

## Summary of Changes\* – Pacific Australia Labour Mobility (PALM) Scheme Approved Employer Deed

\*Disclaimer: This document is a summary of key changes and may not include all potential differences between Deeds

<b>RECRUITING WORKERS UNDER THE PALM SCHEME</b>		
<b>PALM Deed Requirements</b>	<b>How does this compare to the Seasonal Worker Programme (SWP) arrangements?</b>	<b>How does this compare to the Pacific Labour Scheme (PLS) arrangements?</b>
<p><b>Visa Application</b> <b>Deed reference 11.2(e)</b> Approved Employers must assist Workers with lodging visa applications.</p>	<p>New arrangement – SWP Deed does not mandate that the Approved Employers assist Workers with lodging visa applications.</p>	<p>New arrangement – PLS Deed does not mandate that Approved Employers assist workers with visa applications.</p>
<p><b>Contingency Plans</b> <b>Deed reference 9.1</b> Contingency Plan forms part of a Recruitment Application and is subject to the review and approval process. Note: ‘Plan’ refers to a plan which is required to be prepared by the Approved Employer and submitted to the Department under the PALM Deed for approval. These Plans include any Recruitment Plan, Welfare and Wellbeing Plan, Accommodation Plan, Transport Plan and Contingency Plan.</p>	<p>New arrangement – While SWP Approved Employers must submit a Contingency Plan as part of the Recruitment Application process for consideration of approval and they must notify the department <b>prior</b> to enacting a Contingency Plan, the timing requirements have changed.  <b>(SWP Deed reference 24.4 (d))</b></p>	<p>New arrangement – While PLS Approved Employers already have a Contingency Plan in their approved Recruitment Plan, the Approved Employer must seek <b>approval before</b> enacting a Contingency Plan.</p>
<p><b>Cultural Competency</b> <b>Deed reference 9.2</b> Demonstrate Cultural Awareness in its Recruitment Application</p>	<p>New arrangement – SWP Deed does not have this requirement.</p>	<p>New arrangement – While the PLS Deed requires Approved Employers to obtain necessary cultural competencies in working with Pacific Islanders, it is not a requirement to demonstrate cultural knowledge to the specified cohort to be recruited in each Recruitment Application.  <b>(PLS Deed reference Schedule 1, Section F.1(a))</b></p>
<p><b>Minimum work hours</b> <b>Deed reference 11.1(c), refers to need to meet minimum hours as defined by the Guidelines.</b></p>	<p>New arrangement – currently SWP requirements are 30 hours per week averaged over the entire placement.  <b>(SWP Deed Reference C.2 (d))</b></p>	<p>New arrangement – currently PLS (long-term placement) requires a minimum of 30 hours per week employed (no casual employment).  <b>(PLS Deed Reference C.2 (e))</b></p>

**RECRUITING WORKERS UNDER THE PALM SCHEME**

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<p><b>Worker Portability Arrangements</b> <b>Deed reference 11.2 (b)</b></p> <p>Portability Arrangement refers to the transfer of a Worker between two Approved Employers or an Approved Employer and a Host Organisation (these arrangements are not initiated by the Worker).</p> <ul style="list-style-type: none"> <li>○ 3 types of Portability:               <ol style="list-style-type: none"> <li>1. Offshore Portability</li> <li>2. Onshore Portability</li> <li>3. Temporary Portability</li> </ol> </li> </ul> <p>Costs associated with moving Workers between locations must not be passed onto the Worker.</p>	<p>New arrangement – formalising Portability arrangements available under SWP.</p>	<p>New arrangement – PLS does not have Portability arrangements.</p>
<p><b>International Flights and Transfers (Costs, expenses, and deductions)</b> <b>Deed reference 11.2 (c)</b></p> <p>the Deed specifies the Approved Employer obligations for this clause and refers to the Guidelines for specific details. For example:</p> <p><b>\$300 Flight contribution</b></p> <p>Approved Employers must pay the first \$300 of Workers’ flight costs.</p>	<p>No change – currently, SWP Approved Employers are required to pay the first \$300 towards Workers’ flight costs. <b>(SWP Deed reference E4 (a))</b></p>	<p>New arrangement – currently, PLS Approved Employers are not required to contribute to Workers’ flight costs.</p>
<p><b>Reimbursement for Travel</b> <b>Deed reference 20</b></p> <p>Approved Employers can seek reimbursement of flight costs that they have paid on behalf of short-term Workers in certain circumstances.</p> <p>Applicable when the Approved Employer is unable to recoup travel costs (minus \$300 contribution) through no fault of their own.</p> <p>Applies to recruiting short-term Workers and does not include airfares purchased by Approved Employers on behalf of long-term workers.</p>	<p>New arrangement – this measure was introduced as part of the October 2022-23 Budget announcement and applies only to short-term Workers.</p>	<p>Not applicable</p>

<b>PAY AND CONDITIONS</b>		
<b>PALM Deed Requirements</b>	<b>How does this compare to the Seasonal Worker Programme (SWP) arrangements?</b>	<b>How does this compare to the Pacific Labour Scheme (PLS) arrangements?</b>
<p><b>On arrival assistance for Workers</b> <b>Deed reference 11.2</b></p> <p>Approved Employers must include, as part of their offer of employment, financial assistance that is no less than \$200 through a cash advance when Workers arrive in Australia.</p> <p>Workers may decline this cash advance and this must be amended in the offer of employment and deductions accordingly.</p>	<p>New arrangement – currently no minimum amount is set for SWP Approved Employers.</p>	<p>No change – continuation of current settings but increased amount to \$200 (from \$150). <b>(PLS Deed reference C.2 (h))</b></p>

<b>WELFARE AND WELLBEING PERSON</b>		
<b>PALM Deed Requirements</b>	<b>How does this compare to the Seasonal Worker Programme (SWP) arrangements?</b>	<b>How does this compare to the Pacific Labour Scheme (PLS) arrangements?</b>
<p><b>Managing Worker Grievances</b> <b>Deed reference Section C1.4, Clause 36</b></p> <p>Approved Employers must provide easy to understand information and explain to Workers how they can raise any matter of concern or complaint with the Approved Employer.</p> <p>Approved Employers must not take any retaliatory action against a Worker or group of Workers that raise a grievance.</p> <p>A Grievance Policy will be developed to support this arrangement.</p>	<p>New arrangement – this is a new clause to strengthen current SWP arrangements.</p>	<p>New arrangement – this is a new clause to strengthen current PLS arrangements.</p>
<p><b>Increased transparency regarding any Approved Employer Conflict of Interest (COI) and Workers can request documentary evidence on costs associated with accommodation.</b> <b>Deed reference 72</b></p> <p>Approved Employers must declare any real or perceived conflict of interest in regard to a range of matters including accommodation and welfare and wellbeing arrangements.</p>	<p>New arrangement – SWP does not have these requirements. There are general clauses however the PALM scheme has implemented greater specificity on COI and transparency of costs for Workers.</p>	<p>New arrangement – PLS does not have these requirements. There are general clauses however the PALM scheme has implemented greater specificity on COI and transparency of costs for Workers.</p>

<b>WELFARE AND WELLBEING PERSON</b>		
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<p><b>Family Accompaniment</b></p> <p><b>Deed reference 9.13</b></p> <p>Approved Employers may choose to assist long-term Workers to bring their families to Australia.</p> <p>Further work is required on the settings and parameters of this measure.</p>	<p>New arrangement – this is a new measure introduced as part of the 2022-23 October Budget.</p>	<p>New arrangement – this is a new measure introduced as part of the 2022-23 October Budget.</p>
<p><b>Welfare and Wellbeing Support Person and Plan</b></p> <p><b>Deed reference 14.</b></p> <p>Appoint a suitable Welfare and Wellbeing Person who is located within 200km of Workers’ Placement.</p> <p>Welfare and Wellbeing Plan outlining adequate Welfare and Wellbeing Arrangements are in place.</p>	<p>No change – A Welfare and Wellbeing Plan is currently required as part of SWP recruitment. but there are changes to certain elements/settings such as:</p> <p>Welfare and Wellbeing Person must be located within 300km rather than 200km of Workers’ Placement.</p> <p>There is now a Worker to Welfare and Wellbeing Support Person ratio prescribed.</p> <p><b>(SWP Deed reference clause 12 and F)</b></p>	<p>New arrangement – Welfare and Wellbeing Person and Welfare and Wellbeing Plan are not required under the PLS.</p>

<b>ACCOMMODATION AND TRANSPORT</b>		
<b>PALM Deed Requirements</b>	<b>How does this compare to the Seasonal Worker Programme (SWP) arrangements?</b>	<b>How does this compare to the Pacific Labour Scheme (PLS) arrangements?</b>
<p><b>Accommodation for Workers</b></p> <p><b>Deed reference 13</b></p> <p>Approved Employers must arrange and provide accommodation for the duration of the Approved Recruitment (Deed clause 9 and 13).</p> <p>Workers can choose to arrange their own accommodation.</p> <p>Approved Employers must not coerce a Worker to arrange their own accommodation (Guideline Reference 10.7)</p>	<p>No change – this is a continuation of current settings under the SWP for accommodation arrangements.</p> <p>Workers can still arrange their own accommodation should they choose.</p> <p><b>(SWP Deed reference G2).</b></p>	<p>New arrangement – current requirement for PLS Approved Employers is to provide accommodation for workers for the first 3 months.</p> <p>Workers can still arrange their own accommodation should they choose to.</p>

## ACCOMMODATION AND TRANSPORT

PALM Deed Requirements	How does this compare to the Seasonal Worker Programme (SWP) arrangements?	How does this compare to the Pacific Labour Scheme (PLS) arrangements?
<p><b>Supporting Workers to understand their rights and obligations in relation to accommodation.</b></p> <p><b>Deed references 13.4-13.6</b></p> <p>Where a Worker chooses to arrange their own accommodation, the Approved Employer must support Workers to understand tenancy agreements and obligations, including processes for escalating maintenance issues to property managers and landlords when needed.</p>	<p>New arrangement – strengthening requirements currently in place under SWP Deed.</p>	<p>New arrangement – this is a new requirement for current PLS Approved Employers.</p>
<p><b>Transport arrangements for Workers</b></p> <p><b>Deed reference 13</b></p> <p>The Approved Employer must arrange and provide transport for workers.</p> <p>A transport plan must include a breakdown of costs.</p> <p>Workers can arrange their own transport if they choose to.</p>	<p>No change – this is currently in place for the SWP.</p> <p>Workers can arrange their own transport if they choose.</p> <p><b>(SWP Deed reference H2)</b></p>	<p>New arrangement – Workers can arrange their own transport if they choose to.</p>

## REPORTING AND NOTIFICATION FOR APPROVED EMPLOYERS

PALM Deed Requirements	How does this compare to the Seasonal Worker Programme (SWP) arrangements?	How does this compare to the Pacific Labour Scheme (PLS) arrangements?
<p><b>Notification of Incidents</b></p> <p><b>Deed reference 17</b></p> <p>The Deed Clauses pertaining to Incidents have been strengthened to cover a broader range of incidents (within define categories) and to impose reporting timeframes.</p>	<p>New arrangement – requirements have changed under PALM to streamline required notifications into 3 categories (Critical incidents; Non-critical incidents; Other incidents).</p>	<p>New arrangement – requirements have changed under PALM to streamline required notifications into 3 categories (Critical incidents; Non-critical incidents; Other incidents).</p>

## PROGRAM ASSURANCE APPROACH

PALM Deed and Guidelines Requirements	How does this compare to the Seasonal Worker Programme (SWP) arrangements?	How does this compare to the Pacific Labour Scheme (PLS) arrangements?
<p><b>Action Plan</b></p> <p><b>Deed reference 61</b></p> <p>Prepare an Action Plan to address concerns if they arise in relation to your compliance with the Deed and Guidelines (Deed clause 61)</p> <p>The Action Plan must provide clear, timely, measurable steps to address concerns (Guidelines reference 14.9.2)</p>	<p>New arrangement – the Action Plan is a new approach to improving AE performance under the PALM scheme.</p>	<p>New arrangement – the Action Plan is a new approach to improving AE performance under the PALM scheme.</p>

## RECRUITING AND SELECTING PALM SCHEME WORKERS

### Section B1.2

PALM Deed Requirements	How does this compare to the Seasonal Worker Programme (SWP) arrangements?	How does this compare to the Pacific Labour Scheme (PLS) arrangements?
<p><b>Making Changes to Approved Plans</b></p> <p><b>Deed Clause – 9.9</b></p> <p>The Approved Employer must not make any change to an Approved Plan without the prior written approval of the Department in accordance with the Guidelines</p> <p><i>You must Notify Us within 7 days of a change in the type of work performed. You must seek Workers’ written agreement for any changes to their conditions of employment or changed roles</i></p>	<p>No change – currently any changes to Approved Recruitment require departmental approval.</p> <p><b>(SWP Deed reference – Recruitments B7)</b></p>	<p>New arrangement – currently any changes to Workers’ roles after commencement require Pacific Labour Facility (PLF) approval.</p> <p>Under new arrangements Approved Employers will seek approval from the department.</p>
<p><b>Arrival briefings</b></p> <p><b>Deed reference 11.2(e)</b></p> <p>More information is specified in the Guidelines which outlines what Approved Employers must do at Arrival Briefings. For example:</p> <p>Approved Employers must accommodate the attendance of the relevant union representation and the FWO with at least 7 calendar days of the Workers commencing work in Australia, or an alternative time otherwise agreed to between the Approved Employer and the relevant union or FWO.</p>	<p>No change</p>	<p>New arrangement – PLS does not require the Approved Employer to invite FWO or the relevant union to attend the arrival briefing.</p>



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<p><b>Arrival Report</b> <b>Deed reference 43</b></p> <p>The Approved Employer must submit an Arrival Report 14 days after Workers arrive in Australia that contains the names and dates of arrival for Workers, confirmation the Arrival Briefing was delivered, and confirmation the Approved Employer completed the Arrival Requirements (e.g. helping workers get a mobile phone and set up a bank account).</p> <p>Pay data must be submitted 4 months after Workers have arrived in Australia.</p>	<p>New arrangement – the timeframe to submit this report has been reduced from up to 20 days after arrival of Workers and pay data is no longer to be provided as part of the Arrival Report.</p> <p><b>(SWP Deed reference 18 (J5))</b></p>	<p>New arrangement – the timeframe to submit this report has been increased from five days to 14 days.</p> <p><b>(PLS Deed reference 7).</b></p>
<p><b>Departure Report</b> <b>Deed reference 43</b></p> <p>The Approved Employer must submit a Departure Report within 14 days of Workers leaving Australia which includes the names and dates of departure of Workers, details of any Workers who did not depart as expected, information on superannuation payments, and confirmation that the Approved Employer provided a Departure Briefing.</p>	<p>New arrangement – the timeframe to submit this report has been extended and pay data is no longer required to be submitted as part of the Departure Report.</p> <p><b>(SWP Deed reference 8.2(c))</b></p>	<p>New arrangement – the timeframe to submit this report is not specified.</p> <p>Also change in name. In, the departure report is referred to as the ‘Ending employment of a PLS worker notification form’.</p> <p><b>(PLS guidelines reference 9.1)</b></p>