

# Migration Amendment & Charge Bill 2023

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## Contents

Introduction.....	3
Election Commitment.....	3
Discussion.....	4
AEAs Position.....	4
Conclusion.....	4

**Introduction:** The Approved Employers of Australia (AEA) thanks the Senate Standing Committee on Legal and Constitutional Affairs for the opportunity to provide feedback on the Migration Amendment (Australia's Engagement in the Pacific and Other Measures) Bill 2023.

The Approved Employers of Australia Ltd was formed in February 2019. The main purpose of the Association is to advocate on policy matters on behalf of our likeminded members and share knowledge and experience to improve the PALM Scheme. We now have over 60 members that comprise of small, medium and large employers as well as Labour Hire Companies. We represent approximately 75% of the short- and long-term workers who participate in the PALM Scheme in Australia (currently over 35,000 workers).

The Australian Pacific Australia Labour Mobility (PALM) scheme is a long-term public policy, industry and development success developed and enhanced over the last 15 years by successive Governments. More than 70,000 Pacific and Timor-Leste individuals have lived and worked in Australia with financial and skills benefits for those individuals and their countries. For Australian industry, the program has provided an opportunity to work with people who have often learned the work quickly and proven to be a key part of many Australian businesses. Australia's social fabric is richer for it with program participants becoming members of sporting and community groups, attending local churches and functions, and sharing their cultural heritage with Australians.

For the Australian Government, the program has supported development objectives across the Pacific and Timor-Leste with individuals benefitting in a livelihoods approach, Pacific communities benefitting from the financial remittances and skills and knowledge transfer, and providing a demonstrated economic commitment to the Pacific, particularly during COVID and the collapse of tourism in the region.

The way forward is likely to be in the balance – where individuals have job opportunities in Australia but the ability to remain part of their home country through a mix of visas, a defined and unique opportunity to move to Australia permanently where there is ongoing work, financial and welfare support, and clear residency arrangements. A program which suggests all visa holders have access to permanent residency, or only short-term visas, or only long-term visas, is problematic for individuals, sending countries, employers and ultimately the Australian Government.

**Election Commitment:** Boosting Pacific permanent migration by creating a new Pacific Engagement Visa for nationals of 13 Pacific Island countries and Timor-Leste. Up to 3,000 visas would be allocated annually by a ballot or lottery process modelled on the New Zealand Pacific Access Resident Category visa. Places would be allocated from within the overall permanent migration program. Detailed design of the scheme will be undertaken in Government based on the following features of the NZ model:

- Applicants to be aged between 18 and 45 years.
- Applicants can include their partners and dependent children up to 24 years of age.
- Applicants or their partners must have a job offer in Australia.
- English language, character, and health tests to be met.
- Applicants selected by ballot have eight months to obtain a full-time job offer.
- Country-specific quotas within an overall quota of up to 3,000 places a year.
- Applications will be open to Pacific nationals in their home countries or who are in Australia on a valid temporary visa. The program will commence in July 2023.

**Discussion:** The AEA supports this initiative more than the family accompaniment proposal and would further support enabling this pathway for PALM workers that have returned to Australia year on year and who have a good track record. Workers who have breached their visa conditions, applied for protection visas or violated Australian law or workplace practices must be excluded. Pacific countries need to agree to the settings as well as some Pacific countries are concerned that this will lead to a greater brain drain and result in more workers deserting their culture and country.

**AEA Position:** This visa exists separately to the PALM scheme, i.e., anyone from the Pacific Island countries or Timor Leste can apply and do not have to have participated in the PALM scheme. This new visa category is modelled on a visa that New Zealand operates which is a pathway to permanent residency based on a lottery system. The introduction of a PEV needs to be worked through very carefully and expectations managed. The criteria to apply as outlined above is supported but the following requires further clarification:

- The allocation of the number of visas issued needs to be fair and equitable across the Pacific Countries.
- It should also be clear that the 3,000 visas include partners and dependents.
- We understand that the ballot system is proposed to ensure it is fair and transparent. However, it may not attract the labour component Australia is seeking and could attract more skilled and PALM workers by default. Pacific nationals who already have working experience and been trained with a good track record in Australia will be a greater incentive to attract the right skill sets. A better option will be for the Pacific Engagement Visa (PEV) to provide PALM workers with an avenue for Permanent Residence that is a deliberate, purpose-built stream for the PALM scheme. This will not only be attractive to employees and employers, but also reward them for returning year on year. It is important for the sponsoring Approved Employer to recommend these employees.
- One of the concerns that needs to be addressed is remittances as this is one of the pillars of success for the scheme and on which Pacific Countries rely on.
- It is also important to reduce the risks of worker exploitation by illegal and unscrupulous operators.
- Accommodation and living costs remain a concern.
- Monitoring, evaluation and a regular review of the PEV is important ensure changes can be made to improve the visa category.

**Conclusion:** An incentivized PEV with Permanent Residency opportunities without compromising the Pacific Nations 'brain drain' concern, is considered to be the best option.