



Freedom of Information Request

FA21/07/00910-R1

Scope of Request

Information relating to Employer Sanctions Amendment provisions of the Migration Act 1958 under Part 2, Division 12, Subdivision C.

Report for financial years 2019 - 2020 and 2020 - 2021 showing:

1. Number of investigations conducted in relation to S245AB, S245AC, 244AD, 245AE, 245AEA and 245AEB
 - a. **Please note: ICMS (CRIMS system), PV Data or Statistical Coordination were not able to provide data:**
 - i. *245AD Aggravated offences if a person allows, or continues to allow, another person to work*
 - ii. *245AEB Aggravated offences if a person refers another person to a third person for work.*
 - b. **National Field Operations advised the outcome would be '0' for both offences as they refer to 'Aggravated offences' which indicates a level of criminality not covered under Illegal Workers Warning Notice (IWWN) authority.**
2. Outcome of these investigations including:
 - a. How many investigations had a positive outcome (i.e. no action taken) **-See below table**
 - b. A negative outcome (action taken) **-See below table**
3. Where a negative outcome occurred, details of the outcome including whether the outcome included formal or informal counselling, warning letter, penalty notices, criminal or civil penalties **See below table**
4. How many of these investigations have proceeded to court action? **Nil**
5. How many matters were referred to other authorities including the Fair Work Commission or other administrative decision authorities? **Due to the Departmental system limitations at the time, Referral information was not capture during the requested time period.**

In early 2017, as an initiative of the Migrant Workers Taskforce, an Assurance Protocol was implemented between the Department and the Fair Work Ombudsman (FWO) to encourage migrant workers to come forward with their workplace complaints without the fear of their visas being cancelled. Under this Protocol, the FWO investigate matters of serious non-compliance with the *Fair Work Act 2009* (Cth) and as such, do not investigate breaches of the provisions of the *Migration Act 1958* (Cth). Please refer to the website entitled [Workers rights and visa protections](#) for more

Table 1: Financial Year 2019 - 2020

	Closed	Total
245AB - Allowing an unlawful non-citizen to work		
Terminated	1	1
245AC - Allowing a non-citizen to work in breach of visa conditions		
Terminated	1	1
245AE - Referring a non-citizen for work in breach of a visa condition	0	0
245AEA – Referring a lawful non-citizen for work in breach of a work-related condition	0	0
Grand Total	2	2

Table 2: Financial Year 2020 - 2021

	Closed	Finalised	Plan & Investigate	Total
245AB - Allowing an unlawful non-citizen to work				
Terminated	1			1
245AC - Allowing a non-citizen to work in breach of visa conditions				
Infringement Notice Scheme Action		1		1
245AE - Referring a non-citizen for work in breach of a visa condition				
Infringement Notice Scheme Action		1		1
245AEA – Referring a lawful non-citizen for work in breach of a work-related condition				
Infringement Notice Scheme Action		2	1	3
Grand Total	1	4	1	6

Released by Department of Home Affairs under the Freedom of Information Act 1982