

23 September 2019

Senator Amanda Stoker
Chair
Senate Legal and Constitutional Affairs Committee
Parliament House
CANBERRA ACT 2600

Dear Senator

NEW SKILLED REGIONAL VISA (CONSEQUENTIAL AMENDMENTS) BILL 2019

On behalf of Charles Sturt University, I am pleased to provide this submission to the Senate Legal and Constitutional Affairs Committee for your inquiry into the *New Skilled Regional Visa (Consequential Amendments) Bill 2019* refer, https://parlinfo.aph.gov.au/parlInfo/download/legislation/bills/r6384_first-reps/toc_pdf/19147b01.pdf;fileType=application%2Fpdf.

Charles Sturt University is Australia's largest regional university, with more than 43,000 students and approximately 2,000 FTE staff. We are a unique multi-campus institution with campuses at Albury-Wodonga, Bathurst, Canberra, Dubbo, Goulburn, Manly, Orange, Parramatta, Port Macquarie and Wagga Wagga, as well as various study centres located throughout regional and rural south-eastern Australia.

Charles Sturt University has been a vocal advocate for migration to regional, rural and remote Australia, and in particular the call for immigration programs targeted at boosting development opportunities in the regions. To this end, the University commends the Australian Government's initiatives to address this need through the new skilled regional visas program:

"This Bill supports the Australian Government's initiatives in managing Australia's immigration program and supporting regional Australia. As part of the Population Package announced in the 2019-20 Budget, two new regional visas are being introduced to encourage new skilled migrants to settle in regional areas. The new visas will come into effect on 16 November 2019 and will require holders to live and work in a regional area for at least three years before they are eligible for a permanent visa."

From – *New Skilled Regional Visa (Consequential Amendments) Bill 2019 – Explanatory Memorandum* refer, https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r6384_ems_5d1fed56-38a7-4252-9ab1-595402ef71e0/upload_pdf/713756.pdf;fileType=application%2Fpdf

As part of an overall population plan, migration to regional areas will underwrite tomorrow's prosperity, ensure inclusive growth and secure environmental sustainability across Australia's regions. To achieve the prosperity, social and environmental outcomes sought from the development and implementation of the regional skilled visa program it will be crucial to ensure people are welcomed and not socially disadvantaged or excluded from community. Consequently, to maximise program success it will be important to ensure that provisional skilled regional visa holders are governed by the same rules that apply to residents on permanent visas, including the following objectives of the Bill:

"A provisional skilled regional visa means a visa referred to in the regulations under the Migration Act 1958 (Migration Act) as a Subclass 491 (Skilled Work Regional (Provisional)) visa, or a Subclass 494 (Skilled Employer Sponsored Regional (Provisional)) visa, or a visa of a kind determined in an instrument under subsection (4C). Item 23 in this Schedule inserts new subsection 7(4C)."

And

"This item inserts a new subparagraph 7(2)(b)(iia) into the definition of Australian resident in subsection 7(2). The definition is being extended so that an Australian resident includes a person who resides in Australia and is the holder of a provisional skilled regional visa, as defined in subsection 7(1) (see Item 20 of this Schedule)."

And

"Extending the definition to include provisional skilled regional visa holders is a departure from the long-standing position that eligibility for social security pensions and benefits (and payments under other Acts as noted above) is generally limited to permanent visa holders. This extension reflects that provisional skilled regional visas provide a pathway to permanent residence. There is a specific permanent visa pathway for Subclass 491 and 494 visa holders that will be available from 16 November 2022, namely the Subclass 191 (Permanent Residence (Skilled Regional)) visa."

From - *New Skilled Regional Visa (Consequential Amendments) Bill 2019 – Explanatory Memorandum* refer,

https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r6384_ems_5d1fed56-38a7-4252-9ab1-595402ef71e0/upload_pdf/713756.pdf;fileType=application%2Fpdf.

Charles Sturt University supports the social services outcomes that would be enacted by passage of the Bill, chiefly where they assure alignment and streamline with permanent visa holders and provide for no-disadvantage in social services. Effecting these positive changes to the regional skilled visa program will enable businesses, employers, including the University and communities, to attract the best and brightest people to the regional cities, rural towns and remote communities in which they operate. Access to social services is only fair given the contribution people on regional skilled visa will make to industry, their communities and in taxes paid. Specifically, the University supports:

"The amendments in this Bill give effect to the policy intent that holders of these provisional skilled regional visas have the same access to welfare payments and government services as permanent visa holders. This recognises that the visas provide a pathway to permanent residence."



These arrangements also ensure that provisional skilled regional visa holders are not disadvantaged compared to holders of permanent skilled visas available for people to work in metropolitan areas.”

From – *New Skilled Regional Visa (Consequential Amendments) Bill 2019 – Explanatory Memorandum* refer,

https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r6384_ems_5d1fed56-38a7-4252-9ab1-595402ef71e0/upload_pdf/713756.pdf;fileType=application%2Fpdf.

The University also supports the intent of the Bill to ensure that newly arrived resident waiting periods for provisional skilled regional visa holders start when they become the holder of the visa and does not restart once granted a permanent visa.

Further, Charles Sturt University notes the social analysis provided in the Statement of Compatibility with Human Rights at Attachment A of the *New Skilled Regional Visa (Consequential Amendments) Bill 2019 – Explanatory Memorandum*. The University particularly welcomes the social intent outlined in the Overview of the Bill section in the Statement:

“These new visas support the Australian Government’s initiatives in managing Australia’s immigration program and supporting regional Australia. A key feature of the new visas is a requirement for regional migrants to live and work in regional Australia for three years before being eligible for permanent residence. This will encourage visa holders to remain in regional Australia with their families, which in turn will support the local communities and enhance population growth and economies of regional parts of the country.

The amendments in this Bill will ensure that holders of the new provisional skilled regional visas have access to welfare payments or government services consistent with the current arrangements applicable to permanent residence visa holders. These arrangements also ensure that provisional skilled regional visa holders are not disadvantaged compared to holders of permanent skilled visas available for people to work in metropolitan areas.”

From – *Statement of Compatibility with Human Rights* at Attachment A, *New Skilled Regional Visa (Consequential Amendments) Bill 2019 – Explanatory Memorandum* refer, https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r6384_ems_5d1fed56-38a7-4252-9ab1-595402ef71e0/upload_pdf/713756.pdf;fileType=application%2Fpdf).

Finally, Charles Sturt University welcomes the Australian Government’s intent, through enactment of the Bill, to extend the benefits of the *Higher Education Support Act 2003* (HESA) which are currently available to permanent visa holders to holders of the new provisional skilled regional visas (subclasses 491 and 494):

“The consequential amendments to the Higher Education Support Act 2003 (HESA) will extend the benefits described below and currently available to permanent visa holders to holders of the new provisional skilled regional visas (subclasses 491 and 494). The amendments to HESA will allow these visa holders to meet the relevant residency requirements to access:

- *a Commonwealth Supported Place (CSP), which provides a subsidy towards a student’s tuition fees for their units of study in a course at a higher education provider. Therefore, these provisional visa holders will not be required to pay tuition fees applicable to*



international students for their units of study in a course at a higher education provider; and,

- *FEE-HELP assistance to cover all or part of a student's tuition fees for a unit of study that is part of a bridging course for overseas-trained professionals. FEE-HELP is an income contingent loan that will be repaid through Australia's taxation system once an individual's income is at, or above, the minimum repayment threshold (\$45,881 for the 2019-20 income year). These provisional visa holders will similarly be required to repay any FEE-HELP loan they access in the same manner."*

From – *New Skilled Regional Visa (Consequential Amendments) Bill 2019 – Explanatory Memorandum* refer,

https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r6384_ems_5d1fed56-38a7-4252-9ab1-595402ef71e0/upload_pdf/713756.pdf;fileType=application%2Fpdf.

While the proposed amendments to HESA ensure equality of access to tertiary education and training, it is not clear from the Bill or the Memorandum what the access and fee arrangements would be for the children of holders of skilled regional visa to state schools. Obviously, the Bill impacts access to Commonwealth social services, but not social services delivered by state and territory governments. To ensure equality of social services it will be critical that the Commonwealth, through the Council of Australian Governments (COAG) work with the states and territories to ensure free and open access to state schools consistent with permanent residents.

Charles Sturt University also supports the expiry of rights mentioned in several sections of the Bill and the Explanatory Memorandum to ensure holders of skilled regional visa holders who do not complete a pathway to permanent residency or are not granted permanent residency do not retain ongoing access to social services. Such a legislative position is consistent with the stated policy objective of growing and up-skilling regional, rural and remote populations.

I would be very pleased to provide further information to the Committee and would be available to provide evidence at any proposed hearings that that Committee may undertake in relation to ensuring the success of migration in regional Australia.

Yours sincerely

Professor Andrew Vann
Vice-Chancellor

