

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING : 24 March 2017**

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

**(AE17/297) - Process for complaints about working situations - Programme 2.3: Visas**

Senator Pratt, Louise (L&CA) written:

What is the process that occurs in the Department when a backpacker or individual on a visa makes a complaint about their working situation?

*Answer:*

Where a visa holder makes a complaint about their work situation, Australian Border Force (ABF) officers provide individuals with the *“Workplace rights for foreign national”* brochure, which includes information on Australian working conditions and entitlements and contact details for the Fair Work Ombudsman. This brochure has been translated into 12 community languages.

ABF Officers are trained to assess each individual’s circumstances. If a visa holder states they have been subject to serious exploitation that raises slavery or slavery-like circumstances, the officer must refer the matter to a departmental Human Trafficking Contact Officer (HTCO).

HTCOs are specialist officers within the ABF, who determine if the matter should be referred to the Australian Federal Police (AFP). The AFP is Australia’s lead agency for the investigation of human trafficking matters.

To support and encourage visa holders to come forward with complaints, the Department has confirmed that where temporary visa holders with a work entitlement attached to their visa may have been exploited and they have reported their circumstances to the FWO, the Department will generally not cancel a visa, detain or remove those individuals from Australia, providing:

- the visa holder commits to abiding by visa conditions in the future; and
- there is no other basis for visa cancellation (such as on national security, character, health or fraud grounds).

The Department and the FWO have recently updated our respective websites with this information and continue to work in partnership to ensure visa holders have information on their work entitlements and Australian working conditions. This includes through visa grant notifications, webpages, social media platforms and through the Visa Entitlement Verification Online (VEVO) tool.