



**Paddy Crumlin** - National Secretary | **Mick Doleman** - Deputy National Secretary  
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21 June 2013

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

Dear Committee Secretary

**Re: Inquiry into the Migration Amendment (Temporary Sponsored Visas) Bill 2013**

I am writing to advise that the Maritime Union of Australia (MUA) strongly supports the terms of the Migration Amendment (Temporary Sponsored Visas) Bill 2013.

This Bill is important because it introduces a range of measures that will improve protections under the 457 visa program, both for Australian citizens and residents, and for temporary overseas workers, that the MUA believes will strengthen the integrity and operation of the 457 visa program.

The MUA submits that perhaps the key issue that is undermining the integrity of the temporary guest worker system in Australia is the both the perception, and all too often the reality, that there is insufficient rigour in the processes required to justify a requirement to introduce temporary labour from overseas to undertake work in Australian industries, particularly in the resources sector.

The provisions in the Bill that would place a requirement on a 457 visa sponsor to undertake labour market testing in relation to a nominated occupation and to provide the evidence for labour market testing, to accompany an application for a nomination, is long overdue. In the view of the MUA it is a major flaw in the Australian temporary labour arrangements that such a requirement does not already exist.

It is clear that all Government's have accepted that the first priority should always be to employ and train Australian citizens and permanent residents for jobs in Australia and as a result it is a logical step the have in place a mechanism that ensures this is actually occurring in practice. That requires 457 visa sponsors to demonstrate that they have engaged in a transparent process to identify the availability of Australian workers first, before they are able to access temporary overseas workers.

The MUA believes that the evidentiary requirements for labour market testing that are set out in the Bill are reasonable and practical, and will provide evidence of the sponsor's recruitment efforts and results.

It is our submission that without a higher degree of rigour and transparency around the labour market testing aspect of the 457 visa program, the strong emphasis of Government's of all persuasions to lift the competency and capability of the Australian workforce to support adaptation and innovation, and ultimately to lift the productive

performance of the Australian economy, will be severely undermined. Too often the lack of rigour in the process for sponsors to access temporary labour from overseas has become a substitute for investment in lifting the competency, capability and flexibility of the domestic workforce, and it is creating the perception that training and workforce development is not really important or necessary. Such an outcome will have long term detrimental consequences for the economy and ultimately on living standards.

There are other aspect of the Bill that we also we strongly support. For example, we submit that the increase in the period that 457 visa holders have to find a new sponsoring employer from 28 to 90 days will provide far greater protections for overseas temporary workers, and enhance their basic work rights, which is entirely reasonable given their contribution to our economic development. Such a provision will overcome a significant concern that 457 visa holders have raised with the union about speaking out against their current employer for fear that if they lose their job they can be deported. The softening in the Australian economy, and easing of the labour market, makes such a provision all the more important.

We also welcome the provision that provides for Fair Work inspectors to exercise powers under the Migration Act. This is an important measure that will help address the severe under-resourcing of compliance and enforcement activities under the 457 visa program. Again, such a provision will help lift the integrity of the 457 visa program.

The MUA also fully endorses and supports the submission lodged by the ACTU.

I look forward to being advised on the outcome of the Committees inquiry.

Yours sincerely

**Paddy Crumlin**  
**National Secretary**