

Committee Secretary  
Senate Legal and Constitutional Committee  
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Parliament House  
Canberra ACT 2600  
Australia

4 June 2010

**Submission to Legal and Constitutional Affairs Committee  
Migration Amendment (Visa Capping) Bill 2010**

I have had the benefit of reading the submissions already lodged to the Committee as published on the Committee's website, and a detailed analysis written by Mr Peter Mares for the webzine *Inside Story* under the title "Capping and Culling the Migration Queue"  
<http://inside.org.au/capping-and-culling-the-migration-queue/> .

While acknowledging the need of the Government to deal with a clearly unmanageable backlog in general skilled migration applications, this legislation does seem to leave the Government open to the allegation that it is blaming the victims – those who are to be capped and culled – rather than creating mechanisms to ensure that another such unmanageable backlog does not occur. In particular, had some tracking been available to the Department with respect to the number of overseas students in certain disciplines, and the numbers of applicants to the assessing bodies in those disciplines, then it must have been possible to identify the danger and take earlier action.

Ultimately, the loss of any individual's opportunity cost, and by extension the loss of that for every member of any specified class seems just a wilful waste and poor compensation for the inadequate administration of the relevant visa category. If the vehicle has overshot its target do you kill the passengers or correct the steering?

Yours sincerely,

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