

## **Senate Standing Committee on Education and Employment**

### **QUESTIONS ON NOTICE Supplementary Budget Estimates 2016 - 2017**

**Agency - Fair Work Ombudsman**

**Department of Employment Question No. EMSQ16-000878**

**Senator McKenzie asked on 19 October 2016 on proof Hansard page 109**

#### **Question**

##### **FWO - Report stakeholder determination**

CHAIR: But, in evidence to Senator Cameron just earlier, you said you had had feedback from growers. In appendix 4, 'Stakeholder engagement', I do not see any growers.

Ms James: In my commentary on this report and 417 holders generally, it is true that I have been drawing on our experience across the full range of our work, not just this report, and so I have been drawing on the experience we had, for example, in Mildura, where we have been out talking to farmers, where we spoke—

CHAIR: I am not making a critique of the Harvest Trail, because that is not what we are actually talking about; we are talking about this report. Can you tell me the process you went through as part of this report to decide which organisations you would contact and consult with? What was the process of decision-making?

Ms James: We are happy to take that on notice.

#### **Answer**

The Fair Work Ombudsman's (FWO) 417 Working Holiday Visa Inquiry (the Inquiry) involved an evidence based methodology to inform the determination of which stakeholders would be consulted.

The FWO analysed 2013-2014 data from the Department of Immigration and Border Protection (DIBP) to identify employers who were 'high users' of labour from 417 visa holders undertaking the 88 day specified work requirement (to become eligible for a second year 417 visa).

The Inquiry also involved a community engagement strategy (media roadshow) in locations identified by DIBP as containing 'high users' of 417 visa holder labour.

The Inquiry's methodology also sought to identify employers with a FWO compliance history through research of classifieds websites such as Gumtree and the Korean site, Hojunara.

To avoid duplication, the Inquiry then excluded employers in the horticulture industry as this sector is the focus of the FWO's ongoing Harvest Trail Inquiry, which separately involves a large program of stakeholder consultation including in respect of some interrelated issues.

The meat processing sector became a focus of the Inquiry due to the 'high users' found and after the FWO received relevant intelligence from the Australian Meat Industry Employees Union (AMIEU).

The FWO then consulted with those stakeholders related to the profile of the 'high users' of 417 visa labour (as identified through data analysis and community engagement), those related to the profile of the identified employers of concern and also with consulate representatives directly.