

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2014-2015

Agency - Fair Work Ombudsman

Department of Employment Question No. EM0809_15

Senator Cameron asked on 2 June 2014 on proof Hansard page 16

Question

FWO - engagement with the Department of Immigration and Border Protection

Mr Campbell: I'm sure it has. I am happy to get some information for you on notice about how we engage with the department, but I think you are looking for mischief when it is not there. The intention of that section of the MOU is to ensure that both the Fair Work Ombudsman and the department of immigration are talking about how our relationship works. If there are ways of improving, for example, the way we share information, the way we refer investigations and the way we inform each other about our activities, then we want to make sure that that happens. Senator CAMERON: And why you should make sure that the regulations put on payslips are implemented for workers getting ripped off on 457 visas. Is that one of the issues? Mr Campbell: It could well be, but I don't know that it is not. I gave that as an example. Senator CAMERON: Well, you haven't done it in the area that we have just spoken about, and you are not complying with clause 40. Mr Campbell: I do not accept that. Ms James: I think Mr Campbell's response about what we have done is entirely consistent with clause 40. Senator CAMERON: Well, I do not. Ms James: Great minds can differ on such things, but my view is that it is consistent. Senator CAMERON: It is consistent for you not to be able to provide me with details. First of all Mr Campbell said he hadn't done it, and then he suddenly said that he had done. Ms James: No, Mr Campbell said that it had been done, and that it is done regularly at an operational level. We exchange information. Senator CAMERON: Alright, just provide all details of your engagement with the DIBP in relation to clause 40. I want all the details on the engagements you've had since the election. I want times, at what level, the nature of the engagement, the issues that are being raised and the outcomes that have been achieved by that engagement. Can you take that on notice? Senator Abetz: This is still an ongoing investigation, so subject to that caveat. Senator CAMERON: Senator Abetz, I am not talking about that. I'm talking about generalities here. I am talking about all engagements. Senator Abetz: Well, all engagements, one would assume, would include matters that are currently under investigation. That is why I have simply put a caveat on that in relation to investigations. The Fair Work Ombudsman will have to tread carefully, as I am sure they will. Senator CAMERON: Ms James, regardless of Senator Abetz trying to shut you down on this issue, there is nothing I am asking you that is not able to be met on public notice. I will have a very close look at whether the minister has influenced your response when your response comes through. It has been said that the Fair Work Ombudsman and various other bodies will pursue a hard-line approach against problems with 457 visas. Whether you like it or not, one of the problems we are seeing here is that people are being underpaid. They may have no payslips and there may be no time sheets. Is that correct that that could be a problem?

Answer

The Fair Work Ombudsman has a memorandum of understanding (MoU) with the Department of Immigration and Border Protection (DIBP). The MoU formalises operational arrangements around the agency's role in monitoring 457 visa sponsorship obligations and provides a framework for the regular exchange of operational information.

The Fair Work Ombudsman and DIBP work closely together to share intelligence and information about matters. Where non-compliance with visa sponsorship obligations is identified, the Fair Work Ombudsman refers matters to DIBP for further investigation and enforcement activity.

Since the last federal election on 7 September 2013, the Fair Work Ombudsman has had the following formal engagements with DIBP:

Date	Details of meeting	Who attended from FWO
26/09/2013	Fair Work Ombudsman/DIBP face to face meeting in Darwin to discuss Fair Work Ombudsman's 457 monitoring activity in Darwin.	Fair Work Ombudsman Director and Assistant Director and representatives of DIBP.
16/10/2013	Fair Work Ombudsman/DIBP/FWBC face to face meeting at Adelaide DIBP office to discuss current common investigations, processes, data exchange processes.	Fair Work Ombudsman Assistant Director and representatives of FWBC and DIBP.
26/11/2013	Face to face MoU meeting - Held at Fair Work Ombudsman Adelaide. Involved reviewing and development of processes and reporting.	Fair Work Ombudsman Directors, Assistant Director and representatives of DIBP.
27/03/2014	Face to face MoU meeting - Held at DIBP Melbourne	Fair Work Ombudsman Director, Assistant Director, a Fair Work Inspector and representatives of DIBP.
30/05/2014	Planning Day for Fair Work Ombudsman's Overseas Workers Team where training was provided by DIBP regarding work rights attached to visas	Fair Work Ombudsman Overseas Workers Team and representatives of DIBP.
10/06/2014	Face to face meeting at DIBP Melbourne	Fair Work Ombudsman Director, Assistant Director and representatives of DIBP.

Additionally, a number of staff in the Fair Work Ombudsman have regular operational level contact with DIBP about our arrangements, including to share information.