



Submission to the Department of  
Immigration & Border Protection

*Discussion Paper*

*Reviewing the Skilled Migration  
and 400 Series Visa Programmes*

*October 2014*



AMMA is Australia's national resource industry employer group, a unified voice driving effective workforce outcomes. Having actively served resource employers for more than 95 years, AMMA's membership covers employers in every allied sector of this diverse and rapidly evolving industry.

Our members include companies directly and indirectly employing more than half a million working Australians in mining, hydrocarbons, maritime, exploration, energy, transport, construction, smelting and refining, as well as suppliers to those industries.

AMMA works with its strong network of likeminded companies and resource industry experts to achieve significant workforce outcomes for the entire resource industry.

The resource industry currently employs more than 1.1 million people either directly or indirectly and accounts for 18% of economy activity in Australia<sup>1</sup> (double its share of a decade ago). The industry is forecast to contribute a record \$205 billion of export earnings to our national income in 2013-14<sup>2</sup>.

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<sup>1</sup> Reserve Bank of Australia research discussion paper, *Industry dimensions of the resources boom*, February 2013

<sup>2</sup> Bureau of Resources and Energy Economics, *Resources and Energy Quarterly—March quarter 2013*

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# Executive summary

- AMMA welcomes the opportunity to provide input into this review as an important first stage in streamlining the overarching framework for Australia's skilled migration programme to make it more responsive to the needs of industry while also more accessible to the skilled labour that Australia needs now and into the future.
- Streamlining and deregulation of the current skilled migration framework and the 400 series visa programme must be key outcomes of this review.
- The current system is causing operational issues because the temporary work subclass 400 and 457 visa programmes do not sufficiently accommodate the common practicalities of our industry's global staffing requirements.
- This is due in part to exclusions to the 400 short-stay activity visa which, as an example, prevent highly-skilled specialised overseas employees from being rotated through a project in Australia. This includes cases where multiple short entries are required over a longer period, such as six to 12 months but where each "swing" is less than the three months allowed under the 400 visa as it currently stands.
- In cases where employers are able to access the 400 short-stay activity visa rather than the more heavily-regulated 457 visa, there are often processing delays undermining the responsiveness of the stream. For instance, it is not uncommon for it to take longer to apply for and have approved a 400 visa than the visa holder will actually spend in the country.
- In some cases, it takes longer to approve a short-stay activity visa that will last from six weeks to three months than to approve a 457 visa that will last for four years.
- There is, therefore, ample opportunity as part of this review to simplify the skilled migration framework to make it more responsive to a multitude of skills scenarios and practical employment requirements in the contemporary labour market whilst maintaining the integrity of the system and prioritising trusted users.

## Key points

- In addition to the above, key issues AMMA highlights in this submission include:
  - The current upper age limit of 50 years for permanent residency is discouraging those who possess relevant trade and professional skills from coming to Australia for work and should be raised. It is also at odds with

increases in pension age and the recognition that Australians will need to work and pay taxes longer.

- There are some occupations where advanced technical English language proficiency is not required to do a job safely and efficiently.
- The important skills assessment framework and processes must support employers and reduce their regulatory burden to the greatest extent possible, ensuring delays arising from the assessment process are minimised.
- While the current ANZSCO occupations list is generally working well in meeting resource industry employers' needs, there are emerging skills gaps, such as for experienced scaffolders and locomotive drivers, that underscore the need for regular review and refinement.
- The current points test for skilled migration is unnecessarily restrictive and could be made more flexible by giving the greatest weight to employment experience and the least weight to age.
- The sponsorship and nominations framework is valuable in maintaining a set of threshold criteria and enabling assessment of a business's suitability to sponsor a worker. However, many opportunities exist for streamlining the current system which at present is far too bureaucratic.
- There remain inconsistencies in processing times and application outcomes depending on where an application is lodged, which should be made consistent in order to provide certainty for all parties.
- The serious shortfalls in the responsiveness of the current 400 short-stay activity visa framework could be remedied either by introducing a new supplementary or complementary visa stream or broadening the eligibility criteria for existing visas such as the 400 visa.

### **Terms of reference**

- AMMA supports the aims described in the below terms of reference for the review and, properly considered, they support the changes AMMA commends to the Department in this submission. The terms of reference are to:
  - Review the effectiveness of the current skilled migration and 400 series visa programmes with the aim of reducing unnecessary red tape and impost on Australian business.
  - Explore and develop, in consultation with key stakeholders, new and innovative skilled migration visa models to support Australia's short and long-term skilled migration needs while ensuring the primacy of Australian workers.

- Implement a new skilled migration visa framework that is supportive, flexible and responsive and which enriches the Australian economy through a well-managed skilled migration programme.
- Ensure that integrity is maintained and strengthened in any new skilled migration visa framework.
- AMMA similarly supports the six guiding principles for the review which are:
  - Simplicity in design.
  - Structural flexibility.
  - Employment outcomes.
  - Complementing the Australian labour market.
  - Integrity.
  - Supporting the government's deregulation agenda.

### **AMMA's submission**

- AMMA is mindful of the fact that the government has specifically asked for very broad feedback on the proposals outlined in its discussion paper, with more specific proposals to come.
- With that in mind, AMMA has kept its observations for the most part very broad, responding to key questions asked in the discussion paper. However, we have identified, where relevant, specific aspects of the programme and processes that could benefit from greater simplicity.
- AMMA has also included, where relevant, particular feedback from our members based on their experiences using key parts of the system.
- AMMA members that have provided input into this submission have in the past two years used the following visa types:
  - Temporary Work (Subclass 400).
  - Temporary Work (Subclass 457).
  - Visitor Visa (Subclass 600) (Business visitor stream).
  - Employer Nomination Scheme (Subclass 186).
- As an aside, the fact that the discussion paper lists 25 different visa streams suggests there is room for streamlining the number of visa classes. One way of

doing that would be to broaden the criteria available under each visa class in a consolidated number of streams.

### **Next stage of consultations**

- As mentioned, AMMA has kept its input in this submission broad in line with the discussion paper rather than focusing on the detail of distinctive issues faced under particular visa types, which we are keen to engage with in due course.
- We are also mindful of the fact that the federal government is still considering the recommendations of the 457 visa integrity review and that the outcomes of that process will overlap somewhat with issues raised in this review.
- As such, AMMA's submission focuses on whether, broadly speaking, the skilled migration programme is currently meeting AMMA members' needs and, if not, where our members are experiencing issues in gaining timely access to the skilled labour they need or are facing undue (and remediable) delays and bureaucracy as part of the process.
- AMMA has prepared this submission on the understanding that more detailed proposals will be released in due course and that AMMA and its members will have a chance to respond to those more fully.

# Age threshold

1. While there is no age requirement within the 457 visa programme and 400 series visas, under the permanent skilled migration visa programmes generally there is an upper age limit of 50 years of age for skilled migrants (unless an exemption applies under certain pathways).
2. The current age limit can adversely impact on some 457 visa holders who would otherwise seek to transition to permanent residence. This has, for instance, resulted in some skilled tradespeople with extremely valuable experience being prevented from becoming permanent residents because of this bar.
3. In the resource industry, the current permanent skilled migration age thresholds have also worked to exclude a volume of experienced professionals who may wish to transition to permanent residence.
4. Enabling employees who are over the age of 50 to transition to permanent residence, as canvassed in the discussion paper, would ensure their skills, knowledge and experience remain in Australia and, as an added benefit, can be passed on to local workers.
5. For this reason, AMMA members support an increase in the current age threshold in the permanent migration framework from 50 to 54 years of age.
6. For employees who are above 54 years of age, AMMA supports a discretionary waiving of the age criteria for applicants who can demonstrate their value to the Australian workplace and community. This could be done by reference to factors such as salary, experience and specialised skills, to name a few.

# English language proficiency

7. As the Department's discussion paper points out, English language proficiency has traditionally been used in selecting skilled migrants on the justification that greater English language proficiency results in stronger labour market outcomes.
8. One of the options being considered by the current review is allowing industry to have more say over the minimum level of English language proficiency required for certain occupations.
9. AMMA strongly supports this approach.
10. Whilst personal safety in the workplace is of paramount importance to resource industry employers, it would not be undermined by the possible changes to English language proficiency that are flagged in this submission, and all workplace health and safety obligations on employers would be unaltered as part of this review.
11. AMMA notes that the 457 integrity review panel's final report, *Robust new foundations – A streamlined, transparent and responsive system for the 457 programme*, recommends increased flexibility in the area of English Language proficiency for the 457 programme.
12. The review panel suggested at Recommendation 7 that:
  - a. The English language requirement be amended to an average score of 5 across all competency areas rather than a strict score of 5 in each competency area. AMMA supports this approach.
  - b. Greater flexibility be provided for industries or businesses to seek concessions to the English language proficiency requirements. AMMA supports this, subject to appropriate safeguards.
  - c. Consideration be given to alternative English language test providers. AMMA supports this provided the alternative English language testers are appropriately credentialed. The inclusion of alternative providers would help logistically as some AMMA members have reported difficulties booking applicants in for tests in a timely manner as there can sometimes be waiting periods.
  - d. Consideration be given to expanding the list of nationalities that are exempt from the English language testing requirements. AMMA supports this, subject to appropriate safeguards.
  - e. Consideration be given to replacing the current exemption to English language testing that requires five years' *continuous* secondary or tertiary study in English with one requiring five years' *cumulative* study in an educational institution where the language of instruction is English. AMMA supports this as a practical measure that takes into account a

cumulative exposure to study in English rather than the unnecessarily restrictive continuous study requirement.

13. With the above recommendations in mind, some of which the Federal Government has signalled it supports, AMMA recommends an open and transparent dialogue and appropriate reforms in this area as canvassed by the integrity review under the 457 scheme. Such changes could be rolled out across the skilled migration framework to make the system more practical and accessible and more consistent in regard to language between the different visa types, taking into account onsite and occupational requirements.

### **English language requirements by occupation**

14. As proposed in the government's discussion paper, AMMA and its members support industry having more scope to determine the English language proficiency requirements for prospective migrants to work in Australia depending on the occupation.
15. AMMA supports flexibilities applying to particular occupations given that the current broad approach does not cater to regular industry requirements where technical and scarce skills are needed and advanced English language proficiency is not a prerequisite for performing a required role.
16. In AMMA's view, English language proficiency should be able to be demonstrated in various ways depending on the occupational classification and / or the skill level for the occupation (importantly, to be determined with industry input).
17. There is anecdotal evidence to suggest that some much-needed skills sets are not making it into the permanent Australian skills pool via permanent residency because those possessing valuable skills would not pass the English language requirements for permanent residency, despite having worked in Australia for five or more years.
18. Using a specific example from AMMA's membership base, diesel mechanics from countries where English is not the first language but whose skills are in great demand locally can experience difficulty transitioning to permanent residency despite Australia having benefited from their skills for years on a temporary skilled migration visa, and the workers having a clear path of ongoing employment in the event permanent residency was achieved.
19. AMMA supports a further discretionary component to the English language requirements for permanent residence where proficiency of an individual's English language ability has been demonstrated throughout their dealings in the Australian workplace and no obstacles or problems have arisen during that time. Work in an Australian workplace with English speaking peers for some period is a demonstration of capacity to work safely and in accordance with employer directions and safe work procedures.

# Skills assessments

20. Some visas within Australia's skilled migration programme require potential migrants to obtain a skills assessment.
21. As part of this review, consideration is being given to the current and future roles of assessing bodies and peak industry bodies in determining minimum skills requirements for prospective migrants to work in Australia.
22. Going forward, AMMA sees the role of skills assessment and peak industry bodies as an important one in ensuring migrants have the necessary skills at the required Australian industry standard before they commence work in Australia, or before they obtain permanent residence, in order to protect the scheme from the risk of fraud and corruption.
23. However, flexibilities that AMMA would like to see introduced into the skills assessment area include:
  - a. Greater transparency of assessment criteria;
  - b. Set assessment / processing timelines;
  - c. Streamlined documentation requirements in this part of the application process where documents have already been provided in others parts (or vice versa); and
  - d. Greater recognition of relevant employment experience in lieu of formal qualifications.
24. AMMA maintains the greatest value the skills assessment bodies provide is to take up some of the regulatory burden for employers and reduce the time, costs and documentation in the already time-consuming, costly and document-heavy skills assessment process.
25. Having said that, delays can be experienced in this area so streamlining of processes where possible without losing value would be of great benefit.
26. In short, it is important that the skills assessment process, where it is required, is as streamlined as possible with minimal bureaucracy and is practical, transparent and client-focused for its employer users. The continued independence of assessment bodies from the outcomes of their assessments is crucial to the ongoing integrity of the scheme.

# Occupation lists

27. Skilled migration programmes can require prospective migrants to nominate an occupation from a defined list prior to lodging a visa application or submitting an expression of interest in SkillSelect.
28. The Department of Immigration & Border Protection uses two occupation lists – the Skilled Occupation List (SOL) and the Consolidated Sponsored Occupation List (CSOL) for this purpose.
29. Currently, occupations on the SOL and CSOL are only comprised of occupations that fall within skill level 1 to 3 in the Australia and New Zealand Standard Classification of Occupations (ANZSCO) published by the Australian Bureau of Statistics, with a minimal number of skill level 4 occupations.
30. As AMMA pointed out in its [submission](#) to the 457 visa integrity review, the occupations lists are currently working well to meet resource industry needs, with some notable emerging exceptions that need to be addressed.

## Emerging occupational skills gaps

31. Recently emerging skills gaps underscore the need for the skilled migration occupation lists to be regularly reviewed and amended to ensure they remain consistent, relevant and responsive to industry requirements for skilled labour.
32. For example, AMMA would like to see the occupation of “scaffolder” added to the current CSOL occupations list. Three years ago it was not difficult to find experienced scaffolders locally to work on resource and construction projects but now they are very difficult to source. This is one area of emerging local skills shortages that could quite legitimately be filled from overseas in the absence of sufficient Australian labour.
33. Another example of a skilled occupation in high demand that is not on the current occupations list is locomotive drivers operating in remote areas in the mining industry.
34. These are just two occupational examples showing why the current lists must be reviewed regularly and made as flexible and responsive as possible to adapt to changing industry needs and domestic labour supply.
35. The lists also need to be reviewed and updated to take into account new occupations and emerging technologies.
36. Any inability or delay by resource industry employers to fill their skills gaps will result in the deferral and / or delay of important projects that are in the national interest. A key outcome of this review process should be ensuring this does not occur.

## Research and monitoring

37. AMMA supports continued research and evidence from industry to help inform the occupations lists going forward.
38. Perhaps in addition to the current inclusionary list of occupations there could be a mechanism whereby a particular occupation is temporarily included to ensure important projects are not delayed while providing an opportunity to review the long-term need for that occupation. This could be done by way of a ministerial or regulation-making power, for example.
39. As flagged in the Department's discussion paper, AMMA supports an evidence-based approach to industry skills shortages. Where there is evidence that certain skills cannot be found locally for certain projects, the occupations lists should be varied in a timely manner to include them, whether temporarily or permanently.
40. AMMA understands that with the inclusion of additional occupations in the migration programmes, closer monitoring of visa holders may be warranted in some occupations to ensure people are actually performing the nominated role. This would be important in ensuring the continued integrity of the scheme.
41. Particularly for less skilled 'skill level 4' occupations, we strongly support evidence-based criteria in respect of such occupations whereby evidence from employers about skills shortages can be used to make timely additions to the list from skill level 4, even if only on a temporary basis pending annual reviews.
42. It will be important that evidentiary requirements are clearly communicated to industry to ensure a smooth and responsive process of information that delivers additional occupational access in a timely manner where required.
43. In summary, while ANZSCO is on the whole likely to remain the best basis for listing occupations for the skilled migration stream going forward, there must be flexibility to adapt the list to changing conditions.

# Points test

44. The points test has been used for the past 25 years as a mechanism to select skilled migrants who offer the most economic benefit to Australia through the award of points for their “human capital”.
45. In Australia, points can be awarded for factors including age, English language ability, employment experience, qualifications completed in Australia, other educational qualifications, and bonus factors such as regional Australian study.
46. In AMMA’s view, the current points test is too restrictive and Australia is potentially missing out on many skilled and experienced overseas workers that could join the Australian workforce and grow our economy and job opportunities across the labour market.
47. The points test could be made more flexible and relevant and impose fewer unnecessary burdens on migrants and their sponsors by focusing on employment experience above other criteria such as age.
48. The two elements of human capital that should be given the most weight from the current points test are, in order, employment experience and educational qualifications.
49. Age is the least relevant criterion for the points test in AMMA’s view.
50. Strong threshold criteria already exist under the independent skilled migration programme (subclass 489, 189, 190) that includes skills assessment, evidence of competent English language and evidence of qualifications and skills, all of which provide a strong basis for the “best and brightest” to offer their abilities to the Australian workforce without also having to meet a points test.

## **How the points test currently operates**

51. The points test and current expression of interest (EOI) systems impose cumbersome steps that cost time, effort and applicants’ funds while providing little certainty of receiving an invitation to make a visa application following lodgement of their EOI.
52. A points test visa applicant must first undertake a skills assessment, meet the relevant English language threshold and provide detailed documents confirming relevant employment in the skilled occupation when submitting an EOI (in some cases including a positive State Sponsorship). It is then at the government’s discretion whether to invite the applicant to apply for the relevant points-tested visa, in many cases several months later.
53. A strengthened threshold criteria as part of the visa application could eliminate the uncertainty of the current points system, whilst balancing the lesser weight of age with the greater weight that should be given to skills and experience.

# Sponsorship and nominations

54. Sponsorship and nomination currently play a central role in Australia's migration programmes, particularly within the skilled migration and certain 400 series visa programmes.
55. The role and type of sponsorship and / or nomination required by a prospective migrant will differ depending on the visa for which they are applying.
56. AMMA notes that the 457 integrity review panel at Recommendation 10 proposed that:
  - a. Standard Business Sponsors be approved for five years (up from three) and start-up business sponsors be approved for 18 months (up from 12). AMMA notes the Federal Government has supported the latter proposal for start-up sponsors but not explicitly the former. AMMA supports both.
  - b. As part of the government's deregulation agenda, the department develop a simplified process for sponsor renewal.
  - c. The department consider combining as many sponsorship classes as possible.
  - d. When more detailed information is available, the department investigate the alignment of overseas business and labour agreement sponsorship periods with the general Standard Business Sponsorship approval period.
  - e. The timeframe for the sponsor to notify the department of notifiable events be extended from 10 days to 28 days after the event has occurred.
  - f. The department explore options that would enable the enforcement of the "attestation" relating to non-discriminatory employment practices (AMMA's understanding is this would mean an employer sponsor's statement that they have not engaged in discriminatory employment practices would be monitored and enforced).
  - g. It be made unlawful for a sponsor to be paid by visa applicants for a migration outcome and this be reinforced by a robust penalty and conviction framework.
57. AMMA in-principle supports all of the above recommendations in the context of the skilled migration programme generally but would be assisted by seeing further details.
58. A key requirement for AMMA members remains a streamlined system for processing intra-company transfers, as highlighted in AMMA's submission to the 457 integrity review. Whether the streamlined system takes the form of additional exemptions to the current sponsorship criteria or a separate subclass

for intra-company transfers, this is something AMMA would be happy to provide further input on. This is a priority issue for AMMA members.

59. AMMA notes that the 457 review panel's proposed three streams of processing under the 457 scheme may well be intended to fix problems in relation to the lack of a streamlined process for intra-company transfers. Again, AMMA in-principle supports such an approach and looks forward to further detail and discussion of specific proposals.
60. AMMA also advocated in its submission to the 457 review that accredited sponsors with a strong track record of compliance and rigour should enjoy more streamlined processing and administrative requirements generally, having proven they are trusted and reliable users of the system. AMMA believes this principle should apply broadly across the skilled migration framework.

### **The current sponsorship regime**

61. AMMA's view on the requirement for sponsorship as part of the skilled migration programme is that it importantly maintains a set of threshold criteria to enable an assessment as to whether a business is suitable to sponsor and employ a foreign worker. AMMA considers this to be important to the integrity of the skilled migration programmes. Additionally, the associated sponsorship obligations are important to ensure good outcomes for the non-Australian worker, ie. that they work only in their nominated occupation and receive appropriate working conditions that are at least equivalent to those received by Australian employees.
62. But while the existence of a sponsorship framework is valuable, the current system in many cases takes far too long to navigate and the sheer volume of red tape required often prevents smaller businesses in particular from benefiting from overseas labour.
63. The sponsorship system, if retained, must be made far less bureaucratic than it is today. This would be consistent with the government's deregulation agenda. AMMA acknowledges that sponsorship comes with responsibilities but maintains that should be balanced by having a faster and more user-friendly system, particularly for regular and trusted users.

### **Nominations**

64. Similarly, if the current nominations scheme is retained on the basis that employment outcomes for visa applicants remain optimal, it is important to ensure the overall scheme is aligned with industry needs to the greatest extent possible and the system operates practically, efficiently, consistently and accessibly.

# Processing times and consistency

65. By way of a general comment, AMMA believes that online visa application processing should be the norm worldwide and that paper-based application processes should be eliminated due to the risk of applications being lost in the mail or causing undue delays.
66. In general, processing times for 400 short-stay activity visas should not exceed 48 hours given the need for this system to be responsive based on the short duration of the visa as it currently stands. Electronic processes would facilitate this.
67. At present:
  - a. It can take longer to obtain a 400 visa that lasts up to three months than it takes to obtain a 457 visa that lasts up to four years.
  - b. In some cases, processing times for the 400 visa exceed the actual time the visa holder spends in Australia.
68. This is obviously far from ideal and is in need of remediation.
69. It should not depend on which office an application is sent to as to how long it will take to process and what the outcome will be. Greater consistency is needed for employers in order for them to retain confidence in the system.

# Short-term migration

70. There are a number of visa pathways available under the 400 series visa programme that provide short-term migration to Australia to allow participation in a range of work and other activities. The temporary work 400 short-stay activity visa is one of those visas.
71. The Department's discussion paper proposes a new short-term visa framework be developed that takes a flexible and responsive approach to prospective visa holders and their sponsors. AMMA supports this proposal.
72. AMMA particularly supports the proposal that short-term visa requirements be determined on the basis of factors including:
  - a. The activity the skilled migrant will engage in;
  - b. The location in which they will work;
  - c. The duration of the activity;
  - d. The minimum level of English language proficiency required to ensure safety and integration into the community;
  - e. The experience and education required; and
  - f. Sponsorship requirements.

## **Shortfalls in the current 400 visa**

73. AMMA strongly supports the proposal for more flexible visa validity periods based on the activity the prospective migrant seeks to undertake in Australia. AMMA also supports a longer validity period and the ability for multiple entries, including multiple individual entries by different staff, being allowed under visas where they are not currently allowed, such as under the 400 visa.
74. AMMA maintains that a short-stay activity visa should be allowable for an entire crew of employees if they are on a short-term project rather than having to individually apply for a raft of individual 457 visas which is onerous and expensive.
75. The current system is causing operational issues as the 400 visa does not accommodate the common practicalities of our industry's global staffing requirements, and the 457 programme is not sufficiently practical and is a time-consuming and cumbersome process to undergo where relatively short stays are involved.
76. By way of example, some AMMA members would like to bring in one person from their company operations overseas to work on an Australian resource project for six weeks, followed by another person coming out for a subsequent six-week period to perform the same role (and this is logical for the employees who want to return home to their families).

77. Under the current eligibility requirements, the 400 visa is not intended for work in an “ongoing position”, which the above scenario would be, even though it is a series of separate employment periods rather than one ongoing one. This means that scenarios that might otherwise fall within the 400 visa eligibility are forced into the much more onerous 457 visa framework due to a lack of practicality and flexibility, a situation which this review has an opportunity to fix.

### **A new supplementary visa**

78. Ideally, the existing 400 visa would be freed up to accommodate the above types of scenarios by allowing multiple entries during the existing three-month period. Failing that, another visa should be created that stands between the 400 and the 457 visa in terms of eligibility requirements, sponsorship obligations and duration.
79. This new type of visa could lie somewhere between a one-off entry for three months and multiple, rotating entries (including for different staff) for a maximum of four years. If the 400 visa was expanded to make this possible, as well as ideally being extended to six months instead of three, or a new visa category was created, it would go a long way towards bringing some practicality and workability into the current system for resource industry employers and addressing the practical issues identified throughout this submission.
80. Also, the process for short-term migration visas under the 400 series programme, particularly the 400 short-stay activity visa, needs to be able to be performed online and made consistent worldwide. Ideally the short-stay activity visa would also be able to be applied for within Australia rather than having to be applied for from overseas.
81. AMMA members find the documentation required under the current 400 visa to be onerous, particularly where a bulk number of visas are required for a short-term project requiring highly-specialised skilled workers not found in Australia.
82. AMMA supports having to provide documentary evidence of the project together with a list of the entire staff who will require short-stay activity visas in one application as a more streamlined and efficient approach than multiple visa applications with accompanying individual letters of invitation required for each visa applicant, provided extra people can be added to the application later on if necessary.
83. Unfortunately, for some AMMA members, the 400 visa programme appears to be more complicated, time-consuming and confusing than the 457 programme. The 400 stream as it currently stands largely ignores the fact that global businesses have internal specialists who need to travel to Australia at short notice and may require multiple entries to see a project through to completion over an extended period (ie. six, 12 or even 24 months). These specialists are not displacing Australian employees but rather contributing to their employment.
84. For the above reasons, AMMA suggests either exemptions from some of the more onerous visa requirements where an employee is coming to Australia as

an intra-company transfer for a short time, or the creation of a separate visa pathway or subclass for intra-company transfers that enables the whole process to be streamlined.

85. In lieu of creating the separate visa types suggested above, AMMA would support the injection of more flexibility in the existing programmes to cater for a greater range of scenarios than is currently the case, especially where risk is low and the sponsor / applicant is from a high-trust industry such as the resource industry.

# Ongoing dialogue

86. As this submission is in response to an initial stage of consultation by the government on Australia's skilled migration framework, AMMA welcomes an ongoing dialogue on any or all of the issues raised in this submission as well as in response to further specific proposals the government might take up as part of this review.