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1. Pacific Labour Scheme

1.1 How to use this policy handbook

This handbook provides the guiding policy and instructions for Pacific Labour Scheme (PLS) employers, workers, officers of the Department of Foreign Affairs and Trade (DFAT), the Pacific Labour Facility (and their sub-contractors) and relevant Pacific Island Governments.

For further assistance, please contact DFAT at pacificlabourmobility@dfat.gov.au or visit the Pacific Labour Mobility website.

1.2 What is the Pacific Labour Scheme?

The PLS commenced on 1 July 2018.

The PLS helps meet employer-worker demand in rural and regional Australia. It enables citizens of participating countries to take up low and semi-skilled work opportunities in rural and regional Australia for up to three years. The PLS focuses on sectors with projected employment growth in Australia, is employer-sponsored, requires labour market testing to ensure Australians have priority for local jobs and contains protections to safeguard against worker exploitation.

1.3 Countries participating in the Pacific Labour Scheme

The countries participating in the PLS are Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu.

1.4 Pacific Labour Facility

The Pacific Labour Facility (PLF) supports the administration of the Scheme and connects Australian employers with Pacific workers. It also provides targeted support for the Department of Employment, Skills, Small and Family Business led Seasonal Worker Programme. The managing contractor for the PLF is Palladium.

The PLF commenced in October 2018 and is focused on:

- increasing the quality of training and flow of workers to Australia
- promoting the PLS with Australian employers
- supporting Australian employers through the cycle of participating in the PLS
- providing support services for Pacific workers in Australia and supporting their return to Pacific communities and economies
- monitoring the social and economic impacts of Australia’s labour mobility arrangements.

1.5 Differences between the Pacific Labour Scheme and Seasonal Worker Programme

The Seasonal Worker Programme (SWP) contributes to the economic development of participating Pacific Island countries and Timor-Leste, by providing access to work opportunities in the Australian agriculture sector and accommodation sector in selected locations. The Seasonal Worker Programme offers access to a reliable, returning workforce
when there is not enough local Australian labour to meet seasonal demand. The table below outlines differences between the Pacific Labour Scheme and Seasonal Worker Programme.

<table>
<thead>
<tr>
<th></th>
<th>Pacific Labour Scheme</th>
<th>Seasonal Worker Programme</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Start date</strong></td>
<td>Ongoing (commenced on 1 July 2018)</td>
<td>Ongoing (commenced 1 July 2012)</td>
</tr>
<tr>
<td><strong>Length of time workers can stay in Australia</strong></td>
<td>Up to 3 years (minimum of 12 months)</td>
<td>Up to 9 months</td>
</tr>
<tr>
<td><strong>Industries</strong></td>
<td>Unrestricted. Focus on <strong>non-seasonal</strong> agriculture, accommodation, tourism and social assistance</td>
<td>Agriculture Accommodation (select locations)</td>
</tr>
<tr>
<td><strong>Locations</strong></td>
<td>Rural and regional Australia (definition provided at 2.2.3)</td>
<td>Agriculture Nationally Accommodation WA, NT, Tropical North, QLD and Kangaroo Island</td>
</tr>
<tr>
<td><strong>Skill level</strong></td>
<td>Low and semi-skilled (ANZSCO levels 3-5)</td>
<td>Unskilled and low skilled (ANZSCO levels 4 &amp; 5)</td>
</tr>
<tr>
<td><strong>Labour market testing</strong></td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td><strong>Welfare and wellbeing support requirement</strong></td>
<td>Yes (by Pacific Labour Facility and employer) 24-hour hotline provided by Pacific Labour Facility</td>
<td>Yes (by employer) 24-hour hotline provided by Pacific Labour Facility</td>
</tr>
<tr>
<td><strong>Visa class</strong></td>
<td>403 (International Relations) Employer sponsorship required</td>
<td>403 (International Relations) Employer sponsorship required</td>
</tr>
<tr>
<td><strong>Responsible agency</strong></td>
<td>Department of Foreign Affairs and Trade</td>
<td>Department of Employment, Skills, Small and Family Business</td>
</tr>
<tr>
<td><strong>administered by</strong></td>
<td>Pacific Labour Facility and Department of Foreign Affairs and Trade</td>
<td>Department of Employment, Skills, Small and Family Business</td>
</tr>
<tr>
<td><strong>Age of workers</strong></td>
<td>21-45 years</td>
<td>21 years and over</td>
</tr>
<tr>
<td><strong>Annual cap on places</strong></td>
<td>None. Uncapped.</td>
<td>None. Uncapped.</td>
</tr>
<tr>
<td><strong>Partner countries</strong></td>
<td>Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu</td>
<td></td>
</tr>
</tbody>
</table>
1.6 Management responsibilities

**Australian Government**

DFAT manages the PLS in partnership with other Australian Government agencies. Responsibilities are outlined in the table below:

<table>
<thead>
<tr>
<th>Australian Government Agency</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Foreign Affairs and Trade</td>
<td>Manages the Pacific Labour Scheme.</td>
</tr>
<tr>
<td>Department of Employment, Skills, Small and Family Business</td>
<td>Manages the Seasonal Worker Programme.</td>
</tr>
<tr>
<td>Department of Home Affairs</td>
<td>Manages the granting of visas and Temporary Activities Sponsorships, as well as monitors compliance with the visa and sponsor obligations in accordance with the <em>Migration Act 1958</em> and <em>Migration Regulations 1994</em>.</td>
</tr>
<tr>
<td>Fair Work Ombudsman (FWO)</td>
<td>Enforces compliance with the <em>Fair Work Act 2009</em>, related legislation, awards and registered agreements. The FWO educates employers and employees on pay rates and workplace conditions and will investigate potential contraventions by approved employers under the PLS. Where a contravention is found, the FWO can take enforcement action in the form of an infringement notice, compliance notice, enforceable undertaking or litigation. The FWO’s online resources for PLS employees and employers can be found <a href="#">here</a>.</td>
</tr>
<tr>
<td>Australian Taxation Office (ATO)</td>
<td>Responsible for taxation and superannuation matters. The ATO manages workers claims for superannuation.</td>
</tr>
</tbody>
</table>

**Pacific Island Governments**

Each participating country has a labour sending unit, usually located in the Labour Ministry (or equivalent), that selects and vets workers and prepares and trains them before they come to Australia. The role of the labour sending units include:

- keeping details of citizens participating in the PLS
- oversight of the vetting processes of selected workers
- providing information to Approved Employers on how recruitment works within the country
- assisting Approved Employers to select workers participating in the Scheme (where relevant)
- assisting workers to lodge their visas (where relevant).
1.7 Fraud

DFAT does not tolerate fraudulent or dishonest behaviour and is committed to preventing, detecting and responding to fraud in all aspects of its business. Fraud is defined as: “Dishonestly obtaining a benefit, or causing a loss, by deception or other means”. In this definition, “benefit” refers to both tangible items, such as money or objects, and intangible benefits including power, status or information.

DFAT takes all allegations of fraud seriously and handles all allegations in a confidential, prompt and professional manner. For more information visit the DFAT website.

1.8 Skills including APTC

The PLS is open to all sectors and industries with low and semi-skilled jobs (ANZSCO level 3-5).

DFAT also invests in Technical and Vocational Training (TVET) in the Pacific region through the Australia Pacific Training Coalition (APTC). APTC will work closely with PLF to match APTC graduates to PLS Approved Employers and to provide any additional skills training, skills assessment and recognition required.

1.9 Preventing Sexual Exploitation, Abuse and Harassment Policy

The Department of Foreign Affairs and Trade (DFAT) does not tolerate sexual exploitation, abuse or harassment (SEAH) of any kind. This applies to our own organisation and extends to those we work with. The DFAT Preventing Sexual Exploitation, Abuse and Harassment Policy outlines both expectations and requirements for DFAT staff and our partners to manage the risk of SEAH and SEAH incidents, should they occur in the delivery of DFAT business.

Reports of sexual exploitation, abuse and harassment or concerns about the welfare of a vulnerable person should be notified to seah.reports@dfat.gov.au using the SEAH Incident Notification Form. Reporting procedures are detailed in the PSEAH Policy.
2. Applying to be a PLS Approved Employer

### APPROVED EMPLOYER PROCESS

- **Employer completes application form**
  - Employer completes the Self-Assessment Checklist
  - Employer submits the Approved Employer application form to: enquiries@pacificlabourfacility.com.au

- **Assessment of employer**
  - Site visit and interview to understand the employer’s workforce requirements, pastoral care requirements and conditions for workers.
  - Employer is assessed for legal, financial, operational or reputational risks. Applications are reviewed by the ATO, TWC, Home Affairs and AOC.

- **Approval and temporary activities sponsorship**
  - Approved Employer status granted.
  - Employer and DFAT sign a Deed of Agreement.
  - Employer applies for Temporary Activities Sponsorship through Home Affairs.

- **Recruitment plan and labour market testing**
  - Employer conducts Labour Market Testing.
  - Employer submits Recruitment Plan.
  - Once approved, the employer conducts in-country recruitment.

#### 2.1 Application process

The process for joining PLS and recruiting workers is a four-step process, taking approximately eight weeks (from Application Form received by the PLF to Approved Employer status granted by DFAT):

1. Eligible business submits Approved Employer Application and supporting documentation.
2. DFAT and PLF conduct assessment process, which includes a site visit.
3. Approved Employer applies to become a Temporary Activities Sponsor with the Department of Home Affairs.
4. Approved Employer tests local labour market, prioritising Australian workers, and if local workers are not available, recruits under PLS (see chapter 3).

#### 2.2 Eligibility

In order to access the PLS, all prospective employers must meet a range of eligibility criteria established by the Australian Government and the PLF.

Eligible businesses must:

- be Australian-based and operate in Australia
- be located in regional or rural Australia (see definition in 2.5)
- demonstrate need for non-seasonal labour that can’t be met by Australian workers
- be a company or incorporated association
- have an ABN or an ACN
- be able to demonstrate financial solvency
- have a history of compliance with immigration and fair work requirements
- have established employment and workplace policies and procedures.

#### 2.2.1 Self-assessment checklist
Prospective employers are encouraged to complete the Prospective Employer Questionnaire to ensure they meet the eligibility criteria, before formally applying to become a PLS Approved Employer.

The **Prospective Employer Questionnaire** can be obtained by contacting Pacific Labour Facility at enquiries@pacificlabourfacility.com.au.

The questionnaire will help the Pacific Labour Facility (PLF) determine whether an interested entity (business) fulfils the minimum requirements for lodging the application. This is also an opportunity for the business to outline the reasons for joining the Scheme and consider the benefits it is likely to deliver.

If eligible, employers may submit a formal application with the PLF. Following submission, the PLF will commence an assessment process (see 2.2.2) to facilitate employers’ entry into the Scheme.

**Business structure**

Companies, incorporated associations, partnerships (except in WA) and non-profit organisations are eligible to become PLS Approved Employers. The business structure matches the requirements of becoming a Temporary Activities Sponsor (with the Department of Home Affairs) and ensures PLS Approved Employers are ‘national system employers’ (provides the Fair Work Ombudsman with the right of entry into the workplace). Individuals, sole proprietors and sole traders, cooperatives, unincorporated entities, trusts and joint ventures are not eligible. In WA only, partnerships and non-trading corporations are also not eligible.

**2.2.2 Assessment of employers**

The employer assessment process is conducted by the PLF and the Australian Government, and includes the following checks.

**Financial**

The PLF conducts financial viability checks to review the applicant’s accounts to assess the earnings, profitability, solvency, liquidity and efficiency of the entity. These checks involve reviewing the entity’s Financial Statements for the previous three years.

**Reputational**

Reputational checks include input from Australian Securities and Investments Commission (ASIC), bankruptcy, personal and company insolvency checks, Australian Securities Exchange (ASX), media and other.

**Site visit**

The PLF conducts a site visit and interview with applicants to further assess suitability to participate in the PLS. This visit involves viewing the workplace, reviewing employer’s workplace policies to ensure they meet their workplace legislation obligations and to review the level of support that will be provided to workers.
Adverse information check

DFAT requests adverse information checks from the Department of Home Affairs, the Fair Work Ombudsman and the Department of Employment, Skills, Small and Family Business (if the applicant is or has participated in the Seasonal Worker Programme).

DFAT makes the final decision on the suitability of the applicant’s participation in the PLS from all the information sourced. Upon successful completion of the process, the entity will be issued a Pacific Labour Scheme Deed of Agreement to confirm their status as an Approved Employer and, therefore, their agreement to the requirements as an employer under the PLS.

2.3 Advising applicants of outcomes and appeal process

PLF will advise applicants of the outcome of their application. If the applicant is unsuccessful, there is no appeal process. However, information will be provided as to why they did not meet the requirements. Applicants can re-apply up to two times in a 12-month period.

2.4 Temporary Activities Sponsor

All PLS Approved Employers must become a Temporary Activities Sponsor (TAS) with the Department of Home Affairs before recruiting Pacific workers under the Scheme.

More information on becoming a sponsor is available on the Department of Home Affairs website here.

Temporary Activities Sponsors must meet all the obligations associated to the TAS. Sponsors are responsible for meeting these obligations even if they appoint someone to act on their behalf. If they do not comply with these sponsorship obligations, there may be consequences in relation to their ability to continue to sponsor workers.

Obligations that apply are included in the Approval of Sponsorship Notification sent at the time of approval and can also be accessed through ImmiAccount. Information about TAS Obligations can also be obtained on the Home Affairs website here.

2.5 Regional and rural Australian and relevant industries

2.5.1 Definition of rural and regional Australia

The definition for the PLS of rural and regional excludes:

- NSW: Sydney, Newcastle and Wollongong
- QLD: the greater Brisbane area and the Gold Coast
- VIC: the Melbourne metropolitan area
- WA: the Perth metropolitan area

The following post codes are currently considered within the PLS definition of rural and regional (updates to this table can be found here):
<table>
<thead>
<tr>
<th>Area</th>
<th>Postcodes included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Capital Territory</td>
<td>All postcodes in the Australian Capital Territory</td>
</tr>
<tr>
<td>New South Wales (excluding Sydney, Newcastle and Wollongong)</td>
<td>2250 to 2251, 2256 to 2263, 2311 to 2312, 2328 to 2411, 2415, 2420 to 2490, 2536 to</td>
</tr>
<tr>
<td></td>
<td>2551, 2575 to 2594, 2618 to 2739, 2787 to 2898</td>
</tr>
<tr>
<td>Norfolk Island</td>
<td>All postcodes in Norfolk Island</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>All postcodes in the Northern Territory</td>
</tr>
<tr>
<td>Queensland (excluding the greater Brisbane area and the</td>
<td>4124 to 4125, 4133, 4211, 4270 to 4272, 4275, 4280, 4285, 4287, 4307 to 4499, 4515,</td>
</tr>
<tr>
<td>Gold Coast)</td>
<td>4517 to 4519, 4522 to 4899</td>
</tr>
<tr>
<td>South Australia</td>
<td>All postcodes in South Australia</td>
</tr>
<tr>
<td>Tasmania</td>
<td>All postcodes in Tasmania</td>
</tr>
<tr>
<td>Victoria (excluding the Melbourne metropolitan area)</td>
<td>3211 to 3334, 3340 to 3424, 3430 to 3649, 3658 to 3749, 3753, 3756, 3758, 3762,</td>
</tr>
<tr>
<td></td>
<td>3764, 3778 to 3781, 3783, 3797, 3799, 3816 to 3909, 3921 to 3925, 3945 to 3974, 3979,</td>
</tr>
<tr>
<td></td>
<td>3981 to 3996</td>
</tr>
<tr>
<td>Western Australia (excluding the Perth metropolitan area)</td>
<td>6041 to 6044, 6083 to 6084, 6121 to 6126, 6200 to 6799</td>
</tr>
</tbody>
</table>

### 2.5.2 Eligible sectors and industries

The PLS is open to all sectors and industries in low and semi-skilled jobs ([ANZSCO level 3-5](#)), where there is a genuine shortage of Australian workers. The PLS is driven by employer demand, where an employer has demonstrated that they cannot fill a position using Australian workers.

The PLS focuses on sectors and industries that align with employment projections in Australia, and Pacific skill sets. Initial sectors of focus for the PLS are the accommodation and food services industry, health care and social assistance industry and the non-seasonal agriculture industry (including fisheries and aquaculture).

### 2.2.3 Labour Hire Companies’ participation in the PLS

Labour Hire Companies (LHCs) can apply to become Approved Employers, provided they are a licensed operator under relevant state and/or territory laws. The LHC must also be able to demonstrate five years of continuous business operations, financial viability and a history of compliance with relevant workplace relations and immigration laws.
3. Recruiting PLS workers

3.1 Recruitment process flowchart

- PLS Approved Employers conduct a labour market test (job advertisement) in their locality to illustrate that no Australian workers are available to meet their workforce needs.

- Once the labour market testing is complete, the Approved Employer will submit a Recruitment Plan to the PLF for assessment and approval.

- The Approved Employer uses recruitment pathways in the participating Pacific country of their choice to recruit suitable workers.

3.2 Labour market testing and recruitment plan

Once an employer has been approved to participate in the PLS (including becoming a Temporary Activities Sponsor with Department of Home Affairs), there are two steps to prepare for recruitment. The Approved Employer must undertake these steps before being eligible to recruit workers under the PLS.

Labour market testing

Approved Employer conducts a labour market test (job advertisement) in their locality to illustrate that no Australian workers are available to meet their workforce needs. The Approved Employer must advertise for a minimum of two weeks for the position(s) they are seeking to fill. An employer is required to fill vacant positions with suitable (i.e. qualified and experienced) Australian workers; or clearly demonstrate that suitable Australian workers are not available, before looking to fill their vacancies through the PLS. Labour market testing is valid for three months from the closure of the vacancy advertisement. Local labour market testing is critical to the integrity of the PLS and is closely monitored.

Approval of a recruitment plan

Once the local labour market testing is complete, the Approved Employer must submit a recruitment plan to the PLF. A recruitment plan includes labour market testing results, details of the proposed recruitment, workplace health and safety and worker welfare provisions. This information is scrutinised with careful consideration given to the integrity of the labour market testing, compliance with the relevant industry awards or organisational
enterprise agreement, worker welfare and any other factors deemed relevant to the Approved Employer and the proposed recruitment.

Once a recruitment plan is approved, Approved Employers can commence recruitment from an eligible Pacific island country. The process to approve a recruitment plan takes approximately four weeks (from first intention to recruit registered to approval).

3.3 Recruitment pathways

The Pacific Labour Scheme recognises two distinct recruitment pathways:

1. Recruitment from a work-ready pool
2. Direct recruitment by Approved Employers.

The recruitment pathways available in a particular participating country are at the discretion of that country and may change over time. Participating countries may adopt more than one recruitment pathway.

For all recruitment pathways, the participating country and Approved Employer must ensure that all selected workers are registered with the labour sending unit or included in the work-ready pool database (as appropriate) to allow the Labour Ministry (or equivalent) in the participating country to prepare workers for deployment in Australia, including a pre-departure briefing.

Recruitment from a work-ready pool

The participating country will establish a work-ready pool of suitable candidates from which employers can recruit. Selection processes for work-ready pools are determined in each participating country, but all candidates must be fit and healthy, of good character and meet all other PLS eligibility criteria. Approved Employers will work with the participating country’s labour sending unit, facilitated via the PLF, to shortlist, interview and select workers from the work-ready pool.

Direct recruitment

If available in the participating country, the Approved Employer may recruit workers directly in the participating country; however, they must also liaise with the participating country’s labour sending unit to follow their guidelines for worker registration to ensure eligibility.

3.4 Integrity of recruitment

The integrity of recruitment processes is important for public confidence in the PLS both in Australia and participating countries. As far as possible, measures will be put in place to ensure recruitment processes are fair, transparent and equitable.

3.5 Length of employment and mandatory offshore periods
**Length of employment**

Workers selected under the PLS will be eligible to work in Australia for between 12 months and three years. The length of time a worker can work in Australia will be determined by the length of employment (contract).

**Mandatory offshore periods**

The PLS is designed as a temporary labour scheme, which means workers will return to their country of origin at completion of their employment. This addresses Australian labour shortages while enhancing the economic resilience of participating countries. A mandatory offshore period ensures the circular nature of the PLS and gives workers an opportunity to use their work experience and skills gained in Australia to contribute to their country’s economic growth and development. A 12-month mandatory offshore period will apply for every three years of accumulative PLS employment. The offshore period applies from time of exit from Australia to the time of re-entry into Australia and does not apply to other visa categories.

**3.6 Offer of employment**

Once an Approved Employer has selected workers from a participating country using a recruitment pathway, Letters of Offer can be issued to successful candidates. Prospective workers are to be provided with a Letter of Offer which must include employment terms and conditions, taxation, superannuation and other obligations, entitlements and deductions. The Letters of Offer must include the contract duration, which will determine the length of the visa period. The PLF will assist Approved Employers through this process.
4. PLS Workers

4.1 Eligibility criteria

Prospective PLS employees must:

- be **healthy and fit** for the work specified in their contract. This means they should meet any specific physical and mental requirements outlined by the employer. Individual countries may undertake fitness screening of workers. This is separate to health requirements in the visa application.
- have their **identity verified** by the nominated Labour Ministry (or equivalent), based on sufficient inquiries and evidence (including a valid passport)
- **meet mandatory offshore periods**—if a prospective worker has previously participated in the PLS for a certain period of time, the prospective worker must have been outside Australia for the required period of time before another visa can be granted under the PLS (refer to 3.5 for **Mandatory Offshore Periods**)
- have functional **English** unless Australian licensing mandates a higher standard.

The Department of Home Affairs has specific **visa criteria** that must be met by applicants to be granted a PLS visa. This includes the criteria below.

**Age**

Prospective workers must have turned 21 and not be over the age of 45 at the time of visa application.

**Citizenship**

Prospective workers must be a citizen of a participating country (and not a citizen of Australia) and reside in the participating country at the time of the initial visa application.

**DFAT endorsement**

DFAT will provide a PLS endorsement number that needs to be included in the online application form.

**Temporary Activities Sponsor (employer)**

Prospective workers must have a Temporary Activities Sponsor who is approved to participate in the PLS.

**Meet Immigration health requirements**

All visa applicants must meet the immigration health requirements to be granted a visa. These will vary depending on the country the person is from, any significant circumstances relating to the applicant’s health, and how long the visa may be granted for. Health checks can be completed before an application is lodged using ‘My Health Declarations’ form in ImmiAccount.
Applicants can also wait until after you the application is lodged, where they will be sent a request to undertake the medicals and the details through ImmiAccount. This will include a list of required medical examinations and a unique health assessment identifier, or HAP ID.

Prospective PLS workers will generally be required to undertake a medical examination and a chest x-ray that must be undertaken at an approved radiology clinic or panel doctor. Further guidance is available here.

Meet the character requirement

All visa applicants must be of good character and be able to demonstrate this by providing certified documentation as proof that they do not have a substantial criminal record. As prospective PLS workers are applying for a stay in Australia of longer than 12 months, they must provide a police clearance certificate from each country they have lived in for 12 months or more during the past ten (10) years after they turned 16 years of age. Further guidance is available here.

Have health insurance

Workers are responsible for their health costs while they are in Australia and must have adequate health insurance coverage for their total time spent in Australia. A guide to the minimum level of health cover that is required is available here. Workers may need to take out a higher level of insurance to ensure the adequate level of coverage for individual circumstances. In most instances, the employer will arrange health insurance and facilitate payment through a payroll deduction for the worker. Private health insurance may have compulsory exclusion periods and may not cover all conditions, including pre-existing conditions and pregnancy. Prospective workers should ensure their insurance will provide at least the level of coverage required for the purpose of their stay. They should also note that they would not be covered by Australia's national health scheme (Medicare). Further guidance is available here.

Meet the genuine temporary stay requirement

Prospective workers must have a genuine intention to enter Australia temporarily for work under the PLS and depart Australia to their participating country after their employment ceases.

Have paid back any debts to the Australian government

Prospective workers must have no outstanding debts to the Australian Government or have arranged to repay any outstanding debts to the Australian Government before the visa can be granted.

Have a compliant immigration history

This includes abiding by the conditions of any previous visas held and demonstrating good conduct while in Australia.
4.2 Australian visa

Visa eligibility requirements for workers under the PLS are set out in the *Migration Act 1958, Migration Regulations 1994* and supporting policy instructions.

The Temporary Work (International Relations) visa (subclass 403) – Pacific Labour Scheme stream enables participation in the PLS. Guidance on the requirements can be found on the Department of Home Affairs’ [website here](#).

It is the worker’s responsibility to pay for the costs incurred to secure the visa to work in Australia, including the cost of obtaining a passport, health insurance, health checks and/or x-rays, police and/or character checks in Australia and home countries. Approved Employers may assist workers with the initial costs; which will be later recouped through pay deductions over a minimum timeframe of 12 weeks.

4.2.1 Visa criteria

Visa applicants must meet visa criteria as outlined in 4.1 and on the Department of Home Affairs’ [website here](#).

4.2.2 Visa application requirements and processing arrangements

**Processing of Visas**

Applications must be submitted with all the required documentation through ImmiAccount, to support the Department of Home Affairs to facilitate efficient processing and finalisation. Applicants must:

- be approved (endorsed) to participate in the PLS by DFAT and include the DFAT endorsement number in your application form
- complete all associated Immigration Medical Examinations
- meet all Character Requirements, which you may need to provide a Police Clearance Certificate
- arrange adequate Health Insurance
- provide a copy of the applicant’s passport.

Applications that are lodged without the required information will take longer to process.

It is recommended applications are submitted at least 4-6 weeks before you want the workers to arrive in Australia. We also advise that you do not make any travel bookings which cannot be changed until the visas have been granted.

Participants acknowledge that a decision to grant or refuse a visa application is the sole domain of the Department of Home Affairs.

**Visa Conditions**

All PLS visa holders must abide by the conditions of their visa. The conditions of the visa are included on the Visa Grant Letter sent to the applicant and available in the Visa Entitlement Verification Online system (VEVO).
Visa conditions include:

- maintain adequate arrangements for health insurance
- continue to work in the activity for which the visa was granted
- continue to be employed by the sponsor (Approved Employer)
- not work for themselves or anyone other than the sponsor
- must not exceed the period of time allowed in Australia on the visa
- not become involved in activities disruptive to, or violence threatening harm to the Australian community or a group within the Australian community.

If a visa holder is found to be in breach of their visa conditions, their visa may be cancelled and it may impact their eligibility to be granted another visa in the future.

Visas granted to workers will be valid for multiple entries, allowing for a stay in Australia of up to three years, depending on the conditions of employment. Visa applicants for the PLS will not be able to include any dependants or accompanying family members in their visa application.

Application forms, current visa fees and other visa information about the PLS are available on the website of the Department of Home Affairs here.

4.3 Travel arrangements

The labour sending unit will liaise with the Approved Employer, PLF and other relevant parties to arrange workers’ travel arrangements. It is recommended not to arrange travel until the worker has a valid visa.

It is the worker’s responsibility to pay for the airfares for travel to and from Australia and the cost of travel from the point of entry to Australia to the location in which the worker will be accommodated.

If required, the Approved Employer will provide financial advances to workers to cover the cost of visa and travel arrangements to Australia up front. This must be done with the written agreement of workers and in accordance with Australian laws. Where this occurs, these costs will be recovered by the Approved Employer over the course of the worker’s employment.

4.4 Pre-departure briefing

In order to maximise the benefits and minimise the risks to PLS workers, each labour sending unit, with the support of the PLF, will provide a pre-departure briefing to all workers. The pre-departure briefing will address:

- salary and conditions
- taxation, superannuation and workers’ compensation in Australia
- support available to workers in Australia
- the costs involved in the Scheme including travel costs, accommodation, living expenses, health insurance
- staying healthy and what to do if a worker becomes unwell
- what to do in an emergency
- Australian laws and expectations on:
  - child protection and family violence
  - violence against women
  - road rules and safety
  - consumption of alcohol, and prohibited drugs
- Australia’s customs, immigration and quarantine arrangements.

The labour sending unit will invite other representatives with relevant expertise to participate in pre-departure briefings. Representatives may include; unions, banking or financial institutions, government officials from other Ministries, returned workers, medical professionals; and community organisations.

The Australian Government will liaise with the Labour Ministry (or equivalent) regarding the translation of materials, where appropriate.
5. Mobilisation of PLS workers

5.1 On-arrival briefing

Upon arrival in Australia, the worker will be met by either the PLF Worker Welfare Team or the Approved Employer. The worker will be taken to their place of employment.

During briefing sessions in Australia prior to commencement of employment, the worker will receive information on:
- the role of the Worker Welfare Team and who to contact in an emergency
- how to access finance and personal banking services with banks
- how to send money from Australia to the Pacific
- shopping, including the purchase of sim cards, mobile phones, appropriate work wear, etc
- Fair Work Ombudsman and workplace rights and entitlements
- local contacts for advice on medical, sexual and mental health concerns
- contacts for diaspora and churches in the local area.

5.2 Accommodation

Workers’ accommodation will be organised by the Approved Employer or with assistance from the Worker Welfare Team prior to arrival in Australia. Each worker will be required to pay for their own accommodation. Rent can be paid as a wage deduction (through the Approved Employer) or paid directly to the real estate agent/landlord.

If a worker would like to explore other accommodation options, they can discuss this with the Approved Employer or call the Worker Welfare Team on 1800 51 51 31.

5.3 Salary and employment conditions

Employment arrangements must meet Australian workplace standards. There are minimum pay rates that employees must be paid, based on the work they do. Employees also have other minimum conditions at work. These are set out either in an Award or agreement or come from the National Employment Standards.

Pacific Labour Scheme employers must provide employees a minimum of at least 30 hours of work each week or a minimum average of 30 hours per week, where relevant Awards allow for this.

If a worker has any concerns regarding their salary or employment conditions, they should contact the Approved Employer and/or the Worker Welfare Team on 1800 51 51 31. Information about workplace rights is also available on the Fair Work Ombudsman website here, and short videos about basic workplace rights and entitlements in several Pacific languages are available here.

5.3.1 Superannuation

Superannuation is money set aside during an employee’s working life to save for retirement and is compulsory in Australia. The employer is required by Australian law to pay 9.5% of
the employee’s weekly gross earnings to a worker’s nominated superannuation fund. This is in addition to the wages that the employer pays the employee.

When an employee first arrives in Australia, the employer will assist the employee to choose a superannuation fund and complete the required paperwork.

Once a worker’s employment under the PLS concludes and the worker has returned to their country of origin, the worker is eligible to claim their superannuation back as a departing Australia superannuation payment (DASP). Workers can lodge an application for a DASP online here.

Superannuation payments are subject to taxation.

For more about Superannuation or the DASP, visit the Australian Taxation Office website or call 13 28 61. Information about how to access your superannuation after you have departed Australia is available here.

5.4 Worker wellbeing

The Australian Government does not tolerate the exploitation of any workers, including foreign workers. All workers under the Scheme are protected by Australian workplace laws, in the same manner as Australian workers.

Worker welfare and support is a shared responsibility among workers, Approved Employers, participating countries, local communities, the Australian Government and the PLF. DFAT’s primary concern is the welfare of workers. DFAT expects all parties to respond to any welfare and critical incidents effectively and professionally.

5.4.1 What is a Welfare Incident?

A welfare incident is any event or situation that adversely affects, or has the potential to adversely affect, a worker’s ability to work.

5.4.2 What is a Critical Incident?

A critical incident is any actual or alleged event or situation that creates a significant risk of substantial or serious harm to the physical or mental health, safety or well-being of a participant. Examples of critical incidents are:

- any suspected breach of Australian laws by a worker, which results in the worker being questioned, detained or charged with any criminal offence
- any time that a worker is the victim of a crime in Australia
- any incidence of domestic violence involving a worker, either as a victim or perpetrator
- any time that a worker is admitted to hospital in an emergency and is in a serious condition
- the death of a worker while they are in Australia with a valid Pacific Labour Scheme visa
- any incident in which police or emergency services are called
- termination of employment
- serious workplace dispute/allegation of worker exploitation
- visa breaches/non-compliance (i.e. absconding).

5.4.3 Principles for managing Welfare and Critical Incidents

Approved Employers or the worker must notify the PLF Worker Welfare Team within 24 hours on 1800 51 51 31 if there is a critical incident and at the earliest possible time if there is a welfare incident.

The Worker Welfare Team will liaise with the worker and Approved Employer to ensure the safety and well-being of the worker. The Worker Welfare Team will follow the DFAT Critical Incident guidelines for all critical incidents.

The PLF must record and report all critical incidents to DFAT within 24 hours of the event (or knowledge of the event) or sooner, depending on the severity of the incident. DFAT is responsible for notifying representatives of partner government agencies in Australia and overseas about critical incidents for both SWP and PLS workers.

In particular, the Department of Home Affairs must be notified by the sponsoring employer (as part of their sponsorship obligations) when a PLS visa holder ceases to participate in the program or the conditions of their contracted work change. For example, if a PLS visa holder:
- is detained or charged with a criminal offence
- is no longer fit to work or passes away (e.g. the worker is admitted to hospital and unable to return to work)
- is relocated—to work for a new employer.

This is additional to the obligations of the employer as a Temporary Activities Sponsor, to notify the Department of Home Affairs when certain events occur or sponsorship circumstances change. For example, if a PLS visa holder:
- departs Australia prior to their work contract ceasing,
- fails to comply with their visa conditions (e.g. the worker absconds)
- has their employment terminated.

5.4.4 Natural Disasters

Natural disasters in Australia are common. If there is a natural disaster in the local area, PLS workers should follow the advice of local authorities. During times of natural disaster, the Australian Broadcasting Corporation news services provide emergency information via the local radio frequency or online here.

The Worker Welfare Team will liaise closely with the approved employer and workers to ensure worker safety and wellbeing.

5.4.5 Harassment and bullying in the workplace

In Australia, an employer has a legal responsibility under Occupational Health and Safety and anti-discrimination laws to provide a safe workplace. Employers have a duty of care for workers’ health and wellbeing whilst at work. An employer that allows bullying to occur in the workplace is not meeting this responsibility and can face legal action as a result.
If workers feel as though they are being harassed or bullied, they should contact the Worker Welfare team on 1800 51 51 31.

5.4.6 Health issues

PLS workers can access health services in their work location for any health issues. In the event a worker is hospitalised a member of the Worker Welfare Team will assist the worker and Approved Employer.

It is a condition of the Temporary Work (International Relations) Visa (subclass 403) that every worker is covered by health insurance for the duration of their stay in Australia. The employer will organise health insurance for workers, and costs will be deducted from workers’ pay.

5.4.7 Pregnancy

PLS workers are protected by Australian workplace laws that relate to pregnancy and parental leave. PLS employers should have clear procedures that outline their obligations and workers are aware of their rights.

Pre-departure and on-arrival briefings for workers will include information about pregnancy and visa conditions.

An employee can’t be discriminated against because she is pregnant. This means an employee can’t be fired, demoted or treated differently because she is pregnant. Employees and employers should discuss any changes that need to be made so that the workplace is safe for women who are pregnant.

Health insurance is required for all PLS workers. Pregnancy is a pre-existing health condition and is not covered for the first 12 months of the private health insurance that all PLS workers are required to hold. Childbirth in Australia is extremely costly without any health insurance.

The Worker Welfare team and the employer can connect workers to local healthcare services for pregnant women.

5.5 Remitting money

Send Money Pacific is a free web-based tool to help Pacific island workers in Australia identify the best value money sending service to send money home. The website enables workers to compare money sending service fees. It is available at https://www.sendmoneypacific.org/.

Please note that Send Money Pacific is only available to Fiji, Kiribati, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. Timor-Leste and Nauru is not currently available. If a worker is having trouble remitting money the Worker Welfare Team will be able to provide assistance on 1800 51 51 31.
6. Returning home

6.1 Pre-return briefing

Approved employers will provide a pre-return briefing for PLS workers. The PLF will provide approved employers with relevant information to facilitate pre-return briefings. This will include:

- the importance of departing Australia within the visa validity period, mandatory offshore period and other relevant departure information
- how to access superannuation
- the importance of retaining a tax file number
- contact information for labour sending units who will conduct on-return briefings, and
- off-shore contact details for the Australian Taxation Office and other relevant organisations.

6.2 On-return briefing

Labour sending units will provide on-return briefings. This will include information on:

- financial management
- common reintegration issues
- preparing for future employment in Australia including health checks and mandatory offshore period and other visa conditions.

6.3 Support for workers returning home

Reintegration strategies will be developed by the PLF, in consultation with Pacific island countries. Planning for reintegration will commence before workers leave their home country and include family/community, where appropriate. The PLF will consider providing training with relevant Labour Ministry (or equivalent) to workers on topics such as goal setting, financial planning, savings and investment, and help workers identify opportunities for employment or self-employment.

6.4 Returning home after the contract end date

On conclusion of a worker’s contract, the worker must return to their home country in accordance with their visa conditions. On return to their home country, a worker may be able to apply for the PLS following the mandatory offshore period. Refer to section 3.5 for information on the mandatory offshore period.

If a worker stays in Australia after their contract has ended, they may be in breach of their visa conditions. The Australian Government takes breaches of visa conditions seriously and it may affect a worker’s eligibility for applying for any other visas for Australia.

6.5 Returning home due to illness or accident

If a worker is required to return home due to illness or accident, the worker will be required to pay for all travel costs unless the Health Insurance provider has stated that they are
covering the costs. If a worker has concerns they should raise them as soon as possible with the PLF Worker Welfare team on 1800 51 51 31 or via email welfare@pacificlabourfacility.com.au. If the worker recovers from their illness or accident whilst the visa is still valid, the worker can liaise with their employer to discuss if they can return to work. If the employer agrees with the worker returning to work, the worker will require a clearance letter from a doctor and will be required to pay for their travel costs back to Australia.