

REPORT ON PROCEEDINGS BEFORE

MODERN SLAVERY COMMITTEE

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

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At Blue Room, C.ex Coffs, Coffs Harbour, on Thursday 11 December 2025

The Committee met at 9:30.

PRESENT

Dr Joe McGirr (Chair)

Legislative Assembly

Ms Jenny Leong (Deputy Chair)
Ms Lynda Voltz

Legislative Council

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

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The CHAIR: Welcome to this 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 Gumbaynggirr people, 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 and Torres Strait Islander people joining us today. My name is Dr Joe McGirr, and I am the Chair of the Committee.

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 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.

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Ms BIBA HONNET, Migrant and Settlement Manager, St Vincent de Paul Society NSW, affirmed and examined

Mr GILES FRYER, Senior Solicitor, Workplace Rights Service, Legal Aid NSW, affirmed and examined

Mr JAMES BLAXLAND, Senior Solicitor, Workplace Rights Service, Legal Aid NSW, affirmed and examined

The CHAIR: To each of the witnesses, welcome. Thank you for making time to give evidence today. Would either of the two organisations like to make a brief opening statement? Can I just ask you to keep it to two to three minutes, because we're keen to explore the evidence.

BIBA HONNET: I manage a settlement service in northern New South Wales that covers the Nambucca Valley up to the Queensland border and inland to the Great Dividing Range. It is a region which includes towns where temporary migrant workers are employed in local meatworks and the agricultural sector. We are funded to assist refugees and other vulnerable migrants. We provide casework referrals to mainstream services and education about Australian culture, laws and systems and their rights. We work closely with a lot of other organisations—health, women's refugees, legal services.

Because we are a migrant-specific service operating in a regional area where there are limited services, we are often contacted regarding both general and more specific welfare concerns for temporary migrant workers, particularly when they're not eligible for our or other assistance. I speak to a lot of these workers, and I hope that we have quite a few of them speaking today. When major local employers are known to apply punitive measures to an entire ethnic group if one person from their community as much as questions an unfair condition on the job, I'm unsurprised that the workers I've contacted have been unwilling to speak today.

Today, my intention is to keep front and centre—and I hope this isn't too trite—that these are people at the end of the day. We seem to treat them as commodities, but they're human beings doing work that's much needed in our communities. When the system works, they're paid good money compared with what they might earn in their local economies, and we can all feel good about that. When it doesn't work, local communities are stepping in to provide much-needed basic welfare and other supports. For the workers, their costs here can be really high. It's not just the increased rents and inflated food, transport and utility costs but also the months and sometimes years away from their families, communities and often their children, while they're treated as outsiders and kept at arms length from our communities in Australia.

GILES FRYER: Legal Aid NSW is an independent statutory body established under the Legal Aid Commission Act. We deliver legal services across New South Wales through a statewide network of over 26 offices. They range through criminal, family and civil law. Our services range from legal information and advice through to an extensive suite of litigation services. We also partner with private lawyers who are funded by Legal Aid to represent legally aided clients. Employment law is the third most common civil law type that Legal Aid sees in New South Wales. All of that is done in house through our team, which is called the Workplace Rights Service specialist statewide service within our civil law division. We essentially help workers enforce their rights under State and Federal workplace laws.

In the last financial year, we provided nearly 4,000 employment and discrimination law services to workers in New South Wales, including advice and representation. This extends across wages and entitlements claims, unfair contracts, unfair and unlawful termination, workplace discrimination and sexual harassment. This calendar year, the team recovered over \$1.2 million in settlements and determined outcomes for our clients. Many of our clients are migrant workers in regional areas, including here in the Mid North Coast of New South Wales.

Responding to demands, and because we've obtained ongoing funding through the National Legal Assistance Partnership, we've nearly doubled our team. We now have 10 permanent solicitors. We have been able to base those solicitors in what we consider are regional hotspots, including here in Coffs Harbour and down in the Riverina and in your electorate in Wagga Wagga, Mr Chair. Despite this and despite our awareness that this is a hotspot, we know we are seeing less people than we should be, and that is because of a lot of the concerns which Ms Honnet raised about coming forward to seek help. We hear those stories, and we are happy to share some of those stories today.

The CHAIR: Ms Honnet, you said that the system can be good and can work well and is something we should even be proud of, in some sense. But you clearly said that it doesn't work in some situations. I'm just wondering if you could expand on what you mean by "doesn't work" and perhaps your observations about why it doesn't work or what happens so that, in a complex system that is set up for regulation and so on, people fall outside of that.

BIBA HONNET: Over the past 2½ years, since my first referral of a group of 79 very unhappy blueberry picking Pacific Australia Labour Mobility workers, I have visited many substandard employer provided

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accommodations where overcrowding and inadequate protection from the elements in summer and winter are common—dirt floors and tarpaulin doors and walls. Workers have told me about unfair working conditions, curfews and restricted freedom of movement; withholding of payslips, visas and passports; and consistently less pay than they were promised when they were recruited back home. This is just from workers within PALM. From the workers that I speak to who are disengaged from the program and thus become undocumented, the situation is often far worse once they enter the informal labour arrangements, which I'm learning there is no shortage of in this region. Their vulnerability increases enormously once they don't have the protection of a scheme that still is not working for everybody.

The CHAIR: There are quite a number of aspects of that answer that I think we will probably want to explore. The first one for me is just to come back to the fact that you have indicated that, for people who are actually on the scheme, presumably with approved employers, you still witnessed substandard conditions and issues with pay and their treatment. Is that correct?

BIBA HONNET: That's correct.

The CHAIR: Is that one of the reasons people leave the scheme?

BIBA HONNET: That's my understanding from the conversations I've had with workers. When it becomes untenable for them to stay, they disengage.

The CHAIR: Thank you. Mr Fryer, have you got any comment to make on that observation?

GILES FRYER: I think the latest statistics are that approximately 7,000 people have disengaged from the PALM scheme. There are a multitude of reasons why that occurs, but if we're looking at some of the structural issues, perhaps the strictness that's applied to the PALM scheme if it was to be contrasted, say, with the Working Holiday Maker scheme, in the PALM scheme you're really wedded to one employer and it's very difficult to seek reengagement through the Department of Employment and Workplace Relations to engage with a new approved employer.

That can make it very difficult where circumstances are such that a person doesn't want to continue in that workplace, whether it's because of experiences of underpayment or excessive deductions, sexual harassment and even unfair dismissal. Where they've had to leave, it still becomes difficult. If we contrast this over to the Working Holiday Maker scheme, there's simply hardly any regulation about who can be an employer to sign off on, for example, a person's 88 days farm working, which a lot of people are doing up in this region. There's perhaps too much regulation or too strict a process in the cohort which is PALM workers and then not enough in the Working Holiday Maker scheme.

The CHAIR: Can I clarify that, despite that strict regulation—and we've heard of regular inspections and we've heard employers complaining about strictness and expense of being an approved employer and what they have to meet—you're actually saying that you've met and had dealings with workers who are still in substandard conditions and who's treatment is such that that is a factor in them leaving the scheme?

GILES FRYER: That's correct, yes. If you look at the list of who are approved employers in New South Wales, a large proportion of those are labour hire companies. Some of those labour hire companies are, of course, doing the right thing, but there are others that are providing situations where workers can end up either owing money or otherwise not earning enough money each week. That's because the PALM scheme obviously operates a bit differently to usual work visas and work generally in Australia, where there's a larger class of deductions that can be taken from their pay. Under the PALM deed and guidelines, they're really left with not much in their pocket at the end of a full working week. Because of that—and the fact that there is a bit of idle time, especially in harvest-based industries like horticulture, where there isn't work to provide them—they're not able sometimes to get their full hours each week. There's a requirement in the PALM deed of 120 hours over a four-week period, so that can mean there's some slack time as well.

Ms JENNY LEONG: Thank you for being here today. I want to touch on when things go bad, either where people are exploited, they have serious health needs, the need for crisis accommodation when inappropriate housing is identified or when they need visa support because they have disengaged. I wonder if you could all speak briefly to what is funded and where the gaps are. What access do non-citizens have to the services in the area? What restrictions are there in terms of accessing domestic and family violence services, crisis accommodation, healthcare support, access to education for kids et cetera? I'm keen to hear for people who are part of formal working schemes—because obviously even if you're doing well and have a great employer, you still need to go to the doctor occasionally or get sick—versus the ones that are in probably much more risky situations. Ms Honnet, do you want to start?

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BIBA HONNET: For workers within the scheme—I'll talk about PALM because that is the group that I see most of—there are still barriers to accessing things like health care because they're required to pay up-front for any health needs, and then they're reimbursed by the insurance that they hold, compulsorily, through the program. That may be full cost, no Medicare subsidy. It sometimes is \$600 to attend the emergency department, for example. I've seen people skip antenatal care because it's too expensive for them to pay up-front. In terms of accommodation, if they have a visa, they are entitled to stay in the refuge, access women's health services, and access domestic and family violence services. Most services are available to them on a limited basis. At the point of disengagement, that all ceases and it's very, very difficult to get assistance for people in need other than through charitable individuals and usually community volunteer groups who fundraise and spend their own money to provide food vouchers and payments for emergency accommodation.

Ms JENNY LEONG: Did you want to comment, Mr Blaxland or Mr Fryer?

JAMES BLAXLAND: Sure. From a legal standpoint, as Mr Fryer said, a lot of these employers, particularly in the PALM scheme but also in the Working Holiday Maker program, are labour hire. With almost zero regulation in New South Wales for labour hire, employers can essentially be a \$10 company with no assets. We've seen examples of a labour hire company whose registered address is in fact the backpacker hostel and their director is overseas. Bringing a legal action for recovery of wages or anything against a company like that is fruitless. There's no money; there are no assets. It's often difficult to even serve documents on a company like that.

The fair entitlements guarantee that covers the rest of us in circumstances where a company is insolvent or an employer is insolvent doesn't apply to PALM workers and so forth. Sometimes they are underpaid deliberately and have no way of getting those wages repaid. Other services, like victim services, don't apply. This is perhaps going off on a little bit of a tangent, but one of the main issues we see is a lack of knowledge as well. There are not a lot of translation services, particularly in these rural areas. There is not a lot of material in the languages these workers speak, and they simply do not know what their rights are. There is, as Ms Honnet said, a lot of fear of coming forward and a lot of mistrust of government services, but there's also just simply a lack of knowledge and a lack of resources available to them. They wouldn't know what they can do in those circumstances in the first place, and that's something I think could certainly be improved with very little resources.

Ms JENNY LEONG: Can I just follow up, and I'm happy for you to take it on notice—it would be really great to know if Legal Aid or Vinnies have any data, or whether you get data, on where people are placed and migrant workers are placed. Because we've heard from councils that that—

BIBA HONNET: I've asked. I'm trying.

Ms JENNY LEONG: The local councils we know don't get that information, and I just wasn't sure whether or not you may have any idea of the scale or size of the populations you're trying to serve.

BIBA HONNET: Unfortunately it's very closed to us, and it would be helpful for some of the preventative work that we do if we did know.

The Hon. Dr SARAH KAINE: I wonder if we could just take up where you left off with regards to the labour hire. One of the questions I had is, and this goes to all of you, have you engaged directly, say, with the growers? Is there anything equivalent to sort of accessorial liability? It's not uncommon in other industries for the contracting chain to be complex or phoenixing down the chain, but you can then pursue others in that chain who should have responsibility. Is that an option? Do you do that? How does that work? The growers are ultimately responsible for what's happening on their farms, even if they feel like they're contracting that responsibility out to a labour hire company.

GILES FRYER: If we're focusing on the Fair Work Act, section 550 of the Act is a common accessorial liability provision, which we rely on in claims against directors of companies, for example, where they're involved in the contraventions of the company. It becomes slightly more complicated in the labour hire context. It's certainly not impossible to do. I'm aware that industry is aware of this as an abstract issue. I think it's quite difficult if you start back from the beginning of how a person becomes engaged. For example, take a working holiday-maker who simply answers a post in Mandarin or in a language on a Facebook group saying, "Come and pick berries in Nambucca or Coffs Harbour." By the time they've started working, and even by the time they've received their pay, they're still quite unsure what the entity is that they're working for, that they're employed by.

When they go onto the site where the grower is, where the farm is, they might only be given GPS coordinates to put in their phone in order to get there in the labour hire company provided car. There's very little knowledge of who is the grower and even who is the employer in that tripartite relationship. For them to then later on—after they've been underpaid or had something occur to them—seek a legal claim is very difficult, like Mr Blaxland was saying, to identify the potential respondents to serve documents. They will only know the grower

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by their first name. They might only see them one or two times. Perhaps that's a more unusual example. I wouldn't say it's uncommon. That's certainly what our clients tell us. Otherwise, I certainly think that's an area where potential test case litigation and advocacy can make some headway. But, as yet, it is complicated to do that.

Ms LYNDA VOLTZ: I want to come at it from a different angle. As the member for Auburn, I've got about a thousand refugees with no means of support. They're all being picked up by the community. Some 80 per cent of my electorate speak a language other than English. The stories in your submission are not uncommon. I get these stories every single day in my electorate. You say there's one PALM case study here. You say there are many working in regional areas, but I would have thought this is something that you've dealt with day to day—given the situation in my electorate, particularly with the safe haven visas in the past and a whole range of things—and that it is a statewide rather than regional problem.

Other than the working holiday visa, which you've said is less regulated—and the PALM isn't—one of your case studies is a person on a working visa, so that's not the problem. The problem is where employers are exploiting people, and particularly people that are from migrant communities, whether they've got visas or not got visas and a whole range of things. What's the mechanism here that deals with the universal problem, particularly in my electorate, but also in regional areas, that goes to the heart of this? These are employment conditions that are usually regulated by either a New South Wales government department or a Federal government department.

GILES FRYER: That's a very good question. I agree that the issue is not confined to regional and rural parts of New South Wales. It's statewide. Our service certainly sees the majority of clients who are subject to exploitation on a form of temporary visa in our metropolitan areas. If we think of dividing the types of clients we see into four groups, whether it's working holiday-makers or PALM workers, we then have different types of visas that have work conditions—for example, skilled visas, student visas and types of bridging visas that allow it—and then the last group being people who don't have a right to work in Australia, whether they are on a visa but it doesn't have a condition to work, or they don't have any current visa at all.

People across that spectrum obviously have different ways that they wish to engage in seeking out help, and ways that they are forced to continue providing for themselves by undertaking cash-in-hand work or other things because they're in breach of some of the conditions of their visa. Why we're focusing on PALM workers and working holiday-makers is because, under the work requirement rule, the work specification rule for working holiday-makers, and under the PALM scheme, they're required to work in regional areas. Because that's the focus of this Committee, we're obviously focusing on those groups. But we recognise, of course, that there are people on skilled visas and student visas, and there are people without any visa at all, who are here in Coffs Harbour right now picking fruit and being exploited. Equally, there are people from those subclasses who are working in convenience stores in Sydney right now being exploited as well.

In terms of the mechanisms that are necessary to protect all of those workers, there are some things at the Federal level in terms of regulating some of the conditions and rules around how people work, where they work and for how long in the different visa subclasses that need to be fixed because they form parts of almost indentured servitude needing to be wedded to an employer rather than perhaps an industry. There are ways that they can be fixed. Generally, the system can work well, but it's very difficult when there are no regulations of labour hire companies. Time and again they are seen as a very common employer of migrant workers across all industries. New South Wales remains one of the few States without labour hire regulation. Obviously, that's currently a national issue, but there have been many calls, including from the NSW Anti-slavery Commissioner and the Australian Anti-Slavery Commissioner, that New South Wales needs urgent reform in that space.

The Hon. Dr SARAH KAINE: I have a very quick follow up. I just wonder about approved employers. That seems to be a loophole or a gap that you can drive a truck through. You're seeing approved employers being labour hire companies that are clearly not decent employers and that are doing the wrong thing. Something's going wrong with how we approve employers, isn't it?

BIBA HONNET: Yes.

GILES FRYER: I can't speak to personal experience of an approved employer; more so labour hire companies in the working holiday-maker space. As Mr Blaxland was saying, examples where, because of how easy it is to set up a company and not being subject to any licensing arrangements for a labour hire company in New South Wales, it can quite literally be registered to a false address.

The Hon. Dr SARAH KAINE: But if labour hire companies can be the approved employer?

GILES FRYER: They can, but the approved employer scheme has quite a lot of requirements to become an approved employer. I would say perhaps some of the shortcomings are that considerations will be in New South Wales if they have certification under an industry-accredited body, like Fair Farms, Sedex or things like that in the horticulture sector. That is potentially a compliance issue throughout the supply chain because the

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supermarkets, too, rely on those industry accreditation bodies. I think there's been research that suggests self-accreditation has some shortcomings.

The CHAIR: Just to clarify that point, I also thought, Mr Blaxland, you said that there were labour hire firms that were approved employers, and they may be problematic in terms of standards. Could you clarify that? I accept the point about unregulated labour hire firms. I get that, but we've heard from employers that becoming an approved employer is quite difficult. It's stringent and it's monitored by the Commonwealth. You seemed to suggest that labour hire firms may be able to get a way through that. Perhaps you could clarify that.

JAMES BLAXLAND: To be honest, and as Mr Fryer said earlier, we do see far fewer PALM workers coming through our doors than we know are having issues through our engagement people. The labour hire in this space that we see, or have seen, are mostly the working holiday-makers, whether they be simply advertising on Facebook pages and things like that for workers. Again, as Ms Honnet said, there are success stories in this space—absolutely—but there are also some significant issues in the PALM workers scheme. I could not say with any assurity that labour hire employers within the PALM scheme are not doing the right thing because of any national scheme of picking them out.

The Hon. AILEEN MacDONALD: I want to turn to your submission, in which you mention Migrant Worker Centres and welcome committees. Because you said that a lot of the time workers don't know the rules, how would you see, say, the Migrant Workers Centre or the welcoming committee providing an awareness to workers so that things that have been happening don't happen? What would it look like in practical terms if workers coming in could be made aware of the barriers and things they should be aware of—or shouldn't be aware of, but are happening—by the Migrant Workers Centre or the welcoming committee?

BIBA HONNET: I can see it working either one of two ways. Either at a migrant worker centre I would have a lawyer, a social worker and then bilingual or multilingual workers who can communicate directly with workers, who are able to do what we do in the settlement program that I run, which is provide education on host culture, general legal advice—you have a driver licence. It's great that you have an international licence. That only lasts six months and then you need to renew it and get a local licence. Otherwise, they get fines. That's one of the major reasons that people come in to us, because they don't know that that is a requirement. From then it often snowballs and their fines get bigger and bigger until they become unpayable for them. I think a designated migrant worker centre in regional areas would be wonderful.

Alternatively, include PALM workers and other temporary migrant workers in a program like the one that I run in northern New South Wales, which is federally funded, to provide settlement, engagement and transition support. That covers all of the referrals and community education, local information, host culture and connection to your local community. I think that is what is missing in the orientation for these workers—they're kept separate from our local communities. Three years ago I was receiving warnings saying, "Just to let everybody know, can you circulate in your networks that it's migrant worker season? New workers have arrived. You may see an increase in certain types of crime and street harassment." This is not what I've experienced at all. There is that othering that is occurring with these workers.

The CHAIR: So who was the provider?

BIBA HONNET: It was an email from a service provider. That was the warning that they had had to share in the community. I could find it—I mean, it's not necessary.

GILES FRYER: In terms of if we're focusing on PALM workers again, the welcoming committees—I understand DFAT is responsible for pre-departure briefings and then it becomes DEWR's responsibility to do inductions when they're here. That involves New South Wales police. It has involved unions to an extent. We see a space for organisations like Legal Aid to provide plain language legal information, which we provide commonly through our community legal education. That is sometimes also done obviously in targeted community languages. We translate our written documents and publications as well. Lots of this extra work, which is really vital beyond the legal work and support, often is unfunded, particularly in regional areas. I know Ms Honnet can speak to that—about the work she does that is outside of core funding.

In terms of things that can be done, we're talking a lot of things at the Federal level. At the State level there is room for additional funding, which of course Legal Aid would always say. But it's in relation to that extra work of building relationships of trust in regional areas and having the resources necessary. Because this is not a temporary stream of workers coming to the regions; this is an increasing amount of people. It's not going anywhere any time soon. If we can create welcoming committees and other ongoing forms of engagement, that can only be a good thing.

The Hon. AILEEN MacDONALD: You mentioned that an email went out saying, "Be aware of this." Instead of an email like that, what training or resources should be going out into the rural communities to make

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them aware that, "Hey, we've got some wonderful people who are coming in and these are their cultures," rather than warning them to lock up—whatever it is they're doing? How can we flip that?

BIBA HONNET: There needs to be an acknowledgement of the reciprocity of this sort of work. These workers are doing work that Australians often aren't interested in doing. They're providing a service to us. We are all benefiting from that. They actually deserve to be welcomed into communities, and that starts with letting service providers know where they are working, where they are based and where they are accommodated, and allowing us to bring them to welcome events and include them in faith-based activities, if that is their wont. It's a whole-of-community responsibility, and I think that the communities I have known that have included workers in their activities have said nothing but positive things.

Ms LYNDA VOLTZ: Have you guys had any contact with the newly established Migrant Workers Centre that's been set up through Unions NSW?

BIBA HONNET: Not yet.

GILES FRYER: We've been in touch with Unions NSW. Obviously, the funding was last year—\$6½ million over a four-year period. My understanding is that it is due to open early next year, 2026. It is administered through the Department of Communities and Justice, which Legal Aid also is, so we are very interested to understand how we can work together, given that we already have solicitors and services in a lot of the priority regional areas.

Ms LYNDA VOLTZ: In particular, too, bilingual documentation, pamphlets and information going out—have you had any discussions with them regarding that?

GILES FRYER: Yes, just preliminary discussions. My understanding is that their focus is on also engaging specialist solicitors and social workers who are themselves or have been migrant workers who are multilingual. We have long experience in terms of hiring in regional and remote parts of New South Wales. That's quite difficult, but we think it's a very good ambition to have to do that.

The CHAIR: I wanted to ask a follow-up question, starting with yourself, Ms Honnet. It's about disengaged workers. I think, as you've pointed out, that's a particularly vulnerable group. They're almost stateless and can easily be exploited. You highlighted some difficulties with the PALM scheme that might lead people to consider leaving it and, clearly, we've heard that there is a lack of information and there are issues with language, which will also confuse people. I'm just wondering, are there other factors that lead to people disengaging and, in particular, are people poached off the scheme? Are people actually approached, do you think, and offered alternative visas? Have you, Mr Fryer or Mr Blaxland heard of that happening, or are you aware of any of that?

BIBA HONNET: I haven't heard of poaching. I would say that the disengaged workers I have spoken with and worked with have disengaged because of working conditions and living conditions that were not what they expected when they came onto the program. They have been paid less. They have been mistreated in the workplace, and it hasn't been what they have signed up for. Then there may be an element of, "I know somebody who is working in a different State or Territory whose experience is better than mine." I will always try to assist them to go through the department and move employers, but that is such a long process that I haven't had any success with it. In the interim period, they leave and they become disengaged.

The CHAIR: Are you able to briefly describe your experience of helping people trying to go through the official channel to raise a concern?

BIBA HONNET: It involves spending a long time on the phone, which they often can't do. It's not suitable for me to do it. I approach—there is a phone line that they can call to register a request. Most of the time these workers are being threatened that if they don't change a certain behaviour or perform in a certain way, they're going home tomorrow. So they don't have that time, to spend half an hour or 45 minutes or two hours waiting to talk to somebody who then says, "Okay, now we've got your report, we'll see what we can do." The threat is that they're leaving tomorrow, and they've seen that happen to their friends. So they just pack up and leave. We haven't really got much further in the process.

The CHAIR: That's very helpful, thank you. Mr Fryer, did you want to make a comment?

GILES FRYER: Just two weeks ago I've been involved in assisting a PALM worker through the grievance process, so I can speak to that. Certainly it's very complicated. In the example where a person who's in the PALM scheme is dismissed from their employment, it's very common that the employer will buy them a ticket out of the country the very next day or within that week. If that person wants to challenge their dismissal by way, let's say, of an unfair dismissal claim, which is their right to do, by then remaining in Australia they are in breach of their visa. Condition 8611 requires them to remain employed by their approved employer, and every day they're not employed, they're in breach of their visa. That's an offence that can be the subject of a cancellation notice by

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the Department of Home Affairs. To me there's a lot of departments involved when that occurs, because the Department of Employment and Workplace Relations and the Department of Home Affairs need to speak to one another.

This is where this pilot of the Workplace Justice visa comes in but, because a person hasn't yet had their visa cancelled, they're not eligible to apply for a Workplace Justice visa. You can only do that within 28 days on either side. The Strengthening Reporting Protections pathway on the other side is possible, but there are other grounds on which the Department of Home Affairs can cancel PALM visas. It's a real minefield, as a lawyer, to give advice to a very vulnerable client, often through an interpreter, because you can't give them any certainty whatsoever. You can't say to them, "It's going to take you five months to see through to your unfair dismissal. I think you have a strong claim, but you might not be here by the end of that. In the meantime, it's illegal for you to perform any paid work to financially sustain yourself to stay in Australia." They still have rent to pay, they of course have bills and they have to, as a condition of their visa, maintain private health insurance.

Back to your previous question, I think it's important to note that in those moments where people do disengage that there are many reasons why they do—mistreatment. The slack time, the idle time, is a really important thing too. This is why it was disappointing that the Federal Government didn't move to put the minimum hours per week and kept it at the four week, 120 hours. That's because if a person is still having deducted from their weekly wages \$180 for a bed, transport and food but they're not making enough money, they're in debt—and that's debt bondage—so they have to pay their way out of that situation. If they're offered cash work elsewhere and they have no work going on because the harvest is over or their labour hire company hasn't moved them yet from Coffs down to the Riverina for the new harvest, it's hard to say no in those circumstances.

One thing I also want to touch on outside of PALM is here there's a very active society, and you'll hear from some of their members later on today, the Coffs Coast Multicultural Society. When we meet with them, they tell us about the dozens of different languages and ethnic groups that are present working in the Coffs Harbour region. There are Burmese. There are people from Nepal and Indonesia. There are people from many countries. So there's also a large contingent—like I was saying before—of people who are the subject of migration fraud or deception. They're brought to Australia, either promised that they have work rights on the visa they've paid for or on a tourist visa to then apply for a protection visa. That is, I would say, a missing group of people who are very important to talk about in this conversation.

Obviously the PALM scheme is very regulated, working holiday-makers less so, but then there's another huge group of people who are at most risk of exploitation—disengaged workers but also workers on other forms of visas or no visa at all, who we really don't see or hardly ever at Legal Aid, and for understandable reasons. They're very scared to come forward. Our work is in trying to increase community engagement and build relationships of trust and that legal training so that these people understand their rights and know where they can go to find out what they can do about it.

The CHAIR: We're at time now. Are there any questions on notice?

Ms JENNY LEONG: I just wanted to flag—and I'll follow up with some supplementary questions—that one of the things we haven't touched on is the family accompaniment pilot that is occurring now. I'd be really interested to know—we're not going to have time to touch on it, but it hasn't come up—in relation to the risks to partners and children when we're looking at potential vulnerabilities of the workers that are engaged and their visas, if there was to be a breakdown in those relationships, or indeed in the relationship between the employer and the worker, how that is playing out and any insights you can provide. I'm happy to follow up with some supplementary questions, Chair. I'm just really concerned we haven't touched on that at all. That's a second level of vulnerability that I think arises.

BIBA HONNET: Under my program, if I can just answer really quickly, dependants of PALM workers are actually eligible for our assistance. That means we can help them with housing, health, welfare and any other requests that they do have. However, we're not actually seeing them in this region. I suspect it's because accommodation is so scarce and so expensive. It hasn't come up yet.

The CHAIR: That will be a supplementary question. I thank you all for your evidence. The secretariat will contact you in relation to any questions on notice, and I presume you will be happy to provide answers to those. At that point, we might conclude the first session of today's hearing. Thank you all for making time. I think it's been a very valuable session.

(The witnesses withdrew.)

(Short adjournment)

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Ms CARLA CHUNG, Migrant Support Worker, Australian Catholic Religious Against Trafficking in Humans, sworn and examined

Dr DEIRDRE LITTLE, Catholic Women's League Australia, sworn and examined

Ms RUTH DOOLEY, Catholic Women's League Australia, sworn and examined

Mrs MARGARET FOX, Volunteer, Lilyrose Pregnancy Support, sworn and examined

Mrs BEV DOWNES, Volunteer, Lilyrose Pregnancy Support, sworn and examined

The CHAIR: Welcome back to the next session of our inquiry into temporary migrant workers in rural and regional New South Wales. It gives me great pleasure to welcome our next panel of witnesses. I thank you very much for making the time to give evidence.

DEIRDRE LITTLE: I'm a GP obstetrician. I've worked in obstetrics for 25 years at Bellingen hospital and in accident and emergency for 35 years. I was medical director of Lilyrose antenatal clinic.

RUTH DOOLEY: I worked with Lilyrose in a voluntary capacity, in the role of reception and administration, for about nine years.

MARGARET FOX: I was a voluntary support worker of the Lilyrose team, interacting with some migrant worker mothers and mothers-to-be holding visas.

The CHAIR: Would any of you like to make a brief statement before we open up to questioning?

DEIRDRE LITTLE: As mentioned, I am a GP obstetrician. I have worked in the area in hospitals here for 35 years, and 25 of those were doing intrapartum obstetric care. I directed Lilyrose antenatal clinic from 2015 to September 2025. We cared closely for pregnant migrant women for a decade. We therefore have firsthand experience of the risks and problems arising for these mothers and their families. As well as providing care, we have communicated their issues to Coffs Harbour Health Campus, to pathology and ultrasound providers, to our local members of Parliament and to colleagues, and ensured a submission via the Catholic Women's League went through to this inquiry. My statement and evidence relate to terms of reference (a), (h), (i), (j) and (k).

Pregnant migrant workers and student visa holders do not have Medicare access to antenatal care or confinement support financially. Migrant workers are hardworking, reproductive-aged labourers contributing to our economy and yet there is no provision of care during one of the most perilous times of their lives, even though they continue to work while pregnant. The women we have cared for at Lilyrose antenatal clinic we came to know well. We knew their families and their situations. They are keeping our primary industries afloat, as we were informed during COVID when migrant worker entry to Australia was blocked. We were told the produce would perish without them and that the fruit would rot on the vine.

I and colleagues will present the lived experience of these mothers and their families, since they are fearful to draw attention to themselves. They have no pregnancy assistance but have the same medical needs as other mothers, with problems to be screened for, treated or prevented. Antenatal care is to prevent bad outcomes for mothers and babies, yet the required cost, as private patients, for these mothers is prohibitive. Pathology companies charge \$150 just to draw the blood for blood tests, let alone the expense of the actual routine pathology advised in Australia. These mothers are charged approximately \$180 for a routine antenatal visit to the hospital, where they may see a direct-entry midwife without registered nurse qualifications. I might add that this is approximately three times the bulk-billed benefit that's available for an antenatal consultation.

These mothers formed a substantial part of our Lilyrose clientele. They were cared for pro bono by our clinic by GP obstetricians, RNs and midwives. This care involved all scheduled antenatal care visits; all pathology expenses if they couldn't manage themselves, which almost none of them could; all required ultrasounds; all required specialist consultations; and all the required allied health referrals. It involved medical and nursing home visits. Lilyrose funded their antenatal care, both in the clinic and at the hospital under shared care. It provided baby goods, car seats, occasionally food, and referrals to other support agencies as well. Finances for this care and support came from donations via LifeHouse Church, some other churches—some from the Catholic church, though predominantly LifeHouse Church—from private individuals and from the bulk-billing intake from other mothers who had Medicare entitlement.

Without this care, problems such as gestational diabetes, pre-eclampsia, intra-uterine growth retardation, pregnancy-associated hypertension, cardiac complications, hyperemesis, thyroid effects, placenta praevia, multiple pregnancies, anaemia, iron deficiency, common vitamin deficiencies and haemoglobinopathies et cetera would go undetected, unmanaged and untreated. Some of these are potentially lethal complications for the mother

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and/or the baby. Migrant worker mothers in this area relied on us for this care. There is a potential impact of death and morbidity for migrant worker women denied access to Medicare for pregnancy care. They are also billed as private patients for their delivery in the hospitals. Lilyrose filled out hardship forms for these women, which our nurse would present to the hospital when accompanying these mothers there on visits. These hardship forms were often handed straight back to our RN by billing staff without further action. Hospital billing staff have approached these women during induction of labour and immediately after caesarean deliveries to ask, "Who is going to pay for this?"

Lilyrose was informed by both the Coffs Harbour pregnancy care social worker and by the head of the social work department that Lilyrose were not permitted to make referrals to the social worker for our pregnant women who are migrant workers. This was so even though we were in a professional shared care capacity and arrangement. Rare patients could afford Bupa pregnancy insurance in advance, but were unable to obtain from social work or from the finance department what the hospital would and would not consider was covered by their complex policies.

Visa settings mean there is much apprehension around pregnancy and birth. The alternative, freebirthing without care, has a known maternal and infant mortality rate that is unacceptable. One notable patient had been presented with a list of pregnancy and birth costs amounting to many thousands of dollars at the start of her pregnancy from a practice in Inverell. Copies of this letter have been submitted. I wish to table them and they have been handed in. She travelled four hours to attend our clinic for antenatal care and worked two jobs, including at an abattoir, to be able to afford to take some time off after the birth. Pregnant migrant workers are here to support our primary and other industries, and they deserve the utmost care and respect. This includes more than words and more than access to abortion, more than a printed list of costings for pregnancy running into many thousands of dollars and more than nudging them towards abortion.

They deserve our standard of antenatal care and its provision, without pretending they can afford the bills sent to private patients. They would greatly benefit from antenatal care clinic access and from confinement care offered in the region in which they work and whose industry and economy they support. They would benefit from specialist pregnancy referral when needed, like everyone else. The healthcare reasons are obvious and the care they need is obvious. We can do no less. Saying that they perhaps should have aborted their baby, or should abort their baby, or should have had a long-acting contraceptive inserted is disrespectful to their culture and beliefs, and I think it contributes to fostering a slightly dismissive attitude towards their care at higher levels.

CARLA CHUNG: Today I would like to make a statement about the PALM scheme workers who are working on the coast of New South Wales who I have been in touch with for a few years. I visited them last year along the coast. Most of them are living in overcrowded accommodations, sharing minimum two people to up to six. Previously, there were up to 10 people in one cabin. Regardless of how many people are sharing, the amount that they pay for the week is the same if they work for the same approved employer. Workers are too scared to speak up about the condition of their accommodations. Because I've looked after workers around Australia, we do actually compare certain situations with workers living or working in different areas around Australia.

Some people might be coming from the same villages from the same country but working in different States in Australia and could be bringing a different amount of money because of the extra cost that they are covering for accommodation for example. I have a specific sort of example where workers came from a village somewhere in Ainaro. They are cousins, and one worked in Western Australia and another one worked on the coast of New South Wales. The one who worked in Western Australia lived in a one-bedroom with no sharing and with all of the available facilities, paying \$125 per week, while the one on the coast of New South Wales was paying \$170 per week and sharing between two or six or up to 10 people in a cabin. This is specifically on the accommodation basis. They do run into issues where there are a lot of people sharing.

We are looking at workers who would come under the Pacific Australia Labour Mobility scheme, workers who come under the backpackers scheme and tourists, and there are a few different countries coming in together in the same space under different approved employers or different labour hire. The costs of the accommodation may vary from different approved employer or labour hire. I think these things need to be looked at. Often sometimes when certain things went wrong or something got damaged, everyone would have to take responsibility over it, and they are often charged with an extra deduction when something is broken or run down related to their accommodations.

The second issue that I want to talk about—and we can touch further on the accommodation later—is the issue of piece rates. It's very difficult for workers who are working on piece rates, because they don't know how to calculate whether they're underpaid or paid correctly. This is because piece rates rely on what would be the average workers working in the same space. We're not talking about counting the fastest or the slowest workers. Sometimes when that happens, a lot of workers are underpaid when it gets calculated. It's difficult, because if they

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come under the PALM scheme, they will be told that if they're too slow they will be not coming back next year. But the amount of money they earn is basically what they have worked on, so I think it's an extreme unfairness. Often they are tied by owing money to the approved employer that brought them in.

The third issue that I'm going to touch on is the deduction and the contract. Under the PALM scheme, the minimum contract for short-term workers is six months to nine months. However, there is still an approved employer currently in coastal New South Wales, in Coffs Harbour and Corindi, that brought in workers, and the contract that they signed is for nine months work. But if you look at the way their flights are booked, they are booked to come and work for four months and one week, which is not what the regulation is saying. I am referring to 177 workers who are under this contract right now, and 32 workers have just recently moved to Tasmania. This issue happened last year. This was brought to the attention of PALM, but it happened again this year, so I think it needs to be looked at, because this is at the cost of the workers.

The first three months, when they work, they are paying back the amount of money that they owe for their flight, their accommodation and the extra costs of bringing them here. By the time they finish with their deductions, usually the season has finished, their contract gets cut short and they almost immediately get sent home, which means that they go home with no savings. It's really sad to see. A lot of them have families, which can bring a lot of issues, whether it is psychological or mental, because the family have that expectation that they come to work for a better life and to support their family. But just think about when the seasons are bad and you're getting \$200 a week. How much can you earn to cover your running costs and your own expenses in Australia, let alone save, or if you have a wife or husband at home with two children, minimum? We're talking about the Pacific and Timor-Leste here. Most people have more than two children. This is a very difficult situation, and I think it needs to stop.

Ms JENNY LEONG: First of all, Ms Chung, I want to come back to some of the housing elements. But I want to clarify, Dr Little and Ms Dooley, that we've got you listed as being representatives of the Catholic Women's League Australia but, in terms of your opening remarks and your swearing in, you mentioned your voluntary work with Lilyrose. I just want you to clarify, if you could, the connection between the two.

DEIRDRE LITTLE: We believed, in the Catholic Women's League, that the problem was more widespread than just in Coffs Harbour. Instead of doing two submissions, I wrote one, and it was entered as the submission—I think you'd have a copy of it—via the Catholic Women's League. Rather than writing a second submission for Lilyrose, we were happy with that first submission.

RUTH DOOLEY: Deirdre represents both.

DEIRDRE LITTLE: I'm the medical director of Lilyrose antenatal clinic.

Ms JENNY LEONG: Right. So there's a direct connection between the two organisations through yourself.

RUTH DOOLEY: Through Deirdre herself, yes.

DEIRDRE LITTLE: I don't know about a direct connection, but I wear two hats and the Catholic Women's League frequently will put in submissions. We believe this to be a statewide problem, although our examples, given they were from Lilyrose—we do believe the problem isn't just confined to Coffs Harbour. Catholic Women's League put in a submission, which I didn't duplicate from Lilyrose.

Ms JENNY LEONG: No problem. Thank you for clarifying that. I appreciate it, Dr Little. Ms Chung, you talked about the kind of challenges around housing pressures. One of the things we heard from the previous session was indeed the fact that in many cases workers in this situation may know their rights, but they may not be comfortable to act on them because of the reasons you've discussed in terms of the need to stay employed, the risk to family and people who raise those concerns.

I wonder, in your experience with the substandard accommodation and housing situation, how many examples you would see where workers in that situation, or indeed their families, would feel comfortable to raise that like any other person would in relation to your tenancy advice and advocacy service, or raise it through other channels versus the idea of thinking that's just the given? What do you see as the out for those people in the substandard accommodation? What options do they have if they can't afford to pay the rent? Are they accessing homelessness services or other types of crisis accommodation? What pathways exist?

CARLA CHUNG: I am talking directly in relation to the Pacific Australia Labour Mobility workers. They have the option to have their own rental, to go and seek outside. However, the tricky situation here is if they're on a short-term contract, it is impossible to get a rental or a lease out there. Mostly you would be able to get six months. If you look at the conditions here where they have a contract of five months, but with their contract

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they're only working for four months and one week, that's impossible. They are actually fully reliant on their approved employer.

I have to declare that I have spoken to workers and had a meeting with them last night prior to coming to this meeting. There have been workers who wanted to come and speak at this forum. There are representatives of two men and a woman who would like to come and speak to the forum as far as the Government is making sure they are coming back on their next assignment—that they are protected to speak up. I think that's one of the biggest fears of them—that if they speak up, they'll never be able to come back the next season and their families are relying on an income they get from here.

Ms JENNY LEONG: Thank you, Ms Chung. Maybe, just in relation to that, I will say it's absolutely open through yourself as a witness—and I'm happy for you to take it on notice—if those individuals want to provide anonymous information or details to the Committee, you are happy to submit that would be possible.

CARLA CHUNG: Thank you.

Ms JENNY LEONG: And I just want to say that we acknowledge that, in the previous session as well, there was evidence from Ms Honnet saying there were indeed issues around people not being willing to step forward.

CARLA CHUNG: Correct.

Ms LYNDA VOLTZ: Sorry to interrupt, but it may worth mentioning that we can do in-camera hearings as well.

Ms JENNY LEONG: I would have assumed that that has already been shared with the people, but maybe not, so feel free.

The CHAIR: We might ask the secretariat to follow up with you, Ms Chung, to make sure that you're aware of what's available to give evidence.

Ms JENNY LEONG: Indeed, we can do them confidentially as well.

CARLA CHUNG: Thank you.

The Hon. Dr SARAH KAINE: Thank you all very much for appearing and for the work that you've done, clearly over a long period of time. I have one very quick question. You all spoke in the past tense about Lilyrose. Is that because it's no longer operating, or there's been a change in people?

DEIRDRE LITTLE: We ran out of donations in September because we're pro bono. We ran out of donations in September 2025. That was the last clinic that we had. I've also happened to have moved away down to Bowral, so I didn't feel it was safe to run the clinic from a long distance unless we could afford to continue to employ the midwife that we had employed quite recently. I thought it was safer not to try to do that. At that point, I'm afraid, because of lack of donations and money, we had to close the clinic.

The Hon. Dr SARAH KAINE: I'm sorry to hear that. Ms Chung, you were talking about piece rates. Piece rates have been illegal for the last couple of years. There has been a minimum award rate that came in in 2022. I know that something being illegal and something being done are quite different. They're not necessary mutually exclusive. But is there an understanding out there that there is meant to be a minimum wage? Is it that there is an understanding but, as Ms Leong was saying, there is an unwillingness because of fear to try to claim that wage? Or is there a lack of understanding that there is a minimum wage meant to be paid?

CARLA CHUNG: I think workers understand that they're not getting the minimum wage but, if they protest it to their approved employer, they will not be able to come back next year because of the nature of the contract.

The Hon. Dr SARAH KAINE: So it's less about an educative and more about—

CARLA CHUNG: Yes. There is no guaranteed right to return under this situation.

The Hon. AILEEN MacDONALD: I think you answered this before. How sustainable are community-run clinics? Obviously they're not sustainable, as you've—

DEIRDRE LITTLE: It was sustainable for 10 years, which I think is pretty good innings for a volunteer pro bono clinic. It was partly because, having reached the age of 70 as well as moving away—there were multiple factors. It wasn't just the financial. It was then having to employ a midwife to take my place.

The Hon. AILEEN MacDONALD: You mentioned—was it Dr Joe Turner? He is Armidale based, isn't he?

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DEIRDRE LITTLE: Yes.

RUTH DOOLEY: He is now, but originally he and Dr Little alternated at the clinic. The other factor was the rest of us were volunteers. So when you're not forking out for wages, we were able to sustain it. But obviously you can't if you're paying wages.

The CHAIR: Dr Little and Ms Dooley, I'm just trying to understand. I thought workers came with some level of health insurance to Australia and that it's actually required. Are you saying that it didn't cover pregnancy care?

DEIRDRE LITTLE: Most of the workers that we had didn't come under PALM. I think we had three that were under PALM. The rest were under independent arrangements. Only one I'm aware of had insurance and that was with Bupa, and it was unfathomable—the contract. We sent it to the social worker at hospital. It seems like she couldn't work it out either. The client went and had the baby without really understanding what she'd be up for. The ones that come independently, they did not have private insurance for pregnancy.

The CHAIR: Just to be clear, the people on the PALM scheme, in your experience, were covered with private health insurance for pregnancy?

DEIRDRE LITTLE: No, not the people that we had under PALM. They weren't. We only had three of about 40 that were under PALM. But they were not covered by private health. We only had one that was covered by private health and this person was not under PALM.

The CHAIR: The other women that you saw, they weren't PALM. They weren't working holiday workers. You weren't entirely sure how they were here?

DEIRDRE LITTLE: They were under, I think, independent contracts, was our understanding.

Ms LYNDIA VOLTZ: But they'd still have to have a visa though.

DEIRDRE LITTLE: They had done that independently. Some had brokers as well and came in under that method. Our aim was to really provide them with antenatal care. There was no other provision for—we weren't legally involved in the nature and the settings of their visas except to know that they didn't have Medicare cover of any sort for antenatal care or for delivering.

The Hon. GREG DONNELLY: Thank you all for coming along. I have to say, it's tragic to hear about the closure of Lilyrose. I've not been there, but obviously it has been very valuable and meritorious work in the community. The document that's been circulated on the LifeHouse Care/Lilyrose letterhead—I'm just looking at it. It's a four-and-a-bit page document, and on the bottom it's got, "Judy Alcock, R.N." Could you please—I don't mind who answers this—explain who Ms Alcock is? Could anyone—I presume she worked there or is associated with it—confirm that you have some firsthand relationship with her and can validate it, if we sort of describe what's in here? I say that because, obviously, she is not providing evidence to the inquiry, and this is a document which we just need a bit more information about.

DEIRDRE LITTLE: Judy Alcock was a registered nurse and previously a midwife at our clinic for eight years. She is currently in Tasmania on holiday without any reliable internet connection, and she wrote down her experiences directly over those eight years that she worked—we were all pro bono, by the way—at Lilyrose. We did manage to get reception and talk on the phone about this two days ago, and we've exchanged multiple emails about this. I'm aware of her firsthand experiences at the time when they were happening, and my colleagues here also have written down experiences that these pregnant migrant workers were noted to have as firsthand experiences. Judy has mentioned other experiences and, because she knew she wouldn't be able to attend this inquiry, she wrote these pages out. We talked about them, and we are all aware of the issues that she's raised from our direct communication with Judy and with the clients.

The Hon. GREG DONNELLY: Thank you. That's a validating statement, and I appreciate it.

RUTH DOOLEY: Judy was instrumental in actually starting the clinic for Lilyrose.

The Hon. GREG DONNELLY: There's obviously a number of examples—I will use the word examples because that's what it's called halfway down page 2. From any of the four witnesses associated with Lilyrose, do any of these ring a bell, or do you have some knowledge of them?

RUTH DOOLEY: I've got a couple of the examples there, yes.

The Hon. GREG DONNELLY: If so—and, once again, subject to time—point us to it or to whichever ones and perhaps elucidate a bit.

The CHAIR: Or speak yourself.

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RUTH DOOLEY: I'm using two examples that were listed in that, and they relate to the accommodation. Following on from what's already been said, I'll just highlight their plight with two examples. One of the ladies we assisted with the baby goods was located on an isolated property.

The Hon. GREG DONNELLY: Sorry, can I interrupt? Could you just identify which number we're referring to here? Are you referring to particular ones in the document? If not, it doesn't matter.

RUTH DOOLEY: Judy wrote those out as notes, knowing that she couldn't be here.

The Hon. GREG DONNELLY: Fair enough. I won't interrupt. I'll let you go.

RUTH DOOLEY: She, the partner and her new baby were living in a shed that housed up to 10 other men—exactly like you were saying. The couple eventually were able to find motel accommodation, but that consisted of two adjoining rooms, and the second room had another family in it as well. There were no cooking facilities. They had to access the communal kitchen to be able to do any cooking. The second example is of a mother who had no provision at all for her baby. The hospital staff actually contacted Lilyrose and requested support for her. We purchased the essential baby items, which included a baby capsule, so that we could take her home from the hospital because the booked taxi failed repeatedly to come and pick her up.

As it turned out, her home was a glorified shed that was also out on an isolated property, reached by a perilous track and many kilometres from the city. The toilet was an outside portaloo, and the cabin itself was situated on a dam. They were very rough and basic conditions. This lady obviously had no partner or family support, no transport, no eligibility for services and no money. Lilyrose was able to provide for her needs until the local women's refuge took her and the baby in. I must mention too, though, that she pleaded with us to be able to look after the baby so that she could go back to work; she wasn't after a free ride. Of course, they were eventually deported. As a postscript to that story, the hospital then sent Lilyrose an account for \$2,726 for their hospital care.

The Hon. GREG DONNELLY: Which hospital was that?

RUTH DOOLEY: Coffs. That's even though we only came into the picture after her discharge. We often found ourselves battling the system and the attitude that these women were very much a lower class. The ladies were repeatedly pressured to sign up for a payment plan or to make payment in advance before their consultations, despite our advocacy for their hardship situation. Because neither option was available, the lack of real care and compassion was evident—so, yes, the accommodation and the health situation.

The CHAIR: Just to be clear, it sounds as though the health service was trying to recover the debts.

RUTH DOOLEY: Yes.

The CHAIR: I presume they would try and do that for all of the people that you were working with. In this particular case, they decided to come after you for the money.

RUTH DOOLEY: Yes.

Ms LYNDA VOLTZ: Was there a reason for that? How did they know if it was post-discharge?

RUTH DOOLEY: We would often pay bills for—

DEIRDRE LITTLE: But not for confinement.

RUTH DOOLEY: Not so much the bills for confinement, but some of their consults.

Ms LYNDA VOLTZ: But in this instance, given it was post-discharge, how did they know to bill you?

RUTH DOOLEY: Because they had contacted us for the support.

DEIRDRE LITTLE: They simply had our name.

RUTH DOOLEY: Yes, and obviously they were running a business, so they're going to try and recoup costs if they can.

Ms LYNDA VOLTZ: I understand that. I'm just wondering, because normally you wouldn't just pick someone. Did they speak to anyone? Was there some—

RUTH DOOLEY: No agreement with it, no.

Ms LYNDA VOLTZ: They were deported, so obviously these people weren't on a visa at the time.

RUTH DOOLEY: I think by that time it had expired.

The Hon. GREG DONNELLY: With regard to the opening statement that Dr Little made—I think I wrote it down correctly. We're talking about the hardship forms, and I think you used language like examples of

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hardship forms that were handed back without action taken. On this issue of hardship forms, I presume that for a number of instances of women being supported by Lilyrose, it accompanied a hardship form application. Was the scenario a bit like who blinks first? You go in there and present the form on behalf of the woman who's expecting—and the circumstances of what Lilyrose supports is pretty well known, I presume, by the hospital—and there's some decision made there and then about whether support will be forthcoming: It's either you pull back with the pregnant woman or the hospital says, "We'll let this one through." Is that, crudely, how it worked?

DEIRDRE LITTLE: Yes, that's how it worked.

RUTH DOOLEY: Yes. They would have tried to avoid accepting the costs, yes, if they could.

The Hon. GREG DONNELLY: Or they'll send you the bill after anyway.

RUTH DOOLEY: Yes, and then it's up to us to fight that and not pay it.

Ms LYNDA VOLTZ: Is it possible to provide us a copy of that bill?

RUTH DOOLEY: Probably, yes.

DEIRDRE LITTLE: I don't have it. Judy might be able to. Can we endeavour to do that for you?

The CHAIR: Yes. Mrs Fox and Mrs Downes, would you like to make a comment or statement?

BEV DOWNES: I would like to make a statement that I've got written out. As a volunteer registered nurse at Lilyrose antenatal pregnancy support, which is part of LifeHouse Care, I witnessed the vulnerability of the migrant fruit-picking workers. I and my daughter, who is a midwife and accredited lactation nurse, visited a young Taiwanese migrant couple who were living in a small, cramped area beneath a person's house. Communication was difficult as English was their second language. There were concerns for the first-time mum and her baby. The baby was being breastfed and crying often. The mother was worried about her baby and her ability to breastfeed. Her breasts were engorged. We were there to support and assess, checking for signs of mastitis. We were able to encourage them and leave them with some helpful instructions. They were both very thankful. These mums and dads, like new parents, need reassurance and access to health care. There was no postnatal care they could afford except Lilyrose, which is volunteers. My daughter was actually up for Christmas holidays.

MARGARET FOX: As I said before, I am Margaret Fox. I was a voluntary support worker of the Lilyrose team interacting with some migrant worker mothers and mothers-to-be holding visas. It's been a special highlight of my life to have had the opportunity, through Lilyrose, for around eight years to be part of the support staff welcoming and helping clients. I particularly enjoy meeting, understanding and interacting with migrant mothers and their families, so I appreciated this opportunity to do so through Lilyrose. It's been encouraging to see migrants, some of whom needed a translator, grow in their trust and appreciation as we supported them in various ways, from welcoming them at the door of the clinic; walking with them to have blood tests; providing baby clothes and other necessary, practical items; and showing genuine care in whatever way was needed.

In my time at Lilyrose, I visited a couple of homes where migrant worker mothers holding visas lived. This gave me some insight into the substandard housing conditions in which some migrants and their little ones were often accommodated. One place where we checked how a mum was managing, and took a special handmade toy, was like a shed at the back of a house. Another was a cabin in a camping ground where we were able to provide clothes and other necessities for the mum and baby, who were still to arrive home from hospital.

The CHAIR: We might bring the session to a close there. I want to thank all of the witnesses for appearing today. We may have a number of follow-up questions that we'd like to send to you, and we'll be in touch with that information. I hope you'll be able to provide us with answers to that. Once again, I thank you very much for appearing today. Thank you very much for your evidence. We'll excuse you now and move on to the next panel.

(The witnesses withdrew.)

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Ms ALEXANDRA WADE, Clinical Nurse Consultant, Liver Clinic, Mid North Coast Local Health District, affirmed and examined

Dr VALERIE DELPECH, Director, North Coast Population and Public Health, Mid North Coast Local Health District, affirmed and examined

The CHAIR: Good morning and welcome. Thank you very much for making time to give evidence. Would either of you like to make a brief opening statement?

VALERIE DELPECH: The North Coast Population and Public Health directorate covers both Mid North Coast and northern New South Wales in terms of our services. Our services are very much focused on prevention, early identification and timely management of communicable diseases in particular, but also a range of other services. Refugee health sits under our portfolio and environmental health sits under our portfolio. We identify key populations and, certainly, PALM workers in recent years have been identified as a key priority for our region. In particular, many of the workers originate from countries with high rates of STIs, HIV, hepatitis and tuberculosis, including Fiji and Papua New Guinea. At the moment they are undergoing very high rates of HIV and an epidemic, which is a concern to the region more broadly.

Over the past 18 months, across the New South Wales local health districts, there have been reports of increasing syphilis, gonorrhoea and chlamydia diagnoses among PALM scheme workers, alongside cases of late-stage HIV and hepatitis. Many local health districts have also reported a rise in late-stage pregnancy presentations with no prior antenatal care. We are working closely with our colleagues in the Ministry of Health to support the sexual and reproductive health needs of PALM workers in particular, in our space, and to identify opportunities to improve access to services and support more broadly.

We are very aware that there are a number of challenges for PALM scheme workers in our area and more broadly across New South Wales, particularly accessing and navigating adequate health care, and poor housing and sanitation conditions. The ministry is working in partnership with local health districts, the Department of Employment and Workplace Relations, the Department of Foreign Affairs and Trade, the NSW Council for Pacific Communities, NIB health insurance and other NGO partners to improve the health and wellbeing of scheme workers in New South Wales.

In 2024, to better understand the needs on the ground for PALM workers, New South Wales conducted a consultation with over 40 stakeholders of PALM workers and PALM scheme employers, including country liaison officers, Community Connections workers and the NSW Council for Pacific Communities. Both workers and PALM scheme employers cited limited availability of services in regional areas as a major concern, together with socio-structural challenges such as a lack of knowledge of services, transport issues, language difficulties, fear of stigma, costs and limited cultural responsiveness of our services, such as translators being available on the ground. The consultation has highlighted the need to improve our health outcomes for PALM workers in New South Wales, to strengthen our primary care workforce capacity and to enhance employer accountability, providing access to health care, safe accommodation, information and support.

The Commonwealth Government, as you are aware, is responsible for the determination of in-country health checks prior to worker arrival. Health checks can vary depending on the country the workers are coming from and the type of work they will be doing in Australia. The check-up may include a fitness-for-work assessment, vaccinations, blood tests and chest X-rays. Unfortunately, NSW Health does not have access to any of these records on arrival. Workers who leave the scheme, intentionally or unintentionally, are referred to as "disengaged workers", as you know. They are considered in breach of their visa conditions and their health insurance is cancelled, leaving them very vulnerable.

We have seen a number of these clients through our services. New South Wales does not have access to any data on the number of disengaged workers. Our oversight of these workers is limited to anecdotal feedback from clinicians on the ground, in EDs, in community health centres, in sexual health centres and in other NGOs. We are committed to working more closely. To that end, in 2024 the NSW Health STI Programs Unit established a working group, particularly focusing on sexual health and reproductive health, within the ministry. The members include local health districts, the Multicultural HIV and Hepatitis Service, Family Planning and the Australian sexual health and HIV medicine group. A work plan has been developed over the last 18 months with a range of activities to improve things, such as mapping and developing toolkits for PALM workers and LHDs to better understand what is accessible and what's available. They have developed dedicated webpages to provide information, referrals and resources for PALM workers, employers and health professionals.

They have worked also with 17 New South Wales employers to create the NSW Health education package, which has facilitation notes. Many of those employers now use this package to deliver health information when

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PALM workers first arrive. While this package focuses on sexual and reproductive health, it also gives information about navigating the healthcare system, health insurance, consent and healthy relationships. We've also developed tailored safer sex packs, condom dispensers, pocket-sized information kits and a suite of sexual and reproductive health fact sheets, which are being translated.

We've also engaged the University of Sydney to undertake a needs assessment of the sexual and reproductive health needs of the PALM scheme workers, developed tailored toolkits for primary care practitioners and developed a PALM peer education model in partnership with the Multicultural HIV and Hepatitis Service, Family Planning and the NSW Council for Pacific Communities. NSW Health has also engaged closely with other State teams in Queensland, Western Australia, South Australia and the Australian Capital Territory to support similar national projects. I wanted to outline there what's happening at the ministry level, but obviously we'll focus today on what we're also doing here at the Mid North Coast. My colleague's going to focus on those issues.

ALEXANDRA WADE: I've been involved with PALM scheme workers since the COVID period. I can't give you an exact year; it's a bit of a COVID blur. As a public health unit, we were involved in outbreak management. We were asked to come out to the worker accommodation at Arrawarra to do antigen testing, follow-up treatment and welfare checks. At that time we found that the groups had been separated into Islander groups and were living in similar conditions to what I've heard today—multiple people per cabin. Isolation for COVID-positive patients was in multiple cabins together. From there we then were returned to provide COVID vaccinations. We had insufficient interpretation because of the situation and the timing, and that was a challenge.

We provided follow-up care. The welfare workers came to us afterwards, because we'd established some rapport as a public health unit, with concerns with an increase in bloodborne virus and STI presentations to hospital that they were unaware were happening in the background. We did a screening blitz with one particular Islander group—the Solomon Islanders—in 2022, where we found high rates of bloodborne virus and STIs, untreated. We went through the process of providing external care to them through the farms. It was the only way we could really provide that care, because leaving work to come into clinics was costing both the farm and the workers income. We did encounter that over 70 per cent who had current or historic bloodborne virus or STI were asymptomatic, so it was a high prevalence. We tried to pay more attention to that at the time.

Then more recently this year, we've had an increase in presentations again, so we're trying to provide some kind of coordinated health outreach to the PALM workers. They're hesitant to go to the GP or present to the ED because of the up-front cost. Even though that can then be recouped through their insurance, there's a concern that, if there is a record of that insurance and what they've attended for, at home that might be misinterpreted as against their religious practices if they're married et cetera, so there are concerns there. We've also had experience with unwanted or unexpected pregnancies. We have a couple of pregnant women coming through our service at the moment, again, experiencing challenges with accessing health care for those pregnancies because pregnancy is a 12-month waiting list on NIB insurance, as far as we have been told.

As a proactive thing, we've put in for a translational research grant to provide some alternate ways of caring for this community using peer navigators from the Pacific Islands communities and provide quality improvement for our services. Women's health has also experienced this, with two children being given up. One was actually abandoned in a hotel because the woman was sent back to her country, and this was through DCJ as far as the women's health experience was.

The CHAIR: Was that person on a PALM visa?

ALEXANDRA WADE: Originally, yes.

Ms JENNY LEONG: When you say sent back, do you mean deported?

ALEXANDRA WADE: I believe so.

The CHAIR: We do have limited time. I'm just going to put on notice—you mentioned a consultation with 40 stakeholders. Has that been published? Is there any information in relation to the results of that? You also then had a number of other documents that had been developed. Are they available and can we request those?

VALERIE DELPECH: I think they would be available. I can certainly require them from the NSW Health STIPU group. They haven't been published as such, but I think the summary of the findings and the work plan are available and can be made available to the inquiry.

The CHAIR: You did say that you were working in partnership with a number of agencies. Were they Federal agencies?

VALERIE DELPECH: When I say "we", I was speaking on behalf of NSW Health at this point. They are a number of agencies, both Commonwealth and State.

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The CHAIR: But you don't have access to health records, pre-screening health records and data on who is arriving and so on?

VALERIE DELPECH: That's correct.

The CHAIR: Apart from the concerns for individuals and their health, clearly outbreaks of these diseases represent actually a threat—

VALERIE DELPECH: To the wider community.

The CHAIR: —to the broader community.

Ms JENNY LEONG: I wanted to ask in terms of—and you covered it briefly—the private health insurance required and obviously the kind of need to have a waiting period before you can access certain types of services. In your experience, the workers that are coming, what sort of level of health insurance cover do they have? Given that in a lot of cases this is dangerous, either manual labour or high-risk kind of work environments, is the issue in the examples we're hearing that the cover required is not enough or is the issue that the up-front costs associated are the barrier, or is there a combination of all those things? Recognising obviously the preference is these people have access to our universal public healthcare system, leave that aside and in the current scenario what do we see as the barriers or the risks?

ALEXANDRA WADE: I believe it's a combination of all of those things. Currently, their insurance is around about \$18 a week that comes directly from their pay, and it's the basic cover, and there are waiting periods on particular illnesses and conditions, pregnancy being one of those. I think also it is a hesitancy to use the health insurance in case that jeopardises their visa status or if there are concerns that they're costing too much, but also definitely the up-front costs are often prohibitive when most of the money has been sent home or it's \$170 to attend an ED or \$200 to see a GP. If they need bloods, it's \$350 to have bloods attended at a health service. It is quite a lot. As a public health unit, we don't charge those fees, but it costs somebody.

The CHAIR: Do you rely on them attending other practitioners as part of that network of treatment and identification of the issues?

ALEXANDRA WADE: That's how it's set up through the employer. They will go to GPs generally, but what's happening is they're not going to GPs because of this, and so as a public health unit then they're coming to us as a publicly funded sexual health service.

VALERIE DELPECH: That would be free when they come to those public health services.

The CHAIR: Sure, but there's that other barrier.

VALERIE DELPECH: Yes.

Ms JENNY LEONG: Just to clarify, if someone finds themselves in a situation where they have a need for emergency health care, then they're not required to pay up-front costs or they are before they're seen—like they rock up to emergency with an injury that's not about pregnancy or reproductive health?

VALERIE DELPECH: I would have to take that on notice to see exactly what happens. We've looked at our data very briefly to see the number of attendances from the countries that the PALM scheme covers, and Medicare—non-eligible. That could cover a number of visas, and the information is not great. But we know that just over the last three financial years we've had over 1,000 attendances to emergency departments in this region—as I said, it could be an overestimate—with a doubling in that increase. We do need to understand that better. We need to look at the funding processes. That's something I haven't taken on yet with my colleagues.

Ms JENNY LEONG: If you could get back to us and take that on notice.

VALERIE DELPECH: Absolutely.

Ms JENNY LEONG: What I'm imagining is a scenario where someone rocks up to an emergency department and they're in need of emergency treatment. Are they required to get out and tap their card before they're able to be treated? What does that process look like in terms of the steps in the public health system? To the evidence that we heard previously, in relation to these specific types of support being given for certain types of care, if someone is pregnant and requires care of any reproductive nature—or, indeed, pregnancy care—what are the requirements around that and how is that undertaken? It would be really good to understand what those processes are from NSW Health's perspective.

VALERIE DELPECH: I think it will vary for the local health district, but I will come back to you on that.

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The Hon. AILEEN MacDONALD: You mentioned you went onsite to different locations. When you've gone to these sites and you've noticed that the accommodation and the services are inadequate, is there an obligation to report those conditions to the authorities? It's not the workers' fault that they're housed in these conditions, and they don't want to cause trouble. But is there an obligation to report it in a respectful manner so that you're not putting the workers in jeopardy—like a duty of care? Do you refer them to other services where they can be given adequate accommodation? I'm just trying to think—we're looking for evidence of modern slavery, and it's clearly there—about what obligation there is for the reporting of this.

ALEXANDRA WADE: I'm not sure what the obligation is there. I can say that the accommodation that we did attend in COVID times are no longer being used. That was shut down. At the time, our priority was containing COVID. As a public health unit, we were drowning in that. As much as we could see that the situation wasn't ideal, it was also about containing at the time. I really couldn't comment more than that.

The Hon. AILEEN MacDONALD: Are you now going onsite, or are you relying on the employer to say, "Hey, this worker's not well," and then bring them in and screen for STIs and all the other issues?

ALEXANDRA WADE: Bloodborne viruses.

The Hon. AILEEN MacDONALD: But, otherwise, you're not seeing it there. When you did see it, where you thought, "Perhaps I should be reporting this up the line"—because, at the moment, Medicare isn't covering the needs of these people. Say you had gone onsite and it was a young person, there would be mandatory reporting, wouldn't there? Why is it not the case when people are held in inadequate services that we don't have that same duty of care?

VALERIE DELPECH: Having said that, it has been escalated, which is why we now have a New South Wales group that's addressing some of these issues, and the relationship with other departments. It is as a result of clinicians on the ground flagging these issues from across a number of LHDs. In a way, it has been reported up the chain, in that sense.

The Hon. AILEEN MacDONALD: That's good, because before it looked like you were working in silos but not working with other groups. It was, "Okay, let's just turn a blind eye," but you're saying that that's not happening now?

VALERIE DELPECH: Yes. It wasn't a blind eye. To come back, we would love to go out and do more. As you know, the health system is under huge financial constraints at the moment, so we are looking at creative ways of providing those opportunities. We are also really keen—I am keen on the ground here—to make sure we have a much more welcoming, village approach to this, as you know, where all the government and non-government organisations in this space, with some adequate funding, can really respectfully provide a safe haven to our PALM workers, similar to what we do for our refugees who arrive in the region.

Ms LYNDA VOLTZ: One question that occurred to me was whether healthdirect, given that some of these people are in remote and regional areas and that they have translation and bilingual services—it's a free service; I'm assuming with their status that they would be able to access that—in the first instance is a good way to get them to engage with the health system and explain to them where to go to get help. Have you looked at that?

VALERIE DELPECH: Yes. Definitely, in the toolkits that have been provided and developed for PALM workers, I think the issue is making adequate translation really available so that PALM workers are aware of those various numbers et cetera, which is why that introduction when they first arrive and orientation packages are so critical.

Ms LYNDA VOLTZ: Yes, because they already have translated services that can be slipped straight in.

VALERIE DELPECH: Exactly.

ALEXANDRA WADE: Can I make a comment to that. We talk about translatable services as though someone is going to step in and say exactly what we're saying to somebody, and they're going to understand it from that same perspective. In some Islander communities, there is no delineation between organs. For us to talk about a liver and what's happening with a liver, that's not understood as a different organ. Sometimes, we weren't able to get the dialect of people we were working with. The translation that we are using is really challenging to try and translate that information to.

Ms LYNDA VOLTZ: I understand that. That's the same with some Aboriginal communities, where numbers aren't part of the vernacular.

VALERIE DELPECH: Yes, absolutely.

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Ms LYNDA VOLTZ: They won't be able to define them. I'm the member for Auburn, so language difficulties are not something that's new to me. I get that, but here is one service that's linked into telephone interpreter services that has a nurse at the end of the phone. If you're on a remote farm, I am just wondering how it's been built in. If it's difficult for them to get to a hospital, at least for the woman that was pregnant, it would be an appropriate place for her to start.

ALEXANDRA WADE: If they have a mobile service. I live in regional New South Wales, and I don't have a mobile service where I live. I certainly don't have a landline. There are going to be difficulties if they have credit on their phones and if that money has been taken out of their account. So there are lots of challenges.

The CHAIR: But it's a good point that you've raised, Ms Voltz. Thank you.

Ms LYNDA VOLTZ: I just want to ask one other question about the person who was deported. Could you maybe take this on notice? Obviously, they must have been off a visa. I don't know if you have access to how long they were off a visa—I assume it was a PALM worker—and how long they'd been disengaged. Because if they came in late-term pregnancy—

VALERIE DELPECH: We can take that on notice.

The Hon. GREG DONNELLY: I am conscious of the time. That's not anyone's fault. I'd like to have you for another half an hour, but time is pressing. I'll probably put some of my questions as supplementary questions, which, if you agree, will be dealt with after the hearing. But whilst you're here, my questions will take just a couple of minutes. The terminology "a hardship form" in the context of going to the Coffs Harbour hospital and seeking care via a hardship form, that's obviously a vernacular phrase. What is the official name for a hardship form? Are you able to say, or can you say on notice?

VALERIE DELPECH: I'll take that on notice.

The Hon. GREG DONNELLY: Have you heard of a hardship form before?

VALERIE DELPECH: No, I hadn't until today.

The Hon. GREG DONNELLY: You have never heard of a hardship form?

VALERIE DELPECH: Not until today.

ALEXANDRA WADE: No.

VALERIE DELPECH: The health system is quite large, so it might be that.

The CHAIR: And you're in a public health unit, which is quite a different role.

VALERIE DELPECH: Very different.

ALEXANDRA WADE: Yes.

The CHAIR: I understand that, yes.

The Hon. GREG DONNELLY: Yes, which begs the question about the reasons why maternal support and care are being dealt with in the context of an essential health service. But that's a separate discussion. Thank you. That's very valuable evidence you've provided. But with respect to the matter of the PALM workers, what about those who fall, dare I say, outside or underneath the formal PALM scheme program and present at the hospital for maternal support, for example? In other words, a pregnant woman turns up, with or without an accompanying person et cetera. How is that dealt with? It's confirmed up-front that they're not part of the PALM scheme but they just present—how is that generally dealt with?

VALERIE DELPECH: I would have to take that on notice.

The Hon. GREG DONNELLY: The team that you referred to that is looking at all these issues—I'm sorry, I didn't get it down quickly enough. In your opening statement—

VALERIE DELPECH: Yes. It's within the NSW Ministry of Health. It is the STI—sexual health transmitted infections unit within that, which is part of the Centre for Population Health at NSW Health.

The Hon. GREG DONNELLY: Does that deal with these matters that have been canvassed through other submissions—you might've been here earlier today—to do with maternal health and maternal care?

VALERIE DELPECH: Not specifically but they would be aware of that and we could channel that to the right people.

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The CHAIR: So that group is actually looking at these issues in the context of refugee health and migrant health?

VALERIE DELPECH: No. This particular group was set up for PALM workers specifically looking at sexual and reproductive health issues.

The CHAIR: And it's within the ministry?

VALERIE DELPECH: And it's within the ministry.

The Hon. GREG DONNELLY: We almost always receive a written submission from NSW Health in regard to parliamentary inquiries. I can't think of one where we haven't received a written submission. Did NSW Health indicate to you that they were going to make a submission and it didn't happen? Or had they said to you, "Listen, you do the important work up there. You go and present orally at the hearing"? What were your instructions?

VALERIE DELPECH: I think the invitation came to us, to the local health district. I'm not sure that NSW Health had been provided that option. I don't know.

The Hon. GREG DONNELLY: That's okay. So it came directly—

The CHAIR: We will pick that up, actually, because it does raise an issue about NSW Health's interaction with the inquiry. It has come up before. Thank you very much for your evidence.

Ms JENNY LEONG: It is worth saying that, in the context of other hearings that we have participated in, we were able to talk to other local health districts, so I think it is really great to have that perspective. But I think there is a need to have a holistic—

VALERIE DELPECH: I think so.

Ms JENNY LEONG: —view from NSW Health as well.

The Hon. GREG DONNELLY: I'm not reflecting on the great work you do. It's just—

Ms JENNY LEONG: I just thought it was useful to reassure you that we have also heard from others in relation to different areas.

The CHAIR: But, likewise, there was a reticence, in my view, to recognise this as a NSW Health issue. It appears that it is. I thank you for your work, which is really important work and often goes unrecognised within the broader health system. Thank you for appearing. We will excuse you now. We will have a number of supplementary questions and I hope you'll be able to reply to those.

(The witnesses withdrew.)

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Dr LJUBOV SIMSON, Councillor, Nambucca Valley Council, affirmed and examined

Mr MICHAEL LAING, Senior Community Planner, Coffs Harbour City Council, sworn and examined

The CHAIR: Welcome to our next witnesses. Thank you for making time to give evidence. Would either of you like to make an opening statement?

LJUBOV SIMSON: Thank you, Mr Chair. I'd also like to thank the Deputy Chair and Committee members. Today I'm speaking from my personal experience and not on behalf of the governing body of the Nambucca Valley Council. I just want to start off by saying that the standard we walk past is the standard we accept. I have had contact with temporary migrant workers myself, as well as with people who have dealt with issues relating to temporary migrant workers, and all facets of worker exploitation which have the potential to result in modern slavery—debt bondage, withholding of wages, restriction of movement, retention of identity documents, isolation, abusive living and working conditions, no access to potable water or amenities on the farm face where they are engaged in work sometimes for eight- to 12-hour days, and physical and sexual violence.

In the rural landscape, the coalface of modern slavery is at the local community level. At the rural community level, we do not have the appropriate resources, support, regulation, compliance capacity or legislative empowerment that are required to support State and Federal programs designed to improve our rural workforce capacity and capability. At council level in the Nambucca, we have done frontline training, supported by the New South Wales Anti-slavery Commissioner team. We're looking to create a migrant worker support network, but we have limited funding.

I would like to make several recommendations to this Committee for several legislative changes to be considered that would greatly improve temporary migrant worker support in the rural landscape that we're talking about here. The first one—and several speakers today have talked to this—is that New South Wales labour hire laws be inclusive of a mandatory State-based licensing scheme and the current legal fair work and work health and safety requirements. This should be followed by a national labour hire licensing scheme. I'd also like to make mention of accountability frameworks. In our area, I would suggest that a berry industry accountability framework would go a long way towards creating advocacy for temporary migrant workers.

Bring accountability to the workspaces. We talked about accountability for the actual growers where these workers are located, as well as the labour hire companies themselves and the industry bodies that profit from the industries we're talking about. The last one here is the rural migrant workers support centre. We talked about there being a centre in New South Wales. However, access to this centre is limited, so there should be consideration of a hub-and-spokes model where we, in our rural centres, get additional support to provide the support at the coalface. As a councillor, I ran on a platform of the right to farm with stewardship. However, this should never override the human rights to safety, health and wellbeing.

MICHAEL LAING: I'd like to acknowledge the contribution from Dr Simson and acknowledge that I'm here in the capacity as senior community planner with the local planning team. We do strategic work. I liaise with the community sector, which provides the services directly. As a level of local government, we're not the direct service providers in this space. In relation to PALM workers, particularly, we've provided information to the project about where workers can get access to services as a local point of contact. But we're not the direct service providers. We provide some 40-plus services to the community. We would certainly like to see the workers be able to get access to where services are located and be able to get the information they need to assist them.

The CHAIR: Dr Simson, I might start off, if you don't mind. You mentioned that in Nambucca you're looking at developing a migrant support network, which is your phrasing, I think. Can you describe what that might look like in a bit more detail and where you're up to with that?

LJUBOV SIMSON: We're actually at the start of this. For the Nambucca Valley, we are what I often term as the top of the iceberg: Essentially, when we're talking about modern slavery and exploitation situations, we're just at the start. To be honest, we've been spending the last few months researching what other areas have done when they've gone into this particular situation. So my response would be that we're exploring what has worked and what's not working. In many ways, part of our contribution today is to say we do need that support at that coalface to help co-design what is going to be fit for purpose in terms of supporting our temporary migrant workers.

The CHAIR: Mr Laing, I accept that the Coffs Harbour council doesn't provide direct services. But we've heard that there's a considerable number of PALM workers here and elsewhere on the North Coast and that they're important to the local agricultural industry, as are possibly a range of other temporary migrant workers who aren't PALM workers, such as Working Holiday Maker workers or, indeed, people who aren't on visas. How do you go about as a city planner accounting for that increased population and the impact it will have on your services? Do

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you get information that helps you in that regard? How do you determine how many people are in your community and what effect that has on your planning? I'm interested to know that.

MICHAEL LAING: We rely heavily on sources such as the Australian Bureau of Statistics, in terms of the four-yearly census for demographic information, and any other reports. If we're doing a particular strategic piece, we would engage with the community sector and the services that work with people with lived experience in their particular areas. I don't know if that answers your question.

The CHAIR: That sort of answers the question. The data from the Australian Bureau of Statistics is pretty old when you get it. I wouldn't have thought that it would necessarily include people who are here illegally and not on visas; I'm not sure if it includes PALM scheme people. I just make the observation—and it would be the same for Nambucca, to be honest—that there's a significant part of your population that has considerable needs that comes every year and contributes to the economy. It just doesn't sound to me as though you have a very good handle on how big that is or the extent of their needs. That's not a criticism; it's an observation. I'm happy for either of you to make a comment on that.

LJUBOV SIMSON: I'm happy to make a comment on that. In terms of what would help us at the coalface, the local level, when we're talking about welcoming and engaging with our temporary migrant worker population, it would be amazing to actually know who's coming into town. How amazing would it be to evolve our PALM worker scheme, or any other schemes that we have, in terms of our backpacker schemes, our 88-day scheme—apologies if they're dated and we're no longer using the 88-day, but I know locally we still talk about that a lot, so I assume we are.

The CHAIR: I think it still does apply.

LJUBOV SIMSON: So how great would that be? I have heard the reasoning that it would create privacy concerns. But, at the moment, the privacy concern is being used—I think, weaponised—to create a level of uncertainty for the workers, because they are not able to engage effectively with local services.

The Hon. AILEEN MacDONALD: Can I ask a follow-up to that. It seems to me that, instead of being provided the information, you've got to go searching for it and, by the time you get it, it's old. What information is council given or provided regarding the number of employers in your local government area that will be participating in PALM schemes, temporary migrant workers or 88—surely, if you knew, then you would be able to have welcoming committees. If you knew where they were coming from, you would be able to have that service provision. But it seems to me that you've got to go searching for it; it's not actually provided to you.

MICHAEL LAING: I think that would be a fair comment.

LJUBOV SIMSON: I'll just add to that. How amazing would it be? I honestly think just that one piece of information will provide us with that support and positive network we're looking for. How do we create a welcome program when we don't know who is actually coming into town? I also believe it will help with that accountability framework between the growers and the labour hire companies, as well as the industry they work in too.

The Hon. AILEEN MacDONALD: There is that disconnect, isn't there?

LJUBOV SIMSON: Absolute disconnect.

The Hon. AILEEN MacDONALD: It must be very distressing for you when you hear workers have come in, and then the first thing you hear is that they've been exploited. That must be so distressing for you, knowing, "If we'd have known, we would've provided this or we would've had a welcome pack or something like that," but you haven't even had that opportunity to meet and greet.

LJUBOV SIMSON: Absolutely. I think what happens when you have that divide, it creates a cultural divide, because we're not actually taking part in what should be a great cultural journey here. Instead, it creates a group of people who are disenfranchised and vulnerable, and growing disengagement from the experience. They have actually put trust in us to come to Australia. Somebody else's kids have come to Australia to work here, and this is what is happening in Australia.

The Hon. GREG DONNELLY: Thank you both for coming along today. It's most valuable to get this firsthand, on-the-ground evidence from people doing great work for and on behalf of those in very vulnerable positions. I'm wondering whether you are able to—and if you can't, just say so; it's not a matter of criticism. We've spent a lot of time today and at other hearings talking about those who are here in Australia formally under the PALM program, and the rights and obligations therein that the individual has to follow. But there are a class of workers who are here doing work not under the formal PALM scheme.

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They can come in and be doing work in different ways. They can be brought in, for example, by outlaw motorcycle gangs in a serendipitous way, where they're told that they might get an au pair job somewhere and they come in. You've heard all the stories before. I'm just wondering, do you hear much about that sort of, dare I say, off-the-grid work being done? This is not reflecting on the individuals, but just to get a sense of—we've got those in the formal PALM scheme, and that needs to be interrogated and looked at. But, beyond that, people are being very poorly treated and, arguably, exploited. If you're able to give any sense of what you've experienced or seen, that would be great.

LJUBOV SIMSON: I'll speak from the Nambucca Valley perspective. As I said, we're just at the start. We've only really started to go into what you would call quite solid picking season years over the last two years. This is through, as I said, discussions with a large group of people. Basically, the trend we're seeing is initially it was a range of PALM workers and also backpackers that had more English-speaking capability. There has been a very swift transition to individuals who have less English speaking capability. We have very limited multicultural capability in the Nambucca Valley, so we are exploring how to support that and, more recently, coming back to your question, workers who have no working visas at all.

When we have inquired with authorities, the problem is that, unless I have direct evidence, they will not come and do something to engage with that particular practice. Once again we are stuck between a rock and a hard place here. We have locations and we have situations that I'm well aware of. I'm well aware of being under parliamentary privilege here. These are, as you say, potentially quite serious situations we are dealing with. So, yes, I would say that this is absolutely something we are aware of, but we do not have the capacity or capability locally in how to manage this at that coalface. Part of this hearing is how do we work—we recognise this is here, but how are we managing this effectively, both at State, Federal and local level?

The CHAIR: Just to follow on from that, I think you have indicated fairly recent rapid growth in this issue. Is that because of an expansion of the horticulture?

LJUBOV SIMSON: Massive.

The CHAIR: What has that been like?

LJUBOV SIMSON: When I came onto council, we had in the order of mid-20s farms. I actually ran on the platform of trying to assist with updating our local environmental plan, where we would put in some sort of buffers and restrictions, or we can go on farm to check accommodation and DAs and all of that. We have had State pushback on that, but that's for another day. The challenge is that, since then, we are now towards 60 farms. That is a very rapid increase. Obviously, a lot of those new farms don't have the produce ready to pick. Our challenge is the accommodation. I think it was previously mentioned that this rapid expansion doesn't come hand in hand with rapid accommodation availability. Therefore, the accommodation that is now being described and utilised for the industry is very substandard. I think I mentioned before that over the last two weeks some of the farms basically had no potable water. Workers had to bring their own bottled water to access during a 10- to 12-hour workday. As you can see, I am quite emotional about this. We are really at that point of how are we going to manage this. It's timely that we're having these discussions because, as I said, we're at the tip of our iceberg.

The CHAIR: To clarify, when you raised it with authorities, who did you raise it with? It sounds as though they required quite specific information that may not be available. You may well just have a general concern and they don't act without more specific information. Is that right? Are the authorities you are talking about Federal or State?

LJUBOV SIMSON: Federal. Once again, it comes down to that local capacity. We don't have a great deal of local capacity. It also comes back to the fear that has been expressed by several speakers today among the actual workers themselves. They are very fearful of engaging the police and the authorities. Therefore, what happens is that, when one hears about this, one feels that we should do something to assist. However, then, the workers aren't necessarily willing to come forward. That's where the issue occurs, Mr Chair.

The CHAIR: I understand. We might move to Mr Donnelly, whom I interrupted.

The Hon. GREG DONNELLY: You nailed my question, Dr McGirr. That was precisely my question.

The CHAIR: We will move on to Ms Voltz, then.

Ms LYNDIA VOLTZ: Do you know if most of the PALM workers coming through the region are direct employees, or are they coming through labour hire firms?

LJUBOV SIMSON: I will be very up-front now because, ever since I got onto council, I've now become a little bit more cautious in not being their direct contact. As I said, there's a group of people who would be their direct contact. I do believe that, in the private hearings, more information will come out in relation to that. My

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understanding is that it is a real mix. Just so that you know, for example and comparison, we do actually have a lot of very well-engaged PALM workers who are involved in the aged-care sector in the Nambucca Valley. I am not to hear any issues coming out from that space—and I wanted to make that very clear—which is why the concerns that I'm raising today are more to do with intensive horticulture, which we absolutely have experienced.

Ms LYNDA VOLTZ: That would be because in horticulture, it's a short pick season or there's a specific pick season, so you're more likely to get people coming through labour hire firms because they'd have to go from site to site.

LJUBOV SIMSON: I believe you're correct, yes.

The CHAIR: I'd imagine the aged-care sector is also—I think the employment environment there would be much more regulated. You'd be coming in working side by side with people on strict award conditions. There'd be shifts and so on.

Ms LYNDA VOLTZ: There's a lot of Federal Government oversight of the facilities themselves, with constant inspection.

The CHAIR: It's a completely different scenario to the horticulture, which is, as we've heard today, often off the grid, and accommodation can be way out to billyo and so on.

Ms JENNY LEONG: Thank you both very much for your insights. First of all I want to touch on Mr Laing, but I'm happy to hear the Nambucca perspective as well. One of the things that our communities know is that they rely on local government for a whole range of free services—library services, playgroups and those kinds of things. What capacity do you as councils have to connect with communities that are coming as migrant workers in terms of this community-building aspect—or is that almost impossible because you don't know where people are located or their circumstances? I'm guessing that if you live in the council area, you can access the free library service et cetera, but obviously people might not necessarily know they can do that. How does that work in terms of those connections and community supports?

MICHAEL LAING: I think it's particularly a concern for people in the agricultural sector, because they're more isolated, may not have the transport and are concerned about their housing. That sector generally is reported as not being helpful in terms of English or language in allowing them to access the services or informing them of their rights. That's particularly a concern. Connecting with the community—it's certainly been a concern of the PALM project how to connect with those library services and the programs that our libraries run, and also other events like the All One Under the Sun event, which was held a couple of weekends ago as a Community Connections event combating racism, so that they could feel more part of the community and not as isolated in that particular sector. Certainly that's been what I've been hearing—that that's the concerning sector.

Ms JENNY LEONG: Just on that, one of the things we heard from the session earlier was in relation to the local in-country briefings that the Department of Employment and Workplace Relations runs once people are in the country, and Legal Aid had mentioned potentially doing legal briefings. I'm assuming, given what you've said, that the local councils are not involved in those local briefings, if you're not sure when people are coming and how many people are coming.

MICHAEL LAING: No, I'm not aware. We do collect strategies. We were involved with—it's a little bit outdated now—a refugee sector action plan, so that was—

Ms JENNY LEONG: But in terms of the PALM scheme workers coming, or other kinds of work visas?

MICHAEL LAING: No so much in that space.

Ms JENNY LEONG: I guess this is about knowing that often local councillors and local government are closest connected to knowing the ins and outs of communities and how things work. I take your comments, Dr Simson, that you're very much aware of where these practices are and what's happening. In the communities that we're talking about, arguably there are people profiting from these substandard housing and accommodation situations and exploitation of workers in the same way that within the same communities there are people helping to support and address that exploitation, and then all of those along the spectrum and around the way.

I'm certainly not asking you in a public hearing to provide details or specifics, but how much of it is all commonly known? I'm from a very inner city community, but I can tell you now that there's a lot of knowledge in terms of the local street of which businesses pay their workers well and which ones don't and how that works and what company always goes broke and what dodgy restaurant does this or that or the other. People know that. I wonder if you can talk to how much it's known but there's a whole lot of barriers to fear as to why nothing is done to address that.

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LJUBOV SIMSON: I'll speak very honestly about Nambucca. Publicly, it is not known. I think it's so new that it's an unknown thing. That would be an honest response to that.

Ms JENNY LEONG: It has come so quickly that in a sense the local intel hasn't—

LJUBOV SIMSON: As you say, I can't speak in a hearing like this about the information, but I don't believe it's a publicly known set of facts because it is something so recent in that valley.

Ms JENNY LEONG: That's helpful to know, thank you. I don't know, Mr Laing, if you have any insights.

MICHAEL LAING: I'd concur with that as well. There's limited information and communication in that space.

The CHAIR: Mr Laing, Dr Simson referred to an expansion, I presume of blueberry farming in Nambucca. Has there been an expansion of that sort round at Coffs Harbour?

MICHAEL LAING: I don't have that information with me. I'd have to take that on notice.

The Hon. GREG DONNELLY: I have a general question. What you're being exposed to and seeing firsthand is also being seen firsthand and being challenged in other parts of the State, and the same, dare I say, lessons of how to try to deal with it at the local level and the kind of structures to establish and the various matters that need to be taken into account, like language and all the rest of it, are there to be worked through as well. In some sense this is more of a statement than a question, but I'd like your views, that what we're learning from these other areas—and whilst I was not involved, the Chair and the Committee were down there in the Riverina some months ago doing very good work and had witnesses come in and give evidence which is sadly being reflected through witnesses and submissions to the Mid North Coast and North Coast.

Do you get to hear or through the grapevine—I know this is very informal—what is being done in other communities that are being challenged by these same terrible matters that are confronting us? If so, how are you getting to find out that this is there? If there's something formal doing this and communicating what is being done and being looked at, I'd like to know that. But I suspect that may not be the case, and it's more informal that nevertheless you've picked up on things that are going on elsewhere in the State.

LJUBOV SIMSON: I'm happy to answer that. There have been programs. I'm going to be very up-front. Through the NSW Anti-slavery Commissioner's team and the work there, a lot of us are sort of becoming aware of each other. I'll reiterate that Nambucca Valley is new on this journey, but in the Riverina and also in Griffith I know there are issues. I guess that's part of that area as well. There are, I'm going to say, a collection of not only councillors but other networks, migrant support networks, so that is starting to happen, but I do believe that has happened not necessarily organically but because of the other work done by that broader team. I think it has been a really great initiative.

The CHAIR: Yes, I would have to echo that sentiment about the anti-slavery commission, and particularly the recent conference in Wollongong. The sessions were constructed in a way where—certainly for the ones I was involved in—there was an extraordinary cross-fertilisation of different groups being brought together. I think that in itself is quite powerful—when people previously working separately suddenly start finding that they've got common interests.

LJUBOV SIMSON: Always.

The CHAIR: There is also a mayoral alliance linked to the PALM scheme. I don't know if you've been involved in that, but I know the mayors of Wagga, Leeton and Griffith have been involved in that. I don't know if Nambucca has been involved in that mayoral alliance around the PALM scheme?

LJUBOV SIMSON: It's my intention to basically bring forward a notice of motion. We've had the conference recently. Where we are up to—it would absolutely be our intention to join that as well.

The Hon. GREG DONNELLY: We've got to write a report at the end of this. It will be overseen and supervised by the Chair, and coming out of that are normally some findings and recommendations. I'm particularly interested in your thoughts around what there might be for us to consider. Obviously I can't speak for what the future is going to be, but if you had an opportunity to make the strongest recommendation in a particular area of this whole extant matter, what would you be proposing or suggesting that the Committee consider recommending? This report goes back to the Government here in New South Wales for the relevant Minister and, ultimately, the Cabinet and the Government to make a decision over.

LJUBOV SIMSON: I'll probably reiterate my three points. The regulation of labour hire—and I would stress New South Wales first. That can follow with a national approach, because I think a New South Wales approach would be quicker. At that local level, I do believe some form of information to us locally, whether it be

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to that migrant worker support network or the council itself, about who from the PALM scheme, or other schemes, is coming to town. I'm not sure how we'd achieve that, but that would be just amazing.

The other part is—and this astounds me a little—I mentioned we've had frontline council worker training, but that allows us to make observations within our local CBDs. We don't have any legislative ability to go and check what's happening on farms. When I learn there are issues in accommodation on farms—some of which are not registered as accommodation or are without amenities and all of that—what are our rights? Some sort of capability in that space. Once again, I don't know what that looks like, and I don't know what the wording entails. But it's that accountability of framework for the grower and right through the industry.

The Hon. GREG DONNELLY: With your eagle eye, Mr Laing, being an officer of the council, does anything come to mind that you would put high up on the list of considerations for the Committee in terms of possible recommendations?

MICHAEL LAING: I think certainly resourcing the service capacity by the New South Wales Government. This is not a space that I'm working in as yet in terms of strategy, but in terms of other strategies, just to allow us access to more information so that we can advocate locally for services, and to more clearly identify the gaps and what role we could play as the closest level of government to people.

The Hon. AILEEN MacDONALD: This is basically a follow-on. In terms of you not being provided information, what kind of information would you like to receive? Is it how many workers are coming or which farms they're going on? Then you would be able to say, "I know that farm; they don't have proper worker facilities," or things like that. What kind of information do you need, and where would you see it coming from, so that you can provide the services? You don't know what you don't know.

MICHAEL LAING: Yes, that's right. The evidence puts us in a stronger position to be able to argue for the resources that we don't necessarily have but that other levels of government may have the capacity to provide.

The Hon. AILEEN MacDONALD: Would you see that it would be coming from the scheme itself saying, "We've got people coming from this area, and there are 20 of them"? What specifics do you need in order to assist with service?

MICHAEL LAING: I just think we don't know what we don't know.

LJUBOV SIMSON: Can I add to that? I think any information would be better than what we're having now. That's my honest answer. I honestly do believe that, as I mentioned before, we have been told it is a privacy issue that we're not getting this information. But the health and wellbeing, the ethics, the cultural integration of everything that we've talked about today will be facilitated by this, so the more information, the better, and the more we can support the temporary migrant workers to our towns.

The Hon. AILEEN MacDONALD: You did mention the right to farm before, but not without human rights.

LJUBOV SIMSON: Absolutely.

The Hon. AILEEN MacDONALD: I get that if you want the information, you are wanting to help the farmers to say, "Okay, I respect your right to farm, but in order to do that we don't want you to exploit workers. What do you need in terms of worker accommodation, potable water—those kinds of things?" How can we help so that we've got a win-win rather than what we've currently got?

LJUBOV SIMSON: Yes, basic human rights. I think that's how simple it is.

The CHAIR: Thank you. That's been very helpful. We will bring that session to a close. Thank you, Dr Simson and Mr Laing. We may have some supplementary questions. I assume you will be able to provide, and agree to provide, to us advice and information as best you can in response to those. Thank you very much.

(The witnesses withdrew.)

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Miss COCO PEREIRA, Coffs Coast Multicultural Society, affirmed and examined

Mrs MALIA SYKES, Coffs Coast Multicultural Society, sworn and examined

The CHAIR: Welcome, and thank you very much for coming to give evidence to us today. You're both with the Coffs Coast Multicultural Society.

MALIA SYKES: Yes, we're it. I'm doing all the running around, and Coco has been helping me to get all the resources together to help our people while they're here.

The CHAIR: Would either of you like to make a brief opening statement?

COCO PEREIRA: No.

MALIA SYKES: I guess this is about the pickers. And I am quite grateful for the opportunity to actually make a voice on their behalf, because it has been a few years and, with the little voice that we have—sorry. Since the Tongan and Vanuatu has arrive in town before COVID—

The CHAIR: It's all right. Just take your time.

MALIA SYKES: —I have seen the unfairness that they have, the treatments of the accommodations that they have been living in. Sometimes I know that our people desperately need the money to support their families. But that doesn't mean that they have to live like pigs to earn that money. I have seen through the rains for months that the Tongans have been living a—the horrible conditions, the environments that they have to go into their rooms with their wet boots, the smell of it. I cannot imagine having to be sick through the rain and having to get out to go to the bathrooms through the wet and then walk those months through their little accommodations that they have to live in. I have seen the condition that they were eating in, the outdoors with no—the open place. The barbeque area where they were cooking has no closed-in stuff.

Through the winters, it was cold, no heaters whatsoever. In the end I pay—when the other Samoan people came, I bought the heaters and helped them to get all the necessary winter stuff so they can be warm outside at night while they're eating and doing devotions. I know that they're not perfect. But without them I don't think we'll have fruits on our tables—and vegetables. To be fair, there are still, after having spoken with managers and—at one of the conferences that we had with Coles and Woolworths, they were able to improve the conditions of living with the workers. They were able to send the council to have a look at what it needs, if it's legal and be able to do the right thing for them. So there were air conditioners and heaters being put in their rooms, fridges for their food in their cabins.

But still there is a lot more to be done. Because some of the agency that still brings the people without having the ones with Costa itself are still getting away with the living conditions that they put some of the workers in to this day. I know me and Coco have visited a few, and it's not a place that it's legal for any of the Australian people to live in. But they still have to live. The people cannot complain because, if they complain, they'll be kicked out or they won't be brought back the next time they ask people to come back, when they go home. So a lot of them who have complained have actually not come back, including the Fijians.

I don't know what can be done as far as the working conditions that they're in on the farms, because I know that they have to reach a certain level in their capability—like, if they work with plants, a certain amount of plants in a day. If they have done that last year, they expect it to be done this year. If it's 4,000 plants a day, that's the requirement. They have to be able to reach that level every single time that they're working. Also, as far as the girls, the women and the men, the girls are expected to work at the same level as the men are working when pulling plants. It's amazing the unfairness that goes on. If you live in Australia, you don't expect to be doing the same hardship work that is required from the Pacific island people. The big men who are living in Australia that work on the farm are not even required to work to the same level as the Pacific island people, every single time. To me, that is really unfair.

When they speak up about it, they just never bring them back. Some of the leaders that have been asked for fairness have not been heard. I know the supervisors and the farmers think that they're doing the right thing by them, but all we see is the unfairness and the expectations. There has to be some way. It has to be fair. Before, they never reached 2,000 plants a day, when there were only Australian people working—people living in Australia working. Now it's like 6,000 plants a day, and having to pull that by hand. We're the machines. When the boys are helping the girls to do some of the work—to work as a team—they get told that they need to be doing their own job. But they're trying to do it together as a team so, in that way, they all benefit from the work. It's not that the women are slacking off; it's just that they're not as strong as the men in pulling those roots out of the ground. I am trying to help our people without having to complain, but there needs to be some fairness.

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The CHAIR: Thank you very much for that, Mrs Sykes. I think we have some questions for you. I'm sorry that has been distressing for you, but it's actually really powerful for us to hear you speak directly to us. Can I just clarify the area that you cover and visit?

MALIA SYKES: To Grafton and Armidale.

The CHAIR: To Grafton and Armidale from here?

MALIA SYKES: Yes.

The CHAIR: And the communities that you visit—you've just come back from Samoa, but you mentioned other communities that you've got links with.

MALIA SYKES: Yes, I visit the Vanuatuans, Fijians, Tongans, and Solomon Islanders when they are in town. We go and visit all of them, just to make sure they have the warm clothes and things that they need.

The CHAIR: You mentioned that you'd had discussions with Coles?

MALIA SYKES: Yes, we had a conference in Coffs Harbour at the showgrounds with Coles and Woolworths supermarkets. Some of the lawyers and the Australian union were there. The Australian union was able to step in and go and visit and action in a lot of the accommodations.

The CHAIR: When was that?

MALIA SYKES: Before COVID.

COCO PEREIRA: No, wasn't it this year?

MALIA SYKES: That was different. The one with the Tongans was before COVID.

COCO PEREIRA: We've had a few meetings. We had meetings with PALM workers, Legal Aid—

MALIA SYKES: New South Wales council for—multicultural.

COCO PEREIRA: Yes, we had quite a few.

The CHAIR: Do things happen as a result of those meetings? It sounds like you've had some meetings this year.

MALIA SYKES: Yes.

The CHAIR: Including with the Federal departments responsible for the PALM scheme?

MALIA SYKES: Especially the multicultural group for New South Wales, they've helped a lot, and the Australian union.

The CHAIR: The Australian Workers' Union?

MALIA SYKES: Yes.

Ms LYNDA VOLTZ: Was that the All One Under the Sun?

MALIA SYKES: I have no idea. I just attend meetings when we get invited.

The CHAIR: Do you know who convenes the meetings?

MALIA SYKES: Mostly that was—the other ones that we had was through the Australian council for New South Wales, for multicultural group.

The CHAIR: That was before COVID, you said.

MALIA SYKES: No, before COVID was through the Australian union. They invited us to the ones in town. They invited some of the workers to speak, but nobody did.

COCO PEREIRA: Except us.

Ms LYNDA VOLTZ: By "Australian council", do you mean ACOSS, the Australian Council of Social Service?

MALIA SYKES: For New South Wales, for multicultural group.

The CHAIR: So the New South Wales multicultural council convened the group.

MALIA SYKES: Yes.

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The CHAIR: And you spoke but other people weren't happy to speak.

COCO PEREIRA: The Tongans wouldn't get up and speak because they'd been threatened, if they complained, that they won't be brought back. So they asked us to come along and speak on their behalf.

Ms JENNY LEONG: Thank you so much for being here and for giving us an insight into the situation. It's really telling that we've had a lot of evidence today, but no-one has had the courage to be as damning as you have been in terms of the current situation. Thank you for sharing that. The big issue is that the situations and the details that you've described are not legal. People cannot be treated like that. It is unacceptable. To me, the issue is where is the power imbalance that means people can't exercise their rights and where is the pressure coming from that people do not feel comfortable to speak up about this. You talked about the risk that if you complain, then you don't get to return.

There are two ways that you can deal with an unsafe workplace or unsafe living conditions. One is for the individual who is suffering to make an individual complaint. Another is to have proper oversight and regulation, which means that individuals don't need to complain: The relevant authorities are aware that this is happening and take action. Do you see any monitoring of the living conditions, of the work health and safety and of any of these things happening by any of the agencies or any of the groups? Or is the only time anything is raised is when it's raised by the individual as a complaint and then there are repercussions?

MALIA SYKES: I know for sure that Costa always brings their people and, as far as I can see, they're really good at looking after the workers. But the onsite working expectation is different, from my point of view; the labouring side of things is different. As far as other agencies, I know of one in particular that hasn't been very nice, because one of the teams that was here from Samoa was given just three days to pack up and leave. When I called Costa, they said they're still expecting to come back on Monday. But they were asked to leave on Friday. They'd only just arrived, but because of some disagreements with their agency, the agency said to them that they have to leave. I found out later from the multicultural group of New South Wales that everybody has the right, like we do in Australia, to be given two weeks notice and stuff.

I was too late on knowing that part of it, otherwise those kids would not have left Australia. They were up and leaving, so I ran around buying some things for their families, especially the ones with little kids. I went and bought some shopping and delivered it to them before their bus left. I don't know where that is up to, as far as them coming back, but that was the worst-case scenario of mistreatment from one of the agencies that I'm not going to name right now. They have been really bad in looking after the workers here. One of the houses where they are right now is a run-down house with a toilet that should be taken down—it's not working—in front of it. It's an outside toilet. To this day, it's still there.

I have asked the union to have a look into it, but there is only so much that they can do if you're not a member of the union associations. A lot of the workers are scared to become a union member, because it goes against their record. I've seen that fear in the people in that way as well. They're trying to make a better living for themselves, but also they can't really utilise the resource that's in front of them. We have been telling them about their rights now. Empowering them that, "You do have rights. You have the same rights as me, living in Australia." That's one of the things that we now have. There is a number that they can call for help. It can remain anonymous but, again, they don't really trust that their voice will remain anonymous.

COCO PEREIRA: Can I add, it's not just the workers themselves that are threatened by the employers; it's their families—that they won't be employed and brought back—and it's the village as well. It's not just them, but their family and village. That's a big threat.

The CHAIR: The village in their country?

COCO PEREIRA: Yes, because we all come from villages. They get threatened.

Ms JENNY LEONG: Ms Pereira, can you explain so it's really clear in terms of that process? Can you explain how that communication—because when a worker complains and they are sent back, the punishment on that whole community will be that they won't be invited to come back next time.

COCO PEREIRA: Yes, none of them will be invited to come back.

MALIA SYKES: For two years.

COCO PEREIRA: It's not just them. It impacts their family as well as the village.

MALIA SYKES: If they misbehave, it impacts the family and the community they come from.

Ms JENNY LEONG: The impact of that, in terms of the financial stability or income of the village, would be significant, I imagine.

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COCO PEREIRA: Yes.

MALIA SYKES: The guy or the lady that has been the main person to isolate the village from that opportunity will get punished in the village. They are either disowned or they get fined a whole lot of stuff.

Ms JENNY LEONG: Thank you for providing that information.

The Hon. Dr SARAH KAINE: Thank you so much for being here today and for the work that you do. I have a follow-up question. You were just talking about some growers that are better. You named one who you said tries to do the right thing. What happens from the agencies that you've just described, in terms of retribution and in terms of punishment—is that known? What do the growers do when they find out about that? Do they do anything?

COCO PEREIRA: No.

The Hon. Dr SARAH KAINE: Okay, so they don't—

MALIA SYKES: They said it's up to the agents. It's the agents who are supposed to—they're the one who brought the people.

The Hon. Dr SARAH KAINE: For the example that you gave about people who were told to leave in three days but the grower was expecting them to turn up, the grower just went—

MALIA SYKES: Yes, there is nothing they can do.

COCO PEREIRA: I asked the rep that works for Grant Owen's company if they would take the workers that had been let go by MADEC and they said yes, and then MADEC sent them home before they could be taken on by the Owen Pacific company.

The Hon. Dr SARAH KAINE: But there has been no example you can think of where growers have said, "That agency treated people so badly we are not going to use them anymore"?

MALIA SYKES: No, as long as they provide the workers for them. Here in Coffs Harbour, I know MADEC deals directly with their workers, so none of the other things can happen. But there are still things that slip through. One of the concerns was the price they pay for rent and petrol. You can pay anything from \$170 up for accommodation for six-plus people in one room. My thing is, how can you have so many people in one room paying the rent that you could actually pay rent for a house, for just that small room? Is there a way that you can actually negotiate the pay to be a lot less or less people in one room? I know a lot of them have to do that to pack more people in to have more workers, but they have to have breathing space or a place where they can put their belongings.

A lot of them were sleeping with their suitcases on top of their beds. As I said, how can you stretch out? There is nowhere to put their suitcases. They have to have it on the bed. That is how they live for six or seven months. That is the same in here. Thankfully, the managers of the places listen. Sometimes we buy the boxes or plastic containers for them to store things underneath their bed that can fit under the bed, or store their food, so that way they have a place to put their food in. We have supplies—anything from cups and forks and knives and kitchenware—so it can help the house managers. Sometimes they take the stuff to the farm and leave it there. We are being able to provide a lot of the kitchenware to help the managers of some of the accommodations to be able to have their own stuff.

One of the rules now is that, if you provide the boxes of cutlery and things that you used and at the end of the term it is not back in the boxes, they either refill it or pay a certain amount of money for the belongings. We often help the kids refill their boxes and are able to help them so they can save as much money as they can to take home with them. It is things like that. For us, it's not about what we do. It's the joy of seeing them and being able to help them save as much money for their loved ones and being able to see them enjoy the life that they have here, besides having to work. For teams that are cooking together, we've been able to provide gas stoves and woks, because that's something they don't provide for a team that work together. Our garage is full of things for the workers. We're not complaining about that at all; we just want to see fairness in their living conditions and working conditions—to be fair for both.

COCO PEREIRA: Just as an example, there's a man who is accommodating 40 workers at a time on his property just outside of Grafton. He's put up containers for some of the workers to live in. He has 40 workers on the property with his house and containers that he's put the workers in, and he's got one small kitchen for 40 workers.

The Hon. Dr SARAH KAINE: Shipping containers?

CORRECTED

COCO PEREIRA: Yes, shipping containers with a window and a doorway. He's put them in there—and the house—but he's only got one kitchen. Malia has gone out and bought gas cookers for them, and we've taken them out there so that they can actually cook more than a few meals at a time—for 40 workers.

Ms JENNY LEONG: Can I just clarify, in that case, people are paying what level of rent?

COCO PEREIRA: The same rate—\$175 each for living there.

The CHAIR: And the toilet facilities in that situation?

COCO PEREIRA: It's the same.

MALIA SYKES: They share bathrooms and toilets outside.

COCO PEREIRA: We can't provide any toilets, I'm afraid.

The Hon. Dr SARAH KAINE: I just wonder, again, the growers employ 40 workers. Presumably these workers are with the same agency. Are we suggesting that the growers don't know where these workers are living?

MALIA SYKES: No, they do know. Because their supervisors or healthcare workers go there and visit them and organise them for work and stuff. They welcome them. The inductions—

The Hon. Dr SARAH KAINE: So they go to the site where they're living?

MALIA SYKES: They do; they attend the site. They said if agencies are the ones that brings them, it's the agency that's mainly—their responsibility is looking after the workers. So it depends on who brings their workers and the conditions that they live in. I know one of the accommodations that the people were being put through when the incident happened at Korora—one of the agencies had moved a whole lot of the group into a pub that was closed down for health safety. It's not supposed to be operating, but they used it. They put the people in there. When you walk in, if you're not careful, your foot could go through the floor. It was closed down for woolgoolga. It's all along the river because it was flooded through a few times.

Nobody's supposed to live in it, but this agency had put a whole of workers in there. It had really small kitchens. They cook—sometimes they don't sleep until midnight or after midnight because they have to take turns. Then they have to wake up at 4 o'clock to get ready to come back to work. It's nearly an hour drive to where Costa, the blueberry farm, is, so the times they cook they all have to take turns to be able to have their meal done. That accommodation is still being used to this day—for people to go there. Then they pay some of the workers to actually clean that accommodation. I can get the address. They're still living there.

One of the accommodations of one of the farmers—the people I've asked—they have holes through the walls and stuff, and windows that are patched up with cardboard boxes and stuff. Through winter it's just so freezing cold. I have given heaters at times or hot water bottles for the girls to use. There's nothing we can do to actually move them into another accommodation. I have asked the union and the union have gone and visited and stuff. Again, if one of them is not a member, we then encourage them to at least have one of you guys to be a member because they can act on that one person to better your accommodation. That's the best advice we have given to them, but mostly we try to cater to what they need for some of their accommodation.

Ms LYNDA VOLTZ: What about the office of the commissioner of modern slavery? Do you report these to them?

MALIA SYKES: We just finally made connections with them, and we have talked with the commissioner and the team, so they have been informed and we worked with them as well at the moment and the Red Cross.

Ms JENNY LEONG: One of the things that I'm really curious about—and I guess to Dr Kaine's point—is that the growers and the farmers, the people that are engaging in this work, are part of the same communities that you're part of and that know that this is occurring. Is it known in the community that people are living in these completely—not in the Islander communities, in the worker communities. Obviously, they know the substandard conditions that they're living in. But in the broader community, people are aware of this state of the living conditions and are still engaging with these labour hire firms?

MALIA SYKES: Yes.

COCO PEREIRA: The people in Arrawarra knew that what the caravan park in Arrawarra was doing wasn't legal, but there's not a lot that they can do about it except complain.

Ms JENNY LEONG: So it's common knowledge that this is all happening in these communities?

COCO PEREIRA: Yes.

MALIA SYKES: Yes.

CORRECTED

Ms JENNY LEONG: The broader inequity in the concept of a migrant worker scheme is that we know that the Australian dollar is worth a lot in other countries and so, despite all of these horrific and illegal workplace exploitations and substandard living conditions, we know that there are bigger influences driving this. Do you have thoughts and reflections on the impact that it has on these communities and these workers to feel stuck in this place between needing to earn money to take back and not complain about a scheme like this and schemes like this versus the trauma? Does everyone back home know before you do this how bad the situation is?

COCO PEREIRA: No.

MALIA SYKES: No.

Ms JENNY LEONG: Or it's kept completely quiet so that people don't—I'm interested to hear this dynamic because I think there are broader powers here and risks.

MALIA SYKES: A lot of the families now have the idea because before they were thinking that their families were coming, they were just saying that there's no money. There was a point where they were here for months on end and there were not enough working hours, so a lot of them were working two or three hours a day. They still had their rent being cut, their airfares, their visa—all those things were still cut from probably 10 hours a week at the most. The team that was in Tasmania said that it was so cold that they were working not even 10 hours a day, but the family back home thought that they were joking, like "How can you not send money?" They said, "We don't even have enough to eat off."

A lot of the times for me going back to Samoa now is explaining to them that life is not a fairytale. A lot of the kids have gone back and go, "I'm not going back to the work." They refuse. A lot of them have refused to come back. They've come and realised that the work is harder than them having to go plant a taro or banana or coconuts to go sell at the market for \$20 because they came here and go, "It's not worth for me all the hard work and the stress." One of the teams, they were taken home. Two of them were there when I was there that were killed in the car accident in Sydney, so me and my husband were able to attend the funeral when it arrived. People don't realise the magnitude of the hardship that the people face here, and not just here but also in New Zealand and other places.

I have to explain to them, "It's not all a fairytale. That money got sent to you on their sweat, and in the early hours of the morning. They have to live in and share accommodation with other people. The smell of their rooms is horrendous." I said, "You guys really need to think." One of the Miss Samoas from last year—one of the ladies that was in the competition—spoke about it because she was one of the workers. She spoke about the conditions and the hardship. People don't realise that it is not all fairytales. The money that they work so hard to bring home—to put a roof over their head and food on their table, or to help with their fa'alavelave as the family gather for things like weddings and funerals and stuff—comes out of hardship. I have to explain to them, "It's really hard to be able to get the money that you're receiving here."

The Hon. AILEEN MacDONALD: What would make the scheme fair and equitable for the workers that are coming from the islands? Obviously, they would like the money to send back to their families, but we don't want them working in these conditions. What needs to change, and how can we bring about that change?

MALIA SYKES: To me, it's very simple. It's the fairness of it. Make it fair; make it clean. Have proper, clean conditions for the workers. I said to them, "You can't even have an Australian person living like this or pay this much money for a whole lot of people, and you're complaining when the workers are complaining. You need to be fair. You need to provide proper, clean environments." I know that on the health side of it, before I found out, for a headache or a little cut they were taking workers to emergency for treatments that cost them anything between \$600 and \$900 for their emergency visit. I asked, "Why would you pay that?" It comes out of their pay.

I ended up saying to their supervisor, "Would you please stop doing that? You can book a doctor—a GP—for \$100 to take them to see about their boils or buy the bandaids or the boil cream to put on their sore, instead of you wasting their week's earnings." I said, "What's the point? Where's their health insurance?" They said, "It doesn't cover it." If the agency or the company covers that, the people still have to pay that money back. That's the other thing. One of the guys had a heart condition, and he still has to pay all that money back. The health side as well is one of the things that is really important. If something happens to them here, how are they going to be able to cover themselves if the insurance they pay for doesn't cover their health? That's all I ask—that their living conditions are improved and clean, and to hold the agency accountable for where they put people.

The Hon. GREG DONNELLY: I have a question that's in four parts. I will try to get through the parts quickly. The evidence refers to 2,000 plants per day, which was mentioned in your opening statement, and that is now up to 6,000 plants a day. What does that mean? What are the plants? What are they doing?

MALIA SYKES: Planting it.

CORRECTED

The Hon. GREG DONNELLY: They're actually planting blueberry.

MALIA SYKES: Yes. Not just blueberries. There are raspberries and other berries.

The Hon. GREG DONNELLY: Just to be clear, the word "Costa"—that's the name of a company, is it?

MALIA SYKES: Yes.

The Hon. GREG DONNELLY: The word "MADEC". That's a company, is it?

COCO PEREIRA: That's one of the employers.

MALIA SYKES: An agency.

The Hon. GREG DONNELLY: An agency, which takes me quickly to my next question. With respect to agencies like MADEC, who do you think might know about more than just MADEC but about the various agents? I expect there are more than MADEC. There's probably a number. Someone must have some knowledge about who these different agents are. Who might have that information?

MALIA SYKES: The PALMs.

The Hon. GREG DONNELLY: All that information is retained?

MALIA SYKES: Yes—because it's the PALM scheme, right?

The Hon. GREG DONNELLY: That's fine. I thought that that may be the case. Thank you very much.

The CHAIR: We've gone a bit over time there, but it was very important that we did so. I thank you both very much for that evidence. As Ms Leong said, it was very important evidence for us to have. Thank you very much, Mrs Sykes and Miss Pereira, for having the courage to come here and speak to us about it. I think there may be some supplementary questions. We'll follow up with those with you. I hope you'll be happy to answer those, if necessary.

(The witnesses withdrew.)

The Committee adjourned at 13:10.