

From: Ben De'Ath s 9(2)(g)(i)
Sent: Sunday, 21 May 2017 4:21 p.m.
To: ESConsultation
Subject: Essential Skills Submission
Attachments: Temporary-Work-Visa-Proposed-Changes_Dairy-Industry-Submission.pdf

Good Afternoon,

The **attached** submission was drafted by us, in related to how we envisage the proposed changes would effect the dairy industry, if implemented.

All statements in the attached submission are our opinion of what drives the Immigration needs of the dairy farming community, and what will occur if the proposed changes are implemented.

The dairy industry has almost doubled the number of cows it milks in the past 20 years - more on that here-

[BLOCKEDccrecruitment\[.co\[.nz/our-cows-need-more-people/BLOCKED](#)

The results of migration are overwhelmingly positive on rural NZ's aging and stagnant population.

The suggestion that farm workers are "low skilled" (largely driven by ANZSCO's antiquated classification system) is a poor reflection on the policy maker's understanding of the primary sector.

We recognize that the proposal to prevent the majority of families joining dairy farm staff is likely to be enacted, and we predict this will cause major disruption to the labor markets which rely on dairy workers wives for temporary or seasonal work, such as aged health care and the freezing works.

The suggestion that dairy farming is be classified as a seasonal occupation is a further poor reflection on the policy maker's research which went into these proposals.

We have handed these submission templates out to dairy farmers with the hope it might make them more aware of the damage to rural NZ being proposed in this consultation period, thus if you are seeing a few of these templates emailed in we are the drafting source.

In closing, we wish to point out that a "one size fits all" nation wide approach to Immigration policy is both ignorant, and destined to fail.

We live in 2017, we have the technology and resources available to distinguish differentiation in the needs region to region, and industry to industry, so while certain cities within NZ might have local staff available to take up the work of varying city based labor market needs, in rural NZ the answer is simple - we cannot double the size of the national milking herd, and not have chronic labor shortages.

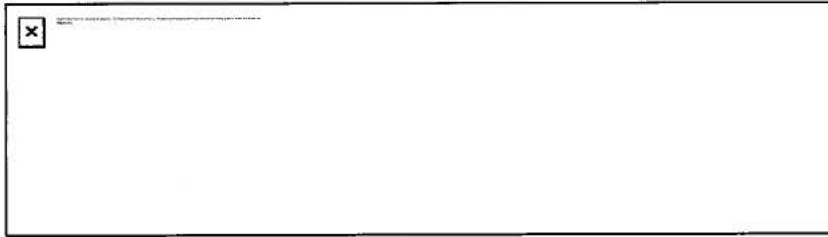
Regardless of what is implemented as a result of this consultation, the needs for immigration into regional NZ will remain steadfast, and we predict if these changes are bought in as they are proposed, the government will see over-whelming negative feedback from the regions, and one way or another, policy will have to be amended again in the near future to meet the needs of the primary industries and the service sectors closely aligned with the towns and communities of regional NZ.

--

Benjamin De'Ath

Managing Director / LLB, BA /

Licensed Immigration Adviser 201401414



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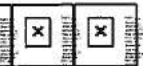
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Proposed Temporary Work Visa Changes: Dairy Industry Submission

26th April 2017

Employer / Trading Name: s 9(2)(g)(i)

Farm Address: s 6(a)

Email address and or Phone Number: s 6(a)

Dear Employer: Please tick the box next to statements you agree with, and leave blank the boxes next to statements which you do not agree with or are indifferent to.

Please write any additional comments in the spaces provided, or attach additional sheets including evidence as they relate to your staffing shortages, and positive or negative experiences having work visa holders in your business, and dealing with Immigration NZ in this process.

Please submit a scanned copy of this document by email to: ESConsultation@mbie.govt.nz, please feel free to copy in immigration@ccrecruitment.co.nz

Please send Before 5pm May 21st 2017

At our own initiative, this template submission has been drafted by a small private sector company who represents the dairy sector in their recruitment and Immigration needs with a view to helping the industry have its voice heard amidst proposed changes which we personally feel the public are mis-informed about.

If you disagree with, or take offence to, any statements made in this template, no offence is meant.

Ministry of Business Innovation and Employment (MBIE) Statement:

Problem definition:

The objective of migrant labor is to fill shortages where there is genuine need, while ensuring that New Zealanders are first in line for employment opportunities. An adjustment to settings now will ensure the Government's long term labor market strategy continues to function well, by:

- increasing the attractiveness to employers of New Zealanders, including beneficiaries and school leavers
- incentivizing employers to invest more in training and/or offering better wages and/or terms and conditions, and



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- increasing incentives to shift to potentially more productive business models, and avoid the embedding of business models reliant on lower-skilled temporary workers.

In response to the above MBIE statement, we have drafted the following possible responses:

Submission Statement 1:

- Regional NZ * has a population, and migration problem, however not the problem which the current policy consultation asserts.

The problem is that in the last 20 years the number of milking cows increased from 3 million to 5 million, and the population in the areas these cows are being milked, have either remained stagnant or decreased.

* Regional NZ is defined as all areas outside of Auckland, Hamilton, Tauranga, Wellington and Christchurch)

Dairy Cow Population data sourced from LIC and Dairy NZ, along with Human population data from Statistics NZ, numbers in more detail here - <http://ccrecruitment.co.nz/our-cows-need-more-people/>

Submission Statement 2:

- In light of the almost doubling of our dairy sector milking cow numbers in the past 20 years, coupled with the locations in which we farm – in regional NZ, it is both naive and misguided for policy makers to think that migrant labor, in quite significant numbers, will not continue to be needed in order to staff our dairy farms.

Submission Statement 3:

- Despite the numbers of work visa holders already working in the NZ Dairy Sector, I believe the industry to have significant labor shortage issues.

Submission Statement 4:

- If I had a vacancy on my farm tomorrow, I would be very nervous about my ability to fill it with NZ citizen or resident applicants.

Submission Statement 5:

- If young eager school leavers were available in the location of my dairy farm I would be eager to hire them.

Submission Statement 6:

- The notion of “incentivizing” beneficiaries to go from unemployment to get out of bed at 4am and living some distance from their friends and families is farcical and jeopardizing the safety of the dairy farm, creating competing legislation between Immigration laws and the current Health and Safety at work Act 2015.



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Submission Statement 7:

- I would like to grow my farm and business, in line with the Ministry of Primary Industries goal of doubling primary industry exports by 2025 - <https://www.mpi.govt.nz/about-mpi/our-strategy-2030-growing-and-protecting-new-zealand/the-export-goal/> However staffing issues place limitations on my ability to grow.

Submission Statement 8:

- I find it confusing and contradictory that one government department wants us to double our exports, and another government department is proposing labor restrictions / compulsion to leave NZ for staff once I have them trained.

Submission Statement 9:

- The current ANZSCO system of classifying the roles and skills of dairy farm staff under
- ANZSCO 841512 – skill level 5, no experience necessary, or
 - ANZSCO 121313 – skill level 1, managing the farm, paying the taxes and having no one “above” the work visa holder on the farm on a day to day basis.

Is an outdated system, which has little to no grasp on the realities of the skills or roles of dairy farm staff.

Submission Statement 10:

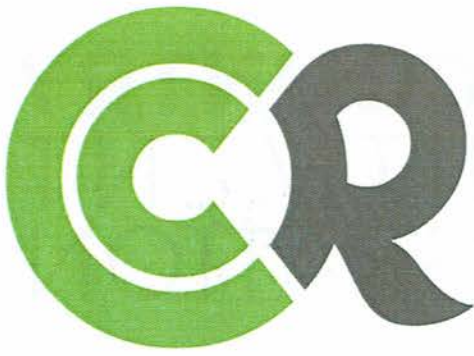
- In light of statement 9, it would be logical to redefine the roles and skillsets of staff who work on dairy farms in NZ, as neither ANZSCO 841512 or 121313 are effective for classifying the skills our staff have, what our staff do, and what we need them to do.

Submission Statement 11:

- In light of statement 10, if there is an unwillingness to redefine ANZSCO, and the next Immediate skills shortage skills (ISSL) review, I request my current submission is put forward as advocacy that mid level dairy farming positions are placed back on the Immediate skills shortage list.

Submission Statement 12:

- I submit that the position of Herd Manager, based on 3 years NZ dairy farming experience, and an NZ attained Level 3 qualification, is placed on the ISSL, in unison with a minimum total salary package of \$60,000 per annum.



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Submission Statement 13:

- The below MBIE cited proposal to classify any worker on ANZSCO skill level 4 or 5 (unskilled), regardless of their salary is highly misguided and wrong, particularly in light of the vast majority of current dairy farm work visa applications being compelled to be classified under ANZSCO 841512, skill level 5.

Proposed Essential Skills skill levels and associated visa conditions					
Skill level	Remuneration thresholds		ANZSCO	Visa length	Children & partners
Higher-skilled	\$35.24+ per hour	And	1/2/3/4/5 ⁶	Up to 5 years	Yes
Mid-skilled	\$23.49 - \$35.24 per hour	And	1/2/3	Up to 3 years	Yes
Lower-skilled	\$15.75 ⁷ - \$23.49 per hour	And	1/2/3	Up to 1 year	No
	\$15.75 - \$35.24 per hour	And	4 & 5		

At this point, we will move onto answering the questions the government specifically asks of their proposed changes:

- Consultation questions: Proposal 1**
 - What impacts or implications do you foresee from defining lower-, mid- and higher-skilled Essential Skills migrants in this way? And why?
 - Where possible provide information about the impact on specific occupations or sectors.

The implications of defining "lower" skilled migrants in this way would be devastating to my business and my community who are reliant on work visa holders. To address this there needs to be a system change which no longer classifies dairy staff as unskilled, or recognizes them as skilled, no matter what their ANZSCO classification is, once they reach a certain earning threshold.

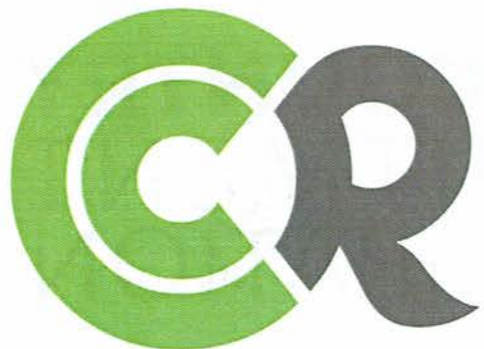
If you have ticked this box, please circle one of the appropriate remuneration bands from which you feel it appropriate to deem a dairy worker skilled, this included the value of the accommodation your staff are provided which is taxed at market rates.

- \$55,000 + per annum
- \$60,000 + per annum
- \$65,000 + per annum
- \$70,000 + per annum



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- The proposed changes show a lack of understanding of the dairy sector's realities, compounding the ineffective nature of ANZSCO, and providing no recognition for NZ attained experience, or salary thresholds.
- The dairy sector has made huge progress keeping timesheets, reducing working hours, providing better rosters, however a working week on a dairy farm still resembles 50 hours per week, in light of this some flexibility around hours within a remuneration band should be provide.
- It is 2017, everyone has a smart phone. I find it hard to believe people in mid to senior level roles in the corporate world, on \$60,000 or more per annum, are only working 40 hours a week given the nature of smart phones and how work follows any busy professional home. I find it inequitable that because the dairy sector now keep timesheets and are transparent about a working week constituting more than 40 hours that we are penalized for this.



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CCR' Suggestion:



We suggest a 4 tier system over the proposed 3 tier system, which allows the employee who is new to NZ 3 years to establish themselves, and move to the semi skilled tier, or be required to leave NZ.

Tick if you agree with the below suggestion:

Proposal to align with the realities of any mid to senior role in any profession					
Suggested thresholds that align with the dairy sector's reality	Hourly rate of Pay – top ups when the working week or fortnight exceeds 100 hours	Annual rate of pay 100 hour fortnight, and or 2600 hour working year	Comments	Visa length	Children & Partners
Remuneration threshold below which an Essential Skills visa holder would be lower-skilled	Min wage - \$18.79	Min wage - \$48,859 per annum	Allowing a NZ new employee 3 years to learn the role, system and culture, while attaining NZ based experience and perhaps qualifications	1 year renewable, max 3 years, before stand down period	No
Remuneration threshold above which an Essential Skills visa holder would be semi-skilled	\$18.80 to \$23.49 per hour	\$48,880 to \$61,074 per annum	Recognition the employee has moved into the semi skilled remuneration band and subject to labor market testing is performing a role for which local staff cannot be attained.	1 to 3 years, salary and regional dependent	Yes
Remuneration threshold above which an Essential Skills visa holder would be higher-skilled	\$23.50 to \$35.24 per hour	\$61,100 to \$91,624 per annum	At which time it is suggested a small number of additional SMC points are granted, on the basis of a higher skilled employee	3 to 5 years, salary and regional dependent, with SMC eligibility	Yes
Remuneration threshold above which an Essential Skills visa holder would be Elite -skilled	\$35.25 per hour or higher	\$91,650 or higher	At which time it is suggested additional SMC points are granted, on the basis of an Elite skill being self evident when that level of remuneration is earned	3 to 5 years, salary and regional dependent, with SMC Residence qualification being highly likely	Yes



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Consultation questions: Proposal 2a

- What impacts or implications do you foresee from the proposed maximum duration of three years for lower-skilled Essential Skills visa holders? And why?
- Where possible provide information about the impact on specific occupations or sectors.

- Making trained staff exit, who are working in an area of acknowledged, and continued to be evidenced shortages is absurd. The impact for my business and the dairy sector as a whole would be catastrophic.
- A maximum age of 55 (as is the case for residence via SMC) for a temporary working visa would provide a limitation, as the current proposal of the government would appear to desire.
- Given that NZ's pasture based farming system is unique to any other in the world, once we have trained work visa holders, which takes 1 to 2 years, we ought be allowed to retain them in our business or industry for at least a further 5 years, providing the local shortages continue.

Consultation questions: Proposal 2b

- What impacts or implications do you foresee from the proposal to introduce a stand down period for lower-skilled Essential Skills migrants? And why?
- Where possible provide information about the impact on specific occupations or sectors.

- There should be no stand down of trained and experienced staff in the dairy sector, for the reasons already outlined, making qualified staff exit in areas of extreme labor shortages, completely misses the industries point of view.



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Consultation question: Proposal 3

- What impacts or implications do you foresee from the proposal to remove the ability for lower-skilled Essential Skills visa holders to bring their partners to New Zealand for the length of their Essential Skills visa? And why?

Consultation question: Proposal 4

- What impacts or implications do you foresee from the proposal to remove the ability for lower-skilled Essential Skills visa holders to bring their children to New Zealand for the length of their Essential Skills visa? And why?

Having partners and children living with dairy farm staff makes the staff happier and more productive. The current "open" work visa status of the partner performs a valuable role in part time dairy farm work, aged health care in rural NZ, and seasonal industries such as the freezing works, the partners of dairy farm work visa holders provide substance and value to rural NZ. The nature of 'housing hierarchy' on many dairy farms, dictates that it is only the more senior staff that have the chance to have their families join them, because many junior staff are living in shared accommodation.

Life is good on a dairy farm, and the value of a remuneration package which includes a house allows work visa holders to have their families join them on farm, this illustrates the dairy sector should not be viewed as under paying our staff. City based work visa holders paying hundreds of dollars per week to share a bedroom will struggle to have their families join them, however the dairy industry should be commended for providing such good lives to their work visa employees that they can afford to bring their families here.

The children of temporary work visa holders on dairy farms are going to rural schools, where populations are stagnant or decreasing as the previously cited data evidences, if these children play a part in ensuring rural NZ towns do not die off, what is the problem? They already have a cap of only being allowed to remain in NZ as a dependent on their partners visa until the end of high school.

Any student studying at primary or high school in rural NZ, while their parents are providing valuable contribution to the local economy should not be charged international student fees.



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Proposal 5: Make it explicit how the 'period of employment' condition applies to seasonal work

Cabinet has agreed, in principle, that Immigration Instructions would be explicit that for Essential Skills workers in seasonal occupations, the offer of employment (and as a result the duration of the visa) must not be longer than the length of the season. Workers would need to leave New Zealand in the off-season but could return the following year provided that they continue to meet the labour market test.

The list of seasonal occupations being considered include:

- Rural contractors
- Dairy farm workers
- Meat workers
- Adventure tourism workers
- Shearers and shed hands
- Ski season workers
- Winery and viticulture workers
- Horticulture workers
- Forestry workers
- Seafood workers.



That must be a misprint that someone within the team who drafted this policy review suggested that dairy farming is seasonal !?

Just in case it needs clarifying, while cows do "dry off" for a short period each year, the work on the farm maintaining **the cows, grass & the farm itself is a year around job**, a section of the work visa holder community do take their annual leave during dry off, such holidays take the place of December and January holidays in the corporate world.

Consultation questions: Proposal 5

- What impacts or implications do you foresee from the proposal to reinforce that Essential Skills visas for seasonal work are only granted for the length of the season and that the offer of employment must match the length of the season? And why?
- Are there any seasonal occupations that should be added or removed from this list? Why?
- If you employ seasonal staff, or represent a sector with seasonal staff:
 - What are the occupations of the seasonal staff that you are commenting on?
 - For each of the occupations that you have identified, what is the typical period that you require seasonal staff to cover (e.g the peak of the season)?



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- Dairy Farming should be removed from the "seasonal occupations list".
- The roles on a dairy farm are all year round, the "peak" of the season occurs during calving, when the number of animals on farm doubles with each cow giving birth, this occurs between July and October on most farms, with the South Island commencing later than the north island, however increasing numbers of farms are also doing "split" calving which sees increased work loads at different parts of the year.
- I accept that I might be able to take a chance hiring school leaver or beneficiary at a busy time of year, such as calving, if a suitable applicant were available, if the rest of my team were established and stable.
- I would only be able to justify such a risk of hiring a local school leaver or beneficiary if their success or failure would not dictate the success or failure of my business, and I know based on the current dairy farm staffing shortages, such local applicants are in short supply, and I know based on personal experience, such applicants may not work out.

Closing Statements

- The proposed changes are disturbing, and if implemented would damage my business, the dairy sector and my community, the proposal shows a lack of understanding of the issues facing regional NZ, and suggest that population / Immigration problems which are present in cities, particularly Auckland, might be allowed to dictate policy around the rest of New Zealand!
- I am a dairy farmer, a group which has historically voted for the national party. I am disappointed that it is a national party government, led by a prime minister who himself is a dairy farmer, that is proposing these changes, and if these changes are implemented I would strongly consider casting my vote elsewhere in the upcoming election.

s 9(2)(g)(i)

Signed:

Employers: Please attach any additional information, on additional sheets, if necessary.



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Proposed Temporary Work Visa Changes: Dairy Industry Submission

4th May 2017

Employer / Trading Name: [REDACTED] s 9(2)(g)(i)

Farm Address: [REDACTED] 9(2)(a)

Email address and or Phone Number: [REDACTED] 9(2)(a)

Dear Employer: Please tick the box next to statements you agree with, and leave blank the boxes next to statements which you do not agree with or are indifferent to.

Please write any additional comments in the spaces provided, or attach additional sheets including evidence as they relate to your staffing shortages, and positive or negative experiences having work visa holders in your business, and dealing with Immigration NZ in this process.

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Dairy Cow Population data sourced from LIC and Dairy NZ, along with Human population data from Statistics NZ, numbers in more detail here - <http://ccrecruitment.co.nz/our-cows-need-more-people/>

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In light of the almost doubling of our dairy sector milking cow numbers in the past 20 years, coupled with the locations in which we farm – in regional NZ, it is both naive and misguided for policy makers to think that migrant labor, in quite significant numbers will not be needed in order to staff our dairy farms.

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Submission Statement 12:

I submit that the position of Herd Manager, based on 3 years NZ dairy farming experience, and an NZ attained Level 3 qualification, is placed on the ISSL, in unison with a minimum total salary package of \$49,000 per annum.



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Proposed Essential Skills skill levels and associated visa conditions					
Skill level	Remuneration thresholds		ANZSCO	Visa length	Children & partners
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Submission Statement 13:

The above cited proposal to classify any worker on ANZSCO skill level 4 or 5, regardless of their salary as unskilled is highly misguided and wrong, particularly in light of the vast majority of current dairy farm work visa applications being compelled to be classified under ANZSCO 841512, skill level 5.

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\$55,000 + per annum

\$60,000 + per annum

\$65,000 + per annum

\$70,000 + per annum



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Consultation questions: Proposal 2a

- What impacts or implications do you foresee from the proposed maximum duration of three years for lower-skilled Essential Skills visa holders? And why?
- Where possible provide information about the impact on specific occupations or sectors.



Making trained staff exit, who are working in an area of acknowledged, and continued to be evidenced shortages is absurd. The impact for my business and the dairy sector as a whole would be catastrophic.



A maximum age of 55 (as is the case for residence) for a temporary working visa would provide a limitation, as the current proposal of the government would appear to desire.



Given that NZ's pasture based farming system is unique to any other in the world, once we have trained work visa holders, which takes 1 to 2 years, we ought be allowed to retain them in our business or industry for at least a further 5 years, providing the local shortages continue.

Consultation questions: Proposal 2b

- What impacts or implications do you foresee from the proposal to introduce a stand down period for lower-skilled Essential Skills migrants? And why?
- Where possible provide information about the impact on specific occupations or sectors.



There should be no stand down of trained and experienced staff in the dairy sector, for the reasons already outlined, making qualified staff exit in areas of extreme labor shortages, completely misses the industries point of view.



CROSS COUNTRY RECRUITMENT & IMMIGRATION

Consultation question: Proposal 3

- What impacts or implications do you foresee from the proposal to remove the ability for lower-skilled Essential Skills visa holders to bring their partners to New Zealand for the length of their Essential Skills visa? And why?

Consultation question: Proposal 4

- What impacts or implications do you foresee from the proposal to remove the ability for lower-skilled Essential Skills visa holders to bring their children to New Zealand for the length of their Essential Skills visa? And why?

- Having partners and children living with dairy farm staff makes the staff happier and more productive. The current "open" work visa status of the partner performs a valuable role in part time dairy farm work, aged health care in rural NZ, and seasonal industries such as the freezing works, the partners of dairy farm work visa holders provide substance and value to rural NZ.
- The children of temporary work visa holders on dairy farms are going to rural schools, where populations are stagnant or decreasing as the previously cited data evidences, if these children play a part in ensuring rural NZ towns do not die off, what is the problem? They already have a cap of only being allowed to remain in NZ as a dependent on their partners visa until the end of high school.
- Any student studying at primary or high school in rural NZ, while their parents are providing valuable contribution to the local economy should not be charged international student fees.

Proposal 5: Make it explicit how the 'period of employment' condition applies to seasonal work

Cabinet has agreed, in principle, that Immigration Instructions would be explicit that for Essential Skills workers in seasonal occupations, the offer of employment (and as a result the duration of the visa) must not be longer than the length of the season. Workers would need to leave New Zealand in the off-season but could return the following year provided that they continue to meet the labour market test.



CROSS COUNTRY RECRUITMENT & IMMIGRATION

The list of seasonal occupations being considered include:

- Rural contractors
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- Meat workers
- Adventure tourism workers
- Shearers and shed hands
- Ski season workers
- Winery and viticulture workers
- Horticulture workers
- Forestry workers
- Seafood workers.



That must be a misprint that someone within the team who drafted this policy review suggested that dairy farming is seasonal!!

Just in case it needs clarifying, while cows to "dry off" for a short period each year, the work on the farm maintaining the cows and the farm itself is all year around, and for a section of the work visa holder community who take their annual leave during dry off, such holidays take the place of December and January holidays in the corporate world.

Consultation questions: Proposal 5

- What impacts or implications do you foresee from the proposal to reinforce that Essential Skills visas for seasonal work are only granted for the length of the season and that the offer of employment must match the length of the season? And why?
- Are there any seasonal occupations that should be added or removed from this list? Why?
- If you employ seasonal staff, or represent a sector with seasonal staff:
 - What are the occupations of the seasonal staff that you are commenting on?
 - For each of the occupations that you have identified, what is the typical period that you require seasonal staff to cover (e.g the peak of the season)?



Dairy Farming should be removed from the "seasonal occupations list".



CROSS COUNTRY RECRUITMENT & IMMIGRATION

- The roles on a dairy farm are all year round, the "peak" of the season is during calving, when the number of animals on farm doubles with each cows giving birth, this occurs between July and October on most farms, with the South Island commencing later than the north island, however increasing numbers of farms are also doing "split" calving which sees increased work loads at different parts of the year also.
- I accept that I might be able to take a chance hiring school leaver or beneficiary at a busy time of year, such as calving, if a suitable applicant were available, if the rest of my team were established and stable.
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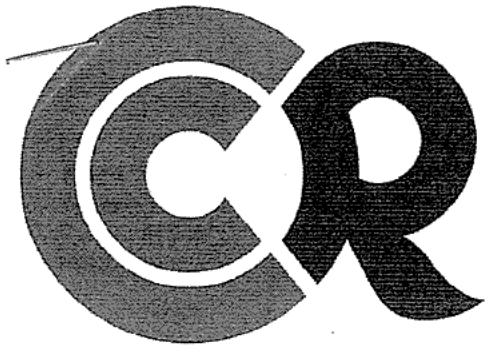
Closing Statements

- The proposing changes are disturbing, and if implemented would damage my business, the dairy sector and my community, the proposal shows a lack of understanding of the issues facing regional NZ, and suggest that population / Immigration problems which are present in cities, particularly Auckland, might be allowed to dictate policy around the rest of New Zealand.
- I am a dairy farmer, a group which has historically voted for the national party. I am disappointed that it is a national party government, led by a prime minister who himself is a dairy farmer, that is proposing these changes, and if these changes are implemented I would strongly consider casting my vote elsewhere in the upcoming election.

s 9(2)(g)(i)

Sign

Employers: Please attach any additional information, on additional sheets, if necessary.



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Proposed Temporary Work Visa Changes: Dairy Industry Submission

26th April 2017

Employer / Trading Name: Southwest farming Ltd

Farm Address: 9(2)(a)

Email address and or Phone Number: 9(2)(a)

Dear Employer: Please tick the box next to statements you agree with, and leave blank the boxes next to statements which you do not agree with or are indifferent to.

Please write any additional comments in the spaces provided, or attach additional sheets including evidence as they relate to your staffing shortages, and positive or negative experiences having work visa holders in your business, and dealing with Immigration NZ in this process.

Please submit a scanned copy of this document by email to: ESConsultation@mbie.govt.nz, please feel free to copy in immigration@ccrecruitment.co.nz

Please send Before 5pm May 21st 2017

At our own initiative, this template submission has been drafted by a small private sector company who represents the dairy sector in their recruitment and Immigration needs with a view to helping the industry have its voice heard amidst proposed changes which we personally feel the public are mis-informed about.

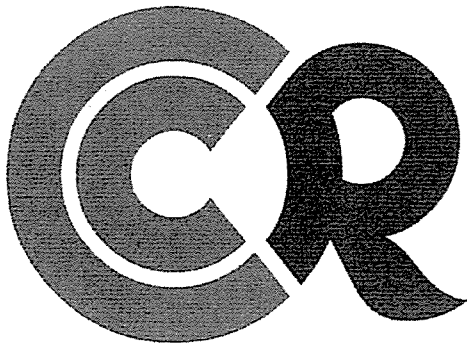
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Problem definition:

The objective of migrant labor is to fill shortages where there is genuine need, while ensuring that New Zealanders are first in line for employment opportunities. An adjustment to settings now will ensure the Government's long term labor market strategy continues to function well, by:

- increasing the attractiveness to employers of New Zealanders, including beneficiaries and school leavers
- incentivizing employers to invest more in training and/or offering better wages and/or terms and conditions, and



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- increasing incentives to shift to potentially more productive business models, and avoid the embedding of business models reliant on lower-skilled temporary workers.

In response to the above MBIE statement, we have drafted the following possible responses:

Submission Statement 1:

- Regional NZ * has a population, and migration problem, however not the problem which the current policy consultation asserts.

The problem is that in the last 20 years the number of milking cows increased from 3 million to 5 million, and the population in the areas these cows are being milked, have either remained stagnant or decreased.

* Regional NZ is defined as all areas outside of Auckland, Hamilton, Tauranga, Wellington and Christchurch)

Dairy Cow Population data sourced from LIC and Dairy NZ, along with Human population data from Statistics NZ, numbers in more detail here - <http://ccrecruitment.co.nz/our-cows-need-more-people/>

Submission Statement 2:

- In light of the almost doubling of our dairy sector milking cow numbers in the past 20 years, coupled with the locations in which we farm – in regional NZ, it is both naive and misguided for policy makers to think that migrant labor, in quite significant numbers, will not continue to be needed in order to staff our dairy farms.

Submission Statement 3:

- Despite the numbers of work visa holders already working in the NZ Dairy Sector, I believe the industry to have significant labor shortage issues.

Submission Statement 4:

- If I had a vacancy on my farm tomorrow, I would be very nervous about my ability to fill it with NZ citizen or resident applicants.

Submission Statement 5:

- If young eager school leavers were available in the location of my dairy farm I would be eager to hire them.

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- The notion of “incentivizing” beneficiaries to go from unemployment to get out of bed at 4am and living some distance from their friends and families is farcical and jeopardizing the safety of the dairy farm, creating competing legislation between Immigration laws and the current Health and Safety at work Act 2015.



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Submission Statement 7:

I would like to grow my farm and business, in line with the Ministry of Primary Industries goal of doubling primary industry exports by 2025 - <https://www.mpi.govt.nz/about-mpi/our-strategy-2030-growing-and-protecting-new-zealand/the-export-goal/> However staffing issues place limitations on my ability to grow.

Submission Statement 8:

I find it confusing and contradictory that one government department wants us to double our exports, and another government department is proposing labor restrictions / compulsion to leave NZ for staff once I have them trained.

Submission Statement 9:

The current ANZSCO system of classifying the roles and skills of dairy farm staff under

- ANZSCO 841512 – skill level 5, no experience necessary, or
- ANZSCO 121313 – skill level 1, managing the farm, paying the taxes and having no one “above” the work visa holder on the farm on a day to day basis.

Is an outdated system, which has little to no grasp on the realities of the skills or roles of dairy farm staff.

Submission Statement 10:

In light of statement 9, it would be logical to redefine the roles and skillsets of staff who work on dairy farms in NZ, as neither ANZSCO 841512 or 121313 are effective for classifying the skills our staff have, what our staff do, and what we need them to do.

Submission Statement 11:

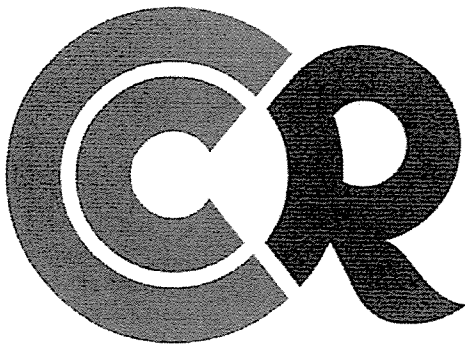
In light of statement 10, if there is an unwillingness to redefine ANZSCO, and the next Immediate skills shortage skills (ISSL) review, I request my current submission is put forward as advocacy that mid level dairy farming positions are placed back on the Immediate skills shortage list.

Submission Statement 12:

I submit that the position of Herd Manager, based on 3 years NZ dairy farming experience, and an NZ attained Level 3 qualification, is placed on the ISSL, in unison with a minimum total salary package of \$60,000 per annum.

Submission Statement 13:

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



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The below MBIE cited proposal to classify any worker on ANZSCO skill level 4 or 5 (unskilled), regardless of their salary is highly misguided and wrong, particularly in light of the vast majority of current dairy farm work visa applications being compelled to be classified under ANZSCO 841512, skill level 5.

Proposed Essential Skills skill levels and associated visa conditions					
Skill level	Remuneration thresholds		ANZSCO	Visa length	Children & partners
Higher-skilled	\$35.24+ per hour	And	1/2/3/4/5 ⁶	Up to 5 years	Yes
Mid-skilled	\$23.49 - \$35.24 per hour	And	1/2/3	Up to 3 years	Yes
Lower-skilled	\$15.75 ⁷ - \$23.49 per hour	And	1/2/3	Up to 1 year	No
	\$15.75 - \$35.24 per hour	And	4 & 5		

At this point, we will move onto answering the questions the government specifically asks of their proposed changes:



Consultation questions: Proposal 1

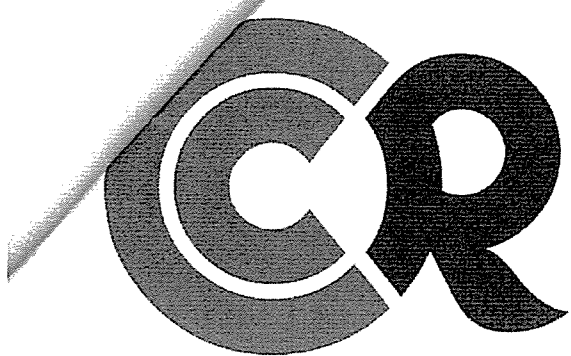
- What impacts or implications do you foresee from defining lower-, mid- and higher-skilled Essential Skills migrants in this way? And why?
- Where possible provide information about the impact on specific occupations or sectors.

The implications of defining "lower" skilled migrants in this way would be devastating to my business and my community who are reliant on work visa holders. To address this there needs to be a system change which no longer classifies dairy staff as unskilled, or recognizes them as skilled, no matter what their ANZSCO classification is, once they reach a certain earning threshold.

If you have ticked this box, please circle one of the appropriate remuneration bands from which you feel it appropriate to deem a dairy worker skilled, this included the value of the accommodation your staff are provided which is taxed at market rates.

- \$55,000 + per annum
- \$60,000 + per annum
- \$65,000 + per annum
- \$70,000 + per annum





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✓ The proposed changes show a lack of understanding of the dairy sector's realities, compounding the ineffective nature of ANZSCO, and providing no recognition for NZ attained experience, or salary thresholds.

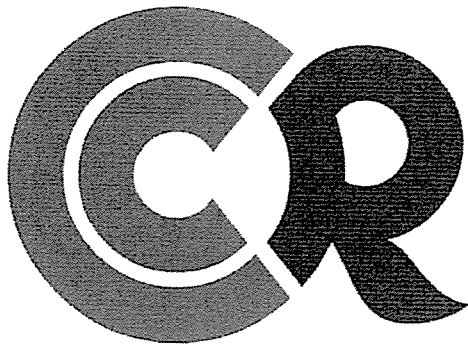
The dairy sector has made huge progress keeping timesheets, reducing working hours, providing better rosters, however a working week on a dairy farm still resembles 50 hours per week, in light of this some flexibility around hours within a remuneration band should be provide.

It is 2017, everyone has a smart phone. I find it hard to believe people in mid to senior level roles in the corporate world, on \$60,000 or more per annum, are only working 40 hours a week given the nature of smart phones and how work follows any busy professional home. I find it inequitable that because the dairy sector now keep timesheets and are transparent about a working week constituting more than 40 hours that we are penalized for this.

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CCR' Suggestion:





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We suggest a 4 tier system over the proposed 3 tier system, which allows the employee who is new to NZ 3 years to establish themselves, and move to the semi skilled tier, or be required to leave NZ.

Tick if you agree with the below suggestion:

Proposal to align with the realities of any mid to senior role in any profession					
Suggested thresholds that align with the dairy sector's reality	Hourly rate of Pay - top ups when the working week or fortnight exceeds 100 hours	Annual rate of pay 100 hour fortnight, and or 2600 hour working year	Comments	Visa length	Children & Partners
Remuneration threshold below which an Essential Skills visa holder would be lower-skilled	Min wage -\$18.79	Min wage -\$48,859 per annum	Allowing a NZ new employee 3 years to learn the role, system and culture, while attaining NZ based experience and perhaps qualifications	1 year renewable, max 3 years, before stand down period	No
Remuneration threshold above which an Essential Skills visa holder would be semi-skilled	\$18.80 to \$23.49 per hour	\$48,880 to \$61,074 per annum	Recognition the employee has moved into the semi skilled remuneration band and subject to labor market testing is performing a role for which local staff cannot be attained.	1 to 3 years, salary and regional dependent	Yes
Remuneration threshold above which an Essential Skills visa holder would be higher-skilled	\$23.50 to \$35.24 per hour	\$61,100 to \$91,624 per annum	At which time it is suggested a small number of additional SMC points are granted, on the basis of a higher skilled employee	3 to 5 years, salary and regional dependent, with SMC eligibility	Yes
Remuneration threshold above which an Essential Skills visa holder would be Elite - skilled	\$35.25 per hour or higher	\$91,650 or higher	At which time it is suggested additional SMC points are granted, on the basis of an Elite skill being self evident when that level of remuneration is earned	3 to 5 years, salary and regional dependent, with SMC Residence qualification being highly likely	Yes



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Consultation questions: Proposal 2a

- What impacts or implications do you foresee from the proposed maximum duration of three years for lower-skilled Essential Skills visa holders? And why?
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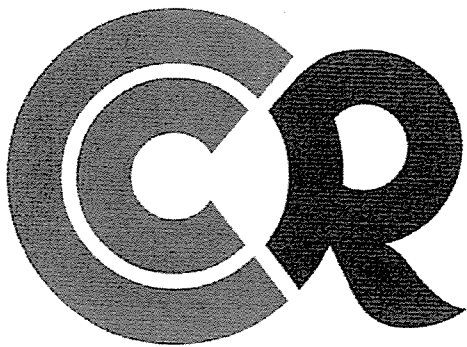
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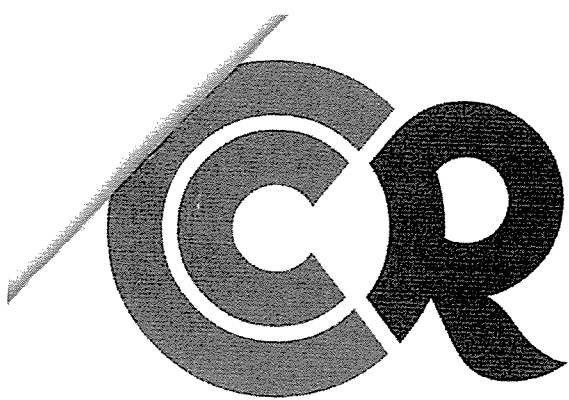
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- Life is good on a dairy farm, and the value of a remuneration package which includes a house allows work visa holders to have their families join them on farm, this illustrates the dairy sector should not be viewed as under paying our staff. City based work visa holders paying hundreds of dollars per week to share a bedroom will struggle to have their families join them, however the dairy industry should be commended for providing such good lives to their work visa employees that they can afford to bring their families here.
- The children of temporary work visa holders on dairy farms are going to rural schools, where populations are stagnant or decreasing as the previously cited data evidences, if these children play a part in ensuring rural NZ towns do not die off, what is the problem? They already have a cap of only being allowed to remain in NZ as a dependent on their partners visa until the end of high school.
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9

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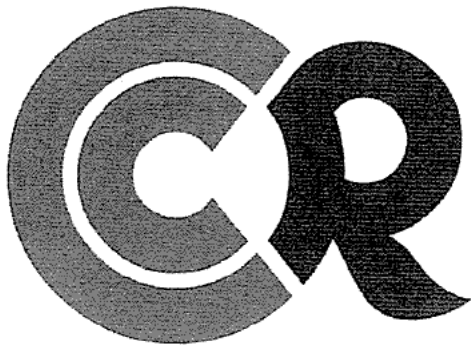
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Proposed Temporary Work Visa Changes: Dairy Industry Submission

26th April 2017

Employer / Trading Name: [REDACTED] s 9(2)(g)(i)

Farm Address: [REDACTED] 9(2)(a)

Email address and or Phone Number: [REDACTED] 9(2)(a)

Dear Employer: Please tick the box next to statements you agree with, and leave blank the boxes next to statements which you do not agree with or are indifferent to.

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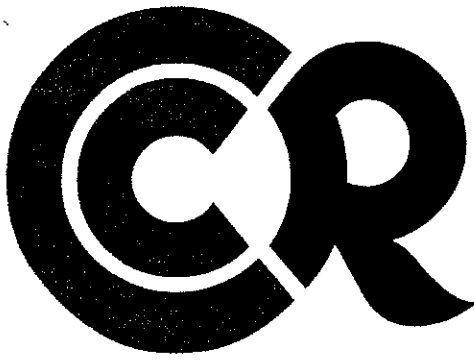
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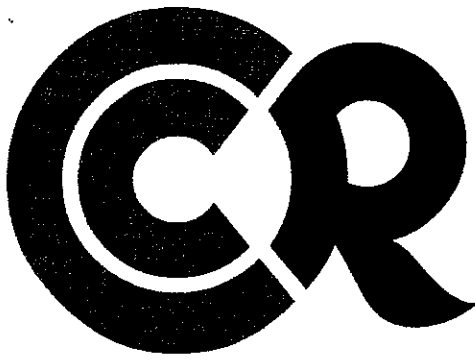
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Submission Statement 13:



The below MBIE cited proposal to classify any worker on ANZSCO skill level 4 or 5 (unskilled), regardless of their salary is highly misguided and wrong, particularly in light of the vast majority of current dairy farm work visa applications being compelled to be classified under ANZSCO 841512, skill level 5.

Proposed Essential Skills skill levels and associated visa conditions					
Skill level	Remuneration thresholds		ANZSCO	Visa length	Children & partners
Higher-skilled	\$35.24+ per hour	And	1/2/3/4/5 ⁶	Up to 5 years	Yes
Mid-skilled	\$23.49 - \$35.24 per hour	And	1/2/3	Up to 3 years	Yes
Lower-skilled	\$15.75 ⁷ - \$23.49 per hour	And	1/2/3	Up to 1 year	No
	\$15.75 - \$35.24 per hour	And	4 & 5		

At this point, we will move onto answering the questions the government specifically asks of their proposed changes:



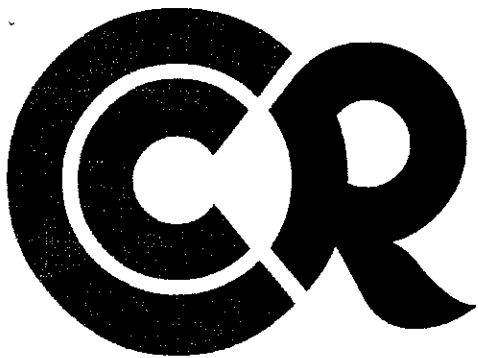
Consultation questions: Proposal 1

- What impacts or implications do you foresee from defining lower-, mid- and higher-skilled Essential Skills migrants in this way? And why?
- Where possible provide information about the impact on specific occupations or sectors.

The implications of defining "lower" skilled migrants in this way would be devastating to my business and my community who are reliant on work visa holders. To address this there needs to be a system change which no longer classifies dairy staff as unskilled, or recognizes them as skilled, no matter what their ANZSCO classification is, once they reach a certain earning threshold.

If you have ticked this box, please circle one of the appropriate remuneration bands from which you feel it appropriate to deem a dairy worker skilled, this included the value of the accommodation your staff are provided which is taxed at market rates.

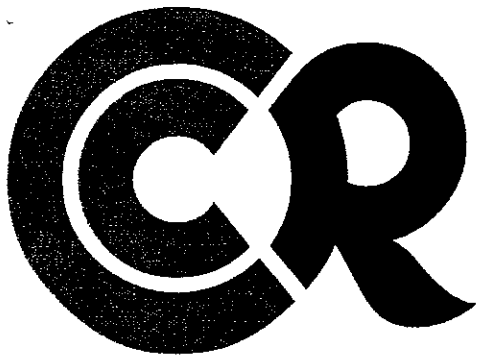
\$55,000 + per annum \$60,000 + per annum \$65,000 + per annum \$70,000 + per annum



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- The proposed changes show a lack of understanding of the dairy sector's realities, compounding the ineffective nature of ANZSCO, and providing no recognition for NZ attained experience, or salary thresholds.
- The dairy sector has made huge progress keeping timesheets, reducing working hours, providing better rosters, however a working week on a dairy farm still resembles 50 hours per week, in light of this some flexibility around hours within a remuneration band should be provide.
- It is 2017, everyone has a smart phone. I find it hard to believe people in mid to senior level roles in the corporate world, on \$60,000 or more per annum, are only working 40 hours a week given the nature of smart phones and how work follows any busy professional home. I find it inequitable that because the dairy sector now keep timesheets and are transparent about a working week constituting more than 40 hours that we are penalized for this.

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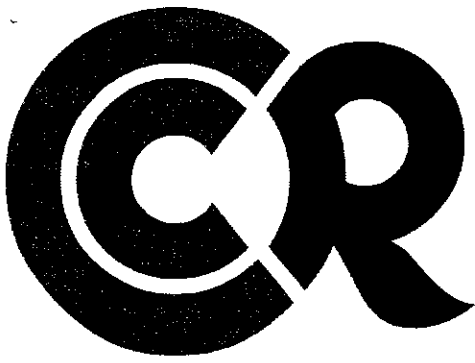
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We suggest a 4 tier system over the proposed 3 tier system, which allows the employee who is new to NZ 3 years to establish themselves, and move to the semi skilled tier, or be required to leave NZ.

Tick if you agree with the below suggestion:

Proposal to align with the realities of any mid to senior role in any profession					
Suggested thresholds that align with the dairy sector's reality	Hourly rate of Pay – top ups when the working week or fortnight exceeds 100 hours	Annual rate of pay 100 hour fortnight, and or 2600 hour working year	Comments	Visa length	Children & Partners
Remuneration threshold below which an Essential Skills visa holder would be lower-skilled	Min wage - \$18.79	Min wage - \$48,859 per annum	Allowing a NZ new employee 3 years to learn the role, system and culture, while attaining NZ based experience and perhaps qualifications	1 year renewable, max 3 years, before stand down period	No
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CROSS COUNTRY RECRUITMENT & IMMIGRATION

Consultation questions: Proposal 2a

- What impacts or implications do you foresee from the proposed maximum duration of three years for lower-skilled Essential Skills visa holders? And why?
- Where possible provide information about the impact on specific occupations or sectors.



Making trained staff exit, who are working in an area of acknowledged, and continued to be evidenced shortages is absurd. The impact for my business and the dairy sector as a whole would be catastrophic.



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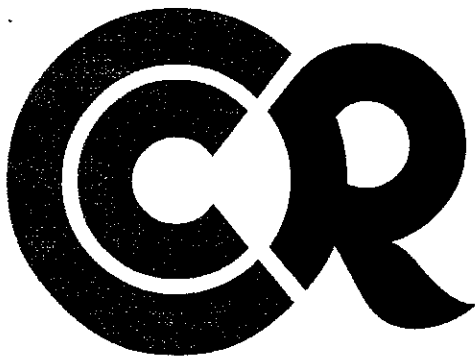
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Consultation questions: Proposal 2b

- What impacts or implications do you foresee from the proposal to introduce a stand down period for lower-skilled Essential Skills migrants? And why?
- Where possible provide information about the impact on specific occupations or sectors.



There should be no stand down of trained and experienced staff in the dairy sector, for the reasons already outlined, making qualified staff exit in areas of extreme labor shortages, completely misses the industries point of view.



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Consultation question: Proposal 3

- What impacts or implications do you foresee from the proposal to remove the ability for lower-skilled Essential Skills visa holders to bring their partners to New Zealand for the length of their Essential Skills visa? And why?

Consultation question: Proposal 4

- What impacts or implications do you foresee from the proposal to remove the ability for lower-skilled Essential Skills visa holders to bring their children to New Zealand for the length of their Essential Skills visa? And why?



Having partners and children living with dairy farm staff makes the staff happier and more productive. The current "open" work visa status of the partner performs a valuable role in part time dairy farm work, aged health care in rural NZ, and seasonal industries such as the freezing works, the partners of dairy farm work visa holders provide substance and value to rural NZ. The nature of 'housing hierarchy' on many dairy farms, dictates that it is only the more senior staff that have the chance to have their families join them, because many junior staff are living in shared accommodation.



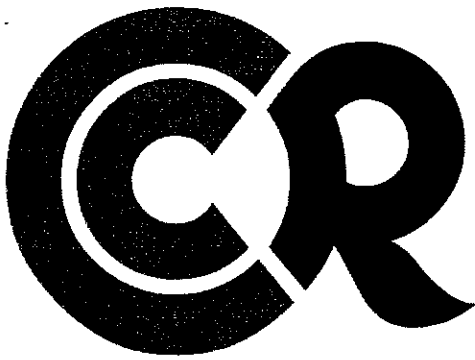
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The children of temporary work visa holders on dairy farms are going to rural schools, where populations are stagnant or decreasing as the previously cited data evidences, if these children play a part in ensuring rural NZ towns do not die off, what is the problem? They already have a cap of only being allowed to remain in NZ as a dependent on their partners visa until the end of high school.



Any student studying at primary or high school in rural NZ, while their parents are providing valuable contribution to the local economy should not be charged international student fees.



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Proposal 5: Make it explicit how the 'period of employment' condition applies to seasonal work

Cabinet has agreed, in principle, that Immigration Instructions would be explicit that for Essential Skills workers in seasonal occupations, the offer of employment (and as a result the duration of the visa) must not be longer than the length of the season. Workers would need to leave New Zealand in the off-season but could return the following year provided that they continue to meet the labour market test.

The list of seasonal occupations being considered include:

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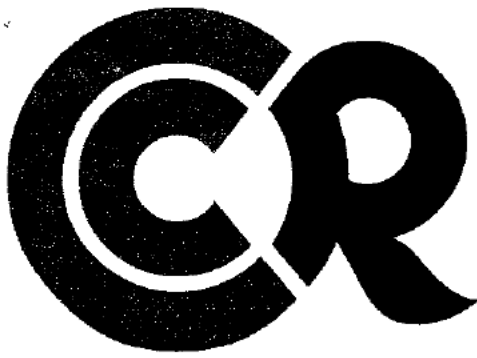


That must be a misprint that someone within the team who drafted this policy review suggested that dairy farming is seasonal !?

Just in case it needs clarifying, while cows to "dry off" for a short period each year, the work on the farm maintaining the cows, grass & the farm itself is a year around job, a section of the work visa holder community do take their annual leave during dry off, such holidays take the place of December and January holidays in the corporate world.

Consultation questions: Proposal 5

- What impacts or implications do you foresee from the proposal to reinforce that Essential Skills visas for seasonal work are only granted for the length of the season and that the offer of employment must match the length of the season? And why?
- Are there any seasonal occupations that should be added or removed from this list? Why?
- If you employ seasonal staff, or represent a sector with seasonal staff:
 - What are the occupations of the seasonal staff that you are commenting on?
 - For each of the occupations that you have identified, what is the typical period that you require seasonal staff to cover (e.g the peak of the season)?



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- The roles on a dairy farm are all year round, the "peak" of the season occurs during calving, when the number of animals on farm doubles with each cow giving birth, this occurs between July and October on most farms, with the South Island commencing later than the north island, however increasing numbers of farms are also doing "split" calving which sees increased work loads at different parts of the year.
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Closing Statements

- The proposed changes are disturbing, and if implemented would damage my business, the dairy sector and my community, the proposal shows a lack of understanding of the issues facing regional NZ, and suggest that population / Immigration problems which are present in cities, particularly Auckland, might be allowed to dictate policy around the rest of New Zealand.
- I am a dairy farmer, a group which has historically voted for the national party. I am disappointed that it is a national party government, led by a prime minister who himself is a dairy farmer, that is proposing these changes, and if these changes are implemented I would strongly consider casting my vote elsewhere in the upcoming election.

s 9(2)(g)(i)

Signed: _____

Employers: Please attach any additional information, on additional sheets, if necessary.



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Proposed Temporary Work Visa Changes: Dairy Industry Submission

Date: 11 May 2017

Employer / Trading Name: s 9(2)(g)(i) / s 9(2)(g)(i)

Farm Address: 9(2)(a)

Email address and or Phone Number: 9(2)(a)

Dear Employer: Please tick the box next to statements you agree with, and leave blank the boxes next to statements which you do not agree with or are indifferent to.

Please write any additional comments in the spaces provided, or attach additional sheets including evidence as they relate to your staffing shortages, and positive or negative experiences having work visa holders in your business, and dealing with Immigration NZ in this process.

Please submit a scanned copy of this document by email to: ESConsultation@mbie.govt.nz, please feel free to copy in immigration@ccrecruitment.co.nz

Please send Before 5pm May 21st 2017

At our own initiative, this template submission has been drafted by a small private sector company who represents the dairy sector in their recruitment and Immigration needs with a view to helping the industry have its voice heard amidst proposed changes which we personally feel the public are mis-informed about.

If you disagree with, or take offence to, any statements made in this template, no offence is meant.

Ministry of Business Innovation and Employment (MBIE) Statement:

Problem definition:

The objective of migrant labor is to fill shortages where there is genuine need, while ensuring that New Zealanders are first in line for employment opportunities. An adjustment to settings now will ensure the Government's long term labor market strategy continues to function well, by:

- increasing the attractiveness to employers of New Zealanders, including beneficiaries and school leavers
- incentivizing employers to invest more in training and/or offering better wages and/or terms and conditions, and



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- increasing incentives to shift to potentially more productive business models, and avoid the embedding of business models reliant on lower-skilled temporary workers.

In response to the above MBIE statement, we have drafted the following possible responses:

Submission Statement 1:

- Regional NZ * has a population, and migration problem, however not the problem which the current policy consultation asserts.

The problem is that in the last 20 years the number of milking cows increased from 3 million to 5 million, and the population in the areas these cows are being milked, have either remained stagnant or decreased.

* Regional NZ is defined as all areas outside of Auckland, Hamilton, Tauranga, Wellington and Christchurch)

Dairy Cow Population data sourced from LIC and Dairy NZ, along with Human population data from Statistics NZ, numbers in more detail here - <http://ccrecruitment.co.nz/our-cows-need-more-people/>

Submission Statement 2:

- In light of the almost doubling of our dairy sector milking cow numbers in the past 20 years, coupled with the locations in which we farm – in regional NZ, it is both naive and misguided for policy makers to think that migrant labor, in quite significant numbers, will not continue to be needed in order to staff our dairy farms.

Submission Statement 3:

- Despite the numbers of work visa holders already working in the NZ Dairy Sector, I believe the industry to have significant labor shortage issues.

Submission Statement 4:

- If I had a vacancy on my farm tomorrow, I would be very nervous about my ability to fill it with NZ citizen or resident applicants.

Submission Statement 5:

- If young eager school leavers were available in the location of my dairy farm I would be eager to hire them.

Submission Statement 6:

- The notion of “incentivizing” beneficiaries to go from unemployment to get out of bed at 4am and living some distance from their friends and families is farcical and jeopardizing the safety of the dairy farm, creating competing legislation between Immigration laws and the current Health and Safety at work Act 2015.



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Submission Statement 7:

I would like to grow my farm and business, in line with the Ministry of Primary Industries goal of doubling primary industry exports by 2025 - <https://www.mpi.govt.nz/about-mpi/our-strategy-2030-growing-and-protecting-new-zealand/the-export-goal/> However staffing issues place limitations on my ability to grow.

Submission Statement 8:

I find it confusing and contradictory that one government department wants us to double our exports, and another government department is proposing labor restrictions / compulsion to leave NZ for staff once I have them trained.

Submission Statement 9:

The current ANZSCO system of classifying the roles and skills of dairy farm staff under

- ANZSCO 841512 – skill level 5, no experience necessary, or
- ANZSCO 121313 – skill level 1, managing the farm, paying the taxes and having no one “above” the work visa holder on the farm on a day to day basis.

Is an outdated system, which has little to no grasp on the realities of the skills or roles of dairy farm staff.

Submission Statement 10:

In light of statement 9, it would be logical to redefine the roles and skillsets of staff who work on dairy farms in NZ, as neither ANZSCO 841512 or 121313 are effective for classifying the skills our staff have, what our staff do, and what we need them to do.

Submission Statement 11:

In light of statement 10, if there is an unwillingness to redefine ANZSCO, and the next Immediate skills shortage skills (ISSL) review, I request my current submission is put forward as advocacy that mid level dairy farming positions are placed back on the Immediate skills shortage list.

Submission Statement 12:

I submit that the position of Herd Manager, based on 3 years NZ dairy farming experience, and an NZ attained Level 3 qualification, is placed on the ISSL, in unison with a minimum total salary package of \$60,000 per annum.



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Submission Statement 13:

- The below MBIE cited proposal to classify any worker on ANZSCO skill level 4 or 5 (unskilled), regardless of their salary is highly misguided and wrong, particularly in light of the vast majority of current dairy farm work visa applications being compelled to be classified under ANZSCO 841512, skill level 5.

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At this point, we will move onto answering the questions the government specifically asks of their proposed changes:

- Consultation questions: Proposal 1**
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\$55,000 + per annum

\$60,000 + per annum

\$65,000 + per annum

\$70,000 + per annum



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- ✓ The proposed changes show a lack of understanding of the dairy sector's realities, compounding the ineffective nature of ANZSCO, and providing no recognition for NZ attained experience, or salary thresholds.
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Consultation questions: Proposal 2a

- What impacts or implications do you foresee from the proposed maximum duration of three years for lower-skilled Essential Skills visa holders? And why?
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Consultation questions: Proposal 2b

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Consultation question: Proposal 3

- What impacts or implications do you foresee from the proposal to remove the ability for lower-skilled Essential Skills visa holders to bring their partners to New Zealand for the length of their Essential Skills visa? And why?

Consultation question: Proposal 4

- What impacts or implications do you foresee from the proposal to remove the ability for lower-skilled Essential Skills visa holders to bring their children to New Zealand for the length of their Essential Skills visa? And why?



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Proposal 5: Make it explicit how the 'period of employment' condition applies to seasonal work

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- What impacts or implications do you foresee from the proposal to reinforce that Essential Skills visas for seasonal work are only granted for the length of the season and that the offer of employment must match the length of the season? And why?
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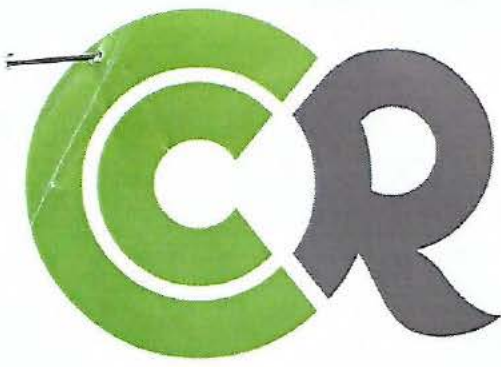
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s 9(2)(g)(i)

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Proposed Temporary Work Visa Changes: Dairy Industry Submission

3rd May 2017

Employer / Trading Name: s 9(2)(g)(i)

Farm Address: 9(2)(a)

Email address and or Phone Number: 9(2)(a)

Dear Employer: Please tick the box next to statements you agree with, and leave blank the boxes next to statements which you do not agree with or are indifferent to.

Please write any additional comments in the spaces provided, or attach additional sheets including evidence as they relate to your staffing shortages, and positive or negative experiences having work visa holders in your business, and dealing with Immigration NZ in this process.

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Please send Before 5pm May 21st 2017

At our own initiative, this template submission has been drafted by a small private sector company who represents the dairy sector in their recruitment and Immigration needs with a view to helping the industry have its voice heard amidst proposed changes which we personally feel are mis-informed.

If you disagree with, or take offence to, any statements made in this template, no offence is meant.

Ministry of Business Innovation and Employment (MBIE) Statement:

Problem definition:

The objective of migrant labour is to fill shortages where there is genuine need, while ensuring that New Zealanders are first in line for employment opportunities. An adjustment to settings now will ensure the Government's long term labour market strategy continues to function well, by:

- increasing the attractiveness to employers of New Zealanders, including beneficiaries and school leavers



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- incentivizing employers to invest more in training and/or offering better wages and/or terms and conditions, and
- increasing incentives to shift to potentially more productive business models, and avoid the embedding of business models reliant on lower-skilled temporary workers.

Submission Statement 1:



Regional NZ * has a population, and migration problem, however not the problem which the current policy consultation asserts.

The problem is that in the last 20 years the number of milking cows increased from 3 million to 5 million, and the population in the areas these cows are being milked, have either remained stagnant or decreased.

* Regional NZ is defined as all areas outside of Auckland, Hamilton, Tauranga, Wellington and Christchurch)

Dairy Cow Population data sourced from LIC and Dairy NZ, along with Human population data from Statistics NZ, numbers in more detail here - <http://ccrecruitment.co.nz/our-cows-need-more-people/>

Submission Statement 2:



In light of the almost doubling of our dairy sector milking cow numbers in the past 20 years, coupled with the locations in which we farm – in regional NZ, it is both naive and misguided for policy makers to think that migrant labor, in quite significant numbers will not be needed in order to staff our dairy farms.

Submission Statement 3:



Despite the numbers of work visa holders already working in the NZ Dairy Sector, I believe the industry to have significant labor shortage issues.

Submission Statement 4:



If I had a vacancy on my farm tomorrow, I would be very nervous about my ability to fill it with NZ citizen or resident applicants.

Submission Statement 5:



If young eager school leavers were available in the location of my dairy farm I would be eager to hire them.

Submission Statement 6:



The notion of “incentivizing” beneficiaries to go from unemployment to get out of bed at 4am and living some distance from their friends and families is farcical and jeopardizing the safety of the dairy farm,



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creating competing legislation between Immigration laws and the current Health and Safety at work Act 2015.

Submission Statement 7:

I would like to grow my farm and business, in line with the Ministry of Primary Industries goal of doubling primary industry exports by 2025 - <https://www.mpi.govt.nz/about-mpi/our-strategy-2030-growing-and-protecting-new-zealand/the-export-goal/> However staffing issues place limitations on my ability to grow.

Submission Statement 8:

I find it confusing and contradictory that one government department wants us to double our exports, and another government department is proposing labor restrictions / compulsion to leave NZ for staff once I have them trained.

Submission Statement 9:

The current ANZSCO system of classifying the roles and skills of dairy farm staff under

- ANZSCO 841512 – skill level 5, no experience necessary, or
- ANZSCO 121313 – skill level 1, managing the farm, paying the taxes and having no one “above” the work visa holder on the farm on the day to day basis

Is an outdated system, which has little to no grasp on the realities of the skills or roles of dairy farm staff.

Submission Statement 10:

In light of statement 9, it would be logical to redefine the roles and skillsets of staff who work on dairy farms in NZ, as neither ANZSCO 841512 or 121313 are effective for classifying the skills our staff have, what our staff do, and what we need them to do.

Submission Statement 11:

In light of statement 10, if there is an unwillingness to redefine ANZSCO, and the next Immediate skills shortage skills (ISSL) review, I request my current submission is put forward as advocacy that mid level dairy farming positions are placed back on the Immediate skills shortage list.

Submission Statement 12:

I submit that the position of Herd Manager, based on 3 years NZ dairy farming experience, and an NZ attained Level 3 qualification, is placed on the ISSL, in unison with a minimum total salary package of \$49,000 per annum.



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Proposed Essential Skills skill levels and associated visa conditions					
Skill level	Remuneration thresholds		ANZSCO	Visa length	Children & partners
Higher-skilled	\$35.24+ per hour	And	1/2/3/4/5 ⁶	Up to 5 years	Yes
Mid-skilled	\$23.49 - \$35.24 per hour	And	1/2/3	Up to 3 years	Yes
Lower-skilled	\$15.75 ⁷ - \$23.49 per hour	And	1/2/3	Up to 1 year	No
	\$15.75 - \$35.24 per hour	And	4 & 5		

Submission Statement 13:



The above cited proposal to classify any worker on ANZSCO skill level 4 or 5, regardless of their salary as unskilled is highly misguided and wrong, particularly in light of the vast majority of current dairy farm work visa applications being compelled to be classified under ANZSCO 841512, skill level 5.

At this point, we will move onto answering the questions the government specifically asks of their proposed changes:

Consultation questions: Proposal 1

- What impacts or implications do you foresee from defining lower-, mid- and higher-skilled Essential Skills migrants in this way? And why?
- Where possible provide information about the impact on specific occupations or sectors.



The implications of defining "lower" skilled migrants in this way would be devastating to my business and my community who are reliant on work visa holders. To address this there needs to be a system change which no longer classifies dairy staff as unskilled, or recognizes them as skilled, no matter what their ANZSCO classification is, once they reach a certain earning threshold.

If you have ticked this box, please circle one of the appropriate remuneration bands from which you feel it appropriate to deem a dairy worker skilled, this included the value of the accommodation your staff are provided which is taxed at market rates.



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\$55,000 + per annum

\$60,000 + per annum

\$65,000 + per annum

\$70,000 + per annum



The proposed changes show a lack of understanding of the dairy sector's reality, compounding the ineffective nature of ANZSCO, and providing no recognition for NZ attained experience, or salary thresholds.



The dairy sector has made huge progress keeping timesheets, reducing working hours, providing better rosters, however a working week on a dairy farm still resembles 50 hours per week, in light of this some flexibility around hours within a remuneration band should be provide.



It is 2017, everyone has a smart phone. I find it hard to believe people in mid to senior level roles in the corporate world are only working 40 hours a week given the nature of smart phones and how work follows any busy professional home. I find it inequitable that because the dairy sector now keep timesheets and are transparent about a working week constituting more than 40 hours that we are penalized for this.



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CCR' Suggestion:



We suggest a 4 tier system over the proposed 3 tier system, which allows the employee who is new to NZ 3 years to establish themselves, and move to the semi skilled tier, or be required to leave NZ.

Tick if you agree with the below suggestion:

Proposal to align with the realities of any mid to senior role in any profession					
Suggested thresholds that align with the dairy sector's reality	Hourly rate of Pay – top ups when the working week or fortnight exceeds 100 hours	Annual rate of pay 100 hour fortnight, and or 2600 hour working year	Comments	Visa length	Children & Partners
Remuneration threshold below which an Essential Skills visa holder would be lower-skilled	Min wage - \$18.79	Min wage - \$48,859 per annum	Allowing a NZ new employee 3 years to learn the role, system and culture, while attaining NZ based experience and perhaps qualifications	1 year renewable, max 3 years, before stand down period	No
Remuneration threshold above which an Essential Skills visa holder would be semi-skilled	\$18.80 to \$23.49 per hour	\$48,880 to \$61,074 per annum	Recognition the employee has moved into the semi skilled remuneration band and subject to labor market testing is performing a role for which local staff cannot be attained.	1 to 3 years, salary and regional dependent	Yes
Remuneration threshold above which an Essential Skills visa holder would be higher-skilled	\$23.50 to \$35.24 per hour	\$61,100 to \$91,624 per annum	At which time it is suggested a small number of additional SMC points are granted, on the basis of a higher skilled employee	2 to 5 years, salary and regional dependent, with SMC eligibility	Yes
Remuneration threshold above which an Essential Skills visa holder would be Elite -skilled	\$35.25 per hour or higher	\$91,650 or higher	At which time it is suggested additional SMC points are granted, on the basis of an Elite skill being self evident when that level of remuneration is earned	3 to 5 years, salary and regional dependent, with SMC Residence qualification being highly likely	Yes



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Consultation questions: Proposal 2a

- What impacts or implications do you foresee from the proposed maximum duration of three years for lower-skilled Essential Skills visa holders? And why?
- Where possible provide information about the impact on specific occupations or sectors.



Making trained staff exit, who are working in an area of acknowledged, and continued to be evidenced shortages is absurd. The impact for my business and the dairy sector as a whole would be catastrophic.



A maximum age of 55 (as is the case for residence) for a temporary working visa would provide a limitation, as the current proposal of the government would appear to desire.



Given that NZ's pasture based farming system is unique to any other in the world, once we have trained work visa holders, which takes 1 to 2 years, we ought to be allowed to retain them in our business or industry for at least a further 5 years, providing the local shortages continue.

Consultation questions: Proposal 2b

- What impacts or implications do you foresee from the proposal to introduce a stand down period for lower-skilled Essential Skills migrants? And why?
- Where possible provide information about the impact on specific occupations or sectors.



There should be no stand down of trained and experienced staff in the dairy sector, for the reasons already outlined, making qualified staff exit in areas of extreme labor shortages, completely misses the industries point of view.



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Consultation question: Proposal 3

- What impacts or implications do you foresee from the proposal to remove the ability for lower-skilled Essential Skills visa holders to bring their partners to New Zealand for the length of their Essential Skills visa? And why?

Consultation question: Proposal 4

- What impacts or implications do you foresee from the proposal to remove the ability for lower-skilled Essential Skills visa holders to bring their children to New Zealand for the length of their Essential Skills visa? And why?

Having partners and children living with dairy farm staff makes the staff happier and more productive. The current "open" work visa status of the partner performs a valuable role in part time dairy farm work, aged health care in rural NZ, and seasonal industries such as the freezing works, the partners of dairy farm work visa holders provide substance and value to rural NZ.

The children of temporary work visa holders on dairy farms are going to rural schools, where populations are stagnant or decreasing as the previously cited data evidences, if these children play a part in ensuring rural NZ towns do not die off, what is the problem? They already have a cap of only being allowed to remain in NZ as a dependent on their partners visa until the end of high school.

Any student studying at primary or high school in rural NZ, while their parents are providing valuable contribution to the local economy should not be charged international student fees.

Proposal 5: Make it explicit how the 'period of employment' condition applies to seasonal work

Cabinet has agreed, in principle, that Immigration Instructions would be explicit that for Essential Skills workers in seasonal occupations, the offer of employment (and as a result the duration of the visa) must not be longer than the length of the season. Workers would need to leave New Zealand in the off-season but could return the following year provided that they continue to meet the labour market test.



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The list of seasonal occupations being considered include:

- Rural contractors
- Dairy farm workers
- Meat workers
- Adventure tourism workers
- Shearers and shed hands
- Ski season workers
- Winery and viticulture workers
- Horticulture workers
- Forestry workers
- Seafood workers.



That must be a misprint that someone within the team who drafted this policy review suggested that dairy farming is seasonal!!

Just in case it needs clarifying, while cows to "dry off" for a short period each year, the work on the farm maintaining the cows and the farm itself is all year around, and for a section of the work visa holder community who take their annual leave during dry off, such holidays take the place of December and January holidays in the corporate world.

Consultation questions: Proposal 5

- What impacts or implications do you foresee from the proposal to reinforce that Essential Skills visas for seasonal work are only granted for the length of the season and that the offer of employment must match the length of the season? And why?
- Are there any seasonal occupations that should be added or removed from this list? Why?
- If you employ seasonal staff, or represent a sector with seasonal staff:
 - What are the occupations of the seasonal staff that you are commenting on?
 - For each of the occupations that you have identified, what is the typical period that you require seasonal staff to cover (e.g the peak of the season)?



Dairy Farming should be removed from the "seasonal occupations list".



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- The roles on a dairy farm are all year round, the "peak" of the season is during calving, when the number of animals on farm doubles with each cows giving birth, this occurs between July and October on most farms, with the South Island commencing later than the north island, however increasing numbers of farms are also doing "split" calving which sees increased work loads at different parts of the year also.
- I accept that I might be able to take a chance hiring school leaver or beneficiary at a busy time of year, such as calving, if a suitable applicant were available, if the rest of my team were established and stable.
- I would only be able to justify such a risk of hiring someone if their success or failure would not dictate the success or failure of my business, and I know based on the current dairy farm staffing shortages, such local applicants are in short supply, and I know based on personal experience, such applicants may not work out.

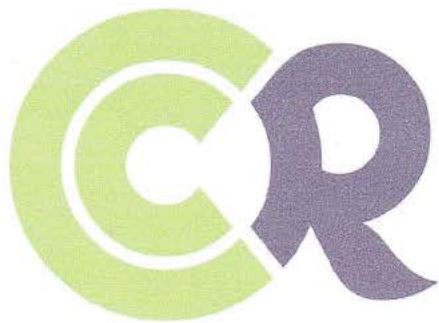
Closing Statements

- The proposing changes are disturbing, and if implemented would damage my business, the dairy sector and my community, the proposal shows a lack of understanding of the issues facing regional NZ, and suggest that population / Immigration problems which are present in cities, particularly Auckland, might be allowed to dictate policy around the rest of New Zealand.
- I am a dairy farmer, a group which has historically voted for the national party. I am disappointed that it is a national party government, led by a prime minister who himself is a dairy farmer, that is proposing these changes, and if these changes are implemented I would strongly consider casting my vote elsewhere in the upcoming election.

s 9(2)(g)(i)

Signed: _____

Employers: Please attach any additional information, on additional sheets, if necessary.



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WWW.CCRECRUITMENT.CO.NZ

Bringing quality workers to your gate, You do the farming we find you the staff

Level 3, 71 London St, Hamilton | NZ Ph: 0508 227782 | E: sales@ccrecruitment.co.nz

Proposed Temporary Work Visa Changes: Dairy Industry Submission

Date: 11/5/17

Employer / Trading Name: s 9(2)(g)(i)

Farm Address 9(2)(a)

Email address and or Phone Number: 9(2)(a)

Dear Employer: Please tick the box next to statements you agree with, and leave blank the boxes next to statements which you do not agree with or are indifferent to.

Please write any additional comments in the spaces provided, or attach additional sheets including evidence as they relate to your staffing shortages, and positive or negative experiences having work visa holders in your business, and dealing with Immigration NZ in this process.

Please submit a scanned copy of this document by email to: ESConsultation@mbie.govt.nz, please feel free to copy in immigration@ccrecruitment.co.nz

Please send Before 5pm May 21st 2017

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The objective of migrant labor is to fill shortages where there is genuine need, while ensuring that New Zealanders are first in line for employment opportunities. An adjustment to settings now will ensure the Government's long term labor market strategy continues to function well, by:

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- increasing incentives to shift to potentially more productive business models, and avoid the embedding of business models reliant on lower-skilled temporary workers.

In response to the above MBIE statement, we have drafted the following possible responses:

Submission Statement 1:



Regional NZ * has a population, and migration problem, however not the problem which the current policy consultation asserts.

The problem is that in the last 20 years the number of milking cows increased from 3 million to 5 million, and the population in the areas these cows are being milked, have either remained stagnant or decreased.

* Regional NZ is defined as all areas outside of Auckland, Hamilton, Tauranga, Wellington and Christchurch)

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In light of the almost doubling of our dairy sector milking cow numbers in the past 20 years, coupled with the locations in which we farm – in regional NZ, it is both naive and misguided for policy makers to think that migrant labor, in quite significant numbers, will not continue to be needed in order to staff our dairy farms.

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Despite the numbers of work visa holders already working in the NZ Dairy Sector, I believe the industry to have significant labor shortage issues.

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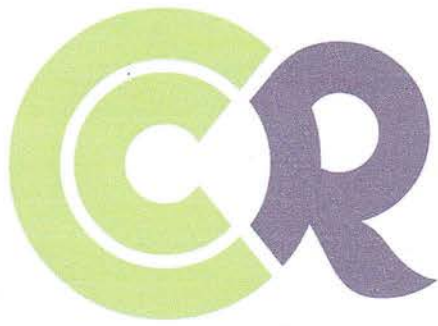


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I would like to grow my farm and business, in line with the Ministry of Primary Industries goal of doubling primary industry exports by 2025 - <https://www.mpi.govt.nz/about-mpi/our-strategy-2030-growing-and-protecting-new-zealand/the-export-goal/> However staffing issues place limitations on my ability to grow.

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I find it confusing and contradictory that one government department wants us to double our exports, and another government department is proposing labor restrictions / compulsion to leave NZ for staff once I have them trained.

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- ANZSCO 841512 – skill level 5, no experience necessary, or
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Is an outdated system, which has little to no grasp on the realities of the skills or roles of dairy farm staff.

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In light of statement 9, it would be logical to redefine the roles and skillsets of staff who work on dairy farms in NZ, as neither ANZSCO 841512 or 121313 are effective for classifying the skills our staff have, what our staff do, and what we need them to do.

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I submit that the position of Herd Manager, based on 3 years NZ dairy farming experience, and an NZ attained Level 3 qualification, is placed on the ISSL, in unison with a minimum total salary package of \$60,000 per annum.



CROSS COUNTRY RECRUITMENT & IMMIGRATION

Submission Statement 13:

- The below MBIE cited proposal to classify any worker on ANZSCO skill level 4 or 5 (unskilled), regardless of their salary is highly misguided and wrong, particularly in light of the vast majority of current dairy farm work visa applications being compelled to be classified under ANZSCO 841512, skill level 5.

Proposed Essential Skills skill levels and associated visa conditions					
Skill level	Remuneration thresholds		ANZSCO	Visa length	Children & partners
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Mid-skilled	\$23.49 - \$35.24 per hour	And	1/2/3	Up to 3 years	Yes
Lower-skilled	\$15.75 ⁷ - \$23.49 per hour	And	1/2/3	Up to 1 year	No
	\$15.75 - \$35.24 per hour	And	4 & 5		

At this point, we will move onto answering the questions the government specifically asks of their proposed changes:



Consultation questions; Proposal 1

- What impacts or implications do you foresee from defining lower-, mid- and higher-skilled Essential Skills migrants in this way? And why?
- Where possible provide information about the impact on specific occupations or sectors.

The implications of defining "lower" skilled migrants in this way would be devastating to my business and my community who are reliant on work visa holders. To address this there needs to be a system change which no longer classifies dairy staff as unskilled, or recognizes them as skilled, no matter what their ANZSCO classification is, once they reach a certain earning threshold.

If you have ticked this box, please circle one of the appropriate remuneration bands from which you feel it appropriate to deem a dairy worker skilled, this included the value of the accommodation your staff are provided which is taxed at market rates.

\$55,000 + per annum

\$60,000 + per annum

\$65,000 + per annum

\$70,000 + per annum



CROSS COUNTRY RECRUITMENT & IMMIGRATION

- The proposed changes show a lack of understanding of the dairy sector's realities, compounding the ineffective nature of ANZSCO, and providing no recognition for NZ attained experience, or salary thresholds.
- The dairy sector has made huge progress keeping timesheets, reducing working hours, providing better rosters, however a working week on a dairy farm still resembles 50 hours per week, in light of this some flexibility around hours within a remuneration band should be provide.
- It is 2017, everyone has a smart phone. I find it hard to believe people in mid to senior level roles in the corporate world, on \$60,000 or more per annum, are only working 40 hours a week given the nature of smart phones and how work follows any busy professional home. I find it inequitable that because the dairy sector now keep timesheets and are transparent about a working week constituting more than 40 hours that we are penalized for this.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



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CCR' Suggestion:



We suggest a 4 tier system over the proposed 3 tier system, which allows the employee who is new to NZ 3 years to establish themselves, and move to the semi skilled tier, or be required to leave NZ.

Tick if you agree with the below suggestion:

Proposal to align with the realities of any mid to senior role in any profession					
Suggested thresholds that align with the dairy sector's reality	Hourly rate of Pay – top ups when the working week or fortnight exceeds 100 hours	Annual rate of pay 100 hour fortnight, and or 2600 hour working year	Comments	Visa length	Children & Partners
Remuneration threshold below which an Essential Skills visa holder would be lower-skilled	Min wage - \$18.79	Min wage - \$48,859 per annum	Allowing a NZ new employee 3 years to learn the role, system and culture, while attaining NZ based experience and perhaps qualifications	1 year renewable, max 3 years, before stand down period	No
Remuneration threshold above which an Essential Skills visa holder would be semi-skilled	\$18.80 to \$23.49 per hour	\$48,880 to \$61,074 per annum	Recognition the employee has moved into the semi skilled remuneration band and subject to labor market testing is performing a role for which local staff cannot be attained.	1 to 3 years, salary and regional dependent	Yes
Remuneration threshold above which an Essential Skills visa holder would be higher-skilled	\$23.50 to \$35.24 per hour	\$61,100 to \$91,624 per annum	At which time it is suggested a small number of additional SMC points are granted, on the basis of a higher skilled employee	3 to 5 years, salary and regional dependent, with SMC eligibility	Yes
Remuneration threshold above which an Essential Skills visa holder would be Elite - skilled	\$35.25 per hour or higher	\$91,650 or higher	At which time it is suggested additional SMC points are granted, on the basis of an Elite skill being self evident when that level of remuneration is earned	3 to 5 years, salary and regional dependent, with SMC Residence qualification being highly likely	Yes



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Consultation questions: Proposal 2a

- What impacts or implications do you foresee from the proposed maximum duration of three years for lower-skilled Essential Skills visa holders? And why?
- Where possible provide information about the impact on specific occupations or sectors.



Making trained staff exit, who are working in an area of acknowledged, and continued to be evidenced shortages is absurd. The impact for my business and the dairy sector as a whole would be catastrophic.



A maximum age of 55 (as is the case for residence via SMC) for a temporary working visa would provide a limitation, as the current proposal of the government would appear to desire.



Given that NZ's pasture based farming system is unique to any other in the world, once we have trained work visa holders, which takes 1 to 2 years, we ought to be allowed to retain them in our business or industry for at least a further 5 years, providing the local shortages continue.

Consultation questions: Proposal 2b

- What impacts or implications do you foresee from the proposal to introduce a stand down period for lower-skilled Essential Skills migrants? And why?
- Where possible provide information about the impact on specific occupations or sectors.



There should be no stand down of trained and experienced staff in the dairy sector, for the reasons already outlined, making qualified staff exit in areas of extreme labor shortages, completely misses the industries point of view.



CROSS COUNTRY RECRUITMENT & IMMIGRATION

Consultation question: Proposal 3

- What impacts or implications do you foresee from the proposal to remove the ability for lower-skilled Essential Skills visa holders to bring their partners to New Zealand for the length of their Essential Skills visa? And why?

Consultation question: Proposal 4

- What impacts or implications do you foresee from the proposal to remove the ability for lower-skilled Essential Skills visa holders to bring their children to New Zealand for the length of their Essential Skills visa? And why?

- Having partners and children living with dairy farm staff makes the staff happier and more productive. The current "open" work visa status of the partner performs a valuable role in part time dairy farm work, aged health care in rural NZ, and seasonal industries such as the freezing works, the partners of dairy farm work visa holders provide substance and value to rural NZ. The nature of 'housing hierarchy' on many dairy farms, dictates that it is only the more senior staff that have the chance to have their families join them, because many junior staff are living in shared accommodation.
- Life is good on a dairy farm, and the value of a remuneration package which includes a house allows work visa holders to have their families join them on farm, this illustrates the dairy sector should not be viewed as under paying our staff. City based work visa holders paying hundreds of dollars per week to share a bedroom will struggle to have their families join them, however the dairy industry should be commended for providing such good lives to their work visa employees that they can afford to bring their families here.
- The children of temporary work visa holders on dairy farms are going to rural schools, where populations are stagnant or decreasing as the previously cited data evidences, if these children play a part in ensuring rural NZ towns do not die off, what is the problem? They already have a cap of only being allowed to remain in NZ as a dependent on their partners visa until the end of high school.
- Any student studying at primary or high school in rural NZ, while their parents are providing valuable contribution to the local economy should not be charged international student fees.



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Proposal 5: Make it explicit how the 'period of employment' condition applies to seasonal work

Cabinet has agreed, in principle, that Immigration Instructions would be explicit that for Essential Skills workers in seasonal occupations, the offer of employment (and as a result the duration of the visa) must not be longer than the length of the season. Workers would need to leave New Zealand in the off-season but could return the following year provided that they continue to meet the labour market test.

The list of seasonal occupations being considered include:

- Rural contractors
- Dairy farm workers
- Meat workers
- Adventure tourism workers
- Shearers and shed hands
- Ski season workers
- Winery and viticulture workers
- Horticulture workers
- Forestry workers
- Seafood workers.



That must be a misprint that someone within the team who drafted this policy review suggested that dairy farming is seasonal !?

Just in case it needs clarifying, while cows to "dry off" for a short period each year, the work on the farm maintaining **the cows, grass & the farm itself is a year around job**, a section of the work visa holder community do take their annual leave during dry off, such holidays take the place of December and January holidays in the corporate world.

Consultation questions: Proposal 5

- What impacts or implications do you foresee from the proposal to reinforce that Essential Skills visas for seasonal work are only granted for the length of the season and that the offer of employment must match the length of the season? And why?
- Are there any seasonal occupations that should be added or removed from this list? Why?
- If you employ seasonal staff, or represent a sector with seasonal staff:
 - What are the occupations of the seasonal staff that you are commenting on?
 - For each of the occupations that you have identified, what is the typical period that you require seasonal staff to cover (e.g the peak of the season)?



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- Dairy Farming should be removed from the "seasonal occupations list".
- The roles on a dairy farm are all year round, the "peak" of the season occurs during calving, when the number of animals on farm doubles with each cow giving birth, this occurs between July and October on most farms, with the South Island commencing later than the north island, however increasing numbers of farms are also doing "split" calving which sees increased work loads at different parts of the year.
- I accept that I might be able to take a chance hiring school leaver or beneficiary at a busy time of year, such as calving, if a suitable applicant were available, if the rest of my team were established and stable.
- I would only be able to justify such a risk of hiring a local school leaver or beneficiary if their success or failure would not dictate the success or failure of my business, and I know based on the current dairy farm staffing shortages, such local applicants are in short supply, and I know based on personal experience, such applicants may not work out.

Closing Statements

- The proposed changes are disturbing, and if implemented would damage my business, the dairy sector and my community, the proposal shows a lack of understanding of the issues facing regional NZ, and suggest that population / Immigration problems which are present in cities, particularly Auckland, might be allowed to dictate policy around the rest of New Zealand.
- I am a dairy farmer, a group which has historically voted for the national party. I am disappointed that it is a national party government, led by a prime minister who himself is a dairy farmer, that is proposing these changes, and if these changes are implemented I would strongly consider casting my vote elsewhere in the upcoming election.

s 9(2)(g)(i)

Signature

Employers: Please attach any additional information, on additional sheets, if necessary.



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Proposed Temporary Work Visa Changes: Dairy Industry Submission

Date: _____

Employer / Trading Name: _____ s 9(2)(g)(i)

Farm Address: _____ 9(2)(a)

Email address and or Phone Number: _____ 9(2)(a)

Dear Employer: Please tick the box next to statements you agree with, and leave blank the boxes next to statements which you do not agree with or are indifferent to.

Please write any additional comments in the spaces provided, or attach additional sheets including evidence as they relate to your staffing shortages, and positive or negative experiences having work visa holders in your business, and dealing with Immigration NZ in this process.

Please submit a scanned copy of this document by email to: ESConsultation@mbie.govt.nz, please feel free to copy in immigration@ccrecruitment.co.nz

Please send Before 5pm May 21st 2017

At our own initiative, this template submission has been drafted by a small private sector company who represents the dairy sector in their recruitment and Immigration needs with a view to helping the industry have its voice heard amidst proposed changes which we personally feel the public are mis-informed about.

If you disagree with, or take offence to, any statements made in this template, no offence is meant.

Ministry of Business Innovation and Employment (MBIE) Statement:

Problem definition:

The objective of migrant labor is to fill shortages where there is genuine need, while ensuring that New Zealanders are first in line for employment opportunities. An adjustment to settings now will ensure the Government's long term labor market strategy continues to function well, by:

- increasing the attractiveness to employers of New Zealanders, including beneficiaries and school leavers
- incentivizing employers to invest more in training and/or offering better wages and/or terms and conditions, and



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- increasing incentives to shift to potentially more productive business models, and avoid the embedding of business models reliant on lower-skilled temporary workers.

In response to the above MBIE statement, we have drafted the following possible responses:

Submission Statement 1:

- Regional NZ * has a population, and migration problem, however not the problem which the current policy consultation asserts.

The problem is that in the last 20 years the number of milking cows increased from 3 million to 5 million, and the population in the areas these cows are being milked, have either remained stagnant or decreased.

* Regional NZ is defined as all areas outside of Auckland, Hamilton, Tauranga, Wellington and Christchurch)

Dairy Cow Population data sourced from LIC and Dairy NZ, along with Human population data from Statistics NZ, numbers in more detail here - <http://ccrecruitment.co.nz/our-cows-need-more-people/>

Submission Statement 2:

- In light of the almost doubling of our dairy sector milking cow numbers in the past 20 years, coupled with the locations in which we farm – in regional NZ, it is both naive and misguided for policy makers to think that migrant labor, in quite significant numbers, will not continue to be needed in order to staff our dairy farms.

Submission Statement 3:

- Despite the numbers of work visa holders already working in the NZ Dairy Sector, I believe the industry to have significant labor shortage issues.

Submission Statement 4:

- If I had a vacancy on my farm tomorrow, I would be very nervous about my ability to fill it with NZ citizen or resident applicants.

Submission Statement 5:

- If young eager school leavers were available in the location of my dairy farm I would be eager to hire them.

Submission Statement 6:

- The notion of “incentivizing” beneficiaries to go from unemployment to get out of bed at 4am and living some distance from their friends and families is farcical and jeopardizing the safety of the dairy farm, creating competing legislation between Immigration laws and the current Health and Safety at work Act 2015.



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Submission Statement 7:

I would like to grow my farm and business, in line with the Ministry of Primary Industries goal of doubling primary industry exports by 2025 - <https://www.mpi.govt.nz/about-mpi/our-strategy-2030-growing-and-protecting-new-zealand/the-export-goal/> However staffing issues place limitations on my ability to grow.

Submission Statement 8:

I find it confusing and contradictory that one government department wants us to double our exports, and another government department is proposing labor restrictions / compulsion to leave NZ for staff once I have them trained.

Submission Statement 9:

The current ANZSCO system of classifying the roles and skills of dairy farm staff under

- ANZSCO 841512 – skill level 5, no experience necessary, or
- ANZSCO 121313 – skill level 1, managing the farm, paying the taxes and having no one “above” the work visa holder on the farm on a day to day basis.

Is an outdated system, which has little to no grasp on the realities of the skills or roles of dairy farm staff.

Submission Statement 10:

In light of statement 9, it would be logical to redefine the roles and skillsets of staff who work on dairy farms in NZ, as neither ANZSCO 841512 or 121313 are effective for classifying the skills our staff have, what our staff do, and what we need them to do.

Submission Statement 11:

In light of statement 10, if there is an unwillingness to redefine ANZSCO, and the next Immediate skills shortage skills (ISSL) review, I request my current submission is put forward as advocacy that mid level dairy farming positions are placed back on the Immediate skills shortage list.

Submission Statement 12:

I submit that the position of Herd Manager, based on 3 years NZ dairy farming experience, and an NZ attained Level 3 qualification, is placed on the ISSL, in unison with a minimum total salary package of \$60,000 per annum.



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Submission Statement 13:

The below MBIE cited proposal to classify any worker on ANZSCO skill level 4 or 5 (unskilled), regardless of their salary is highly misguided and wrong, particularly in light of the vast majority of current dairy farm work visa applications being compelled to be classified under ANZSCO 841512, skill level 5.

Proposed Essential Skills skill levels and associated visa conditions					
Skill level	Remuneration thresholds		ANZSCO	Visa length	Children & partners
Higher-skilled	\$35.24+ per hour	And	1/2/3/4/5 ⁶	Up to 5 years	Yes
Mid-skilled	\$23.49 - \$35.24 per hour	And	1/2/3	Up to 3 years	Yes
Lower-skilled	\$15.75 ⁷ - \$23.49 per hour	And	1/2/3	Up to 1 year	No
	\$15.75 - \$35.24 per hour	And	4 & 5		

At this point, we will move onto answering the questions the government specifically asks of their proposed changes:

Consultation questions: Proposal 1

- What impacts or implications do you foresee from defining lower-, mid- and higher-skilled Essential Skills migrants in this way? And why?
- Where possible provide information about the impact on specific occupations or sectors.

The implications of defining “lower” skilled migrants in this way would be devastating to my business and my community who are reliant on work visa holders. To address this there needs to be a system change which no longer classifies dairy staff as unskilled, or recognizes them as skilled, no matter what their ANZSCO classification is, once they reach a certain earning threshold.

If you have ticked this box, please circle one of the appropriate remuneration bands from which you feel it appropriate to deem a dairy worker skilled, this included the value of the accommodation your staff are provided which is taxed at market rates.

\$55,000 + per annum

\$60,000 + per annum

\$65,000 + per annum

\$70,000 + per annum



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- The proposed changes show a lack of understanding of the dairy sector's realities, compounding the ineffective nature of ANZSCO, and providing no recognition for NZ attained experience, or salary thresholds.
- The dairy sector has made huge progress keeping timesheets, reducing working hours, providing better rosters, however a working week on a dairy farm still resembles 50 hours per week, in light of this some flexibility around hours within a remuneration band should be provide.
- It is 2017, everyone has a smart phone. I find it hard to believe people in mid to senior level roles in the corporate world, on \$60,000 or more per annum, are only working 40 hours a week given the nature of smart phones and how work follows any busy professional home. I find it inequitable that because the dairy sector now keep timesheets and are transparent about a working week constituting more than 40 hours that we are penalized for this.

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CCR' Suggestion:

We suggest a 4 tier system over the proposed 3 tier system, which allows the employee who is new to NZ 3 years to establish themselves, and move to the semi skilled tier, or be required to leave NZ.

Tick if you agree with the below suggestion:

Proposal to align with the realities of any mid to senior role in any profession					
Suggested thresholds that align with the dairy sector's reality	Hourly rate of Pay – top ups when the working week or fortnight exceeds 100 hours	Annual rate of pay 100 hour fortnight, and or 2600 hour working year	Comments	Visa length	Children & Partners
Remuneration threshold below which an Essential Skills visa holder would be lower-skilled	Min wage -\$18.79	Min wage -\$48,859 per annum	Allowing a NZ new employee 3 years to learn the role, system and culture, while attaining NZ based experience and perhaps qualifications	1 year renewable, max 3 years, before stand down period	No
Remuneration threshold above which an Essential Skills visa holder would be semi-skilled	\$18.80 to \$23.49 per hour	\$48,880 to \$61,074 per annum	Recognition the employee has moved into the semi skilled remuneration band and subject to labor market testing is performing a role for which local staff cannot be attained.	1 to 3 years, salary and regional dependent	Yes
Remuneration threshold above which an Essential Skills visa holder would be higher-skilled	\$23.50 to \$35.24 per hour	\$61,100 to \$91,624 per annum	At which time it is suggested a small number of additional SMC points are granted, on the basis of a higher skilled employee	3 to 5 years, salary and regional dependent, with SMC eligibility	Yes
Remuneration threshold above which an Essential Skills visa holder would be Elite - skilled	\$35.25 per hour or higher	\$91,650 or higher	At which time it is suggested additional SMC points are granted, on the basis of an Elite skill being self evident when that level of remuneration is earned	3 to 5 years, salary and regional dependent, with SMC Residence qualification being highly likely	Yes



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Consultation questions: Proposal 2a

- What impacts or implications do you foresee from the proposed maximum duration of three years for lower-skilled Essential Skills visa holders? And why?
- Where possible provide information about the impact on specific occupations or sectors.

Making trained staff exit, who are working in an area of acknowledged, and continued to be evidenced shortages is absurd. The impact for my business and the dairy sector as a whole would be catastrophic.

A maximum age of 55 (as is the case for residence via SMC) for a temporary working visa would provide a limitation, as the current proposal of the government would appear to desire.

Given that NZ's pasture based farming system is unique to any other in the world, once we have trained work visa holders, which takes 1 to 2 years, we ought be allowed to retain them in our business or industry for at least a further 5 years, providing the local shortages continue.

Consultation questions: Proposal 2b

- What impacts or implications do you foresee from the proposal to introduce a stand down period for lower-skilled Essential Skills migrants? And why?
- Where possible provide information about the impact on specific occupations or sectors.

There should be no stand down of trained and experienced staff in the dairy sector, for the reasons already outlined, making qualified staff exit in areas of extreme labor shortages, completely misses the industries point of view.



CROSS COUNTRY RECRUITMENT & IMMIGRATION

Consultation question: Proposal 3

- What impacts or implications do you foresee from the proposal to remove the ability for lower-skilled Essential Skills visa holders to bring their partners to New Zealand for the length of their Essential Skills visa? And why?

Consultation question: Proposal 4

- What impacts or implications do you foresee from the proposal to remove the ability for lower-skilled Essential Skills visa holders to bring their children to New Zealand for the length of their Essential Skills visa? And why?

Having partners and children living with dairy farm staff makes the staff happier and more productive. The current "open" work visa status of the partner performs a valuable role in part time dairy farm work, aged health care in rural NZ, and seasonal industries such as the freezing works, the partners of dairy farm work visa holders provide substance and value to rural NZ. The nature of 'housing hierarchy' on many dairy farms, dictates that it is only the more senior staff that have the chance to have their families join them, because many junior staff are living in shared accommodation.

Life is good on a dairy farm, and the value of a remuneration package which includes a house allows work visa holders to have their families join them on farm, this illustrates the dairy sector should not be viewed as under paying our staff. City based work visa holders paying hundreds of dollars per week to share a bedroom will struggle to have their families join them, however the dairy industry should be commended for providing such good lives to their work visa employees that they can afford to bring their families here.

The children of temporary work visa holders on dairy farms are going to rural schools, where populations are stagnant or decreasing as the previously cited data evidences, if these children play a part in ensuring rural NZ towns do not die off, what is the problem? They already have a cap of only being allowed to remain in NZ as a dependent on their partners visa until the end of high school.

Any student studying at primary or high school in rural NZ, while their parents are providing valuable contribution to the local economy should not be charged international student fees.



CROSS COUNTRY RECRUITMENT & IMMIGRATION

Proposal 5: Make it explicit how the 'period of employment' condition applies to seasonal work

Cabinet has agreed, in principle, that Immigration Instructions would be explicit that for Essential Skills workers in seasonal occupations, the offer of employment (and as a result the duration of the visa) must not be longer than the length of the season. Workers would need to leave New Zealand in the off-season but could return the following year provided that they continue to meet the labour market test.

The list of seasonal occupations being considered include:

- Rural contractors
- Dairy farm workers
- Meat workers
- Adventure tourism workers
- Shearers and shed hands
- Ski season workers
- Winery and viticulture workers
- Horticulture workers
- Forestry workers
- Seafood workers.

That must be a misprint that someone within the team who drafted this policy review suggested that dairy farming is seasonal !?

Just in case it needs clarifying, while cows to "dry off" for a short period each year, the work on the farm maintaining **the cows, grass & the farm itself is a year around job**, a section of the work visa holder community do take their annual leave during dry off, such holidays take the place of December and January holidays in the corporate world.

Consultation questions: Proposal 5

- What impacts or implications do you foresee from the proposal to reinforce that Essential Skills visas for seasonal work are only granted for the length of the season and that the offer of employment must match the length of the season? And why?
- Are there any seasonal occupations that should be added or removed from this list? Why?
- If you employ seasonal staff, or represent a sector with seasonal staff:
 - What are the occupations of the seasonal staff that you are commenting on?
 - For each of the occupations that you have identified, what is the typical period that you require seasonal staff to cover (e.g the peak of the season)?



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Dairy Farming should be removed from the "seasonal occupations list".

The roles on a dairy farm are all year round, the "peak" of the season occurs during calving, when the number of animals on farm doubles with each cow giving birth, this occurs between July and October on most farms, with the South Island commencing later than the north island, however increasing numbers of farms are also doing "split" calving which sees increased work loads at different parts of the year.

I accept that I might be able to take a chance hiring school leaver or beneficiary at a busy time of year, such as calving, if a suitable applicant were available, **if the rest of my team were established and stable.**

I would only be able to justify such a risk of hiring a local school leaver or beneficiary if their success or failure would not dictate the success or failure of my business, and I know based on the current dairy farm staffing shortages, such local applicants are in short supply, and I know based on personal experience, such applicants may not work out.

Closing Statements

The proposed changes are disturbing, and if implemented would damage my business, the dairy sector and my community, the proposal shows a lack of understanding of the issues facing regional NZ, and suggest that population / Immigration problems which are present in cities, particularly Auckland, might be allowed to dictate policy around the rest of New Zealand.

I am a dairy farmer, a group which has historically voted for the national party. I am disappointed that it is a national party government, led by a prime minister who himself is a dairy farmer, that is proposing these changes, and if these changes are implemented I would strongly consider casting my vote elsewhere in the upcoming election.

s 9(2)(g)(i)

Signed: _____

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Proposed Temporary Work Visa Changes: Dairy Industry Submission

Date: 11/MAY/2017

Employer / Trading Name: HERMANNUS LTD.

Farm Address: 9(2)(a)

Email address and/or Phone Number: 9(2)(a)

Dear Employer: Please tick the box next to statements you agree with, and leave blank the boxes next to statements which you do not agree with or are indifferent to.

Please write any additional comments in the spaces provided, or attach additional sheets including evidence as they relate to your staffing shortages, and positive or negative experiences having work visa holders in your business, and dealing with Immigration NZ in this process.

Please submit a scanned copy of this document by email to: ESCconsultation@mbie.govt.nz, please feel free to copy in immigration@ccrecruitment.co.nz

Please send Before 5pm May 21st 2017

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Problem definition:

The objective of migrant labor is to fill shortages where there is genuine need, while ensuring that New Zealanders are first in line for employment opportunities. An adjustment to settings now will ensure the Government's long term labor market strategy continues to function well, by

- increasing the attractiveness to employers of New Zealanders, including beneficiaries and school leavers
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CROSS COUNTRY RECRUITMENT & IMMIGRATION

Consultation questions: Proposal 2a

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A maximum age of 55 (as is the case for residence via SMC) for a temporary working visa would provide a limitation, as the current proposal of the government would appear to desire.

Given that NZ's pasture based farming system is unique to any other in the world, once we have trained work visa holders, which takes 1 to 2 years, we ought be allowed to retain them in our business or industry for at least a further 5 years, providing the local shortages continue.

Consultation questions: Proposal 2b

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There should be no stand down of trained and experienced staff in the dairy sector, for the reasons already outlined, making qualified staff exit in areas of extreme labor shortages, completely misses the industries point of view.



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Consultation question: Proposal 3

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- The children of temporary work visa holders on dairy farms are going to rural schools, where populations are stagnant or decreasing as the previously cited data evidences, if these children play a part in ensuring rural NZ towns do not die off, what is the problem? They already have a cap of only being allowed to remain in NZ as a dependent on their partners visa until the end of high school.
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CROSS COUNTRY RECRUITMENT & IMMIGRATION

Proposal 5: Make it explicit how the 'period of employment' condition applies to seasonal work

Cabinet has agreed, in principle, that Immigration Instructions would be explicit that for Essential Skills workers in seasonal occupations, the offer of employment (and as a result the duration of the visa) must not be longer than the length of the season. Workers would need to leave New Zealand in the off-season but could return the following year provided that they continue to meet the labour market test.

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Consultation questions: Proposal 5

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- increasing incentives to shift to potentially more productive business models, and avoid the embedding of business models reliant on lower-skilled temporary workers.

In response to the above MBIE statement, we have drafted the following possible responses:

Submission Statement 1:

- Regional NZ * has a population, and migration problem, however not the problem which the current policy consultation asserts.

The problem is that in the last 20 years the number of milking cows increased from 3 million to 5 million, and the population in the areas these cows are being milked, have either remained stagnant or decreased.

* Regional NZ is defined as all areas outside of Auckland, Hamilton, Tauranga, Wellington and Christchurch

Dairy Cow Population data sourced from LIC and Dairy NZ, along with Human population data from Statistics NZ, members in more detail here: <http://crosscountry.co.nz/what-we-need-more-people>

Submission Statement 2:

- In light of the almost doubling of our dairy sector milking cow numbers in the past 20 years, coupled with the locations in which we farm – in regional NZ, it is both naïve and misguided for policy makers to think that migrant labor, in quite significant numbers, will not continue to be needed in order to staff our dairy farms.

Submission Statement 3:

- Despite the numbers of work visa holders already working in the NZ Dairy Sector, I believe the industry to have significant labor shortage issues.

Submission Statement 4:

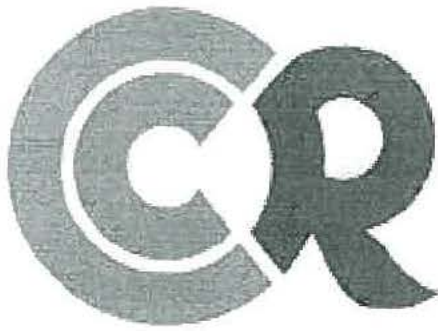
- If I had a vacancy on my farm tomorrow, I would be very nervous about my ability to fill it with NZ citizen or resident applicants.

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- If young eager school leavers were available in the location of my dairy farm I would be eager to hire them.

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- The notion of "incentivizing" beneficiaries to go from unemployment to get out of bed at 4am and living some distance from their friends and families is farcical and jeopardizing the safety of the dairy farm, creating competing legislation between Immigration laws and the current Health and Safety at work Act 2015.



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Submission Statement 13:

The below MBIE cited proposal to classify any worker on ANZSCO skill level 4 or 5 (unskilled), regardless of their salary is highly misguided and wrong, particularly in light of the vast majority of current dairy farm work visa applications being compelled to be classified under ANZSCO 841512, skill level 5.

Proposed Essential Skills skill levels and associated visa conditions

Skill level	Remuneration thresholds		ANZSCO	Visa length	Children & partners
Higher-skilled	\$35.24+ per hour	And	1/2/3/4/5 ^b	Up to 5 years	Yes
Mid-skilled	\$23.49 - \$35.24 per hour	And	1/2/3	Up to 3 years	Yes
Lower-skilled	\$15.75 ⁷ - \$23.49 per hour	And	1/2/3	Up to 1 year	No
	\$15.75 - \$35.24 per hour	And	4 & 5		

At this point, we will move onto answering the questions the government specifically asks of their proposed changes:

Consultation questions: Proposal 1

- What impacts or implications do you foresee from defining lower-, mid- and higher-skilled Essential Skills migrants in this way? And why?
- Where possible provide information about the impact on specific occupations or sectors.

The implications of defining "lower" skilled migrants in this way would be devastating to my business and my community who are reliant on work visa holders. To address this there needs to be a system change which no longer classifies dairy staff as unskilled, or recognizes them as skilled, no matter what their ANZSCO classification is, once they reach a certain earning threshold.

If you have taken this box, please circle one of the appropriate remuneration bands from which you feel it appropriate to deem a dairy worker skilled, and included the value of the accommodation your staff are provided which is leased at market rates.

\$55,000+ per annum

\$60,000+ per annum

\$65,000+ per annum

\$70,000+ per annum



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CCR' Suggestion:

- We suggest a 4 tier system over the proposed 3 tier system, which allows the employee who is new to NZ 3 years to establish themselves, and move to the semi skilled tier, or be required to leave NZ.

Tick if you agree with the below suggestion:

Proposal to align with the realities of any mid to senior role in any profession					
Suggested thresholds that align with the dairy sector's reality	Hourly rate of Pay – top ups when the working week or fortnight exceeds 100 hours	Annual rate of pay 100 hour fortnight, and or 2600 hour working year	Comments	Visa length	Children & Partners
Remuneration threshold below which an Essential Skills visa holder would be lower-skilled	Min wage - \$18.79	Min wage - \$48,859 per annum	Allowing a NZ new employee 3 years to learn the role, system and culture, while attaining NZ based experience and perhaps qualifications	1 year renewable, must 3 years before stand down period	No
Remuneration threshold above which an Essential Skills visa holder would be semi-skilled	\$18.80 to \$23.49 per hour	\$48,880 to \$61,074 per annum	Recognition the employee has moved into the semi skilled remuneration band and subject to labor market testing is performing a role for which local staff cannot be attained.	1 to 3 years, salary and regional dependent	Yes
Remuneration threshold above which an Essential Skills visa holder would be higher-skilled	\$23.50 to \$35.24 per hour	\$61,100 to \$91,624 per annum	At which time it is suggested a small number of additional SMC points are granted, on the basis of a higher skilled employee	3 to 5 years, salary and regional dependent, with SMC eligibility	Yes
Remuneration threshold above which an Essential Skills visa holder would be Elite - skilled	\$35.25 per hour or higher	\$91,650 or higher	At which time it is suggested additional SMC points are granted, on the basis of an Elite skill being self evident when that level of remuneration is earned	3 to 5 years, salary and regional dependent, with SMC residence qualification being highly likely	Yes



CROSS COUNTRY RECRUITMENT & IMMIGRATION

- The proposed changes show a lack of understanding of the dairy sector's realities, compounding the ineffective nature of ANZSCO, and providing no recognition for NZ attained experience, or salary thresholds.
- The dairy sector has made huge progress keeping timesheets, reducing working hours, providing better rosters, however a working week on a dairy farm still resembles 50 hours per week, in light of this some flexibility around hours within a remuneration band should be provide.
- It is 2017, everyone has a smart phone. I find it hard to believe people in mid to senior level roles in the corporate world, on \$60,000 or more per annum, are only working 40 hours a week given the nature of smart phones and how work follows any busy professional home. I find it inequitable that because the dairy sector now keep timesheets and are transparent about a working week constituting more than 40 hours that we are penalized for this.

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CROSS COUNTRY RECRUITMENT & IMMIGRATION

- Dairy Farming should be removed from the "seasonal occupations list".
- The roles on a dairy farm are all year round, the "peak" of the season occurs during calving, when the number of animals on farm doubles with each cow giving birth. This occurs between July and October on most farms, with the South Island commencing later than the north island, however increasing numbers of farms are also doing "split" calving which sees increased work loads at different parts of the year.
- I accept that I might be able to take a chance hiring school leaver or beneficiary at a busy time of year, such as calving, if a suitable applicant were available, if the rest of my team were established and stable.
- I would only be able to justify such a risk of hiring a local school leaver or beneficiary if their success or failure would not dictate the success or failure of my business, and I know based on the current dairy farm staffing shortages, such local applicants are in short supply, and I know based on personal experience, such applicants may not work out.

Closing Statements

- The proposed changes are disturbing, and if implemented would damage my business, the dairy sector and my community, the proposal shows a lack of understanding of the issues facing regional NZ, and suggest that population / immigration problems which are present in cities, particularly Auckland, might be allowed to dictate policy around the rest of New Zealand.
- I am a dairy farmer, a group which has historically voted for the national party. I am disappointed that it is a national party government, led by a prime minister who himself is a dairy farmer, that is proposing these changes, and if these changes are implemented I would strongly consider casting my vote elsewhere in the upcoming election.

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Signed

Employers: Please attach any additional information, on additional sheets, if necessary.