

**HOME AFFAIRS PORTFOLIO
AUSTRALIAN BORDER FORCE**

PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Senate Select Committee on Temporary Migration

30 June 2021

QoN Number: 39

Subject: Enforcement activities

Asked by: Raff Ciccone

Question:

CHAIR: Can you also provide an updated table on the enforcement activities undertaken? I think there have been two operations, Cadena and Battenrun, over the past 12 months.

Mr Biddle: That's correct.

CHAIR: Please take that on notice, unless Mr Brezzo has something else to add on Cadena or Battenrun, any operational updates.

Mr Brezzo: I can give you a couple of the more recent numbers on field activities under Battenrun, if that would be helpful.

CHAIR: If you could also take it on notice. Is there something you could add to the committee, because I'm mindful of time, in addition to that table?

Mr Brezzo: Certainly. I'm very happy to provide that on notice, if that's your preference, or now.

CHAIR: If you could provide it on notice, that would be good.

Mr Brezzo: Sure.

Answer:

Operation BATTENRUN:

- Operation BATTENRUN was established on 3 December 2018 to detect and disrupt unscrupulous Labour Hire Intermediaries (LHIs) and complicit entities (persons of interest, businesses and employers) who are suspected of employing UNCs and LNCs in breach of work right visa conditions, in cash driven industries.

- Core statistics relating to this operation are below:

Operation BATTENRUN Activity/Outcome since establishment	2018/2019	2019/2020	2020-21	Total
Field activities	94	843	374	1311
Warrants executed	7	72	17	96
Non-warrant visits	0	90	26	116
Employer awareness and education activities	2	102	124	228
Bridging visa Es Issued	0	43	18	61

Known Departmental system limitations in extracting data. Figures extracted from ABF Central Reporting Unit (CRU) data.

As data has been drawn from a dynamic source, any historical figures provided may differ slightly in previous or future reporting.

- As a result of COVID-19, field activities for BATTENRUN have reduced but commensurate with increased employer awareness and education activities, including desk-based auditing by reviewing historical non-compliant businesses.

Taskforce CADENA

- Taskforce CADENA was established in June 2015 as a joint agency initiative between the Australian Border Force (ABF) and the Fair Work Ombudsman (FWO) to enhance national coordination efforts in operations involving allegations of serious criminal migration fraud targeting the exploitation of foreign workers.
- Taskforce CADENA was the foundational work of the ABF with the FWO which highlighted the nature of the criminal environment that LHIs operate in. Taskforce CADENA provided the indicators of risk and threat and informed targeted operational activities.
- CADENA operations and intelligence exchange has greatly enhanced all agencies' understanding of the criminal environment as it relates to foreign worker exploitation and its links to more serious criminality than was previously known.
- The formal partnership with the FWO now forms part of ABF's standard approach to operations combatting foreign worker exploitation, such as Operation BARITONE and Operation RESONATE.
- The ABF and the FWO continue to strengthen their relationship in achieving maximum disruption of foreign worker exploitation through the development of a Memorandum of Understanding.
 - This will formalise referrals and strengthen intelligence sharing to further strengthen operational activity and enable a cohesive response to combatting foreign worker exploitation.

- A subsidiary MOU between the ABF and the FWO is in the final stages of completion.
- The findings from Taskforce CADENA enabled the ABF to develop targeted operations against facilitators to disrupt the exploitation of foreign workers. ABF continues to address foreign worker exploitation through Operations BATTENRUN and RESONATE.

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Senate Select Committee on Temporary Migration

30 June 2021

QoN Number: 40

Subject: Proposed Ag Visa - ASEAN Nations

Asked by: Raff Ciccone

Question:

CHAIR: Are you aware of why just the ASEAN nations were selected?

Mr Willard: No. From a visa design perspective—again, the visa hasn't yet been designed—if you look at other visas where we specify eligibility according to particular countries, the design is agnostic to that question; it is normally a list of specified countries. The details of 'which countries' is a matter not necessarily determined by the Department of Home Affairs.

CHAIR: Just out of interest, who would normally determine that?

Mr Willard: It depends on the circumstance. Generally, when we are entering into arrangements with other countries, DFAT has a role.

CHAIR: I don't want to put words in your mouth, but is it generally the practice that DFAT would provide that type of advice to government?

Mr Willard: Generally speaking. I can't speak to the specifics of this particular proposal in respect of that question.

CHAIR: Are you able to take it on notice and come back to the committee.

Mr Willard: I could take it on notice. I'm not sure the Department of Home Affairs will have the answer in respect of that question, but I can take it on notice and see what we can do.

Answer: The Department of Home Affairs is unaware of any specific advice provided to Government by other agencies on the selection of specified countries in relation to the proposed agricultural visa.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Senate Select Committee on Temporary Migration

30 June 2021

QoN Number: 41

Subject: Average processing times

Asked by: Raff Ciccone

Question:

CHAIR: Thank you, Senator Chandler. Following on from feedback that we've had from witnesses over the course of this inquiry, there's been some frustrations with the department particularly on visa processing. On notice, are you able to provide an updated table on average processing times for each visa class?

Mr Willard: Yes, Senator.

....

CHAIR: Are internal goals set by the department each year regarding acceptable processing times for each subclass of visa?

Mr Willard: We have service standards in respect of all of our visas. Senator, in respect of the question on notice, I think you said 'average processing times'?

CHAIR: Yes.

Mr Willard: I assume you're expecting that we can provide it in the normal way we do, which is the 75th percentile. That's what we normally publish in terms of processing times. I just wanted to confirm that so I don't create a new job for the data people.

CHAIR: Thank you.

Answer:

The Department publishes the most recent monthly processing times at the 75th and 90th percentile points at <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-processing-times/global-visa-processing-times>.

Monthly visa processing times as at 31 May 2021 are provided in the table below.

Visa Category	Visa Subclass	75th Percentile
Family	100 Partner	13 months
Child	101 Child	15 months
Child	102 Adoption	16 months
Family	117 Orphan Relative	45 months
Skilled	124 Distinguished Talent	22 months
Skilled	132 Business Talent	30 months

Visa Category	Visa Subclass	75th Percentile
Skilled	132 Business Talent	Processing times are not available
Special Eligibility	151 Former Resident	Less than 1 day
Resident Return/ADV	155 Five Year Resident Return	3 months
Resident Return/ADV	157 Three Month Resident Return	4 months
Resident Return/ADV	159 Provisional Resident Return	Processing times are not available
Skilled	186 Employer Nomination Scheme	6 months
Skilled	186 Employer Nomination Scheme	7 months
Skilled	186 Employer Nomination Scheme	14 months
Skilled	187 Regional Sponsored Migration Scheme	31 months
Skilled	187 Regional Sponsored Migration Scheme	6 months
Skilled	188 Business Innovation and Investment (Provisional)	31 months
Skilled	188 Business Innovation and Investment (Provisional)	25 months
Skilled	188 Business Innovation and Investment (Provisional)	17 months
Skilled	188 Business Innovation and Investment (Provisional)	15 months
Skilled	188 Business Innovation and Investment (Provisional)	15 months
Skilled	188 Business Innovation and Investment (Provisional)	Processing times are not available
Skilled	188 Business Innovation and Investment (Provisional)	Processing times are not available
Skilled	189 Skilled - Independent	14 months
Skilled	189 Skilled - Independent	15 months
Skilled	190 Skilled - Nominated	14 months
Family	300 Prospective Marriage	23 months
Family	309 Partner (Provisional)	18 months
Temporary Resident (Other Employment)	400 Temporary Work (Short Stay Activity)	8 days
Temporary Resident (Other Employment)	403 Temporary Work (International Relations)	75 days
Temporary Resident (Other Employment)	403 Temporary Work (International Relations)	83 days

Visa Category	Visa Subclass	75th Percentile
Temporary Resident (Other Employment)	403 Temporary Work (International Relations)	Processing times are not available
Temporary Resident (Other Employment)	403 Temporary Work (International Relations)	76 days
Temporary Resident (Other Employment)	403 Temporary Work (International Relations)	9 days
Temporary Resident (Other Employment)	403 Temporary Work (International Relations)	8 days
Temporary Resident (Other Employment)	407 Training	7 months
Temporary Resident (Other Employment)	408 Temporary Activity	13 days
Temporary Resident (Other Employment)	408 Temporary Activity	30 days
Temporary Resident (Other Employment)	408 Temporary Activity	7 months
Temporary Resident (Other Employment)	408 Temporary Activity	7 months
Temporary Resident (Other Employment)	408 Temporary Activity	3 months
Temporary Resident (Other Employment)	408 Temporary Activity	Processing times are not available
Temporary Resident (Other Employment)	408 Temporary Activity	6 days
Temporary Resident (Other Employment)	408 Temporary Activity	3 months
Temporary Resident (Other Employment)	408 Temporary Activity	24 days
Temporary Resident (Other Employment)	408 Temporary Activity	Processing times are not available
Working Holiday Maker	417 Working Holiday	4 months
Child	445 Dependent Child	9 months
Temporary Resident (Other Employment)	461 New Zealand Citizen Family Relationship (Temporary)	35 months
Working Holiday Maker	462 Work and Holiday	86 days
Temporary Resident (Other Employment)	476 Skilled - Recognised Graduate	14 months
Temporary Resident (Skilled Employment)	482 Temporary Skill Shortage	34 days
Temporary Resident (Skilled Employment)	482 Temporary Skill Shortage	7 days
Temporary Resident (Skilled Employment)	482 Temporary Skill Shortage	9 months
Temporary Resident (Skilled Employment)	482 Temporary Skill Shortage	7 months
Temporary Resident (Skilled Employment)	482 Temporary Skill Shortage	7 months
Temporary Resident (Other Employment)	485 Temporary Graduate	8 months
Temporary Resident (Other Employment)	485 Temporary Graduate	8 months

Visa Category	Visa Subclass	75th Percentile
Skilled	489 Skilled - Regional (Provisional)	23 months
Skilled	491 Skilled Work Regional (Provisional)	8 months
Skilled	491 Skilled Work Regional (Provisional)	11 months
Skilled	494 Skilled Employer Sponsored Regional (Provisional)	71 days
Skilled	494 Skilled Employer Sponsored Regional (Provisional)	Processing times are not available
Student	500 Student	5 months
Student	500 Student	5 months
Student	500 Student	4 months
Student	500 Student	83 days
Student	500 Student	5 months
Student	500 Student	4 months
Student	500 Student	72 days
Other Temporary	590 Student Guardian	5 months
Visitor	600 Visitor	5 months
Visitor	600 Visitor	6 months
Visitor	600 Visitor	5 days
Visitor	600 Visitor	11 months
Other Temporary	602 Medical Treatment	49 days
Visitor	651 eVisitor	1 Day
Crew and Transit	771 Transit	11 days
Family	801 Partner	11 months
Child	802 Child	14 months
Other Permanent	808 Confirmatory (Residence)	28 days
Family	820 Partner	21 months
Family	837 Orphan Relative	Processing times are not available
Skilled	858 Global Talent	66 days
Skilled	858 Global Talent	18 months
Temporary Resident (Other Employment)	870 Sponsored Parent (Temporary)	62 days
Temporary Resident (Other Employment)	870 Sponsored Parent (Temporary)	4 months
Skilled	887 Skilled - Regional	14 months
Skilled	888 Business Innovation and Investment (Permanent)	21 months
Skilled	888 Business Innovation and Investment (Permanent)	20 months
Skilled	888 Business Innovation and Investment (Permanent)	23 months

Visa Category	Visa Subclass	75th Percentile
Skilled	888 Business Innovation and Investment (Permanent)	Processing times are not available
Skilled	888 Business Innovation and Investment (Permanent)	Processing times are not available
Skilled	890 Business Owner	Processing times are not available
Skilled	891 Investor	Processing times are not available
Skilled	892 State/Territory Sponsored Business Owner	26 months
Skilled	893 State/Territory Sponsored Business Investor	Processing times are not available
Crew and Transit	988 Maritime Crew Visa	3 days

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Senate Select Committee on Temporary Migration

30 June 2021

QoN Number: 42

Subject: Number of 485 and 408 Visa Holders in Australia

Asked by: Raff Ciccone

Question:

CHAIR: I let you know which witness stated that just for transparency. Can I ask how many temporary graduate subclass 485 visa holders there are currently in Australia?

Mr Willard: Sure, I will get that for you. I think it's around 100,000 but just bear with me.

CHAIR: While you're looking, maybe the 408 as well, the COVID-19 pandemic event visa.

Mr Willard: The figure I have is at 31 May 2021. It combines those two visas and a few others, so I'd have to take the breakdown on notice. The figure is 133,035. The category there is temporary resident; other employment.

CHAIR: This is for subclass 485 and subclass 408?

Mr Willard: Yes, there are a few other categories in there as well, which I can break down on notice.

CHAIR: If you could provide that on notice and with a proper breakdown.

Answer:

Visa Category	Visa Subclass	Temporary Visa holders in Australia as at 31/05/2021
Temporary Resident (Other Employment)	400 Temporary Work (Short Stay Activity)	1,623
	402 Training and Research	<5
	403 Temporary Work (International Relations)	8,650
	405 Investor Retirement	82
	407 Training	1,409
	408 Temporary Activity	16,020
	410 Retirement	1,780
	430 Supported Dependant	<5
	461 New Zealand Citizen Family Relationship (Temporary)	5,040
	476 Skilled - Recognised Graduate	842
	485 Temporary Graduate	91,011
	870 Sponsored Parent (Temporary)	1,992
	995 Diplomatic (Temporary)	4,583
	Temporary Resident (Other Employment) Total	133,035

The 408 Temporary Activity visa includes the COVID-19 Pandemic Event visa (under the Australian Government Endorsed Event stream) and also nine other streams – see table below.

Visa Subclass	Visa Type	Visa holders in Australia as at 31/05/2021
408 Temporary Activity	Australian Government Endorsed Events	12,698
	Domestic Work (Executive)	<5
	Entertainment	943
	Exchange Arrangements	20
	Invited for Other Social and Cultural Activity	<15
	Religious Work	1,462
	Research Activities	339
	Special Programs	34
	Sporting Activities	417
	Superyacht Crew	95
Total		16,020

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Senate Select Committee on Temporary Migration

30 June 2021

QoN Number: 43

Subject: Azarias's Recommendation against Ag Visa

Asked by: Raff Ciccone

Question:

CHAIR: Mr Willard, can I turn back to the ag visa. I'm assuming you are aware of the National Agriculture Labour Advisory Committee that was established and provided a report to government last year?

Mr Willard: Yes. Is that Mr Azarias's committee?

CHAIR: That's right, yes. In that report—I don't have the page number—the recommendation was not to implement an ag visa. Now that the ministers have put out a media release saying they're looking at adopting an ag visa, has your department provided advice to government against an ag visa, in light of the committee's evidence that was provided to government?

Mr Willard: I would have to take that on notice. I'm not aware of whether we have.

Mr Biddle: We can take that on notice.

....

CHAIR: Once that report was tabled or made public, did your department start doing any work as a result of that report before the announcement of an ag visa by the government? In that period between October of last year and the announcement of the ag visa a few weeks ago, had any work been done with respect to the Azarias report?

Mr Biddle: I believe the ag visa was an election commitment at the last election, so there have been a range of different things about how to support the agricultural sector during this cycle of government. There were a range of pieces of advice provided to government looking at how you might do certain things, before the announcement of the ag visa, and that would take into account a range of things. Going to Mr Willard's point, without being specific about what advice we gave to ministers when, it's hard to directly answer that question.

Mr Willard: Senator, perhaps we will take that on notice. I think your question is whether we have provided advice in respect of the Azarias report.

CHAIR: Have you?

Mr Willard: We'll take it on notice. My recollection is that we have. I'd just like to be clear and provide a confirmed answer in respect of that.

Answer: The Department did provide advice to Government in response to the recommendations in the *National Agricultural Workforce Strategy* (NAWS) made by the National Agricultural Labour Advisory Committee.

There is no recommendation in the report that specifically refers to a dedicated visa for the agricultural sector.

Section 7.1.8: Calls for an ag visa (on page 188 of the Report) notes 'that no single visa will be able to meet the diversity of workforce needs across the different sectors' and suggested further 'improvements and adjustments to existing visa programs'.