

## ARRANGEMENT ON LABOUR MOBILITY

The Governments of Australia, the Cook Islands, the Federated States of Micronesia, the Independent and Sovereign Republic of Kiribati, Republic of Nauru, New Zealand, Niue, the Republic of Palau, the Republic of the Marshall Islands, the Independent State of Samoa, Solomon Islands, the Kingdom of Tonga, Tuvalu, the Republic of Vanuatu;

Hereinafter referred to as “the Participants” have reached the following understandings:

### Paragraph 1: Definitions

For the purposes of this Arrangement, the term:

**Developed Country Participant** means any Participant that is not a Developing Country Participant;

**Developing Country Participant** means any Participant that designates itself as a Developing Country Participant;

**Existing labour mobility schemes** means in respect of Australia, the Seasonal Worker Programme (SWP), and in respect of New Zealand, the Recognised Seasonal Employer policy (RSE);

**Labour mobility** means the temporary movement of workers of a Participant to another Participant for the purpose of temporary employment;

**PLMAM** means Pacific Labour Mobility Annual Meeting established pursuant to this Arrangement;

**Receiving country** means the country of destination of persons moving temporarily for the purpose of employment;

**Sending country** means the country of origin of persons moving temporarily for the purpose of employment; and

**TVET** means Technical and Vocational Education and Training, that relates to education that prepares people for specific trade, crafts and careers at various levels.

### Paragraph 2: Purpose

This Arrangement is formulated to strengthen Pacific labour mobility cooperation between the Participants.

### **Paragraph 3: Key Objectives**

1. The key objectives of this Arrangement are to:
  - (a) establish a broad regional framework for labour mobility cooperation, including through establishing a PLMAM to advance areas of cooperation identified in this Arrangement;
  - (b) enhance labour mobility schemes, including Australia's SWP and New Zealand's RSE to maximise the development benefits for all participating countries;
  - (c) promote the utilisation of other labour mobility opportunities in Australia and New Zealand for the Developing Country Participants;
  - (d) strengthen the legislative, regulatory and institutional frameworks for labour mobility in the participating countries;
  - (e) facilitate the circulation of temporary workers amongst the Participants;
  - (f) consider the social issues associated with the circular migration of workers from Developing Country Participants to Developed Country Participants;
  - (g) support efforts to build the labour supply capacity of the developing country Participants through the provision of relevant education and training opportunities for their nationals; and
  - (h) explore opportunities to facilitate the recognition of qualifications throughout the region by encouraging competent bodies within their territories to cooperate with each other.
2. These objectives are without prejudice to the right of each Participant to impartially and fairly establish, administer and enforce its immigration, workplace and employment policies and laws, including eligibility criteria.

### **Paragraph 4: Pacific Labour Mobility Annual Meeting**

1. The Participants hereby establish the PLMAM as a mechanism to advance the areas of cooperation identified in this Arrangement.
2. The PLMAM will comprise representatives from each of the Participants who will meet once a year at a venue to be determined by the Participants. The PLMAM will establish its own procedures for its meetings and decision making.
3. A consensus report on the discussions and any recommendations at each PLMAM will be conveyed to the Ministers at the annual Pacific Islands Forum Trade Ministers' Meeting for their consideration and appropriate action.

4. The PLMAM will be responsible for reviewing progress against the key objectives of this Arrangement on the basis of information shared by the Participants that will address, where appropriate:

- (a) enhancement of existing labour mobility schemes and facilitation of other forms of temporary labour mobility (paragraph 5);
- (b) support for institutions (paragraph 6);
- (c) facilitation of circulation (paragraph 7);
- (d) TVET and other tertiary education (paragraph 8);
- (e) facilitation of recognition of qualifications and registration of occupations (paragraph 9); and
- (f) any other matter which relates to the objectives of this Arrangement.

5. The PLMAM is intended to complement and support other meetings and forums relevant to regional labour mobility, including regular bilateral discussions between sending and receiving countries.

6. The Developed Country Participants will fund the holding of the PLMAM, the location of which will rotate between Australia, New Zealand and a Forum Island Country.

### **Paragraph 5: Enhancement of Labour Mobility**

1. The Participants recognise that the operation of the existing labour mobility schemes is employer-driven and subject to labour market demand in the receiving country Participants. The sending country Participants recognise the principle that the receiving country citizens and permanent residents have the primary right to employment opportunities in their countries and that the temporary employment of workers from the sending country Participants should not undercut wages and employment conditions in the receiving country Participants.

2. The Participants recognise their mutual interest in opportunities to enhance the operation of existing labour mobility schemes, Australia's SWP and New Zealand's RSE policy. The Participants further recognise their mutual interest in the utilisation of other temporary labour mobility opportunities. In this regard, possibilities of operational improvements and expanding labour mobility opportunities to new occupational areas where there are labour shortages in the receiving countries will be explored.

3. In respect of Australia's SWP and New Zealand's RSE policy, the sending country Participants, will to the extent possible, and taking into account the Memoranda of Understanding and other bilateral arrangements between Participants, ensure:

- (a) the availability of a work-ready pool of workers of good health and character that can be sourced at short notice;

- (b) transparent and inclusive processes of workers' selection with adequate opportunities being provided to groups that are under-represented in the existing labour mobility schemes;
- (c) the provision of appropriate support for their workers in the receiving country, including through regular communication with workers, employers and representatives of the receiving country Participants, and the appointment of an in-country liaison officer; and
- (d) a government department is identified as having overriding responsibility for the administration of the schemes, where knowledge of and experience with the scheme is institutionalised and widely held within the department.

4. In respect of Australia's SWP and New Zealand's RSE policy, the receiving country Participants, will to the extent possible, and taking into account the Memoranda of Understanding and other bilateral arrangements between Participants:

- (a) provide assistance to the sending country Participants to improve processes of worker selection and recruitment and related administrative tasks in the sending countries;
- (b) assist the sending country Participants to promote themselves to employers in the receiving countries as sources of reliable seasonal labour, recognising that the provision of good workers by the sending country Participants will operate as the strongest possible promotion tool;
- (c) consider enhancements to training programmes under the existing labour mobility schemes, including through an increase in the number and diversity of the courses offered, and through other initiatives;
- (d) provide assistance to enhance pre-departure, on-the-job, and re-integration training programmes under the existing labour mobility schemes, including through an increase in the number and diversity of the courses offered, and through other targeted initiatives; and
- (e) explore the possibility of reducing the tax rate on workers under the schemes and improve health insurance arrangements for the workers.

#### **Paragraph 6: Support for Institutions**

1. The Participants recognise the importance of strong institutions and good governance to support positive labour mobility outcomes.
2. In accordance with the principle of common but differentiated responsibilities, the Developed Country Participants may assist the developing country Participants through mutually accepted capacity building arrangements at a bilateral or regional level in order to

enhance the benefits of increased labour mobility for the developing country Participants. Such assistance may include but is not limited to:

- (a) institutional capacity building with respect to agencies in the developing country Participants dealing with Labour mobility;
- (b) developing coherent national policies on labour mobility and on visa and immigration procedures in the developing country Participants;
- (c) implementing programmes to strengthen the collection and harmonisation of labour market statistics in the Developing Country Participants, with a view to improving labour market planning and strategising labour export; and
- (d) working with relevant private institutions to optimise the benefits of labour mobility at the individual, community and national levels, including through the reduction of bank transfer costs and speeding up the transfer process.

#### **Paragraph 7: Facilitation of Circulation**

1. The Participants will comply with each other's visa and work permit arrangements. The Participants will endeavour to promote greater use of existing visa categories by nationals of the other Participants, including by making information publically available on their respective visa and work permit arrangements.
2. Where appropriate, the Participants will consider requests by the Developing Country Participants to simplify visa procedures and process visa applications as expeditiously as possible.

#### **Paragraph 8: TVET and other Tertiary Education**

1. The Participants recognise the importance of further enhancing TVET and other tertiary education programmes that build the labour supply capacity of the Developing Country Participants and respond to domestic and regional labour market demand.
2. Where available, the Participants will endeavour to share information on areas of current and projected skill shortages in their respective labour markets, including through the PLMAM.

#### **Paragraph 9: Facilitation of Recognition of Qualifications and Registration of Occupations**

1. The Participants acknowledge the importance of the recognition of qualifications throughout the region and will consider the opportunities offered in this area by their accession to the Revised *Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education 2011*.

2. The Developed Country Participants will to the extent possible, support the Developing Country Participants to increase their capacity to assess qualifications and facilitate the development, accreditation and registration of qualifications and recognition of those qualifications.

3. For licensed and registered occupations, the Participants will endeavour to make publically available the regulations and processes to be followed by applicants to achieve licensing or registration by the accredited boards.

4. The Participants will encourage their relevant qualification and occupation assessment and accreditation bodies to consult with each other and with relevant regional bodies with a view to exploring possibilities of recognition of qualifications within a reasonable period of time following the commencement of this Arrangement.

### **Paragraph 10: Transparency and Enquiry Points**

1. Each Participant will endeavour to make publically available its laws, regulations, procedures and administrative rulings of general application relating to any matter covered by this Arrangement, as well as notify Participants of any draft measures which may significantly have an adverse impact on the operation of this Arrangement.

2. Each Participant will endeavour to designate one or more enquiry points to address inquiries from interested persons concerning labour mobility matters and will make information concerning procedures for making enquiries available online.

### **Paragraph 11: Technical Discussions**

1. Subject to paragraph 3.2, a Participant may request in writing technical discussions with any other Participant concerning any measure<sup>1</sup> which may impact significantly on the implementation, interpretation, application or operation of this Arrangement.

2. The requesting Participant will deliver the request to the other Participant, setting out the reasons for the request and providing sufficient information to enable an examination of the matter.

3. Pursuant to technical discussions under this paragraph, the requesting Participant may ask the other Participant to make available personnel of its government agencies or other regulatory bodies who have expertise in the matter subject to technical discussions.

4. The Participants will make every effort to arrive at a mutually satisfactory solution of the matter through technical discussions under this paragraph. Where mutually determined by the

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<sup>1</sup> Measures do not include immigration, workplace participation or related measures.

relevant Participants, the results of technical discussions may be shared more widely with other Participants.

**Paragraph 12: Entry into Effect, Withdrawal and Termination of the Arrangement**

- 1. This Arrangement will enter into effect on the date of its signature. It will remain in effect for a Participant until such Participant serves a notice of withdrawal in accordance with subparagraph 3, or when the Participants collectively decide to terminate it in accordance with subparagraph 4.
- 2. An independent evaluation will be commissioned to assess whether the objectives of this Arrangement are being met within five years of its signature.
- 3. A Participant may withdraw from this Arrangement by giving notice in writing to the other Participants not less than six months before the proposed date of withdrawal.
- 4. This Arrangement may be amended or terminated at any time by mutual agreement between the Participants.

**SIGNED** at Nuku'alofa this fourteenth day of June two thousand and seventeen, in one copy in the English language.

Australia \_\_\_\_\_

The Cook Islands \_\_\_\_\_

The Federated States of Micronesia \_\_\_\_\_

The Independent and Sovereign Republic of Kiribati \_\_\_\_\_

The Republic of Nauru \_\_\_\_\_

New Zealand

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Niue

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The Republic of Palau

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The Republic of the Marshall Islands

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The Independent State of Samoa

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Solomon Islands

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The Kingdom of Tonga

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Tuvalu

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The Republic of Vanuatu

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