



Building a Stronger Pacific Family: Reforming the PALM Scheme

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Submission on behalf of the Approved Employers of Australia Ltd (AEA)

Contact: Steve Burdette, Executive Officer

M 0427861251; E: steveb@approvedemployers.com.au

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Summary

The Australian Pacific Australia Labour Mobility (PALM) scheme is a long-term public policy, industry and development success developed and enhanced over the last 15 years by successive Governments. More than 70,000 Pacific and Timor-Leste individuals have lived and worked in Australia with financial and skills benefits for those individuals and their countries. For Australian industry, the program has provided an opportunity to work with people who have often learned the work quickly and proven to be a key part of many Australian businesses. Australia's social fabric is richer for it with program participants becoming members of sporting and community groups, attending local churches and functions, and sharing their cultural heritage with Australians.

For the Australian Government, the program has supported development objectives across the Pacific and Timor-Leste with individuals benefitting in a livelihoods approach, Pacific communities benefitting from the financial remittances and skills and knowledge transfer, and providing a demonstrated economic commitment to the Pacific, particularly during COVID and the collapse of tourism in the region.

The election of the Albanese Government provides a timely opportunity to reflect on the success of the program over 15 years, the growth of the program during COVID, the macro-economic outlook for Australia, and the future of the program in collaboration with the Pacific and Timor-Leste. We need to consider the maturing of the program and its settings, the pathways for the Pacific, and the balance of interests for individuals, countries and employers.

The way forward is likely to be in the balance – where individuals have job opportunities in Australia but the ability to remain part of their home country through a mix of visas, a defined and unique opportunity to move to Australia permanently where there is ongoing work, financial and welfare support, and clear residency arrangements. A program which suggests all visa holders have access to permanent residency, or only short-term visas, or only long-term visas, is problematic for individuals, sending countries, employers and ultimately the Australian Government.

The Approved Employers of Australia (AEA) and its members remain committed to working with the Australian Government, Pacific countries and Timor-Leste, community stakeholders in Australia and in sending countries, and visa holders, to support the continued evolution of the PALM scheme. The growth challenges in the scheme demonstrate its success – we must move forward, balancing the interests and needs of all, and building on the many years of hard work by those involved.

Background: The Approved Employers of Australia Ltd (AEA), formed in February 2019, represents Approved Employers appointed under Pacific Australia Labour Mobility (PALM) scheme. The AEA has 60 members, who collectively employ over 70 per cent of workers in the PALM scheme. We have a Board of five employers – representing the horticulture, meat and care sectors. Our members comprise large and small employers, and labour hire companies. The AEA has a full time Executive Officer and part time Administration Coordinator.

This submission was endorsed by the AEA members at the AEA AGM and workshop held 18-19/10/2022.

The challenges that the AEA and its members have encountered this past year have certainly increased due to the following factors:

- As Australian Borders started lifting during the COVID pandemic, the Pacific Countries Borders started closing due the outbreak of COVID in Pacific Countries. This was very disruptive for the recruitment and mobilisation of workers.
- The lifting of COVID restrictions in Australia differed between the States and Territories making recruitment and mobilisation extremely challenging, especially with Pacific countries borders closing at short notice. Contingency planning became part of everyday life.
- The amalgamation of the SWP and PLS Scheme into a single entity the PALM Scheme under DFAT could not be fully implemented due to tax legislation not being passed in parliament. This resulted in reverting back to the original Deed & Guidelines.
- The introduction of an Ag Visa which demanded a lot of time and resources to negotiate, has not been supported by the newly elected government. The Ag Visa will now be incorporated into the PALM Scheme which is a different stream of labour.
- The newly elected Government has moved the PALM Scheme from DFAT to a new Department, DEWR, with consultations still underway to agree to the new settings for the Scheme. This will result in three departments responsible for the Scheme which could lead to miscommunication and confusion.
- The newly elected Government has made election commitments on the PALM Scheme that they need to deliver on. Some of these commitments will be difficult to implement.
- Expansion of the PALM Scheme into other sectors is expected to compete with the Horticulture and Meat sector.
- The political importance of the Pacific should not be underestimated and it will result in greater pressure from Government to make program reforms in according with Pacific countries needs in future.

Despite the challenges outlined above a record number of workers have been brought into the country which is an amazing achievement in itself. However ongoing changes to the program settings due to COVID has disrupted the smooth operation of the scheme. Processes and procedures have changed and are not clearly defined, inconsistency in application of policy within the SWP & PLF and between the two Schemes, limited resources that are not properly trained to cope with the growth of the program and the general lack of leadership and direction. It is now an opportunity to reset the program to ensure it operates efficiently and effectively.

As an Association we strive to meet our Deed and Guideline obligations, particularly the welfare and wellbeing of our workers as well as ethical employment standards. We acknowledge that our landscape is constantly changing and need to proactively adapt to these changes.

The newly elected Labor Government has made a number of election commitments to reform the PALM Scheme as outlined below. The AEA Board and its members discussed these commitments at a workshop 18-19/10/2022 and have agreed to united position on the election commitments made. Herewith a summary of the election commitments made, discussion points and the AEAs position on the future settings for the PALM Scheme.

1. International and domestic travel costs:

Election Commitment: The Australian Government will meet SWP workers' international and domestic travel costs upfront (less \$300 to be met by approved employers), with costs recovered from workers through the tax system. The Government will recover the travel costs from workers

either through an increase in the withholding tax rate or a deduction from their departing Australia superannuation payment. At present Australian farmers are required to meet workers' travel costs upfront and recover it from workers' pay packets. Farmers have said the high upfront travel costs are a disincentive for using the SWP. The new arrangement will mean farmers will no longer face upfront costs any higher than \$300 for recruiting Pacific workers. Workers will be no worse off given they already repay travel costs through pay deductions. The policy will commence in January 2023.

Discussion: This is a very positive step as it will ease the cost burden on Approved Employers and encourage more people to participate in the scheme. This commitment is applicable to short term workers only but should include long term workers as well. In the Federal Budget announced recently, AEs will remain responsible for arranging flights and recover the flight costs via deductions. The Government has also agreed to underwrite costs that cannot be recovered in instances where workers have absconded, not mobilised/arrived in country, family accompaniment, etc., and reimburse AEs. Recovery of costs from Super or tax will not be considered.

The AEA acknowledges the difficulty in implementing this election commitment due to the fact that the issue involves a wide range of government portfolios. Specifically, the use of Commonwealth funds to reimburse flight costs is administratively complex and could be expected to be burdensome to both industry and government.

AEA Position: The election commitment is to encourage more people to participate in the scheme by ensuring AEs do not have to incur upfront costs for airfares. Covering the cost of airfares is only one component of the upfront costs. AEs still need to cover visas, transfer costs, staff advances, deposits for accommodation and vehicles, etc. The underwriting of flight costs is supported based on the following provisos:

- The process of claiming unrecovered flights is quick and easy with minimal intervention.
- The underwriting of flights to include workers who do not board a flight, workers that disengage, terminated workers for poor performance and behaviour and breaches of Australian law.
- Underwriting of flight costs should be applicable to short- and long-term workers.
- The flight matrix be cancelled immediately as COVID is no longer a factor as commercial flights are now operating in most Pacific countries.
- The underwriting of flight costs should include other costs incurred by the AE for the benefit of the worker prior to arrival in Australia.

We acknowledge that practical implementation of this commitment is likely to be a significant challenge for both government and industry but encourage dialogue to jointly address and agree to the best way forward.

2. Making seasonal/short term deployments more attractive for employers:

Election Commitment: SWP visas from nine to 11 months and the PLS three to four years to improve flexibility.

Discussion: The intent of the proposed changes is noted however, consideration needs to be given to the following:

- Some Pacific Island nations have expressed concern that some of these new reforms might lead to a “brain drain”, social issues and a reduction in remittances. Samoa for example, have indicated that regardless of this concession, workers must return after 9 months and three years, respectively.
- Length of stay has an effect on workers and their families. The impact of extended stays including social issues, physical and mental health challenges were witnessed during border closures.
- Consideration of the length of the SWP scheme should also consider the physical nature of work often being performed (e.g., picking fruit). A 9-month visa considers the need for workers to undertake a period of rest before returning to work.

AEA Position: The current mandatory ruling that workers take a three-month break and six-month break for short and long-term workers, respectively, needs to be retained. PALM needs to consult the Pacific and their workers on what break they deem is reasonable for the short- and long-term placements. Our preference is that the SWP period of 9 months with three months rest remain unchanged.

3. Family Accompaniment:

Election Commitment: Expanding the Pacific Australia Labour Mobility Pacific Labour Scheme (PALM – PLS) by allowing primary visa holders in the PALM – PLS to bring their partners and children to Australia. This is designed to boost participation in PALM – PLS, increasing its benefits to Pacific nations and Australian employers. The expansion would bring the PALM – PLS into line with Temporary Skills Shortage (TSS) visas. The same conditions applying to TSS family members would apply to PLS family members:

- Secondary visas available for partners and dependent children.
- Employer sponsor must agree.
- Family members to meet health and character requirements and have health insurance. Domestic violence is of particular concern as this has been a heavy burden for AEs who have employed families in Australia.
- Secondary visa holders entitled to live, work and study in Australia (but not to receive government assistance for studying).
- The changes would apply to PALM – PLS workers but not to PALM – SWP workers, reflecting the longer stays of PLS workers in Australia. The policy will commence in January 2023.

Discussion: The AEA believe the Pacific Engagement Visa is a better option than family accompaniment. Although the AEA supports the intent of allowing the primary visa holder to apply to bring their partner and children to Australia, we are very concerned about the feasibility of this setting. Enabling greater inclusion in the program through this method must be carefully considered and focus on the welfare of workers and their dependents. Prioritisation of sponsorship, consideration of accommodation, healthcare, education, and employment (of partners) are all critical issues that need to be resolved effectively. Management of worker expectations and Pacific Countries is essential otherwise this initiative will attract a lot of criticism. Family accompaniment settings seem to give the secondary visa holder more work opportunities than the primary visa holder, which could lead to tensions about work location.

AEA Position: The AEA considers a pilot program with experienced Approved Employers who have expressed interest in sponsoring PALM workers permanently, as a very important start to initiate the process. We can work with these AEs for a six-month period from when this pilot starts to refine the processes and procedures required in each region and or country. This will give all stakeholders the confidence that family accompaniment settings can be implemented successfully. Some other issues to address include specification of the criteria to participate, access to permanent residency pathways, and the level of mistrust being created due to expectations not being managed.

4. Relocating the Australian Agriculture Visa within the PALM scheme:

Election Commitment: Agriculture Stream will relocate the proposed Agriculture Visa to sit as a third visa stream under the PALM. This will create a robust and sustainable four-year visa, with portability, strong oversight mechanisms, protections, and rights for workers. These protections will be consistent with the protections under the PALM-PLS and PALM-SWP. This will complement the PALM-SWP by providing a visa allowing Pacific workers to return to Australia each harvest season for up to four years.

Discussion: Members of the AEA are committed to the PALM scheme and support targeted expansion of the Scheme. There are concerns that the rapid expansion of the PALM scheme has created constraints across several Pacific countries. The current resources in Australia and the Pacific are too stretched to meet demand which is compromising the efficient and effective operation of the PALM Scheme. Given the foreign aid objectives of the Scheme, the AEA does not support the expansion of the Scheme to the detriment of Pacific partner countries.

The horticulture sector requires an additional 10,000+ workers to fill key harvest roles. Other sectors such as meat, hospitality, aged care, etc., also have very high labour demands. Consideration must be given to how or if these roles can be immediately mobilised from the Pacific alone as workers from South East Asia have also proved to be very valuable in certain roles. The AEA recommends investigating an alternative Harvest visa that partners with countries beyond the Pacific to fill these shortages. An alternative visa must maintain high standards, ensure worker welfare, and complement the PALM scheme. It is important to consider the Ag Visa features designed by industry and Government (including portability) as well as the inclusion of recognised accreditation systems to reduce compliance duplication. It is important to determine what additional assurance standards the PALM Scheme requires that is not covered by existing accreditation schemes so we can determine how best they should be covered.

Government acknowledges current workforce pressures in Australia but have emphasised that this concession will only apply to Vietnam and be capped at 1,000 workers. This category will only apply to unskilled, low skilled and semi-skilled workers which will not meet workforce needs for all sectors short of labour. This falls far short of meeting the labour crisis in Australia.

AEA Position: It is important to clarify what the actual intent of this setting is and what it is trying to do - is it to assist smaller growers to access the scheme and or enable workers to move between AEs in different locations of Australia. The following AV features be incorporated in the PALM Scheme:

- (i) **Portability & Mobility of workers:** The existing arrangements allow for the movement of workers via a labour hire arrangement or contingency planning. The constraint with this arrangement is the approval delays to mobilise and transfer the workers. The other issue

with this proposed setting is that who bears the cost and responsibility for the transfer and how is the outstanding debt recovered? If portability and mobility settings for workers are introduced then the following needs to apply:

- Off-shore arrangements need to be the priority and clearly communicated in the Offer of Employment (OoE) and Recruitment Plan with onshore as part of the contingency plan.
 - The approval process to move workers needs to be simplified.
 - The need to know where workers are at any one point in time is not only unnecessary but very time consuming and costly. This information is in the Recruitment Plan and OoE.
 - Any transfer needs to be initiated by the sponsor to ensure accommodation, welfare & wellbeing, salary commitments are met.
 - Workers should not be seconded to hosts that are not PALM approved.
 - The TAS needs to be transferred so that the new AE takes on the obligations as per the Deed & Guidelines.
- (ii) **Accreditation options:** AEs comply with numerous accreditation systems that are recognised nationally and internationally such as Fair Farms, HARPS, ICA, SEDEX, Global Gap, etc. We need to focus on better outcomes not more audits or accreditation systems. Another system would potentially bring further fees and audit resourcing commitments without providing a tangible additional benefit. The AEA is of the view additional requirements must add value to the integrity and/or operations of the scheme by incentivising participants rather than penalising them.
- (iii) Any gaps between what PALM requires compared to other accreditation systems can be addressed. The AEA recommend the following:
- The introduction of a points-based accreditation system.
 - A fair and reasonable approach based on professional accreditation principles.
 - A level of trust between AEs and PALM where there is demonstrated compliance and good outcomes over a number of years
- (iv) **Definition of Agriculture for PALM:** The current definition for Agriculture needs to be specified as we need to be very considered with this setting. The objective has not changed - to provide workers the opportunity to work in Australian businesses across Australia where there are demonstrated staff shortages that aren't being met by Australians. The definition of agriculture must be well constructed to support businesses and achieve multiple public policy objectives. Horticulture and meat processing are the primary sectors utilising the Pacific program and have been for some time. Arguably, all horticulture and meat processing across Australia should be eligible where there is a demonstrated need (labour market testing) regardless of location. Broader food processing and manufacturing should also be eligible where there is a consistent and demonstrated workforce shortage.

5. Pacific Engagement Visa:

Election Commitment: Boosting Pacific permanent migration by creating a new Pacific Engagement Visa for nationals of Pacific Island countries and Timor-Leste. Up to 3,000 visas would be allocated annually by a ballot or lottery process modelled on the New Zealand Pacific Access Resident Category visa. Places would be allocated from within the overall permanent migration program. Detailed design of the scheme will be undertaken in Government based on the following features of the NZ model:

- Applicants to be aged between 18 and 45 years.
- Applicants can include their partners and dependent children up to 24 years of age.

- Applicants or their partners must have a job offer in Australia.
- English language, character, and health tests to be met.
- Applicants selected by ballot have eight months to obtain a full-time job offer.
- Country-specific quotas within an overall quota of up to 3,000 places a year.
- Applications will be open to Pacific nationals in their home countries or who are in Australia on a valid temporary visa. The program will commence in 2023.

Discussion: The AEA supports this initiative more than the family accompaniment proposal and would further support enabling this pathway for workers that have returned to Australia year on year. Workers who have breached their visa conditions, applied for protection visas or violated Australian law or workplace practices must be excluded.

AEA Position: This visa exists separately to the PALM scheme, i.e., anyone from the Pacific Island countries or Timor Leste can apply and do not have to have participated in the PALM scheme. This new visa category is modelled on a visa that New Zealand operates which is a pathway to permanent residency based on a lottery system. The introduction of a PEV needs to be worked through very carefully and expectations managed:

- The criteria to apply needs to be specific, viz. the job offer in Australia must be linked to a time frame, the job offer needs to be guaranteed, health checks need to be met, fees to be paid must set, application process to be followed, time restrictions to work in a region, worker obligations, etc.
- Pacific countries need to agree to the settings as well.

6. SWP administrative costs and regulatory requirements:

Election Commitment: Reviewing SWP administrative costs and regulatory requirements with a view to reducing the red-tape burden on SWP employers.

Discussion: The administration burden and cost of the PALM Scheme has become prohibitive for employers and risks restricting future expansion of the program. The AEA supports high standards within the Scheme, while also supporting improvement to processes to make administration and management of the Scheme more efficient and cost effective. The focus must be on better outcomes not increasing levels of administrative burden from compliance. As industry we must work with you to improve program and compliance outcomes.

Since the reduction of red tape is a key short-term reform strategy for the new Government, it is important that clearly defined outcomes and benefits are met within agreed timelines. The implementation of a grievance operational and reporting procedure announced by PALM recently suggests that additional red tape and cost will be added. The AEA has suggested a simplified Welfare and Wellbeing agenda for required face to face meetings that covers all the information to be captured in one meeting. This information will be recorded a minimum of every two weeks with the workers. We request that this agenda be tested to determine functionality and gaps for improvement.

AEA Position: The AEA initiated the formation of a Red Tape Reduction Working Group and is in its infant stages of development. The purpose of this working group is to address the key blockages that reduce effectiveness of the Scheme and increase cost. AEs and PALM need to continue to drive this process and ensure clearly defined outcomes are met in accordance with the priorities set and agreed to. The AEA endorsed the red tape priorities at the AGM and workshop held 18-19/10/2022. No

external intervention is proposed as we are the ones responsible for delivering on the PALM Deed and Guidelines, and in doing so are the ones impacted by additional red tape.

7. Stakeholder Consultation:

Election Commitment: Improving consultation with farm employers, labour hire firms, industry associations, unions and Pacific community and diaspora groups on the PALM – SWP program.

Discussion: The AEA appreciate the need for improved consultation with various stakeholders, but it is important to acknowledge that AEs are the ones that sign the Deed & Guidelines and are accountable for worker welfare under the Deed & Guidelines. Non-signatories to the Deed & Guidelines play a key role, often in supporting worker welfare outcomes but importantly do not take formal accountability for this role.

AEA Position: We therefore urge Government to continue to consult and listen to those that are direct signatories to the Deed. Robust data and evidence are required to ensure balanced decisions are made rather than based on allegations.

8. Promotion of the PALM Scheme:

Election Commitment: Greater promotion of the PALM – SWP program in Pacific countries in cooperation with Pacific governments.

Discussion: The AEA agree that the Pacific should be the priority from which employers should source labour. However, any expansion of the program (in particular into sectors beyond agriculture, accommodation, and healthcare) must consider each individual Pacific countries' ability and willingness to increase participation. A review of the current data shows that some Pacific countries have a significant proportion of their working age population working in Australia, or in New Zealand, while other countries in the Pacific, and Timor Leste, have a much lower proportion of their working age population in Australia.

Those countries with a significant proportion of their workforce employed in Australia and New Zealand (such as Samoa, Tonga, and Vanuatu) are reporting challenges with finding enough workers in their home countries as their tourism industry recovers, and 'brain drain' as their most experienced workers are working overseas. The Australian Government and industry need to better develop strategies and engagement with individual Pacific countries and avoid grouping all Pacific countries together ('the Pacific') as the circumstances and expectations of each country are very different.

For countries with larger populations in the Pacific, and Timor Leste, the proportion of their workforce in Australia and/or New Zealand is much lower (generally under 2 per cent). The Solomon Islands, Fiji, Timor Leste, and Papua New Guinea all have larger total populations but relatively low utilisation of the Australia and New Zealand workforce programs.

In consultation with individual Pacific countries, there is a significant opportunity to expand Australia's PALM scheme in those countries with larger populations such as PNG, Timor Leste and Fiji.

The continued expansion of the Pacific Australia Labour Mobility scheme needs to consider:

- The overall effect of the scheme on specific countries,
- The expectations and requirements of individual countries in terms of the structure of their economies, resource needs, overall population and working age populations, and the skills and experience of their respective workforce,
- The cumulative effect of the workforce scheme on individuals, families, communities and economies.

AEA Position: Some Pacific Island nations have expressed concern that some of these new reforms might lead to a “brain drain” (police and health resources in particular), social/family issues and a reduction in remittances. It is important to confirm what countries have sufficient worker capacity and what percentage of the workers are actually suited to the jobs on offer in Australia. We need to be mindful not to set workers up for failure when they arrive in Australia. Other issues that need addressing are logistic capacity – airline capacity to meet seasonal demands both in terms of worker movement to and from Australia as well as tourist traffic to and from the Pacific and LSU processing staff in the Pacific.

The significant role Labour Hire has played in the in development of the PALM Scheme over 10 years ago, needs to be acknowledged. Their extensive knowledge and experience through their learnings of the program has provided great leadership and guidance to many growers who have considered or have joined the PALM Scheme. Labour Hire accounts for 80%+ of the PALM Scheme workers and considered to be an essential part of the engagement process.

Expansion of the PALM scheme into broader industry sectors in the economy, needs to be managed. It is important to balance the risk with expansion rather than restrict businesses from expanding into these sectors. We understand that Government is considering the effect of an economic slowdown on Australia’s own workforce and that we must consider expansion of the Pacific program carefully. Well managed expansion into other industry sectors can support employers and industries and provide new skills to Pacific workers. The AEA suggests that direct employers and labour hire companies could start with relatively small cohorts in new industry sectors on a trial basis – this will provide the ability to manage program numbers on the basis of success in the new sectors, shifts in employment in the economy, and the demand from employers. The AEA welcomes further consultation on this issue so we can draw on the extensive knowledge and experience of AEs to work through these issues.

The Pacific’s capacity to supply labour to meet demand, is a key constraint to the growth of the program. To be able to tap into the reported expanding pool of available workers, the realities of a bottle neck in the administration and mobilisation process that is administered by the LSU’s need to be considered. AE’s and the Australian Government have a role to play in assisting to build this capability in a way that delivers tangible results and liberates the capacity to supply. Models to build capacity, including co-contribution, should be explored.

To enable us the build a stronger Pacific Family, the AEA would like to explore opportunities with Government to assist our Pacific neighbours in ensuring they have sufficient resources and equipment to mobilise workers more efficiently and effectively within agreed time frames.

9. Improvement of workplace standards:

Election Commitment: Labor will also improve workplace standards for PALM – SWP visa holders by increasing workplace compliance activities and implementing the recommendations of the Migrant Worker Taskforce, including:

- Developing a whole of government approach to the information and education needs of vulnerable migrant workers.
- Amending the Fair Work Act to strengthen workplace protections for temporary migrant workers. Amendment of the Fair Work Act to strengthen workplace protections requires more clarity as this may be at odds with current practice to treat all workers equally.
- Improving the Fair Work Ombudsman’s ability to gather information and investigate mistreatment of migrant workers.
- Establishing a firewall between the Department of Home Affairs and Fair Work Ombudsman to ensure migrant workers are protected when reporting cases of abuse.
- Working with State and Territory Governments and local councils on accommodation issues affecting temporary migrant workers.

Discussion: The AEA supports high standards within the PALM scheme and would welcome working with the Government to understand priority recommendations from the Migrant Worker Taskforce and how these can be effectively implemented. The concern is the number of accreditation systems and audits AEs are subject to as these are very expensive and time consuming. We need to focus on:

- Properly investigating reports of wrong doing, and prosecuting with sufficient evidence
- Demonstrated improvement in outcomes for workers
- Education and training for employers (particularly small employers) who have not significant human resources capability within their business

AEA Position: Require clearly defined standards to be set and compared with internationally recognised accreditation systems to determine what gaps need to be addressed. We need to ensure audit costs and duplication are minimised without compromising the integrity of the Scheme. Government regulators and enforcement agencies need to investigate allegations and proceed to prosecution where there is sufficient evidence.

Response to Questions:

Expanding and improving the PALM scheme

General questions (employers /community organisations/unions)

1. What aspects of the PALM scheme result in ‘red tape’ for stakeholders (for employers, workers and participating countries)?

AEA Position: The AEA has identified the key blockages for each phase of the PALM Scheme (attached).

2. Is the ‘red tape reduction working group’ the appropriate avenue to take forward the red-tape reduction agenda?

AEA Position: Yes, as we are signatories to the Deed & Guidelines and incur the additional administration and operational costs to manage the scheme.

3. How could existing structures for consultation (e.g., PALM Advisory Group, sector committees, HOM roundtables and regular online LSU updates) be adjusted to improve consultation? Are additional consultation fora needed?

AEA Position: Once the consultations have been completed and the new settings agreed to, we can review this item. Structure always follows strategy.

4. In your opinion, are there other aspects of the scheme that need to change to improve the scheme? If so, what are they, and what changes would you suggest?

AEA Position: The key items include:

- An industry led instead of Government led programme.
- Integration with a third-party accreditation process to reduce compliance costs and time with compromising the integrity of the scheme.
- Prioritising and reviewing the red tape issues as identified by the AEA.
- Reduce the labour shortages and risk by introducing a Harvest visa.
- Review the need for the PLF/Palladium infrastructure by putting more responsibility and accountability on the AE.

Family accompaniment

General questions

1. In what circumstances would you support families accompanying workers and are there any circumstances under which you would not support this initiative?

AEA Position: On a limited scale with experienced AEs who want to bring families over. We need to work out the best settings first. Any other proposal will not be supported due to the complexities of this initiative. A broad scale initiative implemented quickly will be difficult for government and industry to implement and lead to more challenges with housing (due to the shortage) and challenges with Pacific countries on expectations of the program.

2. How would you suggest we overcome any identified challenges for workers who bring them families to Australia?

AEA Position: By implementing the pilot discussed above we can work through and resolve the issues as each region and country will differ in our approach.

3. Are there additional implementation challenges or risks the Government should be considering?

AEA Position: Many risks have been documented in the consultations with access and the cost of suitable accommodation being the greatest challenge. Other considerations include relationship breakdown and status of secondary visa holder, death of a spouse, inability to service financial commitments, loss of job due to poor performance/behaviour/, etc.

4. How would you like to be involved in the staged implementation of Family Accompaniment? Are there locations, sectors or employers who would be well placed to support the initial cohort of families?

AEA Position: The AEA would like to be involved as they can play an important role in determining the challenges and addressing them in all states and territories in Australia. AEs have to sponsor workers for family accompaniment and the AEA should be involved in establishing and monitoring first cohorts.

5. What criteria, if any, should workers and families be required to meet in order to participate?

AEA Position: As a minimum a previous work history in Australia for 12 months, no criminal or disciplinary record, access to suitable accommodation and transport, ability to earn sufficient money to support the family, and Sending Country consent. These criteria can be expanded on.

Additional questions for employers

6. As an employer, what would you see as your obligations to family members? What would you be prepared to take on? How should these obligations be incorporated in the program Deed and Guidelines?

AEA Position: AEs have a lot of responsibility as it is and any additional burden will detract them from their main responsibility and that is the welfare and wellbeing of their workforce. The pilot can work through a checklist for AEs to do when bringing families to Australia. There needs to be clarity on the arrangements, obligations and responsibility for health care, education, housing, and welfare for the entire family.

7. What impact do you foresee this measure having on the new PALM Deed and Guidelines?

AEA Position: This should be treated as a separate matter as it will only be offered to a limited number of workers to start with. Once the settings have been determined we can review the employer's responsibility. The AEA would not see this creating any additional responsibilities over and above current responsibilities under the Fair Work Act, but this will be further informed by the pilot.

8. What arrangements/structures will be needed for employers to work with service providers and relevant agencies to ensure good settlement outcomes for workers and families?

AEA Position: This will differ for each region and country and should be worked through during the pilot.

9. Do you see opportunities for spouses/dependents to gain employment in your business? How do you propose to engage PALM family members? Would spouses/dependents employed in your business be onboarded as PALM scheme workers with the same obligations as the primary visa holder?

AEA Position: Yes, but this will depend on whether they have children or not and or whether they can work alternative shifts so that the children receive proper care. AEs who bring in family members need to demonstrate how they intend to engage them with the community as this could differ depending on region and the country the workers are from.

A worker who is sponsored by an AE to bring their family will most likely be an experienced worker who is more independent. These workers should live more independently and not be reliant on the same AE support as other workers. AEs need to ensure they balance their time in looking after worker cohort and workers who have families.

Additional questions for Pacific countries / LSUs

10. How do you see this policy resolving the key challenges associated with family separation?

11. What do you see as the benefits and costs (e.g., reduced remittances) of families moving to Australia?

12. How can we best prepare families for life in Australia?

13. In your view, what is the likelihood of spouses working or studying in Australia? What are the barriers to doing so, and how might these be overcome?

14. In your view, would spouses be interested in learning English formally e.g., through the Adult Migrant English Program?

Additional questions for community organisations, Pacific diaspora and unions

15. Are there any existing programs and services that you offer which could assist PALM workers and their families during their time in Australia? If so, please provide further information.

Additional questions for State and Territory governments

16. Are there any existing programs and services that you offer to support temporary migrants during their time in your state or territory?
17. Which departments and agencies in your state or territory should we connect with to better understand issues associated with family accompaniment?

Additional questions for local councils

18. What do you see as the benefits and challenges from having PALM scheme families temporarily migrating to your area? What measures could you or others put in place to address these?
19. How does your council ensure the delivery of culturally appropriate services for newly arrived temporary migrants?
20. What structures do you have in place to ensure relevant agencies, service providers and employers work together to ensure good settlement outcomes for culturally and linguistically diverse families who come to your area?
21. What activities have you undertaken or are ongoing to ensure your area is a welcoming community for newly arrived temporary migrants

Making seasonal/short term deployments more attractive for employers

General questions (employers /community organisations/unions)

5. What are the biggest obstacles to more employers joining the scheme?

AEA Position: The financial and administrative burden and compliance required. New employers or those wishing to be employers need specific information and assistance – contract managers need to be more involved with all Approved Employers.

SWP online has detracted from engagement and the ability to contact DEWR managers. Red tape would be reduced by humanising the system.

6. Are there other ways to make the scheme more attractive to employers of seasonal workers?

AEA Position: Yes, introduce an industry driven Scheme similar to New Zealand, USA, Canada, etc. We need to work toward this with a pathway built on demonstrated outcomes and compliance.

7. As an employer, what would be the implementation challenges associated with delivering this commitment?

AEA Position: Cost and risk due to no other labour options being available to source labour from.

8. How do you think this policy can be administered effectively (invoicing, system changes, communications)?

AEA Position: Having a functional IT system, reduce duplication and red tape, introduce an industry led scheme with government support, controlled procedures and processes and trained resources to ensure consistent application of policy. Change the culture from compliance driven to a commitment to ensure the best outcomes for the scheme.

9. What additional obligations or costs will this commitment bring on employers?

AEA Position: The cost burden to AEs is already significant and is unsustainable. Any further obligations on the AE will reduce the take up in the program.

10. How soon could (employer) business systems be in place to support implementation of this measure?

AEA Position: Once proper IT systems and systems and procedures are in place.

Additional questions for Pacific countries

11. What is your opinion on potentially increasing rates of tax paid by Pacific workers or recouping costs through the superannuation system?

Relocating the Australian Agriculture Visa within the PALM scheme

General questions

Portability (employers/community organisations/Pacific country)

1. Do the employer-initiated options for portability already negotiated in the context of the AAV and the PALM scheme remain appropriate? These include:

- Transfer agreed between approved employers (AEs) offshore (prior to mobilisation).
- Transfer agreed onshore between AEs (unplanned or details of an agreed offshore transfer not finalised).
- Secondments (unplanned) to host employers who may not be PALM AEs.

AEA Position: Yes, they are. All employers should be PALM AE's – secondments to host farms is manageable but under the responsibility of an approved AE and approved sponsor. There be a clear risk management and compliance approach taken for secondments to host employers who are not AEs.

2. Under proposed arrangements the cost of travel between employers would be incurred by employers. Which employer should bear these costs? Similarly, how would the transfer of other administrative responsibilities best operate?

AEA Position: This is an administrative complication which we do not support. It should be a commercial arrangement between the employers as no costs are passed through to workers under these arrangements.

3. How would you envisage a marketplace model operating and what would need to be in place to deliver this function effectively without risking the welfare of workers?

AEA Position: The introduction of a points-based accreditation system; a fair and reasonable approach based on professional accreditation principles; a level of trust between AEs and PALM.

4. What are the risks for workers associated with a marketplace model and how would you propose managing these?

AEA Position: AEs need to do a risk assessment and contingency plans.

5. How should worker movements be tracked and monitored and who should be responsible?

AEA Position: Details are included in the Recruitment Plan and OoE. The AEs involved are responsible for working out the details and implementing them.

Streamlined employer accreditation options (employers/unions)

6. What role do you see industry accreditation schemes playing in the PALM scheme?

AEA Position: A big role as they are recognised internationally and cover the entire supply chain. This will result in less time and cost being invested in a separate scheme. If there are any gaps, we need to identify them and work out a way to cover them.

The Government has committed to honouring the AAV MOU with Vietnam. Discussions with Vietnam on meeting these obligations are ongoing.

7. Which schemes are sufficiently robust to give confidence to Government that would enable fast-tracking of approval processes? How would this apply outside the agriculture sector?

AEA Position: Industry was consulted extensively on these settings. Let's not reinvent the wheel and review the settings that have been negotiated to determine whether any changes are necessary.

8. Should a 'trusted trader' concept be introduced where employers may benefit under the scheme based on a track record of compliance and program performance? What benefits would be considered the most valuable by employers? Fast tracked access to workers? Reduced reporting requirements? Others?

AEA Position: Yes, and less assurance audits. We need to consider a dashboard for trusted AEs to report on compliance.

9. Do you envisage risks to worker welfare associated with expanded accreditation options.

AEA Position: No, especially if the dashboard covers these issues. An AE with a good accreditation rating will not want to lose it.

Broadened geographic coverage (employers/unions)

10. In your opinion, should the definition of 'agriculture' under the PALM scheme be expanded so that workers can be employed by meat processing businesses in urban areas?

AEA Position: What is the current definition? We need to be cautious with this definition and not be too broad.

11. Would broadening geographic coverage to include urban areas pose a risk to workers?

AEA Position: It may as workers will then all want to live and work in urban areas.

12. Would this affect labour markets in rural and regional areas?

AEA Position: Yes, it will as the whole reason for post codes is to protect regional and remote Australia.

Additional questions

13. Are there any other specific features of the proposed AAV that should be incorporated into the PALM scheme?

AEA Position: We need to review the settings already agreed to by numerous industry sectors done many months ago.

14. How would you implement these features and what would be the timeframe for implementation?

AEA Position: We need to list the priorities and assign time frames over the next 12 months as a start.