



Factsheet: Australian Agriculture Visa Program (12 April 2022)

The Australian Agriculture Visa (AAV) program is being introduced to address workforce shortages in the agriculture sector by building on existing government programs. It is a long-term contribution to Australia's labour supply, intended to support Australia's agricultural and primary industry sectors as they strive to reach \$100 billion in value by 2030. It is a stream of the Temporary Work (International Relations) subclass 403 visa.

- The program delivers on the Australian Government's commitment to put in place a broad ranging visa to support the growth of Australia's agricultural industries.
- It will be available to employees across a range of agricultural sectors and skill levels.
- The AAV program is a sponsored visa program, operating with Approved Employers endorsed by the Department of Foreign Affairs and Trade (DFAT) and robust employee protections.
- The program will provide flexibility for workers to move between Approved Employers without compromising workforce standards and undermining worker protections.
- The program will supplement the existing Pacific Australia Labour Mobility (PALM) scheme. The PALM scheme will remain the primary scheme for meeting agricultural workforce shortages, including for this harvest, as well as the range of [visa options](#) available through the Department of Home Affairs.
- To date, Vietnam has signed a Memorandum of Understanding (MoU).
- Australia is in negotiations with a number of Southeast Asian partners keen to participate in the AAV program. Some of these discussions are advanced. Specific announcements will follow as appropriate.
- India has been invited to participate in the AAV program as part of the Interim Australia-India Economic Cooperation and Trade Agreement (AI-ECTA). Consistent with the process and conditions for other participating countries, an MoU would first need to be agreed before any workers could arrive. Should an MoU be concluded, we would expect the first workers to arrive in 2023.
- As we progress to implementation DFAT will work closely with industry and other stakeholders to undertake the inaugural steps. There will be a key role for industry in progressing recruitment activities with relevant stakeholders.

How is the AAV program being implemented?

- The AAV program is managed by DFAT leveraging its experience with the successful PALM scheme.
- The Department of Home Affairs is responsible for processing all visa and sponsorship applications, as well as providing operational support with the Australian Border Force to ensure ongoing visa integrity.
- The Department of Agriculture, Water and the Environment is responsible for ensuring that the needs of relevant primary industry sectors are being met.
- The Fair Work Ombudsman is responsible for promoting and monitoring compliance with workplace laws.



When will the AAV program start and when can we expect employees to arrive?

- A scaled approach to establishing the program has been agreed with industry.
- DFAT is working with a group of employers to bring in an initial group of employees.
 - This will allow us to test systems and processes before the program's expansion throughout 2022 when we expect a steady increase in employees arriving in Australia.
 - Initially, recruitment will focus on lower skilled occupations, and this will be expanded as the program evolves.
- As we progress to implementation DFAT will work closely with industry and other stakeholders to undertake the inaugural steps. There will be a key role for industry in progressing recruitment activities with relevant stakeholders.
 - See Frequently Asked Questions document for further information.
- Employer application and eligibility requirements for broader employer participation will be published on [DFAT's AAV program website](#) once they are confirmed.
- The program mandates that only Approved Employers can participate, and that these employers are subject to program requirements, reporting and monitoring.
- Employers will apply to be approved and enter into a Deed of Agreement with DFAT detailing their responsibilities.
 - DFAT will monitor compliance with the Deed and take action in circumstances of non-compliance.

What countries are participating in the AAV program?

- Vietnam is the first country in Southeast Asia to participate in the AAV program.
- Australia was pleased to sign the first Memorandum of Understanding of its kind under the program with Vietnam on 28 March 2022.
- Vietnam's early participation in the AAV program is a reflection of the deepening cooperation under the Australia-Vietnam Strategic Partnership and is a key initiative of the Australia-Vietnam Enhanced Economic Engagement Strategy launched on 1 November 2021.
- DFAT is in ongoing discussions with other countries and will provide updates as appropriate.
 - These are sovereign nations that have their own systems, legal frameworks and interests to consider.
 - Participation in the AAV program is a sovereign matter, which we respect.

What sectors and skills are covered by the AAV program?

- The AAV program will support the recruitment of employees across a range of agriculture and primary industry sectors, including horticulture, dairy, wool, grains, fisheries (including aquaculture) and forestry, including support services and primary processing.
- The program will target skilled, semi-skilled and low-skilled employees within specified occupations across these sectors.
- DFAT is continuing to work with industry and other stakeholders on the specified occupations within these sectors that the AAV program will cover.



- Details will be provided once settled.
- Employees must have the experience and/or qualifications to commence work at the skill level and occupation for which they are recruited (where relevant). This includes a minimum level of English.

I have an urgent labour shortage. What are my options?

- A scaled approach to establishing the AAV program has been agreed with industry.
- DFAT is working with a group of employers to bring in an initial cohort of employees. This will allow us to test systems and processes before the program's expansion throughout 2022 when we expect a steady increase in employees arriving in Australia.
- Employer application and eligibility requirements for the expanded phase are expected to be published on DFAT's AAV program website when they are confirmed.
- The PALM scheme, which brings together the Seasonal Worker Program (SWP) and Pacific Labour Scheme (PLS), remains the mainstay for meeting agricultural workforce shortages in our primary industries sector, including for this harvest.
- As at early April 2022, more than 23,000 Pacific and Timorese employees are in Australia. This is the largest number we have and in Australia at any one time. Over 9,000 are scheduled to arrive between April and October 2022, and there are an additional 52,000 pre-screened workers who have registered their interest in participating in PALM and are awaiting opportunities for deployment.
- There is also a range of other temporary migration options available for employers in the agriculture sector to address workforce shortages, covering lower skilled to skilled occupations.
 - For further information see [Agricultural employers \(homeaffairs.gov.au\)](https://www.homeaffairs.gov.au/agricultural-employers).

How do I become an Approved Employer under the AAV program? What is the process for recruiting employees?

- The employer application process will be available on DFAT's AAV program website in due course.
- Employers wishing to participate in the AAV program must meet eligibility criteria to be an Approved Employer, including demonstrating compliance with and showing commitment to ethical practice and high workplace standards, and sign a Deed of Agreement with DFAT.
 - PALM scheme Approved Employers can participate in the AAV program, but need to apply through a separate streamlined process and sign a separate Deed of Agreement with DFAT.
 - This includes financial solvency and workplace compliance history and immigration compliance checks.
 - AAV Approved Employers who are not PALM Approved Employers can likewise join the PALM scheme, but will need to apply to be an Approved Employer under the PALM scheme and sign a separate Deed of Agreement.
- Approved Employers under the AAV program can be:



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- businesses that directly hire employees to work in their own business (this includes sole traders and family trusts); or
 - labour hire companies or contractors that supply employees to another business.
- Approved Employers must also be an approved Temporary Activity Sponsor (TAS) under the Migration Regulations in order to sponsor an AAV employee to enter Australia or sponsor a new visa in Australia.
- The process of recruiting employees involves:
 - providing evidence to DFAT of labour market testing;
 - submitting recruitment, accommodation and transport plans to DFAT;
 - recruiting prospective employees in line with sending country government processes (for example, through licensed recruitment agents);
 - submitting prospective employee details to DFAT for endorsement;
 - providing prospective employees with an Offer of Employment that sets out information about the nature of the employment, pay and conditions and any arrangements that propose movement of employees between employers;
 - assist in the application of, and monitor the visa application process;
 - arrange travel for employees, allowing time for prospective employees to attend pre-departure briefings; and
 - provide an on-arrival briefing, invite the Fair Work Ombudsman, DFAT and the relevant union representative to be present, with appropriate notice periods to representatives.
- See Program Settings document for further information.

Do Approved Employers need to conduct labour market testing as part of efforts to recruit from the AAV program?

- Approved Employers must advertise jobs in Australia and demonstrate they cannot fill vacancies with Australian workers before becoming eligible to recruit workers under the AAV program. Approved Employers must:
 - place a job advertisement for vacancies (to the specified standards outlined below);
 - consider all the applicants who apply for the advertised position;
 - provide evidence and outcomes of the Labour Market Testing (LMT) process when submitting a Recruitment Plan;
 - ensure that the number of prospective employees sought to be recruited under the AAV program does not exceed the number of vacancies advertised, less any individuals employed (including local and PALM scheme employees); and
 - multiple recruitments within the 12-month period can be undertaken for the same type of work using the same LMT provided the total number of employees sought to be recruited does not exceed the number of vacancies advertised, less any individual employees (including local or PALM scheme employees).
- LMT results will be valid for 12 months from the closing date of the advertisement and is specific to the sectors and roles advertised.



- The LMT advertisement must:
 - run for a minimum of 14 calendar days;
 - state the number of vacancies to be filled;
 - state the location of work;
 - state when work will commence and the number of months work is available;
 - state the type of work available and characteristics and/or skills that are required to do the work;
 - be placed on the JobSearch website – advertisements can also be placed on additional platforms such as newspaper or Harvest Trail website; and
 - provide information about the type of employment (full time, part time, casual), hours of work, pay (can be in the form of a salary range), conditions and any other relevant information.
- Additional requirements are being considered for high-skilled (ANZSCO level 1-2) positions.

What are the requirements for being employed under the AAV program?

- Initial applications to participate in the AAV program (i.e. initial visa applications) must be completed offshore.
- Applicants must meet the following criteria to be eligible to participate in the AAV program:
 - Minimum age requirement is 21 years of age, at time of visa application, with no maximum age requirement limit;
 - Citizen of a Participating Country (and not of Australia) and reside in the country at the time of the initial visa application;
 - Be unaccompanied (participants will not be able to bring family members);
 - Minimum English language skills (International English Language Testing System (IELTS) overall band score of 4 or (equivalent)) as approved by DFAT or higher when the specific occupation requires it;
 - Experience and/or qualifications to commence work at the skill level and occupation outlined in the Offer of Employment.
 - The initial phase of the AAV program will focus on lower skilled employees only, where formal skills assessments are not required;
 - Meet the criteria for the grant of an AAV stream visa, including:
 - being sponsored to Australia by a Temporary Activities Sponsor (TAS) who is an employer approved by DFAT to participate in the program (as part of the offshore visa application process);
 - being supported by DFAT to participate in the program;
 - meeting all character and health requirements; and
 - having adequate health insurance for the period of stay in Australia.

How will the AAV program protect employees?

- The Australian Government has no tolerance for visa fraud, illegal work, worker exploitation or worker underpayment of any kind.



- Compliance and monitoring arrangements will be key to the program's implementation.
- Employees under the AAV program are protected by the same workplace rights and laws as Australian employees, regardless of their citizenship or visa status. Employers must pay wages and entitlements as set by law and provide a safe workplace.
- These rights and protections will apply equally to employees coming to Australia under the AAV program.
- The Australian Border Force and the Fair Work Ombudsman play an important role in ensuring compliance with visa requirements and workplace laws respectively.
- The program mandates that only approved employers can participate, and that these employers are subject to requirements, reporting and monitoring.
- Approved Employers will enter into a Deed of Agreement with DFAT detailing their responsibilities.
 - DFAT will monitor compliance with the Deed and take action in circumstances of non-compliance.

Will the AAV program have a maximum number of overseas employees?

- The Australian Government has committed to a demand and supply driven approach to the AAV program.
- The AAV program will be subject to upper limits through bilateral agreements with participating countries.
- These upper limits will be reviewed annually and will be linked to the annual migration review and reflect workforce demand.
 - This will consider agriculture workforce demand and supply gap data and analysis, the impact on Pacific primacy, monitoring of program integrity and lessons from each sending country.

Will the AAV program provide seasonal employees or longer-term employees?

- The AAV program includes two cohorts of employees, in recognition of different industry requirements.
- Eligible employers will be able to recruit employees under the AAV program for longer term work and for short-term, seasonal work.
- Initial recruitment of overseas employees will take place offshore (visa applications to join the program cannot be made in Australia).
- Employees in the seasonal cohort will be able to work in Australia for up to nine months in every 12 months. Seasonal employees will be able to apply for a visa for up to four years to undertake seasonal work every year, without having to apply for a new visa every year. Employees who hold this visa will still be required to return home between seasons. Employers will need to offer minimum hours of work to this cohort.
- Visa holders in the long-term cohort will be able to work for between one and four years. Employers will need to offer full-time work to this cohort.



How much will employees be paid and will they have minimum hours?

- All employers must adhere to Australian workplace laws, awards and registered agreements.
- Program arrangements administered by DFAT will require approved employers to adhere to minimum hours and income policy settings.
 - These will be managed through program guidelines and Deeds of Agreement with approved employers.
- These settings are comparable with other economic labour programs.

Will employees be able to move between employers?

- Yes, movement of workers between different Approved Employers will be a feature of the program for the seasonal cohort. Initially, this will need to be agreed prior to workers' arrival in Australia. Other models will be explored as the program expands.
- The program will enable employees under the seasonal cohort to move between Approved Employers, under an arrangement approved by DFAT, during their period of stay.
- The design seeks to benefit both employers and employees, and the informed consent of employees is fundamental.
 - Employees must agree to each movement upfront, prior to movement, and sign an Offer of Employment outlining role, location, pay and conditions.
 - Movement of workers between approved employers provides employers with access to workers for short-term periods and assists them to manage seasonal work demands.
- As the program evolves, further models will be explored and tested with stakeholders with a review of movement arrangements to occur after the first year of program implementation.
- Where an AAV employee seeks to find a more suitable placement for welfare purposes, DFAT will work with the employee and any other relevant parties.

Will employers be required to arrange accommodation to a specified standard for employees under the AAV program?

- Under the program, Approved Employers must offer employees safe and affordable accommodation that meets minimum standards and has been approved by DFAT.
 - DFAT will assess accommodation, against the requirements set out in the Employer Guidelines, to ensure it is safe and secure, meets any Work Health and Safety or state and territory legislation, costs are fair and transparent, and the accommodation is fit for purpose and in good condition.
 - DFAT will recognise accommodation that has been approved under the PALM scheme.
- Employees may elect to arrange their own accommodation after they are in Australia.
 - In these situations, it will be the employee's responsibility to identify suitable accommodation.



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- If an employee moves to a new Employer, the receiving Approved Employer must identify suitable accommodation options, that meet minimum standards and are approved by DFAT.
- The standards of accommodation approved by DFAT will align with standards under the PALM scheme.
- Accommodation will be subject to ongoing compliance checks.

Can AAV holders apply for permanent residency?

- The AAV will provide a long-term reliable workforce to support ongoing growth of Australia's critical agricultural industries.
- The Australian Government has committed to creating options for permanent residence pathways for participants in the program, including regional settlement.
- This involves further consultation and design work, led by the Department of Home Affairs. The Australian Government will make announcements on permanent residence pathways in due course.

What does the AAV program mean for the Working Holiday Maker Visa?

- The AAV program will complement existing visa programs with work rights supporting Australia's critical industries, including the agriculture sector.
- The Working Holiday Maker (WHM) program will continue to be a reciprocal cultural exchange program that allows young adults to have a 12-month holiday in Australia, during which they can undertake study and short-term work in any industry.
- WHMs who choose to undertake specified work, which can include certain work in the agriculture sector, may be eligible for a second or third working holiday visa. Further information on specified work is available on the Department of Home Affairs' website at [Working Holiday Maker \(WHM\) program \(homeaffairs.gov.au\)](https://www.homeaffairs.gov.au/working-holiday-maker-program).
- In the context of the Australia - United Kingdom Free Trade Agreement, the Australian Government announced that the requirement for United Kingdom nationals to undertake specified work to qualify for a second or third working holiday visa will be removed within two years from the Agreement commencing.

Further information

For further information on the AAV program, please refer to the Frequently Asked Questions and Program Settings documents available on our website at dfat.gov.au/agriculturevisa or email agriculturevisa@dfat.gov.au. Further options for employers in agriculture can be viewed on the Department of Home Affairs [website](#).