

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 22 May 2006

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(84) Output 1.1: Migration and Temporary Entry

Senator Webber asked:

Is the Department aware of reports that applicants are signing job contracts in their country of origin that they are not allowed to keep a copy of?

Answer:

The Department has received anecdotal information that overseas employees may have signed, via unnamed overseas agents, job contracts in their country of origin, which they do not have with them when they arrive in Australia.

Australia's regulatory framework has limited application to unregistered agents and recruitment firms operating overseas. The employment arrangements with the sponsor must comply with Australian laws. Possible breaches are investigated by the Department and/or relevant Commonwealth state agencies. Where the Department identifies possible exploitation by overseas recruitment firms, the Department seeks to engage the relevant overseas authorities through its overseas diplomatic posts.

The Department is currently reviewing the advice it provides to successful visa applicants to advise that a common law contract cannot sign away legislated entitlements.

The Department encourages anyone with information that would assist to substantiate these claims to provide these to the Department for investigation.