

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE14/168) PROGRAMME – Internal Product

Senator Cameron (Written) asked:

With reference to correspondence of 30 July, 2014 (Ref: 1406/01401) from the Assistant Minister for Immigration and Border Protection, Senator the Hon Michaelia Cash to the Construction, Forestry, Mining and Energy Union in relation to alleged breaches of the conditions relating to Subclass 457 visa holders employed by Samsung C & T at the Roy Hill mine site, and which confirmed that the Department is investigating the matter and that “the issues you have raised are being investigated thoroughly”:

- a. Has the Department made any contact with the Construction, Forestry, Mining and Energy Union in the course of its investigation? If not, why not? If contact with the CFMEU has been made, when was it made and with whom?
- b. Has the investigation found any breaches of the sponsor’s obligations under the Immigration Act?
- c. If so, which obligations have been breached?
- d. In relation to how many Subclass 457 visa holders sponsored by Samsung C & T have the employer sponsor’s obligations been breached?
- e. Has any enforcement action in relation to breaches of sponsor obligations by Samsung C & T been commenced or is any enforcement action under consideration?
- f. If enforcement action has not been commenced but is under consideration, has any remedial action been deemed necessary or is being considered and if so, what is the nature of the remedial action that is necessary or under consideration?

Answer:

- a. The CFMEU were invited through the FWO to provide the department with further information on the case. In addition Minister Cash provided the CFMEU with details of a senior contact officer in the department in a letter to Mr Michael O’Connor, National Secretary CFMEU, dated 25 May 2014.
- b. The sponsor was found to have breached regulation 2.86 (obligation to ensure primary sponsored person works in nominated occupation).
- c. The sponsor was found to have breached regulation 2.86 in relation to two visa holders not working in their nominated occupations. In both cases the sponsor lodged new nominations to reflect the work being performed by the 457 holders.
- d. The department undertook action against Samsung C&T on 14 August 2014, in line with sanctions processes for failure to comply with regulation 2.86.
- e. Not applicable.