

ASEAN ag visa makes no sense

by Stephen Howes and Richard Curtain

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The Federal Agriculture Minister, David Littleproud, **announced** yesterday morning on the ABC that the National Party had demanded and gained acceptance of a proposed “seasonal agricultural workforce visa” for citizens of Southeast Asian (ASEAN) countries to come to Australia for up to nine months in a year – returning home each year for at least three months – for up to three years.

The Minister announced this as a concession that the Nationals had won from the Prime Minister to get their support for the UK free trade deal, announced on 15 June in the UK.

One of the provisions of the new trade agreement will remove the requirement for British backpackers to work for 88 days in a regional area to obtain a visa extension for a further 12 months. The Minister argued that the UK deal will lead to a loss of 10,000 seasonal farm workers each year, but this is a gross exaggeration since many only work for the minimum three months to get the second-year visa.

There are four problems with the Minister’s announcement.

The first is a high risk of worker exploitation. Although, **in his media release**, the Minister emphasised that the ASEAN workers would (of course) get the same pay as other workers, in this **Radio National interview** he said that the scheme would work like the backpacker scheme. To quote, “this is simply really an extension of the working holiday maker, the new visa”. Unlike the Seasonal Worker Programme (SWP), the working holiday maker (backpacker) visa has no requirement for employer sponsorship. Prospective farm workers simply get on a plane to Australia, find their own work and arrange their own accommodation. Of course employers prefer it. But the backpacker visa is infamous for its **high level of exploitation**.

Second, it would make no sense to have two seasonal labour programs – the tightly regulated SWP and a more lightly regulated ASEAN ag visa – applying different rules to the same workers just because they are from different countries.

Third, the new scheme would undermine the SWP, which, in the government's own words, is the **centrepiece** of its flagship Pacific Step-up. If farmers have a choice of recruiting from Vietnam and Vanuatu, they will choose Vietnam, especially if the regulatory burden is lower. Antagonising and marginalising the Pacific (and Timor-Leste) in this way would be a strategic goal for the government. The only way the SWP would survive is if the ASEAN visa was capped. But even if it was, there would be pressure from farmers to increase the cap over time.

Fourth and finally, there is no need for a new scheme. As the Minister himself said, there are 25,000 Pacific workers ready to come to Australia under the SWP (in addition to the 12,000 already here). They can more than fill any gap left by British backpackers moving from agriculture to urban work.

If we don't need it, why the announcement? The Nationals have been pushing for an agricultural visa for years. Although the SWP was growing in leaps and bounds before COVID-19, many farmers regard the scheme as being over-regulated, and don't want to work through labour hire companies (the main hirers of SWP workers). The Minister gave the game away by saying, **in that same Radio National interview**, that the SWP, because it employed Pacific workers, had to have "extra conditions and protections". Apart from being incredibly condescending to the Pacific, the message here is the Nationals want to help farmers access less regulated migrant-labour options.

The Minister's announcement was very much a solo effort. By contrast, just last week, Littleproud put out a joint **press release** along with his fellow ministers for employment, foreign affairs, immigration and the Pacific to announce a review of the SWP, to make it more responsive to employers. This is a good initiative. The regulatory burden of the SWP *is* too high. We have **long argued** that the SWP must be shaped more by farmers, and preferably run out of the Agriculture Department. But the way forward is precisely to reform the SWP, not to start another agricultural visa, for another group of countries, with its own, different set of rules.

If Littleproud is flying solo on the new ag visa, it might seem unlikely that his proposal will get up. And yet, go back to his radio remark that what he is proposing is just "an extension of the working holiday maker, the new visa". This is a reference to the three-year backpacker visa that was introduced in 2018. At the time, **we remarked** that this was itself an agricultural visa, since it allows backpackers to work in Australia for three years if they undertake a minimum amount of regional work in the first two.

Five ASEAN countries already have capped access to the backpacker (462) visa, including the giants of Vietnam and Indonesia – **70% or more** of backpackers from

these two countries already work on farms to qualify for a second-year visa. It is quite plausible that those caps (currently 4,100 for Indonesia and 1,500 for Vietnam) would be increased to compensate farmers for the UK deal. It is also possible that the new, higher caps would come with two new conditions: (i) that not just some but all work must be regional; and (ii) that recipients must depart every year for three months.

These tweaks are all that would be required to put Littleproud's proposed ASEAN agricultural visa in place. Even though such a visa is not needed. Even though it cannot make sense to have two seasonal labour schemes with two different sets of source countries and vastly different sets of rules. Even though it would undermine the SWP and the Pacific Step-up. And even though it would lead to greater worker exploitation.

In other words, on the one hand, Littleproud's ASEAN agricultural visa is such bad policy that it is hard to imagine it proceeding to implementation; on the other, it would be so easy to introduce that it just might.

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