

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING : 23 May 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE17/078) - Cooperation with ATO regarding visa overstays - Programme 2.3: Visas

Senator Griff, Stirling (L&CA) asked:

Senator GRIFF: Okay. My office actually knows of one individual who came to Australia on a tourist working visa, overstayed his visa, but continued to work with the same employer for a considerable number of years before he was tracked down. He actually paid tax over that period. Do you work with the ATO to identify overstayers? I would imagine that you would do so. Is that the case?

Mr Quaedvlieg: I would have to take the specific response to that question on notice. We do work with other agencies such as the ATO in the conduct of the investigations I just talked about in terms of targeting entities. Whether we do that at an individual level I am not sure. There are some strictures in terms of the ability to share information particularly from the tax office. There needs to be certain task force type instruments established in order for information to be shared and obviously there are privacy principles that need to be adhered to in this country. That does not preclude interoperability and, as I indicated, we are working very closely with all our partners. Whether we do, which I think is inferred in your question, a regular data matching exercise in terms of individual visa holders against the payment of taxes I do not know and I will have to take that on notice.

Senator GRIFF: I would appreciate hearing an answer on that one because that is obviously, you would imagine, a fairly easy task to undertake and an important one if people have been working for a number of years and are not supposed to be in this country.

Answer:

The official terminology for a visa overstayer is an unlawful non-citizen (UNC).

The Department of Immigration and Border Protection (the Department) works with the Australian Taxation Office (ATO) to obtain additional information regarding suspected UNCs.

Under a Memorandum of Understanding (MOU) the Department matches data on UNCs in the Australian community with the ATO. The Department provides a listing of suspected UNCs from departmental systems to obtain ATO information to assist in locating UNCs. The data exchange occurs on a quarterly basis.

Under the same MOU arrangements, the ATO also provides the Department with access to a Transaction Searching Facility through an online individual search system. This system allows departmental officers in certain roles to conduct online searches of various ATO databases to obtain address and related information and to ensure that the

Department is able to obtain current information from the ATO for the purposes of locating UNCs.