

# CHAPTER 1

## INTRODUCTION

### Introduction and referral of bill

1.1 The Migration Amendment (Employer Sanctions) Bill 2006 (the bill) was introduced into the Senate on 29 March 2006. On 30 March 2006, the bill was referred to the Legal and Constitutional Legislation Committee for inquiry and report by 2 May 2006.

### Conduct of the Inquiry

1.2 The inquiry was advertised in *The Australian* newspaper on 4 and 12 April 2006, and the Committee also wrote to 84 organisations and individuals. Interested persons were invited to provide submissions by 18 April 2006. Details of the inquiry, the bill, and associated documents were placed on the Committee's website.

1.3 The Committee received eleven submissions, and two supplementary submissions. A list of submissions is at Appendix 1.

1.4 The Committee held one public hearing on 26 April 2006 in Sydney. A list of witnesses who appeared at the hearing is at Appendix 2 and copies of the Hansard transcript are available through the Internet at <http://aph.gov.au/hansard>.

1.5 The Committee thanks those organisations and individuals who made submissions and gave evidence at the public hearings, particularly in view of the short timeframes involved.

### Note on references

1.6 References in this report are to individual submissions as received by the Committee, not to a bound volume. References to the Committee Hansard are to the proof Hansard: page numbers may vary between the proof and the official Hansard transcript.

### Purpose of the bill

1.7 The bill amends the *Migration Act 1958* (the Act) by inserting offences for employers and labour suppliers who allow non-citizens to work in Australia illegally.<sup>1</sup>

1.8 Currently, it is an offence under section 235 of the Act for:

---

1 Explanatory Memorandum, paragraph 1.

- an unlawful non-citizen to do any work in Australia, whether for reward or otherwise; and
- a non-citizen, who holds a visa that is subject to a work condition, to work in Australia in contravention of that condition.<sup>2</sup>

1.9 However, there are no sanctions against persons who allow non-citizens to work in Australia illegally.

1.10 The Bill introduces 4 types of offences:

- allowing an unlawful non-citizen to work;
- allowing a non-citizen to work in breach of a visa condition;
- referring an unlawful non-citizen for work; and
- referring a non-citizen for work in breach of a visa condition.

1.11 The Explanatory Memorandum states that the purpose of the proposed new offences is to deter employers and labour suppliers from employing illegal workers or referring them for work; and to encourage employers and labour suppliers to verify the working status of potential employees where there is a substantial risk that the person is an illegal worker.<sup>3</sup>

---

2 Explanatory Memorandum, paragraph 4.

3 Explanatory Memorandum, paragraph 7.