

21 June 2013

Committee Secretary  
Senate Standing Committee on Legal and Constitutional Affairs  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

*Via email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)*

Dear Committee,

**RE: Inquiry into the Migration Amendment (Temporary Visas) Bill 2013**

The AWU notes the short time frame associated with this inquiry and thus in substance relies upon the submission made by the ACTU on behalf of all affiliated unions.

Nevertheless such is the importance of this issue that the AWU feels compelled to lend its voice to the growing community and worker concerned surrounding time implementation of the temporary visa scheme and particularly the issuance of subclass 457 visas.

The Australian Workers' Union unashamedly supports the right of Australians to stable and secure jobs.

This is the core business of all unions and should be the primary concern of any government tasked with securing the welfare and living standards of its people.

The AWU recognises that there are instances that arise in a diverse economy such as Australia's where there may be insufficient supply of appropriate workers to fill demand for certain skills.

In such instances the AWU the following measures to be the appropriate policy response:

1. **Training** –Encourage the government and employers to work together to ensure an Australian worker is given the ability to train for the position. The AWU represents many workers who have been made redundant as a result of closures in Australia's struggling manufacturing sector. Such displaced workers should first be offered an attempt to retrain for work in other industries before consideration is given to the importation of labour. The high levels of regional and youth unemployment provide further reasons – if they are required – as to why Australians should be provided with the opportunity to train for Australian jobs. The temporary visa program should not allow companies to avoid the costs of training or investment in human capital as this is part of the social compact of doing business in Australia.
2. **Permanent migration** – In instances where it is not possible to train or locate a local worker for a position there may be a case for the use of migration. The AWU has long held the view that migration is highly desirable for the Australian nation, however this migration should ideally be permanent. Australia's rich multicultural diversity is

reflected in the AWU's membership and is a testament to Australia's successful immigration program with its focus on permanent migration.

3. **Protection of conditions** – It is vital that temporary migration does not undermine the hard won rights and conditions of Australian workers. Furthermore no Australian worker would want to see a foreign national exploited by an employer with unfair rates of pay and conditions. The examples of exploitation by unscrupulous workers who have deliberately rorted the temporary migration program as an avenue to undercut wages and conditions are too many to list.
  
4. **Labour Market Testing** – Temporary migration visas are issued due to a scarcity of supply that is alleged by an employer. It is only logical that such a lack of supply be proved through some form of evidence with the onus of proof falling upon the applicant, which in this case is the employer. Simply relying upon the 'word' of an employer that they have been unable to secure an appropriately skilled worker is insufficient.

The AWU does not oppose immigration or the importation of labour when required.

The AWU believes the government should oversee a well-ordered, transparent guest worker program that puts Australians first. Such a program should be based on clear evidence of need, must not undercut wages and conditions and should severely punish companies that use the program for the purposes of undercutting domestic wages and conditions.

Yours sincerely,

Paul Howes  
**NATIONAL SECRETARY**