

Labour market testing: factsheet for NT employers

Why has labour market testing been brought in and strengthened?

The Australian Government and the Northern Territory Government both prioritise employment and upskilling of locals. Labour market testing (LMT) requirements have recently been made stricter by the Australian Government to ensure that suitably skilled and experienced Australians and Australian permanent residents have priority over overseas labour.

What is labour market testing?

LMT is a requirement that employers evidence they have unsuccessfully attempted to recruit a suitable Australian or Australian permanent resident worker. LMT applies to the following visas:

- Temporary Skills Shortage (TSS) subclass 482 visa (this includes the NT DAMA).
- Regional Sponsored Migration Scheme (RSMS) Subclass 187
- Employer Nominated Scheme (ENS) Subclass 186.

As LMT is specified in the Migration Regulations 1994, the requirements are inflexible. Businesses that are required to meet LMT must meet all LMT requirements, and provide evidence to the Department of Home Affairs.

Are there any exemptions?

There are no occupation, salary or skill level based exemptions.

The only exemption is when an international trade obligation applies. These obligations are detailed on the Department of Home Affairs website. An example is if your business is an associated entity of a parent or child company operating in a world trade organisation member country and the position is executive-level and will be responsible for the entire or a substantial part of your company's operations in Australia.

When is labour market testing required?

LMT must be conducted by the sponsoring business within four months of making a nomination application.

If your business has made redundant any Australian or permanent resident workers in the nominated occupation within four months of making a nomination application, LMT must have been conducted more recently than the retrenchment. Additional information on the retrenchment will need to be presented to Department of Home Affairs.

Who can advertise?

There is no requirement that the employer place the advertisement themselves, an associated entity (parent or child company) or a contracted party, such as a recruitment agency can place the advertising.

The employee to be nominated is not able to create or place the advertising.

Where can I advertise?

Must have two advertisements either:

- the same medium (on two separate occasions) or
- any two different mediums simultaneously or
- any two different mediums on two separate occasions.

Acceptable forms of advertising include:

- recruitment websites with national reach (for example jobactive.gov.au) that have a range of jobs throughout Australia. Industry specific recruitment websites relevant to the occupation that are in significant use by the industry (eg Frontline Hospitality) LinkedIn's online recruitment platform if the advertising is **not** restricted to LinkedIn profile members only
- newspapers or magazines with national reach that are published at least monthly and marketed throughout Australia (eg NT News)
- national radio - that is, radio programs that are broadcast or syndicated nationally
- on the business' website if the sponsor is an accredited sponsor.

Unacceptable forms of advertising include:

- a general classifieds website or an advertisement solely through social media notification (such as Twitter or Instagram or Facebook) are not acceptable methods
- Home Affairs have not confirmed within their policy whether Gumtree advertising is eligible.

What do the advertisements need to include?

Advertising must have been conducted in Australia, in English and include the following:

- job title or description of the position
- multiple positions in one advertisement are acceptable
- the skills or experience required for the position
- the name of the employer or the name of the recruitment agency being used by the employer
- the salary (or salary range) for the position if the annual earnings for the position are lower than \$96,400. The rate of pay must align with that being offered to the overseas worker.

The duration of advertising must be four weeks and the position open for applications for four weeks.

Example advertisement

<p>Restaurant and Cafe Manager – Full-time</p> <p>The role</p> <p>Must be able to undertake following duties to manage the operations of two busy CDB cafés:</p> <ul style="list-style-type: none">• planning menus in consultation with Chefs• planning and organising special functions• arranging the purchasing and pricing of goods according to budget• maintaining records of stock levels and financial transactions• ensuring dining facilities comply with health regulations and are clean, functional• and of suitable appearance• conferring with customers to assess their satisfaction with meals and service• selecting, training and supervising waiting and kitchen staff <p>Requirements</p> <p>Minimum 2 years' experience required and diploma level qualification</p>	<p>Remuneration</p> <p>\$60, 000 - \$65,000 plus Super per annum</p> <p>Contact</p> <p>The Darwin Café Company 08 8765 4321 example@darwincafe.com.au Shop 100, Darwin City</p> <p>13 November 2018</p>
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For further information visit the Department of Home Affairs website or contact Migration NT:

<https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/sponsoring-workers/nominating-a-position/labour-market-testing>

MigrationNT

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