

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Senate Legal and Constitutional Affairs Legislation

13 April 2023

QoN Number: 1

Subject: Support to PEV upon arrival

Asked by: Paul Scarr

Question:

Senator SCARR: Dr Bryson, do you have anything to add in that regard in terms of what practical support would be provided to a family that's come to Australia in good faith to make a new life? I think it's important that they get all the support they need in order to do that.

Dr Bryson: Home Affairs would provide the Settlement Engagement and Transition Support program to all Pacific engagement visa holders. That's traditionally the sort of support that we would provide to the refugee and humanitarian cohort. There's wraparound support that's provided. We've got additional funding for some community liaison officers as well, to support the community, and also English language support. So there's more support that's provided compared to, say, a traditional skilled visa cohort. It's more in line with what we provide for the humanitarian cohort.

Senator SCARR: Could you take that on notice and provide us with further details with respect to everything that would be available to give us a better assessment or comfort with respect to what support would be available in that particular situation that I referred to. You mentioned English language study and support. What English language requirements are proposed in relation to this new visa class?

Dr Bryson: That would be determined at the time when the regulations are made for the new subclass. That's not a feature of the current legislation for the bill.

Answer:

Pacific Engagement Visa (PEV) holders will be permanent residents. Like other permanent residents in Australia, these visa holders can live, work and study anywhere in Australia and will have immediate access to Medicare, public schools, Commonwealth Supported Places, Child Care Subsidy and Family Tax Benefit Part B.

Subject to the passage of relevant legislation, the Government will waive some waiting periods for benefits and extend access to study loans to support PEV holders to engage in education and training. This includes providing immediate access, where eligible, to the Higher Education Loan Program, Vocational Education and Training Student Loans, as well as Austudy, Youth Allowance (students and apprentices), Family Tax Benefit Part A and associated payments such as rent assistance and energy supplements.

PEV holders will also have access to the Settlement Engagement and Transition Support (SETS) Program that provides migrants with settlement-related information, advice, advocacy, and assistance to access mainstream and other relevant services. Services are tailored to need, providing effective early intervention support. Services can include, for example, workshops and information sessions focusing on employment, job readiness activities, conversational English classes, driving support, health issues, playgroups and social groups to address life skills and reduce social isolation.

On arrival in Australia, PEV holders will also have access to the Adult Migrant English Program (AMEP) on an opt-in basis to assist with English language skills to enhance their experience in settling in Australia.

The existing four-year Newly Arrived Resident's Waiting Period will apply before PEV holders can access the JobSeeker Payment. Under existing exemption rules, PEV holders who experience a substantial change of circumstances during this waiting period, such as job loss or illness/injury, may be able to access Special Benefit, which is paid at the same rate as JobSeeker Payment.

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Senate Legal and Constitutional Affairs Legislation

13 April 2023

QoN Number: 2

Subject: Fee or Tax for PEV

Asked by: Paul Scarr

Question:

Senator SCARR: Has any analysis been done on whether or not those sorts of practices occur with respect to the US diversity visa, the green card? There are millions of who apply for a green card each year. Do people go out and try to take advantage of people in that regard?

Dr Bryson: Particularly for the US program, because the application to enter the ballot is free, whenever you introduce systems like that, unscrupulous operators are quite skilled at recreating those sorts of websites, creating fake websites that drive behaviour and try to channel money out of people. That was a key consideration for Home Affairs in putting a charge on the process. Our experience running programs where there's no charge for services is that people will try to game the system and we will get spammed with attacks that will lead to millions of spurious applications.

Senator SCARR: Is it a charge or a tax?

Dr Bryson: It's a \$25 fee.

Senator SCARR: I note the explanatory memorandum talks about the fact that, given it's not linked to a cost at this point in time, the bill had to be drafted on the basis that it potentially would be considered a tax.

Dr Bryson: I will refer to my colleagues in the finance division and take them on notice. Senator SCARR: Can you take that on notice? I'm interested in the application of a tax to a noncitizen—this is covered in the bills digests—which in this context seems somewhat perverse to me. I'm interested in any further work you've done in terms of how the fee is structured and whether or not it's considered a tax.

Answer:

The *Migration (Visa Pre-application Process Charge) Bill 2023* (the Charge Bill) imposes a charge on persons who register as a participant in a ballot. The amount of charge will be prescribed in the regulations under subsection 8(1) of the Charge Bill and is considered a tax.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Senate Legal and Constitutional Affairs Legislation

13 April 2023

QoN Number: 3

Subject: Scrutiny of Automated System

Asked by: Paul Scarr

Question:

Senator SCARR: Can you take on notice and perhaps provide a departmental response to the concerns raised in at the scrutiny digest with respect to the automation of the system? I'm not sure if the minister has responded to those concerns yet, but it might be worthwhile for you to take that on notice and provide a more detailed response to the particular concerns based in the scrutiny digest regarding the automation of the system. Would that be possible?

Dr Bryson: Yes. We're preparing a response to the scrutiny committee.

Answer:

The Minister for Home Affairs, the Hon Clare O' Neil MP, responded to the concerns raised in the Scrutiny Digest on 23 March 2023. Responses were published in the Scrutiny Digest on 30 March 2023.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Senate Legal and Constitutional Affairs Legislation

13 April 2023

QoN Number: 4

Subject: Timing for Regs

Asked by: Paul Scarr

Question:

Senator SCARR: In relation to the regs, our committee report date is 13 June. Do you think there's any prospect of the regs being circulated in draft or something before that committee report date?

Dr Bryson: I'd have to take that on—

Senator SCARR: You could take that on notice. I'll just put that peg in the ground.

Answer:

Subordinate legislation establishing the Pacific Engagement Visa (PEV) program is contingent on the passage of the *Migration Amendment (Australia's Engagement in the Pacific and Other Measures) Bill*, and the *Migration (Visa Pre-application Process) Charge Bill*. This includes amendments to the *Migration Regulations 1994* to establish a new permanent PEV subclass.

All subordinate legislation will be tabled and subject to disallowance by the Parliament.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Senate Legal and Constitutional Affairs Legislation

13 April 2023

QoN Number: 5

Subject: Statistics and Analysis of PALM Scheme Employee Retention

Asked by: Paul Scarr

Question:

Senator SCARR: Secondly, I asked some questions to the NFF—that have just come back into my mind—about what statistics there are or analysis that's been done with respect to the operation of the PALM scheme, particularly around longevity of the relationship between a participant in the PALM scheme and their employer. I'm just getting a feel, with respect to the danger or risk identified earlier that the employment relationship doesn't last for a reasonable period of time when someone comes to Australia. Has any analysis been done in that regard? Is that something you could take on notice? Whatever data you have in relation to—

Dr Bryson: I think that would be for our colleagues in the Department of Employment and Workplace Relations.

Ms Powell: We're happy to take that on notice. Another issue you touched on with NFF was around approved employers and whether they'll be able to access PEV workers.

Senator SCARR: That's correct.

Ms Powell: Just to make clear, I talked earlier about providing an offshore mechanism to help people find work in Australia. Tapping into that PALM approved employer network will absolutely be a— Senator SCARR: Exactly. If you could take those issues on notice and provide whatever additional information you can in that respect, that would be very useful.

Ms McNicol: Senator, could you restate the question about the longevity, just so we have it for the record and we know exactly what information you're after?

Senator SCARR: Sure. First, let me tell you the purpose of the question. If I'm not articulating the question appropriately, if you understand the purpose, there might be information I'm not even aware of that might assist in terms of the analysis. I'm keen to get an understanding of, through the PALM scheme, how long a participant in the PALM scheme has been employed by the same employer. So 80 per cent are employed for at least six months with the same employer; 10 per cent are employed only for one month after they arrive—those of the sorts of statistics I'm looking for in terms of a statistical analysis of longevity of employment between the PALM scheme employee and the employer. Does that make sense?

Ms McNicol: It makes sense. In my head I'm thinking through how the Department of Employment and Workplace Relations—

Dr Bryson: It might be a joint response, so we can give some visa information and length of stay and employer information.

CHAIR: Could you both take it on notice?

Dr Bryson: Yes, we'll take it on notice and jointly respond.

Senator SCARR: Thanks

Answer:

The Pacific Australian Labour Mobility (PALM) scheme is administered by the Department of Foreign Affairs and Trade (DFAT) and Department of Employment and Workplace Relations (DEWR). DFAT (lead agency) will provide the requested data in relation to recruitment and employment periods of PALM scheme workers.

Since the commencement of the consolidated PALM scheme on 4 April 2022 there have been 10,495 long term visas (1- 4 years) granted under the Temporary Work (International Relations) (subclass 403) PALM stream. Long term PALM stream visas are granted a period of stay to align with the length of the employment contract of the visa holder. As at 31 March 2023:

- 49 per cent were granted for a period of 4 years,
- 45 per cent were granted for 3 years,
- 2 percent granted for 2 years; and
- 5 per cent granted for 1 year.

Once the Pacific Engagement Visa (PEV) program is established, PEV holders will be permanent residents. Like other permanent residents in Australia, these visa holders can live, work, and study anywhere in Australia and will not be tied to an employer or sponsor.