



THE SENATE

LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE

26 July 2010

Senator the Hon John Hogg
President of the Senate

**INQUIRY INTO THE PROVISIONS OF THE MIGRATION AMENDMENT (VISA
CAPPING) BILL 2010**

Background

On 26 May 2010, pursuant to a resolution of the Senate on 13 May 2010, the provisions of the Migration Amendment (Visa Capping) Bill 2010 (Bill) were referred to the Senate Legal and Constitutional Affairs Legislation Committee for inquiry and report by 15 June 2010. On 15 June 2010, the Senate agreed to extend the reporting date to 11 August 2010.

The Bill sought to amend the *Migration Act 1958* to enable the Minister for Immigration and Citizenship to cap visa grants and terminate visa applications based on the class or classes of applicant applying for the visa. In particular, the Bill would have enabled the Minister to make a legislative instrument to determine the maximum number of visas of a specified class or classes that could be granted in a financial year to visa applicants with specified characteristics, and treat outstanding applications for the capped visa as never having been made. The proposed amendments were intended to specifically address issues relating to Australia's General Skilled Migration visa program.

Conduct of the inquiry

The committee advertised the inquiry in *The Australian* newspaper on 2 June 2010 and 16 June 2010, and invited submissions by 18 June 2010. Details of the inquiry, the Bill and associated documents were placed on the committee's website. The committee also wrote to over 80 organisations and individuals.

The committee received 669 submissions, most of which were placed on the committee's website. The committee thanks those organisations and individuals who made submissions to its inquiry.

On 19 July 2010, the Governor-General prorogued the 42nd Parliament and dissolved the House of Representatives. Accordingly, the committee has resolved not to continue its inquiry into the provisions of the Bill. This decision is consistent with the approach to inquiries during elections adopted by other Senate committees. If the Bill is reintroduced in the new parliament, the Senate can again refer it to the committee for inquiry.

Senator Trish Crossin
Chair