

Submission  
No 1

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

**Name:** Geoffrey Quinn  
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By email to: [modern.slavery@parliament.nsw.gov.au](mailto:modern.slavery@parliament.nsw.gov.au)

22 October 2024

Dr Joe McGirr, MP  
The Chair  
Modern Slavery Committee  
Parliament of NSW  
6 Macquarie Street  
Sydney NSW 2000

Dear Sir

**Re: Exploitation of PALM and Migrant Workers**

It was very disappointing to read the NSW Anti-Slavery Commissioner's recent report on PALM Worker exploitation in NSW. My business is located in Tamworth, NSW.

By way of my background, I entered into my business manybusyhands as a consequence of hosting more than 250 backpackers (working holiday makers) in my home over a number of years.

Firstly, we talked about the numerous misadventures they experienced as they travelled in rural and regional Australia. Wage theft was endemic and so too, all too often, was sexual importuning particularly of women but some men too.

Secondly, we discussed and devised a website and process that would assist them to locate safe, well rewarded work in rural and regional Australia.

Thirdly, the working holiday program is primarily devised for cultural exchange for young people from other countries to discover Australia and reciprocally for young Australians to enjoy as they too travel the world. It is not unsurprising that many of these young people start thinking about their Australian Odessey in their early teens and by their mid-teens they are actively working and saving for their time in *'the land down under.'*

Fourthly, backpackers interacting with our business over the last few months show that they are well educated with skills that can benefit the state and country. A few go onto become excellent migrants. What we hope the others do is as they walk the supermarket aisles of the world they think and buy Australian. There is a table attached at the end of this submission illustrating their education attainments.

Fifthly, young people from the European Union, United Kingdom, United States, Canada, and New Zealand are much more aware of their rights than say those from the Asian region. Asian women are, it seems, more susceptible to visa threats.

The PALM scheme was devised as a means of the Australian Government providing grassroots aid, where workers could come and go each season to undertake seasonal work of planting, cultivating, picking, and packing produce.

During the pandemic, the PALM scheme was rapidly expanded to meet the immediate needs to getting meat to market and produce to stores and to our export markets. This was due to the number of backpackers leaving the country and restricted movement all of which affected employment prospects. PALM workers are not satisfactory solution for many rural producers.

The issue of exploitation of migrant workers from different sources ought to be one of concern. Fundamentally, because it lies directly to doing the right thing by the people who undertake important work in our economy and then too how we treat them might feed into both our State's and the Nation's reputation.

The laudable aim of full employment does influence the source of Australian resident workers available for rural and regional seasonal work. A table is attached, prepared by ABARES, illustrating the decline in Australian workers undertaking seasonal work.

The suggested remedies are a mixture of initiatives for consideration either by the NSW Government or alternately the National Government, these are:

1. To amend the Horticulture Award to include provisions for workers to be either defined as '*kept*' or '*found*' as described in the Federal Pastoral Industry Award.
2. Farm businesses directly employing PALM workers must satisfactorily demonstrate that they have adequate and Award standard accommodation for workers. That women have the choice of separate accommodation.
3. That labour hire contractors when engaging or supplying PALM workers must lodge with DFAT (who administer the scheme) a bond of \$5,000.00 per worker to cover situations where the worker ends up disengaging from designated employment. This can be used after obtaining appropriate orders and it is not recoverable from PALM workers to pay:
  - a. Rents
  - b. Airfares to return to home countries.
  - c. Unpaid wages.
4. The PALM worker rules are well enough understood that with any non-complaint participants who breach the rules then face punitive fines and also exclusion from the scheme for up to three years.
5. Businesses such as Perfection Fresh must routinely report and assist Police with the laying of charges against employees who use coercive power over subordinate workers and especially women. (Perfection Fresh is being sued by a union on behalf of 12 female PALM workers). See Sydney Morning Herald article copy attached.
6. PALM employers direct or indirect must also demonstrate that adequate accommodation is available at a fair price and of a proper standard for workers. That the accommodation provider is at '*arm's length*' from the labour hire or farm entity.
7. Making all workers aware of the Fair Work Ombudsman's *Log Your Hours* app.
8. Workers should not be charged a fee to be driven to the workplace, especially when workplace accommodation is not provided. The employer should bear this cost.

9. That the NSW government consider the introduction of a labour hire licencing scheme similar to those operating in both Queensland and Victoria. Each of these are well run and highly effective. Such scheme should cover all industries.
10. There is a need to assist inexperienced workers to onboard for hard and sometimes onerous work with basic skills, protective clothing, and climatic required self-care. In doing so to also gain life-long skills.
11. The vast majority of farmers and contractors do the right thing, their business are well run and prosperous. The issue confronting us are those activities of bad actors and profiteers in the contract labour system.
12. That the NSW Government develop a Charter of Women's Workplace Rights. Attached is a post we will soon use in our business to promote workplace safety for women using our business.
13. That PALM workers be made aware of the Fair Work Ombudsman's log your hours app.
14. The *Victorian Labour Hire Authority* has shown how a well-run, administered, and transparent body can improve economic performance. They have taken to court bad actors and have successfully obtained exceptionally large penalties. An example as they state on their website:  
*'...A total of \$759,674 in penalties has been issued to five construction companies for their involvement in unlicensed labour hire operations in Victoria.'*
15. It is often stated that some levels of organised crime are part of the problem in exploiting farm workers. This is best exemplified from a few years back with the needles in strawberries incidents.

In summary addressing some or all of these issues will improve the economic performance of our state and from this the nation too.

If there is any further information you would like me to address, I would be pleased to do so.

Yours sincerely

Geoffrey Quinn

Attached are:

1. ABC news item on the economic value of backpackers
2. Sydney Morning Herald report on sexual abuse of PALM workers at Perfection Fresh
3. File –
  - i. Graph demonstrating labour shortage in seasonal workers
  - ii. The academic qualifications of backpackers interacting with my business.
  - iii. An indication of our campaign to improve work conditions for women in agriculture