

# Requirement for employers to demonstrate 12 months of eligible industry experience

This factsheet provides information for Pacific Australia Labour Mobility (PALM) scheme employers intending to recruit PALM scheme workers in an eligible industry that they have not previously recruited workers in.

The wellbeing of workers is of central importance to the success of the PALM scheme. One measure to support worker wellbeing and reduce risks of harm is for employers to demonstrate experience in the eligible industry in which they recruit workers. This measure works alongside other employer obligations, including those related to work health and safety, which aim to support successful employer and worker engagement in the PALM scheme.

Section 2.1.5. of the PALM scheme Approved Employer Guidelines requires employers to demonstrate 12 months of experience successfully operating as an employer (direct employer) or recruiting (labour hire) in an eligible industry before recruiting workers to that industry.

The Department of Employment and Workplace Relations (DEWR) assesses all recruitment applications for compliance with the requirements of the PALM scheme Approved Employer Deed and the guidelines, including industry experience where relevant.

The assessment process supports DEWR to consider and manage any risks employers may face recruiting workers in an eligible industry where they have limited experience. This ensures that the PALM scheme continues to be beneficial to Australian businesses, upholds PALM scheme worker welfare and wellbeing, and supports the integrity of the PALM scheme.

DEWR will consider employers' recruitment applications in accordance with the criteria outlined in the deed, guidelines and this factsheet. Applications will be processed as soon as possible if all the necessary information has been provided.

## Who does this requirement affect?

The 12-month industry experience requirement affects existing employers seeking to recruit workers in eligible industries they have not previously operated or recruited in. For example, if a PALM scheme employer currently recruits workers in fruit picking, and it is looking to expand and recruit workers in meat processing, it must demonstrate 12 months of successful operation in the meat processing sector before recruiting workers in meat processing.

This requirement does not:

- extend to non-PALM scheme employers, or
- allow for operation outside of PALM scheme eligible industries.

## Which industries are eligible?

Information on eligible industries can be found on the [PALM scheme website](#).

## What are the eligibility requirements?

There are certain eligibility requirements that must be met prior to DEWR's assessment for PALM scheme employers to recruit into an additional eligible industry.

1. The employer has an executed PALM scheme deed.
2. The employer can demonstrate at least 12 months of experience operating or recruiting domestically in Australia in the additional eligible industry they are applying for. The experience must be recent, ongoing and directly related to the employer's organisation.
3. The employer can demonstrate the ability to manage the welfare and wellbeing of workers.
4. The employer can demonstrate the absence of assurance issues or concerns and other risk factors in relation to the employer's organisation's participation in the PALM scheme.

## Discretionary additional industry cap

Where an existing PALM scheme employer meets the eligibility requirements, DEWR may determine that an additional industry cap is required. This cap limits the number of workers an employer can recruit in an eligible industry they have not previously recruited workers in under the PALM scheme. The decision to implement an additional industry cap is based on a risk management assessment. The cap may be applied at the discretion of DEWR, and will not increase an employer's existing recruitment cap.

If an additional industry cap is applied, it will be in place for the first 9 months following the mobilisation of PALM scheme workers in that eligible industry. DEWR considers several factors prior to applying an additional industry cap, including an employer's compliance history, the risk profile of the eligible industry, and other relevant criteria.

## How are applications to recruit workers in additional eligible industries assessed?

DEWR will consider several factors prior to approving an employer to recruit workers in an additional eligible industry they have not previously recruited workers in along with considering whether to apply an additional industry cap. Considerations may include, but are not limited to:

- the industry is considered an [eligible PALM scheme industry](#)
- the employer's demonstrated understanding or experience in the eligible industry
- the risk profile of the operating industry, location, and/or type of work performed
- industry trends and environmental influences
- if the eligible industry has the potential to negatively influence the PALM scheme's reputation
- a financial viability assessment of the employer's organisation
- the employer's previous compliance history
- the employer's demonstrated capacity to manage their deed and guidelines obligations.

## How to apply to recruit PALM scheme workers in new industries

1. The employer emails DEWR at ([PALMapplications@dewr.gov.au](mailto:PALMapplications@dewr.gov.au)) and includes:
  - a. the eligible industry they currently operate (direct employer) or recruit (labour hire) in and the additional eligible industry they are proposing to operate or recruit in, and
  - b. a completed version of the request form available on the [PALM scheme website](#).
2. DEWR will assess the employer's application to determine their eligibility to recruit workers in an eligible industry where they have not previously recruited in under the PALM scheme.
  - a. The employer may be requested by DEWR to provide additional information.
3. If the employer's evidence meets eligibility and assessment criteria, then they will be approved to recruit workers in an eligible industry they have not previously recruited workers in under the PALM scheme. A [discretionary additional industry cap](#) may be applied. If the employer's evidence does not meet eligibility and assessment criteria, they will not be approved and reasons for the decision will be

provided in writing. Where an employer's application is not approved, it will be put on hold until further evidence is provided by the employer to support their application. The employer will not need to submit another application.

4. Once approved, the employer may need to update their welfare and wellbeing plan to ensure processes and policies are in place to support workers in the approved eligible industry.

#### Tip for employers

PALM scheme employers must provide information to demonstrate they have at least 12 months of experience successfully operating or recruiting in the additional eligible industry they are proposing to operate or recruit in. This may include financial documents, audit reports, testimonials and/or a tax return. DEWR encourages employers to provide as much supporting information as possible to demonstrate they have successfully operated or recruited in the eligible industry for at least 12 months, along with meeting the other [eligibility requirements](#). A good rule of thumb is that it is better to provide too much information than not enough.