



## 457 VISA ALERT

**KATIE MALYON**  
& Associates, Lawyers

15 March 2010

### INSPECTIONS AND AUDITS BY FWA AND DIAC

#### :: TIPS

Consider providing this Visa Alert to front-of-house staff who may have responsibility for granting access to your site and liaising with FWA and DIAC inspectors

To minimise disruption, ensure all records required to be kept under immigration and IR law are readily available for inspection

Ask us how we can assist using our innovative *immiTRAC*<sup>™</sup> service for tracking notifiable events to DIAC

#### Inspections under the Migration Act and Fair Work Act

Six months has passed since the 14 September 2009 sweeping changes to the 457 visa regime. Businesses need to be aware of their obligations under the new regime and to anticipate a visit from a DIAC Inspector exercising powers under the Migration Act to audit compliance with the new sponsorship obligations.

Businesses also need to expect a visit from a Fair Work Australia (FWA) Inspector auditing compliance with obligations under the new Fair Work IR system.

FWA has advised that 10,000 businesses will be visited this year in New South Wales alone.

#### Co-operate with Inspectors

Sponsors *must* co-operate with inspectors appointed under the Migration Act when the inspector is exercising their powers of inspection.

Inspectors have the following broad ranging powers:

- enter the workplace and inspect any work, material, machinery, appliance or facility
- interview any person
- require the production of any document or thing, or advise who has custody of it, and make copies.

A sponsor must not:

- hinder or obstruct an inspector
- conceal, or attempt to conceal, the location of a person, document or thing
- assault or intimidate an inspector.

The obligation to co-operate with DIAC inspectors ends 5 years after ceasing to be a sponsor.

**Enquiries:** Katie Malyon +612 8247 8247  
[visas@malyonlaw.com](mailto:visas@malyonlaw.com)  
MARN: 9589358

