

PALM scheme Approved Employer Deed and Guidelines

Settings and Transition Advice

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1. Presentation Topics (Approx. 45 minutes)

- A. An overview of the consultation process
- B. Summary of key PALM scheme Deed and Guidelines settings
- C. Proposed Transition and Implementation arrangements

2. Questions and Answers (Approx. 15 minutes)

Queries can be sent to palmconsultations@dewr.gov.au

Information on the settings and transition advice can be found on the DEWR PALM website:

[Pacific Australia Labour Mobility \(PALM\) scheme Approved Employer Deed and Guidelines -
Department of Employment and Workplace Relations, Australian Government](#)

[\(dewr.gov.au\)](http://dewr.gov.au)

Journey to a single PALM scheme Deed and Guidelines – An overview of the consultation process

Consultations commenced in late 2021, with the most recent consultations undertaken in 2 phases:

Phase 1: 17 February – 17 March 2023:

- Sought views on operational parameters for some October 2022-23 Budget measures
- Discussed options to strengthen PALM scheme workers protections

Phase 2: 2 May – 17 May 2023:

- After considering feedback from phase 1, the draft PALM scheme Deed and Guidelines were released for further consultation
- We received 117 written submissions from 93 stakeholders and we held 11 meetings including a workshop in Brisbane on 26-27 April with partner country representatives

The key settings have been published on DEWR's PALM webpage.

Next steps

- Final PALM scheme Deed and Guidelines to be offered to AEs ahead of implementation in July 2023
- Transition Advice #1 was issued on Friday, 2 June 2023 to SWP and/or PLS Approved Employers
- The settings will be introduced gradually over the next 12 months

Summary of final key PALM scheme AE Deed and Guidelines settings
(effective from the date of PALM Deed execution unless advised otherwise)

Approved setting	Brief summary
Minimum hours for short-term workers (9 months)	AE must offer a minimum of 30 hours per week every week (by 1 July 2024)
Minimum hours for long-term workers (1-4 years)	AE must offer full-time hours including: <ul style="list-style-type: none"> during standdowns site shutdowns (capped 4 weeks/FY)
Low hours safety net	AEs must pay accommodation and transport costs if less than 20 hours are offered a week (debt cannot be accrued)
Pay parity	AEs are required to pay PALM workers in line with other workers at the same workplace
Transparency of deductions	Deductions are to be reasonable and at cost. AEs must explain deductions, provide training on what information is included on their pay slip.
Net pay after deductions	Minimum net pay guarantee for all workers after tax and deductions of \$200 a week (debt repayment can be extended).
Accommodation and transport	AEs are required to arrange and provide accommodation: <ul style="list-style-type: none"> for short-term workers - full duration of their Placement for long-term workers - first 12 months of their Placement AEs must arrange and provide transport for workers. A Transport Plan must include a breakdown of costs. Workers may arrange their own transport.
Grievance Management	AEs must provide easy to understand information and explain to workers how they can raise any matter of concern or complaint with the AE. AEs must maintain a register of grievances raised by a worker.
Union attendance at arrival briefings	AEs must invite the Office of the Fair Work Ombudsman and a relevant union to worker arrival briefings.
Welfare and wellbeing plan Welfare and wellbeing support person	Requirement to have a Welfare and Wellbeing Plan outlining adequate Welfare and Wellbeing Arrangements are in place.
Cultural Competency	AEs must demonstrate cultural competency and undertake cultural awareness training related to the country/ies that they propose recruiting from.
Flight reimbursement	AEs can seek reimbursement of flight costs that they have paid on behalf of short-term seasonal workers.

Minimum hours for short-term workers (up to 9-month placements)

PALM Deed and Guidelines Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<p>Approved Employers must offer a minimum of 30 hours per week every week.</p> <p>Staged implementation:</p> <ol style="list-style-type: none">To end 2023 – no change (30 hours averaged over placement)Effective 1 Jan to 30 Jun 2024: average over 4 weeks - all existing and new recruitmentsEffective 1 Jul 2024: must offer 30 hours every week - all existing & new recruitments <p>Note: Exceptional circumstances (extreme weather events or disasters) will be considered as per the Guidelines</p>	<p>New arrangement – currently SWP requirements are 30 hours per week averaged over the entire placement</p>	<p>N/A</p>

Minimum hours for long-term workers (1-4 years)

PALM Deed and Guidelines Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<p>Approved Employers must offer full-time hours including:</p> <ul style="list-style-type: none">• during standdowns• site shutdowns (capped 4 weeks/FY) <p>Effective 1 Oct 2023 - new and existing recruitments OR date of arrival of new recruits (whichever is earlier)</p>	N/A	New arrangement – currently PLS (long-term placement) requires a minimum of 30 hours per week employed (no casual employment)

Low hours safety net



PALM Deed and Guidelines Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<p>Approved Employers must pay accommodation and transport costs if less than 20 hours are offered a week (debt cannot be accrued)</p> <p>Effective 1 Oct 2023 - new and existing recruitments OR date of arrival of new recruits (whichever is earlier)</p>	<p>New arrangement – this is a new setting requirement under the PALM scheme.</p>	<p>N/A</p>

Pay parity

PALM Deed and Guidelines Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<p>Approved Employers are required to pay PALM workers in line with other workers at the same workplace doing the same job (i.e. with workers with the same skill level and experience).</p> <p>Approved Employers are required to provide evidence of pay parity (via submitted Recruitment Plans and the Offer of Employment) and maintain pay parity for the duration of workers employment under PALM.</p>	<p>New arrangement</p>	<p>New broader arrangement – the PLS currently requires AEs engaging PLS workers in select Agriculture related food product manufacturing sectors in metropolitan locations to demonstrate pay parity. This new setting extends the requirement to Workers in all industries.</p>

Transparency of deductions

PALM Deed and Guidelines Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<p>Approved Employers must explain to Workers the deductions that will be made from their pay, including providing training on what information is included on their pay slip.</p> <p>Must ensure deductions are reasonable and at cost and must provide evidence on request from workers and their advocates.</p>	<p>Updated arrangement – an itemised breakdown of all deductions You propose to make from the Worker's wages.</p>	<p>Updated arrangement – an itemised breakdown of all deductions You propose to make from the Worker's wages.</p>

Net pay after deductions

PALM Deed and Guidelines Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<p>Minimum net pay guarantee for all workers after tax and deductions of \$200 a week (debt repayment can be extended).</p> <p>Any outstanding debt cannot be carried over after the worker has completed their placement in Australia and returned to their home country (i.e. not extended to the worker's next placement in Australia).</p>	<p>New arrangement – currently SWP does not require the AE to put in place a minimum net take home pay after tax and deductions for seasonal workers.</p>	<p>New arrangement – currently PLS does not require the AE to put in place a minimum net take home pay after tax and deductions for long-term workers.</p>

Accommodation and transport

PALM Deed and Guidelines Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<p>AEs are required to arrange and provide accommodation:</p> <ul style="list-style-type: none">• for short-term workers for the full duration of their Placement and• for long-term workers. For the first 12 months of their Placement <p>Transport</p> <p>AEs must arrange and provide transport for workers. A Transport Plan must include a breakdown of costs. Workers can arrange their own transport if they choose to.</p>	<p>No change – this is a continuation of current settings under the SWP for accommodation arrangements.</p> <p>Workers can still arrange their own accommodation should they choose to.</p>	<p>New arrangement – current requirement for PLS AEs is to provide accommodation for workers for the first 3 months.</p> <p>Workers can still arrange their own accommodation should they choose to.</p>

Grievance Management



PALM Deed and Guidelines Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<p>AEs must provide easy to understand information and explain to workers how they can raise any matter of concern or complaint with the AE.</p> <p>AEs must maintain a register of grievances raised by a worker (or worker representative) that includes actions taken in response to any grievances.</p>	<p>New arrangement – this is a new clause to strengthen current SWP arrangements.</p>	<p>New arrangement – this is a new clause to strengthen current PLS arrangements.</p>

Union attendance at arrival briefings

PALM Deed and Guidelines Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<p>AEs must invite the Office of the Fair Work Ombudsman (FWO) and a relevant union to worker arrival briefings, with a minimum one week notice to provide sufficient time to organise attendance.</p> <p>Existing recruitments: AEs to invite unions (and FWO) to address existing workers (where they have not), and advise the department of the details, by 1 October 2023 or date of arrival of any new recruitment (whichever is earlier).</p>	<p>Updated arrangement – SWP current setting requires the AE to provide the FWO and relevant union an alternative time within seven days to attend the Arrival Briefing.</p>	<p>New arrangement – PLS does not require the AE to invite the FWO or the relevant union to attend the arrival briefing.</p>

Welfare and wellbeing plan | Welfare and wellbeing support person

PALM Deed and Guidelines Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<p>Requirement to have a Welfare and Wellbeing Plan outlining adequate Welfare and Wellbeing Arrangements</p> <ul style="list-style-type: none"> • AEs will need to have a Welfare and Wellbeing Support Person within 200km of worker placements or as otherwise agreed by department • The Worker Welfare ratio is 1:120 - unless otherwise agreed or required by DEWR. <p>New Plan Welfare and Wellbeing needs to be submitted (or existing plan updated if required) to department by 1 October 2023 outlining approach to be fully compliant by end December 2023 (including appointment of the Welfare and Wellbeing support person).</p>	<p>A Welfare and Wellbeing Plan is currently required as part of SWP recruitment. However, there are changes to certain elements/settings such as:</p> <ul style="list-style-type: none"> • Welfare and Wellbeing Person must be located within 300km rather than 200km of workers placement. • There is now a Worker to Welfare and Wellbeing Support Person ratio of 1:120 prescribed, unless otherwise agreed by the department. 	<p>New arrangement – Welfare and Wellbeing Person and Welfare and Wellbeing Plan are not required under the PLS.</p>

Cultural Competency

PALM Deed and Guidelines Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<p>AEs (including their key personnel and managers, supervisors) must demonstrate cultural competency and undertake cultural awareness training related to the country/ies that they propose recruiting from.</p> <p>The AE's cultural competency must be demonstrated as part of the Recruitment Application process.</p> <p>The department will work with stakeholders to co-design resources and assessment criteria, for implementation from January 2024.</p>	<p>New arrangement – this is a new setting introduced as part of a range of measures that relate to strengthening worker safeguards and supporting their welfare and wellbeing while they are in Australia.</p>	<p>New arrangement –the PLS Deed requires AEs to obtain necessary cultural competencies in working with Pacific Islanders. It is not a requirement to demonstrate cultural knowledge to the specified cohort to be recruited in each Recruitment Application.</p>

Flight reimbursement

PALM Deed and Guidelines Requirements	How does this compare to the SWP arrangements?	How does this compare to the PLS arrangements?
<p>AEs can seek reimbursement of flight costs that they have paid on behalf of short-term seasonal workers where:</p> <ul style="list-style-type: none">• they are unable to recoup the costs (minus \$300 employer contribution and up to the limits set in the Flight Matrix) through no fault of their own, and• all other conditions of the Deed and Guidelines have been met.	<p>No change to pay the first \$300 towards workers' flight costs.</p>	<p>Not eligible for flight reimbursement</p> <p>New arrangement – currently PLS AEs are not required to contribute to workers' flight costs.</p>

Proposed Transition and Implementation Arrangements



The key setting changes will be implemented carefully and gradually to ensure the PALM scheme continues to deliver for both workers and AEs.

- In preparation for the introduction of the single PALM scheme Deed in July 2023, DEWR issued *Transition Advice No.1* on Friday, 2 June to AEs with a Seasonal Worker Programme Deeds and/or a Pacific Labour Scheme Deeds.
- Further information on the staged implementation of new PALM Deed settings, including timelines will be provided shortly.
- Detailed advice can be found on DEWR's PALM webpage: [Pacific Australia Labour Mobility \(PALM\) scheme Approved Employer Deed and Guidelines - Department of Employment and Workplace Relations, Australian Government \(dewr.gov.au\)](https://www.dewr.gov.au/palm-scheme-approved-employer-deed-and-guidelines)

Key Transition Dates

June 2023	July 2023	September 2023
<p>16 June No new Recruitment Applications can be submitted by an AE under a PLS or SWP Deed.</p> <p>From 19 June PALM Deed sent to AEs for signing.</p> <p>AEs that wish to continue participating in the PALM scheme must return signed copies of the PALM Deed and AE declaration within 28 calendar days of the date of the letter that is sent to AEs offering them the PALM Deed.</p>	<p>7 July Last date for approval (by DEWR/PLF) of Recruitment Applications submitted by an AE under a PLS or SWP Deed.</p> <p>PALM Deed commences on the date the Department executes the PALM Deed.</p> <p>Transition Approved Recruitments deemed to be Conditionally Approved under the PALM Deed.</p> <p>AEs that do not wish to continue participating in the PALM scheme must advise the Department accordingly and provide details of any Ongoing Approved Recruitments within 28 calendar days of the date of the letter that is sent to AEs offering them the PALM Deed.</p> <p>24 July PALMIS launched.</p>	<p>30 September Exiting AEs SWP Deed will expire except where the Deed is extended due to an Ongoing Approved Recruitment.</p> <p>Exiting AEs with PLS Deeds with an expiry date of 30 September will expire, except where the Deed is extended due to an Ongoing Approved Recruitment.</p>

Key Implementation Dates for PALM

July
2023



- PALM Deed commences from July
- **Short-term placements**, no change to minimum hours of 30 hours over the workers employment period.
- Pay parity for all PALM workers.
- **Long-term placements**, AEs to provide 12 months accommodation for new recruitments.
- **Long-term placements**, AEs to arrange and provide transport for new recruitments.

1 January
2024



- **Short-term placements**, AEs must offer 30 hours per week averaged over 4 weeks.
- AEs must demonstrate Cultural Competency and undertake training.
- New Welfare and Wellbeing Plans must be compliant (including appointing Welfare and Wellbeing Support Person).

1 July
2024



- **Short-term placement** 30 hours offered per week every week for all new and existing recruitment

- New and existing **long-term placements** must offer full-time hours.
- If less than 20 hours work offered, AE will pay costs of accommodation and transport.
- New Wellbeing and Welfare Plan to be submitted.
- For existing workers, AEs to invite unions and FWO to address workers that have not previously been briefed and advise DEWR by 1 October 2023.

1 October
2023



- AEs with existing **short-term placements** to submit new accommodation plans

1 April 2024



Questions

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**Thank you for your participation in today's presentation.
A copy of this presentation is available on our website.**

