

# CHAPTER 1

## Introduction

### Purpose of the Bill

1.1 On 14 October 2008 the Senate, on the recommendation of the Selection of Bills Committee, referred the provisions of the Migration Legislation Amendment (Worker Protection) Bill 2008 (the bill) to the Standing Committee on Legal and Constitutional Affairs for inquiry and report by 7 November 2008.

1.2 The objectives of the bill are to:

- provide the structure for better defined sponsorship obligations for employers;
- improve information sharing across all levels of government;
- expand powers to monitor and investigate possible non-compliance by sponsors; and
- introduce meaningful penalties for sponsors found in breach of their obligations.

1.3 The bill also seeks to make minor, machinery and technical amendments.

### Background

1.4 The most extensively used program for employers to sponsor overseas workers to work in Australia on a temporary basis is the *Temporary Business (Long Stay) – Standard Business Sponsorship (Subclass 457)* visa program.<sup>1</sup>

1.5 The subclass 457 visa allows businesses to respond quickly to skills gaps by sponsoring skilled workers to work in management, professional and skilled tradesperson positions.<sup>2</sup> Workers entering Australia under a subclass 457 visa are entitled to bring family members, known as secondary visa holders.<sup>3</sup>

---

1 Department of Immigration and Citizenship Temporary Business (Long Stay) – Standard Business Sponsorship (Subclass 457) document: see <http://www.immi.gov.au/skilled/skilled-workers/sbs/index.htm> (accessed 16 October 2008)

2 Department of Immigration and Citizenship 2006-07 Annual Report, p. 69.

3 Phillips, J., 'Temporary (long stay) business visas: subclass 457', *Research Note no. 15 2006-07*, 21 February 2007.

1.6 In 2006-07, 89 384 subclass 457 visas were granted,<sup>4</sup> and in 2007-08 more than 100 000 visas were granted.<sup>5</sup>

1.7 The Minister for Immigration and Citizenship, Senator Chris Evans, announced in June 2008 that he would introduce new laws:

...to help prevent the exploitation of temporary skilled foreign workers and ensure the wages and conditions of Australian workers are not undercut...The intention of the Bill is to clarify sponsor obligations and provide further fair and transparent mechanisms for temporary workers from overseas.<sup>6</sup>

1.8 The bill is part of the government's broad reform agenda for the temporary skilled migration program. There are several review processes still being undertaken that are related to the bill. Commencement has been set at 9 months after Royal Assent in recognition of the interrelationship of these review processes.

### **Conduct of the inquiry**

1.9 The committee advertised the inquiry in *The Australian* newspaper on 18 October 2008. Details of the inquiry, the Bill and associated documents were placed on the committee's website. The committee also wrote to 47 organisations and individuals.

1.10 The committee received 24 submissions, which are listed at Appendix 1.

### **Acknowledgement**

1.11 The committee thanks those organisations and individuals who made submissions.

### **Note on references**

1.12 References in this report are to individual submissions as received by the committee, not to a bound volume.

---

4 Department of Immigration and Citizenship 2006-07 Annual Report, p. 68. This figure includes primary and secondary visa holders.

5 Minister for Immigration and Citizenship, Senator Chris Evans, media release dated 30 June 2008. This figure includes primary and secondary visa holders.

6 Minister for Immigration and Citizenship, Senator Chris Evans, media release dated 30 June 2008