

Horticulture Industry Labour Agreement (HILA)

Grower information – 23 December 2019

Horticulture Industry bodies have advocated to Federal Government to look for solutions to its complex labour challenges.

One of those challenges has been industry's ability to access a semi-skilled and skilled workforce, particularly in areas which require management responsibilities or technical expertise.

Up until this point there was little or no recognition of semi-skilled and skilled occupations in Horticulture such as irrigationist, cold storage manager or quality assurance manager.

Pork, Dairy and Meat industries also have industry labour agreements.

The HILA now provides recognition of 31 occupations for horticulture (full list below) which can be accessed.

The HILA will be open for applications on January 1, 2020.

The HILA is seen as an important piece of the horticulture labour puzzle but will not be available for picker and packing roles.

What is a Horticulture Industry labour Agreement?

Industry-specific Labour agreements enable approved businesses to sponsor skilled overseas workers when there is a demonstrated need that cannot be met in the Australian labour market and standard temporary or permanent visa programs are not available.

Industry-specific Labour agreements are developed between the Australian Government (represented by the Department of Home Affairs) and industry. These are agreements for a specific industry with fixed terms and conditions. Businesses within the industry can individually apply for a labour agreement and access these pre-set terms and concessions.

There are a number of visas out there, which one works for me?

A simple table below outlines the 4 main visa categories currently available and commonly used by Horticulture growers.

Harvest period	Labour Gap	Suitable visa program
Less than 3 months	Lower-skilled	Working Holiday Maker
3-9 months	Lower-skilled	Seasonal Worker Program
9+ months	Lower-skilled	Pacific Labour Scheme
12+ months	Semi-skilled & skilled	<i>Horticulture Industry Labour Agreement (available January 1, 2020)</i>

Occupations listed in the Horticulture Industry Labour Agreement –

Irrigation Designer/ Manager

Agronomist

Entomologist

Horticulture Grower

Protected Cropping Grower

Horticulture Research & Development Officer

Mechanical Engineer

Horticulture Farm Manager

Quality Assurance Manager

Biosecurity Officer

Facility Plant Manager

Facility Supervisor

Maintenance Electrician

Fitter and Welder
Agriculture Technician
Mechanic
Senior Nurseryperson
Nurseryperson
Nursery Supervisor
Truck Driver
Mobile Plant Operator
Fork Lift Driver
Irrigationist
Irrigationist Assistant
Horticulture Section Manager
Section Supervisor
Production Horticulture Supervisor
Production Horticulturist
Machinery Manager
Machinery Supervisor
Cold Storage Manager

Key aspects of the HILA –

The HILA will provide employers within the industry access to three visas:

- Temporary Skill Shortage (TSS) (subclass 482) visa – this is a temporary skilled visa that permits a stay of up to 4 years.
- Skilled Employer Sponsored Regional (SESR) (subclass 494) visa – this is a provisional visa that permits a stay of 5 years, with a permanent residency pathway available after 3 years.
- Employer Nomination Scheme (ENS) (subclass 186) visa – this is a permanent skilled visa.

Temporary Skilled Migration Income Threshold (TSMIT) –

- Discount of up to 10% on the Temporary Skill Migration Income Threshold (TSMIT) where it is demonstrated that equivalent Australian workers do not receive annual earnings of \$53,900.
- A broader range of monetary payments (e.g. regularised overtime) and non-monetary benefits (e.g. accommodation) can be counted as guaranteed earnings.
- This broadly brings it in line with the Horticulture Award.

List of Occupations –

- 31 occupations were accepted by the Federal Government under the HILA. The largest amount of occupations under any industry labour agreement.

Permanent Residency Pathways –

- This was a significant win. Permanent Residency will be available for the:
 - o SESR visa with a permanent pathway to a Permanent Residence (Skilled Regional) visa (subclass 191) available after three years; or
 - o the ENS visa, with overseas workers in skill level 1-3 occupations eligible after three years on a TSS visa, while skill level 4-5 occupations will be available after 4 years on a TSS visa.

Labour Market Testing –

- Labour market testing is legislated in government. Growers will need to do a level of labour market testing in order to access workers via the HILA.

Skill Assessments and work experience –

- As this is for semi-skilled and skilled workers, applicants must go through a skill assessment and be able to demonstrate relevant work experience depending on occupation they are applying for.

Age concessions –

- The HILA has been given an age concession of 50 years for the SESR and ENS visas. This means applicants can be 50 years of age or under to be eligible under the visa. This is higher than age restrictions under other labour agreements.
- The TSS visa has no age requirement.

Visa Cap –

- The HILA is uncapped occupations that are Skill Level 1-4. Meaning this is demand driven, so growers are encouraged to look at how it could work for their business.
- An annual cap of 200 has been placed on the three approved Skill Level 5 occupations (Irrigationist, Irrigationist Assistant, Horticulture Section Manager).

English concessions –

- For the TSS visa—overseas workers must score at least IELTS 5.0 overall, and at least IELTS 4.0 in each individual component score. For the ENS and SESR visas—overseas workers must score at least IELTS 5.0 overall, and at least IELTS 4.5 in each individual component score.

Regional Postcodes –

- It is a national industry labour agreement, and any horticulture business will be able to access the HILA.
- The HILA is not limited by regional postcodes for the TSS and ENS visa.
- The SESR visa is a regional visas and is limited to employers operating in regional Australia.

Pickers and Packers –

- The HILA is for semi-skilled and skilled positions and has not included lower-skilled positions such as pickers and packers. Growers are encouraged to look at the Working Holiday Maker program, Seasonal Worker Program and the Pacific Labour Scheme.

HILA Review –

- The occupations and various aspects of the HILA will be reviewed each year. Growers are urged to contact their relevant peak industry body with feedback on the HILA which can then be fed back to government to improve the program in the future.

Applications fees –

- There is no fee to apply for a HILA. There will, however, be nomination and visa application fees and charges, including the Skilling Australians Fund (SAF) levy, in line with the TSS, ENS and SESR visa programs.

Start date –

- Applications will be open on January 1, 2020.

How do I apply –

- Horticultural industry employers will be able to submit an application to the Department of Home Affairs. On-line labour agreement request forms are available in ImmiAccount.

Where can I get further information –

- **See the Department's website:** <https://immi.homeaffairs.gov.au/what-we-do/skilled-migration-program/recent-changes/new-horticulture-industry-labour-agreement>
- **Other pages where HILA is now referenced**
- <https://immi.homeaffairs.gov.au/what-we-do/skilled-migration-program/recent-changes>
- <https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/sponsoring-workers/nominating-a-position/labour-agreements/industry-labour-agreements>
- <https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/sponsoring-workers/nominating-a-position/labour-agreements>
- **Email:** labour.agreement.section@homeaffairs.gov.au