



# Australian Agriculture Visa (AAV) Program

## Frequently asked questions

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### General questions

#### **What is the purpose of the AAV program?**

- The Australian Agriculture Visa (AAV) program is being introduced to address workforce shortages in the agriculture sector by building on existing government programs.
- It is a long-term contribution to Australia’s labour supply to support Australia’s agricultural and primary industry sectors as they strive to reach \$100 billion in value by 2030.
- The program delivers on the Australian Government’s commitment to put in place a broad ranging visa to support the growth of Australia’s agricultural industries.

#### **When will the AAV program start and when can we expect workers to arrive?**

- The program is designed to meet the needs of employers, employees and participating countries.
- The program will commence with a group of Approved Employers to test systems and processes before the program’s expansion throughout 2022 when we expect a steady increase in employees arriving in Australia. Initially, recruitment will focus on lower skilled occupations, and this will be expanded as the program evolved.
- As participating countries sign Memorandums of Understanding, the Department of Foreign Affairs and Trade (DFAT) will work closely with industry and other stakeholders to undertake the inaugural steps necessary for employees to arrive in Australia.
  - These include consultation and signing of Deeds of Agreement between DFAT and Approved Employers, recruitment processes in participating countries, English language and skills testing as applicable, the lodgment and approval of visa applications (including police, character and health checks) and AAV employee pre-departure briefing (further detail on steps for Approved Employers is provided below).
  - DFAT will be engaging an offshore service provider to work with the Australian Government, participating country governments and other stakeholders to



support pre-departure briefing, transparency and best practice in recruitment models.

- Timeframes for the arrival of the initial cohort of AAV employees will depend on a range of actors and processes as above. We expect processes to refine and become more efficient throughout 2022.
- The Australian Government is working with industry representatives to ensure there is a balance between labour needs across agriculture sectors and regions as the program is scaled up.

### **What countries are participating in the AAV program?**

- Vietnam is the first country in Southeast Asia to participate in the AAV program.
- Australia was pleased to sign the first Memorandum of Understanding (MoU) of its kind under the program with Vietnam on 28 March 2022.
- Vietnam's early participation in the Agriculture Visa program is a reflection of the deepening cooperation under the Australia-Vietnam Strategic Partnership and is a key initiative of the Australia-Vietnam Enhanced Economic Engagement Strategy launched on 1 November 2021.
- DFAT is in ongoing discussions with other countries and will provide updates as appropriate.
  - These are sovereign nations that have their own systems, legal frameworks and interests to consider.
  - Participation in the AAV program is a matter for sovereign countries, which we respect.
- India has been invited to participate in the AAV program as part of the Interim Australia-India Economic Cooperation and Trade Agreement (AI-ECTA).
  - Consistent with the process and conditions for other participating countries, an MoU would first need to be agreed before any workers could arrive. Should an MoU be concluded, we would expect the first workers to arrive in 2023.
  - The invitation to participate in the AAV program is just one of a range of labour mobility outcomes under the AI-ECTA; and the timing of the announcement reflects the signing of that agreement on 2 April 2022.

### **How many people can come to Australia under the AAV program? Are there any limits to the numbers?**

- The Australian Government has committed to a demand and supply driven approach to the AAV program.
- The AAV program will be subject to upper limits through bilateral agreements with participating countries.
- These upper limits will be reviewed annually and will be linked to the annual migration review and reflect workforce demand.
  - This will consider agriculture workforce demand and supply gap data and analysis, maintaining Pacific primacy, monitoring of program integrity and lessons from each sending country.



### **What is the scope of the AAV program?**

- The AAV program will support the recruitment of employees across a range of agriculture and other primary industry sectors, including horticulture, dairy, wool, grains, fisheries (including aquaculture) and forestry, including support services and primary processing.
- The AAV program will target skilled, semi-skilled and low-skilled employees within specified occupations across these sectors.
- DFAT continues to work with industry and other stakeholders on the specified occupations within these sectors that the AAV program will cover. Details will be provided once settled.
- In the initial phase, recruitment will focus on lower skilled occupations, and this will be expanded as the program evolves.
- Employees must have the experience and/or qualifications to commence work at the skill level and occupation for which they are recruited (where relevant). This includes a minimum level of English.

### **What is the minimum level of English under the AAV program?**

- The minimum English language level is an International English Language Testing System (IELTS) overall band score of 4, or equivalent, unless Australian licensing mandates a higher standard. Approved Employer's may choose to set English language requirements higher, for higher skilled positions.
- DFAT will initially determine formal test equivalents to the IELTS 4.0 that will be accepted. Other acceptable English testing or assessment equivalents will be determined and updated over time.

### **Can AAV holders apply for permanent residency?**

- The AAV program will provide a long-term reliable workforce to support ongoing growth of Australia's critical agricultural industries.
- The Australian Government has committed to creating options for permanent residence pathways for participants in the program, including regional settlement.
- This involves further consultation and design work, led by the Department of Home Affairs.
- The Australian Government will make announcements on permanent residence pathways in due course.

### **I have an urgent labour shortage. What are my options?**

- The AAV program will complement existing visa programs with work rights supporting Australia's critical industries, including the agriculture sector.
- The Pacific Australia Labour Mobility (PALM) scheme is the mainstay for meeting agricultural workforce shortages and allows eligible Australian employers to hire employees from nine Pacific island countries and Timor-Leste.



- As at early April 2022, more than 23,000 Pacific and Timorese employees are in Australia. This is the largest number we have and in Australia at any one time. Over 9,000 are scheduled to arrive between April and October 2022, and there are an additional 52,000 pre-screened workers who have registered their interest in participating in PALM and are awaiting opportunities for deployment.
- There is also a range of other temporary migration options available for employers in the agriculture sector to address workforce shortages, covering lower skilled to skilled occupations.
  - For further information see [Agricultural employers \(homeaffairs.gov.au\)](https://www.homeaffairs.gov.au).

### **How are the jobs of Australians being protected under the AAV program? How can the government ensure that Australians get first pick for agricultural jobs?**

- Labour Market Testing is a requirement of the AAV program to protect Australian jobs.
- Approved Employers must demonstrate they cannot fill vacancies with Australian employees before becoming eligible to recruit employees under the AAV program.
- Approved Employers must place a job advertisement, consider all the applicants who apply for the advertised position, and provide evidence and outcomes when submitting a Recruitment Plan to recruit employees under the AAV program.
- Labour Market Testing results will be valid for 12 months and are specific to the sectors and roles advertised.

### **What is the Australian Government's role in the AAV program?**

- The AAV program is managed by DFAT leveraging its experience with the successful PALM scheme.
- The Department of Home Affairs is responsible for processing all visa and sponsorship applications, as well as providing operational support with the Australian Border Force to ensure ongoing visa integrity.
- The Department of Agriculture, Water and the Environment is responsible for ensuring that the needs of relevant primary industry sectors are being met.
- The Fair Work Ombudsman is responsible for promoting and monitoring compliance with workplace laws.

## **Employers under the AAV Program**

### **How do I become an Approved Employer under the AAV program?**

- The employer application process will be available on DFAT's Australian Agriculture Visa program website in due course.
- Employers wishing to participate in the AAV program must meet eligibility criteria, including demonstrating compliance with and showing commitment to ethical practice and high workplace standards, apply to be an Approved Employer, and sign a Deed of Agreement with DFAT.



- PALM scheme Approved Employers wishing to participate in the AAV program must apply through a streamlined process, to participate in the AAV program and sign a separate Deed of Agreement with DFAT.
- AAV Approved Employers who are not PALM Approved Employers will need to apply to be an Approved Employer under the PALM scheme, if they wish to access the PALM scheme.
- Approved Employers under the AAV program can be:
  - Direct Employers - businesses that directly hire employees to work in their own business (this includes sole traders and family trusts); or
  - Labour Hire Companies or contractors that supply employees to another business.
- Approved Employers must also be an approved Temporary Activity Sponsor (TAS) under the Migration Regulations in order to sponsor a prospective AAV employee to enter Australia or sponsor a subsequent AAV visa application in Australia.
- See Program Setting document for further information.

#### **What are the fees and charges involved in this program?**

- No fees are levied by DFAT on employers.
- Approved Employers must cover some pre-departure costs for AAV employees, including a contribution towards flights and costs of travel from point of entry in Australia to their work location, and recruitment costs in the participating country, and work-related costs such as uniforms and personal protective equipment.
- Approved Employers must pay costs associated with becoming a TAS with the Department of Home Affairs to sponsor a visa holder to enter Australia.

#### **Can I pay for some costs upfront and then deduct the costs from an employee's wages?**

- Under the AAV program, Approved Employers can cover upfront costs associated with mobilising AAV holders to Australia (for example, costs associated with travel to Australia and the visa application process), some of which can then be recovered via deductions from an employee's wage.
- In addition, if an AAV employee provides written consent, Approved Employers may cover ongoing living expenses (accommodation, daily transport, health insurance), and deduct these, at cost, from an AAV employee's pay for the duration of their contract.
- All deductions must be made in accordance with Australian laws and with the written agreement of the AAV employee; principally for the AAV employee's benefit; included on the AAV employee's pay slip and time and wages records; and for mobilisation costs, made over a minimum of 12 weeks.
- Where an AAV employee arranges their own accommodation or transport, Approved Employers cannot deduct these costs.



### **What are the options for sponsoring workers under the AAV program?**

- Initial recruitment of overseas employees will take place offshore (initial visa applications to join the program cannot be made in Australia). Each visa applicant must be sponsored by an eligible employer, who must hold a valid TAS.
- AAV employees in the short term/seasonal cohort will be able to work in Australia for up to nine months in every 12 months. Short-term/seasonal AAV employees can apply for a 9-month visa or a multi-season visa for up to four years.
  - The multi-season visa enables the holder to undertake seasonal work for up to 9 months every year, without having to apply for a new visa each year. AAV employees who hold this visa are still required to return home between seasons for 3 months every year.
- Short-term/seasonal AAV employees in Australia with a valid AAV who are offered a long-term position by an Approved Employer under the program are able to apply onshore for a new AAV. Their cumulative period onshore, across both visas, must not exceed 4 years.
- Visa holders in the long-term cohort will be able to work for between one and four years, depending on the length of their employment.
- Long-term AAV employees in Australia, whose initial visa and employment contract was for less than 4 years, are able to apply onshore for a further AAV where they have a subsequent Offer of Employment. Their cumulative period onshore across both visas, must not exceed 4 years.

### **What is the process for bringing employees in Australia under the AAV program?**

- The process of recruiting employees involves:
  - providing evidence to DFAT of labour market testing;
  - submitting recruitment, accommodation and transport plans to DFAT;
  - recruiting prospective employees in line with sending country government processes (for example, through licensed recruitment agents);
  - submitting prospective employee details to DFAT for endorsement;
  - providing prospective employees with an Offer of Employment that sets out information about the nature of the employment, pay and conditions and any arrangements that propose movement of employees between employers;
  - assist in the application of, and monitor the visa application process;
  - arrange travel for employees, allowing time for prospective employees to attend pre-departure briefing; and
  - provide an on-arrival briefing, inviting the Fair Work Ombudsman, DFAT and the relevant union representative to be present, with appropriate notice periods to representatives.
- See Program Setting document for further information.



### **What is meant by DFAT-approved accommodation? What are my requirements?**

- Under the program, Approved Employers must offer AAV employees affordable accommodation that meets minimum standards and is approved by DFAT.
- AAV holders can choose to make their own accommodation arrangements, in which case it will be their responsibility to identify suitable accommodation.
- Daily transport between accommodation and the workplace must be offered where AAV holders use accommodation provided by Approved Employers.
- Approved Employers may pay upfront for accommodation and transport and then deduct the costs from the AAV employee's salary (with their written agreement). Any deductions must occur in line with Fair Work Act requirements and be principally for the AAV employee's benefit.
  - Where AAV holders elect to arrange their own accommodation, deductions for accommodation are not permitted.
- Accommodation will be subject to ongoing compliance checks executed by DFAT.

### **Can AAV holders change locations and Approved Employers?**

- Yes, movement of AAV holders between different Approved Employers will be a feature of the AAV program for the short-term/seasonal cohort of employees.
  - AAV holders can change locations and Approved Employers during the period of their stay in Australia under an arrangement approved by DFAT.
- Agreed movement arrangements seek to benefit both Approved Employers and AAV holders, and the informed consent of AAV holders is fundamental.
  - AAV holders must agree to each movement upfront and sign an Offer of Employment outlining role, location, pay and conditions.
- In the initial phase of the program, AAV employees are unable to move from one Approved Employer to another, but they can work across different locations for a Direct Employer or move between host organisations under a Labour Hire Company Approved Employer. Any movement must be agreed prior to the AAV employees' arrival in Australia. As the program evolves, further models will be explored and tested with stakeholders with a review of arrangements after the first year of implementation.
- Where an AAV employee seeks to find a more suitable placement for welfare purposes, DFAT will work with the employee and any other relevant parties.

### **What are the pay and working condition requirements for employees under the AAV program?**

#### **Must I offer minimum hours of employment to employees under the AAV program?**

- All Approved Employers must adhere to Australian workplace laws, including applicable industrial instruments such as awards and registered agreements.
- Program arrangements administered by DFAT will require Approved Employers to adhere to minimum hours and pay and conditions policy settings.
  - These will be managed through the Deed of Agreement and Guidelines with Approved Employers.
- These settings are comparable with other economic labour programs.



## Prospective AAV employees from participating countries

### Eligibility

#### **Can I come to Australia under the AAV program? What are the requirements for being employed under the AAV program?**

- Initial applications to participate in the AAV program (i.e. initial visa applications) must be completed offshore.
- To be eligible to participate in the AAV program, prospective employees must meet the following requirements:
  - Age: Minimum age requirement is 21 years of age, at time of visa application, with no maximum age requirement limit;
  - Citizenship: must be citizens of a Participating Country (and not of Australia) and reside in the country at the time of the initial visa application;
  - English: must have a minimum International English Language Testing System (IELTS) overall band score of 4 or equivalent (as approved by DFAT), unless Australian licensing mandates a higher standard;
  - Skills: must have the experience and/or qualifications to commence work at the skill level and occupation outlined in the Offer of Employment. The need for a formal skills assessment or skills verification will depend on the skill level required for the role. The initial phase of the AAV program will focus on lower skilled employees only, where formal skills assessments are not required;
  - Good character: must be of good character and be able to substantiate this during the visa application process, including by presenting authentic documentation (Police Check) certifying they do not have a substantial criminal record; and
  - Fit and healthy: must be healthy and fit to undertake the proposed role.

#### **What will I need to pay to participate in the AAV program?**

- Prospective AAV program employees will be required to cover costs related to the visa application, including the visa application charge, police checks, health checks, English language testing, and any skills verification (if relevant for the position).
- AAV employees will also need to cover a portion of the cost of the international flights to and from Australia.
- Approved Employers may assist with the employee contribution to flights and the visa application charge by paying these costs up front and then deducting the employee contribution amount from the employee's pay, in accordance with Australian law and with agreement from the employee. Deductions must be principally for the AAV employee's benefit.
- There may be additional costs that AAV employees have to pay to their home country government to meet their overseas employment requirements. For example any health checks required by home country governments, or fees to register as an overseas worker.
- AAV employees must pay for costs of living in Australia, which includes accommodation, daily transport to the workplace and health insurance.





- If an AAV employee provides written consent, Approved Employers may cover ongoing living expenses (accommodation, daily transport, health insurance), and deduct these, at cost, from an AAV employee's pay for the duration of their recruitment.
- All deductions must be principally for the AAV employee's benefit, made in accordance with Australian laws and with the written agreement of the AAV employee.

### **How long can I work in Australia?**

- Short-term/seasonal AAV employees can work in Australia up to 9 months in every 12 months for up to four years and must be engaged on a casual or part time basis, working a minimum of 30 hours per week averaged over an 8-week period.
- Long-term AAV employees can work in Australia for 1 to 4 years, depending on the length of their work contract. Long-term AAV employees must be engaged on a full-time basis.

### **Can I review my visa and stay longer?**

- Short-term/seasonal AAV holders in Australia with a valid AAV who have been offered a long-term position by an Approved Employer under the program are able to apply onshore for a further AAV. Their cumulative period onshore, across both visas, must not exceed 4 years.
- AAV holders on long term employment contracts in Australia, whose initial visa and employment contract was less than 4 years, are able to apply onshore for a further AAV where they have a subsequent Offer of Employment. Their cumulative visa grant period must not exceed 4 years.
- AAV holders in Australia who meet requirements of other visa programs, for example Temporary Skills Shortage (TSS) visa, may be eligible to apply for another type of visa in Australia.

### **How much will I get paid?**

- Approved Employers must pay wages and entitlements that are at least as set by law.
  - Awards and enterprise agreements contain minimum pay rates and conditions of employment, which are applicable regardless of citizenship or visa status.
- AAV program arrangements administered by DFAT will require Approved Employers to adhere to minimum hours and pay and conditions policy settings, which are comparable with other economic labour programs.
- The exact pay received by an AAV holder will depend on the sector, job and skill level in which they are working.
- In addition to paying wages, Approved Employers are required to pay superannuation during an AAV employee's employment, as a contribution to saving for the employee's retirement. Superannuation is not paid directly to an employee but to a Superannuation fund on their behalf.



- Once an AAV holder's employment in Australia finishes, their visa has expired, and they have returned to their country of origin, they are eligible to claim their superannuation back as a [Departing Australia Superannuation Payment \(DASP\)](#), which is subject to tax. DASP applications can be submitted online with the Australian Tax office (ATO).
- AAV employees will also be required to pay Australian income tax, in accordance with the amount of their earnings and tax residency status.
  - Tax is withheld from an individual's pay. The individual may have to lodge a tax return, which may result in more tax being payable or a tax refund.

## Visa

### How much does an AAV cost?

- The Visa Application Charge (VAC) for an AAV under the subclass 403 visa is AUD630. The cost is the same for a long-term or short-term/seasonal visa. The VAC is payable per visa application. It is important to keep in mind that there may be additional costs associated with meeting visa requirements such as health examinations and police certificates.

### Can I enter Australia on my AAV to visit my family or have a holiday?

- No. The AAV is to undertake work with an AAV holder's Approved Employer under the AAV program only.
- If this visa is used to enter Australia for any purpose other than to participate in the AAV program the AAV holder will be in breach of their visa conditions and their visa may be cancelled.

### Can I return home to see my family?

- Yes, AAV holders can leave and re-enter Australia as many times as they need while the visa is valid, with agreement from their employer.
  - Time spent outside Australia does not extend the length of stay in Australia.

## Welfare

### What welfare and wellbeing support is available to workers?

- A strong assurance and compliance framework will support employee welfare and program integrity.
- Welfare measures to support AAV holders may include:
  - Pre-departure briefing that covers information about life and work in Australia, employee workplace rights and entitlements and visa holder responsibilities;
  - On-arrival briefing and orientation when AAV holders reach their accommodation and workplace in Australia. Relevant unions, the FWO and DFAT must be invited to join;



- Processes for dealing with critical and non-critical incidents that may affect an AAV holder;
- AAV holder phone call check-ins; and
- A workers' welfare line direct to DFAT/DFAT's representative.
- DFAT will collaborate with participating countries in supporting welfare of their citizens while they are in Australia.
- Consular officers of foreign diplomatic missions in Australia may play a role to support AAV holders while they are in Australia, consistent with their own protocols.

#### **What happens if I get sick or need medical assistance in Australia?**

- Having health insurance is a condition of the visa, and all AAV holders must hold adequate private health insurance while they are in Australia.
- The Approved Employer will be responsible for arranging health insurance for each AAV holder for the duration of their stay in Australia and will pay for this by taking authorised deductions from the AAV employee's pay.
- It is the Approved Employer's role to confirm inclusion of private health insurance and help employees to understand the product and how to use it.

#### **Quality Assurance/Monitoring**

##### **What is the government doing to support ethical recruitment and maximise worker protections under the AAV program?**

- The Australian Border Force and the Fair Work Ombudsman play an important role in ensuring compliance with visa requirements and workplace laws respectively.
- The AAV program mandates that only Approved Employers can participate, and that these employers are subject to program requirements, reporting and monitoring.
- Approved Employers will enter into a Deed of Agreement with DFAT detailing their responsibilities.
  - DFAT will conduct assurance activities to ensure employers are meeting their obligations. This includes monitoring visits, review and analysis of reports (including pay data, timesheets, accommodation standards, welfare obligations), and responding to complaints and tips offs and investigations.
  - A range of actions can be taken in circumstances of program non-compliance. These range from education activities; limits or restrictions on participation in the program; breach notices; corrective action, suspension or termination from the program.
- We have established processes for the reporting of scams, including through our overseas Posts or through the Department of Home Affairs.