

# PALM scheme settings

s. 22(1)(a)(ii)

## Minimum Hours Setting

- The government has extended the current minimum hours obligation to offer short-term workers 120 hours over 4 weeks, until 31 March 2026.
- From 1 July 2024 to 31 March 2026, employers must offer 120 hours of work over 4 weeks. If employers cannot do this, they must pay workers' an amount equivalent to 120 hours over 4 weeks.
- The extension of the current minimum hours setting enables the government to consider minimum hours along with findings from the broader deed and guidelines review (report due mid-2025).
- The setting provides flexibility for industry while guaranteeing consistent income for workers. The department's assurance activities have so far found Approved Employers are achieving 100 percent compliance with this setting.
- Key stakeholders, including sending countries, unions, and worker advocates, sought minimum hours settings that ensure consistent income.
- Changes encourage employers to better plan their workforce needs, particularly in the shoulder seasons, rather than bringing workers to Australia when there is little prospect of consistent income. Without consistent income workers incur debt and cannot support their family at home, and themselves in Australia.
- The department recognises that there may be exceptional circumstances when employers are not able to meet minimum hours requirements e.g. as a result of natural disasters. The department works closely with employers and PALM workers during these times to ensure both are supported. The deed allows the department, in exceptional circumstances, to suspend (some of) an employer's obligations.
- As part of recruitment planning, employers must develop contingency plans which could include looking for other work for PALM workers at their worksites or short-term portability arrangement.

s. 22(1)(a)(ii)

## Minimum Hours phase 1 Consultation

- Stakeholder feedback, including from Industry, and information available to the review, supported continuing the current minimum hours setting.
  - The Australian Fresh Produce Alliance (AFPA) on behalf of several industry stakeholders, advocated for the continuation of the current settings
- Agricultural stakeholders including AFPA and the Approved Employers of Australia, welcomed the decision to continue the current setting.
- A range of stakeholders were invited to participate in consultation such as unions, workers, Industry and partner country representatives.
- A summary of stakeholder feedback is at [Attachment A](#).

<sup>1</sup> Active Approved Employers are those with active recruitments (i.e. an approved recruitment plan with workers that have commenced their participation in the scheme).



**To** **Minister for Employment and Workplace Relations**

**Action Required** **For Decision**

**Letter to Heads of Mission (HoMs) - Outcomes and Actions from Pacific and Timor Leste HoMs Meeting with Minister for Employment and Workplace Relations, 9 December 2024**

**Timing** Please action by **28 February 2025**. The reason is to provide a timely update to Pacific and Timor-Leste HoMs.

**Recommendations:**

s. 22(1)(a)(ii)

2. That you **sign** the attached letter (**Attachment A**) to Pacific and Timor-Leste HoMs, providing an update on topics raised at the 9 December roundtable with Pacific and Timor-Leste HoMs.

**Signed / Not signed / Please discuss**

**Minister Watt**

**Date:** **5/3/2025**

**Comments:**

Clearing Officer:	s. 22(1)(a)(ii)	First Assistant Secretary, Pacific Labour Operations Division   Emp & W   Pacific Labour Operations	Ph: s. 22(1)(a)(ii) Mob: s. 22(1)(a)(ii)
Contact Officer:	s. 22(1)(a)(ii)	Assistant Secretary, Pacific Labour Operations Division   Emp & W   Pacific Labour Operations	Mob: s. 22(1)(a)(ii)

**Executive summary:**

1. Following your roundtable with Pacific and Timor-Leste HoMs on 9 December 2024, a letter has been prepared, providing an update on topics raised at the meeting s. 22(1)(a)(ii)

**(Attachment A).**

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

**Key Points:**

4. s. 22(1)(a)(ii)

roundtable, topics included s. 22(1)(a)(ii)  
settings for short-term recruitments s. 22(1)(a)(ii)  
is included in the letter.

During the  
minimum hours  
. An update on these matters

s. 22(1)(a)(ii)

**Background:**

12. Following each HoMs roundtable with the Minister for Employment and Workplace Relations to date, a letter has been sent to HoMs providing an update on matters discussed. s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

**Attachments:**

**A:** Letter to HoMs

**B:** Meeting Minutes

s. 22(1)(a)(ii)

s. 22(1)(a)(ii),s. 33(a)(iii)

s. 22(1)(a)(ii),s. 33(a)(iii)

s. 22(1)(a)(ii),s. 33(a)(iii)



**To** Minister Watt

**Briefing Title** Meeting Brief | Minister Watt meeting with the ACTU, Minister Burke and Minister Conroy regarding PALM

**Timing** 23 January 2025

**Location** Your office

**Meeting with** The Hon Tony Burke MP, Minister for Immigration and Multicultural Affairs

The Hon Pat Conroy MP, Minister for International Development and the Pacific

Ms Michele O'Neil, ACTU President, Ms Clare Middlemas, ACTU International Officer, Mr Paul Farrow, AWU National Secretary, Mr Matt Journeaux, AMIEU National Secretary

**Prior Meetings** N/A

**Departmental officer** N/A

**What we want** ACTU accept the evidence supporting continuation of the current minimum hours setting for short term PALM workers.

**What they want** ACTU wants the implementation of 30 hours per week every week for all short-term PALM scheme workers in all industries. They consider it will strengthen PALM scheme worker protections.

#### Key issues and Sensitivities:

1. Many PALM Approved Employers and stakeholders have publicly stated if the PALM scheme establishes 30 hours per week every week as the minimum hours' requirement in the short-term scheme, they intend to cease using the PALM scheme and move to lesser regulated forms of labour. Furthermore, Approved Employers have advised they are delaying decisions about PALM recruitments that exceed June 2025, subject to a decision about the minimum hours setting
2. The short-term PALM scheme is dominated by the agriculture sector which also employs 53% of all PALM workers and remains the largest sector in PALM. PALM workers employed in the agriculture sector is declining. It fell by over 25% between mid-2023 and late 2024 (Attachment A).
3. The current temporary minimum hours' setting provides flexibility to employers to accommodate weather and market fluctuations and has been proven to ensure a reliable income of not less than 30 hours per week is provided to workers. Furthermore, it keeps the regulated PALM scheme competitive to employers comparative to lesser regulated workforce options such as Working Holiday Makers. There is currently an average of 180,000 WHM per month in Australia (Attachment A).

4. Evidence and information collected in phase one of the Review of the Impact of the Deed and Guideline Settings (Phase 1 Review), supports retaining the current temporary arrangements for minimum hours as a permanent setting for Approved Employers of short-term workers. The Department of Employment and Workplace Relation's assurance activities continue to demonstrate Approved Employers are achieving 100% compliance with the current minimum hours' requirement.
5. During Phase 1 of the Review, no stakeholder provided evidence of negative impacts of the current arrangement. Unions advocated for establishing 30 hours per week, every week as the minimum hours setting, to further strengthen worker protections.
6. Retaining the current setting recognises the compliant PALM Approved Employers and reduces risk that the move to 30 hours every week setting drives employers to lesser regulated workforce options such as working holiday makers (**Attachment A**).
7. The ACTU participated in Phase 1 Review of the Deed and Guideline settings focus group sessions and provided a written submission. s. 22(1)(a)(ii)
8. Minister Conroy met with the ACTU and Pacific unions on the sidelines of the Pacific Labour Mobility Annual Meeting. Discussion included the benefit and effectiveness of the current setting and the absence of evidence to validate a case to move to the 30 hours every week setting.

## Consultation: YES

1. External: Phase one consultation is summarised in **Attachment D**.

### Attachments:

**A:** Meeting Talking Points and supporting data  
s. 22(1)(a)(ii)

**C:** ACTU phase one written submission (PDMS attachment)

**D:** Phase 1 of the Review of the Impact of the Deed and Guidelines Settings Stakeholder engagement summary (PDMS attachment)

**E:** Responses to ACTU position

Clearing Officer: s. 22(1)(a)(i)  
First Assistant  
Secretary, [Emp & W |  
Pacific Labour  
Operations  
Mob: s. 22(1)(a)(ii)

*Contact Officer:* s. 22(1)(a)(ii) A/g Assistant Secretary Mob: s. 22(1)(a)(ii)  
PALM Performance  
Branch

**Talking Points****Headline**

- PALM Approved Employers have clearly stated that if the PALM scheme moves to 30 hours week every week, they will leave the scheme and use alternative forms of labour.
- Approved Employers have advised they are delaying decisions about PALM recruitments that exceed June 2025 subject to a decision about permanently establishing the minimum hours setting.

s. 22(1)(a)(ii)

- A decision to extend the existing setting in favour of making a permanent decision will be poorly received by Approved Employers and industry stakeholders. It is likely to continue the current uncertainty and have a similar effect to a permanent move away from the existing setting.
  - If a decision to extend the existing setting is contemplated it is recommended the end date be sequenced in mid-winter to avoid summer peak harvest.

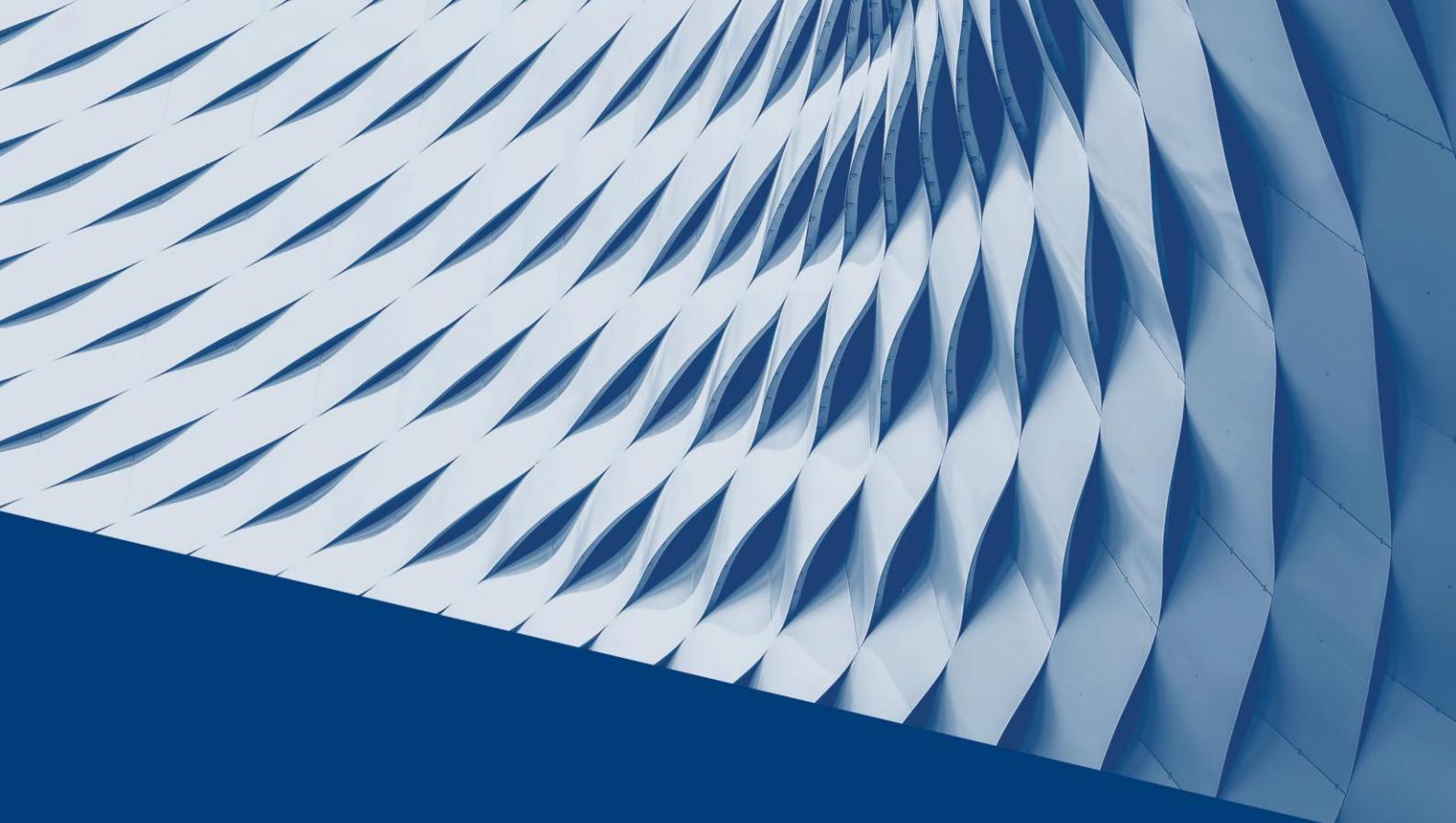
**Gains made in PALM scheme**

s. 22(1)(a)(ii)

- DEWR's assurance activity has sampled about 37% of active PALM Approved Employers in Agriculture/Horticulture using short term workers and found 100% compliance with the current minimum hours setting.

s. 22(1)(a)(ii)

Pages 11-15 deleted under s 22(1)(a)(ii)



# Review into the impact of the PALM Deed and Guideline settings – minimum hours

Submission by the Australian Council of Trade Unions

ACTU Submission, 9 December 2024  
ACTU D. No 84/2024



## Contents

Introduction .....	1
PALM Deed and Guidelines – current settings .....	2
Minimum hours settings.....	2
The problem .....	2
Minimum hours settings.....	3
Impact of current minimum hours settings.....	3
30 hours a week, every week for short-term workers .....	4
Disengagement and the need for mobility .....	5

## Introduction

Australian Unions support the PALM program as an important development initiative that builds connections between Australian and Pacific Island and Timor-Leste workers, and enables workers to make a living and support their families. Australian unions represent PALM workers, and particularly in industries where there are large numbers of PALM workers such as horticulture, meat processing and aged care, PALM workers make up a significant cohort of union members and their unions are active in advocating for improvements to the program on behalf of their members.

PALM workers make an enormous contribution to Australia, and they deserve to come here and be treated fairly at work. The protection of workers' rights must be central to the PALM program, and any review of the Deed and Guidelines must be with a view to combating exploitation and ensuring that workers have a positive experience in Australia. s. 22(1)(a)(ii)

Despite the positive reforms the Government has made in the 2023 update of the Deed and Guidelines to protect workers, which are starting to improve the situation on the ground, more must be done to strengthen the Deed and Guidelines and their implementation and enforcement.

s. 22(1)(a)(ii)

---

<sup>1</sup> PALM scheme data report – September quarter 2024, <https://www.palmscheme.gov.au/sites/default/files/2024-11/PALM%20scheme%20data%20report%20-%20September%20quarter%202024.pdf>

## PALM Deed and Guidelines – current settings

Australian Unions support the changes made to the PALM Deed and Guidelines introduced in June 2023, in particular:

- Strengthened minimum hours settings  
s. 22(1)(a)(ii)

While noting the positive impact these reforms are having, it is clear more needs to be done to further strengthen the protections in the Deed and Guidelines which act as an important safety net for PALM workers, which are particularly vulnerable in the labour market due to the temporary visa status and conditions that tie them to their employer sponsor, which create a serious power imbalance with employers. s. 22(1)(a)(ii)

## Minimum hours settings

### The problem

Prior to 2024, short-term workers in the PALM program were supposed to receive 30 hours of work per week, averaged over the worker's entire placement (of up to 9 months). This lack of guaranteed weekly minimum hours of work has for years left short-term PALM workers unable to cover basic costs to support themselves in Australia or send money to their family back home, and has meant that some workers have left Australia in debt or with very little to show for their hard work. No minimum hours meant that workers are not able to predict how much they will earn each week. Employers were 'labour banking' – bringing over PALM workers with little planning about when in the season they would be needed, leaving workers sitting around with little or no work – particularly at the beginning and end of a season. Unions regularly came across workers who were unable to make ends meet, and were relying on charities or the diaspora community for food and clothing. In some instances, left without money for food, workers were reliant on financial support being sent from families in their home countries. There were even cases of workers who after going more than two months without work in northern Tasmania, were forced to go fishing to feed

themselves.<sup>2</sup> Under the PALM program settings, workers do not have the freedom to move employer, and are therefore effectively tied to their employer sponsor - meaning that they cannot simply pick up additional hours of work elsewhere if they are not offered sufficient hours by their Approved Employer. This lack of minimum hours is a key driver for workers disengaging from PALM, as workers are desperate to make ends meet and so seek work elsewhere – in breach of their visa conditions.

### Minimum hours settings

To address this problem of workers bearing all of the risk for low hours of work, the Government announced in 2023 the introduction of new minimum hours settings into the Deed and Guidelines, with long-term workers receiving full-time hours from 1 October 2023, and a staged implementation for minimum hours for short-term workers:

- From 1 January to 30 June 2024, short-term PALM workers must be offered at least 30 hours per week averaged over each four week period;
- From 1 July 2024, short-term PALM workers must be offered at least 30 hours per week, every week.

The Government announced in May 2024 that it had decided to delay the introduction of the 30 hours per week minimum hours settings for short-term workers until 1 July 2025, and introduced a 120-hour work guarantee, meaning that employers are required to offer 120 hours of work over 4 weeks, and if they cannot do this, they must pay workers' wages equivalent to 120 hours over 4 weeks. If employers are not compliant, they may be directed to provide 30 hours every week.<sup>3</sup>

### Impact of current minimum hours settings

The Government has announced that after an assessment of a sample of nearly a third of PALM agriculture and horticulture employers with short-term workers, it found all employers assessed are complying with the scheme's new minimum hours obligations for workers.<sup>4</sup> This is a welcome result from the small number of employers investigated, and we urge the Government to continue

---

<sup>2</sup> Angus Thompson, *Sydney Morning Herald* 'Broke and hungry, Pacific Islanders are abandoning Aussie farms in droves', 27/06/23 <https://www.smh.com.au/politics/federal/broke-and-hungry-pacific-islanders-are-abandoning-aussie-farms-in-droves-20230621-p5diah.html>

<sup>3</sup> 'PALM Minimum hours settings – frequently asked questions', May 2024, <https://www.palmscheme.gov.au/sites/default/files/2024-05/Minimum%20hours%20settings%20frequently%20asked%20questions%20-%20May%202024.pdf>

<sup>4</sup> Senator the Hon Murray Watt, Minister for Employment and Workplace Relations, 'Minimum hours changes making a difference for PALM scheme workers', media release 12/11/24 <https://ministers.dewr.gov.au/watt/minimum-hours-changes-making-difference-palm-scheme-workers>

the assessment of all employers on a regular basis to ensure compliance. This result shows, however, that the introduction of these settings is driving a positive change in employer behaviour and that, despite previous claims made by employers that offering 30 hours a week averaged over 4 weeks would not work, it is indeed possible for employers to better plan for the number of workers they need over the course of the season. Decreases in the number of PALM workers, while as we have noted above is due to a return of WHM which provides a cheaper pool of labour for employers who are using WHMs instead of PALM workers, is also a corollary of employers better planning how many workers they need over the course of the season. Employers engaging fewer PALM workers but providing them all with enough hours of work is preferable to employers 'labour banking' and leaving workers to languish with insufficient hours.

### **30 hours a week, every week for short-term workers**

Australian Unions are of the view that there must not be any further delay to the implementation of the 30 hours a week, every week for short-term workers. This is in order to provide clarity and certainty to workers and employers. The problem with an averaging mechanism, as per the current settings of 30 hours per week averaged over 4 weeks, is that it will result in workers receiving insufficient hours of work to pay off their debt in a timely manner, particularly at the start of their placement, which will extend the period over which employers recover the debt. The averaging mechanism also makes compliance more complex. It is much more difficult for workers to determine whether they have been provided with the correct number of hours over a four week period – 30 hours a week, every week, where the number of hours provided is clearly indicated on the payslip, provides clarity for workers and makes it far easier for them to identify if employers are not meeting their obligations. We are opposed to any further delay or reconsideration of the implementation of the 30 hours per week requirement.

PALM Approved Employers have raised objections to the 30 hour a week requirement, in particular raising that the horticulture industry can be impacted by inclement weather which could prevent employers from offering 30 hours each week. The Guidelines already address this concern, however, by allowing the Department to consider circumstances where 'extreme weather events, disasters or other exceptional circumstances prevent employers in impacted regions meeting the minimum hours requirement'<sup>5</sup>, and this would continue to be the case when the 30 hours a week, every week setting is enacted.

---

<sup>5</sup> PALM scheme Approved Employer Guidelines, 13.8.2, p. 102.

### Disengagement and the need for mobility

Finally, we understand that disengagement numbers – that is, PALM workers leaving their employment which is a breach of their visa – have declined since the introduction of the minimum hours settings. This correlates with the anecdotal evidence unions have received, where low hours is a key reason for workers disengaging from the program, as workers seek to find work elsewhere to make enough income.<sup>6</sup> s. 22(1)(a)(ii)

It is encouraging that the current minimum hours settings are having a positive impact in this regard, and we see this as another reason the Government should proceed with the implementation of 30 hours a week, every week. s. 22(1)(a)(ii)

---

<sup>6</sup> See also: Angus Thompson, *Sydney Morning Herald* 'Broke and hungry, Pacific Islanders are abandoning Aussie farms in droves', 27/06/23 <https://www.smh.com.au/politics/federal/broke-and-hungry-pacific-islanders-are-abandoning-aussie-farms-in-droves-20230621-p5diah.html>

<sup>7</sup> NSW Anti-Slavery Commissioner, 'Be Our Guests: Addressing urgent modern slavery risks for temporary migrant workers in rural and regional New South Wales', September 2024 [https://dcj.nsw.gov.au/documents/legal-and-justice/anti-slavery-commissioner/plans-and-discussion-papers/Be\\_Our\\_Guests\\_-Addressing\\_urgent\\_modern\\_slavery\\_risks\\_for\\_temporary\\_migrant\\_workers\\_in\\_rural\\_and Regional\\_New\\_South\\_Wales.pdf](https://dcj.nsw.gov.au/documents/legal-and-justice/anti-slavery-commissioner/plans-and-discussion-papers/Be_Our_Guests_-Addressing_urgent_modern_slavery_risks_for_temporary_migrant_workers_in_rural_and Regional_New_South_Wales.pdf)

**address**

ACTU  
Level 4 / 365 Queen Street  
Melbourne VIC 3000

**phone**

1300 486 466

**web**

[actu.org.au](http://actu.org.au)  
[australianunions.org.au](http://australianunions.org.au)

### Summary of Stakeholder Feedback on Minimum Hours

For **short-term placements**, Approved Employers must offer workers a minimum of 120 hours of work over 4 weeks. If the employer cannot do this, they must pay the workers' wages equivalent to 120 hours over 4 weeks.

<b>Data collection</b>	<b>Number Distributed, Attendees or approached</b>	<b>Responses Received/Meetings</b>	<b>Summary of Feedback</b>
<b>PALM Worker Survey</b>	293 distributed by email, phone and face to face	50 received 36 were complete	<ul style="list-style-type: none"> <li>Most of the PALM workers surveyed either agreed they received the minimum 120 hours over 4 weeks, or reported a relatively high median income (\$930 pw). 78% would recommend the PALM scheme.</li> <li>Workers appreciate the opportunity and income while noting challenges such as the physical demands of the work and financial pressure from home. These issues will be considered in phase two of the review.</li> </ul>
<b>PALM Employer Survey</b>	237 distributed by email	94	<ul style="list-style-type: none"> <li>Employers support the current minimum hours approach and raised concerns about the impact of implementing 30 hours every week, specifically the inflexibility and cost may lead to a decline in the recruitment of workers.</li> </ul>
<b>Participating country representatives</b>	All HOMs, 10 LSUs and 20 CLOs, approached to provide written submissions or meet	3 written Submissions*	<ul style="list-style-type: none"> <li>Participating counties support the current arrangement and highlight that low or inconsistent hours often leads to disengagement.</li> <li>Participating countries raised concerns that some industries may be considering moving to alternative labour sources for short term workers.</li> </ul>
<b>Industry Associations</b>	Approved Employer Association (AEA), Australian Fresh Produce Alliance (AFPA), Health X, Ausveg, National Farmers Federation, Australian Meat Industry Council, Aged and Community Care Providers Association	2 focus groups (21 Nov 24 and 6 Dec 24)  3 written submissions (AFPA, NFF & NFF Hort Council)	<ul style="list-style-type: none"> <li>AEA note that the requirement to guarantee 30 hours per week every week is extremely difficult in horticulture, and their data shows employers are meeting current 120 hours over 4-week requirement.</li> <li>AFPA support the continuation of the current setting and provided results from an employer survey indicating there may be a reduction in the recruitment of PALM workers if 30 hours every week is implemented. AFPA highlighted the importance of confirming a permanent approach to support employer's workforce planning, as industry are now making commercial decisions crossing July 2025.</li> <li>There is a positive impact of the minimum hours setting for workers, providing certainty of work hours over a 4-week period.</li> </ul>
<b>Unions</b>	Australian Workers Union (AWU), Australian Meat Industry Employers Union (AMIEU), Australian Council of Trade Unions (ACTU), United Workers Union (UWU), Australian Nursing and Midwifery Federation (ANMF)	2 focus groups (19 Nov 24 and 6 Dec 24)	<ul style="list-style-type: none"> <li>Unions, support the full implementation of the minimum hours requirement (<i>30 hours offered per week every week for short-term workers</i>) and note that this would improve employer's workforce planning and result in people having adequate hours, and not build debt.</li> <li>Unions are keen to understand the departments ongoing approach to monitoring compliance with this setting. This can be addressed through communication products, media releases and established consultative fora.</li> </ul>
<b>Departmental Responses</b>	Department of Fisheries, Forestry (DAFF), Department of Foreign Affairs and Trade (DFAT), Home Affairs and Fair Work Ombudsman (FWO)	4 written responses	<ul style="list-style-type: none"> <li>DAFF and DFAT indicate stakeholders support the permanent implementation of the current arrangement.</li> <li>DFAT support settings that are more supportive of growth, noting many participating countries are interested to grow their participation in the PALM scheme.</li> </ul>

\* Written submissions were sought; all stakeholders had the opportunity to engage the contractor and/or the department to discuss any data or evidence they wished to put forward. Deed and guidelines review updates were provided to HOMs through regular meetings, with additional information on how to organise verbal feedback provided. All stakeholders listed above will be re-engaged in Phase 2 and offered opportunities to talk with DEWR about the other scheme settings through multiple engagement channels.

## Attachment E - Responses to ACTU position

ACTU position	Response as it refers to minimum hours
Reverting to 30 hours per week every week will prevent disengagement as workers will have guaranteed hours each week. It will also enable workers to pay off their debt in a timely manner	<ul style="list-style-type: none"> <li>• PALM worker disengagement has declined under the new Deed and Guidelines settings.</li> <li>• There are many factors motivating PALM worker disengagement not limited to adequate hours and earnings, such as perceived poor treatment from an employer and personal motivations.</li> <li>• The current settings provide over a 4-week reconciliation period, the same amount of money 30 hours per week provides. It also provides top up pay to not less than 120 hours over 4 weeks.</li> <li>• Since commencement of the new PALM Deed and Guidelines in July 2023, industry and workers in the short-term stream have been operating with models with guaranteed hours of work</li> <li>• The PALM scheme has never offered 30 hours per week, every week.</li> </ul>
Under the PALM Deed, employers can already seek suspension of minimum hours requirement where weather events affect hours	<ul style="list-style-type: none"> <li>• Employers can seek to temporarily suspend obligations under the Deed via 'Force Majeure' clauses which apply where there is a significant event such as a natural disaster, pandemic or war. These do not apply where there are short periods of inclement weather.</li> <li>• Force Majeure only applies with the department's agreement and does not provide certainty to businesses conducting workforce planning.</li> </ul>
The current settings are confusing for workers to identify if they are not receiving their minimum hours	<ul style="list-style-type: none"> <li>• DEWR undertakes monthly assurance activities of payslips to test if 120 hours of work is offered to short-term workers over a 4-week period, and if it wasn't offered whether their pay had been topped up to the equivalent of 120 hours.</li> <li>• To date, 100% of sampled approved employers have been found to be compliant with the minimum hours' obligations.</li> <li>• PALM workers surveyed in Phase 1 of the Review into the Deed and Guideline settings either agreed they received the minimum 120 hours over 4 weeks or reported a median income of \$930 per week.</li> </ul>
Current settings don't allow worker-initiated portability, workers are bound to employers for the term of their visa. They cannot seek additional hours from other employers if minimum hours are not provided.	<ul style="list-style-type: none"> <li>• The minimum hours settings are complemented by other worker protections including the low hours safety net and the minimum net pay guarantee.</li> <li>• Employers are also required to top up wages to 120 hours over 4 weeks if hours are under 120 hours. The department's assurance activity demonstrates employers are topping up wages.</li> <li>• If the department found an employer in breach of the current setting, it will take strong compliance action and at a minimum revert the employer to 30 hours per week every week.</li> </ul>



To **Minister for Employment and Workplace Relations**

Action Required **For Decision**

**Review into the PALM scheme: recommendation on the minimum hours' obligation**

**Timing** Please action by **21 February 2025**. The review Terms of Reference committed to report back to stakeholders on the outcomes of Phase one of the review on minimum hours obligations once complete.

**Recommendations:**

1. That you **agree** to amend the Pacific Australia Labour Mobility (PALM) scheme Deed and Guidelines to make permanent the obligation for PALM Approved Employers to offer short-term PALM Workers a minimum of 120 hours over 4 weeks.

**Agreed / Not Agreed / Please discuss**

s. 22(1)(a)(ii)

Minister Watt

*Agreed*

Date:

*20 / 2 / 2025*

Comments:

*Please maintain current minimum hours requirements until 31 March 2026.*

Clearing Officer:	s. 22(1)(a)(ii)	First Assistant Secretary,   Emp & W   Pacific Labour Operations	Ph: s. 22(1)(a)(ii) Mob: s. 22(1)(a)(ii)
Contact Officer:	s. 22(1)(a)(ii)	A/g Assistant Secretary, PALM Performance Branch,   Emp & W   Pacific Labour Operations	Ph: s. 22(1)(a)(ii) Mob: s. 22(1)(a)(ii)

**Executive summary:**

1. This advice concludes phase one of the PALM Scheme Deed and Guidelines Review (the Review) and is focused on the minimum hours' setting. A report focusing on other key PALM scheme settings will be provided in July 2025 (phase 2).
2. Evidence and information collected in phase one of the Review supports a decision to make permanent the current arrangements for Approved Employers to offer short-term PALM workers a minimum of 120 hours over 4 weeks.

3. The current temporary minimum hours setting is due to expire on 30 June 2025. At that time, unless you decide otherwise, the PALM scheme would revert to previous settings and employers of short-term PALM workers will be required to offer PALM workers 30 hours per week every week.
4. Acknowledging weather and other fluctuations, the current temporary minimum hours setting provides flexibility to employers and has been proven to ensure a reliable income to workers as well as supporting the department to uphold the integrity the PALM scheme. Furthermore, it assists to keep the regulated PALM scheme competitive and attractive to employers compared to less regulated workforce options such as Working Holiday Makers.

**Key Points:**

5. The Department of Employment and Workplace Relations brought on an external provider to undertake the review. They met with workers, employers, unions, industry and country representatives to collect data, evidence and feedback as part of the review. Stakeholder feedback and information available to the review supports the recommendation to apply the current minimum hours settings on an ongoing basis, and is summarised in [Attachment A](#).
6. The department also conducted an assurance activity to assess employer compliance with the current minimum hours' obligations. From a sample of 32% of Approved Employers employing short term PALM workers across horticulture and agriculture, undertaken between July and November 2024, the department confirmed 100% compliance with the minimum hours' settings.
7. These assurance activities demonstrate that worker income and hours are stable and comply with the current requirements. Workers are receiving an average take home pay of \$700 per week and working an average of 41 hours per week, well above the minimum hours' requirement. Sampling will continue into 2025 as part of the department's PALM assurance activities and will also contribute to phase 2 of the review.
8. Given the feedback from phase one of the review, and to provide certainty and stability to the Approved Employers and PALM workers, the department recommends the current settings be applied permanently in the PALM scheme. However, it is open to you to extend the current settings for a set period, revert to previous settings or allow the current settings to expire at which time the default setting of 30 hours per week every week will take effect in the short-term scheme from July 2025. Stakeholder feedback would not support reverting to previous settings. An extension for a limited time should consider industry peak periods and timing of workforce planning. Should you wish to pursue this option, the department will brief you on suggested timing.
9. New Zealand recently adopted the current PALM scheme approach to the minimum hours', by requiring Recognised Seasonal Employers (RSE is New Zealand's program similar to short term PALM) to offer a minimum of 120 hours over 4 weeks. They made this change having previously implemented a requirement for a minimum of 30 hours per week. New Zealand cited concerns about the cost of implementation and the lack of flexibility to adapt to weather events, as key factors for making the change.

10. Key findings and stakeholder views regarding the minimum hours obligation include:

- a. **Employers:** The agricultural sector supports the current minimum hours approach. They highlighted that the 30 hours per week every week approach, if fully implemented, would drive up operating costs and incentivise employers to leave the scheme or reduce recruitment.

Evidence indicates that Approved Employers are applying more effective workforce planning processes post implementation of the new deed and guidelines. During the review Industry stakeholders and Approved Employers advised the department they are approaching commercial decisions for 2025 and are seeking certainty about the minimum hours setting.

A timely decision will provide confidence to employers and mitigate uncertainties impacting employers' workforce planning. Employers point to concerns about the potential for production costs to increase from 1 July 2025, when the minimum hours setting is due to transition to a minimum of 30 hours per week, every week, and from 1 April 2025 when the majority of short term PALM workers will receive a 2.7% pay increase following the Fair Work Ombudsman decision to move agriculture workers from the C13 rate to the C14 wage rate (after a qualification period) under the Agriculture Award.

- b. **Workers:** Most of the PALM workers surveyed agreed they received the minimum 120 hours over 4 weeks or reported a relatively high median income (\$930 pw). This is broadly consistent with outcomes of the department's assurance activity. Unions raised concerns over the complexity of the minimum hours setting, resulting in PALM workers not able to clearly identify if they have received minimum hours or pay top ups. The department will review how information is presented to PALM workers and consider how this can be translated.

Issues raised by workers focused on other settings such as family support, compensation, pay and accommodation conditions. These matters will be considered in Phase 2 of the review.

- c. **Industry stakeholders:** Support making the current minimum hours approach permanent, particularly for employers in the agricultural industry. Industry notes the positive impact of the minimum hours setting for workers by providing certainty of working hours and income for PALM workers and sufficient flexibility for employers. An industry survey by the Australian Fresh Produce Alliance and provided to the department (**Attachment B**) made findings consistent with the Review and the department's assurance activities.
- d. **Unions:** Advocate for a requirement that PALM Approved Employers provide short term PALM workers a minimum of 30 hours per week, every week. Unions cite the need to ensure regular and reliable income for workers, address worker fatigue and improve worker health, safety and wellbeing. The Review did not find data or evidence to support a conclusion that the current arrangements are negatively impacting worker income, remittances, work health or safety.
- e. **Country representatives:** Emphasise the need for regular and reliable income to achieve positive effects on the economic wellbeing of PALM workers, their families and their communities. They shared concerns that some employers or industries may move away from PALM workers to working holiday makers for short term work if the scheme requires 30 hours per week every work. They consider that disengagement occurs because of pay pressures, frustrations with deductions, or a lack of understanding of hours.

s. 22(1)(a)(ii)

f. **Other government departments:** DFAT and the Department of Agriculture, Forestry and Fisheries (DAFF) indicate support for the current minimum hours' requirement citing engagement with their stakeholders. DFAT highlighted a link between the continuation of the current minimum hours setting and the scheme's continued growth. Adding that PALM scheme growth is vital to achieving strategic objectives, including to enhance economic outcomes in the Pacific, with many participating countries seeking to retain and grow opportunities for PALM workers.

Feedback from the Pacific Labour Facility Engagement Managers embedded within offshore Labour Sending Units indicated greater income stability with the current settings when compared to previous settings.

11. Key data and findings are outlined in more detail in [Attachment C](#).

**Public Sensitivities:**

s. 22(1)(a)(ii)

13. The department has a range of compliance mechanisms that address the sentiment reported about risks of secure income and fatigue arising from fluctuating hours of work. Where there is evidence of a breach of the deed and guideline settings related to misuse of the minimum hour setting, the department can direct employers to temporarily offer a minimum of 30 hours every week. Furthermore, the department will reinforce the suite of PALM worker protections that exist in addition to the minimum hours settings such as pay parity, minimum net pay guarantee and the low hours safety net.

14. The sensitivity of the minimum hours setting and the short timeframe for consultation (6 weeks), leaves a risk that stakeholders express concern that they have not had sufficient opportunity to communicate their position on this setting. All stakeholders were offered an opportunity to engage flexibly via meetings over MS Teams, phone and face to face to discuss the settings and were invited to provide a written submission. This offer was restated during the review through consultative meetings and review updates.

s. 22(1)(a)(ii)

**Consultation: Yes**

15. DFAT and DAFF have been consulted and both portfolios support the recommended proposed approach.

16. A full breakdown of stakeholder engagement and their summary feedback is in [Attachment A](#).

**Legal advice / Legislative impacts:**

17. Subject to your decision, the department will work with the department's Legal Branch to update the PALM scheme deed and guidelines, to make the current interim arrangement permanent.

**Financial impacts: Nil.****Background:**

s. 22(1)(a)(ii)

19. In June 2024, the transition period for the minimum hours setting (offering 120 hours over 4 weeks for short-term workers) was extended to 30 June 2025, with the requirement to provide a minimum of 30 hours every week to commence on 1 July 2025 (**MS24-000333** refers).

**Communications and media strategy:**

20. A decision to make permanent the current minimum hours setting of 120 hours over 4 weeks for short term workers, will need to be communicated clearly and swiftly to support stakeholders' to effectively plan their workforce into 2025. Information will be communicated to workers, employers, industry, unions, country representatives and other stakeholders to ensure they are aware of any new requirements, including:
  - a. Using established communications channels such as the PALM update, websites, consultative fora, and governance mechanisms.
  - b. Engage directly with key union stakeholders (for example the Australian Workers Union, Australian Council for Trade Unions and United Workers Union), and key industry stakeholders (for example Approved Employer Association, Australian Fresh Produce Alliance and National Farmers Federation) to directly advise them of the change.

**Stakeholder Implications:**

21. It is anticipated that making permanent the current minimum hours obligation will be supported by employers, Industry, country representatives and community stakeholders.
22. Unions may continue to seek the implementation of 30 hours per week, every week for short term PALM workers.

**Next Steps**

23. Communicate your decision to stakeholders.

s. 22(1)(a)(ii)

**Attachments:**

- A:** Summary of Stakeholder Feedback
- B:** Minimum hours settings data – key findings
- C:** Australian Fresh Produce Alliance (AFPA) survey results for minimum hours Setting

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

## **Brief: Continuation of current minimum hours settings for short term PALM workers**

### **Summary**

- The horticulture industry is seeking the continuation of the current minimum hours settings for short term PALM workers as a permanent setting of the program.
  - This relates to settings outlined in Section 3.7 of the PALM Scheme Guidelines and requires employers to offer PALM workers 120 hours of work over a 4 week period and where 120 hours work has not been offered, employers must pay the equivalent of 120 hours of work to PALM workers.
  - In effect, there is a requirement for employers to “top up” workers’ wages for any shortfall between hours offered and 120 hours over the 4 week period.
- An industry survey conducted in November 2024, covering Approved Employers of more than 5,900 short term PALM workers in agriculture demonstrates that:
  - On one or more occasions, half of all surveyed AEs had to top-up a PALM worker’s wage where minimum hours could not be offered due to weather related events.
    - This validates the innate challenges faced by horticulture producers and the necessity of averaging to allow employers to manage these challenges where possible; and where the challenges cannot be managed, the ‘top-up’ arrangement provides a safety net for workers.
  - Short term PALM workers are working an average 142 hours per 4 week period;
    - This means that even where there have been occasions that minimum hours thresholds are not met, overall PALM workers are receiving work and earnings outcomes above minimum requirements.
    - On average, employers intend to reduce their recruitment of PALM workers by 22% in the event that the ability to average hours over 4 weeks is removed.
- The horticulture industry remains unable to meet the requirements of the settings proposed from 1 July 2025, which will require employers to offer short term PALM workers a minimum of 30 hours per week. The result of imposing these requirements in the place of current averaging arrangements will likely include;
  - Overall reduction in PALM worker numbers in the horticulture sector
    - Employers will reduce recruitments due to significant financial risk associated with needing to guarantee hours weekly, with no capacity to manage this risk over a reasonable period of time.
    - This would follow the decline of 26% of short-term PALM workers already experienced between July 2023 and September 2024.
  - Shorter engagement periods; reduction in worker contract length from 9 months to 6 months – resulting in a significant lowering of remittances.
  - Engaging the reduced number of PALM workers more frequently as part-time employees, removing casual loading from PALM workers’ wages.
  - Increase in employment of other workers, notably Working Holiday Maker visa holders or “backpackers.”
- Industry continues to recommend that the Federal Government confirm that the current minimum hours requirements expressed in Section 3.7 of the Guidelines will be permanent settings/arrangements in the PALM program
  - Ensuring that these settings are permanent and ongoing, rather than extended for a further period of time is essential to support certainty for employers in their workforce planning – the ongoing uncertainty of settings in the PALM Scheme is one factor that is impacting ongoing employer use of the program in horticulture

## Industry Analysis of Current Minimum Hours Settings

- The current minimum hours settings (Section 3.7 of the Guidelines) are based on an industry driven proposal.
- These settings appropriately balance the need to ensure minimum earnings outcomes for PALM workers and the need for flexibility in the horticulture industry as a result of weather, crop seasonality and other external factors beyond employers' control.
- These settings have objectively been successful:
  - Government's own assessment of a sample of nearly a third of PALM scheme agriculture employers with short-term workers found 100% compliance with the current minimum hours requirements – guaranteeing that short term PALM workers are meeting minimum earnings outcomes.
  - These settings have been adopted by the New Zealand RSE Scheme in place of the previous setting of requiring employers to offer workers 30 hours of work per week. This setting was unable to be met by employers in New Zealand, causing a reduction of RSE workers in the horticulture industry.
- In November 2024, industry conducted a survey accounting for over one third of all short term PALM workers engaged (5,963 workers). Key results of this survey include:
  - Fifty percent (50%) of employers had topped-up a PALM workers wage on one or more occasion during this period for an average amount of 4.5 hours
    - The largest top-up reported was 24 hours due to a delayed start to a season as a result of minor flooding
    - Weather related issues, creating an unsafe or unworkable environment, was the primary cause for employers not being able to offer minimum hours of work.
  - On average, short-term PALM workers were offered 149 hours of work each four-week period, and worked 142 hours.
- The fact that PALM workers on average were offered and worked more than 120 hours per four week period does not mean that employers can offer 30 hours per week, it means that producers are capable of meeting the 120 hour minimum, despite managing weather events and external factors that may contribute to a worker's ability to attend work.
- The industry survey also indicated that if the current minimum hours settings were not continued, and employers were required to offer 30 hours of work per week, employers would reduce their recruitment of PALM workers by a further 22% on average.

## Background – Minimum Hours Settings

- From 1 July 2025 onward (postponed from 1 July 2024), the horticulture industry loses the ability to average work hours offered over any period and must offer to each Short-Term Worker "30 hours per week, every week during the Worker's Placement".
- Averaging hours provides employers flexibility to respond to the natural variability of each season's harvest and weather conditions, e.g. heavy rain can prevent harvest work taking place for a short period, as it may be too dangerous or too wet for machinery during and after the rain.
  - This is considered separately to a significant weather event or disruption that would trigger contingency planning provisions within the Deed and Guidelines.
- Under arrangements from 1 July 2025, when an employer is unable to provide 30 hours of work due to a minor disruption, the employer will likely still be required to pay the PALM Workers the minimum 30 hours of work to avoid breaching the guidelines and losing their ability to employ PALM workers.
  - Under this arrangement, in many circumstances, employers will effectively have to pay twice for the same work to be complete – see explanatory scenario below.
- Considering the variability of horticulture work, the requirement to provide a set number of hours every week introduces a significant financial cost and risk to employing PALM workers (unlike other workers), and therefore the price of produce would increase as a result of these increased costs.
- Approved employers of PALM workers estimate this requirement will increase production costs by 5.5% due to additional wages and administration costs, which will increase the price of fruit and vegetables for all

Australians. Cost increase may be higher than 5.5% for regions that experience unfavourably disruptive weather during peak-season (e.g. if the winter vegetable production season in southeast Queensland is disrupted by heavy intermittent rain).

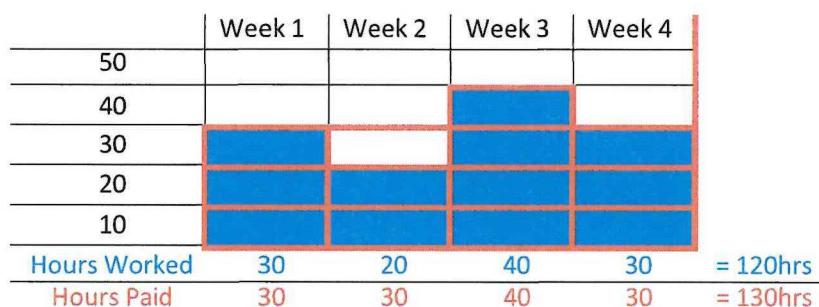
**Explanatory Scenario: Consequence of 30 hours every week, no averaging**

A Grower (Approved Employer) employs a cohort of 10 PALM workers on their orange orchard in Mildura. In the first week, the PALM workers are provided 30 hours of work. During Week 2, overnight rain causes the orchard to become muddy, operating harvest machinery and lifts is dangerous in the rain, and risks damaging the produce, crops, and tracks between rows. The Grower delays the harvest for two days while conditions improve.

The worker, due to the rain, was unable to work for 2 days during Week 2 and as a result, only accrued 20 hours in Week 2. The Grower, under 1 July 2025 settings is therefore required to pay workers an additional 10 hours, despite no work being undertaken.

The oranges that were not harvested in Week 2, still need to be harvested for the Grower to meet supply orders and manage orchard health. The PALM workers work an extra 10 hours in Week 3 to finish harvesting Week 2's oranges. The PALM workers are offered and worked 30 hours during Week 4 with no disruptions.

Over the course of four weeks, this equates to 130 hours of labour cost for 120 hours of output (oranges harvested), which is an additional 8% labour cost, and therefore increased the farm gate price by 4% to break even.



- To manage the increased costs, over the medium to long-term, fewer PALM workers will be engaged for shorter periods of time (e.g. only during peak-harvest, not shoulder periods).
- There has already been significant disruption to the PALM Scheme over the past 2 years, the result of which has been a significant decline in the number of PALM workers in the horticulture sector.
  - Short term agriculture workers have decreased by 26% between July 2023 and September 2024, from 18,905 to 13,975. This is a significant downward trend in PALM worker numbers, which are overall still in decline with an 8% reduction across total worker numbers during the same period.
- This demonstrates that employment of short term workers in the agriculture sector has been the most impacted by program changes and broader economic impacts (i.e.. production cost increases) and will likely continue to be the most sensitive sector to shocks.

**Recommendation**

- That the Federal Government confirm that the current minimum hours requirements expressed in Section 3.7 of the Guidelines will be permanent settings/arrangements in the PALM program
  - Ensuring that these settings are permanent and ongoing, rather than extended for a further period of time is essential to support certainty for employers in their workforce planning – the ongoing uncertainty of settings in the PALM Scheme is one factor that is impacting ongoing employer use of the program in horticulture



## Minimum hours settings data

### Key data points

s. 22(1)(a)(ii)

- A pay slip analysis based on DEWR assurance audit data (n=423 records) suggests that guaranteeing 30 hours a week every week rather than 120 hours over 4 weeks could add 1.18% to the wages bill of PALM employers.
  - This estimate is based on a limited analysis of pay slip records where the data indicates workers were obtaining an average of 158 hours over 4 weeks.
- Based on survey results, most AEs found it easy to comply with minimum hours. Some reported that it is difficult (22%) or very difficult (15%) to comply.
  - AEs in Agriculture were most likely to report some difficulty.
  - An Australian Fresh Produce Alliance report (**Attachment C**), highlighted weather related events as a factor when AEs were unable to offer minimum hours, which resulted in topping up worker pay.
- DEWR assurance activity to support the Review sampled 32% of Approved Employers employing short term PALM workers across horticulture and agriculture and found 100% of employers were compliant with the minimum hours' requirement (as at, 7 November 2024).
  - Assurance activities will continue as business as usual in 2025 and results will be included in the deed and guidelines review report due in July 2025.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)



**To** Minister for Employment and Workplace Relations  
**CC** N/A.  
**Subject** Review into the impact of the PALM Deed and Guidelines  
**Sent to the MO** 3 September 2024  
**Priority** Routine/Low Complexity  
**Action date** 13 September 2024 to allow consultations to commence prior to peak harvest season and the holiday period

**Recommendation** - That you:

s. 22(1)(a)(ii)

2) note the extension to the Review to February 2025, to incorporate assessment of the new minimum hours' settings *but see below* noted / please discuss

Signature: 

19/9 2024

**MO Comments**  
s. 22(1)(a)(ii)

**Executive summary** s. 22(1)(a)(ii)  
s. 22(1)(a)(ii)

2. In late June 2024, Minister Burke agreed to a critical change in PALM relating to minimum hours for short-term workers. This change sought to better reflect industry operations, address key implementation issues and balance the commitment to minimum hours. This change in settings delayed the timing of the Review.  
s. 22(1)(a)(ii)

#### Key points

4. The objective of the Review is to assess the impact of key PALM scheme deed and guideline settings and to determine if they meet Australian Government's priorities. Some of the new settings, attracted significant commentary from stakeholders, especially employers in the agriculture industry who advocated for flexibility of minimum hours to adapt to weather and market conditions.
5. In late June 2024, in response to industry feedback, Minister Burke agreed to extend the requirement for employers to offer short-term PALM workers a minimum of 120 hours reconciled over 4 weeks to 30 June 2025 (rather than requiring PALM scheme employers to offer short-term PALM workers a minimum of 30 hours per week, every week, from 1 July 2024).
  - a. This change included additional safeguards which require employers to pay workers for any shortfall in hours at the end of the 4-week reconciliation period.

s. 22(1)(a)(ii)

### **Government policy issues and impact on other portfolios**

9. This Review provides the opportunity to examine the impact of the new settings, the extent to which they achieved government's priorities and to consider options for policy refinements and inform the ongoing evaluation of the PALM scheme.
10. DFAT has a particular interest in PALM scheme settings given its policy role in PALM and the broader interest in expansion of the scheme into different sectors and higher skilled jobs. The Department of Agriculture, Fisheries and Forestry (DAFF) is particularly interested in matters affecting the availability and costs of the agriculture sector workforce.

s. 22(1)(a)(ii)

### **Stakeholder consultation**

15. The Review will capture consultations with a broad range of stakeholders including Pacific and Timor-Leste Heads of Mission, PALM scheme employers, workers, industry and community organisations, to gather their perspective on the impact of the settings. Surveys, interviews and focus group consultations can commence in September 2024, to enable stakeholders to contribute before the peak harvest season and the Christmas period.
16. The department is seeking input from DFAT, DAFF, Department of Home Affairs, Department of Health and Ageing and the Fair Work Ombudsman as part of the Review within the scope of the agreed ToR.

s. 22(1)(a)(ii)

### **Clearance**

Primary Contact Officer: s. 22(1)(a)(ii)

A/g Assistant Secretary

PALM Performance Branch

Ph: s. 22(1)(a)(ii)

| Emp & W | Pacific Labour Operations

Mobile: s. 22(1)(a)(ii)

Clearance Officer: s. 22(1)(a)

First Assistant Secretary

| Emp & W | Pacific Labour Operations

Ph: s. 22(1)(a)(ii)



To **Minister for Employment and Workplace Relations**

Action Required **For Decision**

**Recommencement of the Review into the Impact of the Pacific Australia Labour Mobility (PALM) Scheme Approved Employer Deed and Guidelines settings**

**Timing** Please action by **3 July 2025** to enable the Department of Employment and Workplace Relations to continue stakeholder engagement and to allow time to finalise the report by end-2025.

**Recommendations:**  
s. 22(1)(a)(ii)

Clearing Officer

s. 22(1)(a)(ii)

Signature \_\_\_\_\_ 18 / 06 / 2025

s. 22(1)(a)(ii), Deputy Secretary  
| Employment and Workforce Group  
Ph: s. 22(1)(a)(ii) | Mob: s. 22(1)(a)(ii)

Contact Officer

s. 22(1)(a)(ii)  
Assistant Secretary  
| Emp & W | Pacific Labour  
Operations  
Ph: s. 22(1)(a)(ii)  
Mob: s. 22(1)(a)(ii)

**Executive summary:**

1. The current PALM scheme Deed and Guidelines were introduced in June 2023. In September 2024, Senator the Hon Murray Watt, former Minister for Employment and Workplace Relations, approved a Review into the Impact of the PALM Scheme Approved Employer Deed and Guidelines Settings (the Review). The purpose of the review is to assess the impact of key PALM scheme settings and to determine if they achieve Australian Government priorities (see Terms of Reference at **Attachment A**).
2. The Review commenced in September 2024 focused first on the minimum hours setting. This phase was finalised in December 2024. The department briefed the then Minister for Employment and Workplace Relations, Minister Watt, on the outcomes of the review.

Minister Watt extended the temporary minimum hours requirement for short-term PALM workers (120 hours of work reconciled over 4 weeks) until 31 March 2026, pending completion of Phase Two of the Review.

s. 22(1)(a)(ii)

**Key Points:**

s. 22(1)(a)(ii)

8. The next phase of the review focuses on key settings set out in the Terms of Reference,  
s. 22(1)(a)(ii)

. It also includes an

opportunity to consider the interim minimum hours setting.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

*Minimum Hours Setting*

11. The PALM scheme Deed and Guidelines (section 3.7) requires employers to offer a minimum number of work-hours to both short-term and long-term workers (in all but exceptional and force majeure circumstances). For short-term workers, this is currently 120 hours over 4 weeks, and for long-term workers, it is full-time hours.
12. Key stakeholders including sending countries, unions and worker advocates, sought minimum hours settings that ensure consistent income for workers. Employers in the agriculture industry advocated for flexibility of minimum hours to adapt to weather and market conditions. The current minimum hours settings seek to balance the costs to employers with protections for workers (vis-à-vis paragraph 8).
13. On 20 February 2025, Minister Watt agreed to extend the transition period for the minimum hours setting (offering 120 hours over 4 weeks for short-term workers), to 31 March 2026. If there is not another extension, or an enduring Ministerial decision, Approved Employers will be required to offer all short-term PALM workers a minimum of 30 hours per week, every week, from 1 April 2026.
14. The department will brief you separately at the conclusion of the Review with advice on your decision to continue the minimum hours settings or change them.

**Public Sensitivities:**

15. Stakeholders expect the review to recommence and to have an opportunity to provide input. Should the Review not resume, stakeholders may publicly comment about their ability to contribute to PALM policy. If the Review is delayed, this risk could be mitigated in part by a decision about minimum hours settings, incorporating stakeholder input already collected into ongoing evaluation activities and committing to a future review of the remaining key settings. However, any decision on minimum hours settings will need to consider the different stakeholder positions (see below). If you do not agree to continue the Review, the department will provide you with additional advice on options.
16. Many stakeholders are seeking an early and enduring decision on minimum hours for short-term workers. There will be significant interest in your decision on this setting. Short-term employers and industry peak bodies continue to reinforce the need for an early decision (well before 31 March 2026) to enable workforce planning (which usually occurs at least 6 months ahead of worker arrival) and has implications beyond 31 March 2026. Unions are expected to press for implementing 30 hours per week every week as a minimum setting.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

**Stakeholder Implications:**

s. 22(1)(a)(ii)

24. Stakeholders are seeking certainty about scheme settings to under right ongoing investment decisions including recruitment of PALM workers.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii)  
**Subject:** RE: FOR CLEARANCE : Review into the Impact of the PALM scheme deed and guideline settings - Departmental response [SEC=OFFICIAL]  
**Date:** Monday, 2 December 2024 10:13:52 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

---

Hi s. 22(1)(a)(ii)

We need our input and the evidence related to our review on the record. So I agree we proceed with option one.

We need to continue the conversation about phase two as well

Thanks

s. 22(1)(a)(i)

**From:** s. 22(1)(a)(ii) @dewr.gov.au>  
**Sent:** Monday, 2 December 2024 10:08 AM  
**To:** s. 22(1)(a)(ii) @dewr.gov.au>; s. 22(1)(a)(ii) @dewr.gov.au>  
**Cc:** s. 22(1)(a)(ii) @dewr.gov.au>; s. 22(1)(a)(ii) @dewr.gov.au>; s. 22(1)(a)(ii) @dewr.gov.au>; s. 22(1)(a)(ii) @dewr.gov.au>  
**Subject:** RE: FOR CLEARANCE : Review into the Impact of the PALM scheme deed and guideline settings - Departmental response [SEC=OFFICIAL]  
s. 22(1)(a)(i)

Appreciate your time last week to discuss this: [DFWR Response to D&G Review Questions.docx](#). We have reviewed this document to ensure it provides appropriate context to the work DEWR is doing/has done around key deed and guideline settings.

We have two options in terms of feedback.

1. Submit the above linked document and allow ARTD to take it into consideration with the evidence they have collected to date on the deed and guideline settings and incorporate into the deed and guideline setting draft report (due January 2025).
2. Do not submit the above linked document, receive the draft report (due in January 2025) and apply the DEWR context at that point.

Results of assurance activity around minimum hours setting has been provided.

**Action:** Recommend option 1 as it provides upfront context to the work DEWR is doing or has completed in relation to the deed and guideline settings. I anticipate several recommendations are likely to be incorporated in the draft report. Providing this context up front will assist in developing any appropriate draft recommendations.

**Due** COB Thursday 5 Dec

Many thanks

s. 22(1)(a)(ii) (she/her)

Acting Assistant Secretary

Ph: s. 22(1)(a)(ii) | s. 22(1)(a)(ii) (work)  
Performance Branch Pacific Australia Labour Mobility (PALM)  
Pacific Labour Operations Division  
Australian Government Department of Employment and Workplace Relations  
[dewr.gov.au](http://dewr.gov.au)

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

## **DEWR Departmental Response for the Review into the impact of the PALM scheme deed and guideline settings**

### **Overview**

PALM scheme deed and guideline settings were designed and informed in collaboration with PALM stakeholders to mitigate the risks that exist in visa schemes, specifically to ensure workers receive secure income and fewer workers disengage from the scheme.

The PALM scheme settings are interconnected and provide multiple layers of protections, to address the Government's priorities. This includes:

- **Economic protections** through settings such as minimum hours, pay parity and net pay guarantee. For example, the low hours safety net means employers must ensure workers receive a minimum of 120 hours over 4 weeks, while also providing a minimum net pay guarantee of \$200 a week after tax and deductions. This means workers receive regular and reliable income and ensures deductions are limited to an amount that retains \$200 net pay for workers. Additionally, if a worker is offered less than 20 hours in any week, the employer must cover the cost of that worker's accommodation and transport for that week.
- **Welfare and Wellbeing, Accommodation and Transport standards** ensure workers are supported and requirements are aligned with the expectations of the Australian government and participating countries.
- **Legal and regulatory frameworks** as Australia's workplace laws regulate national minimum wages, safe working conditions and anti-discrimination policies.

There has been some commentary that uses a comparison of month-to-month PALM worker count as a measure of success of the PALM scheme. A comparison of discrete monthly worker counts is not the sole indicator of the scheme's performance. Other indicators of the PALM scheme's performance include:

- more employers are engaged in the scheme, with a record high of 485 PALM employers
  - all most all the employers who joined in the last year are from the agricultural sector, with a net increase of 50 agricultural employers
- an increase in the number of direct employer's verses labour hire
- more PALM employers actively recruiting workers
  - In September 2024, 72% of PALM employers having active recruitments up from 63% in May 2023
- The number of disengaged workers is falling
  - From 10% in 2020-21 to 8% in 2021-22 & 2022-23 to 5% in 2023-24.

- The decline of PALM worker numbers in agriculture correlates with the closure of the 408 Pandemic Visa. The high number of 408 visa holders was a PALM pandemic legacy and the sudden and high rate of loss reflects the closure of the visa. Conversely, the rate of entry of the new PALM workers is subject to post pandemic employer demand that includes increased direct employment, improved workforce planning and the availability of alternatives.

The PALM scheme settings were designed by Government to ensure more secure and better pay for workers and reduce worker disengagement. The data shows that there is a correlation between the introduction of the PALM scheme settings and:

- an increase in employers joining the scheme
- disengagement declining, indicating that the new settings have encouraged employers to better plan their workforce needs and that workers are more satisfied (receiving regular and reliable income) with their employment.

The department will continue to monitor PALM representation across all industries and sectors, including building in longitudinal measures to understand longer-term trends.

## **Feedback on key PALM settings**

### **Pay Parity**

- Within the PALM scheme pay parity is intended to ensure all PALM scheme workers are paid the same rate of pay as workers doing the same job, whether they are employed by Direct Hire or Labour Hire employers.
- PALM scheme employers must demonstrate this requirement as part of the recruitment application.
- These requirements align with ‘Same Job, Same Pay’ legislation, implemented on 15 December 2023.
- The guidelines were recently amended to explain labour hire entities automatically demonstrate compliance if they are subject to a regulated labour hire arrangement order.
- Assuring employer compliance with the pay parity setting is being considered noting there are complexities with requiring employers to provide evidence (for example payslips from non-PALM workers). Where cases of potential non-compliance are identified, employers will be referred to the FWO for further investigation.

### **Minimum Hours (low hours safety net)**

#### *Short-term*

- The intent of the minimum hours’ requirement is to provide workers with regular income and ensure they receive a net financial benefit from participating in the

PALM scheme. The requirement recognises that workers cannot undertake alternative work while in Australia due to their visa conditions and that they send money back home to support their families and communities.

- Under previous settings, there were too many examples of workers who came to Australia to earn money and support their families but didn't get enough work. At the extreme, we had workers who didn't have work for months and ended up in serious financial hardship.
- From 1 January 2024, employers were required to offer workers 30 hours of work per week, averaged over 4 weeks. That requirement was due to end on 30 June 2024 with a requirement from 1 July 2024 that employers must then offer workers 30 hours every week.
  - Due to stakeholder feedback/consultation, the government decided to continue the transition period for the minimum hours settings for short-term workers until 1 July 2025, and accepted industry's suggestion to add a 120-hour work guarantee over 4 weeks.
  - Employers of short-term workers are now required to offer 120 hours of work over 4 weeks and if they cannot do this, they must pay the workers' wages equivalent to 120 hours over 4 weeks.
  - The department is continuing to monitor the impact of this setting and has increased its monitoring and compliance activities. Specifically, the department is conducting an assurance activity assessing PALM scheme employer compliance with the minimum work hour requirement for short-term workers (120 hours over 4 weeks). The activity assesses pay and work hour data for a sample of workers in a relevant period.
    - As at 7 November 2024, the department has sampled 694 workers across 62 employers, representing approximately 32% of the employers in-scope (191 short-term employers operating in the agriculture and horticulture industries).
    - All employers were found to be compliant with the minimum hours' requirement. This includes two employers that topped up the pay for seven workers (by less than \$10 on average) where they were unable to offer the workers minimum hours.
- In addition to consulting with PALM stakeholders and reviewing administrative data, the department is also assessing international approaches for applying minimum hours settings in labour mobility schemes. While noting there are differences regarding scheme objectives, most countries have a work requirement of (on average) between 30-40 hours per week with some flexibility for averaging. For example:
  - New Zealand recently adopted the same approach of requiring employers to provide a minimum average of 30 hours over 4 weeks (having previously applied a requirement for employers to provide 30 hours every week across the workers' entire tenure).
  - In the UK, employers are required to pay workers a minimum of 32 hours per week, with some reasonable averaging of hours permitted

where workers are paid over a longer period than a week (for example over a fortnightly or monthly basis).

- In the US, in addition to a requirement of at least 35 hours of work per work week across the entire tenure, there is a three-fourths guarantee (meaning the employer must guarantee workers receive 75% of the total hours specific in the work contract or if the hours are less, pay the amount the worker would have earned had the worker worked for the guaranteed number of hours).
- In Canada, employers are required to provide workers with 240 hours over 6 weeks (this equates to 40 hours per week).

#### *Long-term*

- Employers are required to offer long-term workers full-time hours.
- In February 2024, interim arrangements were put in place while the department consulted with industry bodies and unions on the provisions for standdown arrangements in the guidelines.
- The guidelines have been amended to include the interim arrangements as a permanent setting to create a limited exception to minimum hours settings for long-term workers when they are stood down for reasons outside of the employer's control.
- This approach became permanent in the deed and guidelines changes effective 4 November 2024.
- It is noted there has been an increase in long-term agricultural workers, rising by 62% from 1,680 in April 2022 to 2,730 in September 2024 indicating employers may be seeking to build expertise and experience, reduce recruitment costs and staff turnover over the longer term and in turn increase longer-term investment for workers and their communities.

#### **Minimum pay guarantee**

- The minimum net pay guarantee is a safeguard to ensure workers receive a weekly take home pay of at least \$200 after tax and deductions, to meet other living expenses incurred while in Australia (e.g., food, incidentals, etc).
- The minimum net pay guarantee is intended to apply in any week where:
  - (upfront) deductions are unusually high (e.g., repaying flight costs or other initial permitted deductions), or
  - hours for a short-term worker are lower than the minimum hours requirements, or
  - exceptional circumstances outside of the employer's control i.e. a force majeure event or standdowns, prevent a worker from undertaking their normal hours of employment.
- If an employer proposes a worker will only receive the minimum net pay guarantee of \$200 per week for their entire placement, this does not meet reasonable net financial benefit obligations. Rather, the \$200 net pay guarantee

is the absolute minimum amount workers should receive each week to cover their costs of living in Australia.

- The recent sampling of payslips for short-term workers found some instances of employer non-compliance with this setting, predominantly applied an educative approach to clarify deed and guideline requirements.

### **Transparency of deductions**

- Management of deductions within the PALM scheme is sensitive given that it has direct financial impacts on workers and employers; wage deductions are poorly understood; and there is significant complexity associated with operationalising deductions at scale for a multitude of different purposes and circumstances.
- Settings introduced with the new PALM scheme deed and guidelines to increase transparency of deductions have contributed to increased complexity alongside legacy practices from the Seasonal Worker Programme (SWP) and Pacific Labour Scheme (PLS) without robust, detailed supporting guidance for all stakeholders.
- The department is continuing work on how to best support all stakeholders to understand and address their rights and/or obligations regarding transparency of deductions in the PALM scheme.
- The department has worked with the FWO to publish guidance for employers on deductions ([Payroll deductions explained](#)) and continues to monitor that worker deductions are compliant through its Pay and Conditions reviews and other assurance activities.

### **Welfare and wellbeing support**

- PALM scheme employers are responsible for upholding worker wellbeing, aligned with the expectations of the Australian government and the participating countries.
- This includes a requirement for employers to have a welfare and wellbeing support officer located within 200km travelling distance of worker placements or as otherwise agreed by the department.
- The department has scaffolded the PALM scheme worker responsibilities with a range of support, such as Country Liaison Officers and Community Connections, to support and facilitate strong relationships for PALM scheme employers and workers, with existing community groups and the diaspora and complex issues and critical incidents.
- A sample of employer compliance with welfare and wellbeing requirements (including the mandatory information in welfare and wellbeing plans, appointment of welfare and wellbeing support person/s and the required regular meetings between employers and workers) indicates:
  - there is some inconsistency in how employers addressed mandatory information requirements

- there are opportunities to enhance related employer guidance and the department's assessment of employer arrangements
- the department has published reminder information for employers regarding their obligations.

### **Accommodation standards**

- The department is committed to working closely with PALM scheme stakeholders on practical solutions to address concerns regarding accommodation standards and requirements under the PALM deed and guidelines, whilst ensuring the best conditions for PALM scheme workers. Appropriate accommodation is important for a positive experience for workers while they are in Australia.
  - It is acknowledged that housing is a complex and multifaceted problem in Australia, with rural and regional areas facing additional challenges, including a shortage of affordable housing. In this environment employers are encouraged to consider creative and sustainable accommodation solutions, for example purpose-built accommodation options, repurpose existing buildings and/or public-private partnerships.
  - Employers have previously raised concerns about having to seek approval for recruitment plans (including accommodation plans) 3 months in advance of recruitments arriving, including a perception that accommodation must be paid for 3 months in advance of a worker's arrival in Australia. This perception is not correct or supported by the deed and guideline requirements and the department is continuing to work with employers and other stakeholders to ensure the correct application and understanding of PALM setting requirements. While noting that accommodation plans must be submitted with a recruitment plan no later than 8 weeks prior to a worker's arrival, this does not mean the employer must secure and pay for accommodation from this date.
- The department has recently introduced a trial of conditional approval of accommodation plans to prevent delays to the approval of recruitment applications. Conditional approval allows employers to submit accommodation plans without all the final details. This gives employers greater flexibility to finalise minimum accommodation requirements closer to the workers' arrival. The trial will run to December 2024 after which the department will review the approach, and feedback provided.
  - Other recent improvements to accommodation plans and standards are:
    - The validity period of accommodation plans has been amended in the PALM guidelines (21 October 2024). While still required to review all accommodation plans at least once every 12 months, PALM scheme Employers are now only required to submit plans for reapproval when there has been a change rather than every year (reduced red tape/admin burden).

- A recent PALMIS update means the supplementary accommodation plan form is no longer required, streamlining processing. The department actively monitors worker accommodation standards through its regional network of Relationship Managers and through assurance activities. For example, a recent assurance activity assessed employer compliance with specific requirements related to accommodation owned by the employer, including whether ownership was declared and that related costs for workers represented fair and good value and are based on comparable market rates. Findings from this activity include that employers were not consistently applying the requirement to declare ownership and, in some instances, did not demonstrate a clear approach for how accommodation costs were derived. Future considerations will include opportunities to educate employers on key requirements and considerations of enhancements to the guidelines.

### **Transport standards**

- The department checks every transport plan proposal against the requirements of the deed and guidelines before approval is provided. The department monitors compliance with the transport requirements through site visits and investigating complaints.
- The department continues to monitor all transport settings and remains open to ongoing consultation with stakeholders, PALM scheme employers and workers to inform continual improvement.

### **Cultural Competence**

- Cultural competency is a requirement under clauses 9.2 and 18.3 of the PALM scheme deed and sections 2.1.17 to 2.1.19 and 9.2 of the PALM scheme guidelines.
- During December 2023, the Scheme provided advice to employers of a change to PALM scheme cultural competency requirements within the Deed and Guideline requirements. Registration to access toolkits opened on Friday 1 March 2024. Cultural competency must be demonstrated by key personnel of both PALM scheme employers and host organisations from 1 March 2024.

### *Education resources*

Supporting documents are provided to employers through the PALM scheme update. Employers are provided with two supporting documents to assist with Cultural competency requirements and can make contact to the [PALMcapability@dewr.gov.au](mailto:PALMcapability@dewr.gov.au) mailbox. Supporting documents below:

- Cultural competency requirements frequently asked questions - June 2024.docx
- PALM scheme cultural competency factsheet - June 24.docx

## Unit titles

1. Why Understand Culture?
2. Supporting PALM Scheme Workers – Fiji
3. Supporting PALM Scheme Workers Kiribati
4. Supporting PALM Scheme Workers Nauru
5. Supporting PALM Scheme Workers PNG
6. Supporting PALM Scheme Workers Samoa
7. Supporting PALM Scheme Workers Solomon Islands
8. Supporting PALM Scheme Workers Timor-Leste
9. Supporting PALM Scheme Workers Tonga
10. Supporting PALM Scheme Workers Tuvalu
11. Supporting PALM Scheme Workers Vanuatu
12. Working with the Labour Sending Unit – Kiribati
13. Working with the Nauru Labour Mobility Division – Nauru
14. Working with the Labour Mobility Unit – PNG
15. Working with the Labour and Employment Export Programme – Samoa
16. Working with the Labour Mobility Unit – Solomon Islands
17. Working with the National Directorate of Foreign Employment – Timor-Leste
18. Working with the Overseas Employment Division – Tonga
19. Working with the Department of Labour – Tuvalu
20. Working with the Employment Services Unit – Vanuatu
21. Working with the Labour Sending Unit – Fiji

Employers can also demonstrate cultural competency through an exemption process where they have suitable lived experience.

### *Employer completion rates of cultural competency*

Only active employers that have workers in country or are planning to recruit are required to meet the Deed requirement.

As of 31 August 2024, 92% of the 348 active employers have at least one staff member who has completed a cultural competency toolkit. The department is working with remaining employers to meet this requirement.

Out of the 481 total employers, 70% have at least one staff member who has completed a course.

**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Cc:**  
**Subject:** CM: RE: Final review and clearance: ARTD Phase One Report [SEC=OFFICIAL]  
**Date:** Thursday, 17 April 2025 2:48:38 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)

---

Hi s. 22(1)(a)(ii)  
s. 22(1)(a)(ii) has reviewed and noted the final report with no comments/concerns.

Regards,  
**s. 22(1)(a)(ii)**  
Executive Officer to **s. 22(1)(a)(ii)**, First Assistant Secretary, Pacific Labour Operations Division  
Employment and Workforce Group  
Australian Government Department of Employment and Workplace Relations  
Phone: s. 22(1)(a)(ii) | Mobile: s. 22(1)(a)(ii)  
[dewr.gov.au](http://dewr.gov.au)

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

**From:** s. 22(1)(a)(ii)  
**Sent:** Thursday, 10 April 2025 11:02 AM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii)  
**Subject:** Final review and clearance: ARTD Phase One Report [SEC=OFFICIAL]

Dear s. 22(1)(a)(ii)  
**Action required/due date:** Please find attached the final Phase one Deed and Guidelines Review report from ARTD. Grateful any comments from you by COB Tuesday 15 April to enable us to close off this report with ARTD. There are no plans for this report to be released.

Given we are heading into Phase two and the final D&G report for the Minister will encompass findings from both Phase one and two, this report is being used to inform Phase 2.

**Background :** We received written submissions from stakeholders including unions, industry, and the AEA, much of which was focused on the minimum hour settings. In addition to the minimum hours report provided to the then Minister's Office, this report explores the additional data that was received on several of the other scheme settings, all of which will be explored in more detail in Phase two. Interim findings from Phase one indicate the D&G settings have positively impacted on strengthening worker protections, the settings have enable sending countries to gain an economic benefit from participating in the scheme, and ensures there is a reliable and productive workforce in some sectors. Demand is more geared towards long-term placements and Phase two may be able to collect additional data on some of the factors that may be driving this demand. If data does not come through the Phase two data collection activity, demand can be explored in more detail in the annual Approved Employer survey which is currently being built and scheduled to go live in August/September 2025.

**Next steps:** The team notes the decision to delay any public work on the D&G review Phase two until after the election result is known although preparatory work will continue to ensure DEWR are ready to recommence Phase two engagement quickly post-election. As we are moving into Phase two the report does not provide recommendations, but considerations for the final report or to inform Phase 2. Most of these considerations are related to streamlining how PALM is managed and we will review the data in Phase 2 to identify if these considerations are still supported.

Happy to discuss

**s. 22**

**s. 22(1)(a)(ii)**

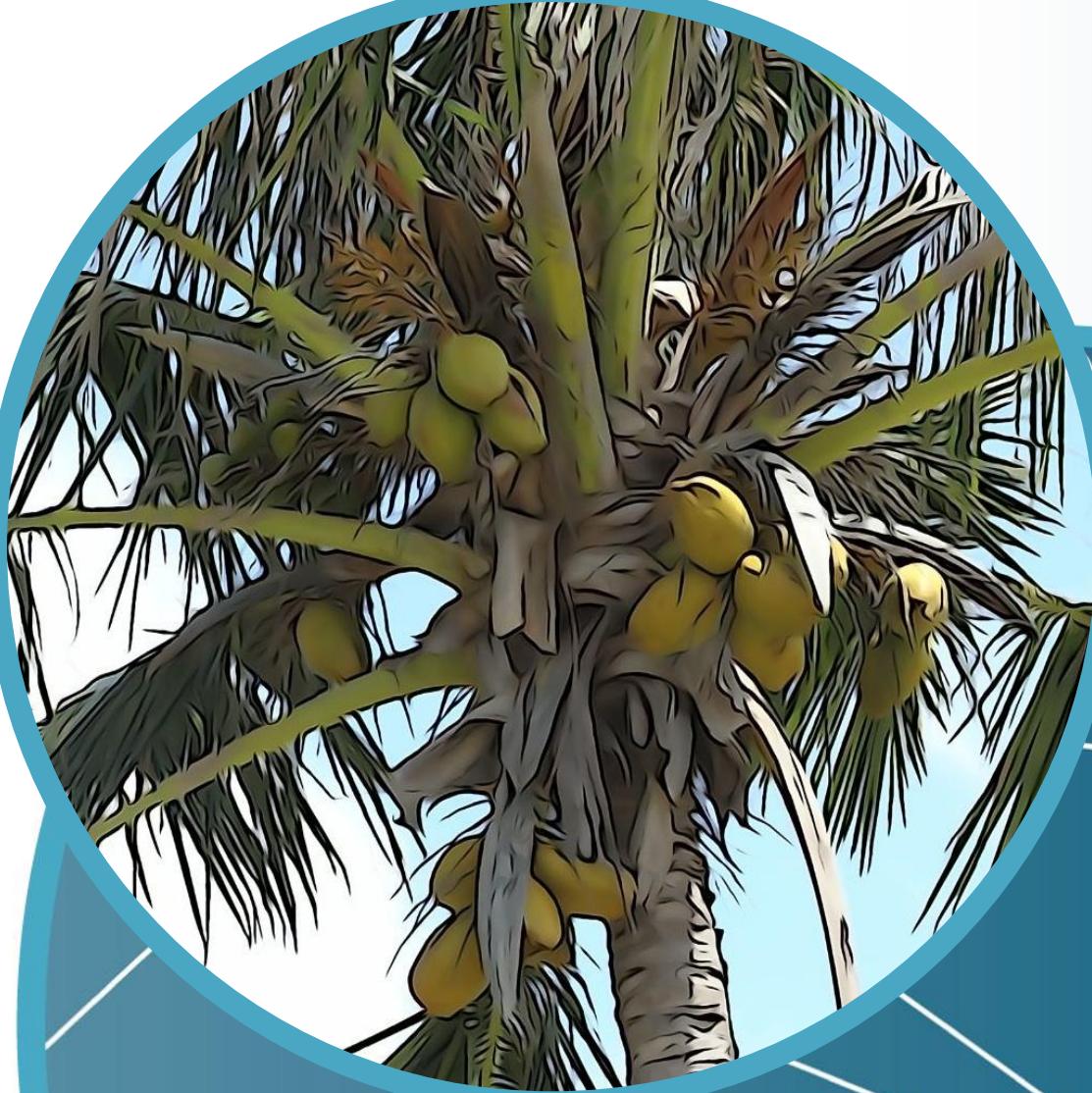
s. 22(1)(a)(ii)



# Independent Review of PALM Deed and Guidelines

Department of Employment and  
Workplace Relations

*Findings and considerations*  
April 2025



# Acknowledgements



*We also acknowledge the talent and artistry of Emma Walke, who designed the artwork for our acknowledgement of Aboriginal and Torres Strait Islander peoples. The design shows a story of connection to country and people, representing the breadth of work we do with Aboriginal and Torres Strait Islander communities across Australia. The colours represent the land, and the lines in between represent the water that connects us all.*

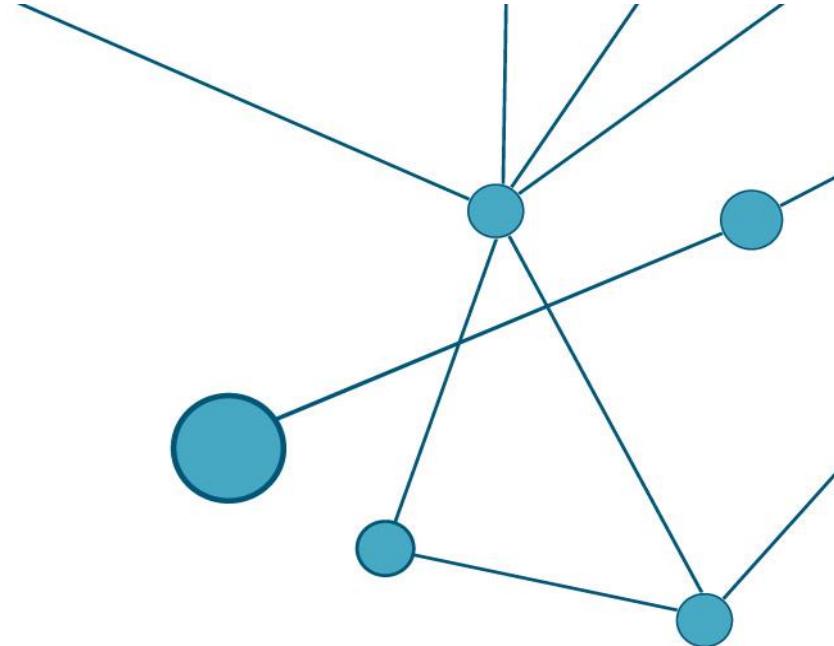
This work was completed with the assistance of s. 22(1)(a)(ii) , and s. 22(1)(a)(ii) from the Research and Evaluation, PALM Performance Branch, Pacific Labour Operations Division at the Australian Government Department of Employment and Workplace Relations.

We would also like to thank the many key informants from unions, industry, Approved Employers, and PALM workers. We thank them for their time and insights and trust that their views are adequately represented in this report.

## **ARTD consultancy team**

s. 47F(1)

# Summary



# Snapshot

## What we did -----



## Impact of the Deed and Guidelines -----

1	<b>Positive impact but strengthening of worker protections needs to continue</b>	The Deed and Guidelines have had a positive impact but aspects of worker protection need continual strengthening given many agencies are working with vulnerable migrant workers. There is a need to better leverage informal protections that come through culturally appropriate support and the development of trust between direct employers and returning workers.
2	<b>Continues to deliver significant economic benefits to participating countries</b>	The scheme continues to deliver significant economic benefits to participating countries and workers, but the pattern of these benefits is changing given reduced participation in the short-term scheme. Vanuatu remains the largest source country but has declined in numbers, while smaller sending countries like Kiribati, Tuvalu and Nauru have grown but remain relatively small contributors. Some traditionally strong participating countries like Tonga and Samoa have sent declining numbers of workers. This warrants ongoing attention to ensure broad positive impacts across the Pacific region.
3	<b>Continues to provide a reliable and productive workforce in some sectors</b>	The scheme continues to provide a reliable and productive workforce in some sectors, particularly meat processing and healthcare. However, the combination of regulatory requirements, seasonal variability and competition from alternative labour sources appears to be creating pressure in the agricultural sector, despite the potential productivity advantages of employing PALM workers.
4	<b>Stable or growing employer demand in sectors suited to long-term placement</b>	The evidence suggests stable or growing employer demand in sectors suited to long-term placements, but declining participation in agricultural short-term placements. This review is unable to attribute these declines to any particular or singular cause. There are a wide range of economic, technological and environmental factors in addition to the need to comply with the Deed and Guidelines that affect demand for workers in agriculture.

## Considerations for Phase 2 review -----

<b>Consideration 1</b> Review pre-deployment preparation systems to strengthen worker readiness for Australian employment.	<b>Consideration 2</b> Map information flows and decision points across regulatory bodies that interact with PALM workers and AEs for the purpose of enhancing coordination within existing regulatory frameworks.	<b>Consideration 3</b> Identify evidence and data sources that could support the development of a risk-based 'Trusted Trader' approach for PALM scheme employers.
<b>Consideration 4</b> Review specific requirements within the PALM deed and guidelines to ensure standards are clear, consistent, and proportionate across accommodation, pay, deductions, and transport settings.	<b>Consideration 5</b> Explore opportunities for supporting employer compliance through standardised templates, tools, and guidance materials that simplify implementation without compromising worker protections.	

## Synopsis

The PALM Deed and Guidelines provide a comprehensive and sufficient foundation for managing relationships with approved employers, effectively balancing worker protections with employer operational flexibility. While most Approved Employers find compliance manageable, smaller employers struggle with the complexity of implementation, particularly around minimum hours and accommodation standards. The horticultural sector and seasonal work face particular challenges. Seasonal work is shortterm and requires flexible labour to maximise growing time and minimum downtime. Some PALM employers may potentially consider alternative labour sources due to an inability or perceived inability to meet regulatory requirements. It is recognised that the PALM scheme in Australia is administered by two departments (DFAT and DEWR) with additional departments required to provide regulatory oversight (Home Affairs and Fair Work Ombudsman), with each department operating under their own legislation and having their own regulatory frameworks. Stakeholder feedback identified challenges with different regulatory requirements, and this presents an opportunity to map out the regulatory framework to better understand the pressure points and clarify any inconsistencies. While the Deed and Guidelines address the right issues and seem to provide a necessary condition and are appropriate for the risks, there is insufficient evidence for this review to measure their direct impact on government priorities for the PALM Scheme.

## Executive summary

The Department of Employment and Workplace Relations (DEWR) engaged ARTD Consultants to conduct an independent review of how new operational policy settings impact the Pacific Australia Labour Mobility (PALM) scheme. This is the report on that review.

### Terms of Reference

The review aimed to examine how key elements of the PALM scheme Deed and Guidelines, implemented in June 2023, were meeting the government's priorities. These priorities were:

- Ensure scheme mechanisms protect workers at greatest risk of exploitation
- Enable participating countries, workers and their communities to benefit from the scheme
- Ensure there is a reliable and productive workforce available to meet the needs of Australian employers
- Assess whether the new settings have influenced Approved Employers' (AEs') demand for workers and support continued growth of the scheme.

We employed a mixed-methods approach, drawing on administrative data, written submissions from key government agencies, group discussions with industry and unions, a survey of AEs, and a survey of PALM scheme workers. We made extensive efforts to engage with a wide range of stakeholders and ensure their views were represented. This included

providing multiple opportunities and channels for participation, sending targeted reminders to boost response rates, holding multiple focus groups with options for written responses and conducting culturally appropriate fieldwork to gather insights directly from PALM scheme workers.

The review has been split into two phases, with this report focusing on the scheme's minimum hours settings and Phase Two assessing accommodation standards, welfare and wellbeing support, pay parity, transparency of deductions, low hours safety net, cultural competency, minimum net pay guarantee and transport standards. Throughout the review process, we strived to give equal consideration to the perspectives of unions, industry peak bodies and other key stakeholders to ensure a balanced and comprehensive assessment of the PALM scheme's operations and impact.

The review was limited by a lack of comprehensive data for reliable quantitative impact measurement and limited stakeholder engagement. While we are confident we can represent the views of government and employers – and, to some extent, workers – we cannot quantify worker sentiment and do not have good line of sight on the views of sending countries. We have based our review findings on reasonable inferences drawn from the available facts.

## Responses to the Terms of Reference

### Ensure scheme mechanisms protect workers at greatest risk of exploitation

The Deed and Guidelines appear to be making a positive contribution to worker protections, though it's difficult to measure the full extent of impact or attribute changes solely to these settings. Several indicators suggest improved protections:

- Worker disengagement rates have declined sharply by an estimated 37% (seasonally adjusted) since the introduction of the Deed and Guidelines, dropping from 650 to 408 disengagements per quarter.
- DEWR compliance data indicates that issues relating to worker wages represent relatively small proportions of investigations that are referred, accounting for less than 10% of referrals.
- Most AEs report finding compliance with key worker protection settings manageable, with over half rating their experience as easy or very easy across most requirements.

However, there are some important caveats and ongoing concerns:

- The Fair Work Ombudsman notes that limitations to its data holdings means 'it is not possible to draw any inference between common allegations of non-compliance involving AEs and changes in the PALM scheme'.
- Culturally appropriate fieldwork and stakeholder feedback suggests PALM workers are often not forthcoming in reporting concerns to government. Appropriate research methods and regulatory data to measure compliance should be considered in Phase Two.

Enhanced predeparture training combined with CLO support may be an option to strengthen disclosure and support valid compliance data.

- Worker survey responses indicate that while workers appreciate the opportunities, they face challenges, particularly physical demands and financial pressures.

The evidence suggests the Deed and Guidelines are appropriate for the risks but will only be sufficient for protecting vulnerable workers if AEs understand and implement them fully and without exception. A large body of governance and regulatory theory suggests that their effectiveness in achieving government priorities depend heavily on:

- Reducing complexity, duplication and streamlining data requests to maximise voluntary compliance by employers
- High levels of collaboration between agencies with a role in the overall regulatory ecosystem surrounding PALM workers
- Support for informal worker protections generated through ongoing relationships of trust between employers and workers as well as natural supports emanating from cohesive community supports.

## **Enable participating countries, workers and their communities to benefit from participation in the scheme**

The evidence suggests positive economic benefits for workers and their communities, though the picture has some complexity. Key indicators of benefit include:

- The overall PALM scheme has grown from 26,185 workers in April 2022 to 30,800 workers in October 2024, providing increased opportunities for Pacific workers.
- Worker survey data indicates substantial remittances, with median remittances of \$400–650 per week from median incomes of \$693–765 per week.
- There has been notable growth in participation from several sending countries – Fiji, Solomon Islands, Timor-Leste and Papua New Guinea have all seen substantial increases in worker numbers.

However, some important shifts and qualifications should be noted:

- The total number of PALM workers actually peaked at 34,400 in June 2023 prior to the new Deed and Guidelines, and has declined somewhat since. Agriculture remains the largest sector but is showing decline driven by a reduction in short-term workers. Seasonally adjusted data and quadratic regression modelling, suggests continuing declines but we have not been able to model the influence of related changes such as 'same job, same pay' introduced by the Fair Work Legislation Amendment (Closing Loopholes) Act 2023 that may affect demand for labour hire workers. There is a clear trend away from short-term towards long-term workers – the numbers of short-term workers declined from 19,170 to 13,825 while participation by long-term workers increased from 7,010 to 16,975.

- Some traditionally strong participating countries like Tonga and Samoa have sent declining numbers of workers but there is little clarity about the relative importance of issues affecting labour supply or demand in these numbers.
- Vanuatu remains the largest source country but is sending fewer workers, while smaller source countries like Kiribati, Tuvalu and Nauru are sending more workers but remain relatively small contributors.

The shift towards long-term workers may have mixed implications:

- It could provide more stable long-term benefits for workers and communities.
- However, it may reduce the spread of benefits across communities that the Seasonal Worker Programme was originally designed to achieve.
- DEWR notes this may reflect employers seeking to 'build expertise and experience, reduce recruitment costs and staff turnover.'

## **Ensure there is a reliable and productive workforce available to meet the needs of Australian employers**

The evidence suggests a complex picture of workforce reliability and productivity, with notable variations across sectors. Agriculture, the largest sector, shows shifting workforce trends. There has been a significant decline in short-term workers in the agriculture sector, dropping 31% from 19,370 to 13,455 between June 2023 and September 2024. Industry and Union stakeholders suggest employers are shifting towards Working Holiday Makers (WHMs), with industry data in horticulture<sup>1</sup> showing reliance on backpackers rising from 26% to 38% over a similar period. However, it is not possible for this review to substantiate a direct causal link between declining PALM workers and WHM in part due to limited data about the employment of WHMs. While ABARES research suggests PALM workers may be 20% more productive than WHMs, employers report PALM workers cost about 15% more and cite challenges with regulatory requirements, seasonal scheduling and cultural competency obligations<sup>2</sup>.

Agricultural employers report several significant challenges for administration of the Deed and Guidelines that may fall outside the scope of the review but may be of use to the department when considering opportunities to deliver a more streamlined scheme:

- Cultural competency and administrative requirements are seen as particularly burdensome, with employers describing them as demanding, repetitive and poorly aligned with the realities of agricultural work. These challenges include complex

---

<sup>1</sup> Ausveg submission to D&G Phase one review

<sup>2</sup> Zhao, S., Binks, B., Kruger, H., Xia, C., & Stenekes, N. (2018). *What difference does labour choice make to farm productivity and profitability in the Australian horticulture industry? A comparison between seasonal workers and working holiday makers*. Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES).

documentation requirements and difficulties in managing training across multiple nationalities and cultural groups. This may indicate an issue with the deed and guidelines or reinforce the need for them to increase awareness and protect worker welfare and wellbeing.

- Accommodation and transport requirements create substantial operational challenges, particularly in regional areas, where housing availability is limited. Employers report difficulties with the upfront costs of securing accommodation and transport, managing maintenance and dealing with the complexities of worker relocations during harvest periods.
- Meeting minimum hours requirements amid seasonal variability is a major concern. Employers report that weather events, crop cycles and consumer demands affect their ability to provide consistent hours, creating tensions between compliance requirements and agricultural realities. Evidence from DEWR notifications is that there are instances of workers being offered low hours due to weather or other unforeseen events. In these cases, we understand that employers are topping up workers' pay and/or redeploying workers to a new placement. DEWR reports that audit activity for 62 randomly selected AEs covering 694 workers found 100% of employers were compliant with the minimum hours' requirement (as at, 7 November 2024).

Other sectors show positive patterns:

- Meat processing has demonstrated strong and steady growth, dominated by long-term workers, increasing from 5,310 to 12,100 workers between April 2022 and October 2024. The healthcare and accommodation sectors have also shown consistent though more modest growth.
- These sectors appear to have adapted more successfully to the regulatory requirements, possibly due to their stable year-round labour demands and established workplace systems.
- Under the new deed and guidelines, there has been an increase in the number of approved employers joining the scheme.

Key shifts in overall workforce patterns can be identified:

- There is a clear trend towards long-term rather than short-term workers across the scheme, with the total number of PALM workers decreasing by approximately 10% since June 2023, from 34,400 to 30,800. At the same time the data indicates increased stability in the AE population and growing confidence in submitting recruitment plans, despite the overall decrease in worker numbers. Additional data on changes in workforce planning and Authorised Employer participation, as well as overall demand for agricultural labour in Australia are necessary to draw any conclusions about shifts in employer focus or participation in the long-term and short-term schemes.

## **Assess whether the new settings have influenced AEs' demand for workers and support continued growth of the scheme**

The evidence suggests a complex picture regarding employer demand and scheme growth, with notable variations across sectors and employment types. Overall demand patterns show mixed indicators:

- While DEWR continues to receive substantial numbers of applications for new AEs (217 from October 2023 to November 2024), there is a clear trend of reduced demand for PALM short-term workers, particularly in agriculture. The total number of PALM workers has decreased by approximately 10% since June 2023, with agriculture showing the most significant declines.
- The data suggests increasing stability in the AE population, with growing confidence in submitting recruitment plans among existing employers. This is highlighted by increased recruitment plan submissions, peaking at 354 approvals in August 2024.

Analysis of employer responses to settings reveals several key concerns:

- Employers report that meeting minimum hours and accommodation requirements are particularly challenging. Many agricultural employers believe the current settings don't adequately account for seasonal variability and regional contexts. The requirement to guarantee hours is seen as especially problematic given weather-dependent work patterns.
- Administrative burden and regulatory compliance are consistently cited as significant issues. Employers describe complex documentation requirements, challenges with the Pacific Australia Labour Mobility Information System, and what they perceive as repetitive and sometimes contradictory compliance obligations across government agencies.

WHM program dynamics suggest potential substitution:

- There appears to be movement in agriculture away from short-term PALM workers towards WHMs, though direct industry-specific data is limited. WHM numbers show strong recovery towards pre-COVID levels (234,556 in 2023-24 compared to the pre-COVID peak of 258,248).
- Both industry and unions appear to agree that current settings are incentivising employers towards WHMs over PALM short-term workers, particularly given that WHMs until recently did not have pay parity requirements.

Employers identified 3 key factors likely to affect future demand:

- The implementation of minimum hours requirements and management of accommodation standards
- The approach to government administration and regulatory oversight
- The quality and timing of worker preparation prior to arrival.

## Key Deed and Guidelines settings

Through the PALM scheme and its predecessors, support for Pacific Islander people to work in Australia has evolved to balance a range of needs: administrative simplicity, appropriate oversight and regulation, workforce availability and worker protection.

The PALM Deed and Guidelines are tangible governance tools designed to respond to the needs of all stakeholders, and have an immediate impact on employers and workers. To balance flexibility and protection, they need to be complicated, and this makes it difficult for employers and workers to fully understand and ensure their rights and responsibilities.

Settings may be more challenging for smaller operators to operate under and may be overly complex or complicated for workers to navigate.

- **Minimum hours:** We found that while the minimum hours requirement (120 hours over 4 weeks) has provided more clarity for workers, it has created significant challenges for employers, particularly in agriculture, where seasonal work variability makes providing consistent hours difficult. The setting appears to have reduced worker disengagement but may push employers towards alternative workforce solutions like WHMs. Employers and their representatives generally do not support tightening this requirement to 30 hours every week and some have suggested allowing the option to offer 240 hours over 8 weeks. Worker representatives would like to see a move to 30 hours per week every week. Using data collected by the DEWR payslip audit (n=423 records, where workers were obtaining an average of 158 hours over 4 weeks), we can estimate that a move towards guaranteeing 30 hours a week every week rather than 120 hours over 4 weeks might add 1.18% to the wages bill of AEs.
- **Accommodation standards:** Employers reported compliance with accommodation standards challenging, with many feeling the requirements exceed typical Australian residential standards and create unnecessary administrative burden. The review revealed concerns about the costs of providing accommodation, particularly for smaller employers, and a desire for more flexibility in how these standards are implemented. This is likely to be raised again in Phase Two and there is an opportunity to gather evidence on the cost impact and the need to meet higher residential standards.
- **Pay parity:** The pay parity requirement was relatively easy for employers to implement, with most finding it straightforward to pay PALM workers the same as local workers with similar skills and experience. The setting was seen as an important protection for workers, ensuring they receive fair compensation comparable to Australian workers. In terms of the impact of this setting on the government priorities, interim findings indicate a positive impact but insufficient data for clear measure.
- **Low hours safety net:** This setting was designed to protect workers during periods of low work availability, requiring employers to cover accommodation and transport costs if workers are offered fewer than 20 hours per week. While intended to provide worker protection, employers found it administratively complex and potentially redundant with other scheme protections. Phase Two may uncover some additional data and evidence as

to what impact this setting is having on the government priorities, including if employers are not applying it due to its administrative complexity.

- **Minimum pay guarantee:** Stakeholders viewed the \$200-per-week net pay guarantee positively, as a way to ensure workers can support themselves and send money home. However, some suggested the amount should be indexed to inflation and that more financial literacy training could help workers manage their earnings more effectively.
- **Welfare and wellbeing support:** We found that while stakeholders generally supported welfare and wellbeing support requirements, they placed significant administrative burden on employers. We cannot detect a strong positive or negative impact of this setting. There was a clear request from industry groups and employers for more government involvement in managing worker welfare, particularly for handling complex incidents beyond employers' capabilities. This issue should be explored further in Phase Two.
- **Transparency of deductions:** Employers found explaining deductions relatively easy, but workers and unions raised concerns about unclear and potentially inflated deductions.
- **Cultural competency:** While most employers completed cultural competency training, they saw the current approach as repetitive and not necessarily effective in creating genuine cultural understanding. This setting should be further explored in State two.
- **Transport standards:** Transport requirements were challenging for employers, particularly impacting how they manage costs and logistics in rural and remote areas. The review indicated a need for more flexible approaches to transport provision and potential reimbursement of associated costs, especially for employers in geographically dispersed locations.

The settings in the PALM Deed and Guidelines are not the only tool of governance impacting employers and workers. Impacts resulting from their implementation cannot be considered in isolation from other governance arrangements and the broader employment and cultural ecosystem that surrounds PALM.

We do not have sufficient evidence to draw conclusions about how people from Pacific Island countries view the scheme's attractiveness. Phase Two may be able to gain this evidence.

Multiple government agencies each with their own legislation and regulatory frameworks need to harmonise their regulatory roles and respond efficiently and in a coordinated manner to deliver the PALM scheme. In addition, factors external to the PALM Deed and Guidelines – such as seasonal workforce considerations and visa and immigration policy, as well as cultural expectations and practices within PALM worker communities – have an impact on approved employer demand and worker experience of PALM beyond that of implementing and complying with the PALM Deed and Guidelines.

## Phase Two considerations

The PALM deed and guidelines provide a comprehensive foundation for managing relationships with approved employers. They address core regulatory requirements and the complex challenge of balancing robust worker protections with employer operational flexibility and cost containment. The review cannot quantify or quality assure the level of compliance. This data should be generated by the apparatus for ensuring regulatory compliance (including but not limited to payslip audits that were provided to this review). The impact of settings on government priorities are difficult to consider in isolation from their implementation and will depend on appropriately resourced regulatory responses that combines meaningful enforcement with practical support for employers. The review suggests the following considerations in Phase Two of the Review to be conducted by DEWR.

**Consideration 1** Review pre-deployment preparation systems to strengthen worker readiness for Australian employment. This should focus on understanding of Deed and Guidelines settings, financial literacy, cultural adaptation, and workplace expectations. This should include clarity on roles and responsibilities and the optimal timing and delivery methods for preparatory information to ensure workers can effectively navigate Australian workplace requirements and community integration upon arrival.

**Consideration 2** Map information flows and decision points across regulatory bodies that interact with PALM workers and AEs for the purpose of enhancing coordination within existing regulatory frameworks. Opportunities for more responsive regulation may include information sharing and collaborative approaches to monitoring and enforcement.

**Consideration 3** Identify evidence and data sources that could support the development of a risk-based 'Trusted Trader' approach for PALM scheme employers. This might include compliance indicators that could predict future behaviour, integration possibilities with existing industry certification frameworks like Fair Farms and SMETA, incentive structures that encourage continuous improvement and analysis of the benefits and risks of any reduced administrative requirements for Trusted Traders.

**Consideration 4** Review specific requirements within the PALM deed and guidelines to ensure standards are clear, consistent, and proportionate across accommodation, pay, deductions, and transport settings. This may include alignment of accommodation standards with broader Australian residential norms, clarification of pay parity assessment methodology to ensure consistency with Fair Work Act definitions, review of the \$200 minimum pay guarantee's adequacy against cost-of-living factors and remittance needs, refinement of deduction categories and reasonable cost parameters, assessment of low hours safety net calculation method and documentation requirements, clarification of government versus employer responsibilities for welfare and wellbeing support, and review of transport requirements and allowable cost deductions.

**Consideration 5** Explore opportunities for supporting employer compliance through standardised templates, tools, and guidance materials that simplify implementation without compromising worker protections. This could involve compliance checklists with key

requirements, tools to assist employers with tracking and reporting on minimum hours obligation, clear templates and guidance materials explaining deduction frameworks to workers in accessible formats, resources to support employers in conducting and documenting cultural competency activities and simplified approaches to documenting welfare and wellbeing requirements.

# Connect with us

[artd.com.au](http://artd.com.au) | (02) 9373 9900



**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii)  
**Subject:** For Noting: UPDATE - Delay of PALM scheme guidelines release  
**Date:** Friday, 20 June 2025 3:42:00 PM

---

Hi <sup>s. 22(1)(a)(ii)</sup> and <sup>s. 22(1)(a)(ii)</sup>,

**For noting. s. 42(1)**

- The public release of the updated PALM scheme Guidelines is on schedule for 1 August 2025, with an effective date of 15 August 2025.
- We previously advised (below) we intended to issue a formal notice to Approved Employers to clarify the continuation of the PLAM scheme interim minimum hours setting over the period 1 July 2025 to 15 August 2025.

s. 42(1)

- We expect do not expect public commentary or interest in this situation, however as the matter goes to the legal authority over a key setting and the primary tool used by Approved Employers (PALMIS) I am providing transparency.

#### Key Issues

- In February 2025, DEWR PLO Division issued a Factsheet and FAQ on the Minimum Hours requirement ([Minimum hours requirement and interaction with minimum net pay guarantee factsheet - February 2025.pdf](#) and [Minimum hours settings frequently asked questions - February 2025.pdf](#)).

s. 42(1)

s. 22(1)(a)(ii)

**Mitigation is primarily through Communication:**

- Proactive communication and early education has been designed and will commence in July to reduce confusion and help users to engage with the change.
- Industry stakeholders, unions and community sector partners, and Approved Employer representatives have been briefed and kept updated via PALM Consultative committees.
- The PLO Division will provide targeted support to PALMIS users from 1–14 August to manage enquiries.
- Additional guidance materials will be distributed to Approved Employers and stakeholders to clarify changes and highlight key focus areas as well as advising the availability of PALMIS support.
- Tailored talking points (TPs) will be provided to Relationship Managers to support consistent messaging and issue resolution with Approved Employers.

We will keep you updated of any further amendments.

Sincerely,

s. 22(1)(a)(ii)

---

**From:** s. 22(1)(a)(ii)

**Sent:** Friday, 6 June 2025 8:28 AM

**To:** s. 22(1)(a)(ii)

**Cc:** s. 22(1)(a)(ii)

**Subject:** For Noting: Delay of PALM scheme guidelines release

s. 22(1)(a)(ii)  
Hi

**For noting,**

- The next release of the PALM Guidelines is has been rescheduled to 4 August, with an effective date of 18 August.
  - The previous release date was in June with a date of effect on 1 July.
  - The delay enables us to improve the Approved Employer experience by synchronising updated guideline with a related PALMIS Update.

s. 22(1)(a)(ii)

**The following guidelines changes have been reviewed and endorsed (including legal)**

- Minimum Hours Obligation - Extension of the 120 hours over 4 weeks requirement to 31 March 2026.  
s. 22(1)(a)(ii)

This will not be a major disruption and is an administrative matter only so I have not included the MO.

We don't expect to have any other delays but will keep you up to date if there are any further issues.

Sincerely,

s. 22(1)(a)(ii)

**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii)

**Subject:** FYI - AWU discussion 15 October 2025  
**Date:** Wednesday, 15 October 2025 2:03:00 PM

---

Hi <sup>s. 22(1)(a)(ii)</sup> and <sup>s. 22(1)(a)(ii)</sup>,

FYI – as discussed yesterday evening (with <sup>s. 22(1)(a)(ii)</sup>) – earlier today <sup>s. 22(1)(a)(ii)</sup> phoned the Australian Workers Union (AWU) to advise we published a website update and sent a PALM update about the Ministers minimum hours decision.

s. 47F(1) expressed disappointment with the decision to make the minimum hours setting (120 hours over 4 weeks) ongoing, stating he believes it is not evidence-based. I think this was an important call as we have been advising other stakeholders and did not want to leave the Union with the wrong impression about our relationship.

**Key points:**

- s. 47F(1) asked when the Department provided the recommendations to make the minimum hours settings of 120/4 ongoing.
  - Advised this was initially part of Phase 1 of the Deed and Guidelines review, first advice sent to the Minister's Office approx. in early 2025.
  - Assured him that the department's advice included stakeholder feedback and evidence (both positive and negative)
  - Minister Watt considered advice and extended the setting until 31 March 2026.
  - The current Minister considered the feedback and advice from phase 1 of the D&G review as well as updated evidence in approaching a decision about minimum hours.
- s. 47F(1) was advised the following comm's has gone out:
  - Special PALM notice issued
  - Website updated (advice, FAQs, factsheet)
- s. 47F(1) sought to confirm the January 2026 guideline update will now state 120/4-week setting is ongoing (not permanent) and any reference to reverting to 30 hours per week will be removed.
  - This was confirmed. (COMMENT: *actual wording needs to be legally cleared*)

s. 22(1)(a)(ii)

**FOI Request**

s. 47F(1) advised AWU will lodge an FOI request seeking:

- All departmental advice and evidence provided to the Minister on minimum hours.
- Specific dates the initial advice was provided.
- Identification of who provided the advice.

- Any subsequent briefs or updates provided to the current Minister on minimum hours.

We did a search and could not find contact details for the Distributive & Allied Employees' Association, so at this stage only the AWU has been called about the minimum hours update. There has been very little contact between the SDA and PALM, and my recollection is the few workers in retail are long term (so unaffected by this minimum hours decision). I recall the SDA deferring to the AWU when a retail matter arose a couple of years ago (when Minister Burke was MinEWR). Given the history and absence of an existing relations there might not be as much value in calling the SDA, however, If you have contact details readily available I'd be happy to reach out.

We will continue to monitor and update where appropriate.

Sincerely,

s. 22(1)(a)(ii)

**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii)  
**Subject:** FW: MS24-000333 | PALM scheme minimum hours [SEC=OFFICIAL]  
**Date:** Tuesday, 2 September 2025 4:43:00 PM  
**Attachments:** [FAS384 MS24-000333 PALM scheme\\_minimum hours - Signed.pdf](#)

---

Hi <sup>s. 22(1)(a)(i)</sup> and <sup>s. 22(1)(a)(ii)</sup>,

The advice I mentioned that includes the commitment to develop a compliance mechanism to compel 30 hours per week, every week for non-compliance.

The advice includes a request for more advice that I will check if that got that commitment survived the ministerial change – not sure it did but checking

Copy is attached

Sincerely,

<sup>s. 22(1)(a)(ii)</sup>

---

**From:** s. 22(1)(a)(ii)

**Sent:** Tuesday, 2 September 2025 4:34 PM

**To:** s. 22(1)(a)(ii)

**Subject:** MS24-000333 | PALM scheme minimum hours [SEC=OFFICIAL]

Hi <sup>s. 22(1)(a)(i)</sup>,

Please find attached, a copy of the PALM scheme 30-hour minimum MS signed by Tony Burke on 24/05/2024.

Thanks,

<sup>s. 22(1)(a)(ii)</sup>



Australian Government

Department of Employment  
and Workplace Relations

MS24-000333

**To** Minister for Employment and Workplace Relations

**Subject** PALM scheme: minimum hours

**Sent to the MO** 21 May 2024

**Priority** Urgent/High Complexity

**Action date** Please action by 5 June 2024. To advise Pacific Australia Labour Mobility (PALM) scheme Approved Employers ahead of anticipated settings scheduled to commence 1 July 2024.

**Recommendation** - That you:

1) agree to extend the transition period for minimum hours settings for PALM scheme workers in the short-term stream through to 30 June 2025, and include additional safeguards

agreed / not agreed / please discuss

Signature:

as annotated

24/5/2024

MO Comments

make clear 30hrs/week will apply from 1.7.25. Non compliance consequences in la to apply to all non compliance unless Govt makes an executive decision to not apply. Please provide advice on who would make that decision.

**Executive summary**

1. This minute seeks your approval to extend the transition period for PALM scheme minimum hours to require Approved Employers to offer 120 hours averaged over a 4-week fixed period to all short-term workers from 1 July 2024 to 30 June 2025, and guarantee income equivalent to 120 hours over 4 weeks if work is not available.
  - a. The department will implement a new compliance condition that requires employers to offer their workers not less than 30 hours work each week in instances when non-compliance with the extended averaging setting is detected.
  - b. Extending the transition period for 12 months would allow for further monitoring and evaluation to test how the 4-week averaging is applied.
2. This approach provides flexibility for employers and safeguards income for workers to ensure they receive a financial benefit from participation in the PALM scheme.

**Key points**

3. Some horticulture stakeholders have opposed a move to require a minimum 30 hours per week be offered to workers in PALM's short-term stream, claiming the requirement does not provide the flexibility they need to manage their business through unpredictable weather and market conditions. Industry has claimed the requirement will increase labour costs, and subsequently increase food costs and reduce the desirability of PALM workers when compared to other sources of labour.
4. Data held by the department indicates employers are reducing recruitment numbers and duration in anticipation of settings scheduled to begin 1 July 2024. While this may represent improved workforce planning for the agriculture sector, it may also reflect reduced attractiveness of PALM scheme labour due to the need for guaranteed hours in contrast to other labour options.

5. Many sending countries, unions, and worker advocates support the move to minimum weekly hours based on it providing reliable financial benefit for workers. A move away from 30 hours each week may attract negative commentary from these stakeholders, however, this risk can be managed given:
  - a. A pay guarantee provides assurance that worker income will not be undermined by the increased flexibility of the averaging period.
  - b. A new compliance option will be implemented that requires a non-compliant employer to offer 30 hours work each week and is expected to incentivise compliance.

#### *Implementation*

6. Subject to your agreement to this proposal, the department will update the PALM scheme Guidelines (no Deed change is needed), undertake communications and stakeholder engagement activities, and implement monitoring and compliance activities.
7. The department takes a proportionate and graduated approach to compliance and enforcement. There is no specified protection against sanction or breach in the PALM scheme compliance framework based on 'administrative error' or 'honest mistake'. Employers are afforded procedural fairness and natural justice. A proportionate, educative, risk-based approach is applied to decisions about applying breaches and/or setting conditions on employers. The department is required to maintain records of outcomes of compliance activities for legal and governance reasons and refers to those records during investigations and when making relevant decisions.
8. If non-compliance with the averaging approach is detected, the department would have the authority to apply a condition on a non-compliant employer to offer workers 30 hours of work every week. An example compliance process is at [Attachment A](#).

#### **Government policy issues and impact on other portfolios**

9. If agreed, the department will work closely with the Department of Agriculture, Fisheries and Forestry and the Department of Foreign Affairs and Trade to assist communication. Both portfolios support the proposed approach outlined in this submission.
10. A flexible approach to minimum hours, that enables Approved Employers to average over a 4-week period, may retain the attractiveness of PALM in comparison to other labour sources.

#### **Key risks and mitigation**

11. The approach of topping up worker pay if hours are not offered could be characterised by industry as incentivising poor work performance or non-attendance as workers are guaranteed pay regardless of work hours.
  - a. On balance, the Australian Fresh Produce Alliance (AFPA) proposed and supports this approach and reports they engaged with the horticulture sector ahead of recommending it. Furthermore, the requirement is that Approved Employers offer 120 hours over a 4-week settlement period, with the top-up required only in the event an employer has not offered sufficient hours.
  - b. An employer who offers a worker sufficient work over the 4-week period would be assessed as compliant, even if that worker declined work and then fell short of hours in the settlement period.
  - c. There are mechanisms available to the department if employers are unable to offer hours due to extreme events outside their control.

#### **Budget impact, financial considerations**

12. N/A

#### **Communications and media strategy**

13. A departure from the current setting due to commence on 1 July 2024, will need to be communicated clearly and swiftly to minimise unnecessary payroll and other changes for employers and to ensure workers, unions and other stakeholder are aware of the new requirements. To this end, the department would:

- a. Communicate the change using established communication channels such as the PALM Update, and website. This would involve targeted educative approaches to industry groups, employers, unions, workers, and civil society groups, including by leveraging regional presence and site visits.
- b. Engage with stakeholders using the established engagement structures and leverage forthcoming events including (but not limited to) Heads of Mission Roundtable (June 2024), Pacific Labour Mobility Annual Meeting (November 2024), ongoing tripartite groups, sending country-focused groups (fortnightly Labour Sending Unit *talanoa*). APS staff would be equipped with detailed information and make direct contact with whole of government partner agencies, PALM employers, workers and Country Liaison Officers.
- c. Engage directly with peak industry groups (for example, National Farmers Federation, Australian Food Produce Alliance, Approved Employers Association, Horticulture Council) to advise them directly of the change. Should you wish to communicate any of the changes directly, we will work with your office to arrange suitable times and briefing.

### **Stakeholder consultation**

14. The proposed changes have been tested with Workplace Relations Group and Legal and Assurance Division, and no issues have been identified.
15. Industry stakeholders, including the AFPA, participating countries and the Approved Employers of Australia have raised concerns about the 30 per week requirement. The proposed approach should be supported as a reasonable response that addresses industry concerns while continuing to protect workers.

s. 22(1)(a)(ii)

### **Clearance**

Primary Contact Officer: s. 22(1)(a)(ii)  
 Operations Policy Branch  
 | Pacific Labour Operations Division  
 Clearance Officer: s. 22(1)(a)(ii)  
 Pacific Labour Operations Division  
 | Employment and Workforce Group

Director, Operational Policy  
 Ph: s. 22(1)(a)(ii)  
 Mobile: s. 22(1)(a)(ii)  
 First Assistant Secretary  
 Ph: s. 22(1)(a)(ii)

# PALM scheme settings

s. 22(1)(a)(ii)

## Minimum Hours phase 1 consultation

- Stakeholder feedback, including from industry, and information available to the review, supported continuing the current minimum hours setting.
  - The Australian Fresh Produce Alliance (AFPA) on behalf of several industry stakeholders, advocated for the continuation of the current settings.
- Agricultural stakeholders including AFPA and the Approved Employers of Australia, welcomed the decision to continue the current setting.
- A range of stakeholders were invited to participate in consultation such as unions, workers, Industry and partner country representatives.

## Minimum Hours Setting (summary of stakeholder feedback at [Attachment A](#))

- The government has extended the current minimum hours obligation to offer short-term workers 120 hours over 4 weeks, **until 31 March 2026**.
- From 1 July 2024 to 31 March 2026, employers must offer 120 hours of work over 4 weeks. If employers cannot do this, they must pay workers' an amount equivalent to 120 hours over 4 weeks.
- The extension of the current minimum hours setting enables the government to consider minimum hours along with findings from the broader deed and guidelines review (report due November 2025).
- The setting provides flexibility for industry while guaranteeing consistent income for workers. The department's assurance activities have so far found employers are achieving 100 percent compliance with this setting.
- Key stakeholders, including sending countries, unions, and worker advocates, sought minimum hours settings that ensure consistent income.
- Changes encourage employers to better plan their workforce needs, particularly in the shoulder seasons, rather than bringing workers to Australia when there is little prospect of consistent income. Without consistent income workers incur debt and cannot support their family at home or themselves in Australia.
- The department recognises that there may be exceptional circumstances when employers are not able to meet minimum hours requirements e.g. as a result of natural disasters. The department works closely with employers and PALM workers during these times to ensure both are supported. The deed allows the department, in exceptional circumstances, to suspend (some of) an employer's obligations.
- As part of recruitment planning, employers must develop contingency plans which could include looking for other work for PALM workers at their worksites or short-term portability arrangements.

s. 22(1)(a)(ii)

<sup>1</sup> Active Approved Employers are those with active recruitments (i.e. an approved recruitment plan with workers that have commenced their participation in the scheme).



Australian Government

---

Department of Employment and Workplace Relations

**MB25-000221**

**EVENT SUMMARY**

**Event Brief | PALM Heads of Mission (HoMs) meeting with Minister Rishworth | July 2025**

**To** Minister Rishworth

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

**Key messages**

s. 22(1)(a)(ii)

The department is continuing to advance work across several key areas raised by Heads of Mission, including:

s. 22(1)(a)(ii)

3. Minimum hours  
s. 22(1)(a)(ii)

**Media**

Talking points on the above matters are at [Attachment B](#).

s. 22(1)(a)(ii)

**Key issues / sensitivities**

s. 22(1)(a)(ii)

- Following the December 2024 meeting and in ministerial correspondence to HoMs, the Australian Government has reaffirmed its commitment to strengthening the PALM scheme through collaborative efforts to s. 22(1)(a)(ii)  
ensure fair work conditions. Key measures include s. 22(1)(a)(ii)  
the extension of minimum work hour guarantees to March 2026 to ensure income to workers and provide flexibility to industry.

s. 22(1)(a)(ii)

**Attachments**

Talking points are included in this pack.

s.  
22

**B:** Talking Points, opening remarks and action items  
s. 22(1)(a)(ii)

**F:** 9 December 2024 Meeting Minutes – Minister Watt and HoMs  
s. 22(1)(a)(ii)

Clearing Officer:	s. 22(1)(a)(ii)	First Assistant Secretary   Emp & W   Pacific Labour Operations	Mob: s. 22(1)(a)(ii)
Contact Officer:	s. 22(1)(a)(ii)	Acting Assistant Secretary, PALM Operations Policy Branch   Emp & W   Pacific Labour Operations	Mob: s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Minimum hours

- My department has undertaken extensive assurance activities on pay data of short-term PALM scheme employers in agriculture and horticulture. Results show 100% of employers are meeting the 120 hours over 4 weeks obligations.
- These settings highlight the importance of income stability for workers in seasonal industries, while providing flexibility to the agriculture and horticulture industry.
- With this setting terminating at the end of March 2026, the government will review the available evidence and stakeholder feedback, to inform a permanent decision on this important setting.

Pages 94-110 deleted under s 22(1)(a)(ii) and 33(a)(iii)



Australian Government

Department of Employment and Workplace Relations

MS25-000482

Standard Brief

To Minister for Employment and Workplace Relations

Action Required For Decision

## Review into the PALM scheme: recommendation on the minimum hours' obligation

**Timing** Please action by **13 August 2025** to enable announcement of your decision in proximity to the resumption of stakeholder consultations for the Review of the Impact of the Pacific Australia Labour Mobility (PALM) Scheme Deed and Guidelines Settings.

**Recommendation:**

1. That you **agree** to amend the PALM scheme Deed and Guidelines to make permanent the obligation for PALM Approved Employers to offer short-term PALM workers a minimum of 120 hours reconciled over 4 weeks.

*[Handwritten signature of Minister Rishworth]*    Agreed / Not Agreed / Please discuss

Minister Rishworth

Date: 13/10/2025

**Comments:**

*Please work closely with stakeholders to monitor any ways this setting may be exploited. Please also work closely with unions and employers in developing recommendations.*

Clearing Officer

s. 22(1)(a)(ii)

Contact Officer

s. 22(1)(a)(ii)  
Assistant Secretary  
| Emp & W | Pacific Labour  
Operations  
Ph: s. 22(1)(a)(ii) |  
Mob: s. 22(1)(a)(ii)

Signature

29/07/2025

s. 22(1)(a)(ii) Deputy Secretary  
| Emp & W | Employment and Workforce Group  
Ph: s. 22(1)(a)(ii)

*from the  
Wales  
PALM  
Review*

**Executive summary:**

1. Phase 1 of the Review of the Impact of PALM Scheme Deed and Guidelines Settings (the Review), focused exclusively on settings for minimum work hours for short-term PALM workers. At the completion of Phase 1 of the Review, Senator the Hon Murray Watt, former Minister for Employment and Workplace Relations, extended the current interim settings for minimum hours for PALM short-term stream workers until 31 March 2026, pending completion of Phase 2 of the Review (MS24-001027 refers). However, it is open to you to make a decision about this setting at an earlier time.

2. The current minimum hours settings for short-term PALM workers require Approved Employers to offer short-term PALM workers a minimum of 120 hours reconciled over 4 weeks. Based on existing authority, unless you decide otherwise, PALM scheme settings will default to requiring employers of short-term PALM workers to offer workers 30 hours per week every week, from 1 April 2026.
3. As Phase 2 of the Review will focus on other priority settings, you have an opportunity to consider bringing forward a decision on ongoing minimum hours settings, which would address stakeholder preferences for certainty to enable workforce planning into 2026.
4. There is strong evidence underscoring the Department of Employment and Workplace Relations recommendation that you make the current interim minimum hours setting permanent. This includes assurance activities that have found 100% compliance from a sample of 90% of Approved Employers who employ short-term PALM workers, and the effectiveness of the current setting through natural disasters. The majority of stakeholders support retaining this setting. Making the setting permanent will balance flexibility for Approved Employers while ensuring income security for short-term PALM workers. Ultimately this supports the PALM scheme to remain competitive when compared to other forms of short-term labour such as working holiday makers, which attract less regulation.

**Key points:**

5. The department engaged an external provider to undertake Phase 1 of the Review. To inform the Review, they collected information from workers, employers, unions, industry and country representatives. Stakeholder feedback and information available to the Review supports the recommendation to apply the current minimum hours settings on an ongoing basis and is summarised at **Attachment A**.
6. Departmental assurance activities demonstrate PALM worker income and hours are stable and comply with the current PALM scheme requirements. Since implementation of the current minimum hours setting, the department has conducted monthly assurance activities to assess employer compliance with the obligations. From a sample of 90% of Approved Employers employing short-term PALM workers (149), undertaken between July 2024 and April 2025, the department confirmed 100% compliance with the minimum hours' settings. Over the period of the sampling:
  - a. short-term PALM workers received an average take home pay of \$718 per week and worked an average 40 hours per week, which is well above the minimum hours requirement
  - b. of the 1,508 workers sampled, 39 were not offered the minimum hours and Approved Employers proactively topped up their pay (on average 13.3 hours or \$391 per worker) in accordance with PALM scheme requirements.
7. While monthly assurance sampling will cease from September 2025, random sampling will continue to ensure Approved Employers are meeting their obligations.
8. The flexibility in the current minimum hours settings enabled Approved Employers to maintain compliance through significant disruptions caused by severe events over the last year, including ex-tropical cyclone Alfred, heavy rainfall, flooding in Townsville and Cairns, and the South Australia tomato virus. To date, these disruptions impacted 45 Approved Employers and affected 3,051 workers.

- a. The setting enabled Approved Employers to adjust schedules during peak disruption periods, with many workers making up reduced hours within the 4-week reconciliation period.
- b. Most disruptions lasted between 2–7 days, with some up to 3 weeks. In connection with these events no employers invoked force majeure provisions, and departmental sampling confirmed all employers met their obligations under the Approved Employer Deed, including proactively topping up worker pay where required.
9. Given the feedback from Phase 1 of the Review, the assurance outcomes (**Attachment C**) and the assessment of implementation during significant disruptions, the department recommends the current settings be applied permanently in the PALM scheme. This will provide certainty and stability to Approved Employers and PALM workers, enabling all to plan with confidence. However, it is also open to you to further extend the current settings for a set period; revert to the previous setting or allow the current settings to expire, at which time the default setting of 30 hours per week every week will take effect in the short-term scheme from 1 April 2026.
10. On balance, stakeholder feedback supports maintaining the current settings. A minority of stakeholders, including unions, continue to argue for a move back to the 30 hours per week, every week, setting to give workers income certainty and protect worker wellbeing. In contrast, the National Farmers Federation supports an 8-week averaging period, with an overall preference for averaging the minimum hours over the life of a worker placement.
11. Key findings from stakeholder consultation in Phase 1 of the Review about the minimum hours obligation include:
  - a. **Workers:** Most of the PALM workers agreed they received the minimum 120 hours over 4 weeks and/or reported a relatively high median income (\$930 per week). This is broadly consistent with outcomes of the department's assurance activity.
    - Many of the issues raised by workers, such as accommodation conditions, will be considered in Phase 2 of the Review.
  - b. **Employers and industry:** The agricultural sector generally supports the current minimum hours settings. They highlighted the 30 hours per week every week approach, if fully implemented, would drive up operating costs and incentivise employers to leave the scheme or reduce recruitment. Evidence indicates Approved Employers are applying more effective workforce planning processes post implementation of the new Deed and Guidelines. Industry stakeholders are seeking certainty about the minimum hours setting. An early decision will provide confidence to Approved Employers and mitigate uncertainty impacting workforce planning. An industry survey by the Australian Fresh Produce Alliance provided to the department (**Attachment B**) made findings broadly consistent with the Review and the department's assurance activities.
  - c. **Unions:** Unions advocate for Approved Employers to provide short-term PALM workers a minimum of 30 hours per week, every week. Unions cite the need to ensure regular and reliable income for workers, address worker fatigue and improve worker health, safety and wellbeing. The Review did not find data or evidence to support a conclusion the current arrangements are negatively impacting worker income, remittances or work health or safety.

Unions also raised concerns over the complexity of the minimum hours setting, and suggest that PALM workers are less able to clearly identify if they have received minimum hours or pay top ups.

- To address these concerns, the department has reviewed existing minimum hours communication material and incorporated stakeholder feedback. Two new products were developed—a new employment document and a case study document to explain scenarios where a worker may interact with minimum hours. A factsheet was also updated to include safety net information. These products are being translated in PALM scheme partner languages.

d. **Country representatives:** Country representatives emphasise the need for regular and reliable income to achieve positive effects on the economic wellbeing of PALM workers, their families and their communities. Many sending countries are seeking to send more workers and therefore express concerns that some employers or industries may move away from PALM workers to working holiday makers for short-term work if the scheme requires 30 hours per week every week. They consider disengagement occurs because of pay pressures, frustrations with deductions or a lack of understanding of hours.

- Country representatives are seeking regular communication between the department and PALM workers to ensure the scheme settings are understood. The department is working with the Department of Foreign Affairs and Trade (DFAT) on a range of measures, including provision of customised PALM materials, enhancing pre-departure arrival briefings and updated input to regular worker welfare meetings.

12. Key data and findings from the Review and assurance activities is detailed at [Attachment C](#).

**Public sensitivities:**

13. An early decision and announcement of ongoing arrangements for minimum hours settings is a departure from Minister Watt's announcement to suspend a decision until completion of the Review.

- a. As Phase 2 of the Review is dedicated to other settings, an early decision on minimum hours is defensible, although stakeholders whose preferred position is not reflected in your decision may argue the timeframes for consultation under Phase 1 were too short.
- b. All stakeholders were offered an opportunity to engage flexibly via meetings over MS Teams, phone and face to face to discuss the settings and were invited to provide a written submission. This offer was restated during the Review through meetings and updates.

14. Short-term PALM worker numbers have been declining since the end of the pandemic; although some agriculture stakeholders emphasise the time of the decline as caused by the minimum hours setting.

- a. The decline of PALM worker numbers is concentrated in agriculture and is generally observable as far back as PALM scheme data can be reliably sourced (April 2022). The decline also strongly correlates with the closure of the 408 Pandemic Visa and reflects the general reduction in workforce demand in the agriculture sector.

**Consultation: Yes**

15. DFAT and the Department of Agriculture, Fisheries and Forestry support the recommended approach.
16. A full breakdown of stakeholder engagement and a summary of feedback from Phase 1 of the Review is at [Attachment A](#).

**Legal advice / Legislative impacts:**

17. Subject to your decision, the department will update the PALM scheme Deed and Guidelines, to make the current interim arrangement permanent.

**Financial impacts:**

18. Nil.

**Background:**

19. Employers are currently required to offer short-term workers a minimum of 120 hours reconciled over 4 weeks, and long-term workers full-time hours of work during the worker's placement.
20. In June 2024, a transition period for the minimum hours setting (offering 120 hours reconciled over 4 weeks for short-term workers) was extended to 30 June 2025. The requirement to provide a minimum of 30 hours per week every week was to commence on 1 July 2025 (**MS24-000333** refers).
21. In February 2025, the minimum hours setting (offering 120 hours reconciled over 4 weeks for short-term workers) was extended to 31 March 2026, further postponing the requirement to provide a minimum of 30 hours of work every week until 1 April 2026 (**MS24-001027** refers).
22. In September 2024, New Zealand adopted the current temporary PALM scheme approach to minimum hours, by requiring Recognised Seasonal Employers (RSE) (RSE is New Zealand's program similar to short-term PALM) to offer a minimum of 120 hours reconciled over 4 weeks. They made this change having previously implemented a requirement for a minimum of 30 hours per week every week. New Zealand cited cost of implementation and the lack of flexibility to adapt to weather events, as key factors for making the change.

**Communications and media strategy:**

23. A decision to make permanent the current minimum hours setting of 120 hours reconciled over 4 weeks for short-term workers, will need to be communicated clearly and swiftly to support stakeholders to effectively plan their workforce throughout 2025 and into 2026. Following your decision, information will be communicated to workers, employers, industry, unions, country representatives (including Heads of Mission and Country Liaison Officers) and other stakeholders to ensure they are aware of any new requirements, including
  - a. Engaging directly with key union stakeholders (for example the Australian Workers Union, Australian Council for Trade Unions and United Workers Union), and key industry stakeholders (for example Approved Employer Association, Australian Fresh Produce Alliance and National Farmers Federation) to directly advise them of the change.

- b. Using direct communication and established communications channels such as the PALM scheme update, PALM scheme website ([palm.gov.au](http://palm.gov.au)), PALM scheme LinkedIn and Facebook pages (in consultation with DFAT), consultative fora and governance mechanisms, to reach Approved Employers and workers.
- 24. The department will provide your office with talking points through the departments media team and can support the preparation of a media release of this policy decision if agreed.

**Stakeholder implications:**

- 25. It is anticipated making permanent the current minimum hours obligation will be supported by Approved Employers, Industry, country representatives and community stakeholders.
- 26. Unions may continue to seek the implementation of 30 hours per week, every week for short-term PALM workers. National Farmers Federation supports an 8-week averaging period, although they advise a preference for averaging the minimum hours over the life of a worker placement.

**Next Steps:**

- 27. Communicate your decision to stakeholders.
  - a. The department can provide a media release, subject to your preference.
- 28. The department will update the Deed and Guidelines to implement your decision.
- 29. The department will finalise the Review and provide a report for your consideration in November 2025. This includes the findings and outcome of Phase 1 and the findings and recommendations for Phase 2.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

prior to decision: no  
real consultation regarding  
- temporar y; delay in context of

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)



## Minimum hours settings – supporting data

There is strong evidence underscoring the department's recommendation that you make the current interim minimum hours setting permanent. Data demonstrates that the interim arrangements are manageable for employers and highly effective in providing reliable income for workers and flexibility for employers. This includes:

- assurance activities that have found 100% compliance from a sample of 90% of Approved Employers who employ short-term PALM workers (Table 1)
- Australian Fresh Produce Alliance industry survey demonstrates the innate challenges faced by employers in ensuring minimum work hours (Table 2)
- the effectiveness of the setting through natural disasters (Table 3).

### DEWR Employer assurance

Departmental assurance activities demonstrate PALM worker income and hours are stable and comply with the current PALM scheme requirements. Since implementation of the current minimum hours setting, the department has conducted monthly assurance activities to assess employer compliance with the obligations.

Each month the department selected a sample of short-term PALM workers to review the weekly hours and pay received. The sampling, from July 2024 to April 2025, has involved 90% of Approved Employers that employ short-term PALM workers (a total cohort of 149 Approved Employers employing 1508 workers has been sampled<sup>1</sup>) with all assessed as fully compliant with minimum hours' settings, including proactively complying with requirements to top-up the pay of workers when minimum hours of work were not offered.

Table 1: *Outcome of departmental assurance of PALM minimum hour setting (120 hours reconciled over 4 weeks), targeting Approved Employers who employ short-term PALM workers July 2024 – April 2025*

Month of sample	No. of AEs	No. of workers	Compliance rate	Av. Net Pay per week	Av. Hrs per week	Top Up No. of Workers	Top Up No. of AEs	Top Up Av. Hrs	Top Up Av. Pay
July 2024	8	123	100%	\$706.35	41.1	<sup>s. 4</sup>	1	0.14	\$3.13
August 2024	19	305	100%	\$767.47	38.71	6	1	0.39	\$9.07
September 2024	35	300	100%	\$679.93	38.92	<sup>s. 4</sup>	1	5	\$145.33
October 2024	12	100	100%	\$757.92	42.97	<sup>s. 4</sup>	2	7.84	\$240.77
November 2024	15	125	100%	\$711.34	42.38	0	0	0	0
December 2024	13	95	100%	\$676.77	39.12	15	1	33	\$965.27
January 2025	15	113	100%	\$703.20	40.68	0	0	0	0
February 2025	15	108	100%	\$756.08	40.65	7	1	6.25	\$183.31
March 2025	17	119	100%	\$694.94	39.18	<sup>s. 4</sup>	1	28	\$851
April 2025	15	120	100%	\$717.78	37.45	<sup>s. 4</sup>	1	5.25	\$154.56
<b>Combined Total</b>	<b>164<sup>2</sup></b>	<b>1508</b>	<b>All compliant</b>	<b>\$718.77</b>	<b>39.78</b>	<b>39</b>	<b>9</b>	<b>13.31</b>	<b>\$390.91</b>

<sup>1</sup> There were 183 Approved Employers with short term workers at the end of April 2025

<sup>2</sup> Some AEs were sampled more than once, there were 149 discrete Approved Employers sampled

*Please note: Combined averages in Table 1 are based on the total numbers, not the rounded numbers in the table.*

A payslip analysis based on DEWR assurance audit data (n=423 records) suggests that guaranteeing 30 hours a week every week rather than 120 hours over 4 weeks could add 1.18% to the wages bill of PALM employers.

- This estimate is based on a limited analysis of payslip records where the data indicates workers were obtaining an average of 158 hours over 4 weeks.

## Australian Fresh Produce Alliance Industry Survey Data

An industry survey by the Australian Fresh Produce Alliance (AFPA) provided to the department (**Attachment B**) made findings broadly consistent with the Review and the department's assurance activities.

The report highlighted weather-related events as a factor when AEs were unable to offer minimum hours, which resulted in topping up worker pay.

Findings from the AFPA survey conducted in November 2024 with Approved Employers of more than 5,963 short term PALM workers in agriculture demonstrate that:

Table 2: AFPA industry survey findings relating to PALM minimum hour setting (120 hours reconciled over 4 weeks)

Rationale for permanently establishing current policy settings	AFPA survey data to support permanently establishing current policy settings
High level of compliance with current settings (120 hours reconciled over four weeks)	<ul style="list-style-type: none"><li>• A sample of nearly a third of PALM scheme agriculture employers with short-term workers found 100% compliance with existing settings.</li><li>• <i>This data aligns with DEWR data (see Table 1).</i></li></ul>
More than half of the Approved Employers faced financial challenges associated with needing to guarantee PALM workers' hours weekly	<ul style="list-style-type: none"><li>• On one or more occasions, half of all surveyed AEs had to top-up a PALM worker's wage where minimum hours could not be offered due to weather related events.</li><li>• Fifty percent (50%) of employers had topped up a PALM workers wage on one or more occasion during this period for an average amount of 4.5 hours</li><li>• The largest top-up reported was an additional 24 hours paid due to a delayed start to a season because of minor flooding.</li><li>• <i>This is broadly consistent with DEWR data (see Table 1).</i></li></ul>
PALM workers are already receiving work and earnings outcomes above minimum requirements	<ul style="list-style-type: none"><li>• On average, short-term PALM workers were offered 149 hours of work each four-week period and worked 142 hours.</li><li>• <i>This data is broadly consistent with DEWR data (see Table 1).</i></li></ul>
The horticulture sector is significantly impacted by environmental conditions making it difficult to guarantee a minimum number of hours per week	<ul style="list-style-type: none"><li>• Weather related issues, creating an unsafe or unworkable environment, was the primary cause for employers not being able to offer minimum hours of work.</li><li>• <i>This is broadly consistent with DEWR data. Table 1 indicates 9 AEs were required to top up worker pay during the sampling period. Table 3 shows that 45 AE were impacted by severe weather events over the last year.</i></li></ul>
Changing the minimum hour requirement may result in a reduction of PALM workers recruited in the horticulture sector	<ul style="list-style-type: none"><li>• On average, employers intend to reduce their recruitment of PALM workers by 22% if the current minimum hours settings were not continued.</li><li>• <i>This data relates to employer sentiment that is consistent with anecdotal feedback received by DEWR to date.</i></li></ul>

## DEWR data on severe events affecting PALM workers and Approved Employers

The flexibility in the current minimum hours settings has enabled Approved Employers to maintain compliance through significant disruptions caused by severe events over the last year, including Ex-Cyclone Alfred, heavy rainfall, flooding in Townsville and Cairns, and the South Australia Tomato Virus. These events impacted 45 Approved Employers that reported disruptions affecting 3051 workers. Despite the magnitude of these events, all Approved Employers were

able to manage the events within the flexibility provided in the current minimum hour settings (120 hours reconciled over 4 weeks), with no non-compliance detected.

Table 3 : *Departmental data on severe events affecting PALM workers and employers (from 1 July 2024 to date)*

Event	AEs impacted	Workers impacted
South-East Queensland and North-East New South Wales Floods	1	115
Mildura Region Victoria Widespread Rainfall	1	192
North QLD Floods	20	172
Ex-Cyclone Alfred	11	2,141
West and Central QLD Floods	6	153
New South Wales Floods	5	34
South Australia Tomato Virus	1	244
<b>Total</b>	<b>45</b>	<b>3,051</b>



<b>To</b>	<b>Minister Rishworth</b>
<b>Briefing Title</b>	<b>Meeting Brief   Minister Rishworth meeting with National Farmers Federation   Friday 11 July 2025</b>
<b>Timing</b>	1:30 to 2:00 pm
<b>Location</b>	Online – Microsoft Teams
<b>Meeting with</b>	Mr David Jochinke, President, National Farmers Federation (NFF)
<b>Prior Meetings</b>	March 2025, with the former office of the Minister for Employment and Workplace Relations, to discuss the Pacific Australia Labour Mobility (PALM) scheme. June 2023, with the former Minister for Employment and Workplace Relations, to discuss the PALM scheme Deed and Guidelines.
<b>Departmental officer</b>	N/A
<b>What we want</b>	Counter misinformation and negative messaging about the PALM scheme and encourage support to promote and highlight the merits of the PALM scheme.
<b>What they want</b>	PALM scheme settings that better support the agricultural industry

**Key issues and Sensitivities:**

1. The NFF have a long-standing history of engagement with the PALM scheme. Their main interests include extending minimum hours settings from 4 to 8 weeks and reducing workforce regulation. The NFF have claimed employers are exiting the PALM scheme due to PALM scheme settings and are seeking more streamlined settings for growers. Talking points, including on PALM scheme performance are at [Attachment A](#). PALM scheme key data is at [Attachment B](#).
2. The NFF is likely to s. 22(1)(a)(ii)  
and to seek a permanent decision about minimum hours in the short-term component of the PALM scheme. The NFF have been critical of government's decision on minimum hours settings, following Phase 1. The NFF submission to Phase 1 stated the NFF would prefer averaging the minimum hours over the life of the placement but support an 8-week averaging period.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

**Attachments:**

**A:** Talking Points

s. 22(1)(a)(ii)

**C:** Correspondence with Mr Jochinke

Clearing Officer:	s. 22(1)(a)( ii)	First Assistant Secretary, [ Emp & W   Pacific Labour Operations	Ph: s. 22(1)(a)(ii) Mob: s. 22(1)(a)(ii)
Contact Officer:	s. 22(1)(a)( ii)	First Assistant Secretary,   Emp & W   Pacific Labour Operations	Ph: s. 22(1)(a)(ii) Mob: s. 22(1)(a)(ii)

**Attachment A**

**TALKING POINTS**

**Introduction and general PALM scheme update**

s. 22(1)(a)(ii)

- Since introducing the new settings, the number of approved employers has grown (514 approved employers as at May 2025).
- Changes to the PALM scheme, including minimum hours requirements, respond to industry concerns about worker disengagement and issues raised by Pacific and Timor-Leste governments, such as the need to strengthen worker rights and protections

s. 22(1)(a)(ii)

### **PALM scheme Deed and Guidelines Review**

- Thank you for your engagement to date in the review of the PALM scheme Deed and Guidelines. I am pleased to advise the review has recommenced and you will hear from my department shortly with more details.
- I understand the importance of stakeholders having an opportunity to provide feedback and input on PALM scheme settings and acknowledge many stakeholders are seeking an enduring decision on minimum hours settings for short-term workers.

### **PALM scheme minimum hours setting**

- The government extended the current minimum hours obligation to offer short-term PALM workers 120 hours reconciled over 4 weeks, until 31 March 2026.
- This extension enables the government to consider minimum hours along with findings from Phase 2 of the Review of the Impact of PALM Deed and Guidelines Settings.
- The setting provides flexibility for industry while guaranteeing consistent income for workers.
  - My department's assurance activities have so far found approved employers are achieving 100 percent compliance with this setting, and
  - Workers are averaging approximately \$720 net per week (post all deductions)
- The setting also encourages approved employers to better plan their workforce needs, particularly in the shoulder seasons, rather than bringing workers to Australia when there is less consistent income.
  - Without consistent income workers incur debt and cannot support their family at home, and themselves in Australia.
- The government recognises that there may be exceptional circumstances when approved employers are not able to meet minimum hours requirements e.g. as a result of natural disasters.
  - My department works closely with approved employers and PALM workers during these times to ensure both are supported. The deed allows the department, in exceptional circumstances, to suspend (some of) an employer's obligation
  - This was tested during recent weather events in Australia and is proven effective.
- I am pleased that my department assisted approved employers during the North QLD weather events.
  - aware that some approved employers enacted contingency plans because of these events, which ensured that PALM workers continue to receive the benefits from the program and employers retained their PALM workforce.
- For transparency, my department publishes themes for assurance activities in the PALM scheme update on a six-monthly basis so that employers and stakeholders are

aware of the areas of focus. High level findings from relevant activities are also published to build awareness and education.

s. 22(1)(a)(ii)

**Last updated:** 30 July 2025

s. 22(1)(a)(ii)



**SENATOR THE HON MURRAY WATT  
MINISTER FOR EMPLOYMENT AND WORKPLACE RELATIONS**

MC24-003788

Mr David Jochinke  
President  
National Farmers Federation  
Locked Bag 9  
KINGSTON ACT 2604

[executive.assistant@nff.org.au](mailto:executive.assistant@nff.org.au)

Dear Mr Jochinke

Thank you for your correspondence of 16 October 2024 requesting support to promote and highlight the merits of the Pacific Australia Labour Mobility (PALM) scheme.

I acknowledge the concerns raised in your correspondence about the recent media reports about the PALM scheme. I am committed to ensuring the scheme remains sustainable, continues to meet industry demand, the aspirations of partner countries, and continues to support the welfare and wellbeing of all workers.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Thank you again for writing on this matter and bringing your concerns to my attention. I have copied this letter to the Hon Pat Conroy MP, Minister for International Development and the Pacific.

Yours sincerely

A handwritten signature in blue ink, appearing to read "murray watt".

MURRAY WATT

27 / 11 / 2024

**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii)

**Subject:** FYI - MO Talking points - Guidelines update  
**Date:** Friday, 1 August 2025 11:35:00 AM  
**Attachments:** [PALM scheme guidelines update - MO Talking Points - 1 August 2025.docx](#)

---

Hi s. 22(1)(a)(ii) and s. 22(1)(a)(ii),

**FYI** – The department will release a routine update to the PALM Deed and Guidelines today. We have prepared talking points (attached) to assist the Minister and the office with queries. This round of changes are routine administrative changes overseen by the department, there is no material changes to policy or settings. I referenced in our last couple of catch ups. The department's public release of the updated PALM scheme Guidelines will occur today, the update takes effect on 15 August 2025. The updates address legislative developments, improve operational requirements and provide greater clarity to help employers meet their obligations. A link to the guidelines is here [PALM scheme Approved Employer Guidelines | PALM scheme](#).

### Key points

- The updates correct minor errors, give effect to implementation changes previously conveyed to stakeholders.
  - This includes the extension of the current minimum hours setting decided by the then Minister for Employment and Workplace Relations

s. 22(1)(a)(ii)

### Minimum hours setting

- The Minister is expected to make a decision on the minimum hours setting shortly (refer MS25-000482)
- Following the Minister's decision, the department will update the PALM scheme Deed and Guidelines to implement the decision
  - This can be done at any time and/or as part of our routine update process
- The updated guidelines continue to form part of the agreement with PALM employers.
- An update of the guidelines does not require the PALM employers to sign a variation.

Please let me know if you require any further information

Sincerely

s. 22(1)(a)(ii)

## PALM scheme guidelines update

s. 22(1)(a)(ii)

If asked

o ***Minimum hours arrangements***

**Does the recent announcement regarding minimum hours alter the current arrangement?**

- o No. The current minimum hours arrangements have been extended to 31 March 2026.

This update was communicated to all PALM scheme employers on 21 February 2025 by:

- PALM scheme update; and
- emails and calls to key stakeholders.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

**From:** s. 22(1)(a)(ii)  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii)  
**Subject:** RE: PALM info [SEC=OFFICIAL]  
**Date:** Friday, 3 October 2025 9:25:00 AM  
**Attachments:** [image001.jpg](#)  
[Additional advice to MO - question on minimum hours.docx](#)

---

Hi s. 22(1)(a)(ii),

We've pulled together responses to those four questions.

Two caveats on provision of the information (as we discussed the other day)

1. The review is ongoing so this is current understanding, and
2. Feedback about things like minimum hours requirements. **s. 22(1)(a)(ii)** is often generalised and grouped so is less specific than is asked below.
  - a. For this reason we need to complete the review and use multiple forms of evidence to make determinations about the settings.
  - b. In this case the feedback (that was asked for) generally supports the effectiveness of the settings.

To make it readily accessible, I've placed the Q&As in an MSWord document and attached it.

Very happy to discuss

Sincerely

s. 22(1)(a)(i)

**From:** s. 22(1)(a)(ii)

**Sent:** Thursday, 25 September 2025 9:44 AM

**To:** s. 22(1)(a)(ii)

**Subject:** PALM info [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thanks for the chat yesterday. As discussed, grateful if I could please request additional information for the Minister on the below points.

Happy to discuss.

- What is the rationale for making a decision regarding implementation of minimum hours now?
- How has DEWR engaged directly with unions and workers through the Review of the Deed and Guidelines and what feedback has been received from workers about compliance with the minimum hours requirements, **s. 22(1)(a)(ii)**

**s. 22(1)(a)(ii)**

Grateful if I could receive by end of next week please.

Kind regards

s. 22(1)(a)(ii)

Senior Adviser | Office of the Hon Amanda Rishworth MP

Minister for Employment and Workplace Relations

Federal Member for Kingston

**E:** [s. 22\(1\)\(a\)\(ii\)@dewr.gov.au](mailto:s.22(1)(a)(ii)@dewr.gov.au) | **M:** [s. 22\(1\)\(a\)\(ii\)](#)

Suite MG.50 | Parliament House | Canberra ACT 2600

**W:** [www.rishworth.com.au](http://www.rishworth.com.au) **F:** [AmandaRishworth](#) **T:** [@AmandaRishworth](#)

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

## **Additional information for Minister Rishworth's Office on PALM Minimum Hours requirements (for short term workers) – September 2025**

### **What is the rationale for making a decision regarding implementation of minimum hours now**

A decision now, enables employers to plan their workforce for the approaching peak harvest season, by providing certainty about conditions of employment to PALM workers. Especially for those deployments that will extend past March 2026.

A decision now supports workforce planning (a key aspect of PALM scheme). Recruitment planning timeframes will be impacted by the Christmas break. For example, documentation must be submitted by employers to DEWR no later than eight weeks prior to the arrival of PALM workers. This timeframe is the minimum timeframe to ensure sending countries, employers, and workers have sufficient time to complete critical selection and preparation activities, (such as pre-departure briefing) that support effective and compliant placements in Australia. This timeframe is sometimes extended due to sending country capability and requirements, which is especially limited over the Christmas period, where sending countries undertake end of year shut down periods. It is common for there to be very limited or no mobilisations or preparation for mobilisations from late December until mid-January.

Affected employers have advised the 30 hours per week every week approach, if fully implemented, would drive up operating costs and incentivise employers to leave the scheme (into lesser regulated forms of labour) and/or reduce recruitment from PALM. Certainty is necessary for employers to properly assess harvest costs and compliance requirements.

### **How has DEWR engaged directly with unions and workers through the Review of the Deed and Guidelines and what feedback has been received from workers about compliance with the minimum hours requirements. s. 22(1)(a)(ii)**

.

The Review of the Impact of PALM Deed and Guidelines Settings (the Review) actively engaged workers and unions as key stakeholders through both phases. The review is still underway with feedback and other input being analysed. Unions and workers were invited to participate in in-person and online discussion groups, and to provide feedback through an online consultation hub, as well as through written submissions.

The department engaged an external provider to undertake Phase 1 of the Review. Phase 1 focussed on minimum hours for short-term workers. Stakeholder feedback and information available to the Review supports the recommendation to apply the current minimum hours settings on an ongoing basis.

Phase 2 of the Review collected additional information on minimum hours for short-term workers – which affirmed the Phase 1 findings. s. 22(1)(a)(ii)

Workers generally supported the financial safeguards settings provided in the PALM scheme. They asked for simplified rules and better guidance to help them understand how these safeguards operate and affect their earnings.

Under Phase 1, the Review received submissions from the Australian Council of Trade Unions (ACTU) and the Australian Nursing and Midwifery Federation (ANMF), and 36 completed surveys from workers. s. 22(1)(a)(ii)

OFFICIAL

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

OFFICIAL

s. 22(1)(a)(ii)

Good afternoon § 22(1)(e)  
Please find attached the minimum hours decision timeline requested last week, as well as answers to your questions from earlier today.  
Please let me know if there is anything further you need.  
Kind regards  
s. 22(1)(a)(i)

**s. 22(1)(a)(ii)**  
Working on Ngunnawal land  
Assistant Secretary | PALM Performance Branch  
Pacific Labour Operations Division  
Australian Government Department of Employment and Workplace Relations  
Phone **s. 22(1)(a)(ii)** | Mobile **s. 22(1)(a)(ii)**  
[www.dewr.gov.au](http://www.dewr.gov.au)

*My Executive Assistant is s. 22(1)(a)(ii) , s. 22(1)(a)(ii) [@dewr.gov.au](mailto:@dewr.gov.au)*

**From:** s. 22(1)(a)(ii)  
**Sent:** Monday, 22 September 2025 9:31 AM  
**To:** s. 22(1)(a)(ii) [@dewr.gov.au>; s. 22\(1\)\(a\)\(ii\) \[@dewr.gov.au>  
\\*\\*Cc:\\*\\* s. 22\\(1\\)\\(a\\)\\(ii\\) \\[@dewr.gov.au>; s. 22\\\(1\\\)\\\(a\\\)\\\(ii\\\) \\\[@dewr.gov.au>  
\\\\*\\\\*Subject:\\\\*\\\\* RE: Questions \\\\[SEC=OFFICIAL\\\\]\\\]\\\(mailto:@dewr.gov.au\\\)\\]\\(mailto:@dewr.gov.au\\)\]\(mailto:@dewr.gov.au\)](mailto:@dewr.gov.au)

Good morning <sup>s. 22(1)(e)</sup> – we will get answers to you as soon as we can (and before 4pm) today  
Kind regards  
<sup>s. 22(1)(a)(ii)</sup>

**s. 22(1)(a)(ii)**  
Working on Ngunnawal land  
Assistant Secretary | PALM Performance Branch  
Pacific Labour Operations Division  
Australian Government Department of Employment and Workplace Relations  
Phone **s. 22(1)(a)(ii)** | Mobile **s. 22(1)(a)(ii)**  
[www.dewr.gov.au](http://www.dewr.gov.au)

My Executive Assistant is s. 22(1)(a)(ii) @dewr.gov.au

**From:** s. 22(1)(a)(ii) [@dewr.gov.au>  
\*\*Sent:\*\* Monday, 22 September 2025 9:21 AM  
\*\*To:\*\* s. 22\(1\)\(a\)\(ii\) \[@dewr.gov.au>; s. 22\\(1\\)\\(a\\)\\(ii\\) \\[@dewr.gov.au>  
\\\*\\\*Cc:\\\*\\\* s. 22\\\(1\\\)\\\(a\\\)\\\(ii\\\) \\\[@dewr.gov.au>; s. 22\\\\(1\\\\)\\\\(a\\\\)\\\\(ii\\\\) \\\\[@dewr.gov.au>  
\\\\\*\\\\\*Subject:\\\\\*\\\\\* RE: Questions \\\\\[SEC=OFFICIAL\\\\\]\\\\]\\\\(mailto:@dewr.gov.au\\\\)\\\]\\\(mailto:@dewr.gov.au\\\)\\]\\(mailto:@dewr.gov.au\\)\]\(mailto:@dewr.gov.au\)](mailto:@dewr.gov.au)

Good morning. <sup>s. 22(1)(a)</sup>

Looping in <sup>s. 22(1)(a)(ii)</sup>, whose team produced the submission. She'll be best placed to respond.

Best

20/2

s. 22(1)(a)(ii)  
Assistant Secretary  
PALM Delivery Branch  
Pacific Labour Operations Division

EA: [s. 22\(1\)\(a\)\(ii\)](#) [@dewr.gov.au](#)

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

---

**From:** [s. 22\(1\)\(a\)\(ii\)](#) [@dewr.gov.au](#)  
**Sent:** Monday, 22 September 2025 9:17 AM  
**To:** [s. 22\(1\)\(a\)\(ii\)](#) [@dewr.gov.au](#)  
**Cc:** [s. 22\(1\)\(a\)\(ii\)](#) [@dewr.gov.au](#); [s. 22\(1\)\(a\)\(ii\)](#) [@dewr.gov.au](#)  
**Subject:** Questions [SEC=OFFICIAL]

Hi [s. 22\(1\)\(a\)\(ii\)](#)

Thanks for the chat on Friday. In addition to the info I've asked for by 2pm today on PALM scheme changes relating to pay and hours, are you also able to provide some analysis on the below questions the Minister has asked?

I will need this by no later than 4pm today – please let me know if this will be an issue.

- Under the current 120hr/4 weeks arrangement, how often does a worker fall below 30 hours in any given week in that cycle?
- What are the circumstances in which this might occur (i.e. particular industries, employers etc)
- What are the protections or assistance for workers to help understand why they may not be given 30 hours in a particular week, but will be 'topped up' as required in another week (i.e. how is this communicated to staff)
- What is the importance of having the current flexibility in the system and what are the benefits of making this decision now.

[s. 22\(1\)\(a\)\(ii\)](#)

Kind regards

[s. 22\(1\)\(a\)\(ii\)](#)

Senior Adviser | Office of the Hon Amanda Rishworth MP  
Minister for Employment and Workplace Relations  
Federal Member for Kingston

**E:** [s. 22\(1\)\(a\)\(ii\)](#) [@dewr.gov.au](#) | **M:** [s. 22\(1\)\(a\)\(ii\)](#)  
Suite MG.50 | Parliament House | Canberra ACT 2600  
**W:** [www.rishworth.com.au](#) **F:** [AmandaRishworth](#) **T:** [@AmandaRishworth](#)

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

## Additional advice for Minister Rishworth's office on Minimum Hours settings

### Timeline of decision on minimum hours settings and the pay guarantee

- The new Deed and Guidelines settings were introduced in June 2023.
- In June 2023, the Hon Tony Burke MP, the former Minister for Employment and Workplace Relations, agreed to a staged approach to minimum worker hours. This was included in the new Deed and Guidelines which commenced 26 June 2023, as follows:
  - **June 2023 to 31 December 2023** – a minimum average of 30 hours of work per week over the duration of the worker's employment period till 31 December 2023.
  - **1 January to 30 June 2024** – 30 hours offered per week averaged over 4 weeks (for all existing and new recruitments).
  - **From 1 July 2024** – 30 hours offered per week.
- In June 2024, Minister Burke extended the transition period for the minimum hours setting (offering 120 hours reconciled over 4 weeks for short-term workers) to 30 June 2025 in response to industry representations.
- In February 2025, the former Minister for Employment and Workplace Relations, Senator the Hon Murray Watt, extended the transition arrangement for minimum hours (offering 120 hours reconciled over 4 weeks for short-term workers) to 31 March 2026, further postponing the requirement to provide a minimum of 30 hours of work every week until 1 April 2026.

### Under the current 120hr/4 weeks arrangement, how often does a worker fall below 30 hours in any given week in that cycle?

Departmental sampling of approximately 90% of short-term PALM employers with current workers identified 11 employers had proactively topped up the pay for 42 PALM workers for an average of 12.7 hours over the 12-month sample period.

- The top up pay amounts varied widely from nil in some months to 33 hours (for 15 workers with one employer) in December 2024.

### What are the circumstances in which this might occur (i.e. particular industries, employers etc).

The Minimum Hours settings apply to short term-workers, of which 96% are in the Agriculture and Horticulture sector (the remaining 4% are meat processing and accommodation).

This occurs where there are unforeseen circumstances such as adverse weather conditions for a period where crops can't be picked and therefore work can't be offered. For example, the flexibility in the current minimum hours settings enabled Approved Employers to maintain compliance through significant disruptions caused by severe events over the last year, including ex-tropical cyclone Alfred, heavy rainfall, flooding in Townsville and Cairns, and the South Australia tomato virus. To date, these disruptions impacted 45 Approved Employers and affected 3,051 workers.

This measure balances the provision of flexibility to agriculture employers to adapt to such conditions with income security for workers.

**What are the protections or assistance for workers to help understand why they may not be given 30 hours in a particular week, but will be ‘topped up’ as required in another week (i.e. how is this communicated to staff)**

There are a range of support to help workers understand this setting including:

- employers must explain the minimum hours setting to all prospective workers when they are given their offer of employment.
- employers must explain the worker’s employment arrangements, including hours of work during the arrival briefing. This must be done within 7 calendar days after their arrival.
- an information [poster](#) is available in language for PALM scheme workers, explaining the minimum hours requirements and providing details on where to get help.
- DEWR staff check with workers directly during monitoring visits whether they understand the requirement and whether their employer is meeting the requirement.

There are a range of protections, including:

- employers are required to retain documentary evidence such as payslips showing hours worked. The department checks this evidence as part of monitoring and compliance activities.
- employers are required to ‘top up’ pay (additional pay) when they have not offered at least 120 hours over the 4-week period. The additional payment cannot be recovered through deductions. For example, if the worker was only offered 100 hours in the period the employer will be required to ‘top up’ 20 hours as part of the pay for the period.
- employers are also required to guarantee workers a minimum net pay of \$200 per week, after tax and deductions. This ensures workers have a minimum take home pay that allows them to cover basic necessities each week. This is especially relevant:
  - early in the workers placement, when initial deductions for establishment costs (such as flights and visas) are still being repaid
  - for any week where there are low hours within the 4-week period.
- The 20 hours safeguard, wherein employers cover the cost of workers’ accommodation and transport if they offer workers fewer than 20 hours work in any week, provides an additional safeguard.
  - over the course of 4 weeks, in some weeks there may be fewer than 20 hours of work available. In these instances, employers must cover the workers’ accommodation and transport costs.

**What is the importance of having the current flexibility in the system and what are the benefits of making this decision now.**

For agriculture employers, who make up 96% of short-term stream employers, the current setting allows for smoothing of hours through weather and market conditions as well as other events that may shift working hours availability. Having certainty now, enables employers to plan their recruitments with certainty over the setting applicable for those recruitments (employers would currently be planning their recruitments for March 2026 and beyond).

Affected employers have advised the 30 hours per week every week approach, if fully implemented, would drive up operating costs and incentivise employers to leave the scheme (seeking less regulated forms of labour) or reduce recruitment.

For workers, this means they will continue to have a consistent, guaranteed income each month, recognising they do not have other income options and need to support their families and communities at home while they are in Australia.

# s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

**From:** s. 22(1)(  
**Sent:** Monday, 22 September 2025 4:35 PM  
**To:** s. 22(1)(a)(ii) @dewr.gov.au>; s. 22(1)(a)(ii) @dewr.gov.au>  
**Cc:** s. 22(1)(a)(ii) @dewr.gov.au>; s. 22(1)(a)(ii) @dewr.gov.au>  
**Subject:** RE: Questions [SEC=OFFICIAL]

Dear S.

I have provided further context below, further to our earlier discussion and your email below.

## Related key decisions

The new minimum hours settings were introduced in the new Deed and Guidelines on 26 June 2023, along with a range of other safeguards relating to worker pay and hours including:

s. 22(1)(a)(ii)

#### Data on fluctuation of hours over 4 week settlement period

As discussed, through the department's activities it collected payslips from employers to satisfy itself that employers were compliant with the minimum 120 hours over 4 weeks requirements. Employer pay cycles varied from weekly to four weekly, so our data doesn't reliably capture fluctuations in hours on a weekly basis. If anomalies were detected (for example if a worker was working long hours in a week or if a worker wasn't receiving the minimum net pay guarantee) the department followed up with employers.

### Maximum hours of work

Rules regarding maximum hours are regulated by the Fair Work Ombudsman under the *Fair Work Act 2009*. Employers are responsible for ensuring they are complying in accordance with the Act. Maximum weekly hours form part of the National Employment Standards, which applies to all employees covered by the national workplace relations system and mean that for part time workers an employee may refuse to work additional hours to their ordinary agreed hours if they are unreasonable. Our assurance activities found the average hours of work per week don't vary greatly, with the average hours ranging from 37.45 to 42.98 between July 2024 and June 2025.

Let me know if you need anything further.

Kind regards

s. 22

Working on Ngunnawal land  
Assistant Secretary | PALM Performance Branch  
Pacific Labour Operations Division  
Australian Government Department of Employment and Workplace Relations  
Phone **s. 22(1)(** | Mobile **s. 22(1)(**  
[www.dewr.gov.au](http://www.dewr.gov.au)

My Executive Assistant is s. 22(1)(c)s. 22(1)(c) [@dewr.gov.au](mailto:@dewr.gov.au)

---

**From:** s. 22(1)(a)(ii) [@dewr.gov.au](#)  
**Sent:** Monday, 22 September 2025 1:35 PM  
**To:** s. 22(1)(a)(ii) [@dewr.gov.au](#); s. 22(1)(a)(ii) [@dewr.gov.au](#)  
**Cc:** s. 22(1)(a)(ii) [@dewr.gov.au](#); s. 22(1)(a)(ii) [@dewr.gov.au](#)  
**Subject:** RE: Questions [SEC=OFFICIAL]

Thanks <sup>s. 22(1)(a)(i)</sup> – what I was after in regards to the timeline piece was when any key decisions s. 22(1)(a)(ii) other than min hours were made, s. 22(1)(a)(ii)

Hope that makes sense.

Cheers  
s. 22(1)(c)

---

**From:** s. 22(1)(a)(ii) [@dewr.gov.au](#)  
**Sent:** Monday, 22 September 2025 1:33 PM  
**To:** s. 22(1)(a)(ii) [@dewr.gov.au](#); s. 22(1)(a)(ii) [@dewr.gov.au](#)  
**Cc:** s. 22(1)(a)(ii) [@dewr.gov.au](#); s. 22(1)(a)(ii) [@dewr.gov.au](#)  
**Subject:** RE: Questions [SEC=OFFICIAL]

Good afternoon <sup>s. 22(1)(c)</sup>

Please find attached the minimum hours decision timeline requested last week, as well as answers to your questions from earlier today.  
Please let me know if there is anything further you need.

Kind regards  
s. 22(1)(a)(ii)

s. 22(1)(a)(ii)  
Working on Ngunnawal land  
Assistant Secretary | PALM Performance Branch  
Pacific Labour Operations Division  
Australian Government Department of Employment and Workplace Relations  
Phone s. 22(1)(a)(ii) | Mobile s. 22(1)(a)(ii)  
[www.dewr.gov.au](http://www.dewr.gov.au)

*My Executive Assistant is s. 22(1)(a)(ii)* [@dewr.gov.au](#)

---

**From:** s. 22(1)(a)(ii)  
**Sent:** Monday, 22 September 2025 9:31 AM  
**To:** s. 22(1)(a)(ii) [@dewr.gov.au](#); s. 22(1)(a)(ii) [@dewr.gov.au](#)  
**Cc:** s. 22(1)(a)(ii) [@dewr.gov.au](#); s. 22(1)(a)(ii) [@dewr.gov.au](#)  
**Subject:** RE: Questions [SEC=OFFICIAL]

Good morning <sup>s. 22(1)(c)</sup> – we will get answers to you as soon as we can (and before 4pm) today.

Kind regards  
s. 22(1)(a)(ii)

s. 22(1)(a)(ii)  
Working on Ngunnawal land  
Assistant Secretary | PALM Performance Branch  
Pacific Labour Operations Division  
Australian Government Department of Employment and Workplace Relations  
Phone s. 22(1)(a)(ii) | Mobile s. 22(1)(a)(ii)  
[www.dewr.gov.au](http://www.dewr.gov.au)

*My Executive Assistant is s. 22(1)(a)(ii)* [@dewr.gov.au](#)

---

**From:** s. 22(1)(a)(ii) [@dewr.gov.au](#)  
**Sent:** Monday, 22 September 2025 9:21 AM  
**To:** s. 22(1)(a)(ii) [@dewr.gov.au](#); s. 22(1)(a)(ii) [@dewr.gov.au](#)  
**Cc:** s. 22(1)(a)(ii) [@dewr.gov.au](#); s. 22(1)(a)(ii) [@dewr.gov.au](#)  
**Subject:** RE: Questions [SEC=OFFICIAL]

Good morning, <sup>s. 22(1)(a)</sup>.

Looping in <sup>s. 22(1)(a)(ii)</sup>, whose team produced the submission. She'll be best placed to respond.

Best,

<sup>s. 22(1)</sup>

**s. 22(1)(a)(ii)**

Assistant Secretary  
PALM Delivery Branch  
Pacific Labour Operations Division  
Employment and Workforce Group  
Australian Government Department of Employment and Workplace Relations  
Phone: (02) 6196 8305 | Mobile: +61 435 404 655  
[dewr.gov.au](mailto:dewr.gov.au)

EA: s. 22(1)(a)(ii)

[@dewr.gov.au](mailto:@dewr.gov.au)

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

---

**From:** s. 22(1)(a)(ii) [@dewr.gov.au](mailto:@dewr.gov.au)

**Sent:** Monday, 22 September 2025 9:17 AM

**To:** s. 22(1)(a)(ii) [@dewr.gov.au](mailto:@dewr.gov.au)

**Cc:** s. 22(1)(a)(ii) [@dewr.gov.au](mailto:@dewr.gov.au); s. 22(1)(a)(ii)

[@dewr.gov.au](mailto:@dewr.gov.au)

**Subject:** Questions [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thanks for the chat on Friday. In addition to the info I've asked for by 2pm today on PALM scheme changes relating to pay and hours, are you also able to provide some analysis on the below questions the Minister has asked?

I will need this by no later than 4pm today – please let me know if this will be an issue.

- Under the current 120hr/4 weeks arrangement, how often does a worker fall below 30 hours in any given week in that cycle?
- What are the circumstances in which this might occur (i.e. particular industries, employers etc)
- What are the protections or assistance for workers to help understand why they may not be given 30 hours in a particular week, but will be 'topped up' as required in another week (i.e. how is this communicated to staff)
- What is the importance of having the current flexibility in the system and what are the benefits of making this decision now.

**s. 22(1)(a)(ii)**

Kind regards

**s. 22(1)(a)(ii)**

Senior Adviser | Office of the Hon Amanda Rishworth MP  
Minister for Employment and Workplace Relations  
Federal Member for Kingston

**E:** s. 22(1)(a)(ii)[@dewr.gov.au](mailto:@dewr.gov.au) | **M:** s. 22(1)(a)(ii)  
Suite MG.50 | Parliament House | Canberra ACT 2600  
**W:** [www.rishworth.com.au](http://www.rishworth.com.au) **F:** [@AmandaRishworth](https://www.facebook.com/AmandaRishworth)

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.