

SKILLED MIGRATION

**90. Hon HELEN BULLOCK to the Minister for Training and Workforce Development:**

I refer to the answer to question without notice 34 asked on Wednesday, 7 March 2012.

- (1) Has the minister received the review of the marketing testing criteria?
- (2) If yes to (1), what are the main recommendations of the review with regards to the minimum advertising period businesses must advertise a job vacancy?
- (3) Will the minister implement the recommendations of the review; and, if so, when?
- (4) Will the minister table the review; and, if not, why not?

**Hon PETER COLLIER replied:**

- (1) Yes.
- (2) The Department of Training and Workforce Development reviewed the guidelines for the regional sponsored migration scheme including extensive consultations with key stakeholders as well as advice received from the Department of Immigration and Citizenship. DIAC advised that there was no legislative or regulatory basis for labour market testing under the regional sponsored migration scheme. Therefore any state-based labour market testing is not enforceable under commonwealth legislation. The Department of Training and Workforce Development subsequently received advice from the State Solicitor that concurred with DIAC's advice. New guidelines have now been prepared, removing the need for labour market testing, including the requirement for businesses to advertise a job vacancy.
- (3) Yes. The changes will take effect immediately and are in the process of being communicated to stakeholders.
- (4) No; this advice was provided to me as part of the normal process of the department providing advice to ministers on portfolio-related issues.