

Submission
No 32

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

Organisation: Anti-Slavery Australia

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Submission on Modern Slavery Risks Faced by Temporary Migrant Workers in Rural and Regional New South Wales

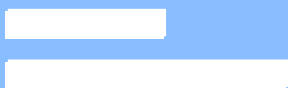
PARLIAMENT OF NSW MODERN SLAVERY
COMMITTEE INQUIRY

28 February 2025

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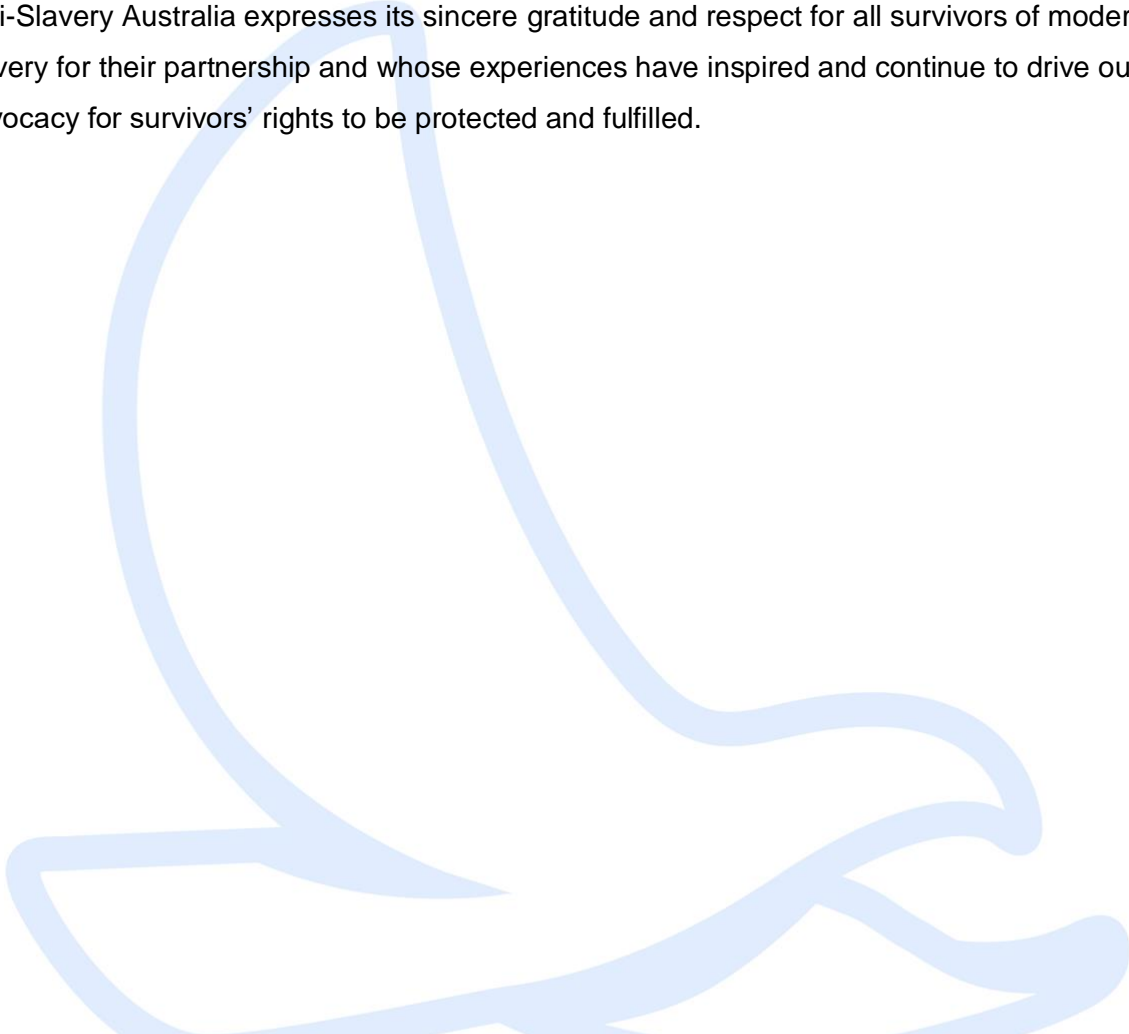
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Acknowledgments

Anti-Slavery Australia acknowledges the traditional Owners of Country and the Holders of Knowledge for this place, the Gadigal people of the Eora Nation, upon whose lands and waters we work, and extend our respect to their Elders both past, present and emerging.

Anti-Slavery Australia expresses its sincere gratitude and respect for all survivors of modern slavery for their partnership and whose experiences have inspired and continue to drive our advocacy for survivors' rights to be protected and fulfilled.



This submission draws upon Anti-Slavery Australia's research and advocacy as well as our extensive experience in working with and providing legal advice and assistance to victims and survivors of modern slavery in Australia since 2003.

1. Executive Summary

Anti-Slavery Australia, at the University of Technology Sydney, welcomes the opportunity to make a submission to the inquiry into modern slavery risks faced by temporary migrant workers in rural and regional New South Wales.

This submission draws upon Anti-Slavery Australia's research and advocacy as well as our extensive experience in working with and providing legal advice and assistance to survivors of modern slavery in Australia since 2003.

This submission will focus on the following terms of reference as they relate to the intersection between labour exploitation and slavery:

- worker conditions and labour practices of direct employers and labour hire companies, including the adequacy of regulations governing both;
- adequacy of monitoring, compliance and enforcement of workplace laws, including health and safety laws;
- the impact of visa settings and conditions of employment on temporary migrant workers in rural and regional New South Wales; and
- potential protections for temporary migrant workers through State based interventions.

2. About Anti-Slavery Australia

Anti-Slavery Australia is the only specialist legal, research and policy university centre in Australia working to end modern slavery. For 20 years, our team has been providing access to pro bono legal and migration services to people who have experienced or are at-risk of modern slavery; engaging in research and advocacy grounded in the firsthand experience of survivors; and delivering training on modern slavery to frontline service providers, government, community, law enforcement, business, students and educators.

Anti-Slavery Australia runs Australia's national forced marriage service [My Blue Sky](#), which provides specialist support for people in or at risk of forced marriage through access to confidential legal advice and legal assistance. [Speak Now](#) is our forced marriage prevention project, which has delivered a leading program of awareness raising, training and research over the past four years.

3. Introduction

Temporary migrant workers in New South Wales (NSW) face risks of exploitation and modern slavery, including those employed under the Pacific Australia Labour Mobility (PALM) Scheme and those who have disengaged from the PALM Scheme. The recent report by the Office of the NSW Anti-Slavery Commissioner, *Be Our Guests: Addressing Urgent Modern Slavery Risks for Temporary Migrant Workers in Rural and Regional New South Wales*, identified widespread systemic challenges affecting numerous workers across agriculture, horticulture, and meat processing sectors.¹

The report identifies several key issues: the prevalence of gender-based violence and harassment; barriers to health care; isolation and social marginalisation; labour exploitation and wage theft; and other systemic vulnerabilities. These findings are consistent with Anti-Slavery Australia's direct engagement with victim-survivors of modern slavery (or are at risk of experiencing modern slavery) who access our legal services. We have observed how restrictive visa conditions, insufficient regulatory oversight, and obstacles to accessing legal support, can foster environments where modern slavery can flourish.

Temporary migrant workers in rural and regional areas face compounded risks due to geographic isolation, limited access to legal and support services, and the power imbalances inherent in employer-sponsored visa arrangements. Our legal casework has documented cases where workers have been subjected to underpayment, unsafe working conditions, and threats of deportation, with many deterred from reporting abuses due to fears of immigration consequences.

This submission addresses major concerns highlighted by the *Be Our Guest* report and our frontline experience. It examines worker conditions and labour practices, the impact of visa settings and employment conditions on vulnerability to exploitation, and assesses current monitoring, compliance, and enforcement mechanisms. Additionally, we propose potential state-based interventions designed to strengthen protections for temporary migrant workers and mitigate their risk of modern slavery.

¹ Office of the NSW Anti-slavery Commissioner. (2024). *Be our guests: Addressing urgent modern slavery risks for temporary migrant workers in rural and regional New South Wales*. Parramatta: Department of Communities and Justice. Available at: https://dcj.nsw.gov.au/documents/legal-and-justice/anti-slavery-commissioner/plans-and-discussion-papers/Be_Our_Guests_-_Addressing_urgent_modern_slavery_risks_for_temporary_migrant_workers_in_rural_and_regional_New_South_Wales.pdf[Accessed 4 Feb. 2025].

4. Worker Conditions & Labour Practices

Through our legal casework and direct engagement with clients, as well as ongoing research, Anti-Slavery Australia has identified cases of exploitation of temporary migrant workers in rural and regional NSW. We observe that several of our clients have reported severe workplace abuses that heighten their risk of modern slavery. Further, wage theft remains a persistent problem, with excessive and unreasonable deductions resulting in significant underpayment for the work performed. We further note that research conducted by Unions NSW and the Immigration Advice and Rights Centre research found 35% of migrant workers in NSW were underpaid or offered a lower salary because of their visa type.²

Moreover, Anti-Slavery Australia notes reports of PALM workers in NSW being housed in overcrowded and unsanitary accommodation, which are frequently linked to their employment. This situation, together with underpayment and the effect of visa conditions, makes it difficult for workers to leave exploitative environments. Employers and labour hire companies have been reported to withhold visas and confiscate passports or other identification documents, further restricting worker mobility and autonomy. Common coercive tactics used to prevent workers from asserting their rights include threats of deportation, visa cancellation, and reporting to authorities.

Geographic and social isolation further exacerbates these vulnerabilities. Migrant workers, particularly those in regional and rural areas, face limited access to legal, social, and community-based support. They may also experience language barriers that further contribute to exploitation, as workers with limited English proficiency are often unable to challenge unfair treatment or seek help. Deceptive recruitment practices remain prevalent for migrant workers at large, including those in the agriculture, horticulture, and meat processing industries. Workers are often misled about job expectations, wages, and accommodation before arriving in Australia and then, once employed, many discover that their actual working conditions and pay differ substantially from the terms stipulated in their contracts.

² Unions NSW, *Wage Theft: The Shadow Market – Empowering Migrant Workers to Enforce Their Rights* (Sydney: Unions NSW, 2022). Available from: <https://unionsnsw.org.au/wp-content/uploads/2023/11/Wage-Theft-The-Shadow-Market-Empowering-Migrant-Workers-to-Enforce-Their-Rights.pdf>

Compounding this risk is a lack of awareness of workplace rights and visa conditions that leaves many unaware of legal protections and avenues for assistance.

We also submit that some labour hire firms which are removed from the PALM scheme continue to exploit workers by engaging in phoenix activity in order to evade accountability (i.e. re-establishing under new business identities after being removed from the scheme).³ These exploitative conditions highlight systemic failures in oversight and enforcement, and reinforce the need for measures such as stronger regulatory mechanisms, improved worker protections, and enhanced accountability for employers and labour hire companies.

Case study: A

'A' was recruited to travel to Australia for farm work in regional areas of NSW and other states under the PALM scheme. He experienced exploitative and unfair working conditions at the hands of his employer including: large underpayments due to multiple "deductions" applied to his pay, having his visa withheld from him despite repeated requests, and being made to live in a cramped and unsanitary cubicle with five to six other men. He was not able to breathe properly due to the cramped conditions. Additionally, there were threats of deportation if complaints were made about the conditions, and monitoring of phone use. 'A' tried to complain to his manager about the unfair conditions, but he felt that he was frequently dismissed because of his limited English proficiency. 'A' was living in a remote area, with no access to community and legal supports, and did not know if he had any rights or options.

This de-identified case study has been included with the consent of the client.

We recommend:

- **The introduction of clear criminal and civil penalties for the confiscation of passports, visa documents, employment records and other identification documents. These penalties should be complemented by proactive monitoring mechanisms to identify and address violations before they escalate.**

³ See e.g. Office of the NSW Anti-slavery Commissioner. (2024). *Be our guests: Addressing urgent modern slavery risks for temporary migrant workers in rural and regional New South Wales*. Parramatta: Department of Communities and Justice. Pg. 7. Available at: https://dcj.nsw.gov.au/documents/legal-and-justice/anti-slavery-commissioner/plans-and-discussion-papers/Be_Our_Guests_-_Addressing_urgent_modern_slavery_risks_for_temporary_migrant_workers_in_rural_and_regional_New_South_Wales.pdf [Accessed 4 Feb. 2025].

- **Further funding and promotion of culturally and linguistically appropriate support services, including the provision of interpreters in rural and regional areas, to ensure migrant workers can access legal and community-based support without language barriers.**
- **NSW members of the Australian Government Phoenix Taskforce work collaboratively with other members to establish a public register of debarred labour hire companies to prevent phoenixing activities, with cross-jurisdictional data sharing between states and territories to track non-compliant operators.**

6. Monitoring, Compliance and Enforcement of Workplace Laws

Anti-Slavery Australia has identified systemic failures in the oversight and enforcement of protections for temporary migrant workers in rural and regional New South Wales, particularly within the PALM scheme affecting both PALM workers and those who have disengaged from the scheme. We understand that for a company to operate under the PALM scheme, they are assessed for financial viability, operations and reputation. As part of this, information is sought from the Department of Home Affairs, the Fair Work Ombudsman and other relevant Australian Government agencies. Site visits and interviews can also be conducted.⁴ Moreover, once approved, the Department of Employment and Workplace Relations states they will undertake monitoring and assurance visits which may be announced or unannounced.⁵ While data on the number of workers and employers participating in the PALM scheme is publicly available,⁶ there is limited transparency regarding the findings and outcomes of screening and ongoing monitoring. Key details, such as the number of monitoring and assurance visits conducted, are not readily accessible, making it difficult to assess the scheme's oversight and effectiveness. In addition, the current

⁴ Department of Employment and Workplace Relations (2025) 'Employers', Pacific Australia Labour Mobility (PALM) scheme. Available at: <https://www.palmscheme.gov.au/employers>. Accessed: 28 February 2025.

⁵ Department of Employment and Workplace Relations (2024) *Pacific Australia Labour Mobility scheme: Approved Employer Guidelines*, version 1.9, 4 November. Pg. 106-107. Available at: <https://www.palmscheme.gov.au/sites/default/files/20-10/PALM%20scheme%20Approved%20Employer%20Guidelines%20-%202024%20November%202024.pdf>. Accessed: 28 February 2025.

⁶ Department of Employment and Workplace Relations (2024) 'PALM scheme data', Pacific Australia Labour Mobility (PALM) scheme. Available at: <https://www.palmscheme.gov.au/palm-scheme-data>. Accessed: 28 February 2025.

system relies on workers to report issues and concerns, rather than placing the onus on employers to demonstrate their compliance with workplace laws. This approach fails to account for the significant barriers to speaking out against employers, particularly for migrant workers. There are a number of deterrents to reporting and many workers are reluctant to engage with authorities due to fears of adverse impacts on their visa status, with some employers reinforcing this fear through (unfounded) threats of deportation or visa cancellation if workers lodge complaints.

We also observe that even when workers seek to recover unpaid wages and workplace entitlements, the process is often unnecessarily protracted and difficult to navigate. It is Anti-Slavery Australia's experience that many disengaged PALM workers lack adequate documentation to support their claims and consequently, find it challenging to meet evidentiary requirements. For instance, in contravention of employment laws, some workers are not provided with payslips, making it difficult for workers to substantiate their claims with Fair Work. This further compounds the risk of exploitation, including modern slavery, as some employers exploit these gaps in enforcement to deny workers their rightful entitlements.

We recommend:

- **Strengthening and making the vetting process public for companies participating in the PALM scheme, including for example, mandatory background checks on company directors.**
- **Shifting the burden of compliance onto employers through mandatory self-reporting of workplace conditions, pay records, and accommodation standards, supported by random, unannounced inspections conducted in collaboration with unions and community organisations.**

7. Visa Settings & Conditions of Employment

We note that Part 1(i) of the Inquiry Terms of Reference refers to the 'impact of visa settings and conditions of employment on temporary migrant workers in rural and regional New South Wales'.⁷

Visa Settings

Anti-Slavery Australia contends that the stringent conditions attached to the Temporary Work (International Relations) visa (subclass 403) (i.e. PALM stream visa) create a significant power imbalance between workers and their employers that increases the risk of exploitation, and in some cases evidencing indicators of modern slavery. The current visa system was established so that PALM workers must remain employed by their visa sponsor and are consequently prohibited from working for any other employer unless approved under an arrangement with the Department of Foreign Affairs and Trade (DFAT). However, it is our opinion that these restrictive conditions have the potential to leave workers feeling trapped in exploitative situations with no viable alternative and leading to increased vulnerability to exploitation.

Additionally, there is currently a lack of accessible subsequent visa pathways which further compounds these vulnerabilities. This includes cases where there is a 'No Further Stay' condition attached to a visa, which means certain migrant workers cannot apply for most temporary and permanent visas while they are in Australia and will need to apply for a waiver of the condition.

Beyond the PALM scheme, skilled migrant workers holding regional work visas such as the Skilled Work (Provisional) visa (Subclass 491), the Skilled Employer Sponsored Regional (Provisional) visa (Subclass 494), and the Permanent Residence (Skilled Regional) visa (Subclass 191) must demonstrate that they have lived and worked in regional Australia to qualify for permanent residency. This requirement places undue pressure on skilled

⁷ <https://www.parliament.nsw.gov.au/lcdocs/inquiries/3079/Terms%20of%20reference%20-%20Modern%20slavery%20risks%20faced%20by%20temporary%20migrant%20workers%20in%20rural%20and%20regional%20New%20South%20Wales.pdf>

workers to remain in exploitative work environments in order to stay in Australia and apply for permanent residency.

Workplace Justice Visa

Anti-Slavery Australia welcomes the introduction of the Workplace Justice Visa pilot, which allows temporary visa holders to stay in Australia to pursue legal action for workplace exploitation. However, we note this pathway has restrictive eligibility criteria that excludes many temporary migrant workers, including disengaged PALM workers who have experienced workplace exploitation. The visa is only available to those who hold a substantive visa with work rights expiring within 28 days or whose visa expired no more than 28 days prior. Given the challenges faced by workers in remote areas, including delays in receiving immigration advice and obtaining the necessary certification, this timeframe is impractical and not feasible. It is our view that it prevents many eligible workers seeking to stay in Australia to pursue remedies from applying for the visa, contrary to the objectives of the pilot. Additionally, there are only a few certifying bodies in New South Wales, including: the Office of the Fair Work Ombudsman; the Australian Rail, Tram and Bus Industry Union; the Australian Workers' Union; the Australasian Meat Industry Employees' Union; Electrical Trades Union of Australia National Council; the Transport Workers' Union of Australia; United Workers Union; Shop, Distributive and Allied Employees' Association; the Human Rights Law Centre; Redfern Legal Centre; and Unions NSW.⁸ Due to delays in funding, these organisations face overwhelming demand and limited capacity. They also have their own eligibility criteria which narrows options further, e.g. workers who are not union members are unable to seek certification through Unions NSW.

Conditions of Employment

Temporary migrant workers often experience cumulative vulnerabilities, which creates an unfair power imbalance between employers and employees and heightens the risk of exploitation, including modern slavery. As noted previously in this submission, many workers have limited English proficiency, little understanding of Australian workplace laws, and few

⁸ Department of Communities and Justice (DCJ) 2024, *New visa protections for migrant workers who are subject to a workplace violation*, NSW Anti-Slavery Commissioner. Available at: <https://dcj.nsw.gov.au/documents/legal-and-justice/anti-slavery-commissioner/fact-sheet-new-visa-protections-for-migrant-workers-who-are-subject-to-a-workplace-violation.pdf>. Accessed 14 February 2025.

support networks. They often arrive in Australia with minimal financial resources and are entirely reliant on their sponsor for employment, housing, and basic needs. Some employers exploit this dependency by applying excessive and non-transparent deductions to wages to allegedly cover costs for visas, flights, transport and accommodation. It is also our experience that some employers deceive workers into believing that they are repaying a “debt” to their sponsor for facilitating their employment in Australia.

Through our role as a legal service provider, migrant workers (including those in NSW) frequently report fearing repercussions for speaking out against exploitation. This includes concerns about their visa status, employment security, and future opportunities in Australia. Moreover, the threat of adverse visa outcomes often prevents workers from lodging complaints or engaging with authorities and serves as a powerful deterrent to speaking out. Even when employers engage in serious misconduct, including actions which amount to forced labour, debt bondage, and other forms of modern slavery, workers often avoid reporting violations due to concerns about being perceived as breaching their visa conditions.

For those who do disengage from the PALM scheme due to mistreatment or whose sponsors are removed from the scheme for exploitative practices, we note that the options for support and alternative employment are extremely limited. Anti-Slavery Australia wishes to highlight that many workers are left effectively stranded, with no income, no access to financial assistance or other social supports, and are thus at a heightened risk of further exploitation. Some employers also withhold information and documents relating to visas, employment records and related documentation preventing workers from accessing critical information about their rights and obligations. Without direct access to their official documentation, workers are forced to rely solely on information provided by their employer, and this reinforces the imbalance of power. More broadly, there remains a significant lack of understanding among temporary migrant workers about their workplace rights.

We recommend:

Visa Settings

Provide detailed information to holders of PALM visas and other temporary workplace visas in their preferred language about the PALM scheme, legal protections, avenues to raise concerns and available supports.

- **Amend the Migration Regulations to allow for full visa portability within the PALM scheme, enabling workers to change employers without requiring pre-approval from the Department of Foreign Affairs and Trade. This should include:**
 - **Removing the need for employer consent for job transfers.**
 - **Establishing a transparent, publicly accessible job-matching platform for PALM workers seeking new employers.**
 - **Requiring employers to provide clear separation documentation to workers upon disengagement to prevent administrative delays in job transitions.**
- **The automatic waiver of Condition 8503 ('No Further Stay') for all workers applying for the Workplace Justice Visa, eliminating the need for case-by-case waiver applications, which create unnecessary delays and barriers to protection.**
- **Expand the eligibility for the Workplace Justice Visa by extending the application window to holders with a substantive visa with work rights expiring within 90 days or 90 days after visa expiry (currently limited to 28 days), acknowledging the delays faced by workers in rural areas when accessing legal advice and certification.**
- **Broaden the list of authorised certifying bodies for the Workplace Justice Visa to include all accredited community legal centres, migrant worker support organisations, and relevant unions, ensuring more accessible certification pathways for workers across NSW.**

We recommend:

Conditions of Employment

- **Mandate that employment contracts for temporary migrant workers include clear, plain-language explanations of key conditions, including wage rates,**

deduction policies, hours of work, superannuation entitlements, leave entitlements, grievance mechanisms, and worker rights under Australian law.

- **That information about workplace conditions and protections be provided to temporary migrant workers be in the preferred language of the temporary worker.**
- **Ensure workers under the PALM scheme and other employer-provided accommodation arrangements have greater agency in their housing options, including the ability to choose alternative housing without penalty. Where accommodation is tied to employment contracts, strict conditions must be met, including fair rental pricing, independent housing inspections, and mechanisms for workers to provide feedback or raise concerns.**
- **Mandating minimum accommodation standards for employer-provided housing through clear reporting requirements and regular oversight, ensuring living conditions meet health, safety, and fairness benchmarks.**
- **Mandatory employer training on ethical employment practices, anti-slavery obligations, and trauma-informed approaches to managing migrant worker welfare.**

8. Potential Protections Through State-Based Interventions

Based on our experience, we recommend that state-based interventions should be expanded to more specifically address the exploitation of temporary migrant workers in rural and regional New South Wales. As a first step, a stronger response would include a review of existing protections for workers in NSW and consideration of additional NSW based policy and procedural enhancements to ensure that workplaces are overseen appropriately and that relevant laws are enforced. This would provide a stronger legal framework to deter offending and hold perpetrators accountable. As previously outlined in this submission, currently the system relies on workers to report issues and concerns. Many are reluctant to come forward due to fears of visa-related repercussions. We propose that shifting the burden of reporting to employers through mandatory reporting obligations would help address the reluctance of workers to come forward.

Complementary to these efforts are enforcement mechanisms such as increased monitoring of employment sponsors and labour hire companies, particularly in high-risk industries such

as horticulture. However, such monitoring needs to be balanced against the protection of worker rights and privacy as there are real risks of undue surveillance or retaliation from employers. Currently, significant deterrents prevent workers from reporting abuse. Targeted interventions would incentivise reporting and ensure safe alternatives for affected workers. Further, Anti-Slavery Australia recommends that the Department of Employment and Workplace Relations strengthens its vetting processes for companies participating in the PALM scheme, as this would help prevent businesses that have previously been sanctioned from accessing migrant labour programs.

Anti-Slavery Australia has consistently taken the position that, in the context of modern slavery, while law enforcement measures are an important part of any government response, it is essential that consideration is also given to the implementation of measures outside the criminal justice system. Beyond law enforcement measures, holistic support options should be available to workers who experience exploitation, including financial assistance, job-seeking support, and access to independent legal and migration advice and assistance.

Independent, expert legal advice and representation is often a crucial step in empowering and equipping a person experiencing modern slavery to leave a situation of exploitation. Anti-Slavery Australia's legal practice speaks to people in and at risk of modern slavery on a daily basis and provides valuable advice around their rights in Australia. This can enable people to put in place supports and take steps to seek safety. However, our capacity can be limited and therefore it is vital that increased funding is available for free, high quality legal and migration advice and representation.

We also submit that greater training and education of frontline responders, including NSW police and NSW government agencies is necessary. This training should allow responders to be able to identify indicators of labour exploitation, including forms of modern slavery, better understand referral pathways, and also to take a trauma-informed and culturally competent approach when working with victim-survivors.

We note that in Australia's *National Action Plan to Combat Modern Slavery 2020-25*, Action Item 20 reads: "*Undertake a targeted review of Australia's visa framework, including to identify and reduce vulnerabilities to modern slavery.*" Although this is at the Federal level, we submit that overarching visa reform remains essential to addressing structural issues that

contribute to exploitation, including restrictive visa conditions that leave workers trapped in abusive employment.

We recommend the following to:

- **Strengthen legal protections through clear and enforceable criminal and civil offences for migrant worker exploitation, including the abuse of a worker's visa status (e.g. threats of deportation) and the confiscation of passports or identification documents.**
- **Enhance monitoring, compliance, and employer accountability through mandatory reporting obligations for employers regarding working conditions, wages, and accommodation and an increase in workplace inspections in high-risk sectors, with joint monitoring involving unions, local councils, and community organisations.**
- **Improve support services for exploited workers, including victim-survivors of modern slavery, such as emergency financial assistance, accommodation, expanded access to free, independent legal advice, and job-seeking support for workers experiencing exploitation.**
- **Require mandatory training for frontline responders, including trauma-informed training for NSW Police, healthcare workers, and labour inspectors to improve the identification of modern slavery indicators and strengthen referral pathways.**
- **Encourage the Federal government to establish comprehensive visa reforms, including removing restrictive visa conditions that tie workers to a single employer, expanding eligibility for the Workplace Justice Visa, and introducing accessible pathways to permanent residency.**

9. Overarching Recommendations

Our recommendations are informed directly by the experiences of temporary migrant workers who have faced exploitation, as shared through our legal casework and research. Their voices underpin the need for urgent reforms.

We make the following overarching recommendations:

- 1. Build awareness about current legislative frameworks such as laws relating to criminal and civil offences for migrant worker exploitation, abuse of a worker's visa status (such as threats of deportation) and the confiscation of passports or other identification documents.**
- 2. Strengthen monitoring, compliance, and enforcement mechanisms by shifting the burden of compliance onto employers through mandatory self-reporting obligations regarding working conditions, pay, and accommodation standards, supported by random, unannounced inspections in high-risk industries.**
- 3. Improve support services for exploited workers, including emergency financial assistance, job-seeking support, and expanded access to free, independent legal advice and culturally appropriate services, particularly in rural and regional areas.**
- 4. Provide mandatory training for frontline responders, including NSW Police, on identifying indicators of labour exploitation and modern slavery, understanding referral pathways, and applying trauma-informed and culturally competent approaches when engaging with victim-survivors.**
- 5. Work with the Federal government to establish comprehensive visa reforms, including the removal of restrictive visa conditions that tie workers to a single employer, expanding eligibility for the Workplace Justice Visa, and introducing more accessible pathways to permanent residency for temporary migrant workers.**

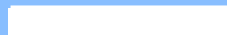


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