

**Submission
No 3**

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

Name: Mr Grant Mistler
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Dear Modern Slavery Committee

RE: Inquiry into Modern Slavery Risks Faced by Temporary Migrant Workers in Rural and Regional NSW

Thank you very much for focusing collaboratively on this important area of inquiry for NSW. This is something I am passionate about within the human rights policy arena, and this is something I am campaigning on.

At Federation, the new State of NSW enacted laws to protect farm workers' rights with the introduction of the Shearers' Accommodation Act 1901. It was designed to provide for the proper and sufficient accommodation of shearers, and it included a myriad of enforceable items such as the ability to appoint an inspector to inspect the quality of accommodation being provided to farm workers, and the proscribed need to provide not less than 240 cubic feet of air-space per person sleeping in the sleeping quarters. That Act morphed into the Rural Workers Accommodation Act 1926, and then into the Rural Workers Accommodation Act 1969, before being repealed in its entirety in 2015.

Other States copied NSW and enacted similar minimum accommodation standards laws, such as the Shearers and Sugar Workers Accommodation Act of 1905 in Queensland, and the Shearers' Accommodation Act 1912 in Western Australia.

Ignoring the racism written into those early Acts, such as segregated sleeping quarters along racial lines, or the exclusion of Pacific Island labourers, there was good sense in setting a minimum floor on what is acceptable accommodation, and what is not acceptable accommodation. Today, some of that is left to under-resourced local councils to inspect and to enforce, with varying standards and abilities across NSW, if they even do at all inspect the accommodation of farm workers. Research from The Australian Workers' Union, Unions NSW, The McKell Institute, and the Fair Work Ombudsman, among others, all show the lack of minimum accommodation standards for farm workers is problematic, and leads to the opportunity for exploitation of vulnerable people. I include undocumented workers as vulnerable people within my definition here. We know there are presently some 100,000 undocumented farm workers in Australia, doing our work for us.¹

We were lucky in NSW to have had a history of 115 years of attempting to enshrine the accommodation welfare and dignity of the farm workers who feed us, and who enable our crops to be exported across Australia and across the world. This written promise was broken in 2015, and we

¹ www.farmonline.com.au/story/7154502/govt-urged-to-give-illegal-farm-workers-amnesty-ag-workforce-report/

now see cases of accommodation exploitation of vulnerable people who have limited options during their employment in our horticultural sector. Please see my September 2021 petition EN3223 to the Australian Parliament House (Appendix 1), requesting minimum accommodation standards for farm workers are enacted at the Commonwealth level, as a safety net.

In March 2021, I visited Ayr in Far North Queensland to be a witness to deplorable farm worker accommodation, where their contracts enforced no other options available to them but to rent from one accommodation provider. They could easily rent a large local house for far less money, if their contracts allowed them to leave that farm worker accommodation. I witnessed their one tiny bedroom with an air-conditioner where nine men slept in bunkbeds and on the floor during summer. I witnessed their kitchen with a broken industrial fridge that was running at 14°C, and struggling loudly to cool their food. They had no freezer and no microwave in their kitchen. A freezer and a microwave would be considered bare minimum essential kitchen items for any Australian household. They shared one shower and one toilet. For this, they each paid \$160 per week in rent. Imagine what that same \$1,440 could rent you in a country town in NSW as a comparison back then in 2021. This to me is the epitome of being ripped off and being taken advantage of while trying to earn a basic salary. The lack of legislatively enshrined accommodation standards for farm workers in NSW is rotten, and this is a public embarrassment for the NSW government.

While in Townsville on Friday 26 March 2021, I also met with George Christensen MP (Federal Division of Dawson), Julian Tomlinson (Media Advisor for Queensland Senator Susan McDonald), Mayor Lyn McLaughlin (Burdekin Shire Council), Adam West (Queensland Department of Agriculture and Fisheries – Regional Director), Carl Walker (President, Bowen Gumlu Growers Association), and many representatives for the Department of Education, Skills and Employment (DESE). They all agreed with me that the accommodation situation was decrepit and embarrassing. I described what I personally saw in Ayr, and I described their pay slips that I took photos of in Ayr.

In May 2021, I saw Mr Takashi Wakasugi present a comedy routine in Marrickville about his farm worker accommodation while he worked in the horticultural sector to extend his Australian working holiday visa (Appendix 2). Mr Wakasugi described in graphic detail, using his personal photographs to illustrate his points, spending \$160 per week to live in a filthy dormitory with strangers, sharing a filthy toilet, sharing a filthy kitchen, and using the one broken washing machine to wash his work clothes. This is the accommodation standard that we present to the world as being okay in Australia, and this is the accommodation standard that we say is the best way and the only way for young people from Canada, France, Ireland and Japan to extend their Australian working holiday visa.

In November 2021, I met with The Hon Tony Burke MP to express my concerns about the lack of farm worker accommodation standards. He informed me about the plight of a farm worker from Taiwan who was being severely underpaid and resorted to dumpster diving to find expired food in the bins behind supermarkets, to support herself and to support the other farm workers she lived with, who were also experiencing wage theft. They feed us, and yet they cannot feed themselves. They feed us, and yet they live in substandard accommodation conditions. This is beyond atrocious and devoid of any compunction what we are doing in Australia to our farm workers on an international stage.

My ongoing advocacy work and my petition EN3223 to the Australian Parliament House directly resulted in the establishment of an Accommodation Working Group in June 2023. That Accommodation Working Group includes Pacific Labour Mobility Scheme Approved Employers and industry representatives, the Australian Council of Trade Unions, state and local government representatives, Pacific and community support organisations, and Commonwealth representatives

from the Department of Employment and Workplace Relations, the Department of Foreign Affairs and Trade, and the Department of Infrastructure, Transport, Regional Development, Communications and the Arts. This is all contained in the letter to me from Susan Templeman MP (Reference MC23-000914).

While that letter also stated that “the Australian Government is aware of the accommodation challenges facing the PALM Scheme”, we are still yet to see the establishment of minimum accommodation standards for farm workers in 2024. Modern slavery includes nine men paying \$1,440 per week to sleeping in one tiny bedroom with an air-conditioner during summer, sharing one shower and one toilet, with a broken and malfunctioning kitchen missing basic bare minimum essential kitchen items such as a microwave and a freezer.

Today, documented overseas workers from Pacific nations pay more rent for a tiny flat to harvest our crops, than they would pay to rent a tiny flat in Vaucluse. One overseas worker lost his eye because his top bunkbed was directly under a ceiling fan. Belgian backpacker Olivier Max Caramin died from heat stress in Ayr in 2017.² Australians do not want those jobs, at those wages, in those poor accommodation settings. Commonwealth-level inquiries such as the 2006 Perspectives on the Future of the Harvest Labour Force, and the 2018 Harvest Trail Inquiry Report also indicate the same broken and non-existent standards. This is an ongoing high risk issue for NSW hiding in plain sight; every farm worker needs decent accommodation at a reasonable cost.

Please look carefully at the faces of the overseas men on the Pacific Labour Mobility Scheme who paid \$1,440 per week for a tiny dump to live in (Appendix 3). I took that photograph in Ayr in their flat with their permission, and I am very happy for you to redact their images here to protect their dignity and their privacy, but please do look carefully at their Australian accommodation experience that I have placed here in front of you today. This is their lived experience of Australia: being ripped off.

My one recommendation today that I implore the Modern Slavery Committee to kindly respond to me publicly, is to **ensure NSW develops a binding legislative instrument on minimum accommodation standards for farm workers in NSW, similar to what we already had operating in NSW for 115 years**. This is my one wish to hear from this inquiry today. This one innovation will directly improve the welfare and dignity of all farm workers who feed us in NSW.

Thank you very much for this opportunity to kindly provide my insights towards your timely inquiry. I look forward to receiving updates about your progress.

Yours faithfully

Grant Mistler

² www.theguardian.com/australia-news/2018/may/21/death-in-the-sun-australias-88-day-law-leaves-backpackers-exploited-and-exposed