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Go8 Submission to the Discussion Paper: Key Policy Settings of the Temporary Skilled Shortage (TSS) Visa

The Go8 welcomes the opportunity to provide feedback into this Discussion Paper.

The Go8 recognises that the purpose of the TSS policy settings are to help ensure that high quality domestic applicants are not disadvantaged when applying for job vacancies within Australia.

As the providers for more than one quarter of all higher education students in Australia, the Go8 agrees that Australia must be able to capitalise on home grown talent.

However, it is also important that we have policy settings in place to facilitate the immigration of high quality international talent where domestic capacity is insufficient, and importantly where we can utilise this overseas talent to assist us in developing our own homegrown capacity.

As we have often stated, higher education and research are highly internationalised. We rely on being able to recruit outstanding candidates for our academic and professional positions, regardless of their country of origin. Academics see themselves as operating in a global professional sector. In the same way as they expect to have overseas academics working here, they expect to be able to work around the globe to further their careers, often for the economic benefit of Australia.

We recognise that changes in the geopolitical context are making Australia's international relations more complex, and necessitating review of the policy settings regulating the flow of people and information across borders.

However, we are concerned at what appears to be a pattern of behavior in which changes to policy or legislation are rushed through in the absence of the careful and considered processes necessary to prevent inadvertent damage to Australian industries or society.

The Go8 therefore urges the Department to ensure that decisions or changes to existing settings are given an appropriate period of consultation and review, with a range of impacted stakeholders, to ensure that key concerns are addressed without causing inadvertent damage to our important sectors. As it states in the

federal government's 2017 *Foreign Policy White Paper*, "an outward-looking Australia fully engaged with the world is essential to our future security and prosperity".¹

An excellent example of where consultation with the higher education sector has been beneficial was in the successful implementation of the *Defence Trade Controls Amendment Bill 2015*. Through a considered and thorough consultation process, and implementation of a trial period in association with impacted industries, a piece of legislation was developed that meets the needs of government while not impeding the important work of the higher education and research sectors.

We see it as therefore important that we can have comprehensive consultation on key changes in the visa framework so as to ensure it has the flexibility not to impede Australia's universities from fulfilling their mission to deliver the highest quality educational and research services to the nation.

Our responses to the specific questions raised in the Discussion Paper are provided below.

- **Labour Market Testing (LMT)**

Do the proposed LMT settings, particularly for advertising periods, method, evidence and content, achieve the intention of genuine testing of the Australian labour market while supporting businesses to conduct timely recruitment processes?

The Go8 recognises that the purpose of the LMT requirement is to help ensure that appropriately qualified domestic applicants are given sufficient opportunity to apply for any given role before it is awarded to an applicant from overseas.

As noted above, we agree that Australia must be able to capitalise on home grown talent.

We also appreciate, from conversations with the Department of Immigration (now the Department of Home Affairs), that the intention behind LMT is not to stop an international candidate being appointed if they are genuinely the best fit for the position.

However, our members have expressed the following concerns around the requirement for LMT:

- Unlike many jobs, academic or high level professional roles at universities can require highly-specialised skills and experience that are not easily found within Australia.

Examples from Go8 universities include the appointment of an expert in philanthropy and fund-raising activities, previously employed at The University of Oxford; an internationally recognised researcher to lead the Advanced Instrumentation and Technology Centre (AITC) at ANU; and a technician with the skill set required to operate a NCRIS-funded piece of research infrastructure, but which was not available in Australia. Without the skills provided by this individual, the piece of NCRIS equipment would be unable to be used by Australian researchers and scientists.

¹ *Foreign Policy White Paper*, 2017,

- Where a role has been specifically funded and created for an individual for strategic reasons; or
- Where an individual is named on a successful competitive grant or Fellowship application and the grant or Fellowship is dependent upon the involvement of this individual; or
- Where an academic is moving to Australia and bringing with them a research team with specific skills and experience associated with their research. This might be necessary when Australia is seeking to develop home grown expertise in an emerging field of academic inquiry where we may not currently have a skill base, such as precision medicine / genomics or neural-engineering.

Candidates who are of sufficient quality to meet the above criteria are likely to be in high demand internationally. Although we appreciate that the proposed LMT settings include a reduction in the advertising period from 12 months to 6, any unnecessary delay in the recruitment process could result in the loss of those candidates to competitor nations.

These circumstances were previously recognised through LMT exemptions for recruitment processes involving occupations such as University Lecturer, University Tutor and Faculty Head roles.

However, the Go8 recognises that the Minister may no longer be amenable to broad occupational exemptions.

Instead, we recommend that a caveat be included to exempt universities from the LMT requirement in the circumstances outlined in the dot points above.

Recommendation: That universities be exempted from the LMT requirement for positions in which:

- **It can be demonstrated that the role requires highly specialised skills and experience that are not easily found within Australia.**
- **Where a role has been specifically funded and created for an individual for strategic reasons; or**
- **Where an individual is named on a successful competitive grant or Fellowship application and the grant or Fellowship is dependent upon the involvement of this individual; or**
- **Where an academic is moving to Australia and bringing their research group with specific skills and experience associated with their research.**
- **Work Experience for the TSS**

Are there other occupations or fields where broader experience should be considered?

The Go8 thanks the Minister and the Department for adopting our recommendation that experience gained as part of pursuing a Higher Degree Research (HDR) award (i.e, a PhD or Masters by Research) be recognised as fulfilling the work experience requirement of the TSS.

We also support the inclusion of the other examples provided in the Discussion Paper.

We therefore strongly support the principle of considering relevant work experience flexibly in the context of the nominated occupation.

Recommendation: The Go8 strongly supports the principle of considering relevant work experience flexibly in the context of the nominated occupation, including recognizing a Higher Degree Research award as fulfilling the work experience requirement.

- **Age Exemptions for Employer Sponsored Permanent Visas**

The pipeline to develop academic and research talent is unusually long compared to many other professions.

Aspiring academics begin by acquiring a base understanding of their chosen field through a bachelor level degree, typically 3-4 years in duration.

They then develop the base level research skills necessary to conduct original research (honours and/or research masters, 1-2 years).

Only then are they sufficiently prepared to embark on an extended, original research project of their own, under supervision (doctoral degree, typically 3-4 years).

The typical pipeline can therefore be eight or more years of full-time study before a candidate is adequately qualified to commence their career as an independent academic.

The path to expertise is longer still.

Australian Research Council (ARC) data shows that, in 2017, 16 of the 17 Australian Laureate Fellowships (aimed at world class researchers and research leaders) were awarded to recipients who had worked for more than 15 years after receiving their PhD, and 12 had worked for more than 20 years.²

Assuming they studied full-time with a university commencement age of 18 years, this puts them either very close to, or over, the age of 45 by the time they reach this level of expertise.

Senior executive staff, such as Vice Chancellors and Deputy Vice Chancellors, often achieve these roles only after achieving distinction within their field. This can be demonstrated by reviewing the age of Australia's Nobel winners at the time the prize was received. These include Peter Doherty (winner of the 1996 Nobel Prize for Physiology or Medicine, aged 56), Elizabeth Blackburn (2009 Nobel Prize for Physiology or Medicine, aged 61), Robin Warren and Barry Marshall (2005 Nobel Prize for Physiology or Medicine, aged 68 and 54 respectively), and Brian Schmidt (2011 Nobel Prize in Physics, aged 44; appointed the Vice Chancellor of the Australian National University subsequently, in 2016).³

Placing a maximum age limit of 45 or even 50 years on our skilled visa pathway is therefore likely to result in the most highly skilled, internationally distinguished academics and researchers discounting Australia as a viable migration option.

We therefore strongly support the following policy settings as laid out in the Discussion Paper:

- That there be no age requirements for the 457 and TSS visas;

² <http://www.arc.gov.au/selection-report-australian-laureate-fellowships-2017>

³ https://www.nobelprize.org/nobel_prizes/lists/age.html

- That exemptions apply for the purposes of the TRT stream of the Employer Nominated and Regional Sponsored Migration Scheme visas for:
 - Senior academics nominated by a university in Australia; and
 - Scientists, researchers or technical specialists at ANZSCO skill level one or two, nominated by an Australian government scientific agency.

Should other age exemptions be considered? In what circumstances?

While the Go8 supports the above existing exemptions, they do not currently provide sufficient exemptions to cover highly specialised experts in professional roles. We therefore recommend the following adjustments to the existing exemptions:

- That exemptions apply for the purposes of the TRT stream of the Employer Nominated and Regional Sponsored Migration Scheme visas for:
 - Senior academics or nominated by a university in Australia; and
 - Scientists, researchers or **professional or** technical specialists at ANZSCO skill level one or two, nominated by an Australian government scientific agency or **Australian university**.

Recommendation: That exemptions apply for the purposes of the TRT stream of the Employer Nominated and Regional Sponsored Migration Scheme visas for:

- **Senior academics or nominated by a university in Australia; and**
- **Scientists, researchers or professional or technical specialists at ANZSCO skill level one or two, nominated by an Australian government scientific agency or Australian university.**

Thank you for the opportunity to provide feedback on this Discussion Paper.

Yours sincerely



VICKI THOMSON
CHIEF EXECUTIVE