



Australian Government



Seasonal
Worker
Programme
Regional Pilot

Seasonal Worker Programme Regional Pilot Guidance

For:

[Pilot Approved Employers](#)

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1. General

This guidance is for Approved Employers participating in the Seasonal Worker Programme (SWP) Regional Pilot (Regional Pilot) and is referred to as “Pilot Guidance” in the Regional Pilot Deed of Agreement (Pilot Deed).

This Pilot Guidance will:

- help Pilot Approved Employers (You) to understand your obligations and responsibilities under the Pilot Deed;
- outline the steps You need to take before Pilot Seasonal Workers are recruited and arrive in Australia, and your ongoing responsibilities towards the workers; and
- outline the obligations and responsibilities of the Department of Employment, Skills, Small and Family Business (the department) in its role as the department responsible for managing the Regional Pilot.

This guidance will be updated as necessary and will be made available on the [Seasonal Worker Programme](#)¹ website and on SWP Online.

You must continue to check and apply general updates to the Seasonal Worker Programme as communicated to you through the Approved Employer Communicate and other modes of communication.

2. About the Regional Pilot

The Australian Government announced the 12-month Regional Pilot in the 2019-20 Budget. Under the Pilot, selected Approved Employers (Pilot Approved Employers) can move Pilot Seasonal Workers between farms within and across Pilot Regions.

On 19 November 2019, the Government announced an extension of the Pilot by a further two years to 30 June 2022. The Government also expanded the Pilot to the whole of the Wimmera Mallee region.

While the overarching principles of the Regional Pilot are identical to that of the Seasonal Worker Programme, there are some key differences:

- Prior to 1 May 2020 you do not need to undertake labour market testing for the duration of the Regional Pilot for the regions that you are eligible to operate under.
- Pilot Seasonal Workers can only be employed in the Pilot Regions applicable to the Pilot Approved Employer.
- Pilot Seasonal Workers can be moved by their Pilot Approved Employer within or across the relevant Pilot Regions without prior approval by the department.
- There are certain activities for which Pilot Approved Employers will continue to require prior departmental approval. These are listed in [Section 6](#).
- Regional Coordinators in the Pilot Regions will be your first local point of contact for matters in relation to the Regional Pilot. However, your SWP Contract Manager will continue to process

¹ www.employment.gov.au/seasonal-worker-programme

your Recruitment Applications under the Pilot and remain available to assist. You should contact the department's information line and/or the emergency phone number, where appropriate, if the Regional Coordinator is unavailable.

- The Regional Pilot Deed of Agreement has requirements such as:
 - as a Pilot Approved Employer, You must have a dedicated Welfare and Wellbeing Support Person in each Pilot Region applicable to them;
 - mandatory face-to-face meetings at a minimum held fortnightly between Pilot Seasonal Workers and a Welfare and Wellbeing Support Person;
 - You must provide monthly reports with details of placements and names of workers (for the department to keep track of which workers have moved); and
 - Unannounced monitoring visits (Access to Premises and Records) – the Regional Coordinator or a representative of the department may undertake a monitoring visit to meet with Pilot Seasonal Workers at their accommodation or place of work, or check on any aspect of the Regional Pilot with minimal or no notice to You. For example, the Regional Coordinator may call from the farm gate, by email or verbally to advise of their visit. The department will work with employers and use its best endeavours to minimise the impact on the workplace, the employer and the workers during the visit.
- Pilot plans and templates – except for the Offer of Employment letter template, the plans and templates for the Regional Pilot are the same as those for the SWP. These plans and templates are available on and must be submitted through SWP Online:
 - Pilot Recruitment Application (this is where you provide the recruitment details in SWP Online);
 - Pilot Offer of Employment (you will need to attach the Pilot Offer of Employment to your recruitment in SWP Online);
 - Seasonal Worker Programme Accommodation Plan (this is the Accommodation Plan in SWP Online that you currently use);
 - Pilot Accommodation Declaration (you will need to attach the Pilot Offer of Employment to your recruitment in SWP Online, where applicable);
 - Seasonal Worker Programme Welfare and Wellbeing Plan (this is the Welfare and Wellbeing plan in SWP Online that you currently use); and
 - From 1 May 2020 – labour market testing form (this is the form in SWP Online that you use for non-Pilot recruitments).

Reporting templates

- Monthly Report
- Return Report
- Exit Report (template being developed and will be provided in due course)

Other templates

- Email template to Regional Coordinators for subsequent placements.

3. Key Principles of the Regional Pilot

The key principles and the legal requirements (e.g. the Fair Work Act 2009) of the Seasonal Worker Programme continue to apply to the Regional Pilot. There are some additional obligations and requirements that You should note.

3.1 Net Financial Benefit

In each new Pilot Recruitment Application, You must outline the expected net financial benefit estimate for Pilot Seasonal Workers based on an average minimum of 30 hours of work per week and the permitted deductions from their salary for the first placement. This excludes items such as food or personal items purchased by a Pilot Seasonal Worker, as these are outside of your control.

You should carefully consider the timing and length of stay for Pilot Seasonal Workers, particularly towards the end of the Regional Pilot, in order to maintain Your obligation to provide a reasonable Net Financial Benefit to Pilot Seasonal Workers under the Regional Pilot.

3.2 Duration of Stay

As the Regional Pilot finishes on 30 June 2022, Pilot Seasonal Workers must leave Australia by 1 July 2022 or before their visa period expires, whichever is earlier. You will need to plan Pilot Seasonal Worker recruitments accordingly.

Should it be necessary to delay a Pilot Seasonal Worker's departure beyond 1 July 2022 due to exceptional circumstances beyond your control, please contact the department to discuss next steps.

3.3 Recouping of International Airfare and Domestic Transportation

You must pay upfront the full Return International Airfare and domestic transfer costs for all Pilot Seasonal Workers from their port of departure in the participating country through to the location of employment and accommodation in Australia.

You can then recoup from each Pilot Seasonal Worker the international and domestic transportation costs over \$300 via authorised deductions from Pilot Seasonal Workers' wages.

Any costs incurred as a result of transferring a Pilot Seasonal Worker between placements must be borne by the Pilot Approved Employer and cannot be recouped from the worker's salary.

3.4 Welfare and Wellbeing Costs

You must not pass on costs to, or charge, Pilot Seasonal Workers for arranging or providing welfare and wellbeing support. This includes a charge out rate for your or others' time for identifying health services, community activities, and/or for providing briefing sessions such as Arrival Briefing or community orientation sessions.

The department will accept the Welfare and Wellbeing plan that is currently approved under the Seasonal Worker Programme. You should review it to ensure it remains relevant and submit updates to the department, if required.

An additional requirement under the Regional Pilot is that there must be a dedicated Welfare and Wellbeing Support Person located in each Pilot Region that you operate in and the dedicated Welfare and Wellbeing Support Person must hold face-to-face meetings with Pilot Seasonal Workers at a minimum once a fortnight.

3.5 Health Insurance

It is your responsibility to ensure that all Pilot Seasonal Workers have and maintain adequate health insurance cover for the duration of their stay in Australia. In the event that a Pilot Seasonal Worker absconds, You must maintain and pay for their health insurance cover for a period of four weeks from the day you notify the Department of Home Affairs that they have absconded.

Note: The department considers that maintaining a Pilot Seasonal Worker's health insurance cover for a period of four weeks is a good faith gesture to protect the Pilot Seasonal Workers should they have a medical episode and is consistent with the spirit of the Seasonal Worker Programme.

3.6 Accommodation Requirements

Under the Pilot, it is the department's expectation that accommodation standards for Pilot Seasonal Workers is the same as those for Seasonal Workers under the SWP. Please refer to the SWP Guidelines for the Principles and More detailed advice for Accommodation.

We strongly recommend that, where possible, you seek conditional approval of accommodation not yet approved by us, to avoid a situation where we do not consider a subsequent accommodation suitable and you have to find alternative suitable accommodation in a short timeframe.

3.7 Briefing Requirements

Briefing requirements for the Regional Pilot are the same as the briefing requirements under the Seasonal Worker Programme Implementation Arrangements.

3.7.1 Pre-departure Briefing Requirements

You should assist the country's Labour Sending Unit or the person providing the Pre-departure Briefing, to explain that Pilot Seasonal Workers may work on more than one farm and live in different accommodation, subject to the worker's Offer of Employment, during their employment with you. Please refer to [Section 6.2.2](#) about changes to an Offer of Employment.

3.7.2 Arrival Briefing Requirements

Arrival Briefing must be provided to each new group of Pilot Seasonal Workers when they arrive at their first placement.

Arrival briefings should cover the following:

- information on the Pilot Seasonal Workers' accommodation;
- employment arrangements (hours of work and pay);
- payments, deductions and understanding payslips (including tax and superannuation);
- transport arrangements;
- advise Pilot Seasonal Workers of the importance of keeping certain records of their employment including their Australian tax file number, and to keep these somewhere safe;
- how Pilot Seasonal Workers can remit home money they earn above what they need for living expenses, such as using Send Money Pacific to compare money transfer providers; and
- as part of Your responsibility to ensure the welfare and wellbeing of Pilot Seasonal Workers, information on:
 - shopping and the local area;
 - banking;
 - access to medical facilities;
 - health insurance;
 - communicating with home;
 - Australian wildlife and plants;
 - Australian law and cultural differences; and
 - essential contacts (emergency services - 000, FWO, SWP Information Line, 24/7 Approved Employer contact).

You must show the Pilot Seasonal Workers where they will be living and explain matters including how the kitchen and laundry appliances and equipment works, the fire evacuation procedure and any rules or processes, including any restrictions on smoking or drinking alcohol, or the day for linen change over.

You must explain to Pilot Seasonal Workers at the Arrival Briefing what their health insurance covers and what it does not cover.

- Information on accommodation
- Employment arrangements (hours of work, hourly rate vs piece rate arrangements, rate of pay) and thorough explanation of the Offer of Employment
- Information about subsequent placements (if known)
- Payments, deductions and understanding payslips
- Banking
- Health insurance
- Taxation / Superannuation
- Transport arrangements

- Shopping and local area induction
- Access to medical facilities
- Visa conditions and complying with visa
- On-Farm induction
- Role and correct use of Personal Protective Equipment
- Communicating with home
- Briefing by relevant union
- Briefing by the Fair Work Ombudsman or provision of information provided by the Fair Work Ombudsman
- Attendance by local community leaders in relation to pastoral care and your Welfare and Wellbeing Support Person
- Dispute resolution procedures
- Australian wildlife and plants (to draw attention to the possibility of any dangers)
- Australian law and possible cultural differences between their home country and Australia
- Essential contacts:
 - Police
 - Fire
 - Ambulance
 - Fair Work Ombudsman
 - Seasonal Worker Programme Infoline (M-F business hours)
 - Seasonal Worker Programme After Hours Emergency Line
 - 24/7 contact for Pilot Approved Employer
 - Welfare and Wellbeing Support Person

In addition to the topics covered above, You must:

- continue to invite the relevant union, Fair Work Ombudsman, the Welfare and Wellbeing support person, the Regional Coordinator and if possible, local community leaders to the On-Arrival Briefing,
- ensure that Pilot Seasonal Workers have signed the Pilot Privacy Notification and Consent Form before you provide us with their personal details for the purposes of ensuring compliance with the Pilot, and
- provide every new Pilot Seasonal Worker a copy of the Fair Work Information Statement before, or as soon as possible after, they start their first placement/job.

3.7.3 Subsequent Briefing Requirements

Every time Pilot Seasonal Workers are moved to a new placement or a new accommodation in a new location, You must brief the Pilot Seasonal Workers on the below as a minimum, after they have signed the new Offer of Employment letter:

- Information on accommodation
- New or different payments and deductions
- Transport arrangements
- Shopping and local area induction

- Access to medical facilities
- Employment arrangements (hours of work, hourly rate vs piece rate arrangements, rate of pay) and thorough explanation of the new or amended offer of employment
- On-Farm induction
- Role and correct use of Personal Protective Equipment
- Attendance by local community leaders in relation to welfare and wellbeing, if different to current arrangements; and
- Any new contact persons they should be aware of. For example the Welfare and Wellbeing support person if they have moved to a new Pilot region.

3.7.4 Return Briefing Requirements

Return Briefing should be provided before Pilot Seasonal Workers return to their home countries.

A Return Briefing helps Pilot Seasonal Workers understand their rights and obligations and provides them with helpful information. The key topics You should cover are:

- Record keeping
 - Remembering your tax file number
 - Remembering your superannuation details
 - Recording any other information that you might need later on.
- Banking
 - Keeping your bank account open if you wish, and the fees that would apply
 - How to close your bank account
- Redirecting mail
- Taxation/Superannuation
 - Claiming superannuation when you have left Australia
- Payments and deductions
 - Savings
- Health insurance
- Transport arrangements – arrangements for getting back home
- Resolving unpaid fines and consequence of not paying these
- Mobile phones
- Visa matters
- Arrangements for returning next season (if applicable)

4. New Regional Pilot Recruitment Application

From 1 January 2020, all new applications processes for the SWP will be managed through SWP Online. SWP Online is the web based IT system through which the department and Approved Employers will transact. It is a requirement that Approved Employers use SWP Online to submit required information to the department, unless there are exceptional circumstances and the department agrees (such as lack of internet connectivity or natural disaster). If SWP Online is unavailable, You may provide the required information by other means in writing to the department.

Step	Description
Step 1	<p>Complete the Recruitment Application for the Regional Pilot recruitment in SWP Online.</p> <p>Your current Welfare and Wellbeing Plan approved under the Seasonal Worker Programme will be accepted for the Regional Pilot. Please provide the details of the Welfare and Wellbeing Support Person in the Pilot recruitment details form.</p>
Step 2	<p>Accommodation (owned or leased/hired by You)</p> <p>For new accommodation (i.e. not approved under the Seasonal Worker Programme) Same approval process as under the Seasonal Worker Programme i.e. Submit an Accommodation Plan via SWP Online and seek approval as part of the recruitment approval process for each address you will use to accommodate your Pilot Seasonal Workers for at least the first placement.</p> <p>If accommodation was approved more than 12 months ago You sign a Pilot Accommodation Declaration Form confirming that the accommodation is in good condition. This will need to be attached to the recruitment plan</p> <p>If accommodation was approved less than 12 months ago Link the approved Accommodation Plan to your Recruitment Application in SWP Online.</p>
Step 3	<p>A Contract Manager in the National Office will review the documentation and advise you if any changes are required.</p> <p>Make any required changes to the forms and Offer of Employment letter as requested and submit as per the requirements of SWP Online.</p> <p>Before you recruit Pilot Seasonal Workers the department must approve each of the following, for the first placement (as a minimum):</p> <ul style="list-style-type: none"> • Accommodation Plan for new accommodation not already approved under the Seasonal Worker Programme; • Pilot recruitment details form; and • Pilot Offer of Employment letter. • From 1 May 2020 you must also submit a labour market testing form.
Step 4	<p>You will be notified via SWP Online when we have approved your recruitment. You can then proceed with worker selection, make offers of employment and submit visa applications.</p> <p>Note: In the 'Group ID' section of the visa application, please include the reference 'Regional Pilot'. If you use the Group ID field for your own tracking purposes, please use the pre-fix RP or Regional Pilot. This will allow the Department of Home Affairs to collect visa data for the Regional Pilot separately to the SWP.</p>

The department will process a Pilot Recruitment Application within the current processing timeframe of **up to two weeks** from the receipt of a completed Application. This does not include processing times for the Department of Home Affairs or the relevant Labour Sending Unit.

5. Subsequent placements under an approved Pilot Recruitment Application

Step	Description
Step 1	<p>Notify the department/Regional Coordinator of the details of the new placement (name and address of the host organisation) and accommodation details at least three calendar days before moving Pilot Seasonal Workers.</p> <p>The Regional Coordinator will visit the new placement and meet with the Pilot Seasonal Workers within seven calendar days.</p>
Step 2	<p>Provide a new or amended Offer of Employment to Pilot Seasonal Workers to consider and sign.</p>
Step 3	<p>If moving Pilot Seasonal Workers to a different accommodation:</p> <p>If currently not approved by the department under Seasonal Worker Programme</p> <ul style="list-style-type: none"> • Notify the Regional Coordinator and the department at least three calendar days before moving workers to the new accommodation. • A Regional Coordinator may take an additional two business days to inspect the accommodation, complete an Accommodation Report Checklist and take photos as part of the assessment. • If the accommodation is found suitable, no further action is required from you and the accommodation will be approved by the department in writing through SWP Online. <ul style="list-style-type: none"> ○ If found unsuitable, the Regional Coordinator will advise you by email and over the phone, where necessary and Pilot Seasonal Workers must be moved to suitable approved accommodation as soon as possible. <p>If approved more than 12 months ago Sign the Pilot Accommodation Declaration Form confirming that the accommodation is in good condition.</p> <p>If approved less than 12 months ago Provide details of the approved accommodation to the Regional Coordinator by email on RegionalPilot@employment.gov.au. No further action required.</p>
Step 4	<p>Organise a Subsequent Briefing, as per Section 3.7.3, when workers have moved to a different accommodation.</p>

6. Activities that require prior departmental approval

6.1 For a New Pilot Recruitment Application

You will need to seek the department's prior approval for the following:

- Pilot Recruitment Application, with details of (at least) the first placement.
- Please note that if you have Pilot Seasonal Workers arriving on multiple dates under the same Pilot Recruitment Application, then only include a maximum of two different arrival dates per Pilot Recruitment Application.
 - For example, if you are proposing to have four groups of Pilot Seasonal Workers arrive in different weeks, you will need to submit two separate Pilot Recruitment Application in SWP Online. This is to enable the department and the Regional Coordinators to track the placements effectively.
- Template Offer of Employment for Pilot Seasonal Worker candidates.
- Accommodation for the first placement (owned by you or leased/hired by you). Please refer to the details in [Section 4, Step 2](#).

We recommend that, where possible, you seek conditional approval for future accommodation from the department, to save time during subsequent placements.

The department, on a case-by-case basis, grants conditional approval. Conditional approval is a type of preliminary approval, a stage before approval. Conditional approval will be granted when accommodation has been assessed by the department and approved subject to items that **MUST** be completed prior to or shortly after the accommodation is occupied by Pilot Seasonal Workers.

The department will advise you in writing when conditional approval has been granted. You will be notified of the timeframe for completion of items and may be required to provide evidence (e.g. photos or receipts) to demonstrate items have been completed.

Items could include:

- Attending to any maintenance issues.
- Installing furniture required for Pilot Seasonal Workers (e.g. single beds).
- Installing locks to bathrooms or cupboards.
- Installing smoke detectors or fire alarms.
- Installing washing machines.
- Providing additional appliances or household items (e.g. rice cookers and blankets).
- Professional cleaning of accommodation.

6.2 For Subsequent Placements under an approved Pilot Recruitment

6.2.1 Change to Host Organisation Arrangements

- You do **not** need to seek prior approval from the department for the location and length of subsequent placements, type of work (must be seasonal agricultural work) and payment rates.
- However, you must notify your Regional Coordinator by email at RegionalPilot@employment.gov.au **at least three calendar days** before the Pilot Seasonal Workers are relocated to the new location with the following details:
 - Name, address and contact details of the new placement,
 - Type of work and approximate duration of the placement,
 - Number of Pilot Seasonal Workers who will be moving to this placement; and
 - Any other information requested by the Regional Coordinator.
- The Regional Coordinator will visit the host organisation within seven calendar days of the relocation to meet with the Pilot Seasonal Workers.

6.2.2 Change to Offer of Employment

- You must provide Pilot Seasonal Workers with an amended Pilot Offer of Employment for subsequent placements and only move them when they have accepted and signed the new offer.

Please note: any costs associated with moving the Pilot Seasonal Workers to new placements must be borne by you and not deducted from their wages.

6.2.3 Change to Accommodation

- Please refer to the details in the [Section 5, Step 3](#).

7. Activities that **do not require** prior departmental approval

7.1 Welfare and Wellbeing Plan

- We will accept your current Welfare and Wellbeing Plan that was approved under the Seasonal Worker Programme.
- Please note there are additional obligations in the Regional Pilot Deed of Agreement. For example, there must be a dedicated Welfare and Wellbeing Support Person located in each Pilot Region and they should hold face-to-face meetings with the Pilot Seasonal Workers at a minimum once a fortnight.
- You are required to provide the details of the Welfare and Wellbeing Support Person on each recruitment details form in SWP Online for the first placement, and notify the Regional Coordinator when the details are updated or Pilot Seasonal Workers are moved to a new Pilot Region.

8. Contingency Plan

You are required to outline a proposed contingency plan in your Pilot Recruitment Application. The plan should include a level of detail that would satisfy us that it is realistic and implementable.

You should consider developing a large network of hosts/farms that can be utilised in the event that a contingency plan is required. A contingency plan may need to be enacted in situations such as a farmer/host withdrawing their requirement for Pilot Seasonal Workers, a farmer/host business going into liquidation or a crop that is slow to mature or is damaged or destroyed.

Your contingency plan should outline possible alternative placements, who you will contact in the first instance and the steps you will take to ensure that Pilot Seasonal Workers are able to work 30 hours per week on average for the duration of their placement. Your staff should be aware of and be able to enact the contingency plan you outline in your Approved Recruitment.

The department does not consider the termination of a Pilot Seasonal Worker's employment and early return to their country to be an acceptable contingency plan.

You should monitor placements closely and advise the department early if placements are not progressing as expected e.g. season is slow coming on which is resulting in fewer hours of work for Pilot Seasonal Workers.

9. Role of Regional Coordinators

A key feature of the Regional Pilot is that a Regional Coordinator will be on the ground as a first point of contact for You. The department's information line and emergency contact number will continue to remain available if the Regional Coordinator is uncontactable.

10. The SWP Assurance Framework

The SWP Assurance Framework also applies to the Regional Pilot.

Key components of the Framework include:

- activities to monitor program delivery, such as Recruitment Application assessment, monitoring visits, complaints management, and the SWP information line;
- activities to monitor the welfare and wellbeing of Seasonal Workers, Pilot Deed and Guidance compliance, including targeted assurance activities; and
- the program assurance principles.

The Framework is comprised of three elements – prevention and deterrence, detection and correction. In applying the Framework, the department endeavours to work with the Pilot Approved Employer to manage any interventions or responses to non-compliance. This includes:

- giving consideration to the understanding a Pilot Approved Employer demonstrates when issues are raised for resolution and their willingness to engage with the department;
- the frequency with which individual issues need to be raised with a Pilot Approved Employer; and
- the nature of the issue being raised.

The department will apply the Framework to manage individual issues and take into account frequency and proportionality of all issues associated with a Pilot Approved Employer over time.

If the department sees a pattern of non-compliance which may indicate a lack of understanding of program requirements, or in some cases may demonstrate wilful non-compliance, this can influence the type of intervention applied.

The department always aims to effectively engage with Pilot Approved Employers to resolve issues swiftly and at all times with the goal to ensure Seasonal Workers are protected.

10.1 Monitoring visits

Given the flexibility to move workers to different farms without prior departmental approval, the Regional Coordinator and/or a departmental representative will undertake regular **and at times unannounced monitoring visits** or monitoring visits at a short notice to a place of work, accommodation or any other places that Pilot Seasonal Workers may be present.

Monitoring visits allow the department and the Regional Coordinators to meet face to face with:

- Pilot Approved Employers to ensure they are meeting their obligations under the Pilot Deed, and
- Pilot Seasonal Workers to obtain information from them as to whether their employment and welfare and wellbeing arrangements align with their expectations.

11. New Concepts under the Regional Pilot

As the Regional Pilot differs from the Seasonal Worker Programme in certain aspects, we have introduced some new concepts in the Pilot Deed which are explained below.

For example, as the Regional Pilot does not require prior departmental approval for subsequent placements, we have differentiated between first and subsequent placements, and Pilot Providers and Subcontractors.

11.1 First and Subsequent Placements

The first placement is the first place of work for a Pilot Seasonal Worker under a Pilot Recruitment Application. A change to the location or type of work is considered as a subsequent placement, under an approved Pilot Recruitment Application.

11.2 Pilot Providers and Subcontractors

Under the Pilot Deed, Host Organisations, Accommodation Providers and Welfare and Wellbeing Providers are collectively known as Pilot Providers. Pilot Providers are **not** included in the definition of a subcontractor.

You need to seek the department's prior approval before Pilot Seasonal Workers are placed with a Pilot Provider (Host Organisation or Accommodation Provider) for the first placement under a Pilot Recruitment Application. We will accept the Welfare and Wellbeing plan currently approved under the Seasonal Worker Programme but you must provide the details of the Welfare and Wellbeing Support Person in the Pilot Recruitment Application.

For subsequent placements you do not need to seek approval, You only need to notify the department prior to moving the Pilot Seasonal Workers to a new Pilot Provider.

In summary

Pilot Providers

Host Organisations (farms)

(prior departmental approval for the first placement only)

Accommodation Providers

(prior departmental approval required in limited circumstances)

Welfare and Wellbeing Providers

(Current Welfare and Wellbeing Plan under SWP remains valid. Only the details of Welfare and Wellbeing Support Person is required)

Subcontractors

(Pilot Approved Employers need prior departmental approval before subcontracting)

11.3 Subcontracting

You must seek prior approval from the department before entering into a subcontract for any obligations under the Deed. Please note however that you are ultimately responsible for the welfare and wellbeing of Pilot Seasonal Workers under the Pilot Deed.

12. Things you Must Notify Us of

The department requires You to notify us of a range of matters. Please refer to the Pilot Deed in the first instance.

Your Notifications will enable the department to assess when circumstances change in order to:

- protect a Pilot Seasonal Worker and check on their welfare and wellbeing,
- identify where other Government departments may need to be involved to respond to or resolve issues, and
- protect the integrity and reputation of the program.

In addition to the incidents that you must notify your Regional Coordinator or the department of under the Pilot Deed, you must immediately notify the department of the following:

12.1 Serious incidents

- Incidents are considered serious owing to personal impact, legal implications, or where they potentially have a negative impact on the department or would bring the program into disrepute.
- For the purposes of the Regional Pilot, a serious incident is an incident that:
 - is considered to be dangerous
 - is considered to be life threatening
 - involves behaviour that may result in criminal charges
 - has caused, or has the potential to cause, serious bodily or psychological harm
 - has resulted in a fatality.

Incidents that are not assessed as serious are non-serious incidents. Examples of non-critical incidents could include:

- non serious injury requiring assistance from a medical practitioner
- near misses that could have resulted human injury.

Note: This does not detail all possible events and Approved Employers will need to use judgement when considering the reporting of a critical or non-critical incident.

- The following incidents are considered serious and, therefore, require that you must notify the department immediately, or when you become aware of, even if outside office hours:
 - Death or serious injury or illness of a Pilot Seasonal Worker – even if the incident or accident occurred outside of work. This includes (as a guide, but not exhaustive):
 - pre-mature or high-risk births,
 - an incident where police or emergency services are called and Pilot Seasonal Workers are hospitalised.
 - A car accident, whether or not police were involved or worker was injured
 - A serious breach of a visa condition by a Pilot Seasonal Worker – such as by breaking the law, breaching the character condition (please refer to: <https://immi.homeaffairs.gov.au/help-support/meeting-our-requirements/character>), or where police are involved.
 - A mass walk out of Pilot Seasonal Workers (e.g. several Pilot Seasonal Workers leave their employment, in breach of their visa conditions).

- Serious concerns for the welfare and wellbeing of your Pilot Seasonal Workers, for example due to natural disasters.
- Some injuries and illnesses may not appear serious at first but may become more serious over time due to unknown or underlying health conditions. For example, if a Pilot Seasonal Worker is off work for more than two days due to a seemingly 'minor' illness such as a respiratory illness, you should consider whether they require medical assistance. You should also report these incidents to the department. The department records and monitors these incidents and can provide you with support and guidance if required.

If in doubt, please contact the department or the Regional Coordinator who will be able to assist.

- In addition to the notifications required by the Pilot Deed, you must notify the department of the below incidents as soon as possible, or by 5.00 pm (AEST/AEDT) the next business day, at the latest:
 - Where you have been found to have breached any Australian law – even if you think it is not relevant to your position as a Pilot Approved Employer.
 - Where a Pilot Seasonal Worker ceases or intends to cease their employment early – such as to return home for family reasons.
 - Any work health and safety incidents/concerns that involve Pilot Seasonal Workers, and the outcome. For example if the worker requires health treatment and uses their health insurance cover. If the incident results in death or serious injury, report urgently, per above.
 - If you have any concerns for the welfare or well-being of a Pilot Seasonal Worker(s) – this may be in the workplace or outside of work hours.
 - Where a Pilot Seasonal Worker has been involved in activities that could be perceived as unacceptable by community standards (for example shop-lifting or being a public nuisance).
 - Any other circumstances the department notifies to you for follow up.

12.2 Other requirements

- Notifying the department does not remove the need to report matters to other relevant authorities including:
 - Emergency services
 - Police
 - Other government departments or agencies such as to the Department of Home Affairs as a Temporary Activity Sponsor, and/or
 - Work Health and Safety Regulator in your state/territory.

12.3 How to notify

Office Hours	Immediately notifiable matters	Other matters
<p>During office hours (9am to 5pm Monday to Friday, excluding holidays observed in the ACT)</p>	<ul style="list-style-type: none"> • By calling your Regional Coordinator, or • By calling the Seasonal Worker Programme information line on: (02) 6240 5234 • Follow up your verbal report by submitting an incident report on SWP Online 	<ul style="list-style-type: none"> • By calling your Regional Coordinator, or • By calling the Seasonal Worker Programme information line on: (02) 6240 5234 • Follow up your verbal report by submitting an incident report on SWP Online
<p>Outside of office hours</p>	<ul style="list-style-type: none"> • By calling the Pacific Labour Facility's worker welfare line: 1800 515 131 <p>Follow up your verbal report by submitting an incident report on SWP Online</p>	<p>Follow up your verbal report by submitting an incident report on SWP Online.</p>