

**INQUIRY INTO MODERN SLAVERY RISKS FACED BY  
TEMPORARY MIGRANT WORKERS IN RURAL AND  
REGIONAL NEW SOUTH WALES**

**Organisation:** Attorney-General's Department on behalf of Commonwealth agencies'

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Australian Government

Attorney-General's Department

February 2025

# **Parliament of New South Wales**

## **Modern Slavery Committee**

**Inquiry into modern slavery risks faced by temporary  
migrant workers in rural and regional NSW**

**Submission on behalf of relevant Commonwealth agencies**

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# Acknowledgements

The Australian Government acknowledges the Traditional Custodians of this Country. We pay our respects to First Nations peoples' continuing connection to the land, waters, community and cultures past, present and emerging.

The Australian Government also acknowledges people of lived experience of modern slavery and reiterates its commitment to their empowerment and inclusion in work to prevent and respond to modern slavery in Australia.

## Get help

If you encounter someone experiencing or at risk of modern slavery:

If there's an immediate risk of harm, contact police on **000** (triple zero).

If you have information about modern slavery, make a report to the Australian Federal Police (AFP), call **131 237** (131 AFP) or report online via [this form](#).

If the person needs help but does not want to report to the police, support is available through the [Additional Referral Pathway](#) run by the Salvation Army (call 1800 000 277). Anyone can ask for help, even if they are not sure their situation is modern slavery.

Anti-Slavery Australia provides free legal advice to anyone experiencing or at risk of modern slavery. Call 02 9514 8115 (Monday to Friday, 9am to 5pm), or email [ASALegal@uts.edu.au](mailto:ASALegal@uts.edu.au).

My Blue Sky is Australia's national service for people who are in a forced marriage or worried about being forced to marry. Call 02 9514 8115 (Monday to Friday, 9am to 5pm) or make contact through the [My Blue Sky](#) website.

Reports about workplace exploitation can be made anonymously to the [Fair Work Ombudsman](#) in English and 16 other languages.

Free interpreting services are available to help any person communicate with service providers in their own language. Call the [Translating and Interpreting Service](#) (TIS) on 131 450. All calls are free and confidential.

The Australian Red Cross provides information to help migrant workers experiencing exploitation find support through the [Work Right Hub](#), available in 7 languages.

# Introduction

The Attorney-General's Department (AGD) welcomes the invitation from the Parliament of New South Wales Modern Slavery Committee (the Committee) to make a submission to its inquiry into modern slavery risks faced by temporary migrant workers in rural and regional New South Wales (NSW). This submission consolidates input from several Commonwealth agencies including:

- AGD as the lead for Australia's domestic policy response to modern slavery.
- Australian Federal Police (AFP) as the agency responsible for Australia's law enforcement response to human trafficking and modern slavery.
- Department of Social Services (DSS) as the agency responsible for the provision of support for those with lived experience of modern slavery.
- Department of Home Affairs (Home Affairs) (including the Australian Border Force [ABF]) as the agency responsible for the administration of Australia's visa system, including providing advice in relation to migration and visa policy and program settings, and immigration compliance.
- Department of Employment and Workplace Relations (DEWR) as the agency responsible for workplace relations policy development, advocacy and implementation, including development and implementation of policy, legislative and operational frameworks to address worker exploitation.
- Fair Work Ombudsman (FWO) as an independent regulator responsible for enforcing compliance with Australian workplace laws and providing education, assistance and advice about Australia's workplace relations system.
- Department of Foreign Affairs and Trade (DFAT) and DEWR who manage the Pacific Australia Labour Mobility (PALM) scheme.
- Department of Education in relation to international students.

In accordance with national workplace laws, all people working in Australia have the same minimum workplace rights and protections, regardless of their citizenship or visa status.<sup>1</sup>

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<sup>1</sup> The Fair Entitlements Guarantee is a legislative safety net financial assistance scheme available to eligible employees who have lost their job due to the insolvency of their employer and have unpaid employee entitlements. It is limited to Australian citizens and holders of permanent and special category visas. Information about the FEG is on page 26.

The Australian Government (the Government) takes all reports of worker exploitation seriously and has zero-tolerance for migrant worker exploitation. Reports about workplace exploitation can be made anonymously to FWO. Suspected cases of modern slavery should be reported to the AFP. Allegations related to suspicious activities involving migrants and their employers may be directed to [Border Watch](#).

As indicated in Figure 1 below, workplace exploitation can take many forms including violations of workplace rights and protections; failure to meet legal minimum employee entitlements; unsafe work practices and threatening behaviour; and unethical or abusive behaviour and coercion. In extreme cases, exploitation can take the form of human trafficking, slavery, and slavery-like practices (such as deceptive recruitment, debt bondage, servitude and forced labour). These practices are serious crimes under Commonwealth law. While each of these practices is distinct, they all involve the manipulation of complex relationships between an offender and a victim, and undermine a victim's personal freedom and ability to make choices for themselves. More information on indicators of modern slavery and warning signs is available on the [AFP's website](#).

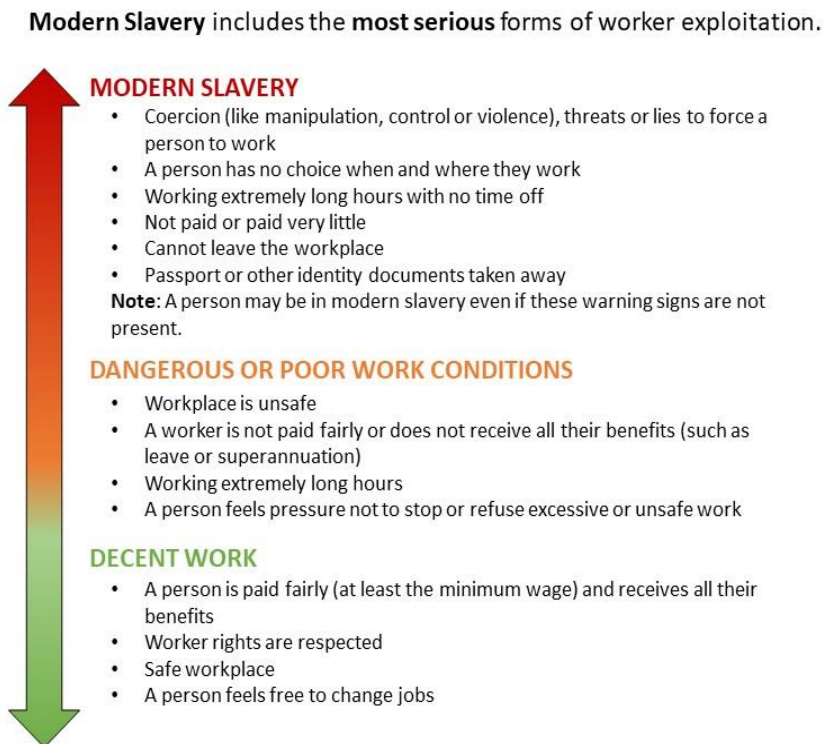


Figure 1: Spectrum of worker treatment

Australia has comprehensive legislative, policy and operational frameworks to combat the spectrum of worker exploitation practices ranging from:

- substandard pay and working conditions penalised under the [Fair Work Act 2009](#) (Cth) (the Fair Work Act)
- offences punishable under the [Migration Act 1958](#) (Cth) (the Migration Act) (for example, breaches of employer obligations and sponsorship-related offences and misuse of migration rules to exploit migrant workers)
- more extreme forms of exploitation such as slavery and slavery like practices criminalised under the Criminal Code (Cth).

Australia's national workplace relations system applies regardless of a person's immigration status. Therefore, under workplace laws, no worker should be treated differently by their employer based on their migration status, and no worker should be subject to any form of labour exploitation, including the more egregious forms that could risk becoming modern slavery practices.

The Government has implemented extensive awareness-raising and outreach activities to educate workers about their rights and entitlements and to encourage reporting of workplace exploitation so that it can be investigated, persons in or at risk can be effectively supported and perpetrators brought to justice.

The Government has progressed several additional reforms throughout 2024 to combat migrant worker exploitation and to implement the recommendations of the [2019 Migrant Workers' Taskforce](#). These reforms address some of the issues identified in the NSW Anti-slavery Commissioner's report [Be Our Guests: Addressing urgent modern slavery risks for temporary migrant workers in rural and regional New South Wales](#) (the NSW Anti-slavery Commissioner's report) and were implemented prior to the report. Two pilots are currently underway to address migration-related barriers that may deter temporary migrant workers from asserting their workplace rights, reporting exploitation or pursuing workplace justice. In addition, enhanced mobility provisions for temporary migrants under certain employer sponsored visa programs make it easier for sponsored workers to leave an exploitative employer.

Settings for the PALM scheme were significantly strengthened in 2023 above legislative minimum standards. These include introducing minimum hours, a minimum pay safety net, increased transparency of deductions and accommodation standards, increased monitoring, compliance and assurance oversight, improved access to welfare and wellbeing support and grievance reporting processes and support for disengaged PALM scheme workers to re-engage with the program where appropriate. DEWR continues to monitor these settings to ensure they are working effectively. A review of the impact of key new settings is currently underway.

Measures to address modern slavery also include a criminal justice framework with penalties of up to 25 years imprisonment for modern slavery offences; the Support for Trafficked People Program which provides individualised case-managed support for those who have experienced modern slavery; the [\*National Action Plan to Combat Modern Slavery 2020-25\*](#) (National Action Plan) which articulates strategic national priorities around the pillars of: prevent, disrupt, investigate and prosecute, support and protection, partner; and research; and the recently appointed Australian Anti-Slavery Commissioner (the Commissioner) who will work across sectors to further strengthen Australia's response to modern slavery in all its forms.

As relevant to the Committee's terms of reference, the submission elaborates on protections for migrant workers and settings, specific safeguards for temporary migrant workers under programs identified in the NSW Anti-slavery Commissioner's report and measures to combat modern slavery in Australia. Current work being undertaken by the Commonwealth to further enhance current frameworks is also outlined throughout the submission.



# Protections for migrant workers

This section outlines Australia’s legislative frameworks and collaborative operational efforts to address worker exploitation. It also outlines recent measures to specifically address migrant worker exploitation, including further enhancements to legislation, education and outreach. It is intended to provide context for the Committee when considering the next section addressing settings underpinning particular temporary migration programs identified in the NSW Anti-slavery Commissioner’s report.

Migrant workers make a valuable contribution to the Australian economy and social fabric, including filling critical labour shortages, particularly in remote and regional Australia, and enriching the culture of our communities. Exploitation of temporary migrant workers has adverse impacts on these workers and their families, on businesses that do the right thing and the broader Australian community. It also damages Australia’s international reputation as a safe place to work, undermining principles of fairness. Australia’s [2023 Migration Strategy](#) articulates that ensuring a ‘fair go’ in the workplace, including by preventing migrant worker exploitation, is among the core objectives of Australia’s migration system.

The Government has zero tolerance for migrant worker exploitation. Substandard pay, working conditions and conduct amounting to mistreatment of workers are core concerns, even if they fall short of the legislative thresholds for modern slavery, outlined in *Figure 2: Spectrum of worker treatment*.

While the national workplace relations system provides temporary visa holders working in Australia the same basic workplace rights and protections as Australian citizens and permanent residents, the Government recognises that temporary migrant workers can be more vulnerable to workplace exploitation. This may be due to limited English language skills; a lack of awareness of Australian workplace laws; cultural norms and expectations around work; and fear of visa cancellation, detention and/or removal from Australia. These factors can contribute to risks of exploitation, the extent and impact of which may be further exacerbated when workers are employed in rural and remote regions.

The Government is committed to combatting migrant worker exploitation, including by:

- ensuring national workplace laws apply, regardless of the worker's immigration status
- addressing the potential misuse of migration rules to exploit temporary migrant workers
- ensuring avenues for vulnerable workers to speak up against exploitation, including strengthening reporting protections by prescribing discretionary and non-discretionary protections against visa cancellations and providing an avenue for temporary migrants to extend their stay to effectively pursue workplace justice
- penalising employers who seek to exploit migrant workers
- implementing the 2019 Migrant Workers' Taskforce recommendations in full.

Australia takes a whole-of-government approach to addressing migrant worker exploitation. This involves collaboration between a range of agencies including DEWR, AGD, FWO, Home Affairs, DFAT, Australian Tax Office (ATO), Department of Agriculture, Fisheries and Forestry (DAFF), Department of Education and the AFP.

## Legislative and operational frameworks

Employers must provide temporary migrant workers with the same workplace entitlements and protections under the Fair Work Act as all other employees in Australia. These protections are set out in Australia's workplace laws and cannot be contracted away. They include laws relating to pay and wages, protection from discrimination, and notice of termination and final pay (that is, any outstanding wages, unused annual or long service leave to be paid out when an employee finishes working for an employer, redundancy pay or pay in lieu of notice in cases of dismissal). These employer obligations apply regardless of a person's visa status (including migrant workers whose visas have expired, all types of undocumented migrant workers, and people who might only work for a short time).

## Fair Work Act

The Fair Work Act and the [Fair Work Regulations 2009](#) (Fair Work Regulations) govern the employee and employer relationship in Australia. They set out the minimum entitlements that must be met by employers covered by Australia's national workplace relations system, enable flexible working arrangements and provide fairness at work and prevent discrimination against employees. The Fair Work Act and Fair Work Regulations cover all employees in Australia's national workplace relations system, regardless of their visa status.

Gender equality is a central tenet of the workplace relations framework. The Fair Work Act contains protections for women in the workplace, including prohibiting discrimination against employees on the basis of a range of protected attributes, including sex, breastfeeding, gender identity, marital status, family or carer's responsibilities, pregnancy and subjection to family and domestic violence. The Fair Work Act expressly prohibits sexual harassment in connection with work. Women who experience discrimination or sexual harassment in the workplace are able to apply to the Fair Work Commission, Australia's national workplace relations tribunal, for low- or no-cost assistance (via fee waiver) in resolving their matter. The Fair Work Act plays an important role in establishing the settings and framework for supporting women to maintain economic security. This includes the entitlement to 10 days of paid family and domestic violence leave for all employees impacted by family and domestic violence, including casuals, ensuring that women do not need to choose between their pay and safety. FWO can also assist with some issues around workplace sexual harassment, including investigating and starting court proceedings regarding alleged breaches of laws prohibiting sexual harassment.

The Fair Work Act also prohibits discrimination against employees and prospective employees who have a physical or mental disability.

## Work health and safety framework

Work health and safety (WHS) law in Australia is legislated and regulated separately by each of Australia's state, territory, and Commonwealth jurisdictions. WHS laws are largely harmonised across the jurisdictions through a set of uniform laws (the model WHS laws). All jurisdictions other than Victoria have adopted the model WHS laws. Victoria has similar duties and responsibilities under *its Occupational Health and Safety Act 2004* (Vic). State and territory WHS regulators are each responsible for enforcing and regulating their jurisdiction's WHS laws.

Australia's WHS framework takes a principles-based approach to managing risks in the workplace. Persons conducting a business or undertaking, such as employers are required to ensure the health and safety of workers and other people in the workplace to the extent reasonably practicable. This obligation extends to ensuring any employer-provided accommodation or facilities are appropriately maintained so that workers are not exposed to health and safety risks.

## Role of FWO

FWO is an independent statutory agency established by the Fair Work Act. FWO's purpose as Australia's workplace relations regulator is to promote harmonious, productive, cooperative and compliant workplace relations. The agency is responsible for enforcing compliance with Australia's workplace laws and provides education, assistance and advice about the national workplace relations system.

While offences relating to trafficking of persons do not fall within the operational remit of FWO, the agency considers human trafficking and slavery-like practices to be serious crimes which require a whole-of-government approach. FWO has operational guidance, educational resources, and training (including AFP's *Look A Little Deeper* program) in place to ensure that its frontline staff identify indicators of potential human trafficking and modern slavery in the course of their work, and appropriately refer these to the AFP for assessment.

FWO investigates non-compliance with workplace laws, such as non-payment of wages, and refers cases with suspected indicators of human trafficking, slavery and slavery-like practices, such as forced labour, to the AFP. Where there are allegations of non-compliance with Australia's workplace relations laws, FWO uses its suite of enforcement tools. Fair Work Inspectors have a strong focus on investigating allegations of serious non-compliance with workplace laws involving vulnerable workers, including migrant workers. Fair Work Inspectors are based in each of the agency's 22 offices nationwide, including 14 regional offices.

FWO considers workplace breaches that involve migrant workers to be serious as they can be vulnerable to exploitation. FWO has found that migrant workers are often unaware of their workplace rights or unwilling to raise concerns with their employer or FWO due to fears for their visa status and the potential impact on their employment.

In the 2023-24 financial year, the significant penalties imposed by the courts on completed matters relating to visa holders and migrant workers totalled nearly \$8 million and represent the seriousness of the response to migrant worker exploitation.

## Migration Act

The Migration Act creates offences of allowing a person to work, or referring a person for work, if the person is an unlawful non-citizen or a lawful non-citizen working in breach of a visa condition as it undermines the purpose of Australia’s visa programs. The offences are escalated to aggravated offences if the worker is being exploited and the person knows of, or is reckless to, that circumstance.

The Migration Act also provides for civil employer sanctions in the form of infringement notices and civil penalties, supplementing Australia’s criminal offences. In addition, three new offences have been created to address issues of coercion, undue influence or undue pressure. These new offences specifically target people using a person’s immigration status to coerce, unduly influence or pressure a non-citizen to accept an arrangement in relation to work (for more information, see [Migration Amendment \(Strengthening Employer Compliance\) Act 2024](#) (Cth)). The Migration Act also regulates the provision of immigration assistance services, with fee-based services restricted to registered migration agents and lawyers. This allows for the prosecution of unlawful providers of immigration assistance who may facilitate visa applications for temporary migrants that do not align with the intent or purpose of the visa program, and instead intend to facilitate the visa holder’s stay so they can engage in work. This gives an ability to prosecute third party involvement in cases of exploitation (not just the employer).

Home Affairs is committed to ensuring that Australia’s visa programs are not misused to exploit temporary migrant workers. It provides information about worker rights and entitlements available to visa holders through visa grant notifications and text messages, and it administers three legislative frameworks to achieve this goal:

- The 'Employer' scheme seeks to ensure employers only employ visa holders with appropriate work rights, recognising that visa programs are designed for specific purposes. This scheme is supported by Home Affairs' [Visa Entitlement Verification Online \(VEVO\)](#) system which enables temporary migrant workers and potential employers to verify a visa holder's immigration status and the conditions attached to their visa.
- The 'Paying for Visa Sponsorship' seeks to protect migrant workers from exploitation or extortion, encourage fair recruitment practices and protect employment opportunities for Australian workers.
- The 'Sponsorship Obligations' scheme seeks to ensure sponsored visa holders are not exploited by their sponsors. A breach may involve a sponsor failing to provide their sponsored worker the same terms and conditions of employment that are offered to other workers, not ensuring the visa holder is working in the occupation for which they were nominated (the gap they were sponsored to address), or unlawfully recovering costs from the visa holders.

Under these legislative frameworks, enforcement officers in Home Affairs (including the ABF) have a range of tools to respond proportionately to cases of visa non-compliance. This includes education activities and warnings, infringements, civil penalties, an ability to cancel or bar employer sponsors from using the program, and criminal offences. Across each of these frameworks, immigration compliance officers have tools to take action against employers who contravene their requirements.

If an individual cannot resolve their immigration matter through ['Your visa is expiring or has expired'](#) on Home Affairs' website, Home Affairs' Status Resolution Service provides support to non-citizens who have overstayed their visa or hold a Bridging E Visa while they work towards an immigration outcome. To contact Home Affairs' Status Resolution Service, individuals can visit [www.immi.homeaffairs.gov.au/what-we-do/status-resolution-service](http://www.immi.homeaffairs.gov.au/what-we-do/status-resolution-service) or by calling, 131 881 (Monday to Friday 9am to 5pm).

Home Affairs works with FWO on initiatives and strategies to support and encourage non-citizens to come forward with any evidence or information about work-place exploitation. If an individual thinks they are being exploited or underpaid, they can seek information and assistance from FWO anonymously, regardless of whether or not their visa allows them to work in Australia.

## Role of Home Affairs

Responsibilities under the Migration Act for combatting migrant worker exploitation are acquitted through a layered approach, proportionate to the identified risk. Home Affairs achieves this through the secondment of ABF officers into the department, who conduct targeted and intelligence informed operations, responding to community allegations. Operational effect is maximised through working closely with AFP, FWO, DEWR, AGD, ATO, the Australian Criminal Intelligence Commission, and state and territory police, health and licencing authorities. ABF officers utilise a variety of compliance and enforcement tools to disrupt and deter migrant worker exploitation, including education and awareness campaigns, the issuance of employer sanctions (such as warning notices, compliance notices, enforceable undertakings, and infringement notices). A dedicated Investigations team within the ABF is able to investigate the serious and systemic exploitation of migrant workers, supporting civil penalties and criminal prosecution.

During immigration compliance operations, ABF officers consider exploitative business practices, possible violations of health and safety laws, and other offences, outside of the Migration Act. These matters are referred to the relevant authority for action through well-established referral processes. This may include matters relating to wages, allowances, superannuation, leave entitlements, workers compensation, and piecework payments, such as underpayment, excessive deductions and debt bondage arrangements.

Where there is evidence of serious breaches of the Migration Act, ABF Investigations may investigate and prosecute offenders where they are able to do so. Should offenders be non-citizens, consideration may be given to visa cancellation, immigration detention and removal from Australia following due process, including final determination on immigration status and legal options available to unlawful non-citizens being exhausted.

At the Australian border, ABF officers working within the aviation and maritime domains play a key role in the identification, intervention and referral of suspected victims (e.g. temporary visa holders at risk of labour exploitation, human trafficking and modern slavery – this may include non-citizens entering or brought into the country to work in remote or rural Australia) or those facilitating such exploitation. These officers are provided with fit for purpose training and specific formal procedural instructions or standard operating procedures that enable efficient and effective responses to suspected exploitation related cases identified at the Australian border.

For instance, there is a network of Human Trafficking Contact Officers (HTCOs) within the ABF. HTCOs are a key capability to identify and report indicators of human trafficking and modern slavery to the AFP identified during operational activity.

HTCOs are specialist officers who undertake additional training to identify suspected indicators of human trafficking during immigration field compliance activities. As part of their role, HTCOs refer all suspected cases of human trafficking, slavery, and slavery-like practices to the AFP for investigation through an established reporting protocol, and maintain close working relationships with Home Affairs, the AFP, state and territory police and non-governmental organisations, such as the Australian Red Cross. HTCOs also deliver human trafficking information and awareness sessions to internal staff and business areas to raise awareness of human trafficking indicators.

The ABF can apply a range of sanctions under migration laws against sponsors who have breached their obligations, including barring the sponsor from one or more visa programs; cancelling a sponsorship agreement; infringing a sponsor; or pursuing court action.

The Border Watch Program is the single collection point for Home Affairs and the ABF for community and industry allegations related to suspicious border activities. Border Watch produces Indicator Sheets to support engagement with various industry and community groups in order to provide educational awareness and promote the reporting of suspected foreign worker exploitation, including human trafficking and sexual servitude. All allegations received by Border Watch are assessed and triaged for referral to appropriate risk owners for consideration of an administrative or operational response.



## Examples of operational efforts to combat migrant worker exploitation

### Home Affairs/ABF

Operation GREENTALE was established on 1 July 2024 to address migrant worker exploitation. As part of this operation, from 1 July to 31 December 2024, ABF officers conducted over 402 visits to businesses nationally to deliver educational awareness and monitor for compliance. There have also been 56 compliance actions taken against businesses found to be in breach of their obligations. These actions include issuing Illegal Worker Warning Notices, Compliance Notices, infringements, and sponsorship cancellations and bars. In NSW, Home Affairs has conducted 92 (63 Field Operation + 29 Sponsor Monitoring Unit) education and other visits (including, but not limited to Field Operation warrants), and taken 13 compliance actions.

### FWO

FWO's compliance activities target businesses and geographic areas where intelligence indicates non-compliance is likely. Where migrant workers are being exploited, FWO takes a firm compliance and enforcement approach. Significant penalties have been imposed by the courts on completed matters relating to visa holders and migrant workers.

FWO recently secured more than \$4 million in penalties ordered against the operators and managers involving 3 Din Tai Fung restaurants for underpaying workers and providing false records to FWO. The workers were mostly visa holders from Indonesia and China, mainly on student or employer-sponsored visas.

During 2023-24, the FWO undertook 16 joint operational activities with other Government agencies, including ABF, ATO, DEWR and various state government authorities, to target the agriculture sector (a priority sector in which many workers are classified as vulnerable due to their migrant worker status and/or young age).

**Koo Wee Rup region (VIC) joint compliance action on farms [phoenixing]**

In October 2024, Fair Work Inspectors came together in the Koo Wee Rup region of Victoria with the ATO, ABF and the Victorian government's Labour Hire Authority to undertake collaborative action targeting business operators or persons of interest suspected of phoenixing. The coordinated approach was aimed at sending a strong message to the business community that non-compliance with multiple Commonwealth and State laws will have consequences.

**Joint compliance action - Fast Food, Restaurants and Café Sector**

In October 2024, in the fast food, restaurants and cafes sector, FWO and Home Affairs compliance officers inspected employers who engaged migrant workers in Brisbane. The inspections were part of a national program of audits by FWO and was part of ongoing joint operational work with Home Affairs. Fair Work Inspectors made surprise visits to about 40 businesses, speaking with business owners and checking time and wage records to ensure workers were being paid correctly. They also provided advice and education on compliance matters.

Working with FWO, Home Affairs officers provided on-site education about migrant worker protections and the *Migration Amendment (Strengthening Employer Compliance) Act 2023*(Cth), which came into effect in July 2024 to combat the exploitation of temporary migrant workers.

In the terms of reference, the Committee has expressed an interest in the issue of confiscation of passports and other personal information.

The confiscation of passports is a method used by unscrupulous employers, or traffickers, to exert control over their victims to maintain compliance and is an overt indicator of exploitation and human trafficking.

There are, however, other coercive control methodologies used by offenders to achieve the same result, which are less overt. Due to this, non-citizens located during immigration compliance activities in possession of their passport are identified as potential victims of human trafficking and/or exploitation. Home Affairs and ABF utilise the AFP's list of human trafficking indicators (including on forced labour and sexual servitude) to provide guidance during the assessment of suspected victims and offenders.

## **Awareness-raising to combat migrant worker exploitation**

Home Affairs promotes information on workers' rights and visa protections, including on its website. Home Affairs is progressing a Government funded information and education package to help address migrant worker exploitation by improving communication on migration related workplace rights and obligations, including recent reforms. This package supports a key objective of the Government's 2023 Migration Strategy. The [MyAus App](#) (administered by a non-government organisation (NGO) with a grant from Home Affairs) includes information about work rights and modern slavery and is available in 20 languages.

The FWO has an enduring commitment to support vulnerable workers, including visa holders and migrant workers. The agency prioritises education and engagement with migrant workers and their communities to ensure they understand their entitlements and how to seek assistance. This is endorsed through:

- The FWO's downloadable web resources, videos and other professionally translated content (in more than 30 languages)
- Targeted digital campaigns and webinars to raise awareness of minimum work rights, entitlements and legislative changes amongst culturally and linguistically diverse (CALD) employees and employers

- Prioritising work in industries and sectors (such as agriculture, fast-food, restaurants and cafes) where vulnerable workers are prevalent, and non-compliance is endemic
- Regularly and publicly communicating FWO's compliance and enforcement outcomes to deter exploitation, increase awareness of concerns, and encourage vulnerable workers to seek FWO's assistance
- Working proactively with other government agencies and regulators to jointly shape engagement, education and enforcement activities across priority sectors
- Strategically engaging with key stakeholders (such as foreign embassies and consulates, community organisations, community legal centres, unions, employment associations and education providers) in creating a culture of compliance that mitigates worker exploitation

To highlight the challenges and difficulties vulnerable workers face, including migrant workers, and to deter other employers who ignore their statutory obligations, in February 2024 the FWO interviewed Mr Wong so he could tell his story. Mr Wong was an employee of Winit; an organisation that underpaid nearly 400 employees (most from migrant backgrounds) a total of more than \$3.6 million. The FWO published a dedicated media release, translated into 7 different languages, that was picked up by multiple CALD media outlets, and shared a video on the FWO LinkedIn channel (that was viewed more than 3,000 times), and Facebook and Instagram (viewed more than 900,000 times collectively, with the public engaging with these posts 13,000 times).

From July to September 2024, FWO ran a *Know Your Minimums* campaign, highlighting legal minimums in the workplace for employees and employers including the minimum wage and National Employment Standard entitlements. The campaign targeted culturally and linguistically diverse employees in Chinese (simplified), Chinese (traditional), Hindi, Arabic, Korean, Japanese and Thai in various industries including agriculture, security, manufacturing, hospitality and retail. The campaign was featured on Meta (Facebook & Instagram), LinkedIn, digital video platforms and Weibo and was seen over 30 million times.

## Policy and legislative reform

### Implementing recommendations of the Migrant Workers' Taskforce Report

A key commitment of the Government has been to implement the recommendations of the 2019 Migrant Workers' Taskforce report. This report was commissioned in 2016 to develop options to identify and rectify workplace exploitation of migrants on temporary work visas. Sixteen of the Taskforce's 22 recommendations have now been implemented, with work underway on the remaining recommendations. Reforms progressed since 2022 encompass a broad range of areas, as outlined below, including enhancing protections for migrant workers under the Fair Work Act, increasing penalties for wage underpayment and supporting recovery of entitlements, and driving national labour hire regulation.

Progress on implementation of the Migrant Workers' Taskforce recommendations has been overseen by a Migrant Workers Interagency Group (Interagency Group). Establishing such a group was a recommendation of the Migrant Workers' Taskforce. The Interagency Group is chaired by DEWR and consists of eight agencies with policy responsibility for the recommendations made by the Migrant Workers' Taskforce, or a close interest on issues facing migrant workers. Its remit more recently has broadened to provide a whole-of-government mechanism by which Government agencies share information, consult and collaborate to facilitate cross-agency awareness of the scope of issues relating to the exploitation of migrant workers, and promote alignment on priorities and activities to protect migrant workers.

#### ***Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 (Cth)***

In December 2022, the Australian Parliament passed the [Fair Work Legislation Amendment \(Secure Jobs, Better Pay\) Act 2022 \(Cth\)](#). This legislation addressed two issues raised by the Migrant Workers' Taskforce. Specifically, the legislation:

- prohibited job advertisements with rates of pay that would breach the Fair Work Act, (implementing recommendation 4).

- enhanced the small claims procedure under the Fair Work Act to make this process more accessible for workers, by increasing the cap on the amount that can be awarded in small claims proceedings from \$20,000 to \$100,000, and, enabling the courts to award filing fees as costs to successful applicants.

***Fair Work Legislation Amendment (Protecting Worker Entitlements) Act 2023 (Cth)***

In June 2023, the Government secured passage through the Australian Parliament of the [Fair Work Legislation Amendment \(Protecting Worker Entitlements\) Act 2023 \(Cth\)](#). This legislation included a measure to make it clear that migrant workers in Australia are protected under the Fair Work Act, regardless of their migration status. The amendment addressed Recommendation 3 of the Migration Workers' Taskforce.

***Fair Work Legislation Amendment (Closing Loopholes) Act 2023 (Cth)***

In December 2023, the Government secured passage of the [Fair Work Legislation Amendment \(Closing Loopholes\) Act 2023 \(Cth\)](#). This legislation strengthened the historically civil-based sanctions regime for wage underpayment by introducing a new criminal offence for intentional wage theft into the Fair Work Act. The offence commenced on 1 January 2025. The introduction of the offence implements Recommendation 6 of the Migrant Workers' Taskforce. The wage theft offence will carry a maximum of 10 years' imprisonment, and/or a maximum fine of the greater of:

- three times the amount of the underpayment, if the court can determine that amount, or
- for an individual: 5,000 penalty units (\$1,650,000); or for a body corporate: 25,000 penalty units (\$8,250,000).

Enabling the penalty amount to be set, in certain circumstances, by reference to the amount of the underpayment represents an important innovation. It is designed to ensure that underpaying workers, including migrant workers, cannot be seen as a 'cost of doing business'.

***Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024 (Cth)***

In February 2024, the Government secured passage of the [Fair Work Legislation Amendment \(Closing Loopholes No. 2\) Act 2024 \(Cth\)](#) (Closing Loopholes No. 2 Act). This legislation increased maximum penalties fivefold for contraventions of underpayment-related civil remedy provisions of the Fair Work Act for bodies corporate that are not small business employers. These amendments implemented Recommendation 5 of the Migrant Workers' Taskforce.

The Closing Loopholes No. 2 Act additionally doubled the maximum penalty for non-compliance with a compliance notice (an effective tool used by FWO to require an employer to fix a breach of Australian workplace laws, such as underpayment). This change brings the penalty for non-compliance with a compliance notice in line with other penalties for underpayment-related provisions of the Fair Work Act. Such a change reflects the importance of this non-punitive mechanism to quickly rectify issues and provide redress to workers. The changes to maximum civil penalties commenced on 27 February 2024. The Closing Loopholes No. 2 Act also provides for penalties of up to three times the amount of the underpayment if the applicant seeks a penalty of this sort. Penalties calculated with reference to the amount of the underpayment commenced on 1 January 2025 with the commencement of the new wage theft offence.

### **Small claims**

Complementing these enhancements, in 2023, DEWR conducted a [review](#) into the effectiveness of the Fair Work Act small claims procedure in line with Recommendation 12 of the Report of the Migrant Workers' Taskforce. The review of the small claims procedure report, published in January 2025, examined how the small claims procedure could become a more effective avenue for wage redress for workers in Australia, including migrant workers.

### **Fair Entitlements Guarantee**

The Fair Entitlements Guarantee (FEG) is a legislative safety net scheme of last resort that funds certain outstanding employee entitlements to eligible employees when their employer enters liquidation or bankruptcy and where these entitlements cannot be funded from other sources. The program is established under the [Fair Entitlements Guarantee Act 2012 \(Cth\)](#). FEG eligibility is currently confined to Australian citizens, permanent residents and special category visa holders (New Zealand citizens).

The NSW Anti-slavery Commissioner's report recommends that temporary migrant workers should also have access to the FEG. The Government has committed to implementing the recommendations of the Migrant Workers' Taskforce, which include extending FEG to migrant workers (recommendation 13). The timing and detail of this are a matter for Government.

## Further measures to combat migrant worker exploitation

### Recent enhancements

In 2023, the Government announced a dedicated package of measures to combat migrant worker exploitation. This package was developed in line with a commitment made at the 2022 Jobs and Skills Summit, an event that brought together unions, employers, civil society and governments to address Australia's economic challenges.

### ***Migration Amendment (Strengthening Employer Compliance) Act 2024 (Cth)***

A key element of this package was the *Migration Amendment (Strengthening Employer Compliance) Act 2024 (Cth)*. This legislation commenced on 1 July 2024 and enhanced the legislative framework available under the Migration Act to address migrant worker exploitation.

These new laws include:

- three new criminal offences and associated civil penalty provisions to deter employers and others in the employment chain from using a person's migration status to exploit them in the workplace (implementing the Government's response to Recommendation 19 of the Migrant Workers' Taskforce report).
- a new power to prohibit employers engaged in serious, deliberate or repeated non-compliance from being able to employ additional migrant workers for a period of time, supported by appropriate natural justice provisions (implementing the Government's response to Recommendation 20 of the Migrant Workers' Taskforce report).
- increased pecuniary penalties for employer breaches under the Migration Act, sending a strong message about the harm caused by exploitation – to the individual and their family, to other workers in the labour market and to compliant businesses.
- new compliance tools for the ABF to facilitate a proportionate response to non-compliance.
- the repeal of section 235 of the Migration Act – a criminal offence for a temporary migrant worker breaching a work-related visa condition. This provision was identified as a barrier to temporary migrant workers reporting exploitation, and has been interpreted as effectively making a 'contract for' or 'contract of' service void, thereby abrogating employers of their obligations to migrant workers under certain workplace laws.



- the inclusion of an avoidance of doubt clause in the Migration Act to ensure integrity measures related to work in Australia are only used for the integrity of Australia's migration system, and they do not affect the interpretation of other laws, including workplace laws.
- enabling provisions to support regulations to legislate protections from visa cancellation in prescribed circumstances.

The Government also provided funding to support implementation of these new laws.

### **Visa protections**

In addition to the legislative measures above, the Government has amended the [Migration Regulations 1994](#) (Migration Regulations) to enhance the safeguards available to temporary migrant workers to enable them to assert their workplace rights. These measures, implemented in July 2024, include:

- enhanced mobility provisions for temporary migrants under certain 'employer sponsored' programs (Temporary Skills Shortage, Skilled Employer Sponsored Regional (Provisional) and Temporary Work (Skilled) visas), which make it easier for sponsored workers to leave an exploitative employer.
  - This reform is intended to help address concerns about sponsored workers being tied to their employer for their ongoing stay, which can deter them from raising issues in the workplace.
- a [Strengthening Reporting Protections pilot](#), which prescribes discretionary and non-discretionary protections from visa cancellation.
- a [Workplace Justice visa pilot](#), which provides an avenue for visa holders to extend their stay to pursue workplace justice.

These pilots seek to balance the objectives of upholding immigration integrity with the objective of addressing migrant worker exploitation by addressing visa rules that may have deterred temporary migrants from speaking out and asserting workplace rights.

The two pilots were developed through a targeted co-design process with government agencies, and expert practitioners experienced in supporting temporary migrants with workplace matters, with the goal of ensuring they would be accessible and effective. The pilots are available to all temporary visa holders who meet the eligibility criteria.

The Government is implementing these pilots in partnership with participating government agencies and accredited third parties with expertise in workplace law ( for example, government regulators, community legal centres and unions). These third parties are able to certify the relevant workplace exploitation matter to enable visa holders to apply for these protections. The third parties also ensure the visa holders accessing these protections have appropriate support to pursue the matter.

To complement the delivery of these reforms, the Government has also funded a \$15 million package to improve information and education on migration related workplace rights and obligations for temporary migrants and employers, including recent reforms that seek to address the exploitation of temporary migrant workers.

#### Assurance Protocol and Strengthening Reporting Protections pilot

In February 2017, FWO and Home Affairs jointly established an Assurance Protocol to encourage migrant workers to report workplace exploitation. Under the Assurance Protocol, Home Affairs would not cancel a temporary visa with work rights where the visa holder has reported exploitation to FWO, and was assisting FWO with its inquiries, provided there was no other basis for visa cancellation (such as on national security, character, fraud or health grounds). From February 2017 to 30 June 2024, 102 migrant workers were referred under the Protocol, with no referrals resulting in visa cancellation.

From July 2024, the Strengthening Reporting Protections pilot replaced the Assurance Protocol. This measure seeks to provide stronger reporting protections by legislating the protections that were available under the Assurance Protocol. It also enables accredited non-government experts (in addition to FWO) to certify workplace exploitation matters when they are assisting the temporary migrant worker to resolve the issue. This change both expands the accessibility of this protection while also helping to overcome the reticence some migrant workers may feel to approach government agencies. Under this pilot, the prescribed protections from visa cancellation recognise dishonest employers often use threats of visa cancellation to deter temporary migrants from asserting their workplace rights. As noted above, this measure is being implemented as a two-year pilot from July 2024 and will be subject to ongoing monitoring.

### Workplace Justice visa pilot

As noted above, since July 2024, the Workplace Justice visa has been available to visa holders who have been exploited at work and need to extend their stay in Australia to effectively pursue a workplace exploitation claim. As with the Strengthening Reporting Protections pilot, both FWO and accredited non-government experts are able to certify workplace exploitation matters when they are assisting the temporary migrant worker to pursue the matter. This visa is available to visa holders who meet the criteria. This initiative works together with other measures, such as enhanced mobility for certain sponsored workers and stronger reporting protections, which help to ensure visa holders can assert their rights and address issues of workplace exploitation while remaining on their existing visa pathway. This visa enables visa holders to extend their stay to effectively pursue a matter where their visa is about to cease and they would otherwise be required to depart.

### **Recent changes to skilled visa programs**

The Migration Strategy notes that the reliance on a single employer for a pathway to permanent residence, by placing so much power in the hands of an individual employer, is also a driver of temporary migrant workers' vulnerability to exploitation.

On 7 December 2024, the Government made changes to skilled visa programs to deliver on key reforms outlined in the Migration Strategy, designed to attract migrants who will make a significant contribution to the Australian economy, and fill positions where no Australian workers are available. The new Skills in Demand visa replaced the Temporary Skill Shortage visa. The Skills in Demand visa provides a streamlined pathway for skilled migrants, promoting worker mobility while offering a simple process for employers to access the skilled workers they need to help their businesses to grow.

With the more flexible approach to skilled employment and labour mobility in the Skills in Demand visa program, visa holders will be able to more readily change employers to meet labour market needs and avoid exploitative employment situations.

From 7 December 2024, all sponsored employment counts towards permanent residence requirements through the Temporary Residence Transition stream of the Employer Nomination Scheme (subclass 186) visa. This is different from the previous settings, which emphasised the relationship between a visa holder and a single employer.

The Skills in Demand visa and related changes to the Employer Nomination Scheme build on changes made to work conditions on 1 July 2024, which give temporary employer sponsored visa holders who cease working for their sponsoring employer more time (up to 180 days at a time and a maximum of 365 days in total across the entire visa grant period) to find a new sponsor, apply for a different visa or arrange to depart Australia. These changes enhance the labour market mobility for temporary migrants holding Temporary Work (Skilled) visa, Temporary Skill Shortage visa, Skills in Demand visa and Skilled Employer Sponsored Regional (Provisional) visas.

As part of the Migration Strategy, the Government has also committed to developing a public register of employers who are approved to sponsor temporary migrant workers. The register will encourage public transparency, monitoring and oversight, and promote productivity-enhancing worker mobility. Development of the register is continuing and is expected to be implemented in early 2025.

### **Education and outreach**

On 14 May 2024, the Government provided policy authority through the 2024-25 Budget for a program titled 'Protecting Migrant Workers – Information and Education Package' to provide temporary migrant workers and their employers information about migration related workplace rights and obligations and recent reforms to address the exploitation of temporary migrant workers. It consists of two components:

- A behavioural research component to enhance understanding of perceptions, mindsets and barriers within multicultural communities regarding reporting workplace exploitation, and identifying the most effective ways for disseminating information within these communities.
- A capability building component enabling third parties to establish centralised capabilities in each State and Territory to deliver the information and education.

This program will also support implementation of the *Migration Amendment (Strengthening Employer Compliance) Act 2024* (Cth), the enhanced mobility provisions, the Strengthening Reporting Protections pilot and the Workplace Justice Visa pilot.

Home Affairs has also been engaged in outreach and targeted communications campaigns. Home Affairs' outreach networks are reaching out to stakeholders including multicultural community organisations, service providers, business, industry and local and state governments to share education products about migrant worker exploitation reforms and build employer awareness.

Communication products developed include:

- fact sheets to educate employers and temporary workers on the new laws
- a dedicated page on Home Affairs' website to help educate migrant workers, employers and the community about new laws and how to report exploitation
- an animation and a comic strip translated into languages other than English.

### **National labour hire regulation**

Labour hire in Australia is currently regulated in 4 jurisdictions (Queensland, Victoria, South Australia and the Australian Capital Territory) through licensing schemes. The Government has committed to establish national labour hire regulation, as recommended by the Migrant Workers' Taskforce (Recommendation 14).

In line with stakeholder feedback received during DEWR consultations in 2023, the Government is working with states and territories on a harmonised approach, to improve protections for labour hire workers and create consistency while preserving established state and territory regulatory experience.

Significant work has been undertaken to establish national labour hire regulation. On 8 June 2023, Workplace Relations Ministers tasked a working group of senior officials, led by Queensland and Victoria, to prepare a proposal for a harmonised national labour hire licensing model. On 13 December 2023, a majority of Workplace Relations Ministers endorsed the model and agreed on next steps to achieve harmonisation. On 20 June 2024, Workplace Relations Ministers confirmed their continued commitment to the endorsed model, subject to agreement on funding arrangements.

The endorsed harmonisation model would ensure nationally consistent protections for all labour hire workers, irrespective of where they work. Workplace Relations Ministers agreed in-principle for Victoria to be the host jurisdiction responsible for passing a model law, to be applied or mirrored in all other states and territories. In the 2024-25 Budget, the Government provided \$2 million to the Victorian Government to lead scoping work for a national regulator and the model law. In the 2024-25 Mid-Year Economic and Fiscal Outlook, the Commonwealth committed a further \$2 million in interim funding to Victoria to allow project work to continue beyond December 2024 for a further 6 months. The Commonwealth continues to work with state and territory counterparts to progress this important work.

In states and territories with a labour hire authority, such as Victoria, South Australia and Queensland, Home Affairs has been able to achieve enhanced operational activity, through information sharing and coordinated responses.

# Settings underpinning particular temporary migration programs

While the NSW Anti-slavery Commissioner's Report noted that temporary migration programs are generally well-managed, the report identified particular temporary visa holders to be potentially more vulnerable to worker exploitation and modern slavery. This section contains information around development of visa frameworks and conditions, and settings for certain programs including the PALM scheme .

## General information: Visa settings and conditions of employment for temporary visas

The Migration Act and Migration Regulations allow for the creation of visa programs in the national interest. This includes, for example, addressing particular gaps in the labour market, helping to bring families together, supporting diplomatic relations or meeting Australia's humanitarian obligations. Visa eligibility criteria restrict access to visas and visa conditions set expectations for visa holders. Eligibility criteria and conditions are only legislated for a visa program when it is reasonable, necessary and proportionate to meet the objectives of that visa program. Consistent with this, proposals to legislate restrictions to a visa program (to set visa eligibility criteria or conditions as part of the program design) are supported by a statement of compatibility with human rights.

The Migration Act and Migration Regulations also support a degree of flexibility, and additional protections for temporary migrant workers, which are necessary in helping to address risk of exploitation. Specifically, the legislative framework:

- legislates specific sponsorship obligations for employers sponsoring the visa of temporary migrant workers coming to Australia to address specific skills shortages.
- enables mobility for sponsored workers in certain circumstances – helping to address the power imbalance between sponsored workers and their sponsor.

- enables the Minister to prohibit dishonest employers from employing any additional workers for a period of time where that employer has been found to have engaged in serious, deliberate or repeated exploitation of temporary migrant workers.
- includes criminal offences for misusing visa programs to exploit temporary migrant workers, including (but not limited to) exerting coercion, undue influence or undue pressure on a temporary migrant worker to accept an arrangement in relation to work, for example, accepting unsafe housing, surrendering the migrant workers passport or performing sexual favours for the employer.
- prescribes discretionary and non-discretionary protections from visa cancellation so that temporary visa holders can report exploitation and seek protection from visa cancellation where there is a connection between that exploitation and the breach of a relevant visa condition (recognising the perverse consequences when dishonest employers use threats of visa cancellation to deter temporary migrants from asserting their workplace rights).
- facilitates an extension of stay for visa holders to pursue workplace exploitation matters.
- allows visa holders to apply for other visa programs, where the person can validly apply and genuinely meets the criteria.
- creates obligations for all employers of non-citizens, regardless of a sponsorship relationship, to not allow or refer an unlawful non-citizen to work, or to allow or refer a lawful non-citizen to work in breach of their visa conditions.

Notwithstanding these protections and visa settings, workplace exploitation can occur anywhere. However, vulnerabilities may be exacerbated in rural and regional areas due to high demand for low-skilled labour, the prevalence of difficult to regulate industries and the remote nature of localities.

## Pacific Australia Labour Mobility scheme

The [PALM](#) scheme is a temporary migration program that enables employers to recruit from 9 Pacific island countries and Timor-Leste to fill unskilled, low, and semi-skilled positions where there are not enough Australian workers available. All participating workers have the same minimum workplace entitlements and protections as other employees in Australia.



However, recognising their particular vulnerabilities, there are additional safeguards in place designed to support informed participation in the scheme and to support worker welfare and wellbeing, as outlined below.

The PALM scheme is highly valued by Pacific island countries and Timor-Leste and makes a significant contribution to their communities and economies. It promotes stability and economic resilience in PALM scheme countries by building skills and strengthening domestic labour markets. It also makes a valuable contribution to the Australian economy and local communities, including by filling workplace shortages in rural and regional Australia and invigorating communities.

A 2023 Australian National University (ANU) and World Bank report [\*The Gains and Pains of Working Away from Home: the case of Pacific temporary migrant workers in Australia and New Zealand\*](#) (ANU/World Bank report) surveyed more than 2,000 Pacific workers and found:

- 92% of workers wanted to work under their scheme again
- 98% would recommend their scheme to others
- nearly 60% of earnings are saved or remitted after living expenses and deductions
- workers, on average, send home \$1,500 per month.

As noted in the NSW Anti-slavery Commissioner's Report, the overwhelming majority of PALM scheme employers engage with the scheme responsibly and workers report a positive experience in the program.

Each year, around 74% of short-term PALM scheme workers are returnees who often work for the same employer. According to the 2023 ANU/World Bank report 95% of short-term workers wanted to return the next season, and employers (98%) were just as eager to have them back.

FWO and ABF have received additional funding to ensure they can continue to take appropriate action against operators in the PALM scheme where breaches are identified under Australian workplace laws and migration laws respectively. These tailored interventions sit alongside broader efforts to reduce migrant worker exploitation, including by implementing all the recommendations of the Migrant Workers' Taskforce.

## **PALM scheme worker protections and welfare and wellbeing support**

The welfare and wellbeing of PALM scheme workers is of central importance to the Government and to our Pacific island and Timor-Leste partners. The Government has invested \$440 million (2022-2027) to expand and improve the PALM scheme, including to strengthen its oversight of domestic operations to better protect and support workers while in Australia.

The PALM scheme settings provide a level of protection for PALM scheme workers above legislated minimums, aligned to participating country expectations for protection of workers, recognising the work is performed in sectors at high risk for non-compliance with workplace laws and the mobility constraints within the program.

All Pacific and Timor-Leste workers participating in the PALM scheme have the same workplace rights and protections as Australian workers, which are then enhanced by additional wrap-around supports and additional settings in the PALM scheme Approved Employer Deed (Deed) and Guidelines. The [PALM Factsheet](#) outlines measures to protect the welfare of PALM scheme workers. These include dedicated welfare support through worker welfare and wellbeing plans and a support person; a worker grievance mechanism; DEWR PALM scheme support teams; Country Liaison Officers (CLOs); and the Community Connections program.

The Government's multi-pronged approach to ensure PALM workers' welfare in Australia, including foundational, proactive and responsive activities are summarised in Figure 2 and discussed below.

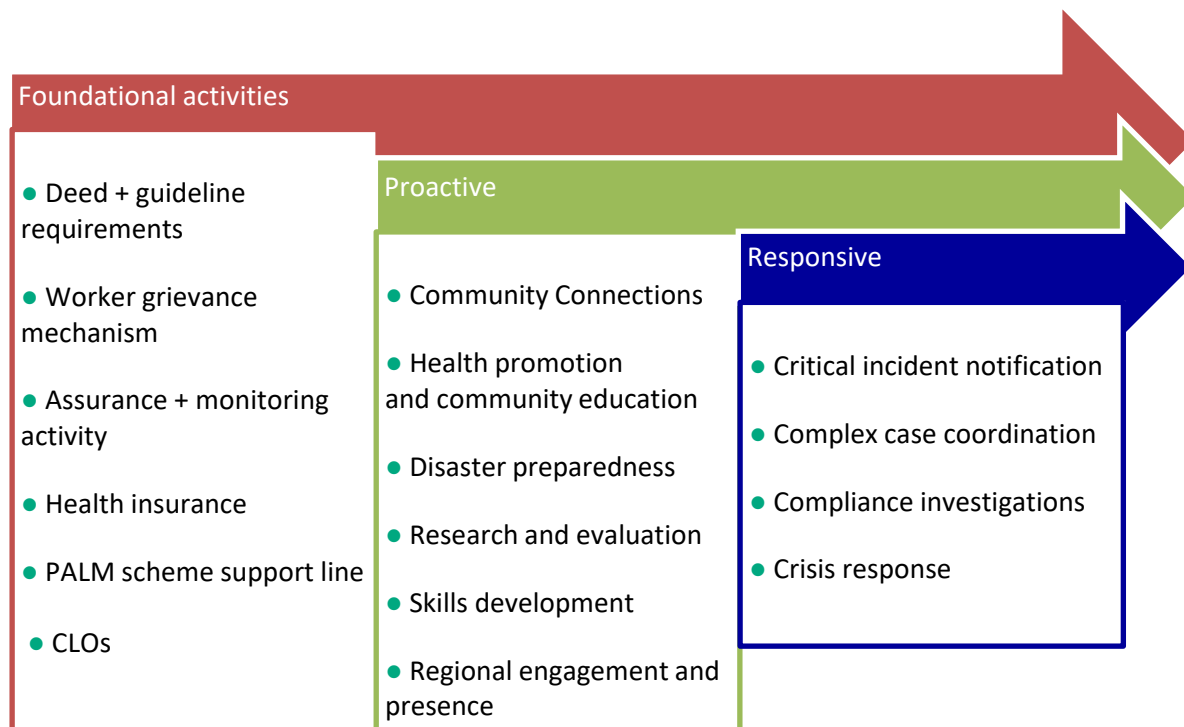


Figure 3: Addressing worker welfare concerns in Australia - a multipronged approach

#### **PALM scheme Deed and Guidelines and strengthened worker safeguards**

The current [PALM scheme Deed](#) and [Guidelines](#) were introduced from 26 June 2023. New settings aim to balance the needs of employers with tailored protections for PALM scheme workers. The new settings improve PALM scheme worker experiences, reduce the risk of workers disengaging and help address risks of exploitation. DEWR continues to monitor PALM scheme settings to ensure they are working for all stakeholders.

The Deed and Guidelines strengthen the Government's ability to target non-compliant employers and stamp out worker exploitation, including:

- increased transparency for deductions, including for accommodation and transport costs.
- employer-led worker portability (with worker agreement) to ensure workers are offered sufficient hours in line with Deed requirements.
- strengthening minimum hour requirements—phased transition to these requirements to ensure employers undertake workforce planning prior to the changes.

- PALM scheme employers must cover accommodation and transport costs for workers if workers are offered less than 20 hours of work in any week; costs cannot be recovered from workers.
- requirements for employers to have a welfare and wellbeing support person and welfare and wellbeing plan for all workers.
- requirement to invite FWO and relevant unions to arrival briefings and accommodate their attendance (e.g. via virtual means).
- PALM scheme employers must ensure a weekly minimum take-home pay of \$200 each week.
- cultural competency training for PALM scheme employers and key personnel.
- new grievance management processes and strengthened monitoring processes.

#### **Pre-departure briefing and arrival/in-country support**

PALM scheme workers receive information on their workplace rights and employment entitlements throughout their labour mobility journey. All PALM scheme workers are informed in their visa grant letter about relevant Australian working conditions, pay and workplace rights, as well as where to seek assistance if required. A *PALM scheme Worker Guide to Understanding Your Letter of Offer* has been translated into all 10 PALM participating country languages. A pilot to translate workers' contracts started in Timor Leste in 2024.

Before workers come to Australia, they participate in comprehensive pre-departure briefings (PDBs) that provide information about living and working in Australia and how to access support. PDBs are led by partner country governments with support from the Australian Government through the Pacific Labour Mobility Support Program (PLMSP). These in-language briefings support workers to understand their offer of employment, visa conditions, worker rights and protections, and welfare support available to them. PDBs will be reviewed in 2025 with the aim of continuing to strengthen the content and delivery of information.

PLMSP (\$170 million, 2025-28) is a DFAT-funded program that enables PALM scheme participating countries and their workers to participate effectively in, and benefit from, labour mobility. PLMSP support includes capacity building support for partner country governments' labour sending units (LSUs); funding, training, and support for CLOs, representatives of participating countries, who provide culturally appropriate, in-language support to workers; PDBs, reintegration and family support; and research, evidence building, monitoring and evaluation.

Within 7 calendar days of arrival in Australia, PALM scheme employers must provide an arrival briefing that meets standards set by DEWR, to PALM scheme workers, which includes information on employment arrangements, pay and conditions, workers' rights and responsibilities, and essential contacts (including FWO's Infoline and DEWR support line). During these briefings, employers are also required to provide information on a range of other topics to help workers including information on essential goods and services, accommodation, tax, remittances, financial services, Australian law and cultural differences, contacts for multicultural associations and any diaspora in the community where they will live and work.

PALM scheme employers must invite the relevant union and FWO to attend the arrival briefing to provide relevant information to workers, including FWO resources (available in-language) and how to contact FWO. More detail on the requirements for arrival briefings is publicly available in the [PALM scheme guidelines](#) on the PALM scheme website.

The PALM scheme website includes information for PALM scheme workers, including translated worker factsheets on commonly raised concerns such as payroll deductions and health insurance. The PALM scheme also maintains an active social media presence to provide information to workers.

FWO has a dedicated webpage ([Pacific Australia Labour Mobility scheme - Fair Work Ombudsman](#)) for PALM scheme participants, which includes general information about workplace rights and entitlements, and links to relevant resources, including translated resources available in Pacific and Timorese languages.

The Government operates a support service line (the PALM scheme support service line) between 8.30am to 6.30pm AEDT Monday to Friday (and 24 hours, 7 days a week for emergencies). The support service line receives calls from workers on a range of issues, including welfare concerns and employment conditions and rights.

The support services line is managed by DEWR and provides advice and support to employers, workers and other stakeholders. DEWR is the first point of contact for all PALM scheme enquiries and provides support in the form of first contact resolution or triage and makes referrals to ensure all queries, complaints and incidents are investigated and actioned accordingly. The PALM scheme support service line includes staff of Pasifika backgrounds. Where DEWR meets with workers, and wherever possible, an officer of the same cultural background as the workers attends to create cultural safety and assist in language barriers. Further, all DEWR PALM scheme staff are required to meet the same cultural competency requirements as PALM scheme employers and are required to undertake training to identify indicators of modern slavery.

### **PALM scheme Community Connections program**

The PALM scheme Community Connections program is a key support service for PALM scheme workers and their host communities. The program builds positive community relationships to help PALM scheme workers integrate with their local community through social, cultural, faith-based, sporting, and other promotional activities and events. The Salvation Army and its network of community and Pasifika representative organisations are contracted to deliver on the program's objectives through:

- creating opportunities for workers to engage with local communities through organised activities including sporting, cultural and faith-based activities.
- building positive relationships between workers and their local communities by engaging with local stakeholders (civic organisations), PALM scheme employers, and workers to coordinate community events including, national day celebrations, volunteer activities and civic cultural activities.
- managing a targeted emergency support fund to help PALM scheme workers in crisis with no access to support with short-term food supplies e.g. emergency accommodation and repatriation.
- administering a community initiatives fund, offering funding of up to \$1,000 per event (within annual limits) to support initiatives that build relationships and improve cultural understanding with local communities (this initiative is under development).

- supporting social inclusion needs of PALM scheme workers' families arriving in Australia under the family accompaniment pilot.

### **Accommodation and transport**

Appropriate accommodation is important for a positive experience for workers while they are in Australia. Although a nationwide concern, problems of high prices, limited supply and housing stress are especially pressing in regional areas where the majority of PALM scheme workers are employed.

DEWR considers these factors during the accommodation plan assessment.

DEWR is committed to working closely with PALM scheme stakeholders on practical solutions to address concerns regarding accommodation standards and requirements under the PALM Deed and Guidelines, while ensuring the best conditions for PALM scheme workers.

PALM scheme employers are required to source accommodation and arrange transport for workers that is affordable, comfortable and safe. Accommodation for PALM scheme workers must meet specific minimum standards:

- be of fair and good value
- have transparent costs
- be fit for purpose and in good condition
- be accessible, safe and secure
- have an adequate number of beds of appropriate size and level of comfort
- have adequate bathroom facilities
- contain social, leisure and telecommunication facilities.

Accommodation requirements are included in the PALM scheme Deed and Guidelines.

Accommodation plans must be submitted with recruitment applications. These plans must be accurate and audits and inspections are undertaken by DEWR to ensure standards are met. Any changes to accommodation trigger a requirement to submit a new accommodation plan for approval. A [Minimum accommodation requirements checklist](#) has been produced to provide PALM scheme employers with a quick reference guide to their obligations.

### **Deductions for arrival and departure international airfares and domestic transport**

The PALM scheme controls the maximum international airfare and domestic transport amounts that PALM scheme employers can deduct from workers for arrival and departure international airfares and domestic transport (the [International airfares and domestic transport matrix](#)). The matrix also includes caps for deductions for meals and accommodation when required during a journey. These caps have been determined using the ATO's determination for reasonable travel and meal allowance expenses.

### **Monitoring and oversight**

The PALM scheme is unique in the level of oversight and management and publishes considerable information and data about the program.

PALM scheme employers are vetted and must meet stringent criteria to participate in the scheme, including compliance with Australian workplace laws (including work health and safety), immigration requirements, provision of sufficient hours of work, and accommodation standards. The monitoring and compliance framework includes site visits, regular reporting requirements, and a 24-hour PALM scheme support service line.

The Government applies proactive assurance activities designed to prevent, deter, detect and correct PALM scheme non-compliance with the requirements of the scheme. DEWR has dedicated staff and systems in place to monitor PALM scheme employer compliance with their obligations. Compliance is also monitored via a range of practical activities, including desktop reviews, regular rolling samples of pay, targeted assurance activities and monitoring and assurance visits to worksites, accommodation and to meet with PALM scheme employers and workers.

DEWR undertakes regular monitoring visits to PALM scheme employers' sites to meet with PALM scheme workers and to ensure the welfare commitments of the employer are being upheld. FWO also conducts investigations of PALM scheme employers, including proactive unannounced site inspections.

All allegations of PALM scheme worker mistreatment are taken seriously and investigated promptly. The scheme can apply conditions and/or exit employers for non-compliance and redeploy workers. Furthermore, where appropriate, matters are referred to the relevant agencies, such as AFP, FWO and ABF.



PALM scheme workers and members of the public can seek advice, and report concerns to the dedicated PALM scheme support service line on (1800 51 51 31) or email ([palm@dewr.gov.au](mailto:palm@dewr.gov.au)).

ABF Field Operations Officers conduct interviews with seasonal workers who have left their employers. If these interviews show indicators of trafficking/labour exploitation, or if the worker makes claims of being a victim, of human trafficking, ABF Field Operations Officers refer the case to a HTCO. A HTCO will conduct a separate interview with the seasonal worker using a human trafficking questionnaire form. Information collected in this interview is used to make a formal report to the AFP.

### **Healthcare for PALM scheme workers**

Except for those participating in the PALM scheme family accompaniment pilot, PALM scheme workers do not have access to Medicare or social security benefits in Australia.

Like other temporary visa holders, PALM scheme workers are required to have health insurance. This is usually initially arranged and paid for by the PALM scheme employer, with ongoing deductions from workers' wages to cover the premiums. Workers' health insurance typically covers costs to access hospital care, care from a doctor (general practitioner or specialist), specialist services and outpatient care at 100% of the Medicare Benefit Schedule (MBS) fee.

### **Access to antenatal care**

As with most health insurance products in Australia, PALM scheme workers must serve a 12-month waiting period for pre-existing conditions and pregnancy and birth related services. PALM scheme workers who have held a policy for more than 12 months are eligible to receive pregnancy and birth related consultations and services at 100 per cent of the MBS rate. (This includes any short-term worker who has had multiple deployments participating in the scheme.)

NIB, the PALM scheme preferred insurance provider, has extended discretionary support in certain circumstances to facilitate individual workers' access to prenatal care and birth services. This has been on an ex-gratia basis and not within the existing scheme parameters. Where a worker discloses their pregnancy, the PALM scheme employer is required to assist them to access medical care and support. In many circumstances pregnant PALM scheme workers choose to return home to have their babies, noting the additional expense of having and caring for a baby in Australia.

The NIB PALM scheme health insurance policy includes coverage for contraception (including emergency and long-acting contraception) and abortion services. PALM scheme workers, along with other women in regional and remote parts of Australia may experience difficulties accessing sexual health care, including abortion care. NIB offers a range of channels for PALM scheme workers to access healthcare advice, including telehealth and a dedicated health advice line provided by a clinical nurse. NIB works in partnership with DEWR and PALM scheme employers to deliver education to workers on topics including sexual and reproductive health as part of an ongoing health promotion program.

### **Mobility for PALM scheme workers**

Where genuine concerns are raised by PALM scheme workers about their workplace or accommodation or other serious matters, DEWR can support them to move to another PALM scheme employer or require their employer to relocate them to alternative appropriate accommodation. While visa condition 8611 requires PALM visa holders to work for an approved employer, it allows workers to transfer between employers where such an arrangement has been endorsed by DEWR.

Between 6 September 2023 to 31 October 2024, DEWR identified 293 matters that related to requests from workers or their advocates to be redeployed to a different PALM scheme employer.<sup>2</sup>

### **Disengagement from the PALM Scheme**

Drivers of PALM scheme worker disengagement are complex and may include visa conditions, personal motivations, employer non-compliance, low hours, and misinformation. Disengaged PALM scheme workers lose the additional safeguards and protections that are afforded to PALM scheme workers through the PALM Deed and Guidelines, placing them at greater risk of exploitation.

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<sup>2</sup> Data is extracted from a live system and is subject to change. Data is only readily available for the period above, due to data availability and system limitations – PALM scheme call centre functions transferred to DEWR on 6/9/2023 following the insourcing of the program to the department. A small number of the 293 matters relate to cases representing multiple workers. It is not possible to separately identify these, or identify which of these were actually granted, in the timeframe available.

The Government has made progress in reducing the levels of disengagement from the PALM scheme. Available data shows that the number of employer-reported disengaged workers fell from the 2022-23 to 2023-24 financial years. The Government is working to reduce preventable disengagement by improving pay and conditions, addressing grievances early, eliminating worker mistreatment, strengthening compliance, and improving workers' understanding of their rights and obligations.

Collection of data about the prevalence of PALM scheme worker disengagement and experience of disengaged workers is complicated by disengaged workers generally not being in contact with DEWR or their PALM scheme employer.

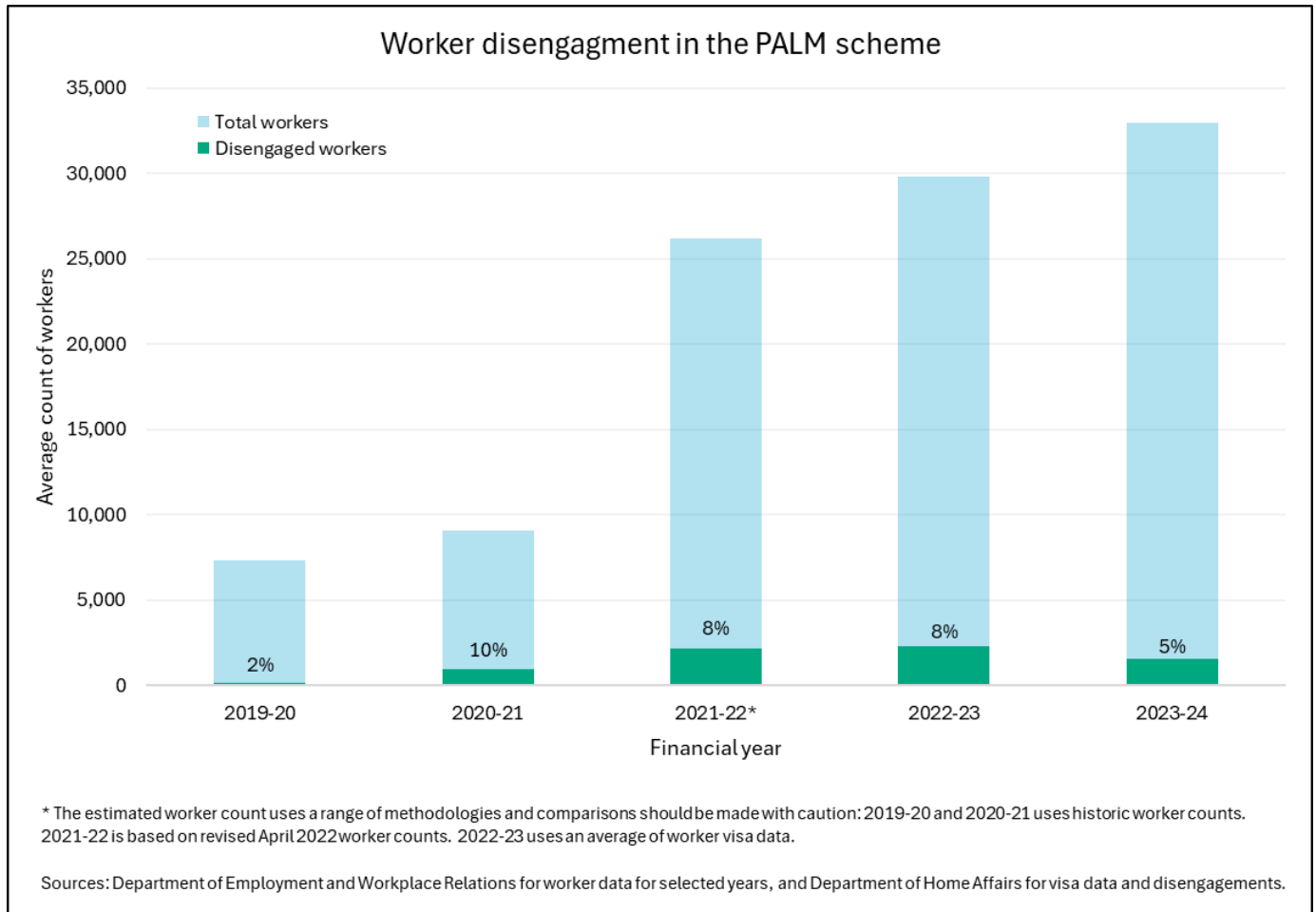
DEWR supports workers to re-engage in the PALM scheme where possible and within the parameters of visa settings under the PALM scheme or other appropriate visa pathways. DEWR established an Interdepartmental Disengagement Taskforce to develop an action plan across relevant government agencies on PALM scheme disengagement, including identifying gaps and recommendations for education, prevention, detection, reengagement, and enforcement. The taskforce includes members from DEWR, DFAT, Home Affairs, ABF, FWO and DAFF.

DEWR, DFAT, ABF, Home Affairs and FWO are addressing drivers of disengagement by:

- strengthening pre-departure and arrival briefings for workers
- improving program settings, including minimum hours and minimum pay requirements
- continuing to enforce obligations for PALM scheme employers on welfare, wellbeing and cultural competency
- enabling PALM scheme employers to work together to ensure workers have enough hours
- implementing the recommendations of the Migrant Workers' Taskforce
- strengthening compliance and assurance processes—this includes funding from the Government to resource the ABF to act against unscrupulous operators who encourage workers to disengage
- delivering education and enforcement activities to ensure compliance with Australian workplace laws
- providing culturally appropriate avenues – including through CLOs – for workers to raise and resolve issues before they escalate

- implementing a worker focussed Grievance Management Policy and early engagement to provide support.

For 2023-24, following the implementation of the new PALM scheme settings, insourcing of onshore delivery into Government and the increased focus on worker wellbeing, the rate of disengaged workers is decreasing. As Figure 3 illustrates, since mid-2023, disengagement has declined even as the worker numbers grew.



*Figure 4: PALM scheme worker employment and disengagement - 2019-24*

### **PALM scheme grievance mechanism**

The PALM scheme grievance management policy was developed in consultation with stakeholders to support resolution of unresolved concerns between PALM scheme workers and PALM scheme employers and implemented on 15 January 2024.

As at end October 2024, DEWR had received 99 grievances covering a range of concerns including claims of unfair dismissal, mistreatment, low hours, incorrect payment, injuries, women's safety concerns and general misunderstandings between the worker and employer. Seventy-three of these cases have been resolved; with the remainder still being investigated.

Of the 99 grievances, just over half have included requests for redeployment or re-engagement. Eleven of these have resulted in re-engagement or redeployment with a PALM scheme employer. Others, assessed as suitable, are awaiting re-engagement. Re-engagement relies on finding a suitable role and vacancy, often in a particular location with a willing PALM scheme employer. It also requires workers to have time remaining on a suitable visa and the support of the sending country.

DEWR continues to review and refine the process to ensure it remains fit for purpose, while gathering sufficient data to identify trends and inform future practice.

The grievance management process was introduced to resolve concerns between engaged PALM scheme workers and PALM scheme employers. 30 of the total 99 grievances (to end October 2024) were from people who have disengaged from the PALM scheme, looking to re-engage.

## Other relevant enhancements

### **FWO engagement**

The resourcing and powers of FWO to crack down on non-compliance with workplace laws more broadly have been strengthened. As the administrator of the PALM scheme, DEWR assesses eligibility of approved employers based on compliance with Australian laws and takes relevant action against approved employers who breach the Deed and Guidelines.

From 1 October 2023 to 30 September 2024, FWO investigated 6 NSW-based PALM scheme employers and contraventions were found for only 1 employer. The other 5 matters were closed with no adverse findings having been identified. For the PALM scheme employer who had findings of contravention, these related to failing to pay the workers what they were owed for piecework. This was rectified by the employer.

### **Visa pilots**

DEWR works closely with Home Affairs on initiatives that support migrant workers coming forward to report exploitation and pursue workplace justice. While the NSW Anti-slavery Commissioner's Report raised concerns that PALM scheme workers are not eligible, Home Affairs confirms that participants in the PALM scheme are eligible for the Workplace Justice Visa if they meet the visa criteria. They may also be eligible for protection from visa cancellation if they meet the prescribed circumstances.

The Strengthening Reporting Protections pilot and the Workplace Justice Visa pilot complement existing protections within the PALM scheme, including the screening process for employers, CLOs who engage with PALM scheme workers and their employers, and the 24-hour support service line. Where the legislated protections under the Strengthening Reporting Protections pilot do not apply, decision makers have discretion to consider a range of matters when making a decision about visa cancellation. Any evidence or allegation of workplace exploitation is a relevant consideration. Under the policy, Home Affairs will explore possibilities for the visa holder to re-engage in the PALM scheme program before pursuing cancellation.

### **PALM scheme Family Accompaniment Pilot**

The [PALM scheme family accompaniment pilot](#) is an initiative to allow up to 200 PALM scheme workers on long-term placements (between 1 and 4 years) the opportunity to bring their families to Australia, with the agreement of their employer. Under the pilot, partners can work or study, children are able to attend school, and families can apply for Medicare, the Family Tax Benefit and the Child Care Subsidy on arrival in Australia.

### **Promoting participation of women and people with disabilities in the PALM scheme**

The Government is aiming to increase participation of women, people with disabilities and under-represented groups in the PALM scheme by integrating gender equality across the scheme as well as pursuing targeted activities such as the aged care and early childhood education pilots to increase women's participation.

The Government is designing a holistic, longer-term approach to prevent gender-based violence (GBV) under the scheme, drawing on local GBV prevention expertise and faith-based organisations. This is in addition to providing ongoing education for workers on healthy relationships and GBV, and ensuring PALM scheme workers who experience GBV can access appropriate support services.

The 2023 ANU and World Bank report found that labour mobility can strengthen family relationships and empower women:

- 2 in 3 workers reported improved marital relationships
- 81% of female workers reported experiencing greater agency
- 87% of female workers reported having greater control over financial resources.

### **Superannuation**

The Government is committed to supporting improved superannuation access for PALM scheme workers and other temporary migrants from the Pacific.

The Government committed an additional \$3.7 million in the 2023-24 Budget to support improved superannuation access for PALM scheme workers. This includes:

- additional funding to the existing ATO administered National Tax Clinic program to supplement select Clinics to support workers prepare their Departing Australia superannuation payment (DASP) claim while still in Australia, making it easier to lodge their claim on return home
- access to support from a registered tax agent to provide workers with advice on their DASP claims prior to their return home, and
- complementary activities in PALM countries to support submission of DASP claims.

In Australia, activities with National Tax Clinics have commenced with the first clinic outreach visits held in October 2024, and offshore activities to commence following further consultations with Pacific governments.

While Australia and New Zealand both have retirement saving schemes, the schemes are materially different. Employer superannuation contributions in Australia are compulsory, including for migrants. New Zealand's KiwiSaver is a voluntary scheme, open to all New Zealand citizens and permanent residents. Temporary migrants working in New Zealand, including Recognised Seasonal Employer (RSE) scheme workers, are not eligible to enrol for KiwiSaver. RSE workers may, and do, choose to make voluntary contributions to their National Provident Funds (or equivalent) while in New Zealand.

In Australia, it is not currently possible for employer superannuation contributions to be paid directly to National Provident Funds. Compulsory superannuation contributions can only be made to recognised funds that align with Australian laws and regulations including those set by the Australian Prudential Regulation Authority, including those related to governance, prudential and financial risk management.

## **PALM scheme program administration**

The Government's investment in insourcing domestic operations of the PALM scheme recognises the Australian Public Service as a trusted, efficient, and effective partner to deliver the scheme's domestic operations.

The Government has co-located the PALM scheme's domestic delivery functions to DEWR – the department responsible for workplace matters, enhancing scheme operations and supporting immediate linkages with other regulatory bodies, such as FWO and policy regulators responsible for legislation to improve Australia's workplaces for Australian workers and migrant workers. This ensures timely advice and swift resolution of matters relating to migrant exploitation for PALM scheme workers.

The program has been enhanced with a sustainable funding model that is responsive to growth in the scheme, which is underpinned by demand from employers as well as participating countries' ambitions. A new delivery model ensures PALM scheme workers receive appropriate protections and allows for the expansion of the PALM scheme's regional presence, providing on the ground support to workers and employers and allowing DEWR to quickly respond to emerging issues and concerns.

## **International students**

The primary purpose of the student visa is to undertake studies in Australia and obtain an education outcome as opposed to a migration/employment/economical outcome. Student visa holders are permitted to work up to 48 hours per fortnight during term time. Certain exceptions apply whilst the course is not in session for the primary visa holder. In addition, some exceptions apply to secondary visa holders based on the level of studies undertaken by the primary visa holder.



Permission to work while on a student visa is to help students gain work experience in their field of study and contribute to Australia's skills needs, rather than for the purpose of supplementing their income to stay in Australia. Employers must afford student visa holders the same rights under Australian workplace law as all other employees, including access to FWO, and they must meet the minimum employment standards prescribed in the National Employment Standards.

The Department of Education, Home Affairs, and relevant agencies in the international education space work closely together, including with external stakeholders, to ensure the quality and integrity of the international education and student visa programs are robust and that international students are protected against exploitation, including slavery and slavery-like practices.

The Department of Education works closely with FWO to ensure international students are aware of their rights and responsibilities while working and studying in Australia to prevent workplace exploitation, including modern slavery. FWO hosts educational webinars (including in-language) tailored for migrant workers and visa holders including international students and small business operators from culturally and linguistically diverse backgrounds. FWO also delivers numerous capacity building workshops to intermediaries such as community leaders and student ambassadors, who then share the information they have learnt through their networks and communities.

Home Affairs' engagement, including outreach activities related to international students, is primarily focused around policy and program settings and limited at the organisation, peak body, business and/or as part of the multicultural portfolio at the community level. Engagement at the student level is largely via the Home Affairs' website and social media handles as they support a wider outreach. Students are encouraged to contact their education provider in the first instance for education matters and check the Home Affairs website for visa matters.

Since 2023, Government has introduced a range of measures to support integrity in the international education system and to support genuine international students which include:

- increasing the amount of savings international students will need in order to be eligible for a student visa – this is to ensure students coming to Australia to study can afford to support themselves and will not face increased risk of exploitation due to an urgent need for employment.

- enabling the exercise of powers within the [Education Services for Overseas Students Act 2000](#) (Cth) (ESOS Act) to issue suspension certificates to high-risk education providers to prevent them from being able to recruit international students.
- applying greater and more targeted scrutiny to student visa applications from high risk providers, including through the introduction of a new Genuine Student test.
- closing a loophole which allowed education providers to shift international students from genuine study to an arrangement designed to facilitate access to work in Australia.
- introducing to Parliament proposed legislative changes to the ESOS Act to strengthen integrity in the international education system.
- increasing the English language requirements for Student visas and Temporary Graduate visas to improve the quality of international students' educational experience in Australia and reduce potential workplace exploitation.
- removing the ability of Temporary Graduate and Visitor visa applicants to apply for a Student visa while in Australia, to restrict visa hopping and 'permanent temporariness' of students with limited prospects of permanent residence.
- bolstering the compliance and integrity functions of Home Affairs and the Australian Skills Quality Authority to reduce misuse of the student visa program and strengthen integrity in the vocational education and training sector.
- Increasing the visa application charge for Student and Temporary Graduate visas, reflecting the increasing value of education in Australia.
- Requiring onshore Student visa applicants to provide a Confirmation of Enrolment (CoE) at the time of lodging their applications as the only acceptable form of evidence of their intended course of study, in line with offshore Student visa applicant requirements.

## Working Holiday Makers

The Working Holiday Maker (WHM) program focuses on promoting cultural exchange and boosting people to people links. Although WHMs (persons holding a Working Holiday visa or a Work and Holiday visa) are permitted to work for the entirety of their stay if they choose, the program was not originally designed as a 'work' visa, that is, a visa designed to meet specific labour market needs. Because of this, unlike skilled visa programs, the WHM program does not include additional work-related safeguards under the Migration Act, such as employer sponsorship obligations and its associated compliance. Instead, WHMs are protected by the same laws that apply to all workers in Australia.

Since 2005, the WHM program has been used to meet workforce needs in regional Australia. Where a WHM visa holder wants to stay in Australia for a second year, they must in most cases complete 88 days (3 months) of 'specified work' in regional Australia. If they want to stay in Australia for a third year, they must complete 179 days (6 months) of 'specified work'. These measures were attached to the program to address labour shortages in regional areas, specifically the horticulture industry, but also in the visitor economy (tourism). Some dishonest employers have misused the specified work requirement by unduly pressuring WHMs to accept exploitative conditions - such as wage theft, substandard accommodation, inadequate safety arrangements and in some cases sexual harassment - in order to meet the requirements for a second or third WHM visa. New criminal offences commenced on 1 July 2024 to address the misuse of visa rules to exploit temporary migrant workers. This includes an offence that specifically targets employers coercing, unduly influencing or unduly pressuring a temporary visa holder to accept or agree to an arrangement in relation to work, where the worker will believe that if they do not agree to the arrangement, the worker will be unable to provide information or documents about the work the worker has done, as required, in connection with the visa held by the worker, or an application for a visa.

Additional vulnerabilities for WHMs, which may be similar for several other vulnerable workers, include:

- being young (aged 18-35) with less experience in the labour force
- they may not have confidence in English / high levels of English language proficiency (many have English as a second language)

- working locations include remote or very remote postcodes, with vulnerabilities associated with distance, isolation and lack of connectivity
- income disparity between Australia and their home country leaves them more likely to accept incentives to remain in Australia and work under less than satisfactory conditions which could be more financially beneficial than returning home.

WHM visa holders are subject to the same workplace laws, entitlements and protections as any other Australian worker. The Government is committed to addressing the exploitation of all visa holders including WHM visa holders. It has also amended visa settings to reduce vulnerabilities. For example, from 2010 all new WHM program arrangements have been made under the Work and Holiday visa framework, where applicants must meet minimum English language and educational standards.

Employers who engage in exploitative workplace practices that may breach the Fair Work Act are liable for investigation by FWO and may also face court proceedings. Employers who engage in criminal conduct are subject to the full force of Australian criminal law. Employers found to have seriously, deliberately or repeatedly breached their obligations when employing temporary visa holders may be prohibited from employing any additional migrant workers for a period of time.

As part of the Migration Strategy, the Government has also committed to evaluating regional migration settings and the WHM program to ensure migration supports development objectives in regional Australia and does not contribute to the exploitation of migrant workers. Outcomes of the review of regional migration settings (including WHM program) will inform future policy development.

# Australia's domestic response to modern slavery

This section is intended to provide the Committee with information about Australia's coordinated response to modern slavery, underpinned by cooperation across Government agencies, states and territories and community.

Worker exploitation in its most egregious form may manifest itself as modern slavery. In Australia, modern slavery refers to trafficking in persons, slavery and slavery-like practices including servitude, forced labour, forced marriage, deceptive recruiting for labour or services and debt bondage.<sup>3</sup>

## Legal frameworks

Australia comprehensively criminalises trafficking in persons, slavery and slavery-like practices in Divisions 270 and 271 of the Criminal Code. Slavery and trafficking in children carry penalties of up to 25 years' imprisonment. Offences for trafficking in persons and slavery-like practices carry penalties of up to 20 years' imprisonment.

The [Modern Slavery Act 2018](#) (Cth) (Modern Slavery Act) complements Australia's criminal justice response by providing a transparency framework that aims to drive business and government action to address modern slavery in global supply chains and operations. The Modern Slavery Act requires entities based or operating in Australia, which have an annual consolidated revenue of at least \$100 million, to report annually on the risks of modern slavery in their operations and supply chains, and actions to address those risks. Modern slavery statements are published online on the Australian [Modern Slavery Statements Register](#) (the Register).

The [Crimes Act 1914](#) (Cth) (the Crimes Act) and the Criminal Code provide protections that may be available to people who have experienced modern slavery, when giving evidence in court. Under Part IAD of the Crimes Act and Division 279 of the Criminal Code, there are additional protections for people who have experienced modern slavery.

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<sup>3</sup> See Table 2 at [Appendix A](#) for statistics on modern slavery by state or territory location and crime type for 2023-24.

For example, a person may be able to give evidence via closed-circuit television or video, have a support person with them while they give evidence, or have their contact with the defendant and members of the public limited. Section 15YR of the Crimes Act makes it an offence to publish material identifying a person who has experienced modern slavery in certain circumstances.

## Policy frameworks and partnerships

### National Action Plan to Combat Modern Slavery 2020–25

The [National Action Plan](#) underpins the strategic framework for Australia’s whole-of-government response to modern slavery. The National Action Plan includes 46 action items under five strategic priorities which align with obligations in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*:

- **Prevent** modern slavery by combating the drivers of these crimes and empowering individuals and groups that are vulnerable to modern slavery.
- **Disrupt, Investigate and Prosecute** modern slavery by identifying victims and survivors, implementing disruption strategies and holding perpetrators to account through effective investigations and prosecutions.
- **Support and Protect** victims and survivors by providing holistic and tailored victim centred support and protection.
- **Partner** across government and with international partners, civil society, business, unions and academia to ensure a coordinated response to modern slavery.
- **Research** by strengthening data collection and analysis to build the evidence base that supports our response to modern slavery.

Deliverables under these priorities are articulated through the 46 action items - 29 of these action items have been fully implemented, and 17 are on-track to be finalised in 2025. Several of these completed and ongoing action items focus on outreach and awareness-raising to educate workers of their work rights and protections; enhance frontline responders' ability to identify and appropriately refer instances of worker exploitation and modern slavery to relevant law enforcement agencies; train civil society partners and law enforcement and criminal justice officials to support victims and survivors through the criminal justice journey; and improve collaboration, data collection and information sharing between government agencies, and with business and civil society organisations.

### **State and territory governments**

The National Action Plan recognises state and territory governments are responsible for areas that intersect with the Government's strategy to combat modern slavery, including child protection, domestic violence, financial assistance to victims of crime, and any state-based modern slavery legislation. State and territory governments also play an important role in combatting modern slavery risks in the supply chains of Australia's goods and services, and their frontline agencies are key partners in the identification and support of modern slavery victims and survivors in Australia.

Commonwealth, state and territory governments engage and collaborate on modern slavery issues in several ways. For example, the *National Policing Protocol to Combat Human Trafficking and Slavery* signed in March 2021, commits all state and territory police services to work in collaboration with the AFP to combat modern slavery. State and territory governments also provide a range of support and protection services in the Australian community, including to people at risk of modern slavery. These include frontline services and programs relating to child protection, housing, and family and domestic violence.

### **Grants for projects to combat modern slavery**

The Government provides a range of funding (modern slavery community grants, grants funding to support *My Blue Sky*, funding to expand and enhance the Support for Trafficked Person Program (STPP) and implement the Additional Referral Pathway to the STPP and tailored programs like the Forced Marriage Specialist Support Program). Some community projects delivered with grant funding are delivering significant outcomes to combat migrant worker exploitation.

For instance:

- The Migrant Justice Institute (MJJ) is developing a data set on migrant workers' experiences, with participation from over 10,000 migrant workers in Australia. Over 25 per cent of this data set represents migrant workers in remote and regional Australia. As part of this project, MJJ also delivered extensive outreach on modern slavery risks and supports to migrant workers across Australia.
- The Australian Red Cross' [Work Right Hub](#), an online platform launched by the Attorney-General in March 2023, supports migrant workers and frontline responders to recognise signs of labour exploitation and connect them to relevant support services. As an online platform, it has wide accessibility and outreach. Over June - November 2024 alone, the platform had 10,200 interactive visits across the website. The project has a strong focus on identification, reporting and support for people experiencing criminal labour exploitation. The Work Right Hub provides tailored and sector-specific information for those working in high-risk sectors and connects people in, or at risk of modern slavery, to services that can support them.
- Utilising 1,000 strong bilingual frontline staff, Settlement Services International is increasing awareness and implementing prevention strategies among vulnerable individuals and communities in New South Wales, Queensland and Victoria. The organisation has launched several outreach resources covering labour exploitation, forced marriage, and domestic servitude, including nine community-based films with voiceovers and captions in different languages.
- Through partnerships with several civil society and academic organisations and drawing on expertise across the sector, Australian Catholic Religious Against Trafficking in Humans has developed [micro-credentialed courses](#) for tertiary pre-service students who will serve in frontline response roles in medicine, nursing, midwifery, health, education, social work, psychology, law, and criminal justice. The courses have also increased awareness of worker exploitation modern slavery, particularly among international students, a cohort at high risk of modern slavery.

## Law enforcement response

The AFP leads investigation of suspected cases of modern slavery, with dedicated teams in three major cities and trained officers in regional commands and overseas posts. The AFP's victim-centred approach considers disruption and intervention activities, which remove victims and survivors from harm, as important as successful prosecution outcomes



The AFP works collaboratively with state and territory policing partners under the *National Policing Protocol to Combat Human Trafficking and Slavery*. The AFP also assesses and refers suspected victims and survivors for the purposes of the Support for Trafficked People Program and Human Trafficking Visa Framework.

The Office of the Commonwealth Director of Public Prosecutions (CDPP) is an independent prosecution service established by the Australian Parliament to prosecute offences against Commonwealth law. Matters are referred to the CDPP by AFP and other investigative agencies. The [Prosecution Policy of the Commonwealth](#) guides the decision to commence or continue trafficking in persons or slavery-like prosecutions. The CDPP must be satisfied that there are reasonable prospects of a conviction being secured, and the prosecution would be in the public interest.

The CDPP's [Witness Assistance Service](#) provides a range of information and support services to victims and survivors, such as updates on the prosecution, explanations of processes, court familiarisation tours, support during meetings/trials, and referrals to counselling and other services. All identifiable child victims and survivors of Commonwealth crimes must be referred to the Witness Assistance Service.

## Victim support and protection

### Support for Trafficked People Program

The Government's [Support for Trafficked People Program](#) (STPP) provides tailored support to victims and survivors (including children) of modern slavery crimes. The program is administered by DSS and delivered nationally by the Australian Red Cross. Available client support includes access to suitable accommodation, medical treatment, counselling, legal and migration advice, training, and social and financial support. The Government has committed \$24.3 million over 4 years (from 2023-24) to enhance support provided, including by increasing the duration of support and piloting an additional referral pathway through a community service provider. This allows eligible victims and survivors access to the program without engaging with the AFP. Information on number of persons supported through the STPP and exploitation type is at Table 1.

Exploitation type	Victim and survivors supported (2023-24)
Child Trafficking	1
Debt Bondage	15
Deceptive Recruiting	54
Domestic Servitude	33
Exit Trafficking	51
Forced Labour	30
Forced Marriage	45
Harbouring	1
Labour Exploitation – Commercial	0
Labour Exploitation – Personal	0
Organ Trafficking	0
Sexual Exploitation – commercial and personal settings	0
Sexual Servitude	10
Slavery	16
Trafficking 0	16
Unknown/Other	4
<b>TOTAL</b>	<b>276</b>

*Table 1: Victim and survivors supported in 2023-24 by exploitation type*

## Human Trafficking Visa Framework

The Human Trafficking Visa Framework (HTVF) enables non-citizens (and their immediate family members) who do not already hold a visa and have been identified by the AFP to be suspected victims of modern slavery, to remain lawfully in Australia either temporarily or permanently and receive support through the STPP. The HTVF comprises of two visa categories:

1. **Bridging F (WF 060) visa (BVF):** A non-citizen assessed by AFP as a suspected trafficked person may be eligible for this visa. When a person is first identified, they may be granted an initial BVF which is valid for up to 45 days. A second BVF may be granted for an additional 45 days on a case-by-case basis, except for minors for whom it is standard. A person who is required to remain in Australia to assist with the administration of criminal justice may be granted a longer-term BVF to assist with these processes. A person can also be granted a BVF on travel grounds to allow them to enter, or re-enter, Australia so that they can commence, or re-commence, assisting AFP with an investigation, or to give evidence in a court hearing.

2. **Referred Stay (Permanent) (DH 852) visa (RSV):** A non-citizen who has contributed to an investigation or prosecution of an alleged offender, and who would be in danger if they returned to their home country, may be eligible for this visa. The RSV allows the holder to remain in Australia permanently, and immediate family members located in Australia or overseas may also be included in the visa application.

Between 1 July 2020 and 30 June 2024, Home Affairs granted a total of 79 visas under the HTVF to non-citizens, or their dependants, who were suspected victims of human trafficking and modern slavery.

## Awareness raising around modern slavery

The Government, working closely with key civil society partners, delivers social media campaigns to raise public awareness of modern slavery, including how to recognise the indicators of these crimes and seek help.

The AFP plays an important role in educating the community on modern slavery. The AFP uses multiple media platforms to raise awareness of human trafficking and modern slavery offences, the common signs to look out for, and how to report a suspected offence to the relevant authorities, including anonymously if one wishes to do so.

The AFP's *Look a Little Deeper* Program is a modern slavery information and awareness program for frontline police and other government agencies, with a strong focus on indicators. Sixteen government agencies have adopted the program, including every state and territory police force in Australia.

The Government also works to prevent modern slavery by raising employer awareness of modern slavery issues, and helping employers and business comply with workplace laws and their obligations under the Modern Slavery Act. For example, AGD's Modern Slavery Business Engagement Unit provides guidance to business on modern slavery risks in global supply chains and the reporting requirement of the Modern Slavery Act.

## Australian Anti-Slavery Commissioner

The Government committed \$8 million over four years, and \$2 million ongoing, in the 2023-24 Budget to support the establishment and operation of the Australian Anti-Slavery Commissioner.

On 11 June 2024, the [Modern Slavery Amendment \(Australian Anti-Slavery Commissioner\) Act 2024](#) (Cth) established the Commissioner. The Commissioner represents a new, independent pillar in Australia's comprehensive response to modern slavery and will complement work already being undertaken across government, business and civil society. The Commissioner's core legislated functions include engaging and supporting people with lived experience, supporting businesses to address modern slavery risks in their supply chains, and raising community awareness. The Commissioner will set out their priorities in their strategic plan, to be published on the Commissioner's website.

On 2 December 2024, Mr Chris Evans commenced as the inaugural Australian Anti-Slavery Commissioner. Mr Evans has expressed to the media, his commitment to ensure adequate protections for migrant workers, including those of the PALM scheme.

"Putting the right protections around the PALM scheme and protecting those Pacific Island workers need to be a priority, and it's something I will be taking a keen interest in," Mr Evans said.

*Commissioner Evans in "DFAT told to rein in diplomatic visas after slavery cases", Canberra Times, 30 December 2024.*

# Appendix A: Statistics on modern slavery in Australia

Incident Location	Debt Bondage	Deceptive Recruitment	Domestic Servitude	Sexual Servitude	Forced Labour	Forced Marriage	Slavery	Trafficking	Exit Trafficking	Child Trafficking	Organ Trafficking	Harbouring	Total
ACT	0	0	0	0	0	0	0	3	1	1	0	0	5
NSW	2	2	1	17	27	35	1	11	9	13	0	0	118
NT	0	0	0	0	0	0	0	0	0	0	0	0	0
QLD	1	13	9	8	5	2	0	9	2	3	1	2	55
SA	1	0	1	4	4	6	0	0	6	0	0	0	22
TAS	0	0	0	0	10	0	0	0	0	0	0	0	10
VIC	5	0	7	25	18	32	1	12	14	10	0	0	124
WA	1	0	3	3	4	9	2	2	2	8	0	0	34
Foreign Country	0	1	0	2	1	7	0	2	1	0	0	0	14
<b>Total</b>	<b>10</b>	<b>16</b>	<b>21</b>	<b>59</b>	<b>69</b>	<b>91</b>	<b>4</b>	<b>39</b>	<b>35</b>	<b>35</b>	<b>1</b>	<b>2</b>	<b>382</b>

Table 2: Number of Human Trafficking and Slavery reports received by the AFP in 2023-2024 financial year

Notes regarding these statistics:

1. A 'report' is defined as a notification to the AFP, which alleges that a crime has been, is being, or may be committed.
2. Where there are multiple victims identified, a separate report will be recorded for each victim.

3. Each report is taken on face value and is included in the statistics even if subsequent enquiries reveal the situation is not as initially reported.
4. Where multiple offences are reported for the same victim, only the primary offence listed in the report is represented (e.g., when there is a report of a person being trafficked and in debt bondage; or when a person is trafficked for the purpose of forced marriage).
5. Each report is counted in the period it is received by the AFP, even if the alleged offence is reported to have occurred in a prior reporting period (e.g., an historical offence).
6. Any reports that have been received by AFP Human Trafficking teams incorrectly (i.e., the offence was, at the time it was received, incorrectly categorised as human trafficking) are not included.
7. The figures have not been revised after the collection period. (i.e., it was investigated as an HT matter but investigations revealed no relevant offence being disclosed).
8. The AFP is currently transitioning to a new counting methodology for human trafficking and slavery as part of the AIC lead National Minimum Dataset Project. Future statistics may not be comparable to prior reporting periods due to these changes.