

REPORT ON PROCEEDINGS BEFORE

MODERN SLAVERY COMMITTEE

REVIEW OF THE MODERN SLAVERY ACT 2018

CORRECTED

At Room 814, Parliament House, Sydney, on Friday 1 November 2024

The Committee met at 9:30.

PRESENT

Dr Joe McGirr (Chair)

Legislative Council

The Hon. Greg Donnelly
The Hon. Dr Sarah Kaine
The Hon. Aileen MacDonald

Legislative Assembly

Ms Lynda Voltz

PRESENT VIA VIDEOCONFERENCE

Mrs Tina Ayyad

The CHAIR: Welcome to the third hearing of the Modern Slavery Committee's review of the Modern Slavery Act 2018. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today.

My name is Dr Joe McGirr and I am Chair of the Committee. In the room today are the other members of the Committee, the secretariat, Hansard and a counsellor from Converge International. I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of their evidence at the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence.

Mr MOE TURAGA, Expert Advisor, Domus 8.7 modern slavery remediation service, sworn and examined

The CHAIR: I welcome Mr Moe Turaga. Thank you very much for making time to give evidence. I also acknowledge and welcome to the public gallery members of the Australian Catholic Anti-Slavery Network and Domus 8.7. The Committee has prepared questions, which I think you may have received a copy of.

MOE TURAGA: Yes.

The CHAIR: We will take turns to ask those questions, but they will be the same format. There may be some clarification sought on aspects of the questioning, but we won't allow any new questioning or deviations from the lines of that questioning.

MOE TURAGA: Thank you.

The CHAIR: If at any time you need a break, please let me know. Before we start the questions, would you like to make a short statement?

MOE TURAGA: Yes, please. Bula vinaka—that's "hello" in my native language. Thank you, Chair Joe McGirr and the Modern Slavery Committee members, for your warm welcome and the important work that you are doing. Before I talk about my experiences I would like to make a few acknowledgements. I would also like to acknowledge the Gadigal people of the Eora nation and all the Aboriginal people, especially the Kinchela boys and others who have lived through their mission days.

Technically, Australia didn't have slavery; we had blackbirding and indentured labour. Some 177 years ago, 65 men and boys arrived at Boydtown, near Eden, in the Colony of New South Wales. Those men and boys were from Vanuatu and parts of New Caledonia. They were the first recorded South Sea Islanders conscripted to work in Australia. The man who arranged for their transport, Benjamin Boyd, was a businessman who was obsessed with labour cost. It didn't take long for the scheme to fall apart. Within two months, the islanders who survived their conditions all bolted from Boyd's properties and were making their way back to Sydney to try to get home.

I'm mentioning this because in 2024 I speak to a lot of Pacific islanders in the same situation—stuck in limbo here in Sydney after leaving their employers under the Pacific Australia Labour Mobility scheme. In many ways, I'm riding the wave of the ripple that was created a long time ago. I'd also like to acknowledge that I'm here today because I am supported to be here in my role as adviser to both the Australian Catholic Anti-Slavery Network and Domus 8.7 remediation service. I've also received great support as a person of lived experience from the NSW Anti-slavery Commissioner's Advisory Panel. People with lived experience do need support to undertake consultation with government.

Domus 8.7 is the only modern slavery remediation service whose work is informed by a modern slavery survivor. That survivor is me—and yes, I am on their payroll. My paid role is to ensure a best practice grievance mechanism and a trauma-informed response. I contribute my experience on everything from worker surveys to remedy pathways and processes. I also contribute language and cultural advice and provide input into everything from worker surveys to user accesses. This is my fourth public speaking engagement this week, including the New South Wales Local Government Procurement conference and a UN business and human rights forum. I'm incredibly grateful to my team of allies, ACAN, Domus 8.7 and the Catholic Archdiocese of Sydney, for the support I've received, as well as the Office of the NSW Anti-slavery Commissioner, where I am a member of the advisory panel. Thank you.

The CHAIR: Thank you very much. I will start with the first question, Mr Turaga. Could you please describe your experience of modern slavery, including the circumstances that led to your situation and how it affected you?

MOE TURAGA: I will start with my story. My story of lived experience of modern slavery in Australia began in 1988. I was a 17-year-old when I was recruited by a trusted relative in Fiji to come to Australia to pick fruit. My father had passed, and I wanted to earn money to support my mum. I left school at 15 to start working, but my wages weren't enough. One day my relative came to see me and offered to arrange work for me in Australia. It sounded like a chance to do better for Mum. There were 13 of us who signed up. We referred to each other as "cousins". When I arrived in Australia, my passport was handed over to a migration agent. At that stage, I was told that there was a debt to pay off for my travel and visa costs. In a few months, I was working on farms around Mildura. There was never any contract or accounting for my work. I should've been making over \$400 a week. Of course, I never received any money. My relative said he was sending money back to my mum.

Horticulture is hard work. I would jump on the track at 6.00 a.m. and prune and pick grapes until dusk six days a week. I lived in a picker's hut with eight others. It is hard to believe you can be hungry working on a farm, but we were. All the while, at the back of my mind, I kept thinking, "At least I'm helping Mum out." Two years

after I began working in Australia, I managed to access a public payphone. Her first question was, "Are you going to send us some money?" I was in total shock. Not a single cent, for three years, had made it back to her. It was the same for the other cousins, and we were all devastated. That feeling of betrayal stays burns deep inside you for a long time. The anger, denial, depression and despair—I had all of those feelings and worse. I didn't know what to do or who I could turn to. I felt trapped. My relative was someone who was respected in our community. I knew that I would be shamed if I complained or went home empty-handed. I was the one who would be seen as the wrongdoer or ungrateful because I did not make good on the opportunity to earn money working in Australia. This powerful shame made me afraid to ask for help, so I kept on working in the hope that I could find a way out.

In this time of crisis, I found help through two Australian farmers that I met at a church. Audrey saw that I was troubled and asked me if I was okay. When she heard my story, Audrey and her husband, Alan, asked me to come and work on their farm. Two of us left in the middle of the night, and we went to stay with Audrey and Alan. They paid me properly and provided me with the support to get back on track and start sending money back to Mum. Audrey helped me to get my passport back and build a new life. I cannot thank her enough for what she did for me. When I met her again a few years ago, she just said, "It was the right thing to do." It might not seem like much, but when she asked, "Are you okay?", that was enough to put me on a path to freedom. I got on with rebuilding my life and putting the whole experience behind me. I did not think there was any point in telling my story until years later.

How did this experience affect me? I don't like to think of myself as a victim. I tried to make the best of opportunities and contribute to communities I've lived in. Not everyone survives the experience. Thirteen cousins came to Australia. I have no idea what became of six of them. There is a cost to speaking out. When I started speaking out, I was excommunicated by one side of my family. For others, the cost is more serious. Some get threatened with violence towards themselves, or their families, or assaulted by the perpetrators. It is not my experience, but it is for others. It's another reason not many people will talk about their lived experience.

Ms LYNDA VOLTZ: Thank you. We just want to know if you received any information that helped you identify your situation as one of exploitation or slavery.

MOE TURAGA: Like most people, I didn't know I was in modern slavery until many years later; after I was in it. I escaped my situation through contact with people of goodwill in the community around me. The debt bondage, forced labour, coercive control, deceptive recruitment—these are all concepts you learn about after the fact. It was only when I met Rosie Ayliffe, a British woman whose daughter was murdered while she was doing farmwork in Australia, that I could relate my own experience to something called modern slavery. Now I know that you find modern slavery in construction, hospitality, cleaning, security, car washers, fisheries and farmwork. Aged care is high risk as well.

Anywhere where work is performed by temporary migrant labourers is high risk, especially work that involves labour hire service providers. Migrant workers are vulnerable to all kinds of exploitation. They depend on their employer for visa sponsorship, for their accommodation and pay. If a migrant worker speaks up, they have a lot more to lose than a job. It's their future on the line. If they complain, employers often threaten to report them to authorities for breaching the terms of their visa, and they get deported. I see a lot of abuses that may be modern slavery and are certainly labour exploitation.

One of the common abuses is cashback. That's when workers are paid but they are forced to immediately hand back all their cash. Another abuse is when a labour hire charges excessive fees for transport, for accommodation and equipment. This is very common among seasonal workers brought to Australia on the PALM scheme. Recently I've spoken to workers who would give back 80 per cent of their wages in deductions to their approved employers. Since I began sharing my own story publicly, I have helped a lot of workers from the Pacific. I've taken more than 300 calls from workers alone in some kind of distress in the last year.

New South Wales does not have labour licensing. Queensland does, but I can't vouch for its work. The protections and supports built into our systems aren't working. As a migrant worker on a bonded visa, you have little to no protection. I know workers who have complained and been sent home. I know workers who have got injured and been sent home. No-one is checking the conditions that guest workers live in. I've seen a lot of their accommodation, and some of it is appalling. Even when you put it out in the media, no-one cares enough to improve it. There are no independent or effective worker voice or grievance mechanisms in these workplaces.

One of the saddest things I do is help family members send home the bodies of their loved ones or arrange for burials here in Australia. Compulsory superannuation usually includes life insurance cover, but I don't know of any Pacific worker whose life insurance policy has been paid out after their death. I know of only one person who had their superannuation balance paid after they had passed. I have also spent many hours helping workers access medical care after being injured on the job. I have helped sick workers negotiate time off with their employers.

Australians are entitled to 10 sick days a year, free Medicare, free treatment in an emergency department. Guest workers are too scared to take leave. Guest workers pay tax and health insurance premiums, but they have to pay their medical bills up-front. They then seek reimbursement from the insurer and sometimes that takes weeks. For workers who leave their bonded employers, there's double jeopardy. They're working day after day in precarious work and are even more vulnerable to abuses. Australia now has thousands of people living under the radar without any visa. Some have been here for decades.

The Hon. AILEEN MacDONALD: What support services did you seek during your escape from modern slavery? You mentioned when you went to church and speaking with one of the parishioners there, but were there any other support services like health care or housing or legal advice besides that that you were able to access?

MOE TURAGA: Recovery from my experience—or remedy, as you would refer to it in the context of modern slavery—has meant different things at different times of my life. When I was 19, it meant escaping a bad situation, feeling safe, being able to buy my own food and clothes, and taking back control of my life, getting my passport back and building a new life. It highlights the importance of community organisations, like going to church and then people in them—parishioners—highlights the importance of community organisations in supporting guest workers. I didn't tell my story to anyone or got to the police; none of us did. We got on with rebuilding our lives and putting the whole experience behind us.

I think it's fair to say the trauma of being trafficked scarred all of us and our families one way or the other. Back then, remedy meant safety and security. It was also about reconnecting with my sense of purpose, being able to send money home to my mum to support my mum. One encouraging development lately is the inclusion of people with lived experience like myself in remedy planning. I'm working with a number of organisations to share my lived experience and to advocate for measures to help people to safety and recover from the impact of modern slavery. Remedy planning is working out how your organisation will respond when you find people in your operations or supply chains who are impacted by modern slavery or slavery-like conditions.

I will always be full of praise for any organisation that finds people impacted by modern slavery in their operations or supply chains. We want to find people with indicators of labour exploitation, get them out of these situations, understand how it happened and ensure it doesn't happen again. For people living in a situation of modern slavery, you are going to need support immediately. You will need case management, welfare and accommodation. At Domus 8.7 we have those case management systems in place and there is only one safe house in Australia dedicated to modern slavery victim-survivors, and that is run by the Salvation Army. The New South Wales Government does not provide any specific funding to people impacted by modern slavery at the moment.

People living in situations of criminal exploitation need a safe haven. If people are in a vulnerable situation and a perpetrator is alerted, there can be serious consequences for the victim. As well as providing informed consent to any action that involves them, victims of modern slavery should be provided with independent advice. My team assists organisations with timely confidential assessments and advice, good cost analysis and recommendations about remedial actions and mitigating future risks. Every situation is different; however, organisations need to understand the rights of workers potentially impacted by modern slavery and what to do to prevent further harm.

The Hon. AILEEN MacDONALD: This question was in three parts, so you've answered that question in terms of what you have done for others. But with yourself it sounds like you, at the time, didn't really recognise that you were in modern slavery until years later.

MOE TURAGA: I think 30 years ago if I reported, I would have been sent back to Fiji directly. And that would have been the shortest answer, because it would mean no-one would have had any knowledge then, even though we had section 271 already in place.

The Hon. AILEEN MacDONALD: We have to understand your situation before we can do anything, but you mentioned that.

The Hon. Dr SARAH KAINE: Thank you so much for being here today and being willing to give evidence. My question is about what can be done. What specific steps do you believe the Government should take to improve support for victim-survivors of modern slavery, both in terms of that immediate assistance but also in that recovery phase?

MOE TURAGA: I think it's important for anyone in contact with people in high-risk sectors to be able to have access to resources and staff training. You can only respond if you recognise the situation someone is in. Many cases of modern slavery are identified because a trained employee responded safely when someone asked for help. Catholic organisations have access to dozens of e-learning modules through the Australian Catholic Anti-Slavery Network. I also received staff training this year for my role. I participated in a CPI corporate social compliance auditing training and I'm happy to say I passed the exam.

The Hon. Dr SARAH KAINED: Well done.

MOE TURAGA: Thank you. This training expanded my knowledge on social compliance audits. Access to education and training and development is something people leaving extreme abuse need. It leads to employment and that is also an essential part of that remedy. Once I got on my feet, I had to find forgiveness in my own heart and a new family. In this context, family for me has also meant having the space and the opportunity for healing. A positive cultural connection has been really important for that healing. In my case, it's my church and my Pacific diaspora community. Recently I've got a lot of energy from the survivors I've met through my work with the NSW Anti-slavery Commissioner's Advisory Panel. Again, I'd like to acknowledge James and his team for their great support as allies and for the enormous body of work they pulled together in a very short time. My broad ask to the New South Wales Government is to put people with lived experience at the centre your modern slavery response, and prioritise the sectors where there's the highest risk. That way, people who need help are most likely to get it.

The Hon. GREG DONNELLY: Thanks you so much for coming along. I've been in trouble before from the Chair for deviating from the questions.

The CHAIR: And will continue to be if you do.

The Hon. GREG DONNELLY: So I need to stick with the questions. I promise to do so, Mr Chair. But before I do so, thank you so much for coming along today. Your opening statement and your answers, particularly to the questions that are being posed, are so many more times powerful in terms of what you've said—and, indeed, people will be able to read it in the transcript after—than multiple speeches that any one of us could give in the Parliament, because it doesn't come close. We can talk about it and make comment and judgements about it, but from yourself and the support you're getting, it is quite extraordinary. I don't think you probably appreciate—or you may—how powerful it is and how much it is capable of opening up hearts and minds than speeches by politicians, although we want to play our role and do our very best.

MOE TURAGA: That's a great compliment.

The Hon. GREG DONNELLY: It's enormously important. My question builds on some of the answers you've given already. That's around you looking back and seeing what are gaps that currently exist in regard to the provision of services—so these are services that directly assist and are important—but also, at a higher level, the policy prescriptions or the policies that are in place, some of which may relate directly to the legislation or otherwise. So what gaps in services and gaps in policies did you observe?

MOE TURAGA: That's the biggest one. Allow me to be honest then.

The Hon. GREG DONNELLY: Please. I know you will be.

MOE TURAGA: Let's have a look at the New South Wales frontline services. I'll start there. I'll start with the New South Wales police. I have not heard of any worker seeking or getting assistance from the New South Wales police. Migrant workers who are being exploited or abused at work are not viewed as potential victims of crime. The New South Wales police—they only seem interested in a migrant worker's visa status. That's why so many workers with an irregular visa status avoid health services, because they are afraid of deportation. New South Wales police don't seem to have any knowledge or understanding of the Australian criminal code section 270 and 271—modern slavery and human trafficking.

I'll talk about the New South Wales coroner next. There would have been over 25 deaths of Pasifika women workers in New South Wales over the past few years. There has not been a single investigation into the circumstances surrounding or leading up to the worker deaths or critical incidents. The New South Wales coroner relies on the employer's version of the events from the local police brief of evidence without supporting evidence. The New South Wales coroner's office does not seem to have knowledge and understanding of the Australian criminal code, either—section 270 and 271 on modern slavery and human trafficking.

SafeWork NSW have not demonstrated knowledge or understanding of modern slavery crimes under the code—section 270 and 271. When the employer provides the accommodation for guest workers, why is the accommodation not included as part of the SafeWork investigation? Overcrowded accommodation is common and causing fatigue. Poor nutrition, poor food safety is common because of insufficient cooking facilities. Dehydration is common because the workplace does not provide drinking water. There are no barriers to working in the full sun and heat stress is common.

There is no maximum number of hours, no cap on the number of hours a worker can be directed to work in a week. Without a legal cap on the maximum number of hours of work, excessive work hours are common because it is legal. This week I attended a launch of the Master Builders report in this Parliament into safe working hours in the construction sector. In that report they found that 30 per cent of workers on building sites work in

excess of 50 hours per week. The same goes for many high-risk industries such as hospitality and horticulture. When a migrant worker dies, I'm not aware of any public-sector agency in New South Wales providing support, financial assistance and death benefits. Does that answer some of it?

The Hon. GREG DONNELLY: That's excellent. Anything else that you may have missed?

MOE TURAGA: No.

The CHAIR: Following on from that last question, you've identified some pretty specific instances and really cogent examples of where there are gaps in terms of frontline awareness and service provision. Is there anything from a policy perspective—perhaps a higher position—that we could address where there are gaps?

MOE TURAGA: Yes. My recommendations for the New South Wales frontline services, especially number one, is to adopt policies and procedures to identify and safely refer potential victims of modern slavery to support and services. Number two is funding for mainstream welfare services to provide access for people impacted by modern slavery. Number three is to undertake modern slavery awareness training. Number four is to undertake cultural diversity training.

The CHAIR: That's the end of the formal questions. Is anything further you'd like to add?

MOE TURAGA: Yes, if I may, say to the Committee to broaden the discussion today that we need to talk about the whole legal system that creates the drivers for labour exploitation. Number one is migration. Hosting communities, local council, frontline services and first responders are not alerted to incoming groups of migrant workers on the PALM scheme. Number two is procurement—requirement of government grants to accept the cheapest quote without consideration of cost cutting and margin time frames. James' reasonable steps. The 400 entities covered by the New South Wales Modern Slavery Act have more resources available than any other jurisdiction in Australia, I believe. That's thanks to the expertise and energy of the NSW Anti-slavery Commissioner Dr James Cockayne and his office. At the end of last year James published his *Guidance on Reasonable Steps* for covered entities, along with an implementation timetable and an inherent risk-identification tool and other resources.

New South Wales procurement—you're now reporting annually on the following. Number one is the details of your entity, including who authorised your annual report; your procurement spend by due diligence and risk factor; any stakeholder engagement you've undertaken; what you've done to identify relevant modern slavery risks; whether you've enacted a modern slavery policy; whether you've got a modern slavery risk management plan; what you are doing to monitor and evaluate the performance of your suppliers; what you've done on enabling access to grievance mechanisms. It's a long list and I understand that it's going to take some time to build maturity in the responses. I'd stress "reasonable" here because there is actually a lot more to do than what you've been asked, such as social audits, supplier onboarding to ethical sourcing platforms and remedy planning.

There are over 3,000 large corporations already and non-profit organisations like the large Catholic agencies that I worked for that have been reporting under the Federal Act for more than five years. My hope is that suppliers who are doing the right thing by their workers will be successful in their tenders at all levels of government procurement. Australian businesses are profiting from their labour. Can New South Wales find the political courage to give them the protection and the recognition they deserve? I've always believed that Australia should be the best place in the world to be a migrant worker. That's what I'm fighting for and, again, thank you for the opportunity to speak to you today. Vinaka vaka levu.

The CHAIR: Can I just follow on from those comments that you made, particularly in regard to the reasonable steps? Because I think this is quite important. As you have indicated, there have been requirements for some years for large companies to report and these reports are available. Similar requirements have been operational in the UK for some time and they've recently reviewed their Act and the House of Lords committee has recommended that they actually need to now lift from reporting into due diligence and accountability around that. In fact, they have been quite disappointed in the effectiveness of just the reporting. It's a bit hard for us to say here, but I think what you've said is that the reasonable steps that the Anti-slavery Commissioner has outlined in terms of the procurement for New South Wales government agencies do provide a very robust description of due diligence. You would agree with that?

MOE TURAGA: Yes.

The CHAIR: That certainly was my impression from the recent conference that I attended. When I compared the discussions there with what had been produced here, frankly it was quite impressive what the Anti-slavery Commissioner and the team had come up with.

MOE TURAGA: Absolutely.

The CHAIR: Obviously reporting by New South Wales government agencies has just started, but it will be important to monitor how successfully they do apply those principles. It will take some time. Is it your evidence that this description of due diligence, this application of these steps is a critical component now in furthering this issue or furthering action on this cause?

MOE TURAGA: I would like to take that question on notice and reply to you in writing, if that's okay. It's a big one and I need to get the facts.

The CHAIR: I apologise we didn't flag it ahead of time.

MOE TURAGA: That's okay.

The CHAIR: But you did raise the issue of reasonable steps and I think that is an important part of consideration and awareness raising.

MOE TURAGA: Absolutely, yes.

The CHAIR: Thank you for your evidence. The secretariat will contact you in relation to any questions on notice.

(The witness withdrew.)

The Committee adjourned at 10:05.