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Federation of Ethnic Communities' Councils of Australia

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Joint Standing Committee on Migration
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Submission No.....	34
Date Received.....	

RE: FECCA submission to the parliamentary inquiry into eligibility requirements and monitoring, enforcement and reporting arrangements for temporary business visas [457 Visas]

SUMMARY

FECCA notes that:

- The temporary business visa programs serve a purpose if they provide skill workers not available in the community.
- The use of temporary business visas program [457 and related visas] has grown dramatically in the short time it has been enacted. This is evidence of a demand and an opportunity.
- There are 4 sets of interested parties:
 - o the companies and organisations with jobs unfilled,
 - o skilled people in other countries who would like to work in Australia,
 - o the broader Australian community and
 - o the countries of origin of the potential workers

FECCA asks:

- Is the temporary visa program a short term response to a skills gap or is it to avoid the need to invest in training local people? Is the program time-limited while local training occurs?
- Is the temporary program a necessary way to bring skilled people into rural towns and isolated areas where skilled staff is not readily available?
- How is the program affecting international relations - with the countries of origin of workers and in the broader international community?

FECCA recommends:

- Continued monitoring of this fast changing area. The rights and conditions of holders of temporary business visas [457 Visas] are important and protection needs to be strengthened.
- serious community concerns about 457 visas be noted. If these concerns are not properly addressed and this includes publicised, there could be negative impacts on the acceptance of migrants in Australia in general, whether these people be on temporary visas or whether they be permanent residents. The ramifications are much broader than the immediate target group.
- As the program has expanded so dramatically, we believe the arrangements between the Departments of Immigration and Citizenship, Employment and

Workplace Relations, and the relevant companies applying for workers on these visas need to be restructured.

- 'Purchasing a job' must be proscribed. All fees must be transparent and leave the workers with at least the standard rates of remuneration applying to the broader Australian community.
- programs and the contracts have safeguards written into them, for all concerned. Workers cannot be paid below Australian wages. Their terms and conditions cannot be less than parity with local equivalents.
- Monitoring of all contracts needs to be effective. This could include scrutiny to ensure that proper job matching is conducted so that suitable workers are matched to suitable jobs.
- Review of the taxpayer funded support [and its cost] for 457 visa holders and their families
- Penalties for companies misusing the program and/or workers be reviewed and increased
- Review of the effect of the program on international relations - with the countries of origin of workers and in the broader international community
- Effective orientation programs for workers arriving in Australia under the 457 visa. This needs to include orientation to occupational health and safety, an understanding of the norms of working conditions in Australia, workers rights and responsibilities, commonly used terms in particular jobs, forms of address needed in a workplace, Australian laws etc. Effective interactions in a working environment demand more than just working English language skills, they also require an understanding of the context and environment in which people work. Effective orientation is an essential component to the ongoing success of the temporary working visa system. There appears to be a gap in responsibility for effective orientation and the Review itself may be in a position to recommend clarification.

INTRODUCTION

The Federation of Ethnic Communities Councils of Australia (FECCA) welcomes this opportunity to contribute to the parliamentary inquiry into eligibility requirements and monitoring, enforcement and reporting arrangements for temporary business visas. FECCA has consulted with members and stakeholders and is in a position to pass on a number of concerns about some aspects of the proposals.

FECCA'S ROLE

FECCA is the national peak body representing Australians from diverse cultural and linguistic backgrounds. Our role is to advise, advocate, and promote issues on behalf of our constituency to government, business and the broader community. Our charter includes promoting full access and equity, advocating community harmony and the celebration of diversity, championing human rights and Multiculturalism as central to the social, economic and cultural health of Australia.

ISSUES

457 visas: an important component of Australia's migration program

FECCA sees that temporary business visas are an important component of Australia's migration program and Australia's connection with the world. It is worth getting right. The temporary business visas program has grown dramatically in the short time it has been enacted, which is evidence that there is a substantial demand and associated opportunities.

FECCA is aware that some people who apply for 457 visas are in desperate circumstances in their home countries; poverty and unemployment are real issues for them and their families. Australia can be a land of opportunity for these people and remittances can be important for home economies in places like Pacific Islands.

Desperation however, can be a recipe for exploitation of these people and we must continue to monitor this fast changing area. Their rights and conditions are also important. Judging by the reported experience of regulatory bodies to date, there is a clear and present danger that workers under these schemes are vulnerable to exploitation in their Australian employment.

Community concerns about 457 visas

There are also serious community concerns about 457 visas. If these concerns are not properly addressed and this includes publicised, there could be negative impacts on the acceptance of migrants in Australia in general, whether these people be on temporary visas or whether they be permanent residents. The ramifications are much broader than the immediate target group.

Australia's strength has been to base its main immigration program around permanent migration, whether those migrants arrived as economic migrants [eg 'Ten pound Poms'] or refugees or humanitarian entrants or family reunion.

Temporary migration programs do not have many of the built in safeguards and integrative mechanisms of the permanent migration programs. The temporary migration program does serve a purpose if it provides skills and outcomes not otherwise available in the community.

It becomes very controversial, however if temporary business visas are seen to be primarily about cost saving for companies and enterprises at the expense of Australian citizens. We have seen instances of this in numbers of industries. As the program has expanded so dramatically, we believe the arrangements between the Departments of Immigration and Citizenship, Employment and Workplace Relations, and the relevant companies applying for workers on these visas need to be restructured.

Compliance checks

The Office of Workplace Services and the Department of Immigration and Citizenship have a role in monitoring workers conditions but this is a policing type role. Such monitoring work can be expensive and inefficient over large numbers of companies and individuals over time, let alone trying to monitor the recruiting practices in other countries.

Given the newness of the program, some allowance can be made for employers and others not understanding their responsibilities clearly. The undoubted benefits of temporary business visa programs will be undone however if all parties, and particularly employers, are not fully aware of their rights and responsibilities and acting on that basis.

FECCA recommends consideration be given to establishing an independent body to set standards, monitor and refine the operation of this program. FECCA is advised that temporary business visa holders do not have effective access to the kind of protection safeguards that other workers would understand and take for granted. The temporary business visa holders do not know who to turn to and do not have

confidence that in raising their concerns with bodies like the Department of Immigration or the Office of Workplace Services, they may in fact be jeopardising their employment.

Transparency of fees paid for 457 and related visas [including trainee visas]:

'Purchasing a job' must be proscribed. All fees must be transparent and leave the workers with at least the standard rates of remuneration - we would think that, if foreign workers are so much better skilled than local equivalents, they should be paid parity or more, not less.

We also recommend that companies applying for such workers be required to also run traineeships/cadetships/education places for local Australians to be up-skilled in these areas.

There needs to be a structural redesign so that, written into the programs and the contracts, are safeguards for all concerned. The programs must be structured so that Workers cannot be paid below Australian wages. Their terms and conditions cannot be less than parity with local equivalents. Monitoring of such contracts needs to be more effective so as to protect the rights of those involved in the scheme.

The wider social ramifications

Temporary visa holders do not exist in isolation, they may have families and children with them.

Who pays for the education of their children? Health care?

Abuse of the system

There are numerous and diverse reports of mistreatment of people under this visa. For example, Ministers of religion from overseas have been brought to Australia on this visa and then mistreated by the organisations who brought them here.

Perhaps there are many occasions where the visas are working well - publicising these would possibly help the community accept the need for these visas, that they are not taking Australian workers jobs, and so help community perception of the visa-holders.

Reasons for operation of the program

Is the temporary visa program a short term response to a skills gap or is it to avoid the need to invest in training local people?

Is it a necessary way to bring skilled people into rural towns and isolated areas where skilled staff is not readily available? Are these issues monitored effectively?

It is imperative that Commonwealth, States, business and communities work together to better plan for the future training needs, including rebuilding apprenticeship systems. Temporary business visa programs will have more ready acceptance in the community when effective moves are seen to be underway domestically to address skill shortages.

Are there any review results available as to the jobs currently filled by 457 visa holders and the availability of such skills within the community at present? Is this monitored for changing conditions over time?

Recognition of overseas qualification .

Notwithstanding the skill shortage, there are a lot of permanent migrants already in Australia who can not practice their profession. FECCA advocates the development of comprehensive and effective mechanism to make the best possible use of the people resources already in Australia. In this context this includes providing more bridging courses to make overseas trained professionals to the acceptable standard here. People as diverse as dieticians, doctors, and engineers tell us that they need to have more cultural understanding, English training in some professional terms, and understand of the " way of life " here. The professional bodies which regulate the practice of the professions can for historical reasons be act in ways which effectively create barriers for otherwise skilled migrants. Given the financial circumstances of migrants when they arrive in this country, bridging courses should be made affordable. A model similar to HECS wherein you can borrow from the government to enable to enrol in bridging course and then pay once you have a job may serve well.

International ramifications of skill workers temporary transfers

How do the countries of origin of 457 and related Visa-holders view the impact of the programs? Is there an impact on relations with first world countries to which their skilled citizens have moved?

For workers to apply to Australia for temporary business visas [457 Visas], they must, by definition, have skills.

These people may

- be in a country undergoing civil upheaval and wish to move somewhere safer.
- be surplus to need in that skilled group
- wish for a perceived better quality of life for themselves and their children

Many third world countries are trying their best to educate their population. These countries need a skilled workforce, and are trying to fulfil the needs of their communities - for skilled construction and manufacturing workers, health workers, teachers, hospitality industry workers, financial services, etc.

There are examples of African nurses gaining jobs in western countries - with great accolade as to the important role they will play in that wealthy country's health system. There was no mention of the skills loss to the poor third world country, where health care was of a far lower standard.

In a broad context, each country either trains it's own population or acquires skilled staff from other countries. Either way, for people to obtain skills, training is required. Somewhere these costs are paid.

Is there any thought to a mechanism whereby Australia can recompense the countries losing skills so they can replace those skills?

What is the ethical obligation of wealthy first world countries to the countries of origin of these potential visa 457 workers?

Conclusion

FECCA welcomes the careful review of business visas programs as a positive contribution to ensuring Australia continues to have the best possible migration system. We are encouraged to know that the Review Committee is considering the details of this fast developing business visa program. In order to retain community support, it is important that people entering and working in Australia have all the same protections and responsibilities of existing Australian residents (with the exception of the Citizenship rights of voting and jury service). Business visas must not be allowed to be used or seen as an alternative to proper training and enabling for existing Australian residents.

We would be happy to discuss any of the issues raised in this submission. Please do not hesitate to contact me or the FECCA Director, Mark Kulasingham on (02)6282 5755, should you wish to do so.

Yours sincerely

A handwritten signature in black ink, appearing to read 'V. Messimeri', written in a cursive style.

Voula Messimeri
FECCA Chairperson