

Submission to the Senate Employment, Workplace Relations and Education References Committee

Inquiry into Pacific region seasonal contract labour

March 2006

Committee Secretary
Senate Employment, Workplace Relations and Education Committee
Department of the Senate
Parliament House
Canberra ACT 2600
Australia

Email: eet.sen@aph.gov.au

Dear Sir,

Please find attached a submission from Oxfam Australia, for the Senate Employment, Workplace Relations and Education References Committee inquiry into Pacific region seasonal contract labour.

As an international development agency with programs in the Pacific region, our submission will not discuss domestic employment issues, but will focus on the final two terms of reference for the inquiry:

- the likely technical, legal and administrative considerations for such a scheme; and
- the effects of the scheme on the economies of Pacific nations.

We would be happy to participate in committee hearings as appropriate, and thank you for the opportunity to contribute to the Committee's deliberations.

Yours sincerely

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Inquiry into Pacific region seasonal contract labour

Oxfam Australia welcomes the opportunity to contribute to the Senate Employment, Workplace Relations and Education Committee inquiry into Pacific region seasonal contract labour.

Oxfam Australia works in 23 countries across East Asia, South Asia, Africa, the Pacific and Indigenous Australia, in partnership with local communities to overcome poverty and injustice. We also respond to disasters and emergencies in many parts of the world to deliver short term assistance.

Oxfam Australia has worked in the Pacific region since the 1960s, supporting projects in diverse areas, including primary education, HIV awareness, community governance, human rights training and business skills for women. Currently we work in Fiji, Papua New Guinea, Solomon Islands and Vanuatu in co-operation with Oxfam New Zealand and with local partners on issues of poverty, development and human rights, including the following priority areas:

- Food and livelihood security
- Basic health and social services, particularly in relation to HIV/AIDS
- Community peace-building and conflict prevention
- Good governance and citizenship
- Gender equity
- Disaster management

Many of our Pacific partners work especially with young people, and so the issue of “decent work” and employment opportunities for young Pacific islanders takes on particular importance.

Summary of recommendations

Oxfam Australia believes that seasonal work programs alone cannot address the many development challenges facing the region. But the creation of new opportunities for unskilled workers to access the Australian and New Zealand labour markets can make an important contribution to Pacific social and economic development, to complement Australia’s official development assistance program.

At a time when Australia is promoting increased regional integration, the issue of labour mobility is taking on greater importance. The creation of a regulated seasonal work scheme between Australia and Pacific island countries could have a number of benefits:

- * creating employment opportunities for the growing numbers of unskilled workers in the region, without requiring permanent migration;
- * providing an additional source of remittances that make an important contribution to social and economic development in many Pacific island countries;
- * providing a legal avenue for Pacific islanders to work in Australia without “overstaying” or breaching their visa conditions;
- * fostering greater community linkages between communities in Australia and its nearest neighbours.
- * a program established with support from government, employers and unions could limit current breaches of labour rights and work conditions that raise memories of past exploitation of island labour by Australian companies.

- Oxfam Australia endorses proposals to develop a series of pilot programs for seasonal workers to travel from the Pacific to Australia, as a contribution to poverty alleviation in the region.
- The establishment of pilot programs to recruit seasonal workers should be well regulated with involvement of government, employers' organisations and unions, to ensure that core rights are maintained (labour rights, working conditions, health and safety laws).
- There is a need for extensive monitoring of social, cultural and political impacts, so the benefits of any increased income for the family and community can be weighed against the social costs.
- Employer and community organisations should contribute to pre-departure training and information sessions for seasonal workers, as a crucial element of any scheme.
- Governments in Australia and the Pacific must develop legislation and regulations to support effective operation of seasonal work programs.

1) Pacific development context

The debate over labour mobility and seasonal work programs comes at a time when Australia's Pacific island neighbours face key development challenges:

Young and growing populations:

The Secretariat of the Pacific Community (SPC) demography program has highlighted the growing number of young people entering the job market each year (an issue that will continue for decades, as 40 per cent of island populations are aged 0-20).¹

There is a significant "youth bulge" in countries like Papua New Guinea, Solomon Islands, Vanuatu, Kiribati and Tuvalu, with a growing pool of unskilled and semi-skilled workers who cannot find employment in the formal wage sector of island economies.

As well as basic services in health and education, these young people are seeking employment opportunities in order to pay for school fees, housing, basic necessities and improved rural livelihoods.

Limited employment opportunities:

At the same time of increasing community expectations from government, many small island developing states in the Pacific are facing new pressures on land use and exports, with limited opportunities to create employment in the formal sector of the economy.

Even a large country like Fiji, with an established manufacturing industry and employment in tourism, sugar and garments is facing pressures in job creation. The Fiji government estimates that there are about 17,000 new job seekers each year in Fiji (school leavers and late entrants to the job market), but only about 9,700 job opportunities in the formal sector.²

For smaller states like Kiribati and Tuvalu, or poorer Melanesian states like Solomon Islands and Vanuatu, these pressures are even greater. Some 45 per cent of the Solomon Islands population is below 14 years of age, so job creation will be an issue for the next generation, in a country that has faced severe economic challenges since the political crisis of the late 1990s.

Key Pacific export industries are also facing pressure due to trade liberalisation, which are often driven by outside policies – for example, a 2004 Oxfam study on Fiji's garment industry found

¹ Population data and demographic trends for island nations are detailed by the Secretariat of the Pacific Community (SPC) Demography / Population program: <http://www.spc.int/demog/>.

² "Rebuilding confidence for stability and growth for a peaceful, prosperous Fiji", *Strategic Development Plan 2003-2005*, Parliamentary paper No. 72, 2002, p.42

significant employment effects from global trade liberalisation, and noted that “Significant job losses in the industry would be likely to lead to a social and economic crisis, with flow-on implications for social stability.”³

Contribution to social conflict and instability:

Without increased employment opportunities, Pacific governments and community leaders are concerned about the potential for increased crime, “raskolism” and substance abuse, especially amongst young men. Pacific women’s organisations have stressed the importance of creating opportunities for young people, to avoid violence against women or the engagement of young men in social conflict.

Through AusAID, other government departments and a range of non-government and community organisations, Australia has made significant interventions to address the social, political and economic costs of recent crises in Bougainville, Solomon Islands and Fiji.

Australia’s development assistance program plays a central role in supporting programs of governance, infrastructure development, health and education. But social conflict and instability can wipe out years of progress in these areas, and it is vital to take a proactive policy to address the demands for improved services and livelihoods in the rural areas and outlying islands where most islanders live.

Labour mobility is a key element in this process – Pacific economist Satish Chand of the Australian National University argues that: “denying Pacific islanders access to labour markets in surrounding metropolis may threaten the very existence of small far-flung island communities, particularly as sovereign states.”⁴

Key issue on regional agenda:

There is a clear and growing demand from Australia’s Pacific island neighbours, seeking opportunities to take up temporary or seasonal work overseas and earn income at pay rates well above those on offer in their home countries.

This issue of labour mobility has important implications for Australia’s diplomatic relations with our nearest neighbours, as indicated by the recommendations of a May 2005 roundtable of ten Australian High Commissioners serving in the Pacific:

“The roundtable repeatedly returned to the practical economic benefits of greater labour mobility between Pacific states and Australia and New Zealand as an employment pressure valve, a source of remittances and a source of professional advancement for Pacific Islands.”⁵

Forum island governments are lobbying Canberra on the issue and the Melanesian Spearhead Group has argued for temporary access for workers with qualifications below tertiary level, including seasonal agricultural workers. Following the Forum’s adoption of the “Pacific Plan for Strengthening Regional Co-operation and Integration”, PNG’s Foreign Minister Sir Rabbie Namaliu has stated:

“We believe that permitting increased labour mobility should be part of Australia’s and New Zealand’s commitment to implementing the Pacific Plan. It is one way to demonstrate to our

³ Donovan Storey: *The Fiji Garment Industry*, Oxfam Briefing Paper (Oxfam New Zealand, Auckland, 2004).

⁴ Satish Chand: “Labour mobility for sustainable livelihoods in Pacific island states”, *Pacific Economic Bulletin*, Vol. 20 No.3, 2005, p66.

⁵ Dr. Malcolm Cook: “The Pacific – beyond post-colonialism and the Pacific Way, a new Era”, *Outcomes Report*, Pacific Heads of Missions Roundtable, 13 May 2005, Lowy Institute for International Policy, p.8.

leaders that they are serious about assisting island countries to develop their capacity and their economies.”⁶

The importance of remittances and migration are extensively discussed in the December 2005 “Core Group Recommendations Report”, the culmination of major consultations and analysis for the forthcoming White Paper on Australia’s aid program.⁷

The Core Group details a pessimistic outlook for the Pacific, with the likelihood of “deterioration of services and increasing levels of poverty” (p68), and identifies access to overseas labour markets as one key factor in the level of instability in Melanesian countries relative to Polynesia (p9).

As well as recommending further research on the relationship between migration and development in the Pacific, the Core Group recommends that “the government should consider developing a Pacific unskilled migration window to facilitate migration, especially from Melanesia and the microstates. This would complement the recently announced skills training initiative and help achieve more quickly the same aim of promoting migration from the Pacific islands.” (p69)

At the 2005 Pacific Islands Forum, Prime Minister Howard announced proposals for an Australian Technical College for the Pacific. This initiative complements existing schemes for skills training: for example Oxfam Australia and Oxfam New Zealand are engaged in a range of initiatives to support skills training, such as the Rural Training and Development Centres in Vanuatu.

But these training initiatives are not sufficient to meet the demand for jobs and cash for rural livelihoods, and the issue of seasonal work programs takes on new importance.

2) Addressing Pacific “brain drain”

Labour mobility is incorporated in international trade negotiations, with the “temporary movement of natural persons” (known as “Mode 4”) forming part of negotiations under the General Agreement in Trade in Services (GATS). The issue of labour mobility between the Pacific and Australia is also being discussed in regional negotiations around trade in services through PICTA, PACER and the EU - ACP Economic Partnership Agreement (EPA).

This issue of seasonal work programs should be considered in the context of broader migration from the Pacific islands to countries of the Pacific Rim. Historically there have been major movements of workers across the region with people seeking education, employment or enjoyment:

- a) from rural areas and outer islands to urban centres or to other enclaves which provide employment (plantations, mines, forestry projects etc).
- b) from one island country to another (for example, so many Wallisians have travelled to New Caledonia to work in the booming nickel industry, that today there are more Wallisians in New Caledonia than in Wallis and Futuna).
- c) from the islands region to countries of the Pacific Rim such as Australia, New Zealand, United States and Canada.

In some cases, this movement is circular rather than one way – people do not migrate permanently, but return to their homes when they have raised the capital or skills needed to contribute to local development on their own land. In this light, proposals for seasonal work programs in Australia must be judged for their contribution to this process of *circular* migration, rather than *permanent* migration to another country.

⁶ *Australian Financial Review*, 26 October 2005, p8. Information about the Pacific Plan can be found at www.pacificplan.org

⁷ Professor Ron Duncan et al: *Core Group Recommendations Report for a White Paper on Australia’s aid program* (AusAID, Canberra, December 2005)

Today, there is an increasing amount of labour mobility in the Pacific region:

- * over 4,000 Pacific seafarers work on overseas fishing and trading vessels, with Tuvaluan and i-Kiribati seafarers staffing European shipping lines;
- * many Samoans and Tongans have migrated to work overseas, and there are more Tokelauans, Niueans, Wallisians and Cook Islanders living and working overseas than in their home islands;
- * with global trade patterns reducing employment in Fiji's sugar and garment industries, many Fiji islanders have sought employment overseas as nurses, domestic carers, soldiers or even private security guards (there are over 1,000 Fijians working in Iraq and Kuwait for private security and transport companies, and thousands more serving in the British army).

Another crucial aspect of the debate over seasonal work programs is the distinction between *skilled* and *unskilled* workers.

Australia and New Zealand have existing migration and residency programs that attract many skilled migrants from the Pacific. A major concern for Pacific island countries is the loss of skilled trades and professional staff – accountants, teachers, IT workers, rugby players, doctors, nurses and other health professionals – who migrate to Pacific Rim countries, attracted by better pay or career opportunities, or to avoid political conflict or discrimination.

But most island countries are characterised by an *oversupply of unskilled workers and an undersupply of skilled workers*. There is much larger demand for employment opportunities from workers who are skilled at farming or fishing, but lack the trade and professional qualifications needed for urban employment or the chance to migrate.

A 2005 Asian Development Bank and Commonwealth Secretariat report on increased labour mobility in the Pacific stresses the greater benefits of increased movement of unskilled labour for Pacific island economies:

“Australia and New Zealand would gain considerably from increasing these quotas [of skilled and unskilled workers from the Pacific] through GATS Mode 4. Although most of the negotiations have focussed on the mobility of skilled labour, this paper provides further evidence that *the gains to developing economies from Mode 4 are greatest when applied to unskilled labour.*”⁸

3) Addressing social concerns

With the Australian government placing less emphasis on family reunion migration, unskilled workers have less opportunity to migrate and send home remittances, - thus temporary work programs in Australia would give them opportunity to earn cash to contribute to family and community development.

A well regulated seasonal work program from the Pacific to Australia would provide opportunities for training and increased earnings, without the “brain drain” associated with permanent migration of skilled workers. It is also important to note that seasonal workers transfer knowledge, skills and experience to their home community as well as cash.

A government-endorsed seasonal worker program could help address current concern over the number of Pacific islanders working in Australia in breach of their visa conditions. One recent study of fruit growers in Victoria's Murray Valley found that one in four of the employers surveyed were

⁸ Terrie Walmsley, Amer Ahmed and Christopher Parsons: “The impact of liberalising labour mobility in the Pacific region”, Asian Development Bank – Commonwealth joint report to the Pacific Islands Forum Secretariat (ADB Pacific Studies Series, Volume 3, Working paper No.17), p.28 (*emphasis added*).

employing undocumented workers⁹, and there have been regular raids by Immigration officials on fruit-growing areas in Victoria, New South Wales and Queensland.

Unlike undocumented workers who overstay their visas and live with the fear that they may be discovered working illegally, seasonal workers can return home regularly and are not forced to endure long years of separation from family. Although there are still social issues for families, seasonal workers could come and go under a properly regulated program, rather than being separated from family and community for years on end. As documented in recent studies by Swinburne University¹⁰, the most important factor in the low overstay rates in Canada's seasonal worker scheme appears to be that workers can return to their homeland with the expectation that they will be re-engaged to work in Canada the following year.

4) Remittances and development

The current inquiry is investigating "the effects of the scheme on the economies of Pacific nations." There is a growing literature on the role of remittances in development, poverty reduction and improving rural livelihoods, based on the research of academic institutions, non-government organisations and international financial institutions.

Much of the literature studies remittances from permanent migrants, but there are also important studies of seasonal work programs in agriculture and horticulture, such as Canada's seasonal agricultural work program. Some key findings:

a) *The remittances of overseas workers make a significant contribution to development and rural livelihoods in many Pacific island countries*

There is a detailed literature on the role of remittances in Pacific development, including a 2005 study for the Asian Development Bank by Professor Richard Brown and John Connell, and forthcoming reports by the same authors for the World Bank.¹¹

Smaller Polynesian and Micronesian states like Tonga, Samoa, Kiribati, Tuvalu, Wallis and Futuna, Niue and the Cook Islands have been reliant on remittances from migrants or seasonal workers, to complement Overseas Development Assistance (ODA) and very limited access to Foreign Direct Investment (FDI).

For example, Tonga has seen a steady increase of private receipts through remittances over the last four years, from P\$105 million (2001) to P\$184 million (2004), amounting to 31 per cent of GDP.¹²

Even one of the Pacific's largest countries, Fiji, is increasingly reliant on overseas remittances, which are playing a crucial role in Fiji's foreign exchange earnings. The country has historically relied on sugar and gold mining, and more recently tourism and garment manufacture. But over the last decade, the amount of remittances has increased to a level where they earn more foreign exchange than other sectors except tourism.

In 2004, Fiji earned more than F\$300 million from officially recorded remittances (7 per cent of GDP), and the Governor of Fiji's Reserve Bank estimates that an estimated 40 per cent of households – especially lower-income families – receive remittances.¹³ Given that significant amounts of remittances are transmitted directly within the family, such as cash carried by hand, these figures probably underestimate the real amount.

⁹ Peter Mares, *Labour shortages in Murray Valley agriculture* (Institute of Social Research, Swinburne University 2005)

¹⁰ http://www.sisr.net/cag/docs/labourmobility_2005.doc

¹¹ John Connell and Richard Brown: *Remittances in the Pacific – an overview* (Asian Development Bank, Manila, March 2005).

¹² "Overseas Exchange Transactions", National Reserve Bank of Tonga, Annual Report 2003-04, p.6,

¹³ Savenaca Narube, Governor of the Reserve Bank of Fiji, transcript of speech to the Fiji Australia Business Forum, 17 October 2005 [<http://www.bis.org/review/r051019c.pdf>]

b) International remittances can reduce the level and depth of poverty

Recent studies from the World Bank have focussed on the role of remittances in poverty reduction – the Bank's *Global Economic Prospects 2006* details the economic impacts of international remittances to developing countries, which total about US\$167 billion in 2005 - *more than twice the amount of official development assistance (ODA)*.¹⁴

Over the last decade, the amount of recorded remittances has grown much faster than government aid budgets. ODA increased from US\$59 billion in 1995 to US\$79 billion in 2005. Over the same period however, workers remittances increased from US\$58 billion to over US\$160 billion.¹⁵

A 2005 study by the World Bank's International Migration and Development Research Program has found that globally, international remittances reduce the level and depth of poverty – a 10 per cent increase in individual remittances will lead to a 3.5 per cent decline in the share of people living in poverty.¹⁶

c) Remittances contribute to clear development outcomes, improving health and education

Novib (the Oxfam International affiliate in the Netherlands) convened an international meeting on remittances and development in 2004. Papers from that seminar show how remittances can improve education and health in developing countries, as they allow poorer families to supplement their limited cash incomes and invest in the future.¹⁷

With seasonal work schemes, workers return home each year and use their savings and remittances to improve housing, nutrition, clothing and health care for their families. Workers and their families enjoy greater income security and increased access to consumer goods.

These development outcomes are also documented in recent evaluations of Canada's Seasonal Agricultural Worker Program, which brings nearly 20,000 workers to Canada from Mexico and the Caribbean for up to 8 months each year. Research studies by the North - South Institute show that Canada's seasonal worker scheme has long-term development outcomes in source countries - in particular, the children of seasonal labourers are likely to stay longer in school. Jamaican workers were found to spend up to 35% of remittances on children's education¹⁸ and there was a positive correlation between the number of years workers are employed in Canada's seasonal agricultural workers program and their children's school leaving age.¹⁹

These findings are consistent with other United Nations surveys on the high proportion of migrant workers' remittances used to fund spending on children's education.²⁰

d) As well as economic benefits for host countries, seasonal work programs can create economic spin-offs for sending countries

¹⁴ World Bank: *Global Economic Prospects 2006: The Economic Implications of Remittances and Migration* (World Bank, Washington, 2006).

¹⁵ World Bank: *Global Economic Prospects 2006, ibid. p88.*

¹⁶ Richard Adams and John Page: "Do international migration and remittances reduce poverty in developing countries?" in *World Development* 33 (10) 2005, pp1645-1669.

¹⁷ *Bridging the Gap: international migration and the role of migrants and their remittances in development*, Novib International Expert meeting 2004 (Novib, the Netherlands, November 2004). See also Ernesto Lopez Cordova: "Improving health and education" in *id21 Insights* No.60, January 2006.

¹⁸ Roy Russell: "Jamaican workers' participation in CSAWP and development consequences in the workers' rural home communities" (executive summary) North South Institute [online] <http://www.nsi-ins.ca/ensi/research/completed/c05.html>

¹⁹ Gustavo Verduzco and Maria Lozano: "Mexican farm workers' participation in Canada's seasonal Agricultural labour market and development consequences in their rural home communities" (executive summary) North South Institute 2004 [online] <http://www.nsi-ins.ca/ensi/research/completed/c05.html>

²⁰ United Nations Department of Economic and Social Affairs: *World economic and social survey 2004, part II, international migration*, pp95-111 [online] <http://www.un.org/esa/policy/wess/>

Seasonal work programs will create economic benefits for rural towns in Australia (through consumer spending, housing rents, use of banking services, telecommunications etc).

But there are also potential economic spin-offs for sending countries: for example, Oxfam International's 2004 study on migration and remittances notes that there is a significant demand for 'nostalgic' foods from workers living overseas, opening the way for the "cultivation of the significant market for nostalgic foods through the facilitation of linkages between the diaspora engaged in business in host countries with local entrepreneurs from their country of origin."²¹

5) People to people relations

The 2003 Senate inquiry into Australia's relations with Papua New Guinea and the Pacific Islands placed special emphasis on building "people to people links" and "initiating and supporting activities designed to enhance awareness, understanding and interaction between the peoples and institutions of the region."²²

Oxfam Australia believes that seasonal worker programs should be designed to promote community linkages between rural regions in Australia and our nearest neighbours. There should be a strong emphasis on skills training by host governments and employers and on encouraging positive interaction between the seasonal workers and their host communities. The recruitment of seasonal workers from a particular region or province on a yearly basis would provide the opportunity for community to community links involving churches, service clubs, women's organisations and other community groups in the two countries.

Church and community organisations in Australia and the islands could also provide a crucial role in supporting seasonal workers with information on labour rights, working conditions, cultural adaptation and social issues (like HIV and AIDS, substance abuse etc). There is significant potential for non-government development and volunteer agencies to work in areas to support returning seasonal workers (e.g. in micro-finance, skills training or small business programs).

The Australian government agency AusAID should investigate the possibility of co-ordinating development and investment programs in areas where seasonal workers are returning. There are a number of innovative models (eg Mexico's 3 x 1 program) which could be adapted, providing government grants to supplement investment of remittances in business and development activities.

6) Recommendations on Pacific seasonal work programs

Oxfam Australia endorses proposals to develop a series of pilot programs for seasonal workers to travel from the Pacific to Australia, as a contribution to poverty alleviation in the region.

In its 2003 report on Australia's relations with the Pacific region - the Senate Foreign Affairs, Defence and Trade Committee recommended that "the Australian government support industry groups, State governments, unions, non-government organisations and regional governments to develop a pilot program to allow for labour to be sourced from the region for seasonal work in Australia."²³

Such pilot programs could be developed through a series of bilateral agreements between Australia and Pacific island governments, targeting rural areas or outlying islands which have limited opportunities for employment growth.

²¹ *Bridging the Gap: international migration and the role of migrants and their remittances in development*, Novib International Expert meeting 2004 (Novib, the Netherlands, November 2004), p7.

²² Senate Foreign Affairs, Defence and Trade References Committee: *A Pacific Engaged - Australia's relations with Papua New Guinea and the islands of the south west Pacific* (Canberra, August 2003), p224

²³ Senate Foreign Affairs, Defence and Trade References Committee: *A Pacific Engaged, op.cit.*, p74

The establishment of pilot programs to recruit seasonal workers from the Pacific should be well regulated with involvement of government, employers' and workers' organisations, to ensure that core rights are maintained (labour rights, working conditions, health and safety laws).

Seasonal work schemes must not be used to undercut wages and conditions for Australian workers, and must adhere to core labour conventions and standards with safeguards built in to protect workers' rights and guarantee freedom of association.

There is a need for extensive monitoring of social, cultural and political impacts, so the benefits of any increased income for the family and community can be weighed against the social costs.

The departure of active family members, even for short periods, will place burdens on those remaining, especially older women involved in childcare and vulnerable groups such as children, the elderly or disabled.

Government officials, employers, unions and community leaders must address a range of social impacts – on labour rights, family life and development outcomes for women - that would need to be addressed if seasonal worker schemes from the Pacific are to function effectively.

Employer and community organisations should contribute to pre-departure training and information sessions for seasonal workers, as a crucial element of any scheme.

There is a need for accurate and timely information to prospective seasonal workers before they travel (on wage rates, labour conditions, visa and consular advice, banking and remittance procedures).

There is also a concern that “mobile men with money” will engage in hazardous activities while overseas, so the recruitment of seasonal workers must include information on issues like HIV / AIDS, alcohol, gambling etc. There are existing examples in the Pacific of such training modules that could be adapted for Australia (eg. the SPC's Regional Maritime Program has developed social responsibility modules for seafarers from Kiribati and Tuvalu).

There is a need to investigate opportunities for women as well as men to join seasonal work programs, with training for work in non-traditional areas and appropriate community support and advice (eg on sexual harassment, childcare etc).

Governments in Australia and the Pacific must develop legislation and regulations to support effective operation of seasonal work programs.

Government must adapt policies (eg tax policies for remitted funds, membership of Medicare and insurance schemes, visa and consular requirements) to ensure that seasonal workers are subject to onerous financial and administrative arrangements.