



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

PROOF

MOTIONS

Disallowance of Instrument

SPEECH

Tuesday, 16 June 2015

BY AUTHORITY OF THE SENATE

SPEECH

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Questioner	Responder
Speaker Lambie, Sen Jacqui	Question No.

Senator LAMBIE (Tasmania) (18:15): I rise to support the disallowance motion, because I support Australians working in Australian jobs. I rise to support the disallowance motion because, unlike the Liberals and Nationals in this place, I want to protect every Australian worker's job. By supporting this disallowance motion, senators have a choice to send a clear message to the Liberals and Nationals in this place, that we will not put up with their sneaky and sly attack on the wages and conditions of Australians.

The intent of the change to the regulations, introduced by Assistant Minister Cash, is to reduce the current income threshold under the Migration Act, from \$250,000 to \$180,000. This will make it easier for employers to hire overseas workers rather than Australian professionals. The regulation effectively provides a ceiling above which compliance with many of the significant requirements of the migration regulations is waived. The threshold, when initially introduced in 2008, was set at \$180,000. Then, in 2013, it was raised to \$250,000. Above this level of income, sponsors of visa applicants are not required to comply with the conditions which otherwise apply to visa applicants.

The threshold is currently \$250,000 and the new regulation takes the threshold down by \$70,000. \$250,000 is a high income but, if Australia has the people with the necessary qualifications and experience, why should such high-paying jobs not go to Australians? Why should high-paying jobs in Australia be exempt from the standard obligation that if there are Australians able to do the work then they should get the work? And if there are qualified Australians ready to do the work, then why should the parliament allow these jobs to be allocated to foreign workers rather than those qualified, hardworking Australians?

Of course, under the labour-market-testing rules, if there are no Australians available then the visa may be granted to a foreign worker. But if there are Australians available, why should they not get the work in the first place? The change to the regulations would mean that any employee from overseas who is paid over \$180,000 would have the labour-market-testing waived. Australians would be able to be replaced by foreign workers virtually automatically. Here is the government's catch 22. Treasurer Hockey says to Australians who want to buy a house, 'Go out and get a good, secure, well-paid job.' However, Assistant Minister Cash says, 'The well-paid jobs are exempt from the migration regulations.' The jobs are effectively reserved for foreigners. Go figure.

One area where this has the potential to have adverse consequences for Australians is in the offshore oil and gas industry. On a large proportion of the vessels which operate in that sector, the rates of pay for chief engineers and masters are now above \$180,000. Therefore, if the regulation is allowed to stand, those workers could be replaced by foreign personnel on visas, who will not be subject to the normal conditions such as labour-market-testing. The Constitution does not give the Australian parliament the power to set rates of pay for workers. For over 20 years enterprise bargaining has been a process whereby rates of pay have been settled. But in a sly, backdoor way the government is seeking to put a ceiling on rates of pay that can be negotiated under enterprise bargaining. According to Assistant Minister Cash, if you negotiate pay outcomes above \$180,000 per annum, then foreign workers can be brought into Australia to replace you. Labour-market-testing does not need to be carried out. The employer can use foreign labour to replace Australian workers. The income earned by these workers is then lost to the Australian economy and the impact of the economists' multiplier effect is lost to the Australian economy.

In closing, I again urge senators to support the disallowance motion because they will be voting to protect Australian workers' jobs. I, again, remind senators that by supporting this disallowance motion they can send a very clear message to the Liberals and the Nationals in this place, who have betrayed Australian workers at every opportunity, including those in the oil and gas industry, by making it easier to replace them with overseas workers. We will not put up with the sneaky, sly and politically motivated attack by the Liberals and Nationals on the wages and conditions of hardworking Australians.