



Commonwealth of Australia

Migration Regulations 1994

**SPECIFICATION OF TRAINING BENCHMARKS
AND TRAINING REQUIREMENTS**

(Paragraphs 2.59(d), 2.68(e), subregulations 2.87B(2) and 2.87B(3) and
sub-sub-subparagraph 5.19(4)(h)(i)(B)(I))

I, *BRENDAN O'CONNOR*, Minister for Immigration and Citizenship, acting under regulations 2.59, 2.68, 2.87 and 5.19 of the *Migration Regulations 1994* ('the Regulations'):

1. REVOKE instrument IMMI 12/062 signed on 12 June 2012 specifying the benchmarks for the training of Australian citizens and Australian permanent residents, for the purposes of paragraphs 2.59(d) and 2.68(e) and sub-sub-subparagraphs 5.19(4)(h)(i)(B)(I) and 5.19(4)(h)(i)(B)(II) of the Regulations: AND
2. SPECIFY for the purposes of paragraphs 2.59(d) and 2.68(e) and sub-sub-subparagraph 5.19(4)(h)(i)(B)(I) of the Regulations that the benchmarks for the training of Australian citizens and Australian permanent residents are those listed at Schedule A to this Instrument.
3. SPECIFY for the purposes of subregulations 2.87B(2) and 2.87B(3) of the Regulations that the requirements relating to training that the person must comply with, are the benchmarks for the training of Australian citizens and Australian permanent residents listed at Schedule A to this Instrument.

This Instrument number IMMI 13/030 commences on 1 July 2013, immediately after commencement of the *Migration Legislation Amendment Regulation 2013* (No. 3).

Dated June 28 2013

Brendan O'Connor
Minister for Immigration and Citizenship

SCHEDULE A

Training Benchmarks

The business is not required to demonstrate that they are an industry leader in training.

The business is required to show that the training that has been, and continues to be, provided to employees who are Australian citizens and Australian permanent residents is related to the purpose of the business.

The training benchmarks for an established business are:

A) Recent expenditure, by the business, to the equivalent of at least 2% of the payroll of the business, in payments allocated to an industry training fund that operates in the same industry as the business.

OR

B) Recent expenditure, by the business, to the equivalent of at least 1% of the payroll of the business, in the provision of training to employees of the business.

Expenditure that can count towards this benchmark includes:

- paying for a formal course of study for the business's employees who are Australian citizens and Australian permanent residents or for TAFE or University students, as part of the organisational training strategy
- funding a scholarship in a formal course of study approved under the Australian Qualifications Framework for the business's employees who are Australian citizens and Australian permanent residents or, for TAFE or University students, as part of the organisational training strategy
- employment of apprentices, trainees or recent graduates on an ongoing basis in numbers proportionate to the size of the business
- employment of a person who trains the business's Australian employees who are Australian citizens and Australian permanent residents as a key part of their job
- evidence of payment of external providers to deliver training for Australian employees
- on-the-job training that is structured with a timeframe and clearly identified increase in the skills at each stage, and demonstrating:
 - the learning outcomes of the employee at each stage;
 - how the progress of the employee will be monitored and assessed;
 - how the program will provide additional and enhanced skills;
 - the use of qualified trainers to develop the program and set assessments; and
 - the number of people participating and their skill/occupation

Expenditure that cannot count towards this benchmark includes training that is:

- delivered on-the-job, other than on the job training which meets the requirements outlined above under the heading 'expenditure that can count towards this benchmark'
- confined to only one or a few aspects of the businesses broader operations, unless the training is in the primary business activity
- only undertaken by persons who are not Australian citizens or permanent residents
- only undertaken by persons who are principals in the business or their family members
- only relating to a very low skill level having regard to the characteristic and size of the business.