



Australian Government

Department of Home Affairs

## Ministerial Advisory Council on Skilled Migration

### Skilling Australians Fund (SAF) Levy Review Report

#### Executive Summary

The amendments to the *Migration Act 1958* (the Act) made by the *Migration Amendment (Skilling Australians Fund) Act 2018*, were part of a broad package of reforms for the employer sponsored skilled visa programs, announced by the Government on 18 April 2017. The amendments contribute, as part of the broader legislative package, to the provision of training opportunities for Australian citizens and permanent residents by implementing the legislative framework for the nomination training contribution charge.

These legislative amendments required that the Minister cause an independent review of the operation of the amendments made by the Act.

On 25 November 2021, the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs requested that the Ministerial Advisory Council on Skilled Migration (MACSM) undertake an independent review into the operation of the amendments of the *Migration Amendment (Skilling Australians Fund) Act 2018* (SAF Levy Review) and submit a report within six months.

MACSM members were asked to consider all amendments outlined in the SAF Levy Review Terms of Reference (*Attachment A*), including to:

- Evaluate the operation of the SAF Levy in relation to the collection of funds; including the appropriateness of any waivers or exemptions to the SAF Levy; and changes to the refund provisions, with consideration to impacts on the SAF.
- Review the labour market testing requirements, namely the manner in which labour market testing in relation to a nominated position must be undertaken, and the evidence required.

Members were also asked to consider the Joint Standing Committee on Migration (JSCM) Inquiry into Australia's Skilled Migration Program, including the costs of sponsorship and the administrative requirements for Australian businesses seeking to sponsor skilled migrants. Relevant JSCM recommendations are at *Attachment C*.

The Department of Home Affairs (the Department) received a number of submissions on behalf of MACSM members (outlined at *Attachment B*) with varying levels of support and reflect a diverse range of views and backgrounds of members.

Initial responses from eight (8) members expressed support for the JSCM Inquiry into Australia's Skilled Migration Program recommendations relating to the operation of the SAF Levy. Some of the alternate views raised concerns regarding worker exploitation, and undermining of wages and conditions.

A brief summary of the submission themes follows:

- **Labour Market Testing (LMT) requirements and enforcement**  
Members' views range from support for tightening of LMT to removing LMT requirements, or shortening the required LMT period. Allowing community language media advertising for LMT purposes, and ensuring that overseas employers are subject to LMT, as well as changes to the use of Jobactive (both tightening and loosening the requirement) were all proposed. Members who opposed LMT recommended removing it entirely for the TSS and Temporary Work (subclass 457) visas.
- **A new visa for Intra-Company Transferees, exemption from advertising salary details**  
Some members posited that high-level Intra-Company Transferees should be exempt from LMT, while for some professions advertising salary levels is not appropriate. Some members were also opposed to introducing a new visa.
- **Quantum of the SAF Levy**  
Proposals to increase the levy, reduce the levy (including halving the levy), suspend or remove the levy or to pay the levy on an annual basis were raised. An exemption on in demand occupations, or occupations facing a shortage was also suggested. A proposal to review the impact of the cost of the SAF levy on attracting international skilled workers to Australia was also received.
- **Ensuring that the SAF Levy is not paid twice for the same applicant**  
Employers should not pay the levy twice for the same applicant, or for a subsequent visa, where the employer has already paid the levy for that employee.
- **Exempting universities from the SAF Levy**  
While there was general support for this JSCM recommendation, some members advised that university exemptions could create an unequal playing field and administrative distortions.
- **Demonstrating investment in training instead of paying the SAF Levy**  
Some members suggest a sponsoring employer should be given the option of delivering a training program in lieu of paying the levy, while noting this may not be administratively efficient for the department. Other members rejected this proposition.
- **Refund of SAF Levy or change of collection point**  
If the SAF Levy is retained, the levy should be payable only when an application is successful, and a new refund condition should be considered.

- **Nomination Eligibility**

One member suggested that businesses with negative compliance histories should be thoroughly scrutinised when making nominations as well as applicants associated with these businesses.

Members' responses also covered issues outside of the scope of the review and details not covered by the SAF Act, and will not be further considered in this paper, including:

- **The use of SAF Levy Funds**

SAF Levy funds to be used where they are raised, while Commonwealth distribution should be transparent.

- **Linking the SAF Levy to Industries and Regions**

Better alignment with training outcomes related to the industries and locations where the SAF levy is collected, as well as supporting regional capacity building and those least advantaged.

- **Salary Level Requirements**

Raising minimum salary requirements for sponsored occupations.

- **Funding outside the apprenticeship system**

The levy should be broadened to support training and skills in other areas of the economy that do not operate on an apprenticeship system and ensuring places are available for Australians.

- **Current system not fit for purpose**

The review preferences employers and a system that some members believe does not deliver skills and wages to Australian workers and protect workers from exploitation.

## Introduction

Changes to the *Skilling Australians Fund (SAF) Act* received Royal Assent on 22 May 2018 and commenced on 12 August 2018. Since 12 August 2018, employers must pay the SAF levy if they sponsor overseas workers for a Temporary Skill Shortage (TSS) (subclass 482) visa, Employer Nomination Scheme (ENS) (subclass 186) visa, Skilled Employer Sponsored Regional (Provisional) (subclass 494) visa or Regional Skilled Migration Scheme (RSMS) (subclass 187) visa.

Labour Market Testing (LMT) was reinstated for employer-sponsored visas in 2013. Adjustments to LMT policy settings were implemented with the introduction of the TSS visa on 18 March 2018. LMT was further tightened on 12 August 2018, when the changes to the *SAF Act* came into effect.

The SAF levy serves as an incentive for employers to test the local labour market for suitably skilled Australian workers before lodging a nomination application. The levy is payable at a rate proportionate to the size of the business and the number of years for which the overseas worker is nominated. This ranges from about \$1,200 to \$7,200.

Refer to **Table 1** below:

**Table 1: Cost of Sponsoring**

Business size	Temporary Skill Shortage visa	Employer Nomination Scheme / Regional Sponsored Migration Scheme visas
Small (annual turnover less than \$10 million)	AUD\$1,200 per year or part thereof	AUD\$3,000 one-off
Other business (annual turnover of \$10 million or more)	AUD\$1,800 per year or part thereof	AUD\$5,000 one-off

*Source: Department of Home Affairs*

The SAF levy can only be refunded in limited circumstances, including when the overseas worker:

- does not arrive/commence employment (after grant of visa);
- leaves Australia within the first 12 months of the visa (TSS visa only);
- has their visa application refused on health or character grounds;
- the nomination application fee is refunded (for example where a concurrent sponsor application is refused); or
- a refund of the SAF levy is not available when a nomination application is refused.

## MACSM Proposals

### **Labour Market Testing (LMT) requirements and enforcement**

Members have divergent views on LMT requirements and enforcement, categorised into two groups:

#### Strengthening or retaining LMT

1. LMT must be tightened and made more rigorous to guarantee that businesses have made every effort to fill a position locally before employing a temporary visa worker.
2. From a culturally and linguistically diverse (CALD) perspective, LMT advertising should be extended to major community language news outlets.
3. Support for LMT advertising to be extended to major community language news outlets, however only in addition to advertising in English.
4. Overseas/non-citizen employers who are currently exempt under an International Trade Obligation (ITO) should be subject to the LMT requirement.
5. Provide further rationale for having different requirements for different skill levels and business sizes as this is likely to create administrative distortion.
6. Strengthen LMT and associated advertising by introducing an escalating salary premium for positions advertised. This premium would be set above market rates or above Temporary Skilled Migration Income Threshold (TSMIT) (whichever is greater), and that this same salary premium applies to trainees or apprentices who wish to

acquire skills needed for the role, as well as providing relocation costs for a substantive or trainee role.

### Removing or relaxing LMT

7. One member indicated that LMT requirements should be based on a targeted approach based on over-reliance, that is, where an organisation or industry relies too heavily on skilled migration on an ongoing basis as measured by the number of migrants compared to the total number of people employed in that occupation.
8. Only medium to large businesses should be required to undertake LMT.
9. LMT should be retained as a control measure and focus more strongly on ameliorating the SAF levy imposts. Blanket removal of LMT for skills in the Priority Migration Skilled Occupation List (PMSOL) and occupations with critical skills until the COVID-19 pandemic eases would be helpful in lessening the overall administrative burden.
10. Examine the option of removing the requirement for employers to advertise any occupations which are on the PMSOL or critical skill lists.
11. Remove the requirement for employers to advertise for all occupations classified as Skill Level 1 and 2 on the Jobactive website.
12. Only require advertisements on the Jobactive platform for occupations that have a track-record of successfully attracting suitably skilled Jobactive participants.
13. Reinstate limited exemptions for visas in certain highly skilled, in-demand occupations that have been identified as an acute national shortage, and for employer sponsored visas where the position comes with a salary above a high threshold.
14. Remove LMT for tech sector employers given the lack of benefit to Australian workers for the regulatory impost on employers.
15. LMT requirements should be adjusted to attract skills to the health sector which is facing skills shortages.
16. Exempt regionally based businesses from undertaking LMT while the unemployment rate across regional Australia remains below 4%.
17. Introduce further concessions for temporary regional visas, including that Labour Market Testing advertising can be up to 12 months before lodging a nomination application.
18. Reduce the timeframe involved for businesses to sponsor a skilled migrant by shortening the LMT period, and allowing this process to run concurrently with an employer's application to sponsor a skilled migrant.
19. Ease LMT requirements for high-wage occupations and renewals.
20. LMT processes should be less onerous and should be replaced with a more business friendly system.

21. Some members suggest LMT for the TSS visa program should be removed.
22. Others members support the JSCM recommendation that businesses should be exempt from LMT when a Temporary Work (subclass 457) or a Temporary Skill Shortage (subclass 482) visa holder has been employed in the position on a full-time basis for 12 months or more and prior to their lodgement of a subsequent visa application or a permanent residence application.

### ***A new visa for Intra-Company Transferees, exemption from advertising salary details***

23. Some MACSM members hold concerns about some of the LMT requirements including advertising for four weeks and including salary details as this is against the usual custom and practice of recruitment and adds to the regulatory burden. Members note businesses may need a specialist or rare technical skill, which is widely known to be unavailable in Australia and they should be able to provide evidence of this as an alternative to advertising the vacancy.
24. Consider establishing a specific intra-company transferee (ICTS) visa as proposed by recommendation 11 in the JSCM Final Report, including an exemption to labour market testing.
25. Some members opposed point 25, claiming that ICTS can be facilitated via the existing TSS visa and other visas that allow the holder to work in Australia so a new Intra-company transferee visa is not required.

### ***Quantum of the SAF Levy***

26. One member suggests removing the SAF levy entirely when the Skilling Australians Fund expires in the middle of 2022.
27. Some members claim the SAF levy is too high.
- One member suggests suspending any training levy associated with skilled migration for two years as a COVID-19 recovery measure.
  - Another suggests suspending the SAF Levy for 12 months for regional businesses, then after review, small regional business should be exempt from paying the SAF Levy.
28. Some members believe the SAF levy should be reduced for:
- Small businesses with less than \$5 million turnover; and
  - Small to medium enterprises in regional areas, outside of the largest metropolitan cities. A tiered application of the levy could be applied according to the existing Department of Home Affairs' regional area definitions.
29. One member suggests the SAF levy should be half of the current rate (\$600 per year for small business, \$900 for large business for each sponsored temporary migrant, \$1500 for small business and \$2500 for large business for employers using the permanent Employer Nomination scheme).

30. One member also proposed exemptions from paying the SAF Levy for highly skilled top priority occupations based on shortages, including medical practitioners.
31. While, another member suggests paying the SAF levy annually or monthly to remove cost pressures.
32. One member suggests that the amount of the SAF Levy should not be reduced, as there is a case for raising the quantum of the levy every two or three years.
33. Some members cited concerns regarding worker exploitation and undermining wages and conditions, indicating that all employers should pay the SAF Levy and that there should be an increase to the SAF levy:
- to ensure the cost of bringing in a temporary migrant worker is commensurate with the cost of hiring and training a local worker; and
  - that the SAF Levy should increase annually as the length of the employee's tenure increases.
34. One member suggests that a review be conducted on the impact of the cost of the SAF levy on attracting international skilled workers to Australia.

### ***Ensuring the SAF Levy is not paid twice for the same applicant***

35. Some MACSM members maintain the SAF levy should not be paid twice for the same employee. For example, where an employee is transitioning to a different visa class with the employer who had previously paid a SAF levy for sponsoring the employee, the employer should be exempt from a further levy otherwise required.

### ***Exempting Universities from the SAF Levy***

36. Some members believe universities should be exempt from paying the levy as per JSCM's recommendation 17.
- One member suggested exempting universities would create an unequal playing field and administrative distortion.

### ***Demonstrating investment in training Instead of paying the SAF Levy***

37. Some members suggest a sponsoring employer should be given the option of delivering a training program in lieu of paying the levy.
- Several members were opposed to the proposition of training instead of paying the SAF Levy.
  - One member believed it would not be desirable to return to the previous administratively complex hybrid system where some businesses paid a levy while others met the training requirements by demonstrating that they invested in local training.
38. One member suggested that evidence of strong investment by the sponsoring employer in training, either at the equivalent of 1% of payroll, or equivalent to the amount of the levy for each visa applicant.

## ***Refund of Levy or Change of collection point***

39. Some MACSM members advise there should be changes to the refund provisions for the SAF levy and the time of collection. A simplified refund condition could be introduced for refund in full or for the balance of the SAF levy. This refund will apply in all circumstances where a skilled worker does not work for the sponsoring employer or no longer works for the sponsoring employer. This would provide a more equitable outcome for the employer.
40. Changing the point of collection of the SAF levy to the time the visa is ready to be granted, rather than at the nomination stage, would also assist to ensure the SAF levy is being paid where there is a greater likelihood of the skilled worker being employed by the employer<sup>1</sup>.
41. The SAF should be levied only at the point of commencement of employment of the employee.
42. One member suggested that all refused applications should be able to receive a refund of the SAF levy, subject to integrity conditions.

## ***Nomination Eligibility***

43. One member suggested that businesses with negative Fair Trading, WorkCover, Fair Work Australia, or ABF records should have nomination applications thoroughly scrutinised.
- A good record with Home Affairs should allow access to faster processing times, while businesses with a poor record should have sponsorships cancelled;
  - When a business is under investigation or being considered for cancellation, applicants associated with these businesses should be thoroughly scrutinised<sup>2</sup>.

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<sup>1</sup> In most cases, an employer becomes a business sponsor and then lodges a nomination application for a particular position. The SAF Levy is currently charged at the nomination lodgement stage. The visa application is a separate process. The visa application is assessed and a decision is made on the visa application.

<sup>2</sup> To be eligible to become a standard business sponsor, businesses must be legally established and currently operating, and not be the subject of adverse information.



# Nomination and Visa Grant Information

Full Program Year 2020-2021 as of 30 June 2021

	Temporary 457/482	Change on 2019-2020 %	SESR 494	Change on 2019-2020 %	ENS 186	Change on 2019-2020 %	RSMS 187	Change on 2019-2020 %
<b>Nominations</b>								
Nomination Lodged	32223	-24.7	1074	302.2	11322	-7.9	424	-78.7
Nomination Approved	28675	-17.5	844	719.4	11174	0.9	712	-77.0
Nomination Refused	1394	-33.0	79	n/a	186	-81.2	58	-96.8
Nomination Withdrawn	1119	179.8	22	120.0	207	-12.3	15	-95.6
<b>Visas</b>								
Visa Lodged (Primary)	26953	-24.8	868	338.4	11226	-8.8	418	-79.6
Visa Grant (Primary)	22869	-18.4	654	1386.4	10888	-20.8	594	-83.7
Visas Refused (Primary)	652	-26.7	9	n/a	204	-73.3	81	-95.5
Visa Withdrawn (Primary)	1910	93.1	34	1033.3	343	-48.9	56	-93.0

Source: Department of Home Affairs, 2022

## **Attachment A**

### **Terms of Reference**

The amendments made to the *Migration Act 1958* by the *Migration Amendment (Skilling Australians Fund) Act 2018*, worked to strengthen the integrity and quality of Australia's skilled migration programs and better meet Australia's skills needs, creating a strong and more prosperous Australia. As per the requirement within the legislation, an independent review will be undertaken and is to:

- Assess the changes to language as to who can lodge a nomination application from 'sponsor' to 'person'.
- Evaluate the operation of the SAF levy, namely the collection of the funds and refund provisions.
- Review the labour market testing requirements.
- The review may make recommendations on options for improving the operation of the *Migration Amendment (Skilling Australians Fund) Act 2018*.
- The review will produce a report for the Minister no later than six months after commencement, to be tabled in Parliament.

## **Attachment B**

Submissions received from MACSM members:

	<b>Organisation</b>	<b>Representative</b>
1	Mr Innes Willox (Chair)	Chief Executive, Australian Industry Group
2	Dr Jeremy Johnson AM	Executive Councillor and Immediate Past President, Australian Chamber of Commerce and Industry
	Mr Andrew McKellar	CEO, Australian Chamber of Commerce and Industry
3	Ms Jennifer Westacott AO	CEO, Business Council of Australia
4	Ms Kate Pounder	CEO, Tech Council
5	Mr Peter Hughes PSM	Fellow, Centre for Policy Development
6	Mr Alan Manly OAM	CEO and Company Director, Group Colleges Australia
7	Mr Troy Williams	Chief Executive, Independent Tertiary Education Council
8	Ms Jenny Dodd	Interim CEO, TAFE Directors Australia
9	Ms Liz Ritchie (Ms Shyla Vohra)	Chief Executive Officer, Regional Australia Institute
10	Ms Susan Gin	Founder and Chair, Executive Wealth Circle
11	Ms Anne O'Donoghue	Managing Director and Principal Lawyer, Immigration Solutions Lawyers Pty Ltd
12	Ms Michele O'Neil	President, Australian Council of Trade Unions (ACTU)
13	Mr Steven Murphy	National Secretary, Australian Manufacturing Workers' Union
14	Mr Michael Wright (added in supplementary submission from ACTU)	National Assistant Secretary, Electrical Trades Union of Australia
15	Ms Jill McCabe (added in supplementary submission from ACTU)	CEO, Professionals Australia
16	Ms Annie Butler (added in supplementary submission from ACTU)	Federal Secretary, Australia Nursing and Midwifery Federation
17	Mr Matt Journeaux	Queensland Branch Secretary, Australian Meat Industry Employees' Union
States & Territories		
18	Louisa Newstead	Director Strategic Policy, Department of Innovation and Skills

	Organisation	Representative
19	Zane Rebronja	Associate Director, Investment NSW

## **Attachment C**

### **Relevant recommendations from the Joint Standing Committee on Migration's Inquiry into Australia's Skilled Migration Program**

#### ***From the Interim Report, published in March 2021***

##### **Recommendation 1**

The Department of Home Affairs should streamline LMT to:

- be less prescriptive about what constitutes LMT;
- only require Medium and Large businesses to conduct LMT;
- require LMT for businesses headquartered outside Australia or businesses owned by someone who is not an Australian citizen;
- remove the requirement for employers to advertise any occupations which are on the PMSOL or critical skills lists; and
- remove the requirement for employers to advertise for all occupations classified as Skill Level 1 and 2 on the Jobactive website.

##### **Recommendation 2**

The Committee recommends that at least until the pandemic period is over, the Department of Education, Skills and Employment and the Department of Home Affairs remove the requirement for employers to pay the Skilling Australia Fund as part of the visa sponsorship process.

If the levy is retained:

- Consideration should be given to aligning the payment of the levy to the commencement of employment of the skilled migrant or guarantee a refund to the sponsor if the application is unsuccessful.
- If the employer can demonstrate, they have spent the same amount or more than the levy in the previous 12 months on training their Australian employees in skills relevant to their work for the employer, they should not be required to pay the Skilling Australia Fund Levy.
- The Federal Government should establish greater transparency over the State Governments' use of funds from the Skilling Australia Fund to skill Australians.

#### ***From the Final Report, published in August 2021.***

##### **Recommendation 8**

The Committee recommends that the Government provide further concessions for temporary regional visas, including: Labour Market Testing advertising can be up to 12 months before lodging a nomination application; Raise the age limit to 50; English language requirements at vocational English; Reduction of prior experience required in occupation to 2 years and; Priority visa processing.

##### **Recommendation 11**

The Committee recommends that Government enable intra-company transfer of executive employees of multinational companies to Australia where necessary for these companies

to expand their operations in Australia. Streamlining should include an exemption from labour market testing. This measure should be subject to other strict integrity measures. Consideration should be given to whether a separate visa category is necessary to enable intra-company executive transfers.

#### Recommendation 14

The Committee recommends that the Government temporarily extend the timeframe for employers to undertake Labour Market Testing prior to nomination from 4 months to 6 months during the pandemic recovery.

#### Recommendation 15

The Committee recommends that the Government exempt businesses from labour market testing when a 457 or 482 visa holder has been employed in the position on a full-time basis for twelve months or more and prior to their lodgement of a subsequent visa application or a permanent residence application.

#### Recommendation 16

The Committee recommends that employers should be exempt from paying the Skilling Australia Fund levy twice for the same applicant, or for a subsequent visa, where the employer has already paid the Skilling Australia Fund levy for that employee

#### Recommendation 17

The Committee recommends that universities should be exempt from the Skilling Australia Fund levy

#### Recommendation 18

The Committee recommends that the Government guarantee a refund of the Skilling Australia Fund levy where the visa application is unsuccessful and where there is no evidence of fraud on the part of the sponsor or applicant.

## Attachment D

### MINISTERIAL ADVISORY COUNCIL ON SKILLED MIGRATION *Skilling Australians Fund (SAF) Levy Review Report* SUMMARY OF MEMBERS' PROPOSALS AND SUPPORT

Proposals	Summary of feedback on proposals received from 14 MACSM members
<b>Labour Market Testing (LMT) requirements and enforcement</b>	
<b>Strengthening or retaining LMT</b>	
1. LMT to be tightened and made more rigorous to guarantee that businesses have made every effort to fill a position locally before employing a temporary visa worker.	<ul style="list-style-type: none"><li>• five (5) members supported this proposal</li><li>• three (3) supported with qualifications</li><li>• six (6) did not support.</li></ul>
2. From a culturally and linguistically diverse (CALD) perspective, extend LMT advertising to major community language news outlets.	<ul style="list-style-type: none"><li>• four (4) members supported this proposal</li><li>• seven (7) supported with qualifications</li><li>• three (3) did not support.</li></ul>
3. Support for LMT advertising to be extended to major community language news outlets, however only in addition to advertising in English.	<ul style="list-style-type: none"><li>• nine (9) members supported this proposal</li><li>• one (2) supported with qualifications</li><li>• three (3) did not support.</li></ul>
4. Overseas/non-citizen employers who are currently exempt under an International Trade Obligation (ITO) should be subject to the LMT requirement.	<ul style="list-style-type: none"><li>• seven (7) members supported this proposal</li><li>• seven (7) did not support.</li></ul>
5. Further rationale required on having different requirements for different skill levels and business sizes as this is likely to create administrative distortion.	<ul style="list-style-type: none"><li>• two (2) members supported this proposal</li><li>• three (3) supported with qualifications</li><li>• nine (9) did not support.</li></ul>
6. Strengthen LMT and associated advertising by introducing an escalating salary premium for positions advertised. This premium would be set above market rates or above TSMIT (whichever is greater), and that this same salary premium applies to trainees or apprentices who wish to acquire skills needed for the role, as well as providing relocation costs for a substantive or trainee role.	<ul style="list-style-type: none"><li>• five (5) members supported this proposal</li><li>• two (2) supported with qualifications</li><li>• seven (7) did not support.</li></ul>
<b>Removing or relaxing LMT</b>	

7. LMT requirements should be based on a targeted approach based on over-reliance, that is, where an organisation or industry relies too heavily on skilled migration on an ongoing basis as measured by the number of migrants compared to the total number of people employed in that occupation.	<ul style="list-style-type: none"> <li>• one (1) member supported this proposal</li> <li>• one (1) supported with qualifications</li> <li>• 12 did not support.</li> </ul>
8. Only medium to large businesses should be required to undertake LMT.	<ul style="list-style-type: none"> <li>• three (3) members supported this proposal</li> <li>• two (2) supported with qualifications</li> <li>• nine (9) did not support.</li> </ul>
9. LMT should be retained as a control measure and focus more strongly on ameliorating the SAF fee imposts. Blanket removal of LMT for skills in the Priority Migration Skilled Occupation List (PMSOL) and occupations with critical skills until the COVID-19 pandemic eases would certainly be helpful in lessening the overall administrative burdens.	<ul style="list-style-type: none"> <li>• four (4) members supported this proposal</li> <li>• three (3) supported with qualifications</li> <li>• seven (7) did not support.</li> </ul>
10. Further examination of removal of the requirement for employers to advertise any occupations which are on the PMSOL or critical skill lists.	<ul style="list-style-type: none"> <li>• five (5) members supported this proposal</li> <li>• two (2) supported with qualifications</li> <li>• seven (7) did not support.</li> </ul>
11. Removal of the requirement for employers to advertise for all occupations classified as Skill Level 1 and 2 on the Jobactive website.	<ul style="list-style-type: none"> <li>• seven (7) members supported this proposal</li> <li>• one (1) unsure</li> <li>• six (6) did not support.</li> </ul>
12. Only require advertisements on the Jobactive platform for occupations that have a track-record of successfully attracting suitably skilled Jobactive participants.	<ul style="list-style-type: none"> <li>• three (3) members supported this proposal</li> <li>• two (2) supported with qualifications</li> <li>• nine (9) did not support.</li> </ul>
13. Reinstate limited exemptions for visas in certain highly skilled, in-demand occupations that have been identified as in acute national shortage, and for employer sponsored visas where the position comes with a salary above a high threshold.	<ul style="list-style-type: none"> <li>• eight (8) members supported this proposal</li> <li>• one (1) supported with qualifications</li> <li>• five (5) did not support.</li> </ul>
14. Remove LMT for tech sector employers given the lack of benefit to Australian workers for the regulatory impost on employers.	<ul style="list-style-type: none"> <li>• six (6) members supported this proposal</li> <li>• two (2) supported with qualifications</li> <li>• six (6) did not support.</li> </ul>
15. LMT requirements should be adjusted to attract skills to the health sector which is facing skills shortages.	<ul style="list-style-type: none"> <li>• three (3) members supported this proposal</li> <li>• four (4) supported with qualifications</li> </ul>



	<ul style="list-style-type: none"> <li>two (2) did not indicate whether or not they support</li> <li>five (5) did not support.</li> </ul>
<b>16.</b> Exempt regionally based businesses from undertaking LMT while the unemployment rate across regional Australia remains below 4%.	<ul style="list-style-type: none"> <li>four (4) members supported this proposal</li> <li>three (3) supported with qualifications</li> <li>seven (7) did not support.</li> </ul>
<b>17.</b> Further concessions for temporary regional visas, including that Labour Market Testing advertising can be up to 12 months before lodging a nomination application.	<ul style="list-style-type: none"> <li>five (5) members supported this proposal</li> <li>two (2) supported with qualifications</li> <li>seven (7) did not support.</li> </ul>
<b>18.</b> Reduce the timeframe involved for businesses to sponsor a skilled migrant by shortening the labour market testing period, and allowing this process to run concurrently with an employer's application to sponsor a skilled migrant.	<ul style="list-style-type: none"> <li>five (5) members supported this proposal</li> <li>three (3) supported with qualifications</li> <li>six (6) did not support.</li> </ul>
<b>19.</b> There should be an easing of LMT requirements for high-wage occupations and renewals.	<ul style="list-style-type: none"> <li>six (6) members supported this proposal</li> <li>one (1) supported with qualifications</li> <li>seven (7) did not support.</li> </ul>
<b>20.</b> LMT Processes should be less onerous and should be replaced with a more business friendly system.	<ul style="list-style-type: none"> <li>seven (7) members supported this proposal</li> <li>one (1) supported with qualifications</li> <li>six (6) did not support.</li> </ul>
<b>21.</b> LMT for the TSS visa program should be removed.	<ul style="list-style-type: none"> <li>four (4) members supported this proposal</li> <li>two (2) supported with qualifications</li> <li>one (1) did not indicate their support</li> <li>seven (7) did not support.</li> </ul>
<b>22.</b> As outlined in the JSCM recommendation, businesses should be exempt from LMT when a Temporary Work (subclass 457) or a Temporary Skill Shortage (subclass 482) visa holder has been employed in the position on a full-time basis for 12 months or more and prior to their lodgement of a subsequent visa application or a permanent residence.	<ul style="list-style-type: none"> <li>eight (8) members supported this proposal</li> <li>six (6) did not support.</li> </ul>
<b>A new visa for Intra-Company Transfers, exemption from advertising salary details</b>	
<b>23.</b> Concern about some of the LMT requirements including advertising for four weeks and including salary details as this is against the usual custom and practice of recruitment and adds to the regulatory burden. Businesses may need a specialist or rare technical skill, which is widely known	<ul style="list-style-type: none"> <li>eight (8) members supported this proposal</li> </ul>

to be unavailable in Australia and they should be able to provide evidence of this as an alternative to advertising the vacancy.	<ul style="list-style-type: none"> <li>• six (6) did not support.</li> </ul>
<b>24.</b> Establishing a specific intra-company transferee visa as proposed by recommendation 11 in the JSCM Final Report, including an exemption to labour market testing, should also be considered.	<ul style="list-style-type: none"> <li>• five (5) members supported this proposal</li> <li>• one (1) supported with qualifications</li> <li>• one (1) did not indicate their support</li> <li>• seven (7) did not support.</li> </ul>
<b>25.</b> A new Intra-company transfer visa is not required, intra-company transfers occur through the existing TSS visa and other visas that allow the holder to work in Australia so a new Intra-company transferee visa is not required.	<ul style="list-style-type: none"> <li>• ten (10) members supported this proposal</li> <li>• one (1) supported with qualifications</li> <li>• one (1) did not indicate their support</li> <li>• two (2) did not support.</li> </ul>
<b>Quantum of the SAF Levy</b>	
<b>26.</b> Remove the SAF levy entirely when the Skilling Australians Fund expires in the middle of 2022.	<ul style="list-style-type: none"> <li>• five (5) members supported this proposal</li> <li>• two (2) supported with qualifications</li> <li>• seven (7) did not support.</li> </ul>
<b>27.</b> To address concerns the SAF levy is too high: <ul style="list-style-type: none"> <li>• Suspend any training levy associated with skilled migration for two years as a COVID-19 recovery measure.</li> <li>• Suspend the SAF Levy for 12 months for regional businesses, then after review, small regional business should be exempt from paying the SAF Levy.</li> </ul>	<ul style="list-style-type: none"> <li>• two (2) members supported this proposal</li> <li>• four (4) supported with qualifications</li> <li>• one (1) supported with suspension for two years, and qualified for shorter regional suspension</li> <li>• seven (7) did not support.</li> </ul>
<b>28.</b> The SAF levy should be reduced for: <ul style="list-style-type: none"> <li>• Small businesses with less than \$5 million turnover; and</li> <li>• Small to medium enterprises in regional areas, outside of the largest metropolitan cities. A tiered application of the levy could be applied according to the existing Department of Home Affairs' regional area definitions.</li> </ul>	<ul style="list-style-type: none"> <li>• five (5) members supported this proposal</li> <li>• three (3) supported with qualifications</li> <li>• six (6) did not support.</li> </ul>
<b>29.</b> The SAF levy should be half of the current rate (being \$600 per year for small business and \$900 for large business for each sponsored temporary migrant, and \$1500 for small business and \$2500 for large business for employers using the permanent Employer Nomination scheme).	<ul style="list-style-type: none"> <li>• three (3) members supported this proposal</li> <li>• four (4) supported with qualifications</li> <li>• seven (7) did not support.</li> </ul>
<b>30.</b> Exemptions for high skilled top priority occupations based on shortages, including medical practitioners.	<ul style="list-style-type: none"> <li>• seven (7) members supported this proposal</li> </ul>

	<ul style="list-style-type: none"> <li>• one (1) supported with qualifications</li> <li>• six (6) did not support.</li> </ul>
<b>31.</b> Paying the SAF levy annually or monthly to remove cost pressures.	<ul style="list-style-type: none"> <li>• five (5) members supported this proposal</li> <li>• two (2) supported with qualifications</li> <li>• one (1) did not indicate their support</li> <li>• six (6) did not support.</li> </ul>
<b>32.</b> The amount of the SAF Levy should not be reduced, there is a case for raising the quantum of the levy every two or three years.	<ul style="list-style-type: none"> <li>• six (6) members supported this proposal</li> <li>• one (1) supported with qualifications</li> <li>• seven (7) did not support.</li> </ul>
<b>33.</b> There should be an increase to the SAF levy: <ul style="list-style-type: none"> <li>• To ensure the cost of bringing in a temporary migrant worker is commensurate with the cost of hiring and training a local worker; and</li> <li>• That the SAF Levy should increase on an annual basis as the length of the employee's tenure increases.</li> </ul>	<ul style="list-style-type: none"> <li>• five (5) members supported this proposal</li> <li>• two (2) supported with qualifications</li> <li>• seven (7) did not support.</li> </ul>
<b>34.</b> A review be conducted on the impact of the cost of the SAF levy on attracting international skilled workers to Australia.	<ul style="list-style-type: none"> <li>• five (5) members supported this proposal</li> <li>• nine (9) did not support.</li> </ul>
<b>Ensuring that the SAF Levy is not paid twice for the same applicant</b>	
<b>35.</b> The SAF levy should not be paid twice for the same employee. For example, where an employee is transitioning to a different visa class with the employer who had previously paid a SAF levy for sponsoring the employee, the employer should be exempt from a further levy otherwise required.	<ul style="list-style-type: none"> <li>• eight (8) members supported this proposal</li> <li>• one (1) supported with qualifications</li> <li>• five (5) did not support.</li> </ul>
<b>Exempting Universities from the SAF Levy</b>	
<b>36.</b> Universities should be exempt from paying the levy as per JSCM's recommendation 17. <ul style="list-style-type: none"> <li>• Universities should not be exempted as this would create an unequal playing field and administrative distortion.</li> </ul>	<ul style="list-style-type: none"> <li>• three (3) members supported this proposal</li> <li>• three (3) supported with qualifications</li> <li>• eight (8) did not support.</li> </ul>
<b>Demonstrating investment in training instead of paying the SAF Levy</b>	
<b>37.</b> A sponsoring employer should be given the option of delivering training program in lieu of paying the levy. <ul style="list-style-type: none"> <li>• Employers should not be exempt if they demonstrate training of local staff.</li> <li>• Evidence of strong investment by the sponsoring employer in training, either at the equivalent of 1% of payroll, or equivalent to the amount of the levy for each visa applicant.</li> </ul>	<ul style="list-style-type: none"> <li>• four (4) members supported this proposal</li> <li>• two (2) supported with qualifications</li> <li>• one (1) unsure</li> <li>• seven (7) did not support.</li> </ul>

<b>38.</b> Should not return to the previous administratively complex hybrid system where some businesses paid a levy while others met the training requirements by demonstrating that they invested in local training.	<ul style="list-style-type: none"> <li>• four (4) members supported this proposal</li> <li>• ten (10) did not support.</li> </ul>
<b>Refund of Levy or Change of collection point</b>	
<b>39.</b> A simplified refund condition could be introduced for refund in full or for the balance of the SAF levy. This refund will apply in all circumstances where a skilled worker does not work for the sponsoring employer or no longer works for the sponsoring employer. This would provide a more equitable outcome for the employer.	<ul style="list-style-type: none"> <li>• six (6) members supported this proposal</li> <li>• two (2) supported with qualifications</li> <li>• six (6) did not support.</li> </ul>
<b>40.</b> Changing the point of collection of the SAF levy to the time the visa is ready to be granted, rather than at the nomination stage, would also assist to ensure the SAF levy is being paid where there is a greater likelihood of the skilled worker being employed by the employer.	<ul style="list-style-type: none"> <li>• six (6) members supported this proposal</li> <li>• two (2) supported with qualifications</li> <li>• six (6) did not support.</li> </ul>
<b>41.</b> The SAF should be levied only at the point of commencement of employment of the employee.	<ul style="list-style-type: none"> <li>• six (6) members supported this proposal</li> <li>• one (1) supported with qualifications</li> <li>• seven (7) did not support.</li> </ul>
<b>42.</b> All refused applications should be able to receive a refund of the SAF levy, subject to integrity conditions.	<ul style="list-style-type: none"> <li>• seven (7) members supported this proposal</li> <li>• two (2) supported with qualifications</li> <li>• five (5) did not support.</li> </ul>
<b>Nomination Eligibility</b>	
<b>43.</b> Businesses with negative Fair Trading, WorkCover, Fair Work Australia, or ABF records should have nomination applications thoroughly scrutinised. <ul style="list-style-type: none"> <li>• A good record with Home Affairs should allow access to faster processing times, while businesses with a poor record should have sponsorships cancelled;</li> <li>• When a business is under investigation or being considered for cancellation, applicants associated with these businesses should be thoroughly scrutinised.</li> </ul>	<ul style="list-style-type: none"> <li>• 11 members supported this proposal</li> <li>• one (1) supported with qualifications</li> <li>• two (2) did not support.</li> </ul>