

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING : 25 May 2015

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE15/136) - Chia Tung Development - Programme 2.2: Migration

Senator Cameron, Doug (L&CA) written:

At page 42 of the proof Hansard of the Education and Employment Committee estimates hearing on 2nd June 2015, Mr. Campbell from the Fair Work Ombudsman stated:

Mr Campbell: With Roy Hill there were allegations of employees not working in their nominated roles. What is the scope of our jurisdiction in that space—to identify and refer to Immigration, because that would go to a breach of migration law. In the case of Chia Tung, it goes to breaches of basic workplace relations standards and the modern award at a bare minimum and also issues regarding nominated salary. So Roy Hill: migration. Chia Tung: workplace relations and migration. In Roy Hill, Immigration did not refer a workplace relations contravention to us to action under that investigation. In Chia Tung, we investigated workplace relations contraventions, identified them and resolved them by way of an enforceable undertaking. We also then referred migration related activity to Immigration. That is how the two played out. There is not much more to it that I can add. (Emphasis added)

1. Please provide details of “migration related activity” referred to the Department of Immigration and Border Protection by the Fair Work Ombudsman in relation Chia Tung Development.
2. Has the Department conducted any investigation into “migration related activity” on the part of Chia Tung Development? If not, why not? If so, what matters have been investigated and what findings have been made?
3. Is Chia Tung Development currently an approved sponsor of foreign workers for any visa classes? If so, which visa classes and under what additional conditions or monitoring, if any?

Answer:

The department commenced monitoring of Chia Tung Development Corporation on 13 January 2015 with a focus on sites linked to Manildra Group, MSM Milling Pty Ltd and Nutramix Pty Ltd at Bomaderry on the NSW South Coast and Narrabri in Central Western NSW.

A joint site visit with the Fair Work Ombudsman (FWO) was conducted to the Manildra site at Bomaderry on the NSW South Coast during 28 and 29 January 2015.

The monitoring investigation is in its final stages and we are not in a position to provide further detail regarding the case.

The department takes any alleged breach of subclass 457 visa sponsorship obligations very seriously and if a sponsor is found to have failed an obligation, the Department institutes appropriate action, which may take the form of imposing administrative

sanctions, issuing infringement notices, executing enforceable undertakings or applying to the federal court for a civil penalty order. The department has also contacted the visa holders and provided information about their work rights.

Chia Tung Development Corporation is an Overseas Business Sponsor for 457 visa holders. Overseas Business Sponsors are required to meet a range of obligations including ensuring terms and conditions of employment, keeping records and ensuring visa holders work in their nominated occupation.