



MIDFIELD MEAT INTERNATIONAL P/L

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Committee Secretary
Joint Standing Committee on Migration
House of Representatives
PO Box 6021, Parliament House.
Canberra. ACT. 2600.

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BY: MIG

Midfield Meat International Pty Ltd is an export-registered meat processing Company situated at Warrnambool in western Victoria.

In October 2005 our company received approval as a Business Sponsor under the Federal Government Temporary (Long Stay) business sponsor (457) program.

Subsequently this company has experienced ongoing difficulties in accessing visas for properly qualified tradespersons in accordance with ASCO standards to fulfil identified vacancies at our business at Warrnambool.

Accordingly I, Noel Matthew Kelson, as project manager for skilled person entry am authorised to on behalf of Midfield Meat International Pty Ltd to make a submission to the Joint Standing Committee on Migration – Inquiry into temporary business visas, addressing element (2) of the terms of reference to wit:

(2) "Identify areas where procedures can be improved."

Background:

As previously stated Midfield Meat International Pty Ltd (Midfield) received approval as a Business sponsor under the 457 program in October of 2005.

Within it's submission the Company had identified vacancies of 110 positions for skilled slaughterpersons.

In December of 2005 the Company applied to DIMA for the approval of 10 visas as an initial fill of the 110 positions.

The visas were approved and 10 skilled workers from China entered the work force of the Company on March 1.

Subsequently the Company filed application for approval of visas for an additional 34 skilled slaughter persons in precisely the same circumstances as the approved 10 were lodged.

In reviewing this next round of applications DIMA (Melb) sought to impose conditions that were not being applied consistently throughout the country whereupon DIMA (Melb) considered the qualification of the Midfield declared vacancies as inconsistent with the prescribed requirements of the Australian Standard Classification of Occupations (ASCO) code. *No one in DIMA seems to care that the ASCO Codes and descriptions of Australian occupations are at least 15 years out of date and fail to recognise new and emerging skills in areas such as ours.*

Nevertheless, in response to this the Company negotiated with DIMA, and undertook to re-classify the plant positions to align them with DIMA expectations and subsequently re-

submitted the visa applications. DIMA have not approved a 457 primary visa nomination/application by Midfield since March of 2006.

The Company has continued to communicate with DIMA in relation to these matters, variously to understand why the Department will not process the visas before them and, despite satisfying requests for detailed information, DIMA remain unmoved.

The need for skilled labour at this Company is as great today as it was in March 2006.

Within the 457 process approved skills are described in the Australian Standard Classification of Occupations (ASCO) Second Edition 1997. The definitive occupations are broken down into designated skill groupings numbered from 1 to 9. The "major groups" comprise those skill qualifications that are eligible for inclusion in the 457 program.

Referring to the Major Group 4 the ASCO document refers thus " Most occupations in this major group have a level of skill commensurate with an AQF III or higher qualification. In some instances relevant experience is required in addition to the formal qualification.

Commensurate is defined in the Oxford Dictionary as "of the same size or extent, or, proportionate (to).

Central to the DIMA resistance has been the *absurd* requirement by DIMA that visa applicants for slaughter person positions must be *actual holders* of an Australian qualification at the Australian Quality Framework (AQF) Level 3.

One can understand why an overseas doctor is required to hold a particular piece of paper from a registration body before they can work in Australia, but in our industry, this is simply not the case. Nor is it the case for tens of thousands of other skilled workers currently in Australia under sponsorship from Australian companies. As well as being logically absurd, the DIMA expectation in this matter is, according to our best legal advice, inconsistent with the legislation.

DISCUSSION:

The Company respectfully submits that the action by DIMA in refusing to make decisions in relation to visa applications before it have seriously affected the financial viability of this Company.

The Company have had to reduce its operating capacity by 25% across the operation as a direct consequence of the inability to source sufficient skilled labour that in turn generates the work for unskilled and semi skilled persons.

We simply cannot operate a line, slaughtering for export, unless we have the skilled off-shore slaughterers at the head of it and we are now seriously considering having to close one of our lines. Up to eighty people are employed in such a line.

This downturn in operating capacity has flowed directly to the rural sector and has had an impact in the market place as the Company withdrew from competition in sourcing livestock.

Equally the downturn in production outcomes has had a direct effect upon the export earning capacity of this Company.

DIMA has sought to negotiate a "labour agreement" with the meat industry. The labour agreement was being represented as an alternative process to the introduction of skilled labour and is provided for within the 457 legislation.

The development of a Labour agreement has seen an endeavour by DIMA to impose conditions of employment and employer undertakings that exceed the requirements of the 457 visa program.

A significant requirement of the labour agreement was that the respective State governments were to become "signatories" of each agreement. The Victorian State Government has advised this Company that it will not agree to become a signatory of the document. The effect of which is that this and any other Victorian business seeking to take part in a labour agreement have been disenfranchised as a consequence of the Victorian Government decision.

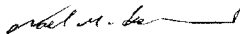
Midfield is eligible to participate within the circumstances applicable to "Regional employers" as described within the Departmental booklet (11) Sponsoring a temporary Overseas employee to Australia. At page 16 conditions applicable to regional employers are described. A key element relates to the "regional wage waiver" whereupon a "Regional Certifying Body (RCB)" is authorised to certify a rate of pay for skilled persons other than the "gazetted" rate as prescribed within the legislation. There has been clear evidence that the DIMA have campaigned to subvert this element of the 457 provisions to the extent that RCB's have been relieved of that particular activity.

ACTION:

Midfield call upon the Federal Government to conduct a full inquiry into the conduct of the Department of Immigration specifically as it relates to the execution of Federal Government policy relating to the provision of overseas skilled labour to the meat industry and to establish if the service delivery to the meat industry has been equitably discharged in the context of the 457 application to like industries and to ensure that improvement occurs to the timely consideration of submitted visas.

We respectfully request permission to make a verbal submission to the inquiry.

Yours sincerely,



Noel M Kelson
Project Manager
Midfield Meat International. Pty. Ltd.