



Department of Home Affairs
6 Chan St
Belconnen
ACT 2617

16 August 2021

Migration Amendment (Protecting Migrant Workers) Bill 2021

The Migration Institute of Australia was the first professional association representing migration professionals to be established in Australia, initially as the Australian Migration Consultants Association in 1987, before changing its name to the Migration Institute of Australia (MIA) in 1992. Through its public profile the MIA advocates the value of migration, thereby supporting the wider migration advice profession, migrants and prospective migrants to Australia.

The MIA welcomes this opportunity to provide comment on the exposure draft of the *Migration Amendment (Protecting Migrant Workers) Bill 2021*. The MIA is pleased to provide its support for this proposed amendment which closes loopholes around specific employment practices targeting migrant workers, especially working holiday maker and student visa holders, and the increase in penalties for those employers who exploit these vulnerable workers.

The MIA commends the Migrant Workers' Taskforce on the excellent work that has been done in developing this Bill. The MIA finds nothing to disagree with in this amendment and offers some minor suggestions that may improve its efficacy.

1. Increase education and engagement with employers

The MIA has concerns that smaller employers, particularly those in regional and remote areas may not be fully aware for their obligations to migrant workers.

The MIA recommends that approval of this Bill be accompanied by a wide ranging media campaign bringing the new amendments to the attention of a broad range of employers across different sectors and locations. The MIA's particular concern is that smaller employers fully understand the importance of VEVO checking of the work rights for potential employees.

The MIA and its members would be willing to assist the Department in this endeavour by supplying relevant material to their clients.



2. Increased penalties for exploitation of migrant workers

The MIA is pleased to see the significant increases in the penalties and custodial sentences for exploitation of these workers and would support even stronger penalties for breaching these obligations.

3. Combatting cash wage payment fraud

The MIA notes one area where employers may seek to circumvent the provision of this new Bill – paying foreign workers in cash and without physical records. The MIA recommends that further investigation of ways to combat fraud and exploitation of foreign workers that could occur in this manner.

4. Identifying employers who breach obligations

The MIA supports the publication of the names of those employers/companies who breach these obligations, consistent with the provisions of natural justice and review in the Administrative Appeal Tribunal.

The MIA also supports the further provisions placed on employers returning from sanctions for breaching these amended obligations.

Please feel free to contact the MIA or myself if you require further information on the MIA's position on these proposed amendments.

A handwritten signature in black ink that reads 'John A Hourigan'. The signature is written in a cursive style with a large, sweeping initial 'J'.

**John Hourigan FMIA
National President
Migration Institute of Australia**