

Application to become an Approved Employer for the Pacific Labour Scheme

About the Pacific Labour Scheme

The Pacific Labour Scheme (the Scheme) offers eligible Australian employers access to workers from participating Pacific island countries who have been able to demonstrate that they cannot source suitable Australian labour. Workers under the Pacific Labour Scheme can be employed in Australia for up to three (3) years.

Palladium has been contracted by the Department of Foreign Affairs and Trade (DFAT) to provide a range of services to support employers, labour sending countries and workers to engage with the Scheme. The Pacific Labour Facility will commence supporting the Scheme in late 2018.

DFAT is currently trialing a new process to screen Australian employers to ensure they meet the Government criteria for participation in the Scheme. This application form is the first step in the process. Other steps will include a site visit to your business premises, a financial assessment and signing the Deed of Agreement, which outlines the responsibilities of all parties. The Department of Home Affairs and the Fair Work Ombudsman will also undertake necessary integrity checks. Employers under the Scheme will also be required to become a Temporary Activities Sponsor with the Department of Home Affairs.

DFAT supports the operation of the Scheme in partnership with other Australian Government departments and Pacific island countries' Government agencies. Australian Government agencies include the Department of Jobs and Small Business, the Department of Home Affairs and the Fair Work Ombudsman.

Instructions

Australian employers interested in becoming an Approved Employer under the Scheme are required to complete all parts of the application form below. Applicants are requested to provide detailed answers to the questions asked on the application form. This information will assist us to determine your eligibility to participate in the Scheme. To ensure timely processing of your application, please provide complete and accurate information and respond to questions fully and truthfully at the time of submission.

Should you require further information please contact:

pacificlabourmobility@thepalladiumgroup.com

What is a Pacific Labour Scheme Approved Employer?

A Pacific Labour Scheme Approved Employer is an Australian Entity that has:

- a) submitted an application to become an employer of workers under the Scheme;
- b) had their application assessed and approved by DFAT; and
- c) signed a Deed of Agreement with the Government of Australia, represented by the Department of Foreign Affairs and Trade, to participate in the Scheme.

An employer cannot recruit or commence recruitment under the Scheme until they have met all of the above conditions.

Application Process

To participate in the Scheme an Entity must complete this application form and submit it by email to:

pacificlabourmobility@thepalladiumgroup.com

Eligibility criteria

To become an Approved Employer under the Scheme, an Entity must demonstrate that it:

- 1. Is an eligible business registered and operating in Australia, has an Australian Business Number (ABN), and is in a sound financial position.**

Individuals, sole traders, unincorporated entities and family trusts are not eligible businesses for the purposes of the Scheme.

Entities who operate on a contractor business model may be eligible if they have five years of continuous operation and a history of compliance with workplace relations and immigration laws.

- 2. Has a history of compliance with Australian workplace relations, workplace health and safety legislation, and other relevant laws such as the Migration Act. It must also be demonstrated that:**

The directors or partners or trustees have a history of compliance with the above laws, and where there has been non-compliance this is disclosed.



3. Is based in rural or regional Australia

The definition of rural and regional Australia may be amended by the Australian Government from time to time. Generally, it excludes:

- **NSW:** Sydney, Newcastle and Wollongong
- **QLD:** the greater Brisbane area and the Gold Coast
- **VIC:** the Melbourne metropolitan area
- **WA:** the Perth metropolitan area.

The following postcodes are currently considered part of rural and regional Australia:

Area	Postcodes Inclusive
Australian Capital Territory	All postcodes in the Australian Capital Territory
New South Wales (excluding Sydney, Newcastle and Wollongong)	2250 to 2251, 2256 to 2263, 2311 to 2312, 2328 to 2411, 2415, 2420 to 2490, 2536 to 2551, 2575 to 2594, 2618 to 2739, 2787 to 2898
Norfolk Island	All postcodes in Norfolk Island
Northern Territory	All postcodes in the Northern Territory
Queensland	4124 to 4125, 4133, 4211, 4270 to 4272, 4275, 4280, 4285, 4287, 4307 to 4499, 4515, 4517 to 4519, 4522 to 4899
South Australia	All postcodes in South Australia
Tasmania	All postcodes in Tasmania
Victoria (excluding the Melbourne metropolitan area)	3211 to 3334, 3340 to 3424, 3430 to 3649, 3658 to 3749, 3753, 3756, 3758, 3762, 3764, 3778 to 3781, 3783, 3797, 3799, 3816 to 3909, 3921 to 3925, 3945 to 3974, 3979, 3981 to 3996

4. Understands and will comply with the requirements of an Approved Employer and will:

- Demonstrate their commitment to offer positions to Australian job seekers first, by testing the local labour market, before seeking to access workers through the Scheme;
- Provide employment to workers for a minimum period of 12 months (and up to 3 years)
- Provide workers with a minimum average of 30 hours of work per week over each 12 month period of employment;
- Monitor the progress, placement and well-being of workers in relation to their employment on a regular basis;
- Facilitate access to appropriate clothing for workers to undertake their duties in the workplace (for example, Personal Protective Equipment);
- Comply with the requirements of relevant Awards and/or employment agreements, including minimum remuneration, conditions and dispute resolution processes;
- Only recoup certain expenses from workers' wages and ensure that any deductions are reasonable and are allowable under the Deed of Agreement and workplace relations law;
- Only recruit workers through the pathways agreed to by the Australian Government and partner country governments;
- Enter into a Deed of Agreement with the Australian Government which will govern its participation in the Scheme; and
- Provide the reports to the Australian Government as set out in the Deed of Agreement.



Applicant Business Details

1. Name of Entity
2. Business name, if different from Entity name
3. Australian Business Number (ABN)
4. Date of ABN approval
5. Australian Company Number (ACN)
6. Date of ACN approval
7. Name/s of Director/s

8. Names of Key Staff

e.g CFO, HR Director, Senior Manager

9. What structure best describes the Entity's business model? *Only companies and incorporated entities are eligible. Please choose from:*

- Company
- Incorporated entity

10. Does the Entity perform work for other businesses under a contract for service or labour hire arrangement i.e. does it intend to supply workers to other entities?

- Yes – Contractor
- Yes – Labour Hire Company
- No – does not provide workers to other entities

11. Entities associated with the above:

Entity Name

ABN

ACN

Name of director/s

Other type of entity (please specify)

Contact person for application:

Please note we will only correspond with the nominated contact person in regards to the application. The nominated contact person must be a relevant person of the Entity applying; external parties may not represent the Entity.

Name

Position

Contact Number

Email

Postal Address



12. Which industry sector does the business operate in?
If your Entity operates in more than one industry, select the industry which most closely matches the primary activity.

Choose from below:

- Accommodation and Food Services
- Administrative and Support Services
- Aged Care
- Agriculture
- Fisheries
- Tourism
- Other Services (please specify)

13. Has the Entity or any of its directors/partners/trustees previously submitted an application to become an Approved Employer under the Scheme?
If yes, please provide details including date(s) of application(s), names and ABN numbers.

Yes No

14. Has the Entity or any of its directors/partners/trustees previously submitted an application to become an Approved Employer under the Seasonal Worker Programme? *If yes, please provide details including date(s) of application(s), names and ABN numbers.*

Yes No

15. If your Entity is a current SWP Approved Employer, do you consent to DFAT requesting from the Department of Jobs and Small Business (DJSB) copies of your SWP Approved Employer application form, SWP Deed of Agreement and any checks conducted on your Entity as part of the SWP Approved Employer application process?

Yes No

Applicant not a current SWP Approved Employer

16. Does the Entity currently have Temporary Activities Sponsorship with the Department of Home Affairs?
If so, please provide details.

Yes No

17. If any of the directors or partners of trustees of the Entity have previously held the position of director for another Entity within the last 5 years, please provide Entity names and ABN/ACN details for those Entities below *(please do not complete if ASX Company):*

18. Number of people currently employed by the Entity:

19. Number of Australian citizens or permanent residents who are permanent employees of the Entity:

20. Number of employees of the Entity engaged in countries other than Australia:



Referee Details

(Please do not complete if ASX listed)

Details of two referees **must** be supplied; a phone number and email address are mandatory. The referees should have no direct involvement or interest in the application. They could, for example, be the Entity's bank manager (business), accountant, etc. Both referees **will** be contacted.

Referee 1

Name

Contact number

Email

Relationship to Entity

Referee 2

Name

Contact number

Email

Relationship to Entity

Compliance

Please note all answers to the following questions will be checked and verified by the assessing Government agencies. Any answers found to be false, misleading or inaccurate will result in rejection of the application and may result in the termination of any future Deeds of Agreement entered into by the parties.

1. Please advise if any of the following have been in breach of, or investigated by, any Government authority with regards to compliance with Australian workplace relations laws or workplace health and safety laws and if yes, provide detail:

- a) the Entity; and/or
- b) the Entity's relevant persons (for example, the Entity's directors and partners).

Yes No

2. Please advise of any breaches of Australian workplace relations laws or workplace health and safety laws or immigrations laws by the Entity or relevant persons.

(Examples of the issues to be disclosed here may include, receipt of a breach, contravention or improvement notices issued for example by the Fair Work Ombudsman, Department of Home Affairs or a workplace health and safety agency, a prosecution or voluntarily rectifying a breach.) If you answer yes here please provide full details immediately below.

Yes No

3. Have any of the directors, partners or trustees of the Entity ever been investigated by the Australian Taxation Office, Australian Federal Police or any other investigatory body in Australia or overseas for any offences arising in the course of, or resulting from, business dealings both within and outside of Australia? *If so, please list the nature and dates of the offences and the outcome.*

Yes No

What was the outcome of this matter? Please describe below.



4. Has the Entity ever been insolvent or placed in administration?

Yes No

5. Have any of the present directors or partners or trustees of the Entity, ever been declared bankrupt or been charged with a fraud/dishonesty offence, either within or outside of Australia? If so, provide full details.

Yes No

3. How does the Entity propose to pay workers?

Please outline whether the Entity has an Enterprise Agreement, or proposes to pay workers under a Fair Work Instrument.

Please attach as an annex if there is insufficient room here.

Understanding of the Scheme

What recruitment practices does the Entity use currently, and propose to use in the future, to ensure Australian job seekers are aware of and, where suitable, offered employment, before labour is sourced through the Scheme?

1. Please tick recruitment practices used by the Entity
(more than one practice can be used)

- Online advertisement – own website
- Online advertisement – jobsearch.gov.au
- Online advertisement – other website(s)
- Print advertisement – local newspaper(s)
- Print advertisement – bulletin board(s)
- Recruitment agency(ies)
- Other

2. Does the Entity have policies and procedures in place in regards to employment terms and conditions (for example, dispute resolution procedures)? *If yes, please outline details below or provide copies of these documents as an attachment when submitting this application.*

Yes No

Respondent's Declaration

If you are granted Approved Employer status do you agree to:

1. Demonstrate your commitment to offer positions to Australian job seekers before seeking to access workers through the Scheme by genuinely testing the local labour market by following guidance provided by the department?
Yes No
2. Ensure any deductions from workers pay are allowable, reasonable and agreed to by the worker in writing?
Yes No
3. Provide employment to workers for up to three years including a minimum average of 30 hours of work per week over each 12 month employment period?
Yes No
4. Provide a weekly/fortnightly payslip to the workers that clearly sets out gross pay, any itemised deductions, tax and net pay, and provides instructions for each worker on how to correctly read their payslip?
Yes No
5. Ensure that workers have and maintain arrangements for health insurance during the period of their stay in Australia that meets the workers visa obligations?
Yes No
6. Facilitate access to appropriate personal protective clothing and equipment for workers to undertake their duties in the workplace?
Yes No
7. Adhere to Human Rights principles in relation to workers' freedom of choice and movement outside of working hours when employed in accordance with Australia's workplace relations laws?
Yes No



Conflict of Interest

Please state that your Entity has no undisclosed conflict of interest relating to this application or; outline your Entity's known actual or potential conflict of interest relating to this application (for instance, that your Entity has a pre-existing relationship with an employee of the Managing Contractor or DFAT).

Privacy Notice

The Department of Foreign Affairs and Trade (DFAT) may use and disclose information collected from, and provided to it by, the Entity (including personal information and sensitive personal information) for the purposes of administering the Pacific Labour Scheme (the Scheme), including (but not limited to) assessing the Entity's suitability to participate in the Scheme, as well as promoting the Scheme. Please note this information may be collected through DFAT's associated managing contractors for the Scheme.

DFAT (and its Managing Contractor(s) e.g. – Palladium International Pty Ltd) may collect this information from and disclose it to:

- Australian Government departments and agencies, including (but not limited to) the Department of Home Affairs, the Fair Work Ombudsman, the Department of Jobs and Small Business, the Australian Taxation Office, the Australian National Audit Office, and the Department of Health;
- Australian State and Territory government departments and agencies;
- law enforcement agencies, including (but not limited to) the Australian Federal Police and State and Territory law enforcement agencies;
- Ministers and their offices, members of Australian parliaments, and parliamentary committees;
- diplomatic missions and consulates within Australia;
- universities, colleges, schools and other educational or training institutions;
- workplace health and safety and workers compensation agencies (including their respective contracted providers);
- your referees; and
- any other person, agency or organisation which may be able to contribute information relevant to the Entity's suitability to participate in the Scheme.

If this information is not collected, DFAT's ability to assess your suitability to participate in the Scheme will be limited and your participation may therefore be jeopardised.

This information may be disclosed to third parties operating outside Australia, including Australian external territories, foreign governments, non-government agencies and/or individuals who are able to contribute information relevant to the Entity's suitability to participate in the Scheme, for the purposes outlined above.

By submitting this form, you understand that DFAT will not be required to take reasonable steps to ensure that the relevant overseas third party recipients do not breach the Australian Privacy Principles. This means that if the overseas third party recipient handles this information in a way that breaches the Australian Privacy Principles, DFAT will not be accountable under the Privacy Act and the Entity will not be able to seek redress under the Privacy Act. Overseas recipients may not be subject to laws which protect the Entity's information in a similar way to the Privacy Act, which means the Entity may not be able to seek redress in a foreign jurisdiction. Overseas recipients may also be subject to a law which compels them to disclose this information to a third party.

DFAT's Privacy Policy contains further information about how you can access your personal information, seek correction of that information, and complain about a breach of the Australian Privacy Principles or the *Australian Government Agencies Privacy Code*. The Privacy Policy is available at: <http://dfat.gov.au/about-us/about-this-website/pages/privacy.aspx>.

By submitting this form, you confirm that you have read, understood and agree to the collection, use and disclosure of the Entity's information (including personal information) in accordance with this Privacy Notice.



DISCLAIMER:

Submission of this application form is not to be taken to be or relied upon as an offer capable of acceptance by any person or as creating any form of contractual, quasi contractual, restitutionary or promissory estoppel rights, or rights based on similar legal or equitable grounds, whether implied or otherwise.

Neither the Department of Foreign Affairs and Trade, nor its officers, employees, agents or advisers will be liable to any applicant or any other person on the basis of any contract or other understanding whatsoever, or in negligence, as a consequence of any matter relating or incidental to this application or an applicant's participation in this application process, including instances where:

- a) an applicant is not invited to participate in the Pacific Labour Scheme following submission of this application form;
- b) the department varies the application process;
- c) the department decides to terminate the application process, not proceed to any subsequent process, or not to contract for all or any of the requirements; or
- d) the department exercises or fails to exercise any of its other rights in relation to this application process.

Participation in any stage of this application process or in relation to any matter concerning this application process will be at each applicant's sole risk, cost and expense. The department will not be responsible in any circumstance for any costs or expenses incurred by any applicant in preparing or lodging an application or in taking part in this application process or taking any action related to this application process.

By completing and submitting this form, you and the Entity confirm that:

1. You have completed all the questions on this form.
2. The contents of this application and the Implementation Arrangements of the Pacific Labour Scheme have been read and understood and the Entity agrees to observe the conditions noted in this form.
3. You will advise the Department of Foreign Affairs and Trade if any of the information in this form changes between the time of submitting this form and executing the Deed of Agreement.
4. All information submitted is complete and accurate.
5. All communication with the Department of Foreign Affairs and Trade is confidential and contents will not be disclosed without the Department's written consent.

6. The Department of Foreign Affairs and Trade will be advised in writing immediately upon becoming aware of any actual or potential conflicts of interest in respect to the application.
7. The application has been compiled without improper assistance of any Commonwealth employee and without the use of information obtained unlawfully or in breach of an obligation to the Department of Foreign Affairs and Trade.
8. Where personal information is being provided by the Entity, (including sensitive information on pages 5 and 6 of this form), you confirm that the individuals to whom the personal and sensitive information relate to, are aware and have consented to the Department of Foreign Affairs and Trade collecting their personal and sensitive information. You also confirm that these individuals are aware of the Privacy Notice and the Department's Privacy Policy.

Note: there are penalties under the Commonwealth Criminal Code for providing false or misleading information to the Commonwealth.

Details of the person making this declaration (this person must be a person authorised to make this application on behalf of the Entity such as a director or partner or trustee Entity authorised):

Full Name

Position

On behalf of **[insert name of Entity]**

Address

Contact number

Email

