

Submission to JSCT

Wednesday, 17 August 2022

Mr Nicholas Davis.
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Submission to Joint Standing Committee on treaties in relation to Australia-India Economic Cooperation and Trade Agreement

I thank the committee for the opportunity to write a submission on the consideration of this proposed trade agreement.

I am an Australian citizen; I want to work in the Information Technology field so I will scope my submission to the parts of the treaty that I believe will have an impact on myself and that field.

I first want to provide feedback to Annex 9a "Australia's schedule of specific commitments on temporary movement of natural persons"

Specifically, section B of the document for installer and servicers which states "*A natural person who is an installer or servicer of machinery or equipment, where such installation or servicing by the supplying enterprise is a condition of purchase under contract of the said machinery or equipment. An installer or servicer must abide by Australian workplace standards and conditions and must not perform services which are not related to the service activity which is the subject of the contract.*"

I greatly oppose this section of the proposed treaty, in effect if I were to purchase IT equipment that anyone could install (there would be little to no reason there would be only one person on the planet that could install IT equipment software etc) I instead of having to hire a local qualified person and pay local rates would essentially be able to just bring a worker in for cheaper than I would pay a local, this hurts the domestic Australian IT employee's it essentially forces us to compete in a losing race where we would need to be asking for less pay to be competitive with other countries workers.

I also wish to apply the same opposition to section C section b which states "*a specialist, who is a natural person with advanced trade, technical or professional skills and experience who is assessed as having the necessary qualifications, or alternative credentials accepted as meeting Australia's domestic standards for the relevant occupation, and who must have been employed by the employer for not less than two years immediately preceding the date of the application for temporary entry.*"

This again is broad enough to give effect that instead of relying on and thus creating demand for local STEM workers business can essentially just pay less to bring a worker in.

I note that the fields I am referring to are specifically impacted by these definitions as set out in Table A.

The government should not seek to allow business to effectively not need or pay appropriate pay to locals using foreign workers.

In relation to Article 8C.3 I oppose the proposed section of the treaty, the problem with the recognition of foreign training and qualification is that curriculum is different, as it is locally in Australia where each state and territory and its tertiary education organisations can have materially different educational outcomes when it comes to the same degrees/diplomas/certificates.

The same opposition applies to Article 8C.4

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I also oppose the fact that India's obligations allow it to essentially be able to access the Australian telecommunications market but if an Australian wants to operate in India there are greater limitations especially concerning India's worrying trend of internet censorship, its forcing of the company to be registered in India and its limitation of foreign investment, if India wants access to our market freely the same should be in reverse.

In conclusion I think that this treaty is detrimental to Australia and its citizens, and I implore the government and members of the committee to reject the proposed treaty for it to be rewritten to have greater equity between the parties.

I also ask that the members of the committee seek representation from the IT industry (not the businesses since as I explain this is in their favour) but from the actual underlying professionals.

I would also plea that the committee seeks to recommend an amendment to provide a obligation for the Republic of India to provide greater cooperation with Australian law enforcement in relation to stopping spam I note that in the anti-spam field some problems people have faced is that getting local Indian law enforcement to actually shut down call centres is exceedingly difficult and the fear of corruption is very real, the fact that a country as large as India has been unable to shut these centres down is cause for concern.

I thank again the committee for this opportunity.

Kind Regards,

Nick.