



DEDICATED AGRICULTURAL VISA

The NFF is continuing its call for a comprehensive solution, a visa which is **purpose built** and **responsive to the needs of industry**, which grants farmers access to existing labour pools, and minimizes the administrative and financial burden they must bear. It would allow people who want to work on farms to come to Australia and go to the work as and when they're needed. Replacing the current reliance on visa arrangements that are not purpose built to address labour shortages with a tailor-made scheme — a dedicated Ag Visa — would also reduce opportunities for exploitation by providing a targeted visa for those who want to work in working in ag. It would remove gaps in the current visa system which render migrant workers vulnerable, which obscure the problem and enable silence in the face of mistreatment. It would give these workers options which the current system denies.

THE PROPOSAL

- 1. Flexibility and Portability.** Workers should not be tied to a particular employer but would be able to move from job to job (provided they remain working in agriculture) as and when they're needed. In addition to giving both worker and employer flexibility, this would minimise opportunities for abuses such as bonded labour and illegal wage deductions.
- 2. A Coordinating Body.** An industrial sponsor with a strong web-presence would be responsible for monitoring the workers' locations, employment, wellbeing, and providing them with assistance as needed, while maintaining contact with government and employers. However, this coordinating body would not be the employer, and this would not be a labour hire arrangement which distances the worker from the farm and increase costs.
- 3. Fair Workplaces.** Perhaps most critically, workers could only be hired by farms that have demonstrated fair employment practices. To this end, the visa would feature an employer approval or accreditation system.¹ In addition to ensuring a worker is not subject to any form of mistreatment — from *relatively* low level offences such as inadvertent underpayments to grave abuses such as modern slavery — it will provide all growers with a positive incentive to adopt best practice.
- 4. Appropriate Length.** The visa would have both a short term (up to 12 month) unskilled and a long term, semi-skilled stream, with a multiple entry component, the option for the worker to return to Australia, and ultimately the ability to transition into permanent residency. In addition to facilitating

¹ Such as Growcom's the Fair Farms Initiative.



workforce continuity, these options would allow rural communities the benefit of long term migration.

- 5. *The Right Numbers.*** Currently both unskilled and skilled visa arrangements are effectively uncapped. However, in order to hire a migrant worker, employers must conduct “labour market testing”. This process is farcical. Not only are its results unreliable (applicants are rarely genuine), they are out-of-touch with business realities. The dedicated agricultural visa would abandon this process, setting localised visa caps which are based on reliable data and set in consultation with the regions and industry.
- 6. *Balanced Checks.*** In addition to the coordinating body logging the worker’s whereabouts etc., there should be additional mechanisms to ensure the entrant complies with visa restrictions while in Australia, and that he/she departs when the visa expires. The worker will be issued with ag-work entitlement cards, a portion of the workers’ pay (e.g. the superannuation component) may be held on trust pending their departure, and workers who are compliant during their stay may have easier access to subsequent visas.

Of course, this merely gives an outline of the visa proposal. A number of other details are yet to be determined. For example, the ‘home nations’ of the workers. Ideally these would be countries with a cultural presence in Australia, a mature agricultural industry, and similar climate and working conditions. Indonesia, Malaysia and the Philippines have been cited as good options. In addition, there would have to be a number of preconditions attached to the grant of a visa. These may include: demonstrating a degree of financial independence; undergoing pre-departure health checks; obtaining medical and other forms of insurance; and demonstrating a minimum English language proficiency. Furthermore, the workers should be required to attend a series of (pre) arrival briefings which would provide them with information about employment, health and safety, and social laws and norms of Australia. The briefings would include worker representatives (unions), workplace regulators, and other relevant bodies.

Finally, checks will need to be built into the visa to minimise overlap with other programs. In particular, concerns have been expressed that an ag visa could compromise the SWP. There is no obvious reason why the SWP could not be modified so that growers don’t have to bear the brunt of the nation’s foreign aid program (by, for example, merging the SWP with the expanding Pacific Labour Scheme). Nonetheless, there are other options. For example, as a precondition of gaining accreditation to hire ag visa workers, an employer may have to trial the SWP for a number of years. This will provide an incentive for producer to engage with the SWP and learn its benefits — growing the program rather than frustrating it — before confirming for themselves that it does not fit their needs.