

12 January 2026

Dr Joe McGirr
Chair
Joint Modern Slavery Committee
NSW Parliament House
6 Macquarie Street
Sydney NSW 2000

By email only: Modern.Slavery@parliament.nsw.gov.au

Dear Dr McGirr,

RE: Modern slavery risks faced by temporary migrant workers in rural and regional New South Wales – Supplementary questions

We refer to the supplementary questions from the Committee following Legal Aid NSW giving evidence to the Committee hearing in Coffs Harbour on 11 December 2025.

We provide our response below.

1. Have you been made aware of any specific risks for partners and children in Australia as part of the PALM family accompaniment pilot? From a risk perspective, considering the existing challenges and barriers for PALM workers in exploitative conditions to access support services, do you have concerns for the addition of families during a PALM worker's stay in Australia?

- 1.1. Legal Aid NSW has not been made aware of any specific risks for partners and children in Australia as part of the PALM family accompaniment pilot (**Pilot**).
- 1.2. We note the Pilot was introduced in 2024 to address concerns from countries in the PALM scheme about the social impacts of family separation and relates only to five (5) participating countries (Fiji, Kiribati, Timor-Leste, Tonga and Vanuatu). We understand the Pilot is intended to run until 2027 but has already surpassed its initial target of assisting 200 families arriving in Australia.¹
- 1.3. While Legal Aid NSW supports efforts to promote family unity, we have several concerns for the Pilot given the experiences of our PALM worker clients, summarised below:

Deductions by PALM employers

- 1.4. We have previously given evidence about the risks for PALM workers who arrive in Australia indebted to their employers due to the (often excessive) costs associated with travel to Australia, accommodation, visas, and other basic provisions.² Even where these costs are lawful, workers can find it difficult to work their way out of debt while trying to sustain themselves on the money left over from each pay cheque.

¹ [Family Accompaniment Pilot Mid-Term Evaluation Summary \(Evaluation Summary\)](#) September 2025, published by DEWR - See also DEWR's 'PALM scheme family accompaniment pilot' factsheet, accessed via [Family accompaniment pilot information sheet | PALM scheme](#).

² Legal Aid NSW written submissions to NSW Parliamentary Inquiry into modern slavery risks faced by temporary migrant workers in rural and regional NSW, 20 Feb 2025.

- 1.5. The Pilot places an even greater financial burden on workers who are responsible for covering 100% of the costs of any family members travelling to, and residing in, Australia.
- 1.6. We recommend that the Commonwealth consider options to reduce the risks associated with the PALM workers' debts to their employers. For example, the Commonwealth could waive or subsidise visa costs, and/or set up a loan scheme where the Commonwealth pays the costs upfront and recovers the debt directly from the worker.
- 1.7. Legal Aid NSW supports the Department of Employment and Workplace Relations (**DEWR**) recommendation from the Evaluation Summary³ to investigate how employer purchased flights and visas are reimbursed to better understand the level of compliance by these employers with the PALM Guidelines and section 324 of the *Fair Work Act 2009* (Cth).

Reporting grievances and worker mobility

- 1.8. Our PALM worker clients have told us they are scared to report issues in their workplaces due to fear of retaliation and that they would change employers if the process was easier. This aligns with a recent survey of 370 PALM workers which found significant reluctance among workers to report workplace problems.⁴ While we note the Pilot includes additional risk mitigations including more stringent eligibility criteria for prospective employers⁵ – we consider this reluctance is unlikely to change, and may even be exacerbated where families are involved, particularly as spouses of PALM workers generally work for the same employer.⁶
- 1.9. We recommend that the DEWR establish a process to support mobility in the PALM Scheme and enable workers to more easily change employers. DEWR should also provide workers with the knowledge and tools to safely report problems at work, without jeopardising their current and future participation in the scheme.
- 1.10. We also recommend that the Federal Government explore other grievance mechanisms that properly address workers' actual and perceived risks of retaliation that foster fear and silence.

Accessing support services

- 1.11. Some of our PALM worker clients have told us how difficult it is for them to access basic services due to language and cultural barriers and the limited services available in regional and rural areas where many of them are engaged to work. We recommend improved and coordinated support services to ensure that the full range of legal, social and health needs of the workers can be addressed. Please refer to our recommendations below (at paragraphs 3.7 – 3.17) about a co-ordinated approach to identifying and resolving systemic issues for temporary migrant workers as well as holistic service delivery to address their support needs.
- 1.12. We welcome the decision to extend the Family Tax Benefit, Child Care Subsidy and Medicare to families under the Pilot, which is currently unavailable to other PALM workers. However, we note there remains confusion for participating families on how to access these benefits.⁷
- 1.13. Our clients have told us of their difficulties in navigating the health system and their private health insurance, resulting in payment for medical services in cash up front, and not claiming rebates or reimbursement later; or not seeking medical help at all.

³ [Evaluation Summary](#).

⁴ Laurie Berg and Bassina Farbenblum, *'Right or wrong, just accept it': How employer-tied visas foster fear and silence among Pacific workers on the PALM Scheme* (Migrant Justice Institute, 2025).

⁵ See Annexure A Family Accompaniment Pilot to the PALM scheme Approved Employer Guidelines 15 August 2025.

⁶ At least half of all workers surveyed, according to the *Evaluation Summary*. Page 6.

⁷ [Evaluation Summary](#).

- 1.14. We strongly encourage the DEWR to implement its Evaluation Summary recommendation to provide clear messaging to PALM workers and their families about how to make Medicare claims and provide support for accessing other benefits. We also encourage the Commonwealth to consider extending Medicare to all PALM workers.

Suitable accommodation and childcare

- 1.15. Some of our PALM worker clients have experienced substandard, overcrowded, and overpriced accommodation. This includes both employer-provided and private accommodation. For example, one of our PALM clients is paying \$230 per week to rent a private room in a rundown house in a regional town along with 6 other people. This amount is well above the local rent market rates.
- 1.16. Clients have told us they have limited access to shared facilities such as kitchens, bathrooms, and laundry facilities, and no access to heating or air conditioning. Further, some employer-provided accommodation is in rural areas which means supermarkets and other food services can only be accessed by employer-provided vehicles the use of which is often at the expense of the workers, and not the employer. Others have told us of living in converted shipping containers on farms with basic, shared facilities.
- 1.17. We also note that spouses of PALM workers have high levels of employment under the Pilot (85% of those interviewed), with spousal employment a 'key factor' in managing cost of living factors.⁸ While the Pilot's Evaluation Summary indicates that school-age children are attending schools, only a small number of children are enrolled in formal childcare.
- 1.18. We are therefore concerned that some families under the Pilot may live in substandard accommodation and may have both parents working without access to proper childcare for their dependent children.⁹

Pathways to residency

- 1.19. Some of our PALM worker clients tell us that they have close or extended family members who permanently reside in Australia and their decision to engage in the PALM scheme is in part to be closer to their family here. We note that unlike the Pacific Engagement Visa, the Pilot does not offer a path to permanent residency in Australia despite PALM workers being able to remain in Australia for up to four (4) years on long-term visas.
- 1.20. The absence of a pathway to residency in the PALM workers scheme may have unintended consequences that serve to undermine the family unity, cultural integration and longer-term benefits for both workers and Australia at the heart of the Pilot.

2. In relation to tax and superannuation for PALM workers and other temporary migrant workers. How common are cases where workers do not receive proper superannuation payments (including once they have left the country) or tax refunds, or similar examples of payment issues? Are the workers you support aware of their entitlements regarding tax and superannuation? If you can, please provide any commentary on this specific (unpaid tax/superannuation) area.

- 2.1. As stated in the oral evidence Legal Aid NSW gave to the Committee at the hearing on 11 December 2025, many of our clients are temporary migrant workers who are employed

⁸ [Evaluation Summary](#).

⁹ Noting a dependent in the Pilot must be 23 or younger, but there is no minimum age. See Regulation 1.12(2) of the *Migration Regulations 1994* (Cth).

throughout New South Wales in a wide array of industries and occupations. A smaller subset of this cohort are PALM workers.

- 2.2. Our PALM worker clients have very limited understanding of their entitlements regarding superannuation, as similar schemes do not exist in their home countries. As we often lose contact with our clients once they return to their home countries, we do not have first-hand experience of the reported difficulties that PALM workers face on trying to withdraw their superannuation overseas, or the high tax rates incurred on their superannuation.¹⁰
 - 2.3. We note that in 2024, the ATO held more than \$1 billion in unclaimed superannuation owed to former temporary residents, including PALM workers.¹¹ We therefore support DEWR's recommendation to provide accessible briefings to PALM workers on accessing superannuation as part of the demobilisation process which should be translated and in plain language.
 - 2.4. In our experience, it is very common for other temporary migrant worker clients including working holiday makers and student and skilled visa holders not to receive proper superannuation payments. Some clients are underpaid superannuation because they are underpaid wages. Some are not paid superannuation at all, or they are only paid superannuation after long delays. One client – who worked in a restaurant – was required to repay their superannuation contributions to their employer in cash each fortnight.
 - 2.5. In relation to taxation, we see many instances where other temporary migrant workers are paid cash in hand, and it is unclear to the clients whether their employers are withholding the appropriate amount of tax and reporting it to the ATO. We have seen instances where clients' payslips indicate tax being withheld from their pay, despite later discovering this did not occur. We do not have experience with clients seeking tax refunds when leaving Australia.
 - 2.6. In terms of other payment issues relating to worker entitlements, we commonly see employers failing to comply with minimum award entitlements such as penalty and overtime rates, minimum hours rostering change provisions, and accrual and payment of personal leave and annual leave and loading. We have also spoken to several PALM workers and working holiday makers who work in the horticulture sector who are paid piece rates that are well below the applicable minimum hourly rates in the *Horticulture Award 2020*, despite this being made unlawful in April 2022 following significant attention from the unions and the Fair Work Ombudsman highlighting the prevalence of these practices in the horticulture industry.
 - 2.7. Finally, one of our PALM worker clients was recently dismissed from their employment and was not paid any amount in lieu of notice of termination. This was only rectified by the employer after Legal Aid NSW became involved, and we are currently investigating certain amounts deducted from our client's final payslip upon their termination.
- 3. Do you have any suggestions for immediate changes to state government policy or funding for programs that would assist in providing support and improve the experience of temporary migrant workers?**
- 3.1. Legal Aid NSW recommends the following changes to NSW state government policy and proposes options for support and other programs that should be funded to assist temporary migrant workers.

¹⁰ See Whait, R., & Vitale, C. (2024). Reforming access to superannuation for Pacific Australia labour mobility workers. *Journal of the Australasian Tax Teachers Association*, 19, 146-169.

¹¹ See [Returning to the Pacific after working in Australia? Here's what you need to know about super - ABC Pacific](#)

Changes to state government policy

- 3.2. Temporary migrant workers in NSW are increasingly exposed to exploitation by rogue labour hire companies, some of which relocate from other states due to the absence of a licensing scheme in NSW. Legal Aid NSW recommends that the NSW Government, by the end of FY 2025-2026, outline a clear plan for effective regulation of labour hire operators. This could involve adopting a national framework or implementing a state-based solution (noting the lack of support from QLD, Tasmania, and NT for a national scheme).
- 3.3. As an immediate measure to protect vulnerable workers, we also recommend that the Government introduce a mutual recognition arrangement requiring labour hire companies to hold a valid licence from Victoria or Queensland.
- 3.4. In respect to accommodation for PALM workers, we also recommend that the NSW Government adequately resource and empower its relevant agencies such as Safe Work NSW and NSW Fair Trading to inspect and ensure accommodation minimum standards are adhered to.

Visa protections

- 3.5. The evidence to the Inquiry strongly suggests there is a need for improved education and other supports for PALM workers who wish to transfer to a new employer. The current restrictions on workers transferring between approved employers increases the vulnerability to exploitation.
- 3.6. We recommend that the NSW Government advocate for the Commonwealth to extend the Workplace Justice Visa Pilot (due to end in June 2026) and expand the list of Accredited Third Parties (**ATP**). Legal Aid NSW applied to become an ATP, but the Department of Home Affairs decided against expanding the Pilot.

Programs to support temporary migrant workers

Cross-agency forum

- 3.7. Legal Aid NSW recommends that the NSW Government set up a cross-agency forum including relevant state government agencies that are touchpoints for migrant workers – including Service NSW, Safe Work NSW, NSW Fair Trading, Local Government, NSW Police, NSW Anti-Slavery Commissioner, and the relevant unions and Legal Aid NSW.
- 3.8. The forum could serve as a coordination point for service delivery and support for PALM and other temporary migrant workers, and identify systemic issues, opportunities for reform and any regulatory response needed. For example, there remains an information gap about the prevalence of temporary migrant workers in local government areas, which makes it difficult for local government and state government agencies including Legal Aid NSW to accurately target services.
- 3.9. Commonwealth agencies such as the Office of the Fair Work Ombudsman, DEWR, and Department of Home Affairs can be invited, as key stakeholders and subject matter experts.

Funded migrant worker centres to provide holistic support

- 3.10. Further to our recommendation at paragraph 1.15 above, Legal Aid NSW recommends that the NSW Government resource a multidisciplinary approach to support migrant worker survivors of modern slavery to provide a co-ordinated response to modern slavery. These services for migrant workers could be provided by designated and funded migrant worker centres or welcoming committees located in the relevant rural and regional areas. These centres could provide wrap around supports to PALM and other migrant workers after their arrival in Australia and should embed legal services.

- 3.11. Embedding critical legal assistance will ensure that affected workers can access civil, criminal and family law advice and representation for their legal problems. Legal Aid NSW's experience is that affected workers have a diverse range of legal problems (including those that are inter-connected) including criminal charges, domestic violence and victims support, housing, employment and immigration. In particular, we have observed that PALM and other temporary migrant workers need employment advice as they have little understanding of their entitlements around wages and conditions, how to raise concerns when those entitlements are not provided, and of the protections available if they raise their concerns.
- 3.12. A multidisciplinary approach will be the most effective model of service delivery to support migrant worker survivors of modern slavery. It is well recognised that there are significant benefits for clients¹² (especially those who are most disadvantaged and have interconnected legal, social and health needs) in multidisciplinary approach to service delivery. Clients experience better outcomes where services are able to address their legal and non-legal (social, economic and health) needs holistically.
- 3.13. For example, a holistic service model for migrant workers would have community engagement officers to help identify legal and other needs and connect affected communities with mainstream services, including legal services, financial counselling, casework and other services. The existing supports for migrant workers are not funded for holistic service delivery and are instead provided by charities and other voluntary services who provide ad hoc supports.

If you have any questions in relation to this letter, please don't hesitate to contact Giles Fryer on
or

Yours sincerely

Meredith Osborne
Executive Director Civil Law

on behalf of

Monique Hitter
CEO

¹² Eg Independent Review of the national Legal Assistance Partnership – Final Report March 2024 [Independent Review of the National Legal Assistance Partnership 2020-25 | Attorney-General's Department](#)