

# NEWSLETTER 132

## TRADES RECOGNITION UPDATE - AUTOMOTIVE OCCUPATIONS

TRA will begin making modifications to its OSAP and Migration Skills Assessment (MSA) programmes after consulting with assessors across the organization, stakeholders, TRA-approved Registered Training Organizations (RTOs), and representatives of the automobile industry.

### Removal of OSAP countries of passport

The leading change will be to remove countries of passport for automotive occupations from the OSAP program where those countries do not correspond with countries of passport for those occupations listed under the TSS program. This change was agreed to following engagement with automotive industry representatives regarding skills assessments and countries that have similar qualification standards to Australia, together with TRAs desire for consistency.

This change will allow qualified applicants from 1 April 2023 to choose between the MSA (offered in-house by TRA) or an OSAP assessment for the occupations and countries of passport listed below.

The occupations and countries of passport in scope are:

#### Occupations:

Automotive Electrician [321111]

Motor Mechanic (General) [321211]

Panel beater [324111]

Vehicle Painter [324311]

Diesel Mechanic [321212]

#### Countries of passport:

China | Ireland | Sri Lanka | United Kingdom



## RESOLUTION OF STATUS - DEPARTMENT REPLY

The use of appropriately competent migration practitioners and the Resolution of Status process for SHEV/TPV holders were both misguided.

The Department wanted to make it clear that applicants might contact government-funded service providers for free advisory services if they were unable to pay for them or did not want to. Every applicant has a right to proper professional representation, according to the Department.

## MIGRANT JUSTICE INSTITUTE - MIGRANT WHISTLEBLOWER PROTECTIONS

There was a media coverage this week of the Migrant Justice Institute and Human Rights Law Centre national coalition proposal Breaking the Silence: Proposal for Whistleblower Protection to enable migrant workers to address exploitation. Further information on the background and the proposal is available below and on the Migrant Justice Institute's website.

Breaking the Silence - Proposal summary

## **MIGRATION TASMANIA NOMINATION UPDATE FOR SKILLED VISAS IN 2022-23**

**Skilled Nominated (subclass 190) visa: 2000 places**  
**Skilled Work Regional (subclass 491) visa: 2250 places**

Nomination allocation and usage (as at 20 February 2023)

Skilled Nominated (subclass 190) visa:  
Nominations - 1117 of 2000 places used  
Unfinalised nomination applications - 185  
Invitations issued but not yet accepted - 184

Skilled Work Regional (subclass 491) visa:  
Nominations - 822 of 2250 places used  
Unfinalised nomination applications - 360  
Invitations issued but not yet accepted - 277

## **SC 485 EXTENDED POST STUDY RIGHTS**

A list of eligible occupations and eligible qualifications have been released, targeting health, teaching, engineering and agricultural fields.

The extended work rights come into effect from 1 July 2023. Current settings will be increased by two years for each graduate level, from:

- two years to four years for select Bachelor degrees
- three years to five years for select Masters degrees
- four years to six years for all Doctoral degrees.

Existing regional and remote Australia settings will be maintained and where relevant will be eligible for the additional two years.

### **Eligible Occupation list**

## **DISCUSSION OF MINISTERIAL ADVISORY COUNCIL ON SKILLED MIGRATION**

## **NEW SOUTH WALES OCCUPATION LIST UPDATED**

The New South Wales government has updated its occupation list, The latest update comes as of 21 February 2023, Occupation List:

<https://www.nsw.gov.au/visas-and-migration/skilled-visas/nsw-skills-lists>



## **TRANSITIONAL ARRANGEMENTS - TWO YEAR SC 408 VISAS**

Temporary Graduate Visa (TGV) holders whose visas expire/d between 1 September 2022 and 1 July 2023 may apply for an extension of their work rights using a Temporary Activity SC 408 COVID-19 Pandemic event visa with two years validity.

Temporary Graduate Visa holders who were in Australia throughout the pandemic period and are therefore not eligible for the TGV Replacement stream, may also be eligible for the SC 408 visa with two years validity.

## **REGIONAL OCCUPATION LIST - SC 186 TRT WORKAROUND UPDATE**

Applicants wishing to lodge applications for Employer Sponsored Subclass 186 TRT stream visas for occupations on the ROL that are not appearing in the ImmiAccount drop-down menu, are advised that the Department has provided further information on the workaround process.

The Department has further advised that practitioners must first contact ImmiAccount Technical Support to obtain authorisation to use the workaround.

The updated procedure is:

1. Commence a Subclass 186 TRT application, saving after the first page to obtain a TRN.

Contact ImmiAccount Technical Support using the online form and provide the TRN of the impacted application and the desired ANZSCO code and request authorization to use the workaround.

2. On page 3 of the ImmiAccount application select any ANZSCO code from the drop down menu - this will allow you to continue with the application.

3. Once the application has been lodged, complete the Notification of incorrect answer(s) form providing the incorrect code chosen and the correct code.

4. Once you have completed the form please contact Technical Support and they will notify the ENS area who will then update the code in the system.

## **SKILLED MIGRATION VISAS HOLDERS - FACILITATION NOTICE**

If the visa holder were outside Australia when granted with one of the Skilled visas then the visa grant was subject to visa Condition 8504 which provides that:

The holder must enter Australia as the holder of the visa to which the condition applies before a date specified.

This condition requires that each visa holder must make their first entry into Australia before the “For first entry, arrive by” date specified in the “Grant Notification” letter.

### **Visa Validity Period**

If visa holder was not able to make their first entry into Australia before the “For first entry, arrive by” date they can use the Notice when they travel to Australia during the validity period of the visa. Information about visa validity period is specified in the “Grant Notification” letter, as the “Must not arrive after date”. Generally, visa holders will be permitted to make their first entry into Australia at any time before the “Must not arrive after” date.

### **Travelling to Australia**

The visa holder should carry a copy of this notice when travelling. They may need to show it to the travel provider or the airline when checking in at the airport, and to the border officer on arrival in Australia.

This notice should be sufficient evidence for a travel provider to be satisfied that the visa holder can enter Australia as the holder of a Skilled Migration visa.

### **Children born outside of Australia**

A child born outside of Australia (where neither parent is an Australian citizen) must hold an Australian passport or a valid visa before they can travel to Australia.

## **RUGG-RYAN MEDIATION FAILS, COULD ‘OPEN THE DOOR FOR FURTHER LITIGATION’**

A case brought by a former staffer against an independent MP may be a test case for determining what constitutes “reasonable” overtime hours — a decision set to impact all employees in the labour market.

Independent member for Kooyong, Dr Monique Ryan, has been brought into a legal battle by her former chief of staff, Sally Rugg, who claims she was fired for refusing to work “unreasonable” hours.

Mediation has failed to resolve the legal dispute.

She is calling for an injunction to stop Dr Ryan from terminating her employment.

## **ASIC BRINGS FIRST COURT ACTION ALLEGING ‘GREENWASHING’**

The corporate regulator is commencing civil penalty proceedings against alleged greenwashing conduct, involving the supposed making of misleading statements and engagement in conduct that could mislead the public about sustainability.

ASIC has previously issued over \$140,000 in infringement notices in response to concerns about alleged greenwashing, including against Tlou Energy Limited, Vanguard Investments Australia, Diversa Trustees Limited and Black Mountain Energy.

The court has yet to schedule a date for the first case management hearing.