- New Temporary Skilled Migration Income Thresholds;
- Fee increases for 457 applications;
- A higher skill stream intake;
- New processing priorities;
- An increase in the minimum salary for the Employer Nomination Scheme; and
- A new points test for independent applicants who are not sponsored by an Australian employer.

Details of these changes are set out in the [fact sheet](#) which DIAC has produced.

### Further information

For further information, please contact Jennifer Wilson, Outreach Officer to the Australian Industry Group, Department of Immigration and Citizenship on (02) 9466 5566 or [jennifer.wilson@aigroup.asn.au](mailto:jennifer.wilson@aigroup.asn.au).



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