

RECEIVED
09.11.2007

Submission No. 88

Date Received

BY: MIG

Terms of Reference 1(a)

Adequacy of current eligibility requirements (including English language proficiency)

Language proficiency should not be equated to the worth of a person to a country. If that were a measure of worth I would have to conclude that Einstein might have not been able to move to the USA and live and work there.

The 457 visa program is vital to the Far North Queensland economy. Most businesses making use of the program are very small, some of them are owner operators. In Cairns they are almost exclusively related to provision of sales of goods and services to the tourism industry. Tourism is predominantly from Japan and other Asian countries. It is indispensable for those businesses to hire native speakers. Quite simply without them there would not be a tourist industry.

Whether a person has enough English proficiency to do a particular job should be left to the discretion of the employer.

IELTS, although recognised as an international testing system, does not take into account difficulties encountered by some native speakers of some Asian languages, i.e. Japanese, Korean, Chinese etc. It is obviously far easier to pass a score of say 4.5 average for any native European language speaker than a native Asian. Such a score can easily be achieved by the former in a few weeks of studying whereas may take months if not years by the latter. In that regards the introduction of English language proficiency testing could be viewed as an attempt to reintroduce a de-facto White Australia policy.

In certain occupations it would be meaningless to insist on any English language proficiency as it may bear no significance to the task to be performed. A web designer or a graphic artist to be employed to create a web page in say Japanese or Korean or Chinese could easily perform his/her task with minimal or no knowledge of English. A video cameraman or photographer to be employed to shoot Japanese, Korean or Chinese weddings or tourists from those countries taking a skydiving plunge or their first scuba diving experience would be another example that comes to mind.

English testing should of course be continued to be implemented for those that intend to migrate to Australia on a permanent basis. In fact, one would expect that a temporary entrant might more easily pass an English proficiency test after a couple or more years of living and working in Australia.

Effectiveness of monitoring, enforcement and reporting.

Monitoring is viewed by most small businesses as an invasion of their right to conduct business as they see fit. Of course it is accepted that salary level and superannuation payments should be subject to DIAC scrutiny. However it is objected to that strict proof of expenditure on training is imposed. Sponsors would much prefer to pay a fixed amount towards a "training program fund" than having to prove by minute details all the training they conduct in-house on a daily basis.

One solution might well be that for each sponsored 457 visa holder the sponsor be required to pay a fixed amount to a 'training fund'. For example the money could be

collected by DIAC at the time of application and distributed annually to recognised training institutions such as TAFE colleges. This would automatically eliminate the need to monitor that particular aspect of the 457 visa program.