

The Bill must not be passed in its current form as it is against Australian values.

I totally agree that the Australian government is rightfully entitled to decide the types of migrants this country should accept for the benefits of Australia and its people.

While I have great sympathy for those overseas students who cannot lodge GSM applications as their intended occupations will no longer be on the SOL from 01/07/2010, I am conscious of the right of the Australian government to change its law and policies for the benefits of Australia and Australians, provided that the changes do not breach any international law.

Legislative changes form part of our lives in Australia. In fact, they are the very purpose of the existence of the Legislative Assemblies. We simply have to live with them and at times their adverse effects on certain classes of people.

However, the retrospective effect of the Migration Amendment (Visa Capping) Bill 2010 is highly undesirable. It is inhumane, grossly unfair and un-Australian.

The power of selecting the types of skills under the GSM has already been adequately provided in the current migration law. The Minister can change the SOL at any time.

Therefore, I believe that if the government is efficient, it can amend the SOL at any time to select the types of skills it allow under the GSM based on current information.

I argue that the current backlog in the processing of GSM applications is actually caused by the inefficiency of the government.

The government could have amended the SOL as soon as it had become aware of the imbalance of the skills of GSM applicants.

I also note that DIAC has announced transitional provisions for intending GSM permanent visa applicants who are already holding temporary onshore skilled visas (eg SC485) or who have so applied for the visas as of 8/2/2010 to be assessed against the old SOL if they lodge their permanent visa applications on or before 31/12/2012.

The intention of the Visa Capping Bill is contrary to that of such transitional provisions.

In conclusion, I submit that the government has already had adequate powers under existing law to select the types of skills under GSM. If the government acts efficiently, those powers are sufficient. The Bill is intended to give the government additional and wider powers to correct its mistakes and inefficiencies. These powers are unwarranted as they mean to apply changes to migration law retrospectively thereby affecting visa applications validly lodged. It is an extremely unfair piece of legislation and I urge you not to support it.

