

REVIEW OF THE MIGRATION SYSTEM - FINAL REPORT 2023

The comprehensive Final Report 2023 of the expert Panel responsible with reviewing the migration system was published last week. As the Review Panel had 8 Roundtable meetings with pertinent stakeholders and about 500 written responses were received.

The final report including:

- Moving to longer term migration planning periods
- Simplification of the visa classes - rather than fewer visas but more streams
- Allowing state and territories greater role in decision making
- Selecting talent with higher human capital potential
- Changes to, but the retention of the Global Talent
- Removal of Labour Market Testing
- Discontinue the use of occupational skills lists
- Allowing temporary workers to move between jobs to prevent exploitation
- Employer fees, ie SAF, to be paid monthly - particularly to defray costs for small businesses
- Direct PR for certain graduate visa holders
- Settlement and integration programs for migrants
- Streamline skills recognition and increase the consistency of processes
- Phased (transitional) legislative reform

Australia - UK Free Trade Agreement

Prime Minister Albanese announced that the [A-UKFTA](#) will come into effect on 31 May 2023.

While certain information was disclosed in the media release, others seem to still be up for discussion.

- A framework for professional bodies to agree to streamline licencing procedures to facilitate the movement of qualified professionals between Australia and the UK is currently available, and
- within two years of the law's implementation, Australians will be able to apply for working holidays in the UK up to the age of 35 and stay for a maximum of three years rather than two.

It is not yet known whether or how the agreement will handle LMT or the abolition of the necessity for regional work for UK Working Holiday Makers.

Aged Care Labour Agreement announced

This is a good news for all who are working in the following occupations in an aged care industry:

- Nursing Support Worker (ANZSCO 423312)
- Personal Care Assistant (ANZSCO 423313)
- Aged or Disabled Carer (ANZSCO 423111)

You can now be eligible for permanent residency pathway through subclass 186 or subclass 482.

To access an Aged Care Industry Labour Agreement, the employer must first *enter into an MoU with a relevant industry union(s)* - the Australian Nursing and Midwifery Federation, the Health Services Union or the United Workers Union.

The [Aged Care Labour Agreement](#) is available on the Department's website.

Expanded pathways to permanent residence

By the end of 2023, the Temporary Residence Transition (TRT) stream of the Employer Nomination Scheme SC 186 will be amended.

- All Temporary Skill Shortage (TSS) SC 482 visa holders will be eligible for ENS visas sponsored by their employers.
- Applicants will need to continue to work in the occupation nominated for their TSS visa(s).
- Sponsored visa holders will be eligible for ENS TRT after two years (down from three years) of sponsorship on a TSS by their employer.
- Applicants will need to meet all other nomination and visa requirements for the TRT stream of the Employer Nomination Scheme visa.
- The limit on Short Term stream TSS visa applications that can be made onshore has also been removed in the interim.

These announcements will assist both employers and visa applicants.

NZ Citizens' Direct Pathway to Australian Citizenship

The Minister declared that certain New Zealand nationals will be entitled to apply for direct Australian citizenship starting on July 1, 2023, with little other notice than the suspension of procedure.

There are also unanswered questions regarding the specifics of the procedure, such as how NZ citizens' SC 461 VH partners will be handled and whether refunds will be offered to those NZ citizens with pending SC 189 NZ stream applications.

TSMIT increase

TSMIT will increase from \$53,900 to \$70,000 on 1 July 2023.

New nominations lodged ON or AFTER that date will be required to meet the new TSMIT of \$70,000 or the annual market salary rate, whichever is higher.

Applications lodged BEFORE 1 July 2023 will not be affected.



Migration program and settlement services

This Budget will:

- Deliver on the Government's election commitment to increase the Temporary Skilled Migration Income Threshold (TSMIT). After being frozen for a decade, the TSMIT will be raised from \$53,900 to \$70,000 from July 1, ending the suppression of wages under the former Liberal Government for both migrant and Australian workers.
- Providing an extra two years of post-study work rights to Temporary Graduate visa holders with select degrees, to improve the pipeline of skilled labour in key sectors
- The Government will also provide an additional \$48.1 million over 12 months to support 500 visa processing officers. This will continue efforts to manage the number of visa applications on hand. Invest \$27.8 million over two years to upgrade existing visa ICT systems to improve visa service delivery efficiency and increase Australia's attractiveness in the global race for talent, students and tourists.
- Continue support for vulnerable young refugees and migrant, with \$9.1 million over 12 months to ensure the continued delivery of Youth Transition Support services, which improve employment, education and social connections for refugees and vulnerable migrants aged 15 to 25.

Migration, Pathway to Nation Building - Inquiry

In addition to requesting that the Joint Standing Committee on Migration (JSCM) of the Senate launch a separate investigation into the contribution of long-term migration to nation-building known as Migration, Pathway to Nation Building, Minister O'Neil also initiated

Small Claims Review Inquiry

The Department of Education and Workplace Relations has also launched a review into the effectiveness of the Fair Work Act small claims procedure, as recommended by the 2019 Migrant Workers' Taskforce Report (recommendation 12). That report found that the Fair Work Act small claims procedure, as operating at that time, had limited uptake by migrant workers due to its complexity, associated costs and length of matters.

This finding was echoed in the Senate Economics References Committee's 2022 inquiry report: Unlawful underpayment of employees' remuneration.

Medibank class action brought by Slater & Gordon was put on hold.

As the Australian Information Commissioner "backflips" on its decision to examine a representative complaint filed by a rival firm late last year, the Federal Court has temporarily postponed Slater & Gordon's Medibank class action.

Despite strong protests from Slaters that it would be interpreted as the Federal Court supporting Maurice Blackburn's class action because their firm appeared at the table earlier, Justice Jonathan Beach issued an order for the temporary stay on Friday morning.

Class action filed on behalf of alleged victims of IG Markets CFD products

BigLaw firm Piper Alderman and litigation funder Omni Bridgeway have commenced proceedings on behalf of alleged victims of IG Markets contracts for difference (CFD) products- a type of financial product that has been described by the Federal Court of Australia as "financial heroin hits".

Piper Alderman and Omni Bridgeway have filed a class action against IG Markets Limited on behalf of up to 20,000 Australian investors who allegedly have collectively lost hundreds of millions of dollars trading controversial financial products called contracts for difference.

ASIC has also successfully brought proceedings against a number of CFD licensees operating in Australia in relation to historical conduct, with penalties awarded in excess of \$75 million.

CFDs have also been banned in some other countries, including the US, and are likened to gambling on financial markets.

The Federal Court of Australia has described these products as "financial heroin hits" in the hands of unsophisticated retail investors.

ASIC data suggests that the total losses for retail investors with IG Markets is over \$800 million.