

Submission  
No 5

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

**Organisation:** Berries Australia

**Date Received:** 13 January 2025

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## Submission to Inquiry into modern slavery risks faced by temporary migrant workers in rural and regional New South Wales

### About Berries Australia

Berries Australia was established in November 2018 as a joint venture between the Australian Blueberry Growers' Association Inc. (ABGA), Raspberries and Blackberries Australia Inc. (RABA) and Strawberries Australia Inc. (SAI) to represent the interests of the Australian berry industry as a whole. Valued at \$1.04 billion/annum, the berry industry now represents the single largest fresh produce category in Australian supermarkets.

### Submission

New South Wales is the most significant state in terms of blueberry production. The industry is highly concentrated in Northern NSW and is worth more than \$400 million at farm gate to the local economy. The national footprint of Berries Australia means we can evaluate different policy settings across states to determine their effectiveness and we appreciate the opportunity to provide input into this Inquiry.

Berries are a high value and highly perishable product. Due to their inherent properties, almost all berries are handpicked here in Australia, and globally. The dependence on hand picking and the time sensitive nature of the product means that berries are particularly reliant on a mobile workforce that can be deployed quickly and then moved to another location. For these reasons the berry industry is a significant employer of temporary migrant workers and ensuring these workers are treated appropriately is critical to the long-term sustainability of the sector.

Berries Australia acknowledges the concerns raised relating to modern slavery with respect to temporary migrant workers and we have no tolerance for mistreatment of any kind. It is our contention that the single biggest contributor to modern slavery practices in the sector are dodgy labour hire companies.

Berries Australia has publicly advocated for national labour hire licensing since its formation in 2018. This position was developed after clear evidence that the labour hire licensing scheme had made a significant impact on improving worker conditions in the Queensland berry industry. This has been validated by the recent report from the FWO which revisited locations identified as exploitation

hotspots in their Harvest Trail report<sup>1</sup>. In their original investigation both the Queensland strawberry industry and the Coffs Harbour blueberry industry were identified as on compliance hot spots. In the 2023 follow-up investigation, the Queensland industry was identified as having high compliance rates whereas the Coffs Harbour region continues to have issues with compliance. Queensland has a labour hire licensing scheme and NSW does not! Even more telling is that the significant majority of compliance issues in the Coffs region related to Labour Hire.

Whilst a national labour hire licensing scheme is our preferred option, it seems to be taking an inordinate amount of time to implement, despite being an election commitment of the Albanese government. In the meantime, as both Queensland and Victoria have labour hire licensing schemes (the Queensland scheme being the most effective), NSW has become an attractive destination for dodgy labour hire companies who are often linked to organised crime. If the NSW government is serious about addressing modern slavery concerns in regional areas, then they must fast track the development of a labour hire licensing scheme or accelerate progress towards a national labour hire licensing scheme.

Without a robust labour hire licensing scheme in place, workers and even growers are left vulnerable to unscrupulous operators who often recruit their own countrymen. These operators conveniently 'disappear' when there is any scrutiny of their business operations and then re-appear under different names and Directors. In many cases the growers are paying the correct rate, but those funds are not being passed onto the workers. We are also aware of allegations that a small percentage of growers who work with these labour hire firms to deliberately underpay their workers and we are keen to see this practice stamped out as it damages the reputation of the industry and distorts pricing. A robust labour hire licensing scheme with an appropriately resourced compliance component can meaningfully address these issues and is well supported by workers and growers in Queensland.

**If the NSW government is serious about addressing modern slavery concerns, then implementing a labour hire licensing scheme in the state, whether it be national or not, must be a priority.**

For more information or to discuss any aspect of this submission please contact Rachel Mackenzie on [redacted] or r [redacted]

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<sup>1</sup> <https://www.fairwork.gov.au/newsroom/media-releases/2023-media-releases/october-2023/20231018-ag-omnibus-october-2023-media-release>