



Australian Government

Australian Government response to the
Joint Standing Committee on Migration Interim and Final reports:

Working Holiday Maker Program

APRIL 2024

Recommendations of the Final Report

Recommendation 1:

The Committee recommends that the Government maintains the Working Holiday Maker program and notes its value to Australia.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 2:

The Committee recommends:

- **The Department of Home Affairs remains the lead agency with responsibility for the WHM program.**
- **An interdepartmental committee (IDC) to provide oversight of the WHM visa be established. The IDC would meet at least twice a year and comprise senior executive officers from departments and agencies with an interest in the WHM to discuss issues arising from the program. The IDC should have the flexibility to meet on an ad hoc basis as the need arises but especially to deal with agricultural and tourism workforce shortages, issues relating to the employment of WHM and the negotiation of agreements with additional countries.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 3:

The Committee recommends that Working Holiday (subclass 417) and Work and Holiday (subclass 462) visa holders should be able to work in tourism and hospitality in all hard-to-staff rural and remote areas of Australia as part of their 88 days or 6 months to qualify for their second- or third- year WHM visa.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 4:

The Committee recommends the Government review the definition of ‘regional’ for the purposes of migration with a view to providing a new tiered definition that recognises:

- **Smaller state capital cities**
- **Regional cities**

- **Peri-urban areas**
- **Small towns**
- **Remote areas**

And that the experiences and opportunities in each of these different areas will be substantially different. In considering the new tiered definition of regional, the Government should give thought to the effect of any definition of regional for peri-urban areas, many of which have the same characteristics as regional areas just a few kilometres away.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 5:

The Committee recommends that the Government continue to seek opportunities to increase the WHM upper age limit to 35 where bilateral negotiations can yield the same outcome for Australians.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 6:

The Committee recommends that the Government continue to seek opportunities to expand the WHM program through bilateral negotiations with new countries.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 7:

The Committee recommends that the Department of Home Affairs give consideration to providing workers who are undertaking work as part of their 3 months or 6 months with clearer guidance about what amount of work qualifies as a ‘day’.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 8:

The Committee recommends that Working Holiday (subclass 417) and Work and Holiday (subclass 462) visa holders should be able to work for the same employer for more than 6 months in hard-to-staff rural and remote areas of Australia without asking permission in the following industries:

- **Tourism or hospitality; Agriculture, forestry and fishing;**
- **Mining and construction;**
- **Childcare; and**
- **Health care, disability care and aged care.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 9:

The Committee recommends that the Government instigate an advertising campaign to promote measures it has taken to encourage Australians and visa holders to undertake agricultural work to meet the shortages arising from the COVID-19 pandemic.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 10:

The Committee recommends that the Government undertake a tailored marketing campaign to promote the COVID-19 Pandemic event (408 subclass) visa to temporary visa holders in Australia.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 11:

The Committee recommends that the Government expedite the implementation of the recommendations of the Report of the Migrant Workers' Taskforce.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 12:

The Committee recommends that an app be developed for WHMs to augment the hotline recommended in the Interim Report.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 13:

The Committee recommends that the Fair Work Ombudsman develop an embassy liaison group to liaise on a regular basis about workplace issues raised with embassies by their citizens.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 14:

The Committee recommends that the Government consider additional concessions to SHEV and TPV holders who undertake at least one year of agricultural or horticultural work in a regional area, and are prepared to settle in a regional area, such as:

- **Subsidised VET training courses for skilled occupations experiencing chronic skills shortages (of at least 10 years); and**
- **Other incentives that assist SHEV and TPV holders to meet requirements under a range of available visas, including the skilled migration scheme.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendations of the Interim Report

Recommendation 1

The Committee recommends that the Government urgently develop and implement a ‘Have a Gap Year at Home Campaign’ to attract young Australians, particularly the current cohort of Year 12s and university graduates, to undertake regional work. The campaign should:

- **Appeal to young Australians’ patriotism and their sense of adventure, enabling them to see their own country and earn money;**
- **Appeal to young people who had planned to take a year off to travel and work overseas;**
- **Provide young people with work and work experience opportunities at a time when there are fewer casual jobs available to young people; and**
- **Give consideration to a HECS/HELP discount for undertaking this work.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 2

The Committee recommends that for the next 12 months, the Government enable workers to stay on JobSeeker payments while undertaking low paid agricultural and horticultural work.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 3

The Committee recommends that for the next 12 months the Government establish a one-off payment to help with the travel and accommodation costs incurred, to be paid after a certain period of time working in regional, rural and remote areas.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 4

The Committee recommends the following amendments be made for the next 12 months to the conditions attached to the Working Holiday Maker visa:

- **Enable Working Holiday Makers who have undertaken work in key industries in all peri-urban, regional, rural or remote areas, to count their work towards qualifying for a second and/or third year visa.**
- **Allow Working Holiday Makers who have transitioned onto the subclass 408 visa to count essential work undertaken on the 408 visa to support any application to qualify for second and/or third year Working Holiday Maker visas.**
- **Extend the Northern Australia provision, allowing work in hospitality, tourism and other industries to apply in all regional, rural and remote areas.**
- **Enable all Working Holiday Makers to work for the same employer for more than six months, if they are in peri-urban, regional, rural and remote parts of Australia to provide more certainty for visa holders and employers.**
- **Recognise the importance for Working Holiday Makers to move across state borders, particularly between locations where there are high labour force needs and no COVID-19 cases, and facilitate appropriate exemptions and permits subject to approval by health authorities.**
- **Provide further financial and other incentives to encourage Working Holiday Makers who have completed their time in agriculture to stay and engage in more agricultural work.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 5

In regard to temporary amendments to other temporary visa categories, the Committee recommends that for the next 12 months the Government:

- **Incentivise international student graduates to stay in Australia after completing their studies, by offering an additional year or two for graduates eligible for a subclass 485 Temporary Graduate visa who undertake work in critical industries in peri-urban, regional, rural and remote parts of Australia.**
- **Make available incentive payments or support for transport and accommodation costs to international students who undertake work in peri-urban, regional, rural and remote parts of Australia during non-teaching period.**
- **Enable people on other temporary work visas, such as the subclass 482 Temporary Skill Shortage visa, who have lost their jobs, to work in critical industries in the absence of a specific employer sponsor.**
- **Consider any work students or subclass 482 Temporary Skill Shortage visa holders do in critical industries as counting towards the extension of visas, or where applicable as counting towards a pathway to permanent residency.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 6

The Committee recommends that the Government review the necessity for the measures in recommendations 2, 3, 4 and 5 after 12 months.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 7

In order to facilitate the restarting of the Working Holiday Maker program and maintain the reputation of the program overseas, the Committee recommends that the Government:

- **Enable current Working Holiday Maker visa holders who have had to leave the country, or were unable to enter the country and make use of their visas, to reapply for either the 417 or 462 subclass visas, paying a nominal fee with priority processing times.**
- **Extend age limits for current visa holders, if they have exceeded the age limits of 30 or 35 years, while waiting to use their visas. This should also be extended to those who were already granted visas so they can re-enter the country despite exceeding the age limits.**
- **Consider granting visas on a country by country basis as borders start to reopen, prioritising countries where there are lower levels of COVID-19 infection rates. Alternatively, consider prioritising countries where Working Holiday Makers usually undertake work in Australia for which there is the greatest need.**
- **Consider a sponsorship program requiring peak bodies, businesses or governments to help sponsor quarantine arrangements, or alternatively reimburse the costs of quarantine incurred by Working Holiday Makers after a certain period working in jobs where shortages exist.**

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 8

The Committee recommends the establishment of a hotline for Working Holiday Makers where they can access all the advice they need regarding their work rights, workplace exploitation concerns, accommodation and employment options in one place.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate

Recommendation 9

The Committee recommends that Australians, Working Holiday Makers, and other temporary visa holders be made more aware of the Harvest Trail to enable the service to be better utilised and to facilitate the matching of willing workers to the areas where the need is greatest.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.

Recommendation 10

The Committee recommends that the Federal Government work with State and Territory governments and industry peak bodies to recruit additional people under the Seasonal Worker Program and Pacific Labour Scheme to fill urgent agricultural shortfalls.

Response:

The Government **notes** this recommendation. However, given the passage of time since the report was tabled, a substantive Government response is no longer appropriate.