

Australian Greens' Additional Comments

1.1 The Australian Greens consider that the issues raised in this inquiry are of great significance to Australian society and economy. The Inquiry has uncovered disturbing evidence of the level of exploitation of temporary work visa holders, and the impacts that this has on other workers in Australia.

1.2 We believe the committee report is an extremely thorough assessment of the issues raised through the Inquiry process.

1.3 The evidence and case studies that the Inquiry heard included the exploitation of workers employed by 7-Eleven, Baiada, and of workers employed in the construction, engineering, nursing, maritime and aviation industries. These case studies were extremely disturbing and taken together showed the level of exploitation that occurs across Australian workplaces.

1.4 Worker exploitation across these fields included:

- underpayment and/or non-payment of entitlements;
- unfair dismissal;
- discrimination;
- unreasonable requests of workers by employers;
- work in contravention of visa conditions; and
- harassment of workers by employers.

1.5 We concur with the concluding remarks of the inquiry that unless the suite of measures outlined in this report is implemented, the unfettered exploitation of temporary visa workers will continue. This will have serious consequences for the temporary visa workers themselves, and will place further downward pressure on the wages and conditions of local workers.

We consider that the recommendations related to the following issues are of considerable importance:

- the need for quality accessible data on employment and visa issues;
- the establishment of a Ministerial Advisory Council on Skilled Migration which is independent from government; genuinely tripartite; evidence-based; and transparent and publicly accountable;

- the ability to address exploitation of workers on temporary visas across a very wide range of industries, including retail, nursing, maritime industries, meatworking, engineering, and aviation;
- the powers and resources of the Fair Work Ombudsman to investigate and prosecute breaches of employment legislation; and
- franchising arrangements.

1.6 Overall we support the recommendations in the committee report, with minor additions and changes.

Recommendations

1.7 Replace **Recommendation 2** with:

The committee recommends that the Department of Immigration and Border Protection give greater weight to time spent living in Australia in consideration of applications for permanent residency. The Department should conduct a review to consider the evidence in this regard and consider the merits of setting a limit on the period of time after which it would be considered reasonable for a temporary visa holder to qualify for permanent residency.

1.8 Add **Recommendation 9a**:

That the reconstituted MACSM advise on labour market testing mechanisms to strengthen their efficacy and ensure that local workers still get the first opportunity to apply for jobs and that 457 visa holders are only employed in occupations subject to genuine skills shortages.

1.9 Replace **Recommendation 10** with:

The committee recommends that the reconstituted MACSM review the Working Holiday Maker (417 and 462) visa program. The review should include, but not be limited to, an examination of the costs and benefits of the continued operation of the optional second year extension to the visa, the costs and benefits of providing government with the ability to set a cap on the numbers of Working Holiday Maker program visas issued in any given year and whether volunteer work should contribute to eligibility for a second year visa.

1.10 Replace **Recommendation 19** with:

The committee recommends that the immigration program be amended to provide adequate bridging arrangements for all temporary visa holders to

pursue meritorious claims under workplace and occupational health and safety legislation.

1.11 Replace **Recommendation 27** with:

The committee recommends that tertiary institutions with students studying on temporary visas develop proactive information campaigns for temporary visa workers around workplace rights.

Senator Janet Rice

