

Senate Select Committee on Temporary Migration

QUESTION ON NOTICE / Written

Topic: Pacific Labour Scheme

Submitted by Committee on 13 May 2021

Question

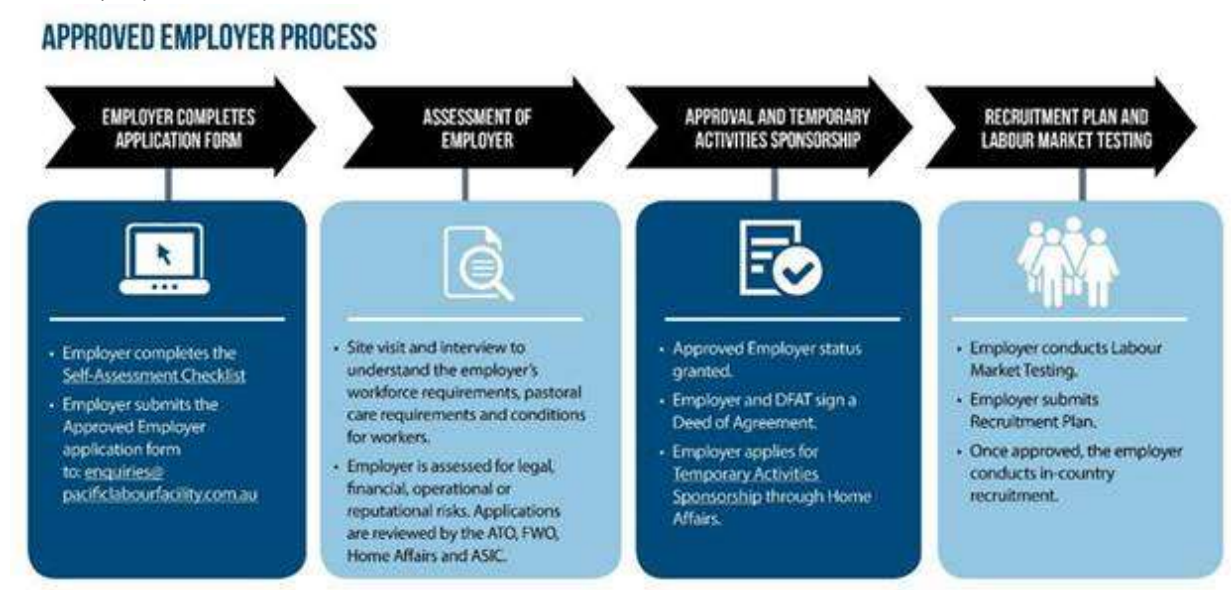
1. At the public hearing on 17 September 2020 of the Select Committee on Temporary Migration, the Department of Foreign Affairs and Trade stated that before COVID-19, there were 1,050 workers on the Pacific Labour Scheme (PLS) in Australia. How many workers are there currently in Australia participating in the PLS?
2. How many cases of worker exploitation have been reported to the department under the PLS?
3. What is the accreditation process to become an approved employer under the PLS?
 - a. How does this differ from the Seasonal Worker Programme (SWP)?
4. Since its commencement, how many employers has the department approved under the PLS?
 - a. How many approved employers have lost their approval(s) status in this time?
 - b. On what grounds could an approved employer have its approval status revoked?
5. What support services do workers receive under the PLS and when do they receive these services?
6. How does the PLS complement the existing SWP?
7. Has any consideration been given to combining the PLS and the SWP? If not, why not?

Answer

1. As at 7 May 2021 there were 2,137 PLS workers in Australia.
2. Since the Pacific Labour Scheme commenced in July 2018, there have been 10 referrals made to the Fair Work Ombudsman for further investigation. These referrals are primarily about potential underpayment of wages and allegedly wrong applications of awards. Five cases have been closed with no contraventions identified. All other cases remain under investigation.

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3. The flowchart below illustrates the accreditation process to become a PLS Approved Employer:



The PLS and SWP Approved Employer accreditation processes are closely aligned. The Pacific Labour Facility (PLF) conducts a site visit to the employer before the accreditation while the Department of Education, Skills and Employment (DESE) seeks to visit the employer after the accreditation as part of standard program assurance processes. PLS pre-accreditation site visits provide an understanding of the employers' workforce and ensures that pastoral care can be provided for workers who are in a community for up to three years under the PLS. Another minor difference is that DESE grants provisional approval pending confirmation of Temporary Activities Sponsorship (TAS) status by the Department of Home Affairs, while the Department of Foreign Affairs and Trade may execute a Deed of Agreement while the Department of Home Affairs is still approving the TAS application. Regardless, an Approved Employer must receive the TAS prior to recruiting workers under both schemes.

4. Since the Pacific Labour Scheme commenced in July 2018, 123 employers have been approved by the department to join the PLS (as of 14 May 2021). None have lost their approval status. Depending on the level of risk involved and the severity or cumulation of Approved Employer breaches, DFAT may exercise its sole and absolute discretion to terminate the Pacific Labour Scheme Deed of Agreement. Steps to terminate the Deed may include consideration and management of the current PLS workers engaged by an AE; a 'show cause' letter and a response to this letter; and a provision of notice of termination.
5. Support services to workers are provided by a dedicated welfare team made up of 16 staff. These staff include members with Pacific backgrounds who are fluent in Tongan, Samoan, Bislama and Fijian. The Welfare Team provides a 24/7 worker welfare hotline. Workers can access support at any time through the 24/7 welfare hotline. In addition to the hotline, the PLF provides support services to PLS and SWP workers in a range of ways including: regular welfare visits/calls; community outreach events; regular discussion with Australia-based Pacific and Timorese liaison officers; and referrals from Approved Employers, other government departments, non-government organisations, churches and diaspora groups.

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6. The Pacific Labour Scheme provides employment opportunities for workers from nine Pacific Island countries and Timor-Leste in low and semi-skilled roles in any sector in rural and regional Australia for periods of between one and three years. This complements the Seasonal Worker Programme which provides employment opportunities for workers from the same participating countries in unskilled or low skilled seasonal roles in agriculture (nationally) and accommodation (in select locations) for up to nine months. Eligible employers are able to recruit under either or both programs to meet their workforce needs unable to be filled with Australian workers.
7. The National Agriculture Workforce Strategy and a 2020 independent review of the Pacific Labour Facility recommended greater alignment of the programs to reduce duplication, achieve greater consistency and streamline administration. DFAT and DESE continue to work closely to align policy and program settings where possible, for example, developing shared procedures with States and Territories for the resumption of labour mobility during the COVID-19 pandemic. Combining the two programs would be a decision for government.