



National Farmers'
F E D E R A T I O N

**SUBMISSION TO THE SENATE LEGAL AND CONSTITUTIONAL
AFFAIRS COMMITTEE INQUIRY INTO THE MIGRATION AMENDMENT
(SPONSORSHIP OBLIGATIONS) BILL 2007**

JUNE 2007

1. The National Farmers' Federation ("NFF") seeks to provide information to the Legal and Constitutional Affairs Committee ("the Committee") in relation to the *Migration Amendment (Sponsorship Obligations) Bill* ("the Bill").
2. The NFF has previously provided submissions to the current Joint Committee Inquiry into temporary visas in relation to issues interlinking with subject matter treated in the Bill.
3. The NFF seeks to highlight its concerns on a number of matters, including its preferred outcomes and the scope of the potential operation of some provisions.
4. The NFF believes that temporary business visas form a key part of addressing significant regional labour shortages, coupled with other measures including workforce participation. It is estimated that the drought recovery will give rise to the need of approximately 50,000 workers.

Minimum Salary Levels

5. The NFF opines that the minimum salary and conditions that should apply to foreign workers on temporary business visas should be the same as those applying to Australian workers. The mechanism to give effect to this should be the application of the relevant industrial instrument. The NFF further submits that the inclusion of non-monetary benefits, the 38 hour week and reasonable additional hours should all be treated in the same fashion as they are under the *Workplace Relations Act* for Australian workers. The NFF submits that section 140IC of the Bill would be unnecessary under this proposed mechanism.
6. However, should parliament wish to introduce section 140IC, which makes provision for the method of determining minimum salaries in respect of different occupations or classes of occupations, persons working in certain geographical areas and other appropriate matters, the Minister needs to consider average wages in the agricultural sector.

7. The NFF has previously raised concerns that the current minimum salary is highly centralised and based on averages across the economy, sourced from the Australian Bureau of Statistics. The Bureau does not keep statistics relating to agricultural employment, therefore the current minimum salary is not representative of market rates in agriculture. Although the NFF supports the changes to the extent that they facilitate a more representative minimum salary for agriculture, it would prefer that salary levels be set by the relevant industrial instrument, equalising rates of pay for Australian and foreign workers alike.
8. The NFF further supports the facilitation of differential minimum salaries to the extent that it will allow for regional concessional minimum salary levels. However, the NFF wishes to highlight the problem that some geographical areas are not deemed as regional and farmers in these areas cannot access employees falling under the regional concession. This is particularly detrimental as it is these occupations that have enjoyed the highest uptake in the agricultural sector.
9. The NFF acknowledges that the amendments may allow the Minister, via the legislative instrument, to allow for the inclusion of non-monetary benefits in the method of calculating minimum salaries. However, the NFF would prefer that this matter be expressly confirmed within the legislation.

English Language Requirements

10. The NFF has previously acknowledged that communication, in English or any other language, is essential to the functionality of working relationships and the health and safety of workers. The NFF is not opposed to the introduction of the requirement International English Testing System (“IELTS”) requirements being set at 4.5.

Activities of Appropriate Skill-Level

11. Whilst supporting the notion in section 140ID of the Bill that employees should be engaged in activities at a skill level appropriate to their occupation,

the NFF is concerned that the term 'activity' is broad and may operate to include activities that are in themselves not appropriately skilled, but that are incidental to the actual skilled activities.