

# Australia at risk of introducing a racist regional visa policy

by Stephen Howes

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*Photo Credit: Anne Moorhead*

Arguments against the new [Australian Agricultural visa](#) have so far focused on its [rushed introduction](#), its [lack of justification](#), the [confusion that still surrounds it](#), and that it will [undermine Australia's strategic goals in the Pacific](#) and increase the risks of [worker exploitation](#). In this article, I pursue a quite different line of argument.

On 23 August, the Australian government [announced](#) that it would be creating a new “Australian Agricultural visa” (AA visa) for work in agriculture, meat processing, fisheries and forestry.

As that announcement acknowledged, there are already two visas exclusively for regional work – the Pacific Labour Scheme (PLS), which allows for work for up to three years in all of the above industries, and the Seasonal Worker Programme (SWP), for work up to nine months, mainly in agriculture.

The PLS and SWP have very similar terms and conditions, and the government has already brought them under a common brand – the [Pacific Australia Labour Mobility \(PALM\) scheme](#).

Both the (existing) PALM and the (planned) AA provide visas for temporary regional work: they allow, or will allow, work not only in agriculture but also other regional occupations. The government has hinted that the AA visa will also admit skilled workers. But in fact, the AA visa seems mainly to be targeting unskilled workers (for fruit picking or meat processing), and more skilled workers can already be brought in under the PLS (or other schemes). As far as we can tell, the two schemes cover broadly the same jobs.

There are, however, two important differences between the two schemes. One, PALM is for Pacific islanders and East Timorese, and the AA is for citizens of ASEAN nations. Two, the two schemes may have different terms and conditions.

In an earlier [press release](#), Agriculture Minister David Littleproud, who is driving the AA push, said that “The new seasonal agricultural worker visa would mirror the

existing Seasonal Worker Programme”. However, the August announcement said that the new visa was still to be designed, “to ensure a high degree of integrity and safeguards for workers”. If the two visas have identical terms and conditions, there would be no need for a design process for the new visa.

In fact, disparities in terms and conditions have already started to appear. In its August [announcement](#), the government has said it is going to consider introducing “permanent residency pathways” for the AA visa. These do not exist for the SWP/PLS visas.

We know that there is pressure from farmers’ groups for the AA to be different. National Farmers’ Federation president Fiona Simson recently [said](#) that “the costs and regulatory requirements in the Pacific Labour Scheme and Seasonal Workers Programme meant they did not suit many farms.” Migration expert Abul Rizvi has [written](#) that “Government officials are aware that the farm lobby expects a visa design that is substantially more streamlined than the existing [seasonal worker visa](#) for low-skilled workers from the Pacific Islands and East Timor.” My colleague Richard Curtain has [concluded](#) that the AA will be “less regulated than the SWP.” Minister Littleproud himself has [said](#) that the new visa would be like the backpacker program, that is, unregulated.

So, while we don’t know the details, it is reasonable to conclude that the AA and PALM visas may have different terms and conditions, and that the latter may be more regulated (or more restrictive) and the former less regulated (less restrictive).

To sum up then, two schemes for two different groups of nationals to do the same work in Australia, perhaps under different terms and conditions.

Is there a risk of racism here?

It is important to recognise at the outset that migration policy is discriminatory between nations. If you are a New Zealand citizen, you can move to Australia and live here for as long as you want. If you are a young person from one of the 20 countries (mainly European and North American) which has an uncapped backpacker agreement with Australia, you are able to come here for at least a year (longer if you work on a farm). If you are from the Pacific or Timor-Leste, and are selected by an employer, you can work in Australia under the PALM.

All these arrangements advantage certain nationalities over others, and should not be accepted without questioning, but it would be a mistake to call them racist. Countries have all sorts of special relationships which give the citizens and companies of their partner countries special treatment, not only in relation to migration. Think about free-trade agreements, and aid programs.

On reflection, the key seems to be whether there is some sensible justification for the different treatment. Australia has a special relationship with New Zealand; other countries provide reciprocal rights for Australian backpackers; Australia wants to support Pacific development. We can debate these justifications, but we can't deny their existence.

In other words, discrimination by governments between foreign nationalities can be racist – the scope of racism certainly **includes** discrimination based on national origin – but, in a world of nation-states, is racist *only* if it is discriminatory without justification. Of course, people will debate what constitutes sufficient justification, but in this PALM vs AA case, the matter is simple: there actually is no non-racist justification for the two schemes being regulated differently.

It is accepted that skilled workers have more bargaining power and need less protection, but recall here that both schemes are targeting the same group of low-skilled workers.

If we end up with a more regulated scheme for Pacific islanders and a less regulated scheme for Asians, we will be implying that the former need more protection than the latter. This is either paternalistic to the citizens of the Pacific, or negligent to Asians, or both. That would be racist policy.

So too would be giving Asian farm workers a path to permanency, but not Pacific islander farm workers.

No bureaucrat would want to work on implementing a racist migration policy. There would also, I hope, be a public outcry.

Fortunately, there are several ways to avoid such an appalling outcome (an outcome that I had earlier ruled out as **preposterous**, but which now seems at least possible, if not likely).

While I would argue that temporary regional visas should be reserved for the Pacific and Timor-Leste on developmental and strategic grounds, they could be opened to Southeast Asians in a non-racist way. This could be done simply by adding Asian countries to the list of PALM countries. Or a new scheme could be introduced just for Asian countries, if that is the political imperative, but with exactly the same terms and conditions as the PALM.

Reforming our short-term regional visa regime in this way would still disadvantage the Pacific. The disadvantage could be limited by the use of caps, or a Pacific **labour-market testing condition**. Whether the disadvantage is warranted, and indeed whether or not it is limited, these approaches would avoid a racist policy outcome

from the introduction of the new AA visa.

There will be a huge amount of interest when the terms and conditions of the new visa are released, supposedly at the end of this month. Any difference between those terms and the terms of the existing PALM visas will raise the question of why we are treating Asians differently to Pacific workers. It will be next to impossible to give a satisfactory answer to this question. Any deregulation and paths to permanency embedded into the AA visa can, and should, be immediately applied to the PALM visas.

As the government deliberates over the next few weeks, it is vital that it avoids an outcome it is surely stumbling into rather than deliberately seeking: a racist regional visa policy.

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