



Senate Standing Committees on Education and Employment The exploitation of general and specialist cleaners working in retail chains for contracting or subcontracting cleaning companies

Department of Home Affairs responses to Questions on Notice

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QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 14 September 2018

HOME AFFAIRS PORTFOLIO

**(ECWRC/001) – SENATE EDUCATION AND EMPLOYMENT REFERENCES
COMMITTEE - Exploitation of cleaners working in retail chains - Migrant wage theft**

Asked:

Senator CAMERON: Can I go to Ms Cavanagh. Has your department looked at this migrant wage theft in the temporary migrant worker survey?

Ms Cavanagh: I'm not familiar with it.

Senator CAMERON: Is there anyone with you who may be?

Ms Cavanagh: No.

Senator CAMERON: Could I ask you, on notice, to have a look at this and advise the committee as to whether the findings are consistent with what you understand to be happening with migrant workers?

Ms Cavanagh: Certainly. I can take that on notice.

Answer:

Wage theft from temporary migrant workers is not a matter for the Department of Home Affairs. The Department supports the work of partner agencies, such as the Fair Work Ombudsman and the Department of Jobs and Small Business, to address this issue.

QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 14 September 2018

HOME AFFAIRS PORTFOLIO

(ECWRC/002) – SENATE EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE - Exploitation of cleaners working in retail chains - migrant workers being exploited

Asked:

Senator CAMERON: Are you aware of migrant workers being exploited?

Ms Cavanagh: I'm certainly aware of that issue, yes.

Senator CAMERON: Is it part of your job to deal with it?

Ms Cavanagh: That's correct. The department, together with our colleagues in the Australian Border Force and other Commonwealth agencies, takes an active role in the prevention of that.

Senator CAMERON: This report indicates that many of these migrant workers are picked up on sites such as Gumtree. Are you aware of that?

Ms Cavanagh: Without reading the report, I couldn't comment.

Senator CAMERON: Are there any of your colleagues here who understand it a bit better than you do?

Ms Cavanagh: No. If there are any questions on notice, I'm happy to take them. That particular one may be best answered by one of my colleagues in the Australian Border Force.

Answer:

Enforcement Command is aware of the use of multiple online and electronic platforms intended to facilitate the employment of non-citizens where work and workers are often organised through 'Wechat', 'Whatsapp', 'Gumtree' and other encrypted group messaging applications. Devices are also regularly wiped of any data to assist in maintaining limited visibility or assistance should the device be seized by the Australian Border Force (ABF) during operational activity.

QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 14 September 2018

HOME AFFAIRS PORTFOLIO

(ECWRC/003) – SENATE EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE - Exploitation of cleaners working in retail chains - Australian Border Force declined to appear

Asked:

Senator CAMERON: Can I ask you the same question I asked the ATO. When we asked you—Border Force—to appear, you declined to appear first up. Why?

Ms Cavanagh: There are two representatives here today from the Department of Home Affairs. I am not aware of the exact reason for us not having more colleagues here, except—

Senator CAMERON: I don't want more. The question I'm asking you is: why did your department, I think the phrase was, 'decline to appear'?

Ms Cavanagh: I'm not aware that we declined to appear.

Senator CAMERON: You did.

Ms Cavanagh: Okay. If there was some communication between the department and the secretariat about appearance today, I would need to take that question on notice and find out more about that.

Senator CAMERON: On notice, can you advise me who made the determination to decline the invite to appear?

Ms Cavanagh: As I said, I'm not confirming that the department did decline to appear but I am happy to take on notice a check of that and any circumstances that led to our appearance.

ACTING CHAIR: Please check it and get back to us.

Senator CAMERON: There is no argument about this. You declined to appear. I'm simply asking who made the decision. If it was an SES officer, I'd like to know who it was that made that decision. Do you know why you did not make a submission to the inquiry, given the importance of this area to the inquiry?

Ms Cavanagh: I'm not aware.

Senator CAMERON: Again, can you take that on notice and advise who made the decision not to make a submission and who made the decision to decline to appear. This report goes on to say that most participants found their jobs on Gumtree—17 per cent found their jobs on Gumtree—

Answer:

Based on the terms of reference and the information provided to the Department from the Committee Secretariat on 5 September 2018, it was determined that other Departments were best placed to assist the Committee in its inquiry.

Through further clarifying discussions and the provision of additional information from the Committee Secretariat on 13 September 2018, the Department accepted the invitation to attend.

QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 14 September 2018

HOME AFFAIRS PORTFOLIO

(ECWRC/004) – SENATE EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE - Exploitation of cleaners working in retail chains - Does Home Affairs monitor ads

Asked:

Senator CAMERON: Again, can you take that on notice and advise who made the decision not to make a submission and who made the decision to decline to appear. This report goes on to say that most participants found their jobs on Gumtree—17 per cent found their jobs on Gumtree—

ACTING CHAIR: Sorry; 17 per cent of whom?

Senator CAMERON: Seventeen per cent of people who found jobs as migrant workers, visa workers, students and the like. The hourly rate being paid was between \$6 and \$12 an hour, according to this survey. Does Home Affairs monitor ads, like those on Gumtree, where migrant workers are being ripped off?

Ms Cavanagh: I would have to take that on notice but I would say monitoring of employment advertising is, I think, beyond the scope of the remit of the department.

Answer:

No, the Department of Home Affairs does not monitor employment advertising.

QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 14 September 2018

HOME AFFAIRS PORTFOLIO

(ECWRC/005) – SENATE EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE - Exploitation of cleaners working in retail chains - Integrity issue

Asked:

Senator CAMERON: That's the best take today, I've got to tell you! 'Solid as a rock', yes! I won't go there! Justine Jones, I'm interested in your immigration integrity role. If migrants are having their passports confiscated by employers, is that an integrity issue?

Justine Jones: That is not something that would fall within our direct remit, because passports themselves are actually the responsibility of the Department of Foreign Affairs and Trade. But if we had any allegations referred to the department—and this would be the same for the ABF—about employers doing that, we would share that information with the appropriate people.

Senator CAMERON: Have you done that in the past?

Justine Jones: I personally am not aware whether or not we have. That is something I can't answer, I'm sorry.

Senator CAMERON: Can you take that on notice?

Justine Jones: Yes.

Answer:

- Where Australian Border Force (ABF) Officers identify migrant workers in poor living conditions during field activity, they are referred to local police and relevant local regulatory agencies.
- Identified instances of confiscated or withheld passports may indicate the existence of debt bondage or possible human trafficking.
- The ABF has specialist Human Trafficking Contact Officers (HTCOs) that are trained to identify indicators of human trafficking, and can provide support to suspected victims.
- The ABF refers cases of suspected human trafficking to the Australian Federal Police (AFP) which has specialist teams that investigate human trafficking, slavery and slavery-like offences.
- The ABF regularly participates in joint operations with State and Federal Police to target high risk industries such as brothels, massage parlours and the agricultural industry.
- Identifying and prosecuting unscrupulous Labour Hire Intermediaries (LHIs) responsible for the exploitation of foreign workers continues to be an ABF operational priority through Taskforce Cadena.

QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 14 September 2018

HOME AFFAIRS PORTFOLIO

(ECWRC/006) – SENATE EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE - Exploitation of cleaners working in retail chains

Asked:

ACTING CHAIR: Would you know if they were in the cleaning industry, for example—going to the heart of Senator Cameron's question?

Justine Jones: We look at everything case by case, so we would in that sense. But in terms of whether we would have data to draw on by industry, that would be a separate issue. But everything is case by case. So, absolutely, in making a decision to cancel a visa it is a fairly detailed consideration.

ACTING CHAIR: It's case by case, so you wouldn't have the information, necessarily, broken down by industry types.

Justine Jones: No, not necessarily. I'm not sure.

Senator CAMERON: If a temporary visa holder is deported for breaching their visa for working too many hours and the like, is that your—

Justine Jones: Yes.

Senator CAMERON: How often does that happen?

Justine Jones: I would have to take that on notice. We do a large number of what we call general cancellations every year. It is around 50,000 a year. I would say that a significant proportion of those would be about breach of visa conditions for various reasons.

Answer: The Department does not maintain cancellation statistics by industry type.

The number of total visa cancellations as a result of breach of work conditions, in the three previous program years, are recorded in the table below.

Program Year	Visas cancelled for breach of work conditions
2015-2016	10019
2016-2017	7194
2017-2018	1238
Total	18451

Above figures include cancellations of all relevant work-related conditions from Schedule 8 of the *Migration Regulations 1994*.

QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 14 September 2018

HOME AFFAIRS PORTFOLIO

(ECWRC/007) – SENATE EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE - Exploitation of cleaners working in retail chains - Statistics on cancelling a particular visa

Asked:

ACTING CHAIR: Do you keep statistics on where you have taken into account circumstances to not cancel a particular visa?

Justine Jones: I would have to take that on notice.

Answer: The Department does not maintain cancellation statistics by industry type. The number of visas that were considered for visa cancellation but did not result in a cancellation, in the three previous program years, are recorded in the table below.

Program Year	Total
2015-2016	1852
2016-2017	2069
2017-2018	1785
Total	5706

Figures relate to outcomes whereby non-citizens were considered for cancellation of their visa but a decision was made not to cancel.

QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 14 September 2018

HOME AFFAIRS PORTFOLIO

**(ECWRC/008) – SENATE EDUCATION AND EMPLOYMENT REFERENCES
COMMITTEE - Exploitation of cleaners working in retail chains - Wage theft**

Asked:

Senator CAMERON: I don't want to know what advice you've given, but have you provided any advice to the minister in relation to dealing with the issue of migrant workers' fear of reporting wage theft on the basis that they could end up being deported?

Justine Jones: I'm not aware, personally.

Senator CAMERON: Can you take that on notice?

Answer:

The Department has not provided advice to the Minister on this matter.