

## Senate Standing Committee on Education and Employment

### QUESTIONS ON NOTICE Supplementary Budget Estimates 2015 - 2016

**Agency - Fair Work Ombudsman**

**Department of Employment Question No. EMSQ16-000873**

**Senator Cameron asked on 26 October 2016 on proof Hansard page 101**

#### **Question**

#### **FWO - Finbar site and exploitation of workers**

Senator CAMERON: Do you have any idea how many workplace deaths or serious injuries there are among 417 or 457 visa holders—working holiday visa holders? Do you have any idea?

Ms James: That is not something that it is our role to monitor, so no.

Senator CAMERON: There have been reports of exploitation of backpackers on the Finbar site. Would you have a look at that site. Do you intend having a look at it? Have you looked at it?

Mr Campbell: I do not think so. It is that a Gerry Hanssen site?

Senator CAMERON: Yes.

Mr Campbell: I do not believe so. I know of the case; I have heard about it in the press, but I am not sure that we have any open investigations involved in that site.

Senator CAMERON: When you saw this in the press, did not anyone in the Fair Work Ombudsman go, 'Look there has been a death of a backpacker on the site and there have been claims of exploitation; it might be a good idea to get somebody down there, just have a look around and see what is happening'?

Mr Campbell: I am not going to say there is a correlation between the death of a backpacker and possible underpayment of wages. I am happy to have a look—

Senator CAMERON: There is both. I am not seeing the correlation either. I am not trying to say that, 'Because you are getting exploited, you are going to die,' but unfortunately on this site the reports are indicating that there was exploitation, through labour hire companies, of backpackers—exactly what you are finding elsewhere. I am simply saying to you do not think you better go and have a look at this site?

Senator LINES: Hanssen has a record. He has been fined for exploitation of backpacker workers.

Mr Campbell: I will look into it. I will look into what, if anything, we know of that particular case. I had actually not heard that there has been exploitation of the workforce. I had heard that a backpacker had passed away as a result of a workplace accident, which is obviously tragic, but I had not heard that there had been wage exploitation. Obviously the two are different, but if there is that allegation, I am happy to make some inquiries.

Senator CAMERON: As Senator Lines, this company has got form in this area.

Senator LINES: Massive.

Senator CAMERON: So can you have a look at this?

Ms James: Absolutely. We are happy to.

Senator CAMERON: And advise the committee as soon practicable what you find on that site?

Ms James: We are happy to have a look at it. We will have a look at it.

Senator CAMERON: And give us a report back in between estimates?

Ms James: As soon as practicable, yes.

**Answer**

On 3 November 2016, Fair Work Inspectors visited two Finbar construction sites in Perth and spoke to over 100 individuals, including workers and managers. A number of workers indicated that they hold temporary work visas, including subclass 417 and 457 visas.

The FWO has identified areas for further inquiry including the labour procurement arrangements on site generally, and confirming whether employees are receiving applicable Award or Agreement rates, overtime and penalty rates.

The FWO will assess and analyse the records and other information obtained from the sites and conduct further inquiries in order to determine what, if any, non-compliance with Commonwealth workplace laws may have occurred in respect of these sites.