

REPORT ON PROCEEDINGS BEFORE

MODERN SLAVERY COMMITTEE

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

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At Macquarie Room, Parliament House, Sydney, on Monday 2 June 2025

The Committee met at 9:00.

PRESENT

Dr Joe McGirr (Chair)

Legislative Council

The Hon. Greg Donnelly
The Hon. Dr Sarah Kaine
The Hon. Aileen MacDonald

Legislative Assembly

Ms Jenny Leong (Deputy Chair)
Ms Lynda Voltz

PRESENT VIA VIDEOCONFERENCE

Mrs Tina Ayyad

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The CHAIR: Good morning and welcome the second hearing of the Committee's inquiry into modern slavery risks faced by temporary migrant workers in rural and regional New South Wales. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal or Torres Strait Islander people joining us today.

I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures. I welcome the witnesses and thank you for making the time to give evidence today.

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Ms CLAIRE McCLELLAND, Chief Executive Officer, Australian Fresh Produce Alliance, affirmed and examined

Mr CAMERON BROWN, Public Affairs Manager, Australian Fresh Produce Alliance, affirmed and examined

Ms RACHEL ELLIOTT, General Manager, Sustainability Impact Narrative and Human Rights, Woolworths Group, before the Committee via videoconference, affirmed and examined

Ms RACHEL MACKENZIE, Chief Executive Officer, Berries Australia, before the Committee via videoconference, affirmed and examined

The CHAIR: There is an opportunity for each of the organisations to make a short statement. Would witnesses like to do that?

CLAIRE McCLELLAND: Chair, if I may, I would like to. Thank you, Chair and members of the Committee, for the opportunity to appear today and to contribute to this inquiry. The Australian Fresh Produce Alliance comprises of 11 of Australia's leading fruit and vegetable suppliers and producers. Together they represent half of the industry by turnover value, operate approximately 100 sites around Australia and work with over 1,000 growers through their commercial partnerships. Our members directly employ over 20,000 workers through peak harvest, including around 5,000 workers through the Pacific Australia Labour Mobility scheme, and support thousands more through their grower networks.

The horticulture industry is Australia's most labour-intensive agricultural sector. Our industry relies heavily on migrant workers to meet the seasonal and regional demands of growing and harvesting fresh produce. These workers are essential not only to the supply of food for Australian families but also to the sustainability of many regional economies. We welcome this inquiry and your endeavours to ensure temporary migrants have the appropriate safeguards in New South Wales. Our members strongly condemn the unethical and illegal treatment of any workers in the economy.

When the AFPA was established, its members committed to improving the sector's employment practices and reputation, and we have strongly advocated over the past several years for policy reform to support an ethical, productive and returning harvest workforce. This includes advocating since 2019 for the establishment of a national labour hire licence regime. We have written to the relevant New South Wales Ministers, past and present, recommending that the State introduce its own scheme, while supporting national initiatives.

We've also been strong supporters of the PALM scheme since its inception and continue to work with Government to improve the program to the benefit of all. The PALM scheme is one of the most heavily regulated migration programs in the country, if not the most, with an extensive data agreement and guidelines totalling over 200 pages. These documents outline strict and detailed requirements for employers, including minimum hour and pay guarantees, cultural competency, health and safety, accommodation standards, and grievance requirements. The program goes above and beyond State and Federal workplace laws, and this level of regulation ensures that worker wellbeing is not an afterthought; it is central to the scheme.

While there are isolated incidents and legitimate areas for improvement, the data tells an important story. The number of formal complaints to the Department of Employment and Workplace Relations remains low relative to the size of the PALM workforce, and worker satisfaction, measured through independent surveys, remains high. The AFPA and our members are committed to maintaining a fair, safe and sustainable workforce. We do not shy away from scrutiny, but we urge policymakers to take a balanced, evidence-based approach that supports viable, lawful employment pathways for our industry, while holding those who fail to meet their obligations to account. I look forward to answering your questions today. Thank you for the opportunity.

The CHAIR: Ms Elliott, would you like to make a short statement?

RACHEL ELLIOTT: Yes. Good morning, Chair, Deputy Chair and Committee members. I would like to begin by acknowledging the Yugambah people, whose country lies within the City of Gold Coast area, from where I am joining you today, and pay my respects to their Elders past and present. Woolworths is committed to upholding respect for human rights, not only for our own team but also for workers in our extended supply chain. We seek to manage worker exploitation and modern slavery risks in our operations and supply chain through our human rights program. It is informed by the United Nations Guiding Principles on Business and Human Rights and the International Labour Organization's Declaration on Fundamental Principles and Rights at Work. Our approach is governed by Woolworths Group's risk-management framework and the board-approved risk appetite statement, which identifies human rights as a level one risk, meaning we work towards zero.

Our current approach to human rights has been in place since 2018, and we have made solid progress in that time. The first phase focused on the development, rollout and embedding of our responsible sourcing program

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across our own brand and fresh product categories. As we have matured, we are now working to scale up human rights due diligence across our value chain, while maintaining a focus on higher risk commodities and countries. Whilst we are proud of our program, we are also highly cognisant that there is much more to do. We continue to work hard to identify, mitigate and remediate issues and risks of worker exploitation and modern slavery.

We believe that one way this is evident is in both the depth and transparency of our modern slavery reporting over recent years, including the disclosure of an identified case of modern slavery and our efforts to remediate it in our 2022 and subsequent modern slavery statements. As Australia's largest retailer, we are committed to working with our suppliers, including the many Australian farmers who supply us, to uphold respect for human rights in our value chain. We acknowledge that the agriculture sector is committed to ethical practices and the many great suppliers that we work with on a daily basis.

Like most modern retailers and brand manufacturers, Woolworths operates within a deeply interconnected global supply chain and believes that no-one is immune from the risks of modern slavery in their supply chain. We recognise that our scale enables us to make a meaningful contribution and that many of these issues are complex, shared challenges that require partnership in order to solve. Our submission outlines our commitment to identifying and addressing worker exploitation and modern slavery risks. As a part of that, we believe that a nationally consistent labour hire scheme would be a very positive development to address the fragmentation, lack of transparency and inherent vulnerabilities in the current system.

Woolworths Group and the Retail Supply Chain Alliance commissioned the McKell Institute report into labour hire, titled, *Licensing Labour Hire: Promoting a national labour hire licensing scheme which protects Australian horticulture workers and supports businesses*. We support the recommendations of this report, including the need for sustainable funding, universal adoption of the scheme and a focus on eliminating exploitation and dedicated oversight. Woolworths welcomes the opportunity to participate in this inquiry.

RACHEL MACKENZIE: Thank you very much for the opportunity to present to this inquiry. Berries Australia is a joint venture between the Australian Blueberry Growers' Association, Raspberries and Blackberries Australia Inc., and Strawberries Australia Inc. New South Wales is the most significant State for the production of blueberries. Around 75 per cent of Australian blueberry production does come from the Coffs Harbour region in New South Wales. In addition, there is an increasing and significant Rubus industry. Berries are a high value and solely hand-picked commodity, so we do have a very high need for workers. We too obviously do not condone any form of mistreatment of workers.

As an individual, I've been working in the horticulture industry for almost 20 years. Prior to my role in Berries Australia, I was with Growcom/Queensland Fruit and Vegetable Growers. As part of that role, I was an instigator of the Fair Farms initiative, which is an industry-owned ethical sourcing program, and have also been heavily involved in efforts to lift standards across the industry. Having observed what has been happening in the industry since 2006, and in particular the outcomes of the 2014 Fair Work Ombudsman Harvest Trail Inquiry, it was clear that there were four factors which contributed to the mistreatment of workers in the Australian horticulture industry.

The first of these was the signing off on the 88 days for backpackers. That requirement was removed in 2015. The second was that there was the possibility that workers could be underpaid or paid below the minimum wage, legally, as part of the piece rate provisions. However, those piece rate provisions were amended and there is now a floor, so there is no possible way that a worker can legally be underpaid. The other was that there was no capacity to differentiate in the marketplace between those growers who did the right thing and those growers who did the wrong thing, which was very distressing and concerning for the growers who did do the right thing. In conjunction with the retailers, through the Fair Farms initiative and another program called Sedex, there is now the mechanism to make that differentiation.

The final missing piece of the puzzle, as my fellow colleagues have mentioned, is labour hire licensing. As I said, I am based in Queensland. I had the benefit of observing the significant and enormous change that the labour hire licensing program made in Queensland. I will confess that when it was first put on the table, we were, as industry, a little bit nervous. We thought perhaps that it was not necessarily going to change anything, considering that those activities are already regulated by the Fair Work Ombudsman. But I can say that it has become, or has been, a game changer in terms of improving compliance across the industry. That is supported by the fact that in 2023 the Fair Work Ombudsman went back to a number of those locations that had been identified as hot spots in 2014. One of them was the Queensland Sunshine Coast region, which was considered a major hotspot for noncompliance, and the second was the Coffs Harbour region.

Interestingly, the Sunshine Coast is now considered to be extremely compliant and got a very good report from the Fair Work Ombudsman, whereas Coffs Harbour, Sunraysia and Mildura are still considered to be noncompliance hotspots and considered to be problematic. I can see what is happening in Coffs Harbour. Every

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dodgy labour hire company with a van and a mobile phone is congregating in that region and, because there is absolutely no oversight, as soon as the Fair Work Ombudsman comes anywhere near Coffs Harbour, they phoenix and disappear into the wilderness. All I can say is that if modern slavery is your concern, which it clearly is, and there are concerns with how things operate in this industry, then please take up the Queensland model, because that is the model that works, demonstrably and clearly.

The CHAIR: Each of the panel members will have an opportunity to ask questions as we go through. I will have the opportunity to ask the first question. Each of you have talked about the importance of labour hire regulation, and we welcome that. It's an issue that's been raised with the Committee in previous hearings. In fact, we've already taken the action of writing to the Attorney General, to urge New South Wales to urgently act in that important area. Ms Mackenzie, thank you for your excellent description of the impact of introducing those regulations in other parts of Australia.

My question is to all of you. I also thank you for your commitment to ensuring that there are ethical practices in place for temporary migrant workers, particularly under the PALM scheme. I note that, clearly, the PALM scheme workers and Working Holiday Makers are critical to the success of your industry; we recognise that as a Committee. I'm from regional New South Wales. It's absolutely clear that the temporary migrant workforce is critical to the success of industries. However, your submissions highlight the high degree of compliance required under the PALM scheme. In fact, some of your submissions suggest that evidence of abuse of workers is more the exception than the rule.

We've obviously received evidence of significant instances of exploitation of workers, to the extent of modern slavery, and evidence that people are reluctant to speak up. I'm wondering if you'd like to comment on that, particularly focusing on accommodation, which the AFPA have raised in its report as being a real challenge and has been an issue that's come up before to the Committee about the standard of accommodation. I understand that is regulated. It's inspected. From your submission, AFPA, you think that most people comply. But you have pointed out the issue of accommodation shortages, which suggests to me that this is a difficult area. Let's start with accommodation and how that's regulated under the PALM scheme. Do you have any comments on compliance with or abuses of that? Ms McClelland, would you like to make a comment?

CLAIRE MCCLELLAND: If I can come back to your first point around exploitation within the program, obviously we've also seen some of the reporting that's contributed to the inquiry today. Of course, any instance where a worker is exploited is a poor outcome for the program. It's a poor outcome for our industry and is certainly something that we spend a great deal of time on as an organisation attempting to address, and work with government to do that. It's important to acknowledge that the stories around exploitation often drown out what is a large amount of satisfaction with the program experienced by PALM workers.

The most comprehensive survey of PALM workers, undertaken independently by the ANU, demonstrates that 98 per cent of workers are satisfied with the program. The majority would return to Australia and undertake work. The overall satisfaction rating given by PALM workers is 8½ out of 10. That's not to diminish these instances of exploitation and say that we should do nothing; it's to say that, overwhelmingly, the PALM workers have themselves told an independent survey that they are overall satisfied with the program.

With respect to accommodation, as you said, Chair, from our perspective, it's important to not view this issue in isolation. The reality is, in New South Wales the availability of accommodation is extraordinarily low, generally. That availability of accommodation in regional areas is lower again. My colleague Cam may be able to give me the exact number, but I believe rental vacancies in regional New South Wales is at about 1 per cent. In New South Wales, too, planning approval for new dwellings is low and declining year on year.

From an industry perspective, we really acknowledge the importance of having suitable accommodation for PALM workers that meets standards but would acknowledge that, for our sector, investment in new accommodation is incredibly difficult. It is unbelievably difficult to access existing dwellings. It is near impossible to invest in new dwellings. There's a range of policy circumstances that are outside of the scope of this inquiry that should be considered to support the objectives that we're talking about. What's important from our perspective, with respect to accommodation and the PALM scheme in particular, is that we make sure that workers are accommodated in safe and appropriate housing that is affordable for the workers.

There's a real tension that we have to acknowledge. When we continue to impose increasing standards on accommodation, the cost associated for workers to access that accommodation will also increase. In a market where availability is low, and then you start to cut out available options from the accommodation market for workers by raising the standards, we continue to escalate the cost. There's a real need for a balance overall in the policy dynamic that talks about how do we give the best outcome for workers, in terms of safe and suitable accommodation, but also look at the broader planning environment to support employers in the PALM scheme to

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invest in new accommodation and access accommodation, particularly in regional areas, to help address the fundamental supply-demand, price-quality problem that we have going on within the program.

RACHEL MACKENZIE: I would just like to support the points put forward by Claire. To give a real-life example, there's a very large berry farm—I think the largest in Australia—in the Coffs Harbour council region. Because it is so difficult to get planning approvals through that council, they have worked with Grafton city council and have built their accommodation in the Grafton shire council, and they bus those workers down every day because it is impossible to find accommodation in the Coffs region. Because it's a tourist hub, vacancy rates are actually below 1 per cent. It is a real and material issue. We want to be able to provide the best possible accommodation we can, but we are between a rock and a hard place in many circumstances.

RACHEL ELLIOTT: Firstly, I say that I support both Claire and Rachel's comments. Similar to Rachel, I'll add a real-life case study from our supply chain. It took place in Queensland, but I think it has applicable learnings for New South Wales. We, along with the RSCA, the Retail Supply Chain Alliance, hold worker forums where we seek to get real-life supply chain intel from workers directly in our supply chain. At an event we held in Queensland, we had quite systemic feedback from workers around the conditions that they were living in, provided by a labour hire provider. It was a labour hire provider registered with Queensland and also an approved employer with DEWR. We did a site inspection, and the housing conditions were indeed appalling and unliveable. The workers had raised this with the labour hire provider to no avail.

Interestingly, they had very positive feedback about the farmer that they were working with. It was specifically only about the labour hire provider who was providing the really unliveable conditions. Through the engagement of ourselves, plus the RSCA, with both the Queensland labour hire licensing authority and DEWR, that particular labour hire provider was exited from both schemes. It was a really positive outcome, given the systemic nature of what they were doing. Unfortunately, anecdotally, we have heard that provider has, since that time, tried to regulatory shop—so moving to other States that don't have labour hire licensing schemes. I appreciate and absolutely acknowledge your words that you have already written to the Attorney General, and I think that is a fabulous outcome, but that's just another case study to bring to light the challenges that occur in this space.

The CHAIR: I will come back to this topic. I'm going to pass to the Deputy Chair for the next question.

Ms JENNY LEONG: Ms Elliott, I'll stick with you, and then we'll come back around to other questions. In terms of Woolworths' work, your submission highlights the internal compliance processes within Woolworths and the compliance processes that you undertake to manage risk and eliminate modern slavery risks in your supply chains. Are you able to give us examples or details—feel free to take this on notice—of how many suppliers have been terminated after having been identified as high-risk suppliers by Woolworths? What kind of register do you keep of this? Could you provide data on the number of high-risk category suppliers that have been identified since the inception of your responsible sourcing program or how they went on to improve compliance? I appreciate that's a lot. Maybe you can talk in broad strokes and then take it on notice to provide us with additional information.

RACHEL ELLIOTT: Absolutely. Thank you for the question. As I said in my opening statement, our program has been in place since 2018. In order to identify high-risk sectors or high-risk commodities and geographies in our supply chain, we use a number of different sources. As a starting point, however, we work with an independent external expert in this space to conduct a forced-labour risk assessment. That gives us the overview, specific to our supply chain, of what the greatest risks are. For us, the greatest risks in terms of geography would be Malaysia and Thailand. From a commodity perspective, it is seafood and cotton. If I come to Australia, horticulture in Australia has a lower risk profile compared to many other countries around the world. But given the seasonal nature and prevalence of labour hire, we also acknowledge that horticulture is a high-risk sector for us.

Our program has four pillars. One is our audit program—our responsible sourcing program. The second pillar is bespoke due diligence. This is where we acknowledge that an audit is not a silver bullet, particularly where there might be egregious or deliberate behaviour. An audit often cannot identify that behaviour. It's a bit more underground. We have bespoke due diligence, where we seek to identify those cases. Through this, it's things like worker voice. We've been trialling worker voice to hear directly from workers in our supply chain. It's other things like Issara, which is available for Asia, but its grievance mechanisms are scaled.

Thirdly, Sayari is a risk management tool used by Homeland Security in the US and His Majesty's Revenue and Customs in the UK. It seeks to essentially bring to light otherwise opaque supply chains. That's our "beyond audit". We then have a third pillar, which is grievance. We have the Supplier Speak Up mechanism, which is available to suppliers, workers and also communities—so everyone in our supply chain—to raise grievances directly with us, which we then investigate.

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Our fourth pillar is advocacy and partnerships. In any typical year—and we disclose this in our modern slavery statement—through our audit program, we conduct roughly 1,000 audits. From this, it may throw up around 5,000 nonconformances. A nonconformance is an issue identified by an audit program. These are rated on a scale of severity. If I go to New South Wales, as an example, over the two years from May 2023 to May 2025, we conducted 146 audits across our New South Wales supply chain. That would be for both horticulture and meat. From this, it identified 287 critical nonconformances. These are the more severe end of that scale.

The most common issues via audit are health and safety issues. In particular, there might be blocked emergency exits, which may sound relatively minor to some people, but you can imagine the severity if there is a fire and there is a blocked fire exit. Other things include sites not submitting their annual fire safety statements to validate according to law and lack of first aid training. They're the most common issues identified by audit. However, of the critical nonconformances—so taking you back to the most severe critical nonconformances found in audits—24 per cent related to incorrect payments. This can be workers not paid minimum legal entitlements. Specifically, we find that one in five of these issues relate to labour hire. Over the course of last year we were able to work with our suppliers to remediate or repay \$48,000 to workers in our horticulture supply chain, and also \$50,000 to workers in our meat supply chain. To your point around exit—

Ms JENNY LEONG: Sorry, can I just jump in on that point, Ms Elliott? Those numbers in isolation may sound like a lot, but do you have any assessment on what the overall underpayments would be of those workers in all your supply chains? That might sound great, but that is a very small amount of money in the scheme of how large this industry is.

RACHEL ELLIOTT: I would probably go back to Claire's point to say that the vast majority of our suppliers are very good suppliers. They treat their workers incredibly well. They have robust systems to identify risk. Agreeing with both Claire and Rachel, it is the minority where we see issues, or are able to identify issues. The most common challenge we have is the lack of transparency much deeper down the supply chain. We have direct suppliers, but then our suppliers might also have suppliers. So that length of the supply chain could be a challenge.

We don't currently have—I shouldn't say we don't have any visibility. We are working to improve our visibility beyond our direct suppliers—trying to get visibility of our suppliers' suppliers. To date, we have worked with both Fair Farms—which Rachel had mentioned—and also SEDEX to get greater visibility of those tier 2 and tier 3 suppliers. We currently have, I believe, around 1,100 suppliers who are not our direct suppliers, so those suppliers that we do not hold the legal relationship with. We have visibility of those suppliers and around 600 have had a social compliance audit. I would say that is particularly a challenge which we are working to improve.

The other challenge is the lack of accountability and transparency of labour hire providers. To your point around numbers, I would say that this is a challenge because it's a best guess working with a labour hire provider. Without that register or accountability, we attempt to do the best we can with labour hire providers. But again, we don't hold the legal relationship, so it can be a challenge. We have had labour hire providers refuse to work with some of the audit schemes that we use, refuse to provide documents. We seek to check wages and that workers are being paid correctly, and we have found that labour hire providers in some circumstances just refuse to work with us.

Ms JENNY LEONG: What's the process there? Obviously, Woolworths has a lot of ability to then not work with those labour hire companies anymore or, indeed, to call them out or report them. What role does Woolworths play in then—how many labour hire companies are on your blacklist now that you don't work with as a result of that? What is your process for then reporting them or raising concerns in relation to them?

RACHEL ELLIOTT: I would start by just pointing out that we don't hold the relationship with the labour hire providers.

Ms JENNY LEONG: I appreciate that, but to your opening statements about wanting to ensure that you're having a zero tolerance approach to risks of human rights violations and modern slavery, I'm curious to know what actions Woolworths takes in relation to these.

RACHEL ELLIOTT: Yes, absolutely. Just pointing out that we don't hold the relationship, which does make it difficult. But we have a labour hire addendum which supports our responsible sourcing program. This sets the expectation for our suppliers on how they work with the labour hire provider. It has four particular expectations around trying to bring visibility to the labour hire supply chain. It's things like seeking to ensure that they have a licence through one of the State licensing schemes, whether they're an approved employer under DEWR or other things—whether they have had SEDEX or a Fair Farms audit. So just a few things to try to increase visibility of that network of labour hire providers.

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Ms JENNY LEONG: I appreciate that, Ms Elliott. I'm sorry to cut you off. It's just I know that I only have a short amount of time. I just want to understand. I appreciate you're saying that you don't have a legal relationship with those labour hire companies—that you are engaging with a supplier who is using those labour hire companies. In a scenario where you then discover that a supplier is using a labour hire company that's refusing to provide basic details about the wages being employed or compliance or other things, does Woolworths then end or terminate that relationship with that supplier? Or do you just make a note of that risk and continue on?

RACHEL ELLIOTT: No, I would say there's a spectrum. If our supplier has good systems in place to seek to work with that labour hire provider, first and foremost, we seek to work with our suppliers. It depends on the nature of what has been found. There are definitely circumstances where we have reported that labour hire provider to the relevant authorities. There's the case, the example I provided in Queensland, where we reported the labour hire provider. Similarly, in New South Wales we had a case where working with one of our suppliers identified that a labour hire provider had brought workers in on a specific visa but was actually not paying them in line with that specific visa. Our supplier was doing all the right things. They had a robust framework. They were paying the labour hire provider for entitlements like superannuation et cetera, which the labour hire provider was not paying on to workers. We worked with this supplier again to refer the labour hire provider to the relevant authorities.

In this case, again, because our supplier had done all the right things and thought they were doing the right thing, we actually partnered with them to bring those workers in-house. The supplier no longer used the labour hire provider but brought workers in-house where they had all the visibility and transparency. They also remediated in terms of repaying those workers. Even though they had done all the right things with the labour hire provider, and the labour hire provider was double dipping, they paid workers to remediate the situation. Particularly, I find that our suppliers are attempting to do the right things. There is very limited evidence of any egregious behaviour with our suppliers. They tend to think they're doing the right thing, and a labour hire provider may often be a bit duplicitous in the way that they are working. But as I said, where there is egregious or systemic allegations, we report that to the relevant authorities to seek action.

Ms JENNY LEONG: Ms Mackenzie, I can see you've got your hand up. I just had one question for the Australian Fresh Produce Alliance, if I may, and then I'll come to you before I hand over to the next question. I didn't have a specific question for you, but to give you some chance to respond. I just wanted to ask, in relation to the Australian Fresh Produce Alliance and Ms McClelland, in your submission you make reference to PALM worker disengagement, that PALM workers disengage and circumvent the PALM System, suggesting they're making bogus claims as a way to get protection and get bridging visas. I wonder, do you as the alliance or, indeed, any of your member bodies have a register of complaints made? A register of risks identified? Where exactly are you getting this data to suggest that there are these bogus claims and that these are the kind of issues that are occurring from PALM workers?

CLAIRE McCLELLAND: In our submission, the context in which those comments were made was in response to the ANU, which is funded by the Department of Foreign Affairs and Trade to undertake a range of policy analysis and development work with respect to the PALM scheme. The ANU, through that research, had published a range of papers that demonstrated that PALM workers—while no doubt there is a proportion of disengagement that is a result of poor employment practices, and we would acknowledge that, it is the ANU's assessment that the more favourable conditions that are offered to workers who transition to a bridging visa through the act of disengaging and applying for that type of visa is actually, in some circumstances, an incentive for workers. For example, there is the ability to access Medicare and the ability to work in the economy outside of the confines of the PALM program.

Indeed, those academic papers also indicate that there appears to also be a component in some instances where workers are either coerced or advised poorly by actors in the economy to actually disengage from the program and undertake employment outside of the program. With respect to the submission, we cite the work from the ANU. In terms of your question more broadly about whether the alliance retains a register of this type of information, no, we don't. When, in the circumstances, we do become aware of, through engagement in industry generally—I would use the word "rumour" around poor employment practices in the sector—where we have information that we feel is substantive enough to warrant a complaint to an appropriate agency, there have been occasions where we have passed on the information to the best of our knowledge to appropriate agencies, whether that be Border Force, labour hire regulators in different States or the department of employment, in some instances.

Ms JENNY LEONG: Have you ever made a complaint or raised concerns with the Anti-Slavery Commissioner, or indeed any other bodies that would represent the interests of workers, as opposed to issues around visa compliance and other matters?

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CLAIRE McCLELLAND: No, not to those agencies. But, to contextualise, the only information that we have ever received, in particular to the issue of absconding, is in relation to actors who have coerced workers to disengage from the program. From our perspective, that's an issue for the ABF.

The CHAIR: Ms McKenzie, you wanted to make a comment in relation to this issue before I pass to the next question?

RACHEL MACKENZIE: I think it's important to understand that workers have an accessorial liability in terms of their engagement with labour hire companies, and they should have a labour hire agreement in place. However, in many instances the grower meets their accessorial liability under the Act, through the Fair Work Ombudsman, and there have been instances where the Fair Work Ombudsman has found the labour hire company to be noncompliant but the grower to be compliant. The issue of absconding, as Claire raised, is significant and deeply problematic for our growers, who spend—it is expensive to work with the PALM scheme. It's a good investment but it is an expensive investment, and I think this issue of absconding is a genuine issue. The body that probably has the most detailed records relating to it is the Approved Employers of Australia, which represents all of the approved employers utilising the PALM scheme.

The Hon. Dr SARAH KAINE: Thank you all for appearing today and for your submissions. Ms McClelland, picking up on a couple of things you've said in answer to Ms Leong's question, but also on your submission, you mentioned that you felt there was an attempt to game the system by some workers moving from the PALM scheme to bridging visas, but your submission says that PALM workers enjoy employment conditions that are greater than maybe Australian workers or other migrant workers. Where is that incentive then? To be honest, I find that one a little bit of a push. If you could explain that to me, that would be good.

CLAIRE McCLELLAND: I think if I was to contextualise the comment around pay and conditions, I think it's important to acknowledge that, with respect to horticulture, we just talk about how the PALM scheme operates. Typically in horticulture, workers are engaged within the short-term part of the program. That means they're engaged for six to nine months in Australia. Those workers are typically engaged casually. In the context of casual employment, workers are not guaranteed fixed hours in a casual work arrangement. Acknowledging the vulnerability of PALM workers, the PALM scheme deed and guidelines requires employers of short-term PALM workers to offer both minimum payments to workers—that is, if workers don't work in a particular week, an employer is still obligated to pay them. That is something that's not afforded to other workers who are engaged casually within the economy.

The second piece is, with respect to minimum hours, PALM workers are also required to be offered a minimum of 120 hours over a four-week period, despite being engaged casually. These are conditions that are not offered to other casual workers in the economy in the context of their casual engagement. I think that's really important to talk about in respect of the program. When we talk about disengagement, I think there are obviously a range of factors that drive disengagement, but if you talk about—contextually, in the PALM program, workers who disengage and apply for a bridging visa are entitled to access Medicare, which is something that PALM workers within the program don't have access to.

Workers are also then entitled to work for any employer in the economy, as the link between their sponsoring employer under their original PALM visa has effectively been severed, as they're now on a different visa that has different arrangements. So they don't need to work for the same employer. They don't need to work in that region. They don't need to work in horticulture. When we speak to incentives, there are incentives, I suppose, beyond pay and conditions, which could include, for example, wanting to reunite with family that aren't in, for example, a hyper-regional area of Australia, where a worker may be based.

The Hon. Dr SARAH KAINE: Or that could include—we saw in the news this morning stories of workers not being able to access Medicare and having to engage in unsafe abortions. It is a fairly big incentive, isn't it, to make sure that your health, welfare and life are safe? It's not just a "game the system" kind of approach.

CLAIRE McCLELLAND: I'd contextualise that by saying that the information in our submission is provided by the ANU in response to the terms of reference of the Committee. It is not an assertion of the Australian Fresh Produce Alliance. It's simply drawing other information to the Committee's attention.

The Hon. Dr SARAH KAINE: Okay. I am not sure that it was cited. I'll go back and have a look. I want to ask another question, which is this idea that because there haven't been formal complaints that means that maybe there is a bit of hype that is perhaps generated by external bodies or NGOs. Can you think of why there might be reasons that PALM workers might not choose to complain in a formal sense or, indeed, might over-report satisfaction in surveys collected by very formal institutions?

CLAIRE McCLELLAND: I think it's important to acknowledge that there are a range of community connections and grievance policies and procedures that are available to PALM workers, more than are available

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to any other type of temporary migrant. I raise that because it is really important because of the nature of how the program operates. In addition to there being individual employer policy and procedures to deal with grievances that apply to all workers, there are a range of country specific resources—

The Hon. Dr SARAH KAINE: If I could just stop you there, do you think that there are any characteristic or institutional reasons why a PALM worker, who cannot change employers due to the nature of the scheme, who may have heard, perhaps, these rumours of poor treatment—do you not accept that there's a power differential between the PALM workers and employers which makes it extremely difficult and daunting for a PALM worker to make a formal complaint? Do you not accept that there is part of that?

CLAIRE McCLELLAND: I accept that the nature of the PALM program and the virtue of the sponsorship arrangements within the PALM program provide a regulatory avenue that actually enables the program to have a higher level of regulation, oversight and greater access for those workers to make those type of complaints than other visa types in the economy.

The Hon. Dr SARAH KAINE: But you do not acknowledge that these workers are your archetypical vulnerable workers?

CLAIRE McCLELLAND: I acknowledge that young workers, migrant workers and workers with a low level of English literacy are inherently vulnerable.

The Hon. Dr SARAH KAINE: If I could ask Ms Elliott a question, following up from Miss Leong on your role as the economically dominant agent in these particular supply chains that we are talking about, I wondered what stops Woolworths, or indeed any other huge player, putting in place contractual obligations? You talk about not having a direct relationship. But do you, or could you, put in place contractual obligations, or indeed your own scheme, which says "unless a labour hire company that a supplier engages with has been certified" by whichever reputable organisation you want to work with, "then you will not buy produce from that supplier"? Do you do that? In the absence of a national labour hire scheme, what would stop an organisation as economically powerful as Woolworths doing that?

RACHEL ELLIOTT: I think it's a great question. In our contracts, we do have non-slavery clauses, which outline a number of expectations including compliance with our responsible sourcing program, which then also includes compliance with our labour hire addendum. We do seek to provide that contextual basis for how we expect our suppliers to act, specifically as it relates to labour hire. To your question specifically on some of the challenges, we have got feedback around setting a standard higher than the law, and so a challenge back from suppliers who think that setting a standard higher than the law makes it particularly difficult. We also, when trying to update contractual clauses, have had some feedback around unfair contract terms. There are certainly some challenges in this space that our best endeavours—we do seek to lift the standard, but certainly there are challenges.

The Hon. Dr SARAH KAINE: I have one follow-up and then I will hand on to my colleagues. In those arrangements—and I also note that you mentioned the importance of worker voice—I wondered if you've sought examples from your alliance unions? And I also wondered if you could first explain, for the benefit of the Committee, what the retail alliance you spoke about is. But also, they're unions which understand supply chains and have enforced and come up with really creative ways to make sure that economically dominant agents do their ethical bit. I wondered if you could talk a bit about anything you've learned from them and what exactly that alliance is and has done.

RACHEL ELLIOTT: Yes, absolutely. The Retail Supply Chain Alliance, we have had an MOU in place with them for, I think, going on three years now. The Retail Supply Chain Alliance is made up of the SDA, the TWU and the AWU. They make up the major representation of that full length of the horticulture supply chain. Through our MOU, we seek to lift the standards and expectations around worker exploitation in the supply chain. We hold worker forums in conjunction with the RSCA. We'll go out to a particular area, across all of Australia, and we seek to invite workers in our supply chain to come along. We'll provide briefings to them on the standards that should be appropriate or should be expected by them and also give them the opportunity to raise grievances with us directly. To your point around the inherent vulnerability, it's just giving them an extra avenue where they might want to raise a grievance. We do get feedback from workers in those instances, and we'll seek to investigate each and every one.

Working with the RSCA—to your point, they provide one avenue of representation for workers in our supply chain. It is particularly beneficial. We seek to work with a whole range of actors and stakeholders in this space. I think a lot of what we're talking about today are shared challenges, and I don't know that anyone really can play the total role or, indeed, get all of the information available. We do rely on a multitude of actors in this place to support us and to collaborate with.

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The Hon. AILEEN MacDONALD: If I could go to Ms Elliott first, with regard to your strong footprint in grocery, retail and procurement from horticulture, how does Woolworths assess which segments of its supply chain are most exposed to modern slavery risks, and how do you address that?

RACHEL ELLIOTT: As I mentioned, we have our human rights program, which has the four pillars. I won't repeat them—although I'm happy to, if you'd like. Essentially, the way we do seek to identify risk is through a number of external sources so that we are bringing in a high level of expertise. Firstly, we work with an independent expert party, ELEVATE—LRQA, now—whose expertise is in modern slavery risk. We do a forced labour risk assessment every two years to understand both the inherent risks in our supply chain as well as the very specific risks specific to our supply chain. As I said, that has identified for us that Malaysia and Thailand are the biggest risk geographies, as well as, from a commodities perspective, seafood and cotton, and then also horticulture in Australia, given the inherent vulnerabilities.

We then have other sources that we seek to use. EiQ is a risk identification tool. Isora, as well as Sayari—again, risk identification tools which seek to help us through bringing external information into our supply chain. We then have each of the pillars of our program: the auditing program; bespoke due diligence; our grievance mechanism, which, as I said, is available to everyone; and then advocacy and partnerships. That would be the key way that we do identify risk, and then we seek to work with our partners. We also recognise that capability is a key component, so we provide tools and learning opportunities for many of our suppliers as well. We have available learning tools around grievance mechanisms, so how do we work with our suppliers to enable them to provide the best grievance mechanisms available for their workers? And then we also have other learning modules, for instance, on labour hire and how to work with labour hire and put in place robust due diligence tools.

The Hon. AILEEN MacDONALD: With regard to the temporary workers themselves, are there any mechanisms in place for the migrant workers in the supply chains to report abuse or seek redress? If so, are these services available or accessible? Are they culturally and linguistically accessible so that the workers themselves, if they want to report it—does Woolworths address that, or is it just the suppliers?

RACHEL ELLIOTT: We have multiple mechanisms where we provide access to workers in our supply chain to raise a grievance. One is our supplier SpeakUp, which is externally hosted and available to workers to be a confidential reporting line. It then comes to our team to investigate. We have supplier SpeakUp posters available in our supplier sites. To your point, they are in the main languages spoken by workers in our supply chain. I would acknowledge, though, that they probably do not cover all the languages, but we have tried to make it available in as many languages as possible. So, workers can phone through. We also have QR codes which they can take and be able to report when they are not on site.

Another mechanism is through the MOU we have with the Retail Supply Chain Alliance. Hosting of the worker forums—we take on-hand grievances through from workers in those worker forums. We also will take complaints through a multitude of other sources. If our union partners raise an example with us, we will seek to investigate. We've also had inquiries direct from other suppliers who might have feedback around something happening in the supply chain, so we will investigate through those mechanisms as well. Also, last year we started piloting an additional tool called Worker Voice. We partnered with our suppliers. Our supplier partners endorse this and collaborate with us on this. It's a survey that goes out to the workers in their supply chain to essentially understand their experiences of working in our supply chain. Again, where we get issues that might raise up through any of those mechanisms, we will investigate.

The Hon. GREG DONNELLY: Ms McClelland, with respect to the Australian Fresh Produce Alliance, you have dialogue with the Woolworths Group, back and forth, about the work that they're doing. Is that correct?

CLAIRE McCLELLAND: We do, yes.

The Hon. GREG DONNELLY: Ms Mackenzie, with respect to Berries Australia, do you have ongoing dialogue with the Woolworths Group, back and forth, in terms of following what they're doing?

RACHEL MACKENZIE: Absolutely, yes.

The Hon. GREG DONNELLY: My question, then, to Ms McClelland is what dialogue you have with the Coles Group.

CLAIRE McCLELLAND: We have dialogue with all major retailers on a range of issues, including workforce and anything in that—

The Hon. GREG DONNELLY: On this issue of modern slavery and slavery-like practices in the agricultural industry, what dialogue do you have with the Coles Group?

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CLAIRE McCLELLAND: I would describe it as similar in nature to the dialogue we have with the Woolworths Group. We talk often, specifically about practical things impacting suppliers, so specifically in relation to audit policy, practice, procedure. We do have conversations with them more broadly about policy—contextually, for example, the PALM program. But I would say most of the conversation is quite tactical in terms of obligations suppliers need to meet to help the retailers address their modern slavery reporting requirements.

The Hon. GREG DONNELLY: What about ALDI and what about IGA?

CLAIRE McCLELLAND: We'd have similar conversations with ALDI. I'll be honest in saying it's less so with IGA, mostly because their procurement model is slightly different to the other major retailers.

The Hon. GREG DONNELLY: Perhaps on notice, Ms Mackenzie, in regard to Berries Australia, your engagement with the Coles Group, ALDI and IGA—can you quickly respond to that, or do I need to put it on notice?

RACHEL MACKENZIE: I can quickly respond to that. Obviously we are one industry group amongst many. Through the NFF Horticulture Council, which is the peak representative body for peak industry bodies like ourselves, we engage with the retailers to a certain extent. Because of my personal relationships in my former role, I certainly engage with Coles and Woolworths and ALDI. As Claire said, IGA operates on more of a wholesale model. I think it's really important to understand that smaller growers who are not direct suppliers to the major retailers—because they have less capacity within their businesses around HR et cetera—are more vulnerable to being, shall we say, equally exploited by dodgy labour hire companies. I think it's really important to remember that, potentially, a significant proportion of the concerns in this area may actually be for those operators who are not direct suppliers to the main retailers. We try to work with them, through culturally and linguistically appropriate resources, to build their understanding of their obligations.

The CHAIR: I'd just like to thank the witnesses again for their contributions today. There may be some follow-up questions. I assume you'll be happy to answer those, if there are any supplementary questions. The secretariat will contact you in relation to any questions on notice.

(The witnesses withdrew.)

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Mr THOMAS COSTA, Assistant Secretary, Unions NSW, affirmed and examined

Mr JOSHUA STRUTT, Chief Executive Officer and Principal Solicitor, Immigration Advice and Rights Centre, affirmed and examined

Mr JONATHAN COOK, National Organiser, Australian Workers' Union, affirmed and examined

Mr BERNARD GOVIND, Senior Industrial Officer, Shop, Distributive and Allied Employees' Association, New South Wales branch, sworn and examined

Mr MATT JOURNEAUX, Federal Secretary, Australasian Meat Industry Employees' Union, Branch Secretary, Queensland, Western Australian and Northern Territory branch, sworn and examined

Mr JUSTIN SMITH, Federal Secretary, Australasian Meat Industry Employees' Union, Branch Secretary, Newcastle, Northern, South Australian and Tasmanian branch, affirmed and examined

The CHAIR: Welcome. Thank you to all of the witnesses for making time to give evidence today. Would any or all of the organisations like to make a brief opening statement?

THOMAS COSTA: Unions NSW is the peak body for unions in New South Wales and their members, and we have over 48 affiliated unions representing approximately 600,000 members in this State. Our affiliates cover the full spectrum of the New South Wales workforce, including from across the public and private sectors. In 2019 Unions NSW partnered with the Immigration Advice and Rights Centre to establish Visa Assist, which provides both employment and immigration legal advice in one service. Many of the clients referred to Visa Assist have experienced workplace exploitation, including slavery and slave-like practices. Visa Assist has provided legal advice on safely leaving these exploitative conditions without jeopardising the worker's visa status. Since its establishment, Visa Assist has delivered over 4,000 legal services to more than 2,000 migrant workers in New South Wales. One in three of those workers lives in a regional area.

Unions NSW also conducts regular research projects into the exploitation of migrant workers. Over the past five years we have published more than five research reports into migrant worker exploitation, including surveys of over 20,000 workers. Our most recent research report, which was titled Disrespected, Disregarded, and Discarded, exposed widespread sexual harassment of migrant women holding temporary visas across Australian workplaces. The research, which built on over 3,300 survey responses, 700 written statements and 80 interviews, highlighted how isolation and visa restrictions create a systemic culture of silence. In line with that report, we made a number of recommendations which are outlined in our written submissions, but I want to highlight two of those recommendations.

Firstly, resources should be allocated to improve access to interpreters, implement multilingual services, and hire bilingual or multilingual staff, including senior staff with extensive experience working with migrant communities and specialised knowledge in areas that intersect with sexual harassment, such as workplace law, modern slavery, workers compensation and immigration law. Among those, we see that New South Wales has a number of services where this could be introduced, including the Industrial Relations Commission, the Anti-Discrimination Board and the Human Rights Commission. We submit that these recommendations should be taken on board. We also believe that New South Wales government agencies, including SafeWork, should redesign reporting processes and allocate more resources for interpreters, multilingual services and experienced bilingual staff to better support migrant workers facing sexual harassment.

Another area that we have pointed to in our submission, which I don't wish to go over in too much detail, is our recommendation that there be a registered licensing scheme for labour hire in New South Wales. In our experience, which is supported by our research but also by the research of others, a large amount of migrant worker exploitation is conducted by labour hire agencies that in New South Wales are unregulated and often hard to pursue for compensation when we are representing those workers. It's also hard to identify where those practices are occurring because they operate in what is a very grey system. Other States already have licensing for labour hire. We support New South Wales having a similar type of scheme but using the highest standard across each of those.

JOSHUA STRUTT: Today, during Reconciliation Week, we acknowledge that we meet on unceded Gadigal land, and we pay our respects to Elders past and present. The Immigration Advice and Rights Centre is the only specialist community legal centre in New South Wales that provides free legal advice, assistance and education on all immigration, refugee and citizenship matters. We have a long history working with migrant communities across New South Wales, having been established almost 40 years ago. More than one-third of our clients are from regional and remote areas across New South Wales. In 2019 we launched the Visa Assist service with Unions NSW.

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Over the past six years, Visa Assist has assisted thousands of migrant workers across Australia, becoming the largest legal service dedicated to assisting migrant workers in the country. Visa Assist was set up to address the poor treatment faced by workers on visas across Australia. In New South Wales, we have seen many visa holders have their passports confiscated; suffer significant workplace injuries, including being blinded and losing parts of their limbs; being forced to undertake free labour; and suffer sexual harassment and assault in their workplaces. However, these workers reported that one of the biggest barriers to them seeking safety is the significant power imbalance that exists between them and their employers. They were afraid that, if they spoke up, they would face detention, deportation and risk their future in Australia.

Over the past year, there have been positive developments federally with the implementation of the Workplace Justice visa and cancellation protections, which ensures that more migrant workers can speak out about and leave exploitative workplaces. But more needs to be done to deal with the power imbalance between employers and visa holders to ensure that migrant workers are not exploited in workplaces across New South Wales. The New South Wales Government does have a role to play in ensuring that migrant workers are not exploited at work.

We have set out recommendations in our joint submissions with Unions NSW, including ensuring that services such as IARC, Visa Assist and the NSW Migrant Workers Centre are adequately resourced to educate migrant workers on their workplace rights and obligations; updating the visas and migration section on the New South Wales Government website to include information on workplace exploitation and available protections to migrant workers, such as the Workplace Justice visa and the Strengthening Reporting Protection Pilot; and ensuring that visa settings, where the New South Wales Government has influence, are not unduly restrictive and do not force migrant workers into exploitative environments.

JONATHAN COOK: I'll be very brief. Agriculture is a uniquely vulnerable workforce for exploitation, especially since 2006, when the Federal Government brought in the designated work requirements under the Working Holiday visa. We've seen and it's been well documented how vulnerable that workforce is to exploitation. But the biggest change for horticulture, the best thing to happen maybe since the AWU was formed in 1886 for agricultural workers, has happened in the last five years with the PALM scheme, and that has seen some of the biggest advancements in the ability of workers to avoid exploitation and to organise and make sure that they have their rights enforced by the Federal bodies. Notwithstanding that, there's a lot of work to do.

Prior to the changes made to the PALM deed and guidelines in 2023, there was a broad issue with what I describe as labour banking, where labour hire companies were bringing in workers, not having contracts for their work, and then sitting on them as they racked up debts for their accommodation and transport and other things. That was the true modern slavery that did occur in this scheme. We spent, as the AWU, a very long time talking to workers, trying to help them out of those situations. The changes that happened in 2023 has seen that reduced, and we see more and more employers under the PALM scheme saying, "The number's going down. The number's going down." But the truth is the number's going down because they were labour banking previously and we've seen that change.

In our written submission, the AWU sees there's lots of opportunity for the New South Wales Government to assist workers in your jurisdiction, despite the fact that you don't hold the power over the deed and guidelines. I think one of the most important ones for this Committee to consider is housing. Accommodation is a huge problem. Every week we get contact from workers who are, most generally, living in a house with 10 people, paying \$170 each per bed—a house in regional Australia. That's racking up income for that owner of \$1,700 to \$2,000 a week. This is a clear and obvious problem. It is a clear and obvious exploitation of PALM workers, and I think it's something that this Committee could certainly make a dent on how that happens in this State.

BERNARD GOVIND: The Retail Supply Chain Alliance, of which the SDA is a member, together with the AWU and the TWU, represents workers across the supply chain and was formed in 2019 to advance the cause of workers' rights, with the principal goal of ending exploitation across the supply chain. The retail supply chain has a memorandum of understanding with the two major retailers, Coles and Woolies, to work collaboratively to achieve this goal. There are three matters that I wish to touch on in our opening statement. One is the migrant worker pilot programs that Mr Strutt has touched on. Two is the grievance process and regulation, and specifically around labour hire licensing. Three is about union collaboration that goes to mitigate the anti-competitive behaviour or the implied anti-competitive behaviour by companies when they are collaborating on modern slavery in the supply chain.

First, on migrant worker pilot programs, we know that migrant workers have a visceral fear of speaking up against workplace exploitation, for fear of visa cancellation, deportation principally. The SDA saw this firsthand in the 7-Eleven wage theft scandal. The RSCA was pleased to see, in July of this year, the rollout of the two pilot programs, the Workplace Justice visa and the Strengthening Reporting Protections. Relevantly, both of

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these protections are accessible to workers under the PALM scheme. There are gaps in the pilot programs that have become evident 12 months into the two-year pilot—to name three: the resourcing of the accredited third parties, the tight timeframes that are imposed on workers, cutting out workers that may have meritorious claims, and the level of discretion that still exists in what is meant to be non-discretionary protections. The RSCA is continuing its engagement with the Department of Home Affairs to improve these protections.

Secondly, the grievance process and regulation—the lived experience of PALM workers highlights significant issues with the Department of Employment and Workplace Relations as it stands, who are charged with administering the PALM scheme and ensuring compliance. The RSCA's submission recommends—at page 20, I believe—that New South Wales support the creation of a dedicated team within the Department of Employment and Workplace Relations to fast-track grievances. The Ombudsman is active in this space. But, in the few audits it's able to conduct, where it has found breaches of workplace rights, they have found workers unwilling to raise their concerns. It's a perennial issue and the Fair Work Ombudsman is no different in what he finds.

The reality is that workers in exploitative work arrangements do not contact the Fair Work Ombudsman for help, which is why the RSCA supports further expansion of the Country Liaison Officer program and related labour attachés and outreach programs. There's a gap in regulation in New South Wales. We do not have a strong, dedicated regulator to regulate labour hire. Given the horticultural industry in particular has such a strong reliance on labour hire services to meet its labour needs, we recommend the New South Wales Government to proceed to legislate a well-resourced, harmonised system of labour hire licensing in New South Wales.

Finally, collaboration between companies can risk breaching Australian competition law, even if collaboration is to address modern slavery concerns in the supply chain. We know that, from the Woolworths Group 2024 Modern Slavery Statement, the company saw an increase in reporting of complaints in the horticulture supply chain, compared to the previous year, which was in some part due to the increased engagement and outreach to workers in the horticultural supply chain through participation in worker forums jointly hosted with the RSCA. A coming together of unions and companies to work together, such as joint worker forums, to proactively identify modern slavery risk and to develop protocols like MOUs that the RSCA has in place with Coles and Woolies, will not only serve to identify and eliminate modern slavery in supply chains; it also serves to mitigate against anti-competitive behaviour by companies when collaborating with modern slavery in the supply chain.

MATT JOURNEAUX: Thank you to the Committee for the opportunity to speak today and provide an insight into the industry I represent. My name is Matthew Journeaux. I'm the Federal secretary of the Australasian Meat Industry Employees Union. And to my left is Justin Smith. Justin's the president or the Federal president of the union. I've worked in the meat industry for 40 years. We have provided a written submission to the inquiry. The AMIEU represents workers throughout the meat-processing sector, covering beef, lamb, pork, poultry, smallgoods and retail. The industry employs around 35,000 people directly, with many more in supporting roles and related services. It contributes approximately \$31.8 billion to the national economy and is an important source of employment in the regional communities it operates.

Over the past two decades, I have seen a fundamental shift in how the workforce in the industry is structured. What was once predominantly a local, directly employed workforce has been increasingly replaced by temporary migrant workers, many of whom are engaged through third-party labour hire companies. These workers arrive in Australia under a wide range of visa arrangements, such as the 482 Temporary Skill Shortage visa under the Meat Industry Labour Agreement, through the Pacific Australia Labour Mobility scheme, or PALM, and through the 417 Working Holiday Maker visa, being the main pathways.

A common and serious issue across many of these visa categories is the reliance for these workers to have continued employer sponsorship to remain in the country. This dependency creates a significant power imbalance. Workers are often too afraid to raise concerns around safety, housing, wages and conditions knowing the right to stay in Australia could be withdrawn at any time if the employer chooses to do so. As a result, I have seen many exploitative practices, which include workers subjected to underpayments and wage theft; unpaid and undocumented overtime; unsafe and overcrowded accommodation, sometimes owned by company management; excessive deductions from pay; and exploitative practices, including extortion.

In the worst case, workers have taken unnecessary risks due to fear of upsetting their employer and, tragically, some have lost their lives as a consequence of this. Labour hire licensing in some States has helped weed out the worst performers but, unfortunately, this alone is not enough. This is not just an industrial relations issue; it's a human rights issue. The current system leaves too many vulnerable workers exposed to exploitation with little recourse or protection at all. For two decades I've witnessed a situation where workers are treated as disposable or where silence is the cost of staying in the country. Reforms are needed to rebalance the power

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dynamic, ensure transparency and accountability in labour hire and, most importantly, protect people whose work sustains this essential industry. Thank you, and I look forward to the questions.

The CHAIR: Thank you. Mr Smith?

JUSTIN SMITH: No. I'm fine, thanks.

The CHAIR: I'm going to ask the Deputy Chair, Ms Leong, to ask the first question.

Ms JENNY LEONG: Just off the back of the last session—I'm not sure if you were all here for the whole session or just some of it—we heard from the Australian Fresh Produce Alliance. They quoted an ANU survey in relation to an independent survey that had been done suggesting that PALM scheme workers had a satisfaction rating of 8½ out of 10 with their employment conditions and circumstances. Recognising that the earning capacity of PALM workers in Australia and what that translates to in their home countries is significant, and given that workers' conditions in those home countries may not be ideal in the first place in a lot of instances, I wonder if, Mr Strutt or indeed Mr Cook, you wish to refer to this suggestion of the Australian Fresh Produce Alliance that there is a high risk of bogus claims and that workers are, in a sense, shopping around for the best visa that's going to benefit them as opposed to the other risks that might be involved.

JONATHAN COOK: I'm happy to start. Thank you, Deputy Chair. It's not my lived experience that PALM workers think that this is the greatest thing ever. In fact, for many, despite the fact that, yes, they do get paid well and it does make a real difference in their Pacific Island home nations—the development that that money that they earn can build on—their lived experience is that they live in poor accommodation. There was one example given, I think, from the Berries Australia representative, who spoke about Coffs Harbour and Grafton. Lots of my members live in that accommodation in Grafton. They drive the full way to and from Grafton every day and they don't get paid for that. That is something that has been facilitated by the company, and that's just their lived experience.

Those people are certainly not happy that they have to travel an hour plus each day to and from work, unpaid, while they're far away from home and living in very difficult conditions. Far be it from me to question the study from the ANU, but our lived experience is that every week I talk to workers who have problems with their accommodation, their transport, their pay, their hours and the whole myriad of industrial issues. Most of the time, the reason I would suggest that we don't hear about that is because these people come from cultures of respect, and they are very fearful of what happens if they do speak out.

The previous session had a lot of talk about the worker forums that we undertake as part of the RSCA with Coles and Woolworths, and I will just use one personal experience to explain this to you. We did one in October 2023 in Mildura. We had a room of about 40 or 50 workers who were working in the Sunraysia area. I stood up in front of them and I asked them what the issues were. We had one community support person who was there, and she stood up, as no-one answered my questions, and said, "Come on, answer the questions. They're here to help. If you don't ask the questions today, don't ask me on Monday." That's the problem we have. You go into these forums, you ask questions and, despite the fact that people do have problems and they're telling people they trust, they feel very fearful.

To supplement that, you have lots of workers who are here on a four-year visa in horticulture for nine months at a time. Their risk is if they do speak up, they can be sent home at the end of their nine months, as the system sets up. But despite the fact that they have three more years on their visa, it is up to that employer, unilaterally, to decide whether that person comes back, and people don't come back. When we ask, "What's the problem?" They say, "Oh, they weren't a very good worker." We say, "Well, did you raise that while they were here?" And the employer says, "No, we just decided that we weren't making enough money off this person so we're not inviting them back." That's the structure that's set up in the PALM scheme that has to change at some point. Part of it is portability and part of it is giving people the right to return. If they're on a four-year visa, they should have the right to be here for work for four years.

Ms JENNY LEONG: Mr Strutt, just before I come to you, there is another issue that has been raised with me. My understanding is that the PALM scheme is responsible for about one-third of the budget. If we take Fiji as an example, I wonder if you have any insights as we move to that and any others in relation to the kinds of briefings workers may be given from their home countries, given the significant economic benefits that are, unfortunately, being positioned as foreign aid.

JONATHAN COOK: Yes. I've personally travelled to Fiji to watch and to participate in those pre-departures. Fiji probably has the most comprehensive version of this. Most of it is written by the Australian Government, by the PLF, and I would say that the day on which they talk about workers' rights—there's a full day of conversation and, in that original PLF version, it has seven slides about how the FWO could help a worker if

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they are exploited. It has one page on unions that says, "In Australia you can join a union. It's not compulsory." That's a fundamental problem with the materials.

We've worked with the Fijian Government directly through the FTUC, who we have a working relationship with, and all of those workers now go through a union induction. There are similar things in Vanuatu, but it is a real problem that those pre-departures are not uniform. We respect the primacy of the Pacific, but workers need to be educated about what to expect to come here, and they need to be educated about the grievance processes and their opportunity to speak up and be protected if they do speak up. At this point, that's not being uniformly put to them.

Ms JENNY LEONG: Mr Strutt, did you want to comment on any of that?

JOSHUA STRUTT: Yes. On the whole, I support a lot of the comments that Mr Cook has made. In our experience, PALM visa holders are one of the most exploited temporary visa holders in Australia. We have advised thousands of temporary visa holders over our long history but, time and again, some of the most vulnerable cohorts are the PALM visa holders. A lot of that has to do with the way in which the PALM scheme has been set up. I won't repeat all of the things that Mr Cook has already said, but one of the things that we have noticed is that the portability rights that are given to other temporary visa holders aren't afforded to PALM workers, so they are really chained to their employer. They are really forced to stay with their employer. It's really difficult to leave, and they risk visa cancellation if they do.

The other thing is the pilots that exist. While at law it looks as if they do apply to the PALM scheme, the practical reality is, actually, people aren't eligible for any of the protections under the pilot. The reason is that the workplace justice visa requires people to hold or have held a visa within the last 28 days. As Mr Cook said, a lot of the PALM visas go for four years, so sometimes people are being exploited during that period. In terms of the strengthening of reporting protections, which are a protection against visa cancellation, the way in which the Department of Home Affairs chooses to cancel a PALM worker's visa isn't protected by those strengthening reporting protections. They use a different part of the regulations and the Act to cancel their visa, which are not considered by those reforms. In reality, while the Department of Home Affairs website, I think, says that PALM workers are covered by the scheme, our experiences are actually that they're not covered by the scheme.

Our experience has been, going into regional areas, we've had clients who we've seen who have been blinded in their workplace and then forced off their PALM visa and put onto a bridging visa E on departure grounds. They're constantly in that fear of being sent home but being told that it's fine, they've taken care of their visa status. We've had people approach us—they've had parts of their limbs chopped off in their worksite but have not been able to properly access medical treatment because they're too worried about what that might mean for their visa. I think there's this really huge power imbalance that exists through this system that needs to be fixed.

Ms JENNY LEONG: I can't help but notice, particularly in the IARC and Unions NSW submission, there is a discussion around the potential risks around sexual assault and abuse. We have a panel of all men before us today. I wondered if any of you had any comments, because there has been a lot of focus on the agricultural industry, on the horticultural industry and on meat processing areas where there are big physical sites, whether it be in a berry-growing region or indeed big factory or whatever. I'm happy for you to take this on notice to seek input from others. I wonder if any of you wish to comment on the gendered nature of the fact that we're seeing this exploitation almost identified easier because they are in collective, large infrastructure workplaces as opposed to, potentially, people being put into care arrangements or other domestic type work where those individuals are further isolated by the fact that they're not in a large meat processing plant or a large agricultural industry. I'm happy for you to take it on notice if you'd prefer to do that. But I think it's something that has been brought to our attention.

The CHAIR: I think we will take that on notice, Ms Leong. I'm going to go to Mr Donnelly next.

The Hon. GREG DONNELLY: Thank you all for coming along today, and thank you for the most important work you've been doing over, in some cases, periods of time for some of the most vulnerable workers we're ever likely to find in this State—and the exposure that they have continued to have to some terrible treatment. I'll go across the panel, if you don't mind, to build some solidarity if I can in terms of what I expect might be an answer to a question. Consider it a Dorothy Dixier question, if you like, but that's okay. With respect to the matter of the establishment of a register for labour hire operators—and I note that those registration schemes are in existence in one form or another in Victoria, Queensland, South Australia and the ACT—can I ask you two questions?

Would you agree that the establishment of a scheme is the most—and should be considered the most—immediate priority for us to advance in New South Wales and to get legislated as a priority? I'll come back, if I get another round, to other priorities. Secondly, with respect to those other jurisdictions, to the extent that you

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have some insights and knowledge about it—I'm sure you all do in one way or another—is there a particular one that you would recommend as being the high water mark of the schemes that we have? If none of them achieve a high water mark, what is the best do you think? What could be done or should be done to improve that respective "best of"? Perhaps if we start with Unions NSW.

THOMAS COSTA: Thank you for the question. My answer to your first question is, yes, this is the priority, if there was only one thing that you could do in New South Wales. Of course, there are other things that I mentioned—those in our submissions that were jointly submitted with IRAC, but also in my opening statement, about the necessity around some of the other things that can be done in New South Wales. In relation to your second question, it's not as clear as just picking one other scheme from another State. Our view is that ideally you would incorporate the best features of each of those schemes into a New South Wales scheme, and also improve upon each of those other schemes, for example, by establishing multilingual and culturally appropriate channels to ensure migrant workers have access to putting forward complaints about registered labour hire companies that were doing the wrong thing.

Some of the key areas—if I can just list them—that we think any labour hire scheme should have is, firstly, a publicly available register of the labour hire providers; a set minimum capital requirement for anyone or any company registering as a labour hire company, along with regular reporting on the compliance with their legal obligations; and further requirement that licence holders comply with migration laws and impose penalties for non-compliance. We also think that any scheme should promote cooperation between agencies and cross-border collaboration with other State licensing authorities. We do think the system needs to be fast-tracked in sectors where workplace exploitation is widespread, such as the horticulture and meat processing industries.

JOSHUA STRUTT: I won't say too much extra, but I support the comments of my colleague Mr Costa. I think it is one of the most pressing issues that does need to be addressed as soon as possible. I do think that, like our submission already sets out and as Thomas has already summarised, it's one of the most pressing issues and it's one of the things in which we can't take one State or Territory model. I think we need to take this opportunity to actually make something that's really great and something that actually supports temporary visa holders and other workers in New South Wales.

JONATHAN COOK: I think the most important thing here is because the New South Wales Parliament hasn't acted on this in the last decade, New South Wales is becoming a jurisdiction the bad players see as a haven to operate in. I think in the previous session, Berries Australia made that point that people are coming down from Queensland to operate in northern New South Wales. So I think that that's the real problem specifically right now for the New South Wales Parliament. The inaction so far has meant that we're behind the eight ball here, and we need to catch up and at least meet where the others are. I'll let my colleagues from the SDA speak further on this.

Through the RSCA, we did a report that was published in February this year with McKell. It found inaction so far on the harmonisation. I think the conversation started in November 2023 and so far we've had two things from the Federal Government that say, "We're still talking about it. We're going to get there." But it's not something that we can just wait another three years for—harmonised laws. We either need national laws to come over the top or we need action immediately from those jurisdictions that do not have labour hire licensing currently.

The Hon. GREG DONNELLY: Your preference would be for the latter?

JONATHAN COOK: Our preference is for something to happen. If the Federal Government see it best to have a national scheme that is federally mandated and controlled, then that's great. If the State governments are keen to do harmonisation with absolute urgency, then that's great. But something has to happen.

BERNARD GOVIND: Thank you for the question. So, very helpfully, we have a report that the RSCA together with Woolworths commissioned with the McKell Institute, and that is referenced in our submission. That was released in February 2025. Appendix 2 of that document goes through and identifies the existing features of each of the schemes. It's very helpful. Our view on the various schemes is it's probably Queensland and Victoria that are the pick of the bunch. In terms of the scheme, I would recommend perhaps to look at one of those schemes as being the benchmark. I understand some people are leaning towards the Victorian scheme and others towards Queensland. I think that's where that falls.

The Hon. GREG DONNELLY: That's very helpful. While I have got you, Mr Govind, the alliance has been working now for a period of time—since 2020, when it was established. With respect to this tension between the Commonwealth having powers in it to deal with matters which directly impinge on the issues, namely the control of borders and immigration, you've got that complexity operating at that level. At a State and Territory level, you don't have those matters, although you do have workplace relations legislation at the Commonwealth level that may feed down into the State.

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My fear is that trying to get this comity across the States or to get Commonwealth legislation in place that comes in over the top could take—and I don't want to be pessimistic—many months, if not a year or two. Is it pragmatic for New South Wales to go hard and put something as robust as it can in place, perhaps accepting that we're not bound to deal with every last matter to the extent that it actually intersects with Commonwealth law, but then at least we've got something in place as a base to build on? Do you have a response to that? You can take it on notice, of course. That is really to any of the panel members.

BERNARD GOVIND: I would probably defer to Mr Cook's statement that we need something. If the Commonwealth Government can't get its act together in the sense of getting on with it—because I know initially the conversations about introducing a nationally harmonised labour hire scheme started back in 2022. It's three years down the track and we still are not there. To the extent that there is real urgency to this and to the extent New South Wales can move, if that drags the Commonwealth into this space, well, great. But I don't think we should be waiting for the Commonwealth to introduce harmonised labour hire licensing. New South Wales can and should take the lead.

The Hon. GREG DONNELLY: AMIEU, do you have a view about how we get cracking and get this done at least? At the end of the day, New South Wales is a third of the Commonwealth in terms of population and State GDP.

MATT JOURNEAUX: Yes, most definitely. I've got a position on it. Obviously, I am from Queensland. I'm the branch secretary of Queensland and Western Australia. I was heavily involved in the formulation and consultation with the State Government in relation to the labour hire licensing scheme up there. My suggestion would be that it remains a harmonised system and it has to work with workplace health and safety. But New South Wales could forge ahead and basically emulate the Queensland model and put it in place immediately. We're going to get somewhere if there's a Commonwealth harmonised system around the Queensland model, I would suspect. I think it's widely acknowledged amongst my colleagues and throughout the movement that Queensland and Victoria are the peak that's there at the moment. I don't think New South Wales could go far wrong by putting in a system like Queensland and then, when it becomes a harmonised system, just operating under that model.

The Hon. Dr SARAH KAINE: I said I wouldn't ask a question, but it has just come up. Is there the possibility that, in the meantime, New South Wales could implement something like a recognition of another scheme so that, with this rogue jurisdiction problem that we've become, if a labour hire company had been certified in Queensland or Victoria then we could accept that in the interim while we establish whether we're having a new scheme or whether we're having a Federal scheme? Is there not some kind of mutual recognition that we could more easily grab now and that's the first step towards a system?

MATT JOURNEAUX: My comments, I think, totally fit in with that model. You could claim the Queensland or the Victorian scheme and implement it at the Parliament's initiation. It really wouldn't be that difficult, I wouldn't have thought. I don't think there would be significant changes from either of those schemes because they're quite similar in the way they operate and what they do. But, certainly, the experience we had in Queensland was that it cleaned up the labour hire industry considerably as soon as the legislation hit the ground. There was a ready-made inspectorate within Queensland, and the inspectorate was extremely active. It got on the ground and really made it work.

We had situations in Queensland where someone would buy a mobile phone and start a labour hire company. There were workers at particular sites that had 30 or 40 other workers that they were a labour hire agent for. They were paying them significantly less than award rates of pay. They were buying houses locally and charging them exorbitant rent to live in those houses. The dangling carrot there was they were brought in under the 417 Working Holiday visa. If they do 88 days in a regional area, they get 12 months. If they do 176, they get a further 12 months. We would speak with these workers and they would say, "Well, I'm here for three years." Even with how bad it was, it was better than the country that they had come from. They were extremely vulnerable workers, and labour hire licensing certainly cleaned up that end of the labour hire market.

JUSTIN SMITH: I'd like to offer a completely different alternative—ban labour hire completely. Direct employment only.

The Hon. Dr SARAH KAINE: I did write that down.

JUSTIN SMITH: Labour hire in regional country areas is set up like this. You have a main office—mainly in Brisbane, let's say—and they employ one local person to be the manager for those workers. I'm going to talk about meatworks. They sit in the company's office and they pretty much don't do any more than organising accommodation and any issues that are raised outside of work. When it comes to day-to-day work, it's direct directions from that host employer. The only difference that would happen if you got rid of labour hire in regional Australia is that that manager would be employed by that host employer and they would continue to do their job.

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I've seen that. There's a massive meatworks in northern New South Wales that did exactly that. They got rid of their labour hire and they employed people themselves to manage those international workers or visa workers outside of the worksite to deal with their little complex issues, and that really tidied it up overnight. That would be your best way forward. I know it's probably way out there.

The CHAIR: I take your point with the meat industry, but we've also heard from the horticulture industry, where the work is much more seasonal and where having labour hire companies provides some flexibility, both for the workers and for the farms that may not need them all at the same time. The work goes up and down and then it moves from place to place. I take your point, but I'm not sure it would work in the horticulture industry.

JUSTIN SMITH: The only thing I would say to that is what were they doing before you had labour hire? Before mobile phones and internet, what were they doing?

The CHAIR: I think we had a lot of Australians working in them before we started taking people from overseas. That's another debate to have.

The Hon. GREG DONNELLY: Mr Journeaux, with respect to the Queensland development of its registration scheme, would you be agreeable if I put some questions on notice to direct to you—and, indeed, the other members of the panel? I have a great fear that this could just drag on and on. Earlier today we had employers or witnesses representing employers and growers talking about the early 2020s and pressing for, from their point of view, a registration scheme to try to tidy things up. It's glacial in New South Wales. In Queensland, do you have a sense of approximately how long it took to go from whoa to go to put this into place?

MATT JOURNEAUX: I will take the question on notice and give more detail, but my recollection of it is that it was probably about 18 months that it took from the initial discussions to the time the legislation was actually moved by Parliament. It is a process. But, again, I think a lot of that work has already been done. If New South Wales was of a mind, the Queensland legislation is there, drafted and passed, and working quite well. I don't think that glacial shift, as you put it, should be that glacial. It should be a little bit quicker.

The Hon. AILEEN MacDONALD: I address my question to Mr Cook and Mr Govind because it's with regard to access and support and justice for workers. You did address that, but I'm happy for anyone else to chime in. You said that workers are often unaware of their rights or afraid to come forward. What role do you think unions, NGOs and culturally appropriate services play in overcoming these barriers?

JONATHAN COOK: I think it's a very difficult thing for me, as a large white man with a beard, to go out to a group of Pacific island workers and expect that they would trust me off the bat from appearance. In my office we have a fantastic organiser named Latileta Gaga, who was previously a unionist in Fiji. We have fantastic delegates across the country—Ni-Vanuatuan, Timor-Lestean et cetera. It's about that same work as any other normal union organising—about making sure that people who can be trusted are educated and understand what to say to workers and how to help workers. I think a really important part of the PALM scheme is that it's actually written into the deed and guidelines that the unions do have a role in that, as do country liaison officers, as do other welfare services within the scheme. That is why it's such a huge improvement on the Working Holiday Maker scheme and the exploitation we saw under the 88-days scenario pre-2015.

BERNARD GOVIND: I had the opportunity—and the privilege, actually—to attend one of these worker forums up in Grafton a few months ago. It was people from a number of Pacific nations—people from PNG, from Samoa, from Vanuatu, amongst others. The largest cohort was from Fiji and Vanuatu. You could see the impact these joint forums were having because people were opening up and prepared to have conversations with the AWU organiser that had been clearly doing work with them, trying to build trust. I think it's difficult, as Jonathan said, just to walk in. People won't just tell you all of their issues and concerns, principally because of the fear of deportation. It's hard to break through that. We've been trying for many, many years to break through that, and it's difficult. As a union official, it's just about turning up and continuing to have those conversations—gaining their trust and reassuring them that there are protections in place to make sure that they are not deported, that they will be taken care of.

I saw firsthand the impact that was having, because there was a preparedness to have conversations. When you broke it up into little groups and started having conversations, it was stories being shared about 20 people living in a house, but the union was able to have an impact in making representations and people were given suitable accommodation. There were tangible outcomes and wins that the union was having that could show our Pacific island workers that there can be a real and tangible impact made. I don't think there's a silver bullet here. I think there's a whole range of issues, but it's about continuing the engagement, winning their trust and then having a quick, efficient grievance process to address those issues. Because it's one thing to bring them forward, but they've got to be addressed and tangible improvements made to their working and living conditions.

The Hon. AILEEN MacDONALD: Anyone else?

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MATT JOURNEAUX: I could make a comment. The meat industry—obviously, through the PALM scheme they're mainly long-stay PALMs, so they're here for four years. Really, our structures on site—or our existing structures—wrap their arms around them and support those workers. We had situations where workers were coming in and they didn't even have a bank account. Our onsite delegates were taking those workers to the bank and setting them up with bank accounts and all of that, and that's an absurd situation. That should be the responsibility of the employer.

Through the PALM deed and guidelines, that has significantly improved. But, again, the CLOs have a role to play in that as well. We've had situations where CLOs have actively discouraged PALM workers from joining the union as well—that it was bringing shame and that on the country that was sending those workers here. Again, I think it's a bit more of a holistic approach between the sending countries, the CLOs, the onsite delegates, and having access to those workers, as well, instead of those workers being actively discouraged from engaging with the union. There needs to be a mindset and a change where those workers are actively encouraged to participate in the union and be a part of that.

The Hon. AILEEN MacDONALD: My next question was with regard to cultural and language barriers. It's about engagement and continuing to show up, but it could still prevent temporary migrant workers from reporting abuse. Have you trialled or observed any particularly effective models for building trust and engagement in the communities?

THOMAS COSTA: At Unions NSW, we, as part of the Visa Assist program, conduct a considerable amount of outreach with migrant communities. We have over 100 migrant activists working with us to do that outreach. All of those activists are migrants themselves. They're all bilingual or multilingual, and they engage with their own communities in order to conduct the outreach. We do find, as others on the panel have said, that migrant workers are shy or timid to come forward to people that don't understand their language or their culture. A lot of that, in some cases, is to do with the fact that they don't trust authoritarian figures or governments because of where they come from. In other communities, it could be as simple as they are nervous about their visa.

We do understand that the priority for most migrant workers is maintaining their visa status, and they are always concerned that engaging with any form of organisation or institution may jeopardise that. It's very important to build trust early and quickly so that you can communicate with these communities so that they are not worried about their visa, and you can then refer them to the appropriate services and give them the appropriate support. As I said in my opening submission, one of our recommendations is that we do need better multilingual and culturally appropriate pathways for people to engage in when they are engaging with services in New South Wales and also in Australia more broadly.

It has been a problem that we've recognised with the Fair Work Ombudsman, which is a national body, that it doesn't have—it has translators, but these translators are very formal. They are essentially legal translators. They are not people that have the appropriate cultural understanding of the communities and that can communicate in a real-world way that builds trust. We can do that, and we do do that with our activists. But we do need to see that in more government services so that when we're engaging with the Human Rights Commission, or we're engaging with the Industrial Relations Commission or the Fair Work Commission or any other Safe Work Australia appropriate service, these people are able to build trust and able to communicate the problems that they are experiencing.

The CHAIR: I have one point which you may take on notice. Mr Cook, you described the current PALM scheme as actually being a significant advance in the way it's currently working in terms of protecting workers, although all of you have pointed out areas where it certainly can be improved. I thank you for your evidence. But it is important to come to this point because previous evidence we've received has pointed to a decrease in PALM workers. You mentioned that that may be due to changes in labour banking, but there's a concern that that would shift people to Working Holiday Maker, which is less regulated. In fact, in your submission from the meat industry you've made that comment. If we focus reforms around labour hire on the PALM scheme in particular, will those changes also have a benefit for Working Holiday Maker? What else do we need to do to ensure that by tightening up in one area, we don't simply drive unscrupulous people to seek a workforce outside the PALM scheme? I don't know whether you want to make reflections on that or take it on notice.

JONATHAN COOK: I'm happy to take it on notice, but also give you my very—we've thought about this a lot. As a union, there's been a lot of disagreement in the PALM scheme about the hours for workers. The Federal Government has made two changes. One said short term should have 30 hours every week from 1 July 2024. They then delayed that to 1 July 2025. In the start of this year, they've now delayed that again to 31 March 2026. A large argument that was put up by the growers and their representatives was, "If you don't take away this 30 hours, we will use Working Holiday visas because it's cheaper." They weren't quiet about that. They said that very loudly. I think even the NFF have said—and the AWU and the NFF don't normally agree on things—

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that they agree with us that some change to the Working Holiday visa must happen. I think the proposal that they're publicly on is something similar to PALM, in terms of an approved employers schedule, or some similar structures to enable horticulture to remain able to use Working Holiday Makers, but also give them the protections the PALM scheme has.

I think that that work has to happen and this Committee should look at what recommendations it can put forward to the Federal Government about making sure that, in your jurisdiction, the good of the PALM scheme is not undercut by the bad of the Working Holiday Maker scheme. It is essential that those workers on a Working Holiday Maker have options for how they go about it. We've seen more and more of those workers going out of agriculture and into an industry like mining because they get better wages and conditions in mining than they do in agriculture. Any suggestion that the changes that happened for the British backpackers didn't see more people going out of agriculture is just plainly false. The figures have shown people don't go back to agriculture. It is just because the specified work requires them to go into agriculture that they use it.

The CHAIR: That will be the end of our questions for now. But if you have some more information on how we might tackle that pretty important issue, it would be appreciated. We'll make that a supplementary question. I think it is a really important issue. I thank all of the witnesses for coming today and for your evidence. The secretariat will contact you in relation to any questions on notice, and I'll assume that you'll be happy to answer those and any supplementary questions.

(The witnesses withdrew.)

(Short adjournment)

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Mr JOHN HARVIE, Mayor of Murray River Council, sworn and examined

Mr NEIL GOREY, Deputy Mayor of Murray River Council, affirmed and examined

Mrs HELMA GOREY, Individual, appearing alongside Murray River Council, sworn and examined

Councillor KHAL ASFOUR, Vice President Metropolitan/Urban, Local Government NSW, sworn and examined

Mr DAVID REYNOLDS, Chief Executive, Local Government NSW, sworn and examined

The CHAIR: I welcome our witnesses. Thank you very much for coming to give evidence today to the panel. Would like to make a short statement on behalf of your organisations to start with?

JOHN HARVIE: Mr Chair, thank you very much for the opportunity to be here today to put these matters before the Committee. We really appreciate it. What we have found within the Murray River local government area, which is situated on the Victoria and New South Wales border, is a situation where we have an unscrupulous person or group of people who are currently luring unsuspecting people to Australia with the promise of full-time work, really good wages, good accommodation and to be well looked after. What we actually have is this person bringing people into our local government area from the Philippines and putting up to 18 people in a three-bedroom house with one bathroom, toilet and one kitchen and one washing machine. These people don't get full-time work. They sometimes don't get any work in a week. They get a couple of days' work. By the time rent for their place in this house is taken from them, they barely have enough money to survive, let alone repay their family who gave them money to come to Australia to take advantage of this "fantastic" opportunity.

The other thing is that these people were brought out on tourist visas. They didn't know that they couldn't work on tourist visas and, when they arrived, they were put to work where none of that payment was done lawfully. There was no tax paid on those payments. They were then told that they had to get a different type of visa which would make it easier for them and they got a temporary protection visa. But that visa doesn't allow them to go home. Some of these people that we're talking about that I've met and spoken to—they have young children back in the Philippines. They can't go back there to visit them because, in doing so, they would not be allowed back into Australia on a temporary protection visa.

We've had a young lady whose father passed away in the last month and she was not able to go home for that occasion to farewell her father. This is just totally unacceptable. What we would like to see is the system upgraded in some way to protect these beautiful people from being used, humiliated and trapped in a foreign country. We would like to see how that can happen. When we put our submission in, we weren't totally aware of the situation around visas, and so some of our recommendations there may not be totally pertinent, but what we'd like to see is these people get some assistance to get onto the right visa so that they can go out and earn money, live a good life, and send money back to repay their debts in the Philippines. Thank you.

The CHAIR: Would Mr Gorey or Mrs Gorey like to make any comments at the start?

NEIL GOREY: Probably not really. I'd just sort of mention these operators—yes, they do work illegally. I'm not as kind as John. I call them human traffickers because they bring people here under false pretences. They advertise on Facebook. They work with travel agencies within the Philippines to bring these people across. It could cost \$7,000 or \$8,000 by the time they arrive in Australia, but everything with these traffickers is transactional. They paid \$140 dollars a week for accommodation. With 18 in a house, do the maths on that. They're making good money there. They charge them for their visa applications. They charge them for everything. They charge them to get a job. But what I'm seeing here today, the main issue I'm seeing in this room is about the PALM scheme. I know it's not working well, but that's a regulated scheme. What we're dealing with is something completely different. It's a real scam.

I'll close now. I'll leave that to the questions. I think within our submissions that we've given a fairly good outline of what's going on. Perhaps the only thing I probably missed in the submission was that there's another problem here as well. Some of these are people applying for tourist visas to come to Australia. They're not even making it through the airport in Manila. They're offloaded in Manila. They may have paid \$7,000 or \$8,000, which for them could be two or three years salary, and they get offloaded at the airport in Manila. What do they do for the rest of their life? Basically, all their wealth has gone. Their family's wealth is gone. It's an international issue here.

KHAL ASFOUR: Thank you, Chair and Committee members, for the opportunity to appear today. I'm a councillor on Canterbury Bankstown but also the Vice-President—Metropolitan/Urban of Local Government NSW, which is the peak body for councils. I'd also like to apologise for the president, Mayor Phyllis Miller, OAM, from Forbes, who unfortunately is unable to be here today. Can I firstly start by

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commending this Committee for examining the risks faced by temporary migrant workers in rural and regional communities. I acknowledge the amount of work already being undertaken by the Government and the NSW Anti-Slavery Commissioner to address modern slavery.

Local governments represent and advocate for their communities and provide services tailored to the unique needs of their communities within the constraints of available resourcing. Councils are committed to fostering safe, inclusive and welcoming communities. However, the Pacific Australia Labour Mobility scheme, the PALM scheme, has played a vital role in sustaining local economies by addressing critical labour shortages in key regional industries. These workers are not only essential to the functioning of local businesses; they also contribute to the broader economic vitality of rural and regional New South Wales. However, instances of exploitation have led some workers to disengage from the program, placing additional pressure on community services for housing, food and welfare. In response to these pressures, councils have stepped in, providing in-kind venue hire, referrals and support to community groups and NGOs assisting vulnerable workers.

But this often stretches the already limited local resources and represents a form of cost shifting within councils, and NGOs are being compelled to take action in the absence of State and Federal governments doing so. Councils have also received complaints and anecdotal reports of safety concerns involving temporary migrant workers, seasonal workers and backpackers. We think a collaborative approach to temporary migration is needed to ensure the safety and wellbeing of both the temporary migrant workers and the host communities that they live in. Some councils host awareness programs on modern slavery, including forced marriage, dowry abuse, servitude and indebted labour. More government-funded programs are needed to educate communities and provide clearer pathways for reporting and for support.

Local Government NSW wants to help prevent exploitation and promote community safety. We urge the New South Wales Government to work with the Federal Government to provide training and awareness-raising campaigns on identifying and responding to modern slavery; address service gaps through targeted funding; ensure access to adequate housing, safe employment, language services and cultural and religious support; and, finally, invest in social cohesion initiatives as temporary communities become more established. Thank you.

The CHAIR: Thanks, Mr Asfour. Are you all right, Mr Reynolds?

DAVID REYNOLDS: Yes, thank you, Chair.

The CHAIR: I might hand over to the Deputy Chair, Ms Leong, for the first questions.

Ms JENNY LEONG: Thank you, Chair, and thank you all for joining us. I guess I wanted to take up your comments, Mr Gorey. I appreciate there has been a lot of focus on the PALM scheme, but I recognise that there are a lot of other risks that exist for temporary migrant workers in rural and regional areas. I wonder if you might all comment on the submission—or the recommendation, indeed—made by the Murray River Council in relation to the role of local councils being able to conduct welfare checks within potentially the first month of employment and then required thereafter, as a potential on-the-ground way to ensure compliance?

With that, we've heard a lot about the issues around certain very problematic employers, but also the really challenging situation with accommodation, as identified by you, Mr Harvie. I note the local councils have a role to play in my area, which is very inner city Newtown, in regulating and monitoring boarding houses. I wonder if Local Government NSW in that sense has any thoughts around potentially the role that councils could play in terms of not just welfare checks but also potentially in regulating and monitoring the accommodation and those kinds of elements. I am really keen to hear from all of you, and particularly Mrs Gorey—anything that you'd like to add in relation to that would be very welcome.

NEIL GOREY: Can I respond to that?

Ms JENNY LEONG: Please.

NEIL GOREY: The problem for council is that—and note that we live in a border area, so we've got the Victoria council and the New South Wales council involved here—to inspect the housing, they must give three days notice, so it's not unusual for 18 people, or, say, 15 to 18 people to move out at 12 o'clock midnight. That's how they do it—they just keep shuffling houses, or move them in the shed. I've spoken to council on the Victorian side, but they just can't do anything about it. They're aware of the situation, but they'll go and check the house: Okay, it's got a bathroom, it's got three bedrooms and it meets all the criteria for safe housing, but they cannot control the number of people living in that house.

JOHN HARVIE: If I can just comment on our recommendation that welfare checks could be conducted by local government officers within the first month, and as required thereafter, there are some issues with that. We would, number one, have to be notified that we had migrant workers coming into our area.

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Ms JENNY LEONG: Indeed, which you're currently not. Is that correct?

JOHN HARVIE: We're not. That's correct.

Ms JENNY LEONG: Sorry to interrupt you, Mr Harvie, but just to get that on the record: The Murray River Council isn't aware of how many migrant workers, or PALM scheme workers, or indeed any other type of temporary migrant workers you have working in your council area?

JOHN HARVIE: No, we aren't. We did have a meeting with Regional Development Australia Murray last week and they do have some figures around people who are participating in the DAMA scheme, which has been expanded out of the Orana region to cover quite a large portion of New South Wales, including Murray River Council. But just going to the local government officers, my colleagues from Local Government NSW and I have been fighting against cost shifting between levels of government.

Ms JENNY LEONG: I hear you.

JOHN HARVIE: But in relation to this, this is a matter of extreme importance. We have human lives that are being destroyed. Someone has to be responsible for that. This was a very quick solution from our perspective. We have what we'd call rangers and people like that and, with a bit of training, those people who go out into the community to look after other areas of our service delivery and so on could very well, if we were informed about people moving in, go and do a welfare check. But I think as Councillor Mr Gorey pointed out, there is a certain amount of notice that has to be given, and of course people get moved around. Fortunately, our council, through the good work of Mrs Gorey and Councillor Neil Gorey, have made contact with people within their community and given them some safe haven, and a group of people to be able to talk to, to try to help them. But I think, in this case, our council certainly would be willing to provide some inspection service and follow-up.

Ms JENNY LEONG: Does Local Government NSW have a view on that?

DAVID REYNOLDS: Thanks, Mr Chair and the Committee, for the opportunity. Certainly we do. Councils, as you know, effectively become the safety net at the bottom of the system for people in these types of communities. So clearly a role for—

Ms JENNY LEONG: Or at the top, if you put community first, Mr Reynolds.

DAVID REYNOLDS: I take your point, Ms Leong. Certainly those councils who think broadly about it, such as the City of Sydney or Leeton, have brought motions to our annual conferences in the last few years dealing with exactly these issues—dealing with, firstly, seeking better information so that councils can be better aware of who's in their community, as Mr Harvie and others have pointed out, then, of course, seeking that the different layers of government perform their role and perform it well in the communities. If there's a role for the national government to perform a service, then the State, and then the council may be more close to its community, those should be respected and acknowledged, but also they should be funded appropriately.

I think that's where the other points here really hit the ground. Councils know their communities best, but we're not necessarily yet resourced and trained to be able to adequately perform the services that these types of challenges place on our communities. I think Mr Harvie speaks for the willingness of the sector to help and to do well by its communities, but the skill of our officers and their ability to act, enforce or guide under legislation may need to be thought about as well. Obviously, their safety needs to be considered.

If they're going into those circumstances too, that has to be thought about, but then education for both those staff but also community members, just to pick up the signs of where help might be required. That's subtle and not always terribly obvious, but we think there's a role there for more education and training—perhaps through the councils for their communities—around these types of issues which exist. As we've said in our opening statement, we're very supportive of labour forces coming into communities to help local economies. We need that economic generation, but we want it to work well. We don't want that benefit to be at an individual or human cost that can't be met.

Ms JENNY LEONG: Mrs Gorey, I appreciate you having the opportunity to be able to come here to speak to us today and offer your perspective. If you were to suggest what things could be done right now to assist people locally, what would you see as the key things that would need to be done?

HELMA GOREY: I hope that there will be a proper visa for the people who are already here and coming in. I also hope that traffickers will be arrested and given strong punishment, to ensure accountability and to stop them exploiting more people.

Ms JENNY LEONG: I appreciate it might be difficult to answer this from the Murray River Council's point of view, but my suspicion is that people in your local community know where the problems and issues are. It's just a matter of whether or not the action can be taken and how we go about that. Where is the power lacking

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to be able to address the issues? Is it an issue, as Mr Reynolds points out, of education and training? Is it an issue of fear of speaking out? Is it an issue of everyone needing to turn away because there is a demand for labour and there's a labour shortage? What do you see as the big challenge here?

NEIL GOREY: It's something I'm quite happy to answer—

Ms JENNY LEONG: Or is it capitalism? Where is the power that is actually stopping people from being able to seek support, from your perspective?

NEIL GOREY: The problem I see is—I actually lived in this community for five years. It wasn't until my wife, Helma Gorey, got a job in the horticultural industry that I suddenly realised what the problems were. Where I live, you see Asian people—high-vis vests on, that sort of thing—at the supermarket. You think they're all doing well. They're smiling; they're happy. But when, through Helma, you started to know these people, it was a completely different story.

The other problem with the housing is the housing they supply to these migrant workers is not reactive to the work available. Once a house becomes available, they bring them in on stream to fill that house. Suddenly they've got—"Okay, we'll bring another 18 in now." The other problem is, as well, I look at these houses and a lot of these houses are below living standards. They're very cold. Imagine someone coming from a very temperate climate and our winters are freezing cold. We had one degree yesterday. They don't turn on the heating. There's one thing I can't remember that I was going to add to that, but that is a problem anyway.

I don't think many people in the community are aware. I think sometimes the people who provide these houses—even though they're probably making a lot of money, the average rental in this area could be, say, a three-bedroom house for \$450 a week. They could be making \$1,800 a week. But then, at the same time, the house owners—they're working through these traffickers—probably feel that they are assisting the migrant community by supplying them with bedding. But the actual fact is they are encouraging the mistreatment of these people, because you provide an old house and they'll just bring in more people who will be maltreated. I think it's a sleeping issue that the community are not aware of.

The CHAIR: Mr Gorey, Mr Harvie and Mrs Gorey, have you got any idea of the extent of the problem in your community? I presume this is just the tourist visas, because they're not going to come through. No-one's going to know about the tourist visas through RDA. You've referred to people coming in on tourist visas. Do you have any idea of the extent of it in your community—how many people might be affected?

NEIL GOREY: Can I just say one thing. I think Helma should speak to this but, when you see some of the Facebook posts when they're advertising jobs in Australia, they get 800 likes and then a request to private message. That gives you an indication—

The CHAIR: Of the demand.

NEIL GOREY: Yes.

HELMA GOREY: Yes, and then they come here on tourist visas. Then, because the visitor visa has no working rights, so that they can work, the traffickers apply for a protection visa under their names. Then, when they've got the work rights, that is the time that they have the rights to work.

JOHN HARVIE: If I can just say, this group recruits people and sends them all over Australia. It's not a small group just operating in our area in Murray River Council. The employers—when I was talking about the DAMA, Murray River Council put a forum on last week and brought in people who know about the system of bringing migrant workers to Australia legally, and their responsibilities and the rights that migrant workers have, so that we could get that out to employers.

Now that the DAMA has been expanded in New South Wales, we had four fairly large employers there last Friday. These are people one of whom I know was approached and provided workers by these unscrupulous people. Through the intervention of my colleague Mr Gorey and Mrs Gorey, that employer became aware of the racket that was being put on and disassociated themselves from it. They were one of the companies that are now signed up to try to be included in the DAMA program so that they can bring in workers in a legal way and provide them with good accommodation and treat them like human beings, to be honest.

The Hon. GREG DONNELLY: I understand fully the Murray River Council's desire at a local government level, when they can see firsthand the terrible exploitation that is before them in the community—right down to the very specific examples, which I'm sure in some cases are quite egregious. But if I could flip it over and explain it this way, in terms of the work that we do on the Modern Slavery Committee, over the years we've had evidence that in tackling examples of exploitation, there are challenges in getting the Commonwealth area—namely, Border Force and the whole issue of visas and migration, working in sync with the Australian

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Federal Police, which has jurisdiction in this area, working then with the State jurisdiction and the Police Force at the State level.

I don't use this as a specific example to be disrespectful, but I've heard of examples where there is tension between the police jurisdictions. A time is set, for example, to do "a raid" and they've got their time mixed up, so one of the police forces turns up an hour after the whole thing has been done. I don't use that as a frivolous example but to make the point that if we bring the local government—the third layer of government in Australia—into this, I'm struggling to work out where the resources are going to come from to enable you to knit into what is already a complex arrangement on these issues of people coming in from overseas.

How does that get integrated? I understand the compassion to want to do something when there's something terrible in plain sight. Clearly you're doing something at a very meaningful level of engagement, but if you move from one council and look at all the councils right across the State, it strikes me that it's an enormous challenge to think how the resources could get put in to enable them to play, dare I say—and I don't mean to be disrespectful here—a meaningful, integrated part in what is required to tackle this issue from a macro perspective.

KHAL ASFOUR: Mr Donnelly, I'd say that clearly local government doesn't have any police powers, but we do have compliance powers. Every council is different, but the compliance powers is where we can be enacted to be able to help with this issue across the State. There are tools that the Anti-slavery Commissioner of New South Wales has put in place for businesses. However, it doesn't work as well for local government, due to the different taxonomies of each council. Local Government Procurement and Local Government NSW have been thinking about this, because not only do we have the problem that we have now, but there are issues with supply chains that we need to look at and guidelines we need to follow. There might be some work done by the State in helping us do that across all the councils in New South Wales for all the different type of anti-slavery issues that are coming up, not only the types of stories we're hearing about here now, but also in the supply chains and other sorts of issues like the PALM scheme and so on.

While we can't come down and raid, I do think the compliance powers are there and can be enhanced to be able to allow us to report these things better, to understand them happening in our communities better, and to allow councils to maybe work with their local businesses that require temporary migrant workers. That could be done in a number of ways—and this is the piece that Mr Reynolds was talking about, the education piece—to be able to go in and understand that this is how we can deal with this, this is where we need to report it, this is how we can investigate it, along those lines. At the moment it seems to me that it's an issue. People are aware of it but they don't know how to tackle it. It's affecting these temporary migrant workers in a way that we can't even imagine.

The Hon. GREG DONNELLY: The purpose of my question was to be a bit provocative, to sort of push. I think that started to take shape then with your answer about enforcement powers at the local level. Thank you very much for your commentary in your submission, on pages 6 and 7, which goes to the matter of Local Government Procurement. There is clearly skin in the game which already exists with respect to local government. I'm wondering, in terms of fleshing out these ideas that are there obviously being cogitated over by, at the peak level, the body but also by councils that are particularly focused on it because of local egregious examples of exploitation going on, is this being worked up into, dare I say, a blueprint or a framework of sorts, of what the actual areas of activity would look like around local councils? If that's been done, is that available to have a look at on notice? Or is it part of the iterative work being done by the peak body to gather details from the councils to effectively come up with a set of parameters around what local councils could, and perhaps should, do?

DAVID REYNOLDS: We're doing it in a couple of ways, but firstly I would say again that this is an area that councils are stepping into because others are not in it. We're looking to help our communities because the current schemes are not working, so we're having to yet again step into space that wouldn't naturally be council territory around these issues. But we're trying to do that well. I think you're hearing from Mr Harvie today. You'll hear from some other mayors or organisations in the sessions after us that are perhaps starting to do the work that you're talking about, which is looking at cooperative efforts in particular regions to maybe address some of these issues on a broader scale. We're watching that closely to see whether there's a broader industry response that's needed. You'll see in our recommendations, though, that we're at the point of really trying to grasp the nettle practically in terms of funding for training and awareness, funding for education and funding for maybe further toolkits for councils—

The Hon. GREG DONNELLY: I saw that. That was very good.

DAVID REYNOLDS: —so that we can be both good supporters in communities but also good business citizens in the way that we procure and obtain goods and services as well. Councils have responsibilities under modern slavery legislation. As a key industry player, Local Government Procurement has taken the initiative and

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done a good amount of work there around helping councils try to understand that, firstly by exploring and understanding their risk levels but then also managing those through procurement. At the moment that's the industry space that's been activated, and links to that are available in our submission. If there are further questions from the panel, either today or on notice, we're happy to deal with those, but we're very in tune with the members who are feeling this responsibility for their community and trying to give voice to that at the moment.

The Hon. GREG DONNELLY: Nothing I said was meant to diminish or, in fact, depreciate what is a very human response. With respect to Murray River Council, beyond the work you've done addressing this egregious behaviour of treatment of people that has been observed, what has that involved in terms of dealing with the NSW Police Force, if at all, the Australian Federal Police, if at all—and, once again, I'm not reflecting if you haven't done it—and at the national level with, for example, Border Force? Or have you been focusing on what you can do?

NEIL GOREY: I can't disclose that.

The Hon. GREG DONNELLY: That's okay.

NEIL GOREY: Obviously we've taken that responsibility. Obviously, as you know, it's confidential, but we've had no feedback either. Can I just add as well, though, that—as I think my wife, Helma Gorey, has stated—probably up to about 80 per cent of the migrant workers in our area are on bridging visa A while applying for a protection visa, so they're not under the PALM scheme. My other greatest fear is if we stop these migrant workers coming here illegally, our whole area could implode. We will have a worker shortage. So that's another issue as well.

The Hon. GREG DONNELLY: That's a very important point.

JOHN HARVIE: Can I just say that this person that we talk about lives in our community. He is a Filipino national. His wife lives in the Philippines. They work in tandem to bring these people out here. Again, I can't say what other stuff the council has done, but at this stage it hasn't been fruitful. Where we're coming from, I guess, is when Neil and Helma brought this to my attention and we brought it to the attention of council, council asked us to make a submission. We are completely looking at the welfare of these people. Our concern is for them for the future: Can we get them onto a visa that allows them to work in this country as they were promised, and go home to visit their children and their family, and come back to resume their work? That's what we'd like to see.

The CHAIR: I thank all of the witnesses for their evidence today. The secretariat will contact you in relation to any questions on notice. I presume that you'll be happy to answer them. I know there will be some questions on notice, because we didn't have time to get to Ms MacDonald's question. We shortened the period of examination because of the scheduling today.

(The witnesses withdrew.)

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Councillor DALLAS TOUT, Mayor, Wagga Wagga City Council, and, Member, Mayoral Alliance for the Pacific, sworn and examined

Mr ALEEM ALI, Chief Executive Officer, Welcoming Australia, sworn and examined

Mr KEN DACHI, Coordinator, Welcoming Australia, before the Committee via videoconference, sworn and examined

Councillor GEORGE WESTON, Mayor, Leeton Shire Council, before the Committee via videoconference, sworn and examined

Mrs JACKIE KRUGER, General Manager, Leeton Shire Council, before the Committee via videoconference, sworn and examined

The CHAIR: Welcome to the witnesses today. Thank you very much for making time to give evidence to the inquiry today. Would you like to begin with a short statement?

ALEEM ALI: As the Committee may know, approximately 6,000 of the Pacific Australia Labour Mobility workforce is based in New South Wales, making this State the second largest PALM scheme recipient. Nationally, 7,000 workers are reportedly disengaged from the PALM scheme, and the New South Wales Riverina hosts approximately 1,000. Disengaged PALM workers present an enormous challenge for New South Wales regional and rural local government areas. Communities in the Riverina have built a reputation for welcoming newcomers, with a strong network of service providers and community champions providing support and working to find solutions. The Mayoral Alliance for the Pacific, co-founded by Welcoming Australia and Leeton Shire Council, and representative of more than 17 LGAs across the country, aims to equip local councils to engage more effectively in the PALM scheme and deliver better outcomes for communities, employers and workers.

The alliance discusses, develops and promotes a cohesive local government voice centred on the benefits and challenges of the scheme to ensure better economic, social and cultural outcomes for all stakeholders. While collaboratively advocating for constructive solutions for disengaged workers, our collective voice seeks to amplify and enhance the likelihood of attaining improved outcomes for workers, local communities, employers and diplomatic relations. This hearing presents a timely opportunity for Welcoming Australia and the Mayoral Alliance for the Pacific to share our experiences and propose potential solutions. These solutions will strengthen the scheme's delivery and save lives if implemented swiftly.

DALLAS TOUT: Basically, that's our coverage opening statement. This alliance was set up in the last several months from a groundswell of information that councils are receiving, and we contacted Welcoming Australia. It's fantastic that we're able to have this joint venture and the mayoral alliance happening. I'm not going to say any more because I'd rather get questions.

GEORGE WESTON: Like many rural communities, Leeton's agriculture and manufacturing sectors increasingly rely on Pacific workers to meet critical workforce needs to succeed. To succeed, the PALM scheme needs to work for employers, employees, the workers and the host communities. In the last couple of years, we've been aware of the opportunities for exploitation of PALM scheme workers who are becoming disengaged from the scheme. They're typically disengaged in other States—usually due to overwork, underwork or unacceptable living or social conditions—and then find their way down the western Riverina to hopefully get better jobs and lifestyles in our area.

As a hugely productive irrigation and agriculture manufacturing area, our region tends to require workers all year round. Once they're engaged, some workers become exposed to and have been exploited by unscrupulous agents and/or landlords. They are also left vulnerable when they have no access to health care. As a council, we believe there needs to be a policy change and a different investment rating to arrest exploitation risks. One way is to help disengaged workers return to the scheme as a legal worker; it's imperative to close down the primary opportunity for exploitation. Secondly, to make the scheme more flexible to support and better fit workers and employers, for a worker to be able to move between jobs without the threat of becoming disengaged.

Thirdly, do more to prepare employers and workers for the scheme, and making labour hire companies more accountable. And, lastly, fund local communities to welcome new migrants, undertake settlement support and troubleshoot any emerging issues between workers and their employers or their landlords. Having eyes and ears on the ground and readily available local services is the key to avoid the risk of modern slavery. Local government is best placed to do this with funding support from the State and Federal governments.

The CHAIR: Mrs Kruger, do you want to say anything at the start?

JACKIE KRUGER: No.

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The CHAIR: Mr Dachi, do you want to say anything?

KEN DACHI: No. It's consistent with what Aleem read out.

Ms JENNY LEONG: In terms of the Mayoral Alliance for the Pacific, are there any mayors or indeed provincial or local government representatives from any of the Pacific nations on this, or is this an alliance of Australian local government representation? I'm just wanting that to be clarified, because a mayoral alliance for the Pacific sounds like it would involve Pacific representation, but it appears that's not the case. Maybe, Mr Ali, you can explain a little bit more about that.

ALEEM ALI: It's just mayors representative of Australian councils who have PALM workers in their communities and are concerned about ensuring better outcomes.

Ms JENNY LEONG: Is there any liaison between MAP and elected representatives in home countries?

ALEEM ALI: Yes, there's liaison with the CLOs—the country liaison officers—the heads of mission and also various representatives in those countries, as well as directly with employers who are hiring from the Pacific.

Ms JENNY LEONG: My second question was just I'm really keen to hear the perspective that you have in terms of the regulation on the companies that are employing PALM workers and indeed those engaged in the PALM workers scheme so, potentially, labour hire companies but also recruitment agencies in home countries. I guess the first question is what regulation exists of those companies. If you as the mayors in this alliance are seeing indeed problems with certain companies, certain labour hire firms or certain recruitment elements, where do you report those back to raise concerns such that they wouldn't be accredited in the future? Or is there no such accreditation for that kind of process?

ALEEM ALI: I'll defer to the mayors in the second half of the question. The first part, the companies are regulated under Australian law. Part of the challenge is the split system across three Federal Government departments. We've recently been appointed to the Commonwealth, State and Territory consultative group for the PALM scheme. Outside of the Australian Local Government Association, we're the only non-government entity on that scheme. That group meets this week for the first time, so there will be a body where we'll have the opportunity to raise specific concerns. I might throw to my colleague, Ken Dachi, if he wanted to add anything to that.

KEN DACHI: What I would perhaps add is that the mechanism for seeking redress is unclear as of now. But there are efforts, I believe, in the top sphere of government that's responsible for the scheme, and that's the Department of Employment and Workplace Relations, the Department of Foreign Affairs and Trade, alongside Home Affairs, to try and simplify the pathway for escalating arising situations.

DALLAS TOUT: To me, it's higher than that. Your question is specifically on the employment agencies, but it's a systemic issue. That's where the mayoral alliance, Welcoming Australia, have been able to achieve something. That group hasn't come out of nothing. That's come because of advocacy and talking to Federal Government about the issue of having three Federal departments overseeing the PALM scheme that has huge numbers in it. That was one problem. Then the next biggest problem—which I'll hit in case I don't get another question—is in relation to the contract that was let by the Federal Government.

I know I'm talking to a State Government committee, but we'll talk to anyone who can advocate to anyone to get some solutions in this space, because it all feeds through to the issues you've been talking about here and when I was listening to the previous group. The contract that was let is just insane, for want of a better word. Most of the PALM workers are in regional areas, and the contract was let—you can go on the website and have a look. I know I can't name a company because I'm not allowed, because I watched your training video—but the contract that was let, it's metro based. There's a toll-free number. That's it. If you're a worker in trouble, that's all you've got for support, so one of the main systemic issues is that. The resourcing to support PALM workers should be placed in regions. The people need to be in the regions. Then all the things you're talking about with employment, labour hire companies, people who could tend to disengage, those people would be in community talking to people like myself, and other mayors and other community organisations, and that would resolve a lot of the issues.

The CHAIR: Can I just clarify. That's the organisation for providing the support that you've just referred to. The committee that's just been set up that the MAP joined, what's that called again?

ALEEM ALI: It's the PALM Commonwealth, State and Territory consultative group. It's been formed by the Federal Government and convened through DEWR. Commonwealth, State and Territory consultative group.

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Ms JENNY LEONG: Sorry, I don't mean to put you on the spot, Councillor Tout, but I'm just not clear in the context of this conversation. I appreciate maybe other members are more clear. I'm just not sure why you can't name the contractor that's currently—

DALLAS TOUT: I watched the video, and I thought it said you couldn't name a person or a company.

The Hon. GREG DONNELLY: Parliamentary privilege applies.

The CHAIR: Yes, parliamentary privilege does apply.

Ms JENNY LEONG: I just am really concerned. If we're dealing with these kind of issues and then our witnesses don't—

DALLAS TOUT: You can go on the website. It was done on a State basis. The ultimate company that provides New South Wales I think is Community Connections.

Ms JENNY LEONG: Okay. Thank you.

DALLAS TOUT: Sorry. But that's not a Community Connections issue. It's a systemic issue.

Ms JENNY LEONG: No, I hear that, totally. That's why I was concerned because it sounded like it was an issue with the way these things are being resourced, rather than an issue with an individual company. Thank you.

The CHAIR: Mr Ali, you mentioned there was a thousand workers in the Riverina-Murray that have been disengaged from the PALM scheme. They come from all over Australia, so it's actually not really specifically to do with organisations, farms, industries in Riverina-Murray. They actually have ended up there from right across Australia. Is that correct?

ALEEM ALI: Ken, did you want to comment on that?

KEN DACHI: Yes. We need to understand two issues here. There are triggers for disengagement within the PALM program. Then those are exacerbated by the second half, which is the arrival of disengaged workers to particular geographies of which the Riverina is one. It is a twofold way of looking at the issue. There are triggers of disengagement, and then there are factors that exacerbate the vulnerabilities that are already there when someone is disengaged. That's what we've been experiencing in the Riverina. The Riverina as a whole—I don't believe, based on the evidence so far, and experiential learning from lived experience—I don't think anything domestically within the Riverina is a trigger for disengagement. But the overall experience of vulnerability that's already at play from the regions where these workers are disengaged is further exacerbated once they come into context, because then there isn't any level of control, there isn't any level of legislative tools that can be applied to address those vulnerabilities.

The CHAIR: Thank you. I'll come back to pursue that a bit further.

The Hon. AILEEN MacDONALD: Thank you for attending. Has the alliance gathered any case studies or testimonials from disengaged migrant workers and, if so, what themes have emerged regarding their lived experience?

ALEEM ALI: We produced a research paper late last year which we presented to Minister Conroy at Federal Parliament. Ken has been working on the ground in Leeton, so apologies for continuing to defer to him, but he's best placed from our team to respond to that question.

KEN DACHI: I'm also mindful we have senior leaders from Leeton who can add on to what I'll share. Our experience within that Leeton-Griffith belt of the Riverina, as far as interacting with disengaged workers, most recently, was about a fortnight ago. Now, some of the factors that have been shared by these disengaged community members is, to begin with, elements to do with wage theft, the sense that someone joins the program not understanding what deductions would apply to their wages.

Secondly, for welfare conditions beginning with housing and equally logistical support, it must be understood that the context of work for these community members may be very remote. Certainly, someone needs logistical support, all-around logistical support to get work. If that's not the case, then it could be a trigger of disengagement. Thirdly, the work hours that are contracted. Because of seasonality of agricultural produce, the hours that you may have signed up for, contractually, may not be the hours you end up working in your host workers context. So this then, obviously, has a ripple effect into the wages that you obtain. And that is also a trigger for disengagement.

The Hon. AILEEN MacDONALD: Would that report be able to be made available to this inquiry, if it's useful?

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The CHAIR: Yes, we might take that as a supplementary request.

The Hon. AILEEN MacDONALD: What kind of role does misinformation about the protection visa application play in creating those pathways to exploitation, and how should we address that?

ALEEM ALI: From our perspective, applying for a protection visa is the least desirable solution, because the system is broken to get to that point, and what we know anecdotally, in our conversations with Home Affairs, is that the majority of those visa applications will be rejected. Then, under the current legal framework, they'll be deported and never allowed back into the country. So that's the least desirable outcome. The challenge, from our perspective, is the visa design at the front end. The 403 ties a worker to an employer. That's the program design. Our advocacy to government is to have some flexibility within that visa so that workers can shift, and then obviously all the other things that lead up to that disengagement. So, from our perspective, we would strongly try to do everything that we can do to prevent people from getting to the point where they feel like they need to apply for asylum.

DALLAS TOUT: I want to support Aleem on that, and that comes back to the systemic issues I will keep hammering on. If they were fixed, and there were the people on the ground in conjunction with councils and community organisations, you would cease the leakage from engaged to disengaged, and possibly re-engage the disengaged. If that happened, you wouldn't need to reach the end of the line that Aleem was just talking about. That's how we fix it. We fix the system where it's broken, not try and bandaid it and still work with a broken system. That's the problem.

The CHAIR: I just want to be clear on a point here. We have heard evidence this morning that the reason people disengage from the PALM scheme relates to their desire to apply for a protection visa or some other way of staying in Australia. In fact, that was the majority reason. It doesn't sound to me as though that is what you have come across in the thousand people that you have been dealing with. I am just wondering if you might comment on that, Mr Dachi or Mr Ali or Councillor Weston.

GEORGE WESTON: The people who we deal with—remember, we're just local government, right? We haven't got much clout in the system. Maybe 15 people living in a house is not right, we can probably do something about that, and we go out of our way to try and help these people. But the majority of these people want to come and work, send their money back home to their country and then go back. They don't want to stay here forever. They want to go back, and they've got family, extended family. I mean, the money does go back for the family, so ultimately they want to go back. We've gone out of our way to try and help these people as much as possible, but we have limited funds and limited clout.

JACKIE KRUGER: Through you, Mr Chair, from Leeton's perspective as well, we don't personally see disengaged workers leaving the scheme to get protection visas—it's rather people who are disengaged or that are heading that way that are trying to find a way to stay. If you've been presented the view that most people are disengaged for the purpose of finding another way to stay on, that's not our experience locally. Ken, could you expand on that?

KEN DACHI: Yes. There is full understanding and, yes, it's with appropriate evidence. There's full understanding with all of the community members that we do have in Leeton who are disengaged—there's full understanding by them that the program is time limited, and that you're here for durations between nine months to four years. No-one does leave their country with the misconstrued perception that they're going to come here and stay permanently. Because remember, there is an element of family separation within the program. Obviously, the spillover effects of family separation is a totally different topic, and it's disastrous in its outcome.

The triggers behind disengagement need to be understood for what they are. We're dealing with, as Councillor Dallas has pointed out, a systemic issue where, right from the point at which there is a pre-departure briefing, there isn't clarity as to what experience a worker will have once they get to Australia. So you start experiencing the gaps right at the point of origin, that to the degree someone gets here and they have elements in the program that they are meant to experience unfulfilled, they will end up disengaging. The reason [audio malfunction] conversation around permanence is because if you look at the 403 visa conditions, the only way out, for reprieve, is to apply for protection. So it's an obvious spillover that is brought about by disengagement, and in no way does it affect the fact that someone wants to live here permanently.

The Hon. GREG DONNELLY: To the councils and Welcoming Australia, congratulations on the most important work you're doing for very vulnerable individuals who are open to terrible exploitation. My question is perhaps to Councillor Tout. If you take the 17 councils that are part of the alliance at the moment, is there an example, or a way in which councils amongst these 17, either the majority or a decent-sized subset, are using council resources to deal with these issues? What does that look like? In other words, within the council, dare I say, "bureaucracy", how are they doing this work on the ground?

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DALLAS TOUT: Yes. I'll just glance down to look at the correct clause—clause (h) of your terms of reference. I heard the previous speakers. I was sitting up the back. It's as much State Government that's supporting them as well as local government. I can speak from my experience personally. I deal, individually, with a lot of the community leaders in the Pacific Islander community in Wagga. Sometimes I get firsthand stories, but I also get second-hand stories of community leaders who are supporting quite a number of disengaged PALM workers. I also talk to other community organisations. My role in Wagga, how I've been approaching it, is advocacy—having conversations on the ground. I go to the churches, I go to the community organisations, I identify the community leaders and I get them and talk to them. That's how I've been doing it.

I'm not convinced that the previous speakers—funding local government to try and bandaid something else, I don't think that's the solution. But, having said that, local government has a role to play in being responsible. I tell people in our community all the time, "If you come to our community, we'll wrap around you." The PALM worker is exactly the same, so I advocate and am as passionate about advocating for a PALM worker as anyone else in the community, because they're part of our community. Whether that means I come here and speak here today, or we go to Canberra as many times as we need to go to Canberra, that's where we need to sort out this whole system, so it flows through.

What Ken was just saying about disengaging and the visas that they apply for—because once they become disengaged, they're effectively an illegal. They have no Medicare. They have nothing. They're working for cash to live. They're too scared to apply for anything. Who's going to write any paperwork down when you're working for cash and you know you're an illegal? That's why if we can get them back in and re-engage them, or stop the leakage and stop people becoming disengaged, that's the solution. It's not throwing money at local government, in that instance.

But the State Government needs to take ownership as well, in relation to (h), in ensuring that they're aware of what's happening out in the regions, and whichever agencies they are, particularly Health. I know in Leeton and Griffith, it's the hospital systems. At Narrandera, it's the hospital systems that are getting a lot of pressure from disengaged workers, because they're not covered. And community members are paying for it out of their own pocket. So it's awareness. There's data around, but you won't get data where there is no information. That's why I'm so happy that I understand—and you can confirm it—that there are hearings in Griffith at some point.

The Hon. GREG DONNELLY: Yes, the Chair has organised that.

DALLAS TOUT: I'm sure you will be swamped with people who can give you firsthand experience from their dealings; I know I'm going to get some people over there. I hope that answers your question.

The Hon. GREG DONNELLY: Thank you. I was trying to grasp it in the context of the engagement of the third tier of government—the most important tier, the community—where there is that direct contact between people like yourself, the mayor, with community members and community groups and that dialogue, and you become a conduit of passing information on back and forth. I wonder whether or not there is an argument or case being put forward that dedicated resources should be placed or made available by councils. Obviously, the councils will say, "If we're going to take on this work, if that was a position agreed in principle, we would need resourcing to do that."

What would that actually involve? Would it involve a person doing this work? It seems like that person—if it was a person, or more than one person—would be moving a lot of information around because of the way in which these issues are lateral between the jurisdictions. I haven't thought this through, but that person would need to be a particularly well-trained individual to understand the systems both laterally and vertically, to be able to do it. I wonder, what could a single person do, so to speak? Is there another way of getting some purchase on this whole issue, other than putting specific money into councils, or councils budgeting specifically for it?

DALLAS TOUT: I'll attempt an answer, and Aleem can correct me if I'm wrong. In relation to the PALM scheme specifically, the labour hire companies are the approved employers. They sign a contract with the Federal Government. They're responsible to the Federal Government, so the Federal Government needs to oversight those agreements. Because everything you've heard, whether it's 13 in a house, 16 in a house—all of those issues stem from a labour hire company doing the right thing or not doing the right thing, whatever it is. It's also about the support mechanisms that are non-existent in regional areas. I can't envision what you're envisioning—one person in a council trying to work through that sort of stuff. It's more advocacy, but not just passing on information. It's passing it on and actively pursuing it to a solution, to the point of frustration on the other part, from the people who are advocating to them.

The CHAIR: Councillor Weston, do you have any comment to make on that?

GEORGE WESTON: Yes. Councillor Tout—exactly, one hundred per cent. What he says happens here in Leeton and in Griffith. We take young mothers who get pregnant and have their babies. People put their hands

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in their pockets. When they do get in trouble with the police—like drink driving—they take resources away from the rest of the community. There's a flow-on where they're having problems in the community, and community services are used to help these people as well. What Councillor Tout has said is exactly correct. I don't think council will be—we've only got limited powers, as we said before. It's the different departments that we deal with; someone needs to bring them all together. The scheme is a great scheme. Good idea—bring them out. They earn the money and send it back. It's aid, that way. The farmers get their produce. But there's got to be some accountability along the line, and we have spoken up as councillors together to try and get something done, to this point. I refer to my general manager.

JACKIE KRUGER: Certainly we too concur that there are systemic issues that need to be dealt with. In response to Committee member Mr Donnelly, as Leeton Shire Council, we were resourcing a position for the equivalent of one day a week, which is outside of our usual mandate, particularly to deal with these types of PALM scheme disengaged issues that were landing in our community. That was an impost on the budget that hasn't been able to be sustained. We were very fortunate to have the services of Ken, before Welcoming Australia snaffled him. Because he has that mindset, he was able to learn the ropes and get to grips with all the visa conditions and understand the program.

I do agree that you need someone with the capacity to be able to grasp these things. But the impost on our volunteer community, as well, in terms of housing people, finding beds, sitting rooms, furnishing homes—we have that. We have people being fed. We have pregnant people getting support to go to the doctor. The impost on the community is very great, and we believe very strongly that there should be resourcing at the local level. It's no use having people in the regions or in the cities funded to support regions. We've got a big cohort of PALM workers. The resourcing should be sitting there. We believe local government is closest to the people and we'd be very willing to help, as long as that partnership was supported. Thank you.

The Hon. GREG DONNELLY: Thank you. That's very helpful.

The Hon. Dr SARAH KAINE: Thank you very much for your evidence and for the work that you do in the community. I must confess, I'm not an expert on the different types of visas. We have heard evidence today, as the Chair has alluded to, about the interaction of different types of visas. I do understand, though—and please correct me if I'm wrong—that there has been this pilot program of workplace justice visas. I wondered if that's something that you'd come across at all?

ALEEM ALI: I'm not familiar with that visa, sorry.

DALLAS TOUT: No.

The Hon. Dr SARAH KAINE: Anyone online?

KEN DACHI: Yes. The justice visa has been prescribed as a solution to help resolve the conundrum that is disengagement and loss of status, and particularly to find a remedial measure as far as employment conduct is concerned, because that's the source of disengagement. Now, I must be very honest and clear. One is that that new visa is not understood. It's been rolled out and, because we operate in the space, we get to hear sound bites about the visa. But the mechanism that administers the visa is not clear. And then it's yet another layer of bureaucracy when you have the mechanism to actually resolve the issue that is bedevilling the PALM scheme within the scheme itself. There is apparatus within the scheme to apply those remedial measures. Adding another visa, notably called a justice visa, may be a step in the wrong direction, according to me and my experience. It's there, but unfortunately no-one knows its mechanism.

The Hon. Dr SARAH KAINE: The apparatus that you would say exists within the scheme—I'm sorry if this is a really obvious question, but it seems to be the crux of the question. What would you say the apparatus for addressing the issues is, if it's not through that visa?

KEN DACHI: The architecture is already there. You already have a visa that's not working properly. You have the 403 international relations visa, whose statutes actually complicate matters when someone disengages. Overall, if you look at the scheme itself, you would question how you build an enterprise of a program without a provision for the possible occurrence of disengagement.

The Hon. Dr SARAH KAINE: So it's really an absence in the existing visa requirements, rather than necessitating a different type of—

KEN DACHI: Of visa, absolutely, which has its own other conditions again.

The Hon. Dr SARAH KAINE: Thank you. That's very helpful.

The CHAIR: Yes, and it's the absence of dealing with the disengagement. That's very helpful, actually. We might bring that session to a close right now. I thank all the witnesses for your attendance. There are likely to

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be some supplementary questions. I foreshadow for my own purposes that we heard earlier today about people coming in on tourist visas. We've also had a lot of evidence about Working Holiday Makers. It doesn't sound as though those are issues in this particular context, but I'd be very keen to hear any reflections you might have on those in your local communities. Apart from that, Councillor Weston, did you—

JACKIE KRUGER: Sorry, it's Jackie Kruger, Mr Chair. Do you have a copy of the United Nations report of the Special Rapporteur on contemporary forms of slavery from November last year, or can we—

The CHAIR: Yes.

JACKIE KRUGER: You've got it already.

The CHAIR: Yes, thank you. We've actually had evidence from Professor Obokata as well, which has been very helpful. There may be some supplementary questions; I hope you'll be able to answer those. Thank you all for your evidence today.

(The witnesses withdrew.)

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Mr MOCEICA MATAI TURAGA, Lived Experience Consultant, Domus 8.7 Remediation Service, sworn and examined

Ms ALISON RAHILL, Executive Officer and ACAN Program Manager, Australian Catholic Anti-Slavery Network, sworn and examined

Ms NATASHA MURPHY, Learning and Development Manager, Parish Administration Centre, St Agnes' Parish, Catholic Diocese of Lismore, sworn and examined

Ms KYLIE CULLEN, Catholic Immigration Manager, Archdiocese of Sydney, sworn and examined

Father KHALID MAROGI, National Director, Australian Catholic Migrant and Refugee Office, Clergy Life and Ministry, Australian Catholic Bishops Conference, sworn and examined

The CHAIR: Welcome to the witnesses. Thank you for making time to give evidence to us today. Would anyone like to make a short opening statement?

MOCEICA MATAI TURAGA: Bula vinaka. Thank you, Chair and Committee members. It's good to see you again, and thank you for the opportunity to address your inquiry. I have a few different hats, but today I'm appearing as an adviser to the Australian Catholic Anti-Slavery Network and the Domus 8.7 modern slavery remediation service. I will make some brief observations to start off, drawing on my lived experience, then I'm going to hand over to Ms Natasha Murphy from St Agnes' Catholic Parish at Port Macquarie. Ms Murphy has a great story to tell about how she has created a positive, safe work environment in regional New South Wales as an approved employer of workers from the Pacific Australia Labour Mobility scheme.

We really wanted to show the Committee some positive models of temporary migrant employment in regional New South Wales. By sharing in this way, we hope that others might see what is possible when you put your workers' welfare at the centre of your business practice. Ms Rahill will answer questions you may have about our written submissions and recommendations. Just briefly, the last time I was here I spoke about my lived experience in the Australian horticulture industry. I also talked about my ongoing contact with workers on the PALM scheme, including those who have disengaged from the scheme.

Before we get to Ms Murphy's good examples, I thought I would highlight some poor employment practices I know of. I know of workers who have spoken up in social compliance audits and have been moved on before they could be assessed. I have met workers who have complained about their conditions and were sent home. I have met workers who were injured on the job and got sent home. At their best, these are examples of labour exploitation. At their worst, they create a workplace where vulnerable people are trapped. A few weeks ago I spoke to some migrant workers who were doing general labour jobs on building sites here in Sydney, taking down scaffolding at the end of a job, or formwork. Some of these were major public infrastructure projects.

These workers were being moved from job to job, working at one site a few days at a time. Some of them were not being paid at all. All of them were scared of getting injured because they didn't have health insurance. They would go out on site with a subcontractor boss who said, "These are my boys", and get waved through without any inductions at all. These migrant workers really are at the mercy of their employer. You really don't have to look far or hard to see the gaps between head office policy and what happens on a construction site. We are starting to put the survivor at the centre of our response to modern slavery, which is great, but I feel like New South Wales is barely scratching the surface when it comes to recognising the scope of the exploitation that occurs.

What business practices are putting people in harm's way that we need to regulate better? Let's start with labour hire. ACAN supports strong, consistent regulation of labour hire licensing at both a State and national level. I said it to the Committee the last time I was here, and it bears repeating. I will always be full of praise for any organisation that finds people impacted by modern slavery in their operations or supply chains. Collaboration across governments will be key in establishing clear accountabilities. But we need to do that, which is why Ms Murphy's story is so important. We can do these things if we have the courage and care. Thank you again for the opportunity to speak to you today. I will now hand over to Ms Murphy.

NATASHA MURPHY: Thank you, Mo. As I explained, I am the learning development manager at St Agnes' Catholic Parish. I'm also the project lead for our PALM scheme. We have 25 ni-Vanuatu workers in our aged care. We are also looking to broaden that in our early childhood and disability services. I have been working in the Pacific context for over 25 years. I have lived experience in Vanuatu, where I worked for the Australian Pacific Training Coalition. While I'm about to give pragmatic examples of what best practice looks like, I would say that the strength in that from our organisation is from my networks, affiliations, endorsements, strengths and ability to be resourceful, not only here in Australia but also across the Pacific.

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I do support other approved employers, predominantly in Queensland and the Mid North Coast, in what I'm about to give examples of. For St Agnes', we have 600 employees and 300 volunteers. Port Macquarie is an ageing population, so we have the luxury of retirees at our fingertips for resources, time and energy. That is, again, a very big strength. We also have a lot of migrant workers on the Skills in Demand regional visas, predominantly females from south-east Asia, working in our aged-care and cleaning services.

We have an over 95 per cent retention rate of all our migrant workers. Only 5 per cent of those, from the data that I've researched coming here today, were returning home due to personal reasons out of their control. We have no issues with absenteeism, abscondment or any other issues in our PALM scheme or with any of our migrant workers. We have an internal registered training organisation called the John Henry Institute. I'm also the training manager for that. We deliver ongoing training for not only our own workforce in cultural awareness training. I do think that's key, as well, to ensuring that our Australian employees are responsive and have a deep and authentic understanding of cultural awareness training and what that looks like—of providing belonging, security and safety, not only at work but living in our region in Port Macquarie.

We also provide ongoing training in individual support, qualifications in leadership and management, and business related. In our training organisation, we have the luxury of that internally. We can be adaptive and responsive not only to our own PALM workers, but I also do work with other PALM workers in Port Macquarie in aged care and supporting training in our seasonal worker program, predominantly 200 to 300 in the region. A lot of that work is in-kind. We do access funding from the PALM scheme. It is very clunky in the red tape, and how to do that is a real barrier. A lot of approved employers do contact me regularly about how to proceed in that process of accessing funds. We worked collaboratively with other organisations, particularly faith organisations, in the region to provide that training in-kind. What we find is that we have a sustainable, productive, effective workforce, so that investment obviously comes back through the investment in what we need for our workforce.

Just to bring up some key highlights, for housing and transportation, we offer a set \$150 inclusive rate for our workers in homes that are leased by St Agnes'. That includes utilities and internet accessible to a laptop for all platforms for talking to family and friends, and learning. We provide inductions that are thorough—at least one week of block inductions—with ongoing meetings. Those ongoing meetings are an open forum with a shared agenda which is person-centric, not just led by ourselves. It's a very open, transparent way to communicate what barriers and what challenges are occurring so that we know the triggers and how to address them.

We work very closely with our Birpai people, who are the traditional owners of Port Macquarie. Our Elders provide a lot of wellbeing, connection to country, walking on country, fishing tours, smoking ceremonies and edible gardens. Even though they are two very different, distinct cultures, obviously, our ni-Vanuatu culture really does relate to that. I manage a number of surveys, feedback, monitoring and evaluation. Out of all of our feedback and surveys, the highest indicators of loving what they're doing, loving Port Macquarie and work enjoyment come from, predominantly, our connections with the Birpai people and their resources.

With our volunteers, we have an army of meal trains and volunteer drivers. This is something that I coordinate. For example, our PALM workers who work at night do not have Ubers and taxis, and have security issues. We have volunteers more than happy to provide that transportation. They provide fishing equipment and sporting equipment. We have an adopt-a-family program that is very successful. It's a bit like a speed dating process, where we marry up families to our workers and they enjoy common celebrations, hobbies and pastimes. If there are health concerns, they have someone that they can talk to privately and confidentially.

In-house, talking about transparency, we have made our policies and procedures to be adaptive and responsive to an inclusive migrant workforce. I've worked with that myself, due to my experience. In that, we are very open around union representation, health-related matters, NIB, banks and mobile services. When the union does come, at least two to three times a year, we ensure that all the St Agnes' employees are not in the room so that they can talk privately and confidentially. It's the same with access to—they're provided a work phone that I set up personally for them, with all the hotline numbers they need for unions, health, security, connections and cultural liaison officers.

To summarise, for myself, I would say my experience is—from listening to the last speakers, as well—the triggers and the challenges and the barriers. I feel that the cultural awareness training or depth of understanding of the Australian workforce is very limited. I receive over 20 phone calls and emails through my networks in Australia each week for advice and support and who to contact. I agree with the other speakers that more support needs to be on the ground in the regions to support approved employers and directly with PALM workers, particularly in a sense that is private and confidential, where there's trust and respect.

The CHAIR: We might move to questions, unless anyone else wants to make a brief statement. We're limited for time; that's all.

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KYLIE CULLEN: Yes, thanks, Chair. Father Khalid and I are representing the faith-based support network in the Catholic Church. We just wanted to give a little run-down about our network so that you can understand where our support lies. The Federation of Catholic Bishops Conferences of Oceania is the regional grouping that comprises four national and international Catholic bishops conferences in the Pacific region. The four episcopal conferences are the Australian Catholic Bishops Conference, the New Zealand Catholic Bishops Conference, the Catholic Bishops Conference of Papua New Guinea and Solomon Islands, and also the Episcopal Conference of the Pacific.

The FCBCO represents approximately nine million Catholics across 80 dioceses in 21 countries across the Indo-Pacific. The FCBCO expresses its strategy through the work of the Migrant and Refugee Oceania Network, which aims to bring all stakeholders to the table for constructive dialogue. For example, the Australian Catholic Migrant and Refugee Office is a member of this network and an agency of the Australian Catholic Bishops Conference, in partnership with the ecology, justice and peace office and Australian Catholic Religious Against Trafficking in Humans, or ACRATH. We organised a national conference in July last year, and we focused on the theme of "Welcoming Seasonal Workers in Australia: Gift and Responsibility".

The conference addressed the challenges faced by seasonal and migrant workers in Australia and emphasised their contributions to Australian society beyond their labour. The 2024 conference provided an opportunity for all stakeholders, including the Australian Ambassador to the Holy See; staff from the PALM scheme delivery branch; the Australian Government Department of Employment and Workplace Relations; the NSW Anti-slavery Commissioner, whom I believe you've already heard from; Community Connections; the Migrant Justice Institute of Sydney; seasonal workers themselves; the Pacific Conference of Churches; and various faith-based and non-faith-based organisations. We came together over two days to share experiences, knowledge and initiatives.

The focus was on supporting temporary migrant workers and strengthening current safeguarding measures to prevent the exploitation of vulnerable migrant workers, particularly women migrant workers. We believe that such a holistic approach and dialogue will improve the system and contribute to the elimination of modern slavery. In the spirit of this approach, we highlight the following four points: The New South Wales Government should adopt a labour hire licensing scheme or support adoption of a national labour hire licensing scheme; establish a support pathway for temporarily disengaged migrant workers; create pathways for the spiritual and pastoral care of migrant workers; and promote collaboration among all key stakeholders.

Ms JENNY LEONG: Apologies to those who are appearing that I will need to duck off before the end of this session. To go to what we've heard, and particularly in relation to what could be described as a good practice model for how PALM workers might be engaged, Ms Murphy and Mr Turaga, how might you see this being able to be adapted in a for-profit setting. I am conscious of the fact that there are concerns in this session, and in every session, around the involvement of labour hire. We know that these issues are the case.

Obviously that is a huge factor in looking, in particular, at things like the horticultural industry and the agricultural industry in pay per piece as opposed to pay per hour. There are a whole range of issues there. I'd be really keen to hear your thoughts on what could be adapted into a for-profit setting from the examples you have used. Mr Turaga, given your expertise and your lived experience, what would you see as the best way to strengthen the oversight to ensure that some of these good practice models were put in place across the board?

ALISON RAHILL: I was asked by the team to be the responder to the on-the-go questions. We talk a lot about how, whether it's the PALM scheme or any other visa categories, there's a lot of regulation. With the big picture it's very much self-regulation and self-reporting, so all of what St Agnes' Catholic Parish take and do for themselves, put in work, is at the centre of the ecosystem. That then flows on to everything from client welfare to employee welfare and wellbeing. That's what they see as complying with their obligations under the Australian Approved Employer Deed. In the same way as the Australian Catholic Anti-Slavery Network Modern Slavery Risk Management Program, we look at the Australian Modern Slavery Act and we see the regulations of the risk management program we need to have here in New South Wales, as well as the rest of the country, which is to assess, address and mitigate and then remediate the risk of modern slavery. We take that obligation really seriously.

Whilst we say best practice, what we're missing in the regulatory environment is the intentional checking—the monitoring. There is a complete absence of follow-up. It's possible for any sorts of employers to say they're doing these things, for example, "Yes, we are providing pastoral care." I'm sure my colleagues have seen this. This is an example that Natasha gave. Where the employer has purchased a box of bibles, didn't know what to do with them and handed them out to workers, that in their eyes is covering cultural, religious and social inclusion. It's taking regulation seriously and doing things. Obviously, when we're a Catholic organisation, we're trying to

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do the right thing in the absence of labour hire licensing schemes, in the absence of the Commonwealth checking the conditions that employers are saying that they're providing in an intentional way rather than a reactive way.

For things like remediation and community engagement, we have a model where we can provide a service to for-profits for remediation, but there's certainly an expectation from the for-profit sector that community services and social services are fully funded by government. Everything that my colleagues here do to provide pastoral support is not funded. It all comes out of money that could have gone somewhere else in the church to support workers. There's a real disconnect between the welfare and community services and social supports that need to be in these regional areas and the view that somehow business doesn't think it's their responsibility.

As we've heard previously today, certainly the labour hire—the person with the laptop or the WhatsApp—is not in a position to provide any wraparound social community support. We definitely have that two-tier system operating at the moment where the not-for-profit sector is taking the regulations and obligations as employers and community seriously. On the other side it's a free-for-all. Some are choosing to do some good things, whilst for others they know it's a self-regulation, self-reporting system and nobody's going to come and check the accommodation, the hours of work, the payslips or anything else.

The Hon. GREG DONNELLY: The issue of labour hire practice licensing has come up time and again as something that is missing in New South Wales. Dare I say that people are scratching their heads and saying, "Why is it missing in New South Wales, the most populous State in the Commonwealth?" I note that recommendation 2 of the submission provides "implement a labour hire licensing scheme similar to the schemes in operation in Victoria and Queensland". Do you agree with the submission that it's perhaps one of the most important priorities we need to look at in New South Wales? To the extent that you're able to do so—this is open to any of the members at the table with knowledge about this—can you compare the Victorian scheme with the Queensland scheme and make any recommendation of one over the other?

KHALID MAROGI: Our network is a national network. All our volunteers around the Catholic parishes over the country, including the 384 parishes in New South Wales, work closely especially with people who come under the PALM scheme from the Pacific Islands and Timor-Leste. From experience we have learned there are safeguard measures where the labour licence scheme is being implemented in other jurisdictions, so in States. That's why we believe if New South Wales adopts a similar program, it will increase the safeguard measures and minimise the impact of modern slavery. I think the national Government, the Federal Government, was in discussion to adopt a national scheme. Maybe that's even stronger because that would apply to the whole country.

The Hon. GREG DONNELLY: Thank you for that answer to the question. In terms of the issue of guardrails, safeguards or other requirements that exist in those States that do have a registration scheme, are you able to give any examples of how that assists and puts downward pressure, or is that not something you're able to comment on?

KHALID MAROGI: I could comment. When the name of the agency, the hire agency or employer where there are complaints and unscrupulous practices, has been named publicly and then published, the person loses their ability to have that particular permission or to be able to hire labour. I think that's one of the elements that has strengthened the scheme.

ALISON RAHILL: Certainly, from the employer perspective, we have 65,000 common suppliers across over 50 Catholic organisations that are complying with the Australian Government Modern Slavery Act. Our highest risk in that almost \$4.6 billion spend on goods and services is on labour-related services. It's a massive area of spend. It's absolutely the highest risk area because you've got labour hire in cleaning, security, particularly in the care workforce, in-home care, aged care, and in hospitals. In the absence of labour hire licensing, our team does the supplier engagement on behalf of the Catholic Network.

We're asking them to share more information about their organisation. We're doing desktop reviews. We're trying to do our due diligence on who these suppliers are. If they're registered in Queensland or Victoria, it certainly makes our job a bit easier, but here in New South Wales—yes. I think that there's information in lots of different government departments, as well. For example, Border Force has a list of sponsors that are prohibited from being sponsors of visas, but you have to know the ABN that you're looking up. So it's not possible to—

The Hon. GREG DONNELLY: It's detective work.

ALISON RAHILL: Yes. We can look up one ABN at a time. But when you're trying to work across thousands of suppliers to interrogate—are they just empty vessels? This is one of the things, for example, with school cleaning here in New South Wales. We would love to have New South Wales public procurement also going along the same path and engaging with suppliers. But whether it's construction or school cleaning, which is a lot of migrant workers, without asking those suppliers to fill out a self-assessment questionnaire, we don't even know if they employ cleaners directly or if it's, again, subcontracted to someone else. Back when Moe and I visited

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Griffith eight years ago, in Queensland, labour hire operators who had been previously prosecuted by the Fair Work Ombudsman had re-established in Griffith and the Riverina area. The issue that New South Wales attracts the labour hire operators who fail to meet the bar in either Queensland or Victoria—we've seen evidence of that.

The Hon. Dr SARAH KAINE: Thank you all very much for appearing and for your submissions. Mr Turaga, we may soon be making you an honorary member of this Committee, I think.

ALISON RAHILL: He's available for consultant work.

The Hon. Dr SARAH KAINE: Good to know. I hope you're not acting as his agent, Ms Rahill. I might start with questions to you, Mr Turaga. We've heard today evidence about the ability or willingness of temporary migrant workers to make complaints and to engage in surveys. What is your experience with worker surveys conducted by businesses or governments or universities, and things like worker hotlines and QR codes? Do you have any reflections on those?

MOCEICA MATAI TURAGA: It's funny that you ask that question, because I asked that question in the RIAA conference last week. I don't find that hotlines work for islanders. I don't think it's very cultural. Most of those guys will rather text you their messages. Because their English is very low—there are barriers to speaking English; spoken English is very low—they'd rather text. I find texting them or engaging them on a Facebook Messenger text group works better than trying to get them to ring up. Not only that, if we talk about hotlines in some of the cultural context, hotlines means sex lines. "Hot" means adult porn and all that sort of stuff, so they won't approach it. I think that's one of the things that we need to look at. How do we get culturally appropriate when we start organising?

Going back to Natasha's point, it's about being culturally sensitive to what is available to them. Knowing these guys, we have to sometimes go back to the village mentality. We have to bring that cohort of villagers in and then drop them back in there for them to speak their minds freely and willingly. We'll probably get about two in a hundred that will willingly, independently put their hands up and say, "I want to get interviewed for this program," unless it's a whole group of them that'll be sitting together. Then they'll have the courage to speak up. I'm conscious of time. I was recently looking at what are the exiting questions that we should be asking people when they're going back. We ask them questions to come back in, but what are we asking as they go back? Did they achieve their goal, for one? Did they come here and—what was that experience like? I think it's really important that we ask the exiting questions as well as the entry questions.

In regard to the disengagements, I have an idea. It's about comprehensive re-engagement visas. If we can talk to Federal about it and advocate it up, there is a big consensus of people that—they'll cohort, as we've heard before, in the Riverina. If somebody is working on a farm and the farmer is looking for workers, there's word of mouth. They'll go out and they'll ring everyone else up, or they text each other on social media and go, "We're looking for workers. Is anyone available?" I've seen that alive and well in that side of employment. As we can see from the studies and the surveys and hotlines, unless we have somebody that they're comfortable with to speak to or speak with—then they'll be happy to be honest about the responses to the questions or to the surveys.

The Hon. Dr SARAH KAINE: So there's no real surprise that we don't see a lot of self-initiated complaints by migrant workers?

MOCEICA MATAI TURAGA: Absolutely.

The Hon. Dr SARAH KAINE: Could I ask of the ACAN group—your submission emphasises work health and safety issues. Today we've spent a lot of time talking about labour hire licensing and that kind of issue. We've talked about visas and pilot visa projects and whatnot. But we haven't spoken a lot about work health and safety. That's an area, because it's State focused, that we should probably be looking at a bit more. I wondered if you had some reflections on the experiences of temporary migrant workers, but also any reflections on what we could be thinking or looking at with regard specifically to work health and safety for these vulnerable workers?

The CHAIR: Can I add to that? It fits in with the area of my concern. There's a case study in the submission about management trainee Edward that's frankly shocking. I think it goes to the heart of the issue that somehow there was a whole range of issues not picked up within the system we currently have. That circles back, Mr Turaga, to your point about the workers that you found aren't receiving a wage on public procurement sites. I just wanted to add that. Thank you.

ALISON RAHILL: Yes, certainly. Even if we just flashback to eight years ago, when Moe and I were delivering training to local organisations, public sector workers, local government inspectors—anyone that interfaced with migrant workers—in every single session that we delivered on modern slavery awareness in person, by lunchtime, everybody had examples of cases that they had come across. I really don't think anything has changed in that regard. We still have a great emphasis on—whether it's food safety. We're checking

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temperatures of refrigeration and food. We were talking about the washing of fruit and the ratios of whatever goes in the ingredients there. We've got really strict controls around health and safety and pesticide use. But enforcement, monitoring, inspection and auditing of worker conditions seems to be really absent.

Certainly in Edward's case, because one of the SafeWork inspectors had attended that training, I actually called and said, "Have you heard of the death of this worker?" That was my own personal testimony that I was reflecting on. And then, obviously, the statistics that the Senate estimates reported on the deaths of Pacific Australia Labour Mobility scheme workers—it's pretty appalling that it has to emerge in Senate estimates rather than being something that DEWR actually shares with State organisations, State Government counterparts and local government counterparts.

The lack of any investigation into worker deaths or awareness around—particularly, the thing that we're really concerned about is the lack of insight or consideration of business practices and site conditions where labour exploitation can flourish because there's an absence of management controls. It's pretty much a self-regulated environment micro-system. You've got cash payments going in, you've got construction sites where there's just a great sense of, who do you actually see on site? You've got high levels of regulation in some things and then a complete free-for-all in other areas.

As part of the some of the recommendations out of this Committee, we would love to see systematic training for those inspectors, whether it's local government or front line, let alone the New South Wales police, not only on the indicators. You can't really raise awareness on modern slavery without talking about what happens when you find people with concerns. Where do you raise those concerns in a safe way? One of the big things that we place so much importance on is responding in a safe way and making sure that we're not making the situation worse for those workers. That awareness just doesn't exist when you've got people thinking, "Oh, I've got to call the police. I've got to report this." The most likely outcome is further harm to those vulnerable workers. How do you safely engage? What are the referral pathways? What does remediation actually look like?

We're all in favour of training frontline workers, training State agency inspectors who interface in any way—it might be food safety inspection in restaurants and things like that—having an eye for what they're looking for. They might see a mattress in a storeroom and that should register. But questions shouldn't be asked right there and then, because by the time you come back, if you've tipped off the employer that you've even seen the mattress, those workers will be gone. That is what we see time and again when we get referrals from the Domus 8.7 remediation service. By the time a business calls and asks for advice, it's already three or four weeks old, or three or four months old. The subcontractor, the contractor or the labour hire operator already knows that you're aware of their concerns, so those workers will immediately have been moved on, or worse, as in the case that we put in our submission.

KHALID MAROGI: May I add to that from our colleagues in the Pacific? Some of the recruitments happening in the remote areas of the Pacific, some of the workers are for pre-departure brief. I think that's neat, so we put more efforts on strengthening that part of the scheme. It's empowering the workers to be able to stand for themselves, especially where things need to be translated to them to their own language, but also being related to their own culture contents as well, so they know where they are standing.

If that pre-departure briefing and the on-arrival briefing in a country both get strengthened, raise awareness among the workers and empower them to have some skills to know how to stand for their needs with the support of the local community, they might have more ability to know this is their rights, and they don't need to be afraid to speak up. They need also to be understanding of that punishment, whether they think it will be a severe punishment. It might need to be interpreted in their culture content, not necessarily in the Australian culture content.

The Hon. AILEEN MacDONALD: Ms Rahill, what role do faith-based communities play in the informal regulation, and how can their trusted relationships with migrant workers be better supported and scaled?

ALISON RAHILL: I'm sure my colleagues will want to answer that one.

KHALID MAROGI: People who come, especially from the Pacific, over 95 per cent of them identify themselves as Christians or people of faith. When they arrive in the country, one of the first questions they want to know is where there is a local parish or a local Christian community, as we heard earlier with the local councils. In the current practice, the PALM scheme required employers and the labour hire agencies to notify the Australian Catholic Migrant and Refugee Office of new arrivals. We locate their location and then we connect them with the local parish. Unfortunately, we don't receive all the notifications. Not all depend on the jurisdictions. One of the requirements is that it's mandatory for them to inform the office.

By connecting them to the local parish, the local parish will adopt them as members as well as allow them to practice their faith. The local parish will also give them a safe zone, a safe space where they can share their frustration, their struggles, where they have family issues, family struggles, family challenges, but also celebrate

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the sacraments, baptism, weddings, and if there's grief in a family or a loss in a family back home they share their grief and mourning. By strengthening this type of relationship it really supports the workers, because all volunteers in the parishes see the other side of the worker, the human side of the worker, not just their performance at the workplace. They see them as a human, as a person who needs physical, psychological and spiritual support.

By putting in all this structure and support, that empowers the workers, and when they go back to their workplace they have a better understanding. It's not only about their performance; they have some other rights and that's strengthening even disengaged workers. All volunteers deal with it day to day because they listen to their story. Some of them would develop some mental health and some of them would be depressed because these processes are disengaged. Even if they go under humanitarian protection it takes years sometimes for that case to be finalised, and there's a minimum chance that that case will get a positive result.

All volunteers deal with this on a day-to-day basis. When there is a pregnancy among the workers, that will be adopted by the parish and looked after. If someone is diagnosed with cancer, for example, they need cancer treatment. Sometimes people need training with the English language. That spiritual nourishment helps them being away from their families, from their communities, from their culture and helps them to have that sense of family, and then they will be surrounded by the parish community. I believe they get that sense of family that supports them and supports their work as well.

KYLIE CULLEN: Can I add something quickly to that as well? Through the faith-based groups and the support, that's where a lot of the information comes out about the exploitation or the vulnerabilities.

The Hon. AILEEN MacDONALD: That was going to be my follow-up.

KYLIE CULLEN: It's so vital. We were talking about text messages and hotlines and all that sort of thing. You won't see the information coming through that way; it's through these groups. These pastoral and spiritual nourishment groups are actually vital because that's where they feel a sense of safety and family, and they're then open to sharing what's really going on. They won't share it in the workplace; the trust is not there. How many of us born and bred here will not speak up to hierarchy or management ourselves? It's really important; I can't stress it enough. In my experience with that, that's where all the information comes through.

The other point I wanted to make was that employers who allow the Sunday off or the Friday off, depending on the faith-based groups, for workers to go and celebrate these moments of faith, that's a great support. It's also a preventative. It's not only the work that we value in these people who come here; it's the mutuality, the sharing of culture. A great percentage of Australians are from a migrant background. The opportunities of preventing depression, preventing workers to go to alcohol and that sort of thing, I can't stress that enough.

The Hon. AILEEN MacDONALD: Can I just do a quick follow-up?

The CHAIR: We're getting very tight for time. We're already four minutes over.

ALISON RAHILL: Sorry. I was just going to say that referrals from church pastors and priests to help people that have sought refuge in the church and need to be removed somewhere safe—that's the main pathway for referrals for modern slavery assistance.

The Hon. AILEEN MacDONALD: I'll do it as a supplementary.

The CHAIR: Are you sure?

The Hon. AILEEN MacDONALD: It was just with regard to that: How can we formalise these touchpoints? I know they're informal and there's that element of trust. You don't want to formalise it too much, because then it takes that trust and relationship out. But it's needed, so I don't know how we can—

The CHAIR: I think that needs a considered response. I think we should have that as a supplementary question, if you don't mind.

ALISON RAHILL: We have a formalised response, and I'm happy to share that.

KHALID MAROGI: I'd be happy to do that too.

The CHAIR: Thank you, everybody, for coming and providing your evidence today. There will be some supplementary questions. We've got one already, and there may be others. I trust you'll be able to provide us with answers to those. Thank you very much.

MOCEICA MATAI TURAGA: Sorry, Chair. Can I close on one thing? I just want to recommend James's work that he's continuing to do in amplifying survivor voices, as well as people with lived experience, in government and in his office. I want to ask the Committee to take that into account and keep empowering his work.

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The CHAIR: The work of the Anti-slavery Commission?

MOCEICA MATAI TURAGA: Yes.

The CHAIR: Thanks very much, Mr Turaga. On that note, we'll bring this part of the session to a close.

(The witnesses withdrew.)

(Luncheon adjournment)

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Dr MARK ZIRNSAK, Senior Social Justice Advocate, Uniting Church in Australia, sworn and examined

Reverend ALIMONI TAUMOEPEAU, Team Leader, Intercultural Ministry and Climate Action, Uniting Church in Australia Synod of NSW and ACT, sworn and examined

Mrs EMA VUETI, President, Pacific Islands Council QLD Inc, before the Committee via videoconference, sworn and examined

Ms MALAEMIE FRUEAN, OAM, Chair, NSW Council for Pacific Communities, affirmed and examined

Mr TAREK KOROISAMANUNU, Regional Representative, NSW Council for Pacific Communities, affirmed and examined

The CHAIR: Good afternoon and welcome back to the hearing of the Modern Slavery Committee inquiry into temporary migrant worker schemes in Australia. I welcome our witnesses this afternoon. Thank you very much for coming in. Would you like to make an initial opening statement?

MARK ZIRNSAK: We've organised between ourselves to provide some very brief opening comments to help set the scene. Collectively, we would see that the PALM scheme provides benefits to the vast majority of workers on that scheme. There are significant tensions within the scheme. For example, often what some of the workers would want is quite different to what their own home governments might want out of the scheme. What the Australian Government might want out of the scheme is sometimes different to what those Pacific Islands governments want as well, and that affects some of the settings within the scheme.

It doesn't mean there aren't ways the scheme could further be improved, but we would stress very strongly that there are no simple solutions to many of the problems that exist. Often advocates who put forward very simplistic solutions—you may find that you end up with unintended negative consequences in another area, creating other problems that need to be fixed. Proceed with caution around recommendations if you don't understand how all the different bits fit together and how changing one thing might actually impact on other bits and on the behaviour of participants in the scheme.

One of the things that's a bit mystifying at the moment is that, since the new deed and guidelines came in, there has been a vast improvement in safeguards for workers on this scheme. As outlined in our submission, these workers have more safeguards than most other workers in Australia, particularly workers on temporary visas. The only thing they don't have is mobility, and I think there's a debate going on that suggests all those other safeguards—are they actually valueless and the only thing these workers actually need is mobility? When we speak to groups in the community who deal with workers, they would probably say no and that they see value in those safeguards. You heard from the AWU this morning, to a similar extent. But that is the debate. If some of these safeguards are useless and not working, then you can recommend their removal, because they're just red tape, if that is really the case. But it's not a view we would share.

As outlined in our submission, different work groups do end up competing with each other. You have, potentially, workers on the PALM scheme. Employers also could use Working Holiday Makers, and they can also employ people, as you heard from some witnesses, who are working in breach of their visa conditions. Therefore, the more you strengthen safeguards and put extra obligations on employers in the PALM scheme, the more you create incentives for them to use other workforces. The thing the AWU didn't mention this morning—which I would claim is one of the big things they provided, together with the United Workers Union—was that they successfully got the Horticulture Award changed to eliminate piece rate as being the main form of pay within horticulture.

Now, workers must get a minimum hourly rate. The idea that you could just move to Working Holiday Makers—it has made that far less attractive. I'm afraid the French university student coming out to Australia from Paris, who's never spent a day in their life on a farm, does not pick at the same rate as people from an agricultural background. I've been out with backpackers, with those Working Holiday Makers, and they might pick two bins for the day compared to the Pacific Islands worker picking eight bins a day, who's familiar with doing agricultural work. The danger you'll get is that farmers and labour hire companies might start bringing people in under Working Holiday Makers but, in fact, they're bringing in extra workers and they're misusing the Working Holiday Maker scheme as a labour employment scheme. So there are some challenges there.

There was also mention earlier of the World Bank report. That is the report that found satisfaction rates of 70 per cent to 80 per cent for workers across the scheme. That was a robust study I would suggest to you. It was done by representative sample. The interviews were done directly with people. They also interviewed over 600 families back in the Pacific about their experience of the scheme as well. I would suggest you talk to Matthew Dornan from the World Bank, who was in charge of leading that study, if you've got questions about it.

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It is different to some of the subsequent studies we're now starting to see come out, which use a lot more self-selection. People who are motivated by grievance are more likely to respond to a self-selection survey; therefore those studies rightly highlight some of the concerns and issues that arise, but they don't necessarily provide a representative picture of what's happening on the PALM scheme.

In terms of labour hire licensing, we would say yes. It's one of the biggest recommendations we would make. But if you're going to make it work, and if you were to recognise, for example, labour hire schemes from other States—say, Queensland and Victoria—you would still need your own enforcement body that would then prevent labour hire companies that haven't been licensed from operating in New South Wales. You would also need to target host employers who are using labour hire companies. One of the most important things is targeting those host employers for using labour hire. I'll stop my comments there and hand over to Mel.

MALAEMIE FRUEAN: I'd like to share what our role is with Community Connections. Before I do that, I want to also acknowledge that, as a community worker for 30 years, that's what we brought to the table when we came on as stakeholders for the PALM program. Our work was around connection and networking across New South Wales prior to coming onto the PALM program. We're an organisation that has been established since 2003. My thing that I bring to the table is that we've heard that the program has worked for many, both here and in the islands. We've had the pleasure and opportunity to connect with even those that have returned home, and to see what the program has done for them, their village, their families. As Mark has said, there are areas of improvement.

As a stakeholder on the program, we are Community Connections. That's our role, that's our passion. That's our connection to making sure that our workers—just in New South Wales alone there are just under 7,000 workers across New South Wales. We have two full-time workers. We work along many organisations that have a taskforce, and yet one worker. I have one that looks after northern New South Wales and the other that looks after southern New South Wales. It's a huge task. When we go into areas, I am mindful that it was mentioned that we are city-based. I can tell you that our workers are working across regional New South Wales. I know that because I fly in with my workers when I can, and I fly out with my workers.

Prior to coming onto the PALM program, that's exactly what I did to establish regional advisory councils across the State. It's important for us, and I want to highlight this, that prior to when we fly in—our workers are full-time workers that are employed by this PALM program to support our Pasifika people—we connect with the police, with health and with local councils. It's important that we connect with them because when we fly out, who's there to look after our people? Our workers need to know when we leave. These are the faces of multicultural health—health, police and council. I can say that some of that engagement in the regional areas has been very successful. Why? Because of the networks we've already built 20 years ago. Other areas are not so successful.

When I put forward a call and get feedback to say, "That's great. You're coming into our area. That's fantastic", we're aware of those seasonal workers there, and then to be told by our local council, "Well, we're actually underfunded to keep running these information sessions for the seasonal workers." My reply to that is, "Our workers are part of the tapestry and the fabric of your community. You're asking me where's the funding. You should be raising that yourself." Our people need the same rights as everybody else's asylum seekers, as all those that are refugees that are coming into the area, which the Government does great work for. Ours are left out, and in my experience, sometimes are left out in limbo.

My closing is that Community Connections is very important. I'm going to mention some of the boards that I sit on for this very reason about Community Connections in this PALM program. I sit on the board of Multicultural NSW. These matters are spoken about at that board. I sit on the Police Multicultural Advisory Council. These matters are mentioned at that same table. I sit on the National Multicultural Council. There are 13 of us from around Australia. Our people are mentioned again at that table. I'm happy to be here and to contribute whatever I can to support those that are here. I speak to that through my experience and my journey with our seasonal workers. Wellbeing, someone else will speak about that. Mental health and wellbeing are very important. As a mental health first-aid trainer, there's a loop right there. We need to look at mental health. Sorry, Reverend Alimoni, I know you're going to speak about this, but until we put that at the forefront, we will always have a lot of these challenges.

The CHAIR: We do have questions and we are finishing in half an hour. I get the impression that someone else would like to make an opening statement. Reverend, did you want to make an opening statement?

ALIMONI TAUMOEPEAU: My involvement with modern slavery in Australia went back to the beginning of the Seasonal Worker Program in Australia. It has been invited by the State Government and also the Federal Government in order to look at how this pastoral care is needed in that space. To us, wellbeing of workers is so important because faith and culture go together; they don't go separately. People's faith comes from the Pacific Islands. I will hold to their faith, but I would also like them to live their culture. As they enter into the

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country, being welcomed by First Nations as well as the people of the community to engage in a full life in that community which they call home for the time being that they will be in Australia is paramount for the care, to us.

The church connection with the workers is so important. It's only the Uniting Church in New South Wales and the ACT that has employed a full-time minister to be a pastoral care catalyst in the whole of New South Wales and the ACT. It is so demanding, the work that he has. He has to run everywhere. It is not only the stakeholders in terms of employers who are calling for help, but also the workers who are crying out for assistance and help. To us, it is so important and vital to have the caring, both spiritually and culturally, for the workers. We demand that both in the Federal and also in the State. The safety of the workers is so important as well. When they enter the country, is there enough accommodation to accommodate them in various places?

I just came out from Young a couple of weeks back. Workers who are working in Cootamundra had to live in Young because there's not enough space in order to live in the community themselves. They had to travel long ways before and after work, and they had to work 12 hours a day. Just imagine how much we carers feel for them and the issues that have come out because of tiredness. About 50 people on the program have died on the road. Incidents happen because safety is paramount and important for this work to be happening well. To us, the hospitality that these people can offer to the community and the diversity of the gifts that these people bring with them, they become the gifts of the whole system to the whole community they live in. We would like to see that happen all the time, because that's what they can give. To me, it is important that we need to have that conversation.

TAREK KOROISAMANUNU: I just wanted to quickly touch on one of the issues being redeployment. I know a lot of people have talked about our disengaged workers, and a lot of people have had comments on what's happened after they've left the program and not returned home and that whole process. I think that I can speak for a number of the workers. A vast majority of the workers don't intend to disengage from the program to be illegal. They don't really want to be illegal here. Something's gone wrong during the process that's brought them to that point where they wanted to leave, be that that there's nobody that they feel comfortable to speak to, or is it that somebody hasn't advocated correctly for them? Or is it that they just didn't understand the process? Those sorts of things are happening.

But then we sit there and we go, "We can get you redeployed. Come and speak to the right people, people who are working in the community, people who are working with this program." The process takes three months, six months, seven months. During that time, if they're compliant with their visa, they're not allowed to work. They're not allowed to do anything. So what do they do for that seven months? They come to Community Connections and we say, "We can support you with a \$120 gift card, and we can support you with a bit of rent. We expect you to live seven months in a house, going with a \$120 gift card to Woolworths." Realistically, if they shored up those processes for redeployment, then this wouldn't happen.

No-one's going to sit at home for seven months. They sit there for three months, or they sit there for six weeks, and then they go, "Somebody's offering some sort of illegal job in concreting or demolition," or, "Somebody's working in fruit picking down in Griffith, or somewhere where we can get some sort of cash-paying job," and they go and do that. And then we go, "How come these people are all working illegally?" But we wouldn't expect an Australian citizen to sit in their house, effectively, for six months, waiting on redeployment to be able to work. It's not a productive way to live. And then they're talking about health and all of those aspects that sit there.

The other thing that I just wanted to touch on, too, is that the labour hire companies—there's a loophole that exists in the program, and I think the New South Wales Government could close it up within New South Wales, at least. If somebody is employed by a labour hire company and they go to work at a host site, that host site can effectively say, "We don't want you anymore," and then the labour hire company has to find them new employment. During that time, they'll say, "We're going to put you in a house, and you're going to have to go into this redeployment program where you sit and get your \$120 gift card while we wait," and that can take six, seven, eight weeks. During that time, they're just sitting there.

Now, it can be for any reason that the host employer says, "We don't want you anymore." We've got instances where people have WorkCover issues, and then the host employer says, "You hurt your back at work? Well, we don't want you anymore," and it's up to the labour hire company to then find them new employment. When they can't find them new employment, they just say to them, "Well, we've tried and exhausted all our options, so you'll have to go home."

Effectively, a host employer is able to terminate somebody for going onto WorkCover, so you get instances where workers are not reporting these issues because they're too afraid that they'll end up being, theoretically, sent home through a legal loophole. If the New South Wales Government was committed to this idea, it could turn around and say, "Okay, labour hire companies. When you make an agreement with a host employer, part of that agreement must be that you cannot terminate that employment unless it falls under the Fair Work guidelines," and

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that would shore up that process. But, at the moment, that's a massive loophole that I wanted to draw to the Committee's attention.

The CHAIR: Mrs Vueti, you don't have to make a statement but, since everyone else has, I'm offering you the opportunity.

EMA VUETI: Thank you. This PALM scheme is a highly regulated scheme and has some protections for the workers. I'm really mindful that there are other temporary migrants working in New South Wales that don't have the safety nets that the PALM scheme has. In addition to the statements that have been given, I would just reiterate the importance of having a New South Wales labour hire business licensing board to help with the monitoring of those businesses that are being established in New South Wales. In addition to that, the advocacy from the New South Wales Government to the Federal Government to set up Medicare for our PALM workers is so important, because we do get some of the workers relocating to Queensland because they're needing support when they've come across health or pregnancies and they've got family here. I'll stop there. Thank you.

The CHAIR: Thank you. I might ask the first question. Can I just clarify that you subcontract with the Salvation Army to run Community Connections in New South Wales; is that correct?

MALAEMIE FRUEAN: Salvation Army has the contract, yes, and we're subcontracted under Community Connections.

The CHAIR: And you provide the entirety of that service?

MALAEMIE FRUEAN: That's what we're funded to do, and we rely on the networks that we have already established to help with that work.

The CHAIR: And you're funded to employ a worker for the northern part of the State and a worker for the southern part of the State?

MALAEMIE FRUEAN: Correct.

The CHAIR: Is that the extent of the funding?

MALAEMIE FRUEAN: Yes.

The CHAIR: I'm from the Riverina area. You have a worker for the southern part of the State; I presume that's from the coast to the border but would encompass the Riverina area.

MALAEMIE FRUEAN: Correct.

The CHAIR: Can you take me through how often they visit, how long they stay and what mechanisms are in place for people on the scheme? I presume this is PALM scheme people who are working; is that correct?

MALAEMIE FRUEAN: Correct.

The CHAIR: What are the mechanisms whereby people can follow up with them if they've got concerns? It sounds like a huge area for one person to—

MALAEMIE FRUEAN: It is.

The CHAIR: I know you've spoken about networks, but we had evidence just this morning of 1,000 disengaged PALM workers in the Leeton area. It seems like a huge area for one person to cover, who's flying in and flying out. Perhaps you could provide me with some more detail about how that gets managed.

MALAEMIE FRUEAN: Sure. One worker, based in Sydney, covers from Sydney right down to the border of Victoria. The areas that we have worked in are the hotspot areas identified by either the police or by a high number of disengagement in those areas. We've targeted areas where they are hotspot areas because of these issues, and we can't do that work without the support of our pastoral care. So we map that out. One person cannot be at every single spot. Right now we target the areas where there's a huge need, and that's the areas that we've been to: Griffith, Goulburn, down across to Junee. Why are we going to those areas? Because they've been raised as hotspot areas. He would then reach out, first of all, with the pastoral care support, and then have a look at what connections we already have with those areas, whether that be through the council. Many of our workers don't know that there is a Community Connections program. Many of the AEs still don't know that there's a Community Connections program. Most times it is raised when situations are challenging.

The CHAIR: This worker that goes to Leeton, Junee, Griffith, Goulburn, how long are they there for and how often do they visit?

MALAEMIE FRUEAN: It depends. For example, he might go into an area. If we've met and connected with the local council, he might stay there for four to five days. He might only be there for two days. It depends

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if there's a connection with the Salvation Army or Mission Australia, or there's a health concern. We support, with him, the connection with the government service that we need to connect with, and it depends. He might go in for a couple of days. He can't—it's huge. It's a huge task to look after a whole region.

MARK ZIRNSAK: Can I just clarify? Community Connections, where it fits in the overall scheme of things is it's basically trying to help with connecting workers with local community groups. What you're trying to do is build relationships between the employers, local community groups and the workers. It's providing social integration. What we were finding was that you can end up with social problems for the workers if they don't have that social support within the community. For example, you can end up with—alcohol problems, particularly, have manifested. Often the alcohol problems are a symptom of the fact that these workers don't feel connected or have that social support within the community.

It is not a replacement for the work of the Fair Work Ombudsman, which we deal with in industrial relations issues. It's not about addressing contractual breaches by employers where the employer is not compliant with their deed and guidelines under the scheme. That is for their contract manager under DEWR who's located in the region. They have those contract managers and then you've got the DEWR staff in Canberra. It's providing a particular aspect, and there's a lot of misunderstanding about that. People think it's supposed to deliver all the welfare services, or its role is to be best for industrial relations police. That is not the role of the Community Connections program. That's not what it's trying to do. It often builds networks of community to support workers.

The CHAIR: Yes, sure. I understand you're not the police and you're not doing that, but the issues that you've just said. I would have thought the purpose of creating the Community Connections is to provide an environment in which people who have got concerns know where to go to reach out for help.

MARK ZIRNSAK: Part of the role is helping community groups understand how the program works and also, if issues do arise, where to direct workers and how to direct workers to those services.

The CHAIR: I just make the observation that it seems to be a huge task for one person to fly in and fly out to do that.

The Hon. Dr SARAH KAINE: I have a couple of questions based on your submission, which I understand is a joint submission, and then on the opening statements. There seems to be a little bit of tension between some of the characterisations or issues with the scheme. Dr Zirnsak, I get from the submission and your opening statement that you're concerned about a negative narrative about the scheme and focusing on the issues, yet other members of the panel today have spoken very passionately about workers crying out for assistance and support and workers falling foul of workers comp issues, which then mean that they're not supporting it because there are gaps in the system. I'm unclear as to the overall assessment. I'm very clear on what you're doing in terms of the pastoral care, but I'm unclear as to the overall assessment.

TAREK KOROISAMANUNU: If I could, I would submit that all of us collectively agree that the program overall is a good thing. We're just trying to highlight some specific issues that we think the Committee might be able to look at. We've each highlighted some issues, correct, and passionately so, but these are our people. I'm part Fijian. We're part Samoan, part Maori. We've got the Pasifika blood in us. We're trying to advocate for our people, but at the same time we would also advocate for the program overall being a good program. The program has brought footpaths to villages in the Pacific Islands where otherwise people were walking in mud and getting leptospirosis and they were dying. Five workers from one community can put in together and collectively build those footpaths.

It's creating a generational change where, all of a sudden, the money or support that is being able to be sent back into the Pacific is changing the lives and the livelihoods not just of individuals but their individual families and their communities at large. It's creating a generational shift where people are getting better education outcomes because they're able to afford to go to university. So to sit here and say that the program is terrible is not at all what we're saying. We're definitely saying that the program is in a position where it allows the Pacific Islanders that have come to Australia to better support the communities. But are there problems and are there gaps, and are there ways that we can fix things and change for the better? Of course there are. We're trying to highlight some of those issues, but certainly we would advocate for the program.

The Hon. Dr SARAH KAINE: It's a really important perspective to bring to the table and I appreciate that very much. I wouldn't want to imply that there weren't benefits for communities in the countries that workers are leaving from. I wouldn't want to imply that at all. I'm still struggling a bit as there seem to be some really big issues with the scheme in terms of wellbeing of workers, particularly health outcomes for disengaged workers. We've spoken about road deaths because they've been living far away. There just seem to be quite a lot of really large issues. One of the things that we've heard from you, but also from others today, is that there are formal safeguards. The PALM scheme has higher thresholds for formal safeguards. As someone who in my other life has

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been involved in the investigation of workers' conditions, I know that having formal safeguards and what happens on the ground can be quite different. What's your assessment in terms of proportions of workers who experience either wage theft or not being paid correctly—not having their conditions adhered to?

TAREK KOROISAMANUNU: Working with workers all the time and going out and speaking on the ground, I have to say they feel comfortable to speak to me. I don't normally wear a shirt and tie when I'm with them; I wear a hoodie, sit on the ground, drink kava and have a chat to them, and actually find out what's going on. I would say the vast majority are generally happy with most of the aspects of the PALM program. As I said before, there are definitely gaps, but generally speaking, the vast majority of the workers are happy. Do they think that there are things that could improve? Certainly.

When we look at the things that they could improve, are there things that are unrealistic? Are there unrealistic expectations from our workers? Yes, there are unrealistic expectations around workers as well, but I would think that, overall, the vast majority of our workers are placed in a position where they would prefer to be here in Australia, prefer to have an opportunity to earn money in Australia. Five hundred, \$700, or \$1,000 in Australia is worth more than \$150 in Fiji or Tonga. So, yes, definitely. The vast majority of the workers are happy. As an Australian citizen, do I sit here and look at things that we could do better and say, "Yes, we could do that better and we could give a more even playing field to everybody"? Yes, I think that too.

The Hon. AILEEN MacDONALD: I'm not sure who to direct the question to, so I'll just put it out there. What role do you think the New South Wales Government can play in ensuring supermarkets move beyond audits to a real-time compliance and worker grievance mechanism?

MARK ZIRNSAK: The role of those retailers at the upper end has a very significant impact, and that was really brought home—there was a visit a few years ago by a US prosecutor who raised the case in Florida where tomato pickers were getting ripped off. I expected him to say, "The way we solved this was we just went in and we prosecuted." He went, "No, no, no. It was the fact that retailers at the top end of the chain were eventually pressured to put pressure down the supply chain to only accept tomatoes from employers doing the right thing." The prosecutions, you get too few of them. The judicial system is slow and uncertain, and there are a lot of workers. There is a power differential. One of the things we find is that even when workers are at the point of disengaging and they say, "I've had enough; I'm going to leave", and we say, "Right now you've got nothing to lose", they say, "I'm not willing to spend months going through an Australian judicial process for an uncertain outcome." So the motivation is there.

If you asked me what levers to pull in New South Wales, that's going to be much harder as to what legislatively you could do. Obviously accessorial liability, so pushing it, allowing pursuit up the supply chain, which was done with clothing workers. You had the home worker legislation that allowed outworkers, home workers in the clothing industry, to sue up the supply chain to claim back. That would be one way to put them more on the hook, but it's difficult to do. There is accessorial liability already and there have been some successful cases. The trolley collectors, for example, was a case where those supermarket chains were held to account for it. You heard from Woolworths today. I think they are making some efforts, but we would certainly have pushed them for greater willingness to give some preference to the PALM scheme because of the extra safeguards that are there. The employers on that scheme are actually vetted by DEWR against having a history of exploitation or illegal activity.

The Hon. AILEEN MacDONALD: You note that sometimes the migrant temporary workers are required to drive, but they're not given access to driver education. Should it be a condition for employers who require workers to drive to provide that driver education?

MARK ZIRNSAK: Absolutely. Without a doubt that should be the case.

TAREK KOROISAMANUNU: We've had approved employers that actually do that off their own bat, and the outcomes for those approved employers that do it off their own bat are so much more beneficial. I see it on the ground every day. The workers that have had an employer that has said, "I am committed to the welfare of our workforce and I'm going to make sure that you don't drive a car until you've had some training", is really beneficial. The roads in the Pacific—Fiji is the only country with traffic lights. The rest of them don't even have traffic lights.

I was driving one day with a Solomon Islander who said to me, "Hey, boss, can I just double-check something with you?", and I said, "Yes." He said, "When we get to the traffic lights, the red means stop there. I just want to double-check before I drive." He was meant to be driving that afternoon. Obviously, I didn't let him drive; I let one of our more experienced Fijian workers that was there drive, and we got him some training before we let him drive. Theoretically, he is holding onto a Solomon Island driver licence. If that was a change that could be made, yes, that would be beneficial—one hundred per cent.

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MARK ZIRNSAK: The other point to make is there are some cases that are still very rare but are still being brought to our attention where, if a worker is required to drive, they should be paid for it. Where the employer gives them a minibus and says, "Sort it out for yourselves who's coming to work," that's probably no different to the rest of us who don't get paid to drive to work. But where you say to someone, "You're actually the designated driver and you have the obligation to bring people to and from work," that's an employment situation. We're pretty clear that the Fair Work Ombudsman would cover that if they're not being paid.

The Hon. AILEEN MacDONALD: Sometimes there's tension between the PALM scheme's temporary design and long-term workers' aspirations. What governance model would allow both mobility for the workers and retention in shortage sectors? We're asking for schemes to be more mobile or flexible, but it doesn't appear to be the case.

MARK ZIRNSAK: We're supportive of extra mobility and portability on the scheme. The challenge you've got, though, looking at the design—one of the design features is to make the scheme highly accessible to people from very impoverished backgrounds in the Pacific. The way it does that is it gets the employer to pay all the up-front costs. Currently, the scheme design is that the employer has to put a lot of effort into bringing a worker out. It has to pay the up-front costs. Yes, they get repaid over a 16-week period. You are going to disincentivise employers to be on the scheme if, after day two, the worker turns up and says, "I'm no longer going to work for you; I'm going to go to the guy down the road". Even if they get the debt repaid, the employer has still had to do a lot of work to bring that worker out and now doesn't have the worker they need to fulfil that. That's one of the challenges around portability.

Now, there are solutions to that. You could say that maybe the Commonwealth picks up the debt of bringing the worker out, to keep that accessibility to the scheme going; therefore, the worker now owes the Commonwealth and has to repay, if there's a repayment. If the Commonwealth just wants to do that as a freebie, that's a call on the Government's revenue to make that happen. That would be one way. But you then need to think through the consequences of some of that as well. For example, I would see employers currently who, because of the debt, actually feel a greater obligation to make sure the worker wants to stay with them and put a lot more effort in. If the worker can freely move, the employer might go, "I can just treat you however I like, and if you leave, that's okay. I'll just ask the Commonwealth to bring someone else out and pay for them to fill the gap I've now got." What we'd raise is that you'd need to think carefully about the design. I don't know if others want to add to that.

The Hon. AILEEN MacDONALD: We heard from councils earlier that they're not advised about workers coming in and things like that. Would you endorse council access to worker arrival data? If so, what specific details do you think should be shared with councils to allow them to plan for that worker arrival and the community support?

ALIMONI TAUMOEPEAU: I can start and then perhaps Mal can share. At the moment the data is not being shared. We would like to ask the State Government to work with the Federal Government to provide the data of people when they come in, and where and how, so that we can all come in. I think you asked earlier about the community connection in the space and how long. Because of our relationship working together with the community, we can only access the data that has been given to us through the approved employer sometimes.

That depends on the relationship that we have already fostered over the years. But the data needs to be spread so that the whole community works together. I think that's the challenge for this program to be successful. We wait to be told, for my case—to be called in when trouble is happening, rather than being called in to work with the workers from the beginning, continuously, even through the reintegration period. That's the whole time, and we can do that as a community together, but the data is not being given to us. From the State level, it needs to work with the Federal so that any data that comes out to the State is spread among us.

The CHAIR: Can I just clarify? Ms Fruean, you made the point earlier that many workers and approved employers don't actually know about the connections program. Reverend, are you saying that you don't know where people on the PALM scheme are coming to and working?

ALIMONI TAUMOEPEAU: Until we are invited through the whole program.

The CHAIR: Who invites you?

ALIMONI TAUMOEPEAU: The approved employers—those whom we have established relationships with because they work with us. For example, in Cootamundra, there's about three or four approved employers there, so we have developed relationships. Whenever a worker comes into Cootamundra, they call us to come and welcome and share time with them.

The CHAIR: These are the approved employers who know about you?

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ALIMONI TAUMOEPEAU: That's right, but it's not shared throughout the system. I'm only called in through those who know us.

The CHAIR: Thank you for clarifying that.

The Hon. Dr SARAH KAINE: Just so that I'm clear, that's employers who understand that there's this program and who identify that you might have some potential members—

MARK ZIRNSAK: Sorry, Moni's not part of the Community Connections program. It's another community group.

ALIMONI TAUMOEPEAU: I'm faith based, yes.

The Hon. Dr SARAH KAINE: Can I just clarify? This is what I was trying to get clear to begin with. You're not part of the Community Connections program. I understood the evidence from earlier was that the Community Connections program has the one person in each area, but then they link in with people like the reverend. While they're not formally part of the Community Connections program, what I'm hearing is that's where a lot of the on-the-ground work comes from. It's not a formal relationship, but it's a relationship that comes through.

The CHAIR: To clarify, Dr Zirnsak or Ms Fruean, is Community Connections aware of who comes in on the PALM scheme?

MARK ZIRNSAK: For every worker deployment, there's an email sent to Community Connections to alert us that a deployment will be made. What it doesn't contain is the number of workers, the nationality or whether they're returnees, for example. That's a big issue because one of our major focuses with the work around Community Connections—and I need to be really clear here. We are not speaking on behalf of Community Connections. Only DEWR can do that. We can talk about some of the work we do, but we're not speaking on behalf of the program because it's a DEWR program. The point is that returnees are really important to the scheme because a smart employer doesn't bring in fresh workers; they bring in workers who have been here before. Those workers often have a much better knowledge of the system, and they help new workers understand how Australia works and how the systems work.

The CHAIR: We're very sensitive to and very conscious of the value of the PALM scheme. I'm from regional New South Wales and I know how absolutely critical it is, and so is Mrs MacDonald. We know how important it is. We are, nevertheless, concerned from the evidence that we have heard about people who have not done well under the scheme. There are many different parts to it. You've touched on labour hire, access to Medicare and what people do when they're redeployed and disengaged. You've touched on those but, clearly, one important component of it is having avenues for people to raise concerns.

Given the complex cultural and faith backgrounds, it's very important that there are connections to communities. Clearly, the work of Community Connections would seem to be quite an important component of supporting communities. I'm concerned that there's only one worker for half the State. I don't understand quite how that works, despite the fact that I'm sure you've got a network of connections. I also was trying to drill into how you know where PALM workers are. Dr Zirnsak, you've just indicated that you get an email with some broad information but not how many, not their status and not where they're going.

MALAEMIE FRUEAN: Correct.

MARK ZIRNSAK: It probably will give us the location the workers will go into.

TAREK KOROISAMANUNU: Sometimes.

MARK ZIRNSAK: Sometimes. What then has to happen is that the regional coordinators will have to reach out to that approved employer and say, "Hey, can we connect in?" Sometimes they're well known to us. Lots of workers come back to the same region, the same employers and the same locations over and over, and they're the ones who need the least support from the program. The program needs to be largely focused on new employers bringing in lots of new workers who haven't been here before.

The other thing you're raising is about workers having access to make complaints. Part of the issue is the difficulty of making a case. For example, I've got a case that I dealt with which was a worker who alleged she had worked unpaid overtime. I believed her because the allegation had been made against this employer multiple times by multiple workers across different placements. She was the first worker willing to pursue it, but the problem was she had no evidence to back the claim. It was only her word that would raise it. Even going to the Fair Work Ombudsman on that, it is so hard to get any action when all you've got is the worker's allegation and there's no record of—

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The CHAIR: In that instance, would you refer her to the Immigration Advice and Rights Centre?

MARK ZIRNSAK: We would refer workers to other legal avenues, but they run into the same problems that we do. There aren't easy solutions to some of those problems.

The CHAIR: We're very aware of the complexities of raising complaints. It was a little bit more than just complaints; it was also about support generally, being aware of rights, and hopefully addressing issues before it comes to disengagement and a legal process, frankly. That's quite complex. We've gone four minutes over time, and I apologise for that, but I thank you for coming. We will have a few follow-up questions on notice, and I would appreciate it if you would be able to answer those.

MARK ZIRNSAK: Yes.

The CHAIR: Dr Zirnsak, you referred to a World Bank study.

MARK ZIRNSAK: Yes.

The CHAIR: I don't think it's referenced in your submission.

MARK ZIRNSAK: No, we didn't put it in the submission.

The CHAIR: Is there any chance you could provide that on notice?

MARK ZIRNSAK: Yes, absolutely. When you grilled the employers at the first session, the study that represents the 70 per cent or 80 per cent satisfaction is the study that's being referred to.

The Hon. Dr SARAH KAINE: They said it was an ANU study.

The CHAIR: They said it was an ANU study, and they said it was 90—

MARK ZIRNSAK: No, Matthew Dornan used to work for the ANU, and then he went over to the World Bank.

The CHAIR: Can we just check, because they quoted completely different satisfaction figures.

MARK ZIRNSAK: The ANU work they're referring to is the work the ANU has been doing around their views on why workers are applying for protection visas. That's a completely different set of work to the World Bank study, which looked at worker satisfaction. I'm happy to give you the reference.

The CHAIR: If you wouldn't mind. I appreciate you making that clarification. We'll go through the data at its source, if you like. Thank you to all of you.

(The witnesses withdrew.)

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Associate Professor MARTIJN BOERSMA, Discipline of Work and Organisational Studies, University of Sydney Business School, affirmed and examined

The CHAIR: Associate Professor Boersma, welcome. Would you like to make a brief opening statement?

MARTIJN BOERSMA: I would. Thank you, Chair, and Committee members, for the opportunity to appear before you today. My colleagues and myself—that is, Associate Professor Stephen Clibborn and Professor Chris Wright from the University of Sydney Business School—have put quite a bit of research into the submission that we made to you. Our findings highlight systemic vulnerabilities that significantly increase the risk of severe exploitation, including modern slavery, amongst workers in rural parts of New South Wales.

Our research identifies a number of factors, which you can see on page 7 of our submission. Notably, the ones that we highlight are visa restrictions, geographic isolation and language barriers as factors that heighten vulnerability. Temporary migrant workers frequently find their mobility and employment choices severely restricted, exacerbating their dependence on specific employers. This dependency intensifies when employers control workers' accommodation, which is also often substandard and exploitative. Inadequate regulatory oversight compounds these issues, allowing exploitation to persist largely unchecked. Existing mechanisms at both State and Federal levels are insufficient and inadequately resourced, meaning many exploitation cases go unnoticed or unresolved.

In short, we argue for possibly New South Wales supplementing Federal support schemes, or at least actively advocating with the Federal Government to protect workers through amendments to Federal schemes. We argue for the establishment of a labour hire licensing regime in New South Wales, as has been the case in other jurisdictions in Australia; enhanced data-sharing protocols; developing a housing strategy that reduces migrant workers' dependency on employer-provided accommodation; and planning for climate change impacts and their subsequent impact on workers in rural areas.

Finally, and most noteworthy—they're all noteworthy, but this one is noteworthy—just this morning on the ABC there was a report by an ANU scholar, Lindy Kanan, specifically looking at the issues that women in Australia experience who are in Australia as part of the PALM scheme. I'm sure people providing previous testimony today have highlighted that research. That goes to the sixth recommendation that we make, which is to implement intersectionally conscious policies and protocols. I welcome any questions that you might have.

The CHAIR: Strengthening labour hire regulation has been a constant theme since we started. Actually, it is a big theme today. Dr Kaine has suggested that perhaps we could act quickly—I may be misinterpreting your words here, Dr Kaine, but I'll put it out there—to require any labour hire company operating in New South Wales to be licensed in either Victoria or Queensland. I'm interested in your reflections on that and the complexities of that, and any other thoughts you might have about how we might move rapidly to introduce some scheme. There's a very strong sense of evidence from all the people that we've heard so far that this is a really urgent matter. As I said this morning, we've already raised it with the Attorney General. Do you have any reflections on that?

MARTIJN BOERSMA: That's a good point. It's obviously easy for me and my colleagues to put forward a suggestion like that, but we did reflect on possible timelines and the steps that would have to take place. I think the suggestion by Dr Kaine makes a lot of sense. Something that we had suggested ourselves would be to have an interim labour licensing scheme—or at least something that has the bare bones of what a licensing scheme would look like, based on what other States have already done—and roll that out before you ultimately, over a longer period of time, come out with a comprehensive scheme.

The good thing about New South Wales not having a dedicated scheme yet is that you don't have to reinvent the wheel; you can look at what's been happening in other States, what has worked and what has not worked. There are obviously a number of forums through which the responsible Minister could engage their counterpart in a different State to gather that information and apply it in New South Wales. But certainly the solution put forward by Dr Kaine would make a lot of sense.

The Hon. Dr SARAH KAINE: I have a follow-up question. One of the criticisms of my otherwise very worthy suggestion that the Chair has just summarised would be that you would still need to have some kind of enforcement. Even if we accepted the licensing of other States, you would still need some on-the-ground enforcement. We've had the conversation about enforcement in other committees. What steps could we take in New South Wales to close enforcement gaps—and we don't want to create any more, either—that enable the kind of exploitation that we've been talking about?

MARTIJN BOERSMA: That's a good question. Fortunately, me and my colleagues also reflected on who would be responsible for the enforcement. There are a number of candidates there, but one of the things that also crossed our minds is that you can have a cross-agency taskforce doing that in the opening stages of a labour

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hire scheme. Agencies that came to mind were NSW Fair Trading. There might be a role for SafeWork NSW, obviously. NSW Industrial Relations would be a candidate that has data there as well. But also, knowing that many of those agencies would already be stretched in terms of resources, manpower et cetera, it would be a possibility to set up a cross-agency taskforce that could do that in a more informal way in the opening stages of a scheme in New South Wales.

The Hon. Dr SARAH KAINE: Part of the issue we've had with this discussion—and we spoke about it on the last hearing day, as well—is the cross-jurisdictional issues. We're talking about what happens in the State but, really, schemes are run federally. How do we deal with that, in your experience and through what you've seen in the research that you've investigated?

MARTIJN BOERSMA: That's a very good question. Obviously, one of the recommendations that we make in our submission is about data sharing. Again, I'm fully conscious of the fact that that's something that's really easily said. But interagency data sharing, especially in the different jurisdictions, can be quite challenging. On top of that, there has been a commitment from the Federal Government to come up with a national labour licensing scheme of sorts. You could make the argument—and I had prepared to field that question—that wouldn't a Federal scheme then supersede any national scheme?

The problem with relying on a national scheme is that we are obviously not aware of the time frame in which that might occur. Queensland recently has seen—well, due to a change in government, their scheme has been delayed by quite a bit, as far as I understand it. The urgency with which much evidence was presented today, I would say, would necessitate the introduction of a New South Wales scheme. Again, not having been part of these forums—what's the acronym again, COAG?

The CHAIR: Council of Australian Governments.

MARTIJN BOERSMA: Yes, that's right, and several ministerial councils, as well, could be used as forums to have this interjurisdictional cross-pollination where you could sift out what was the problem with the introduction of these schemes, and how it might work going forward, and what would be the complexities of having different schemes at different levels—so at a State level and then the Federal level. But I don't think that, in itself, should be a major problem in implementing a scheme.

The Hon. AILEEN MacDONALD: How can local councils and NGOs be integrated into the enforcement and support ecosystem without overburdening already-thin resources?

MARTIJN BOERSMA: I'm very happy that you mentioned the overburdening of NGOs. I've worked with quite a few NGOs and, yes, they are experiencing—it's almost like the enforcement has in part been outsourced to them, and so they're overstretched and under-resourced. But they are such a vital part of the outreach in the communities, as are the local councils, obviously. In large part that is about funding, in the first place. To my knowledge, federally, there has been quite some support, after the introduction of the Federal Modern Slavery Act, to try to see what NGOs would need in order to help effectively enforce the Modern Slavery Act.

The funding is always what it comes down to with civil society and NGOs, at the end of the day. But for the Government to effectively facilitate forums where it is possible for local councils and NGOs and other stakeholders to build capacity and to learn from one another would be very important. I think that has, to a degree, already happened. But I was listening to the evidence being provided just before by people that were seated here—for example, Community Connections referred to one person who was basically servicing half the State. I don't know how they do it. I think that, in large part, it's about capacity building and upskilling. But this comes back to one of the points that we made in our submission: to provide appropriate training to people for whom this might be relatively new. You might be on local council and not really have had any experience with this. That experience does reside in civil society. But, obviously, they are overstretched and they can't just provide training to anyone.

If you'll indulge me, on the topic of training—and this has been mentioned by people providing previous evidence, not just today but last time as well, among which is the Office of the NSW Anti-slavery Commissioner—to roll out standardised training that is specifically tailored to people in rural areas, people that might be on local council and people that might be far away from the metropolitan service provision. It is something that has been stated quite a bit, as well, that the legal services, the assistance, the crisis accommodation et cetera—a lot of that is quite focused on metropolitan areas and absent in rural areas. But to come back to your question, that is a question of funding, but also for government to facilitate forums where all those different stakeholders rurally can come together and form networks that facilitate knowledge sharing and capacity building.

The Hon. Dr SARAH KAINE: Professor Boersma, I've got a question which is a bit more theoretical, and it came to me while I was listening to the previous witnesses. I suspect it's something that you've thought about quite a bit, given your area of scholarship. There's a bit of a tension around the PALM scheme or other visas, where workers from countries where labour standards are not as good as Australia's and where pay isn't as

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good come to Australia, and they experience an environment where the wages and conditions might be better but are still substandard in the Australian context. You obviously don't want to deny people opportunities which are certainly better than they have at home, but it's that dilemma of relativity. I wondered if you had any reflections on that. I know it's a bit of a left-field one, but I suspect you've thought about it quite a bit.

MARTIJN BOERSMA: Absolutely. Clearly, for people coming from Pacific island nations or elsewhere to work in agriculture, the money they make in Australia—which oftentimes they send back with remittances—is significant. But that doesn't take away from the fact that people should still be paid a legal minimum wage. I think that in some of the evidence that we've seen and in the submissions that I've seen, surveys that have been done among 15,000-plus migrant workers say that 75 per cent of them didn't get paid the minimum wage. For me, the fact that they would earn more here than they would elsewhere, or that this provides an economic opportunity for them, can never excuse illegal behaviour by any employer.

If I may expand on that, given the fact that you mentioned the theoretical nature of the question, when I teach my students at the University of Sydney Business School about the difficulties in the agricultural sector in Australia and the exploitation that takes place, I first take them all the way back to blackbirding practices of the past. I take them back to those types of exploitation and I ask them to break down, in key points, what they think the issue is. Obviously, with blackbirding, there's the abduction and the kidnapping. But ultimately, when we strip all of that back, it's about the lack of mobility or option to move that a worker experiences, and the disproportionate power that an employer has.

I'm not here to make a one-to-one, like-for-like comparison between blackbirding and the modern slavery or modern slavery-like conditions that we would encounter on farms. But the point is that if you look at the freedom afforded to a domestic worker, for lack of a better term, versus someone who's here on a temporary migrant visa—the limited capacity they have to make decisions; the limited capacity they have to raise a voice to engage worker organisations that might help them, such as unions or civil society organisations; and still, despite the changes made to the PALM scheme recently, the disproportionate power that resides with the employer—ultimately, the ingredients of that recipe for exploitation are still there.

The Hon. Dr SARAH KAINE: You mentioned the article today on the ABC about the experience of women being unable to access health care, and I know you mentioned in your recommendations that intersectionality is important. We are trying to think about what we can do in our jurisdiction. What, if any, strategies or interventions did you and your colleagues come up with that you thought would be worth our consideration?

MARTIJN BOERSMA: Women are disproportionately affected by sexual harassment in the workplace. That's a given. We don't even have to look at—or we can, and we should—all the evidence that's been provided and all the recommendations and the submissions to the Committee. The point is that a lot of the research thus far thinks about the exploited migrant workers in rural areas as a homogenous group. If you start to pick at that, fortunately, the very timely publication from Dr Lindy Kanan from the ANU today outlines how women not only have to deal with these substandard working conditions but also are subjected to requests for sexual favours to meet the work requirements in terms of, for example, the 88-day requirement to work in rural areas to meet visa requirements et cetera.

That is something that makes up one piece of the puzzle—I'm obviously referring to page 7 of our submission—of the numerous different factors that contribute to that overall risk profile. Within the New South Wales jurisdiction—I imagine that for SafeWork NSW that would be the case—I would say anything to do with sexual harassment or discrimination based on gender would be something that you could look at, also in terms of providing culturally sensitive but also gender sensitive support services. As Dr Kanan also outlined, the shame that's associated with sexual relations outside of marriage or falling pregnant, indeed, is obviously something that is borne by migrant workers in those communities. That would be one part where I would say that's something where you could act, for example, through SafeWork NSW, because I do think that sexual harassment in the workplace would be part of their remit.

The CHAIR: I might switch now to how we get data and the right information. The PALM scheme seems to be highly regulated. We know almost precisely how many people are supposed to be here, yet we've just heard that even within that scheme information doesn't necessarily go to all parts of it. Thinking of Working Holiday Makers, it seems to me that it is quite important to know where they're working and get some idea of that sort of information that might be shared amongst different agencies so at least people would be aware perhaps of collections of Working Holiday Makers, or industries or firms. I don't think that takes place at the moment. Is it a privacy thing that that doesn't get shared more broadly, even if it was not person-specific data, or is it just that no-one has thought to tell the police that there are 100 Working Holiday Makers currently involved in this particular area? Is there any reflection you can make on that?

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MARTIJN BOERSMA: That's a good question. I think in part it is based on privacy and, particularly with the sensitive topic, obviously with potential exploitation as well, the sharing of data. Obviously someone who might be in an exploitative situation might share data or information, but on the premise that it doesn't get spread more widely. I think there's a lot of distrust typically of authorities, and fear obviously of repercussion as well, from both the employer and authorities. Anecdotally, I taught the modern slavery and human trafficking postgraduate program developed and taught at the University of Notre Dame Australia two years ago. I had one very bright student who worked for the Australian Federal Police, and we engaged in quite lively discussions. One of the things that we oftentimes talked about in class was how can we do better in terms of public provision of services.

One of the things that it always comes down to is information sharing. How do the New South Wales police share information with the AFP? How does that intersect with Border Force? How does that get outside of these channels potentially to civil society? How does civil society feed into that? The sense that I got from her—quite explicit actually—was that that was mostly just a cultural thing. That was the inter-agency reluctance to share that type of information. While I definitely see a privacy issue there as well, as you just started off by raising, from my colleague who again worked for, and still works for, the Australian Federal Police, that was mostly an inter-agency thing where that's just culturally not done to share that type of information. I don't think that there are necessarily any structural limitations for that occurring. I think you have to identify pathways through which that can occur.

The CHAIR: Dr Kaine, I think you had one more question?

The Hon. Dr SARAH KAINE: It might be one that takes a bit longer, so I can provide it on notice.

The CHAIR: We're obviously talking about PALM scheme workers, Working Holiday Makers and temporary migrant workers. We had evidence this morning of people being recruited to come on tourist visas who then basically end up being taken through a pathway to get a protection visa so they can then be put to work. Is that something that you've engaged with, where it's outside any sort of visa? It sounds to me completely illegal.

MARTIJN BOERSMA: Yes, that does sound quite illegal to me. I've not known any cases specifically like the one you just mentioned. But one thing that we do mention in our submission is the role of crime syndicates around that as well, and the notion that there would be a structural, more organised effort to circumvent visa restrictions. Coming back to your previous question, I think that might potentially be a motivating factor for Federal agencies to do some information sharing when there is a dimension of organised crime involved, or there are crime syndicates, where the issue itself seems to be elevated from "mere" worker exploitation towards illegal activity on an organised scale, which also intersects, for example, with drug cultivation as well, as we know. That might be an instigating factor for some of those agencies to share more data. The specific example that you mentioned, I'm sure it occurs, but I'm not familiar with any specific cases.

The CHAIR: Thank you very much, Associate Professor Boersma.

(The witness withdrew.)

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Dr HANNAH TONKIN, Women's Safety Commissioner, Department of Communities and Justice, affirmed and examined

The CHAIR: Welcome. Thank you very much for coming to give evidence this afternoon, Dr Tonkin. Would you like to make an opening statement?

HANNAH TONKIN: Yes, please. I'd like to begin by acknowledging that we're on unceded Gadigal land. I pay my respects to Elders, past and present, and also to any Aboriginal people here today. Thanks for the opportunity to provide evidence before this inquiry. My role as the Women's Safety Commissioner is still a relatively new role—it's been about two years now—and it's the first of its kind in any State or Territory. My focus is on domestic, family and sexual violence, so that will be my primary focus today. I'm broadly focused on women's safety, and I focus a lot on women's safety in the home, but also women's safety at work and women's safety in public spaces. All of those things are relevant to this inquiry, particularly safety at work and in the home.

Since I've been in this role, I've heard many, many times about how women on temporary visas are at an increased risk of violence and abuse, both at work and at home, and also how they face greater barriers in reporting and seeking help. In the workplace, as the Committee would know, there's often an inherent power imbalance between temporary migrant workers and their employers. The workers often depend on their employer for their visa, accommodation and transport. In rural areas and regional areas, they're often geographically and socially isolated. All of these factors contribute to an environment where they might experience abuse or violence but also not feel confident or able to report it.

There are also challenges for women on temporary visas in the home. In terms of domestic and family violence, there are many structural, cultural and social barriers in that environment as well, and geographical and social isolation plays a key part there. As I've heard from many women and migrant women, they're often terrified of reporting their experiences of domestic and family violence to the authorities. It's very common for them to be dependent on the perpetrator for their visa in a domestic and family violence situation. It usually is an intimate partner situation, but often they might be experiencing violence or abuse from another family member—a mother-in-law, for example, is another common scenario.

This situation in domestic and family violence is common. There can be a genuine fear of deportation, and that's often weaponised by the perpetrator, including threats to separate the women from their children in the process. There are many challenges. I can talk more about these in the questions, but I would just say that this inquiry is timely—it's urgent—and it presents a really important opportunity to reflect on these key issues and to identify ways to better support temporary migrant workers, and particularly women, in New South Wales.

The CHAIR: Thank you. I'll begin, if that's okay. The ABC reported today instances of women being unable to access health care on temporary migrant visas, who in particular might become pregnant and choose to have an abortion because of issues around health care, frankly. That's a devastating, drastic situation. But, in a way, it's the tip of an iceberg in terms of the factors that you've described. You've spoken about the fact that it's been raised with you a number of times. Are you able to expand a little bit on what you've heard about those situations? Any thoughts on how they might be addressed—and I mean practically, in a reasonable time frame—or measures that might be taken?

HANNAH TONKIN: Yes, I did see the reports today. I think that's a good example of some of the structural barriers that exist. We hear these terrible individual cases, but if we work backwards, a lot of them stem from these broader structural barriers, such as not being able to access Medicare. Often, if you do have private health insurance, it will cover a pregnancy. But if it's an unplanned pregnancy, there's usually a one-year waiting period for the private health insurance. Often the women are falling through the gaps in that one-year waiting period when they can't access Medicare or private health insurance for antenatal care. I definitely heard those stories, and we can trace that back to some of those structural barriers. It's important not to just think they're isolated cases but to actually look at the structures that are in place that can contribute.

In terms of what I've heard in my work, I'd say there are two main areas that I hear. One is in relation to domestic and family violence. As you would all know, coercive control is now a crime in New South Wales. In serious cases of coercive control, it can be almost like servitude or slavery. We do see some extreme cases of particularly women on temporary visas who are kept in those types of conditions where they have absolutely no autonomy or independence whatsoever, and everything in their life is controlled. I do see examples of that which I hear a lot in my work. Women in that situation are particularly vulnerable. Often there are cultural barriers. There are cultural factors. There are often—almost always—language barriers. But, in terms of barriers to help seeking, they both exist. The shame is huge, sometimes, in terms of seeking help. There's mistrust and distrust of authorities, often, particularly if there might be sometimes discrimination or racism. But even if there's not, there's just that distrust of the authorities and a fear of seeking help.

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There's a lack of access to translators and interpreters, particularly female interpreters. We know that's a challenge for some languages in particular, but that's a big challenge in regional and rural areas. For women, it's often better to have a female interpreter, but that's obviously not always possible. That's another challenge that I often hear about. In that domestic and family violence context, I hear about the challenges for women in regional and rural areas in general, such as a lack of services, social isolation, geographical isolation, all of those things—compounded, if a woman is on a temporary visa, by all of those barriers that I discussed—but also having the systems actually being weaponised by a perpetrator. We even call it visa abuse, and it's actually a recognised type of coercive control where there are threats of having the visa cancelled, threats of having someone deported, perhaps leaving their children behind. These are very real situations that I hear about a lot, that weaponisation of the immigration system in a domestic and family violence context.

In terms of solutions, it's very challenging. I would say there has been advocacy by some in the community sector for a special type of visa for a domestic and family violence situation. The Department of Home Affairs has done a lot in this area already. There's now a specialist team to deal with domestic and family violence in Home Affairs. They've got new changes to family violence provisions that have come in recently. There has been a lot already, but more could be done. We've looked at new visa categories in other areas, so that's one option that's on the table. That's, of course, at the Commonwealth level. But many of the barriers are actually at the State level. Yes, we have the visas. But, at the State level, a lot of the barriers to actually getting services are here.

What I hear from refuges and other services providing domestic and family violence frontline services is that sometimes they're not able to help women on temporary visas or provide them with full support because they're simply not getting adequate funding for that type of specialist support that's needed and for the length of time that's needed. A woman on a temporary visa who goes to a refuge generally has to stay there much longer than someone who's not on a temporary visa, because the housing options to move on to are not there. They're problems at the State level. In the same way, there are gaps in the New South Wales housing and homelessness service system—access to transitional accommodation, access to social and affordable housing. In the housing spectrum, at every step along the way, there are barriers.

What that means is that these women are having to stay in refuges for much longer. That puts pressure on the services, whether they can accept them in the first place, knowing that that might mean turning away however many other women. That's what I hear a lot. In terms of solutions—and I'll end this point here—I think housing is a big one, looking at more funding for specialist domestic family violence supports for women in this category, but also looking at the housing barriers that exist for women on temporary visas experiencing domestic and family violence, because that's a real blockage.

The other main thing I hear about in this area, relevant to this inquiry, is sexual harassment. Obviously, sexual harassment in general is a big challenge, and women are disproportionately affected in all industries, some industries much worse than others. But we also know that women on temporary visas can be particularly vulnerable to sexual harassment as well. They are often dependent on their employer for their visa. There are other structural barriers to getting help. A lot of the vulnerabilities or the barriers that exist for women experiencing domestic and family violence are also there for women experiencing sexual harassment: the power imbalance; the dependence on the visa; and the actual visa abuse, in the sense of weaponising that power imbalance, knowing that someone can't leave. Or maybe they can't move on to a different job under their particular visa rules because they have to have a certain number of days et cetera. There are all these structural rules that feed into that situation.

The CHAIR: Can I follow up in terms of what the State can do? I take your point about funding and longer accommodation at refuges. But it seems to me that access to health care is another area where the State could intervene.

HANNAH TONKIN: Yes.

The CHAIR: People have suggested, previous to this, that there should be access to Medicare, for example, on some of these visas. That's a Federal Government issue. But the State could waive its costs and charges to provide care for women in vulnerable situations, to enable them to continue with a pregnancy, for example, and get antenatal care. I think sometimes local health districts do that, but it does require them to make a decision because there are rules around—if you're not covered by Medicare, if you don't have insurance, you get a bill. Nevertheless, if the State could adopt that policy more broadly, would that be helpful?

HANNAH TONKIN: Absolutely. I think not being able to access Medicare—and having that waiting period for private health insurance, if they can afford private health insurance—is a terrible situation. We're probably talking, especially for antenatal care, about a relatively small number of women who fall into that particular scenario. I'm not suggesting that's the only scenario you'd want to address. The numbers wouldn't be huge, but I do think we could come up with something at the State level that would address this. You can look at Medicare and you can make recommendations about Medicare, but that's beyond the remit of what the State can

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do. But it needs some special solution that doesn't depend on the individual service going out of its way to go well beyond what they're actually funded to do, which is exactly what happens for refugees in domestic family violence. They're having to cover it themselves, rather than saying, "Okay, this is a problem. This is a particular group. Let's come up with a bespoke solution for that group."

The CHAIR: Thank you. I think it is something we could push the State Government on in a more formalised way.

The Hon. AILEEN MacDONALD: I think the questions I had cover what Dr McGirr had. We've heard evidence that women in rural areas face overlapping vulnerabilities—gender-based violence, visa dependence, all of those. From a women's safety perspective, how well is the New South Wales Government currently identifying and responding to those compounding risks? And where are the gaps? I think you've already mentioned some of them. But also, what are some of the solutions that could be put forward?

HANNAH TONKIN: I think there are still a lot of challenges in every State, including here, and particularly with the big population we have in New South Wales. We have a lot more regional and rural areas with high numbers of these workers. In terms of what are some of the gaps, I've talked about some of them. Specialist cultural services, regional hubs—more place-based solutions are really important in many areas. But in this area, it's particularly important that having the services in Sydney isn't very helpful in many cases. Having regional hubs of services—it still might be far away for some people, but it could be a lot closer than what currently exists. I think that's important.

More investment in interpreters and translators or other models of service—it doesn't always have to be more money. It can be doing it in a smarter way. Funding for more specialist services in the domestic and family violence space, for more specialist support for women on temporary visas and women in these categories—I think that a lot has improved in many areas, but I also think there's still a lot that needs to be done. For the police, again, a lot has improved, but I think—more training for the police in this area.

Finally, I would say community awareness raising. I think some of it is also just not being aware of avenues to report, and that you don't have to report to the police. There are other ways of reporting things and getting help that don't involve the police. In many communities—including Aboriginal communities, but certainly in some communities—there can be a lot of shame in calling the police. Just knowing that there is 1800RESPECT or that there are other places you can call that don't involve the police, where you can get confidential advice as a first step—a lot of women in this situation wouldn't know that. And so, I think some of it is awareness raising and how you get that information into communities in language.

The Hon. AILEEN MacDONALD: Does your office or agency engage with other agencies, like the Anti-slavery Commissioner, SafeWork NSW and Multicultural NSW, to identify and respond—maybe not to trafficking, with regard to this inquiry, but possibly you do—to slavery-like conditions involving women?

HANNAH TONKIN: Yes, in some ways, we do. I engage with the Anti-slavery Commissioner, and a lot with SafeWork NSW. SafeWork NSW did have a sexual harassment taskforce that I was a member of. We didn't look specifically at this issue in as much detail, but we looked in general at a wide range of different areas. Multicultural NSW—yes, I do work with them quite a bit on different issues. Another thing I'm doing in my office and engaging a lot of the key players on—particularly when we're talking about domestic and family violence, but actually when we're talking about any sort of violence or abuse against women—is that we know from the Australian Bureau of Statistics that women who are experiencing violence, whether that's family violence or sexual violence, usually don't tell anyone.

If they do tell someone, more often than not, it's an informal source of support. It's a friend. It's a family member. It might be a religious leader. It's someone in their community, rather than a formal source like the police or a doctor or a counsellor. We know that these social supports or informal responders are critical, particularly for women in multicultural communities, who are less likely to go to the police. One thing we're looking at in my office is how we upskill social responders. I'm doing a lot of work with faith leaders. I think that's really important for this Committee. Those religious leaders are often the first port of call. Often women will seek advice and support from their faith leader long before they go to the police.

And so, how do we upskill? I just had a round table in Coffs Harbour two weeks ago, bringing together faith leaders from across the whole region with specialist domestic family violence services and other community leaders from multicultural communities, to bring everyone together to talk about how we can upskill and connect faith leaders so they know where to refer people. I think upskilling social supports is just as important as looking at the formal services and supports that we have, as well, because they need to know where to refer people.

The Hon. AILEEN MacDONALD: Do you have some trauma-informed protocols that you would then be able to deliver to those support services that are in those communities after you've done a round table so that,

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instead of it ending with that family friend or someone like that, there is a referral pathway and a way that they can then refer the person in a respectful manner, so that they feel supported?

HANNAH TONKIN: I'd say a couple of things there. One is that DCJ's multicultural policy and engagement team has developed a series of seminars and workshops for religious leaders. They've been delivering them around New South Wales, periodically. I think they're actually really good, and it would be good to see them up-scaled. The religious leaders who've done them have said they have a lot more confidence with what to do and how to respond, and where to refer people, critically.

The work that I'm doing in my office on the social responders work is that we've engaged Full Stop Australia—who are experts in sexual violence, but they also do a lot of work in domestic and family violence—to develop training to upskill religious leaders and other social responders, and also sports coaches. We're starting that initially in Lismore and Canterbury-Bankstown—so two areas, initially—to formally have training programs to upskill community leaders. They're just two examples. But I think that could be a really powerful contribution, to not just look at the formal services but look at how to get those social supports upskilled.

The CHAIR: I think that would be consistent with the evidence we've received today about the importance of building or strengthening informal networks, broadly, in this space. I presume that forum in Coffs Harbour wasn't specifically related to temporary migrant workers.

HANNAH TONKIN: No.

The CHAIR: It was broader than that. But it's clear that people coming from overseas with cultural and linguistic barriers—let's put it that way—and who are on visas, and are scared of reporting and getting into trouble and being deported, are not going to reach out and make complaints to people in authority. Strengthening those informal networks is a pretty powerful way of doing that, so thank you for that, and thank you for making us aware of that work with religious leaders. I think it was the witnesses earlier this afternoon who said that 95 per cent of people from Pacific islands will come with a very strong faith background, so maybe that is something that we should be seriously considering if we're going to get people to report—or at least raise this issue with people.

The Hon. Dr SARAH KAINE: Dr Tonkin, you spoke about the power imbalance that exacerbates vulnerability. There's already a power imbalance in any employment relationship, and then you add fuel to that fire by tying someone to a particular employer. I wonder if you could reflect a bit more on that, because I'm not sure that that's come out, necessarily, as much as it could. My one reservation about this idea of faith groups and cultural ties and going to faith leaders—without at all wanting to cast aspersions on the very good will of people involved—is that sometimes those structures in those organisations aren't exactly free of the types of power relations that we're talking about here, in terms of gendered power relations or authority. Is there not also an attendant risk there that we have to be careful of?

HANNAH TONKIN: Absolutely. I think the reality is that many women do go to their faith leaders, so we want the faith leaders to know how to respond when that happens. That's not to say that they're going to be perfect or that we should be lauding them as the perfect response, but just that this is the reality. One of the more challenging parts of my role is that I'm a member of the Domestic Violence Death Review Team, and we look at every domestic violence related homicide in New South Wales. In many of those cases I have seen, the female victim did go to her faith leader at some point and didn't get a good response. She was told to go back to her husband, or whatever. Sometimes she did get a good response; there were some cases I saw where she did get support. But I did see some cases where she didn't—and we're talking about different religions here—and it ultimately ended in the worst possible situation for her.

Having seen that, that's obviously the sharpest end. But that was a wake-up call to think that this is the reality—that women are seeking support from their faith leaders, particularly in multicultural communities. The forum I had in Coffs Harbour a few weeks ago—and I had a similar one in Newcastle last year—was really powerful. It wasn't just targeted at temporary migrant workers, but Coffs Harbour is a settlement area, so this came up a lot. All these barriers we talked about—interpreters, language, culture, shame—we talked about them a lot. It was incredibly powerful to connect the faith leaders to the services—a lot of those connections didn't exist before—to connect them to each other, to upskill them, to provide them with resources.

Also, we had the police come and talk about coercive control and the new coercive control laws and what coercive control is. One thing I found heartening—the police commander there, the superintendent, was wonderful. She said that the following day three community leaders—they weren't religious leaders, but it was someone from the Congolese community and someone from a couple of others—separately contacted them and asked for a follow-up seminar from the police for their community. Three, separately. So there's obviously a

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hunger for this. There's an appetite in those communities to learn more, to know what the laws are, to know more about coercive control and to know what the supports are. I thought that was really important.

On the power imbalances, absolutely, in any employer relationship this is a huge problem. And then, of course, there are gender factors, and you might have cultural and language barriers. They're dependent on the employer for the visa, almost always, in this scenario, and that adds so many layers to the power imbalance. We know that in many of these industries, unionisation rates are low, so many of those safeguards that might otherwise exist are not there. I think layer upon layer of power imbalance, overall, can be a terrible situation.

The CHAIR: It certainly sounds like a very valuable education for faith communities. That would be my observation.

HANNAH TONKIN: And all community leaders. We didn't just have faith leaders; we had leaders of multicultural communities who are non-religious, as well—particularly the female leaders, who didn't necessarily qualify as a formal faith leader.

The CHAIR: Thank you very much, Dr Tonkin, for your time this afternoon. I publicly acknowledge all of our witnesses today and thank the Committee members who are here.

(The witness withdrew.)

The Committee adjourned at 15:45.