

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 22 May 2006

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(195) Output 1.3: Enforcement of Immigration Law

Senator Carr asked:

Will employers already the subject of official warnings from the Department for engaging illegal immigrants be considered as fresh offenders for purposes of evidence gathering under this new Legislation? Will any previous history in employing illegal immigrants be taken into account in prosecuting employers?"

Answer:

To prove that an employer recklessly engaged an illegal worker it would be necessary to show, amongst other things, that the employer was aware of a "substantial risk" that the employee was an illegal worker. The fact that an employer has previously been given a warning notice for employing illegal workers may be evidence that can be taken into account in establishing that an employer was aware of that risk.