

Pacific Australia Labour Mobility (PALM) scheme

Seasonal Worker Programme and Pacific Labour Scheme Approved Employers

Transition Advice Notice No. 1

2 June 2023



1. Overview

1.1 Introduction

This document outlines the Government's transitional arrangements to support the introduction of a single Pacific Australia Labour Mobility (PALM) Deed for existing Seasonal Worker Programme (SWP) and Pacific Labour Scheme (PLS) Approved Employers (collectively, AEs).

This Transition Advice should be read in conjunction with the *Deed of Agreement for the Seasonal Worker Programme (SWP Deed)*, the *Deed of Agreement in Relation to Participation as an Approved Employer for the Pacific Labour Scheme (PLS Deed)* and the *Pacific Australia Labour Mobility scheme – Approved Employer Deed* (due to commence in July 2023) (PALM Deed). The PALM Deed will be offered to AEs from mid-June 2023.

To the extent that this Transition Advice applies to an AE's specific circumstances under their particular Deed/s, any requirements set out in this document constitute a Direction issued under clauses 5.9 and 4.9 of the SWP Deed and PLS Deed (respectively).

On 23 November 2021, the Australian Government announced reforms to the PALM scheme to provide a single, streamlined program to benefit employers, workers and our Pacific family.

On 4 April 2022, the Temporary Work (International Relations) visa (subclass 403) – Pacific Australia Labour Mobility stream commenced, providing a single visa for short-term seasonal and long-term workers from the Pacific islands and Timor-Leste.

A single *PALM scheme - Approved Employer Deed* and *PALM Scheme Approved Employer Guidelines* (PALM Guidelines) have been developed, due to commence in July 2023.

The new PALM Deed, which includes the PALM Guidelines, will streamline arrangements for AEs and strengthen measures to support short-term seasonal and long-term workers under the PALM scheme.

The Department of Employment and Workplace Relations (the Department) will shortly be offering existing AEs the opportunity to enter into the new PALM Deed. Eligible AEs will be required to enter into the new PALM Deed in order to be eligible to continue to undertake new recruitments of workers under the PALM scheme.

- If an eligible AE wishes to continue to participate in the PALM scheme, they will need to complete an AE Declaration, which will be provided with the PALM Deed for execution, and execute the PALM Deed as soon as possible. Once the Department has executed the PALM Deed, AEs may submit new Recruitment Applications in line with the PALM Deed and Guidelines.
- The Department will assess AEs' eligibility to enter into the PALM Deed by taking into account the information provided in the AE Declaration. The Department will only execute a PALM Deed with an AE that has been assessed by the Department as eligible to enter into a PALM Deed.

In order to manage the transition period, from 16 June 2023 no new SWP or PLS Recruitment Applications may be submitted by an AE (under a PLS Deed or SWP Deed).

1.2 Transition Advice definitions

Approved Employers

- **Continuing AE** – An AE who holds a PLS Deed and/or SWP Deed and enters into a PALM Deed.
- **Exiting AE** – An AE who holds a PLS Deed and/or SWP Deed and does not enter into a PALM Deed.

Recruitments

- **Transition Recruitment** – a recruitment of workers by a Continuing AE that was approved by the Commonwealth under an SWP Deed or PLS Deed and continues beyond the commencement of the Continuing AE’s PALM Deed. Transition Recruitments will be deemed to be Approved Recruitments under the PALM Deed and will need to comply with all the terms and conditions set out in the PALM Deed that apply to Approved Recruitments.
Further advice on the timing on Transition Recruitments meeting each of the new requirements will be available shortly.
- **Ongoing Recruitment** – a recruitment of workers by an Exiting AE that was approved by the Commonwealth under an SWP Deed or PLS Deed and where the recruitment continues beyond 30 September 2023.
- **New Recruitment** – a Recruitment Application submitted by a Continuing AE for approval under the PALM Deed to recruit PALM workers.

1.3 Location of Information

All information in relation to the transition to the PALM Deed will be available on SWP Online and the PALM scheme website. AEs will also receive updates through the weekly PALM Update circulated by the Pacific Labour Facility (PLF).

2. Transition to the new PALM Deed

This Transition Advice sets out the arrangements the Department is putting in place to support the movement of AEs from the SWP Deed and PLS Deed to the new PALM Deed, including arrangements in relation to recruitment of workers (i.e. Transition Recruitments, Ongoing Recruitments and New Recruitments).

2.2 Objectives and Principles

The objective of this Transition Advice is to ensure a smooth transfer from existing arrangements under the SWP Deed and PLS Deed to new arrangements under the PALM Deed, with minimal disruption to AEs, workers and participating countries while maintaining the continuity of the PALM scheme.

The Department will manage the transition process using the following principles:

- transition activities must support continuity of the PALM scheme;
- the Department will provide timely and up to date advice on transition; and
- the Department will work with AEs to resolve any issues that arise during the transition period, taking into account their individual circumstances.

2.3 Transition Period

The transition period will commence on **2 June 2023**.

Key Transition Dates

June 2023	July 2023	September 2023
2 June Transition Advice issued.	July AEs that wish to continue participating in the PALM scheme must return signed copies of the PALM Deed and the AE Declaration to the Department within 28 calendar days of the date of the letter that is sent to AEs offering them the PALM Deed.	30 September Exiting AEs SWP expire except where the Deed is extended due to an Ongoing Recruitment. AEs with PLS Deeds with an expiry date of 30 September will expire, except where the Deed is extended due to an Ongoing Recruitment.
16 June No new PLS or SWP Recruitment Applications may be submitted by an AE under a PLS or SWP Deed after this date.		

June 2023	July 2023	September 2023
<p>From 19 June</p> <p>PALM Deed sent to eligible AEs for execution.</p>	<p>PALM Deed, including the PALM Guidelines commences on the date the Department executes the PALM Deed.</p> <p>Transition Recruitments deemed to be Approved Recruitments under the PALM Deed, subject to the AE meeting any requirements:</p> <ul style="list-style-type: none"> Specified in this or any other Transition Advice and Notified by the Department. <p>AEs that do not wish to continue participating in the PALM scheme must advise the Department accordingly and provide details of any Ongoing Recruitments within 28 calendar days of the date of the letter that is sent to AEs offering them the PALM Deed.</p>	<p>Approval of new PALM recruitment applications may be conditional on transition recruitments meeting the PALM Deed and Guideline requirements.</p> <p><i>Further advice on timing and grace periods will be available shortly.</i></p>

2.4 Approved Employers

The table below outlines the transition arrangements for AEs based on whether they currently employ workers under an SWP Deed or a PLS Deed (or not).

AE groups	Transition arrangements
Continuing AEs with Transition Recruitments	<ul style="list-style-type: none"> AEs will be offered a PALM Deed for execution. For an AE to becoming a Continuing AE: <ul style="list-style-type: none"> the AE must complete the AE Declaration, sign the PALM Deed and send those documents back to the Department within 28 days, and the Department will assess the AE as eligible to participate in the PALM scheme taking into account the information provided in the AE Declaration and execute the PALM Deed. Continuing AE's SWP Deed and/or PLS Deed ends on the date the PALM Deed is executed by the Department. For PLS AEs with a PLS Deed end date after 30 September 2023, the Department will also offer a <i>Deed of Termination by Mutual Consent (Deed of Termination)</i>. Both the Deed of Termination and PALM Deed must be signed by these PLS AEs and returned together for the Department's execution. The effective date of the Deed of Termination will align with the date the Department executes the Deed of Termination. From the commencement of the PALM Deed, Transition Recruitments will be deemed to be Approved Recruitments under the PALM Deed and will need to comply with all the terms and conditions set out in the PALM Deed that apply to Approved Recruitments. Further information will be issued to support Continuing AEs with Transition Recruitments to comply with the requirements of the PALM Deed. All New Recruitments will be governed by the PALM Deed.

AE groups	Transition arrangements
	<ul style="list-style-type: none"> • Approval of new PALM Recruitment Applications may be conditional on transition recruitments meeting the PALM Deed and Guideline requirements. <i>Further advice on timing and grace periods will be available shortly.</i> • The Department will not approve new Recruitment Applications submitted under PLS Deeds or under SWP Deeds after 16 June 2023.
Continuing AEs who do not have Transition Recruitments	<ul style="list-style-type: none"> • AEs will be offered a PALM Deed for execution. • For an AE to become a Continuing AE: <ul style="list-style-type: none"> ○ the AE must complete the AE Declaration, sign the PALM Deed, and send those documents back to the Department; and ○ the Department must assess the AE as eligible to participate in the PALM scheme (taking into account the information provided in the AE Declaration), and execute the PALM Deed. • Continuing AE’s SWP Deed and/or PLS Deed ends on the date the PALM Deed is executed by the Department. • For PLS AEs with a PLS Deed the expires after 30 September 2023, the Department will also offer a Deed of Termination. The Deed of Termination must be signed by these PLS AEs and returned with the PALM Deed and AE Declaration for the Department’s consideration and execution. The effective date of the Deed of Termination will align with the date the Department executes the PALM Deed. • New Recruitments will be required to meet all the PALM Deed and Guideline requirements. • The Department will not approve new Recruitment Applications submitted under PLS Deeds or under SWP Deeds after 16 June 2023.
Exiting AEs who have an Ongoing Recruitment.	<ul style="list-style-type: none"> • AEs will be offered a PALM Deed for execution. • AE will become an Exiting AE if any of the following circumstances apply: <ul style="list-style-type: none"> ○ the AE declines the offer or does not complete the AE Declaration, or sign the PALM Deed, or send those documents back to the Department; or ○ the Department does not assess the AE as eligible to participate in the PALM scheme, and so does not execute the PALM Deed. • Exiting AEs must advise the Department that they do not wish to continue participating in the PALM Scheme and provide details of any Ongoing Recruitments within 28 calendar days of the date of the letter that is sent to AEs offering them the PALM Deed. • Where the Exiting AE’s 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) ends on the date the Ongoing Recruitment is completed. • Where the Exiting AEs PLS Deed expires after 30 September 2023, the Department may offer the Exiting AE a Deed of Termination. • If the Exiting AE accepts the Extension Notice/enters into the Deed of Termination (as relevant), Ongoing Recruitments will continue to be governed by the SWP Deed or PLS Deed (as relevant). • If the Exiting AE does not accept the Extension Notice/enter into the Deed of Termination (as relevant), the Department may discuss redeploying the workers (with their agreement) to another AE. • The Department will not approve new Recruitment Applications submitted under PLS Deeds or under SWP Deeds after 16 June 2023.
Exiting AEs who do not have an Ongoing Recruitment	<ul style="list-style-type: none"> • AEs will be offered a PALM Deed for execution. • An AE will be an Exiting AE if any of the following circumstances apply:

AE groups	Transition arrangements
	<ul style="list-style-type: none"> ○ The AE declines the offer or does not complete the AE Declaration, or sign the PALM Deed, or send those documents back to the Department; or ○ the Department does not assess the AE as eligible to participate in the PALM scheme, and so does not execute the PALM Deed. ● Exiting AEs must advise the Department that they do not wish to continue participating in the PALM Scheme within 28 calendar days of the date of the letter that is sent to AEs offering them the PALM Deed. ● For those Exiting AE's with SWP Deed and/or PLS Deed expiry date of 30 September 2023, Deeds will expire on that date. ● For those Exiting AE's with a PLS Deed with expiry date after 30 September 2023, the Department will offer a Deed of Termination (with an effective date aligning with the date the Department executes the Deed of Termination). ● The Department will not approve new Recruitment Applications submitted under PLS Deeds or under SWP Deeds after 16 June 2023.

3. PALM Scheme Approved Employers

From the commencement of the PALM Deed in July 2023, AEs will be subject to the obligations under the PALM Deed including the PALM Guidelines. AEs and their staff will be encouraged to make themselves familiar with their obligations under the PALM Deed, prior to its commencement.

3.1 New Recruitments

From the commencement of the PALM Deed, Continuing AEs seeking approval for new Recruitment Applications will need to follow the requirements in the PALM Deed including the PALM Guidelines. In particular, New Recruitment Plans, Accommodation Plans, Transport Plans, Contingency Plans, Welfare and Wellbeing Plans and Labour Market Testing forming part of the Recruitment Application must be submitted for approval.

3.2 Transition Recruitments

From the commencement of the PALM Deed, Transition Recruitments will be deemed to be Approved Recruitments for the purposes of the PALM Deed subject, to the AE meeting any requirements:

- Specified in this or any other Transition Advice; and
- Notified by the Department.

Further advice on timing and grace periods applicable to Transition Recruitments will be provided.

The Department will work with Continuing AEs to ensure Transition Recruitments comply with the new obligations under the PALM Deed in staged approach.

3.3 Exiting AEs with Ongoing Recruitments

AEs who do not intend to enter the PALM Deed are required to advise the Department of:

- their intention to not enter into the PALM Deed no later than 28 days from the date the PALM Deed is sent by the Department;
- the details of any Ongoing Recruitments that continue beyond 30 September 2023; and
- in relation to any Ongoing Recruitment, depending on the end date of the recruitment and the number of workers, the department will work with the AE to discuss extending the term of the SWP and/or PLS Deed (as relevant) to align with the end of their Ongoing Recruitment, or alternatively to redeploying the workers (with their consent) to another AE.

4. Transition to PALMIS

A new single IT system (PALMIS) will be rolled out in mid-July 2023. The single system will replace SWP Online (used for the short-term seasonal stream) and the paper-based process (used for the long-term stream). The transition to PALMIS will include:

- **Migration of records** – from 7 July 2023, records will be migrated to PALMIS, with data available within the PALMIS on 24 July 2023.
- **PALMIS Training and Education** – leading up to the launch of PALMIS, the Department will provide additional information and resources to AEs about how to register, log in, and use PALMIS to manage recruitments under the PALM Deed.

Exiting AEs who have Ongoing Recruitments, will be provided with basic access to PALMIS to manage those Ongoing Recruitments to their finalisation.

The Department will provide further information leading up to the commencement of the PALMIS.