

**Submission
No 1**

FOOD PRODUCTION AND SUPPLY IN NSW

Name: Mr Grant Mistler

Date Received: 11 November 2021

Grant Mistler

10 November 2021

Dear Legislative Assembly Committee on Environment and Planning

RE: Inquiry into Food Production and Supply in NSW

Thank you very much for focusing collaboratively on this important area of inquiry for NSW. This is something I am passionate about within the human rights policy arena, and this is something I am campaigning on.

At Federation, the new State of NSW enacted laws to protect farm workers' rights with the introduction of the Shearers' Accommodation Act 1901. It was designed to provide for the proper and sufficient accommodation of shearers, and it included a myriad of enforceable items such as the ability to appoint an inspector to inspect the quality of accommodation being provided to farm workers, and the proscribed need to provide not less than 240 cubic feet of air-space per person sleeping in the sleeping quarters. That Act morphed into the Rural Workers Accommodation Act 1926, and then into the Rural Workers Accommodation Act 1969, before being repealed in its entirety in 2015.

Other States copied NSW and enacted similar minimum accommodation standards laws, such as the Shearers and Sugar Workers Accommodation Act of 1905 in Queensland, and the Shearers' Accommodation Act 1912 in Western Australia.

Ignoring the racism written into those early Acts, such as segregated sleeping quarters along racial lines, or the exclusion of Pacific Island labourers, there was good sense in setting a minimum floor on what is acceptable accommodation, and what is not acceptable accommodation. Today, some of that is left to under-resourced local councils to inspect and to enforce, with varying standards and abilities across NSW, if they even do at all inspect the accommodation of farm workers. Research from The Australian Workers' Union, Unions NSW, The McKell Institute, and the Fair Work Ombudsman, among others, all show the lack of minimum accommodation standards for farm workers is problematic, and leads to the opportunity for exploitation of vulnerable people. I include undocumented workers as vulnerable people within my definition here. We know there are presently some 100,000 undocumented farm workers in Australia, doing our work for us.¹

We were lucky in NSW to have had a history of 115 years of attempting to enshrine the accommodation welfare and dignity of the farm workers who feed us, and who enable our crops to be exported across Australia and across the world. This written promise was broken in 2015, and we now see cases of accommodation exploitation of vulnerable people who have limited options during

¹ www.farmonline.com.au/story/7154502/govt-urged-to-give-illegal-farm-workers-amnesty-ag-workforce-report/

their employment in our horticultural sector. Please see my September 2021 petition EN3223 to the Australian Parliament House (Appendix 1), requesting minimum accommodation standards for farm workers are enacted at the Commonwealth level, as a safety net.

In March 2021, I visited Ayr in Far North Queensland to be a witness to deplorable farm worker accommodation, where there was no other options available to them, even so they could rent a large local house for far less money, if their contracts allowed them to leave that farm worker accommodation. I witnessed their one tiny bedroom with an air-conditioner where nine men slept in bunkbeds and on the floor during summer. I witnessed their kitchen with a broken industrial fridge that was running at 14°C, and struggling loudly to cool their food. They had no freezer and no microwave in their kitchen. They shared one shower and one toilet. For this, they each paid \$160 per week in rent. Imagine what that same \$1,440 could rent you in a country town in NSW as a comparison. This to me is the epitome of being ripped off and being taken advantage of while trying to earn a basic salary. The lack of accommodation standards for farm workers in NSW is rotten, and this is a public embarrassment.

In May 2021, I saw Mr Takashi Wakasugi present a comedy routine in Marrickville about his farm worker accommodation while he worked in the horticultural sector to extend his Australian working holiday visa (Appendix 2). Mr Wakasugi described in graphic detail, using his personal photographs to illustrate his points, spending \$160 per week to live in a filthy dormitory with strangers, sharing a filthy toilet, sharing a filthy kitchen, and using the one broken washing machine to wash his work clothes. This is the accommodation standard that we present to the world as being okay in Australia, and this is the accommodation standard that we say is the best way and the only way for young people from Canada, France, Ireland and Japan to extend their Australian working holiday visa.

In November 2021, I met with The Hon Tony Burke MP to express my concerns about the lack of farm worker accommodation standards. He informed me about the plight of a farm worker from Taiwan who was being severely underpaid and resorted to dumpster diving to find expired food in the bins behind supermarkets, to support herself and to support the other farm workers she lived with, who were also experiencing wage theft. They feed us, and yet they cannot feed themselves. They feed us, and yet they live in substandard accommodation. This is beyond atrocious and devoid of any compunction what we are doing in Australia to our farm workers on an international stage.

My one recommendation today is to once again develop minimum accommodation standards for farm workers in NSW, similar to what we already had operating in NSW for 115 years. This will help to ensure we improve the welfare and dignity of all farm workers who feed us.

Thank you very much for this opportunity to provide my insights towards your timely Inquiry into Food Production and Supply in NSW. I look forward to receiving updates about your progress.

Yours faithfully


Grant Mistler

Appendix 1

Petition EN3223 - Develop National Minimum Accommodation Standards for Farm Workers

Petition Status

The petition has been **presented** to the House



OPEN CLOSED **PRESENTED** RESPONDED

Petition Reason

An appalling problem exists within our agriculture sector. Australia cannot find enough people to pick our fruit and vegetable crops. Overseas people pick our crops under the Seasonal Worker Programme or the Pacific Labour Scheme. Research indicates poor accommodation offerings at high prices. Examples include The 2020 McKell Institute Blue Harvest, and the 2020 Unions NSW Wage Theft: The Shadow Market in the Horticultural Industry. Young overseas backpackers reported undesirable Australian experiences, and they shared their memories back home with others, tarnishing Australia's image. Commonwealth-level inquiries such as the 2006 Perspectives on the Future of the Harvest Labour Force, and the 2018 Harvest Trail Inquiry Report also indicate the same broken or non-existent standards. It is common to pay more than \$160 per bunkbed per week, in cramped overcrowded rooms with 10 or more people. They share one old, and often broken, washing machine, shower and toilet. No Commonwealth minimum standards exist for what is reasonable accommodation, and what is unreasonable accommodation. Today, documented overseas workers from Pacific nations pay more rent to harvest our crops, than they would pay to rent a flat in Vaucluse or Toorak. One overseas worker lost his eye because his top bunkbed was directly under a ceiling fan. Belgian backpacker Olivier Max Caramin died from heat stress in Ayr in 2017. Australians don't want those jobs, at those wages, in those poor accommodation settings.

Petition Request

We therefore ask the House to develop national minimum accommodation standards for Seasonal Worker Programme and Pacific Labour Scheme workers.

Signature count:	108
Closing date for signatures:	30 September 2021 09:59 AM (AEDT) (Closed)

Appendix 2

Takashi Wakasugi: Farm Backpacker (Subclass 417)

TAKASHI WAKASUGI (JPN 🇯🇵)
FARM BACKPACKER
(SUBCLASS 417)



1ST MAY (SAT) 6:50PM
@ FACTORY THEATRE
TICKETS ON SALE

SYDNEY COMEDY
FESTIVAL 21 YOUNG HENRYS
MON 19 APR - SUN 16 MAY

Waka Takashi - comedy
Comedian

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