

June 21st 2013



*The Association of Professional
Engineers, Scientists &
Managers, Australia*

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Committee Secretary
Senate Legal and Constitutional Affairs Committee
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Dear Secretary,

RE: MIGRATION AMENDMENT (TEMPORARY VISAS) BILL 2013

APESMA is a registered trade union representing the industrial and professional interests of a diverse range of professional and managerial employees.

These employees include, amongst others, Professional Engineers, Professional Scientists, Information Technology Professionals, Salaried Pharmacists and Architects.

The Association welcomes the introduction of the Migration Amendment (Temporary Visas) Bill 2013. In particular we support the proposed new labour market testing requirements.

However, APESMA believes that labour market testing should apply for all occupations and do not support exempting particular occupations. In this regard it is often assumed that professional employees are not in need of protection from regulation. We believe that this is an erroneous assumption.

For example, through the Associations National Workplace Advice and Support Centre which provides information, support and representation to our diverse membership APESMA has dealt directly with employees on Section 457 visas who have been experiencing a range of workplace problems. These include the infringement of such basic workplace rights as the underpayment of wages. Almost uniformly the employees concerned do not wish to enforce their workplace rights due to the fear of losing their employment with the resultant cancellation of their visa. In addition to the violation of workplace rights Association members have also reported other issues such as employers requesting the reimbursement of the costs associated with the application of visas.

Therefore the Association believes that it is imperative that the provisions surrounding the granting of Section 457 Visas should be properly enforced. In this regard the capacity for Fair Work Inspectors to exercise powers under the Migration Act is supported.

The proposed new labour market testing requirements should not be considered as onerous. APESMA believes that the 457 Visa program should provide access to temporary overseas workers but only in cases where there is genuine, temporary skill shortages that cannot be filled by Australian workers. There is in some areas as the Association has attested as a matter of public record the existence of such skills shortages. However APESMA believes that there should be an onus on employers to demonstrate that they have actively sought to employ Australian employees first.

Yours sincerely,

MICHAEL BUTLER
Director Industrial Relations