

Labour Market Testing FACT SHEET (7th March 2025)

The Temporary Skill Shortage (TSS) subclass 482 visa, and subclass 494 Skilled Employer Regional Sponsored Regional (Provisional) visa, allow employers holding a Labour Agreement, to sponsor overseas workers to live and work in Australia on a temporary basis. You must provide evidence that you have tested the labour market by attempting to recruit a suitably qualified and experienced Australian worker for the nominated position. This is called the Labour Market Testing (LMT) requirement. **The LMT requirements are as follows:**

LABOUR MARKET TESTING REQUIREMENTS

To satisfy the LMT requirement, when the position nomination is lodged, you **MUST** provide evidence that you have advertised the position **within the last 4 months, for a total period of at least 4 consecutive weeks** (unless the nominated position is subject to alternative requirements or flexible LMT arrangements apply).

The advertising must meet the following criteria:

- **the nominated position** must be advertised in **Australia with at least TWO advertisements** (paid or unpaid) published:
 - **on a prominent or professional recruitment website with national reach, that publishes advertisements for positions throughout Australia**
NOTES: Industry-specific recruitment websites that are relevant to the nominated occupation and in significant use by the industry are also acceptable.
General classifieds websites and advertisements solely through social media notification (e.g. Twitter or Instagram) are NOT acceptable. Although LinkedIn's online recruitment platform is acceptable, job vacancies restricted to LinkedIn profile members only are NOT acceptable.
 - in print media i.e., newspapers or magazines with national reach that are published on at least a monthly basis, and are marketed throughout Australia
 - on national radio i.e., radio programs that are broadcast or syndicated nationally
- NOTES:** the nominated position may be advertised in the same media type (such as newspaper advertisements – on two separate occasions) or in any two different media types simultaneously, or on two separate occasions. If you are an accredited sponsor, it is also acceptable to advertise on your business website. Nominated positions may be advertised over two or more overlapping periods totalling a minimum of 4 weeks.
- **applications or expressions of interest for the position** were accepted **for at least 4 consecutive weeks** from when the advertisement for the nominated position was first published
- the advertisement must be **in English**, and must include:
 - the **position title or description**
 - the **name of your business** (or the recruitment agency used)
 - the **skills or experience required** for the position and
 - the **annual salary** (or salary range or applicable enterprise agreement salary) for the position (unless the salary exceeds \$AU96,400 per year)

NOTE: If within the last 4 months your business has made any Australian citizens or permanent residents redundant or retrenched from positions in the nominated occupation, you must have undertaken this advertising **SINCE** these events occurred.

LMT Requirements cont.

You are required to supply **copies of the advertisements placed** as evidence that your advertising meets these criteria. Please also provide a brief statement regarding the results of your recruitment process, including how many candidates (if any) you interviewed, and why they were deemed unsuitable. If LMT evidence is not submitted at the time of the relevant application process, the application will be refused.

Flexible LMT arrangements are in place for Aged Care Labour Agreements, Designated Area Migration Agreements, Global Talent Agreements, and where the position is located in a designated regional area of Australia for Dairy, Fishing, Meat, Pork and **Horticulture industry labour agreements**. Our office can provide you with more information on the available flexible LMT arrangements if needed.

Alternative Labour Market Testing Arrangements

Alternative LMT requirements may apply in certain circumstances, i.e. where:

- the position requires someone with an internationally recognised record of exceptional and outstanding achievement in a profession or field (e.g. sport, academia or research, or as a top-talent chef); **OR**
- the nomination is lodged for an existing subclass 482, 494 or 457 visa holder solely due to a change in earnings or business structure; **OR**
- the nomination relates to an intra-corporate transfer; **OR**
- the annual earnings for the position are at least AU\$250,000; **OR**
- the position nominated is a key medical occupation: i.e. most medical practitioners (excluding GPs), as well as ambulance officers and paramedics

In these circumstances, the mandatory LMT requirements referred to above do NOT apply. Instead, you must provide a written submission explaining why a suitably qualified and experienced Australian is not readily available to fill the nominated position. Please contact us for further details regarding the information that you must provide in your submission, if applicable.

Do you have additional questions regarding **Labour Market Testing, Labour Agreements, or subclass 482 or 494 visas**? Please feel free to contact us by email at support@dojolegal.com.au, or by phone on +61 02 9138 0688 to arrange a paid consultation.

THANK YOU!



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