Super Powered:
Improving access to PALM workers' retirement earnings

PALM, super and the national interest

The Pacific Australia Labour Mobility (PALM) scheme is increasingly important to Australia's economic and strategic interests - underscoring the importance of continued reform to ensure positive worker experiences and support its good function.

The PALM scheme is now essential to ensuring an adequate supply of workers in the agriculture, meat processing and care industries. It emerged as a major labour source in these industries during the COVID era - supplanting thousands of workers inhibited by travel restrictions. But amidst the return to normality, the PALM workforce only continued to grow. It has now almost tripled in size in just the last three years.

PALM workforce, 2021-2024 [1]

	Seasonal program workers	Long-term program workers	Total PALM workforce
2021	10,149	2,952	**13,101**
2022	15,676	8,462	**24,138**
2023	26,054	13,590	**39,644**
2024	16,090	18,140	**34,230**

Agriculture is by far the largest employer of PALM workers, hosting more than half the total PALM workforce (and nearly all workers in the short-term seasonal program).[2] Over 6% of all workers in agriculture - a sector supplying 14% of Australia's exports,[3] and intrinsically linked to its food security - are now PALM workers. In the smaller meat processing industry, reliance is even higher, with the PALM scheme providing around one in three workers.[4] These industries would come to a stop without PALM workers - not just during peak periods, but throughout the year. One recent study puts it succinctly: *"employers increasingly rely on Pacific Islander labour and many would be lost without guestworkers*."[5]

Despite its growth, the scheme is also far from operating at capacity, and appears likely to expand further. Development experts and Pacific media report strong ongoing demand from workers for places in the scheme, and ample capacity in sender economies to accommodate its extension.[6] The prospect of further expansion is particularly notable in the Pacific's major population centres. Papua New Guinea, Fiji, Timor-Leste and the Solomon Islands are home to 95% of the working age population of PALM sender countries. But, collectively, just 0.25% of that populace is engaged in the scheme (see table below). Even Samoa, having capped its PALM workforce due to domestic labour supply concerns, could nearly double its deployment to the scheme before reaching its cap.[7] In Australia, last year's national Migration Strategy made addressing exploitation in the Working Holiday Maker (WHM) program a reform priority.[8] The likelihood of stricter regulation in the WHM program will see employers pursue more PALM workers. The PALM scheme currently imposes higher compliance costs on employers than the WHM program. But, faced with a better-regulated WHM scheme, employers will look to the far more productive[9] PALM workforce as a preferable alternative.

PALM workforce relative to sender country workforces [10]

	Working age population	PALM workers	Percentage of working population in PALM scheme
Papua New Guinea	5,623,502	1,935	0.03%
Fiji	535,105	6,695	1.25%
Timor-Leste	697,956	4,750	0.68%
Solomon Islands	403,086	5,085	1.26%
Major population centres	**7,259,649**	**18,465**	**0.25%**
Vanuatu	156,395	6,400	4.10%
Samoa	99,215	3,245	3.27%
Kiribati	69,767	1,665	2.39%
Tonga	48,742	4,165	8.54%
Others	10,844	285	2.63%
All PALM countries	**7,644,612**	**34,225**	**0.45%**

As the PALM scheme continues to grow, so too does its strategic significance. The program is now indisputably a pillar of endeavours to make Australia the Pacific's partner of choice through economic development and stronger links to the region. Indeed, the Commonwealth has now committed $440 million to improving and expanding the scheme.[11] We also understand that PALM now ranks behind only climate change in the diplomatic priorities of Pacific states in their engagements with Australia. This is to be expected, given the importance of so many workers' earnings to development and quality of life in a mostly low-income region.[12]

The rise and rise of the scheme makes it clear: No longer can PALM be viewed as a stopgap or a subordinate concern. Australia has embraced a large and permanent role for the scheme as critical to its economic and strategic outlook. Given this elevated significance, its good function must be an ongoing priority for policymakers. In particular, supporting positive experiences for workers, and ensuring they attain the full benefit of their rights and earnings in Australia, should be of the utmost concern.

While reforms delivered by the Albanese government have improved outcomes for PALM workers markedly, the case for further action remains. Supporting PALM workers to claim superannuation earnings accrued in Australia should be a top priority of these efforts. Workers face significant barriers to accessing superannuation after they have returned home. Many have only a limited understanding of Australia's super system,[13] yet they are faced with a claims system beset with both complexity and unfairness. A significant proportion of the PALM workforce - tens of thousands of Pacific and Timorese workers - are denied their super entitlement entirely.

The paper is a collaboration between the Australian Workers' Union (AWU) and Approved Employers of Australia (AEA) on this issue. The AWU is the principal union for PALM workers. Its coverage extends across every PALM industry and is particularly extensive in agriculture. The AEA is the principal industry association for approved employers in the PALM scheme. The AWU and AEA recognise it is in the shared interest of PALM workers and employers to improve access to super. This is key to improving worker experiences and ensuring the PALM scheme remains fit for purpose. Current deficiencies also create a significant resource burden for unions, employers and other organisations that assist PALM workers.

The paper explores this issue and advocates targeted actions to address it. Prompt action to deliver on its recommendations can super power a scheme that does so much for Australia as well as the Pacific.

Overview: Barriers to super access

Current regulations and administrative processes confound, delay and often deny PALM workers seeking to claim their super entitlement. A complex and at times defective scheme ultimately proves insurmountable for many - preventing workers and their communities from enjoying the benefit of thousands of dollars in savings. One study suggests that around one third of all PALM workers are unable to access their super earnings. In sender countries with a lower mean level of education, that figure may be over 60%.[14] We understand that some workers also resort to hiring third parties to navigate the claim process - eroding their super entitlement even where they are able to claim it.

The ATO currently holds over $1 billion in unclaimed super earned by former temporary residents, including PALM workers. Each PALM worker will leave Australia with an entitlement of up to $15,000.[15] Plainly, this amounts to a substantial sum anywhere on earth, but especially in the Pacific and Timor-Leste. As the Lowy Institute recently observed, accessing these earnings "*can make a huge difference to the schools that your kids can go through, and to being able to see your doctor and go to hospital.*"[16]

For those able to access their super, taxation is a further and unreasonable impost. PALM workers' super earnings are subject to double taxation. They are first taxed at the standard rate of 15% upon deposit, then at 35% to 65% when claimed through the Departing Australia superannuation payment (DASP) process.[17] This impost typically results in workers ceding around half their super earnings to the ATO - a rate equivalent to that paid by some of Australia's highest earners.

That tens of thousands of workers are prevented from enjoying their retirement savings appears out of step with the government's own understanding of and expectations for the PALM scheme. The official fact sheet provided to PALM workers upon their arrival in Australia provides, quite simply: *"A worker can claim super using the Departing Australia superannuation payment online application system...Before submitting your claim, check with your employer, that they have paid all entitlements to your nominated fund."* Provisions in the scheme's Approved Employer Guidelines convey a similar expectation that workers will be assisted to earn super and access it when they leave Australia; The process is presented as straightforward and an ordinary part of the PALM worker experience.[18]

Reform to address these issues should be a focus of government. In doing so, the Commonwealth should aim to better support PALM workers, increase fairness, and maximise workers' control over their earnings.

Streamline the claim process

Many impediments to PALM workers accessing their super stem from defective administrative processes. The paperwork required by the DASP claim process that provides workers their super earnings after they have left Australia is very complex. Some DASP requirements also appear to be designed around an assumption that an applicant is still resident in Australia - an obvious flaw given its intended purpose.

The DASP claim process varies somewhat depending on each worker's circumstances, but will typically require a worker to provide one or more of the following:

- Proof of identity documents, certified according to Australian law;
- Details for an open Australian bank account;
- A completed 'certification of immigration status' or 'request to cancel a temporary resident visa' form;[19] and
- A bank statement for an open bank account.[20]

These are significant hurdles for workers outside Australia. Only a person holding a prescribed occupation or qualification in Australia can certify documents in the manner required.[21] For workers outside Australia, the only certification service available is often via an Australian Embassy or High Commission - a typically high-cost and time-consuming option. Providing details for an open Australian bank account, when many workers close their account before departing Australia, is equally challenging. While workers without an Australian account may request payment by cheque, these are not accepted by all countries or financial institutions; Indeed, the Pacific is one of the most underbanked regions on earth.[22] Australia also plans to phase out all use of cheques by 2030 - and by 2028 for the ATO, which holds unclaimed super.[23]

The challenges of the DASP claim process are compounded for workers living in outer islands and other remote areas, which often lack modern communications and transport services.

For workers, the aggregate of such challenges is imposition and confusion - and too often, a resignation to forfeit monies owed to them. The DASP process must be streamlined to address these shortcomings. These efforts should focus on front-loading paperwork to workers' arrival in Australia, rather than requiring documents to be provided after departure. As part of the process of opening a superannuation account, workers should be required to nominate a beneficiary bank account in their home country, to which super earnings will be paid after departing Australia. Super funds and the ATO (where it holds unclaimed super earnings) should only be required to reconfirm the beneficiary account with a worker before their DASP is ultimately provided. While a reasonable level of scrutiny should apply to ensure the nominated account belongs to the worker, certified documentation should not be required.

Recommendation: The Commonwealth should amend the DASP claim process for PALM workers - requiring workers to nominate a beneficiary account in their home country when opening an Australia superannuation account.

Reduce the unfair tax burden

For PALM workers that are able to claim their super entitlement, the tax burden on these earnings is manifestly unfair. After the standard 15% rate is levied on deposit, workers cede a further 35% to 65% on payment of the DASP. Most end up forfeiting around half their super earnings in tax. Though PALM workers are invariably low-income earners, this tax burden is equivalent to some of the wealthiest people in Australia. Indeed, the rate paid by most PALM workers' is similar to that levied on voluntary contributions of over $120,000 per year - the highest rate applied to super contributions of any type.[24]

Tax settings in New Zealand's Recognised Seasonal Employer (RSE) scheme, a close relative of the PALM scheme, underscore this unfairness. While structural differences between superannuation and the NZ equivalent hinder direct comparison, it appears most RSE workers pay no more than 17.5% in tax on their retirement earnings.[25]

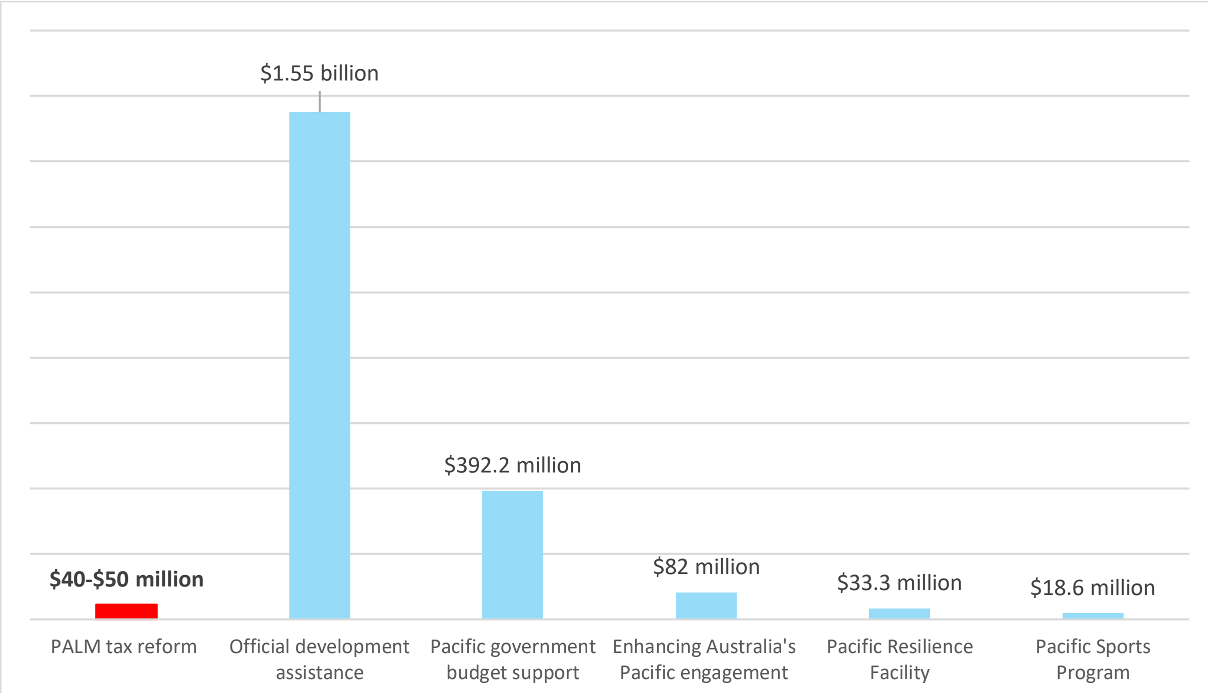
Furthermore, the 403 Visa provided to PALM workers offers no path to permanent residency in Australia.[26] We suggest it is thus further unreasonable that such a high proportion of PALM workers' retirement savings is ceded to the Commonwealth. While most other workers will see benefits from their taxes in the form of improved public administration and services that they access, the PALM scheme offers no such quid-pro-quo.

Commonwealth Treasury recently defended high taxation on PALM workers' super on the basis that this workforce "*will not be using their superannuation benefit for its intended purpose of providing an income for their retirement in Australia*."[27] This reasoning ignores the fact that PALM workers are restricted by their visa settings from using it in this manner. It also disregards the use of such earnings to support long-term investments in PALM workers' wellbeing, and that of their communities, in their home countries. And it fails to account for the simple unfairness of taxing a low-income cohort at a high-income rate.

The Commonwealth must act to reduce the unfair tax burden on PALM workers' super. The most direct, effective and proportionate means of doing so is to eliminate taxation levied on the DASP for all PALM workers. This would not afford the PALM workforce any unique 'tax free' status; the 15% rate would continue to apply. But it would deliver substantially greater fairness for the PALM workforce and those that rely on them.

We estimate this change to the DASP would see $40 million to $50 million transferred from Treasury coffers to Pacific and Timorese workers each year. While this sum is not immaterial, we suggest it is modest relative to the value of the reform. This is revealed by assessment of the reform against current measures intended to advance the same strategic goals that underpin the PALM scheme. In the current year alone, the Commonwealth will directly invest well over $2 billion in a wide range of programs to further Australia's goals in the Pacific. That figure is by no means exhaustive - excluding, for instance, contributions to multilateral organisations and development banks active in the region.

PALM tax reform relative to Australian Pacific investments, 2024/25 [28]



Existing Pacific investments put the value of tax relief for PALM workers' super into perspective. While we do not question the overarching merit of such commitments, they indisputably dwarf the figure of $40 million to $50 million. Further, many such measures, being targeted at single countries or communities, will only impact discrete groups. In our view, this suggests that reducing tax on PALM workers' super is in fact a low cost, high-value proposition. Such reform would directly enrich and empower thousands of communities across all ten PALM states - and at a fraction of the cost of existing commitments in the region.

Recommendation: The Commonwealth should eliminate taxation on the Departing Australia superannuation payment for PALM workers.

Deliver portability

Affording PALM workers the option to transfer super earnings into provident and retirement funds in their home countries is another important opportunity. Many PALM workers are likely to be members of such a fund in their home country.[29] Allowing earnings to be transferred directly to a provident or retirement account would further streamline the process of repatriating earnings and help workers minimise transaction fees.

It could also assist to address a worker safety issue. Many Pacific workers travel home carrying all leftover earnings from their ordinary wages - often thousands of dollars - in cash. Portability options could help mitigate the obvious risks to workers' financial and personal security arising from this practice.

To date, Australia has only supported portability arrangements for retirement funds in New Zealand and the Cook Islands (which does not participate in the PALM scheme). Yet many PALM sender countries have established professionally operated funds providing security for their members' savings. Indeed, New Zealand's RSE scheme already supports Pacific workers to send income to accounts in several national provident funds.[30]

Such arrangements would need to be explored and negotiated on a case-by-case basis. In doing so, the Commonwealth should only support portability to funds that are well-managed and strictly independent. In addition, portability should only provide workers with a transfer option, or at most an incentive to make use of such arrangements. It should not impose any obligation on workers: Superannuation is workers' money, and the principle that it may be accessed by migrants departing Australia according to their preference should hold true for PALM workers. Incentives for workers to make use of portability arrangements could include matched contributions or reduced fees.

Recommendation: The Commonwealth should engage provident and retirement funds in the Pacific and Timor-Leste with a view to developing portability options for PALM workers.

Establish preferred funds

Two superannuation funds - AustralianSuper and Prime Super - are engaged with and responsive to the challenges faced by PALM workforce in accessing their retirement earnings. Both organisations are already taking steps to support the PALM workers to access their super after returning home. This reflects their status as the principal funds used by workers in the agriculture sector - the destination for the majority of PALM workers.

To help ensure that workers end up in a fund that understands and supports their needs, the Commonwealth should nominate AustralianSuper and Prime Super as preferred funds for the PALM workforce. Naming such funds as preferred would be particularly beneficial for the many PALM workers with little or no knowledge of Australia's superannuation funds or system.

Establishing AustralianSuper and Prime Super as preferred funds would also maximise returns to PALM workers by ensuring their contributions are not diminished by for-profit fund administration.

Preferred status could be extended to other funds that take similar, dedicated steps to support PALM workers in their membership. This status could be denoted by mention in official documentation provided to PALM workers on arrival, and or in the scheme's Deed and Guidelines. Such mention would only serve to provide a signal to workers: It would not restrict their discretion to join another fund should they choose to do so.

Recommendation: The Commonwealth should nominate superannuation funds taking proactive steps to support PALM workers as preferred funds for the PALM workforce.

The road ahead

The AWU and AEA are committed to ensuring PALM workers enjoy full and easy access to their retirement savings. We welcome the opportunity to work with the Commonwealth to advance the reforms outlined in this paper. Please contact:

Australian Workers' Union:

- Jonathan Cook, National Organiser, Jonathan.Cook@nat.awu.net.au and 0434 956 722
- Thomas Mortimer, National Policy Director, Thomas.Mortimer@nat.awu.net.au and 0422 361 462

Approved Employers of Australia:

- Steve Burdette, Executive Officer, SteveB@approvedemployers.comau and 0427 861 251.

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