

# **Pacific Education, Skills and Labour Mobility: New Measures Increasing Pacific Access to Australia's TSS Visa - Approach Paper**

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## Executive summary

A Working Group with wide-ranging representation was constituted by the Department of Foreign Affairs and Trade (DFAT) to advise on ways to increase Pacific participation in the Temporary Skills Shortage (TSS) visa, the main visa under which Australian employers sponsor skilled foreign workers.

This approach paper has been prepared by the Working Group Chair, Professor Stephen Howes, Director, Development Policy Centre, Australian National University (ANU) and by Dr Richard Curtain, Research Fellow, Development Policy Centre, based on extensive consultation with the Working Group.<sup>1</sup>

While the Pacific has in the past barely participated in the TSS and other skilled visa pathways, there are now important opportunities. Three migration pathways to the TSS visa are explored in this paper.

The **first pathway** for the TSS in regional areas is via the Pacific Labour Scheme (PLS), now part of the Pacific Australia Labour Mobility (PALM) scheme. Most TSS visa holders apply for their visa onshore. The PLS provides the opportunity for Pacific workers to do the same. Pacific workers can already come to Australia to work in regional areas for up to four years through the PLS. Provided they meet relevant TSS requirements, some could transition to the TSS.

There are five occupation groups that have the potential to make a PLS to TSS transition: meatworkers, agricultural workers, tradespersons, hospitality workers, and carers.

The most promising of these transition pathways is for meatworkers, who make up most of the PLS, and who can be hired into the TSS at ANZSCO Skill Level 4 through the Meat Industry Labour Agreement (MILA). A fact sheet attached to this report ([Annex 2](#)) details this pathway, which should be viable for a significant number of PLS workers.

Agricultural workers also make up a significant number of PLS workers, and can be hired into the TSS at ANZSCO Skill Levels 4 and 5 through the Horticulture Industry Labour Agreement (HILA; see the fact sheet at [Annex 3](#)). However, the HILA is very new, and its viability as a pathway is unclear, especially given its demanding qualification and experience prerequisites for lower skilled occupations.

In the other cases (trades, carers, hospitality), a pipeline needs first to be built up through the PLS. Once there is a pipeline, the PLS to TSS pathway could work for trades occupations (including cooks) because these occupations are at ANZSCO Skill Level 3, the regular TSS skill threshold level. Hospitality workers (other than cooks) and carers can only be hired via a TSS visa through a Designated Area Migration Agreement (DAMA) because these occupations are at ANZSCO Skill Level 4, and there is no industry agreement for them. [Annex 4](#) provides details on the regional DAMAs. The DAMAs have the potential over time to provide a pathway for PLS workers, especially if they are explicitly adjusted to do so. However, the six regional DAMAs currently in place cover only a relatively small portion of Australia's population (about one million in total) and are largely untested because most commenced in mid-2019 or later.

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<sup>1</sup> While this approach paper is based on extensive consultation, the views and recommendations are those of the authors only.

Transition from the PLS to the TSS requires a willing worker and a willing employer. An employer may have the incentive to incur the costs of meeting the TSS preconditions if they are considering sponsoring existing workers who have demonstrated their knowledge, skills and attitudes. But workers should also be encouraged to meet the preconditions themselves if they are interested in staying on, including by applying elsewhere.

The PLS to TSS pathway is not the only pathway for the Pacific into the TSS. The **second pathway** would see Pacific workers with trades occupations being hired directly (offshore) into the TSS (see the factsheet at [Annex 5](#)). Offshore hiring of Pacific workers into the TSS has been rare to date. However, there is potential for this given the large number of trades graduates trained by the Australia Pacific Training Coalition (APTC) – an Australian Government initiative undertaken in partnership with the Pacific – who have Australian-recognised qualifications, their eagerness to work overseas, and their difficulties in finding work domestically. With APTC now forming links with Australian employers, monitoring of initial pilots will provide critical information on the viability of this pathway.

The **third pathway** is the Training visa (subclass 407) that could potentially be used to help specific occupations (trades and nurses) gain Australian work experience to access the TSS. This pathway is the least developed of the three identified, and more work would be needed even to move to a pilot stage.

While the TSS is itself a temporary visa, most TSS visas for trade-based occupations have a pathway to permanency, including all the ones noted above except for cooks in non-DAMA areas. It is therefore important to acknowledge that, in promoting Pacific participation in the TSS, the government is moving beyond the promotion of circular migration to the facilitation of access to permanent residence. There are several benefits from this, including the expansion of the Pacific diaspora, the avoidance of indefinite family separation (as is possible under the PLS), and the opportunity for greater skill acquisition and integration.

It is not possible at this stage to quantify how much Pacific and Timor-Leste participation in the TSS could increase. While a significant increase should be possible, one would not expect more than a minority of workers to make the transition from PLS to TSS. Beyond that, there are too many uncertainties to quantify the likely numbers involved.

## **Recommendations**

Several actions would help achieve the goal of increasing Pacific participation in the TSS.

The first set of reforms are at the **strategic and informational levels**:

1. DFAT should develop a position paper endorsing the goal of increasing Pacific participation in the TSS, setting out its rationale and benefits, and spelling out the possible pathways.
2. DFAT should make information on the pathways available to prospective TSS workers from the Pacific and Timor-Leste and to Australian employers.
3. Much remains to be learnt. The ANU labour mobility team should be utilised to monitor pilots, capture changes, and further develop the ideas in this approach paper.

Several **organisational reforms** are also important:

4. An intermediary needs to be tasked to facilitate PLS-TSS transitions. This job could go to the Pacific Labour Facility, given its focus on the PLS. Duties for the intermediary would include: informing workers and employers of PLS-TSS transition possibilities; helping workers and employers meet transition preconditions; and collecting information on where speed bumps are slowing progress on the pathway.
5. The Australia Pacific Training Coalition (APTC), as a fully-funded Australian Government initiative undertaken in partnership with the Pacific and the primary provider of Australian-accredited qualifications in the Pacific, should help their graduates access labour mobility in relation to occupations that require their skills and experience via both the PLS and the TSS. APTC's new labour mobility strategy would spell out its role as a labour mobility intermediary for its eligible graduates through both pathways, with the direct-to-TSS pathway being pursued via a variety of pilots undertaken with employers.
6. Any Pacific workers who access the TSS with support from the APTC or PLF should be eligible for the same support as PLS workers (e.g. hotline, access to PLF welfare officers, etc).
7. Other key Pacific training providers, including Pacific TAFE and Fiji National University (FNU), should be made aware of Australian labour market opportunities for qualifications they provide, and relationships with them continued to be developed. Funding should be directed, where required, to counter risks of "brain drain".

While the above pathways are predicated on existing policy settings, some **policy reforms** could be useful to increase their utilisation. Within the time constraints of the existing assignment, the following reforms have been identified as potentially useful for further consideration and/or implementation:

8. The PLS could be written into industry and area migration agreements so that PLS work in the nominated occupations in these agreements for, say, 12 months, can meet the work experience requirement of the agreement.
9. Minimum-income threshold (TSMIT) concessions could be offered in regional areas, if required, for lower-skill (Skill Level 4) occupations such as aged care workers.
10. To increase the accessibility of DAMAs to employers, and while acknowledging that each DAMA will be different in its focus, it would be useful for the Department of Home Affairs to streamline the DAMAs to produce a consistent set of qualifications and work experience required for the same nominated occupations.
11. Most meatworkers in the PLS are employed by labour hire companies, which cannot participate in the Meat Industry Labour Agreement. An exception could be granted by the Department of Home Affairs for labour hire companies to participate in the MILA to enable their PLS workers to access the TSS pathway.

12. Pacific countries and Timor-Leste could, like Asian countries, have capped access to the backpacker Work and Holiday (462) Visa. This would provide an additional pathway to gain relevant work experience and on-the-job training, and link with employers.

There are several **risks and uncertainties** in relation to this initiative:

- If the number of workers in other occupations (carers, hospitality workers, trades) in the PLS does not increase, there will be no PLS pipeline for the TSS outside of meat and farm workers. But DFAT is committed to increasing the number of aged and disability carers, subject to employer demand; hospitality numbers should increase with re-opening of borders; and greater APTC engagement with Australian employers could increase the number of trade-based graduates on the TSS.
- The extent to which employers are willing to hire in lower-skill occupations through the DAMAs is unclear. The minimum income threshold may be too high (even with a concession) and may be increased. This might not affect meat workers and trades (as employers of these workers already use the TSS) but would affect carer and hospitality pathways where employers have not been able to use the TSS visa for these occupations prior to the recent DAMAs.
- Very few Pacific workers in trade-based occupations are hired offshore, and it is not clear whether the barriers to offshore hire can be reduced.
- “Brain drain” risks should be managed by the funding of training providers in the Pacific to collect data on their graduates and to increase the supply of skills in areas in demand. However, if it is successful, this initiative will increase incentives for Pacific students and workers to invest in training, and thus could augment the skilled workforce in the countries of the Pacific (“brain gain”). Early communication with partner governments on this initiative will be important.

## 1. Introduction

A key goal of the Pacific Step-up is to promote labour mobility to Australia. The Temporary Skill Shortage (TSS) visa (subclass 482) is the most common pathway employers use to engage skilled workers from overseas where positions cannot be filled from the domestic labour market. Pacific migrants are currently almost absent in the TSS visa category. Over the five years 2015-16 to 2019-20, only 236 out of a total of 31,127 TSS visas at Skill Level 3 went to migrants from the Pacific.

To pursue the objective of increasing Pacific and Timor-Leste participation in the TSS, a Working Group on 'Increasing Pacific Access to Australia's Temporary Skills Shortage Visa' was established with representatives from various federal departments, state governments, industry, and training and labour mobility organisations, as well as academics from Australia and the Pacific (membership, terms of reference, and consultations are listed in [Annex 1](#)). The working group met four times (on 28 September, 19 October, 16 November and 7 December 2021), and many smaller meetings were held between monthly ones, both with Working Group members and with other experts and stakeholders.

The authors of this report and its recommendations are the Chair of the Working Group, Professor Stephen Howes, Director of the ANU Development Policy Centre, and Working Group member Dr Richard Curtain, Research Fellow at the Development Policy Centre. They would like to thank all those who contributed their time to this endeavour through meetings and interviews, especially members of the Working Group. Special thanks are due to Natascha Spark who acted as the Secretariat to the Working Group, and without whom this report would not have been possible.

This report focuses on the TSS visa.<sup>2</sup> The advantages of this visa for workers are several. In particular, workers on this visa have the right to bring their families to join them. Many TSS visa holders will also have access to a pathway to permanent residence. For employers, the TSS is the main way in which they fill skill gaps by hiring migrants, often as a prelude to sponsoring migrant workers for permanent residence.

About two out of three Temporary Skills Shortage (TSS) positions are filled onshore, by applicants who have arrived in Australia on other visas, such as student or backpacker visas. Historically, the Pacific has missed out on these opportunities because there are few Pacific Islanders studying in Australia, and no backpacker visas are available for the Pacific or Timor-Leste. Moreover, the Pacific has never been a hub for the offshore hiring of TSS applicants, despite the availability of workers with the required skills in the occupations in demand.

The aim of this exercise is to turn that situation around, and our first finding is that it is realistic to expect more Pacific workers to be hired under the TSS. There are in fact three prospective TSS pathways for Pacific and Timorese workers.

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<sup>2</sup> While this paper focuses on the TSS, the Skilled Employer Sponsored Regional (Provisional) (SESR or 494) visa is quite similar, but only applies in regional areas. The 494 has two streams: employer sponsored and labour agreement. It provides a five-year visa. Any employer in regional areas (outside Sydney, Melbourne, Brisbane) deciding to hire Pacific workers as temporary migrants could use either visa, and could decide for themselves which one is most appropriate. The Permanent Residence (Skilled Regional) visa (191) is the pathway to permanency from the 494 visa. Employer nomination is not required for the 191 visa.

The first pathway to the TSS is via the Pacific Labour Scheme (PLS), now part of the Pacific Australia Labour Mobility (PALM) scheme. Pacific workers can already come to Australia to work through the PLS, now for up to four years. Some workers, if they can meet the various occupational, skill, experience and other requirements, and if they can find an employer to sponsor them, could then transition to the TSS.<sup>3</sup> Access to the TSS depends on the skill level of their occupation, whether the occupation is on a legislated skill shortage list and, if it is below Skill Level 3, whether the workers are in an occupation nominated in an industry labour agreement stream or a Designated Area Migration Agreement (DAMA).

The second prospective pathway is through direct offshore recruitment by employers of qualified workers via the TSS. Australia Pacific Training Coalition (APTC) graduates and graduates of other Pacific training providers of Australian-accredited qualifications have a clear advantage because their qualification is proof to prospective Australian employers that they can perform to the competency standards required in Australian workplaces. They also require a technical interview rather than a skills assessment to meet visa requirements. APTC graduates should be able to access APTC support to connect with Australian employers and be given help to meet migration requirements.

The third potential pathway to the TSS is through a Training visa (subclass 407), which would allow recipients to gain relevant on-the-job occupational training in Australia before applying to the TSS if sponsored by an employer.

The bulk of this report details the three pathways, which are examined in turn in each of the next three sections (Sections 2-4). The final sections (Sections 5 and 6) detail risks and recommendations.

## 2. PLS-TSS pathways

Providing a PLS-TSS pathway has a strong rationale not only in terms of promoting Pacific labour mobility but also in terms of the future of the Pacific Labour Scheme. The PLS is now a four-year visa program.<sup>4</sup> After four years, unless they have transitioned to another visa, PLS workers must return home. However, the worker can return to work in Australia after 12 months if again nominated by an employer, but never with their family. This has two limitations. First, when workers leave after no more than four years, the employer loses their trained and experienced worker, which is wasteful, and reduces employer and worker incentives to invest in a worker's acquisition of skills. Second, if workers decide to return, this means another extended period of family separation. To avoid both bad outcomes, it makes sense to create a pathway from the PLS so that some workers – those who want to stay and are invited to do so because they have shown greater skill and application levels – have the opportunity to stay longer, together with their families. A pathway to the TSS will also provide a greater incentive for employers to invest in upgrading the skills of their PLS workers.

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<sup>3</sup> Although the PLS visa regulations state that a “no further stay” (8053) condition may be attached to the visa, in practice it has not been, meaning that there is no bar for PLS workers to transition to another visa. The requirement that workers return home for 12 months only applies to those who want a second PLS visa, not to those who transition to another visa.

<sup>4</sup> It was previously a three-year program, but in November 2021 was extended to four years. The four-year work period now provided by the PLS visa will make it easier for workers to meet TSS requirements.

Transition to the TSS would not only provide access to another temporary visa. It would also provide a pathway to permanency as most TSS trade-based occupations and lower-skilled occupations nominated in a DAMA/industry agreement have a pathway to permanency built into them.<sup>5</sup>

The main limitation of the PLS-TSS pathway is a potential skills mismatch: the PLS mainly hires lower-skilled and unskilled workers (typically Skill Levels 4 and 5), while the TSS is a skilled visa (typically Skill Levels 1 to 3). Despite this, there are, at least potentially, opportunities for transition to the TSS for many PLS occupations.

1. **Meatworkers:** Most PLS workers (67% to date) are meatworkers. As detailed in the [Annex 2](#) fact sheet, through the MILA and four DAMAs, TSS visas are available for Skill Level 4 and 5 meat workers. This is the most promising of the PLS-TSS pathways.
2. **Agricultural workers:** A significant number of PLS workers (26% to date) are farm workers. As detailed in the [Annex 3](#) fact sheet, through the Horticulture Industry Labour Agreement (HILA), TSS visas are available for various Skill Level 4 and 5 agriculture-related occupations. However, this PLS-TSS pathway seems to have several barriers.
3. **Trades and cooks:** Although few trades workers or cooks have been hired under the PLS, the PLS is open to Skill Level 3 occupations, the skill level for the trades, including cooking. If more trades workers were hired in trade-based occupations under the PLS, they could have a pathway to the TSS.
4. **Other low-skilled workers** (e.g., carers and hospitality workers): Only a few carers and hospitality workers have been hired under the PLS, but DFAT has plans to increase the number of aged care workers under the PLS, subject to employer demand. Occupations such as aged carers and hospitality workers cannot be hired via the TSS except under Designated Area Migration Agreements (DAMAs) in certain geographical areas. The DAMAs, summarised in [Annex 4](#), represent a potential, though uncertain, PLS-TSS transition pathway for these occupations.

The table below summarises the PLS-TSS transition pathway prospects for these three occupation sets. These prospects depend on two factors: the numbers in PLS (the source), and the ease of transition to the TSS (the destination).

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<sup>5</sup> The main exception for trade-based qualifications is that of a cook which is on the short-term skills shortage list and therefore not eligible for permanent residency. However, where cook is a designated occupation in demand in a DAMA, a pathway to permanent residence is available.

### TSS prospects for different occupational groups coming through the PLS

Occupation groups	Large numbers in PLS, now and in future?	Ease of transition to TSS	Overall TSS prospects
Meat workers	Yes, already (3,024, 67%)	Potentially high; via MILA	Positive and immediate
Agricultural workers	Yes, already (1,146, 26%)	Uncertain; via HILA, which is untested	Uncertain
Trades and cooks	Not now, may grow (trades 3, 0.1%; cooks 30, 0.7%)	Potentially high; via "regular" TSS	Low now; positive but uncertain in the future
Carers and hospitality workers	Not now, may grow (carers 71, 1.6%; other hospitality 43, 1%)	Uncertain; via DAMAs which are largely untested.	Low now; uncertain in the future

Note: Figures in brackets are PLS numbers for that category and as a percentage of the total as of end-August 2021.

Looking at both contributing factors of worker source and ease of transition, PLS-TSS transition prospects are positive for meat workers, and uncertain for the other occupations. The sub-sections below explain these ratings, highlight barriers and uncertainties, and set out next steps.

#### (i) Meat workers

Prospects are positive and immediate because:

- Numbers under the PLS are large: over 3,000 as of August 2021, 67% of all PLS workers.
- The meat industry already uses the TSS through the MILA. As of 31 October 2021, 46 firms have a MILA with the Department of Home Affairs.
- Employers are having difficulties finding workers offshore outside of the PLS, and not just due to COVID-19. The meat processing industry has many large processing plants in regional areas serving both domestic and export markets. Having a stable, skilled workforce is a major concern of the large companies operating these plants. They have shown in past efforts to recruit overseas workers that they are prepared to invest resources in recruiting, training, and supporting workers who want to stay on in the regional communities where the processing plants are located.
- Recent changes to the MILA mean that TSS eligibility will only require one-year of relevant (skilled) work experience in Australia and an assessment as having skills commensurate with a Certificate III qualification. At least some PLS workers should be able to meet these eligibility criteria.

There are, however, various limitations, barriers, and uncertainties:

- Only the more skilled meat worker positions are eligible for the TSS under the MILA. Only a minority of PLS workers would gain the relevant skills and work experience.

- Realistically, the skills assessment (and the training required to pass that assessment) can only be provided by employers. Employers will only assist those workers they want to retain.
- Labour hire operators cannot participate in the MILA, but most PLS meat workers are hired and employed by labour hire operators. To be eligible, these PLS workers would have to transition to become a direct employee of an eligible employer in the meat industry.
- It is unclear how many PLS workers will be able to meet TSS English-language requirements.

The following actions are required:

- Employers and employees need to be informed of the PLS-TSS pathway.
- Interested workers should be tested for their English language skills to see if further language training is required.
- Interested employers need to start identifying potential candidates for TSS nomination and arrange for them to have their skills and English assessed.

## (ii) Agricultural workers

Positive factors include:

- Agricultural worker numbers under the PLS are large: over 1,146 as of August 2021, 26% of all PLS workers. Some 561 of these workers are explicitly identified as working in horticulture jobs, and another 390 are “farm labourers”, many of whom could be working in horticulture.
- A new Horticulture Industry Labour Agreement (HILA) has been available from 1 January 2020 to hire agricultural workers in a range of low skill occupations. As of 31 October 2021, 20 employers have entered into a HILA agreement with the Department of Home Affairs, but few have been able to employ workers under the agreement.

Major uncertainties surround this pathway at the current time:

- The qualification and/or experience prerequisites currently defined for low-skilled occupations in the HILA appear to put the TSS out of reach for PLS farm worker. Some of these prerequisites seem inappropriately high, requiring a Certificate IV or Diploma, or five years of experience, which would make a PLS-to-TSS pathway impossible.
- The HILA is very new, and due to COVID-19 is largely untested. How attractive it is to employers remains to be seen. Some large PLS employers consulted with had not heard of it.
- Whether the employers would be willing to pay the minimum income required (TSMIT) for lower-skilled workers also remains to be seen.

Currently, PLS-TSS transition prospects for agricultural workers are uncertain. Across-the-board lowering of HILA TSS qualification and duration of work experience requirements could lead to large-

scale recruitment of non-PLS workers (e.g., backpackers). A PLS prerequisite could be written into the HILA so that work under the PLS in one of the occupations for a period of one to two years satisfied the requirements for a HILA TSS visa. It has been announced that the new Australian Agricultural Visa, which will allow Southeast Asians to work on Australian farms, will have a pathway to permanency. It is unclear what that announcement entails, but whatever pathway to permanency option is put forward under the Australian Agriculture Visa should also be available under the PLS.

### (iii) Trades and cooks

Positive factors include:

- There is a large demand in Australia for tradespersons and cooks.
- APTC has produced thousands of graduates with their pre-existing trade training topped up with Australian-recognised qualifications.
- Many APTC qualifications are linked to trades occupations that are on the occupational list for the TSS, including cooks.<sup>6</sup>
- All regional DAMAs also offer English language concessions for occupations linked to APTC trade-based qualifications.

There are, however, various barriers and uncertainties:

- Numbers of tradespersons hired under PLS are currently very small (less than 1% of all PLS workers).
- The willingness of regional employers to hire through the TSS is uncertain. Whether workers could move from regional employers under the PLS to different metro employers under the TSS is also uncertain.
- Whether regional employers want to recruit into the TSS via the PLS or directly from the Pacific is also unclear and will only be known with experience.
- Also unknown is how the additional licensing requirements of electricians, plumbers and refrigeration and air-con mechanics could be met under the PLS.

However, the next step along this pathway for this group is to increase their PLS participation.

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<sup>6</sup> As noted earlier, the occupation of cook is on the short-term skills shortage list and not eligible for permanent residency. However, where cook is designated an occupation in demand in a DAMA, a pathway to permanent residence is available.

#### (iv) Carers and hospitality workers

Prospects are uncertain because:

- Numbers under PLS are very small (less than 3%).
- Carers and hospitality workers can only be hired by employers through the TSS via DAMAs. While DAMAs include provision for the hire of carers and hospitality workers (see [Annex 4](#)), very few have been recruited to date.
- The TSS Temporary Skilled Migration Income Threshold (TSMIT) may be a deterrent. One survey showed that PLS workers in NSW and Queensland were only earning about 80% of the current TSMIT threshold (\$931 a week). However, in the one case study of aged care PLS workers at a remote facility, their average earnings were enough to meet the TSMIT threshold given the 10% concession in the DAMAs. In addition, in this case, subsidised accommodation is provided, and regular overtime, indicating that TSMIT should not be a hurdle. However, more cases need to be examined.

As for tradespersons and cooks, the next step for carers and hospitality workers is to increase PLS participation. Because this carer and hospitality worker pathway relies completely on the DAMAs, it would also be important to secure changes to the DAMAs to make the pathway from the PLS to the TSS under the DAMAs more secure. For example, because DAMAs are flexible, they could include a provision that any PLS worker in a DAMA-specified occupation and with a relevant qualification is able to transfer to the TSS after a specified period of relevant work experience (say one year).

### 3. Offshore TSS pathway for the trades

The PLS is a useful pathway to the TSS, but has the limitations that it only covers regional areas, and requires employers to take on considerable additional obligations under the PLS related to worker welfare.

Another TSS pathway for the Pacific is through offshore hiring.<sup>7</sup> The fact sheet in [Annex 4](#) provides the details on how this could work. The focus should be on those with Australian-accredited qualifications, for two reasons. First, employers will be more ready to accept that these graduates can perform to the competency standards required in Australia. Second, graduates with Australian-accredited qualifications have only to undertake a technical skills interview by the assessing authority and not undertake a separate skills assessment as well.

The Australia Pacific Training Coalition (APTC), as a fully funded Australian Government initiative undertaken in partnership with the Pacific, and the primary provider of Australian-accredited qualifications in the Pacific, is a natural starting point. A major objective for APTC from its beginning has been to enable Pacific workers to attain the competency standards required to work in Australia as skilled trades workers. About half its graduates have trade qualifications, topped up to the Australian standards, and most APTC graduates want to use their Australian qualification to migrate

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<sup>7</sup> See Curtain and Howes (2021) "[Helping APTC graduates to migrate to Australia under the TSS](#)", Policy Brief 20, Development Policy Centre, ANU.

for work. DFAT has directed APTC to develop a labour mobility strategy, and to increase its funding of labour mobility.<sup>8</sup>

APTC, as well as training graduates, needs to become a trusted labour mobility intermediary, helping Australian employers link with APTC graduates, and facilitating their hiring, both under the TSS and the PLS.

APTC's new labour mobility strategy should: (i) centre on its role as a trusted intermediary, linking Australian employers with APTC graduates, and facilitating their overseas hiring; (ii) focus on occupations that need qualifications offered by APTC (mainly trades workers and cooks, and possibly carers and hospitality workers); and (iii) aim to facilitate not only PLS but also (offshore) TSS hiring of APTC graduates.

In the case of the direct-to-TSS pathway, APTC would need first to promote the availability of trades-based graduates eligible for the TSS to Australian employers, and then locate interested candidates from which the individual employers would make a final selection. APTC would also need to educate both employers and candidates on key terms and conditions. For example, visa application costs are not an employer obligation. However, the employer would need to be willing to fund the upfront visa costs (application, English test etc. – see [Annex 5](#) for details) of the applicant, and either bear those costs themselves or reach an agreement to deduct them from initial wage payments.

APTC would then need to play a support role, helping the employee meet the various TSS requirements (technical interview, English test, health and police check, application submission). Over time, some of these roles could be devolved to the workers and to migration agents, but to improve the chances of success of the initial pilots APTC should take on those roles, with advice from migration agents as required. APTC should provide facilities on their campuses for VETASSESS to conduct technical interviews online. The arrangements require that the identity of the person being interviewed is confirmed by an independent third party such as the APTC.

APTC also needs to play an information gathering role, assessing APTC graduates in relation to their ability to pass the International English Language Testing System (IELTS) test, and estimating the pool of available graduates for different occupations, excluding those who were sponsored by their employers to study at APTC.

The distinction between “home track” and “away track” students should be abolished, as outcomes for the two groups have not been separately tracked, and the distinction has caused confusion. All eligible APTC graduates will potentially be able to benefit where there is employer interest in their occupation. However, APTC should not link employees whose tuition has been paid for by their employer with Australian employers, as this would be an implicit breach of trust.<sup>9</sup>

Should there be high demand from Australian employers for particular occupations, training in those areas should be increased to prevent “brain drain” – APTC is already bound in its Stage 3 program design to ensure that there is a net skill gain to Pacific economies. APTC should also work with other training institutes to enable them to offer Australian-accredited courses where there is demand from

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<sup>8</sup> See the DFAT response to the 2020 [review](#) of APTC, especially recommendations 5 and 7.

<sup>9</sup> If and until APTC can identify such students, they will have to be asked to self-exclude. On the other hand, APTC graduates already in Australia on the PLS should be encouraged to apply if eligible.

Australian employers. It could also increase the throughput of students in areas of high demand. Skilled APTC graduates should be directed away from unskilled PLS positions towards more skilled TSS positions, to make greater use of their training and experience, and enable them to earn more income.

APTC's role will need to evolve in response to information and learnings. Ongoing dialogue with APTC is required to progress this initiative.

## 4. The Training visa as a TSS pathway

The Training visa (407) allows the applicant to take part in workplace-based occupational training in Australia for up to two years. It could be useful to get workers on shore before applying for a TSS in cases where the PLS cannot be used, either because the occupation is not covered by the PLS (e.g., nursing) or because the employer is not in a regional area.

In the case of regional nurses, if a Pacific nurse has a relevant nursing qualification and work experience, they could come to Australia on a Training visa and, while working, prepare for and take the assessments required to qualify for a TSS.

In the case of the trades occupations, the Training visa could be used to gain additional qualifications and/or to meet licensing requirements prior to application for the TSS.

Other occupations considered in this approach paper are not on the [occupation list for the Training visa](#).

Statistics supplied by Home Affairs show that that pre-COVID up to June 2021, the average annual number of Training visas issued over four years is just 2,063. It is unclear whether the Training visa could be a feasible pathway to the TSS, but the APTC is currently exploring its use with one employer. More research is needed.

It is also unclear at this stage whether many Pacific nurses would have the requisite qualifications for this pathway. Further research is needed, with a focus on private nursing colleges in the Pacific that operate on the basis of cost-recovery fees, and are able to increase their intake in response to greater job opportunities overseas (thereby eliminating "brain drain" concerns).

## 5. Risks

The main risks to this initiative to open up pathways to the TSS for workers from the Pacific and Timor-Leste are as follows:

- If the number of workers in other occupations (carers, hospitality workers, trades) in the PLS does not increase, there will be no PLS pipeline for the TSS outside of meat workers and agricultural workers. But DFAT is committed to increasing the number of carers; hospitality numbers should increase with re-opening of borders; and greater APTC engagement could increase trades numbers.
- It is not clear how much employers are willing to hire in relatively low-skill occupations through the DAMAs. The minimum income threshold may be too high (even with a

concession), TSS visa costs and delays may discourage employers, and DAMAs are in general little known, little used, and only apply in areas with they cover are home only to about one million population. Moreover, there are reports that the minimum income threshold may be increased for the TSS, without offsetting concessions. This might not affect meat workers and trades (as employers of these workers already use the TSS), but would affect carer, farmworker and hospitality pathways where employers are not yet reliant on the TSS.

- Very few Pacific and Timor-Leste workers are hired offshore via the TSS visa and it is not clear whether the barriers to employers recruiting workers offshore can be sufficiently reduced. These barriers relate to offshore hiring in general (e.g., the long delay in visa processing times), and to the Pacific in particular (e.g., lack of skills assessment centres). Having an effective and responsive intermediary will be crucial. Initial experiences with pilots will need to be closely monitored.
- If it is successful, this initiative will increase incentives for Pacific students and workers to invest in training, and thus could augment the skilled workforce in the Pacific ("brain gain"). "Brain drain" risks should be managed by funding Pacific training providers to collect data on their graduates and to increase the supply of skills in areas in demand.
- Some Pacific governments may not want to support migration opportunities that could result in permanent residence. However, Pacific governments have also, in various forums, made it clear that they want access for their citizens for skilled work opportunities beyond the low-skilled, temporary jobs available through Australia's Pacific labour mobility schemes. Early communication with partner governments will be important.
- Workers on a TSS visa have the same safeguards and protections as other workers in Australia. This includes the right to resign and find another employer, provided it is in the same occupation to retain their TSS visa.<sup>10</sup> However, the PLS is more regulated and more closely monitored. The risk of mistreatment should be minimal for workers who move from the PLS to the TSS, but could be a risk for workers who migrate directly onto the TSS. To mitigate this risk, Pacific workers who access the TSS with APTC or PLF assistance should be eligible for the same support as PLS workers (e.g., hotline, access to PLF welfare officers, etc).

## 6. Recommendations

The first set of reforms are at the **strategic and informational levels**:

1. DFAT should develop a position paper endorsing the goal of increasing Pacific participation in the TSS, setting out its rationale and benefits, and spelling out the possible pathways.
2. DFAT should make information on the pathways available to prospective TSS workers from the Pacific and Timor-Leste and to Australian employers.
3. Much remains to be learnt. The ANU labour mobility team should be utilised to monitor pilots, capture changes, and further develop the ideas in this approach paper.

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<sup>10</sup> <https://www.finervisa.com.au/visa-482-change-employer/>

Several **organisational reforms** would also be important:

4. An intermediary needs to be tasked to facilitate PLS-TSS transitions. This job could go to the Pacific Labour Facility, given its focus on the PLS. Duties for the intermediary would include: informing workers and employers of PLS-TSS transition possibilities; helping workers and employers meet transition preconditions; and collecting information on where speed bumps are slowing progress on the pathway.
5. The Australia Pacific Training Coalition (APTC), as a fullyfunded Australian Government initiative undertaken in partnership with the Pacific, and the primary provider of Australian-accredited qualifications in the Pacific, should help their graduates access labour mobility in relation to occupations that require their skills and experience via both the PLS and the TSS. APTC's new labour mobility strategy would spell out its role as a labour mobility intermediary for its eligible graduates through both pathways, with the direct-to-TSS pathway being pursued via a variety of pilots undertaken with employers.
6. Any Pacific workers who access the TSS with support from the APTC or PLF should be eligible for the same support as PLS workers (e.g., hotline, access to relationship managers, etc).
7. Other key Pacific training providers, including Pacific TAFE, and FNU, should be made aware of Australian labour market opportunities for qualifications they provide, and relationships with them continued to be developed. Funding should be directed, where required, to counter risks of "brain drain".

While the above pathways are predicated on existing policy setting, some **policy reforms** would be useful to increase their utilisation. Within the time constraints of the existing assignment, the following reforms have been identified as potentially useful for further consideration and/or implementation:

8. The PLS could be written into industry and area migration agreements so that PLS work in the nominated occupations in these agreements for, say, 12 months, can meet the work experience requirement of the agreement.
9. Minimum-income threshold (TSMIT) concessions could be offered in regional areas, if required, for lower-skill (Skill Level 4) occupations such as aged care workers.
10. To increase the accessibility of DAMAs to employers, and while acknowledging that each DAMA will be different in its focus, it would be useful for the Department of Home Affairs to streamline the DAMAs to produce a consistent set of qualifications and work experience required for the same nominated occupations.
11. Most meatworkers in the PLS are employed by labour hire companies, which cannot participate in the Meat Industry Labour Agreement. An exception could be granted by the

Department of Home Affairs for labour hire companies to participate in the MILA to enable their PLS workers to access the TSS pathway.<sup>11</sup>

12. Pacific countries and Timor-Leste could, like Asian countries, have capped access to the backpacker Work and Holiday (462) Visa. This would provide an additional pathway to gain relevant work experience and on-the-job training, and link with employers.<sup>12</sup>

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<sup>11</sup> There is a separate industry agreement for labour hire companies, but this agreement only covers workers in occupations on the standard TSS short- and medium-term lists.

<sup>12</sup> An [agreement](#) signed with PNG in 2011 is yet to become operational.

## Annex 1: Working Group Terms of Reference, Membership and Consultations

### **Working Group: Increasing Pacific Access to Australia's Temporary Skills Shortage Visa**

#### **Terms of reference**

The Working Group is a governance mechanism contributing to the education and labour mobility components of Australia's Pacific Step Up. The Working Group will prepare recommendations for Government on opportunities to enhance Pacific Islander utilisation of the Temporary Skills Shortages (TSS) visa or other visa pathways (excluding the Pacific Australia Labour Scheme). The Working Group will provide the incubation of ideas with members and provide contestability to options proposed.

#### **Frequency**

This Working Group will meet virtually every month, commencing in September 2021 and conclude in December. It is expected that inter-sessional meetings may be required on a bilateral basis with participants to progress topics.

#### **Membership**

Members will include representatives from Australian employers, regulators, independent experts, Australian government agencies, and the Pacific.

#### **Chair and secretariat**

Professor Stephen Howes, Director, Development Policy Centre, Crawford School of Public Policy, will chair this Working Group. The Office of the Pacific will provide secretariat services.

#### **Governance – Inter-Departmental Committee on Pacific Education and Labour Mobility Expansion**

This Working Group will make policy recommendations on ways to increase access by the Pacific to Australian TSS visas by December 2021 for consideration by the Australian Inter-Departmental Committee on Pacific Education and Labour Mobility Expansion. The role of the Working Group will be reviewed in 2022.

#### **Membership**

Representatives from the following organisations were members of the Working Group

- Aged & Community Services Australia (ASCA)
- Australian National University, Development Policy Centre
- HealthX
- Human Service Skills Organisation
- Law Council of Australia
- Masters Builders of Australia
- Migration Institute of Australia
- Migration NT

- National Meat Industry Training Advisory Council Ltd (MINTRAC)
- National Skills Commission
- University of the South Pacific
- VETASSESS
- Queensland Tourism Council
- Australian Department of Health
- Australian Department of Home Affairs
- Australian Department of Foreign Affairs and Trade, Office of the Pacific and also two DFAT development program teams from the Pacific Labour Facility and the Australia Pacific Training Coalition programme
- Australian Department of Education, Skills and Employment

## **Additional consultations**

In addition, representatives from the following organisations were consulted in the development of this paper

- Accor
- Agri Labour Australia
- Costa Group
- Far North Queensland TSS Designated Area Migration Agreement (DAMA)
- Fiji National University
- Granger Australia
- Great South Coast TSS Designated Area Migration Agreement (DAMA)
- Nucleus International Recruitment (Tanya Costello)
- Orana TSS Designated Area Migration Agreement (DAMA)
- Queensland Berries
- Sealink Fraser Island
- South Australia TSS Designated Area Migration Agreement (DAMA)
- Regional Workforce Management (RWM)
- Teys Australia

**The Chair and the Office of the Pacific in the Department of Foreign Affairs and Trade thank all Working Group members and organisations who were consulted for their time and contributions to the development of this paper.**

## Annex 2: PLS-to-TSS Meatworkers Fact Sheet

### Promoting Pacific Participation in the TSS

#### Meat workers

#### Fact sheet

As part of the Pacific Step-Up, the Department of Foreign Affairs and Trade is promoting Pacific participation in Australia's Temporary Skill Shortage (TSS) visa. This fact sheet spells out the opportunities in regards to meat workers. It should be read in conjunction with official Home Affairs information, [here](#) and [here](#). This document represents the best efforts of the authors, but note that information can become quickly out of date, and the information presented herein should only be used as a guide for and stimulus to further investigation, and should not replace reliance on official information.

#### (a) Summary

There are realistic opportunities for meat workers under the PLS to transition to the TSS.

#### (b) Opportunity

The meat processing industry is very reliant on the TSS, which it uses under the [Meat Industry Labour Agreement](#) (MILA) which individual businesses can request to join. This allows for the provision of visas for Skilled Meat Workers, not an ANZSCO occupation, but one which is defined to combine the ANZSCO occupations of Slaughterer (831212) and Meat Boner & Slicer (831211). These are at Skill Level 4, below the standard TSS Skill Level 3 threshold.

The meat industry is very heavily reliant on migrant labour. It is facing major labour shortages due to (a) COVID, (b) difficulty of finding overseas meat workers who can meet the English language requirements, and (c) legacy integrity issues.

The meat industry hires a large number of Pacific and Timorese meat workers under the PLS (over 3,000 as of August 2021, 67% of all PLS workers). A significant number of these are already performing the more skilled roles that are needed to meet TSS eligibility requirements.

#### (c) Pathway

A pathway from the PLS visa to the TSS is available under the Meat Industry Labour Agreement (MILA), a four-year visa.<sup>13</sup> Direct hire of Pacific workers under the TSS-MILA (without having worked on the PLS) is not a realistic proposition.

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<sup>13</sup> The MILA also covers the Skilled Employer Sponsored Regional (Provisional) (SESR or 494) visa which is quite similar, but only applies in regional areas. The 494 provides a five-year visa. Any employer in regional areas (outside Sydney, Melbourne, Brisbane) deciding to hire Pacific workers as temporary migrants could use either visa, and could decide for themselves. The Permanent Residence (Skilled Regional) visa (191) is the pathway to permanency from the 494 visa. Employer nomination is not required for the 191.

#### (d) Prerequisites

The [MILA](#) has recently been amended and a number of criteria relaxed that need to be satisfied for a successful TSS application. Within the MILA, additional concessions are available for [regional areas](#).

- **Skills:** The worker has to be assessed by a MINTRAC registered assessor as having skills commensurate with a Certificate III in meat processing.<sup>14</sup> Some [funding](#) is available from DFAT through the PLF that could subsidise the required training.
- **Experience:** PLS workers would need to demonstrate one year of “relevant work experience” gained in an appropriate Australian facility.
- **English language:** An IELTS score of 5.0 with no component (listening, reading, writing, speaking) with a score less than 4.0. A score of 5.0 corresponds to a “modest user”. Many PLS workers have good spoken English. The IELTS can be taken more than once, and employers are advised to provide opportunities for interested workers to take the test at an early stage to see whether English language training is needed. Visa applicants from Pacific countries such as Tonga, Samoa, Fiji, PNG, Solomon Islands and Vanuatu may be exempt from the language requirement if they can prove that they have completed at least five years of full-time study in a secondary or higher-level institution where most classes were in English.<sup>15</sup>
- **Age:** There is no age limit for the TSS. However, age limits apply to the visas for permanent residence, with higher age limits available in the DAMAs.
- **Health:** [Standard TSS health test requirements](#) apply for applicants from high-risk countries (all Pacific and Timor-Leste countries except Cook Islands, Samoa and Tonga), namely a medical examination and a chest x-ray. This also applies to family members.
- **Police certificate:** [If requested](#)
- **Australian values statement:** [Needs to be signed](#)
- **Cost:** the TSS visa cost is \$2,690 for the main applicant and each dependant 18 years and over, and \$675 for each dependant under 18. In addition, it costs \$330 for an employer to nominate a worker, and the SAF (Skilling Australians Fund) levy must be paid (\$1,200 upfront per year for the visa term for small businesses, and \$1,800 for others).
- **Business sponsor:** A participating business must be approved as a Standard Business Sponsor and enter into its own MILA agreement with DHA.
- **Labour market testing:** Must be carried out by employer.
- **TSS processing time** ([labour agreement stream](#)): 75% of applications processed in six months, with 90% of applications in 11 months.
- **Minimum income requirement (TSMIT):** Currently \$53,900 plus super. Some PLS employees performing work as skilled meat workers are already paid this, and since skilled meat workers already hired under TSS, employers are willing to pay this amount. A 10% concession is available in regional areas.

#### (e) DAMA concessions

Four DAMAs include meat workers with concessions for TSS visas. These are: the Goldfields WA DAMA (covering the area surrounding Kalgoorlie), the Orana (north-central NSW) DAMA, the Great South

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<sup>14</sup> The actual requirement is that the work must “have been assessed and verified by a MINTRAC registered assessor, or an assessor approved by the Commonwealth, with a Certificate IV in Training and Assessment experienced in meat processing to be Skilled Meat Workers with a minimum skill level commensurate with the MINTRAC referenced AQF Certificate III in meat processing.” MINTRAC is the Meat Industry Training Advisory Council Limited.

<sup>15</sup> Visa applicants would need to provide the name and location of the institution/s, level of qualification/s, official transcript from the secondary and/or tertiary institution, number of contact hours per week in English and number of years of study.

Coast (south-west Victoria) DAMA and the South Australia Regional Workforce Agreement. These DAMAs include a range of meat worker occupations with reduced qualification and work experience requirements. See the table at the end of this document for details. DAMAs have additional costs in terms of payment to the regional sponsor. With the recent reforms to the MILA, the DAMA concessions may not be as important.

#### (f) Pathway to permanency

The MILA allows TSS workers to transition after three years to an [Employer Nomination Scheme \(186\)](#) permanent resident visa.<sup>16</sup>

#### (g) Issues

- **Labour hire companies:** Most PLS workers are hired by labour hire companies, but labour hire companies under the MILA are not eligible to be a sponsoring employer for the TSS.<sup>17</sup> Labour hire companies and meat-processing plant owners/managers would need to make arrangements for the transition of PLS workers to direct employment by the TSS sponsoring employer.
- **Worker agency:** Workers can express interest in staying, and in taking a more skilled role. They can work on their English as required. But only employers can provide the experience, training and skills assessment they need.
- **Training:** TSS does not require a Certificate III, but workers need to demonstrate competencies at that level. As the competencies are in a range of areas, the training/testing may take two years. Available DFAT subsidies could be used for training. Otherwise employers would have to foot this bill, or cost-share with interested workers.
- **English:** It remains to be seen how hard the English test barrier is to surmount.
- **Promotion:** Information about this pathway should be made available to both employers and workers so that they can plan accordingly.
- **Transition:** There is no bar to workers in Australia on the PLS applying for and being sponsored for a TSS visa. Workers do not have to return home to apply. TSS workers need health insurance, but PLS workers already have that. If workers have to move from one geographical area to another, the challenge would be greater. But most workers would be staying at the same plant; the biggest change for them would be that they could be joined by their family. These workers would have had four years of experience by then and would already be integrated into the local community. Spouses would most likely be able to find work at the meat-processing plant (if they wanted it). Workers on a TSS visa [may be required to pay school fees](#), depending on the state or territory they are resident in (no fees in Victoria, Queensland, NT and Tasmania).

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<sup>16</sup> The alternative visa to the TSS is the Skilled Employer Sponsored Regional (SESR) (subclass 494) visa. This visa provides a pathway available after three years to the Permanent Residence (Skilled Regional) visa (subclass 191)

<sup>17</sup> Item 6 of the MILA states that: "The Approved Sponsor must ensure that where they utilised a labour hire or recruitment company to source an Overseas Worker that such providers are licensed in accordance with any relevant state or territory legislation. The Approved Sponsor must also ensure that any Overseas Worker works directly for them once employed." Schedule 3 of the MILA titled "Direct employment" states that "The Sponsor must only make a nomination application in respect of a nominee that would work directly for them at an MPE."

## Summary of DAMA (Designated Area Migration Agreement) provision relating to meat workers

### Orana Regional (NSW) and Goldfields (WA)

ANZSCO	Skill Level	Occupation	TSMIT Concession
831211	4	Meat Boner and Slicer	No
831212	4	Slaughterer	No

**Required qualifications and work experience:** Have at least a relevant Australian Qualification Framework (AQF) Certificate II or equivalent or higher level qualification, and have at least one and a half (1.5) years (20+ hours per week – hpw) relevant post qualification experience OR have at least a relevant AQF Certificate III or equivalent or higher level qualification and have at least one (1) year (20+ hpw) relevant post qualification experience) OR have at least one (1) year (38+ hpw) relevant experience

**English language requirement:** IELTS 5.0 with no component less than 4.0 (or equivalent)

### Great South Coast (VIC)

ANZSCO	Skill Level	Occupation	TSMIT Concession
831211	4	Meat Boner and Slicer	Yes
831212	4	Slaughterer	Yes
839312	5	Product Grader (Meat Grader)	No
831311	4	Meat Process Worker	Yes

**Required qualifications and work experience:**

**For ANZSCO 831211 and 831212:** A minimum skill level commensurate with the MINTRAC (National Meat Industry Training Advisory Council) referenced AQF Certificate III in meat processing AND EITHER demonstrate a minimum of three (3) years skilled work experience obtained at an Meat Processing Establishment (MPE) acceptable to the Parties OR have been working in Australia on a subclass 457 or TSS visa at an Australian MPE acceptable to the Parties for at least nine (9) months prior to being nominated

**English language requirement:** IELTS 5.0 with no component less than 4.0 (or equivalent)

**For ANZSCO 839312:** Have at least an AQF Certificate II or III (or equivalent) OR at least one (1) year of recent and relevant work experience

**English language requirement:** As per TSS

**For ANZSCO 831311:** Visa applicant must undergo skills assessment conducted by MINTRAC AND, at time of visa application, an AQF Certificate I or compulsory secondary education

**English language requirement:** IELTS 5.0 with no component less than 4.0 (or equivalent)

### South Australian Regional Workforce Agreement

ANZSCO	Skill Level	Occupation	TSMIT Concession
831211	4	Meat Boner and Slicer	Yes
831212	4	Slaughterer	Yes

**Required qualifications and work experience:** At least a Certificate III in Meat Processing or equivalent AND at least two (2) years of post-qualification work experience; MINTRAC Skills Assessment required

**English language requirement:** IELTS 5.0 (4.5 for outer regional areas) with no component less than 4.0 (or equivalent)

**Notes:**

1. Employers seeking an English concession for an occupation need to provide reasoning as part of their endorsement application. This should explain why a lower level of English language is acceptable for the requested occupation. Consideration should be given to how any workplace safety risks will be managed for workers with lower levels of English. IELTS exemptions possible for workers with English-language schooling.
2. Permanent pathway except for Meat Process Workers under the Great South Coast DAMA.
3. This table is a summary only. Consult DAMA webpages for further details.

## Annex 3: PLS-to-TSS Horticultural Workers Fact Sheet

### Promoting Pacific Participation in the TSS

#### Horticultural workers

#### Fact sheet

As part of the Pacific Step-Up, the Department of Foreign Affairs and Trade is promoting Pacific participation in Australia's Temporary Skill Shortage (TSS) visa. This fact sheet spells out the opportunities for PLS workers in horticulture to access the TSS pathway through the Horticulture Industry Labour Agreement (HILA). It should be read in conjunction with official Home Affairs information, [here](#) and [here](#). This document represents the best efforts of the authors, but note that information can become quickly out of date, and the information presented herein should only be used as a guide for and stimulus to further investigation, and should not replace reliance on official information.

#### (a) Summary

There are opportunities for workers employed in farming and horticulture under the PLS to transition to the TSS. However, the [Horticulture Industry Labour Agreement \(HILA\)](#) is new and appears to be little known among PLS employers. Also, unusually high qualification and work experience requirements for the new Skill Levels 4 and 5 approved occupations would need to be lowered to enable PLS workers to use the HILA as a TSS pathway. Further research is also needed on whether the TSMIT would be a barrier.

#### (b) Opportunity

The new HILA has been in place since the beginning of 2020, but has been little used given COVID-19. HILA allows employers in horticulture to sponsor overseas workers in [31 approved occupations](#) for the TSS (subclass 482) visa. HILA also offers workers in these occupations a pathway to permanent residency. A language concession and the opportunity for employers to apply for wage concessions apply to all nominated Skill Level 3 to 5 occupations.

A quarter of PLS jobs held at 23 September 2021 were in farm work. This includes 13% of PLS workers, numbering 564, in jobs specifically related to horticulture.

#### (c) Pathway

PLS workers in horticulture production-related work related to Section Supervisor, Production Horticulture Supervisor, and Horticulture Section Manager (Skill Level 4 and 5 occupations) who had acquired the relevant qualifications and/or work experience could access a TSS pathway under the HILA.<sup>18</sup> PLS workers who acquire skills on the job and have a relevant qualification in the Skill Level 4 occupations of truck driver, forklift driver, mobile plant operator or machinery manager would also be eligible for accessing the TSS pathway. Some [funding](#) is available from DFAT through the PLF that could subsidise the required training.

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<sup>18</sup> PLS workers in three Skill Level 3 trade occupations that APTC offers relevant qualifications for (Maintenance Electrician Fitter and Welder and Mechanic) could also access a TSS pathway under the HILA with lower English requirements.

#### (d) Prerequisites

The TSS-HILA pathway has a number of [criteria](#) that need to be satisfied for a successful application.

- **Skills and experience:** The new occupations at Skill Level 4 and 5 approved for HILA have a mix of qualifications and work experience requirements. Many of the qualification levels required are unusually high for these lower skill levels (e.g. Diploma or Certificate IV). Where work experience only is specified, the requirement is set at five years in that occupation, which would not be possible for a PLS worker to achieve. Some requirements are vague: “relevant formal training”.
- **English language:** Applicants for the TSS must score at least IELTS 5.0 overall, and at least IELTS 4.0 in each individual component score. Visa applicants from Pacific countries such as Tonga, Samoa, Fiji, PNG, Solomon Islands and Vanuatu may be exempt from the language requirement if they can prove that they have completed at least five years of full-time study in a secondary level institution or higher-level institution where most classes were in English.<sup>19</sup>
- **Age:** No age limit for the TSS. However, an applicant has to be 50 years of age or under for the visas for permanent residence.
- **Health:** [Standard TSS health test requirements](#) apply for applicants from high-risk countries (all Pacific countries and Timor-Leste except Cook Islands, Samoa and Tonga), namely a medical examination and a chest x-ray. This also applies to family members.
- **Police certificate:** [If requested](#)
- **Australian values statement:** [Needs to be signed.](#)
- **Cost:** The TSS visa cost is \$2,690 for the main applicant and each dependant 18 years and over, and \$675 for each dependant under 18. In addition, it costs \$330 for an employer to nominate a worker, and the SAF (Skill Training Fund) levy must be paid (\$1,200 upfront per year for the visa term for small businesses, and \$1,800 for others).
- **Business sponsor:** Business must be approved as a Standard Business Sponsor and enter into its own HILA agreement with DHA.
- **Labour market testing:** Must be carried out by employer.
- **TSS processing time** ([labour agreement stream](#)): 75% of applications processed in six months, with 90% of applications in 11 months.
- **Minimum income requirement (TSMIT):** Currently \$53,900 plus super. A 10% concession available. A range of monetary payments (e.g. regularised overtime) and non-monetary benefits (e.g. accommodation) can be counted as guaranteed earnings.

#### (f) Pathway to permanency

The HILA allows TSS workers to transition to an [Employer Nomination Scheme \(186\)](#) permanent resident visa after a three or four year transitional period on a TSS visa – three years for approved Skill Level 1 to 3 occupations and four years for approved Skill Level 4 and 5 occupations.<sup>20</sup>

#### (g) Issues

- **Onerous training and experience prerequisites:** Given the lower-skill nature of these jobs, conditions would need to be lowered to make transition a realistic proposition. Across-the-board lowering of requirements could lead to large-scale recruitment of non-PLS workers (e.g.

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<sup>19</sup> Visa applicants need to provide the name and location of the institution/s, level of qualification/s, official transcript from the secondary and/or tertiary institution, number of contact hours per week in English and number of years of study.

<sup>20</sup> The alternative visa to the TSS is the Skilled Employer Sponsored Regional (SESR) (subclass 494) visa. This visa provides a pathway available after three years to the Permanent Residence (Skilled Regional) visa (subclass 191)

backpackers). A PLS prerequisite could be written into the HILA so that work under the PLS in one of the nominated occupations for a period of one to two years satisfies the requirements for a HILA TSS visa.

- **Other prerequisites:** More research is needed to see how hard it would be for PLS workers to meet the TSMIT and language requirements.
- **Promotion.** Discussions with two major employers with PLS workers in horticulture revealed that neither were aware of HILA.
- **Labour hire companies:** The HILA template agreement states that the Approved Work Sponsor must ensure that “each Overseas Worker works directly for them once employed”. However, there are a number of direct employers of PLS workers in horticulture.
- **Transition:** There is no bar to workers in Australia on the PLS applying for and being sponsored for a TSS visa. Workers do not have to return home to apply. TSS workers need health insurance, but PLS workers already have that. If workers need to move from one geographical area to another, the challenge would be greater. But most workers would be staying at the same plant; the biggest change for them would be that they could be joined by their family. The workers would have had four years of experience by then and would be already integrated into the local community. It is likely that spouses would also be able to find work with the employer (if they wanted it). Workers on a TSS visa [may be required to pay school fees](#), depending on the state or territory are they resident in (no fees in Victoria, Queensland, NT and Tasmania).

#### Summary of HILA provisions relating to horticultural workers

Approved occupation	ANZSCO code	Skill level	Skills and qualifications
Maintenance Electrician	341111*	3	Qualifications and relevant work experience specified in ANZSCO
Fitter and Welder	323213	3	Qualifications and relevant work experience specified in ANZSCO
Agriculture Technician	321212*	3	Qualifications and relevant work experience specified in ANZSCO
Mechanic	321211*	3	Qualifications and relevant work experience specified in ANZSCO
Senior Nurseryperson	362411	3	Qualifications and relevant work experience specified in ANZSCO
Nurseryperson	362411	3	Qualifications and relevant work experience specified in ANZSCO
Nursery Supervisor	362411	3	Qualifications and relevant work experience specified in ANZSCO
Production Horticulturist	070499*	3	At least relevant AQF Certificate III or Certificate IV qualifications or equivalent OR three (3) years employment experience as a production horticulturalist with relevant formal training OR five (5) years employment experience as a production horticulturalist with no formal training

Cold Storage Manager	149999*	3	At least a relevant AQF Diploma or equivalent OR 2 years employment experience as a cold storage manager
Truck Driver	733111	4	At least a relevant AQF Certificate II or equivalent AND at least one (1) year (20+ hours per week – hpw) relevant experience OR At least two (2) years (10+ hpw) relevant experience AND at least two (2) years post qualifications experience
Mobile Plant Operator	721111	4	At least a relevant AQF Certificate II or equivalent AND at least one (1) year (20+ hpw) relevant experience OR at least two (2) years (10+ hpw) relevant experience AND at least two (2) years post qualifications experience
Fork Lift Driver	721311	4	At least relevant AQF Certificate II or equivalent AND at least one and a half (1.5) years (20+ hpw) relevant post qualifications experience OR at least relevant AQF Certificate III or equivalent AND at least one (1) year (20+ hpw) relevant post qualifications experience OR at least two (2) years (38+ hpw) relevant experience.
Machinery Manager	149913 or 149999*	4	At least a relevant AQF Diploma or equivalent OR three (3) years employment experience as a machinery manager
Machinery Supervisor	149999*	4	At least a relevant AQF Diploma or equivalent OR three (3) years employment experience as a machinery supervisor
Section Supervisor	070499*	4	At least relevant AQF Certificate IV or equivalent AND one (1) year (20+ hpw) relevant post qualifications experience.
Production Horticulture Supervisor	070499*	4	At least relevant AQF Certificate III or Certificate IV qualifications or equivalent OR three (3) years employment experience as a production horticulturalist with relevant formal training OR five (5) years employment experience as a production horticulturalist with no formal training
Irrigationist	841999	5	At least a relevant AQF Certificate II or equivalent AND at least one (1) year (20+ hpw) relevant post qualifications experience OR at least two (2) years (38+ hpw) relevant experience
Irrigationist Assistant	841999	5	At least a relevant AQF Certificate II or equivalent AND at least one (1) year (20+ hpw) relevant post qualifications experience OR at least two (2) years (38+ hpw) relevant experience
Horticulture Section Manager	070499*	5	At least relevant AQF Certificate IV or equivalent AND one (1) year (20+ hpw) relevant post qualifications experience

\* Where an occupation in the table above does not exist in ANZSCO, the closest equivalent occupation available under ANZSCO has been utilised. Where no close equivalent exists, code 070499 is used with the relevant skills/qualifications specified under the terms of each Labour Agreement.

## Annex 4: Designated Area Migration Agreements (DAMAs)

This fact sheet should be read in conjunction with official Home Affairs information. It represents the best efforts of the authors, but note that information can become quickly out of date, and the information presented herein should only be used as a guide for and stimulus to further investigation, and should not replace reliance on official information.

There are two state/territory wide DAMAs (SA and NT) and four regional DAMAs in each of four states, Qld, NSW, Vic and WA. Details are in the table below.

Name	Designated Area Representative	When launched
<a href="#">Northern Territory DAMA</a>	NT Govt Dept of Industry, Tourism & Trade	First DAMA January 2015 Second DAMA 1 January 2019
<a href="#">Goldfields WA DAMA</a>	City of Kalgoorlie Boulder	March 2019
<a href="#">Great South Coast DAMA</a>	Warrnambool City Council	June 2019
<a href="#">South Australian Regional Workforce Agreement</a>	Skilled & Business Migration, SA Department for Innovation and Skills	April 2019
<a href="#">Orana Region NSW DAMA</a>	Regional Development Australia Orana NSW	April 2019
<a href="#">Far North Queensland DAMA</a>	Cairns Chamber of Commerce	September 2019, Revised FNQ DAMA 1.2 18 June 2021

Two DAMAs are managed by state/territory departments (SA and NT), two are managed by a local government authority which includes other local government areas, one is managed by an association representing the private sector (Cairns Chamber of Commerce) and one is managed by a Regional Development Australia committee, funded by the Australian government (RDA Orana NSW). DAMAs are based on a five-year agreement with the Department of Home Affairs. Each DAMA has a cap on the number of jobs that can be filled each year.

The sponsoring agency for the DAMA (known as the Designated Area Representative) is responsible for the management and administration of the DAMA. This involves assessing and endorsing employers who want to sponsor (in the next 12 months) overseas workers under the DAMA; and monitoring, reporting, and reviewing activity as required by the Department of Home Affairs. The Designated Area Representative is also expected to consult with employers and other key stakeholders and to monitor the effectiveness of the DAMA.

The range of occupations nominated for DAMA concessions varies between designated areas. They cover all five ANZSCO skill levels from managers, professionals, technician, trades and lower-skilled workers. DAMAs also can include occupations not listed in ANZSCO. The occupations listed are based on local skill needs identified by employers. The concessions offered also differ by occupation, in relation to qualifications and relevant work experience, eligibility for a Temporary Skilled Migration Income Threshold (TSMIT), and English language requirements.

DAMA concessions in relation to meat processing occupations are shown in [Annex 2](#). Concessions in relation to carers and hospitality workers are shown at the end of this annex.

Linking the PLS with the DAMAs in regional areas would have several advantages for an employer and a worker. For migrants from the Pacific and Timor-Leste who want to see their job as a stepping stone to more secure, better-paid employment in Australia and having their families with them, the advantages of access to the concessions offered by the DAMA pathway for their occupation is a major incentive.

Many employers in regional areas want to employ workers who see themselves as having a future in that region and with that employer. PLS workers on a year-to-year contract for a maximum of four years and who are unaccompanied by their partners and children are seen by many regional employers as only a partial solution for addressing their skill needs.

However, whether employers in DAMA areas are ready to hire under the TSS in the occupations found in the PLS remains to be seen. Together, the DAMAs cover an area in which only one million Australians live. They are relatively new instruments, and little used, especially at the lower skill levels.<sup>21</sup> The costs of TSS visa, the length of TSS visa processing time, and the minimum-income thresholds for TSS occupations could all be deterrents.

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<sup>21</sup> The DAMAs generally have low caps, but even those are not being achieved.

## Summary of DAMA provisions relating to carers

### NT

ANZSCO	Skill Level	Occupation
421111	4	Childcare Worker
423111	4	Aged or Disabled Carer
423313	4	Personal Care Assistant

**Required qualifications and work experience:** Undergo a skills verification by the Northern Territory Department of Industry, Tourism and Trade AND have at least a relevant Australian Qualifications Framework (AQF) diploma or equivalent or higher-level qualification AND have at least one (1) year (20+ hours per week – hpw) relevant post qualification experience; work experience cannot be calculated on a pro rata basis

**English language concession:** N/A

### Orana regional (NSW)

ANZSCO	Skill Level	Occupation
421111	4	Childcare Worker
423111	4	Aged or Disabled Carer
423313	4	Personal Care Assistant

**Required qualifications and work experience:** A Skills Assessment from the relevant Authority AND a relevant AQF Certificate III AND at least two (2) years (38+ hpw) relevant post qualification experience

**English language concession:** N/A

### Goldfields WA

ANZSCO	Skill Level	Occupation
421111	3	Childcare Worker

**Required qualifications and work experience:** An ACECQA nationally approved certificate III level (or higher) early childhood education and care qualification AND evidence of a minimum of three (3) years (minimum 38+ hpw) employment experience as a Child Care Worker in a regulated education and care setting for the sponsoring employer

**English language concession:** N/A

### Goldfields WA

ANZSCO	Skill Level	Occupation
423111	4	Aged or Disabled Carer
423313	4	Personal Care Assistant

**Required qualifications and work experience:** Have at least a relevant AQF Certificate II or equivalent or higher level qualification AND EITHER have at least one and a half (1.5) years (20+) relevant post qualification experience OR have at least a relevant AQF Certificate III or equivalent or

higher level qualification and have at least one (1) year (20+ hpw) relevant post qualification experience) OR have at least one (1) year (38+ hpw) relevant experience

**English language concession:** If the nominee is applying for a TSS visa, the average IELTS score required is 5.0 with no component being less than 4.0 (or the equivalent grading of one of the other English tests)

#### South Australian Regional Workforce Agreement

ANZSCO	Skill Level	Occupation
421111	3	Childcare Worker (Group Leaders Only)

**Required qualifications and work experience:** Must meet the skill level as defined in ANZSCO AND have one (1) year of relevant and recent work experience; work experience can be served concurrently with any work experience used to substitute for formal qualifications as per ANZSCO requirements

**English language concession:** Outer regional South Australia available only English concession 482 and 494 visas – IELTS score 4.5 overall (or equivalent) and minimum of IELTS score 4.0 (or equivalent) for individual bands

#### South Australian Regional Workforce Agreement

ANZSCO	Skill Level	Occupation
423111	4	Aged or Disabled Carer
423313	4	Personal Care Assistant

**Required qualifications and work experience:** At least a Certificate III or higher qualification AND have at least one (1) year of recent and relevant work experience; two (2) years of relevant work experience may substitute for a qualification

**English language concession:** English Concession 482 and 494 – IELTS score of 5.0 overall (or equivalent) and minimum of IELTS score 4.0 (or equivalent) for individual bands

#### Far North Queensland

ANZSCO	Skill Level	Occupation
421111	3	Childcare Worker
423111	4	Aged or Disabled Carer
423312	4	Nursing Support Worker
423313	4	Personal Care Assistant
422115	4	Preschool Aide

**Required qualifications and work experience:** Have at least a relevant AQF or equivalent Certificate III (Skill Level 4) OR have at least a relevant AQF or equivalent Certificate IV (Skill Level 3) and have at least one (1) year (20+ hpw) relevant work experience; plus skills assessment

**English language concession:** N/A

**Notes:** 10% TSMIT concession and pathway to permanency available for all.

## Summary of DAMA provisions relating to hospitality workers

NT

ANZSCO	Skill Level	Occupation
351411	3	Cook

**Required qualifications and work experience:** Five (5) years' employment experience as a Commercial Cook (with no formal training) OR three (3) years' employment experience as a Commercial Cook (with relevant formal training; formal training' is training that aligns with the national training standards

**English language concession:** Average of 5.0 for IELTS with speaking and listening components no less than 4.0. English language concession not available for Hotel or Motel Receptionist

NT

ANZSCO	Skill Level	Occupation
431411	3	Hotel Service Manager

**Required qualifications and work experience:** Undergo a skills verification by the Northern Territory Department of Industry, Tourism and Trade; meet the skill level as defined in ANZSCO; have at least two (2) years post qualification experience; the two (2) years post qualification experience is in addition to any work experience requirements outlined in ANZSCO as substitution of qualifications

**English language concession:** Average of 5.0 for IELTS with speaking and listening components no less than 4.0. English language concession not available for Hotel or Motel Receptionist

NT

ANZSCO	Skill Level	Occupation
431112	4	Barista
451412	4	Tour Guide
542113	4	Hotel or Motel Receptionist

**Required qualifications and work experience:** Undergo a skills verification by the Northern Territory Department of Industry, Tourism and Trade, AND EITHER have a relevant AQF Certificate II or equivalent and at least one and a half (1.5) years (20+ hours per week – hpw) relevant post qualifications experience OR have at least a relevant AQF Certificate III or equivalent or higher level qualification and at least one (1) year (20+ hpw) relevant post qualification experience OR have at least two (2) years (38+ hpw) relevant experience

**English language concession:** Average of 5.0 for IELTS with speaking and listening components no less than 4.0. English language concession not available for Hotel or Motel Receptionist

NT

ANZSCO	Skill Level	Occupation
070499	4	Waiter (Supervisor)

**Required qualifications and work experience:** Attend and actively participate in training programs as required by the employer; maintain current Responsible Service of Alcohol (RSA) qualification; develop training programs for Food & Beverage employees

**English language concession:** Average of 5.0 for IELTS with speaking and listening components no less than 4.0. English language concession not available for Hotel or Motel Receptionist

#### NT

ANZSCO	Skill Level	Occupation
070499	4	Bar Attendant (Supervisor)

**Required qualifications and work experience:** Attend and actively participate in training programs as required by the employer; maintain current Responsible Service of Alcohol (RSA) qualification

**English language concession:** Average of 5.0 for IELTS with speaking and listening components no less than 4.0. English language concession not available for Hotel or Motel Receptionist

#### Great South Coast (VIC)

ANZSCO	Skill Level	Occupation
351411	3	Cook

**Required qualifications and work experience:** Five (5) years' employment experience as a Commercial Cook (with no formal training) OR three (3) years' employment experience as a Commercial Cook (with relevant formal training, i.e. "training that aligns with the national training standards")

**English language concession:** Average score of IELTS 5.0 with no component less than 4.0

#### Far North QLD

ANZSCO	Skill Level	Occupation
351111	3	Baker
351112	3	Pastry Cook
452311	3	Diving Instructor (Open Water)

**Required qualifications and work experience:** No concessions. As per requirements for TSS eligible list of skilled occupations

**English language concession:** Average of 5.0 for IELTS with speaking and listening components no less than 4.0

#### Far North QLD

ANZSCO	Skill Level	Occupation
351411	3	Cook

**Required qualifications and work experience:** Meet the skill level as defined in ANZSCO; AND (a) have at least one and a half (1.5) years (20+ hours per week – hpw) relevant work experience if

applying for a TSS; OR (b) have at least one (1) year (35+ hpw) relevant work experience if applying for a TSS

**English language concession:** Average of 5.0 for IELTS with speaking and listening components no less than 4.0

#### Far North QLD

ANZSCO	Skill Level	Occupation
70499	3	Café or Restaurant supervisor
70499	3	Diving Instructor (Tourism or Photography)
70499	3	Night Auditor

**Required qualifications and work experience:** Non-ANZSCO Skill Level 3 occupations (704911): have at least a relevant AQF or equivalent Certificate IV AND at least one (1) year (20+ hpw) relevant work experience if applying for a TSS or [Skilled Employer Sponsored Regional \(Provisional\) visa](#) (SESR) visa; the visa applicant must undergo a skills assessment by the relevant Skills Assessing Authority (as specified in the Labour Agreement)

**English language concession:** N/A

#### Far North QLD

ANZSCO	Skill Level	Occupation
70499	4	Bar Attendant (Supervisor)
70499	4	Housekeeping Supervisor
70499	4	Waiter (Supervisor)

**Required qualifications and work experience:** Non-ANZSCO Skill Level 4 occupations (70499): have at least a relevant AQF or equivalent Certificate III with at least one (1) year (20+ hpw) relevant work experience applying for a TSS OR have at least two (2) years (35+ hpw) relevant work experience applying for a TSS or SESR visa; the visa applicant must undergo a skills assessment by the relevant Skills Assessing Authority (as specified in the Labour Agreement)

**English language concession:** N/A

#### Far North QLD

ANZSCO	Skill Level	Occupation
431111	4	Bar Attendant*
542113	4	Hotel or Motel Receptionist
452299	4	Outdoor Adventure Guides (Not elsewhere classified - nec)
452215	4	Outdoor Adventure Instructor
451412	4	Tour Guide
431511	4	Waiter*

**Required qualifications and work experience:** Have at least a relevant AQF or equivalent Certificate II with at least one and a half (1.5) years (20+ hpw) relevant work experience if applying for a TSS or

SESR visa OR have at least a relevant AQF or equivalent Certificate III with at least one (1) year (20+ hpw) relevant work experience if applying for a TSS or SESR visa OR have at least two years (35+ hpw) relevant work experience if applying for a TSS or SESR visa; the visa applicant must undergo a skills assessment by the relevant Skills Assessing Authority (as specified in the Labour Agreement)

**English language concession:** N/A

#### Far North QLD

ANZSCO	Skill Level	Occupation
899211	4	Deck Hand

**Required qualifications and work experience:** Have at least a relevant AQF or equivalent Certificate II with at least one and a half (1.5) years (20+ hpw) relevant work experience if applying for a TSS or SESR visa OR have at least a relevant AQF or equivalent Certificate III with at least one (1) year (20+ hpw) relevant work experience if applying for a TSS or SESR visa OR have at least two years (35+ hpw) relevant work experience if applying for a TSS or SESR visa; the visa applicant must undergo a skills assessment by the relevant Skills Assessing Authority (as specified in the Labour Agreement)

**English language concession:** Average of 5.0 for IELTS with speaking and listening components no less than 4.0

#### Far North QLD

ANZSCO	Skill Level	Occupation
811411	5	Commercial Housekeeper*
431999	5	Other Hospitality Workers (nec)*
851299	5	Food Trades Assistant (nec)*

**Required qualifications and work experience:** Have at least a relevant AQF or equivalent Certificate I OR have at least one (1) year (35+ hpw) relevant work experience if applying for a TSS or SESR visa; the visa applicant must undergo a skills assessment by the relevant Skills Assessing Authority (as specified in the Labour Agreement)

**English language concession:** Average of 5.0 for IELTS with speaking and listening components no less than 4.0

**Notes:** 10% TSMIT concession and pathway to permanency available for all; \*excludes Cairns metro.

## Annex 5: Direct-to-TSS Trades Fact Sheet

### Promoting Pacific Participation in the TSS

#### Trades: direct-to-TSS pathway

#### Fact sheet

As part of the Pacific Step-Up, the Department of Foreign Affairs and Trade is promoting Pacific participation in Australia's Temporary Skill Shortage (TSS) visa.

This fact sheet spells out the opportunities for employers to hire workers in the trades, direct from the Pacific, under the TSS. It should be read in conjunction with official Home Affairs information. This document represents the best efforts of the authors, but note that information can become quickly out of date, and the information presented herein should only be used as a guide for and stimulus to further investigation, and should not replace reliance on official information.

#### (a) Summary

Although Australian employers have not traditionally hired offshore in the Pacific, given the substantial investment in skills upgrading by DFAT through the Australia Pacific Training Coalition (APTC) and its strong labour-mobility mandate, there is an opportunity for many Pacific trades workers, who now have Australian qualifications, to be hired by Australian employers under the TSS.

#### (b) Opportunity

- Trade-based occupations eligible for a TSS visa and, prior to COVID-19, in demand in Australia were: motor mechanic (general) (ANZSCO 321211); diesel motor mechanic (321212);<sup>22</sup> sheetmetal trades worker (322211); metal fabricator (322311); fitter (general) (323211); carpenter (331212); painting trades worker (332211); wall and floor tiler (333411); plumber (general) (33411); electrician (general) (341111); air-conditioning and refrigeration mechanic (342111); and cook (351411).
- The APTC has produced over the past decade a substantial number of graduates with qualifications that match these occupations. However, the evidence from graduate tracer surveys shows that they are finding it increasingly difficult to find work in the Pacific.<sup>23</sup>
- These trades-qualified skilled workers could be hired into the TSS from offshore.

#### (c) Pathway

- Trades workers can be recruited to work in Australia by regional employers through the PLS and then invited to apply for the TSS visa. However, this fact sheet focuses on employers hiring directly from the Pacific via the TSS. The prerequisites discussed below would also apply for PLS-to-TSS transitions.
- For employers to recruit via the TSS visa, the occupations must be on the eligible occupation lists of either the TSS short-term or TSS medium-term streams. The above listed trade-based

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<sup>22</sup> The relevant APTC qualification is Mem30205 – Certificate III In Engineering – Mechanical Trade (Maintenance) Diesel Fitting Pathway.

<sup>23</sup> <https://devpolicy.org/aptc-graduates-finding-it-increasingly-difficult-to-find-employment-20210217/>

occupations, except for cooks, are all on the Medium and Long-Term Strategic Skills List (MTSOL). Cooks are on the short-term list. This means that, except for cooks, successful applicants are eligible for a four-year visa and have access to a pathway to permanent residence.

#### (d) Prerequisites

- **Skills:** Qualification and work experience requirements are set out [here](#) and [here](#) by the Department of Home Affairs. They typically start at Skill Level 3 level with occupations that require a trade-level qualification and matching work experience. These trade-based occupations match the top-up Australian-recognised qualifications awarded by APTC based on a 22-week course. This top-up qualification requires that the graduate also has a domestic trade qualification (usually based on a three- or four-year apprenticeship) and relevant work experience. No practical skills test is needed for Australian-recognised qualifications to meet the TSS assessment requirements for immigration purposes; however, a technical interview is still required.<sup>24</sup>
- **Experience:** At least three years relevant employment experience in that occupation with relevant formal training that aligns with the national training standards of the applicant's country of training (e.g., [carpenter](#) or [motor mechanic](#)).<sup>25</sup> It is likely that many APTC graduates meet this requirement, but this needs to be confirmed by APTC for individual graduates.
- **English proficiency:** International English Language Testing System (IELTS) overall band score of at least 5.0 with a score of at least 5.0 in each of the test components is required for the TSS medium-term stream. The short-term stream requires an IELTS overall band score of at least 5.0 with a score of at least 4.5 in each of the test components. Visa applicants from Pacific countries such as Tonga, Samoa, Fiji, PNG, Solomon Islands and Vanuatu may be exempt from the language requirement if they can prove that they have completed at least five years of full-time study in a secondary higher-level or institution where most classes were in English.<sup>26</sup>
- **Age:** No age limit for the TSS. However, age limits apply to the visas for permanent residence.
- **Health:** [Standard TSS health test requirements](#) apply for applicants from high-risk countries (all Pacific and Timor-Leste countries except Cook Islands, Samoa and Tonga), namely a medical examination and a chest x-ray. This also applies to family members.
- **Police certificate:** [\(If requested\)](#)
- **Australian values statement:** [Needs to be signed](#)
- **Cost:** The TSS visa cost is \$2,690 for the main applicant and each dependant 18 years and over, and \$675 for each dependant under 18. In addition, the SAF (Skilling Australians Fund) levy must be paid (\$1,200 upfront per year for the visa term for small businesses, and \$1,800 for others).
- **Labour market testing:** Must be carried out by employer.

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<sup>24</sup> TSS applicants are exempt from any mandatory skills assessment if they have completed an Australian-recognised qualification. TSS applicants from some countries are required to undergo a mandatory skills assessment if they hold a non-Australian-accredited qualification. The requirement is spelt out [here](#) in a legislative instrument and it varies by occupation. See also: <https://www.vetassess.com.au/skills-assessment-for-migration/trade-occupations/assessment-process>.

<sup>25</sup> According to VETASSESS, the largest occupation assessor for immigration purposes, the evidence requirements for the 32 trade-based occupations state [that non-licensed Trades have to have three \(3\) years' employment experience \(with relevant formal training\)](#).

<sup>26</sup> Visa applicants need to provide the name and location of the institution/s, level of qualification/s, official transcript from the secondary and/or tertiary institution, number of contact hours per week in English and number of years of study.

- **TSS processing time ([medium-term stream](#)):** 75% of applications processed in six months, with 90% of applications in nine months.
- **Minimum income requirement (TSMIT):** Currently \$53,900 plus super.

## Issues

- Two-thirds of TSS hiring is onshore. To encourage offshore hiring, a trusted intermediary is required. APTC is expected to play this role as per its forthcoming labour mobility strategy. APTC would promote Pacific hiring opportunities to Australian employers, and help these employers identify eligible candidates. APTC would also become a VETASSESS testing centre for the conduct of technical interviews. APTC would pre-assess the English skills of its students to determine their general level, and ability to meet requirements. The division of remaining tasks between APTC and a migration agent would also need to be determined.
- The upfront costs of recruitment would need to be met by the employer, and it would be up to the employer and employee to agree on the extent to which the employee would have to reimburse the employer for incurring these costs.
- The risk of “brain drain” is reduced by the fact that the evidence suggests excess supply of many skills qualifications.<sup>27</sup> Australian migration opportunities should encourage many others to undertake skills training, which will benefit the domestic economies of the Pacific. APTC should not assist students who were sponsored by their employers to study at APTC. Careful monitoring would be needed to identify emerging shortages, and remedial actions taken as needed.

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<sup>27</sup> Richard Curtain and Stephen Howes, “APTC graduates finding it increasingly difficult to find employment”, Devpolicy Blog, 17 February 2021.