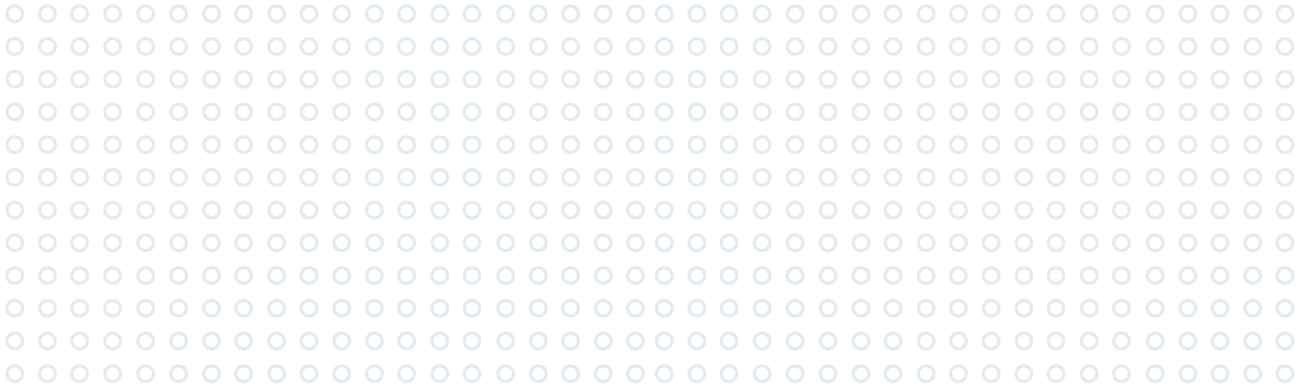


Business  
Council of  
Australia



Submission to the  
Senate Legal and Constitutional  
Affairs Legislation Committee on the  
Migration Amendment (Offshore  
Resources Activity) Repeal Bill 2014

APRIL 2014

The Business Council of Australia (BCA) brings together the chief executives of more than 100 of Australia's leading companies, whose vision is for Australia to be the best place in the world in which to live, learn, work and do business.

This is the BCA Submission to the Senate Legal and Constitutional Affairs Legislation Committee Inquiry into the Migration Amendment (Offshore Resources Activity) Repeal Bill 2014.

The BCA supports the repeal of the Migration Amendment (Offshore Resources Activity) Act 2013.

In June 2013 the BCA made a submission to the committee on the Migration Amendment (Offshore Resources Activity) Bill 2013. That submission, which is attached, set out the BCA's reasons for opposing 2013 Bill.

The BCA considers that the repeal of the 2013 Act will remove a source of unnecessary delays and other regulatory costs on offshore resource projects that rely on a skilled and globally mobile workforce.

Retaining the 2013 Act will continue to reduce our international competitiveness in this sector and reduce future Australian jobs.

No specific problem has been identified to justify a dedicated work visa for the offshore resources industry as required under the 2013 Act. As the Regulatory Impact Statement for the Repeal Bill 2014 notes, non-citizens working on offshore resource installations already require valid visas when they transit through Australia.

**Attachment: BCA Submission to the Senate Legal and Constitutional Affairs Committee on the Migration Amendment (Offshore Resources Activity) Bill 2013**

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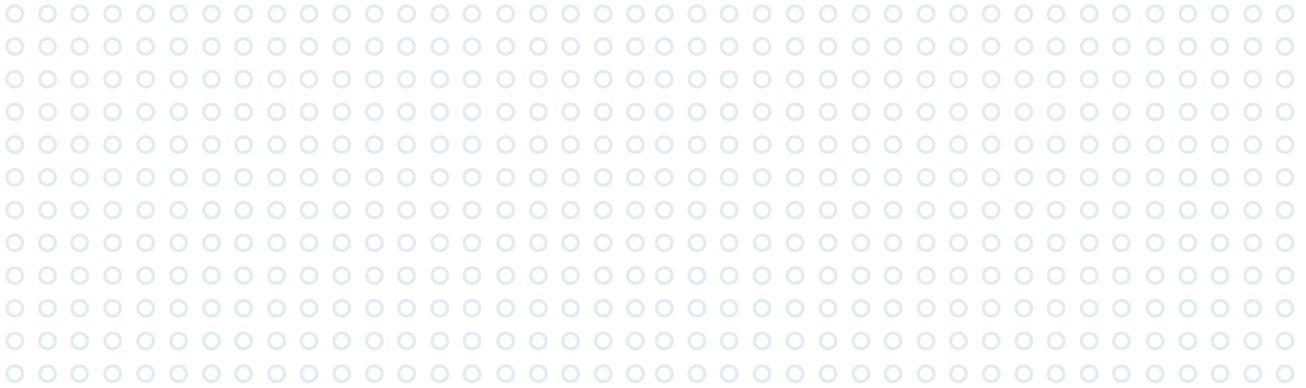
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Business  
Council of  
Australia



Submission to the Senate Legal and  
Constitutional Affairs Committee on  
Migration Amendment (Offshore  
Resources Activity) Bill 2013

JUNE 2013

The Business Council of Australia (BCA) brings together the chief executives of more than 100 of Australia’s leading companies, whose vision is for Australia to be the best place in the world in which to live, learn, work and do business.

## About this submission

This submission by the BCA calls for all parliamentarians to oppose the Migration Amendment (Offshore Resources Activity) Bill 2013.

## Key points

- ▶ The Bill provides broad powers to impose visa conditions on foreign workers participating in and supporting offshore resource industries.
- ▶ The Bill, Explanatory Memorandum and supporting Parliamentary documents do not give details of what conditions are to be included in the ‘specially designed visa’, nor what specific offshore resources activities would be regulated in the expanded migration zone.
- ▶ The visa conditions would be specified and subsequently made by regulation under the *Migration Act 1958*. This would be done without detailed Parliamentary scrutiny.
- ▶ The BCA is opposed to the granting of broad powers under legislation in the absence of compelling justification.
- ▶ The Bill and supporting Parliamentary documents fail to provide hard evidence of employment and security problems with the current legislative framework. As a result, no opportunities or benefits are expected from the legislative amendments.
- ▶ In an increasingly global labour market, increasing regulatory costs on Australia’s offshore resources industries that underpin Australia’s growth and are experiencing skills shortages, risks leading to the loss of more Australian jobs than the regulations seek to protect.

## Summary Checklist for New Regulation

The BCA has assessed the Bill against the principles in the BCA’s Standards for Rule Making in the table below:

Principle	Status
<p><b>1. The problem to be solved is well understood</b></p> <p>Before government seeks to regulate, it must understand the problem or policy priority in depth and test the case for regulation, along with the risks and consequences of not regulating a particular activity.</p>	<p>Fail.</p> <p>No hard evidence of employment and security problems with the current legislative framework are provided.</p>
<p><b>2. New regulation is subject to cost–benefit analysis</b></p> <p>The costs of new regulation are thoroughly assessed and tested with the community through cost–benefit analysis, which includes an explicit understanding of the costs to the community including business.</p>	<p>Fail.</p> <p>A Regulation Impact Statement was completed, but it did not estimate the costs and benefits of the options.</p>
<p><b>3. Regulation achieves its objectives at least cost</b></p> <p>Regulation is carefully targeted to achieve its stated objectives and minimise the cost impacts on the community including business.</p>	<p>Fail.</p> <p>Visa conditions and industry scope have not been specified and would be made by regulation or ministerial determination under the Act.</p>

## Recommendations

Oppose the Migration Amendment (Offshore Resources Activity) Bill 2013 until the government:

- Specifies the nature and scope of regulation that is being proposed.
- Provides clear evidence of problems with the existing regulatory framework.
- Completes cost-benefit assessments of a broader range of options, including non-regulatory options, for addressing any identified problems.

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