

**Submission
No 11**

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

Organisation: Woolgoolga Labor Branch

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Submission to NSW Parliamentary Inquiry into modern slavery risks faced by temporary migrant workers in rural and regional New South Wales
February 2025

This is a submission from the Woolgoolga Branch of the Australian Labor Party, the membership of which is drawn from the coastal towns suburbs and villages lying to the north of Coffs Harbour on the NSW Mid-North Coast. This area is a centre for blueberry production and other forms of intensive horticulture which attract a significant number of migrant workers each year.

Before detailing our submission, we wish to record our support for temporary migrant worker schemes and in particular, for the PALM scheme. Our issues are not with the use of migrant labour in itself, but in the way these schemes can lead to direct harm to the workers involved and their families and indirect harm to the community if they are not managed properly.

In September 2024, our Branch endorsed the Report of the Office of the NSW Antislavery Commissioner, entitled “Be Our Guests: Addressing urgent modern slavery risks for temporary migrant workers in rural and regional New South Wales”. We were therefore pleased when the Modern Slavery Committee of the NSW Parliament moved quickly to implement the Commissioner’s first recommendation and conduct this Inquiry. In particular, we were concerned that the Inquiry should seek to

- identify conduct that may breach relevant NSW laws and makes relevant referrals to regulators and law enforcement authorities;
- identify areas of likely non-compliance with harmonised labour hire legislation and recommend steps the NSW government should take to ensure there is sufficient inspection capacity to effectively regulate the industry;
- Identify the resources needed by local communities (including local councils, unions and service providers) to address consequences of these risks of modern slavery

We also seek the support of this Inquiry for the establishment of a regional Migrant Centre Hub on the Mid North Coast to work in conjunction with the new Migrant Workers Centre already announced by the Federal government last July, to bring unions and multicultural organisations together to address the abhorrent risks identified in the Commissioner’s report.

Our members are aware of many instances of apparent worker exploitation in the horticulture industry in our region, and of efforts in particular by relevant unions to take action to stop these practices.

We also note that there has been a significant amount of research into the issue of worker exploitation, including specifically in the blueberry industry. For example, a 2020 Report from the McKell Institute concluded with these words, which, although this study was about Working Holiday Makers (WHMs), applies also to many other migrant workers:

The unfortunate truth is that this report adds to a growing pool of evidence that demonstrates the prevalence of wage theft in Australia, and in particular, the underpayment of migrant workers. And while government commissioned research has demonstrated the prevalence of migrant worker exploitation in Australia, only piecemeal efforts have been made to address the issue.

This report has identified case studies demonstrating the gross underpayment of migrant workers, the callous disregard for worker safety, and a high rate of nefarious labour-hire in

the Coffs Coast region's blueberry industry. What was found demonstrates that... nefarious actors operating within Australia are willing to subject foreign and domestic workers to illegal wages and poor conditions for their own economic advantage. While not every employer is doing the wrong thing, too many are. Ultimately, the illegal practices observed in this report do a disservice not only to the workers who are being underpaid, but to Australia's reputation.¹

The Inquiry should, we believe, consider the extent to which each of the recommendations from that Report have been implemented since its publication, and where implementation has not occurred, investigate the reasons why.

In the experience of our branch members, one of the most obvious forms of exploitation is the accommodation provided to migrant workers, which is often substandard and overcrowded. While some cases have been brought to the attention of the Fair Work Authority, many are not, because the workers themselves are too vulnerable to appeal to the union or other authority for help. Previous studies have found that women workers are particularly at risk when they are forced to live in overcrowded mixed accommodation, e.g.

Female SWP (Seasonal Worker Program) workers in one regional location told us that they were sharing a house with males and did not feel safe, particularly because they could not lock their bedroom doors and felt scared when the men came home drunk at night. Pacific community members told us that it was not culturally appropriate for women and men to be accommodated together in share-houses unless they are in a relationship.²

We are also concerned with the way unscrupulous caravan park operators and landlords are able to operate in the market for migrant worker accommodation, in ways which not only lead to substandard accommodation for the workers, but also put unacceptable pressures on residents of the surrounding area.

We strongly urge the Inquiry to consider what additional resources are needed by the union movement to provide more protection, including the availability of interpreters and organisers from the same ethnic and cultural background of the workers.

Our branch is also aware of instances of underpayment, and, as detailed in the Appendix, numerous comments by locals e.g. on community Facebook pages, suggest this can be quite widespread.

Our branch has received information from the EPA which suggests that chemicals used in intensive horticulture are regularly being used in ways which are not compliant with environmental legislation and regulations. We are concerned that such behaviour may well be putting the health of workers at risk, and this should be investigated by the committee.

We therefore recommend that education on chemical hazards should be a compulsory element of pre-employment orientation and training, and that union safety officers trained in these issues, working with interpreters where necessary should ensure that workers are fully informed of risks and what action to take when they believe that their workplace may be unsafe.

There are specific issues in relation to Palm Scheme workers that our members wish the Inquiry to consider. These include the unfair superannuation arrangements, whereby workers returning to

¹ McKell Institute 2020. *Blue Harvest. Wage theft & other labour infringements in the NSW Mid-North Coast's 2019/20 Berry Harvest.*

² Kanan, L. & Putt, J. 2023. *Safety and wellbeing in Australia's Pacific labour mobility scheme. Research report.* Canberra: ANU.

their home country receive only a small proportion of what has been contributed on their part, because it is taxed at the exorbitant rate of 35-40%.³

Another is the inadequacy of the training arrangements. Since the Palm Scheme is ostensibly a program designed to assist the guest workers and their home countries, we are concerned about the paltry sum allocated for training and the fact that its use is dependent on the employer making the effort to organise the training. There is also an opportunity with the current arrangements for unscrupulous private training providers, with or without the cooperation of employers and labour hire companies, to use this program for their own benefit. The NSW government should consider putting this training program on a much sounder footing, perhaps through bringing it under the management of the regional TAFE college or a reputable NGO. This training should also include a strong focus on Australia's approach to labour rights and the role of trade unions in protecting workers of every nationality. There should also be English language classes for workers from countries where English is not an official language eg Timor-Leste.

The policy of tying visas to particular employers is also in need of a rethink, so that workers have the power to leave workplaces which are exploitative, unsuitable or dangerous without fear of reprisals.⁴

There should also be a strong focus on planning with the Palm Scheme workers for their re-integration into their local communities on their return. This could include working with them to decide what are the skills they can gain in Australia that they can most usefully deploy on their return, and how those skills can be acquired. It could also include helping them to identify ways they can put their earnings in Australia to best use in building futures for themselves their families and their communities. A development NGO with expertise in areas such as micro-financing could be a valuable partner to such a program.

Conclusion

Once again, the Woolgoolga Labor Party Branch congratulates the NSW Parliament on initiating this inquiry. We would be happy to discuss our submission in person if that is appropriate. Living in a region with a large intensive horticulture industry, and in an electorate where our local representative is a member of the National Party with long standing links to the industry, we understand the sensitivities that speaking out on these issues can arouse. That said, as a Labor Party branch, we support the principle that workers' rights are best defended and guaranteed by good labour legislation, strong regulatory powers in the hands of a government that provides necessary resources and has a willingness to enforce the law along with an active trade union movement which is accountable to its members. We believe migrant workers are entitled to these protections, including special measures to take account of their vulnerability. We urge the Committee to recommend whatever action is required to ensure these fundamental workers' rights are protected.

³ Union calls for end to super tax for Pacific and Timor-Leste workers, at <https://www.abc.net.au/news/2024-10-24/union-wants-super-rethink-for-palm-workers/104506854>

⁴ See Petrou, K., & Connell, J. (2023). Our 'Pacific family'. *Heroes, guests, workers or a precariat?* Australian Geographer, 54(2), 125–135, for more detail

Appendix

The following is provided to give the Committee some sense of the extent of public concern about the issues we have raised.

From Woolgoolga & Northern Beaches Facebook Page

- De-identified post with some of the 135 comments it elicited, January 2025. Uncorrected spelling etc as per original.

Original post

Was having a good chat with an international guy while Fishing in woolgoolga this morning and it's very sad that some blueberry farms are still ripping off the pickers. I asked the fella how's the Picking been and he said it has been crap a lot of days he's been picking one kilo in an hour and get \$3 a kilo how is this even legal he is a young fit energetic looking bloke and gets paid \$3 an hour some days but then he said some days he can make up to \$300 a day but if you can't make wages for the day they should have to pay you wages not give them \$40 a day for a whole days work and then charge them \$150 to share a room in one of their houses .Something needs to be done about these rip off blueberry employers

Comments

Yet again a tale of unscrupulous berry growers. I often think to myself how do their diligent staff muster the motivation to go to work each and every day, knowing full well that their employers are watching over them from there salubrious mansions above. I have been very active in trying to stop their dreadful actions towards their hardworking staff. Unfortunately, the staff are afraid of speaking out against them because of fear of losing their jobs. Peter Bain springs to mind, albeit not his real name. He has housing for a number of his employees on a property not far from my home. We fortunately or unfortunately can see they've living in shipping containers. This must be stopped.

Sorry (but we are dealing with Blueberry farm owners) renowned for ripping off pickers. Sorry for those that don't

Surely not \$150 "each" to share a room!??

We got kicked out of a unit so it could have bunk beds put in and backpackers come and pay \$150 a week each to stay. A little tiny 2 bedroom unit that was lived in by the same people for over ten years. This is why people are becoming homeless because landlords would rather rent beds out instead of homes for family's. They get more for having 5 bunks in a two bedroom unit at \$150 a bed each week over a reasonable weekly rate for a family.

PALM scheme workers are guaranteed minimum hours at award pay rates + per bucket payment. Their accommodation fee is set by fed gov with strict compliance conditions. Obviously this person is working for parasite outside of the system. Workers I hosted this season earned + \$1500 per week

Replies

Well there's more people than you out there not doing the right thing

... if you know who is not doing the right thing you should let the authorities know. Bad publicity is bad for you people doing the right thing. This has been going on for too long.

Well i myself work at a farm and i know most of pickers are good but some are new and they have never worked in a blueberry farm and when someone try to teach them how to pick they say they understand later they have to go for repackaging.i believe you might have met a repacker and there

absolutely there are some farmers who are ripoffs so are some mechanics. these (some) are in every field.

What a joke, how embarrassing. Hourly flat rate should be introduced on all farms, shouldn't matter how much u pick on certain days. The rich ripping off the ppl who actually need money to survive. Jokers

It's been happening for years every now and then a couple off farmers get caught cop a large fine all the other Indians pay it business as usual government authorities happy they done there audit mmmm

it's illegal. In contract picking the average worker should make 15% above wages. Most fruits in Australia pay the right rate, not in this area.

think there is around 16000 slavery cases before the court system at the .moment a lot of employers don't care in that industry Make the penalty hurt

modern day slavery exist in Australia in 2025 it's a crime and our government is cracking down on it yes I've been studying up on it. A massive problem and it is a crime, people need to start standing up and having these criminals charged

Here in Japan where I live, the blow back is growing. Kids coming back are saying avoid OZ due to the high costs & wage Rip offs. Major newspapers have started writing articles on it but more importantly the web is full of stories (and that's where young people read the news). So sad that my country has turned into a rip off joint

So what can be done about it?? We are all saying it's not right , but then the post fizzles out and nothing changes. What can be done about this . I'm particularly upset about the environmental damages and no repercussions. How as a community do we make changes. We can all work together to get something done

The worst thing I ever did was work for costa berries. It is basically jail
You get there at 5am your picking, 1 at 12 to eat and stuff. your finish at 5pm and get paid 2.17 a crate and the same over again. If you do not pick fast enough you get fired if you do not pick the right amount you get fired it absolutely disgusting. No training you just get thrown into it, I do get it but at the same time how do you do that to people

I spoke to a polite asian young girl she worked hard and fast and like her friends they made only 10 to \$12 dollars an hour and worked 6 days a week

The invironmental problems caused by the greedy in the local farming industry are so concerning hundreds acres of trees have been cleared illegally home to wildlife

They get a fine but continue to operate

The bad guys from the farming industry should be banned for life for farming and ordered to leave town

As there giving the good farmers a bad name

it literally is \$3p/h which equates to \$3p/kg. And yes \$150 per room for the share house and if they need a ride into the farm it's \$10 I can't remember if they said each way or for both trips. It's an absolute joke

Most case's its the contractors not the farmer that's ripping them off. They set the wages, they charge the rent, travel etc. Not the farmer, they pay the contractor a total sum to have fruit picked. There are prob still few dodgy farmers like any buisness. Farmers also don't make a lot of \$ like people think. Thats why most have the entire family working etc

yes contractors bring people here arrange jobs a accomadation then handle their jobs wages accomadation a often travel to a particular farm they're the ones ripping off the workers but there are Sm farmers also

the farmers are the ones which contract the contractors. They need to ensure their contractors are paying legal wages before contracting them. They must take some responsibility, not just accept the lowest price charged by the contractor.

Hope that is not the case. I commented on this a few years ago during covid. A post advising this issue had been addressed, if this is not the case and we still have slave labour happening in this area then someone in government is not doing their job

The govt (Fair Work Ombudsman) can only do their job if reported.

I was talking to a couple recently that had been paid \$150 each per week. They had been picking at several different farms in woopi area and none of them had paid the correct wage. They were leaving to go to Tasmania for better pay and better working conditions. It's a shame these people are still being treated like this in Australia

It's actually illegal. But the farmers can get away with it because they are targeting tourists who can't stay long enough to make a complaint and see it through.

Thankfully some are paying award wages.

The minimum hourly rate is \$23.46, plus a 25% casual loading

The minimum rate may be higher depending on the type of work

There are different minimum rates for full-time and part-time employees

Piece rates are still legal, but employers must pay a minimum wage regardless of productivity

Piece rates

Piece rates are based on the amount of fruit picked

Piece workers have a minimum wage guarantee

Experienced workers may prefer piece rates because they can earn more than the hourly rate

<https://horticulture.fairwork.gov.au/pay-and-piece-rates>

fact check. 29.30 an hour bud. As I stated, all the workers I support have made beyond that...

The farmers are hurting to keep these wages up but they are . This industry brings a lot of cash to the area.

Yes there is some unscrupulous operators but they are now the minority as workers will always go where the money is.