



Southern Downs
REGIONAL COUNCIL

31 October 2022

The PALM Secretariat

PALM.Secretariat@dfat.gov.au

Dear Submissions Manager

Please find attached the Southern Downs Regional Council's submission to the Pacific Labour Mobility Discussion paper – Expanding and Improving the PALM Scheme.

Southern Downs Regional Council looks forward to your advice and reply on the issues raised.

Should you wish to discuss any of the items raised in the submission please do not hesitate to contact Scott Riley, Director Planning and Environmental Services, on scott.riley@sdrc.qld.gov.au or by phone on 0456 360 032.

A handwritten signature in blue ink, appearing to read 'Dave Burges'.

Dave Burges
CEO
Southern Downs Regional Council



Warwick Office 64 Fitzroy Street Warwick QLD 4370
Stanthorpe Office 61 Marsh Street Stanthorpe QLD 4380
Mail to: The CEO, Southern Downs Regional Council, PO Box 26 Warwick 4370
ABN 59 786 792 651



1300 MY SDRC (1300 697 372)



mail@sdrc.qld.gov.au



sdrc.qld.gov.au

Southern Downs online



SDRC Submission to the review of Expanding and Improving the PALM Scheme

Organisation: Southern Downs Regional Council
Name: Scott Riley
Position: Director Planning and Environmental Services
Email: scott.riley@sdrc.qld.gov.au
Mobile: 0456 360 032
Address: 64 Fitzroy Street,
Warwick, Qld 4370

Introduction

The Southern Downs Regional Council's local government area encompasses the Granite Belt Region of southeast Queensland which is a major horticultural production region. Over \$300m of fruit and vegetables are produced each year with apples, strawberries and summer vegetables (tomatoes, leafy veg) being the major crops.

The Granite Belt has traditionally been a major employer of seasonal labour, predominantly workers on working holiday visa. However in the past 5 years producers have embraced the Seasonal Worker Programme (SWP) and the Pacific Labour Mobility Scheme (PALM).

These two schemes have many advantages over the traditional 'backpacker' schemes, not only for local agribusinesses, but also for the regional economy and to the workers and the economies of their home countries.

Disruptions to the general workforce due to the pandemic in 2020 and 2021 demonstrated just how under-resourced the farm labour sector is and how there is not the ability to draw on large numbers of Australian residents when shortages occur. Post the pandemic impacts on horticultural sector and its labour force, it has been clearly identified that the Pacific Labour Mobility Scheme has now become a critical component to the labour required to continue and expand the horticultural and agricultural production of the Southern Downs Region.

Pacific labour mobility schemes bring both economic and social benefits to the Southern Downs Region and the Council wants to see the schemes maintained, improved and grown. For these simple but powerful reasons the SDRC is happy to participate in the review, engage in any pilot programs and provide this feedback following on from the earlier submission made in July 2021.

A copy of this submission is included for reference.

Expanding and Improving the PALM scheme

General questions (employers /community organisations/unions)

Q1. What aspects of the PALM scheme result in ‘red tape’ for stakeholders (for employers, workers and participating countries)?

Response

The following items are a significant impact on all concerned in the administration of the PALM Scheme

- a) Failure of the labour hire companies or intermediate management groups to be accountable for a number of short comings including;
- a. Poor communication with farmers and accommodation providers.
 - b. Poor management of cultural differences amongst different worker groups from different countries of origin.
 - c. Lack of appreciation of the cultural differences of different work groups on large sites and the impacts this has on the cohesion of larger work groups and the damage to productivity.
 - d. Payment for services rendered on time (there should be a payment guarantee type system similar to the Building industry for sub-contractors)
 - e. Payment for any damages beyond fair wear and tear on plant and equipment and or accommodations facilities.
 - f. Accountability for the theft of accommodation goods and chattels provided by accommodation providers. There should be accommodation Bonds payable which should be forth coming from the labour hire companies.
 - g. Payment of excessive utility expenses due to different cultural expectations and or cultural behaviours of workers across different climatic regions. A process of capping use is critical to sustain affordability of services in a high inflationary environment.
 - h. Lack of accountability to upskill workers on the expected cultural norms and behaviours of the workplace and community during the work placement. e.g. expectations of workplace health and safety and community social behaviours and adherence to road rules during placements.

Q2. Is the ‘red tape reduction working group’ the appropriate avenue to take forward the red-tape reduction agenda?

Response

The red tape reduction work group is best placed to consider the improvements to the PALM Scheme, however the inclusion of greater industry participation and diversity of

representation will be key to building a more sustainable and broadly based reference group to balance conversations and deliver more broadly based improvements.

Q3. How could existing structures for consultation (e.g., PALM Advisory Group, sector committees, HOM roundtables and regular online LSU updates) be adjusted to improve consultation? Are additional consultation for a needed?

Response

The existing consultation processes and structures can be adjusted to improve outcomes by actioning the following;

- a. Allowing complete transparency of meetings and reporting on issues
- b. Allowing for reporting of disciplinary actions against non-compliant labour hire operators
- c. operators
- d. Allowing for evidenced based assessment of compliance and or complaints against an expected legislated industry standards.

Q4. In your opinion, are there other aspects of the scheme that need to change to improve the scheme? If so, what are they, and what changes would you suggest?

Response

The core aspects of the scheme changes to create greater transparency and accountability include the following;

- a. Providing for cultural training of both workers and the management administration to break down barriers on social and cultural expectations of origin and receiving communities.
- b. Building in mechanisms for financial accountability and timely payment for all in the system.
- c. Investment in pre training for workers to enhance the skills and improve productivity and multi skilling of team members
- d. Bonding all levels of payments and making all within the service accountable for legacy outcomes ensuring negative issues are not left unresolved be it payments, compliance with workplace requirements, accommodation standards or community interactions.

Family Accompaniment

General questions

Q1. In what circumstances would you support families accompanying workers and are there any circumstances under which you would not support this initiative?

Response

The support of family accompaniment is critical to long term stability of families and work force sustainability and promoting the opportunity to grow regional and local community populations. Generally from the Southern downs perspective support would be offered.

Some reasons support would not be offered or supported is where individuals are have insufficient evidence of integration into the local community or there have been evidenced of conflicts with community behaviours and cultural norms or evidence of criminal behaviour's.

Q2. How would you suggest we overcome any identified challenges for workers who bring their families to Australia?

Response

A local community approach with integration to support the total wellbeing of the families similar to that of the integration model promoted by the Regional Development Australia. These examples work well where there is alignment of objectives and goals in a welcoming community. Community welcome and education is also a significant component of supporting a positive experience. This could be advanced by a number of diversified strategies but must have its origin in the community at its core. As exemplified in the following;

<https://theconversation.com/settling-migrants-in-regional-areas-will-need-more-than-a-visa-to-succeed-114196>

Q3. Are there additional implementation challenges or risks the Government should be considering?

Response

The following considerations are essential to understanding what success will look like;

Social licence / community acceptance for change.

- a. Social integration capacity (social licence and community acceptance of new residents)
- b. Southern Downs Regions local residents understanding and acknowledging their role in welcoming and integration of new arrivals and fostering social cohesion across all communities.
- c. Avoiding segregation between migrant and local/native communities
- d. People's unconscious bias (social stereotypes about certain groups of people from outside their own conscious awareness)

Housing - stock availability impacts due to recent housing pressures.

- a. Competition / social impact on local residents.
- b. Affordability, diverse and attractive housing supply
- c. Competition driving increase in prices and rentals
- d. How to respond to speculation-driven projects and in relation to the short-term stay of some migrant inhabitants

Local service capability

- a. Time and resources to prepare and build the community's capability
- b. Access to health / medical services
- c. Education options
- d. Recreational opportunities
- e. Adequate services for health and wellbeing
- f. Support for the whole family
- g. Cultural backgrounding conversations, norms and expectations around , utility use as one example
- h. Employment opportunities for the extended family
- i. Piloting small program changes would be a great way to test implementation strategies against success criteria.

Q4. How would you like to be involved in the staged implementation of Family Accompaniment? Are there locations, sectors or employers who would be well placed to support the initial cohort of families?

Response

Southern Downs Regional Council would welcome being a pilot for the implementation of a new program linking back to horticulture and agriculture industries alongside agricultural product processing and manufacturing. Bolstering the employment work force across these sectors will have a significant impact on providing a resilient and sustainable food production for the state and nation.

Q5. What criteria, if any, should workers and families be required to meet in order to participate?

Response

The following criteria are considered key components of realising success;

- a. Connection with English language skills
- b. Willingness to learn and adapt behaviours towards a multi skill level to diversify employment options across all 4 seasons in the area.
- c. Resilience of core cultural beliefs
- d. Welcoming approach to change and adaption
- e. Being open to a connection with a local mentor to understand cultural differences

Additional questions for local councils

Q18. What do you see as the benefits and challenges from having PALM scheme families temporarily migrating to your area? What measures could you or others put in place to address these?

Response

The following Benefits are evident;

- a. Stabilised industry support and function of the region's economy
- b. Improved stability of economic production
- c. Community resilience into the future
- d. Improved cultural integration of the workforce
- e. Opportunity for work force inclusion and participation

The following Challenges are evident;

- a. Establishing community integration without local community mentors or champions
- b. The management of different cultural groups and the factional conflicts that often exist between groups.
- c. A process of skill and competency validation to test and verify existing skills or qualifications.

Q19. How does your council ensure the delivery of culturally appropriate services for newly arrived temporary migrants?

Response

This is an area where a new coordinated approach is to be implemented working with the established community networks and service providers in combination with employers across the region. A designated pilot program would refine and validate the best methods of integration in the region, starting small and growing when processes are established.

Q20. What structures do you have in place to ensure relevant agencies, service providers and employers work together to ensure good settlement outcomes for culturally and linguistically diverse families who come to your area?

Response

The following items are considered available in the local community / region

- a. Existing culturally diverse community
- b. Suite of family services
- c. Available employment opportunities across various seasonal profiles
- d. Diversity of Christian religious community churches in the region.

- e. All modern community services of vibrant rural and regional towns including health and medical, educational, banking, telecommunications retail and hospitality services.
- f. Established industry networks and producer groups.
- g. Vibrant and diverse recreational pursuits from organised or informal sports to natural and cultural visitor experiences.

Q21. What activities have you undertaken or are ongoing to ensure your area is a welcoming community for newly arrived temporary migrants?

Response

A number of events and community projects are regularly occurring including;

- a. Connecting participants with community cultural celebrations and events
- b. Introducing Social wellbeing services to new arrivals
- c. Building connections with education providers
- d. Supporting community wellbeing focus with interests of new residents
- e. Introducing and connecting new residents with the array of diverse sporting clubs with interregional links.

New opportunities in the areas of mentoring are possible depending upon the needs of the participants in different culturally diverse groups.

Making seasonal/short term deployments more attractive for employers

General questions (employers /community organisations/unions)

Q5. What are the biggest obstacles to more employers joining the scheme?

Response

Biggest obstacles at present are the following components;

- a. Housing accommodation in the region
 - i. Southern Downs Regional Council is presently seeking to address this by supporting employers and industry investment with new provisions in the revised planning scheme creating flexibility to have more on site accommodation. Dire state wide impacts are evident at this point which are not helping.
- b. Availability of training on the job to support the education of workers
- c. Labour hire companies only being focused on larger producers and not offering different solutions to smaller producers.
- d. Lack of portability / flexibility to move workers in a region between farms on different seasonal tasks which provides greater resilience and flexibility to secure skilled labour.

- e. Inability of employers to directly influence the skill selection criteria of the labour pool to improve productivity.
- f. High cost and risk of accommodation. With limited ability to bond Workers or the Labour Hire Companies, accommodation, utility costs (water, power gas), goods theft and damage to property are large and unacceptable financial risks.

Q6. Are there other ways to make the scheme more attractive to employers of seasonal workers?

Response

Providing more accountability for labour hire company to ensure the following outcomes;

- a. Communication with employers and program participants to manage accommodation needs and availability.
- b. Providing for an accommodation bond to reset the “care factor” of workers to respect assets and reduce operational costs of utilities, theft and damage to premises.
- c. Allowing for country of origin social and cultural mentors to support workers adapting to new social and cultural expectations in the work communities. (providing a mechanism to manage / reduce perceptions of anti-social behaviours which are accepted and normalised in the country of origin but not in Australia, especially the treatment of female workers and women in general.)
- d. Addressing the unnatural imbalance between the labour hire companies, the employers and accommodation providers who seem to hold the considerable financial risks.

Q7. As an employer, what would be the implementation challenges associated with delivering this commitment?

Response

The significant challenge is having the capacity to support and manage culturally and socially diverse workforces in the single workplace when the labour hire facilitators have little accountability and abrogate their clear responsibility for total pastoral care for the worker to either the employer or accommodation providers in a different country.

Q8. How do you think this policy can be administered effectively (invoicing, system changes, communications)?

Response

A process of legislation system change to invoicing systems to guarantee payments and implement bonds to / for accommodation providers would be significant step forward in making a number of the current challenges more manageable reducing the financial

investment risks which could promote great accommodation supply. The further administrative provisions for improving communication and systems alongside a regular auditing program of outcomes from all perspectives, like a 360 degree review prior to allow the continuation of any licencing would also add considerable merit to the program improvement. At present the system works to some extent but has a long way to go to truly be transparent and equitable for all involved. As an example the validation of drivers licences needs to have a higher priority as it is a key component of worker safety and transport to the job sites in a region. Furthermore the different international standards do not always equate to local traffic safety competency and this needs to have a screening process in place to protect the welfare of all in the work force and community.

Q9. What additional obligations or costs will this commitment bring on employers?

Response

This should bring little if no additional costs as this service and guarantee should be borne by the labour hire companies who presently hold less accountability. Presently there is a considerable imbalance of risk to employers and accommodation provides which promotes poor processes and behaviours from the labour hire companies which is bordering on being highly dishonest.

Q10. How soon could (employer) business systems be in place to support implementation of this measure?

Response

The implementation of these regulatory balance mechanisms could be completed with a relatively short time frame allowing for some system & legislative design and implementation. Some licences or 'tickets' can be requested for workers to have before they arrive, which is seen as useful in some situations as a legitimate pre requisite. This would involve supporting training in the country of origin prior to departure.

It could be implemented with 6 months to bring in line the positive improvements required to add further confidence to the labour program hence shoring up a more positive take up of the program in general allowing for the distribution of improved benefits to all concerned. The expansion of the worker program under a more balanced arrangement will promote further confidence and completion within the market.

Relocating the Australian Agriculture Visa within the PALM scheme

General questions

Portability (employers/community organisations/Pacific country)

Q1. Do the employer-initiated options for portability already negotiated in the context of the AAV and the PALM scheme remain appropriate?

These include:

- Transfer agreed between approved employers (AEs) offshore (prior to mobilisation).
- Transfer agreed onshore between AEs (unplanned or details of an agreed offshore transfer not finalised).
- Secondments (unplanned) to host employers who may not be PALM AEs.

Response

The degree of flexibility provided for in any of the circumstances entirely relates to the level of surety required to maintain effective employment. Improved surety through flexibility which does not disadvantage the worker can only be positive for both employer who has work and the worker who is open to maximise the engagement opportunity.

Q2. Under proposed arrangements the cost of travel between employers would be incurred by employers. Which employer should bear these costs? Similarly, how would the transfer of other administrative responsibilities best operate?

Response

The equitable cost accountability between employers for travel should be shared on a percentage basis based on the hours worked with the working week. As an example the cost for one day out of a week would be 20% of the weeks travel costs or the costs incurred for that day. This will allow flexibility to activate work on an hourly basis across multiple employers with the scheme. This is very important to smaller producers who during the low season may not have work for full complements of teams and would be able to share and engage labour resources across a number of smaller sites whilst maintaining a viable pool of work for a team or individuals.

Q3. How would you envisage a marketplace model operating and what would need to be in place to deliver this function effectively without risking the welfare of workers?

Response

The market place model will need clear parameters and regulatory requirements to prevent the discrimination against any participant. The best example would be to develop a simplified

structure / model that identifies and de-risks the exposure of workers to the vagaries of unscrupulous manipulation by any entity or person during the employment period.

In support of the mechanism there would need to be a place for compliant lodgement and management where an independent assessment can be conducted of the particular circumstances. If the desire is not to create a separate system to manage this risk the granting of access and support of individuals to parts of the exiting employment legislation and provisions for current citizens may be an opportunity worth exploring.

Q4. What are the risks for workers associated with a marketplace model and how would you propose managing these?

Response

The market place model contains a number of risks where unskilled persons would find it very difficult to negotiate individual agreements and not be exposed to disadvantage or discrimination. The implementation of a system that is open to manipulation is truly disingenuous to all concerned and one not in keeping with the spit of mutual benefit and collaboration which benefits all.

Q5. How should worker movements be tracked and monitored and who should be responsible?

Response

The reporting of worker engagement and placement should reside with the labour hire companies primarily through the implementation of appropriate systems and electronic registers for which data is supplied by the employer sites. Some clear operational accountability is the responsibility of the labour hire companies in the first instance. These systems are not difficult to implement and could be easily adapted to scanning technology of site access cards which should be part of site biosecurity systems.

Additional questions

Q13. Are there any other specific features of the proposed AAV that should be incorporated into the PALM scheme?

Response

The incorporation of technology reporting as part of bio security systems needs to be clearly examined as this would provide multiple benefits to various parts of the sector.

Q14. How would you implement these features and what would be the timeframe for implementation?

Response

The implementation of these provisions could be undertaken as part of a reform package introduced through legislative requirements but supported by a phase in period to allow the resource of labour to remain unencumbered to enable the work of maintaining and harvesting of the valuable crops the nation and world needs.