

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES HEARING: 19 November 2013

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### (SE13/0316) PROGRAMME – 1.1: Visa and Migration

Senator Carr (Written) asked:

Provide the total number of 457 sponsors monitored by the Fair Work Ombudsman and reported to the Department for non-compliance or alleged non-compliance sponsor obligations. • What was the nature of the non-compliance for each of these cases? • How many 457 visa holders were involved? • What action has been taken by the Department on the basis of the FWO reports received?

*Answer:*

- 1. Number of 457 sponsors monitored, or assessed, by the Fair Work Ombudsman and reported to the Department for non-compliance or alleged non-compliance with the sponsorship obligations.**

The FWO has referred a total of 48 sponsors in the period 1 July 2013 to 30 November 2013 for non-compliance or alleged non-compliance with the obligations under the 457 programme.

- 2. What was the nature of the non-compliance for each of these cases?**

The table below outlines the nature of the potential non-compliance for each of these 48 cases.

<b>Category</b>	<b>Number</b>	<b>%</b>
Both nominated position and salary concerns	11	23%
Nominated salary concerns	32	67%
Nominated position concerns	5	10%
<b>Total Sponsors</b>	<b>48</b>	<b>100%</b>

- 3. How many 457 visa holders were involved?**

There were 84 visa holders involved in these referrals. The table below outlines the potential issues contained in these 84 visa-holder referrals.

<b>Visa Holder - Category</b>	<b>Number</b>	<b>%</b>
Both nominated position and salary concerns	29	35%
Nominated salary concerns	50	59%
Nominated position concerns	5	6%
<b>Total Visa Holders</b>	<b>84</b>	<b>100%</b>

**4. What action has been taken by the Department on the basis of the FWO reports received?**

The FWO “457 Monitoring Report” covering the period 1 July to 30 November 2013 was provided to DIBP on 2 December 2013. The following is a summary of the department’s action that has so far been taken in relation to the 48 sponsors linked to potential concerns.

1. In 11 of the 48 cases (23%), DIBP monitoring had already been undertaken.
2. In 2 cases (4%) DIBP commenced monitoring following a formal referral from the FWO. These referrals were made at the completion of a FWO investigation. In both cases, the FWO has made a decision not to take further action under the *Fair Work Act*, and has referred the sponsor to DIBP for potential failures of the 457 sponsorship obligations.
3. In 17 cases (35%) DIBP will consider initiating monitoring. In these cases, the FWO has made a decision not to take action under the *Fair Work Act*. DIBP will assess the detail held by FWO (if any) before making a decision on whether or not to monitor.
4. In 18 cases, or (38%), and following an initial assessment of the FWO “457 Monitoring Report” dated 2 December 2013, DIBP has made a decision not to initiate monitoring at this stage. In some of these cases the entity referred by the FWO was either not a 457 sponsor or else the complainant was not a 457 visa holder linked to the entity.