

TRANSNATIONAL TEMPORARY SKILLED LABOUR MIGRATION:  
INTERSECTIONS OF POLICY, INDUSTRY PRACTICE AND EXPERIENCES OF  
MIGRANCY IN AUSTRALIA.

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### **Biography**

Robyn Mayes is a Vice Chancellor's Research Fellow in the Queensland University of Technology Business School. Her research focusses on the social and geo-political dimensions of mining in Australia with particular interests in the areas of divestment, corporate social responsibility, mining employment (including mine closure and mobile labour), and gender and the resource sector. She is a co-editor of *Resource Curse or Cure? On the Sustainability of Development in Western Australia* (Springer 2014) and has published widely in a range of academic journals including *Organization*, *Journal of Industrial Relations*, and *Environment and Planning A*.

## **Introduction**

Labour migration<sup>1</sup> is a substantial component of the large-scale mass migration characterising neoliberal globalisation along with, among other things, “new flows of capital, economic restructuring and changes in the international division of labour” (McDowell 2008: 492). A central component of this is the increasing use, for example on the part of a number of OECD countries, of temporary labour migration. Indeed, this temporary labour migration, undertaken by close to two million people in 2012 (OECD 2012), “is a much larger phenomenon than permanent labour migration” (OECD 2014:24). Australia in particular, since the 1990s, has made a significant shift toward such migration (Migration Council nd; DIBP 2014). Importantly, labour migration is a fundamentally gendered process (Lutz 2010; Halfacree 1995, 2004) just as gender and globalisation are interwoven (Wang 2009; McDowell 2008). Further, though it seems obvious, it needs to be recognised that participants in the global flow of labour have families (Parrenas 2000; Cooke 2007<sup>2</sup>). Attention to these families not only foregrounds “gender in discussions of divisions of labour in globalisation” but also enables a more nuanced appreciation of the “labour processes of migration” (Parrenas 2000: 565).

This paper contributes to a richer understanding of this recently dominant temporary labour migration through an empirical study of its use in the mining industry in Australia. In examining the current use and experience of temporary transnational labour the mining industry, the paper brings together findings based on mining-industry-specific data from a 2012 survey of employers and employees provided by the Department of Immigration and

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<sup>1</sup> Labour migration is defined as migration “driven by job and career considerations” (Halfacree 2004: 399) especially where one or more members of the couple/family need to be in employed work (Bruegel 1996).

<sup>2</sup> In his 2008 review of the migration literature, Cooke concludes that “a great deal of what has traditionally been thought of as individual migration should be more appropriately conceived of as family migration” (2008:262). The implication, in Cooke’s (2008: 262) reading, is “that family migration should move front and centre in discussions regarding migration in general.” Importantly, as Halfacree (1995) has pointed out much of the labour migration research has tended to focus, often implicitly, on heterosexual married or de facto couples.

Border Protection, and thirty semi-structured interviews. The latter encompass spouses of transnational labour migrants who have moved to Boddington in rural Western Australia in order to work at the nearby gold mine; paid and volunteer community migrant support workers with responsibility for this region; and long-term, local Boddington residents. Roughly half of the interviewed migrant spouses had been living in Boddington for less than one year and the other half had been residents for between two and three years.

Key foci in this paper are, first, the development of an understanding of who are these workers involved in mining-industry transnational migration and, second, the role or position of spouses in this migration. Accordingly, the discussion commences with an overview of the 'Temporary Work (Skilled) subclass 457 visa', more simply known as the '457 visa.' This visa is the most widely-used means by which employers bring skilled workers to Australia, for periods from 1 day to 4 years, where there is a demonstrated shortage in the domestic labour market. This visa is then examined in the context of the mining industry and in relation to spouses, before turning to the experiences of migrants in Boddington. Finally, the paper examines the ways that government policy/guidelines and industry practice together informs migrant experiences. The conclusion then highlights the gendered nature of this migration and associated disadvantage as an outcome of intersections of government policy and industry practice.

### **Skilled temporary migration in Australia**

The 457 visa program is presented by government, industry, and also large not-for-profit organisations such as the Migration Council of Australia, as critically important to Australia's competitiveness in a global market. For example, the program is explicitly framed in central review documents, as "a key to Australia's economic prosperity and to its success as a

society” (Azarias 2014: 5). Arguments around its importance are situated in what is argued to be a national shortage of skilled workers, a desire to import new skills which will then be passed on to Australian workers, and concerns around an ageing population and shrinking workforce. It is, nevertheless, a somewhat contentious initiative as suggested by the fact that it has been independently reviewed, since its inception in 1996, some six times (Azarias et al 2014). Contrasting perspectives on the part of industry and workers’ unions are seen to be central to political and economic divisions around the program. Contemporary changes and refinements to the program, as announced in the most recently concluded review (2014), tend to emphasise the importance not only of the program but also of its efficiency in turn linked to the achievement of its ‘productivity’ goals encapsulated in the flexibility to “respond quickly to economic and business challenges” (Azarias et al 2014: 6).

Along the way, the name was changed in November 2012 from ‘Subclass 457 Business (Long Stay) visa’ to ‘Temporary Work (Skilled) (subclass 457) visa’ signalling a growing emphasis on *temporary* work. As a result of the numerous independent reviews, the program is seen to have become “less permanent but more responsive” (Migration Council nd: 3). At the same time, reported employer overall program satisfaction ratings, and very high intentions to continue using the program, suggests that, though designed to address ‘short-to-medium skill shortages’ (DIBP, Fact Sheet) the program is increasingly a “part of workforce planning” (Migration Council nd: 18). Further, the majority of employers surveyed by the Department of Immigration and Border protection felt that their 457 employees were as good, if not better than, Australian workers (DIBPa nd).

The transnational transfer of workers within a company is also a dimension of growing importance. For example, the Australian Government’s Legal and Constitutional Affairs

References Committee, tasked with examining the framework and operation of the 457 program, recently recommended “a dedicated pathway for intra-company transfers to be introduced to the 457 visa program” (Senate, 2013: p ix). In Australia the number of intra-company transfers has increased by 46 per cent between 2007 and 2012 to 10, 000 workers (OECD 2014: 25). It is important to note here too that though the 457 visa program is said to have become “an important source of applicants for permanent residence (Azarias et al 2014: 21) the move to permanent residency remains “a minority outcome for 457 visa holders” (Azarias et al 2014: 24).

In 2012-13, over 126, 000 of the 457 visas were issued to workers (and spouses) from a globally diverse array of countries. The current relative stability in the number of annual 457 visa applications follows a period of rapid growth: for example the 81,550 applications lodged in 2012-13 is almost twice as many as the 46, 680 applications lodged in 2006-07 (DIBP, 2013). The visa is used to source temporary skilled labour by a wide range of sponsoring industries including, for example, agriculture, manufacturing, health care and education and training. According to the Department of Immigration and Border Protection’s ‘Fact Sheet,’ the program is “demand-driven” and “uncapped”, and offers workers workplace rights identical to those of Australian citizens, including equal pay.

Broadly, the process involves employers gaining government certification as ‘approved’ sponsors and then nominating a position that demonstrably requires recourse to international skilled labour (for example, the position must be listed on the 457 occupations list), and also nominating a specific person. This nominee must then apply for and be granted a visa, though many businesses administer this on behalf of the nominee. Successful applicants can be accompanied by ‘eligible’ dependents, referred to as ‘secondary’ applicants (see below), and

can travel freely to and from the country while the visa is valid. A condition of visa validity is ongoing employment with the sponsoring employer, leading to some concerns around the potential for ‘bonded’ labour; if a visa holder ceases such employment s/he has 90 days<sup>3</sup> to find another sponsor (for the same type of job). Failure to do so leads to exit from the country; departure costs are borne by the sponsoring business.

### **Accompanying spouses**

Families accompany around two-thirds of 457 workers (DIBPa, nd). Two-thirds of these accompanying spouses are female, “and more than half are from non-English speaking backgrounds” (Migration Council nd: 27). Workers from non-English speaking backgrounds are more likely to be accompanied by their spouses, just as male workers are more likely to bring spouses (Migration Council nd). In visa policy and documentation, as has been the case since the 1980s (see Fincher 1997), the (predominantly male) skilled immigrant is called a ‘principal applicant’ while wives and children are called ‘secondary migrants’. Women are thus positioned in terms of their relationships to men, in particular as “additions to male skilled workers” (Fincher 1997: 229). This ‘secondary’ role, or value in/to the program, is evident in the materials provided to visa holders by the Department of Immigration and Border Protection. These materials (for example, ‘Booklet 9,’ the primary if not sole source of information for visa holders) are addressed exclusively to the primary applicants and their employers. While worker rights and responsibilities are outlined in *Booklet 9*, there is no reference to secondary visa holders’ rights or responsibilities.

Though this Australian program is considered to be one of the more ‘progressive’ such programs in comparison to those in other OECD countries, by virtue of allowing spouses full entitlements to work in Australia (Migration Council nd), it is also lacking in other areas.

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<sup>3</sup> Prior to the Deegan review in 2013 it was 28 days (eg see Migration Council of Australia nd).

Secondary applicants are not entitled to help with settlement or gaining employment, nor are they entitled to English lessons or health care (as are migrants on permanent visas). Given their secondary status, which means that their legal right to be in Australia is predicated on their spouses' employment, it is unclear what rights these women (and children) will have in the event that this relationship changes. For example, it is unclear whether or not a secondary applicant could leave an abusive husband without also needing to leave the country? These uncertainties undermine women's basic rights. These secondary migrants, the majority of whom are women, are the most vulnerable and potentially isolated members of the 457 cohort (see also Fincher 1997).

While 457 primary applicants have the opportunity to have a say, for example in surveys conducted by the Department of Immigration and Border Protection as part of reviews of the program, secondary applicants to date do not have a voice. For example, they have not been directly included in Department surveys and reviews of the 457 program. Rather, their concerns have been indirectly documented: primary applicants were asked to report on their spouses' experiences, which are limited to those of gaining work in Australia (DIBP 2012-13 online survey instrument; in author's possession). This is a significant omission: it both enacts the 'secondary' status of this category of migrant, and suggests a lack of knowledge regarding the well-being of a large number of vulnerable people.

### **Mining industry use of 457 workers**

The transnational organisation of "economic operations" is attended by "clear migratory implications for many workers" (Halfacree 2004:404). This is particularly so for the global mining industry in which many companies have mine sites in a number of different countries. The profitability of a given mine, and thus its operating life span, is subject to a range of

volatile factors (McDonald et al 2013; Mayes 2012) . While these are in many respects highly specific to the particular mineral in question, they can be mapped also in general terms. For example, profitability is related to global demand in turn related to the pace of global production and the reserves of the particular mineral (both mined and yet to be mined); ore grades and availability; and broader socio-political conditions (Bridge 2008). Labour mobility—in particular efficient access to labour reserves and methods of worker reallocation—enables corporations with global resource portfolios to react effectively to market and socio-political fluctuations.

Indeed, the 457 visa program, according to industry sources, is ‘critical’ to the sector’s global competitiveness. This argument has had strong traction in the context of the industry’s prediction of ‘extreme’ shortages of skilled labour in light of the ‘resource boom’ experienced in Australia until recently. Specific areas of concern raised by the industry include the potential risk of labour shortages slowing the development of new mines, along with increasing competition, among companies and sites, for workers. Relatedly the development of 457 visa policy has been influenced by the mining industry. For example, Enterprise Migration Agreements (EMAs) were introduced in 2011: in essence these are a “custom-designed, project-based migration arrangement” specifically intended to “provide the resource sector with streamlined access to temporary skilled workers for resource development projects” (Azarias et al 2014: 25).

At the same time there is an emphasis not only on access to a large ‘skilled’ workforce but also on the ‘flexibility’ of this workforce. In line with the broader 457 program goals around ‘productivity’ as noted above, the Minerals Council of Australia, the mining industry’s powerful peak advocacy body, emphasises the importance of keeping “the temporary skilled

migration programs (sub class 457 visas) uncapped” and of ensuring “that initiatives to improve processing efficiency are maintained.” The steadily reduced processing times, an explicit goal in the overall 457 visa review process, together with the minimum employment duration requirement of only 1 day, and the provisions for intra-company transfer, allows multi-national companies to efficiently mobilise employees across jurisdictions.

Mining sector applications in 2012-13 represented 5.8% of the total number of 457 visa applications across all industries. The number of 457 visa holders in the mining industry is thus lower than in many other industries, such as in the health care and construction sectors, for example.<sup>4</sup> Importantly, this transnational mining labour migration occurs in an industry / sector more broadly characterised by ‘relatively’ high levels of labour mobility both in terms of “the flow of workers between jobs” (Atkinson and Hargreaves 2014:6) and the use of fly-in, fly-out labour. In the latter, workers travel to work on mine sites where they undertake a cycle of a fixed number of often 12 hour shifts for a set number of consecutive days followed by a set number of days at home. While ‘on shift,’ workers live in mining camps.

Mining tends to take place in rural, if not remote areas and many 457 migrant families thus relocate to these areas. One such instance is the use of 457 labour to staff the Newmont Boddington Gold mine. In response to high market demand for gold, and the viability of extraction in suitable quantity and quality, this mine was re-opened and expanded in 2010. Its large labour force requirement (over 1000 permanent employees) was in part met with 457 workers. The influx of workers in effect doubled the population of nearby Boddington, a small isolated town, over 100km away from its closest regional city and over 120 km from the capital city of Western Australia. The percentage of people in the Boddington population

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<sup>4</sup> This may be misleading, however; for example, the “surge” in the number of 457 visas granted in the construction industry between 2009 and 2013 has been attributed to mining-related construction (Azarias et al, 2014: 33).

born overseas grew from 12.6% in 2001 to 21% in 2011 (Australian Bureau of Statistics Census data 2001; 2011).

As the above discussion suggests, the mineral extractive sector provides a rich case study through which to understand complex intersections of migration policy, industry practice and migrant experiences—particularly in non-urban settings, and in higher income groups, and in a highly masculinised sector. In Australia, as elsewhere in the world, the industrial mining workforce is predominantly male particularly in the higher paid, skilled occupations (Mayes 2014).

### **Characteristics of mining 457 workers**

In 2012 the Australian Government's Department of Immigration and Border Protection, as part of the review process outlined above, conducted an online survey of subclass 457 employees (DIBPa nd). This survey aimed to investigate the Australian experiences (broadly defined and also specific to the 457 visa program) of 457 visa holders. Sent to 15 000 visa holders, the survey attracted 3812 respondents working in a variety of industries. Findings were published by the DIBP in aggregate form across the various industries in a report titled: *Filling the gaps: Findings from the 2012 survey of subclass 457 employers and employees*, and by the Migration Council of Australia in its report: *More than temporary: Australia's 457 visa program*. Of the close to 4000 completed surveys, 136 were from visa holders employed in the mining industry. The following description of mining 457 visa holders draws on data from this mining-specific sub-group (interpreted by this author).

In this mining industry sample, 63% worked for multi-national organisations; close to 65% were from English speaking backgrounds and 35% from non-English speaking backgrounds.

Mirroring fairly closely the gender distribution in the entirety of the subclass 457 population (74% male, 26% female), 72% of respondents are male and 28% female. The sample also reflects the consistent de-unionisation of the industry in Australia: 98.5% were not union members while the remaining 1.5% 'didn't know' whether or not they were members. In the full survey cohort, "7 per cent of visa holders indicated that they were affiliated with a union" (Migration Council nd: 4); at the same time it has been noted that "unions could play an increased role in enhancing the effectiveness of the program, as 457 visa holders who are union members are more satisfied with their employment and more likely to stay in Australia long term."

The reason nominated most frequently (multiple responses were permitted) for applying for a 457 visa was "to further my career and expand my work" (58.8% of the cohort). The next two most widely cited reasons were "more job opportunities in Australia" (43.4%), and "457 visa was organised by my employer" (42.6%). The emphasis on 'career advancement' is borne out in responses to the question regarding the level of employment in comparison to previous jobs: 50.7% claimed to be working at a higher level, and 36% at the same level. Some 40% said they had received promotions since commencing work with their Australian sponsors.

As part of an attempt to assess 'social inclusion' [of surveyed workers and not in reference to spouses] the survey asked questions about the type and frequency of social activities visa holders undertook. Interestingly, after "activities involving sports or hobbies," which had the highest participation rates, came "activities arranged by the local community." In this regard 73.5% had participated in such activities anywhere from weekly to "once every 4-6 months", with the largest proportion (25.7% participating "once every 2-3 months). Only 15.4% had

never participated in community-initiated activities (as compared for example to 23.5% who had never participated in “activities organised by people from your home country”, and 58.8% who had never participated in religious activities, 61% who had never participated in “Activities arranged by a local school”). Interestingly too, given that 457 visas do not include access to health care as noted above, half of those interviewed wanted to see the 457 visa changed to include health insurance or health care. The surveyed mining 457 visa holders in general felt (very) satisfied with their working lives and conditions of work. They tend to record very high earnings (in line with Australian counterparts), and especially in comparison to other 457 cohorts. Half of 457 visa holders employed in mining earn “between \$90,000 and \$164,000 per annum” which is the top income bracket (DIBPa nd: 4). While the skilled work undertaken by 457 workers in the mining industry is in general well paid, it is at the same time precarious due to the volatile nature of the sector and its global organisation, as described briefly above.

### **The 457 ‘secondary migrant’ experience in Boddington**

The experience of migrancy is clearly complex and multifaceted, informed as it is by comparisons with the country of origin or most recent ‘home’ country—the women interviewed hailed from Indonesia, Asia, Europe and South America—and the particularities of the destination country and locale, along with class, age and a host of other factors. Rather than engaging with these specificities the following highlights broad aspects of the experience linked to industry and visa conditions.

In contrast to the reasons for taking up 457 visas offered by primary applicants surveyed by the Department of Immigration and Border Protection, the most common reason offered by

interviewed spouses was a desire to keep the family together. As one interviewee explained, the family moved to Boddington to escape a fly-in, fly-out work regime and to

be together. In the past [my husband] has to go Monday and come back Friday, and here we stay together every day. So I love that. I say, I prefer that. I say, I prefer the same company and we stay together every day, you come home every day. (Maria)

The wives did not move in order to advance their own careers, and indeed the move involved substantial personal sacrifice. It also involved a substantial (over) burden of domestic labour, necessitated by the long shifts worked by their partners and made acceptable, if not a logical outcome, by the lack of work opportunities for migrant spouses in Boddington.

The move to Boddington was also clearly understood by interviewees as a very temporary situation. There was a strong understanding, given the particularities of the mining industry—namely the changing profitability of particular minerals and mine sites, along with shifting political contexts—that they *must* move again and not necessarily at a time or to a place of their own choosing. The following quote exemplifies this sentiment:

There are many ups and downs [in mining] so we just wait and see. He will know next Monday, maybe we will hear, I mean [if we are going to move again]. There are too many employees now redundant so we just wait and see what happens. (Nina)

The husbands of the interviewed migrant women were working as geologists, mining engineers of various types, and senior managers and had been relocated from Newmont mines in other parts of the world. The expectation of future relocation in many cases reflected this situation. However, such relocation did not work too well for spouses who had also been working in mining:

I was working in Newmont too in X. Yeah. I was working for 11 years. So is hard

for me to just quit [in order to move to Boddington where her husband had been relocated] (Ala, place names removed to preserve interviewee anonymity).

Interviewees also experienced the move to Boddington as not only involving significant personal sacrifice but also as something made particularly difficult as a result of the lack of access to official settlement and English language services. These difficulties were further compounded by their rural location. According to interviewees, Newmont provided housing, organised many aspects of the move and supplied lawyers to sort out visa applications; however, beyond this spouses were left to their own devices and many were not confident in their use of the English language and understanding of local customs. While husbands worked 12 hour shifts wives often struggled with isolation particularly in the first months.

Their senses of marginalisation and exclusion, however, were very much alleviated through the volunteer community support provided by local women. This support included provision of English language lessons, help with practical tasks such as arranging and then undertaking visit to the doctor, and hosting social events. As a key local community volunteer support person commented:

24/7 my phone's on. They'll Facebook me, text me, ring me, any time, day or the night. And if they ask I never like to say no. I want to, but it is all like your family.

In providing this ongoing support—involving substantive emotional, intellectual and physical labour—local women directly assisted in the smooth functioning of the 457 program and in the efficient use of 457 workers at the Boddington gold mine. Numerous local interviewees noted that the provision of support to migrants in Boddington and the broader region (including regional cities) is often dependent on volunteer labour. Inadequate funding of such services meant that the predominantly female staff often provided extensive unpaid

labour and even financial support. This use, if not reliance, on community-provided resources and events in some ways parallels the higher participation rates in community events noted by 'primary' applicants in the survey responses.

## Conclusion

This paper has examined the current, pronounced shift toward temporary labour migration occurring in Australia, and in many other OECD countries. The particular policy settings and rule shaping this migration—encapsulated in the 457 visa program—have been shown to centre on assisting industry—in particular the mining industry as examined in more detail—to achieve its goals around a flexible skilled workforce. By attending to the ways in which the program positions ‘secondary’ migrants, the majority of whom are women from non-English speaking backgrounds, this case study has highlighted systemic inequalities and significant lacunae in the development and prosecution of the program. As Anderson (2010:301) has argued, in relation to the specific situation in the UK, the “creation of categories of entrant”—temporary, primary, secondary—works to construct “types of labour with particular relations to employers and to labour markets.” As this case study shows, these are gendered relations which are reinforced through intersections with industry practices, namely precarious work, long shifts, the global organisation of production and associated intra-company transfer. Further, through highlighting the marginalisation of women not only in migration policy and the mining workforce, but also as part of the lived experience this case study exemplifies the gendered complexities of labour migration.

The situation examined here indicates very clearly a need for more attention to the role and experience of women/spouses in labour migration. The Migration Council Australia (nd:5) makes a similar point, noting also that “participation of secondary visa holders is critical in the decision to stay in Australia.” This case study, however, suggests that ongoing mobility is likely and that the decision to stay does not lie simply with individuals. It is thus important to examine the role of spouses in broader systemic terms and in relation to much more than their

potential contributions to the labour force (as is currently the limited case). It is also crucial that we engage with the lived outcomes of both policy and industry-specific factors. This is necessary if we are to avoid reproducing neoliberal globalisation as “a form of globalisation working primarily to the benefit of major multinational corporations, (Massey 2004: 97) legitimated by particular forms of economic understanding” for instance as encoded in migration policy, “and energetically pursued by numerous elites and national governments around the world.”

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