



Australian Government

Australian Government response to the
Senate Select Committee on Temporary Migration report:

Temporary Migration Final Report

APRIL 2024

Recommendations

Recommendation 1:

7.10 The committee recommends that a comprehensive review be undertaken of Australia's visa system with the objective of achieving greater simplification and improving usability.

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:

7.11 The committee recommends that the Australian Government provide a significant increase in resources to the Department of Home Affairs to assist in the timely assessment of visa applications and that targets be set and published regarding acceptable assessment times for all visa subclasses.

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:

7.12 The committee recommends that the Department of Home Affairs conduct a review of its existing communication channels to identify and implement improvements to the timeliness, clarity and transparency of its communication.

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

7.13 To inform future policy development, the committee recommends that the Australian Government further invest in the development of data collection, integration and dissemination capacity for agencies with responsibility for immigration policy settings and programmes, including the Department of Home Affairs, the Department of Education, Skills and Employment, the National Skills Commission, the Australian Bureau of Agricultural and Resource Economics and Sciences, the Department of Agricultural, Water and the Environment and the Department of Foreign Affairs and Trade.

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

7.14 The committee notes that the Australian Government has failed to provide comprehensive responses to a number of significant reports that it has 179 received regarding Australia's migration programme, such as the Productivity Commission report of 2016 and the National Agricultural Labour Advisory Committee report released in March 2021. With the third wave of the COVID-19 pandemic in Australia prolonging labour shortages across a number of industries, and given that Australia's international borders may remain closed for some time, the committee recommends that the Australian Government urgently respond to these reports.

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

7.17 The committee recommends that the Australian Government establish an inter-departmental committee to coordinate Australia's temporary migration programmes, laws, regulations and policies.

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

7.18 The committee recommends that this inter-department committee regularly consult with industry, unions and other stakeholders.

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

7.21 The committee recommends that the Australian Government position the Seasonal Worker Programme, in conjunction with the Pacific Labour 180 Scheme, as the predominant source of low and semi-skilled labour in Australia's agricultural industry.

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

7.26 In keeping with the Seasonal Worker Programme's role as the predominant source of low and semi-skilled labour in Australia's agricultural industry, the committee recommends that the 88 day work requirement of the Working Holiday Maker program be abolished in respect to farm work and the Working Holiday Maker program be refocused on its original purpose of facilitating cultural exchange—not labour.

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

7.31 In order to facilitate an increased take up of the Seasonal Worker Programme by primary producers, the committee recommends that reforms be made to the programme that would lessen the administrative burden of participation without compromising on protections for workers.

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

7.32 The committee recommends that the Australian Government work constructively with State and Territory governments to explore options to increase Australia's quarantine capacity for the inclusion of Seasonal Worker Programme and Pacific Labour Scheme participants.

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

7.36 To improve the flexibility of the Seasonal Worker Programme, the committee recommends that the Australian Government trial a short-term stream of the Seasonal Worker Programme, allowing visa holders to engage in agriculture-specific work in Australia, with multi-entry capabilities, for periods of less than three to four 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 13

7.41 The committee recommends that in instances where an employer engages a temporary visa worker, that this employer be required to obtain accreditation from the Australian Government following the provision of training on their obligations to temporary visa workers and register with the Australian Government in cases where a temporary visa worker is engaged as an employee.

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

7.42 The committee recommends that the Department of Home Affairs regularly publish data on the number of temporary visa workers engaged in work in Australia and the number of employers who have engaged such labour.

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 15

7.43 The committee recommends that where an employer has been found to have breached workplace laws, that employer be banned for a period of time from engaging temporary visa workers as employees.

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 16

7.51 The committee recommends that the Australian Government undertake a comprehensive review of current education and training initiatives that are in place to encourage Australians taking up employment in industries experiencing labour force shortages and how they might be improved to offer credible career pathways.

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 17

7.52 The committee further recommends that the Australian Government provide greater investment into the research and development of agri-tech innovation.

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 18

7.53 The committee recommends that the Australian Government establish an independent and tripartite body, incorporating the voices of government, industry and unions, which would be responsible for defining what constitutes a “skills shortage” and determining where they 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 19

7.54 The committee recommends that the Australian Government emphasises the importance of the Skilling Australians Fund in supporting Australians to 184 meet labour demands and that efforts should be made to increase industry awareness of the benefits of the Skilling Australians Fund to the Australian economy and community.

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 20

7.55 The committee acknowledges the role the current artificially low Temporary Skilled Migration Income Threshold plays in undermining the attractiveness of employing Australians over temporary visa workers and recommends that the Temporary Skilled Migration Income Threshold be increased to the rate it would have been if it were not frozen in 2013 and that future increases be indexed, as was previous practice.

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 21

7.62 The committee recommends that all temporary visa holders travelling to Australia with permissions to work be provided with an induction by the relevant industry groups and unions, an information pack by the Department of Home Affairs which explains their workplace rights and also be required to undertake training to ensure that they have a thorough understanding of these rights. Such visa holders should also be provided with details of where they can seek further information or assistance, including through non-government organisations such as industry groups, unions, settlement services organisations, and other like bodies.

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 22

7.63 The committee recommends that the Australian Government develop a comprehensive worker rights education plan to ensure that temporary visa holders are given information about their work rights in an appropriate language and format.

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 23

7.64 The committee recommends that the Australian Government monitor and review the impact of the 40 hour visa condition requirement for international students, in light of temporary measures to remove this requirement ensuring the primary purpose of a student visa must be study.

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 24

7.69 Building on recommendation 14 of the Migrant Workers' Taskforce final report, the committee recommends that the Australian Government, as a priority, implement a National Labour Hire Licensing Scheme. The National Labour Hire Licensing Scheme

should build on existing frameworks, such as those schemes operating in Queensland and Victoria, to provide a nationally consistent framework.

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 25

7.74 The committee recommends restoring the alignment that used to exist between the temporary skilled and permanent skilled programme to ensure that where appropriate, migrants have pathways to permanency and citizenship.

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 26

7.77 The committee recommends an expansion of in-language and in-culture support for migrant workers, particularly women on temporary visas across Australia, and readily available information on migration and family law in easy English and a range of languages.

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 27

7.78 The committee recommends that more resources be allocated by the Australian Government to support migrants integrating into Australian communities, including to settlement, education and employment services, community legal centres and other like organisations.

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 28

7.88 The committee recommends that employees engaged by labour hire firms be subject to the same wages and conditions, as other employees on the sites where they are engaged.

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 29

7.89 The committee recommends that a formal and legally binding firewall be established between the Fair Work Ombudsman and the Department of Home Affairs to protect whistle-blowers and temporary visa holders that report exploitation to the Fair Work Ombudsman.

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 30

7.90 The committee recommends that the Government prioritise a review of the Fair Work Act 2009 small claims process to examine how it can reduce the time taken to finalise cases.

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 31

7.91 The committee further recommends that temporary visa holders have their visas extended until their small claims matters are concluded.

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 32

7.92 The committee recommends the establishment of a small-claims tribunal, separate to Australia's current court hierarchy, to facilitate an efficient resolution to wage theft and other like claims, including responsibility for setting safe standards, for all employees including for temporary visa holders.

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 33

7.93 The committee recommends that the Australian Government increase penalties for wage theft and prioritise the re-introduction of legislation to criminalise wage theft 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 34

7.94 The committee recommends that franchisors be held responsible for the underpayment of employees by franchisees if franchisees do not rectify underpayments.

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 35

7.95 The committee recommends that the Australian Taxation Office simplify the process for rectifying non-payment and underpayment of superannuation by employers.

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 36

7.96 The committee recommends that employers be required to pay the wages of temporary visa holders into Australian bank accounts.

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 37

7.100 Commensurate with the reorganisation of the Fair Work Ombudsman, the committee recommends that the Australian Government provide significantly greater resources to the organisation, allowing it to have a greater capacity to investigate breaches of Australia's industrial relations laws in partnership with registered organisations and prosecute offenders.

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 38

7.101 The committee recommends that the Fair Work Ombudsman be reorganised as the Fair Work Inspectorate, with a greater emphasis on its role as an enforcer of Australian industrial relations laws at the centre of its mission.

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 39

7.104 Recognising the scale of temporary visa worker exploitation in Australia, the committee recommends that the Australian Government ensure that the reorganised Fair Work Ombudsman works in a formal partnership with registered organisations in the shared mission of combating temporary visa worker exploitations in Australian workplaces.

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 40

7.105 The committee recommends that unions be authorised to conduct audits and checks on businesses suspected of exploiting workers or the payslips of potentially impacted workers.

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.

Australian Greens' additional comments

Recommendation 1:

That migrants who come to Australia with family visas, and with refugee and humanitarian visas, be provided with pathways to permanency and 196 citizenship, and that these pathways begin with permanent residency upon entry 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.