

Urgent visa changes

A migration expert from aml Australian Migration Lawyers (aml) is calling for urgent changes to employment visas to cope with the rebuilding process in the wake of Queensland's floods and Cyclone Yasi.

Peter Kuek-Kong Lee, director of migration services with aml said for reconstruction to be carried out effectively and quickly, the process will be dependant on the availability of the manpower in trades and skills.

He said the growing Australian economy coupled with this level of devastation will exacerbate the looming skills shortage and the migration programs employer sponsored categories, such as the *temporary 457* visas, the Employer Nomination Scheme (ENS) and the Regional Sponsored Migration Scheme (RSMS) can help facilitate the reconstruction required.

Mr Lee said currently ENS cases are taking up to nine months to finalise, and *457* cases can take four months.

"Many skills will be required to repair the flood damage, and it is unlikely that there will be a sufficient

number of skilled workers in Australia for the task ahead. We will need to look overseas to supplement this demand," said Mr Lee.

"Long lead times are unsatisfactory to employers wanting to bring out skilled workers to help in the reconstruction, and the Federal Government is asked to give priority in processing such cases more quickly," said Mr Lee.

In urging the Federal Government to review their employer sponsored visa policy, Mr Lee said a number of policy initiatives can be introduced to improve visa processing timeframes.

The suggested initiatives include giving priority to flood reconstruction projects and ensuring that processing times are reduced significantly from the current timeframes.

Other initiatives Mr Lee said could be introduced include making a concession to regional Australia, by removing the salary threshold requirement of \$47,480 for *457* cases, and substituting it with market salary, enabling skilled labour to go to the regions more easily.

Further programmes that could be implemented include allowing spon-

soring employers flexibility in complying with the training requirement, and allowing applicants flexibility in complying with the English language requirement.

Mr Lee said these are some of the policy initiatives that the Federal Government can consider in positively assisting with the Queensland reconstruction, particularly given the current long lead times in processing employer sponsored visas.

Mr Lee urged the Federal Minister of Immigration and Citizenship, Chris Bowen, to give urgent consideration to such initiatives in enhancing Queensland reconstruction.

www.migrationlawyers.com.au ■



Peter Kuek-Kong Lee.

IN BRIEF >>>

ASSANGE A MARTYR? DANGEROUS APPROACH

Australia's leading whistleblowing researcher has cautioned governments against actions which would further turn *Wikileaks* co-founder Julian Assange into a 'martyr'.

Professor AJ Brown of Griffith Law School, leader of the world's largest empirical research project into public interest whistleblowing, gave the



Prof. A.J. Brown.

keynote address to the annual meeting of Transparency International Australia, in Sydney last month.

"Trying to target and control Julian Assange is not likely to be an effective response to these leaks, in either the short or long term," Prof. Brown said.

"The conflict over *Wikileaks* is at risk of turning into a war between a naive but powerful vision of

global cyber-liberty, and the 1984 nightmare of an internet subject to massive government regulation and control. This is not a war that either side can ever win," Prof. Brown said. Prof. Brown called for a more considered response from governments about how they will improve their whistleblowing systems so that genuine wrongdoing can be disclosed when needed by government insiders – including through the media and the internet.

"Creating a martyr out of Julian Assange – as advocated by a range of politicians – is unfortunately typical of the 'shoot the messenger' attitude that has often prevented decision makers from appreciating how best to respond to whistleblowing," he said.

"It also distracts from the very important issue of developing effective regimes for regulating the responsibilities of publishers and journalists in respect of both 'leaks' and public interest disclosures."

www.griffith.edu.au/law/whistleblowing/ ■



Julian Assange.

IN BRIEF >>>

GROWN IN AUSTRALIA

One of the most useful aspects of the new Australian Consumer Law (ACL), which came into effect this year, is its *Grown in* labelling statute.

"The *Grown in* label joins the existing country of origin safe harbour defences Made in and Product of and will provide consumers with clearer advice about the source of many food products," said Agriculture, Fisheries and Forestry Minister, Joe Ludwig.

"These changes deliver on our commitment to simplify and strengthen food labelling laws including a new *Grown in Australia* label."

The ACL took effect throughout Australia on January 1, 2011. Under the ACL, all Australian consumers have the same protections, and all businesses have the same obligations and responsibilities.

Innovation Minister, Kim Carr said, "The new arrangements will protect growers, processors and retailers from legal action if they meet the criteria for *Grown in* claims in the ACL.

"Consumers will remain protected from false origin claims by the enforcement activities of the Australian Competition and Consumer Commission and the State and Territory authorities, under existing mechanisms," Senator Carr said. ■