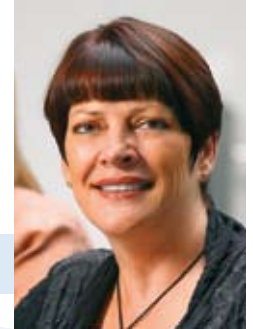


# human connections

| ISSUE 4 OCTOBER 2009 |

## Impact of latest changes on oil & gas sector a concern



➤ 'One size fits all' approach not the solution

The latest round of changes to the Subclass 457 temporary worker visa program could have a severe impact on getting visas approved in a timely manner to meet WA's resource requirements according to ISA Group Director Jackie Hill.

"The changes, which came into effect on 14 September, are in response to the global financial crisis but using a wholesale blanket approach has not considered the needs of the oil and gas sector—one of Australia's biggest growth industries," said Jackie.

"The 'one size fits all' prescriptive processes are making it difficult to lodge applications, especially as the detail of many of the changes was not provided until the day of the changeover."

The changes, which include a requirement to pay overseas workers the same salary and terms and conditions as Australian workers, have impacted many pending applications already lodged with the Department of Immigration and Citizenship (DIAC).

"Sponsoring companies have had to access information not previously costed into a visa applicant's assignment package to demonstrate that the visa applicant's earnings will be comparable to an Australian working in a similar role.

"There are cases in the oil and gas industry where there may be no or few

Australians working in highly specialised roles, which makes it very difficult for employers to demonstrate that they will pay according to Australian 'standards' because comparisons are not possible.

"Delays caused by sorting these matters out could greatly impact on project schedules in Australia which could cost tens of thousands of dollars," said Jackie.

Another change is the requirement for all 457 visa holders to provide their own health insurance. Previously the obligation fell upon employers to cover the cost of public hospitals and medical expenses.

"This requirement for visa applicants to provide their own health cover needs to be communicated by employers, who may need to consider having arrangements in place to offer payroll deductions to a health fund."

DIAC are using the 457 program as a pathway to permanent residence. This approach has created changes that do not support offshore construction and operations companies that fly in/fly out 457 visa holders for specific assignments, and who have no intention of staying in Australia permanently.

Although 457 visas can still be issued for up to four years, DIAC has changed the minimum validity from three months to one day, which impacts on the ability to use the Subclass 456 Short Stay Business Visa or its electronic equivalent for short work duration of up to six weeks. This visa is for business trips and has a very limited work condition, which in the past has been used for short work assignments.

"The recent changes will make it much more onerous for offshore and local

*Continued on next page...*

## A healthy choice

ISA Group's health partner, HBA, can provide assistance to employers and employees regarding the implications of recent immigration changes on health insurance.



For more information contact Kevin Neal at HBA on Tel (08) 9323 3735 or email [kevin.neal@bupa.com.au](mailto:kevin.neal@bupa.com.au)



See inside:

Second birthday milestone - page 4

Opportunities abound in WA's north - page 5

Expanding our reach - page 6

  
ISA Group  
human connections

operators to undertake work in Australia, which could have a significant impact on projects such as Gorgon and Pluto," said Jackie.

ISA Group is lobbying industry groups and government to raise the special circumstances of the offshore oil and gas industry.

"We believe there is a case for some flexibility under the current system that will streamline the issuing of visas for the oil and gas sector," said Jackie.

"In the interim, we are working to heighten the awareness to businesses to plan their visa requirements well in advance of project needs."

## Subclass 457 program changes – a snapshot

Changes that came into effect from 14 September 2009 include:

- Remuneration needs to meet the 'market rate', i.e. where an employer has Australians working in the same occupation they need to pay the subclass 457 visa holder the same salary.
- Minimum salary level has been replaced with the Temporary Skilled Migration Income Threshold (TSMIT). The commencing TSMIT is \$45,200, but if a market rate in the workplace is lower than this amount, the nomination will be refused. For example, if the market salary rate for an occupation is \$39,500 — that is, this is the amount paid an Australian in the employer's workplace — then the nomination would normally be refused as the salary is below TSMIT. Even if the sponsor offered the nominee a salary of \$45,220, the nomination could still be refused as DIAC compares the market salary rate to TSMIT, not the salary proposed.
- Transitional period of existing Subclass 457 visa holders to be brought in line with changes by 1 January 2010. Employers need to be actively working on this to ensure they will be compliant.
- All 457 visa holders are now required to maintain adequate arrangements for health insurance for the duration

of their stay in Australia. A business sponsor can cover this cost by arrangement with the employee.

- Greater reporting and compliance obligations on the part of the business sponsor. In addition, sponsors will face a greater likelihood of audits and/or requests for information.

Other recent changes include the introduction of skills testing for certain trades in nominated countries (see story page 4).

## ISA Group's services

ISA Group can assist business sponsors to comply to the latest raft of changes. We provide a comprehensive monitoring and compliance service that enables a sponsor to ensure they meet all of their sponsorship obligations.

We can assist with salary reviews and comparisons to ensure that employers are providing overseas workers with the same pay and conditions. Our in-house HR expertise can also be used to review or establish HR systems.

Failure to meet sponsorship requirements can result in heavy fines and a ban on sponsoring workers.

For more information contact Jackie Hill on Tel (08) 9346 8888 or email [jackie@isa.com.au](mailto:jackie@isa.com.au)

## Contact us

ISA Group Suite 5,  
Level 1 40 Hasler Road  
Osborne Park WA 6017

PO Box 740 West Perth WA 6872  
Tel: +61 8 **9346 8888**  
Fax: +61 8 **9346 8899**

[info@isa.com.au](mailto:info@isa.com.au)  
[www.isa.com.au](http://www.isa.com.au)



## New money manager

ISA Group welcomes Brian Pilosof as its new financial controller. Originally from Zimbabwe, Brian—a qualified chartered accountant—brings a wealth of experience across many industry sectors and countries to the role.

"I have been fortunate to work in interesting industries including agriculture, manufacturing, import/export and agro-industries. In Australia, most recently I worked for the Griffin Group," said Brian.

Brian is excited by the opportunity to work at ISA Group and believes his own experience will serve him well in his new role.

"As someone who made the decision to move to Australia, I can identify with our clients and relate to what they are going through."

Brian and his family, wife Deirdre and their three children, are great examples of people who have successfully made the transition to the Australian way of life.

"We love it here," Brian enthuses.

"Living here is wonderful and Perth is a great place for family life."

# Back to uni for Ian

ISA Group registered migration agent Ian Tallentire felt right at home when he addressed international students at his alma mater, the University of Western Australia (UWA), recently.

Ian, together with ISA Group colleague Chris De Sousa, addressed about 60 students at an information seminar on visa options available to international students to remain in Australia once they have completed their studies.

"I always enjoy visiting UWA and it is particularly satisfying to be able to impart information that is relevant to so many students," said Ian who studied law at UWA in the 1980s.

Ian worked as a lawyer in private practice for seven years before deciding to specialise in migration law and become a migration agent.

"There was a risk that specialising in one particular area could be limiting, but I didn't need to worry. Australia's immigration policies are complex and have been subject to significant change in recent years, so it is constantly challenging," said Ian.

"It is also very rewarding to help people realise their ambition to live in Australia," said Ian.

Ian used his presentation to promote a series of workshops ISA Group is hosting specifically for international students completing their studies in 2009.

"A student's budget may often prevent them from appointing a migration agent. In response we have developed a series of three workshops at which ISA Group migration agents will assist students through the entire process," said Ian.

Topics addressed by the workshops include identifying the correct visa, completing the visa application and state sponsorship application (if required) and identifying and collating all relevant documentation through to lodgement.

"The workshops provide an economical alternative to one-on-one consultations and we expect them to be popular with students," said Ian.

To enquire about the workshops email [info@isa.com.au](mailto:info@isa.com.au)



↑ Ian Tallentire.

↑ Seen here are L-R ISA Group's Yin Tan, Chris De Sousa and Ian Tallentire (far right) with two visitors to ISA Group's stand at UWA's Spring Feast. At front is ISA Group migration agent, Kaushal Jhaveri's son, Karan.

## ISA Group at Spring Feast

The ISA Group team was out in force at the University of Western Australia's annual Spring Feast event held as part of Multicultural Week. ISA Group was proud to be a major sponsor of the event, at which dozens of nationalities showcase their culinary and artistic skills as the student guild village is turned into a fragrant night market.



ISA Group migrations agents, Ian Tallentire, Chris De Sousa, Yin Tan, He Wu and Kaushal Jhaveri were on hand at the ISA Group information stand to answer any queries regarding visa's from UWA's international students.

# Second birthday milestone

ISA Group holds its own despite the global financial crisis

ISA Group celebrated its second birthday in September. Reflecting on the second year of the business, Director Brett Merrey said it was one of mostly highs despite the economic uncertainty of the first half of the calendar year.

“We achieved some major milestones in the past year, particularly our partnership in the IIM skills testing and training centre in the Philippines,” said Brett.

“Like most businesses, the economic downturn had an impact, but the breadth of our services held us in good stead.

“The demand for overseas skilled workers was the area most impacted, but the need for visa and immigration services, particularly from maritime operators that service the oil and gas industry, was steady, and if anything has picked up in the last few months,” said Brett.

“We have also been busy helping people on temporary work visas to become permanent residents, which has benefits to both worker and employer.”

Like many business analysts, Brett is confident of a bright future for Western Australia and, if anything, believes the state will again face a major skills shortage. The introduction of skills testing applicants in certain trades from nominated countries from 1 July however has



complicated the process of bringing in 457 workers.

## New skills testing poses challenges

“The requirements introduced by the Federal Government in respect to verifying skill levels are likely to cause problems for WA projects.

“Before the need for skills testing was introduced as a formal requirement, ISA Group undertook its own skills testing to ensure that we provide quality candidates to our clients, so we are not against the need for skills testing but are concerned at the level of complexity the government has introduced.

“Our experience in skills testing and our combined immigration and overseas recruitment will place us well to assist companies that will need to look overseas to find skilled workers in the next couple of years as the economy in Western Australia picks up.

“We will aim to make the process as efficient as possible so that project schedules are not impacted,” said Brett.

## Trades and countries impacted by new skills testing

Applicants for a Subclass 457 visa from Brazil, China, Fiji, India, Papua New Guinea, Philippines, South Africa, Thailand, Vietnam and Zimbabwe in the following trades now must undergo a two-part formal skills assessment consisting of a computer-based competency question test, which if passed is followed by a formal interview. The testing needs to be conducted by one of three Australian-approved assessing bodies and needs to be completed before candidates can be considered for a Subclass 457 visa.

### From 1 July 2009

- Welder (First Class)
- Cook/Chef
- Motor Mechanic
- Fitter
- Metal Fabricator

### From 31 October 2009

DIAC is proposing that applicants in the following trades will be subject to the skills assessment process:

- Panel Beater
- Vehicle Painter
- Automotive Electrician
- Metal Machinist (First Class)
- General Mechanical Engineering Tradesperson
- General Fabrication Engineering Tradesperson
- Sheet Metal Worker (First Class)
- General Electrician
- Carpenter
- Baker
- Aircraft Maintenance Engineer (Mechanical)
- Cabinetmaker
- Driller
- Electrical Powerlines Tradesperson

In addition, applicants must now meet a minimum English requirement of IELTS 5 in each of the four test components (speaking, reading, writing and listening) compared to the previous requirement to achieve an average band score of at least 5 based on the four test components.

**Note:** Although ISA Group officially turns two in 2009, the company’s three directors have more than 40 years’ combined visa, recruitment and HR experience. The company was formed following the merger of two well-established specialist businesses.

## Scrutiny of 'shonky' migration agents welcomed

Australia's reputation as a preferred location for overseas students was threatened when details of unscrupulous education institutions and migration agents were exposed earlier this year after the agents misused a policy that allows international students to apply for permanent residency.



In response, the Federal Government has initiated an enquiry to review the laws and regulations governing education services for overseas students, a move that has been welcomed by ISA Group Director Noelene Merrey.

"It is very disappointing to see the reputation of our industry damaged by the irresponsible and corrupt behaviour of a small minority of agents," said Noelene.

"Like most agents, we take our responsibility as migration agents very seriously and only employ qualified and experienced agents who share this sense of commitment and honesty.

Noelene points out that it is important for international students to obtain migration advice at the time they are enquiring about courses.

"Education agents have a commercial interest in selling a course, but may not consider the overall migration plan of the student. It is possible for students to be sold a course that does not provide a pathway for permanent residency even though it is their goal. This happens because education institutions aren't always familiar with the longer term immigration implications of the courses that they are promoting.

"International education is vital to Australia's export industry. It is reported to be our third largest export earner, contributing around \$14 billion to the economy—an industry worth protecting," said Noelene.

An interim government report is expected to be released in November.

## Opportunities abound in WA's north

On the back of very strong local economic growth, ISA Group has made the commitment to make regular visits to Western Australia's burgeoning Pilbara region.

ISA Group has assisted many clients in the Pilbara over the last few years, but even ISA Group Director, Noelene Merrey, was surprised by the level of activity in towns such as Karratha and Port Hedland on her first visit earlier this year.

"The economic downturn doesn't seem to have registered in the Pilbara," said Noelene, who visited existing clients and hosted free workshops to handle business and individual visa enquiries.

"We were inundated with enquiries from temporary workers who wanted to look at options for permanent residency and businesses interested in sponsoring overseas workers.

"Although the global financial crisis has had some local impact, many businesses are starting to find it difficult to find and retain workers, which is a sign that the economy is on the road to recovery.

"With the recent go ahead of major projects such as Gorgon and other developments in the area such as the CITIC Pacific iron ore project, it is possible that small to medium businesses in particular may struggle to fill vacancies. The option of looking offshore to find people may be a viable solution," said Noelene.

Noelene and fellow ISA Group Director, Jackie Hill, have visited Port Hedland and Karratha twice in 2009 and plan to undertake regular visits to the regional towns. The Pilbara is not unfamiliar to Jackie who worked in a senior HR role on the North West Shelf Project at the height of construction for the LNG phase.

"We are keen to help individuals as well as businesses in the Pilbara. Despite the ease of liaising with clients using telecommunications, the benefits of face-to-face interaction can't be underestimated," said Jackie.

ISA Group's next Pilbara visit is 28 – 30 October, during which Brett and Noelene Merrey will host a Karratha and Districts Chamber of Industry and Commerce business after hours event on 29 October as well as meet with existing and potential clients.



Karratha in WA's north west is the hub for a range of natural resource industries.

## Expanding our reach

New website has worldwide appeal

ISA Group launched a revamped website in July that makes it easier for people around the globe to have their eligibility for an Australian visa assessed. Judging by the response, there is a lot of interest in living in Australia.

"We have included a visa assessment questionnaire as part of the site that captures enough information for our migration agents to give people an accurate assessment of their Australian visa options," said ISA Group's Brett Merrey.

"We provide an initial assessment at no charge. If people decide to proceed and use our services, our normal fees apply.

"Each questionnaire is personally reviewed by a registered migration agent not by a computer," said Brett

In its first three months, [www.isa.com.au](http://www.isa.com.au) has attracted hits from more than 110 countries.

"We are recording most of our hits from Australia, particularly from people who are here on working holiday, temporary and student visas, but we are also receiving strong interest from the Philippines, UK, India and the US," said Brett.

"We put a lot of work into getting our keywords right to improve our ranking on search engines, and the approach is working well."



## Helping 'like-minded' people make the move

ISA Group registered migration agent Kaushal Jhaveri's motivation to help people move to Australia can be traced back to his own Australian immigration experience.

Raised and educated in Mumbai India, Kaushal completed an MBA at Curtin University in the late 1990s on a student visa. Attracted by Western Australia's great weather, promising economic outlook and Curtin's reputation, Kaushal quickly decided this was the place he wanted to call home for the long term.

On his return to India, Kaushal maintained his Western Australian connections by landing a job at the WA Trade Office in Mumbai. While there he made the connections he needed to return to Perth in 2003 as the marketing manager for Education and Training International (ETI).

"A large part of my role was to recruit students primarily from South Asia and the Middle East to study in Western Australia. I was regularly asked questions about permanent visas, but was frustrated at not being able to give advice as I was not a registered migration agent," said Kaushal.

Through this liaison with overseas students, Kaushal made the decision to complete his Graduate Certificate in Australian Migration Law at Murdoch University, which he completed at the end of 2007. It was not long afterwards he joined ISA Group.

"I first met Noelene and Brett Merrey (ISA Group directors) while working at the WA Trade Office in Mumbai, and this contact continued while I was at ETI when I sought visa advice on behalf of international students," said Kaushal.

It was on the basis of the relationship that Kaushal was offered a role at ISA Group as the business's education specialist, a step he hasn't looked back on.



"I feel a great sense of achievement helping people who are in a similar situation to the one I was in when I studied in Australia and then wanted to pursue permanent residency.

"Another motivation is to attract like-minded people to Australia from countries where there are not as many opportunities," said Kaushal.

Kaushal's assistance goes beyond helping clients obtain their visa approval.

"Having been through the experience myself, I aim to provide a more holistic approach by preparing people for the journey ahead to make the transition a smooth one," said Kaushal.

Kaushal's enthusiasm for Western Australia is shared by his wife Vandana and two boys, ages 10 and four, and his family who have remained in India.

"We host regular visits from both sets of grandparents, other close family and friends, so we are doing our bit for the Western Australian economy," said Kaushal.

To contact Kaushal at ISA Group email [kaushal@isa.com.au](mailto:kaushal@isa.com.au) or call +61 8 9346 8888.