



Employment of piggery staff from overseas

It has been raised by some industry stakeholders that there is a shortage of suitable piggery staff in Australia above certain levels, resulting in some piggeries having to investigate employing managerial staff from overseas. Unfortunately this has not been possible as there is no pig industry job title on the Immigration ASCO Gazetted List for subclass 457 visas. This fact sheet explains the possible methods that may be used to fill industry recruitment vacancies using overseas labour.

Temporary entry labour agreements (subclass 457 visas)

There is no appropriate job title on the Gazetted List for potential pig industry immigrants. The following threshold criteria apply to the Temporary Entry Labour Agreements:

- the existence of an employer-employee relationship between the sponsoring employer (or recruitment agency) and all overseas workers to be recruited. This is normally evidenced through an employment contract.
- the employer demonstrates a satisfactory commitment to the training of Australians in general terms and more notably in respect to occupations to which a labour agreement proposal refers.
- the proposed agreement needs to be in respect of skilled occupations identified on the Gazetted List of Occupations for the purposes of subclass 457, or in the case of lesser skilled occupations, evidence through recent national labour market testing of the existence of a genuine shortage (as distinct from a recruitment difficulty) in the Australian labour market.

In respect of occupations on the Gazetted List, a base salary of \$35,828 per annum, exclusive of superannuation, travel, accommodation and bonuses is required.

It is extremely difficult to have an additional occupation added to the Gazetted List unless there is a review. A review of the skilled migration system was held in 2001 and the gazetted list for subclass 457 was introduced on 1 July 2001. As it takes some time for the effects of these changes to be felt in the labour market, it is unlikely that a further review will take place for some time.

Given these conditions and the difficulty of additions to the Gazetted List, it is more likely that success in recruiting staff from overseas will be through the use of another scheme, such as the Regional Sponsored Migration Scheme or labour agreements.

Regional sponsored migration scheme

In November 2002, changes were announced to temporary visa arrangements to improve regional access to temporary skilled. The Temporary Business (Subclass 457) visas changes allow rural and regional businesses to bring skilled workers to Australia for up to four years.

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The Regional Sponsored Migration Scheme (RSMS) allows employers in regional Australia to nominate overseas workers for migration when the employer has been unable to recruit suitable skilled personnel through the local labour market.

Nominations under the scheme are first assessed by the local regional certifying bodies. There are forty nine Regional Certifying Bodies (a list is attached for your information). The role of the certifying body is to ensure that nominations are consistent with the objectives of the scheme, including the requirement that:

- the nomination is for a genuine full time vacancy, available for at least two years, that cannot be filled through the local labour market;
- the position is skilled
- the wages and conditions are consistent with Australian standards.

The criteria for the RSMS visa require that the applicant:

- has qualifications equivalent to an Australian diploma level or higher (appropriate trade certificates are considered to meet the skill criteria)
- has functional level English
- is aged under 45 at the time of the visa application.

Regional employers seeking to take advantage of the initiative should contact their nearest certifying body.

Labour agreements

A Labour Agreement is a formal agreement negotiated between the Commonwealth (usually DIMIA and DEWR), and an employer, recruitment agency or industry association in response to identified skill shortages in the Australian labour market. Note that these skill shortages are determined by the DEWR based on their labour market intelligence and resulting National Skill Shortage List, not individual industry bodies or employers. Note that the lists also identify recruitment difficulties, where “skill shortages” are not evident, but where some employers have experienced recruitment problems. The 2003 National and State Skill Shortage Lists do not contain any agricultural positions.

Labour agreements are underpinned by skill (qualification and experience), employment, training and monitoring commitments aimed at ensuring the entry of skilled workers from overseas does not adversely impact on the employment, training and career path progression opportunities available to Australians.

If you require further information on any of these schemes, please visit the Australian Workplace web site (workplace.gov.au), which is the one-stop-shop for all Department of Employment and Workplace Relations programs and services relating to employment and workplace relations matters.

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