

Senate Select Committee on Temporary Migration
Attorney-General's Department

Hearing date: 10 September 2020

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Question type: Spoken

Senator Raff Ciccone **asked the following question:**

Question 1

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CHAIR: The only role that the Attorney-General's Department had was with respect to drafting the legislation and nothing else in terms of policy settings?

Mr Manning: Our role was in relation to the Fair Work Act implications of the measures; for example, the JobKeeper directions aspects of it.

CHAIR: So there was some advice from a policy sense, not just drafting.

Mr Manning: There would have been. The other reason I'm unsure is that it would have been a different area, but there would have been advice on the industrial relations aspects of it not all [inaudible] eligibility aspects of it—

CHAIR: Could you take that on notice?

Mr Manning: Certainly. I'm happy to confirm that on notice.

Question 2

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CHAIR: I think there's been a lot of discussion around casual workers and others who don't, or can't, qualify for various payments. I'm curious to see if the department has any figures they could provide government, or have provided government, to suggest that we probably need to support these people while they are here in Australia and trying to make a contribution to the economy.

Mr Manning: I'm quite sure we haven't got standalone data on that that we would have provided the government, because we rely on others for the sources of that data and, as Ms Saint said, that work is led by other agencies.

CHAIR: Do you have any figures about how many people would be unable to access that type of support or maybe if you take it on notice and try and chase up the relevant agency?

Mr Manning: I can confirm we don't. I'm happy to take it on notice and make inquiries.

Question 3

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Ms Saint: It might be helpful to identify that the Fair Work Ombudsman has a range of resources, provides an advice service and has specific resources dedicated to migrant workers and visa holders. Those resources and those hotlines—there are translation services available to support people to access those services. There have been a range of measures driven out of the interagency group where agencies have coordinated to ensure that visa holders are made aware of their rights and they're able to access those resources. When the pandemic hit earlier this year the government moved to inject additional resources into the Fair Work Ombudsman to support them to provide additional assistance to business and to workers around their rights, particularly in the evolving environments. So there are some resources that have had additional efforts injected into them to ensure that individuals and businesses can access advice and assistance.

CHAIR: Are you able to provide, on notice, what the extra resourcing is?

Ms Saint: Yes. It's \$46.3 million, and that was announced as part of the Treasurer's economic update. We can provide you the breakdown. It'll be published in the budget.

The response to the senator's question is as follows:

Question 1

The Attorney-General's Department led the policy development and legislative drafting for temporary industrial relations flexibilities in the *Fair Work Act 2009* to support the practical operation of the JobKeeper scheme in Australian workplaces.

The department was also consulted by the Treasury on legislative amendments to the *Taxation Administration Act 1953*, that allow the Australian Taxation Office to disclose JobKeeper information to the Fair Work Ombudsman and Fair Work Commission for the purposes of administering the JobKeeper provisions in the Fair Work Act.

Question 2

Estimates for the JobKeeper Payment are a matter for the Treasury portfolio. Treasury has confirmed there is no data available on the number of employees who are ineligible for the JobKeeper Payment as this information does not have to be reported by employers to the Australian Taxation Office.

Question 3

In the July 2020 Economic and Fiscal Update, the Treasurer, the Hon Josh Frydenberg MP, and Minister for Finance, Senator the Hon Mathias Cormann, announced additional funding

of \$46.3 million over the next three years for Fair Work Ombudsman as part of the COVID-19 Response Package.

The following table provides a breakdown of this additional funding.

Payment (\$m)	2019-20	2020-21	2021-22	2022-23	2023-24	Total
Fair Work Ombudsman and Registered Organisations Commission Entity	7.0	20.1	19.2	-	-	46.3