

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 9 FEBRUARY 2010

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(7) Program 1.1: Visa and Migration

Senator Humphries (L&C 17-18) asked:

Do the inspectors do other things? Do they have other roles as well? Or are they purely field workers, as it were? Provide a picture of what the monitoring officers do vis-à-vis the inspectors, where they are based and the number of inspections they have conducted since they were appointed. What proportion of the department's investigative activities of business sponsors comprise education and awareness actions, desk audits, interviews and site visits?

Answer:

The role of monitoring officers has evolved since 14 September 2009 as a result of the *Migration Legislation Amendment (Worker Protection Act) 2008* (amended by the *Fair Work Act 2009*), coming into effect. Two notable changes include the introduction of the Inspector role and the expansion of the sponsorship program to include 11 other classes of sponsor.

Monitoring officers ensure sponsors comply with the requirements of the sponsorship program by:

- Requesting evidence from sponsors to assess that they are paying the appropriate salary rate
- Conducting site visits to ensure that visa holders are working in their nominated occupation
- Determining if sponsors continue to meet the criteria for which they were approved, such as meeting the training benchmark; and
- Keep appropriate records.

The role of an Inspector is to perform an enhanced monitoring officer role, namely to exercise new powers provided under the *Migration Act 1958* to investigate non-compliance with the sponsorship obligations. For example, inspectors have the power to:

- enter a premises or place without force;
- require a person to produce a record or documents;
- inspect and make copies of documents; and
- interview persons while at the premises or place.

Inspector powers can only be exercised by an appointed inspector. Inspector powers have been modelled on those held by Fair Work Inspectors under the *Fair Work Act 2009*.

Investigations are conducted by both monitoring officers and inspectors and include a combination of both office-based and field work. This approach reflects the need to conduct research, planning and preparation prior to field work being conducted.

Prior to staff conducting a site visit, either a Manager or Assistant Manager approves the field activity. This process maximises quality of time spent in the field whilst also ensuring the safety of departmental officers and that powers are exercised appropriately.

Investigations are conducted in collaboration with sponsors. Where sponsors do not cooperate with investigations, inspectors are able to use their powers to collect evidence. Generally, inspectors are appointed from higher APS job classification levels and focus their work on more complex cases. This reflects the level of expertise, experience and judgement required in managing complex cases to an outcome and using the powers of an inspector appropriately.

There are approximately 65 monitoring officers, represented in each State and Territory. Given the newness and significance of the inspector role, the Department has limited the appointment of inspectors to 17 across Australia. The number of inspectors will shortly be bolstered by the appointment of approximately 15 monitoring officers to the role of an inspector.

Officers and inspectors work seamlessly as one monitoring network. Between both roles, the monitoring network has completed approximately 1,280 monitoring activities since 14 September 2009. Considering the implementation of significant reforms to the program, these activities have focused on education. Approximately 35 per cent of all monitoring activities have been solely focused on education and raising the awareness of both sponsors and visa holders. The remaining 65 per cent of monitoring activities, while focusing on compliance with the sponsorship obligations, have also provided the opportunity to educate both sponsors and visa holders. Approximately 48 per cent of all education and compliance activities involved field work.