

STATE AND TERRITORY SKILLED AND BUSINESS MIGRATION AGREEMENT

This Agreement is made on _____

between

The Department of Immigration and Border Protection (DIBP) represented by:

The First Assistant Secretary,
Migration and Citizenship Policy Division
ABN 333 8005 4835

of
PO Box 25
Belconnen ACT 2616

Email: s. 22(1)(a)(ii)

And

The NSW Department of Trade & Investment, Regional Infrastructure & Services
(NSW Trade & Investment) represented by:

The Secretary
NSW Trade & Investment

ABN 72 189 919 072

of
GPO Box 5477
Sydney NSW 2001

Email: s. 22(1)(a)(ii)

Released by Department of Home Affairs
under the Freedom of Information Act 1982

This is an agreement between DIBP and NSW Trade & Investment.

This Agreement provides a framework for the relationship between DIBP and NSW Trade & Investment. It outlines how DIBP and NSW Trade & Investment will work together based on ongoing communication, shared aspirations and mutual respect. It sets out how NSW Trade & Investment's mission aligns with DIBP's goals of maximising the economic benefits for Australia through the skilled and business migration programmes.

This Agreement highlights the Commonwealth and NSW Government's commitment to skilled and business migration programmes that are supportive of labour market conditions. It provides the NSW Government with a customised migration programme as it is tailored to the requirements of New South Wales.

Through this Agreement NSW Trade & Investment has the flexibility to:

- address specific skills shortages and local labour market needs through the State/Territory Nominated (STN) category of Australia's Migration Programme, which is designed to enhance the size and skill level of the Australian labour force, and
- customise the State's share of Business Skills migration through the Business Innovation and Investment Programme (BIIP), a State/Territory Nominated programme designed to increase investment, entrepreneurial talent and diversify business expertise.

This Agreement recognises the unique economic and labour market conditions facing New South Wales, and the role of the NSW Government in helping manage these conditions through skilled and business migration.

This Agreement affirms that DIBP and NSW Trade & Investment have a shared and mutual commitment to address skill shortages and attract business migrants who have the experience, international connections, entrepreneurial skills and capital to establish businesses, strengthen the economic vitality and diversity of New South Wales and Australia and develop strong links with international markets.

Shared Aspirations

DIBP and NSW Trade & Investment will:

- work together respectfully, based on mutual understanding
- communicate openly with each other, and
- focus on achieving the outcomes identified in this Agreement.

This will be achieved through:

- co-ordinated policy and programmes
- common understandings of programme objectives and the provision of transparent policy advice, reduced red tape and streamlined reporting
- sharing relevant information and data to help plan, evaluate and consolidate efforts, and
- acknowledging and promoting the value and contribution of State/Territory Nominated migration.

MISSION STATEMENTS

DIBP

DIBP's Mission Statement sets out its values and aspirations, what it does and how it can best address skill shortages, increase entrepreneurial talent and improve business expertise in States and Territories through the State and Territory skilled and business migration programmes.

DIBP's overall mission is to maximise the economic and social benefits for Australia from all forms of temporary and permanent migration. This is intended to support improved productivity and participation in the labour market and the government's commitment to a skilled migration programme that is supportive of labour market conditions.

Specifically in relation to State and Territory skilled and business migration, DIBP aspires to a well-managed programme which delivers the needed migrants within the overall settings of the Migration Programme.

Demand in the State and Territory skilled and business migration programmes is driven by State and Territory requirements. DIBP recognises that each State and Territory is best placed to determine these requirements.

DIBP will ensure that its engagement with each State and Territory is conducted in a respectful and sustainable manner, that there is clarity around roles and responsibilities and that it is focussed on mutually beneficial outcomes tailored to each stakeholder.

DIBP also recognises that it has an overarching role in co-ordinating State and Territory migration in the best interests of Australia as a whole.

DIBP will guide the State and Territory skilled and business migration programmes through managing allocations and maintaining a skilled and business focus to the programmes across all States and Territories.

DIBP will support, where appropriate and feasible, the States and Territories to achieve their goals through training, consultation, troubleshooting and outreach services.

NSW Trade & Investment

NSW Trade & Investment is the lead NSW economic development agency, responsible for driving sustainable economic growth across New South Wales.

NSW Trade & Investment's vision is to create a strong, competitive and sustainable New South Wales economy built on resilient communities. It identifies and develops initiatives to:

- attract business migrants who have the experience, international connections, entrepreneurial skills and capital to establish new businesses, strengthen the economic vitality and diversity of the State, and
- minimise the impact of labour and skills constraints on NSW industries through high-calibre migrants who can provide many of the skills required to underpin growth in the economy.

NSW Trade & Investment's role in skilled and business migration includes:

- communicating the economic value of migration to NSW
- participating in migration programmes and advocating improvements to the national migration policy to meet NSW skills and business needs
- attracting students to study in NSW, promoting NSW as "open for business", attracting mobile global talent and skilled and business migrants, and
- driving the implementation of the *Decade of Decentralisation Strategy* to attract population, skills and investment to regional NSW.

The *NSW Strategy for Business Migration and Attracting International Students* (the NSW Migration Strategy) was launched in March 2012. The NSW Migration Strategy sets priority actions to grow skilled, business and student migration.

The NSW Government is continuously reviewing and improving policies and procedures to streamline migration processes. Key activities include:

- expanding the communication, marketing and promotion of the NSW Migration Program and its objectives
- implementing a new online processing system for State-nominated applications, and
- working with DIBP to improve current strategies to increase regional migration.

NSW Trade & Investment consults with relevant NSW agencies and industry including:

- the NSW Department of Education and Training
- the Community Relations Commission, and
- professional qualification assessment bodies and industry organisations.

Skilled Migration Officials Group (SMOG)

This Agreement operates within the SMOG Terms of Reference (attached at Schedule 2).

Within the constraints of the migration programme and Ministerial direction, issues impacting on State and Territory Nominated migration from new policy proposals and initiatives will be discussed and considered by the SMOG. Where contention exists with proposed changes to the schedules to this Agreement, the SMOG will be the forum for consultation.

Contact Officers

DIBP and NSW Trade & Investment will appoint appropriate contact officers at the departmental level.

How to vary this Agreement

Schedule 1 may be updated annually in line with the Australian Migration Programme and NSW requirements.

Schedule 1 may be updated within a programme year based on revised targets.

The Schedules may be varied at any time, based on mutual agreement between the appropriate departmental contact officers.

Within the scope of this Agreement, variations to Schedules will not require renegotiation of a new Agreement.

Duration of this Agreement

This Agreement commences on 1 July 2014 and will remain in force until one party advises otherwise, within the constraints of subsequent Migration Programmes.

Schedules

Schedule 1 to this Agreement provides for the number of nomination places allocated to NSW for both the STN and BIIP categories of the migration programme.

Schedule 2 to this Agreement provides for the SMOG Terms of Reference.

Signed for and on behalf of
The Commonwealth Department of Immigration and Border Protection as represented by

Name: GARRY FLEMING

Position: First Assistant Secretary, Migration and Citizenship Policy Division

Signature: s. 22(1)(a)(ii)

In the presence of s. 22(1)(a)(ii) (Witness's signature)

(Printed Name of Witness)

Date: 20/7/14

Signed for and on behalf of
The NSW Department of Trade & Investment, Regional Infrastructure & Services as represented by

Name: Mark I Paterson AO

Position: Secretary, NSW Trade & Investment

Signature: s. 22(1)(a)(ii)

In the presence of: s. 22(1)(a)(ii) (Witness's signature)

s. 22(1)(a)(ii) (Printed Name of Witness)

Date: 11/7/14

Released by Department of Home Affairs
under the Freedom of Information Act 1982

SCHEDULE 1 – NOMINATION PLACES AND OCCUPATIONS

Under this Agreement, within the Australian Migration Programme for 2014-15, New South Wales is allocated:

- between 1300 and 4000 nomination places for primary applicants in the State/Territory Nominated (STN) skilled migration programme, and
- between 500 and 700 nomination places for primary applicants in the Business Innovation and Investment Programme (BIIP). Of these, DIBP will allow 10 nominations at the discretion of New South Wales to receive Special Endorsement within Part 7A.10 of Schedule 7A of the Business Innovation and Investment Programme points test.

The parties note that these allocations may be adjusted by agreement between the appropriate departmental contact officers, subject to the results of scheduled reviews of usage of the programmes.

NSW Trade & Investment will share research and analysis of its skilled migration nominations with DIBP as appropriate.

SCHEDULE 2 – SKILLED MIGRATION OFFICIALS GROUP

- TERMS OF REFERENCE -

Purpose

The Skilled Migration Officials Group (SMOG) provides a forum for the Commonwealth and State/Territory governments to discuss proposals and new initiatives, share information, consider issues and further develop strategies arising in implementation of policies in relation to skilled migration.

Objectives

The SMOG is a forum including the Commonwealth and State/Territory governments which:

- exchanges information between Commonwealth and States/Territories
- focuses on skilled and business migration meeting skill shortages and economic needs
- considers issues in relation to regional dispersal, as part of a balanced migration programme
- considers ways to meet any particular needs of individual States/Territories, and
- would, on an as needs basis, be tasked to provide advice to the Ministerial Advisory Council on Skilled Migration (MACSM) on the practical implementation of policy initiatives being considered.

The SMOG will enable:

- the Commonwealth and States/Territories to discuss proposed changes and issues related to implementation in the skilled and business migration programmes
- the States/Territories to raise issues that impact on their respective jurisdictions and develop options to overcome difficulties
- the Commonwealth and States/Territories to report on skilled and business migration programmes in the various jurisdictions
- the Commonwealth and States/Territories to develop an understanding of each other's priorities and exchange ideas, and
- members to identify a workplan for SMOG's activities over given programme years.

Structure

Administration

- The SMOG will be chaired by a senior official nominated by the Department of Immigration and Border Protection.
- Secretariat support for the SMOG will be provided by departmental staff.
- SMOG agenda items may be considered out of session and co-ordinated by the Secretariat,
- The SMOG may establish smaller working groups to deal with particular issues identified from time to time.

Government Representatives

- Each State/Territory will nominate senior representatives to the SMOG.

Activities Funding Expenditure

Funding for participation in the SMOG is the responsibility of each Commonwealth and States/Territory representative.

Duration and Timing

The Department's Secretariat will arrange meetings of the SMOG. Meetings will be held bi-annually, or more frequently if required.