

Home Affairs Portfolio
Department of Home Affairs
Budget Estimates Hearing – May 2023

KEY BRIEF

Topic: Exploitation of the visa system

Responsible Deputy: Stephanie Foster PSM, Associate Secretary, Immigration

Key Points

- The Government is deeply concerned by the exploitation and abuse of all vulnerable people, including temporary migrants, and has no tolerance for our visa system being abused through methods alleged in recent media reporting.
- The Government appointed Ms Nixon AO, APM to conduct an independent rapid review into the exploitation of Australia's visa system following allegations of visa rorts, sex trafficking and foreign worker exploitation.
- The rapid review was established to complement work already being progressed by the Department to address migrant worker exploitation, and to more effectively prevent, deter and sanction abuse of Australia's visa system.
- The rapid review was undertaken between January and March 2023 with significant engagement across Commonwealth, State and Territory agencies, and other relevant organisations.
- In undertaking the rapid review, Ms Nixon AO, APM also considered findings of previous and ongoing reviews and inquiries (including Parliamentary Inquiries) and regulatory approaches in relevant overseas jurisdictions to identify recommendations or insights that may be applicable in the Australia context.
- Ms Nixon has provided her independent Report to the Minister for Home Affairs for consideration by Government.

Appointment of eminent person and remuneration arrangements

- Protocols for significant government appointments were followed.
 - On 16 January 2023, the Assistant Minister to the Prime Minister agreed to the review and the appointment of Ms Nixon, noting her law enforcement, investigative and public policy experience.
 - Remuneration for Ms Nixon was managed within the existing resources of the Department of Home Affairs.
 - The remuneration rate was consistent with advice from the Remuneration Tribunal.
 - The Commonwealth remunerated Ms Nixon AO, APM a daily rate of s. 47F(1) per day excluding GST, for a maximum of 40 days.
 - The total value of the contract was s. 47F(1) excluding GST, plus travel expenses, in accordance with the Remuneration Tribunal Official Travel Determination 2022.
 - As at today, 22 May 2023, Ms Nixon has undertaken 36 days work under the contract, equating to s. 47F(1) excluding GST.

Timeline

30 October 2022 and 6 November 2022	'Trafficked' media reporting, Nine masthead
14 November 2022	Operation INGLENOOK established
14 December 2022	First registration cancelation - migration agent identified as an RMA of interest in 'Trafficked' media reporting
13 January 2023	Second registration cancelation – migration agent identified as an RMA of interest in 'Trafficked' media reporting
16 January 2023	Ms Christine Nixon, AO, APM appointed to undertake a Rapid Review into the Exploitation of Australia's Visa System
16 January to 31 March 2023	Rapid review into the Exploitation of Australia's Visa System conducted
31 March 2023	Draft report prepared for Minister for Home Affairs' consideration
14 May 2023	'Trafficked' media reporting, Nine masthead

Action taken by the Department of Home Affairs

- Through an ABF-led multi-agency operation, Operation INGLENOOK has identified individuals, including RMAs and other professional facilitators, who are complicit in exploitation of the visa program.
- As at 31 March 2023, Operation INGLENOOK post border compliance activities to disrupt and dismantle key facilitators and establishments of interest has included:
 - Targeted disruption activities against 57 businesses of interest, and
 - 45 employer awareness activities conducted.
- All allegations of suspected misconduct by RMAs is being investigated by the Office of the Migration Agents Registration Authority (OMARA), in consultation with the multi-agency operation.
 - On 14 December 2022 and 13 January 2023 respectively, the OMARA cancelled the registration of two agents who were both identified as RMAs of interest in the recent media reporting.
 - Sanctioned agent details and disciplinary decision summaries are publicly available on the OMARA website.

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

Independent Review (Rapid Review into the Exploitation of Australia's Visa System)

If asked: Why has the Government stalled the release of the report?

- On 15 May 2023, the Prime Minister advised the Report will be released “when appropriate”. The Department is unable to advise when the report will be released as this is a matter for Government.

If asked: What does Government intend to do in response to the Rapid Review findings and recommendations?

- That is a matter for Government, however we expect these matters will be considered very carefully given the seriousness of the allegations.

If asked: Why has it taken media reporting to alert the Department to these matters?

- Bad actors will always look for new ways to exploit the visa system.
- In Immigration Group, lines of effort to counter exploitation of the visa system are continuous and ongoing. Key lines of effort underway before this media reporting include:
 - The Department is uplifting the OMARA's investigative capability and implementing an enhanced framework to distinguish the severity and impact of RMA conduct and identify appropriate risk treatments, and
 - The Department has developed more mature risk and integrity management capabilities over the past few years, which has enabled visa decision makers to more efficiently identify high risk visa applicants that are intending to exploit visa caseloads.

If asked: Media reporting has identified that the Nixon review found the Department's internal corruption prevention mechanisms were inadequate – is this true?

- A hallmark of the creation of the Department of Home Affairs has been the focus taken to prevent and address staff corruption.
- The Department's robust Integrity and Professional Standards Frameworks are designed to protect our staff, property, systems and information from infiltration and corruption by criminal entities by promoting the high standards of professional conduct expected of our workforce.
- The Frameworks are complemented by Integrity Strategy 2025, which is designed to prevent corruption vulnerabilities through education, prevention and early intervention.
- All staff have an obligation to report serious misconduct, corrupt conduct and criminal conduct.
- Under the *Law Enforcement Integrity Commissioner Act 2006* (LEIC Act), the Department is required to notify the Integrity Commissioner of any potential corrupt conduct by staff within jurisdiction.
- Following establishment of the National Anti-Corruption Commission on 1 July 2023, the current jurisdiction will expand to include all public officials (including contractors and consultants), further enhancing existing corruption prevention mechanisms and oversight.
- The Department has no tolerance for serious misconduct, corrupt conduct or criminal conduct.

Consultation

- Immigration Integrity and Assurance Branch