Inquiry into the Migration Amendment (Offshore Resources Activity) Bill 2013

2013

Submission to the Standing Committee on Legal and Constitutional Affairs

Submission by:

Australian Shipowners Association

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Overview of ASA Position

The Australian Shipowners Association made a submission to the 'Review of the Application of the Migration Act to Offshore Resource Workers' in December 2012. This submission thoroughly describes the challenges faced by the industry in relation to the maritime workforce and is attached.

In particular, our submission focussed on the wage pressure created in the blue water sector by the high wages and fluctuating labour demand in the offshore oil and gas industry. We identified two clear workforce requirements:

- That which makes up the fabric of the maritime industry, where jobs are rightly reserved for Australian workers and;

- That which is required to deal with the short term fluctuations in demand, which, if filled entirely by Australian workers creates unsustainable pressure on the operations that form the 'fabric of the industry' and in particular on the trading ship sector. It also creates significant instability / unemployment in the workforce during troughs of activity.

The workforce dynamics of the maritime sector was the focus of our submission, however, we also noted amendments to the *Migration Act 1958* should not affect vessels trading between offshore projects and overseas ports, and policy decisions already taken to not include certain vessels in the provisions of the *Coastal Trading (Revitalising Australian Shipping) Act 2012*.

We are very concerned with the fact that the *Migration Amendment (Offshore Resources Activity) Bill 2013* casts the net very widely in capturing offshore resources activity. The conditions on which trading vessels engage in activity involving offshore oil and gas platforms or project sites are already covered by Federal and State laws concerned with the appropriate level of 'access' granted to foreign ships to this task.

The Bill seeks to capture these particular vessels into Australia's migration zone, and therefore influence workplace matters on foreign ships in international waters. There are foreign vessels that will potentially be captured by this amendment that are operating only within the EEZ and don't visit an Australian port.

It is not clear how a Ministerial determination of what constitutes an 'offshore resources activity' would work with respect to these vessels.

Furthermore, in our view there is a potential conflict with regard to Australia's obligations under the United Nations Convention on the Law of the Sea, which places some limitations to sovereign rights in international waters.