

Response to 'A migration system for Australia's future'

Tuna Australia is the industry association representing stakeholders of the Eastern Tuna and Billfish Fishery, the Western Tuna and Billfish Fishery, and associate members supporting both fisheries.

Tuna Australia's objectives is to plan, invest and manage the association with main objectives including

- ecological sustainable development.
- improving resource access, property rights and profitability.
- extending and promoting industry practices to stakeholders and the general public.
- enhancing market opportunity and,
- improving safety and workforce development.

The tuna longline fishing sector is reliant on skilled labour to crew vessels in a dynamic workplace environment. Over the past 10 years we have become increasingly dependent on overseas labour to fill positions. We have undertaken many initiatives to develop local capacity including being at the forefront of the Pacific Labour Scheme. However, the most reliable employees are sourced from overseas through a company specific labour agreement nested in the Fishing Industry Labour Agreement assessed by the Department of Immigration (Home Affairs). This is the temporary skills shortage 482 visa.

In response to the questions in the discussion paper

1. What challenges and opportunities does Australia face in the coming decades?

At a sector specific level (primary producer), we do not have young, enthusiastic, or interested young Australians wanting to pursue a fishing career. This is despite many initiatives to stimulate interest. However, this does present an opportunity. There are many skilled fishers, particularly in Indonesia and Philippines that wish to work in Australian fisheries. These people (with support from the government) will take on leadership roles in the fishing sector in the future.



2. *How can migration contribute to these challenges and opportunities?*

- *How do we best use the migration program to grow our economy?*

Overseas workers can currently work in Australia through the Fishing Industry Labour Agreement (FILA) under a Temporary Skills Shortage 482 visa. The FILA has been reviewed twice since 2016 and there are significant improvements that can be made to ensure labour agreements, and visas are fit-for-purpose. We also need workers to be available quickly to address urgent requirements without lengthy delays and processing times.

- How can we design a system that supports and complements opportunities for jobs and skills for Australians?

Workers from overseas with a 482 visa are supporting and complementing jobs for Australians with very significant downstream benefits. This includes jobs in processing, management, administration, accounting, marketing, sales and distribution, hospitality, and a range of service industries. Without overseas workers the consequences would be increased fish imports, significant job losses, business closures, and higher cost of living.

- *To what extent should the availability of visas with work rights be linked to identified skill and labour shortages?*

Skills and labour shortages should be the underlying driver for visas. However, sometimes 'shortages' are not the problem. Employing domestic labour can be linked with work, health and safety problems associated with drug use. Having the opportunity to access skilled people with sound lifestyle choices that can lift workplace standards must be a priority and not just be limited to skill and labour shortages.

- *Should we take a different approach to identifying and counting the number of skilled migrants?*

Not sure of the relevance.

- *How can we better prevent the exploitation of migrant workers?*

Ironically, due to the current unemployment rate it is migrant workers that are exploiting Australian businesses. Our sector is seeing overseas workers job shopping within our sector, in other fishing sectors, and other primary producing industries.

Exploitation of migrant workers and domestic workers should be addressed the same by Fairwork Australia. However, migrant workers (where there is an English barrier or understanding) should have access to pastoral care to ensure workplace conditions are consistent with labour agreements and visa conditions.

- *How can we prevent a 'permanently temporary' cohort within the migration program?*

The migration program must be able to demonstrate a pathway for overseas workers to apply for permanent residency. For example, if an overseas worker is on a 482 visa, they can be sponsored by their employer for a 186 visa for permanent residency after 3 years.

- *How could we best use the migration program to assist Australia to build its sovereign capabilities and to address major challenges such as climate change, technological shifts, and the ageing population?*

There seems to be a strong focus on attracting high level and academic skills to Australia through the migration program. This is a sound direction. However, we need to also focus on agri-producers and our food bowl ensuring we have sufficient skilled workers to fulfil roles that Australians do not want to do.

- *How can we attract and retain the best talent from around the world?*

There are many ways of attracting and retaining the best talent. A simple search on Google or LinkedIn will highlight how to do this.

The challenge 'we' have is that this is a very competitive space. However, if Australia's interests are identified (refer next question) and we have the capacity here, but it may be limited, or we wish to gain greater insight in technological advances, then sectors will know how to find the appropriate people with skills.

- *How do we ensure the migration program supports Australia's international interests?*

Align the program with visions for the future, while maintaining and supporting existing Australian businesses. Especially in rural and regional Australia.

- *How do we address the specific needs of regional Australia?*

From Tuna Australia's perspective, we need access to workers for on vessel positions. i.e. Fishing Masters, Engineers, and deckhands. In general, rural, and regional Australia needs high level skills such as medical practitioners to underpin economic and social stability.

Points of contact for good outreach to rural and regional Australia are the Australian Rural Leadership Foundation and Regional Development Australia.

3. *What are the current and potential barriers in allowing migration to play these roles?*
 - *How can we make the system simpler and fairer for both migrants and employers?*

English proficiency – International English Language Testing System (IELTS) score of 4.5

There needs to be a balance for the English proficiency requirement. For example, there are many visa classes where no English proficiency is required such as the subclass 400 for professionals in the occupation skill band 1-3, yet for the 482 visa for occupations in the skill band 4 an IELTS score of 4.5 or greater is required. This requirement is holding back the ability of the fishing sector to source highly skilled labour. Skilled fishers are often employed on fishing vessels from other nations where English is not spoken. Furthermore, achieving this level of proficiency requires significant financial investment to learn English and undertake the IELTS test. As a result, we are seeing fake IELTS certificates being used. This voids an application and the worker excluded from accessing another visa for 3 years. This process occurs after all government visa and levy costs have been incurred,

some of which is non-refundable. There should be no English proficiency required for **Temporary** Skills visas. However, the English proficiency condition needs to be retained for Employer sponsored 186 visas (**Permanent** residency).

Skilling Australia Fund (SAF) levy

Before the SAF was introduced, employers were required to commit a percentage of GVP to train/upskill employees to reduce the reliance on overseas labour. The SAF replaced the previous levy and requires businesses to pay the levy four years in advance, with limited opportunity for a rebate if the employee leaves the company. Furthermore, tuna fishing companies have been seeking information on how to access SAF levies to train employees and reduce the reliance on overseas labour. However, we are still unclear how fishing companies can access training funds. The process would be significantly improved if the SAF levy is paid annually, and companies can have direct access to Skilling Australia Funds to train/upskill employees.

Police Checks

Many experienced overseas workers have also worked on vessels flagged to other countries. Obtaining police checks is very challenging as the employee often has not stepped foot in the country of the flagged vessel. Where obtaining a police check is challenging, the visa assessment needs to accept a good character reference when a police check is unavailable.

The system to access workers through a labour agreement appears to be working relatively well. However, having consistency in who assesses applications, and how they assess applications needs to be a priority. Furthermore, having direct access to the assessing officer would streamline applications.

- *How can we make the migration system more flexible and responsive to the changing needs of our economy and society?*

The system needs to maintain corporate knowledge in all areas of migration that is flexible to move with changing demands that often does not meet the original intention of visas. For example, the 400 visa was implemented to meet short term skill shortage requirements where high-level skills were lacking in Australia. However, the visa is assessed for high level skills according to an occupation skills band and not necessarily what businesses urgently require. Furthermore, having assessing officers specialising in visas for a particular sector would reduce the amount of clarification required for assessments.

- *How can we make the migration system more accessible to small employers and start-ups?*
 1. Reduce the regulatory burden and costs.
 2. Ensure the bureaucracy keeps pace with various visa categories and ensure there is flexibility in the legislation to meet changing labour supply requirements.
 3. Approve labour on-hire companies that can address concerns raised in this review and can provide workers direct to employers
- *How could longer-term planning support investment in the necessary infrastructure and services?*

Section 2 identifies processes to understand skills and occupations required for the future. Combine this with Australia's ageing workforce (avg age just under 40) and what most young people are studying at Uni and jobs they are working will highlight demand and the necessary infrastructure and services.

- *What are the barriers to the participation of migrants in the labour market, including those entering through the family and humanitarian streams and secondary migrants?*

Government regulation and outdated visa streams.

4. *What reforms are needed to ensure the migration system can meet the challenges and opportunities that lie ahead?*

- *How can we better identify and respond to future labour market needs?*

This is a research project canvassing areas such as job vacancies, understanding what subjects are being delivered at VET and tertiary institutions and student numbers, reduction in workforce numbers and ageing population requirements, and population. However, there should be some guiding principles including feeding the population, affordable energy, readily accessible and economical health/aged care.

- *How do we best structure pathways to permanent residence and citizenship to meet the nation's needs?*

The labour agreement pathway appears to be the most practical. Migrant workers under a 482 visa can transition to an employer sponsored 182 visa after 3 years working in Australia.

- *How do we further strengthen and maintain Australians' public confidence in the migration program?*

An interesting question given political decisions and policy to minimise 'boat' people arrivals and concerns with people from geopolitical conflicts. Compounded by the need to not only assist on humanitarian grounds but to approve visas for people with high level skills that will contribute to future prosperity and well-being. Open and transparent migration policy and processes would be a good start.

- *What principles should underpin our future migration system, including to address migrant worker exploitation?*

The future migration system needs to be consistent with domestic workplace laws. If there is an issue with migrant worker exploitation or domestic worker exploitation, then this should be addressed by Fairwork Australia.

- *Are there other ways our migration system can support Australia's future prosperity and well-being?*

The government needs to ensure the bureaucracy keeps pace with various visa categories and ensure there is flexibility in the legislation to meet changing labour supply requirements. For example, the

400 visa could be used for a range of urgent labour requirements rather than the narrow interpretation currently employed.

We need to create a focus for migrant workers to live in rural and regional Australia. Having migrant workers specialising in areas such as medicine, primary produce and positions underpinning social and economic stability in rural and regional Australia is very important as Australia's food bowls are central to our prosperity and wellbeing.