Law Council
OF AUSTRALIA

Inquiry into the value of skilled migration to Australia

Joint Standing Committee on Migration

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Contents

Acknowledgements 1

Executive summary 2

Introduction 3

Submissions on terms of reference 5

- The ongoing economic, social and cultural value of skilled migration to Australia 5
- The effectiveness of current skilled migration settings 8
  - Trades 8
  - Aged care 9
  - Nursing 11
  - Teachers 11
  - Regional workforce 12
- Targeting skills gaps and shortages in critical sectors 15
  - Core Skills Occupation List 15
  - Skills in Demand Visa 16
  - Accredited status for Standard Business Sponsors 16
  - National Innovation Visa 17
  - Skilled Migration Points System 17
    - Secondary applicants 17
    - Students 18
    - Education 18
- Supporting Australian businesses, productivity and innovation 20
- Public awareness and understanding of the role of skilled migration in Australia 21
  - Role of political and media narratives 21
  - Trust and confidence 21
- Other approaches 23

About the Law Council of Australia 24

Appendix A–Comparison between New Zealand and Australian skilled programs 25

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Executive summary

The Law Council recognises the ongoing economic, social and cultural value that skilled migrants bring to Australia, which has been demonstrated by numerous evidence-based reports.

The Law Council considers there are cohort-specific sectors that require attention, in particular trades (including the construction industry), aged care, nursing and the regional workforce, to ensure the Skilled Migration Program's continuing effectiveness to meet current and future labour market and social needs.

This submission makes several recommendations regarding elements of the Program that could more effectively target skills gaps and shortages in critical sectors, focusing on the Core Skills Occupation List, the Skills in Demand Visa and the Points Test system.

Steps should also be taken to improve public trust and confidence in the migration system, and to highlight the economic, social and cultural value of migration to Australia to foster social cohesion and promote informed and balanced debate.

The Law Council encourages the Committee to consider comparative overseas migration programs to identify successful policy approaches to attract highly skilled migrants.

Introduction

1. The Law Council thanks the Joint Standing Committee on Migration (the **Committee**) for the opportunity to make a submission to this inquiry.

2. The Law Council has consistently supported the objectives of the skilled migration program, namely to bring highly-skilled individuals to Australia to address labour shortages and assist Australian businesses in filling needed positions.

3. In its December 2022 submission to the Review of the Migration Program (the **Parkinson Review**),[1] the Law Council set out key principles that should underpin reforms to the Skilled Migration Program. [2] These principles are:

   (a) there should be identifiable pathways to permanent residence for visas in the Skilled Independent and Employer Sponsored Scheme visa streams;

   (b) the Skilled Migration Program should be made more flexible and should no longer be based on static assessments of "skill shortages";

   (c) attention should be given to overly prescriptive aspects of the visa processing framework which impede dynamic and responsive visa processing;

   (d) mitigating migrant worker exploitation requires an holistic approach to addressing employer nomination settings, migrant complaint options, and enforcement;

   (e) meaningful access to family reunion is critical to attracting skilled migrants, in addition to the social and community benefits of completing the family unit; and

   (f) the Australian Government and the Department of Home Affairs (**DHA**) should continue to work expeditiously to reduce chronic visa processing backlogs.

   The Law Council reiterates these views as part of this submission.

4. The Law Council recognises that the DHA has implemented substantial changes to the Skilled Migration Program (**SMP**) in recent years, with a view to address labour market needs and protect migrant workers. This includes replacing the Temporary Skill Shortage (**TSS**) subclass 482 visa with the new Skills in Demand (**SID**) Visa (also given the subclass number 482), and introducing three new streams designed for different skill levels and labour requirements (including the Specialist Skills Pathway and Core Skills Pathway). The third pathway (Essential Skills Pathway) remains unopened, for reasons unknown to the Law Council.

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1 Department of Home Affairs, "Review of the Migration System (2023) <https://www.homeaffairs.gov.au/reports-and-pubs/files/review-migration-system-final-report.pdf>.

2 Law Council of Australia, "A Migration System for Australia's Future" (21 December 2022), 1-2 <https://lawcouncil.au/publicassets/b5a9d0f3-c68f-ed11-9478-005056be13b5/2022%2012%2021%20-%20L%20-%20Migration%20Review%20-%20A%20migration%20system%20for%20Australias%20future%20%20end%20note%20correction.pdf>

5. The Law Council also notes recent amendments to the *Migration Act 1958* and *Migration Regulations 1994* that seek to address worker exploitation and vulnerability. They include:

   (a) The *Migration Amendment (Work Related Visa Conditions) Regulations 2024*, which provide greater protection for persons holding a SID Visa or subclass 482, 457, and 494 visas by allowing them 180 days (previously 60 days) to find a new employer if their sponsorship ends;

   (b) The *Migration Amendment (Strengthening Employer Compliance) Act 2024*, which introduced three new-work related offences that make it illegal for employers, including sponsors, to:

      (i) coerce or pressure a temporary visa holder to breach a work-related visa condition;

      (ii) coerce or pressure a non-citizen without a valid visa to accept or agree to a work-related arrangement; or

      (iii) use a worker's temporary visa status to exploit them in the workplace (including in relation to existing visa conditions and requirements to support future visa application); and

   (c) The *Migration Amendment (Workplace Justice Visa) Regulations 2024*, which introduced a new temporary subclass 408 visa which allows migration workers to extend their stay in Australia to pursue a workplace exploitation claim.

6. The Law Council welcomes these amendments and initiatives that seek to ensure that the SMP adequately responds to the needs of the Australian labour market while also ensuring sufficient protection against migrant worker exploitation. However, issues remain, and further changes are required to ensure that the SMP remains responsive to skill shortages and labour market demands. The Law Council also supports the opening of the third pathway, the Essential Skills Pathway, as soon as possible.

7. The Law Council has recently called on the Australian Government to review and continue the reform of the student, skilled and employer-sponsored visa programs to ensure they remain flexible, avoid unnecessary delays in processing and meet the labour market needs of both metropolitan and regional Australia and the educational sector.[3] This inquiry presents an important opportunity towards these necessary reforms, and it will be important that this Committee consider evidence-based reports regarding the net positive impacts of skilled migration on the Australian economy in its consideration of these issues.

8. In this submission, the Law Council addresses each of the terms of reference for this inquiry in turn.

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[3] Law Council of Australia, "2025 Federal Election Call to Parties" (March 2025) <https://lawcouncil.au/publicassets/2ee42ba0-b70d-f011-94b2-005056be13b5/Law%20Councils%20Call%20To%20Parties%202025.pdf>.

Submissions on terms of reference

The ongoing economic, social and cultural value of skilled migration to Australia

Term of reference (a)

- **The ongoing economic, social and cultural value of skilled migration to Australia.**

9. Skilled migration has long been recognised to bring high economic, social and cultural value to Australia.

10. The Parkinson Review indicated that migrants make an enormous economic contribution to Australia, have high employment and labour market participation outcomes, and make net positive fiscal contributions over their lifetimes in Australia.[4] It specifically outlined several concerning economic and social trends in Australia broadly, including decline in productivity, and aging population, decline in labour force participation and global competition for highly skilled migrants.[5] This indicates that substantial future growth of the working age population can only meaningfully come through migration.[6]

11. The Organisation for Economic Co-Operation and Development (**OECD**) has found that Australia has one of the highest educated migrant populations among OECD countries.[7] Almost 60 per cent of the migrant population in Australia has attained tertiary education, compared to around 40 per cent of the non-migrant population.[8] Further, Australian regions with higher shares of migrants tend to have higher productivity levels.[9]

12. The Migration Council of Australia has commissioned a report with Independent Economics finding that Australia's population will have grown to 38 million by 2050, and during this time, migration will be contributing $1,625 billion (or $1.6 trillion) to Australia's Gross Domestic Product.[10] By this time, migration will have added 15.7 per cent to the Australian workforce participation rate.[11] Overall, by 2050, each individual migrant will on average be contributing approximately 10 per cent more to Australia's economy than existing residents.[12]

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4 Department of Home Affairs, "Review of the Migration System" (2023), 143 <https://www.homeaffairs.gov.au/reports-and-pubs/files/review-migration-system-final-report.pdf>.
5 Ibid 11-14.
6 Ibid.
7 Organisation for Economic Co-Operation and Development, "Regional Productivity, Local Labour Markets, and Migration in Australia", (Regional Development Papers No 39, 2023) 6 <https://www.oecd.org/content/dam/oecd/en/publications/reports/2023/01/regional-productivity-local-labour-markets-and-migration-in-australia_4cff05d4/3cc8f669-en.pdf>.
8 Ibid.
9 Ibid.
10 Migration Council of Australia, The Economic Impact of Migration (2024) 2 <https://socialpolicy.org.au/wp-content/uploads/2024/12/The-Economic-Impact-of-Migration.pdf>.
11 Ibid.
12 Ibid.

13. The Grattan Institute has argued as follows in 2025:

> *Migration is another essential part of meeting our future workforce needs and is Australia's great strength among advanced economies. Migration increases the size of our working-age population, thereby slowing the ageing of the population. But the biggest benefits come from attracting skills and talent from across the world, ensuring migrants can actually use their training and experience once in Australia, and better supporting migrants to thrive.*
>
> *Australia should aim to be a best-practice migration nation, with a migration system that is fair and:*
>
> - *flexible (rather than overly prescriptive)*
> - *focused on the medium-term (rather than short-term skills shortages)*
> - *offers a clear pathway from temporary visas to permanent residency (while acknowledging that not all temporary visa-holders can obtain residency)*
> - *and ensures that migrants can put their skills and qualifications to best use in Australia.*[13]

14. The Lowy Institute also argued as follows in 2016:

> *Economic immigration to Australia has produced net economic benefits in terms of helping to offset population ageing, contributing to higher levels of GDP per capita, and improving labour productivity. It is a vital source of revenue for growth sectors such as education and assists employers to source skills that are difficult to find in the domestic labour market at short notice. Just as a steady inflow of immigrants has contributed to structural changes in the Australian economy in the past, the permanent migration program and temporary skilled visas are likely to play an important role in addressing current and future labour market transitions, particularly those driven by technological change.*[14]

15. In September 2024, this Committee recognised that:

> *Skilled migration provides a range of benefits to the nation. Centrally, skilled migration is a key driver of productivity growth and rising living standards, positive fiscal outcomes for government, and the supply of skilled workers to supplement Australia's domestic workforce. Skilled migrants, and migrants more generally, also enrich Australian society and culture*.[15]

16. Further, the Business Council of Australia has stated that:

> *Migration is an essential part of the success of Australia, with almost half of all Australians being first- or second-generation migrants. Migrants provide the nation with more tax revenue, higher economic output, and increased investment. They supply in-demand skills, drive innovation, and fill shortages in the workforce …*

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[13] Aruna Sathanapally and Kate Griffiths, "Australia Needs More Workers", Grattan Institute (16 September 2025) <https://grattan.edu.au/news/australia-needs-more-workers/>.

[14] Chris F Wright et al, "Economic Migration and Australia in the 21st Century", Lowy Institute (October 2016) <https://www.researchgate.net/publication/325415065_Economic_Migration_and_Australia_in_the_21st_Century>.

[15] Joint Standing Committee on Migration, "Migration, Pathway to Nation Building" (September 2024) 5, 7 <https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/MigrationPathway/Report/Chapter_7_-_Skilled_Migration>.

> *Australia is competing for global talent. According to the OECD Australia does not rank first in any category, and in some categories does not even rank in the top ten. More must be done to improve the nation's competitiveness if we are going to attract the best and brightest to the country. This is both in terms of migration policy, as well as more general policy settings and economic conditions.*[16]

17. The demonstrated benefits of skilled migration to Australia should be the starting point for this Committee's consideration of how to maximise its value through this inquiry.

[16] Business Council of Australia, "Migration Makes Australia Stronger" (August 2023) 2 <https://www.bca.com.au/wp-content/uploads/2024/11/Migration_makes_Australia_stronger_-_AH.pdf>.

The effectiveness of current skilled migration settings

Term of reference (b)

- **The effectiveness of current skilled migration settings in meeting the current and future needs of the states and territories, while recognising the ongoing need for housing and infrastructure**

18. To ensure the continuing effectiveness of the SMP in meeting current and future labour market and social needs, the Law Council makes the following sector-specific observations and recommendations.

Trades

19. The Law Council's view is that current skilled visa settings are not sufficiently effective to encourage migrant workers to come to Australia and work in trades. For example, Jobs and Skills Australia reported in 2023 that:

> *Analysis of current skills shortages shows that 36% of occupations assessed were in national shortage (332 out of 916) in 2023, 5 percentage points higher than the 2022 Skills Priority List (SPL). Shortages were most common for Technicians and Trades Workers, with 50% of occupations in the category assessed as being in national shortage, broadly consistent with findings of previous SPLs. For example, all occupations in the Construction Trades Workers and Food Trades Workers groups were found to be in national shortage.*[17]

20. The Housing Industry of Australia reported in October 2025 that:

> *By region, trades shortages continue to be most apparent outside of Sydney and Melbourne, though the situation deteriorated even in these markets, potentially reflective of homebuilding activity finally improving.*
>
> *Shortages were most acute in regional Queensland (-0.92) and Perth (-0.89), followed by regional Western Australia (-0.69), Adelaide (-0.60), regional South Australia (-0.55), regional New South Wales (-0.49), Brisbane (-0.48), regional Victoria (-0.46), Sydney (-0.40) and Melbourne (-0.21).*

21. By trade, bricklaying (-1.09) remained in the most acute shortage, followed by ceramic tiling (-0.86), carpentry (-0.74) and roofing (-0.66), while electrical trades were in equilibrium (+0.02), and plumbing (-0.20) and site preparation (-0.22) were in modest shortage.[18]

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[17] Jobs and Skills Australia, "Current Skills Shortages" (2023) <https://www.jobsandskills.gov.au/publications/towards-national-jobs-and-skills-roadmap-summary/current-skills-shortages>.

[18] Housing Industry of Australia, "Trades Availability Tightens as Work Increases" (21 October 2025) <https://hia.com.au/our-industry/newsroom/economic-research-and-forecasting/2025/10/trades-availability-tightens-as-work-increases?srsltid=AfmBOopiUclv9BkNEeHr88YdbdBy1mNLGoBZdNFwN9NlVllCAyJjkQuf>.

22. To address trades shortages, the Australian Government should develop a scheme, using the Training (subclass 407) visa as its base (which is low cost for both employers and visa applicants), to enable migrant workers to undertake apprenticeships in Australia. Such a scheme could operate in a similar manner to the Construction Visa Subsidy Program in Western Australia, where employers are eligible for financial incentives when taking on overseas apprentices. This program provides grant payments of up to $10,000 to support skilled migration visa pathways for workers and help offset expenses such as migration representative fees, Visa Application Charges and relocation costs.[19] A similar scheme could encourage more people to obtain trade qualifications and be fully qualified at the end of their subclass 407 visa. The duration of the visa would need to be modified to cover the full time required to complete the relevant training.

23. The Law Council is aware of the increasing pressure being placed on the housing market across Australia, which is due to many different factors. Housing supply and availability in regional Australia makes it increasingly difficult for people to attract and retain workers in certain areas,[20] including skilled migrants.

24. For the construction industry specifically, the National Housing Supply and Affordability Council published a report in 2025 which highlighted that attracting skilled workers, including skilled migrant workers, is a key constraint.[21] The report noted that this is partially caused by the "ineffective skilled migration system",[22] which is ill-equipped to support the construction sector's labour demands. One specific issue is the exclusion of certain construction roles from the skilled occupation list, therefore making it difficult to attract skilled migrants on particular visa pathways. The Council recommended that the Governments should address the continued shortfall in construction sector workers by boosting skills training and through skilled migration programs.[23] The Law Council suggests that its recommendations be considered by the Parliamentary Committee in relation to the construction industry.

Aged care

25. There is a need for the Australian Government to prioritise the aged care workforce to meet anticipated future demand on the industry.

26. The Committee for Economic Development of Australia (**CEDA**) reported in 2021 that approximately 20 per cent of the Australian population is expected to be aged over 65 by 2031, up from approximately 16 per cent at time of reporting.[24] If the aged care

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19 Government of Western Australia, "Construction Visa Subsidy Program" (2025) <https://migration.wa.gov.au/our-services-support/construction-visa-subsidy-program>.

20 See for example Victorian Legislative Assembly Environment and Planning Committee, "Inquiry into the Supply of Homes in Regional Victoria" (November 2025) 78 <https://www.parliament.vic.gov.au/4ace4d/contentassets/be298026c7e24cefac967fa683174c2c/laepc-60-03_supply-of-homes-in-regional-victoria.pdf>.

21 National Housing Supply and Affordability Council, "State of the Housing System" (17 April 2025) <https://nhsac.gov.au/sites/nhsac.gov.au/files/2025-05/ar-state-housing-system-2025.pdf>.

22 Ibid 126.

23 Ibid 12.

24 Committee for Economic Development of Australia (CEDA), "Duty of Care: Meeting the Aged Care Workforce Challenge" (2021) 7 <https://cedakenticomedia.blob.core.windows.net/cedamediatest/kentico/media/researchcataloguedocuments/recent%20research/pdfs/aged-care-workforce-2021-final_1.pdf>.

workforce continues at its current pace, there will be an approximate 110,000 shortfall of workers by 2030, and more than 400,000 workers by 2050.[25] To address this, the aged care industry will require at least 17,000 new aged care workers each year to meet basic standards of care.[26] Noting that approximately 30% of the aged care workforce is made up of migrant workers,[27] this will not be possible without an effective SMP.

27. The Royal Commission into Aged Care Quality and Safety recognised the substantial role that migrant workers play in filling essential roles within the aged care industry.[28] However, it noted that the current migration program is largely ineffective in addressing labour shortages in the aged care industry.[29] It also indicated that the majority of migrant workers in the aged care industry had previously migrated to Australia on temporary visas and ended up working in aged care, rather than arriving with the intention to work in aged care.[30] As such, in order to address future labour shortages, substantial changes are required to provide a more direct path for skilled migrants into the aged care industry.

28. To address these matters, the CEDA made several specific recommendations which the Committee should consider closely in this inquiry, including that the Australian Government:

    (a) Permanently increase the number of hours international students are allowed to work in the aged care sector;

    (b) Permanently add aged care to the specified work requirements to extend Working Holiday Visas and allow those working in aged care to remain with one employer beyond six months; and

    (c) Recruit personal care workers directly by adding them to the temporary or permanent skilled migration lists or introduce a new "essential skills visa".[31]

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25 Committee for Economic Development of Australia (CEDA), "Duty of Care: Meeting the Aged Care Workforce Challenge" (2021) 7 <https://cedakenticomedia.blob.core.windows.net/cedamediatest/kentico/media/researchcataloguedocuments/recent%20research/pdfs/aged-care-workforce-2021-final_1.pdf>.

26 Ibid.

27 Ibid.

28 *Royal Commission into Aged Care Quality and Safety* (Final Report, 1 March 2021) vol 3A <https://www.royalcommission.gov.au/aged-care/final-report> 381.

29 Ibid.

30 Ibid.

31 Committee for Economic Development of Australia (CEDA), "Duty of Care: Meeting the Aged Care Workforce Challenge" (2021) 10 <https://cedakenticomedia.blob.core.windows.net/cedamediatest/kentico/media/researchcataloguedocuments/recent%20research/pdfs/aged-care-workforce-2021-final_1.pdf>.

Nursing

29. Members of the profession have reported specific problems in relation to visa applications by internationally trained registered nurses. In particular, they report that the streamlined registration process announced by Australian Health Practitioners Regulation Agency (**AHPRA**) in January 2025[32] is not operating as intended.

30. This process was intended to allow qualified and experienced Registered Nurses who have practised for at least 1800 hours in comparable jurisdictions to become registered in Australia without completing an additional examination. However, it has been applied only to nurses who qualified after 1 January 2017. This means that experienced nurses who qualified before this date are incurring the significant expense of visiting Australia to take an exam before they can be registered, obtain employment and apply for a visa. DHA should work with the AHPRA to ensure the streamlined registration process applies to a broader cohort of nurses, including those who qualified before 1 January 2017.

Teachers

31. There is a significant shortage of teachers in Australia. In October 2025 the OECD's Teaching and Learning International Survey (**TALIS**) reported that "teacher shortages are an increasing concern for the stability of various education systems around the world".[33] Specifically:

> *23% of teachers work in schools that report that a shortage of qualified teachers limits their school's capacity to provide quality instruction… Staff shortages are often more likely reported in publicly managed schools compared to privately managed schools, and differences of over 30 percentage points are observed in Australia, Bahrain and Saudi Arabia. Similarly, while most education systems do not show large differences in perceptions based on the socio-economic intake of students, in some systems—such as Australia, Denmark, Estonia and New Zealand—socio-economically advantaged schools are less likely to report this challenge, with differences again exceeding 30 percentage points.*[34]

32. Commenting on the TALIS, the Australian Education Union (**AEU**) reported as follows on 7 October 2025:

> *Alarming new international data highlights the scale of Australia's teacher shortage crisis and the urgent need for federal and state governments to address the root causes of workforce decline. The OECD [TALIS] reveals that Australia ranks among the worst-performing countries for teacher shortages, particularly in public schools, posing serious risks to equity and quality education delivery.*
>
> *AEU Federal President Correna Haythorpe said the findings are a stark warning about the impact of teacher shortages across the country. "This report confirms what teachers have been saying for years, that Australia's teacher shortage is*

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[32] Australian Health Practitioners Regulation Agency, "Streamlined Pathway to Registration for Internationally Qualified Registered Nurses" (January 2025) <https://www.ahpra.gov.au/News/2025-01-27-media-release-IQRN.aspx>.

[33] Organisation for Economic Co-Operation and Development, "Results from TALIS 2024: The State of Teaching" (7 October 2025) 41 <https://www.oecd.org/en/publications/results-from-talis-2024_90df6235-en/full-report/teaching-for-today-s-world_eefb146b.html#chapter-d1e2750-141f1c8965>.

[34] Ibid.

> *real, it's getting worse, and it's impacting on teaching and learning," Ms Haythorpe said. "Australia is now among the top three OECD countries for teacher shortages in public schools. That is unacceptable for a wealthy, developed nation. We urgently need national action to fix the teacher pipeline, from recruitment into initial teacher education to retaining experienced teachers in classrooms."*
>
> *The TALIS data also shows that shortages are most severe in schools with high levels of student disadvantage and special education needs, which are the very schools that rely most on stable, experienced teaching staff.*[35]

33. This data shows that Australia has a severe shortage of teachers at the primary and secondary level. To this end, the Law Council welcomes reference to skilled migration as part of the Australian Government's National Teacher Workforce Action Plan which includes, under Priority Area 1 ("Improving Teacher Supply"), prioritisation of visa processing for qualified teachers and streamlining overseas skills recognition.[36]

Regional workforce

34. The Law Council notes that Working Holiday Maker (**WHM**) visas (subclass 417) and Work and Holiday Visas (subclass 462) have traditionally been effective in filling labour market gaps that domestic workers are unwilling or unable to perform. This is particularly the case due to the requirement for certain visa holders to undertake specific work in regional or remote areas.[37] As such, the WHM program has a significant role in the agriculture and tourism sectors, which typically feature high levels of variation in regional demand and are often based in locations which are distant from major urban centres.

35. A report commissioned by the National Farmers' Federation, Australian Tourism Export Council and Backpacker and Youth Tourism Advisory Panel found as follows:

> *The dependency of the regional tourism industry on WHMs is evidenced by ongoing recovery issues caused by border closures from the Covid-19 pandemic. Tourism Australia found the recovery for regional tourism businesses coming out of the pandemic has been a challenge, largely caused by a limited supply of labour…16 Like the tourism industry, the WHM program provides incentives that encourage WHMs to work in the agricultural workforce. WHMs make up 14% of all farm worker jobs and can supply up to 80% of the fresh produce's peak season harvest labour force. During peak labour demand periods, employers reported WHMs make up one third of the labour force for all commodities.*[38]

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[35] Australian Education Union, "Teacher Shortages in Australian Schools Among the Worst in the OECD" (Media Release, 7 October 2025) <https://www.aeufederal.org.au/news-media/media-releases/2025/teacher-shortages-australian-schools-among-worst-oecd>.

[36] Australian Government Department of Education, "Priority Area 1 – Improving teacher supply" (2025) <https://www.education.gov.au/national-teacher-workforce-action-plan/priority-area-1-improving-teacher-supply>.

[37] Department of Home Affairs, "Working Holiday Maker (WHM) Program" (11 September 2025) <https://immi.homeaffairs.gov.au/what-we-do/whm-program/specified-work-conditions/specified-work-417>.

[38] National Farmers' Federation, Australian Tourism Export Council and Backpacker and Youth Tourism Advisory Panel, "Regional Impacts of Working Holiday Makers" (1 August 2024) 7 <https://nff.org.au/wp-content/uploads/2024/08/NFF_Regional_Impacts_WHM_FINAL_STC_02_clean.pdf>.

36. WHM holders contribute economically to Australia, including regional Australia, through personal expenditure on accommodation, tourism, retail, cultural and recreational services and transport, while also meeting local labour needs and contributing to aggregate demand and related increases in employment.[39] Creating better opportunities for WHM holders to contribute this way, through programs to direct visa holders into regional areas and incentivise living, working, and building relationships in these locations, has the potential to deliver positive long-term outcomes for regional Australia.

37. Ensuring WHM holders are available to perform work of this nature is critical. The Law Council recommends that the Australian Government:

    (a) Amend WHM program settings to extend the initial visa period to two years, with a further renewal for two years, to increase the positive economic impact of those visa holders;

    (b) Implement policy incentives for WHM holders to remain in regional communities with a view to building community connections and increasing the chances of longer term residency;

    (c) Create a pathway for onshore WHM holders, onshore students and other temporary visa holders to transition to a longer-term visa with the potential to contribute to the economy;

    (d) Revisit WHM program requirements to encourage those who wish to participate in cultural and community activities in regional communities, such as volunteering, by allowing a broader range of activities to be recognised beyond paid work; and

    (e) Review the Subclass 491 Skilled Work Regional (Provisional) visa and Subclass 494 Skilled Employer Sponsored Regional (Provisional) visas to create a streamlined pathway for WHM holders who choose to live and reside in non-urban locations for these visas.

[39] National Farmers' Federation, Australian Tourism Export Council and Backpacker and Youth Tourism Advisory Panel, "Regional Impacts of Working Holiday Makers" (1 August 2024) 10 <https://nff.org.au/wp-content/uploads/2024/08/NFF_Regional_Impacts_WHM_FINAL_STC_02_clean.pdf>.

Recommendations

- **The Australian Government should develop a scheme, using the subclass 407 visa as its base, to enable overseas workers to undertake apprenticeships in Australia.**
- **The Australian Government should address the continued shortfall in construction sector workers by boosting skills training and through skilled migration programs.**
- **DHA should work with the AHPRA to ensure the streamlined registration process applies to a broader cohort of nurses, including those who qualified before 1 January 2017.**
- **WHM program settings should be amended to extend the initial visa period to two years, with a further renewal for two years.**
- **The Australian Government should implement policy incentives for WHM holders to remain longer term in regional communities with a view to building community connections and increasing the chances of longer-term residency.**
- **The Australian Government should create a pathway for onshore WHM holders, onshore students and other temporary visa holders to transition to a longer-term visa with the potential to contribute to the economy.**
- **The Australian Government should revisit WHM program requirements to encourage those who wish to participate in cultural and community activities in regional communities, such as volunteering, by allowing a broader range of activities to be recognised beyond paid work.**
- **The Australian Government should review the Subclass 491 Skilled Work Regional (Provisional) visa and Subclass 494 Skilled Employer Sponsored Regional (Provisional) visas to create a streamlined pathway for WHM holders who choose to live and reside in non-urban locations for these visas.**

Targeting skills gaps and shortages in critical sectors

Term of reference (c)

The scope to more effectively target skills gaps and shortages in critical sectors to improve services that benefit Australian communities.

Core Skills Occupation List

38. The Core Skills Occupation List (**CSOL**) contains specific occupations which are determined by Jobs and Skills Australia (**JSA**) to be appropriate for employer-sponsored temporary migration through the Core Skills Stream of the SID visa. The CSOL is reviewed regularly by the JSA, who provide recommendations to the Australian Government on the CSOL on an annual basis (and more frequently if requested by the Government).[40]

39. The Law Council's position remains that:

    (a) A skilled occupation list should be abolished in favour of a skill level classification;

    (b) There should be clear and certain pathways to permanent residency for temporary skilled migrants; and

    (c) Skilled occupation lists need to be flexible and apply to areas of genuine shortage in a timely manner.[41]

    This would have the effect of enabling employers to drive which occupations are included in the visa program based on their specific needs.

40. In relation to the CSOL, members of the profession have reported that certain occupations in demand are excluded from the list based on the overall demand for such occupations across Australia. This does not take into consideration that individual filling of such positions may be crucial to the economy, or to business or government enterprises, or filling a role regionally that cannot otherwise be filled. The presence of such occupations on the list would act as a safeguard against skills shortages. For example, in a submission to JSA on the 2025 CSOL,[42] the Law Council identified many occupations that are particularly difficult to recruit in regional

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[40] Jobs and Skills Australia, "2024 Core Skills Occupations List: Key Findings Report" (August 2024) 2 <https://www.jobsandskills.gov.au/download/19706/2024-core-skills-occupations-list-key-findings-report/2953/2024-core-skills-occupations-list-key-findings-report/pdf>.

[41] Law Council of Australia, "2025 Draft Core Skills Occupation List" (26 September 2025) <https://lawcouncil.au/publicassets/b1884436-999a-f011-94be-005056acd090/4729%20-%20S%20-%20CSOL%20Submission%202025.pdf>. See also Law Council of Australia, "Draft Core Skills Occupation List (CSOL)" (4 June 2024) [5]–[6] <https://lawcouncil.au/publicassets/da7d1f4e-8032-ef11-94a1-005056be13b5/4545%20-%20S%20%20Core%20Skilled%20Occupation%20List%20%20CSOL%20%20Consultation%202024.pdf>.

[42] Law Council of Australia, "2025 Draft Core Skills Occupation List" (26 September 2025). <https://lawcouncil.au/publicassets/b1884436-999a-f011-94be-005056acd090/4729%20-%20S%20-%20CSOL%20Submission%202025.pdf>.

and rural Australia. There are shortages of childcare centre workers throughout Australia—including Child Care Centre Managers, which we submitted should be restored to the CSOL—and the shortage is particularly marked in regional areas.[43]

Skills in Demand Visa

41. As noted in the Introduction to this submission, the Law Council welcomes the introduction of the SID visa pathways for skilled migration. However, since the program was launched in 2024, there remain several procedural issues that must be addressed to ensure that it works efficiently and as intended. They include:

    (a) Processing delays, particularly for the Core Skills Stream which currently has processing times between three to six months. This results in a significant delay for onboarding essential staff, including in healthcare and education sectors; and

    (b) Requirements for employers to conduct Labour Market Testing (**LMT**), which may be unnecessary and create additional delays in the onboarding process. The Parkinson Review identified that LMT is an ineffective tool for identifying true labour market need, and causes unnecessary delays in recruitment in genuine areas of skills shortage that have already been identified by Jobs and Skills Australia.[44]

Accredited status for Standard Business Sponsors

42. Accreditation for Standard Business Sponsors is not defined in the Migration Act or Regulations, but is governed by policy. Currently, accredited status provides certain concessions, including priority processing of subclass 482 and 494 nominations and visas, and the ability to provide character references for subclass 482 applicants in place of overseas police clearances.

43. As at November 2022, there were more than 3,500 accredited sponsors. While some are large multinational or ASX-listed companies, the sheer volume of accredited entities limits the DHA's ability to deliver the intended benefits of the program, in particular priority processing for employer-sponsored applicants.

44. Accredited sponsors should be held to a higher standard, and obtaining and maintaining accreditation should be more rigorous. Tightening these requirements would justify offering accredited sponsors enhanced concessions, including reduced scrutiny of visa applications.

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[43] See for example Australian Broadcasting Corporation, "Daycare Drought Causes Worker Shortages in Southern NSW" (3 November 2025) <https://www.abc.net.au/news/2025-11-03/childcare-drought-leads-to-workforce-shortages-nsw-physio/105958574>; The Parenthood, "Childcare Shortage Crushes Families in the Regions" (9 September 2024) <https://www.theparenthood.org.au/childcare_shortage_financially_crushes_regional_rural_and_remote_families>.

[44] Department of Home Affairs, "Review of the Migration System" (2023) 76 <https://www.homeaffairs.gov.au/reports-and-pubs/files/review-migration-system-final-report.pdf>.

National Innovation Visa

45. The National Innovation Visa (the **NIV**) was introduced in December 2024, replacing the former Global Talent program. Comparable initiatives exist in the UK, Canada and Singapore. However, Australia stands apart as the only country offering a fast-tracked pathway to permanent residency. Other jurisdictions require applicants to hold temporary residence first.

46. Despite its advantages, the NIV has notable limitations. Only specific priority sectors are eligible, and the annual program is capped at 4,500 visas, including secondary applicants, creating a highly competitive bottleneck. Given the program's objective of attracting the world's top talent, increasing the number of available places each program year would better support Australia's innovation agenda.

Skilled Migration Points System

47. The Australian Government recently undertook a review of the points test system, which applicants are required to undertake when applying for the Skilled Independent visa (Subclass 189) visa, the Skilled Nominated visa (Subclass 190) visa and the Skilled Work Regional (Provisional) (subclass 491) visa.[45] The points test essentially determines an applicant's skills set, with the purpose of identifying their potential contribution to the Australian labour market and society. The report of this review has not yet been released.[46]

48. Some areas in which the points test could be improved to more appropriately benefit Australian labour market needs are identified below.

Secondary applicants

49. The Parkinson Review highlighted that secondary applicants (primarily spouses and partners and dependent children) make up 55% of the permanent skilled intake.[47] The Law Council considers that the contributions of spouses and partners are not adequately recognised in the points system. Out of 145 points available in the points test, there are currently only up to 10 points available for spouses/partners, based on their occupation, skill level and English language skills. The points allocation for a spouse or partner having a specified level of English is five points, and a further five points are allocated if they have a positive skills assessment.[48]

50. The Law Council takes the view that the points test does not adequately consider the benefit that spouses and partners can bring to the Australian economy and workforce. Having a spouse or partner with a skills assessment on the CSOL should entitle applicants to a higher number of points. This could provide an incentive for

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45 Department of Home Affairs, "Review of the Points Test Discussion Paper" (April 2024) <https://www.homeaffairs.gov.au/reports-and-publications/submissions-and-discussion-papers/review-of-the-points-test-discussion-paper>.

46 Ibid.

47 Department of Home Affairs, "Review of the Migration System" (2023) 14 <https://www.homeaffairs.gov.au/reports-and-pubs/files/review-migration-system-final-report.pdf>.

48 *Migration Regulations 1994*, Schedule 6D.

DHA to invite applications from such individuals and result in a higher number of skilled economic applicants overall.

Students

51. Members of the profession report that the current visa scheme for people studying in Australia has become overly convoluted and has created problems for students.

52. The "Australian Study Requirement" (**ASR**) is defined in Regulation 1.15F of the *Migration Regulations*, and an applicant who meets the ASR gains five points in the Schedule 6D points test.[49] Currently, unless students meet the ASR on finishing their Australian qualifications, they are not eligible to apply directly for the Skilled Independent points-tested visa program. Instead, students are required to undertake significant additional steps, such as:

    (a) paying to undertake a "professional year";

    (b) gaining post-qualification work experience of at least one year to become eligible for a skills assessment in certain occupations; or

    (c) completing a National Association of Accredited Translators and Interpreters (**NAATI**) test in community language.

53. Frequently, only then will they have enough points to make an application for permanent residency. This issue should be addressed and streamlined to incentivise high achieving students to remain in Australia.

Education

54. In this inquiry, the Committee should also review how education points are calculated across different qualifications. Trade qualifications, such as Diplomas and Certificates III and IV, should be awarded the same number of points as Bachelor degrees to improve the overall point score for applicants relying on trade occupations and value them on an even footing with tertiary professionals, particularly given that trade occupations largely do not require Bachelor degrees.

Numbers

55. Despite the benefits of a strong points test program, the number of grants has significantly reduced over the last few years, including for State and Territory nominated applicants. This is despite States and Territories calling for larger grant numbers as they tailor their needs to their specific jurisdictions.

56. In the 2025–6 program year to date, there have been 16,887 invitations issued for subclass 189 applications. Only 1,665 subclass 190 and 1,160 State and Territory Nominated subclass 491 Expressions of Interest (**EOIs**) have received nominations.[50] This can be compared to 22,973 invitations for subclass 189 applications in the 2024–5 program year, along with 15,336 nominations for subclass

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[49] *Migration Regulations 1994*, Schedule 6D, Part 6D.8.

[50] Department of Home Affairs, "Invitation Rounds Outcomes" (December 2025) <https://immi.homeaffairs.gov.au/visas/working-in-australia/skillselect/invitation-rounds>.

190 EOIs and 8,247 nominations for State and Territory nominated stream subclass 491 EOIs.[51] Further, the subclass 189 planning level for 2024–5 was approximately half of that in 2023–4 (16,900 (which was exceeded) and 30,375 respectively).[52]

57. One distinct advantage for points-tested applications is that they are not tied to employers or required to be nominated by an employer. This is particularly advantageous where an employer refuses to provide nomination for permanent residence for their workers. We consider that it is important to have a strong points-tested program, similar to other countries such as Canada and New Zealand (with whom Australia regularly completes for skilled workers), as well as being able to transition temporary residents to permanent visas, rather than having workers remain for long periods as temporary residents.

Recommendations

- **The Australian Government should address processing delays for the Skills in Demand visa, particularly for the Core Skills Stream.**
- **The Australian Government should consider removing LMT requirements.**
- **The Australian Government should consider more rigorous requirements for accredited sponsors to obtain and maintain accreditation.**
- **The Australian Government should increase the number of places for the NIV.**
- **The Australian Government should provide more points for a primary applicant for a points-tested visa who has a spouse or de facto partner with a positive skills assessment for an applicant on the CSOL.**
- **The Australian Government should provide greater incentives for high-achieving student visa holders to apply for permanent residence in Australia.**
- **The Australian Government should award trade qualifications, such as Diplomas and Certificates III and IV, the same number of points as Bachelor's degrees.**
- **The Australian Government should consider increasing numbers for points test review applications, particularly State and Territory nomination places.**
- **The Australian Government should release the findings of its review of the points test system, referred in paragraph 45 of this submission.**

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51 Department of Home Affairs, "Skill Select Dashboard" (November 2025) <https://api.dynamic.reports.employment.gov.au/anonap/extensions/hSKLS02_SkillSelect_EOI_Data/hSKLS02_SkillSelect_EOI_Data.html>.

52 Think Visa, "Who are the Winners for the 2024-2025 EOI Invitation Round?" (3 June 2025) <https://www.thinkvisa.com.au/immigration-news/who-are-the-winners-for-the-2024-2025-eoi-invitation-round>.

Supporting Australian businesses, productivity and innovation

Term of reference (d)

The scope for skilled migration settings to more effectively support Australian businesses, boost productivity and encourage innovation.

58. The Law Council refers to our response to terms of reference (b) and (c) to address this term of reference.

Public awareness and understanding of the role of skilled migration in Australia

Term of reference (e)

Strategies to enhance public awareness and understanding of the role of skilled migration in Australia.

Role of political and media narratives

59. Members of the profession are concerned about the increasingly negative media narratives used towards migrants. This ultimately creates a wholesale negative impact on the entire migration system, the success of which largely relies on positive social cohesion and multiculturalism.[53] The Scanlon Index of Social Cohesion also notes that measures of social cohesion and belonging are significantly declining, with levels reportedly at their lowest levels since the 2007.[54]

60. While there will always be room for genuine public debate on matters such as population, resources, infrastructure and the environment, members of the profession also consider that it is worthwhile drawing attention to the significant economic and productivity benefits of migration programs, as evidenced in this submission. This would promote balanced and informed debate on these matters.

Trust and confidence

61. The Parkinson Review noted that public trust and confidence in the migration system is crucial to maintaining its success. Some of the key drivers of public trust and confidence include economic conditions, the effects of migration on Australia's labour market, media and political discourse, the full and successful participation by migrants in the community, and the integrity, transparency and fairness of the migration system.[55]

62. The Parkinson Review noted that "[i]n coming decades, it will be crucial for migration settings to support the maintenance and cultivation of trust and confidence in the system", the loss of which "would be a sign of system failure".[56] It suggested that the Australian Government adopt clear objectives and principles for the migration system, to shape and guide design, delivery, evaluation and public narratives about migration in Australia.[57] The Committee should have close regard to the Review's

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[53] Australian Institute of Health and Welfare, "Social Cohesion and Social Connection" (16 October 2025) <https://www.aihw.gov.au/reports/australias-welfare/social-cohesion-and-social-connection>.

[54] James O'Donnell and Qing Guan with Trish Prentice, "Mapping Social Cohesion", Scanlon Foundation Research Institute (2024) <https://scanloninstitute.org.au/wp-content/uploads/Mapping-Social-Cohesion-2024-Report.pdf>.

[55] Department of Home Affairs, "Review of the Migration System" (2023) 27 <https://www.homeaffairs.gov.au/reports-and-pubs/files/review-migration-system-final-report.pdf>.

[56] Department of Home Affairs, "Review of the Migration System" (2023) 18 <https://www.homeaffairs.gov.au/reports-and-pubs/files/review-migration-system-final-report.pdf>.

[57] Ibid 30.

approach as it would also help build and maintain public trust and confidence in the migration system.

Recommendations

- **The Australian Government should design its skilled migration policies with regard to the main drivers for public support of migration—economic conditions, the effects of migration on Australia's labour market, social cohesion including full and successful participation by migrants in the community, and the integrity, transparency and fairness of the migration system.**
- **The Australian Government should adopt clear objectives and principles for the migration system to help build and maintain public trust and confidence in that system.**

Other approaches

Term of reference (f)

Approaches taken in other countries with similar migration objectives.

63. The Parkinson Review found that that global competition for highly skilled migrants is likely to increase.[58] This is also reflected in the recent changes to skilled migration programs by countries such as New Zealand, Canada, the United Kingdom, the United States, and Singapore to attract higher levels of skilled migrants. The Law Council encourages the Committee consider comparative overseas migration programs to identify successful policy approaches to attract highly skilled migrants.

64. To facilitate the Committee's consideration of such programs, the table at Appendix A compares the skilled migration programs of Australia and New Zealand. Many business applicants are often highly skilled entrepreneurs and/or business owners that may not fit within a points test or employer-sponsored category for visa purposes in Australia. New Zealand's skilled migration program may be more attractive to those applicants. We also note that, while New Zealand is offering business visas for entrepreneurs and migrants wanting to invest in New Zealand,[59] Business Innovation and Investment (Provisional) (subclass 188) visas in Australia have been closed since 31 July 2024.[60]

Recommendations

- **The Committee should consider comparative overseas migration programs to identify successful policy approaches to attracting highly skilled migrants.**

[58] Department of Home Affairs, "Review of the Migration System (2023) 15 <https://www.homeaffairs.gov.au/reports-and-pubs/files/review-migration-system-final-report.pdf>.

[59] New Zealand Immigration, "Business Visitor Visa" (2025) <https://www.immigration.govt.nz/visas/business-visitor-visa/>.

[60] Department of Home Affairs, "Business Innovation and Investment (Provisional) Visa" (23 September 2024) <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/business-innovation-and-investment-188>.

About the Law Council of Australia

The Law Council of Australia represents the legal profession at the national level; speaks on behalf of its constituent bodies on federal, national, and international issues; promotes and defends the rule of law; and promotes the administration of justice, access to justice, and general improvement of the law.

The Law Council advises governments, courts, and federal agencies on ways in which the law and the justice system can be improved for the benefit of the community. The Law Council also represents the Australian legal profession overseas, and maintains close relationships with legal professional bodies throughout the world. The Law Council was established in 1933, and represents its constituent bodies:

- the Australian Capital Territory Bar Association;
- the Law Society of the Australian Capital Territory;
- the New South Wales Bar Association;
- the Law Society of New South Wales;
- the Northern Territory Bar Association;
- the Law Society Northern Territory;
- the Bar Association of Queensland;
- the Queensland Law Society
- the South Australian Bar Association;
- the Law Society of South Australia;
- the Tasmanian Bar;
- the Law Society of Tasmania;
- the Victorian Bar Incorporated;
- the Law Institute of Victoria;
- the Western Australian Bar Association;
- the Law Society of Western Australia; and
- Law Firms Australia.

Through these bodies, the Law Council represents more than 107,000 Australian lawyers.

The Law Council is governed by a board of 23 Directors: one from each of the constituent bodies, and six Executive members elected by Directors. The Directors meet quarterly to set objectives, policy, and priorities for the Law Council. Between Directors' meetings, responsibility for the policies and governance of the Law Council is exercised by the Executive members, led by the President. In 2026, the Law Council Executive comprises:

- Ms Tania Wolff, President
- Ms Elizabeth Shearer, President-elect
- Mr Lachlan Molesworth, Treasurer
- Ms Jennifer Ball, Executive Member
- Mr Justin Stewart-Rattray, Executive Member
- Mr Ante Golem, Executive Member

The Chief Executive Officer of the Law Council is Dr James Popple.

The Law Council's Secretariat is based in Canberra. Its website is www.lawcouncil.au.

Appendix A–Comparison between New Zealand and Australian skilled programs

	New Zealand	**Australia**
Points Test with Expression of Interest	Yes—no need to provide documents unless invited.	Yes—no need to provide documents unless invited.
Fee for EOI?	No	No
How many skilled visas?	One—Skilled Resident Visa	Three—subclasses 189, 190 or 491
Visa Type	Resident—can apply for permanent residency after 2 years.	Permanent Resident or Provisional, depending on Subclass.
Processing Timeframe (for visa)	9 weeks to 4 months.	9–10 months.
Cost	NZD6450	AUD4,910.00
Age limit for skilled visa	55	45
Can you include Dependents?	Yes—children up until 24.	Yes—children up until 23.
Health	Health test results must be less than 3 months old when the application is received.	Health test results must generally be less than 12 months old when the application is received.
Character	Must provide police clearance, 6 months old or less.	Must provide police clearances—usually 12 months for Australia and unless the person has returned.

Points Requirement	6 Skilled Resident Points to be eligible for invitation: • 3 to 6 points from 1 skill category—either your New Zealand occupational registration, qualifications or income, and • up to 3 more points from skilled work experience, if required.	65 points: • Age • Qualification • English • Partner • Australian Study • Regional Study • Specialist Qualification • State Nomination • NAATI • Skilled Employment • Professional Year
State Nomination	Not required.	Can assist with invitation.
Work requirement to be invited	Must have be working for, or have a job offer and meet the following: • with an accredited employer either in an ANZSCO Level 1 to 3 occupation and paid at least NZD $33.56 an hour (the 2024 median wage), or in an ANZSCO Level 4 to 5 occupation and paid at least NZD $50.34 an hour (1.5 times the 2024 median wage) • full-time (for at least 30 hours a week), and • permanent or fixed-term for at least 12 months, or a contract or continuous contracts for at least 6 months.	No work requirement to be invited for a skilled visa, despite receiving more points for skilled employment.

English	**Age of test** The test must be no more than 2 years old when you apply.	**Age of Test** The test must be no more than 3 years old time of invitation.
	Types of Tests • IELTS • TOEFL iBT • PTE Academic • B2 First • B2 First for Schools • OET	**Types of Tests** • Cambridge C1 Advanced Test (C1 Advanced) • Canadian English Language Proficiency Index Program General (CELPIP General) • IELTS Academic and General Training • MET • OET • LANGUAGECERT Academic Test • PTE • Test of English as a Foreign Language internet-Based Test (TOEFL iBT)
	Score for Main Applicant Overall score of 6.5 or more (for Main Applicant). Exemptions depending on country of citizenship.	**Score for Main Applicant** 6 in each (for Main Applicant). Exemptions depending on country of citizenship.
	Spouse Applicant Overall score of 5 or more / citizen of certain country. Dependent Applicants may also be required to pay an English Fee.	**Spouse Applicant** Overall 4.5 / citizen of certain country / schooling and qualification exemption Dependent Applicants may also be required to pay an English Fee.

Skills Assessment	The applicant may need to get an International Qualification Assessment (IQA) to show that their qualifications can be used in New Zealand.	Must have a skills assessment.