

MEDIA RELEASE

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Statement on High Court decision on offshore resources visas

*AMMA – Australian Mines and Metals Association
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AUSTRALIA'S resource industry notes today's judgement of the High Court of Australia that a ministerial determination regarding offshore migration arrangements in the resource industry has been found invalid.

Immediate impact

The industry maintains its continuous commitment to fully observing maritime, migration and employment law obligations.

Today's ruling means effective immediately that non-citizens working on vessels supporting offshore resources activities will be required to hold either a Subclass 457 Temporary Work (Skilled) visa or a Subclass 400 Temporary Work (Short Stay Activity) visa.

Some projects and some service providers will need to urgently obtain 400 or 457 visas before non-Australian nationals can recommence work.

However, with most of Australia's offshore resource projects having moved beyond peak construction, the immediate impact of today's decision is not as pressing or widespread as it would have been two years ago.

Long term industry concerns

The longer term concern lies in the cumulative impact of additional regulatory costs on Australia's competitiveness as a resource economy.

The role of non-Australian crew members on highly specialised construction vessels is a very small, but critical part of building offshore resource projects. Making the employment of such workers more regulated, more costly and more difficult in Australia than it is in competing resource economies will have consequences and will make it even harder to bring future resource investment to Australia.

Australia needs to be doing all it can to position itself to attract the next wave of global resources investment, and today's judgement means Australia now regulates work supporting the offshore resources sector differently to the rest of the world.

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