



INFORMATION SHEET

Eligibility to work requirements: *Migration Act 1958*

Under the *Migration Act 1958* (the *Act*) it is a criminal offence for a person to knowingly or recklessly:

- allow an illegal worker to work
- refer an illegal worker for work with another business.

Illegal workers are non-Australian citizens who are working in Australia without a visa or who are in Australia lawfully but working in breach of their visa conditions.

Brisbane Catholic Education has a legal obligation to ensure that all workers who are engaged or have their contracts renewed or extended are checked to ensure that they are an Australian citizen (or have appropriate work entitlements).

An individual is eligible to work in Australia if they are:

- Australian citizens
- Australian permanent residents
- New Zealand citizens who entered Australia on a current New Zealand passport
- non-Australian citizens holding a valid visa with work entitlements.

It is important to note that not all visas allow people to work in Australia.

Under the legislation it is not sufficient to simply ask a person if they are an Australian citizen. In order for Brisbane Catholic Education to discharge its obligations under the *Act* a representative from BCE must sight one of following documents:

- a full Australian birth certificate
- an Australian citizenship certificate
- a certificate of evidence of citizenship
- an Australian passport
- a valid visa with permission to work.

The following cannot be used as proof of an entitlement to work;

- a tax file number
- a driver's licence
- a Medicare card
- a bank account
- referrals from other employment agencies or labour suppliers
- references from previous employers.

In the case of online applications it would be sufficient for an applicant to upload onto their profile proof of their citizenship when they complete their online profile.

All new employees (including new relief and new casual employees) will be asked to upload a copy of their proof of entitlement to work in Australia into their online Profile (or provide a hard copy to the Principal/Payroll Administration Services).

In accordance with the *Privacy Act 1988* (Cth), this information is gathered, and will be retained, for the purpose of complying with an enforceable law (which imposes a penalty or a sanction).

If you have any questions about the above requirements please contact Employee Relations on 3033 7579 or employeerelations@bne.catholic.edu.au. Should you have any concerns about privacy and the collection of such information please do not hesitate to contact the Brisbane Catholic Education Privacy Officer on privacy@bne.catholic.edu.au.