Work-Related Offences and Civil Penalty Provisions under the *Migration Act 1958* - Current and Amended Penalties **ANNEX A**

Offence/Civil Penalty Provision	Maximum penalties		
	Criminal	Civil	Infringement
Employer Sanctions			
Allowing an unlawful non-citizen to work (s245AB) **Allowing a lawful non-citizen to work in breach of a work condition (s245AC)** **Referring an unlawful non-citizen for work (s245AE)** **Referring a lawful non-citizen for work in breach of a work-related condition (s245AEA)**	- Individuals: 2 years imprisonment and/or 120 penalty units ($26,640*) - Bodies corporate: 600 penalty units ($133,200*) As amended: - Individuals: 2 years imprisonment or 360 penalty units ($79,920*) or both - Bodies corporate: 1,800 penalty units ($399,600*)	- Individuals: 90 penalty units ($19,980*) - Bodies corporate: 450 penalty units ($99,900*) As amended: - Individuals: 240 penalty units ($53,280*) - Bodies corporate: 1,200 penalty units ($266,400*)	- Individuals: 18 penalty units ($3,996*) - Bodies corporate: 90 penalty units ($19,980*) ***Included for broader context; the Bill does not include amendments to the Migration Regulations 1994*
Aggravated offences if a person allows, or continues to allow, another person to work (s245AD) **Aggravated offences if a person refers another person to a third person for work (s245AEB)**	- Individuals: 5 years imprisonment and/or 300 penalty units (currently $66,600) - Bodies corporate: 1,500 penalty units (currently $333,000) As amended: - Individuals: 5 years imprisonment or 360 penalty units ($79,920*) or both - Bodies corporate: 1,800 penalty units ($399,600*)		
New offences and civil penalties to be inserted in Subdivision C of Division 12 of Part 2 of the Migration Act			
New criminal offences in relation to the coercion or the exertion of undue influence or pressure on a migrant worker in relation to a work arrangement in certain circumstances (ss 245AAA, 245AAB) (addressing Recommendation 19 from the Taskforce Report)	As amended: - Individuals: 2 years imprisonment or 360 penalty units ($79,920*) or both - Bodies corporate: 1,800 penalty units ($399,600*)	As amended: - Individual: 240 penalty units ($53,280*) - Bodies corporate: 1,200 penalty units ($266,400*)	
Person does not verify a prospective non-citizen worker's visa status and conditions before allowing them to begin work (s 245AEC)		As amended: - Individual: 48 penalty units ($10,656*) Bodies corporate: 240 penalty units ($53,280*)	
Person does not verify a prospective non-citizen worker's visa status and conditions before referring them to another person for work (s 245AED)		As amended: - Individual: 48 penalty units ($10,656*) Bodies corporate: 240 penalty units ($53,280*)	

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New civil penalty provisions for prohibited employers (new Subdivision E of Division 12 of Part 2 of the Migration Act)			
Prohibited employers breach the prohibition on allowing additional non-citizens (exc permanent residents) to begin work (s 245AYH)		As amended: - Individual: 240 penalty units ($53,280*) - Bodies corporate: 1,200 penalty units ($266,400*)	
Former prohibited employers do not comply with additional reporting requirements (s 245AYJ)		As amended: - Individual: 48 penalty units ($10,656*) Bodies corporate: 240 penalty units ($53,280*)	
Paying for visa sponsorship			
Asking for or receiving a benefit in return for the occurrence of a sponsorship related event (s245AR)	- Individuals: 2 years imprisonment or 360 penalty units ($79,920*) or both - Bodies corporate: 1,800 penalty units ($399,600*) *Note: there are no changes to these penalties. They have been included as a reference point only (other penalties have increased to align with these penalties).*	- Individuals: 240 penalty units ($53,280*) - Bodies corporate: 1,200 penalty units ($266,400*)	- Individuals: 48 penalty units ($10,656*) - Bodies corporate: 240 penalty units ($53,280*) ***Included for broader context*
Offering to provide or providing a benefit in return for the occurrence of a sponsorship related event (s245AS)			
Sponsorship Obligations			
Sanctions for failing to satisfy sponsorship obligations (approved work sponsors only) (s140K)		- Individuals: 60 penalty units ($13,320*) - Bodies corporate: 300 penalty units ($66,600*) As amended: - Individual: 240 penalty units ($53,280*) - Bodies corporate: 1,200 penalty units ($266,400*) *Note: the change only affects 'approved work sponsors'. For all other sponsors, the penalty units remain the same.*	- Individuals^: 12 penalty units ($2,664*) - Bodies corporate^: 60 penalty units ($13,320*) (^excl. r2.78 & r2.85) ***Included for broader context*

* Per section 4AA of the *Crimes Act 1914*, the current value of a penalty unit is $222 (as at 28 January 2022).