



Paddy Crumlin - National Secretary | Mick Doleman - Deputy National Secretary
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20 June 2013

Ms Julie Dennett
Committee Secretary
Senate Standing Committees on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Ms Dennett

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

I am writing to advise that the Maritime Union of Australia (MUA) strongly supports the terms of the Migration Amendment (Offshore Resources Activity) Bill 2013. I strongly recommend that the Committee propose that the Bill be passed immediately without amendment.

I believe this Bill is important because:

- It closes what we understand to be an unintended gap in the *Migration Act 1958* that was exposed in a Federal Court Judgment in the *Allseas Federal Court* case in 2012. The gap means that the Australian Government is unable to fully regulate employment and visa conditions for workers on nearly all projects in the offshore oil and gas industry that are located outside the Migration Zone.
- It provides the certainty that the workforce, resource owners, operators and contractors have been seeking for a long time, and will ensure that tendering for offshore construction work will be undertaken on the basis of certainty as to what Australian labour relations arrangements apply, thus creating a basis for tenderers to have a known labour cost structure which cannot be undercut by competitors.
- It creates a level playing field so that all workers, irrespective of origin, can now have their migration status regulated and hence their employment standards regulated.
- It will end the exploitation of temporary guest workers in the offshore oil and gas industry, and will ensure that employment, safety, training and occupational licensing requirements can be brought up to Australian legal and industrial standards.
- It has important national security benefits for Australia by ensuring that the Government has the tools to monitor non-nationals working on critical resource installations.

I believe that the Bill achieves the Government's objectives for regulation of offshore employment and has been formulated in a way which:

- Strikes the right balance between freedom of navigation and Australia's interest in regulating its resources industry.
- Provides the best guarantee for the Commonwealth to avoid disputation about when a resource activity starts and finishes.
- Does not seek to over-reach Commonwealth regulation in relation to vessels navigating through the Australian EEZ to get to the area in which those vessels need to operate.
- Provides the best chance of avoiding any challenge to the application of the United Nations Convention on the Law of the Sea (UNCLOS) obligation regarding rights of innocent passage.

On that basis I do not support any amendments to the Bill that could jeopardise those key features of the Bill.

I look forward to being advised on the Committee recommendations.

Yours sincerely

Paddy Crumlin
National Secretary