



Migration Amendment (Australia's Engagement in the Pacific and Other Measures) Bill 2023, and the Migration (Visa Pre-application Process) Charge Bill 2023 submission

About our organisation

The idea of creating a Niue Advisory Council came about following a community meeting with the Niue High Commissioner. She advised the meeting that the Niuean people living in Queensland needs to establish a body before it can engage in dialogue with Niuean in New Zealand and the Government of Niue.

We have completed the incorporation process and have drafted and registered our constitution with objectives that are aligned with our Niuean culture, tradition, heritage and values. Niue Advisory Council Queensland is a registered incorporated Society in accordance with the Australian Fair Trading Act.

NACQ is a collective of individuals and groups who are committed to maintain, retain and transmit our Niue culture, values, traditions and language. We intend to work together to support the Niue communities, families, individuals and groups to be connected and integrated into the wider community in Queensland and surrounding areas.

Our organisation has a formal Memorandum of Understanding (MoU) with the Niuean Government as the official voice of the Niuean Community in Queensland.

When it comes to culture, sport and language, we are the primary organisation that delivers these services to our community. This is the standing in which we make this submission to the committee regarding this bill.

Our position on the bill

The Migration Amendment (Australia's Engagement in the Pacific and Other Measures) Bill 2023, and the Migration (Visa Pre-application Process) Charge Bill 2023 allows for the charging for people to enter the lottery process contained within the Pacific Engagement Visa.

Our position is that the fee being a non-refundable fee, for a visa where there is nothing that the applicant can do to guarantee success is inherently unfair.

The lack of merit that a lottery provides is something we oppose.

However, our primary concern with the bill is that it is a charge for a visa that our Niuean people are unable to access.

Under the framework of this bill, the Australian Government is sending the signal that the Cook Islands, Niue, Tokelau, New Caledonia and French Polynesia are irrelevant to the work of the Australian Government in terms of its engagement in the Pacific.



This bill also diminishes the natural migration patterns of our people into Aotearoa New Zealand by saying that once that occurs, they don't count for a second time under the proposal put by the government.

Background

Niue has a peculiar history which aligns with the pride of our Polynesian brothers and sisters across the Pacific. Famously, Captain Cook labelled our island "Savage Island" when our ancestors refused him entry after they were greeted by locals who smashed berries on their faces which the British thought looked like blood.

We are a proud people; we are a strong people and considering that the vast majority of our people reside in New Zealand and in Australia, the work that organisations like ours does to preserve, language, culture and tradition is important.

The first resident high commissioner, Susan Allen, took office in Alofi in 2020. At this time, this was lauded by the Australian Government as a watershed moment in Australia taking its engagement with the Pacific seriously. The Australian Government has had formal diplomatic relations with Niue since 2014 but this is the first time that the Australians have had someone in residence on the island.

Considering this development, when the now government was in Opposition our community supported the idea of a Pacific Engagement Visa as well as proposed changes to New Zealand based migration rules which have been fundamentally unfair towards our people since they were introduced in 2001. We believe that the combination of these two visas would ensure the fairest pathway set for our people to thrive and positively contribute to Australia whilst being able to remain connected to their families in Aotearoa New Zealand or in Niue.

We were also concerned with the move of the now Opposition to oppose the visa at the time of the visa being announced.

However, now we have seen that our people are being excluded, our migration patterns are being disrespected and this committee is considering a bill to charge people for a lottery that treats people's futures as if it were a game – we oppose this bill and the underlying visa structure as constructed by the government.

Niuean people migrate to Aotearoa New Zealand for a variety of reasons. However, they are no less Niuean when they do that. The idea that they are shows how little the Australian Government understands the Pacific and migration in the Pacific.

NACQ can not support a visa or a proposal that treats our people in this way.

Our position

1. NACQ opposes any move to introduce a visa with a lottery mechanism and urges the government to remove the lottery and the fee from the bill and deliver a visa that is based on merit that people can pay to apply for like every other visa to enter Australia.
2. NACQ opposes the exclusion of Niue from the Pacific Engagement Visa and urges the Australian Government to include every nation in the Pacific, irrespective of governance arrangements.
3. NACQ opposes the structure of 'based in country' to apply for this visa. Pacific Islanders living in Aotearoa New Zealand should be treated the same as those that are not.



4. NACQ urges the government to consider a weighting mechanism to ensure that people who apply from smaller nations have a chance to gain one of these visas. NACQ is concerned that all of the visas will go to applicants from PNG and Fiji because they have the big populations living in country.