

# 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)?**

The Queensland Government would welcome further discussion as the reforms are further developed.

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

The Queensland Government would welcome further discussion as the reforms are further developed.

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

Given the range of issues raised, it is proposed that the Federal Government engage in a targeted co-design process with key stakeholders to help ensure the success of the Pacific Australia Labour Mobility (PALM) scheme. Where relevant, and if needed, the Queensland Government could assist with identifying Queensland stakeholders.

From a policing perspective, the Queensland Government requests the need for advanced consultation regarding final worker and family numbers, and their intended destination locations. This information will be critical to adequately facilitate service delivery in these locations throughout the program. Sudden fluctuations in population in any given area, particularly in rural and regional Queensland, may have resource implications and affects service delivery, including requests for service such as policing.

It is noted that the Federal Government is piloting a new pathway to increase the volume of qualified Pacific Island and Timor-Leste aged care workers under the PALM scheme through a partnership between DFAT, the Australia Pacific Training Coalition, and select aged care employers.

Queensland data analysis shows there is expected to be continuing significant demand in the longer term for entry-level and vocational education and training-qualified aged care roles (also reflected in the National Skills Commission list in regard to personal care workers). Therefore, the Queensland Government is interested in being informed about the outcome of this pilot.

The Queensland Government requests regular, early consultation and engagement with state and territory agencies responsible for housing to ensure housing response planning can be undertaken for scheduled PALM activities. This will help to ensure any impacts of PALM activities on local housing markets are understood and necessary housing and accommodation response planning can be undertaken to support potentially impacted local communities and residents.

- 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?**

It is noted that the discussion paper does not address issues relating to the return of families to sending countries, including what needs to be in place to ensure a smooth transition for families as well as workforce and other possible impacts on the sending country.

The Queensland Government is aware of some analysis that suggests the PALM scheme could be improved by offering a pathway to permanency for participants. The Department of Home Affairs advise that:

- PALM scheme participants will be eligible to apply for the new permanent Pacific Engagement Visa after it is introduced in 2023, along with other eligible Pacific nationals; and
- PALM scheme visa holders are also eligible for a range of other visa products onshore, including Temporary Skills Shortage (subclass 482) visas, which can provide a pathway to permanent residence for eligible people.

There will be a complexity for new sectors in dealing with smaller cohorts and individual family units as traditionally the funding model has only allowed for sectors/Approved Employers (AEs) requiring large numbers of employees within specific windows of production/harvest. This may trigger support services for new AEs in navigating the viability decisions regarding the scheme.

Reducing the red tape for employers who look to engage in the program but may only engage limited numbers of PALM applicants will be important. Again, there will be a viability or cost/benefit equation for employers in assessing the program administrative requirements relative to the benefit of a small number of employees coming into the business.

There will also be complexity for new sectors/AEs in coming to terms with the PALM scheme administrative and regulatory requirements and this will create the need for support and engagement with these sectors.

The opportunity for heightened engagement with other sectors such as manufacturing is considered a positive. The main opportunities that could arise in the advanced food manufacturing sector is for example in meat processing where large numbers of employees are required, and the employers can manage the program administrative burden across large cohorts of employees.

The PALM scheme proposes the reduction of red tape for employers, while increasing workplace and living standards for employees. The primary issue of interest to the Queensland Government is the elimination of modern slavery in government supply chains as per the *Modern Slavery Act 2018* (Cth) and upholding the commitments in the *Human Rights Act 2019* (Qld) (and the established structures to regulate labour hire).

In 2020–21, the Queensland Government invested approximately \$18.55 billion on goods and services provided to support Queensland communities. All actions are aligned with the principles and priorities of the Buy Queensland approach to procurement, alongside the intent of the *Modern Slavery Act 2018* (Cth), to ensure Queensland Government procurement is not inadvertently contributing to, or being complicit with, modern slavery practices in its supply chains.

The Modern Slavery Framework outlines that the supply chains related to Queensland Government procurement are complex, and the global nature of trade means that there is an increased risk of exposure to modern slavery. With so many proposed changes, it is important to have a sophisticated measurement and evaluation framework in place to measure the increase or decrease of modern slavery cases pre and post implementation and determine the primary cause of any change.

This data would support the Queensland Government's commitment to eliminate modern slavery. The Queensland Government's priority actions have been co-designed and developed with Queensland budget sector agencies, government-owned corporations, large statutory bodies, industry and academia, and benchmarked against best practices nationally and globally.

The Queensland Government recommends employers approved under the PALM scheme be screened for modern slavery compliance to the standards and expectations of Queensland Government. It is important that Government buyers, decision makers and contract managers have the capability, knowledge and tools and are aware of their responsibilities in helping to eliminate modern slavery. The Modern Slavery Framework demonstrates Queensland Government's commitment to eliminate the exploitation of the most vulnerable members of the Queensland community are protected and participate in quality, safe, secure jobs.

The Queensland Government's preference is for the definition of 'rural sector' to be expanded (rather than the definition of the 'agricultural sector'). This addresses the target to reduce labour shortages in regional and rural Australia. Queensland remains concerned that postcode restrictions under the PALM scheme may lead to unintended consequences. However, sufficient labour market testing is to be conducted to indicate workforce availability.

Currently, skilled and unskilled migrants are needed to fill a range of jobs gaps in rural and regional Queensland. Earlier this year, the Queensland Government's Industry Skills Advisors consulted with Queensland industry stakeholders on skills shortages to inform Queensland's Skilled Occupation List. Feedback showed that workforce shortages are being felt across the full spectrum of skills levels in a broad range of sectors. The National Skills Commission (NSC) also identified some shortages in the agriculture sector (with the NSC 2022 Priority Skills List released on 6 October 2022).

However, it should be noted that these shortages mainly relate to skilled occupations, whereas the PALM scheme focuses on attracting unskilled to semi-skilled workers. We understand that occupations experiencing workforce shortages filled by PALM migrant workers include mainly general agricultural workers (as well as lower-skilled meatworkers). Long-term PALM workers provide a solution to addressing long-term systemic shortages in selected occupations where employers consistently have considerable difficulties in sourcing employees.

Further, it is noted that the Federal Government's PALM scheme skills development program provides workers from the Pacific Islands and Timor-Leste with access to training while they are working in Australia. The Pacific Labour Facility (PLF), which supports the administration of the PALM scheme, has a monthly allocation of funds available to support skills development training and costs are shared between the PLF, employer and worker. The Queensland Government supports measures to improve workers' technical knowledge and abilities that ultimately increase business productivity.

To reduce instances of workplace disputes and exploitation of migrant workers the Queensland Government advocates the following measures for consideration by the PALM scheme:

- migrant workers have access to fair wages and conditions through the national industrial relations system
- equip the Fair Work Ombudsman with the resources to inform, educate and enforce the national workplace relations laws across all parts of the country including rural and regional Queensland
- criminalise wage theft to reduce the incidents of underpayment of wages, withholding of leave and penalty rates and unpaid employer contributions to superannuation
- facilitate a simple low-cost wage recovery process that migrant workers can easily access
- establish a regulation of providers of accommodation to migrant workers and their families, coupled with a robust and effective mechanism to receive complaints and investigate breaches of legislation, as is the case in Queensland

- criminal penalties for serious and systemic forms of exploitation of migrant workers by accommodation providers, as recommended by the Migrant Workers Taskforce
- establish a national labour hire licensing scheme which does not dilute protections afforded by the Queensland Labour Hire Licensing Scheme. For instance, under the *Labour Hire Licensing Act 2017* (Qld):
  - labour hire services, including many accommodation providers in horticultural districts must comply with all applicable laws, including regulation as an accommodation provider
  - sanctions may be imposed on providers found to have engaged in exploitative and unscrupulous conduct, including escalation to criminal penalties, where it is warranted.

While migrant worker exploitation continues to be documented, the Queensland Government provides an effective deterrent through legislative measures that reduces both the incidence and severity of that exploitation. Adoption of similar penalty and enforcement mechanisms in other jurisdictions will cement an effective national regime for labour hire regulation.

The supply of affordable accommodation is an issue in regions that need workers and for the recruitment of PALM workers to jobs in these areas would need to be subject to some kind of fit for purpose or affordable accommodation. There would also need to be consideration around the level and availability of cultural and worker welfare support mechanisms in regional areas.

Housing markets across Queensland, including in regional areas, are currently experiencing severe conditions. For example, key regions across Queensland have vacancy rates below 1 per cent, including West Queensland (0.5 per cent), Central Queensland (0.4 per cent), Cairns (0.5 per cent) and Townsville (0.9 per cent). The discussion paper indicates the introduction of the extended program would be staged and will begin with a small cohort of families in 2023. Given prevailing market conditions, there is significant risk regional markets will not be able to respond to even small increases in demand, without impacting existing residents.

The Queensland Government supports the Federal Government's commitment to a staged rollout of allowing long-term PALM workers to bring their families to Australia, as it will provide greater stability for the worker while alleviating longer-term workforce shortages that restrict economic growth or limit community benefits (See comments under Family Accompaniment).

The Queensland Government notes the PALM reforms proposed are in accordance with the Albanese Federal Government's election commitments in relation to Labor's Plan to Build a Stronger Pacific Family.

The Queensland Government also has concerns with the level and availability of cultural and worker welfare support mechanisms in rural and regional Queensland.

# 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?

Queensland is currently in the midst of a housing crisis and the availability of affordable housing is a significant issue for current residents across all local government areas, including in remote and regional areas. Further analysis and consideration of the housing demand generated by the expansion of the PALM scheme is required, including assumptions around the number of workers (as well as partners and dependents who will accompany them), the likely location of their work placement, duration their stay and accommodation requirements.

The proposed expansion of the scheme to family members is likely to exacerbate existing issues in Queensland's private housing rental markets, with vacancy rates below 1 per cent in most local government areas, extremely limited rental stock and significant increases in rents. It could be expected that once joined by their families, many existing PALM scheme workers would seek to move from current farm or hostel accommodation into private rental accommodation. Low, unskilled and semi-skilled agricultural sector workers are likely to experience significant difficulty accessing the private rental market.

The Queensland Government notes that between May 2021 and May 2022, almost 9,000 PALM workers resided in Queensland (37 per cent of the national total, data from the Approved Employers Association of Australia). It should be noted that there are a further 40,100 pre-screened workers awaiting job offers (as at 30 June 2022).

It is not clear how many of these pre-screened workers are considered long-term PALM workers and therefore entitled to have their family accompany them to Australia. As families have not been part of this scheme to date, limited data is available to inform an assessment of potential impacts.

While the discussion paper recognises access to appropriate and affordable housing for families, and increased pressure on local services in regional and remote areas are implementation issues, the Queensland Government support of any scheme expansion is contingent on appropriate mitigation of these risks and the risk of further exacerbating existing issues in the Queensland housing market.

Accommodation issues, including impacts on existing housing markets and funding to support appropriate responses, should be explicitly considered by the Federal Government in any scheme changes. Larger agricultural enterprises could be engaged in developing suitable accommodation solutions that do not exacerbate existing issues in relation to the availability of affordable housing for the broader community. The Queensland Government recommends a trial of any scheme expansion, including assessment of housing market impacts, before a staged rollout is contemplated.

The Australia Government's commitment to family accompaniment for long-term PALM workers is though considered worthwhile to reduce long-term family separation and provide stability for the worker.

Expanding PALM to allow primary visa holders in the PALM to bring their partners and children to Australia will boost participation in PALM, increasing its benefits to Pacific nations and Australian employers.

The PALM scheme complements Australia's skilled migration program through the up to 4-year visa program, offering an avenue to address critical workforce shortages in un-skilled to semi-skilled roles that the local workforce cannot fill in rural and regional communities.

Family accompaniment is consistent with other longer-term visa streams. For example, partners or dependent children of Temporary Skills Shortage 482 visa applicants may be eligible to apply for a 482 subsequent entrant visa, noting that the employer sponsor with the most recent approved nomination in relation to the primary 482 visa applicant must agree to include a family member in the nomination.

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

The proposal to allow long-term PALM workers to bring their families to Australia requires careful consideration to ensure that families are able to live successfully in the community, noting that, based on available data, the average household size of most of the participating PALM scheme countries is at least twice that of the average Australian household size of 2.5 people per household.

Examples of key considerations include:

- a welcoming local community
- availability of affordable accommodation
- employment opportunities for secondary visa holders, including partners and dependents
- availability of relevant and culturally capable services such as health care, childcare and education and training
- access to language and settlement support services
- access to transport
- availability of Federal Government support such as social security, including for secondary visa holders, noting that primary visa holders are likely to be in lower-paid jobs
- lifestyle issues such as appropriate places of worship, available venues for communities to meet or celebrate culturally specific events, and sporting and other recreational pursuits being available and willing to include newcomers.

While the family accompaniment option for all intent and purpose is a positive concept for improved social outcomes in the host country, there could be apprehension from the employee end as to the implications of uprooting entire family units to come to an unknown location, with unknown support services and essentially disconnect the family from existing support units at home.

Some ground truthing or scoping of the existing workforce as to their thoughts on whether they would access the family accompaniment program could be considered. At this point the current PALM workforce would have only experienced accommodation and services fit for single person living quarters, with options for what family living could look like an unknown. There may be apprehension in exposing family units to the services and facilities they would have experienced as individual workers.

In addition to the accommodation issues the Queensland Government raises the following considerations in relation to family accompaniment under the PALM scheme:

- discriminatory practices may arise due to the cost to the employer in providing accommodation to a migrant worker and their family
- employer responsibility for the safety of migrant workers and their families accommodated on a workplace site, for example, farms

- workers compensation obligations applying including for travelling to and from work if the worker is housed off site and potentially outside of working hours if the accommodation is at the workplace
- exploitation and possible wage theft affecting workers under the PALM who may be charged additional fees to live off site to accommodate their family
- establishment of transparent eligibility criteria for migrant workers seeking to bring family members
- requirement to ensure accommodation standards for migrant workers with families are consistent with Queensland accommodation laws including local council and building standards regarding fire safety and tenancy rights, for example, complaints and breaches.

In relation to family accompaniment, the Queensland Government also notes that when children are in a workplace, additional risk management is required. From a workplace health and safety (WHS) perspective, the Queensland Government has developed resources that provide some guidance and that person conducting the business or undertaking (PCBUs) might be directed to if participating the family accompaniment component of the scheme.

The Queensland Government requests regular, early consultation and engagement with state and territory agencies responsible for housing to ensure housing response planning can be completed for planned PALM activities. This will help to ensure any impacts of PALM activities on local housing markets are understood and necessary housing and accommodation response planning undertaken to support local communities and residents who may be impacted.

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

Accommodation is being raised as a significant challenge for regional communities across Queensland/Australia. Solutions to accommodation and housing will need to be defined well ahead of time and should not exacerbate existing issues in relation to the availability of and access to affordable housing supply. Previous accommodation solutions for the PALM scheme may not be appropriate for family units and the change in arrangements for family accompaniment will create a demand in a different housing/accommodation sector that is already in extremely short supply.

Making employer sponsorship a requirement for the approval of secondary visas may present disincentives for employers to comply with Queensland's modern slavery and human rights requirements. Similarly, if housing assistance is only available for families who have all arrived in Australia with the visa holder, this could be used by employers to bargain with the applicant over the quality of their conditions against the provision of family sponsorship.

Across Australia, including in Queensland, migrant workers and temporary visa holders continue to be one of the most vulnerable worker cohorts and are over-represented in workplace disputes. In addition, accommodation providers are highly influential actors in the management of migrant agriculture labour workforces. The Queensland Government notes the importance of Australia's and Queensland's relationship with Pacific countries, and it is imperative that workers and family visiting Australia under the PALM scheme and family accompaniment element experience the best of our communities including fair and safe work. The Federal Government should ensure that it has appropriate resources to support workers and their families in Australia including to ensure that workplaces and accommodation are safe.

From an education perspective, there are a number of additional implementation challenges and risks that governments should be considering:

- Under current visa conditions, the Queensland Government will be liable for the education of school-aged dependants of PALM workers as though they were domestic students.
- School-aged children may be enrolled directly in any Queensland state school (not just International Student Program-certified schools), considering any existing Enrolment Management Plan.
- Families will bear additional school attendance costs, for example, school uniforms, textbooks and stationery; transport to/from school; school fees and contributions, including voluntary financial contributions; before and after school care; extra-curricular activities, including school camps and outdoor education, music and arts programs, and sports.
- The school system requirements, such as the compulsory nature of school, attendance requirements, the school enrolment process, and school expectations of parental engagement, are complex and may be difficult for PALM workers to navigate. Ideally this information needs to be provided in a readily understandable format to potential workers prior to deciding that PALM with family accompaniment is the right choice for their family.
- At this stage it is not known if school-aged dependants of PALM workers will have the requisite skills and knowledge for the equivalent Queensland school age/year-level and EAL/D support is not automatically provided or may not be readily available.
- A staged rollout beginning from mid-2023 will mean these students are not included in the Queensland Government enrolment collection (which also takes account of any specific needs) used for staff allocation and resourcing and occur at Day 8 (2 February 2023) and Day 20 (20 February 2023).

**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?**

The topic of accommodation/housing supply shortfall is a constant topic for the various Regional Community Forums co-ordinated by the Queensland Government. The family accompaniment program will trigger implications for the availability of affordable housing in these communities and support services in education, police, transport etc.

As the visa approvals are uncapped, and allocations do not seem likely to be awarded per state (such as with skilled migrant schemes), it is unclear how the Queensland Government can effectively manage procurement planning and budgeting, if it is expected that state governments will need to provide housing. The Queensland Government will need to provide advice on this matter.

The Queensland Government seeks regular, early consultation and engagement with state and territory agencies responsible for housing to ensure housing response planning can be undertaken for planned PALM activities. This will help to ensure any impacts of PALM activities on local housing markets are understood and necessary housing and accommodation response planning undertaken to support local communities and residents who may be impacted.

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

The Queensland Government would welcome further discussion as the reforms are further developed.

### **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?**

The Queensland Government would welcome further discussion as the reforms are further developed.

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

The Queensland Government would welcome further discussion as the reforms are further developed.

- 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?**

The Queensland Government would welcome further discussion as the reforms are further developed.

- 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?**

The Queensland Government would welcome further discussion as the reforms are further developed.

### **Additional questions for Pacific countries / LSUs**

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

The Queensland Government would welcome further discussion as the reforms are further developed.

- 11. What do you see as the benefits and costs (for example, reduced remittances) of families moving to Australia?**

The Queensland Government would welcome further discussion as the reforms are further developed.

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

The Queensland Government would welcome further discussion as the reforms are further developed.

- 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?**

The Queensland Government would welcome further discussion as the reforms are further developed.

- 14. In your view, would spouses be interested in learning English formally, for example, through the Adult Migrant English Program?**

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

**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.**

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

**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?**

The Queensland Government has provided some assistance to Federal Government-administered migration schemes in recent years. From a WHS and electrical safety perspective, additional activities such as pre-vetting potential employers, additional inspections of workplaces and accommodation sites, electrical safety compliance issues in workers' accommodation etc have significant resourcing implications, as will be the case for many state government agencies.

The family accompaniment element will significantly increase these strains on resources and also the potential risks (for example: provision of accommodation can increase vulnerability and potential for mistreatment and exploitation, safety risks for children in accommodation and in accommodation located on or near worksites such as farms).

To ensure the scheme operates in a way that supports the PALM workers and their families as well as the local communities, it is imperative that Federal Government agencies involved are well-resourced and accessible across regional and rural areas. Other measures which might help reduce resource impacts should be considered in the implementation of the scheme and could include some preference given to approving licensed labour hire providers in those jurisdictions with labour hire licensing schemes.

The Queensland Government recommends that availability and affordability of appropriate (and fit for purpose) accommodation for both workers and their families be raised as a critical issue which must be addressed. The Queensland Government notes that work is underway by the state to consider planning reforms that will reduce regulatory burden associated with the development for agricultural worker's accommodation. However, these accommodation changes may not be suitable for PALM participants.

Access to government subsidised vocational education and training is allowed for specific visa classes for those on the pathway to permanent residency and for those on humanitarian visas.

Considerations can be made as to whether this new visa class could be included for access to this training.

**17. Which departments and agencies in your state or territory should we connect with to better understand issues associated with family accompaniment?**

The topic of accommodation/housing supply shortfall is a constant topic for the various Queensland Government Regional Community Forums. The family accompaniment program will trigger implications for the availability of affordable housing in these communities and support services in education, police, transport etc.

The Federal Government should clearly address how and who is responsible for securing appropriate and affordable housing for families and increased pressure on local services in regional and remote areas. As the visa approvals are uncapped, and allocations do appear to be awarded per state (such as with skilled migrant schemes), it is unclear how the Queensland Government can effectively manage procurement planning and budgeting, if it is expected that state governments provide housing. The Queensland Government will need to provide advice on this matter.

The Queensland Government seeks regular, early consultation and engagement with state and territory agencies responsible for housing to ensure housing response planning can be undertaken for planned PALM activities. This will help to ensure any impacts of PALM activities on local housing markets are understood and necessary housing and accommodation response planning undertaken to support local communities and residents who may be impacted.

This will also assist with identifying options to mitigate impacts of expansion of the PALM scheme to family members on the very constrained housing supply in regional and rural Queensland, and on demand for Queensland Government housing assistance.

Due to the nature of these issues, from an education perspective, the Queensland Government seeks ongoing consultation. As potential locations and families are identified, advice from the relevant Queensland Government regional offices will need to be sought including current, local information on school availability by year level and support services. The collection and consideration of this data is imperative before decisions are taken by local employers, DFAT and Defence Housing Australia.

There are housing pressures and uncertainties with the resourcing impacts for state agencies to meet the needs of family accompaniment, without further impacting local housing markets, (including the delivery of regional services such as school education, school transport, health and domestic violence support) which would require further consultation with the states and territories.

#### **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?**

The discussion paper does not specify if partners and dependents would be required to live in the same dwelling or whether they would be allowed to live separately (e.g. if a partner and dependents wanted to live closer to employment and education elsewhere). Further details on the likely demand for accommodation is needed to ensure appropriate accommodation will be available to house workers and their families.

**19. How does your council ensure the delivery of culturally appropriate services for newly arrived temporary migrants?**

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

**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?**

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

**21. What activities have you undertaken or are ongoing to ensure your area is a welcoming community for newly arrived temporary migrants?**

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

# Making seasonal/short term deployments more attractive for employers

## General questions (employers /community organisations/unions)

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

Anecdotally, the Queensland Government notes that the recruitment of PALM workers to meet labour shortfalls in the agriculture industry will be subject to the availability of fit-for-purpose and affordable accommodation in central/rural Queensland.

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

The Queensland Government notes that the recruitment of PALM workers to meet labour shortfalls in tourism and hospitality would be welcome. However, it would need to be accompanied by a significant program to inform and engage employers, so they are more aware of the scheme and then further steps to help them understand the requirements of the scheme and the benefit.

The Queensland Government would welcome an opportunity to work with the Federal Government to support such a program which could utilise the Work in Paradise Tourism and Hospitality Jobs Website Work in Paradise Talent Community as a place for information and engagement with employers. The site currently has more than 300 employers across Queensland registered to the site with a capability to engage directly with them through direct messaging via the site. The tourism and hospitality sector requires access to an established workforce and the supporting social and economic infrastructure in regional areas.

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

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

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

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

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

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

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

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

## Additional questions for Pacific countries

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

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

# 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.**

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

- 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?**

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

- 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?**

The proposed relocation of the Australian Agriculture Visa to sit as a third visa stream under the PALM will create a robust and sustainable 4-year visa, with portability, strong oversight mechanisms, protections and rights for workers.

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

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

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

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

### Streamlined employer accreditation options (employers/unions)

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

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

- 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?**

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

**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?**

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

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

The expected increased pressure on local service provision in regional and remote areas may impede the ability of local businesses to respond effectively to government tenders. Particularly, impacting larger, whole-of -Government tenders. Once the Australian Agriculture Visa is incorporated under the PALM scheme, the Queensland Government seeks clarity whether ANZSCO L1 and L2 workers eligibility will be accessed under the PALM scheme (as a sub-class).

**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?**

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

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

The Queensland Government does not currently have any comments. However, the Queensland Government would welcome further discussion as the reforms are further developed.

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

The proposed expansion of the scheme to families has potential to increase demand for the Queensland Government-provided housing services at a time of existing high demand for these services. People migrating to Queensland on the Australian Agriculture Visa program in the PALM scheme (or secondary visas for family) are not eligible for social housing or private rental assistance products like bond loans and/or rental grants. However, temporary visa holders who are eligible for social housing include those who have a Safe Haven Enterprise visa; a Bridging Visa and have applied for a Protection Visa or a Resolution of Status Visa; and/or on a Temporary Protection Visa.

In the event that participants in the PALM scheme join existing members living in social housing, the tenant will need to notify the Queensland Government and rent will be increased to reflect the household's higher income. Each new household member is generally entitled to a 4-week grace period before their assessable income is considered part of the household's income for rent assessment purposes. Demand for Queensland Government provided housing assistance and services may increase if housing impacts from proposed PALM scheme arrangements are not managed appropriately and local residents are pushed out of the private housing market due to higher housing demand from the PALM scheme.

There are some residual concerns around whether the incorporation of the Australian Agriculture Visa program within the PALM scheme could have negative impacts on agriculture employers in regional areas. One of the possible features notes expanding the definition of agriculture to enable recruitment of more workers in urban areas. Noting that one of the purposes of the PALM scheme is to fill positions in areas where local workers are unavailable, there may be a risk that some of the

changes may be counter to achieving this objective by diverting workers towards urban areas which tend to have larger worker pools available.

**Additional questions**

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

Participants in the PALM scheme hold a Temporary Work (International Relations) – Pacific Australia Labour Mobility stream visa (subclass 403) which has several conditions including the requirement that visa holders are personally liable for all their healthcare costs while in Australia. There is no dedicated permanent visa pathway for PALM scheme participants.

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

The Queensland Government would welcome further discussion as the reforms are further developed.

## Other Queensland comments

1. It is known that people on temporary visas, including people who have a lack of access to welfare or equitable employment opportunities, low levels of English language proficiency and unfamiliarity with Australian workplace or legal systems and culture can be at risk of being victimised by exploitation or unfair work practices. They are also likely to experience other challenges such as discrimination, financial and housing insecurity.
2. These risks may be exacerbated for people in the PALM scheme where visas are linked with work rights for one employer and where workers are accompanied by larger families who they are supporting. While the proposal to improve and expand the PALM scheme generally aligns with the intent of the Queensland Multicultural Policy, it is noted that the discussion paper lacks detail. There are several implementation issues for consideration, particularly in relation to family accompaniment, to maximise the PALM scheme's success.

The Queensland Government has initiatives planned or underway that may be of relevance to the PALM scheme, noting that the initiatives would not be able to provide a focus on the PALM scheme without Federal Government support, including:

- The Community Action for a Multicultural Society (CAMS) program, for which funding has been provided to locally-based organisations to deliver projects, activities and initiatives that will address local barriers to economic and social inclusion and build sustainable opportunities for inclusion in local employment, services, networks and industries. The CAMS program may be able to support workers and families to connect into local services, networks and social opportunities, noting that it is a relatively small program generally facilitated by a local community organisation or neighbourhood centre in regional areas.
  - Work is underway on a Workers Rights Education and Support Services program which will support migrants and refugees understand their rights and work and develop confidence in rectifying issues in the workplace. The scope of work includes an impact study and the subsequent design and delivery of education and support services, targeted to vulnerable workers from migrant and refugee backgrounds, including temporary visa holders.
  - Welcoming Australia is currently provided limited funding to work with interested local Councils in Queensland under Welcoming Cities and will increasingly focus on sports clubs under Welcoming Clubs.
  - Under the recently released Good people. Good jobs: Queensland Workforce Strategy 2022–2032, the Queensland Government will establish an expanded settlement function to advocate and improve workforce outcomes for migrants and refugees. The work of this team will concentrate on better connecting navigation points and employment pathways with skilled migrants, people on spousal visas and international students, as well as skilled humanitarian entrants. Critical to the success of facilitated workforce engagement is local effort to strengthen welcome and belonging and as such, initiatives within this function will concentrate on government, industry, employer and community partnerships collaborating in place.
3. To understand the impacts on local housing markets, further details around how the PALM scheme workers are intended to be accommodated will be required. Without further information it is assumed that options could potentially include hotels/motels and other short-

term accommodation options, use of existing rental stock, construction of purpose-built accommodation (which could be temporary or permanent) and conversion of existing facilities that may be underutilised (if available in the local community).

Depending on the response to the accommodation requirements, there is potential to further exacerbate current housing issues, particularly in regional and remote areas with limited housing stock. The response should be designed to ensure new housing is made available for PALM scheme workers (wherever possible), instead of taking up the limited housing stock currently available.

To support the timely delivery of new housing for PALM scheme workers, a range of options should be considered that may include planning reforms to support a streamlined planning process for the delivery of housing for PALM scheme workers and their families. The Queensland Government is currently considering options to support on-farm accommodation for around 20 people through a streamlined planning approval process.

The Queensland Government seeks regular, early consultation and engagement with state and territory agencies responsible for housing to ensure appropriate housing response planning can be undertaken for planned PALM activities. This will help to ensure any impacts of PALM activities on local housing markets are understood and necessary housing and accommodation response planning undertaken to support local communities and residents who may be impacted.

The impact the additional residents will have on infrastructure and services in regional and remote communities will require more detailed analysis. This will need to be considered from the perspective of the wellbeing of workers and their families (i.e. ensuring they have access to the infrastructure and services they require), as well as the capacity of existing infrastructure and services to accommodate the additional demand. It is anticipated that majority of workers, particularly those working in the agricultural sector, will be placed in regional locations where the capacity of infrastructure and services is limited.

Consideration will also need to be given to strategies to match partners and children with employment and educational opportunities during their time in Australia. In addition, if workers are regularly travelling from their accommodation to place of employment, this will generate additional demand on the road network and potentially give rise to road safety issues if not carefully managed.

Consideration could be given to the introduction of a cap based on capacity of available infrastructure and services, and consideration of safety risks. This could be applied on a location (e.g. local government area) and/or site basis. Given the issues that still require resolution, the Queensland Government supports the proposed staged roll out of the PALM scheme reforms starting with a small cohort of families.

4. The Queensland Government notes that migrant worker abuse is a continuing risk. Recent migrant worker abuse incidents were noted in the Queensland Parliamentary debate on the motion to acknowledge the 22nd anniversary of the Queensland recognition of South Sea Islanders. It is important that appropriate measures are taken to protect migrant workers and prevent modern day slavery. Noting the close links that can exist between South Sea Islander and Aboriginal and Torres Strait Islander peoples, the Queensland Government seeks an assurance that proper regulatory arrangements are in place.

PALM and its extension may impact job opportunities for Aboriginal and Torres Strait Islander peoples, and people with a disability. The Queensland Government notes that there are current unfilled positions which suggests that opportunities are not being taken up, including by Aboriginal and Torres Strait Islander peoples and people with a disability. The Queensland Government recommends this issue is raised and discussed further. In addition, the Queensland Government would suggest this discussion also explore the prospects of a program/initiatives alongside PALM to leverage employment opportunities associated with the PALM for Aboriginal and Torres Strait Islander peoples and people with a disability.

5. Where workers and their families are accommodated at the workplace; WHS, electrical safety and workers' compensation and rehabilitation obligations may apply outside of normal working hours. The Queensland Government has a dedicated WHS agricultural team and inspectors have supported the PALM scheme into Queensland agribusinesses by working closely with the agencies of the Queensland Government to:
  - provide information and support to businesses to ensure they are aware of and meet their work health and safety duties in the workplace
  - conduct workplace assessments, audits and inspections and any other compliance functions to ensure the person conducting the business or undertaking (PCBU) met their duties under safety legislation with a particular focus on electrical safety, plant guarding, traffic management, high risk work licensing and hazardous chemical use.

From a WHS and electrical safety perspective in any additional vetting, inspections etc have significant resourcing implications, as will be the case for many state government agencies, and even more so in light of the family accompaniment element. Measures which might help reduce resource impacts should be considered in the implementation of the scheme and could include (for example) giving preference to licensed labour hire providers.

Any additional costs should not be borne by the Queensland Government, rather it should be underpinned by industry funded solutions.

It is the prerogative of the Federal Government, should it wish to accept greater responsibility including for any costs (such as upfront travel costs either increase tax rates or recoup through departing Australia Superannuation Payment or the additional costs associated with expanding the program to include family accompaniment or any other reform elements).

6. The Queensland Government also notes that the discussion paper does not appear to be grounded in the context of the wider policy discussions on skills, education, workforce shortages and permanent migration intakes which were considered at the Jobs and Skills Summit in September, including the review of migration as part of the development of a white paper on employment by September 2023.