

## Background

- 2.1 In August 2008 the then Government announced that it would establish a Pacific Seasonal Worker Pilot Scheme which intended to:
- ... alleviate labour shortages for the Australian horticultural industry by providing opportunities for workers from Kiribati, Papua New Guinea, Tonga, and Vanuatu to undertake seasonal work.<sup>1</sup>
- 2.2 The objectives of the pilot scheme were to:
- Contribute to Australia's economic development objectives in the Pacific region, in particular by enabling workers to contribute to economic development in their home countries through remittances, employment experience and training gained from participating in the Pilot.
  - Assist Australian employers in the horticulture industry who have demonstrated unmet demand for labour.<sup>2</sup>
- 2.3 The pilot scheme ran for three and a half years and concluded on 30 June 2012.<sup>3</sup> In a final evaluation of the pilot scheme, it was recommended that a low-skilled seasonal labour mobility program be established to meet the needs of the Australian horticulture industry.<sup>4</sup>
- 2.4 The Seasonal Worker Programme (SWP) commenced on 1 July 2012 with a focus on providing:

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1 University of Waikato, *Australia's Pacific Seasonal Worker Pilot Scheme (PSWPS): Development Impacts in the First Two Years*, June 2011, p. 2.

2 TNS Consultants, *Final Evaluation of the Pacific Seasonal Worker Pilot Scheme*, September 2011, p. 4.

3 Department of Employment, Department of Immigration and Border Protection, Department of Agriculture, Fair Work Ombudsman, *Supplementary Submission 2.1*, p. 3.

4 TNS Consultants, *Final Evaluation of the Pacific Seasonal Worker Pilot Scheme*, September 2011, p. 9.

... small island countries with opportunities for economic development. The programme provides eligible citizens from eligible countries with the opportunity to undertake low and unskilled seasonal work in Australia.<sup>5</sup>

- 2.5 Participating countries that have entered into a Memoranda of Understanding for the SWP include: the Republic of Fiji; the Republic of Kiribati; the Republic of Nauru; the Independent State of Papua New Guinea; the Independent State of Samoa; the Solomon Islands; the Democratic Republic of Timor-Leste; the Kingdom of Tonga; Tuvalu; and the Republic of Vanuatu.<sup>6</sup>
- 2.6 In its joint submission to the Committee, the Department of Employment (DoE), Department of Immigration and Border Protection (DIBP), and Department of Agriculture (DoA) stated that the SWP was established because:
- many Pacific island countries and Timor-Leste have limited economic opportunities; and
  - Australian employers in the horticulture sector have difficulties in filling seasonal vacancies with suitable local labour.<sup>7</sup>
- 2.7 The Department's added that the SWP is based on the following principles:
- the opportunity for seasonal workers to benefit financially from their participation in the programme
  - meeting the needs of approved employers, who can demonstrate an unmet demand for labour and a commitment to employing Australian job seekers
  - mutual contribution by approved employers and seasonal workers, leading to a shared investment in positive outcomes for participants
  - circular migration to provide for the return of seasonal workers in subsequent seasons and to further develop productivity outcomes for participants; and
  - to provide protection, community and government support that maximises the potential benefits for seasonal workers and minimises the potential for exploitation of seasonal workers.<sup>8</sup>

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5 Department of Employment, Department of Immigration and Border Protection, Department of Agriculture, Fair Work Ombudsman, *Supplementary Submission 2.1*, p. 3.

6 Details of the implementation arrangements for the seasonal worker programme are available at Appendix D. The document is a subsidiary to the Memorandum of Understanding in support of Australia's Seasonal Worker Programme.

7 Department of Employment, Department of Immigration and Border Protection, Department of Agriculture, Fair Work Ombudsman, *Supplementary Submission 2.1*, p. 3.

8 Department of Employment, Department of Immigration and Border Protection, Department of Agriculture, Fair Work Ombudsman, *Supplementary Submission 2.1*, p. 3.

- 2.8 At a public hearing the DoE stated that the SWP has two key objectives: firstly, to contribute to the economic development of participating countries through the provision of employment experience, skills and knowledge transfer, and being able to send money back to their home country through remittances; and, secondly, to assist Australian producers and employers who are unable to source enough local Australian workers to meet their seasonal labour needs by providing access to a reliable seasonal workforce, able to return in future seasons.<sup>9</sup>
- 2.9 On 18 June 2015, the Government released its White Paper on Developing Northern Australia: *Our North, Our Future*.<sup>10</sup> A number of changes were made to the delivery of the SWP as part of the announcement:
- expand to the broader agriculture sector across Australia and also the accommodation sector in eligible locations. The Northern Australia tourism industry will be invited to put forward proposals to trial seasonal labour mobility arrangements in the tourism sectors beyond accommodation
  - remove the annual cap on programme places while maintaining safeguards for the Australian labour market. This includes delegating discretion to the Minister for Employment to cap, exclude and review the placement of seasonal workers in geographical locations, including metropolitan areas and areas with high unemployment and low workforce participation rates. As well, a review by the Department of Employment will be undertaken by mid-2017 into whether Australian job seekers are disadvantaged by the expansion of the programme
  - expand the programme to other Pacific Island countries which are members of the Pacific Island Forum
  - reduce red tape associated with the programme. This includes removing the minimum stay requirement of fourteen weeks, simplifying cost sharing arrangements by combining the employer's contribution to the seasonal worker's international and domestic airfare to a total of \$500 and a commitment to review the training component for seasonal workers
  - allow citizens of Kiribati, Nauru and Tuvalu to be granted a longer-term visa enabling them to undertake seasonal work in Australia for up to nine months.<sup>11</sup>

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9 Ms Durbin, Department of Employment, *Transcript*, 24 June 2015, p. 1.

10 The Hon Tony Abbott MP, Prime Minister; the Hon Warren Truss MP, Deputy Prime Minister; the Hon Andrew Robb MP, Minister for Trade and Investment; 'Our North, Our Future: A Vision for Developing North Australia', Joint Media Release, 18 June 2015.

11 Department of Employment, Department of Immigration and Border Protection, Department of Agriculture, Fair Work Ombudsman, *Supplementary Submission 2.1*, p. 4.

2.10 On 8 February 2016, the Government announced that the SWP would be expanded ‘from primarily horticulture to the broader agricultural sector.’<sup>12</sup> The DoE stated:

Only low and unskilled positions covered by the Pastoral Award 2010 are part of the expanded SWP. This Award covers all employers and employees working in:

- dairying
- hatchery work
- sowing, raising or harvesting of crops grown as part of a crop or broad acre mixed farming enterprise
- assisting with livestock management/handling
- treatment of land for crops or livestock
- clearing, fencing or assisting with well sinking, dam sinking or trenching on properties.<sup>13</sup>

## Seasonal Worker Programme

2.11 The SWP is primarily administered by the DoE with support from the Department of Foreign Affairs and Trade (DFAT), the DIBP, DoA, Austrade and the Fair Work Ombudsman (FWO).<sup>14</sup>

2.12 Participation in the SWP is voluntary:

- countries invited to participate are not required to participate in the programme; and
- employers in Australia and seasonal workers in participating countries choose to participate in the programme.<sup>15</sup>

2.13 As noted above, participating countries enter into a Memoranda of Understanding with the Australian Government which ‘establish the labour sending and labour receiving arrangements for the Seasonal Worker Programme.’<sup>16</sup>

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12 The Barnaby Joyce MP, Minister for Agriculture and Water Resources; Senator the Hon Michaelia Cash, Minister for Employment; ‘Seasonal workers expanding to greener pastures’, Joint Media Release, 8 February 2016.

13 Department of Employment, *Factsheet - the agriculture industry and the Seasonal Worker Programme*, 8 February 2016, p. 1.

14 Department of Employment, Department of Immigration and Border Protection, Department of Agriculture, Fair Work Ombudsman, *Supplementary Submission 2.1*, p. 4.

15 Department of Employment, Department of Immigration and Border Protection, Department of Agriculture, Fair Work Ombudsman, *Supplementary Submission 2.1*, p. 5.

16 Department of Employment, Department of Immigration and Border Protection, Department of Agriculture, Fair Work Ombudsman, *Supplementary Submission 2.1*, p. 6.

- 2.14 Each participating country has different recruitment mechanisms it uses to select labour for the SWP including: recruitment from a work-ready pool; recruitment via appointed or licensed Agents; or direct recruitment by employers.<sup>17</sup>
- 2.15 Table 2.1 provides a list of the range of work that Seasonal workers can undertake within the horticulture, cane, cotton, aquaculture and accommodation sectors.

**Table 2.1 Types of work seasonal workers can undertake**

<b>Horticulture</b>	<b>Cane</b>	<b>Cotton</b>	<b>Aquaculture</b>	<b>Accommodation in locations: WA, NT, tropical QLD and Kangaroo Island</b>
Picking	General farm work	General farm work, ground preparation	Feeding	Bar attendants
Packing	Tilling, sowing, planting, raising, irrigating, treating and testing of cane crops	Planting, irrigating, harvesting and treating cotton and other crops	Attending mooring pens	Baristas
Thinning and Pruning	Cleaning and storing equipment	Loading trucks	Washing and changing nets	Food and beverage attendants
	Harvesting and haul out work	Cleaning, storing, operating and maintaining equipment (including tractors)	Moving materials and equipment	Café workers
	Weeding, clearing, fencing and trenching, draining or otherwise preparing land, and pest and disease control	Weeding, fencing, draining or otherwise preparing land	Loading, unloading, moving, packing and construction of shellfish culture mediums	Garden labourers
		General farm maintenance	Operating boats	Housekeepers
		Tractor operations	Harvesting and husbanding fish	Kitchen hands
			Recording data	Public area cleaners
			Operating mechanical equipment such as grading machines	
			Preparing or products for market/transport (but not mechanical duties)	

*Source* Department of Employment, Department of Immigration and Border Protection, Department of Agriculture, Fair Work Ombudsman, *Supplementary Submission 2.1*, p. 26.

<sup>17</sup> Department of Employment, *SWP Implementation Arrangements – effective 1 August 2015*, 12 August 2015, p. 3.

## Approved Employers

- 2.16 Only organisations approved by the Australian Government (approved employers) are able to recruit seasonal workers.<sup>18</sup>
- 2.17 Organisations can apply to become an approved employer to either 'recruit and place workers with their own business', or 'recruit seasonal workers to place with another business in a labour hire arrangement.'<sup>19</sup>
- 2.18 It takes approximately 12 weeks to process an application to become an approved employer and organisations can only apply twice every 12 months to be an approved employer:
- An Entity may only apply for Approved Employer status twice in any 12 month period from the date of submitting their first application. The application of an Entity that does not achieve Approved Employer status within 12 months of the date of submitting their application will lapse and the Entity will need to submit a new application if it remains interested in becoming an Approved Employer for the Seasonal Worker Programme.<sup>20</sup>
- 2.19 To be eligible to become an approved employer the organisation must demonstrate that it:
- is an eligible business registered and operating in Australia in a sound financial position and has an ABN
  - is an 'Organisation' for the purposes of the Migration Regulations 1994
  - has good immigration practices and a history of compliance with immigration legislation
  - has a history of compliance with Australian workplace relations, work health and safety legislation, and other relevant laws
  - understands and will comply with the programme requirements.<sup>21</sup>
- 2.20 Approved employers 'might be approved for up to three years or for the period of the agreement with Department of Employment.'<sup>22</sup>

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18 Department of Employment, *Factsheet- approved employers and the Seasonal Worker Programme*, 18 June 2015, p. 1.

19 Department of Employment, *Factsheet- approved employers and the Seasonal Worker Programme*, 18 June 2015, p. 1.

20 Department of Employment, *Seasonal Worker Programme Application Form*, 22 September 2015, p. 2.

21 Department of Employment, *Seasonal Worker Programme Application Form*, 22 September 2015, p. 2. (see Appendix E for the full application form)

22 Department of Immigration and Border Protection, 'Special Program visa (subclass 416) for the seasonal worker programme', viewed on 11 March 2016, <<https://www.border.gov.au/Trav/Visa-1/416->>.

- 2.21 In its submission, the DoE stated that if an organisation's application is successful, the approved employer enters into an agreement with the DoE and DIBP:

To become an 'approved employer' to recruit seasonal workers under the Seasonal Worker Programme, Australian employers complete an application form and lodge it with the Department of Employment. Employers that meet the programme's criteria ... are offered a Deed of Agreement which comes into effect when the employer completes and receives Special Programme Sponsorship (Visa subclass 416) with the Department of Immigration and Border Protection. The Deed of Agreement sets out the employer's obligations under the Seasonal Worker Programme.<sup>23</sup>

- 2.22 Prior to recruiting seasonal workers, approved employers must submit information on the arrangements for seasonal workers:

The Deed of Agreement between the Department of Employment and an approved employer requires the approved employer to submit certain information to the Department of Employment prior to recruiting seasonal workers. Approved employers must outline their intended recruitment arrangements for seasonal workers including how many seasonal workers they are seeking to employ, the proposed work and accommodation placement(s) of seasonal workers, the employment conditions for seasonal workers, and the proposed transportation and pastoral care arrangements for seasonal workers together with the offer of employment for seasonal workers which must also contain this stated information for approval by the Department of Employment.<sup>24</sup>

- 2.23 Only after approved employers have provided evidence they have tried to recruit Australian workers to fill job vacancies can they seek to recruit seasonal workers.<sup>25</sup> Vacant positions 'must be advertised for a two week period and within three months of an employer seeking to bring seasonal workers into Australia.'<sup>26</sup>

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23 Department of Employment, Department of Immigration and Border Protection, Department of Agriculture, Fair Work Ombudsman, *Supplementary Submission 2.1*, p. 6.

24 Department of Employment, *Supplementary Submission 2.3*, p. 2.

25 Department of Employment, Department of Immigration and Border Protection, Department of Agriculture, Fair Work Ombudsman, *Supplementary Submission 2.1*, p. 4.

26 Department of Employment, Department of Immigration and Border Protection, Department of Agriculture, Fair Work Ombudsman, *Supplementary Submission 2.1*, p. 6.

2.24 In its submission, the DoE also noted that:

Approved employers must only recruit in accordance with the Department of Employment's approval of recruitment and must only employ seasonal workers in accordance with terms and conditions consistent with the offer of employment.

If an approved employer intends to alter any aspects of their arrangements for seasonal workers outlined in the approved recruitment and offer of employment, the Department of Employment must be informed and seasonal workers must agree in writing to the amendments.<sup>27</sup>

2.25 The DoE then next provides 'a recruitment approval notification to the approved employer and the approved employer's nominated labour sending country,' with advice on:<sup>28</sup>

... the matters considered by the department, including the work and accommodation locations, and the letter of offer of employment. It allows the labour sending officials to provide a pre-departure briefing to seasonal workers that addresses the details of who will be the seasonal workers point of contact in Australia, who is their employer, how to raise issues or concerns, where they will be working and living and a range of other matters associated with working and living in Australia.<sup>29</sup>

2.26 Approved employers are responsible for:

- testing the labour market, and trying to recruit local workers before seeking access to seasonal workers
- employing seasonal workers in accordance with Australian workplace legislation
- providing briefings to seasonal workers on-arrival into Australia and before departing back home
- providing seasonal workers a minimum average of 30 hours per week for up to six months or up to nine months for seasonal workers from the microstates of Kiribati, Nauru and Tuvalu
- paying for the full cost of each seasonal workers' return international airfare and domestic transfer arrangements up front, and recouping from the combined cost any amount over \$500 from seasonal workers' pay over time
- organising accommodation and transport to and from work for each seasonal worker (at the seasonal workers' expense)
- reporting to Government

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27 Department of Employment, *Supplementary Submission 2.3*, p. 2.

28 Department of Employment, *Supplementary Submission 2.3*, p. 2.

29 Department of Employment, *Supplementary Submission 2.3*, p. 2.



- providing pastoral care for workers, including opportunities for recreation and religious observance, a 24 hour contact number, and assisting workers to access services in the local community.<sup>30</sup>
- 2.27 Approved employers must also meet certain visa sponsor obligations including:
- cooperate with inspectors [appointed under the *Migration Act 1958*]
  - tell us [the DIBP] when certain events occur
  - keep records
  - provide records and information to the Minister [for DIBP]
  - not recover from, transfer or charge certain costs to another person
  - pay costs to locate and remove an unlawful non-citizen.<sup>31</sup>
- 2.28 The DoE advised that from 1 July 2015 it had ‘made a number of administrative changes to the programme to reduce red tape and streamline processes including a new application form, referee form and a new Deed of Agreement.’<sup>32</sup>
- 2.29 There were 58 SWP approved employers in 2014-15: eleven in Western Australia; ten in New South Wales; one in the Northern Territory; 22 in Queensland; four in South Australia; and ten in Victoria.<sup>33</sup>
- 2.30 In its supplementary submission, the DoE pointed out that labour hire companies recruit the vast majority of seasonal workers:
- There are 48 growers and accommodation providers that have directly recruited 33 per cent of seasonal workers. The remaining 21 approved employers operate under either a labour hire or contractor model and have recruited 67 per cent of seasonal workers under the programme.<sup>34</sup>

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30 Department of Employment, *Factsheet- approved employers and the Seasonal Worker Programme*, 18 June 2015, p. 1

31 Department of Immigration and Border Protection, ‘Special Program visa (subclass 416) for the seasonal worker programme’, viewed on 11 March 2016, <<https://www.border.gov.au/Trav/Visa-1/416->>.

32 Department of Employment, *Supplementary Submission 2.4*, p. 6.

33 Department of Employment, *Supplementary Submission 2.2*, p. 19.

34 Department of Employment, *Supplementary Submission 2.4*, p. 1.

## Seasonal Worker Programme visa (subclass 416)

2.31 The SWP (subclass 416) is a temporary special program visa which enables the visa holder to:

- do the work in Australia, as specified in your visa application (usually for 14 weeks to six months)
- stay in Australia usually for up to seven months in any 12 month period (depending on the length of your work placement)
- enter and leave Australia while your visa is valid
- work for your sponsor:
  - ⇒ anywhere in Australia if you work in horticulture
  - ⇒ in limited locations in tourism (accommodation), sugar cane farming, cotton farming or aquaculture.<sup>35</sup>

2.32 In order to be eligible for the visa, applicants must:

- be invited to participate in the programme by an approved special program sponsor
- meet health and character requirements
- have health insurance for the entire period you are in Australia.
- be outside Australia when you apply for the visa and be residing in your country of citizenship
- be outside Australia when the visa is granted to participate in the programme
- meet the following requirements of the Seasonal Worker Programme:
  - ⇒ be a citizen of and resident in Timor-Leste, Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu or Vanuatu
  - ⇒ be at least 21 years of age
  - ⇒ intend to enter Australia temporarily for seasonal work and return to your home country after your employment ceases.<sup>36</sup>

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35 Department of Immigration and Border Protection, 'Special Program visa (subclass 416) for the seasonal worker programme', viewed on 11 March 2016, <<https://www.border.gov.au/Trav/Visa-1/416->>.

36 Department of Immigration and Border Protection, 'Special Program visa (subclass 416) for the seasonal worker programme', viewed on 11 March 2016, <<https://www.border.gov.au/Trav/Visa-1/416->>.

- 2.33 Visa length is generally based on the time of employment in Australia plus additional time for the visa holder to travel to and from the place of employment.<sup>37</sup> On average it takes seven days for an applicant to be issued a visa under the SWP.<sup>38</sup>
- 2.34 As part of the Government White Paper on Developing Northern Australia, up to 250 citizens of Kiribati, Nauru and Tuvalu are now able to access a longer-term visa:
- ... access to a multi-year work visa (two years, with the option of applying for an additional third year) to work in lower-skilled occupations in Northern Australia. The visa will be a Temporary Work (International Relations) subclass 403.<sup>39</sup>
- 2.35 DFAT advised that they are 'coordinating policy, design, planning and implementation'<sup>40</sup> of the five year pilot programme in consultation with the DoE.
- 2.36 DFAT noted that the aim of the pilot was to 'target non-seasonal industries and occupations that are unable to access Australian workers, in turn supporting Northern Australia's economic development.'<sup>41</sup>
- 2.37 DFAT highlighted that it 'is currently negotiating Memoranda of Understanding setting out the terms of the pilot with counterpart governments', noting that:
- Discussions with the Government of Kiribati are well advanced, and formal discussions with the Governments of Nauru and Tuvalu are scheduled for early 2016.<sup>42</sup>
- 2.38 The DoE is also:
- ... consulting with existing Approved Employers under the Seasonal Worker Programme to identify employers wishing to take workers for up to three years under the pilot. The Government is also investigating other employers specifically for the scheme and exploring a range of options that respond to the skill base of participating countries. In particular, DFAT is looking for opportunities to place graduates from the Australia Pacific Technical College (APTC) in areas such as hospitality,

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37 Department of Immigration and Border Protection, 'Special Program visa (subclass 416) for the seasonal worker programme', viewed on 11 March 2016, <[https://www.border.gov.au/Trav/Visa-1/416->](https://www.border.gov.au/Trav/Visa-1/416-).

38 Department of Immigration and Border Protection, *Supplementary Submission 39.1*, p. 13.

39 Department of Immigration and Border Protection, *Supplementary Submission 39.1*, p. 9.

40 Department of Immigration and Border Protection, *Supplementary Submission 39.1*, p. 9.

41 Department of Immigration and Border Protection, *Supplementary Submission 39.1*, p. 9.

42 Department of Immigration and Border Protection, *Supplementary Submission 39.1*, p. 9.

accommodation, various trades (automotive, electrical, plumbing, mechanical), aged care and community care.<sup>43</sup>

## Participation in the Seasonal Worker Programme

2.39 Up until 1 July 2015, places in the SWP were capped: '80 per cent of places to the horticulture sector and 20 per cent to four trial sectors: aquaculture, cane, cotton and accommodation.'<sup>44</sup>

2.40 On 20 February 2015 the Minister for Employment removed the sector caps for the remainder of 2015-16. The DoE in its submission noted that:

The horticulture and trial sector caps were merged so that approved employers could draw on places from one pool. This was to address increased demand from the horticulture sector.<sup>45</sup>

2.41 Table 2.2 below shows that demand for the SWP has increased since its establishment. 1,473 places were taken up in 2012-13 and 2,801 in 2014 until 31 May 2015.

**Table 2.2 Seasonal Worker Programme places by year under the capped programme**

	2012-13	2013-14	2014-15 (as at 31 May 2015) <sup>46</sup>
<b>Horticulture</b>	1452 of 1600 capped places	1979 of 2000 capped places	2755 of 2600 capped places (noting places from the trial sector have been used)
<b>Trial sectors of aquaculture, cane, cotton and accommodation</b>	21 of 400 capped places	35 of 500 capped places	46 of 650 capped places
<b>Totals</b>	<b>1,473</b>	<b>2,014</b>	<b>2,801 (as at 31 May 2015)</b>

Source Department of Employment, *Supplementary Submission 2.2*, p. 18.

2.42 The Kingdom of Tonga is Australia's largest participant in the SWP. As highlighted in Table 2.3, between 2012 and 31 May 2015, over 70 per cent of seasonal worker participants were from Tonga, 13 per cent from Vanuatu and 6 per cent from Samoa.

43 Department of Immigration and Border Protection, *Supplementary Submission 39.1*, p. 9.

44 Department of Employment, Department of Immigration and Border Protection, Department of Agriculture, Fair Work Ombudsman, *Supplementary Submission 2.1*, p. 4.

45 Department of Employment, Department of Immigration and Border Protection, Department of Agriculture, Fair Work Ombudsman, *Supplementary Submission 2.1*, p. 4.

46 Minister for Employment announcement on 20 February 2015 to merge horticulture and trial sector caps for the remainder of 2015-16.

**Table 2.3 Seasonal Worker Programme places by year and country**

Citizenship Country	2012-13	2013-14	2014-15 to 31 May 2015	Total
Fiji	0	0	< 5	< 5
Kiribati	34	14	11	59
Nauru	10	0	0	10
Papua New Guinea	26	26	35	87
Samoa	22	162	175	359
Solomon Islands	42	9	21	72
Timor-Leste	21	74	168	263
Tonga	1 199	1 497	1 883	4 579
Tuvalu	0	20	7	27
Vanuatu	119	212	497	828
<b>Total</b>	<b>1 473</b>	<b>2 014</b>	<b>2 801</b>	<b>6 288</b>

Source Department of Employment, *Supplementary Submission 2.1*, p. 5.

2.43 Of the Tongan participants, 12 per cent were female and 88 per cent were male. Out of total SWP participants between 2012 and 31 May 2015, 30 per cent were females. The DoE stated:

There have been 2,425 seasonal workers who are male and 376 who are female. Timor-Leste have had 168 participants, 129 of whom are male and 39 of whom are female.<sup>47</sup>

2.44 Table 2.4 provides a detailed breakdown of the number of female and male participants by country.

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47 Ms Smith, Department of Employment, *Transcript*, 24 June 2015, p. 8.

**Table 2.4 Seasonal Worker Programme places by country and gender**

Citizenship Country	2012-13			2013-14			2014-15 to 31/05/15		
	Female	Male	Total	Female	Male	Total	Female	Male	Total
Fiji	0	0	0	0	0	0	0	< 5	< 5
Kiribati	10	24	34	0	14	14	0	11	11
Nauru	< 5	8	10	0	0	0	0	0	0
Papua New Guinea	7	19	26	6	20	26	8	27	35
Samoa	< 5	18	22	6	156	162	< 5	172	175
Solomon Islands	13	29	42	0	9	9	0	21	21
Timor-Leste	10	11	21	19	55	74	39	129	168
Tonga	138	1 061	1 199	175	1 322	1 497	240	1 643	1 883
Tuvalu	0	0	0	13	7	20	0	7	7
Vanuatu	30	89	119	32	180	212	86	411	497
<b>Total</b>	<b>214</b>	<b>1 259</b>	<b>1 473</b>	<b>251</b>	<b>1 763</b>	<b>2 014</b>	<b>376</b>	<b>2 425</b>	<b>2 801</b>

Source Department of Employment, *Supplementary Submission 2.1*, p. 16.

2.45 Between 2012 and 31 May 2015, the vast majority of SWP participants were between 21 and 45 years old. In that period less than twelve participants were between 18 and 20 years of age and 120 were 46 years of age or older. Table 2.5 shows SWP visas granted between 2012-13 to 2014-15 to 31 May 2015 by citizenship country and age group.

**Table 2.5 Seasonal Worker Programme visas by citizenship country and age group**

Financial Year	Citizenship Country	18-20 years	21-30 years	31-45 years	46+ years	Unknown	Total
2012-13	Kiribati	0	23	11	0	0	34
	Nauru	0	<4	6	0	0	10
	Papua New Guinea	0	11	15	0	0	26
	Samoa	0	11	11	0	0	22
	Solomon Islands	0	20	22	0	0	42
	Timor-Leste	0	20	<4	0	0	21
	Tonga	6	608	585	0	0	1 199
	Vanuatu	0	62	57	0	0	119
<b>2012-13 Total</b>		<b>6</b>	<b>759</b>	<b>708</b>	<b>0</b>	<b>0</b>	<b>1 473</b>

2013-14	Kiribati	0	9	5	0	0	14
	Papua New Guinea	0	8	15	0	<4	26
	Samoa	<4	89	70	<4	0	162
	Solomon Islands	0	<4	5	0	0	9
	Timor-Leste	0	53	21	0	0	74
	Tonga	<4	736	726	24	10	1 497
	Tuvalu	<4	13	5	<4	0	20
	Vanuatu	0	113	98	<4	0	212
<b>2013-14 Total</b>		<b>&lt;4</b>	<b>1 025</b>	<b>945</b>	<b>28</b>	<b>13</b>	<b>2 014</b>
2014-15 to 31/5/15	Fiji	0	<4	<4	0	0	<4
	Kiribati	0	6	5	0	0	11
	Papua New Guinea	0	20	14	<4	0	35
	Samoa	0	98	73	<4	<4	175
	Solomon Islands	<4	8	10	0	<4	21
	Timor-Leste	0	105	61	<4	<4	168
	Tonga	0	901	888	69	25	1 883
	Tuvalu	0	<4	<4	<4	0	7
	Vanuatu	0	220	254	19	<4	497
<b>2014-15 to 31/5/15 Total</b>		<b>&lt;4</b>	<b>1 365</b>	<b>1 308</b>	<b>92</b>	<b>35</b>	<b>2 801</b>

Source Department of Employment, *Supplementary Submission 2.2*, p. 16.

2.46 A number of SWP participants return to Australia for further seasonal work. In 2012-13, over one third of programme participants were returning seasonal workers. In 2013-14 it was just under half and between 2014 until 31 May 2015 over half of the participants had returned.

**Table 2.6** Number of seasonal workers who return for further seasonal work

Financial Year of Visa Grant	2nd visa granted	3rd visa granted	4th visa granted	5th visa granted	6th visa granted	7th visa granted	Total
2009-10	21						21
2010-11	34	16					50
2011-12	225	27	11				263
2012-13	414	142	19	7			582
2013-14	536	321	115	18	< 5		993
2014-15 to 31/05/15	582	392	233	80	19	< 5	1 089
<b>Total</b>	<b>1 812</b>	<b>898</b>	<b>378</b>	<b>105</b>	<b>22</b>	<b>&lt; 5</b>	<b>2 998</b>

Source Department of Employment, *Supplementary Submission 2.2*, p. 21.

2.47 At a public hearing the DoE stated that it received anecdotal evidence that nearly all SWP participants wished to return to Australia for more seasonal work:

We do hear – and this is anecdotally – that 99 per cent of the seasonal workers who returned to their Pacific island nation wish to return under the SWP. We hear varying reports from employers who have participated that they would like to see around 75 per cent of those workers come back.<sup>48</sup>

2.48 The DIBP highlighted that the visa refusal rate for SWP applicants was very low: approximately two per cent (from 1 July 2015 to 30 November 2015).<sup>49</sup> Table 2.7, provided by the DIBP, shows the number lodged, granted and refused.

**Table 2.7** Number of subclass 416 primary visas lodged, refused, granted, and the grant rate

Financial Year	Lodged	Granted	Refused	Grant rate (%)
2012-13	1,543	1,473	27	98.2
2013-14	2,083	2,014	25	98.8
2014-15	3,171	3,177	12	99.6
2015-16 to 30/11/15	1,711	1,588	32	98.0

Source Department of Immigration and Border Protection, *Supplementary Submission 39.1*, p. 12.

48 Ms Smith, Department of Employment, *Transcript*, 24 June 2015, p. 7.

49 Department of Immigration and Border Protection, *Supplementary Submission 39.1*, p. 12.



## Participation in the Seasonal Worker Programme trials

- 2.49 As noted previously, trials were undertaken in the aquaculture, cane, cotton and accommodation sectors. The trials, which concluded on 30 June 2015, comprised of eight approved employers: seven accommodation providers and one in the cotton sector. The approved employers were located in Western Australia and Queensland.<sup>50</sup>
- 2.50 In the first year of the trial (2012-13), 21 places were filled (19 in the accommodation sector and 2 in the cotton sector). In 2013-14, 35 places were filled (33 in the accommodation sector and 2 in the cotton sector) and 46 places were filled in the in the accommodation sector in 2014-15. Of those 46 places, 23 were returning seasonal workers.<sup>51</sup>
- 2.51 Female participation in the trial programme in the accommodation sector was much stronger than the SWP overall. Over half of the participants in each year of the trial were comprised of female seasonal workers. Table 2.8 provides more detail on participation in the trial sectors including the participating countries.

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50 Department of Employment, *Supplementary Submission 2.2*, p. 23.

51 Department of Employment, *Supplementary Submission 2.2*, p. 22.

**Table 2.8 Participation in the trial sectors**

<b>Year</b>	<b>Trial Sectors</b>
13 (Year 1)	21 places filled <ul style="list-style-type: none"> <li>- 19 placed in accommodation sector (10 male and 9 female seasonal workers from Timor-Leste)</li> <li>- 2 placed in cotton sector (2 male seasonal workers from Tonga)</li> </ul>
<b>2013-14 (Year 2)</b>	35 places filled <ul style="list-style-type: none"> <li>- 33 placed in accommodation sector (18 male seasonal workers from Timor-Leste, 14 female seasonal workers from Timor-Leste and one female seasonal worker from Papua New Guinea)</li> <li>- 2 placed in cotton sector (2 male seasonal workers from Tonga)</li> </ul>
<b>2014-15 (Year 3)</b>	46 places filled <ul style="list-style-type: none"> <li>- 46 placed in accommodation sector (24 male seasonal workers from Timor-Leste, 17 female seasonal workers from Timor-Leste, four female seasonal workers from Vanuatu and one female seasonal worker from Papua New Guinea)</li> </ul>

Source Department of Employment, *Supplementary Submission 2.2*, p. 22.