# Overseas Workers and Visas

Employers considering employing non-Australian citizens or permanent residents (e.g. working holiday makers) should be aware that some visas prevent or restrict the right of a person to work in Australia. Every worker from overseas must have a valid Australian visa with work rights.   
  
Illegal workers are non-Australian citizens who are working in Australia without a visa, or who are in Australia lawfully but working in breach of their visa conditions. Work means any activity that normally attracts remuneration. In other words, even unpaid workers will be considered to be working if their work would normally attract remuneration.

# Visas

## ****Employer Sponsored Visas****

There are a number of visa options for lawfully operating Australian employers to sponsor and employ skilled workers who have recognised qualifications and skills or experience in particular occupations required in Australia. These include:

Temporary Work (Skilled) visa (subclass 457) allows employers to sponsor approved skilled workers to work in Australia on a temporary visa for up to four years. A business can sponsor someone for this visa if they cannot find an Australian citizen or permanent resident to do the skilled work.

Regional Sponsored Migration Scheme visa (subclass 187) is for skilled workers who want to work in regional Australia. It is part of the Permanent Employer Sponsored Visa program & is a permanent resident visa. Applicants can be in or outside Australia when they apply.

# **Labour Agreements**

Dairy Industry Labour Agreement: this is the only pathway which allows dairy industry employers to recruit overseas workers in the occupation of 'senior dairy cattle farm worker'. The dairy industry agreement allows for the temporary entry of overseas senior dairy cattle farm workers to work in the Australian dairy industry. The terms and conditions of the dairy industry labour agreement have already been established and are **non-negotiable**.

Pork Industry Labour Agreement: this is the only pathway which allows pork industry employers to recruit overseas workers in the occupation of 'senior stockperson (piggery)'. The pork industry labour agreement allows for the temporary and permanent entry of overseas senior stockpersons to work in the Australian pork industry. The terms and conditions of the pork industry labour agreement have already been established and are **non-negotiable**.

# **Working Holiday Makers**

To meet the seasonal nature of work on some farms, it may be worth considering working holiday makers for short-term employment.

The working holiday maker program is a cultural exchange program allowing visa holders to add to their holiday funds through short-term work. Working holiday maker visa holders can work full-time during their 12-month stay in Australia but are limited to a maximum of 6 months’ work with any one employer.

Working holiday visa (subclass 417) is for young people who want to holiday and work in Australia for up to a year. Working holiday visa holders who performed ‘specified work\*’, in an eligible regional Australian area for a minimum of three months (88 days) while on their first working holiday visa may be eligible for a second working holiday visa.

 \*’Specified work’ includes (among other things) general maintenance crop work, harvesting and/or packing fruit and vegetable crops and immediate processing of animal products.

[Temporary work and holiday visa (subclass 462)](http://www.thepeopleindairy.org.au/LiteratureRetrieve.aspx?ID=142384) allows young adults (18-30) to have an extended holiday during which time they may engage in short term employment or study.

[Special Category visa (subclass 444)](http://www.thepeopleindairy.org.au/engagement-reward/LiteratureRetrieve.aspx?ID=142375) is a temporary visa which allows New Zealand citizens to stay and work in Australia, as long as they remain a New Zealand citizen.

# Further reference / resources

## Labour Agreements

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| Agreement | Further Information |
| General Labour Agreements | <http://www.border.gov.au/Trav/Work/Empl/Labour-agreements> |
| Dairy Industry Labour Agreement | <http://www.border.gov.au/Trav/Work/Empl/Labour-agreements/dairy-industry> |
| Pork Industry Labour Agreement | <http://www.border.gov.au/Trav/Work/Empl/Labour-agreements/pork-industry> |

## Visa Subclass Resources

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| Visas | Further Information |
| Regional Sponsored Migration Scheme visa (subclass 187) | <http://www.border.gov.au/Trav/Visa-1/187->  <http://www.border.gov.au/Trav/Visa-1/187-/Document-checklists-Regional-Sponsored-Migration-Scheme-visa-(subclass-187)> |
| Temporary Work (Skilled) visa (subclass 457) | <http://www.border.gov.au/Trav/Visa-1/457->  <http://www.border.gov.au/about/corporate/information/fact-sheets/48b-temporary-business-visa> |
| Working Holiday visa (subclass 417) | <http://www.border.gov.au/Trav/Visa-1/417->  <http://www.border.gov.au/about/corporate/information/fact-sheets/49whm> |
| Temporary Work and Holiday visa (subclass 462) | <http://www.border.gov.au/Trav/Visa-1/462->  <http://www.border.gov.au/Trav/Visa-1/462-/Work-and-Holiday-visa-(subclass-462)-document-checklist> |
| Special Category visa (subclass 444) | <http://www.border.gov.au/Trav/Visa-1/444-> |