

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2013-2014

Agency - Fair Work Ombudsman

Department of Employment Question No. EM0147_14

Senator Cameron asked on 27 February 2014 , Hansard page 33

Refers to previous Department of Employment Question No EM0007_14.

Question

FWO - Sponsor obligation compliance with Fair Work Act

Senator CAMERON: Can you take on notice, as I am not sure you have clarified it, which specific sponsor obligations have been breached, in your analysis?

Mr Ronson: Yes. Senator CAMERON: Can you check whether the DIBP approves salaries compliant with the Fair Work Act? Mr Ronson: When we conduct our

monitoring activities, we also check and assess compliance against the Fair Work

Act. Senator CAMERON: You do? Mr Ronson: We do that as well as our DIBP

obligations in— Senator CAMERON: Can you provide details of what you have found in relation to that compliance, thank you.

Answer

The Fair Work Ombudsman is responsible for ensuring compliance with the *Fair Work Act 2009* (the Fair Work Act). The Fair Work Ombudsman also has responsibility for monitoring the following two visa sponsorship obligations under the *Migration Act 1958*:

- Subclass 457 visa holders must be receiving at least the same salary as that which was approved by the Department of Immigration and Border Protection (DIBP) at the time of visa nomination (nominated salary); and
- Subclass 457 visa holders must be performing duties consistent with the relevant ANZSCO¹ code occupation that was approved by DIBP at time of visa nomination (nominated position).

For the period 1 July 2013 to 31 October 2013, of the 41 entities referred to DIBP, in accordance with the Memorandum of Understanding (MoU), the Fair Work Ombudsman held the following sponsorship concerns:

- for 30 entities there were nominated salary concerns;
- for four entities there were nominated position concerns; and
- for seven entities there were concerns for both nominated salary and nominated position.

¹ ANZSCO: Australian and New Zealand Standard Classification of Occupations

The 41 entities referred were also monitored for Fair Work Act compliance. One matter is currently the subject of ongoing enforcement action for alleged contraventions of the Fair Work Act. The other matters were finalised when either no contravention was found or the matter could not be pursued as the employee was no longer contactable, or they were resolved with Fair Work Ombudsman assistance.