

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE14/326) PROGRAMME –

Senator Reynolds (L&CA 22) asked:

Senator REYNOLDS: Thank you.

(a) In relation to 417s and 462s: I know we have had some discussion before about potential exploitation of working holiday makers using these visa classes by on-hire labour companies. I am just wondering whether you have any update for us on that? There is some suggestion, I think, that the Fair Work Ombudsman was going to look into it?

Mr Fleming: I have no specific update in terms of particular operations. I do know the Fair Work Ombudsman has done a number of activities in connection with people who employ working holiday makers, but I do not have the detail—nor would it be appropriate for me to provide that.

Senator REYNOLDS: Will you take that on notice? Thank you.

Mr Fleming: In terms of the department, we are continuing to engage actively with the Fair Work Ombudsman to make sure that we are aligned on priorities and the full range of tools we might have available.

Answer:

(a) Working Holiday Maker visa holders are subject to the same workplace laws, entitlements and protections as Australian citizens and permanent residents, and employers who employ Working Holiday Maker visa holders are obligated to comply with Australian workplace law.

The Fair Work Ombudsman (FWO) is the Commonwealth agency with the regulatory authority to investigate and sanction employers who are engaging in exploitation of workers. The Department of Immigration and Border Protection refers matters of potential worker exploitation to the FWO for investigation and has worked closely with the FWO in support of these investigations. FWO Investigations of this kind have resulted in back payments to workers for underpayments and court proceedings against employers.

The Department of Immigration and Border Protection understands that a FWO review into the employment of Working Holiday visa holders is ongoing and that outcomes will be reported following the completion of the review.