



# Media release

## Senator Chris Evans

Leader of the Government in the Senate  
Minister for Immigration and Citizenship

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### **New laws to protect overseas workers**

The Minister for Immigration and Citizenship, Senator Chris Evans, will today (Wednesday) introduce a Bill into the Senate that sets out a new framework to better protect temporary overseas workers in Australia.

The *Migration Legislation Amendment (Worker Protection) Bill 2008* will strengthen the integrity of temporary working visa arrangements including the Subclass 457 visa program which in 2007-08 saw almost 60 000 visas granted to overseas workers.

“Over the last five years Australian employers have increasingly turned to the temporary skilled migration program to bring in the skilled workers they need,” Senator Evans said.

“The resources boom, low levels of unemployment, and the failure of the previous government to invest in the education and training of our own people, have contributed to endemic skills shortages across the country.

“The temporary working visa scheme is only sustainable if the community is confident that overseas workers are not being exploited or used to undermine local wages and conditions.”

The amendments proposed in the Bill outline four main measures to protect overseas workers from exploitation. These measures provide for:

- expanded powers to monitor and investigate possible non-compliance by sponsors;
- the introduction of penalties for employers found in breach of their obligations;
- improved information sharing across all levels of government; and
- better defined sponsorship obligations for employers and other sponsors.

The new laws will enable specially trained officers with investigative powers to monitor workplaces and conduct site visits to determine whether employers are complying with the redefined sponsorship obligations. The powers will be similar to the powers of workplace inspectors under the *Workplace Relations Act 1996*.

Fines of up to \$33 000 are proposed for employers found in breach of the obligations in the Migration Regulations. The department will retain the ability to cancel an employer's approval as a sponsor or bar them from making applications for approval as a sponsor for a period of time.

The Bill proposes amendments which will allow the Commissioner of Taxation to disclose tax information of visa holders, former visa holders, approved sponsors, or former approved sponsors to the Department of Immigration and Citizenship in order ensure correct salary levels are being paid to visa holders.

“The existing provisions for the disclosure of information have proved insufficient and ineffective in ensuring that overseas workers are being paid minimum salary levels and Australian wages and conditions are not undermined,” Senator Evans said.

The Bill provides for Regulations to clearly set out the sponsor obligations that employers must satisfy when employing a temporary overseas worker.

The prescribed obligations will clearly set out the period of time in which an obligation must be satisfied, and the manner in which the obligation is to be satisfied. The obligations will for the first time be imposed by operation of law.

The obligations to be specified in the Regulations will be the subject of consultation with stakeholders and finalised in the coming months.

The *Worker Protection Bill* complements action that the Rudd Government has already taken to boost the integrity of the 457 visa program.

The 2008-09 Budget allocated \$19.6 million to improve the processing and compliance of the temporary skilled migration program.

The Minimum Salary Levels for temporary skilled overseas workers were increased by 3.8 per cent last month after they had been frozen for over two years.

In April this year, industrial relations commissioner Barbara Deegan was appointed to conduct a broad review into the integrity of the temporary skilled migration program. Ms Deegan has released two discussion papers, and will report next month after the release of her third and final paper.

Ms Deegan’s recommendations will inform the development of longer term reforms to the 457 visa program that will be brought forward in the 2009 Budget.

The Rudd Government is committed to ensuring the Subclass 457 visa scheme operates as effectively as possible in contributing to the supply of skilled labour while protecting the employment and training opportunities of Australians and the rights of overseas workers.

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