

# Frequently Asked Questions (FAQs)

## Transition to the new PALM scheme Deed and Guidelines

*Last updated: 29 June 2023*

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### Entering into the PALM Deed of Agreement

#### Q: Will different PALM scheme approved employers have different deeds?

No. The intent has been to consolidate the Seasonal Worker Programme (SWP) and Pacific Labour Scheme (PLS) into a single program with one deed. All approved employers will have the same deed regardless of whether they recruit short-term or long-term workers.

#### Q: Will the new PALM scheme deed be open for negotiation by each approved employer?

The Australian Government (Government) has undertaken extensive consultation on the PALM scheme deed, with initial discussions with PALM scheme stakeholders commencing in 2021.

Deed offers will not be open to negotiation on an individual basis. Program settings are outlined in the deed and approved employer guidelines.

#### Q: Is there any flexibility to allow an extension on the 28-day deadline for approved employers to return their signed PALM scheme deed and declaration?

To ensure continuity of the PALM scheme and minimise disruption to workers, employers have 28-days to return signed copies of the PALM scheme deed and approved employer declaration for all existing approved employers that are offered the PALM scheme deed from 26 June 2023.

If you have any concerns in meeting this timeframe, please contact your contract manager (SWP) or relationship manager (PLS).

**Please note** if an approved employer does not sign the PALM scheme deed, they will:

- no longer be able to submit new recruitment applications under their existing SWP and PLS deeds; and
- need to reapply (including submitting an application) to become an approved employer under the PALM scheme deed.

#### Q: What happens if an approved employer doesn't want to sign the new PALM scheme deed?

It is up to each approved employer to decide whether they want to sign the PALM scheme deed and continue participating in the scheme.

Employers who do not wish to continue participating in the scheme must advise the Department of Employment and Workplace Relations (the department) accordingly and provide details of any ongoing recruitments within 28-days from the date the department sent the PALM scheme deed to the approved employer. These employers will be considered as 'exiting employers'.

Future arrangements for **exiting employers** with ongoing recruitments will depend on individual circumstances, but may include:

- Where the SWP deed and/or PLS deed expires on 30 September 2023, the department may issue an Extension Notice so that the SWP deed and/or PLS deed (as relevant) aligns with the ongoing recruitment end dates.
- Where the PLS deed expires after 30 September 2023, the department may offer a Deed of Termination by Mutual Consent, with an effective date aligning with the date of the ongoing recruitment end date.
- The department/Pacific Labour Facility (PLF) redeploying the workers.

If the exiting employer accepts the Extension Notice/enters into the Deed of Termination by Mutual Consent (as relevant), ongoing recruitments will continue to be governed by the SWP or PLS deed (as relevant).

If the exiting employer does not accept the Extension Notice/enter into the Deed of Termination by Mutual Consent (as relevant), the department/PLF may seek to transfer PALM workers to another approved employer.

The department/PLF will work with individual businesses to support their exit from the PALM scheme.

#### Q: Can new employers still apply to become an approved employer under the SWP or PLS?

New employers can still apply to participate in the PALM scheme. SWP or PLS deeds are no longer being offered and approved applicants will be offered the new PALM scheme deed from 26 June 2023.

### Transition Recruitments

#### Q: If an approved employer signs the PALM scheme deed, what happens to recruitments that were approved under the old deed and continue past 31 July 2023?

A recruitment that was approved under the SWP or PLS deed will transition to the PALM scheme deed from the date the department executes the new deed. However, approved employers will be required to submit a variation to the transition approved recruitment to make it compliant with the new deed and guideline requirements.

Not all new requirements will be applicable on commencement of the PALM scheme deed, with transition arrangements and grace periods for some elements. Please refer to the PALM scheme approved employer transition advice on the department's website. This will be updated as required.

#### Q: Will recruitments approved under the SWP or PLS deed continue if an approved employer does not enter into the PALM scheme deed?

If a recruitment was approved under an SWP or PLS deed and the approved employer does not accept the offer to enter into the PALM scheme deed, the department will work with these employers. Subject to an employer's individual circumstances, actions may include:

- Where the SWP deed and/or PLS deed expires on 30 September 2023, the department may issue an extension notice so that the SWP deed and/or PLS deed (as relevant) aligns with the ongoing recruitment end dates;
- Where the PLS deed expires after 30 September 2023, the department may offer a Deed of Termination by Mutual Consent, with an effective date aligning with the date the Ongoing Recruitment end date; or
- The department/PLF may work with the employer to redeploy the workers.

**Q: What is the last date an approved employer can submit a SWP or PLS recruitment plan?**

The department and the PLF are no longer accepting recruitment plans under the SWP or PLS deeds. Any plans submitted after **16 June 2023** will not be approved.

**Q: For transition recruitments (which have been approved under an old deed and will transition to the PALM scheme deed) will employers be able to immediately submit new recruitment applications?**

Transition recruitments will be conditionally approved under the PALM scheme deed and required to meet new requirements according to the implementation timeframes outlined below. Please see Transition Advice #2 for further advice on transitional arrangements.

<b>PALM scheme deed requirements</b>	<b>Date of effect</b>
<p><b>Minimum hours for short-term workers</b> 30 hours offered to all workers every week</p>	<p><b>July 2023 - 31 December 2023</b> No change to current SWP deed requirements, 30 hours averaged over the worker’s employment period.</p> <p><b>From 1 January 2024 to 30 June 2024</b> 30 hours offered, averaged over 4 weeks (for all existing and new recruitments).</p> <p><b>1 July 2024</b> 30 hours offered every week for all existing new recruitments</p>
<p><b>Minimum hours for long-term workers (1-4 years)</b> Full-time (including during standdowns; site shutdowns must be capped to 4 weeks every financial year to coincide with workers’ annual leave entitlements)</p>	<p><b>1 October 2023 or the date of arrival of new workers (whichever is earlier).</b> For new and existing recruitments.</p>
<p><b>Low hours safety net</b> If minimum offer hours are <b>less than 20 hours</b> in a week, approved employer must meet accommodation and transport costs. <b>Debt cannot be accrued.</b></p>	<p><b>1 October 2023</b> For new and existing recruitments.</p>
<p><b>Outstanding debt</b> Any outstanding debt cannot be carried over after a worker has completed a placement</p>	<p><b>Effective from date of deed execution</b> For new and existing recruitments.</p>

PALM scheme deed requirements	Date of effect
<p><b>Safety Net Guarantee</b></p> <p>Minimum net pay guarantee for each Worker after tax and deductions of \$200 a week (debt repayment can be extended).</p> <p>Any outstanding debt cannot be carried over after the Worker has completed their placement in Australia and returned to their home country (i.e., not extended to the Worker’s next placement in Australia).</p>	<p><b>Effective from date of deed execution</b></p> <p>For new and existing recruitments.</p>
<p><b>Pay Parity</b></p> <p>Approved employers must pay workers the same full rate of pay attached to the relevant classification in the applicable Fair Work instrument if workers are performing the same type of work and engaged at the same site as other employees.</p>	<p><b>Effective from date of deed execution</b></p> <p>For new and existing recruitments.</p>
<p><b>Accommodation for long-term (1-4 years) workers</b></p> <p>Approved employers must arrange accommodation for the first 12 months.</p>	<p><b>Effective from date of deed execution</b></p> <p>For new recruitments.</p>
<p><b>Transport for long-term (1-4 years) workers</b></p> <p>The approved employer must arrange and provide transport for workers.</p> <p>Where the worker has also organised their own transportation, then approved employer (or appointed welfare and wellbeing support person) must support the Worker to ensure transport is reliable, safe and affordable</p>	<p><b>Effective from date of deed execution</b></p> <p>For new recruitments.</p>
<p><b>FWO and union attendance at arrival briefings</b></p> <p>Approved employers must invite FWO and a relevant union to address workers at arrival briefings</p>	<p><b>Effective from date of deed execution</b></p> <p>For new recruitments.</p> <p><b>By 1 October 2023</b> or date of arrival of any new recruitment (whichever is earlier).</p> <p>For existing recruitments, approved employers to invite unions and FWO to address existing workers (where they have not already) and advise the department of the details.</p>
<p><b>Grievance management</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 AE and maintain a register of Grievances.</p>	<p><b>Effective from date of deed execution</b></p> <p>For new and existing recruitments</p>

PALM scheme deed requirements	Date of effect
<b>Welfare and wellbeing plan</b>	<b>1 October 2023</b>
Outline arrangement for adequate wellbeing support for workers	New (Plan) submitted (or existing plan updated if required) to the department outlining approach to be fully compliant by 31 December 2023 (including engaging welfare and wellbeing support person)
	<b>1 January 2024</b>
	Requirement applies to new and existing recruitments.

**Q: For approved employers with transition approved recruitments, once the department executes a PALM scheme deed, will approved employers be able to submit new recruitment applications?**

Approved employers will be able to submit a new recruitment application:

- once their PALM scheme deed is executed by the department, and
- when their transition approved recruitments are fully compliant with any new PALM deed requirements according to dates specified by the implementation timeframes outlined above and in Transition Advice No. 2.

This means approved employers will need to review PALM scheme deed and guideline requirements, including implementation timeframes, to ensure transition approved recruitments are compliant on the date that a new recruitment application is submitted. The department/PLF will work with employers to support them to meet new PALM scheme deed requirements for transition recruitments.

**Q: Will approved employers be able to submit requests for re-deployment from 7 - 21 July (during the migration of IT systems)?**

From 7 to 21 July 2023, the department/PLF will approve requests for re-deployment if there is an urgent need (for example an approved employer no longer has employment available). Approved employers should discuss with their contract or relationship manager as this will need to be a manual process while the system is unavailable.

## Providers and Subcontractors

**Q: Will a labour hire company need to seek department/PLF approval for host arrangements?**

Yes. The department/PLF will approve host arrangements through the recruitment application as per the current process.

**Q: Are approved employers who are a labour hire company or contractor required to have written agreements with the host organisations where they are placing workers?**

Yes. Approved employers who operate as labour hire or contractor are required to have legally binding written agreements with their host organisations. Approved employers should seek their own advice on business arrangements.

**Q: What if the host organisation is providing more than one service to the workers, for example also providing welfare and wellbeing support? Are separate written agreements for each arrangement required?**

Legally binding, written agreements are required for arrangements with host organisations and providers of welfare and wellbeing support. A written agreement may cover a number of arrangements. It is up to each approved employer to determine what practice works for them.

**Q: Will approved employers be provided with an agreement template for host organisations and welfare and wellbeing providers?**

No, the department/PLF will not provide a template agreement. This gives approved employers the flexibility to tailor their arrangements to their individual business requirements. The deed and guidelines contain approved employer obligations and you must cover these in any agreements.

Approved employers must enter into written agreements with host organisations and welfare and wellbeing providers and this may be by email or contract, whichever is your usual practice.

## Pay Parity

**Q: How will approved employers demonstrate pay parity?**

PALM scheme workers in materially the same circumstances to other workers, must be paid the same full rate of pay attached to the relevant classification in the applicable Fair Work Instrument. PALM scheme approved employers will be asked to declare their commitment to pay parity and provide evidence of the applicable Fair Work Instrument with their recruitment application.

Pay and condition reviews for recruitments will be undertaken four months into a recruitment. Approved employers must maintain evidence to demonstrate pay parity requirements are being met and the department will undertake ongoing monitoring activities throughout the placement to ensure compliance.

## Welfare and Wellbeing of Workers

**Q: How long will the approval for welfare and wellbeing plans last under the new deed?**

As per the current process, welfare and wellbeing plans will be approved for each approved employer for the life of the deed and reviewed annually. However, if there are changes to the plan, for example the number of workers increases, the approved employer must update the plan and seek re-approval.

**Q: When do I have to submit my new welfare and wellbeing plan?**

New and existing welfare and wellbeing support plans must be submitted to the department/PLF by **1 October 2023** outlining the approach to be fully compliant by **31 December 2023** (including appointing welfare and wellbeing support person).

Further information will be available in future transition advice and will be available on the department's website.

**Q: Are approved employers required to enter into written legally binding agreements with organisations that provide welfare and wellbeing support for workers?**

Yes if you choose to engage a third party to provide this support. Legally binding, written agreements are required for arrangements with organisations you engage to provide welfare

and wellbeing support to seasonal workers. Approved employers should seek their own advice on business arrangements.

**Q: How does an approved employer obtain the department's approval for the welfare and wellbeing support person/s?**

This will be done through the recruitment application process. New and existing welfare and wellbeing support plans must be submitted to the department by **1 October 2023** outlining the approach to be fully compliant by **31 December 2023** (including appointment of Welfare and Wellbeing Support Persons).

Note. It is a current requirement for SWP workers (only) to have a welfare and wellbeing support person - this has been extended to the long-term stream under the PALM scheme deed.

**Q: How do approved employers ensure the welfare and wellbeing support person appointed is suitable?**

Approved employers must ensure that the welfare and wellbeing support person appointed is a fit and proper person to take on the role and this should include any background checks considered appropriate, such as police checks.

Approved employers must also make sure the welfare and wellbeing support person is aware of their responsibilities, including any escalation processes in the event of a serious issue or critical incident taking place.

**Q: Is there a ratio for welfare and wellbeing support person(s) to the number of workers recruited?**

The department/PLF considers an adequate ratio is 1 person per 120 workers.

However, there is some flexibility. The department/PLF will take into consideration an approved employer's welfare and wellbeing plan, specific circumstances including location and number of workers, proportion of returning workers, other support offered to ensure an adequate ratio of welfare and wellbeing persons to workers.

**Q. When do I need to inform the department/PLF of the name of my welfare and wellbeing support person for transition approved recruitments?**

For transition approved recruitments, approved employers must be fully compliant with welfare and wellbeing requirements including notifying the department of their welfare and wellbeing support person by **31 December 2023**.

Further information will be available in the future approved employer transition advice and will be available on the department's website.

**Q: If the nominated welfare and wellbeing support person is away and out of the 200km radius, does another person have to be formally nominated?**

Yes. It is suggested that approved employers nominate more than one welfare and wellbeing support person in the recruitment application to cover for annual leave, sick leave and contingency arrangements.

If only one support person is nominated, the approved employer will need to inform the department that there has been a change to their approved recruitment and seek re-approval.



**Q. Can an approved employer appoint a local supervisor to be the welfare and wellbeing support person and to conduct the fortnightly discussions?**

Yes. A welfare and wellbeing support person may be a grower, a non-PALM employee or a provider. In the case of a labour hire company they may also choose to appoint the host's employee depending on their other responsibilities, the number of workers and their availability. The fortnightly discussions are an opportunity to build rapport and trust with the seasonal workers so that they feel comfortable raising issues with approved employers and these can be resolved as soon as possible.

The welfare and wellbeing support person must not be a PALM worker or team leader.

**Q: When do the fortnightly discussions with workers need to commence?**

Approved employers that do not currently have a welfare and wellbeing plan in place have until **1 October 2023** to submit their welfare and wellbeing plan outlining how they will meet the Welfare and Wellbeing requirements by 31 December 2023. This includes commencing fortnightly face-to-face, in person discussions with workers on transitional approved recruitments.

Further information will be available in the future approved employer transition advice and will be available on the department's website.

## **Unannounced monitoring visits**

**Q: Will all monitoring visits to approved employers be unannounced?**

Reasonable notice will continue to be given for regular scheduled monitoring and assurance visits. Unannounced visits may be conducted in response to allegations or serious concerns or due to program assurance activities being undertaken.

Unannounced visits may include workplaces, including host placements to meet with workers, accommodation where workers are housed and may also include visits to approved employer offices or premises.

Prior to entering a property on the day, the department will telephone and/or send a text message to the approved employer and host organisation to alert them to the visit.

The department will take into consideration security and biosecurity procedures and is committed to working sensitively with approved employers wherever possible.

## **Accommodation**

**Q: How long will the approval for accommodation arrangements last under the new deed?**

Accommodation plans for each property will be valid for 12 months from the approval date (unless the property no longer meets the minimum accommodation standards and/or the property has changed).

**Q: Are approved employers required to enter into written legally binding agreements with organisations that provide accommodation for workers?**

Workers need to be aware of the accommodation arrangements that are being provided to them.

The department may require an approved employer to obtain a written agreement from workers if concerns are identified. Approved employers will be notified by the department if this is the case.

Approved employers must ensure that accommodation providers understand they are providing accommodation for PALM workers and that they agree to assist the department as



needed. For example, if the department requests an inspection of the workers' accommodation.

**Q: How long is accommodation required to be provided for workers?**

Approved employers are required to arrange and provide accommodation for short-term workers for the full duration of their placement and for the first 12 months for long-term workers.

**Q: Why are workers allowed to arrange their own accommodation?**

Accommodation is one of the largest expenses incurred by PALM scheme workers and they are not able to inspect their accommodation prior to arrival. Workers must be allowed freedom of movement and allowing workers to arrange their own accommodation is a key worker protection measure.

Where workers find their own accommodation, approved employers must support workers to understand their rights and obligations and dispute resolution processes. This includes (but is not limited to) supporting workers to understand that the accommodation must comply with relevant state, territory and local government legislation, their tenancy agreement and obligations and processes for escalating maintenance issues to the property manager and landlords.

If workers arrange their own accommodation, approved employers must not deduct accommodation costs from their wages. Approved employers must notify the department of any Conflict of Interest in relation to worker-arranged accommodation.

Where a worker has also arranged their own transportation, employers must confirm the transport is reliable and affordable. If an approved employer is not satisfied that the worker's transport arrangements are reliable and affordable, they must arrange alternative transport.

**Q: What approval is required when workers source their own accommodation?**

The department/PLF or the approved employer does not approve accommodation that is arranged by the worker. However, approved employers are required to inform the department/PLF if there has been a change to the approved recruitment. This includes changes due to accommodation arrangements and deductions if a worker chooses to arrange their own accommodation.

**Q: What are the approved employers' welfare and wellbeing responsibilities for workers in their own elected accommodation if it is considered substandard?**

If a worker chooses to arrange their own accommodation, the approved employer is not responsible for the quality of that accommodation. The approved employer does, however, retain the responsibility for providing welfare and wellbeing support to the worker.

## **Employment**

**Q: Is the 30 hour per week minimum employment requirement based on the hours offered?**

Yes, the 30 hours per week minimum employment requirement is based on the hours offered.

For short-term placements, approved employers must offer workers a minimum of 30 hours per week every week. Staged implementation of this requirement will support approved employers to plan their workforce needs and meet this obligation over time, with full effect from 1 July 2024. Key details on these stages include:

- To 31 December 2023 - no change - 30 hours averaged over the worker's employment period in Australia until end of December 2023 (existing and new recruitments)
- 1 January 2024 to 30 June 2024 - 30 hours offered per week averaged over 4 weeks (for all existing and new recruitments)

- 1 July 2024 - 30 hours offered per week every week (for all existing and new recruitments).

**Q: What are the minimum hours offered requirements for long-term workers?**

For long-term placements (1 - 4 years) the approved employers must offer full-time hours, including during standdowns. In addition, site shutdowns must be capped to 4 weeks every financial year to coincide with workers' annual leave entitlements.

For transition recruitments, approved employers must provide long-term workers full-time hours from 1 October or when the worker arrives in Australia, whichever is earlier.

**Reimbursement of Airfares**

**Q: For short-term seasonal agricultural workers, can approved employers seek reimbursement for flights of workers where they are unable to recoup cost through no fault of their own?**

From the date that the department executes an approved employers PALM scheme deed, they may seek reimbursement for flights of workers when they are unable to recoup costs through no fault of their own, for new recruitments and arrivals under the PALM deed and Guidelines.

Approved employers can seek reimbursement of flight costs that they have paid on behalf of short-term seasonal agricultural workers where they are unable to recoup the costs (minus \$300 approved employer contribution and up to amounts specified in the Flight Matrix) through no fault of their own, and where all other conditions of the deed and Guidelines have been met.

**Reporting**

**Q: When do approved employers need to provide details of pay data to the department?**

Approved employers must provide to the department, via the departments IT system, the first four months of pay data from the date a worker arrives.

**Contacting the department**

**Q: Does the department have a 24 hour, seven days a week emergency contact number?**

The department has an Information Line that is available during business hours and an emergency contact number for outside of business hours, detail below:

**PALM scheme Information Line**

1800 51 51 31

Monday to Friday - 9am - 5pm (approved employers)  
(excluding public holidays)

**Pacific Labour Facility**

07 3557 7550 between 9 am and 5 pm AEDT, Mon to Fri

Email: enquiries@pacificlabourfacility.com.au

**Critical Incidents and Emergencies**

1800 515 131

Monday to Friday before 9am or after 5pm (approved employers)

**Contract Managers**

If you have further questions, please contact the PALM Transition Team at [PALMscheme@dewr.gov.au](mailto:PALMscheme@dewr.gov.au).

