

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING : 19 October 2015

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE15/055) - 457 Breaches - Programme 2.3: Visas

Senator Carr, Kim (L&CA 127) asked:

Senator KIM CARR: How many have you found?

Mr Wilden: In 2015-16, up to 30 September 2015, of 36,489 active sponsors, we have monitored 475 sponsors, visited 161 sites, sanctioned 101 sponsors, warned 58, issued an infringement notice to 10, found 163 to be in breach of their obligations—this goes across the categories of warnings, sanctions and issued with infringements—and there is one civil case underway. The civil case is where the \$3.7 million is going.

Senator KIM CARR: Of the 163 in breach, how many people do they employ?

Mr Wilden: I would have to take that on notice.

Senator KIM CARR: How did you determine to have site visits for 161?

Mr Wilden: It depends on the nature of the monitoring exercise, in essence. So whatever information we have—and my Border Force colleagues may have a bit more on this, as they run the operations—the normal procedure is you identify the potential breach, which could come from a dob in, from our standard desktop monitoring or from a referral from the Fair Work Ombudsman. Depending on the nature of that referral, it would determine whether or not we would do a site visit.

Senator KIM CARR: And you said there is only one prosecution?

Mr Wilden: There is one civil case under way at the moment.

Senator KIM CARR: One—out of 163 breaches?

Mr Wilden: Correct. Most of the breaches tend to be administrative in nature, whereby there have been wage increases that were not passed on immediately, or they have not reported a change of circumstance to us within a statutory period of 28 days; those sorts of things. That makes up quite a large percentage, but I can take on notice the nature of the transgression.

Answer:

As at 30 September 2015, there were 2,217 primary Subclass 457 visa holders in Australia who were employed by the 163 business sponsors found to have breached their obligations.

The Department is pursuing a civil penalty proceeding in the Federal Court against one 457 visa sponsor for alleged breaches of sponsorship obligations.