



Australian Government
Department of Immigration
and Border Protection



Australian
BORDER FORCE



Australian Government

Fair Work
OMBUDSMAN

TASKFORCE CADENA

JOINT AGENCY AGREEMENT

Foundation agreement for the formation of a taskforce for the conduct of multi-agency operations targeting visa fraud, illegal work and the exploitation of foreign workers

Department of Immigration and Border Protection

Australian Border Force

Fair Work Ombudsman

Purpose

1. The purpose of this Joint Agency Agreement (JAA) is to ensure that all parties involved in Taskforce Cadena have a clear understanding of the objectives and key deliverables of the Taskforce and the general principles governing its operation.

Parties

2. This Joint Agency Agreement (Agreement) is made between the following parties:
 - Department of Immigration and Border Protection (DIBP);
 - Australian Border Force (ABF); and
 - Fair Work Ombudsman (FWO)

Background

3. The incidence of fraud and exploitation involving foreign workers in Australia is well-known to DIBP and FWO. A range of integrity and investigative initiatives have been actively progressed across these agencies through ongoing campaigns, enquiries, investigations and field operations.
4. Targeting and disrupting entities which seek to commit visa fraud and exploit foreign workers is a priority of DIBP, FWO and other regulatory agencies.
5. Taskforce Cadena will initially focus on the collective information holdings of DIBP, FWO, the Australian Federal Police (AFP), and other agencies. Further action will be considered and linked to broader coordinated activity across government to address the matters related to illegal work and the exploitation of foreign workers.

Objectives

6. To reduce visa fraud, illegal work and the exploitation of foreign workers in Australia.
7. To utilise intelligence from a range of sources to identify and investigate major targets of interest.
8. To influence Australian businesses in order to enhance compliance with Australian workplace laws and regulations in relation to foreign worker rights and obligations.
9. To protect the public finances of Australia by aiming to detect, investigate and prosecute contraventions of taxation laws arising from, or in connection with, the exploitation of vulnerable workers.

Governance

10. Oversight to Taskforce Cadena will be provided by the Taskforce Cadena Joint Management Group (JMG). The JMG will meet at least bi-monthly and comprise the following parties:

- AC Border Management, ABF
- AC Strategic Border Command, ABF
- AC Investigations, ABF
- FAS Immigration and Citizenship Policy, DIBP
- Commander Taskforce Cadena, ABF
- Deputy Fair Work Ombudsman, FWO
- ED, Dispute Resolution and Compliance, FWO
- Other observers may be invited as the JMG requires.

11. Taskforce Cadena Operational Coordination Group (OCG) will be co-led by officers from ABF/DIBP and FWO. The OCG will meet at least monthly and will comprise the following:

- DIBP/ABF Lead – Commander Taskforce Cadena
- FWO Lead – Executive Director, Dispute Resolution and Compliance, FWO
- Commander Investigations, Border Operations, ABF
- Commander Immigration Compliance, ABF
- AS Operational Intelligence, Intelligence, DIBP
- AS Mobility, Immigration and Citizenship Policy, DIBP
- Executive Director, Policy Media and Communications, FWO

12. Changes to JMG and OCG membership may occur at any time with the agreement of all parties.

13. The Taskforce will operate across the border continuum and through the SBC Regional Command and FWO network utilising operational command procedures via a Concept of Operations (COO) to be developed by the Taskforce Cadena OCG.

14. The JAA will be reviewed by the JMG on a six monthly basis so as to ensure it is delivering its objectives and deliverables.

Key Taskforce Deliverables

15. Identify and investigate major targets of interest as identified by joint intelligence activities.

16. Co-ordinate existing integrity and investigative measures being progressed by the DIBP and FWO, ensuring a coordinated, strategic approach is taken to tackling the issue of visa fraud, illegal work and foreign worker exploitation nationally.

17. Establish clear and effective lines of communication and information sharing protocols with other government agencies including seeking administrative, civil, and criminal remedies jointly with partner agencies including agencies such as the AFP, Australian Crime Commission and the Australian Taxation Office.
18. Prioritise intelligence leads for targeted action through a risk-based approach whilst ensuring that overlaying FWO and DIBP macro-control strategies underpin strategic and operational planning.
19. Establish a referral process to ensure prioritised targets are subject to appropriate operational responses. Ensure operational teams are briefed thoroughly, and provide linkages to involved or interested government agencies to ensure co-ordinated action at the operational level.
20. Manage strategic communications and reporting regarding Taskforce efforts nationally, including co-ordination of media engagement and communication campaigns.

Other Agencies

21. The Taskforce will refer matters and engage with other agencies as required to assist in delivering the objectives of the Taskforce. This may include, but is not limited to the following agencies and bodies:
 - Australian Federal Police;
 - Australian Competition and Consumer Commission;
 - Australian Crime Commission;
 - Australian Taxation Office;
 - Australian Transaction Reports and Analysis Centre;
 - Australian Securities and Investments Commission;
 - Department of Employment;
 - the prescribed Phoenix Taskforce; and
 - State and Territory police forces.

Personnel and Resources

22. Each party will contribute such personnel as required to be attached to the Taskforce on a permanent or adhoc basis to support the operational activities of the Taskforce. At all times each party remains the employer of the personnel they contribute to the Taskforce and will be responsible for all administrative and legal issues relating to their personnel.
23. No party will be required to maintain resourcing obligations under the JAA in the event of major and unforeseen demands on their resources and with the agreement of the JMG.

24. Each party will ensure that prior to appointment to the Taskforce its personnel are cleared to Protected level (baseline). All costs associated with the processing of security clearances will be borne by the participating agency.

Intelligence Cell

25. The Taskforce will establish an Intelligence Cell that will be staffed by relevant analysts and intelligence officers allocated by parties to the JAA.
26. The Intelligence Cell will consolidate, assess and analyse available intelligence, and engage relevant Commonwealth and State and Territory agencies, to build a comprehensive and accurate picture for the Taskforce of fraudulent and exploitative practices, including the drivers for non-compliance and will update and maintain relevant information via a centralised process.

Costs

27. Unless otherwise agreed, each agency and work area will meet the costs of their employees attached to the Taskforce, including the payment of salaries, allowances and penalties (if applicable).

Information Management and Exchange

28. The parties agree to ensure that information exchanges are undertaken consistent with relevant provisions of the Public Service Act and any other relevant legislation that applies in relation to the sharing of information relevant to Taskforce activities.

Enforcement Activity

29. Any enforcement action undertaken (be it court proceedings or otherwise) will be the responsibility of the agency with lead responsibility in relation to the offence(s) or contravention(s) being pursued.

Dispute Resolution

30. The parties agree to negotiate promptly to resolve any dispute that arises between them in connection with this JAA and the Concept of Operations.
31. In the first instances, responsibility for dispute resolution sits at the Taskforce level and then with the JMG. If unresolved, the JMG can refer matters to the senior executive of the relevant agencies.

Duration

32. The JAA will commence from the date it is signed by relevant parties and will remain in place until such time that it is mutually terminated by the agreement of all parties.

Variation

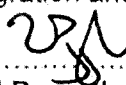
33. This JAA may only be varied with the agreement of the parties. Any amendment will be in writing. Signed by all parties and lodged with JMG. Variation will take effect as soon as they are agreed by all parties, unless otherwise indicated.

Termination

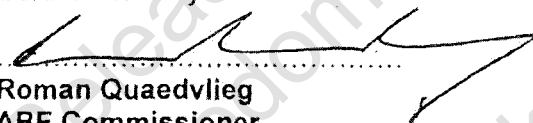
34. A party may terminate their involvement in the JAA by giving not less than 28 days written notices to the JMG. In the event that this JAA is terminated under this clause, the parties agree to negotiate in good faith arrangements to permit the parties to minimise disruptions to investigations and operational security.

Signatures


Signed for and on behalf of the Department
of Immigration and Border Protection by:


.....
Michael Pezzullo
Secretary
15/1/2016

Signed for and on behalf of the Australian
Border Force by:


.....
Roman Quaadvlieg
ABF Commissioner
11/1/16

Signed for and on behalf of the Fair Work
Ombudsman by:


.....
Natalie James
Fair Work Ombudsman
19/1/16



Fair Work
OMBUDSMAN

**FAIR WORK OMBUDSMAN (FWO) / AUSTRALIAN BORDER FORCE (ABF)
OPERATIONAL MEETING – MINUTES**

Date: 17 August 2015

Venue: FWO, Level 2 148 Frome St, ADELAIDE

Chair:

[REDACTED]

Time: 10.30 am – 12.00pm

Attendees:

FWO

[REDACTED]

ABF

[REDACTED]

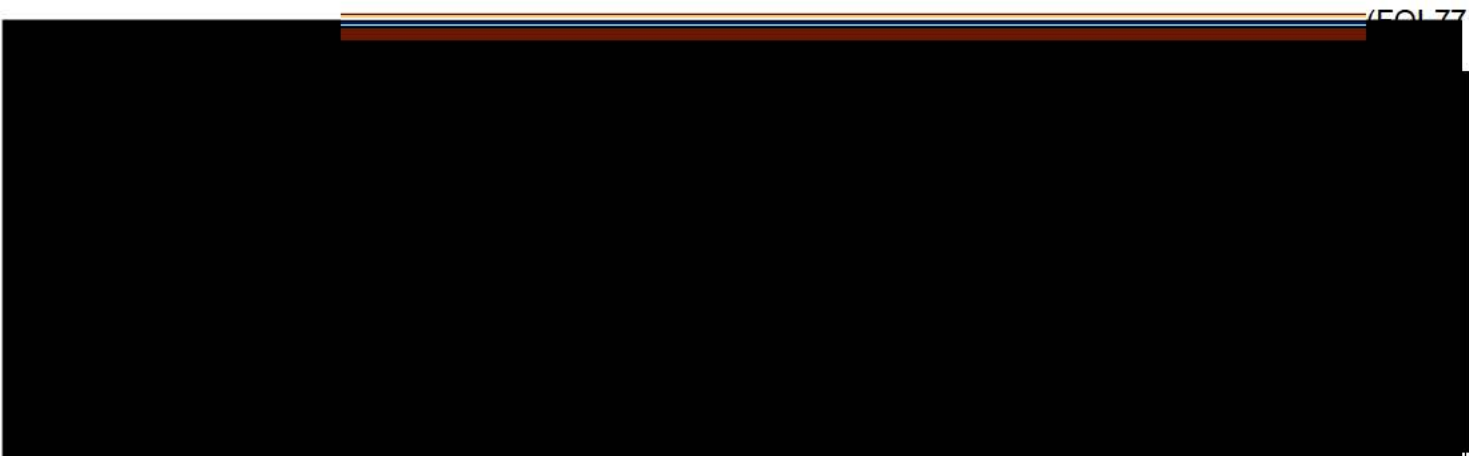
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Taskforce Cadena

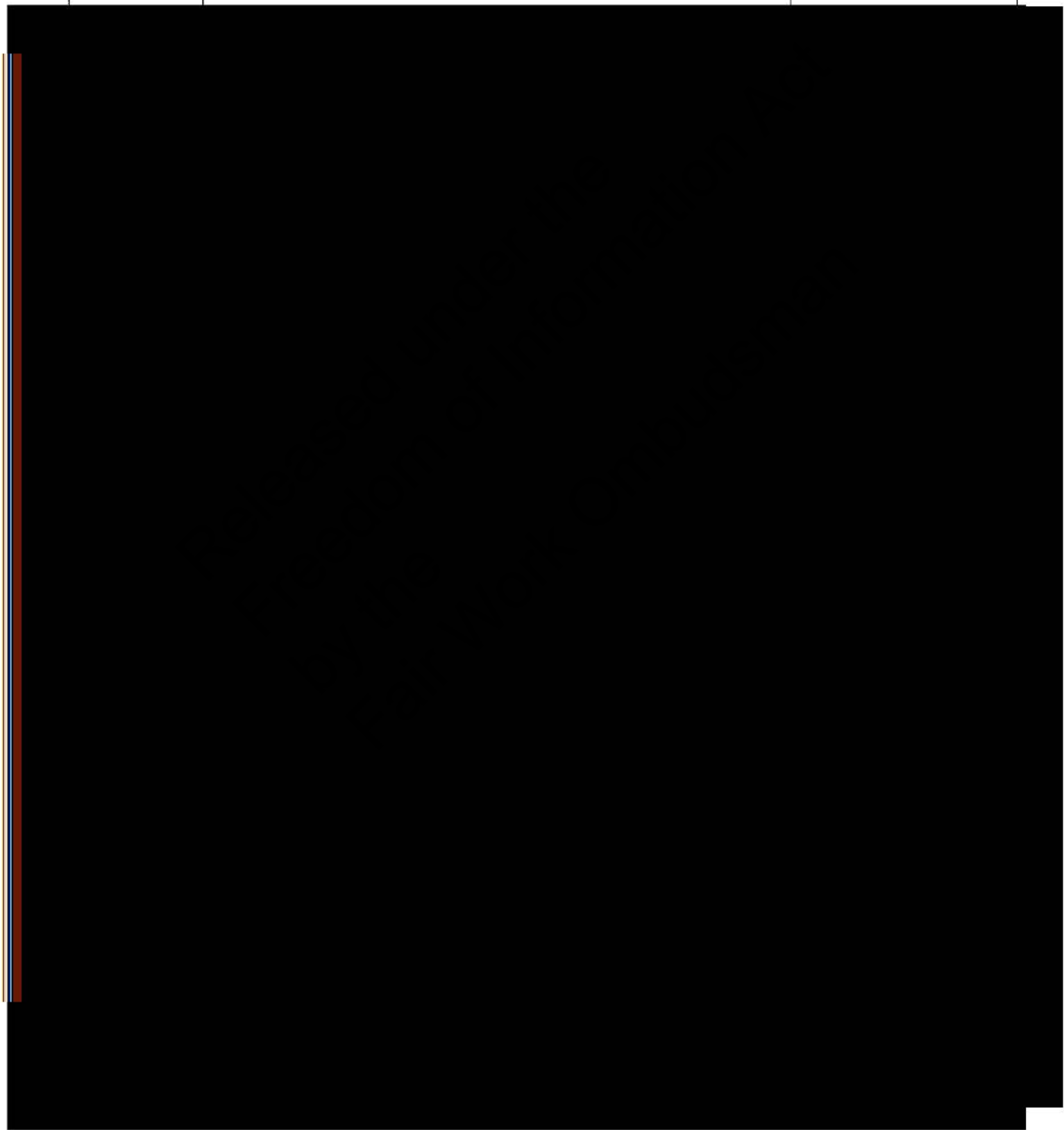
3. Information sharing processes (FWO to ABF / ABF to FWO)

█ will convene a ½ hour weekly governance meeting to assist with information sharing, referrals and coordination of activities.



Activities relating to Taskforce Cadena to remain a standing agenda item for future Operational meetings.

Taskforce Cadena activities to remain a standing agenda item



[REDACTED]

From: [REDACTED]
Sent: Friday, 21 April 2017 2:39 PM
To: Taskforce Cadena ; [REDACTED]
Cc: [REDACTED]
Subject: Taskforce Cadena - FWO FWI protocols [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear [REDACTED]

As discussed at the OCG meeting please find below the FWO FWI protocols for attending TFC Operations where UNCs are identified and detained

[REDACTED]

It would be appreciated if the FWO protocols are included in TFC operational planning to assist in timely access to UNCs detained as part of TFC operations

[REDACTED]

Protocols for FWIs conducting FW Investigations as part of a Taskforce Cadena Operation

2. Immediately following the site visit (ie within a maximum period of 24 hours) FWIs are to request from ABF (this should be done verbally on site and immediately following in writing, copying in [REDACTED]):
- a. a list of detainee names
 - b. visa status of detainees
 - c. nationalities of detainees
 - d. languages spoken by detainees
 - e. the detention centre locations to which the detainees are being taken
 - f. the required protocols of the detention centre for FWI visits

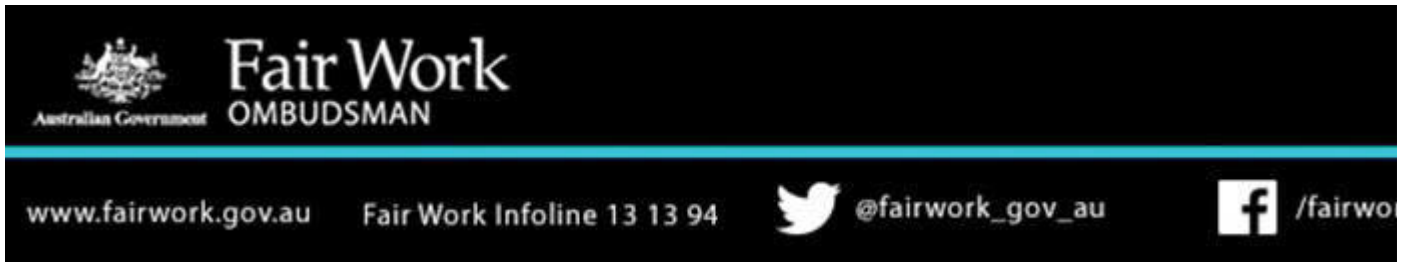
Regards

[REDACTED]

[REDACTED] | Director – Overseas Workers
Operations Group
Fair Work Ombudsman

[REDACTED]

A: GPO Box 9887, Adelaide SA 5001 | Level 2, 148 Frome Street, Adelaide SA 5000
E: [REDACTED]



We welcome feedback about your experience with us. It helps us to know what we're doing well and what changes we need to make. Tell us what you think about our services, or request a review of a decision, by completing [our online feedback form](#).

~Please consider the environment before printing this message

Released under the
Freedom of Information Act
by the
Fair Work Ombudsman

From: [REDACTED]
Sent: Thursday, 6 April 2017 10:53 AM
To: [REDACTED]

Subject: FW: FWO Protocols for Taskforce Cadena Operations [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hello

Please find below endorsed protocols for any future Taskforce Cadena activities you are involved in:

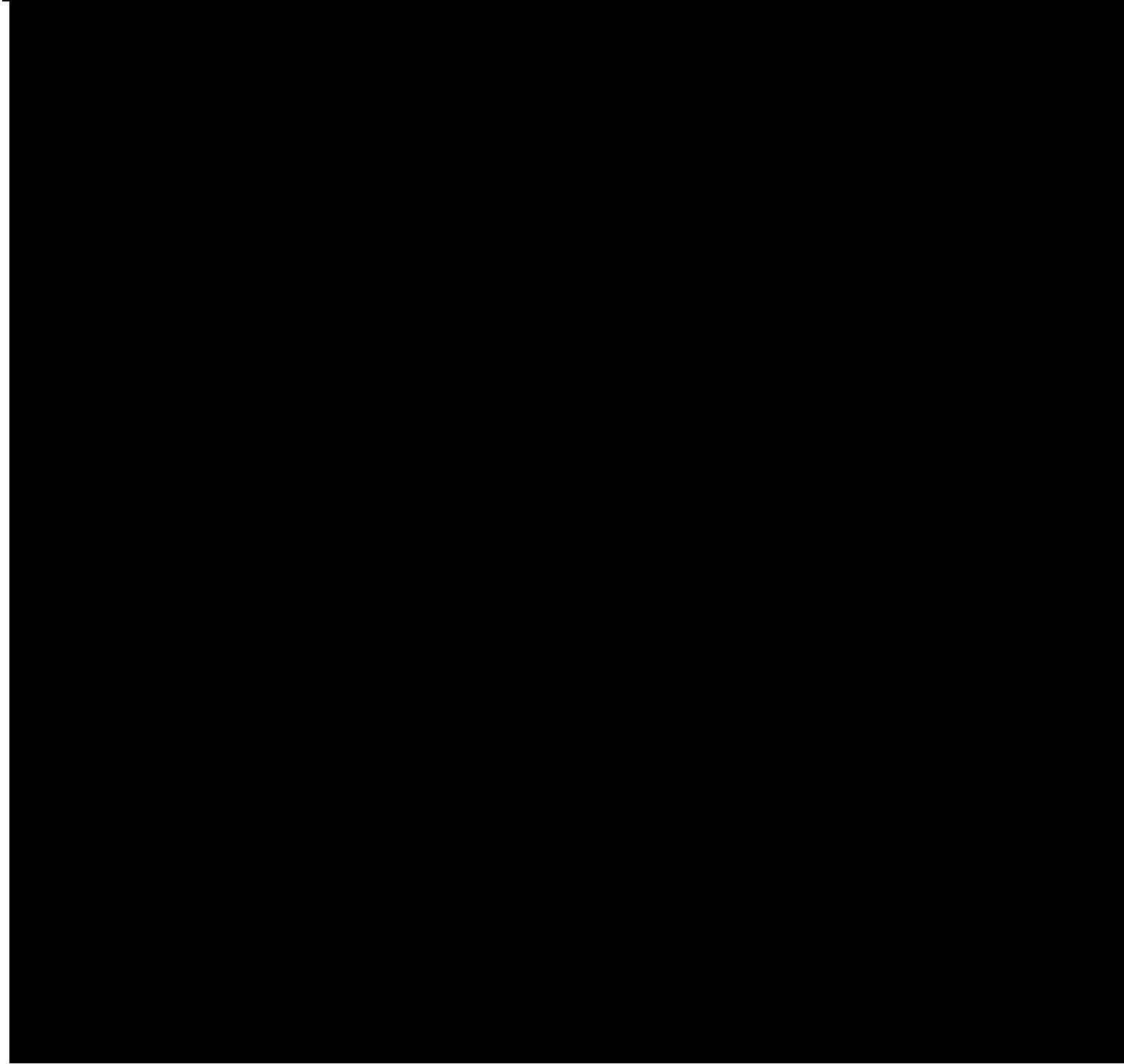
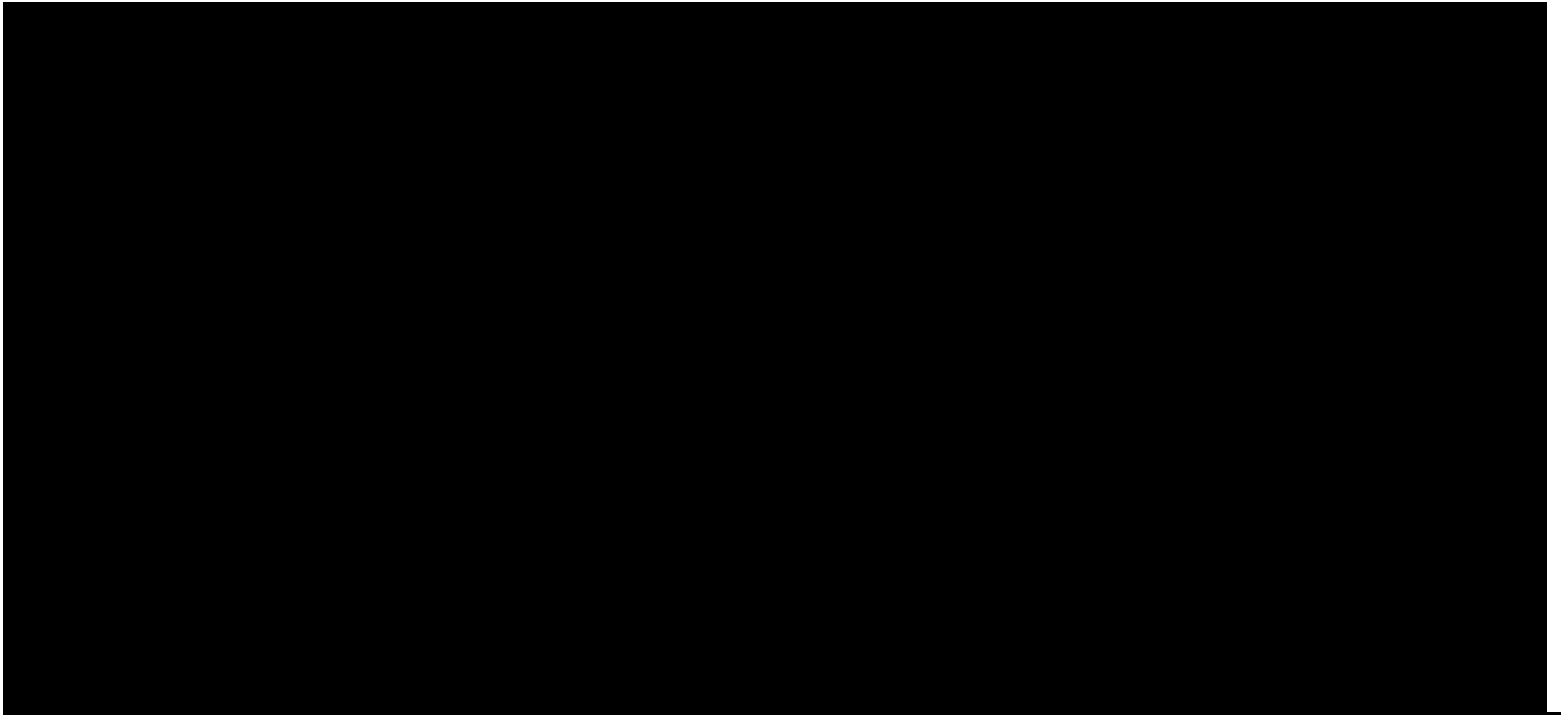
1. [Protocols for interviewing workers in detention centres](#)

Thank you

From: [REDACTED]
Sent: Thursday, 9 March 2017 1:41 PM
To: [REDACTED]
Subject: FWO Protocols for Taskforce Cadena Operations - draft [SEC=UNCLASSIFIED]

Protocols for FWIs conducting FW Investigations as part of a Taskforce Cadena Operation

5. Immediately following the site visit (ie within a maximum period of 24 hours) FWIs are to request from ABF (this should be done verbally on site and immediately following in writing, copying in [REDACTED] :
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 - b. visa status of detainees
 - c. nationalities of detainees
 - d. languages spoken by detainees
 - e. the detention centre locations to which the detainees are being taken
 - f. the required protocols of the detention centre for FWI visits





**FAIR WORK OMBUDSMAN (FWO) / AUSTRALIAN BORDER FORCE (ABF)
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Venue: FWO, Level 2 148 Frome St, ADELAIDE

Chair:

Time: 10.30 am – 12.00pm

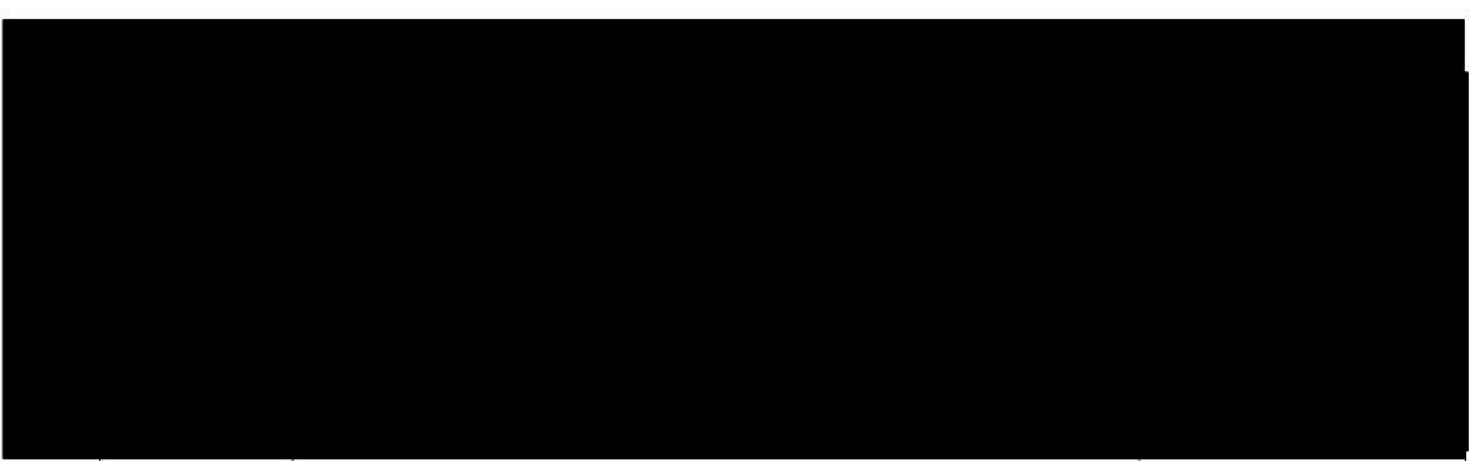
Attendees: FWO [REDACTED] ABF

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Taskforce Cadena

3. Information sharing processes (FWO to ABF / ABF to FWO)

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