



*The Association of Professional
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Committee Secretary
Legal and Constitutional Affairs Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Sir/ Madam,

The Association of Professional Engineers, Scientists and Managers, Australia (APESMA) is pleased to support the Australian Council of Trade Unions (ACTU) submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Migration Legislation Amendment (Worker Protection) Bill 2008.

APESMA is a union for professional employees registered under the Workplace Relations Act 1996. The Association has over 20,000 members and 10,000 affiliate/student members in all states and territories of Australia. APESMA members are predominantly technical professionals including engineers, scientists, veterinarians, surveyors, architects, pharmacists, information technology (IT) professionals, managers and transport professionals.

The number and proportion of overseas employees on temporary s457 visas in many technical professions has grown significantly over the past five years. For example, engineers working on temporary s457 visas represented 16.5 per cent of all new engineers in 2006-07.¹ Migrant engineers, including those on temporary s457 visas, now account for 51 per cent of all new engineers.² In 2006-07 some 1,970 engineers were working in Australia on temporary s457 visas, more than double the 810 just four years earlier in 2003-04.³ Similarly, Department of Immigration and Citizenship data shows that the number of Computing Professionals NEC (the top nominated profession for s457 visa primary applicants) applying for s457 visas rose 33% in 2007-08 to 4,700, compared to 3,540 applicants just 12 months previously.⁴

APESMA agrees with the ACTU that the s457 visa program has proven incapable of protecting the increasing numbers of temporary overseas workers coming to Australia. As it is currently constituted, the s457 visa program places the rights and interests of Australian workers and temporary overseas workers at risk.

¹ Derived from Department of Immigration and Citizenship statistics reported in *Engineers Australia The Engineering Profession: A Statistical Overview, Fifth Edition 2008*, p 61-63

² *Engineers Australia The Engineering Profession: A Statistical Overview, Fifth Edition 2008*, p 61

³ *Department of Immigration and Citizenship via Engineers Australia The Engineering Profession: A Statistical Overview, Fifth Edition 2008*, p 61

⁴ *Department of Immigration and Citizenship, Subclass 457 Business (Long Stay) State/Territory Summary Report 2007-08 Financial Year to 30 June 2008*. Report Id: BR0008, p8



Temporary overseas workers are more vulnerable to exploitation and abuse by unscrupulous employers than permanent residents. The risks inherent in temporary overseas worker programs are widely acknowledged by international organisations and labour migration experts.⁵

The Association has contributed to the development of the ACTU's policy in regards to the use and working conditions of overseas employees, including those coming into Australia on s457 visas. As such we are pleased to support their submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Migration Legislation Amendment (Worker Protection) Bill 2008.

Yours faithfully,



Michael Butler
Acting Executive Director,
Industrial Relations

⁵ See, eg, See, eg, Martin Ruhs, 'Designing Viable and Ethical Labour Immigration Policies', *World Migration 2005*, International Organisation for Migration, June 2005; Philip Martin, *Towards Effective Temporary Worker Programs: Issues and Challenges in Industrialised Countries*, International Migration Paper No. 89, ILO, 2007; and Organisation for Security and Cooperation in Europe, International Organisation of Migration and International Labour Organisation, *Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination* (2006).