



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: HRC/RIC:BMsb260624

26 July 2024

Dr James Popple
Chief Executive Officer
Law Council of Australia
PO Box 5350
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By email: Adam.Fletcher@lawcouncil.au

Dear Dr Popple,

Supporting strong and sustainable regions – Review of Regional Migration Settings

The Law Society appreciates the opportunity to contribute to the Law Council's submission to the Department of Home Affairs, in respect of its Discussion Paper, *Supporting strong and sustainable regions - Review of Regional Migration Settings*. The Law Society's Human Rights and Rural Issues Committees contributed to this submission.

We make the following comments in respect of some of the themes addressed in the Discussion Paper.

Opportunities to reform employer sponsored visas

We are aware that small to medium sized businesses often perceive regional employer sponsorship as too complex and expensive, particularly as regional sponsored visas require the fulfilment of criteria beyond that of standard employer sponsorship. In our view, it would be preferable to streamline regional employer sponsorship by aligning the criteria as closely as possible with the criteria for the Employer Nomination Scheme visa (subclass 186) and temporary Skill Shortage visa (subclass 482). Furthermore, consideration might be given to expanding the number of Designated Area Migration Agreements from the 13 that currently exist, so that other regions can take advantage of their benefits, including the focus on the specific economic and labour market conditions of certain areas.

In our view, it may also be worthwhile considering the English language requirements which attach to employer sponsored visas, including regional sponsored visas. A more targeted approach would align English language requirements with the level of English necessary for particular occupations or trades in the regions, rather than a blanket approach which may prevent the entry of qualified professionals to identified priority areas.

In addition, we support further communications and outreach to regional employers to guide them through the process of sponsoring a skilled worker. This would be particularly useful for those employers who have not considered the migration program as a valid option for addressing skill shortages in their business.

Regional Occupation Lists

The Law Society supports the need for regional occupation lists, which account for occupations that may be ineligible to qualify for the Core Skills Occupation List, but are in shortage in regional areas. While we support separate regional occupation lists, particularly for high-needs occupations in the regions, we also note the general issues raised about skills lists in the Migration Review, including the need to ensure that these are responsive to emerging skills shortages in particular regions, based on evidence of genuine labour market needs.¹

Working Holiday Maker Program

As set out in the Discussion Paper on page 11, there are a variety of factors which make Working Holiday Makers vulnerable to exploitation. The Law Society considers that one of the most effective ways to limit exploitation is through providing information to prospective participants under this scheme about their work rights and obligations. In this respect, we support the funding of information and education activities, as provided in the 2024-25 Budget, designed to communicate appropriate information around workplace safeguards, protections and compliance measures related to migration laws.²

In addition to the provision of information to prospective migrants by the Commonwealth Government, we would also encourage the introduction of requirements on employers to be transparent with potential workers about working conditions, for example, the availability of accommodation and medical facilities in regional areas, including during peak seasons. In the experience of our members, workers in the Working Holiday Maker Program are sometimes misled, for example, as to the availability of single as opposed to dormitory accommodation. This can be of particular distress for women workers, including those from culturally and linguistically diverse backgrounds. Setting clear expectations for prospective workers under the scheme may not only assist in addressing welfare concerns regarding this cohort, but also incentivise participation in regional initiatives of this kind. The introduction of a system of accreditation or endorsement of verified labour hire/recruitment companies, which help place Working Holiday Makers in farm work, could be of assistance, so that Working Holiday Makers can better avoid disingenuous providers.

To be eligible for a second Working Holiday Maker visa, the applicant must have carried out at least 88 days of specified work, which is usually restricted to farm work. Feedback received by our members is that it may be beneficial to allow Working Holiday Makers to extend their visas in Category 3 Regional Areas to other forms of non-specified work, for example in the hospitality industry, or as au-pair workers. In the experience of our members, many family owned farming businesses may benefit from having Working Holiday Makers assist with childcare, enabling the parent with primary responsibility for raising the children to either perform more highly skilled farm work, or undertake off-farm work. This could be addressed by changing the definition of 'specified work' in Category 3 Regional Areas.

While the Law Society notes that this Discussion Paper focuses on participants in the Working Holiday Maker Program, we note ongoing concerns around exploitation for workers in the Pacific Australia Labour Mobility scheme and consider that these should appropriately be the subject of separate discussion and review.

Factors to encourage more migrants to settle in the regions and improve retention

We note the findings of the Migration Review that it is unrealistic to expect that migration by itself will be a panacea for the issues affecting regional communities, including population

¹ Australian Government, Department of Home Affairs, [A Review of the Migration System \(Migration Review\)](#), Final Report, 21 March 2023, 75.

² Australian Government, Department of Home Affairs, [Supporting strong and sustainable regions - Review of Regional Migration Settings](#), Discussion Paper, June 2024, 16.

declines, lower workplace participation rates, skills shortages, and environmental challenges.³ We support the recommendation in the Migration Review which suggests linking migration targets to regional economic and community development plans, including in relation to infrastructure, housing and services. Investment of this kind may help to stem the tide of migrants choosing to move away from regional locations in search of improved opportunities in urban areas.⁴

As set out in the Discussion Paper on page 15, in addition to job opportunities, lifestyle factors and community safety are important factors, which may assist in improving retention. We also suggest that the Government invest in communicating to prospective migrants the cultural make-up of different areas (e.g., areas with a high number of migrants from a certain background, the location of places of worship etc.) in order to emphasise cultural factors, particularly the availability of a pre-existing community, which may act as additional encouragement. Targeted government assistance to local community groups, councils and schools to enable them to assist migrant groups would also be beneficial.

Lifting the age restriction cap from 45 to 55 for regional employer sponsorship could encourage more migrants to come and stay in the regions, given this is an age group where employees often have families with older children. This, in turn, may lead to the entirety of that family group staying and working regionally.

Collaboration with states and territories

The Law Society is supportive of a tailored approach to collaboration with state and territory governments to ensure migration responds to regional development plans. However, it is important, particularly if the states and territories are given greater flexibility to allocate permanent visas in accordance with needs in their jurisdiction, that this does not lead to confusion and/or a lack of clarity for applicants. For example, we refer to the way in which specific incentives are sometimes introduced by states and territories to make the pathway to nomination more accessible, but it is unclear to applicants for how long these incentives will be available. While we appreciate that it may not always be possible to detail specific changes, it would be useful, in the interests of transparency, for applicants to know when certain pathways are set to be reviewed.

Thank you for the opportunity to contribute. Questions at first instance may be directed to Sophie Bathurst, Policy Lawyer, at (02) 9926 0285 or sophie.bathurst@lawsociety.com.au.

Yours sincerely,



Brett McGrath
President

³ Migration Review (above n 1) 123.

⁴ Ibid.