Submission to the Review of Skilled Migration and 400 Series Visa Programmes

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The need for a comprehensive review

We commend the Department for conducting this general review of skilled migration. There have been dramatic changes in Australia’s approach to skilled migration in the last 20 years that have had, and continue to have, a profound impact on the economic, cultural and social future of the nation. In 1993-4, skilled migration constituted 29% of the permanent migration intake. In 2013-4, it was 68%. Whilst, by the early 1990s, Australia did possess a temporary migrant workers scheme, this consisted of no less than 17 visa types. There was universal acknowledgement that this scheme was cumbersome, time-consuming, and difficult for business to access in an efficacious manner. The introduction of the 457 visa stream in 1996, as a result of the Roach Report, created a temporary skilled labour migration program tailored to the specific needs of Australian businesses. Furthermore, temporary migration is now a vital source of permanent migrants with the majority of skilled migrants in the permanent visa stream having initially entered and worked in Australia as a temporary migrant.

1 Department of Immigration and Citizenship 2010, 7.
We would encourage the committee to approach the current review with the broader questions of Australia’s social, cultural and demographic future in mind, in addition to a focus upon the economic benefits of labour migration.

In this submission, we do three things:
1. We discuss some of the framing issues that need to be considered in any reform of the Skilled Migration program.
2. We offer suggestions for a new unskilled worker visa to address the fact that a large amount of unskilled work is performed by migrant workers that is not subject to the same regulation as skilled migrant work.
3. We make some specific suggestions in relation to two visa components: Skills and Industry Standards and English language proficiency.

1. Framing Issues

1.1 The balance of Permanent and Temporary Migration

Globalization has led to a dramatic increase in migration for work and other purposes. The International Organization of Migration estimates that 105 million persons are working in a country other than their country of birth. Labour mobility has become a key feature of globalization and the global economy with migrant workers earning US$ 440 billion in 2011, and the World Bank estimating that more than $350 billion of that total was transferred to developing countries in the form of remittances. A clear economic benefit for Australia of temporary migration is its responsiveness to changes in economic conditions. When permanent migrants lose their jobs, they are a burden on the Australian welfare state, whereas temporary migrants return home. However, the mobility and flexibility of temporary labour migration comes at a potential cost to Australian workers. There is an incentive for employers to fill shortages of labour with temporary foreign workers rather than invest in skills training for local workers. For this reason, while we support the use of temporary migration programs, we argue below that they must be accompanied by rigorous labour market testing, the safeguarding of local wages and conditions and a commitment to the training of Australian workers.

1.2 The balance of family and skilled migration

As mentioned above there has been a rebalancing in the permanent migration program towards economic migration. This focus on economic migration is reinforced by the rapid growth of temporary labour migration programs. There are potential social costs to this focus on economic migration. The most obvious cost is that it is harder for Australian citizens and permanent residents to sponsor family to join them in Australia. The Australian migration system already has a narrow definition of family reunion, restricting it to parents, children and partners. Within these categories,

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3 The US, for example, extends family reunion to brothers and sisters, and even aunts and uncles.
it is now not possible to sponsor a parent to migrate to Australia without a substantial financial contribution, and there is even a waiting period for partner migration given the demand outstripping the supply of available places. The difficulty of family reunion is not a trivial matter. Recent permanent skilled migrants are particularly affected by restricted family migration. Having committed to a new life in Australia, they are often keen to sponsor extended family to join them. It is a burden on the productivity of a skilled migrant if they are forced to fly home to visit their parents who have no migration pathways to join their children in Australia. There is also significant evidence that skilled migrants are more productive if they have a high level of social well-being, and family and community networks are central to this well-being. The availability of secondary visas for partners and children of permanent and temporary skilled migrants is thus of great importance. It is necessary, then, to be mindful of the family and community needs of skilled migrants, and to be careful to balance numbers in the economic and family migration streams to cater to these concerns.

1.3 Issues with Employer Sponsorship

The Discussion Paper observes that Australia’s skilled migration program has transitioned from being supply driven to being demand driven. In effect, this means that employers largely determine the composition of Australia’s skilled migration program through applying to sponsor migrants, subject to their immediate business needs, either on a temporary or permanent basis.

We have argued elsewhere that there are significant deficiencies in the ability of Australia’s temporary labour migration program to identify and address domestic skill shortages. This is because the subclass 457 visa is based on an undemanding employer attestation scheme coupled with a fairly lukewarm labour market testing requirement for some occupations. The latter was introduced via the Migration Amendment (Temporary Sponsored Visas) Act 2013 (Cth), however this has been implemented in a weak fashion by the Department. Section 140GB refers to any redundancies or labour market research conducted in the preceding four months prior to the making of a 457 visa application but the Department’s guidelines allow the submission of evidence from the preceding twelve months. This weakens the labour market testing requirement as any evidence of unsuccessful recruitment efforts in the preceding twelve months will suffice for the making of a 457 visa application. This is a significantly longer time period from which employers can access data in support of their application. Furthermore, the Department’s guidelines also suggest that the posting of a single advertisement of a job vacancy on a business’s website, any other website or on a social media platform such as Facebook will also suffice. There is no minimum duration for the advertisement and no requirement that advertising be paid. These insubstantial labour market testing requirements are supplemented by an additional obligation that a migrant worker’s occupation be

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4 Reference?


listed on the Consolidated Sponsored Occupations List (CSOL). However, the CSOL is not a genuine occupational shortage list, is compiled internally by the Department and includes over 600 occupations.

We submit that the shift towards a demand driven skilled migration program needs to be rethought. For example, currently under the subclass 457 visa program, an occupation is taken to be in skill shortage if an employer can show evidence of failed recruitment efforts and so long as an occupation is listed on the CSOL. Given the sheer number of occupations listed on the CSOL and that the Department’s guidelines for assessing employer-conducted labour market testing are not stringent, it is clear that there already exists a deregulated process by which employers can seek to access temporary migrant labour. Put simply, Australia’s demand driven model presumes the existence of a skill shortage because the employer's request for use of the visa is taken as confirmation that the job cannot be filled by a domestic worker. This deference to employers fails to question whether the shortage is genuine by assessing the reasons for its existence. In some cases this may be because there is a genuine lack of local workers with the particular skill set required to perform the job, however other reasons for this shortage can exist: it may be caused by ‘labour-related shortages’ such as 'skills gaps', 'labour shortages' and 'recruitment difficulties'. In this way, the 457 visa is driven by employer-demand and is not closely linked to an independent assessment of Australia's skill needs.

According to Hugo, employers 'will always have a "demand" for foreign workers if it results in a lowering of their costs'. There are a range of motives an employer may have for using the 457 visa. These could be a reluctance to invest in training for existing or prospective staff, or a desire to move towards a deunionised workforce. Additionally, for a small minority of employers, there could be a belief that, despite the requirement that 457 visa workers be employed on terms 'no less favourable' than their Australian counterparts, it is easier to avoid paying award rates and conditions for temporary migrant workers who have been recognised as being in a vulnerable labour market position. Given the possibility for employers to use the 457 visa scheme for a motive other than to meet a genuine skill shortage, it is necessary to further scrutinise employer attestation that a skill shortage exists.

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8 Migration Regulations 1994 (Cth), regulations 1.20G(2) and 1.20H(1).
10 Sue Richardson, What is a Skills Shortage? (National Centre for Vocational Education Research, 2007).
12 See, eg, Australian Council of Trade Unions, Submission to the National Resources Sector Employment Taskforce, April 2010.
13 For a fascinating insight into how employers can use subclass 457 visa workers to limit union power in their workplaces, see: Ken Phillips, '457 visas about union control', The Australian (Sydney) 2 April 2013.
14 This point as to the precarious labour market position of some subclass 457 visa workers is explored elsewhere in this submission.
Australia’s demand driven model for identifying and meeting skill shortages results in a short-term focus for the 457 visa scheme which has the potential to preference the needs of a particular employer over the needs of the national economy. Whilst these two 'needs' would often coincide, there would be instances where they would not. An example could be when an employer identifies a need for a particular tradesperson because the trade is in short supply in a particular geographical area, however an oversupply of this worker exists elsewhere in Australia. In this case, it may be in the national interest, albeit potentially more inconvenient and costly, for the employer to offer a relocation package and source an unemployed domestic worker rather than rely on the 457 visa to fill the shortage. This will also depend on the willingness of the worker to relocate. The OECD recommends that identification of skill shortages by employers be independently confirmed to ensure their legitimacy:

Historically, requests by employers have not been considered a fully reliable guide in this regard, at least not without some verification by public authorities to ensure that the requests represent actual labour needs that cannot be filled from domestic sources.\footnote{OECD, \textit{International Migration Outlook: Sopemi 2009} (OECD Publishing, 2009) 134.}

In light of the above, we urge the Taskforce to rethink Australia’s demand-driven model through considering whether employer requests to access both permanent and temporary migrant labour could be verified through independent means.

\subsection*{1.4 The Role of Independent Labour Market Testing}

A model some countries have embraced to address this regulatory challenge is that of expert commissions to assist in migration policy-making. Expert commissions are independent statutory bodies charged with responsibility for engaging stakeholders, collecting and disseminating labour market data and evidence and advising government on decisions pertaining to labour migration programs. Expert commissions can provide advice as to whether migration is the most sensible way to fill a labour shortage and the profile of migrant workers most likely to flourish in the domestic labour market. A commission can also advise government on how to better match the supply of migrant workers with job vacancies, evaluate the employment implications of immigration reform proposals and assess how to balance the interests of workers, employers and the nation.

Given the above, we submit that the decision to abolish the Australian Workforce and Productivity Agency as part of the Government’s commitment to smaller government was erroneous and shortsighted. Although AWPA did not have a role in determining the composition of the CSOL, it did have a critical role in developing the Skilled Occupation List for Australia’s permanent migration program. As a result, the SOL was much more finely tuned to meeting Australia’s skill needs than the CSOL.

The presence of an expert commission to identify labour shortages is consistent with OECD advice that independent labour market testing is preferable for mapping domestic labour shortages because ‘historically, requests by employers have not been considered a fully reliable guide in this regard, at least not without some verification by public authorities to ensure that the requests represent actual
labour needs that cannot be filled from domestic sources’. In its report, ‘Robust New Foundations’, the Independent Review of the Integrity of the subclass 457 visa program recommended the use of a tripartite expert committee to make recommendations to Government about the composition of the occupational shortage list for temporary labour migration. We welcome this proposal as evincing an attempt to develop objective criteria for migration policy-making and for developing a more transparent and publicly accountable process.

A primary argument for the establishment of an expert commission in Australia is the opportunity this would provide to develop rigorous, transparent and credible occupational shortage lists for both the permanent and temporary labour migration programs. Chaloff notes that there is an increasing trend amongst OECD countries to rely upon tripartite or external expert bodies to input into the compilation of shortage lists.

It is important to note that an Australian expert commission would not make final decisions about the composition of the occupational shortage list. This is a political responsibility best left to elected officials with accountability to the parliament and to the electorate through a cycle of regular elections. Nonetheless, the presence of an expert commission can aid the integrity of the compilation process by relying upon both hard economic data and engagement with stakeholders to develop a view as to whether a particular occupation is in shortage and whether this shortage is best addressed through migration. As such, an Australian expert commission could make recommendations which parliament could modify, reject or allow to take effect. This would provide greater public confidence in the process as an expert commission could develop agreed-upon definitions and measures (like the Migration Advisory Commission does in the UK) which would force those that disagreed with the presence of an occupation on the shortage list to make their case with objective evidence rather than assertion.

2. The Regulation of Unskilled Work

2.1 Skilled and unskilled labour migration in Australia

While there are good reasons to focus on skilled migration, we submit that it is important to acknowledge the amount of unskilled labour being performed by migrant workers in Australia. Although the mainstay of the 457 visa is the sponsorship of highly skilled workers, the labour agreements stream also allows for the sponsorship of semi-skilled workers, as does the new Designated Area Migration Agreements. In 2008, the Rudd Labor Government introduced a Pacific Seasonal Worker Scheme to allow workers from select Pacific Island countries to work in the

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Australian horticultural industry for up to 7 months. These dedicated labour migration pathways tell only part of the story of migrant work in Australia. Since the 1990s, a large and growing amount of low and semi-skilled work in Australia has been undertaken by young migrants on Working Holiday and International Student visas, which are not subject to the same regulatory constraints as the subclass 457 visa.

As at July 2014, the Australian labour force consisted for 11,582,200 workers. At that time there were 195,080 working in Australia, there were also 339,760 international students with the right to work 40 hours a fortnight in any employment, skilled or unskilled, and 151,200 Working Holiday makers with the only restriction on their right to work being that they cannot work for one employer for more than 6 months. In addition, the partners and children of 457 visa holders have the right to work in unskilled work without the restrictions of the primary visa holder.

It is important to acknowledge, then, that there are well over 500,000 temporary migrants with the right to engage in unskilled work currently resident in Australia. Their work rights are not subject to the same regulatory controls as skilled temporary workers. For example, they do not need to be paid market wages, they are not limited to employment in specified industries in which there is a shortage of workers, and their employers are not required to demonstrate that they have attempted to employ Australian workers to fill the position.

In our submission, it is unfortunate that the scope of this review does not extend to visa streams for non-work related purposes that contain work rights, such as the Working Holiday visa pathways. The Australian labour market is not neatly divided between skilled and unskilled work. There are genuine shortages of unskilled work in some industries in Australia, and these shortages should be filled primarily through dedicated labour migration programs with appropriate protections for both migrant and local workers, as is the case for shortages of skilled work.

The functioning of the working holiday visa program illustrates how visas that allow for engagement in work as a secondary purpose affect the dedicated labour migration pathways. Since its inception in 1975, the working holiday program has consistently been conceived of as a cultural program, facilitating the travel of young people to and from Australia to have a cultural experience, supplemented with a limited opportunity to work. With the number of working holiday visa grants reaching 151,200 in 2013-14, and with changes to the visa that allow more extensive work rights, and indeed, strong incentives to work in regional Australia in specific industries for a second year, the Working Holiday visa is in need of reconceptualization. The working holiday visa is now better conceived as a labour market program, used to fill perceived labour shortages in specified industries.

Working holiday visas (visa subclass 417 and 462) provide work entitlements for the full 12 months of their visa, but only 6 months work with any one employer. In November 2005, the law was changed to make it possible for working holiday visa holders to apply for a second working holiday visa if they have worked for 3 months in ‘specified work’ in mining, construction and agriculture in

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20 Migration Regulations 1994 (Cth) regs 417.611, 462.611. See also, DIAC, WHM Visa Program Report, 30 June 2013, p 4.
regional Australia.\textsuperscript{21} Although working holiday visa holders enter Australia ostensibly for a non-work related purpose; namely, ‘to allow [visa holders] to have an extended holiday while supplementing [their] funds with short-term work in Australia’,\textsuperscript{22} the Department has acknowledged the work motive of working holiday makers. It reports that the recent increase in working holiday makers ‘largely appears to be associated with the wider global economic situation in 2011-12 as labour market opportunities in some partner countries remain uncertain.’\textsuperscript{23} In 2012-13, there were 38,862 second working holiday visa grants. Of these, 86\% said they were engaged in agricultural work, 9 per cent in construction and 2 per cent in mining.\textsuperscript{24} The number of second working holiday visas helps to explain the slow rate of take up of labour agreements in these industries.\textsuperscript{25} Compared with employing working holiday visa holders, the bureaucratic hurdles required to enter a labour agreement for workers in these industries are immense.

2.2 A new low skill worker visa

One response to the apparent demand for unskilled work, and the burgeoning number of working holiday makers and international students engaging in this work, is to consider introducing a dedicated low skill worker visa. There are many factors to be considered in this suggestion.

Our proposal\textsuperscript{26} is that the 457 visa become two-tiered so as to explicitly accommodate foreign workers of all skill levels via different streams, with each stream having different requirements for visa entrants and sponsors according to their skill level.

   a. The \textit{first stream} is for high skill temporary workers. It replicates the existing subclass 457 employer nominated scheme. This stream would be lightly regulated and facilitate the entry of high skill temporary migrant workers. The rationale for the deregulation of this scheme is to enable businesses that have a need for high skill workers in occupations that cannot be filled locally to efficiently and expeditiously access this labour. This stream

\begin{itemize}
\item DIAC, Working Holiday Maker Visa Program Report, 30 June 2013, 4.
\item DIAC, Working Holiday Maker visa program report, 30, June 2012, 7.
\item Ibid 7.
\item Of the 182 signed labour agreements in effect as of 31 December 2012, 90 were with employers in the on-hire industry; 21 with employers in the meat industry; 16 with resource sector employers; and 55 with employers in other industries (including agriculture, fast-food, fishing, and snow sports industries). There were a further 72 labour agreements under negotiation: 22 with employers in the on-hire industry; 4 with employers in the meat industry; 16 with resource sector employers; and 30 with employers in other industries (including agriculture, fast-food, fishing, and snow sports industries). Email by Dr Brooke Thomas to the author, 4 March 2013 (copy on file with the authors).
\item This proposal was mooted by the authors in our submission to the Senate Legal and Constitutional Affairs Committee which proposed a two tier system with one visa type enabling the entry of highly skilled workers and other visa type facilitating the entry of low and semi-skilled workers: Joanna Howe, Alexander Reilly and Andrew Stewart, Submission No 11 to Senate Legal and Constitutional References Committee, \textit{Inquiry into the Framework and Operation of Subclass 457 Visas, Enterprise Migration Agreements and Regional Migration Agreements}, 26 April 2013 (copy on file with the authors).
\end{itemize}
would operate in a similar way to the standard business sponsorship pathway under the current subclass 457 visa.

b. The second stream is for low and semi-skill temporary workers not on the Consolidated Sponsored Occupation List who are currently the subject of labour agreements. This stream would be subject to a higher regulatory burden in the form of a stricter requirement for labour market testing to ensure employers are nominating workers in areas of labour shortage.

A key aspect of the second stream is the requirement for more rigorous labour market testing. In our view, this would require a combination of both objective and subjective measures to reveal a labour market shortage.

One of the rationales for a stricter labour market testing requirement for stream two is because of the dynamics of labour supply, in particular high youth unemployment in rural areas and the increased emphasis by the Government of removing welfare entitlements for under-30s in order to transition them into paid employment. Birrell and Healy identify the poor job outcomes for Australian-born young people as an example of where local workers could be employed in place of temporary migrant workers. Additional research needs to be done, and more resources deployed for identifying how to transition local workers into these jobs.

Furthermore, as is the case with labour agreements, employers sponsoring workers on the new low and semi-skill work visa should demonstrate that they have a satisfactory record of, and an ongoing commitment to, the training of Australians. Employers should also continue to pay the equivalent of 2% of gross wages to an industry-training fund or allocate 1% of gross wages for structured training for the Australian employees of the business. Temporary migration arrangements should complement, not substitute for, investment in training initiatives for Australians. A welcome development is the proposal in the recently report ‘Robust New Foundations’ for an annual training contribution payable by employers who rely upon 457 visa holders. This innovative idea is based upon the notion of a “social licence”, that is, the idea that, in return for being able to access temporary migrant labour, the sponsor should contribute to a national benefit.

An additional rationale for the tighter controls in the second stream is that low and semi-skill workers possess a reduced capacity to negotiate their own terms and conditions of employment. As noted in an issues paper released as part of the Deegan Review, visa holders at the lower end of the salary and skill scale are particularly vulnerable because they are reluctant to make any complaint which may put their employment at risk, and they possess less labour market power as their skill level is more

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27 Tom Allard, ‘Reshaping welfare: are we entering an age of inequality?’ The Sydney Morning Herald, 17 May 2014.
28 Unemployment for 15–19 year olds surged to 15% in July 2009 and to 6.8% for 20–24 year olds. The unemployment rate for the former group has not improved since this time and in the case of those in their early 20s this rate has deteriorated to 8.1% by July 2012. The numbers are even worse in lower income metropolitan areas: Birrell and Healy, above n 62, 26.
easily replaceable than for high skill workers.\textsuperscript{29} The reason these low and semi-skill workers do not voluntarily return home when faced with exploitation by their sponsor is because of ‘the large income inequalities between high and low income countries’, which means that workers ‘may sometimes be willing to trade economic gains for restrictions in personal rights to an extent that is likely to be considered unacceptable in most liberal democracies’\textsuperscript{30} The existence of a genuine labour shortage in their area of employment reduces this disadvantage considerably.

On the other hand, the regulation of the second stream needs to be sufficiently light to make the visa pathway one that is attractive to employers. According to Martin Ruhs, one would expect workers to have fewer rights than in the low-skill temporary worker stream.\textsuperscript{31} If the low skill temporary worker pathway is too cumbersome and requires employers to provide pay and conditions that are too high, then employers will simply shun the scheme and look for labour elsewhere. In the absence of local workers to fill these positions, employers will fulfil their labour requirements using migrant workers who are less protected and more vulnerable to exploitation.

Therefore, a key challenge in creating a new visa subclass for low and semi-skilled work is to find a level of regulation that adequately protects workers but does not create such a burden of sponsorship on employers that it incentivises them to seek workers who are subject to less protection. In our view, regulation is necessary to ensure that employers seeking to access non-local, low-skill labour are able to prove there is a genuine need. Furthermore, these requirements do nothing more than ensure that visa holders are being used in areas of genuine skill shortage, and guarantee that their remuneration and conditions of employment are on a par with Australian workers. This prevents the creation of a two-tier labour market and reduces incentives for unscrupulous employers to avoid maintaining Australian labour market standards by relying upon temporary migrant workers.

The price of employers switching to other forms of migrant labour – international students and working holiday makers – is a major consideration in determining the policy settings. The employment of international students and working holiday makers is not subject to labour market testing and there are no other labour protections, such as market wage requirements, for these visas. The risk of the new temporary low and semi-skill work visa being unattractive because of the free availability of migrant labour through the working holiday and international student visa pathways turns the focus squarely onto the conditions of employment of these visas. Greater restrictions may therefore be required on the work opportunities under these visas to avoid distortion of the labour market both for domestic workers and foreign workers in dedicated labour migration programs.

\textsuperscript{29} Visa Subclass 457 Integrity Review Issues Paper #3: Integrity/Exploitation, Department of Immigration and Citizenship, Canberra, September 2008, p 12.


\textsuperscript{31} Ruhs, above n 28, 39.
3. Visa Components

3.1 Skills and Industry Standards

One of the proposals in the Discussion Paper is that industry bodies be allowed to determine the skill requirements for a prospective migrant to work in Australia, including licensing and registration in certain occupations. The rationale for this appears to be one of simplification and deregulation through avoiding the duplication between industry standards and immigration requirements that currently exist.

We agree that industry should have a pivotal role in determining the skill requirements for prospective migrants, however, as discussed above, we caution against completely outsourcing this decision to the private sector. Whilst industry bodies are perfectly placed to ascertain what skill requirements employers in their industry need, it is important that there are appropriate checks and balances to ensure that decisions around skill requirements are publicly accountable and made in a transparent fashion.

The research of Tham and Campbell reveals the precarious labour market position of many temporary migrant workers. Whilst recognising that many highly skilled 457 workers are not exploited and are employed in areas of genuine skill shortage, Tham and Campbell's research identifies structural defects in the architectural design of the 457 visa placing these workers in a disadvantaged position. Many 457 visa workers are vulnerable because of their hope for continuing employer sponsorship so that they can achieve permanent residency.\footnote{Many 457 visa holders end up realising this goal through receipt of permanent residency via a permanent employer sponsored visa, see: DIAC, ‘Population Flows: Immigration Aspects 2010–11’ (Statistical Publication, DIAC, April 2012) 66.}

As the Deegan Inquiry noted: Where a visa holder has permanent residency as a goal that person may endure, without complaint, substandard living conditions, illegal or unfair deductions from wages, and other forms of exploitation in order not to jeopardise the goal of permanent residency.\footnote{Visa Subclass 457 Integrity Review, Final Report (Commonwealth of Australia, October 2008) 32 ('Deegan Report').}

We submit that the Taskforce should not move to a model of industry determination of skill requirements for prospective migrants. Whilst we support industry bodies having a vital role in making submissions to the Department or an expert commission about what these requirements should be, industry should not have the final say on this.

3.2 English language requirements

We submit that the Taskforce should be wary of further deregulating the English language requirement and that both Australia’s history, and the rationale for a strong English language requirement should be kept in mind.

The ‘Robust New Foundations’ report proposes weakening of the English language requirement for the subclass 457 visa. The current requirements is a minimum of five across the four competencies
(reading, writing, speaking and listening). The report proposes this should be reduced to an average of five across all competencies.

This is concerning because the main function of the English language proficiency requirement is to ensure a 457 visa holder will not be exploited.\textsuperscript{34} If temporary migrant workers have lesser language skills, this could leave them vulnerable to potential health and safety risks in the workplace. Research shows migrant workers usually have far higher injury rates because they have less training and experience, and less command of the local language.\textsuperscript{35} This was the case prior to the Rudd government’s reforms to improve the English language requirements. Media reports have noted that workers on subclass 457 visas, because of their limited command of the English language and often inadequate training, do not have the language skills to understand safety procedures and are reluctant or unable to speak out when their workplaces are unsafe.\textsuperscript{36}


\textsuperscript{35} K Ringen, S Dong and P Stafford, Migration and Safety and Health At Work: Migrant Construction Workers in the US, CPWR — The Centre for Construction Research and Training, Paper presented at the ILO XVIII World Congress on Safety and Health at Work.