



11 April 2023

Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Via email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

Dear Secretariat,

**Submission on the Migration Amendment (Australia's Engagement in the Pacific and Other Measures) Bill 2023**

The National Farmers' Federation (**NFF**) thanks the Senate Standing Committee on Legal and Constitutional Affairs for the opportunity to make a submission on the Migration Amendment (Australia's Engagement in the Pacific and Other Measures) Bill 2023. This submission will not comment on the Migration (Visa Pre-application Process) Charge Bill 2023. As this Bill will enable the implementation of the Pacific Engagement Visa (**PEV**) via the *Migration Regulations 1994*, the NFF will take this opportunity to comment on the ballot system as well as our broader policy concerns in relation to the Pacific Australia Labour Mobility (**PALM**) scheme.

*Engaging with the Pacific*

The NFF sees great value in Australia's increased engagement with the Pacific. Indeed, the agriculture industry has benefitted tremendously from the PALM scheme, and it continues to be a success for participating employers, workers and sending nations. Australian farmers have built strong relations with Pacific workers over the course of this program and both workers and employers have called for clear pathways to permanent residency (**PR**). These workers, particularly those in the long-term PLS stream are established and valued members of their communities and have contributed to the economic progress of Australia's regions.

The NFF understands the rationale for the PEV and supports the notion of increased permanent residence from Pacific nations. However, we strongly advocate that pathways to PR should be built into the PALM scheme, and whilst the PEV will indirectly provide PALM workers with an avenue to PR, a deliberate, purpose-built stream for the PALM scheme would be a better option. A pathway to PR within the PALM would increase the attractiveness of the program to Pacific Island workers and incentivise their participation in the scheme. It would recognise the significant sacrifice they have made in spending extended periods

away from families, friends and communities in order to access economic opportunities available in Australia. The initial years a worker would spend in the PALM scheme without dependents would continue to see remittances flow back to the sending nations. This was a major incentive for sending nations to participate in the PALM scheme. Comparatively, the PEV as it is proposed would allow family and dependents to immediately be able to come to Australia with the lead visa applicant, reducing the likelihood of remittances.

### Ballot System

The PEV ballot system is attempting to provide an equitable and fair method of selecting eligible applicants and thereby address Pacific nations' concerns surrounding 'brain drain'. However, the inadvertent outcome of requiring PEV applicants to have a job lined-up in Australia will be a prioritisation of workers who are more likely to receive job offers in Australia. This will likely mean that the PEV will be skewed toward skilled workers and those with established connections in Australia such as PALM workers.

Skilled workers are the most likely cohort to receive job offers in Australia, and the PEV puts no explicit restrictions on them applying. If these workers and their families move to Australia permanently, it will contribute to a skills gap in their home nations.

Many PALM workers are encouraged by the development of a permanent visa stream and given the opportunity would seek PR in Australia<sup>1</sup>. They would likely apply for a PEV with job offers from existing employment arrangements established through PALM scheme participation. The NFF understands that some Pacific nations are already expressing concerns about the PALM scheme causing 'brain drain'. Whilst appropriate criteria could be built into a well-designed PALM PR stream (such as long-term stream only or a regional settlement commitment), the proposed ballot system for the PEV does nothing to address these concerns.

The ballot system does not provide a meaningful safeguard to the Pacific's brain drain concerns. It will be critical to consult with the Pacific nations to best address these concerns and build a long-term model that benefits all involved parties, rather than a model based on Australia's diplomatic goals of the time.

### Value of a purposefully designed PR stream within the PALM scheme

Farmers value the skills and experience that PALM workers develop over the period they spend on Australian farms. Given that the industry experiences chronic labour shortages, farmers are left frustrated by the circular<sup>2</sup> migration system that forces them to lose their newly trained and skilled employees when

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<sup>1</sup> Dr. Kaya Barry, Migration, Pathway to Nation Building, Submission 15.

[https://www.apf.gov.au/Parliamentary\\_Business/Committees/Joint/Migration/MigrationPathway/Submissions](https://www.apf.gov.au/Parliamentary_Business/Committees/Joint/Migration/MigrationPathway/Submissions)

<sup>2</sup> Circular migration or repeat migration is the temporary and usually repetitive movement of a migrant worker between home and host areas, typically for the purpose of employment.

their visas end. They are markedly more productive than Working Holiday Makers, and they are often replaced by new workers who require training. This circular visa structure prevents businesses from drawing on the skills and experience that these workers develop over the time they spend on farm and does not value their significant contribution by allowing them permanent places in regional Australia.

With the eligibility requirement of a job offer and the resulting likelihood of PALM workers applying, it seems more prudent to design a purpose-built pathway to PR within the PALM scheme that takes into consideration the contribution the worker has made, the skills and experience they have acquired, and the needs of both Australia and the Pacific nations.

We note the concerns that such a provision within the PALM scheme and in the context of employer sponsorship — thereby making the worker dependant on the employer for eligibility — could exacerbate conditions which enable worker exploitation. However, these issues will be existent under the current structure of the PEV with PALM workers eligible to apply with a valid job offer. Indeed, a PR stream designed specifically for the PALM scheme — rather than the PEV which is inadvertently skewed toward them — will allow for assurance mechanisms to be purposefully built into the program.

The PALM scheme already has established support services, pastoral care and community engagement programs in place, these structures facilitate both Pacific Islander's and employers. The workers have demonstrated their hard work over an extended period in farming-related employment and living in regional areas, and have pre-existing connections to the workplace and community in which they live. This diaspora is best positioned to smoothly transition to PR, as well as provide support for future migrants from the Pacific.

The allocation of visas, design of the ballot process, reward of PALM workers, and the engagement with the Pacific must all be thoroughly considered before the implementation of the scheme. The PALM scheme is essential to Australia's agricultural workforce, and in an industry constrained by labour shortages, workers willing and able to permanently migrate and contribute to regional life are afforded the best opportunity to do so.

Yours sincerely,

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