



Australian Government
Department of Home Affairs

Submission

For decision
PDMS Ref. Number MS19-003874
Date of Clearance: 18/12/2019

To Minister for Immigration, Citizenship, Migrant Services and
Multicultural Affairs

Subject Horticultural Industry Labour Agreement

Timing At your convenience.

Recommendations

That you:

1. note the business case at Attachment A provided in support of an industry-specific Labour Agreement for Australia's horticulture industry and the Department of Home Affairs' views on each of the concessions sought in this submission, and relevant attachments; noted / please discuss
2. advise your decision about the implementation of a Horticulture Industry Labour Agreement allowing overseas workers to be sponsored under the:
 - Temporary Skill Shortage (TSS) visa program; agreed / not agreed
 - Skilled Employer Sponsored Regional (SESR) visa program; agreed / not agreed
 - and/or
 - Employer Nomination Scheme (ENS) visa program. agreed / not agreed
3. provide your decision at Attachment B for occupations that will be available; decision provided / please discuss
4. provide your decision at Attachment C for the general terms and concessions available; decision provided / please discuss
5. provide your decision at Attachment D for specific work experience requirements for each occupation; decision provided / please discuss

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6. advise your decision about the capping of places:

- not initially apply an annual cap on the number of overseas workers that can be sponsored;
- initially apply an annual cap of 200 on Skill Level 5 occupations;

agreed / not agreed

agreed / not agreed

But to be monitored to assess adequacy throughout the year.

7. advise your decision about not requiring businesses seeking a Labour Agreement to obtain endorsement from an industry governing body prior to lodging a request.

agreed / not agreed

This should be done by department.

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

22(1)(a)(ii)

Signature..

Date: 19/12/2019

There should be an assessment after 12 months to ensure that the Agreement remains fit for purpose and that integrity is being maintained.

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Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

1. The establishment of an industry-specific Labour Agreement for the horticulture industry forms part of the Regional Agriculture Migration Package announced on 19 November.
2. Minister Coleman requested options to establish an industry-specific Labour Agreement for the horticulture industry.
3. The need for such a Labour Agreement has come from industry raising concerns regarding ongoing skill shortages across a range of occupations, and the continuing difficulties businesses are experiencing in sourcing skilled labour locally.
4. AUSVEG, the national peak body representing Australian vegetable and potato growers, have prepared a business case for the establishment of a Horticulture Industry Labour Agreement (HILA). The Department of Home Affairs met with AUSVEG on 27 November 2019 to work through their proposal. On 28 November 2019, AUSVEG submitted an Addendum clarifying its position on some issues. Both are provided at **Attachment A**.
5. The visas that can be made available under a HILA are the TSS visa, ENS visa and the new SESR visa.
6. AUSVEG have requested the following:
 - Occupations from ANZSCO skill level 1- 5.
 - Salary concession equal to 10 per cent of the Temporary Skilled Migration Income Threshold (TSMIT) for ANZSCO levels 1-4, however with a further concessions for lower skilled occupations (equivalent to 11.3 per cent below TSMIT) to align with the Horticultural Award.
 - Relaxation of requirements in relation to Labour Market Testing (LMT), skills assessment and work experience.

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7. It is important to balance the requested concessions with the risks such as worker exploitation, ensuring Australians are considered as a first priority for vacancies, and safeguarding other visa programs so they are not undermined. In light of such risks, and for overall consistency, the Department supports a Horticultural Industry Agreement with broadly similar settings to those agreed previously in Designed Area Migration Agreements (DAMAs) and the Industry Agreements for Meat, Pork and Dairy. Significantly lowering thresholds would potentially undercut DAMAs and increase risk to these programs. A comparison of current DAMA concessions is available at Attachment E.
8. AUSVEG and the horticulture industry more broadly may continue campaigning for the requested concession if not all are approved. They may view the absence of particular concessions and the associated costs of the visa program, particularly the SAF (Skilling Australians Fund) levy as a blockage to farmers engaging workers through HILA. While takeup of HILA may be modest initially, AUSVEG have indicated that farmers are hesitant to try new products and are wary of growing conditions due to the drought.
9. Options for occupations to be made available under a HILA are provided at Attachment B and options for the terms and concessions of the HILA are provided at Attachment C.

Visa arrangements

10. The business case proposes a permanent residency pathway be available for all requested occupations, as follows:
 - Skill Level 1 to 3 occupations be eligible to be nominated for an ENS visa after three years on a TSS visa; and
 - Skill Level 4 and 5 occupations be eligible to be nominated for an ENS visa after four years on a TSS visa.
11. The business case also proposes that the SESR visa be made available under the HILA. Where the SESR visa is approved, the visa holder would be eligible to apply for the Permanent Residence (Skilled Regional) visa (subclass 191) after three years from the time of visa grant.
12. It would be open to you to make a permanent residency pathway available for some or all of the approved occupations. Similar pathways have been agreed for DAMAs, and therefore the Department supports a similar approach for a Horticultural Industry Labour Agreement.
13. Should you be minded to make the SESR visa available under the HILA, it would also be open to you to provide a permanent residency pathway to an ENS visa. This would be in line with Minister Coleman's recent decision to allow both pathways under the Meat, Pork and Dairy industry Labour Agreements (refer: MS19-002901).

Occupations

14. AUSVEG have requested a total of 38 occupations to be included in the HILA.
15. Of these 38 occupations:
 - 22 are high-skilled ANZSCO Skill Level 1 to 3 occupations:
 - 22 are on the eligible skilled occupations list for the SESR visa;
 - 11 are eligible occupations on the Short-Term Skilled Occupations List (STSOL);

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- nine are eligible occupations on the Medium and Long-term Strategic Skills List (MLTSSL);
 - seven are low-skilled ANZSCO Skill Level 4 and 5 occupations and not available for the SESR, nor on the STSOL or MLTSSL; and
 - nine do not align with any existing occupation in the ANZSCO framework.
16. Specific occupations requested under the HILA are provided at **Attachment B**.
17. AUSVEG has requested the inclusion of a number of low-skill occupations without the need for work experience or skills assessment. Included are six ANZSCO level 5 occupations, of which the Department notes that two have more technical capability, of which one has been agreed to in a DAMA (Horticulture Field Worker and Irrigator). The Department would support including the two more technical ANZSCO 5 occupations but not the other four general labouring type roles.
18. More broadly the Department does not support the inclusion of occupations without the requirements for both work experience and skills assessment. These requirements ensure suitably qualified Australian workers have priority to fill these roles. At lower skill levels, removing these requirements may increase the risk of worker exploitation, damage the reputation of the Skill program and undermine other visa programs currently available. The Seasonal Worker Program and Pacific Labour Scheme currently provides the horticultural industry with options for supply of low-skilled labour, and both visas contain protections against exploitation of overseas workers. Measures are being implemented to increase employers' access to these programs.
19. Existing DAMAs have similar numbers and variety of occupations approved for use. Under existing DAMAs, however, the approval of occupations that are ANZSCO Skill Level 5 has only been provided in very limited circumstances. Where approved, the additional risks associated with Skill Level 5 occupations have been mitigated through a minimum two-year work experience and mandatory skills assessment requirement, and with agreed annual caps limiting the number of overseas workers that can be sponsored for Skill Level 5 occupations.
20. Three of the requested occupations—Human Resources Manager, Marketing Manager and Marketing Officer—are not specifically horticulture related occupations. All three are currently available on the STSOL for the TSS visa, and the eligible skilled occupations list for the SESR visa. It is possible that businesses will utilise the HILA to bypass the standard skilled visa programs and access any available concessions. The Department would support these occupations not being included in the HILA or provided with concessions, as they are already readily available under existing skilled visas.
21. The inclusion of Skill Level 4 and 5 occupations under the HILA increases the risk of migrant worker exploitation. As part of its assessment of any Labour Agreement request, the Department considers previous use of visa programs to ensure that the requesting business has complied with all legal obligations. Where adverse information is disclosed or identified, an assessment of the circumstances is undertaken to determine if reasonable to disregard, and a labour agreement will not be approved in cases where it is not reasonable to do so.

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Terms and concessions

Salary

22. The business case proposes a concession to the standard salary requirements, and that the requirement for overseas workers be paid at least the TSMIT and at least the Annual Market Salary Rate (AMSR) be removed. It proposes that the salary requirement be aligned with award pay rates established in the existing Horticulture Award.
23. In table 3 of their business case (pg. 9) AUSVEG presents Horticulture Award earnings against TSMIT and modified TSMIT - with a 10 per cent concession. They have requested a further concession for low skilled occupations (ANZSCO skill level 5) where the relevant award rate is 11.3 per cent below TSMIT.
24. The proposed approach would go 1.3 percentage points further than existing salary concessions under similar Labour Agreements. Under DAMA Labour Agreements, for instance:
- the TSMIT and AMSR are retained but a 'discounted' TSMIT rate can be approved—the 10 per cent TSMIT discount reduces the minimum guaranteed earnings from \$53,900 to \$48,510; and
 - the TSMIT and AMSR are retained but the types of payments that can be counted as guaranteed earnings is broadened to include, for example, regularised overtime and non-monetary benefits (e.g. accommodation).
25. It would be open to you to extend one or both of these existing salary concession types to the HILA and/or modify them. This would, however, increase the risk of exploitation of overseas workers, and the risk that HILA would be used to attract less experienced, low or unskilled overseas workers to the sector who are prepared to accept lower salaries. For consistency, and to minimise risk of exploitation, the Department would support adopting the same approach as for DAMAs (10 per cent concession, with a broader definition of what types of payment can count towards earnings).
26. Such discounts and removal of the AMSR may attract considerable criticism and media attention.

Labour market testing

27. AUSVEG proposes the removal of labour market testing requirements, citing the additional costs and red tape associated with satisfying the standard requirements. Labour market testing requirements are, however, codified in legislation for the TSS and SESR visas. There are no concessions to labour market testing requirements available under any existing industry Labour Agreements or DAMA Labour Agreements.
28. Labour market testing demonstrates that Australians have first opportunity for employment opportunities before overseas workers are considered. Varying labour market testing requirements for the HILA would increase the risk that businesses would not make reasonable efforts to attract and employ Australians, thus undercutting employment opportunities for Australians.
29. In the event that labour market testing requirements could not be waived, AUSVEG have proposed alternative forms of labour market testing be deemed acceptable. AUSVEG have suggested that labour market testing undertaken by one employer in a particular region could then be utilised by other employer/s in the same region as evidence of the unavailability of Australians locally to fill similar vacancies. While it is open to you to agree to alternative forms

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of labour market testing under a Labour Agreement, this arrangement would represent a significant shift from the legislative intent of labour market testing requirements. The potential variation in job role, salary, conditions and management between employers also means it would be difficult to effectively apply one labour market testing process across multiple employers.

Work experience

30. Skilled visas include minimum work experience requirements in addition to skills assessments to ensure those granted visas are job ready to fill vacancies in Australia – two years for TSS, and three years for SESR.
31. AUSVEG proposes the removal of the two-year full time work experience requirement for the TSS visa but have proposed in the Addendum that where an overseas worker has an Agriculture qualification (Diploma or above), the industry would provide specific 'top-up' training to meet any specific job or sector requirements.
32. Providing a concession to work experience requirements as proposed would increase the risk that the HILA would be used to attract less experienced, low or unskilled overseas workers to the sector and undercut employment opportunities for Australians.
33. It nevertheless remains open to you to reduce the minimum two-year work experience requirement for the TSS visa or remove it altogether.
34. Aligning work experience requirements under the HILA to DAMAs would achieve a level of consistency, and ensure DAMA provisions are not undercut. However, such an approach does not address the concession AUSVEG is seeking. A concession to one-year work experience would provide a potential pathway for Working Holiday Makers (WHMs) who have obtained a second WHM visa and may transition to a visa under a HILA occupation. Should you agree to work experience concessions, the Department would propose setting at least a minimum one year work experience requirement to ensure workers are job ready and to address the risks outlined at paragraph 32.
35. **Attachment D** provides a table for your decision by occupation and work experience, including comparisons with previously agreed concessions under DAMAs, and departmental comments.
36. You recently agreed (MS19-002901) to reduce the minimum three-year work experience requirement for SESR for the Meat, Pork and Dairy industry Labour Agreements to two years. The Department would support a similar concession for a Horticulture Labour Agreement.

Skills assessments

37. AUSVEG proposes that skills assessments not be a requirement for the grant of a visa under the HILA, citing the unnecessary administrative burden and cost they present to employers. It remains open to you to remove skills assessment requirements as requested, but this would significantly increase the risk that the HILA would be used to attract less experienced, low or unskilled overseas workers to the sector and undercut employment opportunities for Australians. All DAMAs have a skills assessment requirement to ensure overseas workers are job ready and able to benefit Australian businesses as soon as they are engaged. Skills assessments are independent assessment that provides a safeguard for Australian workers to enter the labour market.

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38. Under the standard TSS visa program, a positive skills assessment is required where the nominated occupation is specified in a legislative instrument. For the SESR visa, a positive skills assessment is required in all cases, irrespective of the nominated occupation.
39. For other types of Labour Agreements, skills and qualification requirements are set under policy and will vary depending on the agreement type. The Department would not support lowering or removing skills assessment requirements, due to considerable program integrity and reputational risks associated with such a proposal.
40. Skills assessing authorities would undertake assessments for occupations already on Skilled Occupation Lists. For occupations at ANZSCO Skill Level 4 and 5 that are not covered on these lists, an appropriate authority would be identified, as has been arranged for DAMAs (except where the NT Government undertakes this role). VETASSESS have previously advised a willingness to perform this role for other occupations and Labour Agreements. Details of those requested occupations with an approved skills assessing authority are included at **Attachment B**.

English language

41. The business case proposes a concession to standard English language requirements but no concessional level/score has been specified. To bring it into line with existing the DAMA Labour Agreement concession, the Department would support the following applying:
- For the TSS visa—at least IELTS 5.0 overall, and at least IELTS 4.0 in each individual component score; and
 - For the ENS and SESR visas—at least IELTS 5.0 overall, and at least IELTS 4.5 in each individual component score.
42. It would be open to you to approve the above concession for the HILA.

Age

43. AUSVEG initially proposed a concession to standard age requirement to allow nominees for the ENS and/or SESR visas to be up to the age of 55 at the time of nomination. In the Addendum, AUSVEG has indicated that they would accept an age concession of 50 years of age. This aligns with Age concessions currently under industry-specific and DAMA Labour Agreements.
44. General terms and concessions requested for the HILA are provided at **Attachment C** with occupation specific terms and concessions at **Attachment D**.

Capping of available places

45. AUSVEG have indicated they wish the HILA to be uncapped and demand driven.
46. There is insufficient information currently available to determine an appropriate level at which a cap could be set. It is open to you to cap the program or leave it uncapped.
47. To bring the HILA into line with DAMA Labour Agreement arrangements, an annual cap could be set on the number ANZSCO Skill Level 5 occupations only. This cap could be conservatively set (at 200 per annum for example) with ongoing monitoring undertaken by the Department over the first twelve months of the program to determine if the cap needs to be increased.

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Endorsement

48. With the exception of the Advertising industry Labour Agreement, which has an endorsement process overseen by the Media Federation of Australia and The Communications Council, businesses seeking an industry-specific Labour Agreement do not require any form endorsement to be eligible to lodge a Labour Agreement request.
49. If you were minded to require that all businesses seeking a HILA were formally endorsed, an endorsing body would need to be identified and an endorsement process established, before the HILA could be implemented.
50. If you were minded to not have an endorsement process, businesses seeking a HILA would apply directly with the Department as per current arrangements for other industry agreements. If the Department had any particular concerns about the genuineness of a HILA request, it could seek guidance from AUSVEG or other relevant industry representatives as part of its assessment.

Background

51. In preparing this business case, AUSVEG have completed extensive consultation with a wide range of industry bodies, growers, government departments, key migration agencies and a number of skills assessment bodies.
52. AUSVEG have indicated that skill shortage issues have become more pronounced as a result of the adoption of new horticulture technologies and a number of planned expansions in the vegetable and potato sector. Other sectors demonstrating strong growth are the Protected Cropping, Citrus, Almonds and Table Grapes sectors.

Regional Agricultural Migration Package

53. The Regional Agricultural Migration Package improves existing migration programs that support the horticultural industry. It addresses concerns about the availability of seasonal workers for horticulture in the Mallee region of Victoria in particular. It builds on changes announced by the Government in November 2018, including 15,350 additional places under the Working Holiday Maker program, streamlining the process of the Seasonal Worker Program and uncapping the Pacific Labour Scheme to improve the supply of seasonal labour for farmers.
54. In consultation for the Regional Agriculture Migration Package, the horticulture industry was not supportive of a seasonal DAMA for low-skilled workers and instead preferred an industry Labour Agreement to fill skilled and semi-skilled roles. Existing programs that provide a seasonal labour supply, including fruit and vegetable pickers and packers, are able to meet these low-skilled requirements.

Implementation

55. Subject to your decisions, the Department would work closely with AUSVEG to implement the HILA by 31 December 2019. This would include promoting the HILA through online channels and our regional outreach, including roadshows.

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Consultation – internal/external

56. Migration Policy and Visa Policy Branch and the Department of Employment, Skills, Small and Family Business (DESSFB) were consulted in the preparation of this submission.

57. DESSFB preliminary advice is:

- AUSVEG's business case lacks sufficient supporting evidence and runs counter to other surveys and projections pointing to below average or negative employment growth in the horticulture sector;
- The concessions sought have the potential to result in a vulnerable workforce and,
- Entry of unskilled and lower skilled workers could undermine employment programs to get unemployed Australians into full time work.

Consultation – Secretary

58. The Secretary was not consulted on the approach in the submission.

Client service implications

59. N/A.

Sensitivities

60. The requested concessions go well beyond what is available under other programs or industry-specific Labour Agreements. Approving the requested concessions will likely incentivise employers bypassing standard visa program requirements for occupations that are available under both the HILA and standard visa programs.

61. It is also likely that businesses that are currently able to access DAMA Labour Agreements will seek to utilise the HILA as the HILA terms and concessions as more favourable and the administrative impost and cost of obtaining the HILA would be lower.

62. The HILA as proposed would also potentially undermine the use of the Seasonal Worker and Pacific Labour programs.

63. The information contained in this submission is classified and should not be publicly released without the authority of the Department of Home Affairs. In accordance with our long standing practices, should you wish for unclassified media lines to be prepared in relation to this issue please contact the Home Affairs Media Coordination team – media@homeaffairs.gov.au.

64. Aligning concessions to DAMAs falls considerably short of what the horticulture industry has requested, and may attract criticism as not going far enough to address labour shortages.

Financial/systems/legislation/deregulation/media implications

65. The development of a tailored HILA Labour Agreement request form will need to be developed and factored into upcoming systems release schedules, but is unlikely to occur before mid-late

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2020. Until such time as this form can be developed, the Department will have limited reporting capability.

66. An existing on-line Labour Agreement request form can be utilised in the interim. This form is currently being used for any Advertising Industry Labour Agreement Requests.

Attachments

Attachment A Submission for a Horticulture Industry Labour Agreement (includes Addendum)

Attachment B Occupations for inclusion in the horticulture industry labour agreement

Attachment C Terms and concessions for inclusion in the Horticulture Industry Labour Agreement

Attachment D Comparison of skills requirements with executed DAMA

Attachment E DAMA – Overview of Agreed Concessions.

Authorising Officer
Cleared by:
22(1)(a)(ii) Assistant Secretary Skilled and Family Visa Program, Immigration Programs Division
Date: 18 December 2019 Ph: 22(1)(a)(ii) Mo: 22(1)(a)(ii)

Contact Officer **22(1)(a)(ii)**, A/g Director Employer Sponsored Program Management, Ph: **22(1)(a)(ii)**.

CC Secretary
Deputy Secretary, Immigration and Settlement Services Group
First Assistant Secretary, Immigration Programs Division
First Assistant Secretary, Immigration and Community Protection Policy Division

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Submission for a Horticulture Industry Labour Agreement

The Applicant

AUSVEG is the applicant for an Industry Labour Agreement covering the National Horticulture industry. AUSVEG has taken the lead in applying for a Horticulture Labour Agreement on behalf of industry with the endorsement of the National Farmers' Federation Horticulture Council, as well as other Horticulture representative bodies. A list of these groups is appended.

AUSVEG, the national peak body representing Australian vegetable and potato growers, is run by growers, for growers. Its work includes industry advocacy, industry communication, export development and market access, biosecurity and a variety of other research and extension activities, working closely with Australia's growers to ensure their needs are reflected in its work.

AUSVEG, has completed extensive consultation with a wide range of industry bodies, growers, government departments, key migration agencies such as Migration Solutions and a number of skills bodies and other stakeholders to ensure this submission is robust and will ultimately provide a long-term workforce benefit for Australia's horticulture industry.

The Australian horticulture industry has a value of \$10.1 billion (ABS), with an unadjusted projected farmgate value to grow by more than 33% to almost \$15b by 2030, according to ACIL Allen Consulting's *Agriculture – a \$100b sector by 2030*.

The need for an Industry-wide Labour Agreement has come from widespread concerns expressed across States and Territories about ongoing skill shortages across a range of occupations and continuing difficulties sourcing labour, especially skilled labour.

The issue has become more pronounced as a result of the adoption of new horticulture technologies including no soil farming systems and a number of planned expansions in the vegetable and potato sector, that have driven the need for a skilled workforce. Other sectors demonstrating strong growth are the Protected Cropping sector, Citrus, Almonds and Table Grapes.

The scale of this growth, combined with a range of difficulties securing permanent skilled labour from both the domestic market and through immigration, has unified the industry in seeking a solution to ongoing workforce problems.

Whilst it is very reassuring that the Government has moved towards an improved regional development strategy, the workforce issue remains a significant rate limiter on investment at a time of planned industry growth.

To provide greater surety in relation to skill and labour demand, the industry believes it requires a more managed process which is framed by a National Industry Labour Agreement.

Overview

Australia's horticulture industry is a very diverse industry covering a multitude of crops including tree crops (citrus, cherries, apples, pears, nuts), mushrooms, vegetables, potatoes and table grapes. The industry has highly skilled operatives and technicians backed by a range of specialist sectors such as agronomy and irrigation.

Over the past few decades the industry has undergone substantial development with the adoption of advanced growing technologies such as "no soil" protected cropping systems and year-round growing systems, as well as moved towards larger and more commercial farming systems. The skill levels have

increased over time to cover a wide array of technology, quality and biosecurity skills with modern farm management systems, exhibiting high level leadership skills combined with value chain approaches.

The industry has been growing steadily over recent years but it is now entering a new growth phase with several sectors forecasting growth in excess of 25% over the next 4-5 years whilst most are looking at a more modest growth forecast around 10%. The Department of Employment, in its Jobs Portal, has identified 9% growth (rounded) for Tree crops and mushrooms and 8% growth (rounded) for vegetable crops by May 2023.

Recent industry surveys conducted by both the Primary Industries Skills Council and the Horticulture Coalition of South Australia have identified additional demand for some 3000 people in South Australia over the next four years of which some 750 appear to be in the higher skill ranges (mostly skill Level 2-3) as well as a number of Skill level 1 Managers. This number is approximately 25% of the occupational demand across the industry with some sector variance.

Much of the current demand falls within the protected cropping sector and with several large-scale corporate businesses, which have experienced a range of shortages over a number of years. However, expansion plans in citrus and almonds, particularly, are significant with larger plantings areas already underway. This will put further stress on the businesses if there is no surety of access to skilled labour.

The other factor to consider is that Australia's population growth is principally through annual immigration and this is having a direct impact on maintaining food supply to keep up with population demand. This in part explains the current levels of investment in expanded production areas.

For example, South Australia is experiencing above average production growth in some of these horticulture sectors, while there is substantial planned growth in Sunraysia and the Riverina. There are already large-scale investments already underway to expand growing areas and meet higher food production demand.

State and Territory organisations are all reporting unmet demand for middle and higher skilled people across the industry which is symptomatic of longer term labour and skill access issues particularly in the middle and technical skills areas.

According to the Australian Bureau of Statistics, Australian horticulture crop production was valued at \$10.1 billion in 2017/18, making it Australia's third highest valued agricultural sector. The horticulture industry is a significant player in Australian agriculture and will play a major contributing role in the government's and industry's ambitious target for agriculture to increase its value to \$100 billion by 2030.

The industry noted the Prime Minister's support for the target at the Bush Summit in Dubbo on July 18, 2019, and that Agriculture Minister Bridget McKenzie is drawing up a national plan for agriculture, fisheries and forestry to reach that target.

According to ACIL Allen Consulting, the unadjusted projected farm-gate value of horticulture will be \$14.6 billion by 2030, a 33 per cent increase on its 2016/17 value and the highest percentage growth of any Australian agriculture sector. AUSVEG recognises this forecast as slightly conservative given wider Asia Pacific regional food shortages driving new export industries.

The horticulture industry, however, believes it can make an even greater contribution to that figure with access to a reliable, competent and skilled workforce. This will provide investment surety for a number of current expansion plans and attract further investment especially in protected cropping.

What is an Industry Labour Agreement?

Industry Labour agreements enable approved businesses to sponsor skilled overseas workers when there is a demonstrated need that cannot be met in the Australian labour market and standard temporary or permanent visa programs are not available.

Labour agreements are developed between the Australian Government (represented by the Department) and industry. These are agreements for a specific industry with fixed terms and conditions.

The need for a Horticulture Industry Labour Agreement

The Australian Horticulture industry has been experiencing labour and skill shortages for the past two decades, but the development of the industry on-farm has led to a high demand for skilled labour. The horticulture industry has a variety of demand requirements from short term labour for crops harvested annually to 12 months of the year for crops which are harvested continually throughout the year.

The industry has had little supply from the domestic labour market with horticulture course offerings contracting markedly during this period due to falling enrolment numbers. Universities have also substantially reduced their Agriculture Science programs during this period, also due to falling enrolments.

These developments combined with a negligible supply from international education graduates has resulted in a widespread shortage of skilled labour at almost every level.

With skilled migration the only realistic option for a wide-range of higher skilled positions and with a growing urgency for skilled people, many businesses have had to turn to temporary visas over the past decade.

Many of these businesses have recruited large numbers of people under the previous 457 visa regime in the absence of a permanent workforce. This has worked extremely well for most businesses and quite often these visa holders have gravitated to essential roles within the enterprises often at a section manager or more specialised technician role.

Quite a number of these 457 visa holders have also been nominated and approved for permanency and continue to provide essential industry roles. However, the process of securing skilled labour from the general skilled system has proved extremely difficult due to the occupations not being identified within ANZSCO or not being included in any national skill demand listing. These issues continue to act as a block on supply.

The seasonal and casual demand requirements, especially during peak harvest periods, always vary considerably depending on climatic factors, the specific crops and the locations of the businesses but have been largely satisfied by the Working Holiday Maker (WHM) program, the Seasonal Worker Program (SWP) and Pacific Labour Scheme (PLS).

Even with these programs in place, there have been some continuing issues with adequate deployment to a number of regions resulting in some cases of crops not being fully harvested.

The current and most urgent issues relate to personnel that are required on a permanent basis and fall into the 9 months+ category. The concerns of industry relate to this group of employees and this is the core of the proposed National Industry Labour Agreement.

The workforce and skills gaps within the industry can be best presented within the following table which relates to specific visa programs:

Attachment B – Occupations for inclusion in the horticulture industry labour agreement

1. Agree to include the following Skill Level 1-3 occupations in the horticulture industry labour agreement:

Item	ANZSCO	Occupation	Skill Level	STSOL	MLTSSL	SESR	DAMA*	Skills Assessing Authority	Department comment	Minister Decision
1	234111 (Agricultural Consultant)	Irrigation Designer/ Manager	1	NO	YES	YES	YES RSA	VETASSESS	Supported	Agreed/not agreed
2	234112	Agronomist	1	NO	YES	YES	YES RSA	VETASSESS	Supported	Agreed/not agreed
3	234518 (Zoologist)	Entomologist	1	NO	YES	YES	YES SA	VETASSESS	Supported	Agreed/not agreed
4	070499 as specified in labour agreement	Horticulture Grower	1	YES	NO	YES	YES FNQ / NT	To be confirmed	Supported	Agreed/not agreed
5	070499 as specified in labour agreement	Protected Cropping Grower	1	YES	NO	YES	YES FNQ / NT	To be confirmed	Supported	Agreed/not agreed
6	131112	Marketing Manager	1	YES	NO	YES	YES NT	AIM	Not Supported	Agreed/not agreed
7	225113	Marketing Officer	1	YES	NO	YES	YES NT	VETASSESS	Not Supported	Agreed/not agreed
8	132511 (Research and Development Manager)	Horticulture Research & Development Officer	1	YES	NO	YES	YES SA	VETASSESS	Supported	Agreed/not agreed
9	132311	Human Resource Manager	1	YES	NO	YES	NO	AIM	Not Supported	Agreed/not agreed
10	233512	Mechanical Engineer	1	NO	YES	YES	YES KBWA / SA	Engineers Australia	Supported	Agreed/not agreed
11	070499 as specified in labour agreement	Horticulture Farm Manager	1	YES	NO	YES	YES FNQ / NT	To be confirmed	Supported	Agreed/not agreed
12	139914	Quality Assurance Manager	1	YES	NO	YES	YES SA	VETASSESS	Supported	Agreed/not agreed
13	311399 (Primary Products Inspector nec)	Biosecurity Officer	2	YES	NO	YES	NO	VETASSESS	Supported	Agreed/not agreed
14	149913 (Facilities Manager)	Facility Plant Manager	2	YES	NO	YES	YES RSA / NT	VETASSESS	Supported	Agreed/not agreed

Attachment B – Occupations for inclusion in the horticulture industry labour agreement

15	070499 as specified in labour agreement	Facility Supervisor	2	YES	NO	YES	YES RSA / NT	To be confirmed	Supported	Agreed/not agreed
16	341111 Electrician (General)	Maintenance Electrician	3	NO	YES	YES	YES KBWA / OR	TRA	Supported	Agreed/not agreed
17	323213	Fitter and Welder	3	NO	YES	YES	YES KBWA / SA / FNQ / NT	TRA	Supported	Agreed/not agreed
18	321212 (Diesel Motor Mechanic)	Agriculture Technician	3	NO	YES	YES	YES GSC / KBWA / RSA / FNQ / OR / NT	TRA	Supported	Agreed/not agreed
19	321211 (Motor Mechanic (General))	Mechanic	3	NO	YES	YES	YES GSC / KBWA / RSA / FNQ / OR / NT	TRA	Supported	Agreed/not agreed
20	362411 (Nurseryperson)	Senior Nurseryperson	3	NO	NO	YES	YES RSA	TRA	Supported	Agreed/not agreed
21	362411 (Nurseryperson)	Nurseryperson	3	NO	NO	YES	YES RSA	TRA	Supported	Agreed/not agreed
22	362411 (Nurseryperson)	Nursery Supervisor	3	NO	YES	YES	YES RSA	TRA	Supported	Agreed/not agreed

Attachment B – Occupations for inclusion in the horticulture industry labour agreement

2. Agree to include the following Skill Level 4-5 occupations in the horticulture industry labour agreement:

Item	ANZSCO	Occupation	Skill Level	STSOL	MLTSSL	SESR	DAMA*	Skills Assessing Authority	Department comment	Minister Decision
23	733111	Truck Driver	4	NO	NO	NO	YES GSC / KBWA / RSA / OR / NT	To be confirmed	Supported	Agreed/not agreed
24	721111	Mobile Plant Operator	4	NO	NO	NO	YES GSC / RSA / FNQ / OR / NT	To be confirmed	Supported	Agreed/not agreed
25	721311	Fork Lift Driver	4	NO	NO	NO	YES FNQ / NT	To be confirmed	Supported	Agreed/not agreed
26	841999 (Farm, Forestry & Garden Worker nec)	Irrigationist	5	NO	NO	NO	YES RSA	To be confirmed	Supported	Agreed/not agreed
27	841999 (Farm, Forestry & Garden Worker nec)	Irrigationist Assistant	5	NO	NO	NO	YES RSA	To be confirmed	Supported	Agreed/not agreed
28	832113 Fruit and Vegetable Packer/ 839999 Factory Process Worker nec	Horticulture Process Worker	5	NO	NO	NO	NO	To be confirmed	Not Supported	Agreed/not agreed
29	070499 as specified in labour agreement	Horticulture Field Worker	5	NO	NO	NO	NO	To be confirmed	Not Supported	Agreed/not agreed

Attachment B – Occupations for inclusion in the horticulture industry labour agreement

*SA – Metropolitan South Australia DAMA

RSA – Regional South Australia DAMA

GSA – Great South Coast – Victoria DAMA

KBWA – Kalgoorlie – Boulder Western Australia DAMA

FNQ – Far North Queensland DAMA

OR – Orana Region, NSW

Attachment C – Terms and concessions for inclusion in the Horticulture Industry Labour Agreement

Terms / Concessions	Item No.	Option	DAMA Concession**	Department comment	Minister Decision	Comments
Permanent residency	1	Overseas workers in Skill Level 1 to 3 occupations are eligible to be nominated for an ENS visa after at least <u>three</u> years on a TSS visa.	Yes	Support	Agreed / not agreed	
	2	Overseas workers in Skill Level 4 and 5 occupations are eligible to be nominated for an ENS visa after at least <u>four</u> years on a TSS visa.	Yes	Support	Agreed / not agreed	
	3	Overseas workers in Skill Level 1 to 3 occupations are eligible to be nominated for the SESR visa.	Yes	Support	Agreed / not agreed	
	4	Overseas workers in Skill Level 4 and 5 occupations are eligible to be nominated for the SESR visa.	Yes	Skill Level 4 Supported, as per DAMA and industry LA for Meat, Pork and Dairy Skill Level 5 Not Support	Agreed / <u>not agreed</u> (both Skill Level 4 & 5) Agreed / not agreed (Skill Level 4 only)	
Salary	5	TSMIT discount of up to <u>10 per cent</u> can be approved where it is demonstrated that equivalent Australian workers do not receive annual earnings of \$53,900.	Yes	Preferred	Agreed / not agreed	
		Or Additional TSMIT discount for skill level 5 occupations equivalent to Horticulture Award minimum of \$47,613 which is less than \$48,510 (10 per cent of TSMIT concession)	No	Not Preferred	Agreed / <u>not agreed</u>	

Terms / Concessions	Item No.	Option	DAMA Concession**	Department comment	Minister Decision	Comments
	6	Guaranteed monetary payments (such as regularised overtime) and non monetary benefits (accommodation) can be counted as earnings as per NT DAMA.	Yes	Support	Agreed / not agreed	
Skills assessments	7	All overseas workers must have a positive skills assessment to be granted a TSS or SESR visa.	Yes	Preferred	Agreed / not agreed	
		Or Overseas workers must have a positive skills assessment to be granted a TSS or SESR visa, but only where one would have been required for the nominated occupation under the standard TSS or SESR visa programs.	No	Not Preferred	Agreed / not agreed	
		Or Overseas workers do not need a positive skills assessment to be granted a TSS or SESR visa.	No	Not Preferred	Agreed / not agreed	
English language	8	For the TSS visa—overseas workers must score at least IELTS 5.0 overall, and at least IELTS 4.0 in each individual component score. (as per agreed DAMAs)	Yes	Support	Agreed / not agreed	
	9	For the ENS and SESR visas—overseas workers must score at least IELTS 5.0 overall, and at least IELTS 4.5 in each individual component score.	Yes	Support	Agreed / not agreed	
Age	10	Overseas workers can be up to 50 years of age when they apply for a ENS or SESR visa.	Yes	Support	Agreed / not agreed	

***Note:** Reducing the requirement to two years for the SESR visa would bring it into line with your recent decision regarding the Meat, Poultry and Dairy industry Labour Agreements where you have agreed to make the SESR visa available with a concession for two years work experience.

(refer: MS19-002901)

** Refer to Attachment E for a comparison of all DAMA concessions.

Horticultural Industry Labour Agreement – Comparison of skills requirements with executed Designated Area Migration Agreements

Occupation Title	ANZSCO	HILA request/ Dept comment	Northern Territory II	South Australia City	South Australia Regional	Great Southern Coast VIC	Kalgoorlie – Boulder region WA	Far North Queensland QLD	Orana Region NSW	Minister Decision		
										Standard	One Year	Nil
Irrigation Designer/ Manager	234111	AUSVEG are seeking to remove the work experience requirement OR reduce this from two years to one year experience.			Meet * Standard Program					✓		
Agronomist	234112				Meet Standard Program					✓		
Entomologist	234518			Meet Standard Program						✓		
Horticulture Grower	070499	They are also seeking to remove skills assessments particularly for the lower paying occupations as they believe that this will deter growers from using the program	Meet Standard Program					Meet Standard Program		✓		
Protected Cropping Grower	070499		Meet Standard Program					Meet Standard Program		✓		
Marketing Manager	131112		Meet Standard Program									
Marketing Officer	225113	DEPARTMENT PREFERENCE Align with DAMA where relevant (where concession agreed, minimum one year experience)	Meet Standard Program									
Horticulture Research & Development Officer	132511			Meet Standard Program						✓		
Human Resource Manager	132311											
Mechanical Engineer	233512			Meet Standard Program			Meet Standard Program			✓		
Horticulture Farm Manager	070499		Meet Standard Program					Meet Standard Program		✓		
Quality Assurance Manager	139914			Meet Standard Program						✓		
Biosecurity Officer	311399									✓		
Facility Plant Manager	149913		Meet Standard Program		Meet Standard Program					✓		

• Meet Standard Program – explanation on page 6

22(1)(a)(ii)

Attachment D

Occupation Title	ANZSCO	HILA request/ Dept comment	Northern Territory II	South Australia City	South Australia Regional	Great Southern Coast VIC	Kalgoorlie – Boulder region WA	Far North Queensland QLD	Orana Region NSW	Minister Decision		
										Standard	One Year	Nil
Facility Supervisor	070499	AUSVEG are seeking to remove the work experience requirement OR reduce this from two years to one year experience.			Meet Standard Program					✓		
Maintenance Electrician	341111						Meet Standard Program		Meet Standard Program	✓		
Fitter and Welder	323213		Meet Standard Program	Meet Standard Program			Meet Standard Program	Meet Standard Program		✓		
Agriculture Technician	321212	They are also seeking to remove skills assessments particularly for the lower paying occupations as they believe that this will deter growers from using the program	Meet Standard Program		Meet Standard Program	Meet Standard Program	Meet Standard Program	Meet Standard Program	Meet Standard Program	✓		
Mechanic	321211		Meet Standard program		Meet Standard Program	Meet Standard Program	Meet Standard Program	Meet Standard Program	Meet Standard Program	✓		
Senior Nurseryperson	362411				Meet Standard Program					✓		
Nurseryperson	362411				Meet Standard Program					✓		
Nursery Supervisor	362411	DEPARTMENT PREFERENCE Align with DAMA where relevant (where concession agreed, minimum one year experience)			Meet Standard Program					✓		
Truck Driver	733111		At least relevant: ACF Cert II or equivalent AND at least 1.5 years (20+hpw) relevant post qualifications experience OR At least relevant: ACF Cert III or equivalent AND at least 1 year (20+hpw) relevant post qualifications experience OR at least 2 years (38+hpw) relevant experience		At least a relevant ACF Cert II or equivalent AND at least one year (20+hpw) Relevant experience OR at least 2 years (10+hpw) relevant experience AND at least two years post qualifications experience	Meet ANZSCO	At least relevant ACF Cert II or equivalent AND at least 1.5 years (20+hpw) relevant post qualifications experience OR At least relevant ACF Cert III or equivalent AND at least 1 year (20+hpw) relevant post qualifications experience OR at least 2 years (38+hpw) relevant experience		At least relevant ACF Cert II or equivalent AND at least 1.5 years (20+hpw) relevant post qualifications experience OR At least relevant ACF Cert III or equivalent AND at least 1 year (20+hpw) relevant post qualifications experience OR at least 2 years (38+hpw) relevant experience			

• Meet Standard Program – explanation on page 6

High to SA Regional DAMA

Attachment D

Occupation Title	ANZSCO	HILA request/ Dept comment	Northern Territory II	South Australia City	South Australia Regional	Great Southern Coast VIC	Kalgoorlie – Boulder region WA	Far North Queensland QLD	Orana Region NSW	Minister Decision		
										Standard	One Year	Nil
Mobile Plant Operator	721111	AUSVEG are seeking to remove the work experience requirement OR reduce this from two years to one year experience. They are also seeking to remove skills assessments particularly for the lower paying occupations as they believe that this will deter growers from using the program DEPARTMENT PREFERENCE Align with DAMA where relevant (where concession agreed, minimum one year experience)	At least relevant AQF Cert II or equivalent AND at least 1.5 years (20+hpw) relevant post qualifications experience OR At least relevant AQF Cert III or equivalent AND at least 1 year (20+hpw) relevant post qualifications experience OR at least 2 years (38+hpw) relevant experience		At least a relevant AQF Cert II or equivalent AND at least one year (20+hpw) Relevant experience OR at least 2 years (10+hpw) relevant experience AND at least two years post qualifications experience	Meet ANZSCO		At least relevant AQF Cert II or equivalent AND at least 1.5 years (20+hpw) relevant post qualifications experience OR At least relevant AQF Cert III or equivalent AND at least 1 year (20+hpw) relevant post qualifications experience OR at least 2 years (38+hpw) relevant experience	At least relevant AQF Cert II or equivalent AND at least 1.5 years (20+hpw) relevant post qualifications experience OR At least relevant AQF Cert III or equivalent AND at least 1 year (20+hpw) relevant post qualifications experience OR at least 2 years (38+hpw) relevant experience			
Fork Lift Driver	721311		At least relevant AQF Cert II or equivalent AND at least 1.5 years (20+hpw) relevant post qualifications experience OR At least relevant AQF Cert III or equivalent AND at least 1 year (20+hpw) relevant post qualifications experience OR at least 2 years (38+hpw) relevant experience									

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- Meet Standard Program – explanation on page 6

Attachment D

Occupation Title	ANZSCO	HILA request/ Dept comment	Northern Territory II	South Australia City	South Australia Regional	Great Southern Coast VIC	Kalgoorlie – Boulder region WA	Far North Queensland QLD	Orana Region NSW	Minister Decision		
										Standard	One Year	Nil
Irrigationist	841999	AUSVEG are seeking to remove the work experience requirement OR reduce this from two years to one year experience. They are also seeking to remove skills assessments particularly for the lower paying occupations as they believe that this will deter growers from using the program			At least a relevant AQF Cert II or equivalent AND at least one year (20+hpw) relevant post qualifications experience OR Have at least 2 years (38+hpw) relevant experience					SA Regional DAMA		
Irrigationist Assistant	841999	DEPARTMENT PREFERENCE Align with DAMA where relevant (where concession agreed, minimum one year experience)			At least a relevant AQF Cert II or equivalent AND at least one year (20+hpw) Relevant post qualifications experience OR Have at least 2 years (38+hpw) relevant experience					SA Regional DAMA		
Horticulture Process Worker	832113 / 839999											
Horticulture Field Worker	070499											
Horticulture Section Manager	Farm Supervisor (FNQ DAMA Specific 070499)							At least relevant AQF Cert IV or equivalent AND 1 year (20+hpw) relevant post qualifications experience		FNQ DAMA		
Section Supervisor	Farm Supervisor (FNQ DAMA Specific 070499)							At least relevant AQF Cert IV or equivalent AND 1 year (20+hpw) relevant post qualifications experience		FNQ DAMA		

- Meet Standard Program – explanation on page 6

Attachment D

Occupation Title	ANZSCO	HILA request/ Dept comment	Northern Territory II	South Australia City	South Australia Regional	Great Southern Coast VIC	Kalgoorlie – Boulder region WA	Far North Queensland QLD	Orana Region NSW	Minister Decision		
										Standard	One Year	Nil
Production Horticulture Supervisor	Senior Production Horticulturist (Regional SA DAMA Specific 070499)	AUSVEG are seeking to remove the work experience requirement OR reduce this from two years to one year experience. They are also seeking to remove skills assessments particularly for the lower paying occupations as they believe that this will deter growers from using the program DEPARTMENT PREFERENCE Align with DAMA where relevant (where concession agreed, minimum one year experience)			At least relevant AQF Associate Degree, advanced diploma or diploma qualifications or equivalent OR Three years employment experience as a senior production horticulturist with relevant formal training OR Five years employment experience as a senior production horticulturist with no formal training					SA Regional DAMA		
Production Horticulturist	Production Horticulturist (Regional SA DAMA Specific 070499)				At least relevant AQF Cert III or Cert IV qualifications or equivalent OR Three years employment experience as a production horticulturist with relevant formal training OR Five years employment experience as a production horticulturist with no formal training					SA Regional DAMA		
Machinery Manager	149513 / 149599 -				Meet Standard Program					✓		

- Meet Standard Program – explanation on page 6

Attachment D

Occupation Title	ANZSCO	HILA request/ Dept comment	Northern Territory II	South Australia City	South Australia Regional	Great Southern Coast VIC	Kalgoorlie – Boulder region WA	Far North Queensland QLD	Orana Region NSW	Minister Decision		
										Standard	One Year	NII
Machinery Supervisor	149999									✓		
Cold Storage Manager	149999									✓		
Cold Store Operator	839999											
Horticulture Worker Specialised	839999											
Access to SESR visa program		Yes	Yes, but not yet requested	Yes, but not yet requested	Yes, but not yet requested	Yes, but not yet requested	Yes, but not yet requested	Yes, but not yet requested	Yes, but not yet requested	Agreed/not agreed		

What does "Meet Standard Program" mean:

The TSS Migration Regulations require applicants to demonstrate skills appropriate to the nominated occupation and to have 2 year's work experience. "Meet standard requirements" means that both regulation 482.212 and 482.242 are to be met without exception or variation.

Regulations 482.212 (3) and (4) outline the TSS skills requirement for all streams

482.212

(3) The applicant has the skills, qualifications and employment background that the Minister considers necessary to perform the tasks of the nominated occupation.

(4) If the Minister requires the applicant to demonstrate that he or she has the skills that are necessary to perform the tasks of the nominated occupation, the applicant demonstrates that he or she has those skills in the manner specified by the Minister.

Regulation 482.242 outlines the work experience requirement for the labour agreement stream

482.242

Either:

- (a) the applicant has worked in the nominated occupation or a related field for at least 2 years; or
- (b) the Minister considers that it is reasonable in the circumstances to disregard paragraph (a).

NB: Both of these regulations provide for the Minister to exercise discretion in how the regulations are met. This is the legislative mechanism that supports the skills and experience requirements specified in Schedule 5 of the DAMAs.

The TSS PI provides that learning on the job (i.e. work experience undertaken in lieu of a qualification) can count towards the two year work experience requirement for the non-labour agreement streams of the 482 visa (i.e. short term stream Reg. 482.221 and medium/long term stream Reg. 482.231). The counting of work experience in lieu of a qualification is not a policy position for the labour agreement stream. DAMAs operate under the labour agreement stream.

- Meet Standard Program – explanation on page 6



Designated Area Migration Agreements - Overview of Agreed Concessions

DAMA Details	NT II Executed: 13 Dec 2018	GREAT SOUTH COAST Executed: 26 Mar 2019	KALGOORLIE/BOULDER Executed: 21 Mar 2019	ADELAIDE CITY Executed: 3 Apr 2019	REGIONAL SA Executed: 3 Apr 2019	ORANA Executed: 3 Apr 2019	FNQ Executed: 4 Apr 2019	STANDARD PROGRAM TSS & ENS
Primary industry	Tourism	Agriculture including Meat and Dairy Industries	Mining	Technology and Innovation including Science, Space and Defence *	Agribusiness including meat and horticulture, Tourism	Mining and Engineering, Health, Trades	Tourism	N/A
Ceiling	Year 1: 500 (TSS & unlimited ENS)	Year 1: 100 (TSS)	Year 1: 500 (TSS/ENS)	Year 1: 300 (TSS)	Year 1: 750 (TSS) (375 for Agribusiness 375 for Other)	Year 1: 500 (TSS/ENS)	Year 1: 200 (TSS)	N/A
Number of Occupations (modified **)	117 (3) Not on occ lists: 10 skill level 1-3	27 (2) Not on occ lists: 11 skill level 3-5	73 (2) Not on occ lists: 46 skill level 2-5	50 (2) Not on occ lists: 4 skill level 1	114 (2) Not on occ lists: 42 skill level 2-5	73 (0) Not on occ lists: 0	71 (3) Not on occ lists: 20	Limited to 512 eligible occupations on combined lists
Skill level 5	None requested	1 Meat process Worker Agreed ceiling: 10 positions/year	1 Driller's Assistant	None requested	2 Meat Process Worker & Farm and Forestry & Garden Workers; Agreed ceiling: 50 positions/year accumulative	1 Mixed Crop & Livestock Farm Worker Agreed ceiling: 50 positions/year	None requested	Not eligible
English language*** (Temporary)	Overall score of IELTS 5.0. No min for reading and writing, and no less than IELTS 4.0 in speaking and listening test components.	Overall score of IELTS 5.0 with minimum of 4.0 in each test component.	Overall score of IELTS 5.0 with no less than IELTS 4.0	None requested	Overall IELTS score of 4.5 and no less than 4 in each test component	Overall IELTS score of 5.0 with no less than IELTS 4.0 in each test component	Overall IELTS score of 5.0 with no less than IELTS 4.0 in each test component	TSS (Med) Overall IELTS 5.0 and 5.0 in each component TSS (Short) Overall IELTS 5.0 with a min of 4.0 in each component
English language (Permanent)	IELTS 5.0 overall, no less than 4.5 in each band	IELTS 5.0 overall, no less than 4.0 in each band	IELTS 5.0 overall, no less than 4.5 in each band	None requested	None requested	Overall IELTS score of 5.0, with no less than IELTS 4.5 in each test component	None requested	ENS: At least 6.0 in each of the four components (reading, writing, speaking, listening)
Permanent Residence Pathway	Yes after three years - 457 or TSS visa granted on NT DAMA Age concession to 49 years	Yes after three years - TSS visa granted under the GSC DAMA No age concession requested	Yes after three years - TSS visa in the designated area Age concession to 50 years	Yes after three years - TSS visa granted under Adelaide City DAMA Age concession to 50 & 55 years for Science, Space & Defence	Yes after three years - TSS visa granted under SA Regional DAMA Age concession to 50 years	Yes after three years - TSS visa granted under the Orana DAMA No age concession requested	Yes after three years - TSS visa granted under the Far North Queensland DAMA No age concession requested	ENS - Yes, if nominated by employer Maximum age 45 years
PR for Skill level 5	No	No	No	No	No	No	No	Not eligible
TSMIT	10% (include guaranteed overtime, monetary & non-monetary components)	10% (include guaranteed overtime, monetary & non-monetary components)	10% (include guaranteed overtime, monetary & non-monetary components)	None requested	10% (include guaranteed overtime, monetary & non-monetary components)	10% (include guaranteed overtime, monetary & non-monetary components)	10% (include guaranteed overtime, monetary & non-monetary components)	\$53,900 (includes if earnings < \$50k)

* Adelaide City focus is for Space, Science and Defence industry where age is the only concession sought ** Modified occupations are not on ANZSCO and may include additional duties/tasks *** English language tests are for International English Language Testing System or equivalent score from an accepted English test.

ADD2019/2027557

Submission for a Horticulture Industry Labour Agreement

The Applicant

AUSVEG is the applicant for an Industry Labour Agreement covering the National Horticulture industry. AUSVEG has taken the lead in applying for a Horticulture Labour Agreement on behalf of industry with the endorsement of the National Farmers' Federation Horticulture Council, as well as other Horticulture representative bodies. A list of these groups is appended.

AUSVEG, the national peak body representing Australian vegetable and potato growers, is run by growers, for growers. Its work includes industry advocacy, industry communication, export development and market access, biosecurity and a variety of other research and extension activities, working closely with Australia's growers to ensure their needs are reflected in its work.

AUSVEG, has completed extensive consultation with a wide range of industry bodies, growers, government departments, key migration agencies such as Migration Solutions and a number of skills bodies and other stakeholders to ensure this submission is robust and will ultimately provide a long-term workforce benefit for Australia's horticulture industry.

The Australian horticulture industry has a value of \$10.1 billion (ABS), with an unadjusted projected farmgate value to grow by more than 33% to almost \$15b by 2030, according to ACIL Allen Consulting's *Agriculture – a \$100b sector by 2030*.

The need for an Industry-wide Labour Agreement has come from widespread concerns expressed across States and Territories about ongoing skill shortages across a range of occupations and continuing difficulties sourcing labour, especially skilled labour.

The issue has become more pronounced as a result of the adoption of new horticulture technologies including no soil farming systems and a number of planned expansions in the vegetable and potato sector, that have driven the need for a skilled workforce. Other sectors demonstrating strong growth are the Protected Cropping sector, Citrus, Almonds and Table Grapes.

The scale of this growth, combined with a range of difficulties securing permanent skilled labour from both the domestic market and through immigration, has unified the industry in seeking a solution to ongoing workforce problems.

Whilst it is very reassuring that the Government has moved towards an improved regional development strategy, the workforce issue remains a significant rate limiter on investment at a time of planned industry growth.

To provide greater surety in relation to skill and labour demand, the industry believes it requires a more managed process which is framed by a National Industry Labour Agreement.

Overview

Australia's horticulture industry is a very diverse industry covering a multitude of crops including tree crops (citrus, cherries, apples, pears, nuts), mushrooms, vegetables, potatoes and table grapes. The industry has highly skilled operatives and technicians backed by a range of specialist sectors such as agronomy and irrigation.

Over the past few decades the industry has undergone substantial development with the adoption of advanced growing technologies such as "no soil" protected cropping systems and year-round growing systems, as well as moved towards larger and more commercial farming systems. The skill levels have

increased over time to cover a wide array of technology, quality and biosecurity skills with modern farm management systems, exhibiting high level leadership skills combined with value chain approaches.

The industry has been growing steadily over recent years but it is now entering a new growth phase with several sectors forecasting growth in excess of 25% over the next 4-5 years whilst most are looking at a more modest growth forecast around 10%. The Department of Employment, in its Jobs Portal, has identified 9% growth (rounded) for Tree crops and mushrooms and 8% growth (rounded) for vegetable crops by May 2023.

Recent industry surveys conducted by both the Primary Industries Skills Council and the Horticulture Coalition of South Australia have identified additional demand for some 3000 people in South Australia over the next four years of which some 750 appear to be in the higher skill ranges (mostly skill Level 2-3) as well as a number of Skill level 1 Managers. This number is approximately 25% of the occupational demand across the industry with some sector variance.

Much of the current demand falls within the protected cropping sector and with several large-scale corporate businesses, which have experienced a range of shortages over a number of years. However, expansion plans in citrus and almonds, particularly, are significant with larger plantings areas already underway. This will put further stress on the businesses if there is no surety of access to skilled labour.

The other factor to consider is that Australia's population growth is principally through annual immigration and this is having a direct impact on maintaining food supply to keep up with population demand. This in part explains the current levels of investment in expanded production areas.

For example, South Australia is experiencing above average production growth in some of these horticulture sectors, while there is substantial planned growth in Sunraysia and the Riverina. There are already large-scale investments already underway to expand growing areas and meet higher food production demand.

State and Territory organisations are all reporting unmet demand for middle and higher skilled people across the industry which is symptomatic of longer term labour and skill access issues particularly in the middle and technical skills areas.

According to the Australian Bureau of Statistics, Australian horticulture crop production was valued at \$10.1 billion in 2017/18, making it Australia's third highest valued agricultural sector. The horticulture industry is a significant player in Australian agriculture and will play a major contributing role in the government's and industry's ambitious target for agriculture to increase its value to \$100 billion by 2030.

The industry noted the Prime Minister's support for the target at the Bush Summit in Dubbo on July 18, 2019, and that Agriculture Minister Bridget McKenzie is drawing up a national plan for agriculture, fisheries and forestry to reach that target.

According to ACIL Allen Consulting, the unadjusted projected farm-gate value of horticulture will be \$14.6 billion by 2030, a 33 per cent increase on its 2016/17 value and the highest percentage growth of any Australian agriculture sector. AUSVEG recognises this forecast as slightly conservative given wider Asia Pacific regional food shortages driving new export industries.

The horticulture industry, however, believes it can make an even greater contribution to that figure with access to a reliable, competent and skilled workforce. This will provide investment surety for a number of current expansion plans and attract further investment especially in protected cropping.

What is an Industry Labour Agreement?

Industry Labour agreements enable approved businesses to sponsor skilled overseas workers when there is a demonstrated need that cannot be met in the Australian labour market and standard temporary or permanent visa programs are not available.

Labour agreements are developed between the Australian Government (represented by the Department) and industry. These are agreements for a specific industry with fixed terms and conditions.

The need for a Horticulture Industry Labour Agreement

The Australian Horticulture industry has been experiencing labour and skill shortages for the past two decades, but the development of the industry on-farm has led to a high demand for skilled labour. The horticulture industry has a variety of demand requirements from short term labour for crops harvested annually to 12 months of the year for crops which are harvested continually throughout the year.

The industry has had little supply from the domestic labour market with horticulture course offerings contracting markedly during this period due to falling enrolment numbers. Universities have also substantially reduced their Agriculture Science programs during this period, also due to falling enrolments.

These developments combined with a negligible supply from international education graduates has resulted in a widespread shortage of skilled labour at almost every level.

With skilled migration the only realistic option for a wide-range of higher skilled positions and with a growing urgency for skilled people, many businesses have had to turn to temporary visas over the past decade.

Many of these businesses have recruited large numbers of people under the previous 457 visa regime in the absence of a permanent workforce. This has worked extremely well for most businesses and quite often these visa holders have gravitated to essential roles within the enterprises often at a section manager or more specialised technician role.

Quite a number of these 457 visa holders have also been nominated and approved for permanency and continue to provide essential industry roles. However, the process of securing skilled labour from the general skilled system has proved extremely difficult due to the occupations not being identified within ANZSCO or not being included in any national skill demand listing. These issues continue to act as a block on supply.

The seasonal and casual demand requirements, especially during peak harvest periods, always vary considerably depending on climatic factors, the specific crops and the locations of the businesses but have been largely satisfied by the Working Holiday Maker (WHM) program, the Seasonal Worker Program (SWP) and Pacific Labour Scheme (PLS).

Even with these programs in place, there have been some continuing issues with adequate deployment to a number of regions resulting in some cases of crops not being fully harvested.

The current and most urgent issues relate to personnel that are required on a permanent basis and fall into the 9 months+ category. The concerns of industry relate to this group of employees and this is the core of the proposed National Industry Labour Agreement.

The workforce and skills gaps within the industry can be best presented within the following table which relates to specific visa programs:

Harvest period	Labour Gap	Suitable visa program
Less than 3 months	Lower-skilled	Working Holiday Maker (“WHM”)
3-9 months	Lower-skilled	Seasonal Worker Program (“SWP”)
9+ months	Lower-skilled	<i>Horticulture Industry Labour Agreement</i>
12+ months	Lower-skilled, Semi-skilled & skilled	<i>Horticulture Industry Labour Agreement</i>

The industry is supportive of programs such as the Pacific Labour Scheme (PLS), but it is still too early to assess the effectiveness of the program and any adjustments that may be required.

However, the horticulture industry clearly requires a more stable, reliable and competent workforce especially in the higher skill occupational roles. Currently, for businesses requiring a workforce for at least 12 months, there are few, if any, options. This creates serious inefficiencies and administrative issues for a range of businesses as they will look to use a SWP or WHM worker to satisfy their needs.

This often results in a very costly process, involving ‘rolling over’ existing SWP or WHM’s for the nine months or 88-day period which simply means growers have to spend additional time to adequately train new employees and set up new payroll systems. This is an incredibly costly and burdensome administrative process, particularly when dealing with the SWP and is considered to be a highly inefficient way of managing a workforce. The problem is that many businesses currently have no option given the difficulties accessing skilled labour from the current system.

The current ANZSCO Skilled Occupations List has continued to disadvantage horticulture growers to this point, where roles listed on the ANZSCO either do not exist or do not match industry needs.

It is interesting to note that the current visa system does not recognise the occupations of Production Horticulturalist or Senior Production Horticulturalist, both of which are not listed on ANZSCO. Similarly, the different levels of irrigation workers are not in any way differentiated on ANZSCO or even listed. Clearly the industry has had to employ more irrigation system designers to minimise water usage in a changing climate. These are examples of occupations that are central to the efficient operation of the industry and are central to the efficient operation of an Industry Labour Agreement.

The current nomination arrangements for skilled migrants require the businesses to demonstrate that no local workers with the skills are available to undertake the positions. While accessing a local workforce for skilled roles is a priority, there are numerous examples where horticulture businesses across Australia have continued to advertise – often for more than 12 months - for skilled people, with good incentives, but have been unable to fill the roles.

Part of this is due to regional locality and especially remote locality and partly due to an extreme reluctance by urban based workers to obtain the skills needed or be sufficiently interested to take up these job offers. The Regional Skills Mobility Program funded by the Commonwealth illustrated the difficulty of securing domestic labour market people for regional Agribusiness industry positions.

Whilst some of these issues can also be linked to the lack of Australian Horticulture training opportunities for those positions, urban lifestyles have cemented these working populations resulting in very limited numbers of people expressing any interest in working in the industry.

This is further evidenced by the current workforce makeup of most of the major Horticulture businesses. Their workforces are mostly made up of migrant workers who have joined them from a variety of different entry visas including skilled nominated, temporary visas, refugee visas and study visas. It is quite common to see 90% of an enterprise’s total workforce made up of migrants. Larger

companies we have contacted such as s. 47G(1)(a)

are all reporting a strong reliance on migrant labour in the absence of domestic workers.

As it stands, there are no alternatives for those growers looking for skilled labour.

The industry is already moving into enterprise agreement mode to guarantee they have workers. The discussions we have had nationally across the various sectors all point to the need for a more strategic model that can be evaluated annually. As the growth of this industry is likely to continue until at least 2030 if not beyond, it is imperative that we institute a National Industry Labour Agreement to provide surety for the industry and food production in Australia.

Any such agreement must be based on industry occupational definition and profiling so that current inconsistencies and omissions in the ANZSCO and the various Demand listings (MLTSSL, State Nominated and DAMA) are removed.

An industry labour agreement is an important step in the right direction for industry as it continues to compete on a global scale not only in terms of cost of production, but the skills and technology advancements in this space.

Many growers have invested significantly in technology developed overseas, particularly in Europe and the United States, to improve the efficiency of their businesses. But many of these technologies require a particular skillset to be able to efficiently manage and operate them which is already leading to a greater reliance and need for more specialist and higher skill roles. Given the high skill level and expertise in this space, the opportunity for a broader high level skills transfer to local businesses will increase our global competitiveness.

A Horticulture Industry Labour Agreement will help the industry secure access to the reliable, competent and skilled workforce it needs to continue to develop and expand. More importantly, it will be a more strategic skills supply mechanism for industry and make a significant contribution to the federal government's target of agriculture becoming a \$100b industry by 2030.

Of special note is the fact that the horticulture industry is the largest regional growth industry and an essential component of the Federal Government's regional development strategy.

Sector Shortages

The horticulture sector has a significant skilled workforce shortage. The recent ABARES Survey on Farm Workers recognised these shortages and signaled that a skilled workforce was by far the most difficult for the horticulture industry to access.

Horticulture is a developed and established industry requiring skilled people for it to be able to continue to grow.



Horticulture properties are the highest employers of labour within the agriculture sector and as these businesses have increased in scale and production, the need for quality skilled labour has increased.

The skills needs are increasingly for a range of advanced technologies and quality systems and range from Skill Level 4 through to Skill level 2 with some Level 1 skilled personnel required.

The ABARES survey also highlighted that larger businesses require more workers, particularly in that semi to high-skilled range*.



**Demand for Farm Workers: ABARES Farm Surveys 2018*

Large farms employ more workers exposing them to changes in the broader labour market		
	Small vegetable farm (farm turnover <\$500,000)	Large vegetable farm (farm turnover \$5 million+)
Workers per farm (no.)	3	12
Workers that were family (%)	45	6
Workers that were permanent (%)	45	23
Farms that recruited (%)	23	92
Main concern in the future	Farm profit	Attracting workers

**Demand for Farm Workers: ABARES Farm Surveys 2018*

Occupations such as Section Managers, Facility Managers, Senior Production Horticulturalist and Cold Storage Managers, to name a few, have become important occupations for horticulture businesses and are in strong and growing demand.

The regionality issue continues to be a major factor in sourcing personnel at all levels of these businesses and covers management, administration, grower and technician roles as well as quality, production facility management and cold chain management.

As stated, the industry is supportive of the existing visa settings (WHM, SWP and PLS) and the continued growth of those programs to meet additional demand for principally seasonal harvesting but

considers the Industry Labour Agreement a major piece of the labour puzzle for permanent occupational demand in the horticulture industry.

The occupational list below accurately represents all the occupations which the industry is struggling to fill and for which there are few recruitment options from the current training and migration models.

High Demand Occupations

Exemptions	ANZSCO Code
Irrigation Designer/Manager	234111
Agronomist	234112
Horticulture Grower	1212
Protected Cropping Grower	-
Entomologist	234599
Biosecurity Officer	311399
Horticulture Research & Development Officer	-
Marketing Manager	131112
Human Resource Manager	132311
Mechanical Engineer	233512
Facility Plant Manager	149913
Maintenance Electrician	-
Horticulture Section Manager	-
Orchard Manager	-
Horticulture Farm Manager	1212
Quality Assurance Manager	139914
Marketing Officer	
Senior Nurseryperson	362411
Machinery Manager	-
Cold Storage Manager	-
Mechanic	3212
Section Supervisor	-
Nursery Supervisor	362411
Facility Supervisor	-
Production Horticulture Supervisor	-
Agriculture Technician	321212
Machinery Supervisor	-
Production Horticulturalist	-
Nurseryperson	362411
Irrigationist	-
Truck Driver	-
Mobile Plant Operator	721111
Horticulture Worker Specialised	-
Fork Lift Driver	-
Cold Store Operator	-
Irrigation Assistant	-
Horticulture Process Worker	-
Horticulture Field Worker	-

Coverage within the Horticulture Award

The horticulture industry would need to seek concessions to the Temporary Skilled Migration Income Threshold ("TSMIT") in order for it to meet with industry's expectation for a skilled workforce.

The disparity that the TSMIT creates, especially in remote regional settings, is a factor in effectively managing migrant labour in regional settings and avoiding loss of existing workers.

The horticulture industry strongly believes that the Horticulture Industry Labour Agreement needs to be matched with the Horticulture Award, as opposed to the TSMIT.

Horticulture has had difficulties with compliance relating to the Award and changes to the Award. As a consequence, the industry is concerned that adding another payment type to the horticulture mix may create greater confusion across the industry, and also create frustration from growers which may hinder their ability to see the benefits of an Industry Labour Agreement such as we are proposing.

The below tables show the current rates under the Horticulture Award for full-time, part-time, casual, as well as comparing it to the TSMIT and the relevant concessions.

Full time and Part time Award rates

Table 1

Classification	Weekly pay rate	Hourly pay rate	Public holiday	Afternoon shift – Mon-Fri	Night shift – Mon – Fri
Level 1	\$740.80	\$19.49	\$38.98	\$22.41	\$22.41
Level 2	\$762.10	\$20.06	\$40.12	\$23.07	\$23.07
Level 3	\$784.00	\$20.63	\$41.26	\$23.72	\$23.72
Level 4	\$813.70	\$21.41	\$42.82	\$24.62	\$24.62
Level 5	\$862.50	\$22.70	\$45.40	\$26.11	\$26.11

Table 2

Classification	Overtime – Mon-Sat	Overtime – Sunday (outside harvest)	Overtime – Sunday – harvest period first 5 hours within first 8 hours of overtime per week	Overtime – Sunday – harvest period (8 hours overtime in a week or after 5 hours work	Working through a meal break
Level 1	\$29.24	\$38.98	\$29.24	\$38.98	\$38.98
Level 2	\$30.09	\$40.12	\$30.09	\$40.12	\$40.12
Level 3	\$30.95	\$41.26	\$30.95	\$41.26	\$41.26
Level 4	\$32.12	\$42.82	\$32.12	\$42.82	\$42.82
Level 5	\$34.05	\$45.40	\$34.05	\$45.40	\$45.40

Table 3**Comparative Table - Temporary Skilled Migration Income Threshold (TSMIT)**

Classification	Full Time – per 44-hour week (including 6 hrs overtime)	Minimum Guaranteed Annual Earnings (GAE) (including 6 hours overtime)	TSMIT with 10% reduction	Minimum hourly rate to meet reduced TSMIT based on 44 hours a week)
Level 1	\$20.81	\$47,613.28	\$48,510.00	\$21.20
Level 2	\$21.42	\$49,008.96	\$48,510.00	\$21.20
Level 3	\$22.03	\$50,404.64	\$48,510.00	\$21.20
Level 4	\$22.87	\$52,326.56	\$48,510.00	\$21.20
Level 5	\$24.24	\$55,461.12	\$48,510.00	\$21.20

Note: this is the minimum GAE as more generous hourly rates apply for public holidays, afternoon shifts (Monday-Friday), night shifts (Monday-Friday) and overtime Sundays as per table 1 and 2. Local workers are employed to work at least 44 hours per week, consisting of 38 hours base hourly rate plus a minimum of 6 hours overtime per week (at the applicable rate as specified in the award).

The level 1 classification is based on the following, column 2 $\$19.49 \times 38 + 29.24 \times 6$ hours. This is less than the TSMIT if based on a 44 hour week and with a 10% reduction. Due to this, in order to be able to employ someone through the HILA as a level 1 employee, they must work 38 hours at \$19.49 plus 6 hours on a Sunday (outside harvest) as a minimum at \$38.98 in order for the GAE to meet the new TSMIT.

Level 2 classification is based on the following, column 2 (minimum) $\$20.06 \times 38 + \30.09×6 hours.
 Level 3 classification is based on the following, column 2 (minimum) $\$20.63 \times 38 + \30.95×6 hours.
 Level 4 classification is based on the following, column 2 (minimum) $\$21.41 \times 38 + \32.12×6 hours.
 Level 5 classification is based on the following, column 2 (minimum) $\$22.70 \times 38 + \34.05×6 hours.

The above tables show that linking with the Award would be an extension of concessions for other industry labour agreements but would also recognise the difficulties industry currently has in-terms of margins for growers as they compete against growers who are constantly 'under-cutting' them via labour costs.

It would also be a welcome recognition from the Federal Government that it supports growers who are doing the right thing within the difficult competitive environment the industry finds itself in.

Industry is also working with the Federal Government around improving compliance within the sector through industry-led programs such as Fair Farms, as well as working towards dealing with wage theft and supporting labour hire licensing to remove labour contractors who are operating outside the system.

Work is also being done by the Fair Work Ombudsman following its Harvest Trail Report to improve industry compliance.

It should be noted that through the Approved Employer process, as well as labour market testing, it is expected only growers who pass the 'fit & proper' person test would be able to access workers through the Industry Labour Agreement.

Having an Approved Employer process similar to what is currently utilised under the SWP, is strongly advocated to ensure industry has the right employers utilising accessing workers via an Industry Labour Agreement.

This will also play an important role in rebuilding the industry's image that it is a quality employer and provides excellent opportunities for skilled people.

Review

The industry would support linking this Agreement with the Award for the full five-year term of this agreement, with an annual performance review process between industry and the Federal Government to look at any supply barriers and improve performance. It would be expected that a more definitive review would take place prior to the completion of the five-year term of the Agreement.

Permanent Residency Pathways

Industry is supportive of permanent resident pathways for people working in Australia on skill level 1-3 occupations after three years.

Industry would also be supportive of permanent resident pathways for people working in Australian on skill level 4-5 occupations after four years.

Without this option, the industry risks losing the workers that will be essential for businesses to function.

Once again regionality, and especially remote regionality, require longer term certainty for the businesses and communities.

Industry strongly recommends government consider linkages between the Industry Labour Agreement and that of the 494 Skilled Employer Sponsored (Regional) and 491 Skilled Work Regional (Provisional) Visa's to help ensure the agreement is not used to access permanent residency and relocate to the city centres.

Consideration should also be given to prioritizing international students with a relevant overseas qualification in Horticulture or an Agricultural Science field who may be studying relevant Horticulture programs with Australian CRICOS (Commonwealth Register of Institutions and Courses for Overseas Students) organisations for similar post study work and residency options.

Approved Employed Process

Industry is supportive of the Approved Employer process provided it is in line with that of the Seasonal Worker Programme (SWP) in order to minimise supply issues and confusion within the industry. That includes the following

Before an entity becomes an approved employer, it must demonstrate that it:

- is an entity incorporated in Australia with a valid Australian Business Number;
- is an 'organisation' for the purposes of the Migration Regulations 1994;
- is committed to employing Australian job seekers first;
- has good workplace relations and immigration practices; and
- has an understanding of an approved employer's obligations under the Horticulture Industry Labour Agreement

English Speaking Requirements

Industry is supportive of English-speaking concessions for the occupations included in the Horticulture Industry Labour Agreement.

Age Concessions

Industry is supportive of age concessions that extends to 55 years of age for skill level 1-3 occupations as it would also be in line with state specific Designated Area Migration Agreements which are in place

Summary

In summary Australia's horticulture industry is requesting the following exemptions and inclusions for a Horticulture Industry Labour Agreement (HILA).

The following exemptions and inclusions would allow growers to be able to access the reliable, competent and efficient workforce they need to continue to grow their business.

Exemptions

- Two-year work experience to meet 482 (Temporary Skilled Shortage) Visa requirements
- Linked to the Horticulture Award, in line with the TSMIT based on the 44-hours with a 10% reduction, to ensure compliance rates are high and no confusion among industry.
- Increased the age concession to 55 for skill level 1-3 occupations to ensure skilled people can be accessed.
- English speaking concessions.

Inclusion

- Pathway to Permanent Residency, linking it with the 494 Skilled Employer Sponsored (Regional) and 491 Skilled Work Regional (Provisional) Visa's to ensure workers remain in regional areas.

Exclusions

- Removal of Labour Market Testing based on the resounding evidence from industry, and industry support for this Industry Labour Agreement, of worker shortages and given the need to access these workers is immediate.
- No skill assessments should be included in this Industry Labour Agreement to ensure workers and employers are not held up due to unnecessary administrative burdens.

Term

- Five-year agreement with yearly review

Supporting organisations

The below list of organisations have been involved in the consultation of this agreement.

AUSVEG

members include


s. 47G(1)(a)



National Farmers' Federation Horticulture Council


Members include

s. 47G(1)(a)



Other Supporting Organisations

s. 47G(1)(a)



Appendix

Profiles of occupations to be included under the National Labour Agreement

Skill Level 1 – Senior Manager Level

(Degree or 3+ years experience)

Occupation:	Irrigation Designer/ Manager
ANZSCO Code:	234111
Key Tasks:	<p>An Irrigation manager provides professional and technical support to the horticulture and agriculture industry sectors in developing, designing and managing irrigation systems. This role can be as an internal business manager or by external consultancy.</p> <ul style="list-style-type: none">• Determine soil types and growth characteristics of crops• interpret aerial photographs and prepare maps showing soil and vegetation patterns• Determine water quality and availability• Select appropriate irrigation technologies paying regard to site and crop requirements and effective water management• In conjunction with Agribusiness professionals, develop an irrigation and drainage management plan• Design irrigation systems and monitoring programs• Establish an irrigation related environmental protection program• Establish and undertake monitoring of the irrigation program and recommend system improvements• Provide specialist advice to clients including plans and reports• Prepare estimates, quotes and tenders• Manage complex irrigation projects• Set up laboratory or field equipment for testing• Negotiate and monitor contracts
Essential Skills:	<ul style="list-style-type: none">• Solid understanding of plants and soils• Solid understanding of irrigation technologies and selection of appropriate systems for growing conditions• Solid understanding of appropriate water deployment options• Understanding of hydrology and evaporation• Ability to communicate with a variety of clients and professionals• Ability to problem solve
Award coverage:	Non Horticulture Award

Occupation:	Agronomist
ANZSCO Code:	234112
Key Tasks:	<p>An Agronomist is a scientist who studies plants and soils and applies the knowledge to strengthen the crop production techniques and soil management procedures. Agronomists may work in the laboratories or in the field, but their main objective is to improve people's approach to the plants and soil they grow in.</p> <ul style="list-style-type: none"> • To communicate project and research results to other professionals or demonstrate to the public through seminars and workshops. • To recommend the farmers, the best practices for soil conservation and plant growth. • To investigate how a soil type responds to a management technique thereby implementing it based on the results. • To develop newer methods of soil conservation. • To experiment for high yielding seeds, it's disease resistance, adaptation to soils and nutritional value. • To investigate problem sources poor soil and water and determine the effects. • To study soil characteristics and classifying it on the basis of geographic location, properties landscape position. • To develop improved techniques for measurement, soil sampling devices, and similar technology. • To conduct experiments to investigate how soil develops, changes, and impacts the land-based ecosystems and surrounding living habitat. • To identify contaminated or degraded soils and to develop plans that improves their biological, chemical, and physical properties.
Essential skills:	<ul style="list-style-type: none"> • Must have a sound knowledge of crops and cropping systems.
Award coverage:	Non Horticulture Award

Occupation:	Horticulture Grower
ANZSCO Code:	1212 Merge Vegetable, Fruit and Nut
Key Tasks:	<ul style="list-style-type: none"> • planning and coordinating the production and marketing of crops, such as fruit and nuts, vegetables, turf and flowers, from soil preparation to harvest taking into account environmental and market factors • selecting and planting seeds, seedlings and bulbs, and grafting new varieties to root stocks • maintaining crop production by cultivating, de-budding and pruning, and maintaining optimal growing conditions • organising and conducting farming operations, such as collecting, storing, grading and packaging produce, and organising the sale, purchase and despatch of produce • directing and overseeing general farming activities such as fertilising and pest and weed control • maintaining farm buildings, fences, equipment and water supply systems • maintaining and evaluating records of farming activities, monitoring market activity, and planning crop preparation and production to meet contract requirements and market demand • managing business capital including budgeting, taxation, debt and loan management • may select, train and supervise staff and contractors • Develop climate risk management strategies • Manage work health and safety processes
Essential skills:	<ul style="list-style-type: none"> • Experience in and the ability to plan, organise, control, coordinate and perform farming, greenhouse and market garden operations to grow horticulture produce.
Award coverage:	Non Horticulture Award

Occupation:	Protected Cropping Grower
ANZSCO Code:	1212
Key Tasks:	<ul style="list-style-type: none"> • planning and coordinating the production and marketing of crops, such as grain, cotton, sugar cane, fruit and nuts, vegetables, turf and flowers, from soil preparation to harvest taking into account environmental and market factors • selecting and planting seeds, seedlings and bulbs, and grafting new varieties to root stocks • maintaining crop production by cultivating, de-budding and pruning, and maintaining optimal growing conditions • organising and conducting farming operations, such as collecting, storing, grading and packaging produce, and organising the sale, purchase and despatch of produce • directing and overseeing general farming activities such as fertilising and pest and weed control • maintaining farm buildings, fences, equipment and water supply systems • maintaining and evaluating records of farming activities, monitoring market activity, and planning crop preparation and production to meet contract requirements and market demand • managing business capital including budgeting, taxation, debt and loan management • may select, train and supervise staff and contractors • Establish and monitor hydroponic crops • Plan a growing-on program • Plan a propagation program • Develop a horticultural production plan • Identify risk and apply risk management processes • Monitor the implementation of quality and food safety programs
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes • Supervise work routines and staff performance • Lead team effectiveness
Award coverage:	Non Horticulture Award

Occupation:	Entomologist
ANZSCO Code:	-
Key Tasks:	<ul style="list-style-type: none"> • designing and conducting experiments, making observations and measurements, researching information, analysing data, preparing or supervising the preparation of laboratory reports and scientific papers, presenting findings at scientific meetings and conferences, and supervising the work of staff • studying the forms and structures of bodily organs and tissues by systematic observation, dissection and microscopic examination • investigating the chemical structure and function of living cells and their isolated components, organs and tissues in humans, animals, plants, and micro-organisms • examining micro-organisms, such as bacteria, fungi, yeast and their enzymes, and using the knowledge gained to create and develop new, and improve existing, products, materials and processes • investigating the effects of environmental factors, such as rainfall, temperature, sunlight, soil, topography and disease, on plant growth • planning and undertaking experiments to study, measure and understand marine animals and plants • studying the growth and characteristics of micro-organisms, such as bacteria, algae and fungi, and the effects they have on plants, animals and humans to develop medical, veterinary, industrial, environmental and other practical applications • investigating the interrelationships between animals in their natural surroundings, in captivity and in laboratories
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes • Supervise work routines and staff performance • Lead team effectiveness • Degree in Ag Science
Award Coverage:	Non Horticulture Award

Occupation:	Biosecurity Officer
ANZSCO Code:	311399
Key Tasks:	<ul style="list-style-type: none"> • inspecting animals, plants and agricultural produce to identify product quality issues, and providing advice to producers • auditing and monitoring quality procedures at farms and food handling and processing facilities to ensure compliance with required standards • testing samples of produce for quality, size and purity • ensuring that required standards of hygiene are observed at storage, processing and packing facilities and in transport vehicles • advising primary producers on economic aspects of disease eradication and informing producers and the general public of the health implications of diseases and impurities • advising on the identification of pests and diseases and on regulations pertaining to grading, packing and loading of products • patrolling and investigating waterways for unlawful fishing activities and the removal of protected marine life • may initiate or assist in legal action to enforce regulations • Inspecting import and export documentation • Understanding of biosecurity protocols
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes • Sound knowledge of biosecurity
Award Coverage:	Non Horticulture Award
Occupation otherwise known as:	Primary Products Inspector Quarantine Officer

Occupation:	Horticulture Research & Development Officer
ANZSCO Code:	-
Key Tasks:	<ul style="list-style-type: none"> • determining, implementing and monitoring research and development strategies, policies and plans • developing and implementing research projects, priorities and targets to support commercial and policy developments • leading major research projects and coordinating activities of other research workers • assessing the benefits and monitoring the costs and effectiveness of research and development activities • interpreting results of research projects and recommending associated product and service development innovations • providing advice on research and development options available to the organisation • monitoring leading-edge developments in relevant disciplines and assessing implications for the organisation • may publish results of significant research projects
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes
Award Coverage:	Non Horticulture Award

Occupation:	Marketing Manager
ANZSCO Code:	131112
Key Tasks:	<ul style="list-style-type: none"> • directing the development and implementation of sales strategies and setting sales targets in order to maximise an organisation's sales and customer loyalty • directing the development and implementation of strategies to promote an organisation's goods and services to as many people as possible • directing the development and implementation of strategies to generate increased consumption of an organisation's goods and services through the creation and reinforcement of 'brand image' or 'brand loyalty' • directing the development and implementation of strategies to build and maintain an organisation's image and reputation with its customers, investors and the wider public
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes • Supervise work routines and staff performance • Lead team effectiveness
Award Coverage:	Non Horticulture Award

Occupation:	Human Resource Manager
ANZSCO Code:	132311
Key Tasks:	<ul style="list-style-type: none"> • determining, implementing, monitoring, reviewing and evaluating human resource management strategies, policies and plans to meet business needs • advising and assisting other Managers in applying sound recruitment and selection practices, and appropriate induction, training and development programs • developing and implementing performance management systems to plan, appraise and improve individual and team performance • representing the organisation in negotiations with unions and employees to determine remuneration and other conditions of employment • developing and implementing occupational health and safety programs and equal employment opportunity programs, and ensuring compliance with related statutory requirements • overseeing the application of redundancy and other employee retrenchment policies • monitoring employment costs and productivity levels • may train and advise other Managers in personnel and workplace relations matters
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes • Supervise work routines and staff performance • Lead team effectiveness
Award Coverage:	Non-horticulture Award

Occupation:	Mechanical Engineer
ANZSCO Code:	2335
Key Tasks:	<p>Plans, designs, organises and oversees the assembly, erection, commissioning, operation and maintenance of mechanical and process plant and installations. Registration or licensing may be required.</p> <ul style="list-style-type: none"> • studying functional statements, organisational charts and project information to determine functions and responsibilities of workers and work units and to identify areas of duplication • establishing work measurement programs and analysing work samples to develop standards for labour utilisation • analysing workforce utilisation, facility layout, operational data and production schedules and costs to determine optimum worker and equipment efficiencies • designing mechanical equipment, machines, components, products for manufacture, and plant and systems for construction • developing specifications for manufacture, and determining materials, equipment, piping, material flows, capacities and layout of plant and systems • organising and managing project labour and the delivery of materials, plant and equipment • establishing standards and policies for installation, modification, quality control, testing, inspection and maintenance according to engineering principles and safety regulations • inspecting plant to ensure optimum performance is maintained • directing the maintenance of plant buildings and equipment, and coordinating the requirements for new designs, surveys and maintenance schedules
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes
Award Coverage:	Non-Horticulture Award

Occupation:	Maintenance Electrician
ANZSCO Code:	-
Key Tasks:	<ul style="list-style-type: none"> • Assist with maintenance and continuous improvement of the equipment • Ensure equipment is operating at high efficiency during peak season, and manage breakdowns • Perform preventative maintenance on equipment in the off-season • Install and apply continuous improvement initiatives
Essential Skills:	<ul style="list-style-type: none"> • High level of computer literacy • Fast paced industrial manufacturing maintenance / manufacturing experience • Proven capability working with PLC's • Robotic install / maintenance experience viewed favorably • Strong communication skills, and ability to follow procedures and policies • A strong level of self-motivation • An innovative approach and mindset with good analytical skills • Strong team orientation • Knowledge and understanding of OHS systems and requirements • Knowledge and understanding of QA systems and requirements <p>NOTE: A PLC is an industrial digital computer which has been ruggedised and adapted for the control of manufacturing processes, such as assembly lines, or robotic devices, or any activity that requires high reliability control and ease of programming and process fault diagnosis.</p>
Award Coverage:	Non-Horticulture Award

Skill Level 2 – Manager Level

(Diploma or 2+ years' experience)

Occupation:	Facility/ Plant Manager (Horticulture)
ANZSCO Code:	149913
Key Tasks:	<p>Organises, controls and coordinates the strategic and operational management of horticulture facilities to ensure the proper and efficient operation of all physical aspects of a facility, to create and sustain safe and productive environments for occupants.</p> <ul style="list-style-type: none"> • Manage the shed floor on a day to day basis • Ensure all cool rooms are operating correctly • Ensure all produce is packed to specifications, efficiently, without compromising on quality • Ensure that the logistics supervisor has the product in a timely fashion and to a quality standard to ensure all product can be delivered in full and on time. • Lead a team of staff who manage the packing shed floor efficiently • Maintain a high standard of work practices at all times • Liaise with the post-harvest operations manager to predetermine daily and weekly objectives • Assist the post-harvest operations manager in supervising the staff engaged in quality control, residue limit monitoring, and protocol requirements for all markets, and especially export markets • Assist in liaising with our grower services teams and farm managers to ensure the smooth delivery of fresh produce for packing • Ensure that the protocol and MRL requirements advised by Technical Services and customer requirements set by marketing are implemented in the packing and logistics process, especially traceability, labelling and other documentation • Supervise the quality control of the produce being packed to ensure it meets the requirements of the packing instruction • Assist to oversee the procurement of temporary labour, consumables, freight and other services required to take the produce from the farms through the supply chain to our customers • Operate the traceability management systems and processes provided by management to ensure the shed floor is being run at cost effectively as possible without compromising on the quality output that we provide to our customer base, and suggest improvements to the system • Assist in the development of plans for the refurbishment, maintenance and continuous improvement of the assets • Assist in the management of relationships (personal and contractual) with external service providers, growers, and other stakeholders • Provide input into project cost-analysis and budget preparation • Follow Occupation Health & Safety Policies/Procedures and help ensure all packing shed staff comply with occupational health and safety, and quality assurance requirements

	<ul style="list-style-type: none"> • Assist in the completion of all quality system documentation
Essential Skills:	<ul style="list-style-type: none"> • Experience in a similar role for at least 5 years • A good understanding of and affinity with modern technology and computers and software applications • A willingness and commitment to work extra hours when required, including a night shifts • Fitness level and aptitude to work in a busy, changing environment • Good verbal and written communication skills • Work effectively with other managers and staff to achieve outcomes set by management • Be flexible to changing conditions • A current manual driver's licence
Award Coverage:	Level 5
Occupation otherwise known as:	Production Shed Supervisor

Occupation:	Horticulture Section Manager
ANZSCO Code:	-
Key Tasks:	<ul style="list-style-type: none"> • Ensure that all specification for seeding and planting are satisfied • Assess quality of work and take corrective actions where applicable • Ensure that seed stock / levels / usage are managed as per company procedures • Liaise with Farm Operation Manager / Agronomist where required • Ensure that all seeding equipment is maintain as per procedures • Monitor germination to ensure seeds are of acceptable quality • Ensure all records are maintained • Ensure all crops are labelled correctly
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes • Supervise work routines and staff performance • Lead team effectiveness
Award Coverage:	Level 5
Occupation otherwise known as:	Seeding Manager

Occupation:	Horticulture Farm Manager
ANZSCO Code:	1212
Key Tasks:	<p>The position involves overseeing and managing the cultivation, growing and maintenance of vegetables, fruits, berries, nuts, and other crops. The Production Horticulture Manager is involved in the management of all of the associated production processes.</p> <p>The position involves some or all of the following tasks:</p> <ul style="list-style-type: none"> • determining, implementing and monitoring production strategies, policies and plans • planning details of production activities in terms of output quality and quantity, cost, time available and labour requirements • controlling the operation of production plant and quality procedures through planning of maintenance, designation of operating hours and supply of parts and tools • monitoring production output and costs, and adjusting processes and resources to minimise costs • informing other Managers about production matters • overseeing the acquisition and installation of new plant and equipment • directing research into production methods, and recommending and implementing initiatives • controlling the preparation of production records and reports • coordinating the implementation of occupational health and safety requirements • directing staff activities and monitoring their performance
Essential Skills:	<ul style="list-style-type: none"> • Extensive knowledge of production horticulture operations • Extensive practical experience in managing a horticulture farm • Good interpersonal relationships • Exceptional communication skills • Solid computer based administration experience • Sound financial management and budgeting experience
Award coverage:	Level 5
Occupation otherwise known as:	Orchard Manager, Vegetable Farm Manager, Fruit Farm Manager Nut Farm Manager

Occupation:	Quality Assurance Manager
ANZSCO Code:	139914
Key Tasks:	<p>Plans, organises, directs, controls and coordinates the deployment of quality systems and certification processes within an organisation.</p> <ul style="list-style-type: none"> • Must be knowledgeable of all state and federal regulations for the product being produced • Responsible for the quality control aspects of raw materials and finished products • Assist in setting quality standards and ensure that production is maintained at such standards • Develop, implement and maintain the organization's quality management systems and ensure continuing compliance to relevant quality standards • Ensure weekly swabs/samples are taken and sent for testing. Takes action for any swabs / samples that come back with non-compliance levels • Maintain the corporate quality manual and quality records • Review and report the principle causes of quality loss and non-conformance • Ensure all check sheets are correctly completed and all non-compliance found have had the correct action taken and signed off • Arrange, coordinate and participate in external quality audits • Supervise quality control aspects of raw materials and finished products • Implement and maintain the quality management systems and ensure continuing compliance to relevant quality standards are implemented and maintained • Review and report the principle causes of quality loss and non-conformance • Arrange, coordinate and participate in external quality audits
Essential Skills:	<ul style="list-style-type: none"> • Extensive knowledge of production horticulture operations • Extensive practical experience in managing a horticulture farm
Award Coverage:	Level 5
Occupation otherwise known as:	Horticulture Quality Control Manager

Occupation:	Marketing Officer
ANZSCO Code:	2251
Key Tasks:	<p>Identifies market opportunities and advises on the development, coordination and implementation of plans for pricing and promoting an organisation's goods and services.</p> <ul style="list-style-type: none"> • planning, developing and organising advertising policies and campaigns to support sales objectives • advising executives and clients on advertising strategies and campaigns to reach target markets, creating consumer awareness and effectively promoting the attributes of goods and services • coordinating production of advertising campaigns involving specialised activities, such as artwork, copywriting, media scripting, television and film production and media placement, within time and budget constraints • analysing data regarding consumer patterns and preferences • interpreting and predicting current and future consumer trends • researching potential demand and market characteristics for new goods and services and collecting and analysing data and other statistical information • supporting business growth and development through the preparation and execution of marketing objectives, policies and programs • commissioning and undertaking market research to identify market opportunities for new and existing goods and services • advising on all elements of marketing such as product mix, pricing, advertising and sales promotion, selling, and distribution channels
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes • Supervise work routines and staff performance • Lead team effectiveness
Award Coverage:	Non-Horticulture Award

Occupation:	Senior Nurseryperson
ANZSCO Code:	362411
Key Tasks:	<p>The position involves propagating and cultivating or growing of plants in a production horticulture environment. The work can involve a variety of activities involving plant nursery propagation, cultivation, irrigation and growing of vegetables, fruits, berries, nuts, and other crops in outdoor and indoor settings.</p> <p>The position involves some or all of the following tasks:</p> <ul style="list-style-type: none"> • Order seed, fertilizer and chemicals • Select seeds based on weather and soil conditions and yield • Prepare growing media and suitable trays, pots and containers • Manage the propagation and planting operation • Maintain sufficient stocks of plant foods and fertilizers • Implement appropriate pesticide and weedicide programs • Coordinate nursery work teams • Manage transport and logistics for delivery of sales stock • Ensure relevant nursery equipment is maintained • Maintain good plant health and manage disease • Manage biosecurity risks • Manage the irrigation of crops • Sample and interpret soil conditions and compost • Provide advice on plant and seed varieties to customers • Maintain soil, hydroponic, plant, treatment and yield records
Essential Skills:	<ul style="list-style-type: none"> • Extensive knowledge of production nursery operations • Extensive knowledge of seeds, soils, growing media, propagation and irrigation of a range of horticulture crops in a production horticulture environment • Ability to plan plantings in line with production schedules • Exceptional communication skills with staff and customers • Solid computer-based administration and reporting skills
Award Coverage:	Level 5

Occupation:	Machinery Manager
ANZSCO Code:	-
Key Tasks:	<ul style="list-style-type: none"> • Effectively run packaging lines on a day to day basis, under the direction of the packaging shed management team. • Manage the packing line via an effective and proactive supervisory presence to achieve maximum efficiency • Liaise with the quality control officer on a day to day basis to ensure the correct quality standards are met • Set and control the operation of the MAF operating system to obtain accurate performance which meet specifications and packing instructions • Have full knowledge of all the protocols that must be met for domestic and export fruit, and check the packing instructions, labelling (cartons, crates, and pallets) and traceability systems match the requirements for those markets • Control fruit inputs with the forklift driver • Liaise with the designated chemical supervisor to ensure that effective and timely monitoring and management of all line functions are carried out in a timely manner • Perform pack house staff training as requested by management • Assist in the management of all packing lines as required by shed management • Have a full understanding of the traceability system • Ensure the fruit label applicators are functioning to their full potential and general maintenance when required • Follow Occupation Health & Safety policies and procedures and help ensure all packing shed staff complies with occupational health and safety, and quality assurance requirements • Report repairs and maintenance requirements promptly to the maintenance supervisor • Other duties as agreed in consultation with management
Essential Skills:	<ul style="list-style-type: none"> • A willingness and commitment to work extra hours when required, including a night shift • Excellent verbal and written communications • Excellent computer skills • Work effectively with other staff to achieve outcomes set by management • A current manual driver license • Experience with blemish grading systems
Awards Coverage:	Level 5
Occupation also known as:	Packing Line Supervisor

Occupation:	Cold Storage Manager
ANZSCO Code:	-
Key Tasks:	<ul style="list-style-type: none"> • Product Picking in chiller and freezer environment • Repetitive Manual Handling • Stacking products in cold stores • Experience within the food manufacturing industry is preferred • Must be available to work full time hours, ongoing • Sound knowledge in WHS & GMP procedures • Ability to withstand working in a cold room environment ranging from 3 degrees and up • Picking fresh food stock from production line • Working in a cold storage environment • Accurately packing stock • Managing a team
Essential Skills:	<ul style="list-style-type: none"> • Manual handling experience • Reasonably fit and in good health for heavy lifting • Good communication skills • A strong & reliable work history
Award Coverage:	Level 5

Occupation:	Mechanic
ANZSCO Code:	3212
Key Tasks:	<ul style="list-style-type: none"> • detecting and diagnosing mechanical and electrical faults in engines and parts • dismantling and removing engine assemblies, transmissions, steering mechanisms and other components, and checking parts • repairing and replacing worn and defective parts and reassembling mechanical components, and referring to service manuals as needed • performing scheduled maintenance services, such as oil changes, lubrications and engine tune-ups, to achieve smoother running of vehicles and ensure compliance with pollution regulations • reassembling engines and parts after being repaired • testing and adjusting mechanical parts after being repaired for proper performance • diagnosing and testing parts with the assistance of computers • may inspect vehicles and issue roadworthiness certificates or detail work required to achieve roadworthiness • may respond to vehicle breakdown
Essential Skills:	<ul style="list-style-type: none"> • Understanding of engines and farm machinery
Award Coverage:	Level 5
Occupation otherwise known as:	Diesel Motor Mechanic Motor Mechanic (General) Small Engine Mechanic

Skill Level 3 – Supervisor level

(Certificate 4 or 1+ year experience)

Occupation:	Section Supervisor
ANZSCO Code:	-
Key Tasks:	<p>Ensure that crop treatments are carried out as per established procedures and operators are trained to discharge their respective duties</p> <ul style="list-style-type: none"> • Liaise with Agronomist / Agricultural Technician / Farm Operation Manager regarding crop treatments • Liaise with maintenance division regarding maintenance of plant and equipment • Ensure all methods of crop treatments are done as per standard procedures. Pre-plant, fertiliser application, broadcasting of fertilizer and boom spraying of chemicals • Ensure the weather conditions are suitable to perform the required task to achieve the best efficacy • Liaise with Agronomist regarding scheduling of all crop water requirements • Monitor operations in garden growing to ensure work quality • Manage stock of fertilisers and chemicals
Essential Skills:	<ul style="list-style-type: none"> • Proficient English verbal and written communication • Organised and able to meet deadlines
Award Covearge:	Level 4
Occupation also known as:	<p>Crop growing supervisor</p> <p>Propagation supervisor</p>

Occupation:	Nursery Supervisor
ANZSCO Code:	362411
Key Tasks:	<p>Supervises the propagation of a wide variety of horticulture plants in both Production Horticulture and Amenity Horticulture environments. The work can also involve cultivation of trees, shrubs, and ornamental and flowering plants and a range of activities which may include:</p> <ul style="list-style-type: none"> • preparing relevant media and containers, beds and growing environment before planting • selecting seeds, bulbs and cuttings, and planting them in containers, beds and relevant growing environments • budding and grafting vegetative material onto root stock • watering plants manually and controlling automatic watering operations • managing hydroponic systems • applying pesticides to control pests, diseases, weeds and nutritional and environmental plant disorders • keeping records of soil mixtures, water and nutrient data, plantings, treatments, losses and yields • selecting plants and packaging them for presentation and delivery • advising customers on plant care and appropriate plants for local conditions • planning sales area layouts and visual merchandise presentation
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes • Supervise work routines and staff performance • Lead team effectiveness
Award Coverage:	Level 4

Occupation:	Facility/Plant Supervisor
ANZSCO Code:	-
Key Tasks:	<p>Ensure correct handling of product to meet customers' requirements including grading, packing, cool chain, hygiene and despatch</p> <ul style="list-style-type: none"> • Assess incoming product regarding quality and determine grading resources • Monitor quality of product through various stages in production shed, washing, 1st, 2nd and final grading • Rectify any issues due to mechanical damage / grading quality • Liaise with Harvest Supervisor / Maintenance Manager / Despatch Manager • Ensure all Quality Assurance (QA) records are correct, allowing for complete traceability • Manage correct cool chain when handling and despatch of product • Ensure all personnel are trained and performing as per standard procedure • Ensure all waste products are handled as per standard procedure • Ensure all despatches are as per standard procedure
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes
Award Coverage:	Level 4
Occupation otherwise known as:	Production Shed Supervisor

Occupation:	Production Horticulture Supervisor
ANZSCO Code:	-
Key Tasks:	<ul style="list-style-type: none"> • Ensure scheduled crops for intended harvest have passed the withholding period • Ensure that all specialised harvest equipment is maintained • Ensure correct harvest to suit conditions of crop, soil moisture and variety to minimize any mechanical damage • Liaise with Farm Operation Manager / Shed Production Manager / Maintenance Supervisor • Ensure quality of harvest throughout harvest period to minimize damage. • Identify and report unusual disease or plant pest signs • Transport and store chemicals • Prepare and apply chemicals to control pest, weeds and diseases • Implement a post-harvest program • Establish horticultural crops • Carry out emergency disease or plant pest control procedures at infected premises • Operate chemical application machinery and equipment • Coordinate work site activities • Perform shed nursery activities • Regulate crops
Essential Skills	<ul style="list-style-type: none"> • Maintain work health and safety processes
Award Coverage:	Level 4
Occupation otherwise known as:	Crop Harvest Supervisor

Occupation:	Agriculture Technician
ANZSCO Code:	321212
Key Tasks:	<p>The work involves undertaking repairs and maintenance to a wide range of agricultural vehicles and equipment including tractors, trucks, headers and associated agricultural equipment.</p> <ul style="list-style-type: none"> • Diagnosing faults in diesel engines, transmissions and mechanical parts • Dismantling and repairing engines, transmissions and mechanical parts • Performing maintenance services on vehicles and agricultural equipment • Testing and diagnosing vehicles and equipment for operational efficiency • Undertaking repairs on farm • Ordering spare parts for vehicles and equipment
Essential Skills:	<ul style="list-style-type: none"> • Trade level skills • Ability to manage people and develop an effective work team • Ability to work with a computer-based management system
Award Coverage:	Level 4

Occupation:	Machinery Supervisor
ANZSCO Code:	-
Key Tasks:	<ul style="list-style-type: none"> • Perform machinery maintenance • Operate machinery and equipment • Supervises and coordinates employees who operate machines • Prepares work schedules, assigns work and oversees the work • Ensures machine operation is done correctly • Monitors and evaluates production records and reports
Essential Skills:	<ul style="list-style-type: none"> • Licence for machinery operation • Maintain work health and safety processes
Award Coverage:	Level 4

Skill Level 4 – Skilled Operator Level

(Certificate 3 or 1+ year experience)

Occupation:	Production Horticulturalist
ANZSCO Code:	-
Key Tasks:	<ul style="list-style-type: none"> • Ensure that all land preparations are done as per established procedures. • Train / monitor operators where required to ensure tasks are done as per standard procedures • Prepare working programmes daily / weekly / monthly to facilitate implementation of respective tasks • Assess quality of work and take corrective actions where applicable • Ensure that all material inputs are adequate for respective operations • Ensure the upkeep of all tractors and implements • Liaise with Farm Operation Manager / Agronomist/ Maintenance Manager where required • Operate various tractors and implements • Identify and report unusual disease or plant pest signs • Operate pressurised irrigation systems • Prepare and apply chemicals to control pest, weeds and diseases • Coordinate horticultural crop harvesting • Fumigate soil • Manage, install drainage systems • Monitor and manage nursery plants • Operate spreading and seeding equipment
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes
Award Coverage:	Level 3
Occupation otherwise known as?	Ground Preparation Supervisor

Occupation:	Nurseryperson
ANZSCO Code:	362411
Key Tasks:	<p>Propagates a wide variety of horticulture plants in both Production Horticulture and Amenity Horticulture nursery environments. The work can also involve cultivation of trees, shrubs, and ornamental and flowering plants and a range of activities which may include:</p> <ul style="list-style-type: none"> • preparing relevant media and containers, beds and growing environment including pressurised irrigation systems before planting • selecting seeds, bulbs and cuttings, and planting them in beds, containers, trays and channels and in relevant growing environments • budding and grafting vegetative material onto root stock • watering plants manually and controlling automatic watering operations • managing hydroponic systems • applying pesticides to control pests, diseases, weeds and nutritional and environmental plant disorders • keeping records of soil mixtures, plantings, treatments, losses and yields • planning sales area layouts and visual merchandise presentation • Schedule irrigation • Supervise maintenance of property, machinery and equipment • Develop a soil health and plant nutrition program • Implement the pest monitoring and evaluation plan • selecting plants and packaging them for presentation and delivery • advising customers on plant care and appropriate plants for local conditions
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes • Supervise work routines and staff performance
Award Coverage:	Level 3

Occupation:	Irrigationist
ANZSCO Code:	-
Key Tasks:	<ul style="list-style-type: none"> • Determine hydraulic parameters for an irrigation system • Implement an irrigation-related program • Schedule irrigations • Select and manage pumping systems for irrigation • Interpret and apply irrigation designs • Supervise irrigation system installations • Supervise irrigation maintenance
Essential Skills:	<ul style="list-style-type: none"> • Maintain health and safety work processes
Award Coverage:	Level 3

Occupation:	Truck Driver
ANZSCO Code:	-
Key Tasks:	<p>Responsible for the safe delivery of produce to customers whilst maintaining appropriate cold chain management throughout the delivery process.</p> <ul style="list-style-type: none"> • manoeuvring vehicles into position for loading and unloading • Maintaining temperature control of the truck/container during the loading process • loading and unloading vehicles using lifting and tipping devices • observing safety requirements when loading and unloading vehicles • making regular quality checks of vehicles to ensure they can be driven safely • estimating weights to comply with load limitations and ensuring safe distribution of weight • ensuring goods are stowed and securely covered to prevent loss and damage including appropriate venting of the product • Maintaining temperature control of the truck/container during the offloading process to the customer • Maintaining appropriate records of the delivery process including temperature control in line with product specifications and specific customer orders
Essential Skills:	<ul style="list-style-type: none"> • Appropriate Truck Licence and safe driving record • Knowledge of cold chain management requirements for products
Award Coverage:	Level 3

Occupation:	Mobile Plant Operator
ANZSCO Code:	721111
Key Tasks:	<p>The work involves preparing, maintaining and operating a range of agricultural machinery, equipment and vehicles used in cultivating, planting and harvesting of crops. The position also involves truck driving, stationary machine operating and other machinery tasks associated with post harvest activities.</p> <p>The work is usually contract in nature involving mainly tractors, trucks, headers and associated agricultural equipment in grain and horticulture.</p> <ul style="list-style-type: none"> • Adjust, repair and service farm machinery and equipment in readiness for planting and harvesting activities • Attach a range of equipment to tractors including plows, discs, harvesters and sprayers • Operate Tractors and associated equipment for soil conditioning, tilling, seeding, spraying, harvesting, baling and mobile storage systems. • Harvest a range of crops including operating Headers and trucks for grain harvesting • Operate GPS Guidance technology on a range of agricultural equipment • Transport seed and harvested crops and deliver to customers and grain storage facilities. • Perform maintenance services on vehicles and agricultural equipment during seeding and harvesting • Operate machinery and equipment associated with draining and irrigation works and other farm activities such as fencing and bale storage • Handle seed, fertiliser and farm chemicals • Order spare parts for vehicles and equipment • Work as part of an integrated team in both seeding and harvesting operations • Ensure that specific allocated farm equipment is maintained • Liaise with Supervisor to ensure all tasks are completed as required
Essential skills:	<ul style="list-style-type: none"> • Must be skilled in operating and maintaining a wide range of farm machinery including latest generation GPS controlled machinery • Good mechanical and maintenance skills • Extensive knowledge of cropping systems and harvesting techniques • Ability to work in a team environment
Award Coverage:	Level 3

Occupation:	Fitter and Welder
ANZSCO Code:	3232
Key Tasks:	<ul style="list-style-type: none"> • studying drawings and specifications to determine suitable material, method and sequence of operations, and machine settings • fitting fabricated metal parts into products and assembling metal parts and subassemblies to produce machines and equipment • checking fabricated and assembled metal parts for accuracy, clearance and fit using precision measuring instruments • setting guides, stops and other controls on machining tools, setting up prescribed cutting and shaping tools and dies in machines and presses, and setting controls for textile machines • forming metal stock and castings to fine tolerances using machining tools to press, cut, grind, plane, bore and drill metal • cutting, threading, bending and installing hydraulic and pneumatic pipes and lines • diagnosing faults and performing operational maintenance of machines, and overhauling and repairing mechanical parts and fluid power equipment • may erect machines and equipment on-site
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes • Trade qualification
Award Coverage:	Level 3

Skill Level 4 – Semi-Skilled Operator Level

Cert 2 or 1+ year experience)

Occupation:	Horticulture Worker Specialised
ANZSCO Code:	-
Key Tasks:	<p>This position is a responsible packing and processing shed position which involves setting up the relevant machinery to pack or bag horticulture products</p> <ul style="list-style-type: none"> • Initial machine set up prior to shift start • Make adjustments to machine set up on an ongoing basis subject to produce being processed • Ensure machine operates at optimum productions level throughout shift • Liaise with Production Shed Supervisor/ Facility Manager • Setting up packaging machines with the appropriate bags and tags for packing orders • Ability to read production orders and follow instructions
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes
Award Coverage:	Level 2
Occupation otherwise known as:	Packing Shed Machine Operator

Occupation:	Forklift Driver
ANZSCO Code:	-
Key Tasks:	<p>Responsible for the safe movement of product on pallets within and from the packing/processing sheds to cool rooms and transport vehicles. The job requires timely movement of product in line with both manual and automatic production machines</p> <ul style="list-style-type: none"> • Liaise with Despatch Manager and Production Shed Supervisor • Carry out all machine pre-checks and maintain all product movement records • Move pallets in and out of coolrooms in line with batch requirements • Load pallets onto trucks for despatch • Unloading of trucks where necessary • Preparation of despatch paperwork
Essential Skills:	<ul style="list-style-type: none"> • Forklift ticket • Proficient English verbal and written communication • Organised and able to meet deadlines
Award Coverage:	Level 2

Occupation:	Cold Store Operator
ANZSCO Code:	-
Key Tasks:	<p>The cold store operator manages horticulture product in the coolrooms. This involves storing product for rapid despatch and maintaining records in line with the quality system and customer requirements.</p> <ul style="list-style-type: none"> • Stacking products in cold stores with appropriate pallet spacing • Organising stock for despatch times • Working in a cold storage environment • Accurately packing stock • Product Picking in chiller environment • Repetitive Manual Handling
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes • Experience within the food manufacturing industry is preferred • Must be available to work full time hours, ongoing Sound knowledge in WHS & GMP procedures • Ability to withstand working in a cold room environment ranging from 3 degrees and up
Awards Coverage:	Level 2

Occupation:	Irrigation Assistant
ANZSCO Code:	-
Key Tasks:	<p>Providing support to the Irrigationist on the following:</p> <ul style="list-style-type: none"> • Determine hydraulic parameters for an irrigation system • Implement and irrigation-related program • Schedule irrigations • Select and manage pumping systems for irrigation • Interpret and apply irrigation designs • Supervise irrigation system installations • Supervise irrigation 50maintenance
Essential Skills:	<ul style="list-style-type: none"> • Maintain work health and safety processes
Award Coverage:	Level 2

Skill Level 5 – low-skilled operator level

(Cert 1 or no experience)

Occupation:	Horticulture Process Worker
ANZSCO Code:	-
Key Tasks:	<ul style="list-style-type: none">• Processing products within the packing shed• Working with machines when needed• Ability to work in a Fast paced environment• Stacking product for despatch in boxes and on pallets• Wrapping product• Providing general support to the packing shed if required• Meeting quality system supply requirements for customers• Recording product processed
Essential Skills:	<ul style="list-style-type: none">• Maintaining work health and safety processes
Award Coverage:	Level 1

Occupation:	Horticulture Field Worker
ANZSCO Code:	-
Key Tasks:	<p>Horticulture Field workers are responsible for planting and harvesting of horticulture product and usually work with a variety of farm machinery.</p> <ul style="list-style-type: none"> • Planting and harvesting horticulture crops • Picking and packing produce in the field • Working with agricultural machinery when needed • Ability to work in a fast paced environment • Providing general support to the packing shed if required
Essential Skills:	<ul style="list-style-type: none"> • Maintaining work health and safety processes
Award Coverage:	Level 1



Australian Government
Department of Home Affairs

Submission

For decision

PDMS Ref. Number MS19-002826

To Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

Subject Option to amend the Minister of Religion Labour Agreement (MoRLA) template to provide direct entry to permanent residence

Timing At your convenience

Recommendations

That you:

1. note the current MoRLA settings and the associated risks to the program that have contributed to these settings.
2. indicate whether you wish to amend the current MoRLA settings to provide direct entry to a permanent skilled Employer Nomination Scheme (ENS) visa for overseas workers nominated for:
 - the most senior Minister of Religion position of the relevant religious organisation in Australia only; or
 - the most senior Minister of Religion position of the relevant religious organisation in Australia, or a State/Territory or region of Australia.

noted / please discuss

agreed / not agreed / please discuss

agreed / not agreed / please discuss

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

22(1)(a)(ii)

Signature.....

Date: 16 / 1 / 2019

Released by Department of Home Affairs
under the Freedom of Information Act 1982

Minister's Comments				
<p style="font-size: 1.2em; margin: 0;">Any announcement of this should be coordinated with my office.</p> <div style="position: absolute; top: 140px; right: 100px; background-color: black; color: white; padding: 2px 5px; font-size: 0.8em;">22(1)(a)(ii)</div>				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues and Risks

1. Your office requested a submission regarding options to extend the MoRLA to provide an immediate permanent residence option, potentially for senior figures such as bishops. Your office also sought advice on accelerating permanent residence for the new Head of the Greek Orthodox Archdiocese of Australia, s. 47F(1) and whether this could be achieved under the current MoRLA settings.
2. Under the current MoRLA, permanent residency is only available after three years as the holder of a Temporary Skills Shortage (TSS) visa.
3. The provisions under the MoRLA can be amended at your discretion. The Department of Home Affairs overall assessment is the current settings under the MoRLA are achieving the desired balance between meeting the genuine needs of religious communities and ensuring program integrity.
4. Reinstating a direct pathway to permanent residence under the MoRLA carries some risk. However, the Department's assessment is this could be mitigated by restricting such access to the occupants of "very senior positions" only. While the structure and hierarchy of religious groups varies, and nominees would need to be assessed on a case-by-case basis, it is recommended you initially restrict access to immediate permanent residence to the occupants of very senior positions only (e.g. Archbishop/Bishop or equivalent – responsible for a very large diocese/community).
5. This would consist of:
 - the most senior Minister of Religion position of the relevant religious organisation in Australia only; or extend further to include;
 - the occupant the most senior Minister of Religion position of the relevant religious organisation in a State/Territory or region of Australia.

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6. Assessments would be based on the information provided by the religious group, e.g. organisational charts, showing where the nominated position sits in the organisation and the breadth of their responsibilities. Where it cannot be demonstrated that the nominated position is in fact the most senior Minister of Religion position in Australia, a State/Territory or region, the three year TSS transitional pathway would still be available.

s. 47F(1)

Background

11. A MoRLA allows religious organisations to sponsor overseas workers as Ministers of Religion and Religious Assistants for periods of up to four years under a TSS visa and/or permanent residence under an ENS visa, though direct entry under this visa is not available.
12. In 2015, eligibility for Ministers of Religion (ANZSCO 272211) for both temporary and permanent skilled migration programs was discontinued and replaced by the MoRLA process. The impetus for the change was significant caseload concerns regarding overstated position responsibilities, and applicant skills and experience, that resulted in lower skilled Religious Assistants accessing skilled temporary and permanent programs. Assessing against the MoRLA template provides for greater scrutiny of the nominated occupation and the applicant's skills and experience, and consistency in outcomes.
13. In February 2018, the then Minister for Citizenship and Multicultural Affairs agreed to further tighten the MoRLA to remove direct access to permanent residence via an ENS visa, requiring instead a period of three years of temporary skilled residence before an application for permanent skilled residence could be made (Refer MS17-003679). This addressed residual integrity concerns, and the risk that nominees may leave an organisation soon after the permanent visa is granted, therefore not addressing the identified skill shortage.
14. In June 2018, the then Minister for Citizenship and Multicultural Affairs agreed to exempt the Minister of Religion from the Skilling Australia Fund levy, and strengthened the requirements of the leadership components of the occupation (Refer MS18-001528).

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15. In December 2018, you agreed to the following changes to the MoRLA settings that were implemented on 11 March 2019 (Refer MS18-008507):
- thresholds for sponsoring the occupation of 'Minister of Religion' have been made more flexible. Previously, the nominee was required to work in the most senior position in a specified location. Under new arrangements, the nominee can work in any senior position.
 - religious institutions can now seek a MoRLA to sponsor overseas workers under the additional occupation of 'Religious Assistant'.
16. Despite the range of visa options available for religious workers, multicultural communities continue to raise concerns at the perceived limitations in bringing in religious workers due to the difficulties in sourcing religious workers locally. Concerns have primarily centred on the ability to bring in lower level religious workers/assistants with a pathway to longer-term permanent residence. Without such a pathway, it is claimed they have difficulty in attracting such workers to Australia.

Consultation – internal/external

17. N/A.

Consultation – Secretary

18. The Secretary has not been consulted.

Client service implications

19. Changes to provide access to immediate permanent residence are likely to be welcomed by religious organisations. However, they may seek to have this policy extended beyond the occupants of very senior positions.

Sensitivities

20. The provision of direct entry could increase integrity concerns around the improper use of the Minister of Religion occupation as a pathway to permanent residence. However, by limiting access to the occupants of very senior positions only, this risk is considered relatively low.
21. The information contained in this submission is classified and should not be publicly released without the authority of the Department of Home Affairs. In accordance with our long standing practices, should you wish for unclassified media lines to be prepared in relation to this issue please contact the Home Affairs Media Coordination team at media@homeaffairs.gov.au.

Financial/systems/legislation/deregulation/media implications

22. Changes to MoRLA settings can be made under policy with no legislative impact. There may be minor costs associated with implementation of new policy settings.
23. There are no anticipated deregulation or media implications.

Attachments

24. Nil

Authorising Officer
Cleared by:
22(1)(a)(ii) A/g Assistant Secretary Skilled and Family Visa Program Branch
Date: 25 September 2019 Ph: 22(1)(a)(ii)

Contact Officer 22(1)(a)(ii), Acting Director, Employer Sponsored Program Management Section,
Ph: 22(1)(a)(ii)

CC Secretary
Deputy Secretary, Immigration and Settlement Services Group
First Assistant Secretary, Immigration Programs Division

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Australian Government
Department of Home Affairs

Submission

For decision

PDMS Ref. Number MS19-002901

To Minister for Immigration, Citizenship, Migrant Services and
Multicultural Affairs

Subject Options for incorporating the new Employer Sponsored Regional
(Provisional) visa into industry-specific Labour Agreements

Timing At your convenience.

Recommendations

That you:

1. note policy settings for existing industry-specific Labour Agreements summarised in **Attachment A**: noted / please discuss
2. note the issues and impacts of making the new Skilled Employer Sponsored Regional (Provisional) (subclass 494) visa available under industry-specific Labour Agreement; noted / please discuss
3. provide your decision at **Attachment B** regarding settings in existing industry-specific Labour Agreements; and decision provided / please discuss
4. advise your decision about Restaurant Industry (Fine Dining) Labour Agreement settings for regional Australia:
 - a. Businesses located in regional Australia which have been operating for at least five years do not need to offer 'fine dining' services; and agreed / not agreed
 - b. The occupation 'Café and Restaurant Managers' is made available to businesses located in regional Australia. agreed / not agreed

Minister for Immigration, Citizenship, Migrant Services and
Multicultural Affairs

22(1)(a)(ii)

Sign

Date: 8/1/2019

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Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

1. Your office requested options for incorporating the new Skilled Employer Sponsored Regional (Provisional) (subclass 494) visa into existing industry-specific Labour Agreements.
2. Your office also requested options for maintaining, modifying and/or implementing new concessions within existing industry-specific Labour Agreements, along with options to broaden the availability of Labour Agreements to businesses in regional Australia.
3. There are currently eight industry-specific Labour Agreements, which allow approved businesses to sponsor overseas workers for either a Temporary Skill Shortage (TSS) visa and/or a permanent skilled Employer Nomination Scheme (ENS) visa. The eight industry-specific Labour Agreements are; Meat, Pork, Dairy, Fishing, Ministers of Religion, On-hire, Restaurant (Fine Dining) and Advertising.
4. For these industry agreements:
 - pre-approved terms are available under each agreement—concessions vary from industry to industry;
 - four Labour Agreements directly support industries operating in regional Australia (Meat, Pork, Dairy and Fishing); and
 - six have a permanent residency option through the ENS visa, subject to either a two or three year transitional period on a subclass 457 or TSS visa (Meat, Pork, Dairy, Ministers of Religion, Restaurant (Fine Dining) and Advertising).
5. A summary of the terms and concessions of each existing industry-specific Labour Agreement and key statistics is provided at **Attachment A**.

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Options for the subclass 494 visa

6. The new subclass 494 visa will be introduced on 16 November 2019 and will be available for skilled migrants seeking to live and work in regional Australia.
7. It is open to you to amend existing Labour Agreement settings to make the new visa available under any existing industry agreements. It is also open to you to extend the concessions currently available under these industry agreements to the subclass 494 visa, noting that nomination and visa requirements for the subclass 494 visa will be similar to the requirements of the TSS and ENS visas.
8. Options for each Labour Agreement are provided at Attachment B for your consideration and decision.
9. Should you be minded to agree to any of the recommended changes, it is proposed that changes take effect from 16 November 2019 to coincide with the commencement of the new visa.

Meat, Pork and Dairy industry templates

10. Noting the regional focus of the subclass 494 visa, the following options might be appropriate:
 - The subclass 494 visa be made available under the Meat, Pork and Dairy industry agreements which directly support regional businesses.
 - The ENS visa and TSS visa be made unavailable, to maximise the uptake of the new regional visa. 58 per cent of all TSS visas and 96 per cent of all ENS visas granted under all industry Labour Agreements come from these industries.
 - existing salary, skills, English and age concessions available under these templates be extended to apply to the new visa.
11. The subclass 494 visa has a minimum three year full time work experience requirement. Should you be minded to make the subclass 494 visa available for these industries, a concession to the work experience requirement could also be introduced so that nominees only need two years work experience in the nominated occupation. This would bring the requirement into line with the TSS visa.

Restaurant (fine dining) template

12. Businesses eligible to use the Restaurant (Fine Dining) Labour Agreement may operate anywhere in Australia. The Restaurant (Fine Dining) Labour Agreement also provides a permanent residency pathway to the ENS visa.
13. Noting the above, the following options might be appropriate:
 - The subclass 494 visa be made available under the Restaurant (Fine Dining) Labour Agreement for positions located in regional Australia.
 - The TSS visa and ENS visa continue to be the pathway for businesses not operating in regional Australia.
 - Existing salary, skills, English and age concessions available under this template be extended to apply to the new visa.

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14. It would also be open to you to apply a work experience concession for the subclass 494 visa so that only two years full time relevant work experience is required.
15. Further options to modify the existing Restaurant (Fine Dining) agreement to broaden its availability for regional businesses are provided at paragraphs 29 to 31.

Minsters of Religion template

16. Businesses eligible to use the Ministers of Religion Labour Agreement may operate anywhere in Australia.
17. While it is open to you to make the subclass 494 visa available under the Ministers of Religion Labour Agreement, the following issues exist:
 - The Ministers of Religion Labour Agreement online request form is more complex in design and function, and would require systems changes that could not be implemented by 16 November 2019.
 - Visa grants under this template are relatively low in number, comprising 1.9 percent of all TSS visas and 2.8 percent of all ENS visas granted under industry Labour Agreements.
 - Uptake of the subclass 494 visa will not be significantly impacted if it is not available.

Fishing industry template

18. While the Fishing industry largely operates in regional areas of Australia, it has never had a permanent residency pathway available. The existing temporary visa option (the TSS visa) has adequately addressed skill shortages in the industry, noting its seasonal nature and lack of demand for a longer-term skilled visa option.
19. The Department is not aware of any interest in a permanent residency pathway.

On-hire industry template

20. The On-hire Labour Agreement allows on-hire firms to sponsor skilled workers from overseas for a TSS visa only. The agreement has no permanent residence pathway available.
21. The current On-hire agreement has specific restrictions in place, including:
 - a limit on the number of overseas workers that can be sponsored each year—20 workers per year for a first time Labour Agreement holder, and 50 per year for any subsequent agreements.
 - overseas workers can only be sponsored for occupations listed on either the Short Term Skilled Occupations List (STSOL) or the Medium and Long-term Strategic Skills List (MLTSSL).
22. These restrictions ensure that integrity risks are managed and that on-hire companies do not support an over-reliance on overseas workers at the expense of Australian workers.
23. The On-hire industry is currently problematic and greater regulation options are being considered by Government. The Department is currently investigating possible fraud and worker exploitation occurring in the On-hire industry including cash for visa schemes and the creation of non-genuine positions for the purpose of obtaining migration outcomes.

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24. Allowing On-hire firms to access the new regional visa would potentially increase the risk of misuse of the program.
25. It would remain open to regional businesses that utilise overseas workers under on-hire arrangements to employ them directly and sponsor them for permanent residency under the standard subclass 494 visa.

Advertising industry template

26. The Advertising industry Labour Agreement allows advertising businesses to sponsor highly skilled overseas workers to fill critical skill shortages in specialised advertising occupations (Advertising Specialist, Graphic Designer, Copywriter, Multimedia Designer, and Web Developer), with a pathway to permanent residency after a transitional period of three years on a TSS visa.
27. The Advertising Labour Agreement is the only industry agreement that currently has an endorsement stage, which is overseen by the Media Federation of Australia (MFA) and The Communications Council (TCC). All businesses seeking an agreement must be endorsed before they can lodge their Labour Agreement request.
28. While there are currently no advertising industry Labour Agreements in effect, it is anticipated that the first businesses will receive endorsement from the MFA and TCC before the end of 2019, and the first requests for a Labour Agreement will be received soon thereafter.
29. The type of businesses seeking a Labour Agreement under this template will not predominantly be based in regional Australia.

Options to broaden regional availability of the Restaurant Industry (Fine Dining) agreement.

30. It is open to you to broaden the range of businesses in regional Australia that can access the Restaurant (Fine Dining) agreement. This could be achieved by changing settings for well established regional businesses as follows:
- Regional businesses do not need to offer 'fine dining' services required under existing policy; and
 - The occupation 'Café and Restaurant Managers' be made available (in addition to 'Cook', 'Chef' and 'Trade Waiter').
31. Limiting access to existing businesses that can demonstrate at least five years operating in regional Australia will mitigate the risk of fraudulent use of the program by 'shelf' or 'phoenix' companies.
32. Given the integrity issues, the Restaurant (Fine Dining) Labour Agreement would continue to prohibit use by 'limited service' businesses including:
- fast food or takeaway food service;
 - fast casual restaurant;
 - drinking establishments that offers only a limited food service;
 - limited service cafes, including a coffee shops or mall cafes; and
 - limited service pizza restaurants.

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Background

33. The introduction of the subclass 494 visa will support business and communities in regional Australia that are impacted by critical skill shortages and are faced with the challenges attracting skilled workers to live, work and remain in their communities longer-term.
34. To be eligible for permanent residence, holders of the subclass 494 visa will need to demonstrate they have lived and worked in regional Australia for a minimum three year period while holding a subclass 494 visa. The new permanent visa will be implemented at a later date, with regulations to be introduced in November 2019 for commencement in November 2022.

Restaurant Industry (Fine Dining) Labour Agreement

35. The Restaurant Industry (Fine Dining) Labour Agreement was first implemented in 2014 to assist the fine dining industry retain staff for longer periods and attract skilled staff who see the industry as a career. Since 2014, Labour Agreements have been sought and approved in limited circumstances, with only four currently in effect (around one per cent of all Labour Agreements).

Consultation – internal/external

36. Migration Policy and Visa Policy Branch were consulted in the preparation of this submission.

Consultation – Secretary

37. The Secretary was not consulted on the approach in the submission.

Client service implications

38. Nil.

Sensitivities

39. Limiting access to the subclass 494 visa to certain types of industry-specific Labour Agreements may generate dissatisfaction among certain businesses and stakeholders.
40. The information contained in this submission is classified and should not be publicly released without the authority of the Department of Home Affairs. In accordance with our long standing practices, should you wish for unclassified media lines to be prepared in relation to this issue please contact the Home Affairs Media Coordination team – media@homeaffairs.gov.au.

Financial/systems/legislation/deregulation/media implications

41. With the exception of the On-hire and Ministers of Religion Labour Agreements, subject to your decision, systems changes will be made for 16 November 2019 and forms will cater for the inclusion of the subclass 494.

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Attachments

Attachment A Summary of the terms and concessions existing industry-specific Labour Agreement

Attachment B Options for incorporating the new subclass 494 visa into existing industry-specific Labour Agreements.

Authorising Officer

Cleared by:

22(1)(a)(ii)

A/g Assistant Secretary

Immigration Programs Division/Skilled and Family Visa Program Branch

Date: 25 October 2019

Ph: 22(1)(a)(ii)

Contact Officer 22(1)(a)(ii), Acting Director, Employer Sponsored Program Management Section/ Skilled and Family Visa Program Branch, Ph: 22(1)(a)(ii)

Through First Assistant Secretary, Immigration Programs Division

CC Secretary
Deputy Secretary, Immigration and Settlement Services Group
Acting First Assistant Secretary, Immigration and Community Protection Policy Division

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LA Type	English concession	Salary concession	Visa option/s	Transition to permanent residency	Eligible ANZSCO Occupation	Key statistics 2018-19 (primary visas)	
						TSS visas granted under industry labour agreements in 2018-19 = 1,145 ENS visas granted under industry labour agreements in 2018-19 = 388	
Dairy industry agreement	No	No	TSS+ENS	Yes	Senior dairy cattle farm worker (ANZSCO 070499)	Number of in effect agreements @ 30/06/2019: Number of TSS visas granted 2018-19: % of all TSS visas granted under industry labour agreements: Number of ENS visas granted 2018-19: % of all ENS visas granted under a labour agreement:	9 1 0.8% 0 0%
Fishing industry agreement	Yes	Yes - The monetary benefits of a nominee's annual earnings must not be less than: <ul style="list-style-type: none"> the TSMIT, or a percentage of catch – as would be paid to an Australian performing equivalent work in the approved sponsor's workplace at the same location, whichever is the higher amount. 	TSS	No	Deck hand (ANZSCO 899211) Fishing hand (ANZSCO 899212) Master Fisher (ANZSCO 231211) Ship's Engineer (Fishing Industry) (Code 070499) Ship's Master (ANZSCO 231213) Ship's Officer (ANZSCO 231214)	Number of in effect agreements @ 30/06/2019: Number of TSS visas granted 2018-19: % of all TSS visas granted under industry labour agreements:	28 62 5.4%
Meat industry agreement	Yes	Yes - Standard requirements apply. In addition, the sponsor must: <ul style="list-style-type: none"> ensure that if the overseas worker is paid via an annualised salary that they receive a Top-Up, if over an annual period, an Australian worker receives a higher amount for performing equivalent work. 	TSS+ENS	3 years	Skilled meat worker (ANZSCO 070499)	Number of in effect agreements @ 30/06/2019: Number of TSS visas granted 2018-19: % of all TSS visas granted under industry labour agreements: Number of ENS visas granted 2018-19: % of all ENS visas granted under industry labour agreements:	38 623 54.4% 362 93.3%
Ministers of Religion industry agreement	Yes	Yes - TSMIT - monetary or non-monetary benefits might be considered in the calculation of TSMIT. In the rare instances where a vow of poverty concession available.	TSS+ENS	3 years. Note: Age concession that the nominee may be 60 years of age at time of application for Subclass 186 visa	Minister of religion (ANZSCO 272211) or Religious Assistant (ANZSCO 451816)	Number of in effect agreements @ 30/06/2019: Number of TSS visas granted 2018-19: % of all TSS visas granted under industry labour agreements: Number of ENS visas granted 2018-19: % of all ENS visas granted under industry labour agreements:	72 22 1.9% 11 2.8%
On-hire industry agreement	No	No	TSS	No	On-hire employers can only nominate occupations that are listed on the list of eligible skilled occupations. Duties of nominated occupation(s) must be consistent with the relevant occupation code under ANZSCO (skill level 1-3).	Number of in effect agreements @ 30/06/2019: Number of TSS visas granted 2018-19: % of all TSS visas granted under industry labour agreements:	39 384 33.3%
Pork industry agreement	No	No	TSS+ENS	3 years	Senior stockperson (piggery) (ANZSCO 070499 ⁽¹⁾)	Number of in effect agreements @ 30/06/2019: Number of TSS visas granted 2018-19: % of all TSS visas granted under industry labour agreements: Number of ENS visas granted 2018-19: % of all ENS visas granted under industry labour agreements:	4 15 1.4% 5 1.3%
Restaurant (fine dining) industry agreement	No	Yes - Base rate of pay must be equal to or greater than 90% of TSMIT	TSS+ENS	2 years Chef and cooks 3 years Trade Waiters	Chef (ANZSCO 351311) Cook (ANZSCO 351411) Trade Waiter	Number of in effect agreements @ 30/06/2019: Number of TSS visas granted 2018-19: % of all TSS visas granted under industry labour agreements: Number of ENS visas granted 2018-19: % of all ENS visas granted under industry labour agreements:	1 18 1.6% 1 0.3%
Advertising Industry agreement	No	Yes - Nominees must be paid a minimum of \$85 000 (guaranteed annual earnings)	TSS+ENS	3 years	Advertising Specialist (ANZSCO 225111) Graphic Designer (ANZSCO 232411) Copy Writer (ANZSCO 212411) Multimedia Designer (ANZSCO 232413) Web Developer (ANZSCO 261212)	Number of in effect agreements @ 30/06/2019: Number of TSS visas granted 2018-19: % of all TSS visas granted under industry labour agreements: Number of ENS visas granted 2018-19: % of all ENS visas granted under industry labour agreements:	1 1 0.1% 1 0.3%

Attachment B

LA Type	Options	Agreed	Not agreed	Comments
Meat industry agreement & Pork industry agreement & Dairy industry agreement	<p>Make the subclass 494 visa available</p> <p>Make ENS and TSS visas unavailable</p> <p>Apply existing salary, skills/qualifications, English and/or age concessions to the subclass 494 visa</p> <p>Provide a concession to the work experience requirement for the subclass 494 visa so that nominees only need two years work experience in the nominated occupation</p>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Restaurant (fine dining) industry agreement	<p>Make the subclass 494 visa available</p> <p>Apply existing salary, skills/qualifications, English and/or age concessions to the subclass 494 visa</p> <p>Provide a concession to the work experience requirement for the subclass 494 visa so that nominees only need two years work experience in the nominated occupation</p> <p>Continue to make the TSS and ENS visas available where the nominated position/s are not located in regional Australia</p> <p>Maintain existing salary, skills and English concessions for the TSS and ENS visas.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
On-hire industry agreement	<p>Do not make subclass 494 visa available</p> <p>Maintain all existing settings for the TSS visa</p>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
Fishing industry agreement	<p>Do not make subclass 494 visa available</p> <p>Maintain all existing settings and concessions for the TSS visa</p>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
Ministers of religion industry agreement & Advertising Industry agreement	<p>Do not make subclass 494 visa available</p> <p>Maintain all existing settings for the TSS and ENS visas</p>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	

26th September 2019

The Hon David Coleman MP
Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs
PO Box 6022
Parliament House
Canberra ACT 2600

RECEIVED BY MO / AMO

- ☐ Reply by Minister / Asst Min
☐ Reply by Department
☐ Other

- 3 OCT 2019

Notes

Received in Department

3 - OCT 2019

Dear Minister,

As you are aware from previous correspondence, as well as our meeting in October 2018, AMIC is the peak industry council representing post-farmgate red meat businesses. Our members, over 1,500 of them, are engaged in meat processing, smallgoods manufacturing, wholesaling, retailing and exporting.

The meat processing industry is a mainstay of regional Australia:

- 130,000 direct and indirect jobs.
- \$21 billion value add.
- \$12 billion in exports.
- Australian farmers' biggest customer – we buy 90% of their sheep and cattle.
- The local abattoir is often the biggest employer in town.

In our earlier correspondence, we referred to the industry being hamstrung by costs that are extremely high by international standards. We supplied a copy of the *Cost to Operate* report, which found that in three areas the meat processing industry is at a significant comparative disadvantage vis our international competitors: Labour, Energy and Export Certification charges.

As has been announced by the Government earlier this year, those amendments to the Migration Regulations have been made to allow for two new skilled regional visas (Subclass 494 and Subclass 191). AMIC has enquired with your Department as to whether these new visas will apply to the meat industry, particularly in relation to 'Skilled Meat Workers' currently covered under the Meat Industry Labour Agreement (MILA). Unfortunately, the Department have stated that a decision is yet to be made about how the new visas will impact any existing or new labour agreements, including the MILA.

The meat industry requires a permanent workforce to fix its ongoing labour shortages. To do so it is vital for regional and rural businesses to have access to these new visas.

As previously raised, labour supply is a key concern for the meat industry. Our members cannot find sufficient labour to allow their plants to run at full capacity. We have a national employee shortfall in excess of 3,800. The shortages are in both skilled and unskilled jobs. This impacts the whole supply chain, especially farmers, which is a key group that the Morrison Government has continued to support publicly. Unless this is reversed there will be a significant effect upon the meat industry and consequently, the Australian economy.

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To attempt to assist in this reversal, AMIC will be making a submission to the 'Review of the Australian Apprenticeships National Skills Needs List' to improve the recognition of and financial support for apprenticeships in the meat industry (i.e. Butchers and Smallgoods Makers) to address its skills shortage.

AMIC is also providing a submission to the Department of Employment, Skills, Small and Family Business in relation to the 'Review of the Migration Occupations Lists' in which we are seeking to have the trade occupations 'Butchers and Smallgoods Makers' moved from the Short-term Skilled Occupation List (STSOL) to the Medium and Long-term Strategic Skills List (MLTSSL), due to the need to have these occupations accessing a visa for up to four years, as well as the option for Permanent Residency, which is not available under the STSOL.

Also, AMIC continues to work with the Department of Employment, Skills, Small and Family Business promoting the 'Launch into Work' program (LiW), which some members have recently implemented at their establishment and has assisted some applicants to gain employment with them. However, the numbers employed have only been minimal, which has confirmed the continued difficulty that the meat industry, in both regional and metropolitan areas, is experiencing in sourcing and retaining workers. One of our meat processing members, who have signed up to the LiW program, stated that with the success they have had it has been difficult getting local applicants:

"We started with 40 candidates, 16 turned up for interviews of which eight were suitable, and three failed the D&A screening, which left us with five candidates. We then conducted a second recruitment drive that attracted 16 candidates, nine were interested, and four turned up for interviews, all were suitable. So we are commencing the program with nine candidates next Monday."

We look forward to discussing these issues further with yourself and your Department to secure and promote long-term job and career opportunities within the meat industry across Australia.

Sincerely
s. 47F(1)

CEO Australian Meat Industry Council



Australian Government
Department of Home Affairs

Submission

For decision

PDMS Ref. Number MS18-002855

To **Minister for Immigration, Citizenship and Multicultural Affairs**

Subject **Development of a Labour Agreement Industry Template for the Advertising Industry**

Timing At your convenience

Recommendations

That you:

1. note advertising industry concerns that they are unable to access highly skilled and experienced overseas workers to up-skill Australians and develop the Australian advertising industry;
2. agree to the development of a new labour agreement template for the advertising industry that provides for overseas workers to be sponsored under the:
 - Temporary Skill Shortage (TSS) visa program;
 - b. Employer Nomination Scheme (ENS) visa program after a transition period of three years on a TSS visa;
3. agree to the proposed requirements and concessions outlined at **Attachment A** being included in this template;
4. agree to the Media Federation of Australia (MFA) and The Communications Council (TCC) undertaking the vetting responsibilities outlined at **Attachment A**;
5. s. 47E(d) [Redacted]
6. agree to the Department of Home Affairs consulting relevant union groups before finalising the new template.

noted / please discuss

agreed / not agreed

agreed / not agreed

agreed / not agreed

agreed / not agreed

noted / please discuss

agreed / not agreed

Minister for Immigration, Citizenship and Multicultural Affairs

22(1)(a)(ii) [Redacted]

Signature [Redacted]

Date 28/9/2018

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under the Freedom of Information Act 1992

Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

1. Since 2017, the Department of Home Affairs and the office of the former Minister for Citizenship and Multicultural Affairs have been in discussions with the Media Federation of Australia (MFA) and The Communications Council (TCC), who are seeking a new industry labour agreement to address claimed skill shortages in the advertising industry.
2. The industry has indicated that:
 - they are committed to the development and training of Australian workers;
 - but continue to require access to highly skilled and experienced overseas workers to contribute to longer term up-skilling of Australians and development of the Australian advertising industry so that it can compete with the large global platforms which currently dominate; and
 - a pathway to permanent residence is vital to their ability to attract global talent experienced in key innovation and digital roles, who can provide this longer-term contribution.
3. The Department is now seeking your views on whether to progress the proposed new labour agreement arrangements, which are designed to target highly experienced individuals in both the 3-7 and 8-15 years' experience bands, particularly for digital roles, where industry advises skill shortages are most apparent and there is a limited pool of talent currently in Australia.
4. Should you wish the Department to develop a new Advertising Industry Labour Agreement (AILA) template, a list of requirements and concessions, which have been negotiated with the MFA and TCC for inclusion in the template, are at **Attachment A**.
5. It is noted that the Department originally had concerns about progressing an industry template for this industry, particularly as it could be seen to set a precedent whereby industries whose occupations are removed from the list of eligible skilled occupations for Australia's standard skilled visa programs, simply seek a labour agreement instead.
6. During negotiations, industry representatives did, however, reiterate their commitment to ensuring that Australian workers are employed as a priority. As detailed at **Attachment A**, the Department has also now reached agreement with the MFA and TCC to include a number of risk mitigation features in the proposed new AILA.

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7. These new features include:

- a minimum salary threshold of \$85,000 across all occupations;
- standard labour market testing requirements to be met;
- participating companies to ensure that sponsored overseas workers contribute directly to Australian training outcomes and maintain at least 75 per cent Australian workforce; and
- the MFA and the TCC to undertake vetting of new requests for labour agreements to ensure that market salary rates are paid and companies do not develop an over-reliance on overseas workers to the detriment of Australian workers.

8. s. 47E(d)

9. A copy of their advice is at Attachment B.

10. While there are still some risks associated with approving a new industry template for this industry, the Department is comfortable that:

- these risks could be managed given the additional agreement requirements that have been negotiated with industry; and
- a new AILA template could be justified on the basis that these arrangements:
 - are designed to specifically target experienced overseas workers, with at least three years' experience, who are specialists in new digital technologies; and
 - will support the Australian industry to develop its workforce, train Australian workers and help avoid 'offshoring' of advertising work at the expense of local workers.

11. These new arrangements would also serve as a useful pilot of a new model of industry template, which provides for an industry group undertake vetting of relevant labour agreement requests. Such a model could assist the Department to further streamline labour agreement processes in future and reduce program risks. It also encourages industry to pro-actively manage the use of overseas workers and training opportunities for Australians in their own sector.

12. If approved, this industry template will be reviewed at the end of 12 months (addressing DJSP concerns). Relevant occupations will also continue to be reviewed as part of DJSP's regular reviews of the lists of eligible skilled occupations.

13. If not approved, it is noted that the industry can continue to utilise the standard Temporary Skill Shortage (TSS) visa program to obtain two-year visas where they require overseas workers to fill short-term skills gaps in the requested occupations.

Background

14. Following the skilled visa reforms implemented between April 2017 and March 2018, a number of occupations utilised by the advertising industry were moved to Short Term Skilled Occupations List (STSOL) and there was no longer a transitional pathway available to permanent residence for sponsored overseas workers.

15. The Australian advertising industry raised concerns that these changes have resulted in increased vacancy rates, contractual employment, and staffing costs, with work increasingly being diverted offshore. A copy of their full submission is at **Attachment C**.
16. In consultations between industry representatives and your office/the Department, it was proposed that a labour agreement could be a possible option for addressing these issues – with the industry seeking to progress a new industry labour agreement template following these discussions.
17. An industry labour agreement provides fixed terms and conditions agreed to by the Minister in consultation with key industry stakeholders, specific to an industry sector. Such agreements are generally considered where the Department has received a number of similar submissions from an industry and there is evidence of ongoing labour shortages within that industry that cannot be addressed under the standard program. When an industry labour agreement is in place, no further concessions can be considered, other than the concessions written into the industry agreement.

Consultation – internal/external

18. Consultation has been undertaken with industry bodies as represented by the MFA, TCC and **s. 47F(1)** **[REDACTED]** who have agreed to the proposed new agreement settings.
19. **s. 47E(d)** **[REDACTED]**
20. Internal stakeholders from the Skilled and Family Visa Program Branch, Global Mobility Policy Branch, and your office were also consulted and support the approach in this submission.
21. You may wish the Department to engage with relevant unions prior to finalising any new proposed template arrangements.

Consultation – Secretary

22. The Secretary was not consulted on the approach in the submission.

Client service implications

23. Any client service implications will be managed by the Department.

Sensitivities

24. There may be a reaction from the unions – such as the Media Entertainment and Arts Alliance (MEAA) – particularly if they are not consulted prior to the new industry template being finalised.

Financial/systems/legislation/deregulation/media implications

25. N/A

Attachments

Attachment A Requirements and concessions associated with the proposed AILA template

Attachment B DJSB Advice

Attachment C MFA/TCC Submission

Authorising Officer
Cleared by: 22(1)(a)(ii) A/g Assistant Secretary Immigration and Visa Services Division / Skilled and Family Visa Program Branch Date: 12/09/2018 Ph: 22(1)(a)(ii)

Contact Officer 22(1)(a)(ii), A/g Assistant Secretary, Skilled and Family Visa Program, Ph: 22(1)(a)(ii).

CC Minister for Home Affairs
Assistant Minister for Home Affairs
Secretary
Deputy Secretary, Immigration and Citizenship Services Group
First Assistant Secretary, Immigration and Visa Services Division
First Assistant Secretary, Immigration, Citizenship and Multicultural Policy

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Requirements and concessions associated with the proposed AILA template

Requirement	Recommendation	Commentary	Ministerial decision
1 Agreement period	Five years	Standard period for all labour agreements.	agreed / not agreed / please discuss
2 Workforce composition	75% Australian and commitment to ensuring that overseas workers hired under these arrangements contribute to recognised industry training programs.	Industry is supportive of this and are keen for it to be on the face of the agreement.	agreed / not agreed / please discuss
3 Sponsorship	TSS (subclass 482) – four year visa; ENS (subclass 186) – after three year transition period.	Standard for labour agreements where a permanent visa pathway is provided.	agreed / not agreed / please discuss
4 Ceiling	A maximum of 300 overseas workers per year in total across the industry. This will be reviewed annually.	The only other labour agreement with a 'cap' is the Northern Territory DAMA. The cap here is 500. It is considered unlikely that the industry would utilise this many workers.	agreed / not agreed / please discuss
5 Work experience	Nominees must have at least: <ul style="list-style-type: none"> three years relevant work experience if being nominated for a TSS visa; and six years work experience if being nominated for an ENS visa (i.e. can transition to ENS after working for three years for their nominated employer on a TSS visa). 	This is an additional year in experience to that generally required under the TSS visa. It is consistent with the standard three year transition period for an ENS visa.	agreed / not agreed / please discuss
6 Salary	Nominees must be paid a minimum of \$85 000 (guaranteed annual earnings) as well as market salary rates (see 8 below)	This base level was negotiated with industry – noting that many workers will be paid a lot more than this.	agreed / not agreed / please discuss
7 Occupations	Only the occupations available in the list below would be available.	This is a smaller number of occupations than originally requested by industry. Occupations which already have a permanent pathway via the standard visa program have been removed.	agreed / not agreed / please discuss
8 Role of the Media Federation of Australia (MFA) and The Communications Council (TCC)	The MFA and TCC, as the 'designated representatives' of the Australian Advertising Industry, will provide endorsement and vetting of businesses who wish to be granted access to an AILA prior to their communication with the Department of Home Affairs. The 'designated representatives' will ensure that: <ul style="list-style-type: none"> the appropriate distribution of overseas workers across the Australian Advertising Industry; market salary rates are paid, noting significant variations in salary bands for individual positions and experience levels; and nominated positions align with the agreed positions as included in the AILA. 	This 'vetting role' for MFA and TCC would be similar to the role of the Northern Territory Government under the current Designated Area Migration Agreement (DAMA) arrangements. Industry bodies do not currently play this sort of role in the context of the existing industry labour agreement template arrangements. Nevertheless, this is considered to be a useful additional integrity measure that will also help the Department to streamline processing of relevant requests. If this works successfully, it could provide an improved model for future industry labour agreements.	agreed / not agreed / please discuss

Occupation list for the proposed AILA

ANZSCO Occupation Name	Code	Position title(s) available	
Advertising Specialist	ANZSCO 225111	Head of Account Management	Client Service Lead
		Group Account Director	Chief Strategy Officer
		Senior Account Director	Chief Trading Officer
		Senior Account Director – Digital	Chief Digital Officer
		Account Director	Chief Innovation Officer
		Account Director-Digital	Group Head/Group Business Director
		Senior Account Manager	Account Director
		Senior Account Manager –Digital	Account Manager
		Executive Planning Director	Strategy Director
		Head of Strategy	Strategy Manager
		Planning Director	Implementation Director Planner and/or Buyer
		Planning Director (Digital)	Implementation Manager Planner and/or Buyer
		Senior Strategic Planner	Digital Direct Marketing
		Senior Strategists – Digital, Social, SEO/SEM	Digital Director
		Strategist – Digital, Social, SEO/SEM	Digital Manager
		CX Director, CX Strategist	Head of Search (SEO/SEM)
		Creative Director	Search Director (SEO/SEM)
		Associate Creative Director/Group Head	Search Manager (SEO/SEM)
		Associate Director/Group Head – Digital	Search Planner (SEO/SEM)
		Senior Art Director/Senior Creative	Head of Traffic/Operations
		Head of Production	Operations/Traffic Manager
		Senior Producer Digital/Print/Experiential	Head of Social Media
		Executive Producer – Print/Experiential	Social Media Director
			Social Media Manager
			Trading Desk Director
			Trading Desk Manager
			Digital Interactive Director
			Digital Interactive Manager
			Digital Producer
			Digital Art Director
			Head of Sponsorship/Events/Content
			Director of Sponsorship/Events/Content
			Manager of Sponsorship/Events/Content
Graphic Designer	ANZSCO 232411	Head of Design	
		Senior Designer – Integrated & Digital	
		Designed – Integrated & Digital	

Copywriter	ANZSCO 212411	Head of Copy Senior Copywriter Copywriter Digital Copyrighter Senior/Social Content Manager	Digital Copyrighter
Multimedia Designer	ANZSCO 232413	Designer Integrated/Digital	
Web Developer	ANZSCO 261212	UI Designer UX Architect Senior QA Manager	

s. 47E(d)


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PROPOSED LABOUR AGREEMENT FOR THE AUSTRALIAN ADVERTISING INDUSTRY

June 29, 2018

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Attachments

1. Occupations in Advertising: Definitions of Job Descriptions and Salaries by ANZSCO Code
2. Report on the impact of the changes to the Temporary Visa system the Australian Advertising Industry

DRAFT

1. Executive Summary

The Communications Council (TCC) and the Media Federation of Australia (MFA) present this draft submission to the Department of Home Affairs to commence consideration of a Labour Agreement that would cover key occupations that are critical to the Australian Advertising Industry but are in continual shortage that cannot be met by the local market alone.

The advertising industry strongly supports the Government's policy of ensuring that Australians have first priority for jobs, while businesses also can access the critical skills they need to grow if skilled Australian workers are not available.


We understand that Labour Agreements are designed to assist employers in addressing immediate skills needs, while ensuring that opportunities for job-ready Australians are protected. We also understand that employers are expected to have plans in place to transfer skills to Australian workers and reduce their future reliance on overseas workers.

We believe that a robust Labour Agreement can be designed to meet both the Government's migration and labour market objectives and enable our industry to access the skilled, experienced staff that it needs to keep employing and training Australians in the cutting-edge skills required to sustain competitiveness and growth.

This document is intended to commence a detailed discussion with the Department of Home Affairs (DHA) on an Advertising Industry Labour Agreement and we would emphasise that all drafts are made in good faith, in the expectation that the department will provide feedback on any modifications suggested and/or additional information required.


This submission draws upon the data from two documents included in the attachments:

s. 47G(1)(a)



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s. 47G(1)(a)



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2. About The Communications Council and Media Federation of Australia

The Communications Council (TCC) and the Media Federation of Australia (MFA) propose to negotiate the Advertising Labour Agreement on behalf of the industry and to take an active role in ensuring the Agreement's integrity. This includes validating labour market testing, relevance of ANZSCO codes, TCC/MFA job descriptions and commitment to industry training.

TCC and the MFA together represent the majority of creative and media agencies in the Australian Advertising Industry. The membership of both organisations include the local offices of all major companies s. 47F(1)

smaller international networks and a flourishing collection of independent Australian agencies.

TCC is the peak industry body representing companies in the Australian Advertising Industry, with over 160 member agencies performing creative, digital, strategic planning, promotion, direct marketing, public relations, design, production, and healthcare advertising.

The MFA represents media agencies providing services to advertisers including media planning and buying, proprietary systems and tools, data and analytics, and content development across all media channels. MFA's members account for over 90% of all media billings placed by media agencies in Australia.

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3. About the Australian Advertising Industry

The Australian Advertising Industry competes globally and ranks in the top five worldwide for creative excellence and marketing effectiveness. Annual expenditure on advertising in Australia is highly significant at \$17.3 billion in 2017. (pwc - Outlook: The Australian Entertainment & Media Outlook 2018-2022).

The industry's supply chain employs about 56,000 people and supports over 200,000 people in Australia working in advertising or dependent on advertising in their jobs (Deloitte Access Economics, Advertising Pays: The Economic Employment and Business Value of Advertising 2016).

The Australian Advertising Industry is a sophisticated, highly technical industry operating successfully in Australia. Extraordinary technological change has transformed our industry and opened up enormous opportunities for growth. Capturing this growth in Australia would not have been possible without major investments in skills.

Unlike traditional media such as newspapers, the advertising and media agency business has grown strongly in recent years due to its continuous adaptation of highly specialised data services and innovative products and tools. Traditional advertising such as television, print, outdoor is still important, but the industry now invests significant resources in technical and creative capabilities across websites, apps, CX/UX, transactions, Artificial Intelligence, programmatic/digital advertising trading, and data and analytics.

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4. Skills Gaps in the Australian Advertising Industry

The industry always prefers to employ Australians and has an Australians-first policy in recruitment. Our employees are mainly Australians and relatively young. We have a vibrant graduate program and play an important role in ensuring tertiary education curricula remain relevant to a rapidly changing environment.

Digital disruption and rapid technological change, combined with a brain drain as younger employees seek career-advancing industry experience offshore, have manifested in chronic skill shortages.

Unfilled vacancies for skilled and experienced staff are a constant obstacle to higher industry growth, despite every effort to fill skilled positions locally and increasing graduate intake.

The industry is constantly competing for global work and requires migration to fill a small but pivotal fraction of positions requiring world-best, innovative digital skills that cannot be filled locally. Leading experts in the latest digital technologies mentor and train Australians on the job and in training programs to ensure our industry stays at the digital cutting edge and keeps its reputation as a leading creative hub.

About half of the Australian Advertising Industry's employees who enter on 457 visas have progressed to permanent residency or citizenship in the past five years and contributed longer term to the industry's growth. Keeping open this pathway to permanent residence is vital to our ability to attract leading experts in the latest digital technologies.

Until the major changes in the visa system from April 2017, the visa system enabled the industry to bring into Australia a limited number and range of highly skilled digital, advertising and media specialists to fill chronic skills shortages and build local capabilities with industry-leading innovations and technologies.

More restricted access to key roles and the removal of the pathway to permanent residence is having the unintended consequence of harming job growth opportunities and skills development for Australians. We are also experiencing the unintended effect of offshoring and more work being diverted to global platforms such as Google and Facebook that are already encroaching on our industry as digital disruption continues at a rapid pace.

Our local industry needs the best experienced talent to continue to grow local jobs and offer industry-savvy training to young Australians seeking a career in advertising.

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Our ability to meet these challenges would be enhanced by a Labour Agreement for a prescribed set of the occupations most critical to the industry, with associated requirements on levels of industry experience, skills, salary and contribution to training Australians.

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s. 47G(1)(a)



s. 47G(1)(a)



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6. The Proposed Advertising Industry Labour Agreement

TCC and the MFA propose an Advertising Industry Labour Agreement (AILA) for consideration and discussion. In the absence of a specific template designed for an industry application, TCC/MFA have attempted to keep this proposal consistent with the criteria and documents published by the DHA.

TCC/MFA would propose the following:

A five-year AILA for up to 300 people per year providing for 4-year temporary visas with a pathway to Permanent Residency

Criteria Consistent with Standard Guidelines

- Occupation tasks consistent with ANZSCO descriptions. Specifically:
 - Advertising Specialist (ANZSCO 225111)
 - Graphic Designer (ANZSCO 232411)
 - Copywriter (ANZSCO 212411)
 - Web Developer (ANZSCO 261212)
 - Developer programmer (ANZSCO 261312).
 - Multimedia Designer (ANZSCO 232413)
 - Software Engineer (ANZSCO 261313)
- Proof of labour market testing
- English language requirements
- Must be an Australian registered business with good standing with no 'adverse information'

Concessions Requested

- A minimum of three years' experience (instead of two) in the nominated Occupation Code.
- Recognition for the relevant TCC/MFA job title under each ANZSCO Occupation Codes.
- Salaries to be consistent TCC/MFA Salary Bands as defined by TCC's/MFA's Annual Salary Census'.
- All applications first be lodged with TCC/MFA for pre-vetting, validation and endorsement.
- Commitment for overseas worker to contribute to recognised industry training programs
- Limitations to the total number/percentage of visa employees in any one single agency eg 10% but agreed by TCC/MFA with the DHA.

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TCC/MFA's Proposed Role

TCC and the MFA believe we can play a constructive role to ensure members act within the best interests of the industry and consistent with the intentions of the DHA. As an initial draft:

- Applications should first be lodged with TCC/MFA for pre-vetting to ensure:
 - Labour market testing requirements have been met
 - The nominated candidate has the required experience
 - The salary falls between the TCC/MFA Salary bands
 - Visa employees do not exceed maximum permitted
 - TCC/MFA validate and sign the application before members then apply for overseas worker under the AILA.
- TCC/MFA will keep an up-to-date log of all submissions and successful applications.
- TCC/MFA to define a workable industry training program and commit to keep all industry records.
- TCC/MFA to provide a regular report to DHA at least twice a year

To demonstrate how the AILA might appear on the DHA websites, we have used the existing template to draft a summary of the Key Settings.

This appears on the following four pages.

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Advertising industry labour agreement

This page provides information regarding the Advertising Industry Labour Agreement (AILA) which allows employers in the industry to recruit overseas workers in the occupations specified below for four year periods with a pathway to Permanent Residency.

The terms and conditions of the AILA have already been established and are non-negotiable.

The key settings are summarised in the table below. Industry employers who wish to request visa under the AILA must first apply through and be endorsed by either The Communications Council or Media Federation of Australia and be able to demonstrate that they can meet these requirements. A copy of the template agreement is also available (*to be developed*) – see [Labour agreements](#)

For information on how to request an AILA – see [Information about requesting a labour agreement \(116 KB PDF\)](#).

Key settings

Visa subclass	Temporary Skill Shortage (TSS) visa (subclass 482)
Occupation	Employers can only nominate the following occupations: <ul style="list-style-type: none"> • Advertising Specialist (ANZSCO 225111) • Graphic Designer (ANZSCO 232411) • Copywriter (ANZSCO 212411) • Web Developer (ANZSCO 261212) • Developer programmer (ANZSCO 261312). • Multimedia Designer (ANZSCO 232413) • Software Engineer (ANZSCO 261313)
Occupation tasks	Duties of nominated occupation(s) must be consistent with the relevant occupation code under ANZSCO .
English language	Overseas skilled workers must meet English language requirements in place for the Short-term stream of the TSS visa

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**Skills,
qualifications
and experience**

Overseas workers **must** have the skills, qualifications and experience outlined below.

At minimum three years' work experience in the nominated occupation or relevant related field.

The following job titles can be used under each ANZSCO code but the job descriptions must relate back to the accepted industry versions:

Advertising Specialist (ANZSCO 225111)

TCC Job Titles	MFA Job Titles
Head of Account Management Group Account Director Senior Account Director Senior Account Director - Digital Account Director Account Director - Digital Senior Account Manager Senior Account Manager - Digital Executive Planning Director Head of Strategy Planning Director Planning Director - Digital Senior Strategic Planner Senior Strategist - Digital, Social, SEO/SEM Strategist - Digital, Social, SEO/SEM CX Director/CX Strategist Creative Director Associate Creative Director/Group Head Associate Creative Director/Group Head - Digital Senior Art Director/Senior Creative Head of Production Senior Producer - Digital/Print/Experiential Executive Producer - Print/Experiential	Client Service Lead Chief Strategy Officer Chief Trading Officer Chief Digital Officer Chief Innovation Officer Group Head/Group Business Director Account Director Account Manager Strategy Director Strategy Manager Implementation Director Planner/Buyer Implementation Manager Planner/Buyer Digital Direct Marketing Digital Director Digital Manager Head of Search (SEO/SEM) Search Director (SEO/SEM) Search Manager (SEO/SEM) Search Planner (SEO/SEM) Head of Traffic/Operations Operations/Traffic Manager Head of Social Media Social Media Director Social Media Manager Trading Desk Director Trading Desk Manager Digital Interactive Director Digital Interactive Manager Digital Producer Digital Art Director Head of Sponsorships/Events/Content Director of Sponsorships/Events/Content Manager of Sponsorships/Events/Content

Graphic Designer (ANZSCO 232411)

TCC Job Titles	MFA Job Titles
Head of Design Senior designer - Integrated & Digital Designer - Integrated & Digital	

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Copywriter (ANZSCO 212411)

TCC Job Titles	MFA Job Titles
Head of Copy Senior Copywriter Copywriter Digital Copywriter Senior/Social Content Manager	Digital Copywriter

Web Developer (ANZSCO 261212)

TCC Job Titles	MFA Job Titles
UI Designer UX Architect Senior QA Manager	

Developer programmer (ANZSCO 261312).

TCC Job Titles	MFA Job Titles
Technical Director Technical Lead Creative Technologist Senior Developer Developer	

Multimedia Designer (ANZSCO 232413)

TCC Job Titles	MFA Job Titles
Designer Integrated & Digital	

Software Engineer (ANZSCO 261313)

TCC Job Titles	MFA Job Titles
Head of Data Senior Data Planner	Head of Analytics Analytics Director

Salary

Salary requirements in place for the TSS visa program must be met.

All positions must fall within relevant bands of The Communications Council's or Media Federation of Australia's Salary Census'.

Please refer to TCC's and MFA's ANZSCO Occupations/Job Descriptions and Salary Census information.

Nomination requirements

All applications must first be lodged with The Communications Council or Media Federation of Australia for endorsement to ensure:

- Proof of labour market testing
- Relevant ANZSCO code and TCC/MFA job descriptions fit with the accepted industry versions
- Commitment for overseas worker to contribute to recognised industry training programmes (audited)
- Limitations to total number/percentage of visa employees in any single member agency (eg 10%)

Evidence of labour market testing must accompany nominations lodged in accordance with this agreement. This evidence should meet TSS visa program requirements.

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7. TCC/MFA Questions for consultation

- How do we establish the pre-vetting and application process between TCC/MFA, member agency and the DHA?
- Is it appropriate to exclude relevant ANZSCO codes that are already on the MLTSSL?
Eg CEO/Managing Director, Multimedia Specialist.
- How should we maintain a correct and up-to-date record of the visas? Is it when they are granted? Or when they sign an employment contract? Or arrive?
- What would be the appropriate process when several members apply for a visa for the same overseas worker?
- If the successful applicant gains a promotion, can his/her job title change under the Labour Agreement? Can the relevant ANZSCO job description change within the Labour Agreement? Would there be a further requirement on TCC/MFA to pre-vet the change and notify the DHA?
- What are the implications for the visa if the overseas candidate leaves the member agency? Eg she/he is headhunted by another agency, loss of an account or not seen as a good fit with the host employer? How long would the person have to find a new job? What are the implications for the individual if they are not successful in gaining employment in the industry?
- Are intra-office transfers eligible under the Labour Agreement or treated differently?
- Are there any circumstances whereby an employee working in an agency under a TSS visa on a STSOL can be transferred to a AILA after 2 years if the nominating employer meets all requirements under the Labour Agreement?
- What would be the estimated costs to employers for applications for a visa under the AILA?

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8. Conclusions

TCC/MFA can see several benefits to both the DHA and the Australian Advertising Industry in a Labour Agreement:

- The integrity of the government's visa system remains intact;
- Priority for Australian jobs first;
- TCC/MFA can play an important role in pre-vetting, validating, endorsing and maintaining administration of the Labour Agreement;
- A solution that quarantines the solution for the Australian Advertising Industry from broader industry implications;
- The continued ability for the Australian Advertising Industry to compete globally for highly technical projects;
- A targeted solution that provides access to skills for specific roles;
- A commitment to train local Australian talent with cutting-edge skills;
- Minimises offshoring to cheaper international labour markets;
- Helps the Australian Advertising Industry to grow and provide more jobs for Australians, especially those entering the workforce for the first time.

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**ATTACHMENT 1 - Occupations in Advertising: Definitions of Job Descriptions and
Salaries by ANZSCO Code**

DRAFT

ATTACHMENT 2 - Report on the impact of the changes to the temporary visa system on the Australian Advertising industry

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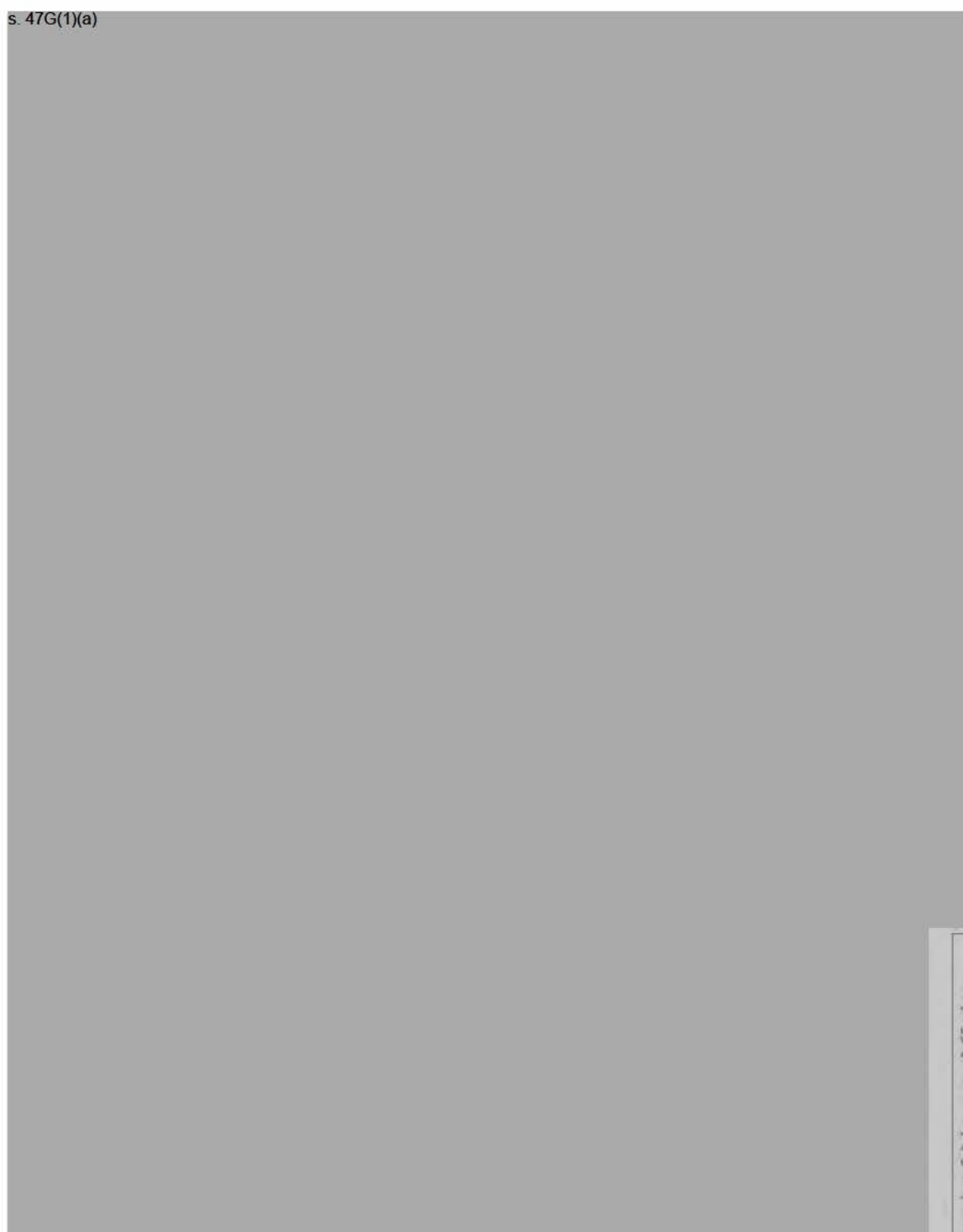
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ATTACHMENT 2

Report on the impact of the changes to the temporary visa system on the Australian Advertising industry

s. 47G(1)(a)



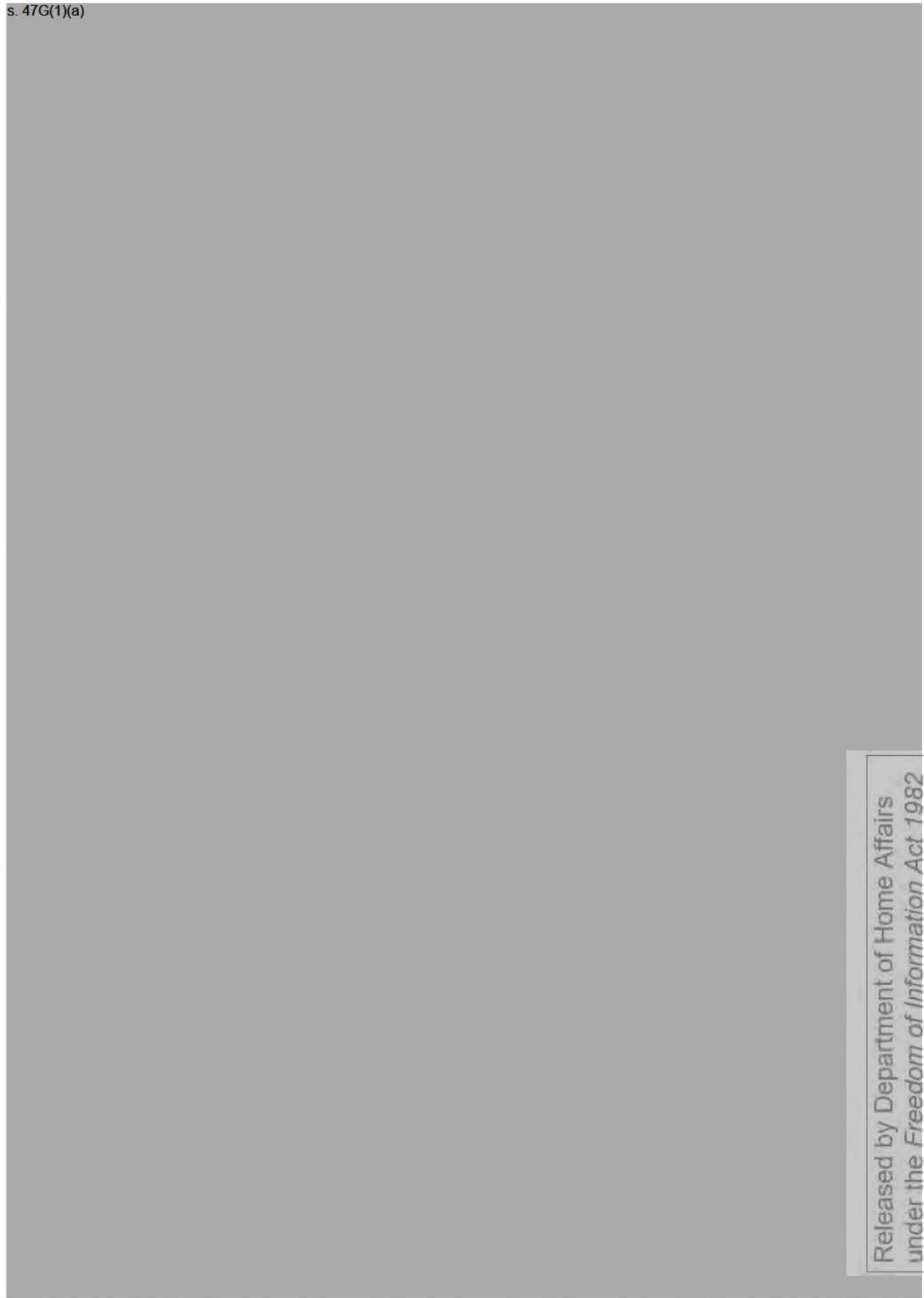
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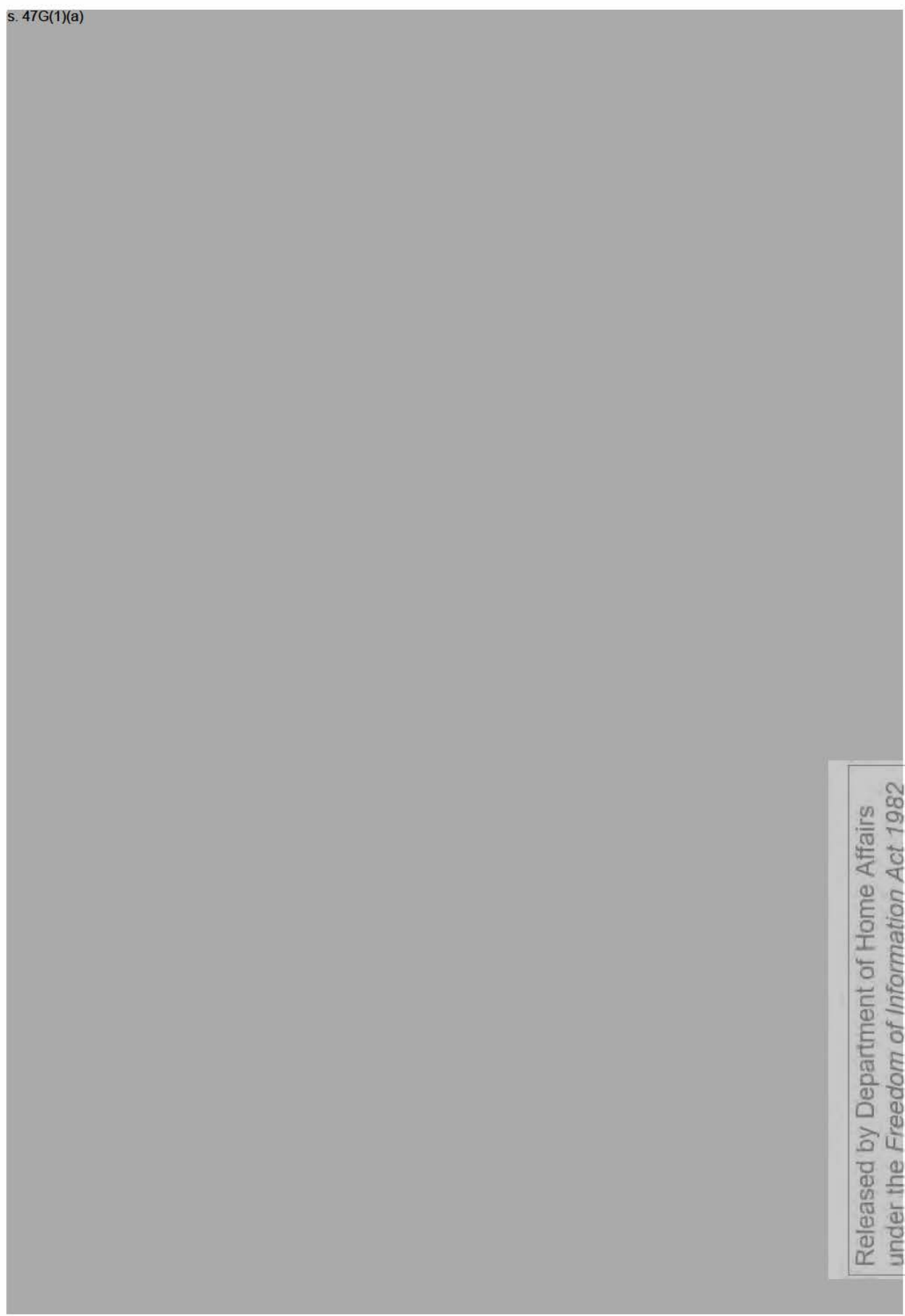
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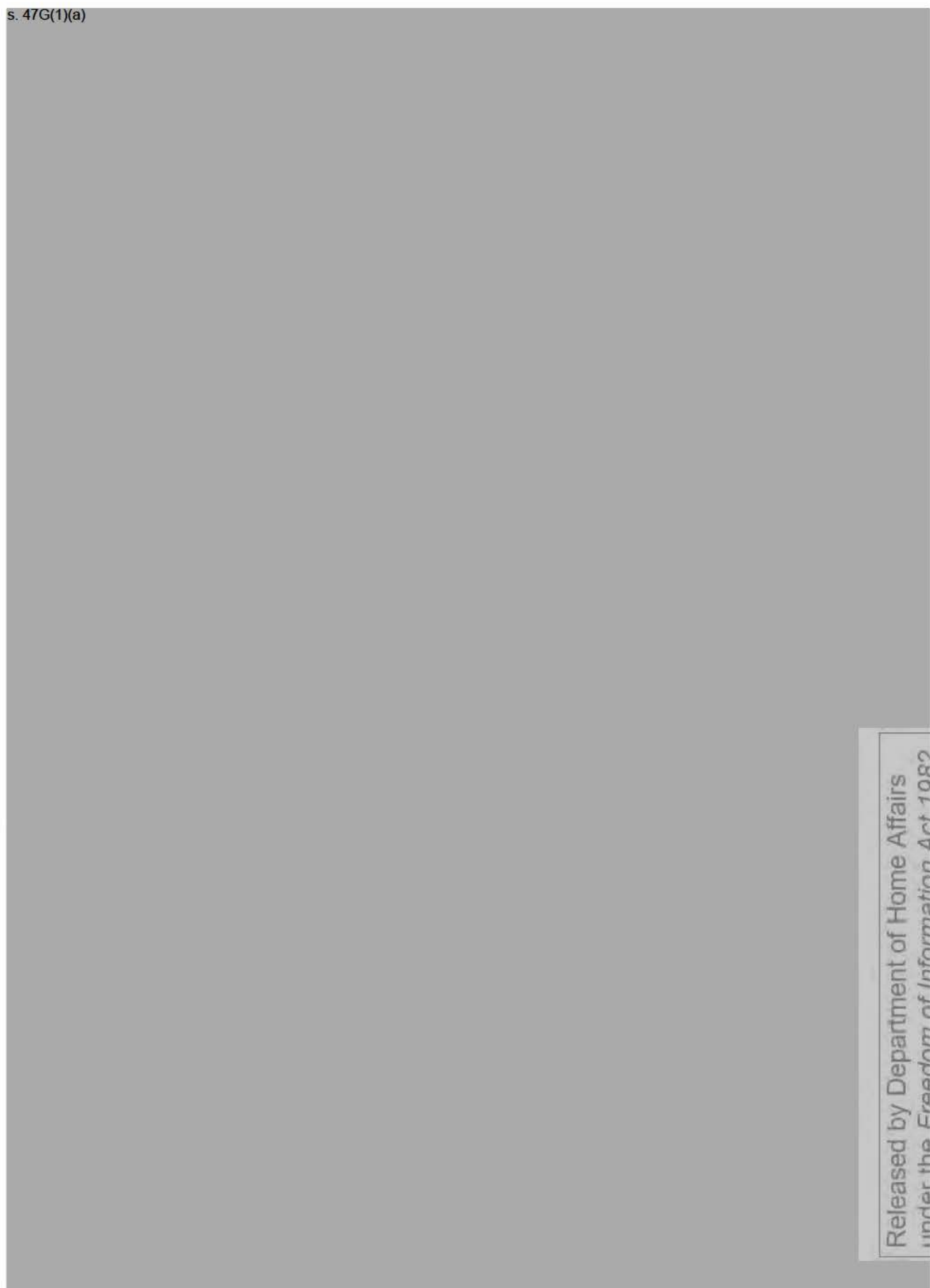


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We understand that Labour Agreements are designed to assist employers in addressing immediate skills needs, while ensuring that opportunities for job-ready Australians are protected. We also understand that employers are expected to have plans in place to transfer skills to Australian workers and reduce their future reliance on overseas workers.

We believe that a robust Labour Agreement can be designed to meet both the Government's migration and labour market objectives and enable our industry to access the skilled, experienced staff that it needs to keep employing and training Australians in the cutting-edge skills required to sustain competitiveness and growth.

This document is intended to commence a detailed discussion with the Department of Home Affairs (DHA) on an Advertising Industry Labour Agreement and we would emphasise that all drafts are made in good faith, in the expectation that the department will provide feedback on any modifications suggested and/or additional information required.

This submission draws upon the data from two documents included in the attachments:

s. 47G(1)(a)



DRAFT

s. 47G(1)(a)



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2. About The Communications Council and Media Federation of Australia

The Communications Council (TCC) and the Media Federation of Australia (MFA) propose to negotiate the Advertising Labour Agreement on behalf of the industry and to take an active role in ensuring the Agreement's integrity. This includes validating labour market testing, relevance of ANZSCO codes, TCC/MFA job descriptions and commitment to industry training.

TCC and the MFA together represent the majority of creative and media agencies in the Australian Advertising Industry. The membership of both organisations include the local offices of all major companies s. 47F(1)

smaller international networks and a flourishing collection of independent Australian agencies.

TCC is the peak industry body representing companies in the Australian Advertising Industry, with over 160 member agencies performing creative, digital, strategic planning, promotion, direct marketing, public relations, design, production, and healthcare advertising.

The MFA represents media agencies providing services to advertisers including media planning and buying, proprietary systems and tools, data and analytics, and content development across all media channels. MFA's members account for over 90% of all media billings placed by media agencies in Australia.

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3. About the Australian Advertising Industry

The Australian Advertising Industry competes globally and ranks in the top five worldwide for creative excellence and marketing effectiveness. Annual expenditure on advertising in Australia is highly significant at \$17.3 billion in 2017. (pwc - Outlook: The Australian Entertainment & Media Outlook 2018-2022).

The industry's supply chain employs about 56,000 people and supports over 200,000 people in Australia working in advertising or dependent on advertising in their jobs (Deloitte Access Economics, Advertising Pays: The Economic Employment and Business Value of Advertising 2016).

The Australian Advertising Industry is a sophisticated, highly technical industry operating successfully in Australia. Extraordinary technological change has transformed our industry and opened up enormous opportunities for growth. Capturing this growth in Australia would not have been possible without major investments in skills.

Unlike traditional media such as newspapers, the advertising and media agency business has grown strongly in recent years due to its continuous adaptation of highly specialised data services and innovative products and tools. Traditional advertising such as television, print, outdoor is still important, but the industry now invests significant resources in technical and creative capabilities across websites, apps, CX/UX, transactions, Artificial Intelligence, programmatic/digital advertising trading, and data and analytics.

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4. Skills Gaps in the Australian Advertising Industry

The industry always prefers to employ Australians and has an Australians-first policy in recruitment. Our employees are mainly Australians and relatively young. We have a vibrant graduate program and play an important role in ensuring tertiary education curricula remain relevant to a rapidly changing environment.

Digital disruption and rapid technological change, combined with a brain drain as younger employees seek career-advancing industry experience offshore, have manifested in chronic skill shortages.

Unfilled vacancies for skilled and experienced staff are a constant obstacle to higher industry growth, despite every effort to fill skilled positions locally and increasing graduate intake.

The industry is constantly competing for global work and requires migration to fill a small but pivotal fraction of positions requiring world-best, innovative digital skills that cannot be filled locally. Leading experts in the latest digital technologies mentor and train Australians on the job and in training programs to ensure our industry stays at the digital cutting edge and keeps its reputation as a leading creative hub.

About half of the Australian Advertising Industry's employees who enter on 457 visas have progressed to permanent residency or citizenship in the past five years and contributed longer term to the industry's growth. Keeping open this pathway to permanent residence is vital to our ability to attract leading experts in the latest digital technologies.

Until the major changes in the visa system from April 2017, the visa system enabled the industry to bring into Australia a limited number and range of highly skilled digital, advertising and media specialists to fill chronic skills shortages and build local capabilities with industry-leading innovations and technologies.

More restricted access to key roles and the removal of the pathway to permanent residence is having the unintended consequence of harming job growth opportunities and skills development for Australians. We are also experiencing the unintended effect of offshoring and more work being diverted to global platforms such as Google and Facebook that are already encroaching on our industry as digital disruption continues at a rapid pace.

Our local industry needs the best experienced talent to continue to grow local jobs and offer industry-savvy training to young Australians seeking a career in advertising.

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Our ability to meet these challenges would be enhanced by a Labour Agreement for a prescribed set of the occupations most critical to the industry, with associated requirements on levels of industry experience, skills, salary and contribution to training Australians.

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s. 47G(1)(a)



s. 47G(1)(a)



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6. The Proposed Advertising Industry Labour Agreement

TCC and the MFA propose an Advertising Industry Labour Agreement (AILA) for consideration and discussion. In the absence of a specific template designed for an industry application, TCC/MFA have attempted to keep this proposal consistent with the criteria and documents published by the DHA.

TCC/MFA would propose the following:

A five-year AILA for up to 300 people per year providing for 4-year temporary visas with a pathway to Permanent Residency

Criteria Consistent with Standard Guidelines

- Occupation tasks consistent with ANZSCO descriptions. Specifically:
 - Advertising Specialist (ANZSCO 225111)
 - Graphic Designer (ANZSCO 232411)
 - Copywriter (ANZSCO 212411)
 - Web Developer (ANZSCO 261212)
 - Developer programmer (ANZSCO 261312).
 - Multimedia Designer (ANZSCO 232413)
 - Software Engineer (ANZSCO 261313)
- Proof of labour market testing
- English language requirements
- Must be an Australian registered business with good standing with no 'adverse information'

Concessions Requested

- A minimum of three years' experience (instead of two) in the nominated Occupation Code.
- Recognition for the relevant TCC/MFA job title under each ANZSCO Occupation Codes.
- Salaries to be consistent TCC/MFA Salary Bands as defined by TCC's/MFA's Annual Salary Census'.
- All applications first be lodged with TCC/MFA for pre-vetting, validation and endorsement.
- Commitment for overseas worker to contribute to recognised industry training programs
- Limitations to the total number/percentage of visa employees in any one single agency eg 10% but agreed by TCC/MFA with the DHA.

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TCC/MFA's Proposed Role

TCC and the MFA believe we can play a constructive role to ensure members act within the best interests of the industry and consistent with the intentions of the DHA. As an initial draft:

- Applications should first be lodged with TCC/MFA for pre-vetting to ensure:
 - Labour market testing requirements have been met
 - The nominated candidate has the required experience
 - The salary falls between the TCC/MFA Salary bands
 - Visa employees do not exceed maximum permitted
 - TCC/MFA validate and sign the application before members then apply for overseas worker under the AILA.
- TCC/MFA will keep an up-to-date log of all submissions and successful applications.
- TCC/MFA to define a workable industry training program and commit to keep all industry records.
- TCC/MFA to provide a regular report to DHA at least twice a year

To demonstrate how the AILA might appear on the DHA websites, we have used the existing template to draft a summary of the Key Settings.

This appears on the following four pages.

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Advertising industry labour agreement

This page provides information regarding the Advertising Industry Labour Agreement (AILA) which allows employers in the industry to recruit overseas workers in the occupations specified below for four year periods with a pathway to Permanent Residency.

The terms and conditions of the AILA have already been established and are non-negotiable.

The key settings are summarised in the table below. Industry employers who wish to request visa under the AILA must first apply through and be endorsed by either The Communications Council or Media Federation of Australia and be able to demonstrate that they can meet these requirements. A copy of the template agreement is also available (*to be developed*) – see [Labour agreements](#)

For information on how to request an AILA – see [Information about requesting a labour agreement \(116 KB PDF\)](#).

Key settings

Visa subclass	Temporary Skill Shortage (TSS) visa (subclass 482)
Occupation	Employers can only nominate the following occupations: <ul style="list-style-type: none"> • Advertising Specialist (ANZSCO 225111) • Graphic Designer (ANZSCO 232411) • Copywriter (ANZSCO 212411) • Web Developer (ANZSCO 261212) • Developer programmer (ANZSCO 261312). • Multimedia Designer (ANZSCO 232413) • Software Engineer (ANZSCO 261313)
Occupation tasks	Duties of nominated occupation(s) must be consistent with the relevant occupation code under ANZSCO .
English language	Overseas skilled workers must meet English language requirements in place for the Short-term stream of the TSS visa

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Skills, qualifications and experience

Overseas workers **must** have the skills, qualifications and experience outlined below.

At minimum three years' work experience in the nominated occupation or relevant related field.

The following job titles can be used under each ANZSCO code but the job descriptions must relate back to the accepted industry versions:

Advertising Specialist (ANZSCO 225111)

TCC Job Titles	MFA Job Titles
Head of Account Management Group Account Director Senior Account Director Senior Account Director - Digital Account Director Account Director - Digital Senior Account Manager Senior Account Manager - Digital Executive Planning Director Head of Strategy Planning Director Planning Director - Digital Senior Strategic Planner Senior Strategist - Digital, Social, SEO/SEM Strategist - Digital, Social, SEO/SEM CX Director/CX Strategist Creative Director Associate Creative Director/Group Head Associate Creative Director/Group Head - Digital Senior Art Director/Senior Creative Head of Production Senior Producer - Digital/Print/Experiential Executive Producer - Print/Experiential	Client Service Lead Chief Strategy Officer Chief Trading Officer Chief Digital Officer Chief Innovation Officer Group Head/Group Business Director Account Director Account Manager Strategy Director Strategy Manager Implementation Director Planner/Buyer Implementation Manager Planner/Buyer Digital Direct Marketing Digital Director Digital Manager Head of Search (SEO/SEM) Search Director (SEO/SEM) Search Manager (SEO/SEM) Search Planner (SEO/SEM) Head of Traffic/Operations Operations/Traffic Manager Head of Social Media Social Media Director Social Media Manager Trading Desk Director Trading Desk Manager Digital Interactive Director Digital Interactive Manager Digital Producer Digital Art Director Head of Sponsorships/Events/Content Director of Sponsorships/Events/Content Manager of Sponsorships/Events/Content

Graphic Designer (ANZSCO 232411)

TCC Job Titles	MFA Job Titles
Head of Design Senior designer - Integrated & Digital Designer - Integrated & Digital	

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Copywriter (ANZSCO 212411)

TCC Job Titles	MFA Job Titles
Head of Copy Senior Copywriter Copywriter Digital Copywriter Senior/Social Content Manager	Digital Copywriter

Web Developer (ANZSCO 261212)

TCC Job Titles	MFA Job Titles
UI Designer UX Architect Senior QA Manager	

Developer programmer (ANZSCO 261312).

TCC Job Titles	MFA Job Titles
Technical Director Technical Lead Creative Technologist Senior Developer Developer	

Multimedia Designer (ANZSCO 232413)

TCC Job Titles	MFA Job Titles
Designer Integrated & Digital	

Software Engineer (ANZSCO 261313)

TCC Job Titles	MFA Job Titles
Head of Data Senior Data Planner	Head of Analytics Analytics Director

Salary

Salary requirements in place for the TSS visa program must be met.

All positions must fall within relevant bands of The Communications Council's or Media Federation of Australia's Salary Census'.

Please refer to TCC's and MFA's ANZSCO Occupations/Job Descriptions and Salary Census information.

Nomination requirements

All applications must first be lodged with The Communications Council or Media Federation of Australia for endorsement to ensure:

- Proof of labour market testing
- Relevant ANZSCO code and TCC/MFA job descriptions fit with the accepted industry versions
- Commitment for overseas worker to contribute to recognised industry training programmes (audited)
- Limitations to total number/percentage of visa employees in any single member agency (eg 10%)

Evidence of labour market testing must accompany nominations lodged in accordance with this agreement. This evidence should meet TSS visa program requirements.

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7. TCC/MFA Questions for consultation

- How do we establish the pre-vetting and application process between TCC/MFA, member agency and the DHA?
- Is it appropriate to exclude relevant ANZSCO codes that are already on the MLTSSL?
Eg CEO/Managing Director, Multimedia Specialist.
- How should we maintain a correct and up-to-date record of the visas? Is it when they are granted? Or when they sign an employment contract? Or arrive?
- What would be the appropriate process when several members apply for a visa for the same overseas worker?
- If the successful applicant gains a promotion, can his/her job title change under the Labour Agreement? Can the relevant ANZSCO job description change within the Labour Agreement? Would there be a further requirement on TCC/MFA to pre-vet the change and notify the DHA?
- What are the implications for the visa if the overseas candidate leaves the member agency? Eg she/he is headhunted by another agency, loss of an account or not seen as a good fit with the host employer? How long would the person have to find a new job? What are the implications for the individual if they are not successful in gaining employment in the industry?
- Are intra-office transfers eligible under the Labour Agreement or treated differently?
- Are there any circumstances whereby an employee working in an agency under a TSS visa on a STSOL can be transferred to a AILA after 2 years if the nominating employer meets all requirements under the Labour Agreement?
- What would be the estimated costs to employers for applications for a visa under the AILA?

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8. Conclusions

TCC/MFA can see several benefits to both the DHA and the Australian Advertising Industry in a Labour Agreement:

- The integrity of the government's visa system remains intact;
- Priority for Australian jobs first;
- TCC/MFA can play an important role in pre-vetting, validating, endorsing and maintaining administration of the Labour Agreement;
- A solution that quarantines the solution for the Australian Advertising Industry from broader industry implications;
- The continued ability for the Australian Advertising Industry to compete globally for highly technical projects;
- A targeted solution that provides access to skills for specific roles;
- A commitment to train local Australian talent with cutting-edge skills;
- Minimises offshoring to cheaper international labour markets;
- Helps the Australian Advertising Industry to grow and provide more jobs for Australians, especially those entering the workforce for the first time.

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s. 47G(1)(a)

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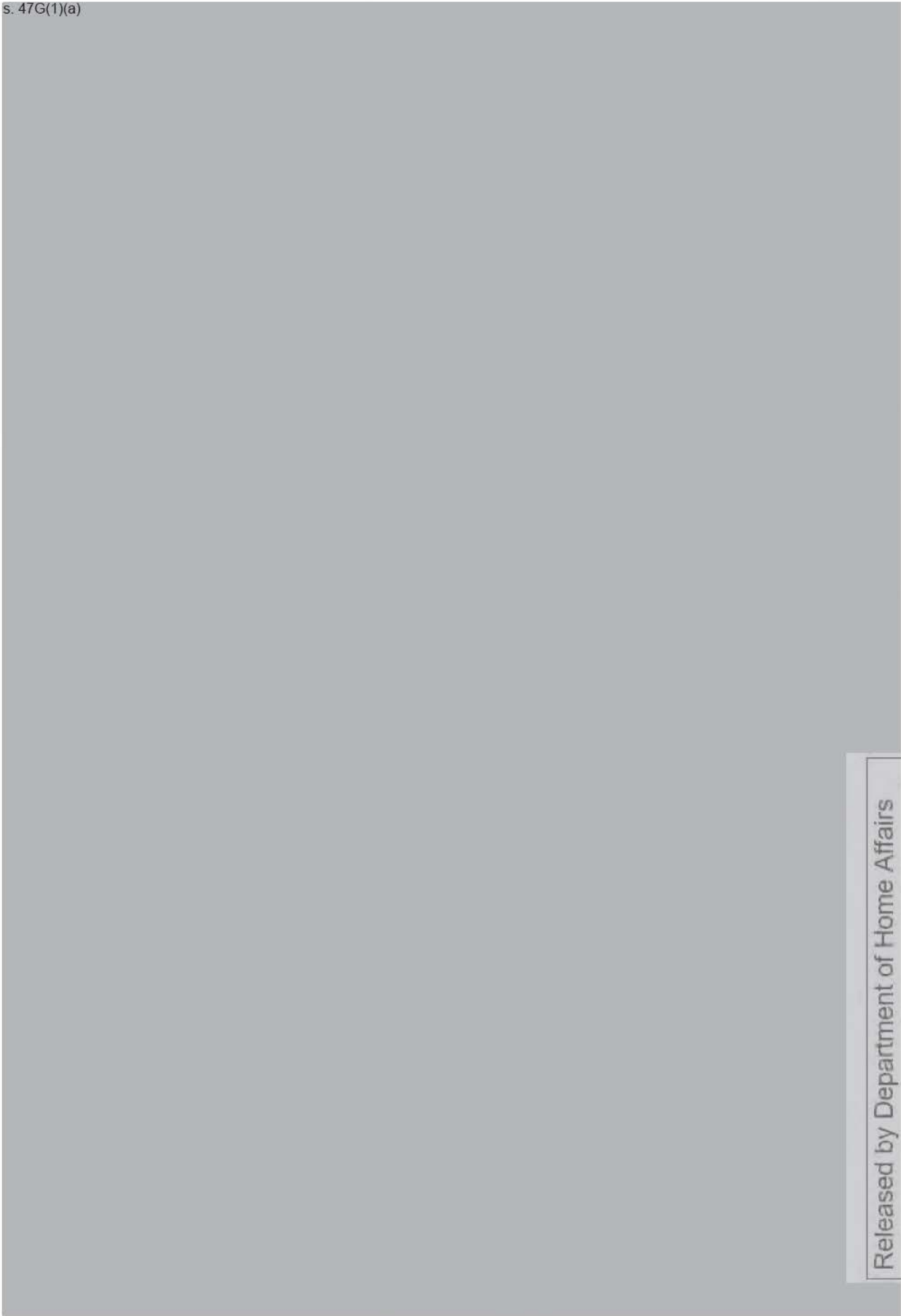
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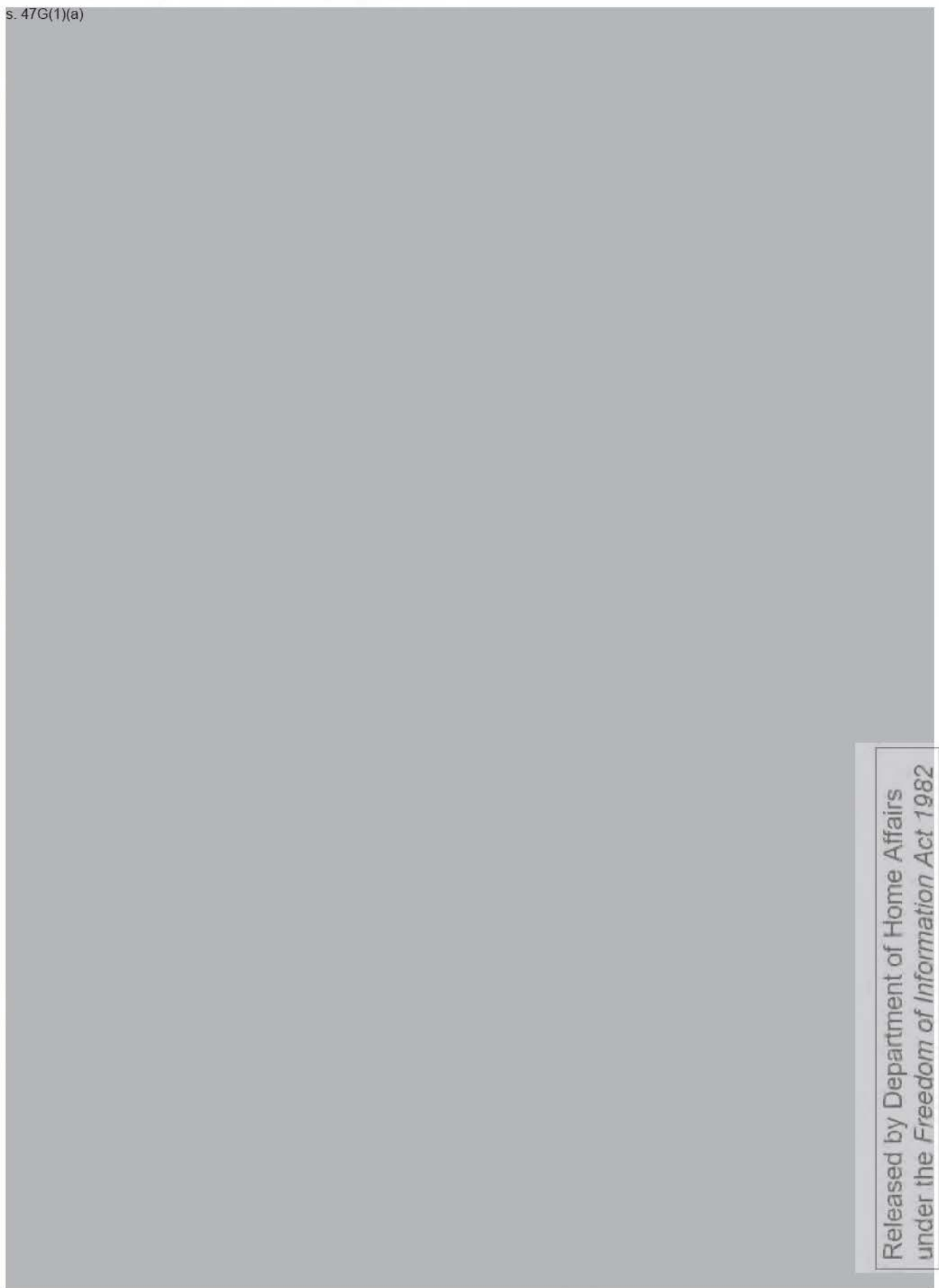


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Australian Government

Received Department of Home Affairs

Submission

For decision

PDMS Ref. Number MS18-007937

27 MAR 2019

To Minister for Immigration, Citizenship and Multicultural Affairs

Subject Inclusion of Permanent Residence Pathway in the Dairy Industry Labour Agreement (DILA)

Timing At your convenience.

Recommendation

That you:

1. agree to the inclusion of a permanent residency pathway in the DILA;
2. agree to an implementation date of 1 April 2019; and
3. agree not to impose a cap to the DILA.

agreed / not agreed

agreed / not agreed

agreed / not agreed

Minister for Immigration, Citizenship and Multicultural Affairs

22(1)(a)(ii)

Signature.....

Date: 27/3/2019

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under the Freedom of Information Act 1982

Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

- On 7 September 2018, the Chair of the Dairy Industry People and Development Council (DIPDC), s. 47F(1), and the Acting President of Australian Dairy Farmers (ADF), s. 47F(1), wrote to you asking your consideration of the inclusion of a permanent residency pathway within the existing DILA (**Attachment A**).
- In their joint submission, the DIPDC and ADF provided a number of reasons for seeking permanent residency in the DILA including:
 - a shortage of skilled labour at all levels across the dairy industry, despite a positive outlook for Australian dairy farm businesses and competitive pay and conditions in the industry;
 - that PR provides a further incentive to attract and retain skilled overseas workers who may be considering working in other countries; and
 - the flow-on economic and social benefits that skilled migrants bring to regional communities where dairy farm businesses are located.
- There is currently no permanent residency pathway available under the DILA. This is at odds with similar industry agreements for Meat and Pork, both of which have a permanent residency pathway for overseas workers that have held a subclass 457 or Temporary Skill Shortage (TSS) visa for at least three years under a DILA, and are nominated for an Employer Nomination Scheme visa (subclass 186) by the same employer.

Impacts of a permanent residency pathway in the DILA

- There are currently nine DILAs in effect—this represents less than three per cent of all labour agreements currently in effect. Recent use of DILAs has been very low with only four subclass 457/TSS primary visas granted in 2017-18. By comparison, in 2017-18 there were 609 visas granted under the Meat Industry Labour Agreement (MILA), and 76 visas granted under the Pork Industry Labour Agreement (PILA).

5. Establishing a permanent residency pathway through the Employer Nominated Scheme (ENS) (subclass 186) within the DILA may lead to increased usage, however, the impact on the overall size of labour agreement program would be minimal. Furthermore, historically the dairy industry has been a relatively low risk industry with respect to the appropriate use of Australia's skilled visa programs.
6. For these reasons, the Department of Home Affairs supports the request to include a permanent residency pathway in DILAs that are entered into where permanent residency is requested. This pathway would be available to overseas workers that have held a temporary visa (either subclass 457 or Temporary Skills Shortage) under a DILA for at least three years and are nominated for a subclass 186 visa by the same employer.
7. Current DILA holders wishing to nominate existing temporary visa holders for permanent residency would, however, need to submit a formal request to vary their labour agreement to include a subclass 186 nomination ceiling. In seeking this variation, the DILA holder will need to provide a strong case for permanent residency that demonstrates ongoing efforts to recruit and train Australians, and their need to fill longer-term skill shortages with overseas workers. This approach aligns with the similar requests under the MILA and PILA where permanent residency is sought.
8. Should you agree to this proposal, the Department would be in a position to implement changes by 1 April 2019. This would involve updating DILA information on the Department's website, contacting current DILA holders to advise them of the changes, and providing information to the industry more broadly via the DIPCD and ADF.

Establishing a cap on the number of ENS visas granted under the DILA

9. If you agree to include a permanent pathway in the DILA, it is also open to you to impose an 'cap' on the number of visas granted under DILA annually. This would, however, create a misalignment with the MILA and the PILA where no such cap has ever been imposed. Furthermore, each individual DILA request will be thoroughly assessed by the Department taking into account the number of overseas workers that each requesting business is seeking to sponsor. Therefore, the number of subclass 186 visas being sought under each DILA can be effectively monitored and controlled via the approval of annual nomination ceilings.

Background

10. The DILA was first introduced as an industry template labour agreement in 2015. At this time, dairy industry representatives did not pursue the inclusion of a permanent residency pathway.
11. Under a DILA, sponsors are able to bring in overseas workers under the 'Senior Dairy Cattle Farm Worker' occupation, which is not an eligible skilled occupation for the TSS visa or the subclass 186 visa.

12. 'Senior Dairy Cattle Farm Worker' is effectively a custom Australian and New Zealand Standard Classification of Occupations (ANZSCO) skill level 3 occupation.
- Skilled workers in this occupation plan all aspects of milk production processes, including management and coordination of milking shed routines.
 - They are requirement to have either an Australian Qualifications Framework (AQF) Certificate III or equivalent and three years of recent relevant work experience; or five years of recent and relevant work experience.
13. The occupation of 'Senior Dairy Cattle Farm Worker' will never be on an occupation list for skilled migration, as it does not exist in ANZSCO.
- The occupation is unlikely to be included in ANZSCO, which is maintained by the Australian Bureau of Statistics and has not been updated since 2013.
 - The occupation of 'Dairy Cattle Farm Worker' (ANZSCO 841513) exists in ANZSCO as a lower skill level 5 occupation.

Consultation – internal/external

14. The Global Mobility Branch was consulted in the preparation of this submission.

Consultation – Secretary

15. The Secretary was not consulted on the approach in the submission.

Client service implications

16. N/A.

Sensitivities

17. The information contained in this submission is classified and should not be publicly released without the authority of the Department of Home Affairs. In accordance with our long standing practices, should you wish for unclassified media lines to be prepared in relation to this issue please contact the Home Affairs Media Coordination team at media@homeaffairs.gov.au.

Financial/systems/legislation/deregulation/media implications

18. The inclusion of a permanent residency pathway in the DILA will have negligible legislative and systems impacts.

Attachments

Attachment A Written submission from DIPDC and ADF seeking the inclusion of a PR pathway within the existing DILA

Attachment B Letter to Ministers advising of changes to DILA

Authorising Officer
Cleared by:
22(1)(a)(ii)
A/g Assistant Secretary
Skilled and Family Visa Program Branch
Date: 25/03/2019
Ph: 22(1)(a)(ii)

Contact Officer 22(1)(a)(ii), A/g Senior Director, Employer Sponsored Program Management, Ph: 22(1)(a)(ii)

Through 22(1)(a)(ii), First Assistant Secretary, Immigration and Visa Services Division

CC Minister for Home Affairs
Secretary
Deputy Secretary, Immigration and Citizenship Services
First Assistant Secretary, Immigration and Visa Services
First Assistant Secretary, Immigration, Citizenship and Multicultural Policy

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ABN 76 000 519 653

7 September 2018

Hon David Coleman MP
Minister for Immigration, Citizenship and Multicultural Affairs
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Dear Minister Coleman,

Dairy Industry Template Labour Agreement

In 2015, Dairy Australia finalised a template dairy industry labour agreement for the classification, Senior Dairy Cattle Farm Worker, with the formerly named Department of Immigration and Border Protection (the Department). This labour agreement enables dairy farmers to nominate skilled overseas workers for TSS visas to enable them to fill positions they are unable to fill from the local labour market.

At the time of negotiating the labour agreement we sought the Department's views regarding an option for permanent residency but for a number of reasons this was not pursued at the time.

We now write to seek your views on including a pathway to permanent residency in the dairy industry labour agreement.

Dairy farmers continue to seek access to skilled overseas workers due to a significant and chronic dairy farming skills shortage in all States, which is hampering the industry's capacity to grow.

Dairy is the third largest agricultural industry in Australia, after beef and wheat. The value of farm gate production was \$3.7 billion in 2016/17 and it is estimated that approximately 42,000 people are directly employed on dairy farms and by dairy companies in Australia. Over recent years, 30-40% of milk has been exported and Australia ranks fourth in terms of world dairy trade. Demand for dairy products is strong in Asia, particularly in China where dairy imports have more than doubled in the last six years.

Following recent communication with the Immigration and Visa Services Division of your department, we provide the attached submission for your consideration, outlining these key points:

- A permanent skilled workforce is required to operate dairy farms and produce milk—more than 170 separate skills in 11 specialist areas are required across the business.
- There is a well-documented and chronic shortage of skilled labour at all employment levels in the dairy industry, resulting in significant opportunity costs at the individual business, industry and regional levels—there are not enough local workers to fill employment needs across all of Australia's eight dairying regions.
- The skilled labour shortage is not due to inadequate industry workplace conditions—the outlook for Australian dairy farm businesses is positive and rates of pay are competitive and fair.
- The Australian dairy industry has invested and continues to invest heavily in training and upskilling its workforce, including via industry-operated and owned certificate and diploma courses. However, despite the investment we are still unable to meet dairy's growing demand for labour as farms expand beyond the capacity of family members to operate alone without employing workers.
- Skilled migration has been successful for the industry and a pathway to permanent residency is a key reason why skilled migrants report choosing Australian dairy farms over other nations as their preferred workplace.
- Retaining overseas workers on dairy farms adds value due to the on-farm upskilling and training which has taken place during the 4-year visa term. This has demonstrable flow-on effects for regional communities and stimulates local economies.

Including a pathway to permanent residency within the dairy industry labour agreement template provides an opportunity for the Australian Government and the Department to support both the dairy industry and growth in regional Australia.

We would therefore welcome a discussion with you about how to better attract and retain skilled staff in regional communities via a pathway to permanent residency within the dairy industry labour agreement template.

Yours sincerely

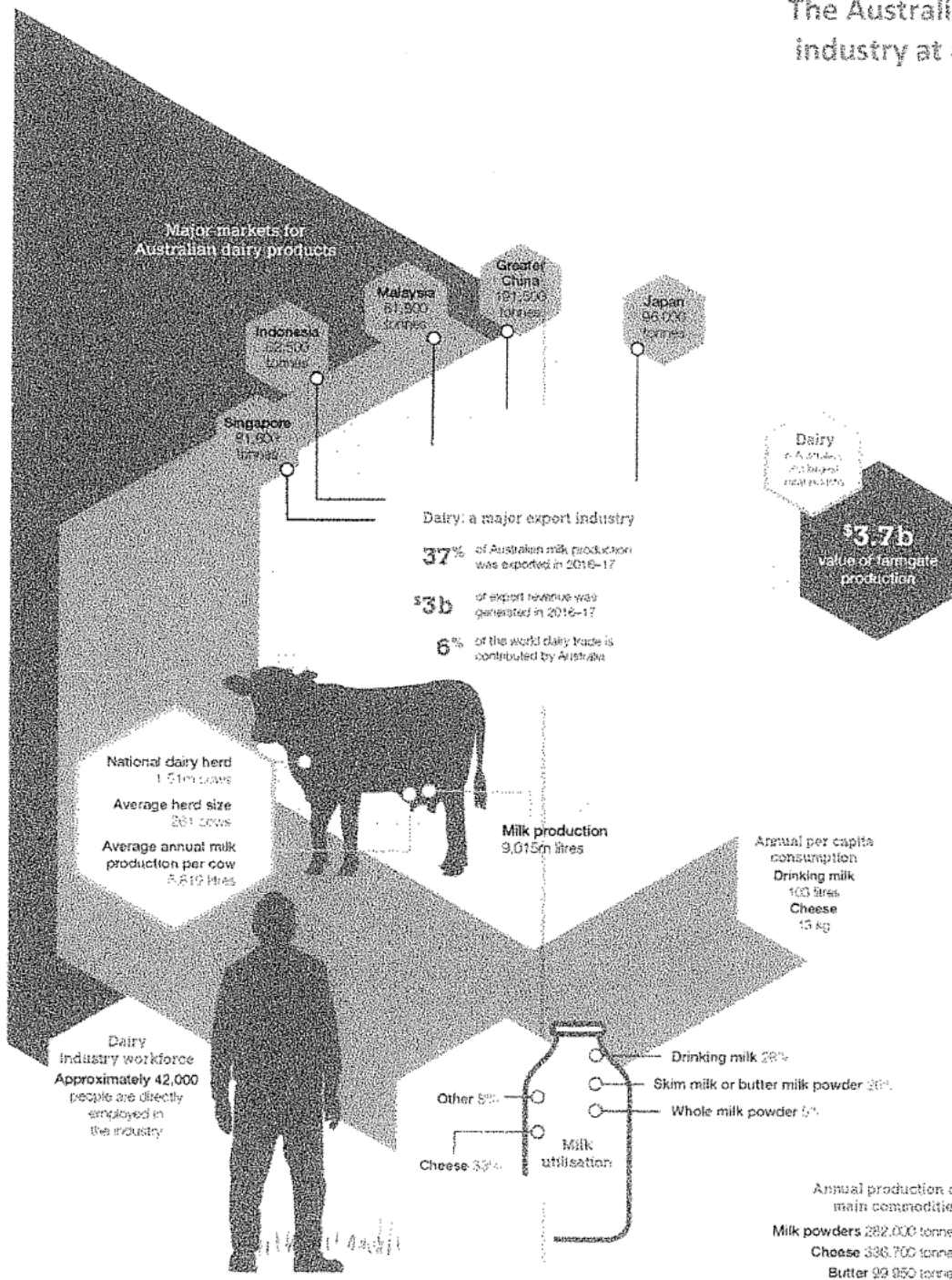
s. 47F(1)

Chair
Dairy Industry People and Development Council

s. 47F(1)

A/President
Australian Dairy Farmers

The Australian dairy industry at a glance 2016-17



THE AUSTRALIAN DAIRY INDUSTRY

Dairy is a leading Australian rural industry, ranking third in farm gate value behind beef and wheat at \$3.7 billion for the 2016/17 financial year.¹

Dairy exports in 2016/2017 were worth \$3 billion and accounted for six per cent of global dairy trade, with strong growth in demand for dairy products in Asia, especially China.²

In 2016/17 there were 42,000 people directly employed in the dairy industry—24,500 on farm and 17,600 in dairy product manufacturing.³

The dairy industry is in transition and the workload on a dairy farm has both specialised and increased over the last decade. With farm ownership concentration and fewer but larger farms comes a consequent increased reliance on paid employees.

A dairy farm typically requires one Full Time Employee per 100 cows.⁴ It follows then, that the progressive increase in herd size has seen a dramatic increase in the proportion of farms employing people other than family, moving from approximately 30% in 2004, to 65% by 2012 and up to 86% in 2017. Currently, dairy farms typically have 3 to 6 people working in the business, with increases in the middle and senior management roles.⁵

This period of transition from family farms utilising family labour to larger farms employing staff has been a significant cultural shift for the industry.

Skilled migration is a critical component of future dairy industry growth and rural prosperity in Australia's eight dairying regions.⁶

Permanent residency is a key reason why skilled migrants report choosing Australian dairy farms over other nations as their preferred workplace.

¹ Dairy Australia 2017, *In Focus 2017*: <https://www.dairyaustralia.com.au/publications/australian-dairy-industry-in-focus-2017?id=0B6288F1D65C4155998FCC67356182AF>

² Ibid.

³ Ibid. See publication for disaggregation by state and dairying regions.

⁴ Victorian Department of Environment and Primary Industries and Dairy Australia 2017. *Dairy Industry Farm Monitor Project Annual Report 2016-17*, source accessed: www.dairyaustralia.com.au/farm/farm-business-management/dairy-farm-monitor-project?section=vic_dairy_farm_monitor_project#accordion-1

⁵ The Dairy People Fact Finder 2013 report, although five years old, provides important data on the dairy industry workforce that remains relevant today. See **Attachment 1**.

⁶ The Regional Australia Institute 2017. *The missing workers: Locally-led migration strategies to better meet rural labour needs*. Canberra, The Regional Australia Institute.

PERMANENT RESIDENCY for the DAIRY INDUSTRY LABOUR AGREEMENT

Executive Summary

The dairy industry is a skilled industry and there are few positions on dairy farms for unskilled workers. There is a well-documented and widespread shortage of skilled labour in the dairy industry at all levels from entry level to Farm Manager level (see section 1).

The dairy industry is taking steps to address the skills shortage⁷, however it will continue to rely upon overseas workers to fill critical skills gaps until the results of the extensive dairy industry training programme provides adequate graduates. This is pressingly the case given the changing nature of dairy farming in Australia, where farms are consolidating and herd sizes are growing and farm staff capabilities need to match changing skills requirements.

Growing the rural labour work force through migration is one way the dairy industry considers it can address its current skills shortage. Skilled migrant settlement in rural areas provides an important pool of labour for dairying and a boost to local communities.

The Dairy Industry Labour Agreement provides a pathway for dairy farmers to access skilled overseas workers at the Pastoral Award 2010 Dairy Operator Grade 2 (FLH5) to Senior Dairy Operator Grade 1 (FLH7) level. This 4-year visa provides dairy farmers with a temporary pathway to engage the skilled workers they are unable to source from the Australian workforce. However, whilst useful, this visa does not completely address the long term shortage of skilled dairy farm workers.

Dairy communities, along with other regional communities, need access to skilled overseas labour on both a temporary and permanent basis. Temporary arrangements allow both employee and employer to assess mutual compatibility and suitability, while a pathway to progress to permanency where appropriate allows for continuity.

There is significant uncertainty surrounding the recently revised skilled occupation lists and the possibility that the occupation Dairy Cattle Farmer (which includes senior managers) will remain on the short term occupation list, without a pathway to permanent residency, (the STSOL) rather than the long term occupation list which envisages a pathway to permanent residency (the MTSSL). This is relevant as it is expected that Labour Agreement TSS visa holders will increase skills during their tenure to enable them to move to management positions (see section 3).

Although these lists are expected to be reviewed six monthly, the dairy industry needs certainty to enable growth and future prosperity.

The dairy industry now seeks a pathway to permanent residency for overseas workers who have accessed the TSS visa via the Dairy Industry Labour Agreement.

The following submission provides background material to support this application.

⁷ See Attachment 'A'

1. There is a widespread skills shortage in the dairy industry which cannot be met from the pool of Australian job seekers in rural areas and migrants can meet this need.

There is a misconception that the dairy industry should be able to source labour from the pool of unemployed in regional areas. With the unemployment rate in regional areas sitting at around 5 to 5.3%, there is effectively full employment. The Regional Australia Institute May 2018 policy paper *'The Missing Workers'* indicates that in Australia's eight dairying regions, there are not enough local workers to fulfil employment needs.⁸

Attracting and retaining skilled staff capable of managing a dairy farm is challenging, with much of the limited regional labour pool not experienced and/or qualified in dairy. It takes time to build the required capability to manage the many elements involved with a dairy farm, set against a backdrop of an ageing workforce, technological advancement and farms looking to grow, consolidate or wind down their business activities.

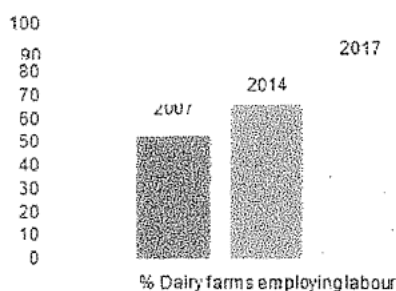
Traditionally, the family farm model trained largely family members on the job to perform at all skill levels and in particular, at the higher levels. As a result, the sector is currently skewed heavily towards a workforce aged over 55 years including a high proportion of owner operators and as these older workers who are more highly skilled retire, the sector needs to replace these workers with other highly skilled workers.⁹ The loss of this age group from the sector requires a significant and targeted resupply of high level skilled persons.

In addition, over the last 20 years the family dairy farm model has changed to larger farms with expanding herd sizes and increased workloads with increased non-family labour and the need for higher skill levels at the skilled Dairy Operator (FLH5 to FLH7 level) and Senior Dairy Operator/managerial level (FLH8) and Award free managerial level.

As farm scale continues to increase, there are increased needs to attract and retain suitably skilled labour and to improve on-farm employment practices.

The proportion of dairy farms employing people has been gradually rising.¹⁰ The dairy industry directly employed 42,000 people in 2016/17.¹¹ 86% of dairy farmers employ labour, which equates to a 20% increase since 2014 (66%)¹² and a 33% increase since 2007¹³ (Table 1).

Table 1: Percentage of dairy farms employing labour



⁸ The Regional Australia Institute 2017. *The missing workers: Locally-led migration strategies to better meet rural labour needs*. Canberra, The Regional Australia Institute, Figure 1, p. 5.

⁹ Australian Farm Institute 2010. *Towards a better understanding of current and future human resource needs of Australian agriculture*. Research Report Australian Farm Institute June 2010.

¹⁰ Dairy Australia 2017. *In Focus 2017*: <https://www.dairyaustralia.com.au/publications/australian-dairy-industry-in-focus-2017?id=0B6288F1D65C4155998FCC67356182AF>

¹¹ Ibid.

¹² Dairy Australia 2017. *The Power of People on Australian Dairy Farms*.

¹³ Dairy Australia 2007. *National Dairy Farmer Survey 2007*.

The number of farms with six or more employees across the industry is projected to increase (Table 2) from 4% to 20% by 2025.¹⁴

Table 2: Number of employees required on dairy farms

	2014	2017	2025 (est)
No employees	35%	14%	10%
1-2 employees	44%	41%	35%
3-5 employees	18%	19%	35%
6+ employees	4%	12%	20%

Research undertaken in 2011 indicated that in a workforce sense, the industry faced a looming crisis in several sectors due to ageing of its people, skilled workers exiting to the resource sectors, and poor attraction and retention rates over an extended period which have left an insufficient pool of young workers.¹⁵

Projections at the time indicated that by 2018 over 102,000 of the current labour force (equating to 33.4%) would be aged 65 years and over. A staggering 56.2% of the current workforce was then aged over 55 years.

Agrifood Skills Australia warned that shortages within the sector would be experienced between 2013 and 2018 as the resource industry's demand intersected with the looming age crisis in Agriculture and as the mining industry construction phase transitioned into actual mining operations. The report stated that much would depend on Australia's strategic response to skilled and semi-skilled labour demand.¹⁶

Dairy farmers are struggling to source the skilled labour they require in regional areas, viewing skilled labour availability and quality, as well as succession planning as one of the key factors limiting system change.¹⁷

In August 2018, Dairy Australia commissioned new in-depth interviews with 13 Dairy Industry Labour Agreement holders ('Dairy Australia interviews') to investigate skilled migrant recruitment and views on permanent residency.

- *"Sometimes we just have to use people who are not ideal as there is no-one else. If you have people who are not ideally suited to the industry you do not encourage a positive work environment and there are often mistakes which can be costly in time and money."* (Respondent LH5)
- *"It definitely affects our financial performance if there is not the staff to do the work then we cannot increase the number of cows we milk and expand as we want to and do pasture renovation and other jobs that require labour."* (Respondent MH7)

¹⁴ Dairy Australia surveys and workforce modelling

¹⁵ Agrifood Skills Australia 2011. *Australia's Region: Australia's Futures*. Agrifood Skills Australia Ltd, Canberra.

¹⁶ Ibid.

¹⁷ University of Southern Queensland 2018. Feedbase Project (interim findings)

The following are some of the responses to the question "Would you say difficulty recruiting managerial level employees affected the performance and culture of the farm business? Comment on the impact."

- *My husband and I pick up the extra work and keep the working routine going. We try hard to make sure that our staff do not suffer or have to pick up the extra work so we have a good culture on the farm and we protect them so they do not leave or have WHS and wellbeing issues."* (Respondent MH2)
- *"There is a serious skills shortage in the dairy industry."* (Respondent LH4)
- *It seriously affects our lifestyle and in particular our ability to get off farm. We pick up the slack and work long hours and this has a significant impact on our family life.* (Respondent MH5)
- *"There is a definite skills shortage at the senior level. We can get FLH1 (Pastoral Award entry level) but the higher skill set is near impossible to get from the local community. They are highly sought after and get positions immediately they seek them."* (Respondent LH5)

One hundred percent of respondents replied that difficulty recruiting managerial level employees affected the performance of the farm business "a great deal."

2. The temporary skilled visa programme does not completely address the long term shortage of skilled dairy farm workers.

The dairy industry is working hard to address the widespread skills shortage and has been doing so for some time. However, the skills shortage is expected to continue for the foreseeable future. For detail of the efforts by the dairy industry to train Australian workers see Attachment 'A'.¹⁸

Temporary skilled visas go some way to addressing the issue but longer term solutions are also required.

The limited 4-year visa without a pathway to permanent residency adversely affects the ability of the industry to continue to grow and in reality does not address the documented long term labour shortage problems. It also impacts on the certainty and workforce planning capabilities of those farm businesses.

The burden associated with visa timeframes should be limited where real skills shortages apply such as occurs in the dairy industry.

¹⁸ Attachment 'A'

3. There is a shortage of skilled dairy farm managers which could be met by allowing overseas workers to remain in Australia with permanent residency.

The Dairy Industry Labour Agreement provides for four year terms during which it can be expected that the skills of the worker will increase leading to potential management roles. Permanent residency for these visa holders would assist in addressing the well documented shortage of managerial labour in the dairy industry.

The Power of People on Australian Dairy Farms 2017 report surveyed 417 farmers. While it reveals trends rather than total demand, key findings indicate that:

- 16% of dairy farms expect to recruit in next 12 months and 28% of farms expect to grow (p. 5).¹⁹
- From this, it can be assumed that of the 16%, 2% will be for farm managers. Of the farms that expect to grow it can be assumed that there will be an increased need for labour in the managerial occupations with average labour productivity at 100 cows/FTE.²⁰
- Of farms recruiting in the last 12 months (n=160) the number recruiting farm managers was 3% in 2017. (p. 15)
- Of farm managers recruited in the last 12 months, (n=14) qualifications were considered on 57% of farms and 29% were new to the dairy industry. This indicates that dairy farmers are having to look for managerial labour outside classic strategies of internal industry growth & poaching from other employers.²¹ Demand is outpacing supply and farmers are having to retrain people into managerial roles at a cost. (p. 16)
- Skilled migration is a long term strategy for the business on 36% of farms (n=44). (p. 19)
- Of 21 farmers seeking to recruit overseas workers in the next 12 months, 32% planned to use skilled migration.(p. 20)
- In 2017, 10% of dairy farmers reported employing overseas workers to fill skilled roles (approx. 2% of the dairy industry).

Succession planning creates a more competitive environment for existing farm managers within the labour pool, and a requirement for additional capability to meet demand. Dairy farmers who may not be ready to exit completely, understand that employing a farm manager is an option to consider.

Turnover costs are significant. Each time there is a turnover of employees in an organisation, there are the direct costs of hiring, and other costs of decreased productivity for other employees as they take on extra work, the cost of orientation and development, workforce morale and business reputation.²²

Research published in 2011—still relevant in 2018—has shown that turnover in dairy farming is lower in positions of greater responsibility on farm reflecting the mutual desire of employers for stability and experience on their farm and employees for work security and gaining experience.^{23,24}

¹⁹ Dairy Australia 2017. *The Power of People on Australian Dairy Farms*.

²⁰ Pers.comm. June 2018 Assoc Prof University of Melbourne, Dr. Ruth Nettle, Leader Rural Innovation Research Group Faculty of Veterinary and Agricultural Sciences, University of Melbourne. <http://rimg.fvas.unimelb.edu.au/>

²¹ Ibid.

²² National Rural Advisory Council 2013. *Report on the workforce planning capabilities of agricultural employers*.

²³ Nettle R, Semmelroth A, Ford R, Zheng C, Ullah A (2011). *Retention of people in dairy farming – what is working and why?* Report to the Gardiner Foundation, The University of Melbourne, August; and Dairy Australia 2011. *Dairy People Fact Finder*, pg. 76.

²⁴ Dairy Australia 2011. National Dairy Farmer Survey

The August 2018 Dairy Australia interviews asked respondents whether they were planning to recruit managerial employees in the next 12 months and then the next 5 years. Two of the larger respondents responded as follows:

- *"If we could get staff we would expand. Inability to get staff is holding us back significantly."* (Respondent LH1)
- *"We would like to expand but we cannot do so as we can't get employees."* (Respondent LH2)

Two other respondents responded as follows:

- *"We are wanting to expand but without people we are being held back. This puts a lot of pressure on us."* (Respondent MH4)
- *"Inability to get and keep labour is the main reason we are looking at selling".* (Respondent MH8)

4. Dairy farmers invest time and money in training workers which is lost if the workers have to leave after 4 years.

Dairy farmers invest a large amount of time and money training workers on their farms, even if the worker comes with a high level of skills. If the worker has to leave after 4 years, this investment is lost.

Dairy farmers value and invest in education and training for themselves and their workforce.

Of those surveyed in The Power of People on Australian Dairy Farms 2017, 57% of farms attended industry training and/or education in the last 12 months and of this number, 59% of farm businesses reported improvements in staff effectiveness and efficiency, while 40% of businesses made changes or improvements as a result of training.²⁵

It is worth noting that 75% of larger farms in the report (501+ cows, n=40) reported that education, training and events had a positive impact on workforce efficiency and effectiveness on-farm.²⁶

The following responses to the August 2018 Dairy Australia interview question *"Is permanent residency something you would like to support for your overseas workers at the end of their current term? Please provide comment on the reason"* are instructive:

²⁵ Dairy Australia 2017. The Power of People on Australian Dairy Farms 2017

²⁶ *ibid*

- *"We invest a lot of time in training people up to what our needs are on the farm whether they come with qualifications or not. The longer they are here, the more valuable they are to us. It always costs us money if we have to recruit. If we are going to lose them after 4 years then this is all wasted".* (Respondent MH3)
- *We put a lot of time and effort into training people even if they come with training and experience and we need continuity. It is vital that they can see a pathway to settle permanently in the community with their families".* (Respondent MH4)
- *"We spend a lot of time training and to then lose them is a huge burden on us resource wise."* (Respondent LH1)

5. There is an international shortage of skilled dairy farmworkers.

With dairy deregulation in the EU, many dairy farms across Europe are expanding through leasing land and other growth strategies. Added to this is the growth in dairy exporting countries such as New Zealand and the increased importance of skills and experience in dairy supply managed countries like Canada.

Therefore, competition for dairy skills, particularly middle and managerial skills, is international. This is further exacerbated at the 'skilled manager' level with dairy competing for skills that are also desired by other sectors of the economy such as banking and finance. Together this means the dairy sector and governments need to put in place attraction, retention and training initiatives with international competition in mind.²⁷

The following responses to the August 2018 Dairy Australia interview question *"Is permanent residency something you would like to support for your overseas workers at the end of their current term? Please provide comment on the reason"* are also instructive:

- *"We need to be clear that we are competing on a world market with such countries as NZ and Canada."* (Respondent MH8)
- *"We have heard that there is an international shortage of dairy workers so clearly they would go where they have the opportunity for permanent residency rather than here."* (Respondent MH6)

6. A pathway to permanent residency is a key reason why overseas workers seek to work in Australia rather than another country.

A pathway to Permanent Residency is a key reason why skilled migrant employees choose Australian dairy farms as their work place over other countries.²⁸ It is equally not surprising that a number of

²⁷ Nettle, R. (2018) International trends in farm labour demand and availability (and what it means for farmers, advisers, industry and government). International agricultural workforce conference, Teagasc Moorepark Dairy research levy update (Series 36), July 10, Radisson Blu Hotel, Cork, Ireland.

²⁸ Skilled migrant workers in the Australian dairy industry: farm owners and migrant worker perspectives on constraints, opportunities and future workforce dynamics (unpublished – K Salgado, University of Melbourne).

dairy farmers have indicated that overseas workers are very important and a long term strategy for the business, reflecting recent analysis by The Regional Australia Institute.^{29,30}

A current PhD study into the role of skilled migration in the dairy farm workforce, supported by a Dairy Australia scholarship, has found skilled migrants fulfil an important role in farm management for farms in different business stages (growing; consolidation; winding down) and in geographically remote locations. Further, the length of tenure and experience gained, benefits both the farm and the aspirations of the skilled migrant for permanent residency and increased farming experience.³¹

Further research from the same PhD study details migrant employees' intentions relating to working on dairy farms, permanent residency or return home.

Twenty dairy farms employing skilled migrants were studied as case studies of the processes involved in the attraction and retention of skilled migrants in dairying. Nine skilled migrants were interviewed and the results are provided in Attachment 'B' below.

Most of the skilled migrants interviewed as part of the study were attracted by the potential to achieve permanent residency, higher salary and standard of living in dairying in Australia (compared to their own country or other countries like New Zealand) and were keen to develop skills and remain in dairying (6/9 employees). Other respondents were interested in gaining experience and skills in dairying to apply when returning to their home country (3/9). See Annexure 'B'³².

- *"looking for an opportunity of staying here and become a resident", (Employee 1)*
- *"The reasons we are working on this dairy farm are a lot more opportunities in Australia compared to the UK or Europe. So yes, just opportunities for us", (Employee 5 - Seeking permanent residency. Manage and own a dairy farm in Australia.)*
- *"I wanted to learn things like the Australian dairy farming standards. [...] start my own business in future". (Employee 6 - Skill development and continue in dairy farming)*

One hundred percent of respondents answered "Yes" to the August 2018 Dairy Australia interview question *"Is permanent residency something you would like to support for your overseas workers at the end of their current term? Please provide comment on the reason."*

²⁹ Collins, J., Krivokapic-Skoko, B. and Monani, D., 2017. New Immigrants Critical to Australian Agriculture, Australian Farm Institute, *Farm Policy Journal Vol. 14 No.1*, Autumn Quarter.

³⁰ The Regional Australia Institute 2017. *The missing workers: Locally-led migration strategies to better meet rural labour needs*. Canberra, The Regional Australia Institute.

³¹ Skilled migrant workers in the Australian dairy industry: farm owners and migrant worker perspectives on constraints, opportunities and future workforce dynamics (unpublished – [S. 47F\(1\)](#) University of Melbourne).

³² Salgado, K I (2018) Summary of the skilled migrant experience on Australian dairy farms – report to Dairy Australia, University of Melbourne, Melbourne, Australia. Attachment 'B'

The following are some of the comments:

- *"Absolutely. Permanence is vital. It is the main reason they come here. I believe that I can guarantee that every employee I get from overseas will want to stay. I have a person who came on a 457 visa years ago and they are still with us today. We offer a stable work environment with opportunity to increase skills and become a part of a team with a pathway to management who is valued. The cost of living in a rural area is cheaper than the city and they can bring their family and become a part of the community".* (Respondent MH1)
- *"Definitely. Our current Labour Agreement worker is really worried about his future. He loves it here and his wife loves it and has a job locally and they do not want to have to leave. If there was permanent residency it would definitely encourage people to come and to stay and be a part of the local community."* (Respondent MH7)
- *"Absolutely. All 3 of the overseas workers we had had permanent residency as their ultimate goal. We had 2 vet trained workers from the Philippines who were committed to farming as their qualifications were not recognised here. They wanted to stay on the farm."* (Respondent MH8)
- *"I cannot stress how important this is - it is vital that the worker be able to have potential for long term work so that they can bring their family here and settle in the area and support the local community. We spend a lot of time training and to then lose them is a huge burden on us resource wise."* (Respondent LH1)
- *"Definitely. The situation will not change in our lifetime. We just cannot get the staff with skills in rural communities. There is competition with other industries and also with other farms. Potential employees have lots of choice for jobs as there are so many available."* (Respondent LH4)
- *"Our Labour Agreement worker desperately wants permanency. He is committed to farming and hates city life so we do not think that we would lose him to the city if he got permanent residency. It is a huge upheaval for people to travel to another country for work and we would struggle to get people if there was no hope for permanent residency."* (Respondent MH6)
- *"Absolutely. Our best example of this is a worker who has worked and saved and now wants to put down roots and buy land and build a home but without permanent residency he cannot do this. If they have no hope of permanent residency they will go elsewhere."* (Respondent LH3)

7. Permanent overseas workers settle in regional and rural communities and reinvigorate these communities.

Growing the rural labour work force through migration is one way the dairy industry considers it can address the current skills shortage. Skilled migrant settlement in rural areas provides an important pool of labour for dairying and this requires clear strategic policy development by government.

Immigrant farmers not only fill labour shortages, but they also bring with them new technological insights gained overseas to apply to Australian farming and are an asset to the rural community in a multitude of areas beyond the farming business.^{33,34}

As described in the recent Regional Australia Institute analysis, the visa system needs to better reflect local labour needs. That report calls for a clear and consistent policy for migrant settlement in Australia 'to recognise and meet local labour needs in rural areas' (p.10).³⁵

A result where the ambitions of skilled migrants are well matched to dairy farm skills requirements will yield the most productive outcome for all parties. Comments spontaneously provided by respondents to the August 2018 Dairy Australia interviews are detailed below:

- *"..... They want to integrate into the community and make their home here."*
(Respondent MH6)
- *"They want to participate in the local community and they use the schools and the sporting clubs and help to revitalise the community- supermarkets banks shops etc. It is a win-win situation for the whole community."* (Respondent MH4)
- *"People want to know that they can settle into the community and bring their family. This has good flow on effects in the local community. The type of people who will want to work on dairy farms would not want to live in the city so we do not believe that there is any risk that we will lose them to the city once they get permanent residency."*
(Respondent MH2)

In response to the prompt *"The government has expressed concern that if people get permanent residency they will leave the rural area and move to the major cities. What is your response to this?"* the following response was typical:

- *"There is no logic to the assertion that they will commit 4 years to dairy farming and an area and then up and leave for the city - if anything they would go to another farm. If you look around the Finley community, there are a lot of overseas workers and it has reinvigorated the community providing support for local businesses and the community."* (Respondent MH3).

³³ Collins, J., Krivokapic-Skoko, B. and Monani, D., 2017. New Immigrants Critical to Australian Agriculture, Australian Farm Institute, Farm Policy Journal Vol. 14 No.1, Autumn Quarter.

³⁴ The Regional Australia Institute 2017. *The missing workers: Locally-led migration strategies to better meet rural labour needs*. Canberra, The Regional Australia Institute.

³⁵ Ibid.

SUMMARY

There is a well-documented and widespread shortage of skilled labour in the dairy industry at all levels, from entry level to Farm Manager level, which is expected to prevail for the foreseeable future.

The temporary skilled visa programme does not completely address the long term shortage of skilled dairy farm workers. It is submitted that a pathway to permanent residency for Dairy Industry Labour Agreement TSS visa holders will add value to the current programme for dairy farmers who invest significant time and resources into training overseas workers who currently, must leave the country after 4 years.

It is further submitted that a pathway to permanent residency would assist in addressing the well documented shortage of managerial employees by enabling TSS visa holders whose skills have increased to move into management roles.

Evidence obtained by Dairy Australia and others clearly shows that permanent residency is a key reason why overseas workers seek to work in Australia rather than another country enabling Australia to compete favourably in a tight international labour market. In addition, overseas workers settle in regional and rural communities and reinvigorate these communities.

The dairy industry needs certainty to enable growth and future prosperity. The provision of a permanent residency option for TSS visa holders under the Dairy Industry Labour Agreement is a critical component for future dairy industry growth, workforce planning and rural prosperity.

ATTACHMENT 'A'

EFFORTS TO ADDRESS THE SKILLS SHORTAGE AUSTRALIAN DAIRY INDUSTRY TRAINING PROGRAMMES

The dairy industry is investing strategically to address the skills shortage.

The dairy industry has long recognised that people are the fundamental driver of farm business success, and that being able to attract the right people, manage them effectively and provide career and wealth creation opportunities is essential for the long term viability of the industry.

The dairy industry is working hard to address the skills shortage and continues to invest in initiatives to build workforce planning and capability across the industry.

However, given the size of the industry, it will take considerable time to correct the documented skills shortage with suitably qualified Australian workers. In the meantime, dairy farmers will continue to struggle to staff their businesses with skilled workers and therefore need to have reliable access to skilled overseas workers.

Despite a growing number of tertiary graduates in agriculture the number of positions available still far outstrips the number of graduates. Added to this is the fact that not all graduates take up employment in farming, with other sectors such as banking, the service sector and agronomy competing for the pool of graduates.³⁶

The changing nature of skilled work on an Australian dairy farm, along with an increasing number of employees has highlighted the need for a robust training and development system that can provide effective training for new employees. It has also highlighted the need for development programs for employers to assist them with managing and developing their staff, as these are skills they have not had to utilise previously. The dairy industry aims to ensure dairy farmers can build their capability and have access to people with the required skills to manage a complex dairy system and support the technical advancement of the industry, through providing a range of programs and support to dairy farmers.

Dairy industry investment in skills, training and development are summarised in the following table.

Dairy Australia - People and Capability, Farm Profit and Capability Group	<p>The People and Capability team provides strategic and operational support for the development and implementation of workforce development strategies and actions across the dairy industry supply chain.</p> <p>Dairy Australia manages the governance framework on behalf of industry, through supporting a Dairy Industry People Development Council, regional Education Advisory Committees and other networks. It provides resources to improvement projects, research, networking, conferences and other national activities.</p> <p>The People and Capability team also works extensively with regions and farmers to improve the attraction and retention of staff on dairy farms.</p>
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³⁶ Australian Council of Deans of Agriculture- Senate Enquiry 2011. *Higher education and skills training to support future demand in agriculture and agribusiness in Australia*, November 2011.

	<p>Dairy Australia's annual operating plan for Strategic Priority 2 – Capable People has allocated \$15.1M to this important area in the current budget.</p> <p>These funds are specifically allocated to Education and Extension programs, developing farmer and employee capability, farm safety and ensuring development and career pathways are available and supported throughout the industry.</p> <p>The investment in developing skills and capability is largely funded through the annual levy dairy farmers pay to Dairy Australia. Additional funding is provided through matching R&D funds through the Federal Government.</p> <p>Dairy Australia uses this levy to fund research and development, and it is also used to fund the training initiatives referred to below directly, as well as contributing funds to the delivery of programs through collaborating Registered Training Organisations which are in turn supported through State and Federal Government training funds.</p>
DairyLearn ³⁷	<p>Implemented in 2018, DairyLearn has been developed to give more dairy workers access to high quality dairy education and consistent, up to date resources developed by Dairy Australia and delivered by qualified educators through an expanded network of providers, including Registered Training Organisations (RTOs), in all dairy regions. This network is known as the DairyLearn Provider Network.</p> <p>DairyLearn utilises an online information hub (the DairyLearn portal), which ensures dairy industry knowledge, information papers and training resources are up to date, and accessible for all DairyLearn Provider Network members. Partner RTOs have the opportunity to lever off the learning resources and expertise developed on behalf the industry and jointly funded by Dairy Australia and other industry organisations.</p> <p>The industry has directly invested in:</p> <ul style="list-style-type: none"> • Developing and delivering dairy specific education and training curriculum across Australia including the support of e-learning delivery; • Establishing and building strategic relationships with key bodies in the education sector; • Developing and supporting effective DairyLearn governance; • Providing partner RTOs with access to dairy industry regional education and extension committees; • Developing and enhancing a national network of RTO providers; • Providing industry responsive development and extension programs to complement VET programs; • Supporting the development of dairy specific learning resources especially at higher level VET courses; • Providing the DairyLearn network partners with access to highly quality industry credible trainers. <p>The DairyLearn model has assisted RTOs in building stronger relationships with the dairy industry both at a strategic and local or operational level. It has</p>

³⁷ <https://www.weeklytimesnow.com.au/agribusiness/dairy/dairylearn-education-push-into-schools-steps-up/news-story/af10e6a8dd7294ad5113ce65a8cbe34>

	<p>also provided a clear direction for farmers wishing to provide industry relevant training for their employees.</p> <p>Each year a full suite of qualifications are offered through DairyLearn partners ranging from school based apprenticeships, traineeships and VET in schools to Certificate II in Agriculture through to Advanced Diplomas in Agriculture and Agribusiness.</p> <p>The dairy industry has developed a complete career path structure which links these qualifications with positions on farm, and this structure articulates the skills and knowledge required to competently manage and operate a dairy farm.</p> <p>These qualifications are offered throughout Australia, and the higher level qualifications are offered by distance learning utilising supported webinars and teleconferencing.</p> <p>The full range of qualifications and competencies are explained in the education guide.³⁸</p>
Short Courses	<p>In addition to full qualifications, DairyLearn providers also offer a number of specific short courses that target industry priority areas. These include:</p> <ul style="list-style-type: none"> • Artificial Insemination – technical and theoretical aspects of AI; • Work Health & Safety - programs developing on farm technical skills, emergency response, WH&S and supervision and staff management; • Emerging Dairy Leaders – first level leadership program; • Developing Dairy Leaders – second level leadership program; • Cups On Cups Off - this program demonstrates how to control mastitis and achieve high quality milk; • Rearing Healthy Calves - this program covers all aspects of caring for calves from pre-calving through to weaning.
Regional Program Delivery	<p>Dairy Australia provides funding and support to deliver its services to regions through a mix of:</p> <ul style="list-style-type: none"> • Regional Development Programs (RDPs); • Regional staff (extension coordinators, workforce support extension officers); • National programs (e.g. Land, Water & Climate; Animal Fertility and Health; Feedbase & Animal Nutrition; Workforce Development; Farm Safety; Large Herds; Careers; Young Dairy Network; Farm Business Management) generally coordinated by the RDPs and delivered regionally through consultants, government agencies and RDP staff; • DairyLearn partners; • Co-funding of government dairy extension services where appropriate. <p><i>Regional Development Programs</i></p> <p>Dairy Australia set up eight Regional Development Programs (RDPs) in the 1990s to cater to regional needs. While RDPs receive core funding and</p>

³⁸ <https://www.dairyaustralia.com.au/-/media/dairyaustralia/documents/farm/people/education-and-careers/education-for-the-dairy-industry.aspx?la=en&hash=243E11FE258C13C01C8B7AC4A5E4C5B13C597912>

	<p>support from Dairy Australia, they are independent entities who set their own priorities for program delivery.³⁹</p> <p>Examples of programs being run by the RDPs include:</p> <ul style="list-style-type: none"> • Summer Feeding & Autumn Planning: paddock rotation, feeding policies, management of sick cows, pink eye, frequency of weighing and checking overall health of heifers and includes a farm walk. • Financial Literacy: A five day program delivered over 5 sessions. These workshops are designed specifically for those who carry out the farm business bookkeeping, who want to step up their financial literacy and build their networks. • Mental Health First Aid: Learning to recognise the signs and symptoms of common and disabling mental health problems that may be present in your farming community. Participants learn how to provide initial help, where and how to encourage a person to seek appropriate professional help, and how to provide first aid in a crisis situation. • Cow Health & Fertility: the five day program works on ways to improve the farm's cow health and fertility performance. • Countdown 2020: The latest developments in mastitis and milk quality management. • Field Training Days: An example program is the Feeding Pastures For Profit (FPFP). This is a well-known and respected program which has increased profitability on many dairy farms and makes paddock and feed allocation simple and easy to use. It is aimed at farmers, share farmers and workers who make the daily decisions about pasture and supplementary allocations. • Focus Farms: This program focuses on a farming family or enterprise and aims to improve operating surplus through improved understanding of operational costs and by maximising home grown feed and reducing fixed costs. This is achieved by close monitoring of farm activities and expenditure. The Focus Farm gets support from an experienced farm consultant, who acts as a group facilitator and a support group made up of farmers and local service providers.
Dairy Discussion Groups	<p>Discussion groups are held in all dairy regions across Australia.</p> <p>The group may have either a specific focus (e.g. mastitis) or may wish to cover a number of topics throughout the year. Groups can be established to solve a particular problem within a short time frame (called a Learning Group) or can be ongoing.</p> <p>Many discussion groups are supported by farmer levy through Dairy Australia. They are coordinated through the RDPs and Dairy Australia's Regional Extension Officers, and often use local consultants as facilitators for the groups.</p>
The People in Dairy Program	<p>The success of today's dairy farm business depends on how people are deployed, managed and developed.</p>

³⁹ https://www.dairyaustralia.com.au/renew_region=All

	<p>The People in Dairy program is fully funded by farmer levy through Dairy Australia and has developed a suite of tools and development programs to assist farmers to be better people managers.</p> <p>This well regarded program has successfully reframed thinking around the diverse ways in which people function within the whole-farm system as farmers, managers, farm workers, new entrants or advisers, of both individual farm businesses and the wider industry context. It also provides information and support regarding transition and succession planning.</p> <p>The People in Dairy program also maintains a website www.thepeopleindairy.com.au, where tools, templates, guidelines and case studies are maintained.</p> <p>This site has become a valuable resource for the industry with over 65,000 downloads from the site annually.</p> <p>As part of this program, a Diploma of Human Resources (Dairy) is offered biennially by Dairy Australia to dairy farmers and service advisors with over 150 graduates to date.</p>
ESKi	<p>Dairy Australia has released an Employment Starter Kit initiative (ESKi) that explains in plain language, all the things that farmers need to know to successfully employ new staff. This quick reference guide ensures that farmers are not only compliant with the legal aspects of employment, but can also implement good employment practices to recruit, induct and develop their staff.</p> <p>Since its launch, more than 2,500 dairy farmers have requested the Employment Starter Kit guide, in addition to accessing the latest information online.</p> <p>Feedback from farmers and has prompted increased interest in further human resource development training opportunities.</p>
Careers Support	<p><i>Cows Create Careers (Farm Module) program</i></p> <p>Dairy Australia maintains an extensive careers support program to encourage young people into farming and then support their career development – a national project since 2009 which commenced in 2004.</p> <p>This commences with the Cows Create Careers program, which is a secondary school program in operation across Australia.</p> <p>Cows Create Careers program introduces students to dairy farming, food processing, technical and research areas and promotes the many career opportunities in the dairy industry.</p> <p>The program introduces careers in the dairy industry through a fully supported curriculum program that includes farmers and advocates coming into the schools to discuss dairy careers as well as the opportunity to have calves in the schools for an intensive 3 week program.</p> <p>Each year 13,000 students participate across 23 dairying regions. In 2017, 700 students indicated interest in experience; 446 in post-school dairy career and 1,700 students interested in dairy as an option. 90% of students improved their understanding of where to source dairy career information. 80% of the schools involved are retained in the project.⁴⁵</p>

	<p>Dairy Australia also supports regional workforce coordinators who advise students on potential opportunities and connect employers with trainees, Australian Apprenticeship Centres and training through the DairyLearn network</p> <p><i>Stepping Stones – Career planning</i></p> <p>Dairy Australia has also developed a Stepping Stones which is a career planning resource which outlines the different ways that a young person can enter the industry and gives advice on the training available, the typical pathways that a person can follow in their career. This is supported by actual case studies of people who have entered and progressed through the industry.</p> <p>Regional versions are available: www.thepeopleindairy.org.au/steppingstones</p>
Young Dairy Network Australia	<p>The Young Dairy Network Australia (YDNA) is a network of young dairy farmer groups across Australia. These YDNA groups conduct training and development activities in their regions that are specifically targeted at younger farmers and employees and cover a range of areas from technical farming topics through farm business management and leadership.</p> <p>The network is supported by Dairy Australia and each area also gathers support and funding from local and national sponsors.</p>
Dairy industry development opportunities	<p>There are also development opportunities for dairy farmers offered externally (e.g. some are sponsored by Gardiner Dairy Foundation):</p> <ul style="list-style-type: none"> • Rabobank's Executive Development Program & Farm Managers Program • Milk processor development programs and resources • Large farm internship programs <p>Additional programs are aimed at attracting undergraduate and post-graduate students into dairy, for example:</p> <ul style="list-style-type: none"> • Murray Dairy's intern program, offering work experience across the industry to agriculture and agribusiness undergraduate students • Dairy Australia's Horizon Scholarship for undergraduate students: includes work placements and industry engagement opportunities • University of Sydney's Dairy Research Foundation conferences and student support • Large-scale collaboration with DEDJTR, industry bodies and commercial partners in Dairy Futures CRC and DairyBio includes support for post-graduate students with scholarships, specialist research training (DEDJTR / universities) and industry engagement including mentoring, leading to 50% continuing to work for the dairy industry after graduation • Engagement with university careers days and events for undergraduates nationally • University of Melbourne dairy residencies for veterinary students.

ATTACHMENT 'B'

PhD project: The attraction and retention of skilled migrants in the Australian dairy industry
s. 47F(1) [REDACTED], University of Melbourne 2018

Report to Dairy Australia: Summary of skilled migrant goals from skilled migration onto Australian dairy farms

- Semi structured interview with skilled migrant employees on Australian dairy farms (2015-2016)
- Human Research Ethics Approval no: s. 47F(1) [REDACTED]

Skilled migrant employee	Reason for coming to Australia	Future intent of skilled migrant
Employee1 (20/11/2015) Philippines	"looking for an opportunity of staying here and become a resident",	Seeking Permanent residency
Employee2 (17-11-2015) Nigeria	"I was really interested, because I was very keen to see maybe to get a bit of more knowledge of the way they do it here and then to use their ideas and their skills, to sort of improve my grandfather's dairy farm, so in a sense so that is actually what motivate me to come over here so in the first time" "improve myself by learning [...] I believe [...] you never stop learning"	Return to Nigeria to improve family dairy farm Skill development and Continue in dairy farming
Employee4 (20/11/2015) Philippines	"I want to move to Australia because I know that the pay or the salary in Australia is much higher" [than NZ]	Seeking higher salary
Employee7 (24/6/2016) Philippines	"we want a good living, good salary, so we went to another country to pursue all of this"	Improve living standards
Employee5 (10/11/2015) United Kingdom	The reasons we are working on this dairy farm are a lot more opportunities in Australia compared to the UK or Europe. So yes, just opportunities for us",	Seeking permanent residency Manage and Own a dairy farm in Australia
Employee8 (22/06/2016) Philippines	"because of the bigger salary that I can get, compare to my country"	Seeking higher salary
Employee3 (15/11/2015) Philippines	"because my visa was 457 just work for four years, I tried to finish the four years and then save some money and then go back to the Philippines"	Return to home country
Employee9 (22/6/2016) Philippines	"It depends on my physical abilities because I am already older. I am already 49 and I will stay here next year or maybe in two years or maybe"	Continue on dairy farming and long term employment
Employee6 (19/11/2015) India	"I wanted to learn things like the Australian dairy farming standards. [...] start my own business in future"	Skill development and Continue in dairy farming

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Australian Government
Department of Home Affairs

Submission

For decision

PDMS Ref. Number MS19-003023

To Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

Subject Options for streamlining Designated Area Migration Agreement (DAMA) processes

Timing At your convenience.

Recommendations

That you:

1. note the current multi-stage framework for labour agreements under a DAMA; and noted / please discuss
2. indicate your preferred option for streamlining the DAMA process:
 - a) develop and implement a short standardised declaration form for employers that limits evidentiary documentation to be collected and assessed by Designated Area Representatives; and/or agreed / not agreed / please discuss
Not
comm.
 - b) consider a further submission providing legislative options to streamline labour market testing for DAMAs. agreed / not agreed / please discuss

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

22(1)(a)(ii)

Signature

Date: 18/10/2019

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Minister's Comments				
<i>See comment at Attachment C.</i>				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

1. Your office requested advice on options for streamlining employer's processes for obtaining employees under a DAMA.
2. A DAMA involves a multi-step process. A summary of what is involved in each stage of a DAMA, and the roles and responsibilities of each party is set out at paragraphs 15 to 21 below and at **Attachment A**.
3. The Department of Home Affairs does not currently prescribe how a Designated Area Representative (DAR) should assess employers' requests for endorsement and the information requested by each DAR may vary from region-to-region.
4. Feedback from employers indicates that some DARs may be taking a stringent approach when assessing the status of the requesting business and to labour market testing (LMT), which may be generating additional administrative impost on employers. Reducing the information and documentation provided to each DAR would reduce the upfront administrative impost on employers seeking workers under a DAMA.
5. Options to streamline DAMA processes include the following:

Option a) – Develop and implement a short standardised declaration form that reduces evidentiary documentation to be collected and assessed by DARs

6. The Department in conjunction with existing DARs, can work toward implementing a short standardised declaration form that reduces evidentiary requirements on the requesting business at endorsement stage. Some DARs already use a declaration form as part of their endorsement process (See Immigration South Australia *Request for Endorsement Application Declaration* at **Attachment B**).

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7. This declaration would require all businesses seeking endorsement to make a written attestation that:
 - their business is lawfully operating, financially viable and of good standing;
 - positions to be filled with overseas workers are genuine;
 - recent and reasonable attempts to test the labour market have been made in line with Labour Market Testing (LMT) requirements;
 - overseas workers will receive pay and conditions no less than what an Australian would receive undertaking the same work; and
 - their business has and will continue abide by all relevant State and Commonwealth laws (i.e. workplace relations; superannuation; work, health and safety, and migration provisions).
8. A draft standardised declaration is provided at **Attachment C**, noting that this will need to be legally cleared.
9. Employers already make legally binding commitments – with associated penalties and sanctions – under the labour agreement and nomination processes.

Risks and issues

10. Using a declaration form to limit what each DAR considers would shift some of the assessment, and associated risks, to the Department at the Labour Agreement and nomination stage. This may increase departmental effort/costs or processing times.
11. While some DARs may welcome a standardised declaration, it is also possible that DARs will:
 - have concerns about reputational risk if endorsed businesses are refused later in the process—i.e. at nomination application stage, where nomination fees and the Skilling Australians Fund (SAF) levies are not eligible for a refund; and/or
 - not wish to modify existing processes and resourcing and their capacity to respond to changes to DAMA process may vary.

Implementation: next steps

12. An implementation timeline is provided below should you be minded to agree to Option a).
 - *Week commencing 14 October*: Engage existing DARs on streamlining evidentiary requirements.
 - Provide draft declaration form.
 - Provide guidance around minimum evidentiary requirements
 - DARs will need to update their own websites and forms to incorporate changes.
 - *From 28 October*: Establish DAR Community of Practice to support and improve the take-up of DAMA places.
 - *End of October 2019*: Implement the declaration.

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- *From quarter 1 2020: Modify DAMA head agreements through Deed of Variation as part of 12 month review of current DAMAs to cover the above.*

Option b) – Consider a further submission providing legislative options for streamlining labour market testing requirements for DAMAs

13. The Department could provide a separate submission on potential legislative changes to streamline the assessment of DAMA applications, for example, by streamlining applicable labour market testing requirements. Such a submission would detail the risks and benefits of any options.

Risks and issues

14. Any such options would require considerable lead time due to the need for legislative and systems changes. Regulation and systems changes would likely not be possible before June 2020.

Background

Designated Area Migration Agreements

15. A DAMA is a formal agreement between the Government and a regional, state or territory authority to provide a defined geographic region with access to a broader range of overseas workers than is available through the standard skilled migration programs. DAMAs provide access to overseas workers for vacant skilled or semi-skilled occupations that cannot be filled by Australian workers from the local labour market.
16. A DAMA involves a two-tier framework prior to the employer nomination and visa application stage, comprising:
 - an overarching five-year deed of agreement between the Commonwealth and the DAR; and
 - Individual Labour Agreements with employers (DAMA Labour Agreements).
17. Once a DAMA has been negotiated and agreed for the designated area, local employers who have been endorsed by the DAR, can apply to enter into individual labour agreements with the Australian Government.
18. DAMA Labour Agreements utilise the TSS visa and, where permanent residence is available, the ENS visa programs.
19. All DAMA Labour Agreement requests and applications receive priority assessment under Ministerial Direction No 82. While the Department facilitates the establishment of DAMAs and streamlined processing of nominations and visa applications, once received, the multi-stage nature of the DAMA process involves multiple areas where delays can be experienced. Some aspects of the Temporary Skill Shortage (TSS) nomination/visa process are legislated and cannot be easily streamlined without legislative change.
20. The requirement to be in an approved region and be endorsed by a DAR is unique to DAMA Labour Agreements.
21. A summary of all assessment stages for a DAMA is at **Attachment A**.

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DAR Endorsement

22. The Department does not prescribe how a DAR should assess employers requests for endorsement, however, it does require that businesses clearly demonstrate to the DAR that:
- they will satisfy agreed terms and conditions codified within each head agreement;
 - they have made, and will continue to make, reasonable efforts to recruit Australian citizens and permanent residents before seeking to nominate any overseas workers; and
 - the use of a DAMA will support the program's objective of addressing critical skills shortages in the region.
23. The DAR conducts its assessment to verify the following:
- the employer has been operating in the region for more than 12 months and is financially viable;
 - the requested occupation and concessions are available under the DAMA and maximum ceiling numbers have not been reached;
 - the requested occupation and numbers make sense within the regional labour market context;
 - there is a genuine vacancy and labour market testing has been conducted;
 - recent changes to workforce composition (redundancies or retrenchments);
 - terms and conditions of employment are reasonable and lawful;
 - concessions are reasonable with regard to current labour market conditions in the region and will not undermine overseas worker's ability to support themselves or lead to exploitation; and
 - any adverse information about the employer.
24. Before a Labour Agreement request can be considered by the Department, the DAR provides the Department with a Letter of Endorsement covering all of the above issues.

DAR Endorsement application fee

25. In some cases, the DAR will charge fees to regional employers on a cost-recovery basis for assessment and endorsement services provided. The NT and SA governments absorb the costs associated with the DAR endorsement process.
26. The Great South Coast (GSC) DAR charges a fee for processing a request for endorsement. The fee is non-refundable and is as follows:
- \$600 (plus GST, if applicable) per nominee if business turnover is less than \$10 million per annum; and
 - \$900 (plus GST) if turnover is more than \$10 million p.a.

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Feedback from Earth and Water Technologies

27. Your office was recently made aware of the concerns of a Victorian business, s. 47F(1) are currently in the process of obtaining DAR endorsement and they have raised the following issues.
- The resource and time impost on the business was excessive.
 - LMT evidentiary requirements are too stringent.
 - DAMA settings—such as the transitional requirement to spend three years on a temporary skilled visa to be eligible for a permanent skilled visa—are not clear.
 - The costs associated with applying for DAR endorsement, and the lack of a refund should the request be unsuccessful, are unreasonable.
 - The process involves bureaucratic language that is 'unfamiliar' to people without substantial experience utilising Australia's visa programs.
28. Your office provided the Department of Home Affairs with s. 47F(1) feedback about the DAMA process, referred by the office of the Hon Dan Tehan MP, Minister for Education. A summary of the feedback from s. 47F(1) is at **Attachment D**.

Consultation – internal/external

29. Migration Planning and Visa Policy Branch has been consulted. Visa Business Optimisation Branch has been consulted regarding the schedule for potential systems changes.

Consultation – Secretary

30. The Secretary has not been consulted.

Client service implications

31. N/A.

Sensitivities

32. The information contained in this submission is classified and should not be publicly released without the authority of the Department of Home Affairs. In accordance with our long standing practices, should you wish for unclassified media lines to be prepared in relation to this issue please contact the Home Affairs Media Coordination team – media@homeaffairs.gov.au.

Financial/systems/legislation/deregulation/media implications

33. Option b) would require legislative and systems changes.

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Attachments

Attachment A Summary of assessment stages for a DAMA.

Attachment B Immigration South Australia *Request for Endorsement Application Declaration*.

Attachment C DAMA DAR Endorsement Application Declaration – draft.

Attachment D Summary of feedback from S. 47F(1)

Authorising Officer

Cleared by:

22(1)(a)(ii)

First Assistant Secretary
Immigration Programs Division

Date: 16 October 2019

Ph: 22(1)(a)(ii)

Contact Officer 22(1)(a)(ii), a/g Assistant Secretary, Skilled and Family Visa Program, Immigration Programs Division,
22(1)(a)(ii)

CC Secretary
Deputy Secretary, Immigration and Settlement Services Group
Acting First Assistant Secretary, Immigration and Community Protection Policy Division

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Attachment A – Summary of assessment stages for a DAMA

Stage	Regional representatives / DAR	Employer	Department	Nominee
DAMA business case and negotiation (head agreement)	Regional representative body (i.e. State or Territory Government, regional chamber of commerce) negotiates with the Department to establish overarching DAMA settings (i.e. approved occupations, nomination ceilings, concessions).	DAR consults with regional employers when developing business case.	Negotiates with regional representative body to establish overarching DAMA settings (i.e. approved occupations, nomination ceilings, concessions).	No role.
DAR endorsement	Assesses all information provided by employer seeking DAMA LA and advises the Department in writing where endorsement is given. Note: While LMT evidence is considered at this stage, DARs are not required to strictly assess legislative requirement—DARs should not, however, endorse a business that fails to demonstrate reasonable efforts to recruit Australians.	Provides information to DAR based on DAR endorsement criteria that supports their case for endorsement to utilise a DAMA labour agreement.	No role.	No role.
LA request	No role.	Completes on-line DAMA labour agreement request form and uploads evidentiary documentation.	Assesses all information and evidentiary documentation provided by the employer and DAR endorsement.	No role.
Nomination and visa application	No role.	Submits nomination application and provides evidentiary documentation to satisfy legislative and other requirements specified in labour agreement.	Assesses all information and evidentiary documentation provided with nomination and visa applications — this includes an assessment of LMT against legislative requirements at nomination stage.	Submits visa application and provides evidentiary documentation to satisfy legislative and other requirements as specified in labour agreement.

- The DARs do not want to endorse a business only to have the Department refuse them at the Labour Agreement/nomination. All reasonable efforts are made to ensure that businesses receive endorsement on their first attempt and do not have to pay further fees should they need to re-apply.
- Detailed information is available on the GSC DAR's website regarding the process to obtain a DAMA and what is available under a DAMA.

Request for Endorsement Application Declaration – Designated Area Migration Agreement

I declare that:

- I have read and understood the information provided to me in support of this application, including the Terms and Conditions
- I am aware of the relevant requirements and obligations under Migration Legislation
- I am providing complete and correct information in my application and attachments, including requirements related to:
 - Lawfully operating in South Australia for more than 12 months
 - Business is financially viable
 - Recent changes in workforce
 - Concessions requested do not undermine Overseas Workers ability to support themselves and do not lead to exploitation
 - Any adverse information about me as the employer, including any associated entities or previous entities investigated or audited in the past 5 years.
- I understand that any fraudulent documents, false or misleading information provided with this application, may lead to revocation of endorsement and Home Affairs will be notified.

Following endorsement, I understand that:

- I will inform Immigration SA/Designated Area Representative (DAR) when the nominee(s) have been recruited and prior to visa application being lodged with the Department of Home Affairs to:
 - Ensure the employee / nominee has relevant skills and qualifications for the position requested, and
 - Provide the visa nominee and respective applicants the Settlement Support Information Package.
- I authorise the DAR to make enquiries necessary to verify information provided to support the endorsement requirements
- I will participate in surveys, updates, monitoring and evaluation activities as determined by the DAR (Immigration SA)
- The South Australian Government may collect, use and disclose the applicants personal information as outlined in the Privacy Statement
- A positive DAR endorsement does not guarantee Department of Home Affairs approval of a DAMA Labour Agreement request.

s. 47F(1)

Full name	
Position	
Organisati	
Date	

s. 47F(1)

Signature

--

Designated Area Migration Agreement (DAMA)
Request for Endorsement Application Declaration

I declare that:

- I have read and understand the information provided to me in support of this application, including the Terms and Conditions and Privacy Statement.
- I am aware of and capable of meeting the relevant requirements and obligations under Migration Legislation.
- My business is financially viable and has been lawfully operating in the designated area for at least 12 months.
- I have genuinely sought to recruit, within the period specified by the Commonwealth, Australian citizens or permanent residents to fill the positions locally.
- I am looking to employ overseas workers to fill genuine full-time positions located in the designated area with duties that align with occupations on the approved list of occupations.
- My business has not had any redundancies or retrenchments during the last six months.
- I will provide terms and conditions of employment to overseas workers that are in accordance with those offered to Australian workers employed in the region undertaking equivalent work.
- I have no adverse history of not meeting my obligations to employees (i.e. workplace relations; superannuation; work health and safety; and migration provisions) and will continue to abide by all relevant State and Commonwealth laws. I understand there are civil and criminal penalties for individuals and businesses breaching certain laws.
- I understand that any false or misleading information provided by me may lead to revocation of endorsement by the Designated Area Representative (DAR) and the Department of Home Affairs will be notified.

*Please
write
per
discuss via*
22(1)(a)(ii)

Following DAR endorsement, I understand that:

- I must provide all relevant documentation in support of my request for endorsement to the Department of Home Affairs.
- I will inform the DAR when the nominee(s) have been recruited and prior to a visa application being lodged with the Department of Home Affairs to ensure the employee/nominee has the relevant skills and qualifications for the position(s) requested; and provide the nominee and respective applicants with a Settlement Support Information Package.
- I authorise the DAR and Department of Home Affairs to make enquiries as necessary to verify the information provided.
- I will participate in surveys, updates, monitoring and evaluation activities as determined by the DAR.
- A positive DAR endorsement does not guarantee approval by the Department of Home Affairs at the DAMA Labour Agreement Request stage.

Full name:
Position:
Organisation name:
Date:
Signature:

Attachment D – Summary of the issues raised by s. 47F(1)

The following is a summary of the issues raised by s. 47F(1)

- Difficulties in meeting the labour market testing requirements and the evidentiary requirements. They note that they had some unsatisfactory experiences in how they were being required to demonstrate that they had advertised on Seek for the required period. Apparently, providing invoices for the listing was not considered sufficient. Likewise, they note inconsistencies in the terms of service of advertising services, as JobActive postings are active two weeks by default, and they are concerned that they risk being non-compliant with the labour market testing requirements if they run JobActive ads for a non-sequential period.
- s. 47F(1) is of the view that the labour market testing requirements are unnecessary given that the Great South Coast region has already been identified as having skills shortages in the identified occupation categories
- They consider there is room for improvement in communicating to employers about the two stages of visa – temporary (TSS) and then permanent (ENS) – to ensure that employers understand the process and where their effort should be spent. In their experience it has not been intuitive there is a need to apply for one visa in order to then be able to apply for the other visa in due course.
- They believe it is more appropriate for the DAR endorsement fee to be calculated per application by an employer or per occupation category the employer is seeking endorsement for, rather than per position, given that the endorsement focuses on the suitability of the employer and their needs.
- As a proprietor with s. 47F(1) in business, they express concerns about the amount of financial information being required of them and the duplication between financial position statements being requested and the range of other pieces of information they are required to provide.

Response to issues raised

In response to this feedback, representatives of the Department held a discussion with the GSC DAR on 23 September 2019. The following was noted:

- Some of the delays experienced were outside of the control of the DAR—s. 47F(1) had contributed to the delays by having a relatively inexperienced employee as a point of contact who had incorrectly completed particular forms.
- The level of information and evidence required by the DAR to assess whether an employer is financially viable will vary from business to business. Noting s. 47F(1) has been in operation for s. 47F(1), the Department believes that the DAR may have sought more information than was required—the Department will provide this feedback to the DAR.
- LMT requirements are codified in legislation and are not varied under any existing DAMAs—inadequate vetting of a business's efforts to recruit Australians would increase the risk of a refusal of a Labour Agreement request.



Australian Government
Department of Home Affairs

Submission

For decision
PDMS Ref. Number MS20-001392
Date of Clearance: 10/08/2020

To **Acting Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs**

Subject **English language concessions for ENS visa applicants under Minister of Religion Labour Agreements**

Timing *At your convenience.*

Recommendations

That you:

1. note:

- a. an issue raised by the Greek Orthodox Archdiocese of Australia regarding the removal of a legislative exemption in November 2019, that allowed Employer Nomination Scheme (ENS) visa applicants to meet English proficiency requirements on the basis of prior qualifications obtained by the visa applicant; and noted / please discuss
- b. the impact of this change on the Greek Orthodox Archdiocese of Australia's Minister of Religion Labour Agreement (MoRLA) which they intend to use to sponsor s. 47F(1) [redacted] for an ENS visa; noted / please discuss

2. agree to one of the following options:

- a. expand MoRLA settings to allow ENS visa applicants to meet English proficiency requirements where they can demonstrate completion of at least five years of full-time study in a secondary education institution or higher education institution, where the instruction was delivered in English; or agreed / not agreed / please discuss
- b. maintain existing MoRLA English proficiency requirements. agreed / not agreed / please discuss

Acting Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

Signature.. [redacted]

Date: 19 / 8 / 2020

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Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

1. On 15 July 2020, your office requested a submission regarding existing MoRLA settings for ENS visa applicants and English proficiency requirements, and options to modify these settings.
2. The request was in response to concerns raised by the Greek Orthodox Archdiocese of Australia who are seeking to utilise their existing MoRLA to lodge an ENS visa application for s. 47F(1) [REDACTED]
3. Specifically, there was a legislation change in November 2019, which removed an exemption allowing ENS visa applicants to meet the English requirement where they could demonstrate completion of at least five years of full-time study in a secondary education institution or higher education institution, where the instruction was delivered in English.

Existing MoRLA English requirements

4. Under existing MoRLA settings, ENS visa applicants must demonstrate English language proficiency by achieving an overall score of least International English Language Testing System (IELTS) 5.0 and at least IELTS 4.5 in each of the four individual components (listening, reading, writing and speaking). Without this concession, ENS visa applicants would have to achieve an overall score of at least IELTS 6.0 and at least IELTS 6.0 in each individual component.
5. While this is a concession to standard ENS visa requirements, demonstrating English proficiency still requires the visa applicant to undertake an approved English test and are no longer able to demonstrate completion of a secondary education institution or higher education institution qualifications to meet the English requirement.
6. MoRLA settings also provide a concession to the English language requirement where it is demonstrated that a Minister of Religion operates in a cloistered or monastic environment.

Options to expand English language concession settings

7. It is open to you to agree to expand MoRLA settings so that prior qualifications obtained at a specified level, over a minimum specified period of time, and where instruction is provided in English, can be utilised by an ENS visa applicant as evidence of their English proficiency. Should this approach be agreed, the Department of Home Affairs recommends that settings be aligned with the legislative exemption that was removed in November 2019 (refer to paragraph 3).
8. This presents minimal risks for the following reasons:
 - Almost all nominees that are sponsored for an ENS visa under a MoRLA are required to have held a TSS visa for at least three years, unless they qualify for an ENS visa on a direct entry basis (refer to paragraph 12 below). Therefore, the vast majority of ENS visa applicants will have already met TSS visa English language requirements, which is the equivalent to the concessional ENS requirement that would be available under a MoRLA.
 - The prior qualifications exemption is still available under the Temporary Skill Shortage (TSS) visa program, therefore, decision makers are already familiar with assessing the requirement and the genuineness of evidentiary documentation.
9. Should you not to agree to expand English language concession settings as described above, existing MORLA settings would be retained and applicants will need to demonstrate their English proficiency by undertaking an approved English test and achieving the requisite score.

Background

10. A MoRLA allows religious organisations to sponsor overseas workers as Ministers of Religion and Religious Assistants for periods of up to four years under a TSS visa and/or permanent residence under an ENS visa.
11. As at 30 June 2020, there were 72 MoRLAs in effect. In 2019-20 there were a total of 33 primary TSS visas and 10 primary ENS visas granted.
12. In December 2018, you agreed to the following changes to the MoRLA settings that were implemented on 11 March 2019 (Refer MS18-008507):
 - Thresholds for sponsoring the occupation of 'Minister of Religion' were made more flexible. Previously, the nominee was required to work in the most senior position in a specified location. Under new arrangements, the nominee can work in any senior position.
 - Religious institutions can now seek a MoRLA to sponsor overseas workers under the additional occupation of 'Religious Assistant'.
13. In October 2019, you agreed to amend MoRLA settings to provide direct entry to a permanent ENS visa for overseas workers nominated for the most senior Minister of Religion position of the relevant religious organisation in Australia, or a State/Territory or region of Australia (refer: MS19-002826). The Greek Orthodox Archdiocese of Australia's MoRLA is the only agreement to date to have been approved for ENS direct entry under these new arrangements.

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14. The legislation change in November 2019 that removed the prior qualifications English exemption was made on the basis that prior qualifications did not necessarily mean visa applicants had a level of English consistent with the intention of the skilled migration program. It also ensured that the ENS visa aligned with English proficiency settings for the new Skilled Employer Sponsored Regional (SESR) visa that was implemented at the same time.

Consultation – internal/external

15. The Migration Planning and Visa Policy Branch was consulted in relation to this submission.

Consultation – Secretary

16. The Secretary was not consulted on the approach in the submission.

Client service implications

17. N/A.

Sensitivities

18. The information contained in this submission is classified and should not be publicly released without the authority of the Department of Home Affairs. In accordance with our long standing practices, should you wish for unclassified media lines to be prepared in relation to this issue please contact the Home Affairs Media Coordination team at media@homeaffairs.gov.au.

Financial/systems/legislation/deregulation/media implications

19. Changes to Labour Agreement policy settings do not require systems changes.

Attachments

20. Nil.

Authorising Officer
Cleared by: 22(1)(a)(ii) Assistant Secretary Skilled and Family Visa Program Date: 10/08/2020 Ph: 22(1)(a)(ii) Mob: 22(1)(a)(ii)

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CC Minister for Home Affairs
Secretary
Deputy Secretary Immigration and Settlement Services Group
FAS Immigration Programs Division
FAS Immigration and Community Protection Policy Division

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