



SUBMISSION TO THE

Inquiry into the Migration Legislation Amendment (Worker Protection) Bill 2008 Commissioned by the Senate Legal and Constitutional Affairs Committee

The Pastoralists and Graziers Association of Western Australia (PGA) welcomes the opportunity to comment on the Migration Legislation Amendment (Worker Protection) Bill 2008 commissioned by the Senate Legal and Constitutional Affairs Committee.

The Association is a non-profit industry organisation established in 1907, which represents primary producers in both the pastoral and agricultural regions in Western Australia. The PGA participates in key industry and commodity groups. We have a strong membership from all facets of the broad acre agricultural industry, including, pastoralists, grain growers and livestock producers. The PGA has a state-wide District Committee structure which enables grassroots input on all policy matters including, biosecurity, weed and pest management, land and water management, economic and regulatory constraints on producers and industry development for our members in the regional, rural and remote areas of Western Australia.

The PGA also operates PGA Personnel, which acts as an employment agency for rural workers, placing staff throughout regional WA. PGA Personnel has been dealing with the problem of sourcing qualified and appropriate people to work in rural and remote jobs – a problem that has become increasingly difficult in the current economic and regulatory environment.

Agriculture is a significant source of employment in Western Australia, however compared with other major employers such as mining and government, the level of sophistication with regards to business practices, standards, and equipment, is often basic. Many farmers operate out of remote areas, and are isolated through distance and technological capability, especially with regards to computer access and broadband technology. It would therefore not be prudent to place overly restrictive demands relating to electronic storage and document filing times, and it would be beneficial to provide some sort of allowance for these timelines with rural sponsors.

The Association is concerned over Section 140H Sponsorship Obligations, and in particular New Subsections 140H(1) and 140H(5), which according to the Explanatory Memorandum state :

- 102 Subsection 140H(1) allows the sponsorship obligations to prescribe the period of time for which a person is required to satisfy a sponsorship obligation. The earliest point in time at which a person can be required to satisfy a sponsorship obligation is when they become an approved sponsor (within the meaning of the definition inserted by item 1). A person can continue to be required to satisfy a sponsorship obligation after they cease to be an approved sponsor.

- 130 For example, the regulations may prescribe that an approved sponsor must keep records in relation to a sponsored visa holder from the time the visa is granted, for 6 years after the visa holder leaves employment of the approved sponsor. If the approved sponsor ceases to be an approved sponsor during this period of time (for



example, by being cancelled as an approved sponsor), they will continue to be required to satisfy the sponsorship obligation.

110. New subsection 140H(5) provides that the regulations may prescribe the manner in which a sponsorship obligation must be satisfied and the period of time within which the sponsorship obligation must be satisfied.
111. For example, the regulations may prescribe that an approved sponsor (or former approved sponsor) must keep records in relation to a visa holder for whom they are a sponsor; that those records must be kept electronically; and that those records must be provided to the department within 14 days of a request to provide the records. If the records are not kept electronically then the sponsorship obligation will not be satisfied, and if the records are provided 15 days after the request then the sponsorship obligation will not be satisfied.
112. Therefore the combined effect of new subsections 140H(1) and (5) is that regulations may prescribe a length of time during which the sponsorship obligations must be satisfied, and the manner of time within which the sponsorship obligations must be satisfied during that length of time.

Just as the size of a farm may vary, the number of seasonal workers in agricultural settings may vary from one or two on small farms, to over one thousand for a major agribusiness. Any restrictive demands requiring smaller sponsors to comply with the same practices as larger corporations, would be unfair and may have a negative impact on the level of production. These smaller sponsors may not have access to reliable IT systems, office equipment, telephones and broadband; and may also not have the level of business acumen that may be found in a corporate environment.

Many pastoral stations are located in extremely isolated areas, with the only form of reliable electronic communication based on satellite technology with limited coverage. They are often situated over a thousand kilometres from the nearest landline, power grid, or broadband connection, and do not have access to the same facilities one would find in urban areas, or even mine sites.

Such isolation and limited access, coupled with varying approaches to business practices and limited access to broadband and other electronic communication systems, would necessitate a simple and basic approach to record keeping, with an emphasis on paper records rather than electronic filing, and a greater allowance in the number of days to provide any requested records.

Thus it would be beneficial that the government refrain from placing a blanket policy regarding the length of time and manner of which the sponsorship obligations must be satisfied, and assess each sponsor on their individual merits.

A handwritten signature in black ink that reads 'Rob Gillam'.

Rob Gillam
President
28th October, 2008