

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 22 May 2006

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(194) Output 1.3: Enforcement of Immigration Law

Senator Carr asked:

Why was the “strict liability” approach, recommended in the 1999 Inquiry, not adopted, as an approach that would be much more likely to deter illegal employer conduct in this area than the test the Government is now proposing where an employer’s “state of mind” or intent has to be proven?”

Answer:

Strict liability offences would in practice require employers to check the work entitlements of all new employees to avoid liability – citizens and non-citizens alike. This level of checking is perceived as being unduly burdensome at the present time, particularly given the practical difficulty of identifying Australian citizens.