

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

Organisation: Uniting Church in Australia, Synod of Victoria and Tasmania, the Pacific Islands Council of Queensland Inc, the Pacific Islands Council of South Australia, NSW Council for Pacific Communities and U Ethical Investors

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Uniting Church in Australia
SYNOD OF VICTORIA AND TASMANIA



NSW COUNCIL FOR
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**Joint Submission from The Uniting Church in Australia, Synod of Victoria and Tasmania; the Pacific Islands Council of Queensland Inc; the Pacific Islands Council of South Australia, NSW Council for Pacific Communities and U Ethical Investors to the inquiry into modern slavery risks faced by temporary migrant workers in rural and regional NSW
28 February 2025**

The Uniting Church in Australia, Synod of Victoria and Tasmania; the Pacific Islands Council of Queensland Inc; the Pacific Islands Council of South Australia, NSW Council for Pacific Communities and U Ethical Investors welcome this opportunity to make a submission to the inquiry into modern slavery risks faced by temporary migrant workers in rural and regional NSW.

The submitting bodies believe that the Pacific Australia Labour Mobility (PALM) Scheme provides a higher level of protection to workers in agriculture than other workers. Its greater level of scrutiny and oversight means that problems are more likely to be detected and addressed than for other workers in similar roles, including Australian citizens. Greater detection of problems does not correlate with a greater level of exploitation and risks of forced labour. The opposite is true. Workers who have fewer avenues to seek assistance and less oversight by regulators are at greater risk of exploitation and forced labour, as those exploiting them can have greater confidence they will enjoy impunity for their criminal activities.

Unfortunately, a narrative has now developed in the media that the PALM Scheme is rife with modern slavery or modern slavery risks.¹ The view is pushed by some community

¹ See for example [Modern slavery report uncovers dark side to PALM visa scheme leaving vulnerable workers homeless and destitute - ABC News](#); [Australia's PALM working visa scheme is a 'modern day](#)

advocates. The consequence of the narrative is to undermine the legitimacy of the PALM Scheme, making it more likely the Scheme will eventually be shut down and the PALM Scheme workforce replaced by people working with far more limited protection. The result is likely to be a decrease in detection of exploitation along with an increase in exploitation and possible modern slavery.

Further, the false narrative of extensive modern slavery on the PALM Scheme implies that the additional safeguards on the PALM Scheme do not work as they do not protect workers from modern slavery despite there not being a single prosecution of a PALM Scheme Employer on the Scheme for a modern slavery offence. According to the narrative, people working in breach of their visa conditions with very limited legal protection from exploitation, but the ability to move freely between employers willing to employ them illegally, are better off than PALM Scheme workers. If that were the case, then it would make sense to remove most of the safeguards on the PALM Scheme that come at a cost to the Commonwealth Government and employers on the Scheme and let the labour market sort out the pay and conditions of workers on temporary visas.

The narrative of modern slavery on the PALM Scheme is also harming the ability to resolve grievances of workers on the Scheme. Where workers have come to see themselves as being treated as slaves they are less willing to seek to resolve disputes with PALM Scheme Employers and instead disengage from the PALM Scheme to work elsewhere in breach of their visa conditions or make a meritless protection claims to gain a bridging visa with work rights. For example, in October 2024, a PALM Scheme worker sent an e-mail to government representatives, regulators and community advocates arguing he was a modern slave because he had not been given a promotion, not been given a pay increase and his employer had not found him a job at another workplace that he wished to move to. There was no evidence that he was not being paid the legal rate for the work he was doing. While it is possible, upon a proper investigation, he may be being treated in a discriminatory manner, the concerns raised do not constitute anything remotely approaching violations of Sections 270 and 271 of the *Criminal Code* that would justify the allegation of modern slavery.

The NSW Council for Pacific Communities, Pacific Islands Council of Queensland and the Uniting Church in Australia, Synod of Victoria and Tasmania, are all subcontractors to the Salvation Army in delivering the Community Connections Program of the PALM Scheme. In delivering the Program all the subcontractors make a loss through their choice to subsidise the Program and provide additional support for the well-being of workers. For all three organisations, the management of the Community Connections Regional Coordinators is funded by the organisations themselves. All three organisations provide additional support to workers outside of funding for the Community Connections Program. Such funding and support has included:

- providing airfares to workers to return to visit families due to the death of a child or relative;
- assisting with accommodation needs that fall outside of the PALM Scheme;
- assisting with medical costs;
- referring workers to legal assistance in cases of alleged illegal exploitation that has not been addressed by the Department of Employment and Workplace Relations, which is rare;
- contributing funds to community events and funerals involving workers and local community, and;

[slavery risk', advocates say. The system needs to change — and fast - ABC News](#); [Thousands of migrant workers in Australia 'trapped in slavery'](#) and ['It broke us, the whole feeling of shame, anger, despair': Modern slavery survivor | SBS News](#)

- assisting workers with accessing a range of other services, such as mental health and family violence services.

The three organisations in question would be financially better off if they were not subcontractors on the Community Connections Program.

Recommendations

The submitting bodies urge the Committee to recommend:

- In the absence of the development of a national labour hire business licensing scheme, the NSW Government develop a labour hire business licensing scheme based on those that exist in Victoria and Queensland. By aligning with the existing schemes, it will minimize disruption and effort to convert to national scheme, should such a scheme eventually be developed. An essential feature of an effective labour hire business licensing scheme is that a host employer can be prosecuted for making use of an unlicensed labour hire business. Prosecution of host employer should not depend on a worker testifying. If an employer makes payments to a labour hire provider or their key management personnel, the burden of proof should be on the host to prove the payments were not for labour hire services. The labour hire business licencing scheme should also regulate accommodation provided by labour hire businesses, as is the case under the Victorian law.
- The NSW Government should increase funding for community legal centres that provide support for people on temporary visas to pursue claims of illegal exploitation.
- The NSW Government should fund a study to provide an estimate of the number of people working in breach of their visa conditions in metropolitan, rural and regional NSW and document their employment experiences. The study should also include mapping of contractors and businesses that are employing these people.
- The NSW Government should advocate to the Commonwealth Government to provide Fair Entitlement Guarantee and Medicare access for workers on the PALM Scheme.
- The NSW Government legislate to require that employers that arrange accommodation for people on temporary visas be required to disclose to the relevant local government the address the workers are being accommodated in.
- The NSW Government should advocate to the Commonwealth Government to consult on developing a practical arrangement by which workers on the PALM Scheme could more easily move between PALM Scheme Employers where they have unresolved, legitimate grievances with an existing PALM Scheme Employer.
- The NSW Government should advocate to the Commonwealth Government to implement the following reforms on the regulation of migration agents:
 - Establish an independent regulator with sufficient resources and powers to govern registered migration agents and police those illegally selling migration advice;
 - Follow the example of the Immigration Advisers Authority in New Zealand and require all provisionally registered migration agents to complete a one-year period of supervised practice to acquire, develop and consolidate the knowledge and skills for future unrestricted work as a Tier 1 Registered Migration Agent;
 - Develop and introduce a system of tiered registration for registered migration agents, with migration agents able to make appeals about Department of Home Affairs decisions on visas restricted to migration agents with a demonstrated higher level of competence. Categories of services and advice that registered migration agents would be able to provide would be specified by the tier of competence and skill the agent had reached; and,
 - That the regulator has the power to suspend a registered migration agent from practice or restrict their scope of practice where the regulator is satisfied that the migration agent does not possess the ability to deliver competent service as outlined in the Occupational Competency Standards for Registered Migration Agents.

- That the Commonwealth Government be more transparent about what initiatives it has taken to reduce the number of PALM workers being involved in vehicle accidents.

That the Modern Slavery Committee inquire into and report on modern slavery risks faced by temporary migrant workers in rural and regional New South Wales, and in particular:

a) lived experience of temporary migrant workers in rural and regional New South Wales working in agriculture, horticulture, meat processing and other sectors reliant on temporary migrant labour

Rural and regional work forces are largely made up from Australian citizens and residents, PALM Scheme workers, Working Holiday Makers, people on skilled visas and people working in breach of their visa conditions. These sources of labour are often in competition with each other. Workers who can be illegally exploited provide a price competitive advantage to employers able to make use of their labour. For an employer, the advantages of being able to engage in wage theft from people on temporary visas must be weighed against the risks of being detected and successfully sanctioned for such behaviour.

A key point is that all the sources of regional and rural labour need to be considered. Where only one part of the workforce is provided with safeguards, it makes other sources of labour more attractive. Thus, continued increases in the protection mechanisms afforded to PALM Scheme workers makes the use of highly exploitable people working in breach of their visa conditions more attractive if there is no similar increase in safeguards for the latter.

ABARES has reported that agricultural workforce in NSW declined from 70,242 in 2006 to 61,919 in 2011 and then has slowly increased to 63,765 in 2021.² Australia wide, only 6% of the agricultural workforce had lived overseas five years before in 2021.³ However, that increased to 17% for those working in the mushroom and vegetable growing industries.⁴ ABARES did point out that the data is likely to have underestimated the contribution of temporary and seasonal agricultural workers such as Temporary Skill Shortage visa holders, Working Holiday Makers and PALM Scheme workers because:⁵

- Not all are in scope for specific point-in-time data collections such as the Census;
- They may be unable to complete data collection forms because of language and literacy barriers; and,
- They may not be identified in official records because of their undocumented status.

In November 2024, ABARES released analysis of labour use in Australian horticulture for the 2022 – 2023 financial year. They found that between the 2021 – 2022 financial year and the 2022 – 2023 financial year the monthly average number of workers increased from 116,900 to 118,400.⁶ ABARES pointed out that the ABS Labour Force Survey does not collect data on short-term non-residents, leading to an underestimation of total agricultural employment due to significant number of overseas workers employed on farms each year.⁷ The ABARES data is based on a weighted sample of 2,303 horticulture farms across Australia conducted by telephone interviews. The ABARES survey found the increase in the total number of workers was driven by an increase in overseas workers (up 8,000) and

² Australian Bureau of Agricultural and Resources Economics and Sciences, 'ABARES Insights. Snapshot of Australia's agricultural workforce', October 2023, 3.

³ Ibid., 2.

⁴ Ibid., 4.

⁵ Ibid., 11.

⁶ Australian Bureau of Agricultural and Resource Economics and Sciences, 'Labour use in Australian horticulture. Analysis of survey results, 2022 – 2023', November 2024, iv.

⁷ Ibid., 1.

permanent workers (up 3,800 workers). There was a decrease of 8,500 Australian resident contract workers.⁸

The ABARES phone survey is not able to ask farmers about the number of people they are illegally employing, being made up of people working in breach of their visa conditions. It is highly unlikely that farmers would honestly report the number of people they are illegally employing. These people can show up as people on temporary visas working in horticulture. Some have assumed that all the people in the category are Working Holiday Makers, completely ignoring that some people are working on farms in breach of their visa conditions. In some cases, farmers will not report people they are illegally employing or being illegally employed by a labour hire business. Evidence of an unreported workforce of people working in breach of their visa conditions may show up by certain farms or regions having higher productivity than would be expected based on the number of people in the reported workforce.

The PALM Scheme website reported that as of December 2024 there were 27,260 PALM Scheme workers in Australia.⁹ Of those people, 13,315 were on short-term placements (up to nine months) and 13,940 were in long-term placements (up to four years). There were 5,130 in NSW.

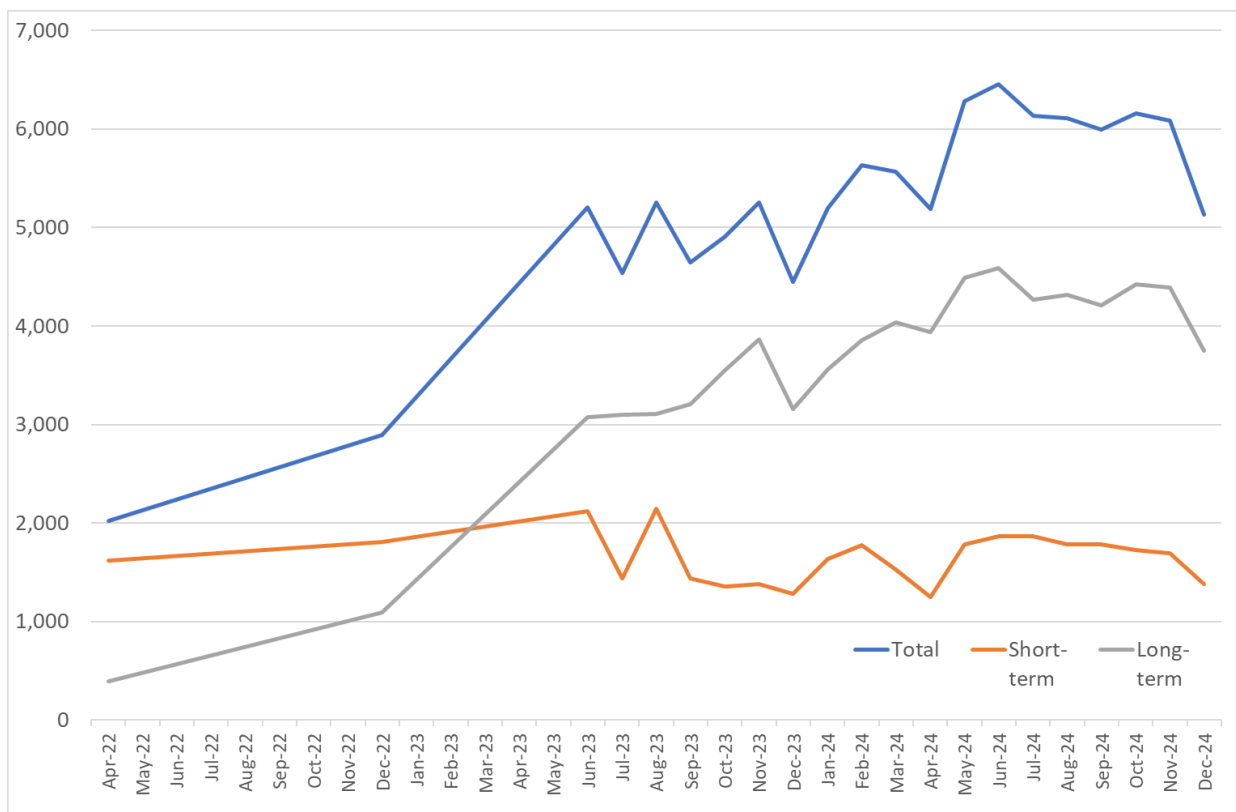


Figure 1. Number of workers on the PALM Scheme in NSW April 2022 to December 2024.

⁸ Ibid., 2.

⁹ <https://www.palmscheme.gov.au/palm-scheme-data>

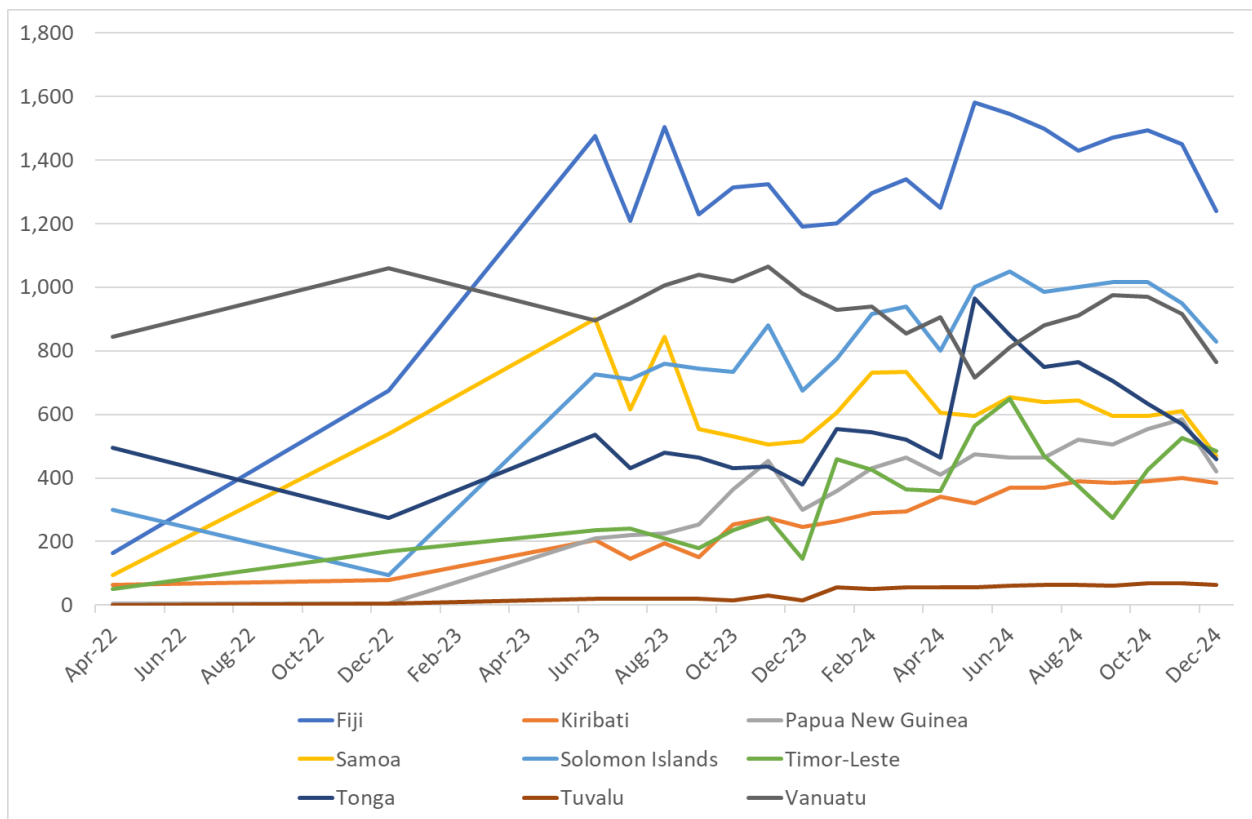


Figure 2. Number of PALM Scheme workers in NSW by nationality April 2022 to December 2024.

Based on the overall number of PALM Scheme workers:

- 56% were employed in agriculture;
- 36% were employed in meat-processing;
- 4% were employed in health care and social assistance; and,
- 2% were employed in accommodation.

There were 493 PALM Scheme Employers on the scheme in December 2024 of which 391 were direct employers and 102 were labour hire businesses. The number of PALM Scheme Employers has continued to increase from 381 in April 2022.

As an example of the poor conditions that people who leave the PALM scheme can end up in, a community member visited a house in Leeton where disengaged workers were living. It was a three bedroom house with at least three workers living in each room. The only furniture were mattresses in the bedrooms. The workers alleged they were being subjected to wage theft and felt unable to leave as they feared they would be unable to find alternative work.

In another case, a worker in the Murrumbidgee area who had disengaged from the PALM Scheme and was working in breach of their visa conditions developed an infected finger. He sought assistance from the employer who was illegally employing him. The employer did not provide any assistance and the worker did not take days off work. He eventually needed to have part of his finger amputated.

b) incidence, causes and extent of forced labour, deceptive recruiting, gender-based violence, sexual servitude and labour trafficking

In discussion with the Australian Federal Police (AFP) there have been no prosecutions for modern slavery offences of PALM Scheme Employers in the last five years. The absence of any prosecution for modern slavery offences of any employer on the PALM Scheme discredits those who make the unsubstantiated claim that modern slavery is rife on the Scheme.

To our knowledge, the AFP have made very limited arrests for modern slavery offences in rural work settings generally. However, data on the number of reports received by the AFP on alleged modern slavery cases, the number of investigations conducted and the number of arrests are not readily available publicly. A 2024 study by the Australian Institute of Criminology considered reports of alleged modern slavery received by the AFP between 1 July 2022 and 31 December 2022.¹⁰ Of the 150 reports made to the AFP, 12% (18 cases) related to forced labour and 2% (three cases) related to deceptive recruiting, compared to 31% relating to forced marriage and 25% relating to sexual servitude.¹¹ Of the 150 reports made to the AFP of alleged modern slavery:¹²

- Four related to the agriculture, horticulture or forestry industries and two of those were accepted for further investigation;
- Two related to manufacturing, or which one was accepted for further investigation;
- Two related to the construction industry, none of which were accepted for further investigation; and,
- Five related to the wholesale and retail trade of which none were accepted for further investigation.

Given the period under consideration was prior to the increased safeguards in the PALM Scheme, the lack of reports of modern slavery related to industries that the PALM Scheme is operating points to modern slavery on the PALM Scheme being extremely rare to non-existent.

Of the 150 reports of alleged modern slavery made to the AFP, 103 were accepted for further investigation. Of those, in 52 cases no modern slavery offences were identified. Of the other 51 reports:¹³

- One was referred to the Commonwealth Director of Public Prosecution for prosecution;
- 19 were resolved through prevention or disruption activity;
- 19 were unable to proceed or were deemed to have insufficient information; and,
- 12 were subject to ongoing investigation.

A 2024 report by Unions NSW found that 51% of women on temporary visas who responded to a survey reported having experienced workplace sexual harassment.¹⁴ The highest rate of reported workplace sexual harassment was in the construction industry, with 82% of respondents reporting experiencing such harassment. The horticulture industry was second, with 53%, followed by 51% in hospitality, 50% in retail and 42% in the cleaning industry. For those sexually harassed in the horticulture industry, in 53% of cases the perpetrator was a coworker and in 20% of cases the direct manager or supervisor.¹⁵

¹⁰ Alexandra Gannoni and Samantha Bricknell, "Findings from the Human Trafficking and Modern Slavery National Minimum Dataset pilot, July to December 2022", Australian Institute of Criminology, 2024.

¹¹ *Ibid.*, 6, 10.

¹² *Ibid.*, 10, 13.

¹³ *Ibid.* 12.

¹⁴ Unions NSW, "Disrespected, Disregarded and Discarded: Workplace exploitation, sexual harassment, and the experience of migrant women living in Australia on temporary visas", 2024, 6.

¹⁵ *Ibid.*, 8, 27.

The respondents to the survey mostly came from Asia (51%) and South America (41%). The four most common countries respondents came from were China (22%), Colombia (19%), Nepal (17%) and Brazil (11%).¹⁶

The majority did not report the harassment. Prevalent factors preventing reporting were fear of a negative impact on visa status and employer retaliation.¹⁷ Retaliation for rejecting the harassment or reporting the harasser included being fired, forced into resigning, having their shifts reduced, underpayment and bullying by others.¹⁸

c) violations relating to wages, allowances, superannuation, leave entitlements, workers compensation, piecework payments, such as underpayment, excessive deductions and debt bondage arrangements

The Fair Work Ombudsman (FWO) continues to highlight that people on temporary visas are disproportionately subjected to illegal exploitation. In the last five years, 23% of the cases taken to litigation have involved people on temporary visas.

In their 2023-2024 annual report, FWO reported conducting surprise site inspections at around 40 farms across Queensland's Lockyer Valley and in Shepparton, Victoria. They targeted these locations based on data and intelligence that indicated vulnerable workers on these farms might be exposed to workplace law breaches such as alleged non-payment for time worked, unlawfully low flat rates, underpaid minimum rates, below-award rates of pay for visa holders, unpaid casual, weekend and public holiday loadings, unauthorised deductions and pay slip contraventions.

Since commencement of the Strategy in December 2021, FWO have recovered more than \$1.5 million in unpaid wages for 755 workers in the agriculture sector. In the 2023–24 financial year they completed 209 matters, issued 28 infringement notices (INs) and 39 compliance notices (CNs), and recovered \$308,053 for 342 workers. The most common contraventions in the agriculture sector in 2023–24 related to wages (incorrect hourly rates or wages not paid), and termination pay.¹⁹

The FWO reported that at June 2024 there were more than one million temporary visa holders with work rights in Australia. They received 4,042 anonymous reports from visa holders and migrant workers, which accounted for 24% of all anonymous reports submitted. Of these 23% were in-language anonymous reports, highlighting our continued need to provide in-language and translated communication and education resources.²⁰

At the same time, community contacts in rural and regional NSW report that workers struggle to access support from FWO, unless supported by advocates in the community. Where workers do not speak English they find it particularly difficult to access support from FWO, despite the efforts that the FWO makes.

With regards to the PALM Scheme, in 2023–24, the FWO reached approximately 8,581 workers by attending 527 arrival briefings (incorporating in-person and virtual briefings). As a result of compliance activities involving PALM scheme-employers between 1 July 2019 and 30 June 2024, the FWO:²¹

¹⁶ Ibid., 16.

¹⁷ Ibid., 6.

¹⁸ Ibid., 6.

¹⁹ <https://www.transparency.gov.au/publications/attorney-general-s/office-of-the-fair-work-ombudsman/office-of-the-fair-work-ombudsman-2023-24-annual-report>

²⁰ Ibid.

²¹ Ibid.

- commenced 228 investigations;
- recovered \$762,625 for 1,937 workers; and,
- issued 52 CNs and 11 INs.

There have been no media releases issued by the FWO in relation to actions involving NSW employers in rural and regional areas in 2024 or 2025.

d) structural factors that make temporary migrant workers vulnerable to exploitation

Factors that lead to exploitation and act as barriers to the person disclosing their exploitation and or law enforcement agencies detecting the exploitation include:

- Facing removal for working illegally;
- Exploitation in Australia may still generate higher income than opportunities back in the country of origin;
- On-demand gig economy and independent contractor arrangements provide legal ways of exploiting people with no recourse for victims. Most civil society organisations take advantage of such legalized exploitation of migrant workers through the gig economy;
- Having to work in rural settings to gain extra time in Australia on their visas for working holiday makers;
- Under-resourced law enforcement agencies compared to the scale of criminality in the rural sector;
- Lack of interest from some law enforcement authorities, such as local governments, in enforcing accommodation standards;
- Judicial recourse is slow, costly and intimidating for most people, especially those on temporary visas;
- Evidentiary barriers. For example, it can be very difficult for a person to prove they worked unpaid hours. It can also be difficult to prove having been bullied in the absence of other witnesses; and,
- Being tied to an employer, with no or limited ability to move between employers.

The requirement to work in designated employment for Working Holiday Makers to gain a second or third year on their visa have left Working Holiday Makers extremely vulnerable to exploitation despite their freedom to move between employers.

Case Study of Exploitation of Working Holiday Maker

Queensland farmer Wayne Robert Green was sentenced for orally raping a British Working Holiday Maker in May 2024 to 3.5 years in prison.²² The offence occurred in 2017, demonstrating how slow the Australian judicial system is in dealing with serious cases of abuse and exploitation. The survivor was in her early 20s at the time of the rape.

The survivor stated that Mr Green had told her she was not allowed to shut the bathroom door when showering at his farm.²³

She stated that Mr Green had demanded she perform sex acts on him for him to pay her and sign off on the 88 days of work for her to get an extension of a year on her Working Holiday Maker visa.²⁴

She stated that she didn't feel she had a choice not to carry out the sex acts in order to keep safe.²⁵

²² Tobi Loftus, "Farmer Wayne Robert Green found guilty of raping British backpacker at Queensland property", ABC Southern Queensland, 23 May 2024.

²³ Ibid.

²⁴ Ibid.

The survivor had told the court the rape had caused her on-going anxiety and relationship problems with men.

The jury found Mr Green guilty of rape and procuring a sexual act by intimidation.

As of February 2025, Mr Green is appealing his conviction, arguing that he had an agreement with the woman that he would pay her for the farm work and sign off on the 88 days of work requirement in exchange for sex.²⁶ The appeal confirms that the ability of the employer to sign off on specified work for Working Holiday Makers to gain extra time on their visas allows for extreme forms of exploitation despite Working Holiday Makers being able to freely move between employers. Mr Green is not disputing that he sought to use the visa conditions to receive sex, only that the sex acts were coerced.

In terms of safeguards against exploitation, people on the PALM Scheme have more structural safeguards than any other worker in Australia, including Australian citizens. The safeguards are outlined in Table 1 below.

Table 1. Comparison of safeguards against exploitation for people working in rural and regional NSW.

Safeguard against Exploitation	Australian citizens and residents	PALM Scheme workers	Working Holiday Makers (on visa subclasses 417 and 462)	People working in breach of their visa conditions (such as on visa subclass 600)
Access to the Fair Work Ombudsman	Yes	Yes – There is a dedicated section in the FWO providing disproportionate oversight	Yes	Yes
Access to unions	Yes	Yes – employers required to invite a union to meet workers	Yes	Yes
Dedicated support staff who can speak the workers' language	No	Yes – through Commonwealth Government funded Country Liaison Officer	No	No
Employer required to have a contract with a government body that has requirements for the treatment of the workers	No	Yes – Through the PALM Deed and Guidelines (the Guidelines are mandatory and	No	No

²⁵ Ibid.

²⁶ Aisling Brennan, "Wayne Robert Green appeals conviction after being convicted for raping British backpacker", News.com, 13 February 2024, [Wayne Robert Green appeals conviction after being sentenced for raping British backpacker | news.com.au — Australia's leading news site](https://www.news.com.au/news/australia/wayne-robert-green-appeals-conviction-after-being-sentenced-for-raping-british-backpacker/news-com-au-20240213-5688246)

		enforceable)		
Employer required to have dedicated staff to ensure the workers' welfare and well-being	No	Yes	No	No
Employer subjected to Commonwealth Government due diligence before being able to employ workers	No	Yes	No	No
Employer must be culturally competent with regards to the workers	No	Yes	No	No
Employer required to provide an accommodation option for the workers that needs Commonwealth Government approval	No	Yes	No	No
Access to Commonwealth Government funded staff to pro-actively assist workers to connect to local community support	No	Yes – through the Community Connections Program	No	No
Protected from removal from Australia when reporting exploitation	Yes	Yes	Yes	No – They may be able to stay to pursue legal remedy, but then will need to depart.
Freedom to move between employers	Yes	No – except under limited circumstances approved by DEWR	Yes	Yes – between the large number of employers willing to illegally employ people

The Department of Employment and Workplace Relations screens employers that seek to become an employer on the PALM Scheme. A significant proportion of applicants are rejected for issues such as previous convictions for exploiting workers, financial fraud, a history of bankruptcy and inability to demonstrate they would deal with people from the Pacific Islands in a culturally appropriate way. In our experience, employers rejected from the PALM Scheme continue to operate using other people on temporary visas. Thus, there is a bizarre claim that employers on the PALM Scheme are more likely to exploit people than employers with a demonstrated history of such exploitation. Again, this appears to be a detection problem where most unethical or illegal behaviour by PALM Scheme Employers is likely to be detected, while exploitation by highly unethical employers using people on other temporary visas largely goes undetected.

An additional safeguard is that the Department of Employment and Workplace Relations conducts random onsite inspections of employer provided accommodation and will require corrective action from the employer where the accommodation does not meet the PALM

Scheme accommodation standards.²⁷ The Department will also conduct onsite inspections in response to complaints about the standard of accommodation.

The protection of seeking support from the Fair Work Ombudsman does not apply in cases where the work arrangement has been structured so that the person is treated as an independent contractor rather than an employee. Such circumstances apply to most people working in the on-demand gig economy. Such people have the lowest levels of legal protection compared to any other workers in Australia. The *Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024* provides a mechanism by which people in the on-demand gig economy may gain some employment right to protect them from exploitation.

The *Migration Act 1958 (Cth)* criminalises employing workers without appropriate work rights. The relevant provisions are:

Section 245AB – Allowing an Unlawful Non-Citizen to Work

- Makes it an offense to employ a non-citizen who lacks work rights.
- Penalty: Up to 2 years imprisonment or 360 penalty units (\$112,680 per worker).

Section 245AC – Allowing a Lawful Non-Citizen to Work in Breach of Visa Conditions

- Applies when a worker exceeds their visa's permitted work conditions.
- Penalty: Up to 2 years imprisonment or 360 penalty units (\$112,680 per worker).

Section 245AE – Aggravated Offense for Serious Breaches

- Covers cases where employers knowingly or recklessly employ unlawful workers on five or more occasions.
- Penalty: Up to 5 years imprisonment or 500 penalty units (\$156,500 per worker, up to \$469,500 for corporations).

The Committee should seek to explore with the Department of Home Affairs and Australian Border Force their application of these provisions in practice to address Australian employers willing to employ people in breach of their visa conditions.

Much has been made of people on the PALM Scheme being tied to employer that organizes their placement. In practice, we have experience of workers being able to be redeployed to another PALM Scheme Employer where they have been able to demonstrate to the Department of Employment and Workplace Relations they have been exploited or mistreated. We are supportive of workers on the PALM Scheme having more ability to move between PALM Scheme Employers when they have a legitimate grievance that cannot be reasonably resolved with their existing PALM Scheme Employer.

Creating a mechanism by which people on the PALM Scheme are more easily able to move between PALM Scheme Employers is not without significant challenges. The following factors would need to be considered:

- Currently, the PALM Scheme Employer must invest significant time and resources to organize for workers to come to Australia, paying their airfare and visa costs (although they get to claim back all except \$300 of these costs) and organizing accommodation and transport for the workers. These arrangements make the PALM Scheme more accessible to people in the Pacific Islands from more impoverished backgrounds, who would not otherwise have the financial means to pay for the visa and airfare to come to Australia. If workers are free to leave the PALM Scheme Employer on arrival, employers may leave the Scheme as they carry the costs of getting workers to Australia and then do not get the workforce they need.
- To avoid the above problem, the Australian Government could fund the workers coming to Australia and the workers would be required to repay the Australian Government

²⁷ <https://www.palmscheme.gov.au/sites/default/files/2024-04/PALM%20scheme%20accommodation%20requirements%20checklist.pdf>

rather than the PALM Scheme Employer. In our experience, the initial debt to the PALM Scheme Employer has, for some employers, created a greater incentive to treat workers well to encourage them to stay on the PALM Scheme and repay the debt, rather than disengaging and not repaying the debt. Without the employer needing to retain the employee to have the debt repaid, employers would be freer to treat workers disrespectfully. If the workers then leave the employer, the employer would be able to go to the government to get them to fund more workers to come. The Commonwealth Government would probably need to put in place mechanisms to further exclude employers that mistreat workers from being able to make requests for replacement workers.

- In addition, to allow workers the freedom to move between PALM Scheme Employers without expecting the employer to carry unreasonable cost risks associated with having to arrange accommodation and transport, the workers could be required to arrange their own accommodation and transport, as is the case for people on other types of temporary visas. There would be high risk that workers coming to work on the PALM Scheme would be more likely to end up in substandard accommodation, without the Department of Employment and Workplace Relations doing the check on the accommodation.
- Another option, to release PALM Scheme Employers from having to assist workers to come to Australia as a trade off to allowing workers to move between PALM Scheme Employers, would be to leave it to the workers to fund their own travel to Australia, as is the case with most other people on temporary visas. Such a setting is likely to make it harder for people from the Pacific Islands from impoverished backgrounds to be able to come to Australia on the Scheme. Thus, the people from Pacific Islands who would most benefit from the Scheme who find it much harder to gain access to the Scheme. Further, it is likely to cause people in the Pacific Islands to take unregulated loans to get to Australia. Such unregulated loans are likely to result in cases of debt bondage, creating cases of modern slavery on the PALM Scheme.
- Where workers have the freedom to move freely between PALM Scheme Employers will also carry a risk that an increasing number of workers will ignore the need to move to an PALM Scheme Employer and will seek jobs anywhere they can find jobs in the Australian economy. The result will be that Pacific Island workers will compete with Australian residents for some jobs, while the industries on the PALM Scheme that need the workers will be left without the PALM Scheme filling those job shortages.

Solutions to prevent exploitation and modern slavery are best structural, as there will never be enough law enforcement resources to address the level of crime in the rural sector. Further, our judicial system will never be fit for purpose to provide swift and fair outcomes for the volume of workplace exploitation.

g) adequacy of monitoring, compliance and enforcement of workplace laws, including health and safety laws

Deaths of people who came to Australia on the PALM Scheme are recorded in great detail, even when workers have disengaged from the Scheme.

The latest data from the Department of Employment and Workplace Relations indicates there have been 94 deaths of people who came to Australia on the PALM Scheme and its predecessors from 1 July 2012 to 28 February 2024 (Table 2).

Table 2. Number of deaths of people who have come to Australia on the PALM Scheme and its predecessors, 1 July 2012 to 28 February 2024.²⁸

Cause of Death	Number of Deaths
Medical	34
Road fatality	29
Drowning	5
Other	8
Under Investigation	18
Total	94

Only one of the deaths that is under investigation is reported to be under investigation by a state workplace authority.

The detailed level of reporting of deaths on the PALM Scheme has led to significant public scrutiny. The Commonwealth Government has responded with some initiatives to curb those deaths. In addition, we are aware that Queensland police have provided driving education sessions to workers in that state.

In some cases, PALM Scheme Employers require workers to have a driver's license for work purposes. At a minimum, in such cases the employer should be ensuring that the worker has had an appropriate level of driving training and experience to be able to drive safely in NSW.

High-quality drink-driving education videos were prepared for workers on the PALM Scheme, but we have been unable to locate access to them and do not know how widely they are being used by employers with their workers.

The Committee should recommend that the Commonwealth Government be more transparent about the actions it is taking to reduce vehicle accidents involving PALM Scheme workers.

However, people on the PALM Scheme also need to be motivated to take up opportunities provided to them. A recent conversation with a diaspora organization in Victoria indicated that people on the PALM Scheme were not taking up the opportunity of accessing free defensive driving lessons that were being offered to them.

A simplistic way to reduce deaths of PALM Scheme workers would be to ban them from driving in Australia unless they obtain an Australian driver's license. Such an approach would be highly likely to reduce road fatalities of people on the Scheme, but at substantial cost to the freedom of workers to get around in rural areas leaving many more isolated from being able to connect with the local community. Such isolation may increase mental health problems and substance abuse amongst workers.

The number of deaths on the PALM Scheme from accidents related to recreational activities could be simplistically reduced by allowing employers to have greater control over the lives of workers when not at work. However, such an intrusion on worker freedom and agency in their lives outside of work would be a high price to pay and is likely to lead to situations of highly inappropriate control over the lives of the workers.

By contrast, to the PALM Scheme there appears to be a total absence of any data about deaths of people on Working Holiday Maker visas (subclasses 417 and 462), visitor visas

²⁸ E-mail from Department of Employment and Workplace Relations, 7 February 2025

(subclass 600) and student visas (subclass 500). The Department of Home Affairs has stated that data of fatalities of people on these visa subclasses is not collected.²⁹

Thus, those who assert that the PALM Scheme has a disproportionate number of deaths on the Scheme are doing so in the absence of any comparative data with other visa subclasses. A meaningful comparison would need to consider the following factors, in addition to other relevant factors:

- Relative length of stay between visas subclass holders. A raw number count of visa holders fails to address that risk of fatality is also a factor of time in Australia. For example, a person on the PALM Scheme in Australia for four years will have a greater risk of fatality from a vehicle accident than a Working Holiday Maker in Australia for two years;
- Differences in the areas where people on different visas subclasses are staying; and,
- The underlying general health of people based on the jurisdictions they are coming from. People coming from the Pacific Islands have, on average, a lower quality of health than Working Holiday Makers coming from OECD countries due to more limited health systems in Pacific Island countries. The underlying health status of people on arrival in Australia is likely to be a significant factor in deaths from medical conditions while in Australia.

Data for critical incidents that involve people on the PALM Scheme are again recorded and available (see Table 3). Such data is not recorded for people working on other types of temporary visas.

Table 3. Critical incidents reported regarding injuries to PALM participants by program, 2020 – 2023.³⁰

Financial Year	Seasonal Program	Long-Term Program	Total
2020-2021	16	44	60
2021-2022	29	66	95
2022-2023	32	46	78
Total	77	156	233

Of these injuries, 132 were in meat and meat product manufacturing and 90 were in agriculture, fishing and forestry industries. There were 76 of these reported injuries were in NSW

Law enforcement bodies lack the resources to address the level of criminal activity across rural NSW, when it comes to addressing exploitation of people on temporary visas.

h) support and resources needed by local communities, NSW Government frontline agencies and non-government service providers to support at-risk and vulnerable temporary migrant workers, including education, training and cultural capability needs

The NSW Anti-Slavery Commissioner raised concerns about women who have come to NSW on the PALM Scheme and becoming pregnant while in Australia not receiving antenatal care.³¹ The complexities of unplanned pregnancies for women who have come on the PALM Scheme were not fully explored by the Commissioner. Here are some of the relevant issues:

²⁹ Data Access Request response from Department of Home Affairs, 31 January 2025.

³⁰ Standing Committees on Education and Employment, Question on Notice, Department of Employment and Workplace Relations Question No. SQ23-001188.

³¹ 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', 2024, 6, 20-21.

- For women on the PALM Scheme if they become pregnant after one year in Australia their private health insurance covers the costs of the health care related to their pregnancies.
- We have experience with women who have unplanned pregnancies to their spouses on the PALM Scheme and are supported by the income of their spouse. We also have experienced women on the PALM Scheme being adequately supported by the income of the father of the baby, who is not the husband of the woman.
- In our experience, women on the PALM Scheme who have an unplanned pregnancy and lack the funds to return to their home country are offered an airfare to return to their home country and payment of accommodation and living expenses while waiting for the flight to be arranged through the Commonwealth Government if their situation is raised through the PALM Scheme, Country Liaison Officers or their employer.
- However, some women on the PALM Scheme who have an unplanned pregnancy may not wish to return to their home country.
 - Where the pregnancy is the result of an extra-martial relationship in Australia the woman may legitimately fear being subjected to family violence upon return to her family in the Pacific Islands. In such cases she may have a legitimate claim for a protection visa or complementary protection to remain in Australia and gain permanent residency.
 - Even where such a threat does not exist, the woman may fear she will suffer shame when she returns home.
 - Some women feel they have not made enough money in Australia before becoming pregnant and therefore wish to remain in Australia until the child is old enough for them to return to work and they be able to work for long enough to make the amount of money they came to make.
- Even once the child is old enough for the woman to be able to return to paid employment, it is unlikely her income will be able to meet living expenses and the cost of child care.

We would agree that workers on the PALM Scheme should be granted access to Medicare, which would address the issue of medical expenses related to an unplanned pregnancy.

We have also been deeply supportive of the pilot of family accompaniment, where eligible workers can arrange for their spouses and children to come to Australia. One of the desired benefits of family accompaniment is to reduce extra-martial relationships and family breakdown.

Beyond that, there appear to us to be no simple solutions to the situation of unplanned pregnancies on the PALM Scheme or in relation to women on other temporary visas. The following are some measures that could be adopted to address unplanned pregnancies:

- The most generous response would be to make pregnancy a pathway to permanent residence for any woman in Australia on a temporary visa with work rights, as there would be no reason to restrict such a generous approach only to women on the PALM Scheme. The woman and child would immediately be eligible for all social security payments that Australian residents are eligible for, with no waiting period. Such an approach will raise legitimate concerns about the number of women who then might be willing to become pregnant to gain permanent residence in Australia. It should be reasonably assumed that only a small proportion of women would be tempted to do so.
- The most harsh and discriminatory response would be to limit access to the PALM Scheme to men, to avoid unplanned pregnancies. We strongly oppose such a measure, but raise it to point out the negative consequences of ignoring the complexities of many of the situations that arise with migrant worker schemes that do not have simplistic solutions and the dangers of seeking simplistic solutions to complex problems.

- A slightly less egregious version of the above discriminatory approach would be to discriminate against married women, so that only unmarried women could come on the PALM Scheme. Such a discriminatory approach would address risks of family violence from male spouses as a result of extra-marital relationships, but may not address risks of family violence from other family members as a result of the unplanned pregnancy.

There is a need to allow people on temporary visas greater access to government services. However, doing so in the absence of increasing resources to such services will have the impact of increasing wait times for Australian residents that also need to access the services.

i) the impact of visa settings and conditions of employment on temporary migrant workers in rural and regional New South Wales

As noted above, the visa condition that allows for extension of Working Holiday Maker visas based on working in a rural setting has led to cases of extreme exploitation, despite Working Holiday Makers being free to move between employers without restriction.

There is a significant tension between what some workers on the PALM Scheme would want and what the governments want. For a significant proportion of PALM Scheme workers they would prefer being able to bring their families to Australia and permanently resettle in Australia with the ability to work anywhere in the Australian economy. By contrast, the Commonwealth Government wants the people on the PALM Scheme to work in industries where there are workforce shortages. The Pacific Island Governments want a temporary migration scheme as they hold the legitimate fear that a large permanent migration scheme would draw away many of the most capable workers from the Pacific Islands to permanently resettle in Australia. If the PALM Scheme was to allow for permanent resettlement in Australia for those workers seeking such an outcome, it seems likely fewer workers on the Scheme would end up working in rural NSW.

j) adequacy of interjurisdictional/cross-government cooperation and data sharing in the provision of accommodation, medical care and other essential services to temporary migrant workers

Local Governments need to be better resourced to enforce accommodation standards.

In 2023, the SafeWork NSW consulted on the on the existing *Accommodation for rural agricultural work code of practice*.³² The review is still in progress.

The NSW Government released a draft *Temporary and Seasonal Workers' Accommodation* toolkit in August-September 2023 to assist regional local councils in developing new fit-for-purpose temporary accommodation to manage increased demand for housing in peak periods of temporary seasonal work.³³ The toolkit aimed to:

³² SafeWork NSW, 'Have your say | Accommodation for rural agricultural work | Code of practice review,' State Government of New South Wales, last modified October 8, 2023. <https://www.haveyoursay.nsw.gov.au/accommodation-for-rural-agricultural-work-code-of-practice-review>.

³³ Department of Planning and Environment, *Temporary and Seasonal Workers' Accommodation Toolkit | Frequently Asked Questions*, (Sydney: State Government of New South Wales, 2023), 1. <https://www.planning.nsw.gov.au/sites/default/files/2023-08/temporary-and-seasonal-workers-accommodation-toolkit-faq.pdf>.

- Define temporary workers' accommodation as a residential land use under the Standard Instrument – Principal Local Environment Plan.³⁴ The change would link the life of temporary migrant workers' accommodation to the project or season they are contracted for, as opposed to existing accommodation rules and guidelines that provide no definition of 'temporary', effectively enabling rural workers' dwellings and migrant workers' accommodation to operate in the long-term despite being below the standards of long-term housing.³⁵
- Include temporary seasonal workers' accommodation as a form of residential accommodation, to enable councils to zone for and develop temporary seasonal workers' accommodation in any area where residential accommodation is permitted.³⁶ That would enable more on-farm or on-site accommodation.

The NSW Government stated that feedback received about temporary and seasonal workers accommodation highlighted the complexities of this issue and the many competing needs. Thus, the toolkit has not progressed. In the meantime, the NSW Government stated that it would continue to support councils who may wish to include localised provisions in their local environmental plans or provide guidance when required.³⁷

In 2021 - 2022 the State government committed over \$300 million to the Regional Housing Taskforce, including to support planning and developing of housing by local councils and improve the delivery of services like water, electricity, roads and sewerage to new housing areas.³⁸ The NSW State Government has also committed to developing more regional housing for other types of rural workers, including construction and healthcare workers, potentially freeing up existing housing for seasonal migrant workers and relieving additional demand for rural accommodation.³⁹

NSW local governments have been concerned about the well-being of people working on temporary visas. At the 2023 Local Government NSW Annual Conference, the following resolution was adopted:⁴⁰

*48 City of Sydney - Local council outreach services for seasonal workers
That Local Government NSW writes to the Hon Tony Burke Minister for Employment
and Workplace Relations asking the Commonwealth Government to:*

³⁴ Ibid.

³⁵ Department of Planning and Environment, *Temporary and Seasonal Workers' Accommodation Toolkit | Frequently Asked Questions*, 2.

Local Government New South Wales, *LGNSW Submission | TEMPORARY AND SEASONAL WORKERS' ACCOMMODATION*, (Sydney: Local Government New South Wales Organisation, 2023), 8.

https://lgnsw.org.au/common/Uploaded%20files/Submissions/2023/LGNSW_Draft_Submission_Temporary_and_Seasonal_Workers_Accommodation.pdf.

³⁶ Australian Fresh Produce Alliance, *Temporary and Seasonal Workers' Accommodation Proposed changes to Standard Instrument – Principal Local Environmental Plan* (Melbourne: AFPA, September 2023), 3. https://freshproduce.org.au/_static/65092d89f501b6941260e2f4b487ac98/afpa-submission-nsw-government-temporary-and-seasonal-workers-accommodation.pdf?dl=1.

³⁷ [Temporary and Seasonal Workers' Accommodation Toolkit | Planning Portal - Department of Planning and Environment](#)

³⁸ Department of Planning and Environment, 'Regional Housing Taskforce,' State Government of New South Wales, accessed February 10, 2025. <https://www.planning.nsw.gov.au/policy-and-legislation/housing/regional-housing/regional-housing-taskforce>.

³⁹ Department of Planning and Environment, 'Construction Workers Accommodation,' State Government of New South Wales, accessed February 8, 2025. <https://www.planning.nsw.gov.au/policy-and-legislation/housing/regional-housing/regional-housing-taskforce/construction-workers-accommodation>.

⁴⁰ LGNSW Annual Conference 2023 Resolutions, 11-12.

1. Work with approved employers to provide relevant Councils with information about the number of Seasonal Workers expected and their countries of origin so Councils can understand their cultural needs, prepare the community for their arrival and consider and plan for their needs as part of their Local Emergency Management Plans;

2. Increase the frequency of check-ins by the Australian Government particularly to ensure living conditions meet the requirements outlined in the PALM Scheme Approved Employer Guidelines; and

3. Provide direct funding to Councils to establish dedicated local service hubs to provide Seasonal Workers with targeted programs, including by:

a. developing pathways and support outreach programs that connect Seasonal Workers to organisations that centre on the needs of migrants to assist Seasonal Workers to access culturally sensitive assistance to access relevant information, health and mental health;

b. culturally appropriate and non-biased Pastoral care through Australian South Sea Islander (ASSI), Aboriginal, Torres Strait Islander, Pacific and Culturally and Linguistically Diverse and Culturally and Racially Marginalised (CARM) community organisations that can demonstrate a deep knowledge of culture and the Seasonal Worker Program and its people;

c. working with local Australian South Sea Islanders (ASSI) and First Nations leaders, communities and/or organisations to provide the specific cultural awareness training and 12 culturally appropriate introduction and networking to the traditional owners and other cultural authorities of the area; and

d. working closely with the law enforcement authorities in respective Councils to educate Seasonal Workers about law and order and Councils' regulations and by law on public order.

However, the resolution made no explicit mention of the role local government plays in ensuring that housing standards are upheld.

As an example of the challenges faced by local councils in ensuring housing standards, Hawkesbury City Council sits at the top end of Sydney with a lot of small turf farms. The area has a sizable migrant worker community, including families, that live and work on the turf farms in the area. A large contingent of this community are Vietnamese. These turf farms tend to be low-rent lease farms on flood plains. Buildings on these blocks tend to be run down, but still being inhabited. In disasters, these communities are some of the more vulnerable and are first to be impacted due to the location of the turf farm on the flood plains. The city council disaster recovery teams have found it hard to maintain connection with the communities, including after making direct contact with them at disaster recovery centers. While at least some minimal connection with grants for post-disaster recovery are accessed, there is very little connection thereafter. Tenants are left to clean up themselves after disasters. The Hawkesbury council are at the beginning stages of working with a university to develop an app to help facilitate ongoing connecting with communities. Migrant workers see the council as an extension of the police, so there is very little trust, which is seen as the reason for the lack of ongoing connection.

k) potential protections for temporary migrant workers through State-based interventions

The NSW Government should:

- Establish a labour hire licensing scheme in NSW;
- Increase funding for community legal centres to assist people on temporary visas subjected to illegal exploitation;
- Further increase funding for housing in rural areas; and,
- Increase funding for medical services in rural areas.

l) any other related matters.

There are some people who are seeking to argue that the New Zealand Recognised Seasonal Employer (RSE) program is better than the PALM Scheme. However, such an assertion cannot be upheld as the level of actual cases of exploitation on the RSE versus the PALM Scheme is unknown. The number of detected cases can be compared, but there is no way of knowing what proportion of the actual cases of exploitation make up the detected cases for each scheme.

The RSE program has a cap of 20,750 workers for the 2024-2025 financial year. Like the PALM Scheme it requires that employers provide a minimum of 30 hours of work per week averaged over a four week period. If they do not provide the 120 hours of work over the four weeks, they must pay the workers for 120 hours regardless of how many hours below 120 hours were worked. Up until September 2024, employers on the RSE program needed to provide a minimum of 30 hours of work a week, every week.⁴¹

Workers on the RSE program must be paid at least the minimum wage for their first two seasons. On the third season and beyond, they must be paid the minimum wage plus 10%.⁴²

Workers on the RSE are able to stay in New Zealand for seven months in any 11-month period.⁴³ The exception is workers from Tuvalu and Kiribati, who are able to stay for nine months because of the distance from New Zealand and the travel cost.

Like the PALM Scheme, employers on the RSE program are able to charge workers the actual, verifiable and reasonable costs for accommodation and associated utilities.

In 2019, new requirements were introduced that restricted further RSE employer use of residential accommodation. The measure was to reduce the risk of increased demand for public housing due to the increase in the number of people who could come to New Zealand on the RSE program. Exemptions are allowed for regions with low housing pressure.⁴⁴

Recent changes to the RSE program were made unilaterally by the New Zealand Government without consultation with Pacific Island Governments.⁴⁵

In March 2024, the New Zealand Council of Trade Unions alleged that RSE workers were being subjected to flagrant breaches of their minimum entitlements.⁴⁶ A group of seasonal workers from the Solomon Islands took their former employer, Pick Hawke's Bay, to court after wage deductions some weeks reduced their net pay to zero. Deductions included

⁴¹ [RSE changes from 2 September 2024 | Immigration New Zealand](#)

⁴² Ibid.

⁴³ <https://www.immigration.govt.nz/about-us/media-centre/common-topics/recognised-seasonal-employer-rse-scheme>

⁴⁴ Ibid.

⁴⁵ Julia Gabel, "New Zealand apologies for failing to consult Pacific countries on RSE worker changes", *NZ Herald*, 30 January 2025.

⁴⁶ Caleb Fotheringham, "Seasonal workers in NZ 'lack resources' and vulnerable to 'exploitation'", *RNZ*, 20 March 2024.

insurance payments, wet weather gear, storage and missing kitchen equipment from their hostel.⁴⁷

Amalgamated Workers Union NZ regional organizer Michelle Johnstone recently told New Zealand media that workers on the RSE program were often scared to report employer transgressions against them.⁴⁸ Like the PALM Scheme, workers fear they will not be allowed to come back and work again if they make a complaint.

A recent survey in Nelson and Tasman, New Zealand, found that migrant workers were living in “shoddy”, expensive and overcrowded accommodation, had poor working conditions and were subjected to employment violations.⁴⁹ Organisations working with migrant workers from the Pacific, Asia and Africa in agriculture, hospitality, forestry and care sectors took part in the survey. Poor accommodation was a common problem for workers. They also heard of bullying, denial of sick leave and workers carrying out domestic work for their employers.⁵⁰

New Zealand media have reported recently that workers on the RSE are a target for exploitation by everyone from sex workers to preachers.⁵¹ It was alleged workers were being ripped off by being charged NZ\$130 to be driven to see a doctor when they needed to do so.⁵² There are allegations that sex workers have targeted workers around pay days. Further, allegations have been made the New Zealand employers have terminated the employment of workers who have engaged with sex workers.⁵³ There were also allegations that sex workers had extorted workers for additional payments, under threat of telling their families they had used the services of the sex worker if they did not pay up.⁵⁴

In summary, allegations made publicly against the New Zealand RSE program are the same as those made against the PALM Scheme. We are unaware of any thorough assessment that could credibly assess if the issues of concern on the PALM Scheme are worse than those on the RSE program.

The large supermarket chains could choose to have more impact in curbing exploitation than they currently do. As duopolistic actors in Australia, Coles and Woolworths, have a singularly outsized role to play in many spheres related to their purchasing, including reduction of modern slavery and exploitation in supply chains.

Both Coles and Woolworths are captured as reporting entities under the Commonwealth *Modern Slavery Act*, meaning they are obligated to report on their identification, management and remediation of modern slavery.

To their credit, the Woolworths Group has identified Australian horticulture as a specialised risk segment because:⁵⁵

Despite typically being rated ‘low risk’ in global indices, modern slavery risks such as deceptive recruitment, debt bondage and forced labour are still present in industries in Australia and New Zealand that rely on third-party labour hire providers (LHPs)

⁴⁷ Ibid; and <https://employmentcourt.govt.nz/assets/Documents/Decisions/2023-NZEmpC-94-Soapi-v-Pick-Hawkes-Bay-Inc-Interlocutory.pdf>

⁴⁸ Amy Ridout, “\$10 for an untidy room: RSE penalties rankle advocates”, *Nelson Mail*, 1 February 2025.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Tony Wall, “From preachers to sex workers: who’s exploiting our RSE workforce?”, *Stuff*, 17 February 2025.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ [Woolworths Group 2024 Modern Slavery Statement.pdf](#), 18

and migrant workers often working on a casual or seasonal basis.” Woolworths established a specialised risk segment in its Responsible Sourcing (RS) Program to “capture suppliers in these categories.

Woolworths also designated its Australian meat business as a specialised risk segment.

Coles also identifies horticulture, viticulture, meat, poultry, seafood and dairy as areas of exposure in Australia, rating them at-risk of modern slavery or indicators of modern slavery including “forced or bonded labour, exploitation of migrant workers, deceptive recruitment, underpayment of wages and excessive working hours.”⁵⁶

There is not sufficient granularity in Coles and Woolworths modern slavery statements to determine where/if modern slavery instances were identified in NSW specifically in their 2024 modern slavery statements.

In its investor toolkit, *Human rights with a focus on supply chains*, the Responsible Investment Association Australasia (RIAA) suggest that good practice on managing broad human rights risks includes (among other characteristics):⁵⁷

- Closely working with suppliers and reward those that improve with more business.
- Understand the limitations of traditional audits and explore alternative forms of oversight and monitoring.
- Investing in traceability and being transparent when dealing with external stakeholders, including disclosure of supplier lists.
- Actively collaborating with peers, NGOs, unions, and other stakeholders.
- Robust grievance mechanisms that workers can use with confidence, such as worker voice initiatives.
- Having clear protocols and remediation programs for addressing identified human rights impacts.

We see this as having strong applicability to supermarkets that source products from rural NSW and thus see this broadly as actions supermarkets can and should take to address risks of workplace exploitation.

We believe that monitoring, uncovering, and remediating of illegal labour exploitation in supermarket supply chains should go beyond tick-box compliance approaches into effective remedy and preventative action. While many companies use social compliance audits by qualified auditors to provide a point-in-time assessment of standards at suppliers, and a tool identifying potential cases of exploitation, good practice is to see them as a first step, not the end point of a risk management process.

In its 2023-2024 annual report, collaborative investor group Investors Against Slavery and Trafficking APAC (IAST APAC) highlighted how Coles used social audits across their Australian supply base, with a key focus on horticulture suppliers. Per IAST APAC:⁵⁸

Of the 581 audits undertaken through the 3PAP program, over 380 sites were completing a social compliance audit for the first time. By undertaking this work, Coles learnt that suppliers needed more guidance on how to make practical changes in their operations to result in positive change for workers. Coles quickly mobilised to develop and deliver targeted training to support suppliers. Through engagement in this program, Coles discouraged “pass/fail” language in audits, instead favouring communications from auditors centred on continuous improvement. Coles continues

⁵⁶ [Modern Slavery Statement.pdf](#), 11

⁵⁷ [Investor-Toolkit-Human-Rights-with-a-Focus-on-Supply-Chains.pdf](#), 8

⁵⁸ [IAST-APAC-annual-report-2024.pdf](#), 17

to build a culture of learning and development around social requirements, to contribute to better outcomes for workers and suppliers.

This process also highlighted the need for auditor capability building, which led Coles to conduct full-day in-person workshops for auditors to discuss common non-conformances in Australia, Coles' newly developed audit for service-based businesses, upcoming legislation changes, and suggested improvements to the social compliance landscape in Australia more broadly.

Supermarket can have a profound impact on labour exploitation reduction. Evidence from Florida suggests there was a substantial reduction in labour exploitation on tomato farms after large buyers committed to only buying from farms that were meaningfully verified as complying with labour laws. The Fair Food Program in Florida USA was launched in 2011. It partners growers, farmworkers and food company buyers including Burker King, McDonald's Yum Brands, Whole Foods and Trader Joe's to improve labour conditions for farmworkers in the US state of Florida:⁵⁹

Through its 24-hour hotline for workers, the program has received more than 3,600 complaints and resolved 82% of them in less than a month. (Farmworkers can report Fair Food Program violations to the hotline; the number is on their pay slips, and education sessions also explain how to lodge complaints.) More than 72,000 workers have attended education sessions on Fair Food farms, and Fair Food audits have uncovered—and helped address—more than 9,300 labor violations.

The program operates as a binding contract with corporates at the top of the supply chain, requiring buyers to end relationships with growers who don't meet Fair Food Program standards. In return, companies pay "a premium for the crops, which gets passed to farmworkers as a bonus." The program has field auditors to conduct regular, unannounced audits, which improves trust with workers.

The program offers several features that are applicable/replicable in NSW with Australian retailers:

- it represents negotiated buy-in from all stakeholders in the supply chain (purchaser, supplier and labor);
- it operates with transparency;
- it has robust grievance mechanisms that have been implemented; and,
- it rewards growers for taking positive action.

The creation of initiatives with similar aims can be applied to rural NSW with similar expected outcomes. The implementation of such initiatives by supermarkets, with support from other stakeholders including NSW Government would represent a benefit to workers' rights while reducing supermarkets' exposure to the repercussions of being implicated in the value chain of modern slavery or significant labour exploitation (reputational damage, potential disruption of supply chains due to labour shortages, and potential legal/regulatory penalties for not acting in line with current and future legislation). Such an approach would benefit communities, workers and other stakeholders including company shareholders due to reduced risk and enhanced, sustainable (in both the financial and ethical sense) earnings.

⁵⁹ [How Fair Food Program is helping eradicate modern-day slavery on farms](#)

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