

Senate Select Committee on Temporary Migration

QUESTION ON NOTICE Inquiry into Temporary Migration

Outcome: Employment

Department of Education, Skills and Employment Question No. IQ21-000034

The Committee provided in writing.

Seasonal Worker Programme

Questions

1. How many seasonal workers are currently in Australia participating in the Seasonal Worker Programme (SWP)? Provide a breakdown of the countries that the workers originate from.
2. In response to the COVID-19 pandemic, on 4 April 2020, the Government announced temporary changes to visa arrangements to allow workers under the SWP and the Pacific Labour Scheme (PLS) to continue working in the agriculture sector for up to 12 months.¹ Has the department sought feedback or assessed the effectiveness and impact of this temporary change?
3. At the committee's public hearing on 10 September, the department told the committee that it was 'working now with state governments for them to opt into the [Seasonal Worker Programme] ... to bring more workers in, in coming months'.²
 - a. What state and territories have opted into the SWP?
 - b. How many workers have entered Australia in this time under such an arrangement?
4. Your submission on pages 19-22 outlines the key elements of the SWP, from seeking to participate in the SWP to a worker's reintegration at home.³ What mechanisms does the department have in place to collect feedback from participants (workers and Approved Employers) on the effectiveness of the support services provided through the SWP?
 - a. Have gaps in support services provided under the SWP been identified by participants (workers and Approved Employers)?
5. How many cases of worker exploitation have been reported to the department under the SWP?
6. Over the last five years, how many employers has the department approved under the SWP?
 - a. How many Approved Employers have lost their approval(s) in this time?
 - b. On what grounds could an Approved Employer have its approval status revoked?
7. What is the accreditation process to become an Approved Employer?
8. Your website states that on 6 October 2020, the Pacific Labour Mobility Safeguarding the Welfare of Workers package was announced, with key features including investing \$9 million to support the SWP and the welfare of Pacific and Timorese workers. The

¹ Department of Education, Skills and Employment, *Seasonal Worker Programme*, 14 April 2021, <https://www.dese.gov.au/seasonal-worker-programme> (accessed 3 May 2021).

² Ms Margaret Kidd, First Assistant Secretary, Delivery and Employer Engagement Division, Department of Education, Skills and Employment, *Committee Hansard*, Canberra, 10 September 2020, p. 8.

³ Department of Education, Skills and Employment, *Submission 78*, pp. 19-22.

package also provides for Pacific Labour Mobility Officers to be based around Australia to check welfare, monitoring, compliance and accommodation.⁴ Since October 2020, how have these funds been used to support SWP participants and the welfare of Pacific and Timorese workers? How many Pacific Labour Mobility Officers has the department engaged and where are these officers based? Provide a breakdown of the number of welfare checks, monitoring, compliance and accommodation inspections that have been undertaken since October 2020.

9. Your website states that the SWP Regional Pilot (the Pilot) helps smaller farmers meet workforce shortages in the following areas; Sunraysia (NSW/Victoria), Goulburn/Murray (Victoria), Riverina (NSW), and Wimmera/Mallee (Victoria).⁵ The factsheet states that the Pilot will have greater flexibility to move seasonal workers and that 'this flexibility will allow SWP Employers to meet the workforce needs of smaller farmers with short harvest seasons and those with unpredictable picking period'.⁶
 - a. Since it commenced what has been the uptake of the Pilot?
 - b. What measures has the Department put in place to promote the Pilot?
 - c. Has consideration been given to extending the Pilot to any other regions?
10. What are the differences between the SWP Regional Pilot and the Worker Portability Pilot offered by the department?
 - a. What has been the uptake of the Worker Portability Pilot since it commenced?
11. Since it commenced, how many people have sought reimbursement through the Relocation Assistance to Take up Short-term Agricultural Work program?⁷
 - a. What measures have the department undertaken to promote this program?

Answer

Q1.

As at 30 April 2021, there were 8,284 SWP workers in Australia.

Country	Workers
Fiji	191
Kiribati	124
Papua New Guinea	81
Samoa	540
Solomon Islands	387
Timor-Leste	1,132
Tonga	2,667
Vanuatu	3,162
Total	8,284

⁴ Department of Education, Skills and Employment, *Seasonal Worker Programme*, 14 April 2021, <https://www.dese.gov.au/seasonal-worker-programme> (accessed 3 May 2021).

⁵ Department of Education, Skills and Employment, *Seasonal Worker Programme*, 14 April 2021, <https://www.dese.gov.au/seasonal-worker-programme> (accessed 3 May 2021).

⁶ Department of Education, Skills and Employment, *Seasonal Worker Programme*, 14 April 2021, <https://www.dese.gov.au/seasonal-worker-programme> (accessed 3 May 2021).

⁷ Department of Education, Skills and Employment, *Relocation assistance to take up short term agricultural work – information for people looking for work*, 7 January 2021, <https://www.dese.gov.au/rattuai/resources/relocation-assistance-take-short-term-agricultural-work-information-people-looking-work> (accessed 3 May 2021).

Q2.

The Department of Education, Skills and Employment (the department) engages regularly with stakeholders on the operation of the Seasonal Worker Programme (SWP), including through the SWP Advisory Group. The Advisory Group membership includes Approved Employers, industry bodies, community groups and unions. The department and partner agencies are also represented.

Feedback from stakeholders, including employers, industry and participants, has been supportive for the changes to visa arrangements. The changes have enabled SWP workers who have been unable to return home to continue to earn an income and remit savings to support their families and communities. The changes coupled with the restart of Pacific labour mobility have also provided greater certainty in labour supply for employers. These changes have been extended.

Q3.

- a) The Government announced the restart of the SWP and Pacific Labour Scheme on 21 August 2020. All states and territories have opted into the restart of the SWP with the exception of the Australian Capital Territory where there are currently no Approved Employers.
- b) As at 30 April, 3,528 SWP workers have arrived under SWP Restart and the Northern Territory Mango Pilot to work on farms in the Northern Territory, Queensland, Tasmania, South Australia, Victoria and Western Australia.

Q4.

The department engages with a range of stakeholders, including the SWP Advisory Group. The department also engages with the Heads of Mission based in Australia and Pacific Government's Labour Sending Units, through the Department of Foreign Affairs and Trade to discuss the operation of the program and seek feedback.

On return to their home country, workers receive a return briefing provided by the country Labour Sending Unit. Where there is feedback from workers in respect of their experience during the program in Australia this is passed to the department and is considered in ongoing program improvement.

Additionally, under the Assurance Framework for the program, set out in section 5.2.2 on page 22 of the department's submission, the department undertakes monitoring visits to recruitment placements where department officers meet and speak with the employer and workers (separately). This provides a direct channel for receiving feedback from program participants.

The department operates the SWP Information Line where workers or anyone with a concern are able to report this to the department – reports can be made anonymously. All reports are taken seriously. The department refers matters relating to other agencies for their further investigation including to the Fair Work Ombudsman (FWO) for concerns relating to industrial relations such as pay or deduction. After hours, urgent reports can be made to the Pacific Labour Facility's Worker Welfare Line. Matters are then referred immediately to the department.

- a) In addition, the Government committed \$9 million under the 2019-20 Budget for additional support services to better safeguard the welfare of workers. Under the measure the department is deploying up to 19 Pacific Labour Mobility Officers (PLMOs) around the country and is providing \$1 million (excl GST) to The Salvation Army, following a tender process, to deliver Community Connections.

The PLMOs work with seasonal workers, approved employers, and local community groups, and undertake additional welfare, monitoring and compliance activities (including

accommodation checks), while Community Connections will help bring Pacific and Timorese workers and their local communities together and build inclusion and cultural awareness.

Q5.

The Australian Government has a zero tolerance for exploitation and mistreatment of workers and takes any allegation of potential illegal behaviour towards, or mistreatment of, vulnerable foreign workers very seriously.

The department has in place an assurance framework to detect and respond to potential concerns and encourages workers or anyone with a concern to report this to the SWP information line – reports can be made anonymously.

The department refers matters relating to other agencies for their further investigation including to the Fair Work Ombudsman (FWO) for concerns relating to industrial relations such as pay or deduction.

For the current financial year to 31 March 2021, the Fair Work Ombudsman:

- commenced 3 investigations into Approved Employers in the SWP;
- completed one investigation into an Approved Employer in the SWP; and
- served one compliance notice.

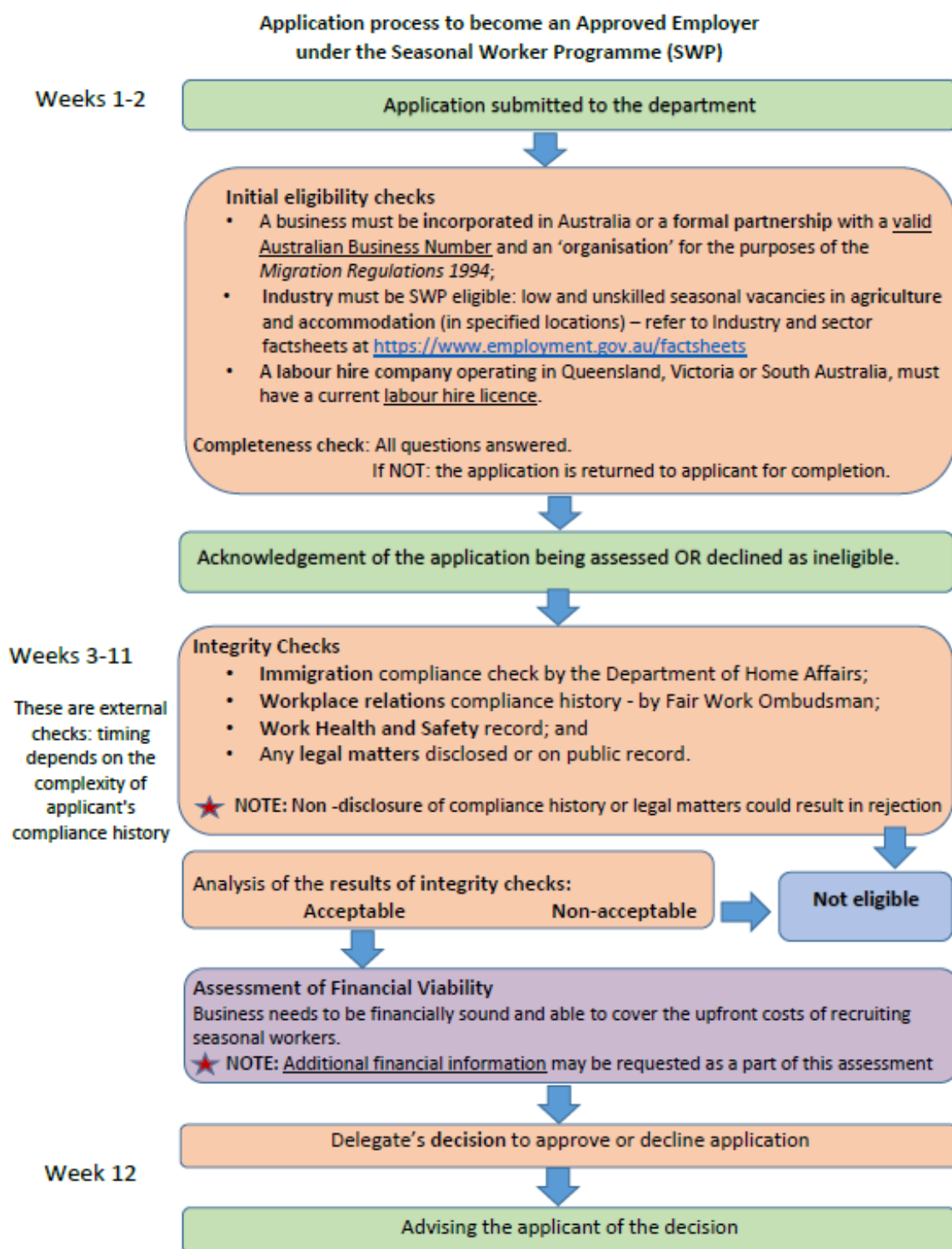
Q6.

For the five-year period from April 2016, the department approved 138 employers under the SWP (noting some have subsequently exited the program).

- a) For the five-year period from April 2016, the department has terminated nine Approved Employers' SWP Deeds of Agreement. Additionally, one Deed was terminated at the request of the Approved Employer. A further four employers did not have their Deeds of Agreement renewed.
- b) The department undertakes a thorough investigation of all allegations or concerns related to an Approved Employer's non-compliance with their requirements under the Deed of Agreement. A range of actions can be taken depending on the seriousness of the findings. These include education, additional monitoring and reporting requirements and a capping of recruitment numbers. Where serious non-compliance is found a suspension on future recruitment or termination of the Deed can occur.

Q7.

The accreditation process to become an Approved Employer is detailed in the following diagram.



★ Once the successful applicant confirms that they are approved by the Department of Home Affairs as a Temporary Activities Sponsor (TAS), they are offered an SWP Deed of Agreement that must be executed prior to recruiting seasonal workers.

Q8.

The department has deployed Pacific Labour Mobility Officers throughout each state and territory to work with seasonal workers, approved employers, and local community groups; and to undertake additional welfare, monitoring and compliance activities (including accommodation checks).

15 PLMOs are currently engaged. Recruitment exercises to fill and replace departing officers in the remaining three positions is underway for Bendigo, Adelaide, Orange and Darwin.

The PLMO positions allocated as follows:

State/territory	location	Number of PLMOs
Queensland	Townsville	2
	Brisbane	2
Western Australia	Perth	4
Victoria	Bendigo	2
South Australia	Adelaide	2
Tasmania	Hobart	2
Northern Territory	Darwin	2
New South Wales	Orange	1
	Newcastle	1
	Canberra	1
	TOTAL	19

As announced by the Government on 29 March 2021, \$1 million is being provided under contract for the Salvation Army, selected through an open tender process, to deliver Community Connections, helping bring Pacific and Timorese workers and their local communities together and build inclusion and cultural awareness. This will include, for example, facilitating attendance by local community groups at workers arrival briefings, and engaging with local sporting groups to hold events.

The department undertakes checks on worker accommodation, welfare and wellbeing and monitoring visits to worker recruitments to ensure these are as approved and are in compliance with program requirements. This is done through the PLMOs, as well as through departmental contract managers.

From October 2020 to 30 April 2021 the department undertook the following visits:

Type of visit	Number conducted
*Welfare and wellbeing checks and monitoring visits	35
Accommodation inspections	185

**noting some of these were virtual due to COVID restrictions*

Q9.

- As at 30 April 2021, a total of 804 places have been approved under the SWP Regional Pilot
- The department has recruited four Regional Pilot Coordinators who actively promote the Pilot in the regions. They attend local field days and community events in the regions. Border closures due to COVID-19 have impacted on opportunities to promote the measure.
- The regions were selected based on known agriculture workforce challenges and to address the concerns being voiced by industry. The department will undertake a review of the pilot which will inform any future policy.

Q10.

In the SWP Regional Pilot, Pilot Approved Employers are able to move seasonal workers, with their agreement, between farm placements during their visa period, without prior approval by the department. SWP Regional Pilot standards, including accommodation, are the same as those under the general program. This allows labour hire companies to bring a worker in for a longer period and respond to business opportunities at short notice by moving workers to farms that require labour when and as needed.

The Portability Pilot allows all SWP Approved Employers in the four Pilot regions to share workers by transferring the Temporary Activities Sponsorship. This assists smaller farmers in the Pilot regions that don't use labour hire companies to share workers during their visa period.

- a) There has been no take up of the Worker Portability Pilot to date, noting that border closures due to COVID-19 have reduced the number of new workers that can be recruited to Australia.

Following the closure of Australia's international borders on 20 March 2020, the department has facilitated over 10,000 redeployments of SWP workers who remain in Australia beyond their original visa, with their agreement, to new placements assisting to meet ongoing labour needs in the agriculture sector.

Q11.

The uptake of relocation assistance for short-term agricultural work has been steadily increasing as the program matures. Between 1 November 2020 and 30 April 2021, there were 1,405 relocation agreements entered into for short-term agricultural work.

To encourage more people to take up roles in agriculture, on 5 May 2021 the Government announced changes to the Relocation Assistance to Take Up a Job program and rebranded the initiative as AgMove. Changes included reducing the hours and time periods for claiming assistance under AgMove.

- a) The department has undertaken a comprehensive campaign to promote the program and encourage uptake.

In December 2020, the department undertook a paid social media campaign. This campaign was complemented by a number of other activities, including:

- direct SMS messaging,
- organic social media,
- Facebook ads,
- the Relocation information page on the Harvest Trail website was updated to promote changes to the Relocation Assistance program for short term Agricultural Work,
- the department's website was updated with Relocation Assistance information,
- posters and flyers,
- a newsroom article, and
- attendance at the Virtual Harvest Jobs Fair in November 2020.

Social media posts were also shared with DHA and the Department of Agriculture, Water and Environment.

This year the department will progress further promotion of AgMove, including paid social media promotion and a targeted social media campaign, creative content, paid advertising, printed material, attendance and sponsorship at regional events including shows and local government events.