

# DISSENTING REPORT

## Australian Greens

The Australian Greens oppose the Migration Amendment (Offshore Resources Activity) Repeal Bill 2014 (the Bill).

The legislation which this Bill seeks to repeal – the *Migration Amendment (Offshore Resources Activity) Act 2013* – was enacted in June 2013 to overcome the risk that foreign workers involved in the exploration and exploitation of Australia's natural resources, and who therefore form part of the Australian employment sector, are working under conditions and receiving wages that are below Australian standards.

A failure to regulate this risk would result in a reduction in work opportunities for Australian citizens and permanent residents, as well as non-citizens who hold relevant visas which permit work. A further consequence would be that businesses that only engage workers who hold valid visas, would be placed at a competitive disadvantage.

In submissions to this inquiry, the Australian Maritime Officers Union (AMOU), and the Maritime Union of Australia (MUA), have each made cogent arguments as to the vital importance of the legislation this Bill seeks to repeal.

The MUA points out the *Migration Amendment (Offshore Resources Activity) Act 2013* is necessary to protect Australian jobs from exploitation by offshore resources companies, and to ensure overseas workers receive Australian wages and employment conditions.

The AMOU argue that it is important to ensure that the workers engaged on facilities in the 'Exclusive Economic Zone' enjoy protections consistent with workers across Australia.

The AMOU further notes there is concern about the abuse of the 457 visa in the offshore oil and gas industry. It states the decision to issue 457 visas does not have sufficient regard to the availability of Australians seeking work. It states that, while there are many Australian workers who are available for the jobs, some vessels are almost completely staffed with foreign workers.

The AMOU cites the irony that many of its unemployed members are recent immigrants under the skills shortage visa program, who are now subsisting on unemployment benefits because roles are filled by 457 visa workers.

It cites anecdotal evidence that 457 visa holders engaged in the offshore oil and gas industry are not being paid the same conditions of employment as Australian seafarers.

The MUA notes that the government's rationale for this legislation is specious. When introducing this Bill, the Minister for Immigration and Border Protection stated it is

necessary to remove the requirement for overseas workers to hold a visa when working in the offshore resources industry within the migration zone. Despite his assertions that the Act should be repealed because it is unnecessary 'red tape', it increases the regulatory burden on offshore operators and it significantly impacts businesses and investors, there is no evidence to suggest that any of these grounds is correct.

As with much policy, it is important to strike a careful balance. In this case it is between supporting businesses and supporting and protecting workers. The Australian Greens believe that this Bill, in repealing the previous legislation, would not confer benefits which would outweigh the risks the original legislation was enacted to overcome.

### **Recommendation 1**

**The Australian Greens recommend that the Senate rejects this Bill.**

**Senator Penny Wright**  
**Senator for South Australia**