



## Australian Agriculture Visa Program Settings

The Australian Agriculture Visa (AAV) program was 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 managed (sponsored) visa program developed in partnership with industry and will provide an additional pathway for prospective employees<sup>1</sup> from participating countries to contribute to Australia’s agriculture and primary industry sectors, including horticulture, meat processing, dairy, wool, grains, forestry and fishing (including aquaculture) sectors.

The AAV program will:

- contribute to filling critical workforce shortages in the agriculture industry and delivering economic benefit for Australia;
- promote high workplace standards and practices, with zero tolerance for worker exploitation;
- supplement but not replace the Pacific Australia Labour Mobility (PALM) scheme to support Australia’s strategic objectives in the region;
- complement, but not displace, the broader suite of temporary migration products already available to industry, for example the Horticulture, Meat, Pork, Dairy and Fishing Industry Labour Agreements, and Working Holiday Maker visa; and
- strengthen people-to-people links with participating countries.

The AAV program will be managed by the Department of Foreign Affairs and Trade (DFAT), leveraging experience with the PALM scheme, in close collaboration with the Department of Home Affairs (Home Affairs), the Attorney-General’s Department (AGD), Fair Work Ombudsman (FWO) and the Department of Agriculture, Water and the Environment (DAWE). Home Affairs is responsible for processing all visa and sponsorship applications, as well as providing operational support with the Australian Border Force (ABF) to ensure ongoing visa integrity. The FWO is responsible for promoting and monitoring compliance with workplace laws. DAWE is responsible for ensuring that the needs of relevant industry sectors are being met, including ongoing engagement, consultation and outreach.

The following table represents the agreed settings for the AAV program as of 12 April 2022.

Setting	Cohort
Visa settings	<p><i>Both (short-term/seasonal cohort and long-term cohort):</i></p> <ul style="list-style-type: none"> <li>• Stream of the Temporary Work (International Relations) subclass 403 visa – Australian Agriculture Worker Stream</li> <li>• Family members cannot be included (unaccompanied)</li> <li>• Sponsored visa</li> <li>• Visa applicant is participant of the AAV program, administered by DFAT</li> </ul>
Numbers	<p><i>Both (short-term/seasonal cohort and long-term cohort):</i></p> <ul style="list-style-type: none"> <li>• Demand and supply-driven approach</li> <li>• Upper limits for each participating country through bilateral agreements and reviewed annually, linked to the annual migration review and reflective of workforce demand</li> </ul>

<sup>1</sup> Prospective employee means a person identified to offer employment but who does not yet have an employer-employee relationship or a valid AAV.



Setting	Cohort
	<ul style="list-style-type: none"> <li>Upper limits will consider agriculture workforce demand and supply gap data and analysis, maintaining Pacific primacy, monitoring of program integrity and lessons from each participating country</li> <li>The initial phase of the AAV program will involve recruitment of a group of initial employees to test settings and processes</li> </ul>
Duration/cohorts	<p><i>Short-term/seasonal cohort:</i></p> <ul style="list-style-type: none"> <li>Up to 9 months work in every 12 months in Australia</li> <li>Visa for one season (up to 9 months work) or multiple seasons up to 4 years to provide sponsors with a pool of returning employees each year</li> </ul> <p><i>Long-term cohort:</i></p> <ul style="list-style-type: none"> <li>1 – 4-year visa (aligned with length of work contract)</li> </ul>
Mandatory Offshore Period	<p><i>Short-term/seasonal cohort:</i></p> <ul style="list-style-type: none"> <li>AAV participants must spend 3 months offshore before returning to Australia to participate in their next short-term/seasonal work placement, regardless of whether they hold a valid multi-year visa or are required to apply for a new visa</li> </ul> <p><i>Long-term cohort:</i></p> <ul style="list-style-type: none"> <li>AAV participants must spend 6 months offshore after 4 cumulative years in Australia, before being eligible for another visa under the AAV program</li> </ul>
AAV program requirements	<p><i>Both (short-term/seasonal cohort and long-term cohort):</i></p> <p>AAV program applicants must meet the following criteria:</p> <ul style="list-style-type: none"> <li>21 years or older, with no maximum age limit</li> <li>be a citizen of a participating country and reside in that country at the time of the initial visa application</li> <li>have necessary experience, skills and/or qualifications to perform in the occupation in which being employed</li> <li>have minimum <a href="#">English language skills</a> (International English Language Testing System (IELTS) overall band score of 4, or DFAT approved equivalent), unless Australian licensing mandates a higher standard</li> <li>be healthy and fit to undertake occupation in which being employed</li> <li>meet the criteria for the grant of an Australian Agriculture Worker stream visa, which includes:             <ul style="list-style-type: none"> <li><a href="#">character</a> and <a href="#">health</a> checks required to hold an Australian visa</li> <li>evidence of adequate <a href="#">health insurance</a> at the time of application and must hold adequate health insurance while they are in Australia</li> <li>be sponsored by a <a href="#">Temporary Activities Sponsor</a> (TAS), approved to participate in the AAV program</li> <li>be approved by DFAT to participate in the AAV program</li> </ul> </li> </ul>



Setting	Cohort
<a href="#">Ability to apply onshore for further visa</a>	<p><i>Short-term/seasonal cohort:</i></p> <ul style="list-style-type: none"> <li>• Able to apply onshore for a further visa for a total maximum cumulative period of 4 years, where the employee has been offered a long-term position (i.e., move to the long-term cohort)</li> </ul> <p><i>Long-term cohort:</i></p> <ul style="list-style-type: none"> <li>• Employees can remain in Australia on one or multiple visas for a maximum cumulative period of 4 years</li> </ul>
<a href="#">Employer eligibility</a>	<p><i>Both (short-term/seasonal cohort and long-term cohort):</i></p> <p>In order to participate in the AAV program, employers must meet eligibility criteria and become an AAV Approved Employer (AEs) through one of three pathways:</p> <ul style="list-style-type: none"> <li>• apply through AAV application process with minimum criteria met, plus satisfactory financial solvency workplace compliance history check and immigration compliance check</li> <li>• accredited under an endorsed industry accreditation system, plus satisfactory financial solvency, workplace compliance history check and immigration compliance check</li> <li>• Approved Employer under the PALM scheme (may include updated, satisfactory workplace compliance history check and immigration compliance check), operating in the agriculture industry</li> </ul> <p>DFAT is working with a group of Approved Employers to test systems and processes before the program’s expansion throughout 2022</p>
<a href="#">Employer requirements</a>	<p><i>Both (short-term/seasonal cohort and long-term cohort):</i></p> <ul style="list-style-type: none"> <li>• Enter a Deed of Agreement with DFAT which will outline responsibilities and obligations for employers and program compliance actions if obligations are not met</li> <li>• Employers directly sponsoring employees for the grant of a visa from outside or in Australia will need to be approved to participate in the program as a <a href="#">TAS</a> under the <i>Migration Regulations 1994</i></li> <li>• AAV program Approved Employers who wish to employ existing AAV holders<sup>2</sup> in Australia, need to have the employment transfer approved by DFAT but are not required to be a TAS</li> <li>• Provide prospective employees with an Offer of Employment outlining type of employment, pay and conditions (including any proposed deductions<sup>3</sup>). The offer must be signed by the prospective employee before arriving in Australia or before a new work placement commences<sup>4</sup></li> <li>• Provide on-arrival briefing for AAV employees, must invite relevant unions, FWO and DFAT</li> </ul>

<sup>2</sup> AAV holder and employee may be used interchangeably throughout the document.

<sup>3</sup> Deductions must be detailed and transparent (e.g., rent from x date to y date), principally for the benefit of the employee and in accordance with s 324 of the *Fair Work Act 2009*.

<sup>4</sup> If an AAV holder is asked to move to a new Host Organisation or site that was not in the original agreed Offer of Employment, a new Offer of Employment must be signed before the new placement commences.



Setting	Cohort
	<ul style="list-style-type: none"> <li>Comply with all requirements of the <i>Fair Work Act 2009</i> (Fair Work Act) and Fair Work instruments, including Awards</li> <li><a href="#">Labour Market Testing</a> - employers must advertise a job (describing job/role, location and outlining employment conditions, pay) for at least two weeks in Australia prior to recruiting AAV holders</li> </ul>
<a href="#">Sectors/occupations</a>	<p><i>Both (short-term/seasonal cohort and long-term cohort):</i></p> <ul style="list-style-type: none"> <li>Selected occupations across the agriculture and primary industry sectors including horticulture, meat processing, dairy, wool, grains, fisheries (including aquaculture) and forestry, including support services and primary processing</li> </ul>
<a href="#">Skill level</a>	<p><i>Both (short-term/seasonal cohort and long-term cohort):</i></p> <ul style="list-style-type: none"> <li>ANZSCO level 1-5, which encompasses selected low, semi and high skilled occupations – initial recruitments will target ANZSCO level 3-5</li> </ul>
<a href="#">Skills verification and assessment</a>	<p><i>Both (short-term/seasonal cohort and long-term cohort):</i></p> <ul style="list-style-type: none"> <li>AAV program applicants must have the skills, experience and/or qualifications to commence work at the skill level and occupation outlined in the Offer of Employment</li> <li>Skills assessment requirements will depend on the skill level of the position and align with ANZSCO requirements, and where applicable the Temporary Skills Shortage visa streams, for the same position</li> </ul> <p>The initial phase of the AAV program will focus on low skilled occupations that do not require a formal skills assessment</p>
Minimum English language requirement and assessment	<p><i>Both (short-term/seasonal cohort and long-term cohort):</i></p> <ul style="list-style-type: none"> <li><a href="#">International English Language Testing System (IELTS)</a> overall band score of 4.0 (or DFAT approved equivalent)</li> <li>DFAT will initially determine some formal test equivalents to the IELTS that will be accepted, and other acceptable English testing or assessment equivalents will be determined and updated over time</li> </ul>
<a href="#">Minimum work hours/salary</a>	<p><i>Both (short-term/seasonal cohort and long-term cohort):</i></p> <ul style="list-style-type: none"> <li>All employers must adhere to Australian workplace laws</li> <li>Program minimum hours, pay and conditions policy settings that are comparable with other economic labour migration programs will be managed through the Deed of Agreement and Guidelines with AEs</li> </ul>
<a href="#">Accommodation</a>	<p><i>Both (short-term/seasonal cohort and long-term cohort):</i></p> <ul style="list-style-type: none"> <li>Employers will need to offer suitable and affordable accommodation and AAV holders pay for the use of this accommodation               <ul style="list-style-type: none"> <li>AAV holders can also make their own accommodation arrangements</li> </ul> </li> <li>Accommodation offered to AAV holders must be approved by DFAT and meet minimum requirements</li> <li>Approved Employers may pay upfront for accommodation and then deduct the costs of the accommodation from an AAV employee’s salary with the AAV employee’s written consent (any deductions must be at cost, principally for the benefit of the AAV employee and be in line with Fair Work Act requirements)</li> </ul>



Setting	Cohort
<p>Change of Approved Employers</p>	<p><i>Short-term/seasonal cohort:</i></p> <ul style="list-style-type: none"> <li>• There may be a series of employee-employer relationships during an employee’s time in Australia as an AAV holder</li> <li>• AAV holders will be able to move between Approved Employers while in Australia during a period of up to 9 months</li> <li>• A change of employer must be of net benefit for the AAV holder and under an arrangement with DFAT</li> <li>• A change of Approved Employers can also be employee- or employer-initiated</li> <li>• Initially, a change of Approved Employer will need to be arranged and agreed between Approved Employers, DFAT and the prospective employee upfront (prior to prospective employee’s arrival in Australia)</li> <li>• A separate Offer of Employment with each Approved Employer outlining pay and conditions must be signed by the prospective employee prior to their arrival in Australia</li> <li>• As the AAV program evolves, further models will be explored and tested with stakeholders</li> <li>• Initial minimum periods of employment may apply</li> </ul> <p><i>Long-term cohort:</i></p> <ul style="list-style-type: none"> <li>• AAV holders can seek to enter into a new Offer of Employment for a cumulative stay of up to 4 years but this will require Temporary Activity Sponsorship and lodging a new visa application to align with new work offer and Employer.</li> </ul>
<p><a href="#">Welfare, assurance and compliance</a></p>	<p><i>Both (short-term/seasonal cohort and long-term cohort):</i></p> <ul style="list-style-type: none"> <li>• Strong assurance and compliance framework will support employee welfare and program integrity</li> <li>• Program rules and standards for participating employers and corresponding monitoring and enforcement regime</li> <li>• Compliance activities may include: <ul style="list-style-type: none"> <li>○ Employer reporting requirements on AAV holder arrivals in Australia</li> <li>○ Ongoing employer reporting</li> <li>○ On-site monitoring visits (including unannounced visits)</li> </ul> </li> <li>• FWO and ABF will also have a role in ensuring legislative compliance by undertaking independent compliance and enforcement activities</li> <li>• Welfare measures to support AAV holders include: <ul style="list-style-type: none"> <li>○ Pre-departure briefing that covers information about life and work in Australia, employee workplace rights and entitlements and visa holder responsibilities</li> <li>○ On-arrival briefing and orientation when AAV holders reach their accommodation and workplace in Australia. Relevant unions, the FWO and DFAT must be invited to join</li> <li>○ Processes for dealing with critical and non-critical incidents that may affect an AAV holder</li> <li>○ AAV holder phone call check-ins</li> <li>○ Workers’ welfare line to DFAT/DFAT’s representative</li> </ul> </li> </ul>



Setting	Cohort
	<ul style="list-style-type: none"><li>• DFAT will collaborate with participating countries to support the welfare of their citizens while they are in Australia</li><li>• Consular officers of foreign diplomatic missions in Australia may also play a role to support AAV holders while they are in Australia, consistent with their own protocols</li><li>• Other welfare measures as appropriate</li></ul>

## Attachment A – Further information on Australian Agriculture Visa Program Settings

### Skills and occupations

The AAV program covers occupations across the agriculture and primary industry sectors including horticulture, meat processing, dairy, wool, grains, fisheries (including aquaculture) and forestry, including support services and primary processing, and encompass low, semi and high skilled occupations (the [Australian and New Zealand Standards Classification of Occupations \(ANZSCO\) level 1-5](#)).

ANZSCO is the skill-based classification used to categorise all occupations and jobs, with each occupation defined with respect to its primary task, skill level and specialisation. Minimum skills requirements (experience and/or qualifications) for AAV holders for each occupation will align with ANZSCO level 1-5 and, where appropriate, the Temporary Skill Shortage visa streams.

- ANZSCO skill level 1 – level of skill commensurate with a bachelor degree or higher qualification or at least five years of relevant experience
- ANZSCO skill level 2 – level of skill commensurate with an AQF Associate Degree, Advanced Diploma or Diploma or at least three years of relevant experience
- ANZSCO skill level 3 – level of skill commensurate with an AQF Certificate IV or Certificate III (including at least two years on-the-job training) or at least three years of relevant experience
- ANZSCO skill level 4 – level of skill commensurate with an AQF Certificate II or III or at least one year of relevant experience.
- ANZSCO skill level 5 – level of skill commensurate with AQF Certification I or secondary education or a short period of on-the-job training instead of a formal qualification.

Not all roles/occupations in the AAV program will require evidence of formal education/skills assessment.

The initial phase of implementation will focus on lower skilled occupations where neither educational qualifications nor formal skills assessments are required. As the program expands further details on in-scope occupations and associated process will be made available.

### *Verification and assessment*

Prospective employees must have the experience and/or qualifications to commence work at the skill level and occupation outlined in the Offer of Employment. Skills assessment and/or verification may be required to demonstrate that the prospective employee is suitably qualified and experienced for the specified role. The need for a skills assessment or verification will depend on the skill level required for the occupation.

Approved Employers (AEs) will have a substantial role in the selection process and a role in verifying whether the applicant has the necessary qualifications and/or experience, and any other requirements to fulfill the proposed role the AE is seeking to fill.

### *Development*

AAV holders will be initially engaged at the skill level and occupation for which they are provided an Offer of Employment. Skills development and pursuit of formal training/additional qualifications will be permitted where AAV holders have been identified as suitable to take on a more skilled or leadership role. This will be at the discretion of the employer and in agreement with the AAV holder. However, the primary purpose must continue to be for work under the AAV program, and any skills



development or formal training/qualifications arrangement would need to ensure AAV holders continue to maintain their minimum hours and can be completed within an AAV holder's contracted/visa period.

Employers may have obligations under workplace laws, including relevant industrial instruments, for certain training.

### Employer participation



#### Step 1: Application

Employers wishing to employ prospective employees under the AAV program must become an AE through meeting eligibility criteria, including demonstrating compliance with and showing commitment to ethical practice and high workplace standards. Employers must demonstrate they meet eligibility criteria through one of the following pathways:

- apply to be an AE under the AAV program through an AAV AE application process (further information forthcoming) which will include a satisfactory financial solvency, workplace compliance history check and immigration compliance check; **or**
- be accredited under an endorsed industry accreditation scheme (further information forthcoming) plus satisfactory financial solvency, workplace compliance history check and immigration compliance check; **or**
- be an AE under the Pacific Australia Labour Mobility (PALM) scheme (may include updated, satisfactory workplace compliance history check and immigration compliance check) operating in the agriculture industry.

AEs under the AAV program can be:

- businesses that directly hire employees to work in their own business; or
- labour hire companies or contractors that supply employees to another business to do work.

Both direct employers and labour hire companies or contractors, if and when approved to participate in the AAV program, will be held to the same standards and have the same obligations. AAV AEs who are not PALM AEs will need to apply to be an AE under the PALM scheme.

DFAT will work with a group of AEs to participate in the initial phase of the AAV program.

#### Step 2: Assessment

DFAT, or its service provider, will assess the financial viability, operations and reputation of an employer. Information will be sought on an employer's business, directors or associated entities from Home Affairs and other relevant government departments, the FWO and the Australian Securities and Investments Commission. Site visits and interviews may also be undertaken.

#### Step 3: Approval

Once approved to participate in the AAV program, AEs must sign a Deed of Agreement with DFAT that outlines program responsibilities and obligations for employers, and compliance actions if obligations are not met. All AEs must have a deed in place in order to employ AAV holders under the



AAV program. Note there are separate Deeds of Agreement with DFAT for the AAV program and the PALM scheme.

AEs must also be an approved [TAS with the Department of Home Affairs](#) in order to sponsor an AAV holder to enter Australia or sponsor a new AAV in Australia. Employers who wish to employ AAV holders who are already in Australia and hold a valid AAV, need to be approved to participate in the AAV program but are not required to be a TAS, however there may be additional obligations and reporting required and outlined in the Deed of Agreement or Guidelines.

TAS approval is valid for 5 years from the date of grant. Details on eligibility, sponsorship obligations and how to become a Temporary Activities Sponsor refer to [Become a sponsor](#).

All AEs must act consistently with relevant Australian laws including but not limited to the *Fair Work Act 2009* (Fair Work Act) and workplace health and safety laws. Labour hire regulations may also be applicable.

Labour hire regulations are implemented at a state and territory level in Australia, with several jurisdictions having enacted labour hire licencing laws to regulate labour hire companies and protect vulnerable workers. The Australian Capital Territory, Queensland, South Australia and Victoria have introduced labour hire licencing schemes to regulate labour hire companies, to ensure safe and legal engagement of employees. Work is underway to support a national scheme.

Labour hire companies and contractors operating in jurisdictions with labour hire regulations must comply with these regulations.

#### Step 4: Recruitment

##### *Recruitment plans*

Once AEs have signed a Deed of Agreement with DFAT, they must submit recruitment plans, , and Accommodation and Transport Plan to DFAT for approval. The Recruitment Plan outlines the number of positions, the sectors, skill levels and job descriptions, pay and conditions, proposed accommodation options, and any proposed movement of AAV holders (across different sites or a change of employer).

The recruitment plan must also provide evidence of [labour market testing](#).

Once the recruitment plan is approved by DFAT, AEs can commence recruitment in participating countries.

##### *Labour market testing*

AEs must advertise jobs in Australia and demonstrate they cannot fill vacancies with Australian workers before becoming eligible to recruit workers under the AAV program. AEs must:

- place a job advertisement for vacancies (to the specified standards outlined below);
- consider all the applicants who apply for the advertised position; and
- provide evidence and outcomes of the Labour Market Testing (LMT) process when submitting a Recruitment Plan.

For LMT results to be valid, AEs must:

- conduct new LMT if it has been more than 12 months since the advertisement closing date at the time of 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 individuals employed (including local or PALM scheme employees).

LMT 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 and must be at least minimum wage), conditions and any other relevant information.

Additional requirements are being considered for skilled (ANZSCO level 1-2) positions.

#### *Accommodation and transport plans*

Under the AAV program, AEs need to offer suitable and affordable accommodation. AAV holders can also choose to make their own accommodation arrangements, in which case it will be their responsibility to identify suitable accommodation. Daily transport between accommodation and workplace must be offered where AAV holders use AE provided accommodation.

Accommodation and Transport Plans need to outline accommodation arrangements or options, daily transport arrangements between accommodation and workplace and a breakdown of costs and deductions for these to DFAT for approval.

Further information is provided [here](#).

#### *Finding workers*

AEs engage with relevant stakeholders in participating countries to identify suitable prospective employees (models will be country specific).

Recruitment costs will be the responsibility of AEs.

#### *Worker endorsement*

When AEs have identified prospective employees, details must be submitted to DFAT for endorsement.

#### *Offer of Employment*

When prospective employees have been endorsed, AEs must provide them an Offer of Employment for their consideration and agreement before departing their home country. Offers of Employment



must be made in writing and must comply with the requirements set out in the Deed of Agreement between DFAT and the Guidelines, and under Australian law.

The prospective employee's acceptance of the Offer of Employment is taken as consent to the terms and conditions specified within it, noting such terms and conditions cannot provide for less than what is mandated by workplace laws.

Labour hire companies are responsible for fulfilling the obligations set out in the Offer of Employment and complying with the Deed.

#### *Visa application and mobilisation*

After the above requirements have been met, AEs must:

- assist as required with the visa application process;
- arrange travel for employees, including time for AAV employees to attend pre-departure briefing; and
- provide an on-arrival briefing, inviting the FWO, DFAT and a representative from the relevant union to be present, with appropriate notice periods to representatives.

#### *Accommodation and Transport Plans*

Under the AAV program, AEs directly recruiting prospective employees from overseas must offer suitable and affordable accommodation. Subsequent AEs must offer employees suitable and affordable accommodation options that are available during the period of employment. AAV holders can also choose to make their own accommodation arrangements, in which case it will be their responsibility to identify suitable accommodation. Daily transport between accommodation and workplace must be offered where AAV holders use AE provided accommodation.

While AAV holders will pay for the use of accommodation and daily transport, AEs may pay upfront for accommodation and transport and then deduct the costs from the AAV holder's salary (with their written agreement). Any deductions must occur in line with Fair Work Act requirements and be principally for the benefit of the AAV holder. Where AAV holders elect to arrange their own accommodation, deductions for accommodation are not allowed.

#### *Accommodation*

All accommodation offered to AAV holders must meet minimum standards (aligned with the PALM scheme) and be approved by DFAT. DFAT will assess accommodation against the minimum standards and other 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.

Accommodation will be subject to ongoing compliance checks.

#### *Transport*

AEs must offer to provide daily transport between an AAV holder's accommodation and their workplace, as well as to and from shopping and recreational facilities. The cost of providing daily transport can be recovered through deductions, or AAV holder's pay at the time of taking transport. Deductions must occur in line with Fair Work Act requirements. Transport arrangements must be principally for the benefit of the AAV holder, provided at cost and cover the actual cost of providing the transport per AAV holder, per day.



Transport must be appropriate, affordable, comfortable and safe. All vehicles must be roadworthy and registered for the duration of use and there must be sufficient seats and seatbelts, in working order, for everyone travelling in the vehicle. AEs must be aware and informed of and ensure transport complies with any Work Health and Safety legislation and State and Territory Government and local government legislation and codes that apply to the transport arranged.

If an AAV holder chooses to arrange their own accommodation AEs are not required to offer daily transport arrangements. AAV holders can also choose to arrange their own mode of transport, in which case deductions for daily transport cannot be made.

### Salaries and deductions

Under the AAV program, AAV holders are either employed as:

- short-term/seasonal AAV holders engaged on a casual or part-time basis, in accordance with the applicable industrial instrument, working a minimum of 30 hours per week averaged over an 8-week period, or they can be engaged on a full-time basis; or
- long-term AAV holders, who must be employed on a full-time basis with full time hours (38 hours per week).

### *Pay and entitlements*

Employers must pay wages and entitlements that are, at a minimum, those set by law and provide a safe workplace.

Awards and enterprise agreements contain minimum pay rates and conditions of employment, which are applicable regardless of citizenship or visa status.

Awards or enterprise agreements cannot provide for conditions that are less than the national minimum wage<sup>5</sup>, as varied by time to time or the National Employment Standards. All employees not covered by an award or enterprise agreement who are working in Australia are entitled to a minimum wage.

The FWO's free [Pay and Conditions Tool](#) may help employees calculate their minimum award pay rates, allowances and penalty rates, including overtime. The Pay and Conditions Tool should be used as a guide only – the FWO is contactable via phone at 13 13 94 for more detailed and complicated questions about pay and conditions.

### *Superannuation*

Superannuation is money set aside during an employee's employment to save for retirement and is compulsory in Australia for employers. The employer is required by Australian law to pay a minimum of 10% of an employee's wage<sup>6</sup> into a superannuation fund to support retirement. This is in addition to wages paid to the employee. When an AAV holder first arrives in Australia, the AE must assist them to choose a superannuation fund and complete the required paperwork. Once an AAV holder's employment in Australia finishes and they have returned to their country of origin and their visa has expired, they are eligible to claim their superannuation back as a Departing Australia Superannuation Payment (DASP). DASPs are subject to taxation. For more information about DASP

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<sup>5</sup> The current National Minimum Wage in Australia (as 1 July 2021) for a full-time employee is AUD20.33 per hour. Casual employees covered by the National Minimum Wage also get at least a 25 per cent casual loading.

<sup>6</sup> Note that the minimum superannuation contribution will increase on 1 July 2022. For further information see [Super guarantee percentage | Australian Taxation Office \(ato.gov.au\)](#)



eligibility or tax rates see [Departing Australia Superannuation Payment \(DASP\) | Australian Taxation Office \(ato.gov.au\)](#).

### *Tax*

Tax is withheld from an individual's pay. It is paid to the Australian Taxation Office and used to pay for public goods and services. Generally, the amount of tax to be paid will depend on the individual's annual salary and tax residency status. The individual may also need to lodge a tax return, which may result in more tax being payable or a tax refund. For more information see [New to tax and super | Australian Taxation Office \(ato.gov.au\)](#).

### *Deductions*

Taking money out of an employee's pay before it is paid to them is called a deduction. Under the Fair Work Act, deductions can only be made from an employee's wages in limited circumstances. One of those circumstances is where the employee has agreed to it in writing and it is principally for their benefit. An employee's written agreement must be genuine, and they cannot be forced to agree to a deduction. Note that not all circumstances that allow deductions to be made under the Fair Work Act will be applicable under the AAV program.

Deductions must be made in line with Fair Work Act requirements and must be detailed and transparent to the employee.

Under the AAV program, AEs can cover upfront costs associated with mobilising AAV holders to Australia, some of which can then be recovered via deductions, subject to written AAV holder agreement to each amount, over a minimum of 12 weeks. For example, costs associated with travel to Australia and costs associated with the visa application. This can only occur if it is principally for the AAV holders benefit or is otherwise authorised in law.

In addition, if an AAV holder agrees, AEs may cover ongoing living expenses (accommodation, daily transport, health insurance), and deduct these, at cost, from an AAV holder's pay for the duration of their contract.

### *Health insurance*

It is a condition of the [Temporary Work \(International Relations\) \(subclass 403\) visa that AAV holders hold adequate private health insurance](#) while they are in Australia. AAV holders do not have access to the Australian national health scheme (Medicare), and it is therefore compulsory for them to be covered by a health insurance policy that provides for in-patient and out-patient care to the level specified by Home Affairs.

AEs will be responsible for arranging health insurance prior to mobilisation of AAV holders and must ensure that all AAV holders maintain these arrangements during their period of stay in Australia. To facilitate this, AEs must organise health insurance coverage for their employees and assist them to pay for this by taking authorised deductions from their pay. It is the AE's role to confirm inclusions of private health insurance (including repatriation of remains cover) and to educate AAV holders. It should be noted that insurance products such as travel insurance do not meet these visa requirements.

### [Ability to apply onshore for a further visa](#)

Applications to participate in the AAV program (i.e. initial visa applications) must be completed offshore.



Short-term/seasonal AAV holders in Australia with a valid AAV who have been offered a long-term position by an AE under the program are able to apply onshore for a further AAV. Their cumulative period onshore, across both visas, must not exceed 4 years.

AAV holders on long term employment contracts in Australia, whose initial visa and employment contract was less than 4 years, are able to apply onshore for a further AAV where they have a subsequent Offer of Employment. Their cumulative visa grant period must not exceed 4 years.

AAV holders in Australia who meet requirements of other visa programs, for example Temporary Skills Shortage (TSS) visa, may also be eligible to apply for another type of visa in Australia.

## Welfare

Welfare measures to support AAV holders include:

- pre-departure briefing;
- on-arrival briefing and orientation when AAV holders reach their accommodation and workplace in Australia. Relevant unions, the FWO and DFAT must be invited to join;
- processes for dealing with critical and non-critical incidents that may affect an AAV holder;
- access to a Welfare and Wellbeing support person at their place of employment and an emergency 24/7 contact for AAV employees;
- AAV holder phone call check-ins; and
- Workers' welfare line direct to DFAT/DFAT's representative.

DFAT will also collaborate with participating countries in supporting welfare of their citizens while they are in Australia. Consular officers of foreign diplomatic missions in Australia may also play a role to support AAV holders while they are in Australia, consistent with their own protocols.

## Compliance and assurance

The Australian Government has no tolerance for visa fraud, illegal work, worker exploitation or worker underpayment of any kind. Program compliance and monitoring arrangements will be key to the AAV program's implementation.

Employees under the AAV program are protected by the same workplace rights and laws as Australians. Employers must pay wages and entitlements as set by law and provide a safe workplace.

Only AEs can participate in the AAV program, with these employers subject to program requirements, reporting and monitoring. AEs must enter into a Deed of Agreement with DFAT that outlines their responsibilities and obligations. DFAT will monitor compliance with the Deed and Guidelines and take action in circumstances of non-compliance. Action may include, but is not limited to, caps on recruitment or in certain circumstances revoking an employer's approval to participate in the AAV program.

Compliance activities may include:

- employer reporting requirements on AAV holders' arrival in Australia;
- ongoing employer reporting; and
- on-site monitoring visits (including unannounced visits).

The Australian Border Force and the FWO will play an important role in ensuring legislative compliance with visa requirements and workplace laws respectively.