

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Budget Estimates 2013-2014**

**Agency - Fair Work Ombudsman**

**DEEWR Question No. EW0084\_14**

**Senator McKenzie asked on 3 June 2013, Hansard page 19**

**Question**

**FWO - Compliance in share farming and 457 visa workers in the agriculture sector**

Senator McKENZIE: Could you flesh out for me your perspective on share farming, for instance. Mr O'Shea: I am not really familiar with the industry. Senator McKENZIE: It is the practise in the dairy industry, where a young couple, typically, will come on farm with a bigger operation. They may be provided with a home, et cetera, or their utilities. They work for a period of time and after about six to eight years they will either leave that relationship with a deposit for their own property or a herd, which they have obviously bred within that operation and they can take that as a deposit for their own farm. Mr O'Shea: As I said, I am not 100 per cent familiar with that practice. Perhaps the best way for me to answer the question would be for me to go back to common-law arrangements which surround the law of employment. If that was brought to our attention as a complaint, the Fair Work Ombudsman would look at whether or not the elements of the employment relationship being created existed, and, if so, whether or not terms and conditions of employment were required. The way you describe it, if it is a genuine learning opportunity on the other side and there is some consideration and some payment in kind, then that may swing the balance in the other way in that it might be an okay learning environment. But without running a full investigation it would be difficult to say either way. Senator McKENZIE: On notice then, maybe you could ascertain whether that has been brought to your attention. Also of the information you are getting for Senator Abetz, I would like some statistics around agricultural industry and complaints and how many 457s are being used. Mr O'Shea: We would be happy to take that notice. pg 20. Mr Campbell: Can I just work through those questions so I make sure we get the right answers for you. You would like to know what our experience of share farming is—from a compliance perspective, in the first instance? Senator McKENZIE: Yes. Mr Campbell: And then you would like some information about our experience in the agricultural sector. Then, within that, you would like our experience with 457 visa workers in the agriculture sector? Senator McKENZIE: Yes.

**Answer**

*The Fair Work Ombudsman has provided the following response.*

The following table provides complaints data from the Fair Work Ombudsman that relates to share farming and the Agriculture sector.

	<b>2011-12</b>	<b>1 July 2012 – 31 March 2013</b>
Total number of complaints received that relate to share farming	0	0
Total number of Agriculture complaints completed	660	473
Total number of Agriculture complaints completed that relate to 457 visa holders	5	2