

Submission
No 44

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

Organisation: NSW Anti-slavery Commissioner

Date Received: 28 February 2025

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

Submission of the NSW Anti-slavery Commissioner

February 2025



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Acknowledgement of Country

As New South Wales Anti-slavery Commissioner, I acknowledge that Aboriginal and Torres Strait Islander peoples are the first peoples and traditional custodians of Australia and the oldest continuing culture in human history.

I acknowledge that First Nations communities in New South Wales have survived practices that today we call modern slavery. The legacies of that treatment continue to affect Aboriginal and Torres Strait Islander people today, and through them affect the New South Wales community and economy.

My Office and I pay our respects to elders past and present and commit to respecting the lands we walk on, and the communities we walk with.

We celebrate the deep and enduring connection of Aboriginal and Torres Strait Islander peoples to country and acknowledge their continuing custodianship of the land, seas and sky. We acknowledge their ongoing stewardship and the important contribution they make to our communities and economies.

We reflect on the continuing impact of government policies and practices and recognise our responsibility to work together with and for Aboriginal and Torres Strait Islander peoples, families and communities, towards improved economic, social and cultural outcomes, self-determination and for real freedom.

We advise this resource may contain images, or names of deceased persons in photographs or historical content.

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

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Abbreviations

Abbreviation	Description
ABF	Australian Border Force
the Act	<i>Modern Slavery Act 2018</i> (NSW)
AFP	Australian Federal Police
ARP	Additional Referral Pathway
DEWR	Commonwealth Department of Employment and Workplace Relations
DFAT	Commonwealth Department of Foreign Affairs and Trade
DHA	Commonwealth Department of Home Affairs
EPS	Employment Permit System (Korea)
FEG	Fair Entitlements Guarantee
FWO	Fair Work Ombudsman
IARC	Immigration Advice and Rights Centre
ILO	International Labour Organization
NSW	New South Wales
PALM	Pacific Australia Labour Mobility
SAWP	Seasonal Agriculture Worker Program (Canada)
STPP	Support for Trafficked People Program
The Office	The Office of the NSW Anti-slavery Commissioner
UK	United Kingdom
UNSR	United Nations Special Rapporteur on Contemporary Forms of Slavery
US	United States
WHM	Working Holiday Maker

Executive summary

Temporary migrant workers are essential to the economy of rural and regional New South Wales (NSW), filling critical workforce gaps in agriculture, horticulture, meat processing, aged care, and hospitality, amongst other industries. Reliance on temporary migrant workers is growing across Australia. The Australian Government facilitates access to temporary migrant workers through schemes such as the Pacific Australia Labour Mobility (PALM) program, Working Holiday Maker (WHM) visas, and other temporary work visas. These programs are generally well-managed. While these migration pathways offer economic opportunities both for the NSW economy and for the workers involved, in some cases temporary migrant workers are exposed to heightened risks of exploitation, coercion, and modern slavery.

Following concerns raised by stakeholders during regional visits, my Office examined these risks between 2022 and 2024 through consultations, site visits, and engagement with industry, workers, and enforcement bodies. On 18 September 2024, I tabled my report, titled *Be Our Guests: Addressing urgent modern slavery risks for temporary migrant workers in regional and rural New South Wales* (hereafter, **Be Our Guests Report**), in the NSW Parliament.

In the *Be Our Guests Report*, I found that, while migration programmes are for the most part well-managed, temporary migrant workers in rural and regional NSW face modern slavery risks in four areas. These are: working conditions, wages and entitlements; accommodation, transport and living conditions; isolation and social marginalisation; and gendered violence and restricted healthcare access for women migrants including survivors. These findings are borne out by the enquiries received by 1800 FREEDOM, the support and assistance hotline we run as required by the *Modern Slavery Act 2018* (NSW). In the last 12 months, 43 per cent of all these enquiries have involved temporary migrant workers.

Modern slavery risks are produced by intersecting factors. The *Be Our Guests Report* found that temporary migrant workers in rural and regional NSW are made more vulnerable to exploitation by circumstances including their immigration status, lack of English proficiency, geographical and social isolation, and the employment relationships they are subject to (including through labour hire companies). These vulnerabilities intersect with factors in the regulatory context that reduce protection for temporary migrant workers when compared to local workers: issues like recruitment practices, accommodation, and transport for temporary migrant workers fall outside traditional industrial relations frameworks; and gaps persist between State and federal laws and institutional mandates. Further, supply chain models in certain low-wage, low-skilled industries based in rural and regional NSW appear sometimes to enable exploitation by unscrupulous labour hire companies, organized crime networks, and even legitimate businesses that fail to undertake reasonable due diligence. Regulation of labour hire companies is notably weak in NSW. These intersecting factors produce instances of debt bondage, deceptive recruiting, forced labour and, in extreme cases, servitude, sexual servitude or even human trafficking. Without stronger regulation, oversight, and coordination, exploitative practices will persist, particularly in sectors that rely on temporary labour mobility.

Much of the vulnerability and exploitation faced by temporary migrant workers in rural and regional NSW occurs in contexts not squarely addressed by traditional workplace relations laws and enforcement mechanisms. These areas include pre-departure recruitment processes, accommodation and transportation to and from work, and restrictions on workers' ability to leave their roles. Australia's industrial relations system was primarily designed for a domestic and settled workforce. However, with the increasing reliance on a temporary migrant workforce, especially in low-skilled, low-wage sectors prevalent in regional and rural settings, there is a pressing need to adapt and expand the current system. Preparing for a future where temporary migrant workers constitute a more central part of the labour market is essential to ensure their protection and to uphold fair labour practices across all sectors.

A central recommendation of the *Be Our Guests* report was to establish a Parliamentary Inquiry to examine these risks in-depth and identify solutions for ethical, sustainable recruitment and employment practices. I thank the Committee for the opportunity to contribute to this important Inquiry to explore practical, evidence-based reforms to support both workers and employers in regional NSW's evolving labour market.

This submission is provided in response to the Committee's Terms of Reference, which include:

1. Assessing the prevalence of modern slavery risks in temporary migrant worker employment in NSW.
2. Reviewing the effectiveness of current protections and enforcement mechanisms.
3. Identifying gaps in oversight, monitoring, and complaint mechanisms.
4. Recommending policy and regulatory changes to strengthen worker protections.

In this submission I set out my observations, findings and recommendations. I begin by describing factors contributing to modern slavery risks for temporary migrant workers in rural and regional NSW, drawing on the International Labour Organization (ILO) Indicators of Forced Labour. To address these challenges, I offer practical, rights-based and cost-effective recommendations for the Modern Slavery Committee to consider, which are discussed below.

Ensuring ethical, sustainable employment practices for temporary migrant workers is not only a question of human rights or law enforcement — it is essential for the long-term viability of key industries and regional economies in NSW. Without urgent reforms, the persistence of exploitative practices will not only harm workers but also undermine the integrity and sustainability of the labour market in these regions, and create economic, social and security costs for our regional communities and local and state government. The *Be Our Guests* Report, and this submission, aim to provide a foundation for understanding these risks and offer evidence-based recommendations to strengthen worker protections, improve regulatory oversight, and promote responsible employment practices and accommodation standards for temporary migrant workers.

The Modern Slavery Committee has a unique opportunity to drive meaningful change by championing a more robust, rights-based framework for temporary migrant worker protections in NSW. Introducing mandatory anti-slavery training for frontline workers, expanding interpretation, legal and social services, and advocating for stronger visa protections at the federal level will help to ensure that exploitation is not an accepted cost of doing business. Through coordinated action between governments, industry, and civil society, NSW can take a leadership role in fostering a labour mobility system that is ethical, sustainable, and fair for all stakeholders.

Recommendations

I recommend that the Modern Slavery Committee:

1. Takes note of *Be Our Guests: Addressing urgent modern slavery risks for temporary migrant workers in regional and rural New South Wales* tabled in Parliament on 18 September 2024.
2. Considers the barriers faced by temporary migrant workers in rural and regional NSW (especially those in breach of visa conditions) to accessing relevant supports and remedy for victimisation by modern slavery, notably:
 - lack of access to suitable translators and interpreters;
 - exclusion from Medicare, Centrelink payments, the Fair Entitlements Guarantee, and settlement support, and other forms of government-funded supports;

- ineligibility for the federal Government's Support for Trafficked People Programme (STPP) by migrant workers not in possession of a valid visa;
 - exclusion from the STPP of eligible workers after 90 days, unless the worker is willing to participate in a criminal justice process, and assuming relevant law enforcement is willing to pursue such a process;
 - exclusion from support under the *Victims Rights Support Act 2013* (NSW); and
 - challenges in accessing the workplace justice visa pilots to support temporary migrant workers that experience 'workplace exploitation'.
3. Considers cost-effective means to expand services available to settled migrants, to include temporary migrant workers. For example: establishing regional migrant hubs, in collaboration with the NSW Migrant Worker Centre, to provide legal, social, and employment support tailored to temporary migrant worker needs, and to support local communities hosting temporary migrant worker populations.
 4. Considers the costs borne by the NSW Government, local councils and the public as a result of such exclusions from formal support and services, including the costs of providing emergency healthcare, crisis accommodation, and policing services.
 5. Recommends to the NSW Government that it immediately forms an inter-agency taskforce to develop and implement mandatory anti-slavery training for frontline workers.
 6. Recommends to the NSW Government that it clarifies as soon as possible how it will ensure effective regulation of labour hire companies operating in NSW, whether that is through a national labour hire licensing scheme or, if such a scheme is not established, through the institution of a NSW scheme.
 7. Recommends to the NSW Government that it advocates within National Cabinet and other federal forums for:
 - (a) visa reforms that would enhance PALM worker mobility by replacing employer-specific permits with sectoral or regional ones, and launching innovative pilots such as: streamlining worker transfers between Approved Employers, creating a job-matching platform, creating a clearing house for payment of recruitment fees and/or rewarding 'trusted' employers with lighter bureaucratic processes; and
 - (b) removing the specified work rule for backpackers and/or ensuring more stringent regulatory requirements in line with the PALM scheme.
 8. Reports to Parliament on the need for a co-regulatory approach to managing the welfare of temporary migrant worker populations in NSW, by bringing together federal agencies, NSW Government agencies (SafeWork NSW, NSW Police, Homes NSW, NSW Rental Commissioner) and local government to:
 - (a) strengthen data sharing (including early provision of information on anticipated arrivals of PALM workers);
 - (b) consider the impact of the arrival of temporary migrant workers on the housing market in rural and regional NSW, to prevent price-gouging in the rental market, and develop public-private partnerships to invest in the development of housing stock suitable for both seasonal and other temporary migrant workers; and
 - (c) ensure that temporary migrant workers in rural and remote NSW have access to coordinated and culturally-appropriate local support services and pastoral care, including translation and interpretation services and a network of 'Welcome Committees'.

Introduction

About the NSW Anti-slavery Commissioner

The *Modern Slavery Act 2018* (NSW) established the role of the NSW Anti-slavery Commissioner, which I have held since August 2022. Under the legislation, the Commissioner's functions include, amongst others:

- providing support and assistance to victims of modern slavery
- monitoring reporting concerning risks of modern slavery occurring in supply chains of government agencies
- monitoring the effectiveness of legislation and governmental policies and action in combating modern slavery, and
- promoting public awareness of, and providing advice on, steps that can be taken by organisations to remediate or monitor risks of modern slavery taking place in their supply chains, including encouraging organisations to develop their capacity to avoid such risks.

I make this submission to the Committee in accordance with the functions above.

Well-managed temporary migration programs are vital for the NSW economy

Temporary migrant workers play a crucial role in rural and regional NSW, contributing significantly to key industries such as agriculture, horticulture, meat processing, aged care, and hospitality. As NSW, and Australia more broadly, grapples with labour shortages in these labour-intensive sectors, there is increasing reliance on temporary migrant workers to fill critical workforce gaps. Ensuring that temporary migrant workers are effectively supported, protected, and integrated into the labour force will be key to the long-term success of these industries and to upholding NSW's commitment to eradicating modern slavery.

Labour shortages have been a persistent issue in many regional industries, particularly in agriculture (horticulture and meat processing) and the care sectors. Nearly a quarter of a million people are employed in agriculture across Australia, with around 48,000 in horticulture, and another 54,000 workers in meat processing.¹ For decades, rural and regional industries have struggled to attract and retain a local workforce, leading to an increasing dependence on temporary migrant workers. Industry reports indicate a shortage of at least 172,000 agriculture workers across Australia.² According to the Australian Meat Industry Council, only 85 per cent of the available meat processing jobs are being filled, with at least 1,000 workers needed just in one part of NSW despite costly labour-saving technology.³ Similarly, the aged care sector also faces workforce shortages,

¹ Jobs and Services Australia, 2024. *An Essential Ingredient: The Food Supply Chain Workforce Summary* report. Canberra: Jobs and Services Australia.

² National Farmers Federation, 2023. "Significant labour shortages across food supply chain weighing on growth, cost of living". Media Release (Web Page: 12 June 2023). <https://nff.org.au/media-release/significant-labour-shortages-across-food-supply-chain-weighing-on-growth-cost-of-living/> See also, industry group AUSVEG which, in the 2024 industry sentiment report found 46% of growers were experiencing workforce shortages: McKeesick, M, 2024. "What will 2025 bring for Australian agriculture? Here are five things to look out for". Guardian (Web Page: 29 December 2024). <https://www.theguardian.com/australia-news/2024/dec/29/what-will-2025-bring-for-australian-agriculture-here-are-five-things-to-look-out-for>

³ Doak, E. 2023. "Abattoir automation technology aims to reduce need for skilled meat workers in labour shortage", ABC Rural (Web Page: 5 December 2023). <https://www.abc.net.au/news/2023-12-05/high-tech-abattoir-aims-to-reduce-need-for-skilled-meat-workers/103184920>

with a projected need for over 110,000 additional workers nationally by 2050; a gap that migration schemes aim to help address.⁴

Globally, labour mobility has become a cornerstone of economic resilience. Many Organisation for Economic Co-operation and Development countries, including Australia, Canada, and the United States (US), are expanding migration pathways to address demographic shifts and ensure the sustainability of key industries. Within NSW, structured migration pathways such as the Pacific Australia Labour Mobility (PALM) scheme and other temporary work visas are increasingly seen as a solution to meeting demand for labour while also fostering development partnerships with countries of origin.

A well-managed temporary migration system can deliver win-win-win outcomes: for employers, ensuring access to a stable and capable workforce; for workers, providing economic opportunities, protections, and pathways for skills development; and for communities, helping sustain regional economies, food security, and essential services. However, as these migration pathways expand, it is critical to ensure that workers are protected from exploitation, unethical recruitment practices, and conditions that heighten the risk of modern slavery.

Temporary migrant workers in New South Wales

Historically, sectors such as agriculture and hospitality have relied on seasonal and temporary workforces, both domestic and international. Over the past two decades, increasing urbanization, demographic shifts, and local workforce shortages have amplified the reliance on migrants. Temporary work visa programs have evolved in response, leading to the expansion of structured labour mobility agreements.

Temporary migrant workers in regional NSW are primarily engaged through the following visa schemes:

- PALM Scheme (Subclass 403):** Covers short-term (up to 9 months) and long-term (up to 4 years) Pacific and Timorese workers in agriculture, meat processing, aged care, and hospitality. In NSW, there were 5,130 PALM workers (just under a fifth of the national total) as at December 2024, with a much larger proportion of workers employed in the long-term stream (3,745 workers) than the short-term stream (1,385 workers). The number of PALM workers in Australia decreased by around 21 percent between June – December 2024, including in NSW.⁵ A new Vietnam Labour Mobility Arrangement, operated by the PALM Program, will shortly commence, bringing up to 1,000 Vietnamese nationals to undertake short-term and long-term agriculture-related unskilled, low-skilled and semi-skilled work in Australia for up to 4 years.⁶
- Working Holiday Maker (WHM) Visas (Subclass 417 and 462):** Covers working holiday makers from approved countries, who can come to Australia for periods of up to 3 years. While initial permits are for one year, WHMs can extend their stay into a second and third year if they complete three months of specific regional work in their first year (88 days), and six months of such work in their second year (179 days) respectively. Specified work includes agriculture, forestry, and fishing, mining and construction and bushfire recovery, but most WHMs engage in

⁴ Committee for the Economic Development of Australia (CEDA), 2021. "Australia's dire shortage of aged-care workers requires immediate action: CEDA".

<https://www.ceda.com.au/newsandresources/mediareleases/health-ageing/australia%E2%80%99s-dire-shortage-of-aged-care-workers-req> See also, Kagan, S, 2024. "Amid a global aged care labour shortage, how will Australia address the challenge?" Lowy Interpreter (Web Page: 14 October 2024). <https://www.lowyinstitute.org/the-interpreter/amid-global-aged-care-labour-shortage-how-will-australia-address-challenge>

⁵ DEWR, 2025. PALM Scheme Key Data (published December 2024). Canberra: DEWR. <https://www.palmscheme.gov.au/palm-scheme-data>.

⁶ PALM website, undated. "Vietnam Labour Mobility Arrangement". <https://www.palmscheme.gov.au/vietnam-labour-mobility-arrangement>

work on farms. In June 2024, the number of WHMs was 170,437, of which, around 53,000 may be in NSW (estimate only).⁷

- **Skills in Demand Visa (Subclass 482):** The Temporary Skills Shortage visa was replaced by the Skills in Demand visa through legislative reform in December 2024. The visa enables employers to sponsor skilled workers for up to 4 years in critical sectors like aged care, meat processing, and regional healthcare. In the 2023-24 program year, 28,940 visas were issued (top three countries Philippines, India and the UK), of which 19,620 temporary skilled migrants on this visa were in NSW.⁸ A ‘lower income’ stream of the visa may open a pathway to bring more lower-wage aged care workers into Australia (alongside PALM workers in this sector).⁹
- **Student Visa (Subclass 500):** International students are permitted to work up to 48 hours per fortnight during term time and unlimited hours during scheduled course breaks. As of January 2023, there were over 208,000 international students in NSW,¹⁰ though statistics on the sectors in which they were employed are not available. With significant exceptions where student bodies are located close to agricultural or meat processing activity (for example in New England or parts of the Riverina), international students represent a limited share of the workforce in agriculture and meat-processing in rural and regional NSW. They may be more relevant in sectors such as hospitality and aged care, particularly students at regional institutions, or in temporary employment during university breaks.

While these programs offer legal work pathways, key differences exist in these workers’ rights, conditions, and vulnerability to exploitation, both when these schemes are compared to each other, and when compared to the ‘local’ workforce. For example, PALM scheme workers often live in employer-provided accommodation and do not have an automatic right to change employers during their contract period, creating dependency risks, while WHM visa holders have employment mobility but lack enforceable employment protections and routine employer monitoring.

In addition to the above-mentioned categories of ‘documented’ temporary migrant workers, there is also known to be a large cohort of undocumented workers in agriculture.¹¹ These people are at especially high risk of modern slavery, as they are often ineligible for government support and reluctant to engage with government agencies to receive support – including the supports available through their visa schemes.

⁷ Department of Home Affairs (DHA), 2024. Working Holiday Maker visa program report (June 2024). Canberra: DHA.

⁸ DHA, 2024. Temporary resident (skilled) report 30 June 2024: Summary of key statistics and trends. Canberra: DHA.

⁹ *Migration Amendment (Strengthening Sponsorship and Nomination Processes) Act 2024* (Cth). See also Kagan, S, 2024. “Amid a global aged care labour shortage, how will Australia address the challenge?” Lowy Interpreter, 14 October 2024. <https://www.lowyinstitute.org/the-interpreter/amid-global-aged-care-labour-shortage-how-will-australia-address-challenge>

¹⁰ City of Sydney, undated. “International education”. <https://www.cityofsydney.nsw.gov.au/business-economy/international-education>

¹¹ Howe, J, 2021. Out of Limbo and Into the Light: A Case for Status Resolution for Undocumented Migrant Workers on Farms. 43(4) Sydney Law Review 433.

1 Systemic risk factors

Intersecting factors that produce modern slavery

Modern slavery involves one person or organisation exploiting another person's vulnerability within a particular regulatory context that fails to prevent this exploitation. Understanding modern slavery in these terms provides a basis for understanding how temporary migrant workers in rural and regional NSW are exposed to modern slavery.

The three factors that interact to produce exploitation are:

- the *legal, social and physical context* in which a commercial activity takes place,
- populations in a position of *vulnerability* due to their circumstances, and
- a supply chain model that generates or facilitates *exploitation* by perpetrators in the course of a commercial activity.

It is the intersection of these factors that may lead to the emergence of modern slavery, as shown in Figure 1 below.

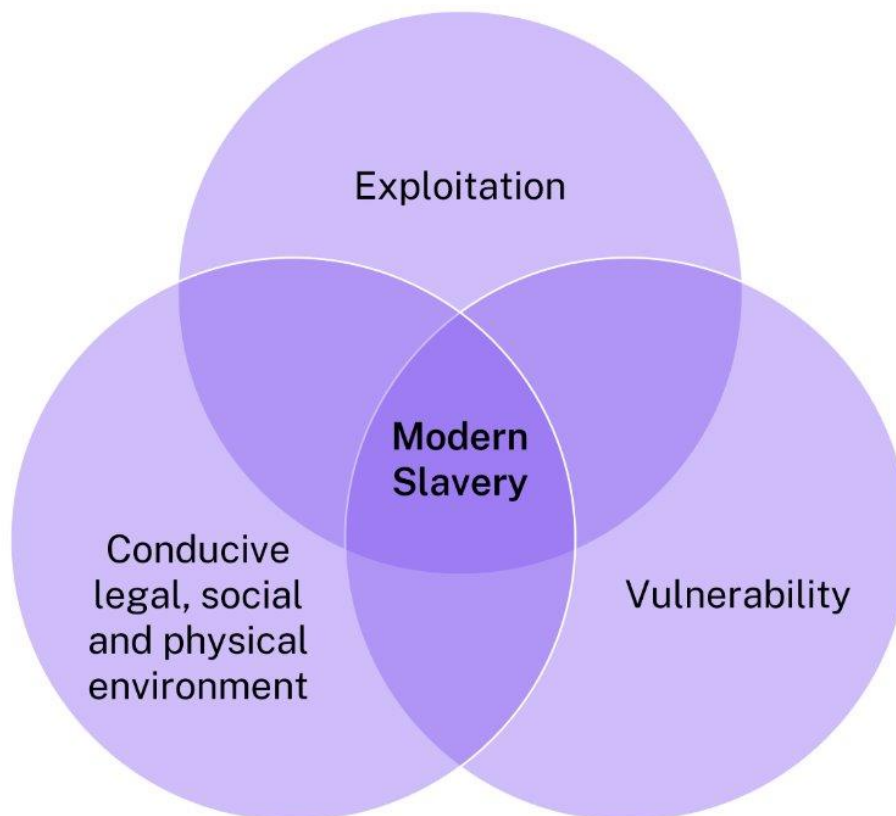


FIGURE 1: INTERSECTING FACTORS THAT PRODUCE MODERN SLAVERY

Vulnerability encompasses the systems and circumstances that make individuals susceptible to exploitation. For temporary migrant workers in rural and regional NSW, factors such as language barriers, limited social networks, economic dependence, gender norms, and unfamiliarity with local laws and rights contribute to their heightened vulnerability.

The legal, social and physical environment that may lead to gaps in systems designed to protect individuals from exploitation could include the remote geographic location of workers, inadequate access to translation and interpretation services, limited culturally competent support personnel,

insufficient enforcement of labour laws, and fragmented regulatory frameworks. These gaps hinder temporary migrant workers' ability to seek assistance and assert their rights.

Exploitation strategies are the methods used by individuals or entities to capitalize on the vulnerabilities of workers within weak institutional frameworks. In rural and regional NSW, exploiters may include unscrupulous labour hire companies, organized crime groups, and even legitimate businesses that, knowingly or unknowingly, engage in exploitative practices. These actors often employ tactics such as deceptive recruitment, underpayment of wages, substandard living conditions, and threats of deportation to control and exploit temporary migrant workers.

Low-wage migrants, particularly those employed in agriculture, are structurally at-risk of certain types of labour violations, as a result of the intersectional vulnerability of a precarious immigration status, remoteness/isolation, youth, language and literacy, and a range of other factors. In November 2024, following his official country visit to Australia, the United Nations Special Rapporteur on Contemporary Forms of Slavery (UNSR) expressed that he was “seriously concerned by the treatments [sic] of temporary migrant workers in Australia”¹² and had observed “disturbing, sometimes very serious, patterns of exploitative practices”¹³ affecting temporary migrant workers, many of which may amount to contemporary forms of slavery.

Based on information I have received over the last two years, I conclude that organised crime groups may be playing a role in modern slavery in rural and regional NSW, particularly in sectors where informal labour arrangements are prevalent. This has particular relevance to the modern slavery risks facing undocumented workers – including disengaged PALM workers. Informal networks appear to play a key role in labour supply in certain parts of NSW, notably the Riverina and mid-North Coast. Sometimes these networks are organised on a formal commercial basis, operating through incorporated labour hire agencies and other businesses. In other cases, arrangements are more informal. In some cases, actors within these networks traffic workers under false pretences, using debt bondage to entrap individuals, or controlling access to work opportunities through coercion. In some cases, labour exploitation appears to be intertwined with other criminal activities, such as drug cultivation, visa fraud, illegal accommodation services and possibly illegal commercial sexual exploitation. Law enforcement agencies face significant challenges in dismantling these networks due to language barriers, the transience of workers and the reluctance of victims to come forward.

Legitimate businesses may also unknowingly or negligently engage in exploitative practices, particularly those operating in supply chains with limited oversight. In industries such as agriculture, horticulture, and meat processing, employers often rely on third-party labour hire providers and fail to conduct proper due diligence on recruitment practices and working conditions. While some businesses take proactive steps to ensure compliance, others turn a blind eye to exploitative conditions, prioritizing cost-cutting and productivity over worker welfare.¹⁴

¹² United Nations Special Rapporteur on contemporary forms of slavery, including its causes and consequences, End of Mission Statement on Country Visit to Australia 14-27 November 2024, p. 5.

¹³ *Ibid.*

¹⁴ Howe, J, Clibborn, S, Reilly, A, van den Broek, D, & Wright, C. F, 2019. Towards a durable future: Tackling labour challenges in the Australian horticulture industry. University of Adelaide and University of Sydney. <https://www.sydney.edu.au/content/dam/corporate/documents/business-school/research/work-and-organisational-studies/towards-a-durable-future-report.pdf>.

Forced labour indicators

Modern slavery offences in NSW include the crime of forced labour, where a person provides labour or services involuntarily, due to coercion, threat or deception, in circumstances where a reasonable person in the position of the victim would not consider himself or herself to be free to stop providing services or leave the place where he/she provides those services.¹⁵

Because forced labour can be challenging to detect in practice, the International Labour Organization (ILO) has developed a set of 11 indicators of forced labour that help to identify at-risk populations.¹⁶ As Australia has ratified both the *Forced Labour Convention, 1930 (No. 29)* and the *Protocol of 2014 to the Forced Labour Convention, 1930*, on which the indicators are based, they can be considered a relevant framework for assessing the risks of forced labour in Australia. The 11 indicators are: 1) abuse of vulnerability, 2) deception, 3) restriction of movement, 4) isolation, 5) physical and sexual violence, 6) intimidation and threats, 7) retention of identity documents, 8) withholding of wages, 9) debt bondage, 10) abusive working and 11) living conditions and excessive overtime.

In this section I consider signs of these indicators in the experience of temporary migrant workers in rural and regional NSW. I draw both on the *Be Our Guests* report and other policy briefs produced by my office, including a submission to the Department of Home Affairs regarding sustainable regional industries.¹⁷ I also draw on information shared with me through the course of the exercise of my statutory 'support and assistance' function under section 9(1)(b) of the Act. As detailed further later in this submission, in the last 12 months, 43 per cent of all enquiries to our 1800 FREEDOM hotline have come from temporary migrant workers.

Abuse of vulnerability

Academic studies and government reports indicate that unscrupulous employers and dodgy labour hire companies sometimes exploit temporary migrant workers' age, lack of English language skills and isolation to impose unfair conditions on temporary migrant workers.¹⁸

According to the 2021 census, between a quarter and a third of migrants from Vietnam, South Korea, Thailand and Taiwan in Australia did not speak English. These are among the nationalities most likely to be employed in agriculture under the WHM Program. Additionally, many Pacific Island workers on PALM (particularly from Papua New Guinea and Vanuatu) will also generally not be fluent in English.¹⁹

The *Be Our Guests* report highlights that temporary migrant workers in rural and regional NSW often face significant challenges due to the unavailability of relevant translation and interpretation services, as well as a lack of culturally competent support personnel within government frontline services. This absence of tailored support hinders temporary migrant workers' ability to access essential services and understand their rights, thereby increasing their vulnerability to exploitation and modern slavery. The report underscores the need for improved language services and culturally aware support mechanisms to better assist temporary migrant workers in these regions. This observation is also supported by other organizations supporting temporary migrant workers, including the Immigration and Advice Rights Centre (IARC) interviews with 42 temporary migrant

¹⁵ Section 270.6 of the *Criminal Code Act 1995 (Cth)*; Schedule 2 of *Modern Slavery Act (NSW)*.

¹⁶ ILO, 2012. Indicators of Forced Labour. Geneva: International Labour Office. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_203832.pdf

¹⁷ Office of the NSW Anti-slavery Commissioner, 2024. Supporting strong and sustainable regions by addressing modern slavery risks. Submission to the Department of Home Affairs by the NSW Anti-slavery Commissioner. Canberra: DHA.

¹⁸ See for example, Howe et al, above n14.

¹⁹ Australian Bureau of Statistics. Temporary visa holders in Australia (2021 Census). Canberra: Australian Bureau of Statistics. <https://www.abs.gov.au/statistics/people/people-and-communities/temporary-visa-holders-australia/latest-release>

workers in the Riverina and engagement with workers through forums organized by Coles and Woolworths, in a number of regions including Coffs Harbour.²⁰

Additionally, without access to Medicare and often with limited private health insurance access and coverage,²¹ temporary migrant workers are vulnerable to exploitation because they cannot afford medical treatment. Employers can exploit this vulnerability by forcing WHMs to work under poor conditions, threatening them with job loss if they seek medical help, or denying them paid time off for illness or injury. I have been informed by PALM workers of similar abuses of vulnerability.

Another source of vulnerability that may be abused by employers or intermediaries is the need for temporary migrant workers to retain good relationships with employers to ensure continuing work. In the case of seasonal PALM workers, this means ensuring that employers request their presence for multiple seasons. For WHMs, some may feel coerced to remain with an employer to receive a good recommendation for future employment. For example, WHMs in Coffs Harbour reported that poor feedback from a major regional employer could threaten future employment in other locations – leading some to avoid taking sick days or refraining from complaints as a way of retaining a good reputation with that employer and avoid being blacklisted by other employers.²² The problem is perhaps most acute in the context of undocumented workers (including disengaged PALM workers) who remain most at risk to abuse of vulnerability by unscrupulous employers.²³ The UNSR noted reports that “employers actively hire disengaged and/or undocumented workers in certain sectors and take advantage of their vulnerability, resulting in further exploitation and abuse. These workers are also vulnerable to sexual and criminal exploitation by other actors.”²⁴

Withholding of wages

Withholding of wages is a common issue faced by temporary migrant workers. Employers may delay payment or fail to pay the full amount promised, using financial control to coerce workers into continued labour under exploitative conditions. The Fair Work Ombudsman’s (FWO) 2016 survey of more than 4,000 temporary migrant workers found that a majority of recipients (66 per cent) felt that employers take advantage of people on working holiday visas including by underpaying them. This was further elaborated in the 2018 Fair Work Ombudsman *Harvest Trail* report, which investigated 638 businesses and found that 70 per cent of the employers who employed temporary workers had breached Australia’s workplace laws.²⁵ According to consulted stakeholders, PALM workers in NSW frequently experience a range of wage-related violations including underpayment of wages, and excess or unexplained deductions for overpriced rent, transport, laundry, and kitchen access. Deductions may also appear in the form of penalties for non-compliance with arbitrary and potentially illegal accommodation rules, such as a ban on alcohol.²⁶ Workers noted that they often did not receive itemised payslips to identify what deductions were taken from wages. In many cases, they also appear not to receive non-wage entitlements, such as superannuation payments.

²⁰ IARC, 2024. Preventing migration worker exploitation in Australia: A report for the United Nations Special Rapporteur on Contemporary Forms of Slavery. Sydney: IARC and Unions NSW. The regional forums were organized in partnership with the Retail Supply Chain Alliance.

²¹ Such as potential coverage gaps or the need to pay upfront medical costs.

²² Cavanough, E and Wherrett, C. 2020. Blue Harvest: Wage theft and other labour infringements in the NSW Mid-North Coast’s 2019/20 berry harvest. Sydney: McKell Institute.

²³ Howe, J. Forthcoming. Cleaning House and Turning the Corner: Addressing Labour Issues in the Australian Horticulture Sector.

²⁴ UNSR, above n12, p 6.

²⁵ FWO. 2018. Harvest Trail Inquiry. Fair Work Ombudsman. <https://www.fairwork.gov.au/sites/default/files/migration/1461/fair-workombudsman-harvest-trail-inquiry-report.pdf>

²⁶ FWO, 2024. Alleged unlawful deductions from visa workers on potato farm. 24 September 2024. <https://www.fairwork.gov.au/newsroom/media-releases/2024-media-releases/september-2024/20240926-mccrystal-litigation-media-release>

Abusive working and living conditions

Research with temporary migrant workers has found that some workers are forced to work in dangerous conditions without proper instructions. Many temporary migrant workers reported encountering unsafe work practices, including risks from machinery, climate, chemicals and other hazards, but felt compelled to comply due to the necessity of completing farm work to qualify for a visa extension, noting they had "no choice" but to accept the farm work under the conditions set by their employers.²⁷

Many temporary migrant workers are also vulnerable to abusive living conditions connected to their work, including overpriced and unsatisfactory accommodation and transportation. During community consultations as part of rural visits across NSW, stakeholders raised concerns of overcrowding, substandard and unsafe accommodation for temporary migrant workers. Frequent reports of price-gouging and overcharging for accommodation, including fees for using basic kitchen and laundry facilities, were also common. Some accommodation showed signs of being unsanitary, including cockroach infestations. Lack of safety in accommodation has also been raised as a key issue for women migrant workers, and a factor in gender-based violence.

Accommodation providers often operate as labour hire companies or also provide transportation for a fee (on which workers rely to get to work, and to travel from accommodation to local towns), further deepening the dependence of the workers on them and raising the possibility of abuse of vulnerability.²⁸ There is currently no system of licensing or specialised oversight of labour hire companies in NSW. This is discussed in Section 5 below.

Although the PALM Scheme mandates that authorised employers include adequate accommodation and transportation services as part of their sponsorship of temporary migrant workers, there are not presently systematic inspections of all facilities, which may permit unscrupulous employers or accommodation providers to flout the rules.²⁹ Both local councils (under the *Environmental Planning and Assessment Act 1979* (NSW) and the *Local Government Act 1993* (NSW)) have the ability to inspect accommodation of workers, and DEWR can do so for PALM workers, but their level of coordination to monitor accommodation standards is unclear. My Office has begun engaging with local councils in rural and regional NSW to assist them to use their existing powers to identify premises and occupants at risk of modern slavery, but this work is in its infancy, and is severely constrained by available resources.

Debt bondage

Linked to issues of overcharging for accommodation and transport is the possible risk of debt bondage. Debt bondage can occur where high rent/charges traps temporary migrant workers in a cycle of debt, making them financially dependent on their employers and unable to leave exploitative work conditions.³⁰ A number of reports have highlighted how PALM workers and WHMs are sometimes forced to pay exorbitant fees for recruitment, transportation, accommodation, and access to essentials such as refrigerators and washing machines, contributing to risks of debt

²⁷ Howe et al, above n14. Rimmer, M and Underhill, E. 2015. 'Temporary Migrant Workers in Australian Horticulture: Boosting Supply but at What Price?' in Massimo Pilati et al (eds), *How Global Migration Changes the Workforce Diversity Equation*, Cambridge Scholars Publishing, 163.

²⁸ Ibid.

²⁹ The UNSR noted that this also extended to workplace, stating in his end-of-mission statement that "according to a large number of stakeholders, inspection of workplaces remains insufficient, particularly in rural or remote areas, because it still very much depends on reporting by workers. Even when such inspections take place, they usually are not efficient, including because of language barriers in receiving the relevant information." UNSR, above n12, pp6-7.

³⁰ For example, Cavanough and Wherrett, above n22, note that in Coffs Harbour, NSW, houses occupied by WHMs net the landlords approximately three times the median rent of certain suburban areas in the region.

bondage.³¹ I have also received reports from PALM workers who are accommodated by their Authorised Employer in isolated settings that they are forced to purchase food and other necessary goods from a store or commissary owned or controlled by the Authorised Employer or their associates, at inflated prices. This works to further increase their dependence on the employer and reduce their ability to escape debt traps.

Deception

The Migrant Workers' Taskforce, established in 2016 by the Australian Government to tackle workplace exploitation of migrant workers, published its report in 2019, exposing systemic underpayment and other exploitation of migrant workers. In particular, the report noted a number of types of situations where employers deceive WHMs about the nature of the work, wages, and working conditions including:

- when accommodation providers disguise the cost of accommodation as 'free' but charge a weekly 'job finding fee' (constituting rent); and
- where proprietors lure WHMs to a regional or remote location on the premise of a non-existent (or insecure) job, and then undertake to provide accommodation that might be overcrowded, of poor condition or overpriced. "Workers do not formally agree to these deductions, and may be coerced into accepting these costs as part of their employment conditions."³²

In my experience, deception of this kind is fairly common in recruiting of temporary migrant workers into roles in rural and regional New South Wales.

Isolation and restriction of movement

Many temporary migrant workers are located in remote areas with limited access to public transportation, making it difficult to leave exploitative situations or seek help. As noted above, WHMs often rely on their employers for both transportation and accommodation, giving employers significant control over their movements. This dependency can be exploited, with some employers using it to restrict temporary migrant workers' freedom, keeping them confined to the farm or worksite and otherwise socially isolated.³³ Instances have been reported where temporary migrant workers were explicitly forbidden to leave the premises or require the employer's permission to access transport, effectively trapping them in exploitative work situations.³⁴ Withholding of electronic devices and access to wifi or phone networks is also an increasingly common tool to enforce worker isolation.

Physical and sexual violence

The imbalance of power between temporary migrant workers and employers may enable "perpetrators of sexual harassment ... to force migrant women to have sex or carry out sexual acts in exchange for their signature on the paperwork".³⁵ There have been credible allegations of sexual violence against temporary migrant workers including numerous media reports of workers being threatened with sexual violence by employers during transportation, at the workplace and in

³¹ Migrant Workers' Taskforce, 2019. Report of the Migrant Workers' Taskforce. Department of Home Affairs. Meldrum-Hanna, C and Russell, A. 2015. "Slaving Away," Four Corners, ABC. <http://www.abc.net.au/4corners/stories/2015/05/04/4227055.htm>

³² Migrant Workers' Taskforce, above n31, p119.

³³ Ibid.

³⁴ Howe et al, above n14.

³⁵ Howe, J., Shi, E., & Clibborn, S., 2022. *Fruit Picking in Fear: An Examination of Sexual Harassment on Australian Farms*. Melbourne University Law Review, 45(3), 1140-1174, 1159.

employer-provided accommodation.³⁶ In early 2024, 12 ni-Vanuatu women filed a Federal Court claim, with support from the United Workers Union, alleging sexual harassment perpetrated by agents of their approved employer, and seeking nearly \$4 million in compensation and damages.³⁷ The Retail Supply Chain Alliance noted in its submission to the Inquiry into the Working Holiday Maker program (2020) that “cases of rape and other sexual exploitations [of WHMs] are not uncommon across the country”.³⁸ The incidence of these cases is likely to be vastly underreported for a number of reasons, notably risks of retaliation and termination of visa status.

Stakeholders from local councils, NSW Health, Domestic and Family Violence, and Homelessness Services, as well as local support and multicultural service providers, have all informed me of a growing presentation over the last two years of female PALM workers reporting violence, coercive control and sexual exploitation. There have potentially also been instances of sexual servitude. As noted in the *Be Our Guests* report, police in one rural area told me they are seeing an upward trend in Pacific women experiencing sexual, domestic and family violence, but too afraid to make formal statements to pursue further police action against the alleged perpetrators. These women routinely lack access to appropriate interpretation and cultural support to engage safely with authorities.

Intimidation and threats

Intimidation and threats are not uncommon for temporary migrant workers. They report, in particular, threats of deportation or blacklisting in the industry – preventing them achieving their specified work requirements to retain a valid visa – if they complain about their conditions.³⁹ This serves to reduce their agency, silence workers and coerce them into involuntary work. Other kinds of threats – especially to families in home countries – have also been reported to me.

Retention of identity documents

There are instances where employers retain temporary migrant workers' passports or other identity documents, effectively preventing them from leaving the job or seeking help. This practice has been highlighted in a number of reports including by the Migrant Workers' Taskforce,⁴⁰ although the prevalence of this indicator has not been easy to gauge.

³⁶ Uibu, K, 2015. 'From Sexual Harassment to Being Underpaid: I've Seen How the Work-for-Visa System Is Broken', ABC News (Web Page, 31 July 2015) <https://www.abc.net.au/news/2015-07-31/uibu-ive-seen-how-the-work-for-visa-system-is-broken/6661910>, Feller, J, 2018. 'Backpackers Reveal Stories of Sexual Assault, Exploitation while Working on Australian Farms', ABC News (Web Page, 8 June 2018) <https://www.abc.net.au/news/2017-07-17/rosie-ayliffe-uncovers-backpacker-farm-work-horror-stories/8687868>; Bermingham, K, 2019. 'Man on Trial over Rape, Kidnap of Backpacker on His Pig Farm', The Sydney Morning Herald (online, 5 February 2019) <https://www.smh.com.au/national/man-on-trial-over-rape-kidnap-of-backpacker-on-his-pig-farm-20190205-p50vwc.html>; Kelly, C, 2021. "Modern Slavery": This Is What It Is Really Like Working on Aussie Farms', The New Daily (Web Page, 14 June 2021) <https://thenewdaily.com.au/news/2020/11/16/farm-work-australia-exploitation>. Uibu, K, 2020. 'There are no human rights here', ABC News (Web Page, 16 September 2020). <https://www.abc.net.au/news/2020-09-15/backpacker-farm-workers-speak-of-wage-exploitation/12545294>

³⁷ Marchant, G and Mantesso, S. 2024. Ni-Vanuatu women unite to overcome seasonal work 'nightmare' with court case against alleged sexual abuse. BBC (Web Page, 19 Jul 2024). <https://www.abc.net.au/news/2024-07-19/seasonal-workers-federal-court-case-perfection-fresh/103603880>

³⁸ Retail Supply Chain Alliance, 2020. Submission to the Inquiry into the Working Holiday Maker program. Canberra: Parliament of Australia: https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/WorkingHolidayMaker/Submissions

³⁹ See for example, IARC, 2024. Preventing migration worker exploitation in Australia: A report for the United Nations Special Rapporteur on Contemporary Forms of Slavery. Sydney: IARC and Unions NSW.

⁴⁰ Migrant Workers' Taskforce, above n31.

Box 1: Estimating prevalence of modern slavery among temporary migrant workers

Modern slavery is inherently difficult to detect, and relying on modern slavery convictions as a metric significantly underestimates its prevalence – especially among migrant workers. The Australian Institute of Criminology suggests 4 out of 5 modern slavery cases go unreported in Australia.⁴¹ Temporary migrant workers are frequently reluctant to report their abuse to government actors, because they face precarious visa conditions, cultural and language barriers, and fear retaliation or deportation. Once a matter is formally reported, and assuming it is recognised as a case of modern slavery, there is subsequently significant attrition during the investigation and prosecution process. While there have been around 2,000 instances of modern slavery formally recognised by the Australian Federal Police (AFP) since these offences came into effect under Commonwealth law, there have been fewer than 40 convictions, in aggregate, ever in Australia.

The alternative to reliance on reporting is proactive screening. Proactive screening of populations known to be vulnerable to modern slavery is almost non-existent in Australia. The US Department of State in its annual *Trafficking in Persons Report* on Australia in 2024 noted that:

*despite persistent reports of sexual exploitation, forced labour, and multiple trafficking indicators among foreign workers in Australia under the auspices of the Working Holiday Visa scheme and the PALM scheme, authorities did not report proactively screening PALM workers for trafficking indicators. The government reported proactively screening for trafficking indicators among Working Holiday Visa scheme holders at the visa processing stage. However, an [Australian Border Force] official reported that the ABF was not very proactive in screening individuals for trafficking indicators.*⁴²

Given the barriers to reporting to enforcement authorities, migrant workers are far more likely to report exploitation or modern slavery offences if they are seeking support and advice from a trusted confidential partner. Under the *Modern Slavery Act 2018* (NSW), my Office has an obligation to provide support and assistance to victims of modern slavery, through a hotline. We offer significant confidentiality guarantees. Analysis of the approaches to our 1800 FREEDOM support and assistance line shows that 43 per cent of the more than 100 approaches in the last 12 months were from temporary migrant workers. The majority of enquiries were from people working in agriculture. Around 20 of these callers demonstrated indicators of forced labour, but some claimed to know of a much larger cohort of potential survivors (cumulatively, around 400 people). The majority of the temporary migrant workers who approached the hotline (52 people) were seeking accommodation, access to healthcare, housing and legal support, while only around a third (27 people) wanted to be referred to law enforcement or a regulatory agency. Several of the people that were referred to law enforcement were successful in accessing the Support for Trafficked People Program (STPP), demonstrating that they were indeed victims of trafficking and potentially other modern slavery offences. Many others chose not to report to the AFP or seek support under the STPP, due to concerns around deportation and retaliation. And others did not approach federal authorities because, being in breach of visa status, they knew they would not be eligible for support.

Gaps in existing industrial relations frameworks?

The *Be Our Guests* report emphasizes that much of the vulnerability and exploitation faced by temporary migrant workers in rural and regional NSW occurs in contexts not squarely addressed by traditional workplace relations laws and enforcement mechanisms. These areas include pre-departure recruitment processes, accommodation and transportation to and from work, and restrictions on workers' ability to leave their roles.

⁴¹ Lyneham, S, Dowling, C and Bricknell, S, 2019. Estimating the dark figure of human trafficking and slavery victimisation in Australia. Statistical Bulletin no. 16. Canberra: Australian Institute of Criminology. https://www.aic.gov.au/sites/default/files/2020-05/sb_human_trafficking_050219.pdf The proportion is likely to be even higher for temporary migrant workers specifically.

⁴² US Department of State, 2024. *Trafficking in Persons Report for Australia (2024)*. Washington DC: United States Department of State.

This situation underscores that Australia's industrial relations system was primarily designed for a domestic and settled workforce. However, with the increasing reliance on a temporary migrant workforce, especially in low-skilled, low-wage sectors prevalent in regional and rural settings, there is a pressing need to adapt and expand the current system. Preparing for a future where temporary migrant workers constitute a more central part of the labour market is essential to ensure their protection and to uphold fair labour practices across all sectors.

Box 2: Temporary migrant workers in aged care

From July 2025, a \$4.3 billion Federal home care package will support thousands of elderly persons in NSW with home-based care. This is likely to drive increased demand for low-wage temporary migrant workers in the aged care sector. As at 30 July 2024, there were 495 PALM workers in NSW working in the aged care sector in regional settings, but the number may increase rapidly with the expansion of the PALM Scheme.⁴³ Little is known about the experiences and working conditions of such workers, but a recent study which included a small sample of aged care workers in NSW found significant labour issues, including very long working hours, lack of sick leave, as well as intimidation and threats of deportation by approved employers.⁴⁴

This is consistent with risks faced by low-wage temporary migrant workers in aged care in other countries, including the United Kingdom. In 2022, the UK introduced a new migration stream that included low-wage care workers. Media investigations have demonstrated severe exploitation of workers engaged under this scheme, particularly by unscrupulous labour hire companies in the sector, that often (illegally) charged workers high recruitment fees.⁴⁵ Reporting exploitation often indirectly penalized the workers, with more than 3,081 care workers at risk of deportation because of the short period they had to find a new sponsor, once the company that hired them (often a labour hire company) had its right to sponsor workers revoked due to non-compliance. Violations reported by workers included wage theft, sexual and physical harassment, deceptive recruitment, debt bondage and potentially conditions which indicated forced labour.⁴⁶

Recommendation

Take note of the *Be Our Guests: Addressing urgent modern slavery risks for temporary migrant workers in regional and rural New South Wales* tabled in the NSW Parliament on 18 September 2024.

⁴³ Across Australia, there were 1,245 aged care PALM workers as at 30 July 2024, according to the Department of Employment and Workplace Relations.

⁴⁴ Withers, M. 2024. Depletion through transnational social reproduction: guestworker migration and uneven development in the South Pacific Work in the Global Economy. 4(1) *Work in the Global Economy*, 30-51.

⁴⁵ UN Office of the High Commissioner for Human Rights. 2024. UK: Migrant workers must be protected from deception and exploitation say UN experts. (Web Page: 3 June 2024). Available at: <https://www.ohchr.org/en/press-releases/2024/06/uk-migrant-workers-must-be-protected-deception-and-exploitation-say-un>.

⁴⁶ Mellino, E, Shanti Das and Vicky Gayle. 2024. Revealed: thousands of 'innocent and abandoned' migrant care workers told to leave UK. *The Guardian* (Web Page: 11 May 2024). <https://www.theguardian.com/society/article/2024/may/11/migrant-care-workers-told-to-leave-uk>

2 Barriers to support

Challenges in access

Temporary migrant workers in rural and regional NSW formally have access to various forms of support, including through State and federal workplace regulators (including the FWO), and anti-slavery support mechanisms, notably the STPP. PALM workers also have a separate complaints and grievance mechanism through DEWR, and receive ongoing support through the multi-million dollar Community Connections programme. Yet temporary migrant workers report a range of challenges in accessing supports.

Assistance for survivors of modern slavery is provided through the STPP, which is administered by the Commonwealth Department of Social Services and has been delivered by the Australian Red Cross since 2009. (There has never been a competitive tender for this service. A formal evaluation of the service is currently under way.) The program has five streams (Assessment and Intensive Support Stream, Extended Intensive Support Stream, Forced Marriage Support Stream, Justice Support Stream, Temporary Trial Support Stream – as well as a discretionary ‘transition period’ arrangement) which provide a range of support services, including housing, healthcare, social, employment and training, and legal assistance, to survivors in different circumstances. The time period for which support is provided varies between the streams, with a minimum of 90 days.

Access to these streams was, until recently, only via referral from the AFP. In July 2024, a new entry point to the STPP, the Additional Referral Pathway (ARP), was created as a pilot to allow survivors to access support without reporting to police.⁴⁷ The ARP creates avenues for referral to the STPP through The Salvation Army, Anti-Slavery Australia, the Australian Muslim Women’s Centre for Human Rights, Project Respect, and Scarlet Alliance. Neither the NSW nor the federal Anti-slavery Commissioner is currently entitled to refer people onto the STPP, though we can refer people to the AFP or ARP, who in turn may refer a person onto the STPP.

While the STPP provides essential support for survivors of modern slavery, temporary migrant workers are likely to face hurdles accessing the STPP.

First, the STPP is only available to Australian citizens or those with a valid visa. Temporary migrant workers who have breached visa conditions – for example by disengaging from the PALM programme – will not be able to access the programme until their visa status has been normalised. Victims of modern slavery may be eligible for a Bridging Visa F for up to 90 days; however, this is only available through assessment by the AFP and in any case provides only temporary status. A permanent Referred Stay visa may be available, but this is limited to cases where a survivor has contributed to the investigation or prosecution of a suspected perpetrator and would be in danger if they returned to their home country. The ARP can, however, support a survivor to access legal and immigration advice in order to seek to normalise their visa, with a view to subsequently accessing the STPP.

Second, all STPP streams other than the ARP pilot (notionally limited to 90 days of support) require referral from the AFP. As discussed above, temporary migrant workers in rural and regional NSW are often unwilling to report exploitation to police. While the ARP does not require referral from police, it remains a pilot program with limited resources. The referring organisations are based in metro Sydney and Melbourne, with limited visibility and coverage in rural and regional NSW. Many migrants also require culturally specific and culturally-informed services which existing organisations may not be able to provide. For example, access to accredited female interpreters in many major PALM scheme languages, including Bislama, is limited or non-existent. (Bislama is the

⁴⁷ Australian Attorney General’s Department, 2024. “More pathways to support for victims and survivors of human trafficking”. Canberra: Media release (Web Page 23 July 2024). <https://ministers.ag.gov.au/media-centre/more-pathways-support-victims-and-survivors-human-trafficking-23-07-2024>

dominant dialect for most ni-Vanuatu workers. Around a fifth of all PALM workers in Australia are from Vanuatu.) Further, after 90 days on the STPP via the ARP, participants may only continue to receive support if they agree to participate in a criminal justice process, or, exceptionally, are permitted to enter the ‘transition period’ arrangement – which is, as its name suggests, also temporary.

The result is that many temporary migrant workers who have suffered modern slavery are not entitled to access the STPP. Even if they are, they will generally only receive around 90 days of support unless a criminal justice process relating to their exploitation is initiated, and they cooperate with it.

Outside this channel, few temporary migrant workers have the means to pursue compensation or redress through small claims litigation,⁴⁸ or through the *Victims Rights and Support Act 2013* (NSW). A successful claim under that Act requires provision of documentation (such as medical records) showing the person has suffered an act of violence. It is rare for a temporary migrant worker to be able to furnish such records. And, to my knowledge, no applicant has ever proven successful in an application for support arising out of an ‘act of modern slavery’, as is provided for by the Act. The Victim Support Scheme, as currently administered, does not provide support to victims of modern slavery *per se*, but only where an act of modern slavery has resulted in bodily, psychological or psychiatric injury or death.⁴⁹ This excludes many forms of modern slavery experienced by migrant workers in rural and regional NSW that may justify compensation, but do not reach this threshold, or in cases where migrant workers have not had the ability to have the psychological harm they suffered certified or documented in the required way. Even for victim-survivors who do meet this threshold, recognition payments are only available where modern slavery involves, or occurred in the context of, homicide, sexual assault, a robbery involving violence, or an assault.⁵⁰

Limits of federal pilots on workplace justice for temporary migrant workers

In July 2024, the Australian government introduced two pilots intended to help ensure that migrant workers who come forward to report workplace exploitation can stay in Australia to pursue resulting justice processes. Workers with an existing visa with work rights have the assurance that DHA cannot cancel their visa even if they have breached the work conditions on the visa. Those with an existing visa with work rights which expires within 28 days, or which expired 28 days prior, can apply for a new visa called a Workplace Justice Visa.

This is a positive development that offers migrant workers important new protections. However, temporary migrant workers who are at risk of modern slavery in NSW may struggle to access these protections for several reasons.

Insufficient certifying capacity and lack of resources to provide representation to exploited migrant workers

To access these visas, workers must be approved as eligible, by a defined list of agencies ‘certified’ by the Australian government. Unfortunately, there is presently insufficient capacity among certifying agencies, especially those in regional and rural NSW.

Trade unions and the small number of community legal providers that have been certified by the federal Government to certify these claims, report that they have reached capacity and cannot take on new clients. Many PALM and other migrant workers in regional/rural NSW will struggle to access the necessary combination of migration and employment law advice due to a lack of organizations that provide both services. If they are not union members, the only organization in NSW that is certified to provide relevant support is currently the Redfern Legal Centre. However, the Centre is not resourced to take on the additional referrals as a result of participation in the pilot. In February

⁴⁸ Hemingway, C, Yeh, F, Berg, L and Farbenblum, B. 2024. *All Work, No Pay*. Sydney: Migrant Justice Institute.

⁴⁹ *Victims Rights and Support Act 2013* (NSW), ss 18, 19A and 23.

⁵⁰ *Victims Rights and Support Act 2013* (NSW), s. 36.

2025, the federal government announced that it would not be expanding the list of accredited third parties who can certify workplace exploitation claims under the pilots, although it was considering “geographical coverage provided by the existing accredited third parties, as part of the pilot evaluation.”⁵¹ This means that there is an acute need for the NSW (and Federal) government to increase resources to community legal centres that specialize in immigration law – such as Redfern and IARC – to increase their capacity to provide legal assistance to temporary migrant workers. While the establishment of the NSW Migrant Worker Centre, provisionally in 2025, is to be welcomed,⁵² it is not yet clear whether it will provide legal support to temporary migrant workers in seeking justice and compensation and if – in future, it could also become an accredited certifying agency, to alleviate the case load on centres like Redfern Legal Centre.

Modern slavery not included in relevant definition of ‘workplace exploitation’

The Workplace Justice Visa is available in relation to cases involving certain defined forms of ‘workplace exploitation’.⁵³ Notably, these do not include modern slavery offences, as the offences included focus on violations of workplace relations law – which is currently administered separately from anti-slavery efforts at the federal level. There is a need to expand the definition of workplace exploitation that attracts the protection against visa cancellation and the workplace justice visa to include forced labour, debt bondage, deceptive recruiting, servitude and other modern slavery offences, as well as other prohibited conduct such as passport confiscation.

Other aspects of the administration of the Workplace Justice Visa may create further barriers to access, for modern slavery survivors. Workers are only eligible for this visa if it expires within 28 days. This creates practical barriers for many workers seeking to apply. Most PALM workers and WHMs, in NSW, for example, may have visas that have much more than 28 days to run when they suffer exploitation. This requirement forces them to wait until very close to their anticipated departure from Australia before seeking access to this visa. This weakness was specifically highlighted by the UNSR following his mission. Additionally, undocumented workers remain ineligible for this visa, limiting access for some of the most vulnerable individuals, including disengaged PALM workers.⁵⁴

Exclusion from social safety nets

Currently, temporary migrant workers are not eligible for either Medicare, nor the Fair Entitlement Guarantee (FEG) – a federal scheme protecting workers from employer bankruptcy, which is currently only available to Australian citizens and permanent residents. Thus, they are not only vulnerable to withholding of wages, but also loss of their entitlements if the company goes bankrupt or ‘phoenixes’ (which may be especially common in the case of labour hire companies). Box 3, below, discusses one case where this has become a significant issue, which is in the public domain.

⁵¹ Boscaini, J, 2025. Migrant exploitation experts call for increase to services accredited with certifying Workplace Justice Visas. ABS News (Web Page, 27 February 2025). <https://www.abc.net.au/news/2025-02-27/migrant-worker-exploitation-workplace-justice-visa/104868288>

⁵² NSW Government, 2024. NSW Government set to deliver state’s first Migrant Workers Centre. 28 July 2024. <https://www.nsw.gov.au/media-releases/nsw-government-set-to-deliver-states-first-migrant-workers-centre>

⁵³ Section 6 of *Migration (Workplace Justice Visa – LIN 24/055) Instrument 2024 (LIN24/055) and of Migration (Strengthening Reporting Protections – LIN 24/057) Instrument 2024 (LIN24/057)*. Workplace exploitation is limited to: (a) underpayment or non-payment of wages or other workplace entitlements; (b) unlawful unpaid or underpaid training or trials; (c) up-front payment or deposit for a job; (d) misclassification of workers as independent contractors instead of employees; (e) unlawful deductions from wages; (f) unfair dismissal; (g) non-compliance with workplace health and safety requirements; (h) bullying; (i) sexual harassment; (j) discrimination; (k) coercion, or undue influence or pressure, or misrepresentation.

⁵⁴ UNSR, above n12, p 6.

Box 3: Linx Employment TAS Pty Ltd

Linx Employment, a Tasmanian labour hire company, was an Approved Employer under the PALM Scheme until mid 2023, when it left the Scheme following allegations that Pacific Island workers were left without work or income, resulting in homelessness and financial distress. Workers claimed they had not received their legally mandated 30 hours per week and had faced threats of visa termination. Many affected workers were relocated from Tasmania to Queensland under the expectation of steady employment but were left without work for weeks or months, forcing them to rely on charities for food and shelter. Some of these workers appear to have been accommodated within NSW while working for Linx near the Queensland border. Some workers have alleged that Linx Employment withheld pay slips, deducted excessive fees for substandard accommodation, and pressured them to return home without the means to do so. The Australian Workers Union reported that about 190 workers had come forward with complaints.⁵⁵

Some of the workers subsequently found their way to NSW. Several dozen have been identified to my Office. Some of these received support and assistance from my Office, in line with my statutory responsibility under section 9(1)(b) of the *Modern Slavery Act 2018* (NSW). And several of these people have been accepted into the federal Government funded STPP.

Liquidators were appointed to the company in June 2024. It is estimated that the company's debts are approximately \$4 million, while the combined assets of the company (as calculated by its Director) were just over \$72,000.⁵⁶ Liquidation proceedings are ongoing, and while PALM workers who were owed salaries are considered secured creditors, it is likely that most will not see the compensation they are owed. Were they Australian citizens, they would be eligible for compensation through the FEG, but as noted above, this is not available to temporary migrant workers.

Although both DEWR and FWO initiated investigations in 2023, neither has released a report on their findings. Meanwhile the majority of affected workers appear to have returned to their countries of origin and thus will likely not be able to be reached, even if compensation is made available to them through the liquidation process.

My Office has also been approached for support and assistance by at least one temporary migrant worker who is an apparent victim of exploitation by the same company, trading under a different name. (Also known as a 'phoenix' company, having risen from the ashes of the previous company.) This is apparently possible because withdrawal from the PALM Authorised Employer list has no effect on the ability of a company or its directors to work with temporary migrant workers under other (non-PALM) visa classes.

As I discuss further in the next section, and in the *Be Our Guests* report, the costs that arise from this exclusion from the formal safety net seem increasingly to fall on local communities and service providers, and in some cases, the NSW public purse. Resetting the policy settings on temporary migrant workers' access to the national social safety net, such as Medicare, would therefore also need to consider how *local* safety nets could be mended and supported.

One way to do this would be to seek to incorporate temporary migrant workers into support schemes provided in humanitarian and migration settlement contexts. For example, many refugee programs already have established networks for providing legal assistance, language training, and social services. These could be expanded to also address vulnerable temporary migrant workers. This is also a recommendation of the landmark *Migration, Pathway to National Building* report by the Commonwealth Parliament's Joint Standing Committee on Migration, which recommended that the Federal government broadens eligibility to settlement services to all migrants on the basis of need,

⁵⁵ Halter, A. 2023. "Linx Employment under investigation for alleged mistreatment of Pacific Islander workers" ABC Rural. (Web Page: 18 July 2023). <https://www.abc.net.au/news/rural/2023-07-18/linx-employment-alleged-mistreatment-pacific-islander-workers/102601910>

⁵⁶ Deloitte, 2024. Statutory Report to Creditors: Linx Employment Tas Pty Ltd (24 September 2024).

(1) with an emphasis in stronger local partnerships to improve outcomes and integration and (2) including better tailored and targeted employment supports for migrants.⁵⁷

Another approach would involve setting up regional migrant hubs that serve as central points for all migrant workers, including WHMs, PALM workers, refugees, and other migrants – and those that support them. In close collaboration with, or even as an extension of, the NSW Migrant Worker Centre to be established in 2025,⁵⁸ these hubs could provide a range of culturally-informed services, from legal assistance and health care to housing support and employment counselling. The centres could be an important mechanism for creating a safety net for all temporary migrant workers – regardless of the visa or program they are on.

Recommendations

The Modern Slavery Committee should consider the barriers faced by temporary migrant workers in rural and regional NSW (especially those in breach of visa conditions) to access relevant supports and remedy for victimisation by modern slavery, notably:

- lack of access to suitable translators and interpreters
- exclusion from Medicare, Centrelink payments, the Fair Entitlements Guarantee, and settlement support, and other forms of government-funded social and health supports
- ineligibility for the federal Government’s Support for Trafficked People Programme (STPP) for migrants in breach of visa conditions
- exclusion from the STPP after 90 days unless the worker is willing to participate in a criminal justice process, assuming relevant law enforcement is willing to pursue such a process
- effective exclusion from support under the *Victims Rights Support Act 2013* (NSW)
- challenges in accessing the workplace justice visa pilots to support temporary migrant workers that had experienced ‘workplace exploitation’.

The Modern Slavery Committee should also consider cost-effective means to expand services available to settled migrants to include temporary migrant workers, for example by establishing regional migrant hubs, in collaboration with the NSW Migrant Worker Centre, to provide legal, social, and employment support tailored to temporary migrant worker needs, and to support local communities hosting temporary migrant worker populations.

⁵⁷ Parliament of Australia. 2024. Migration, Pathway to Nation Building: Final Report. Canberra: Joint Standing Committee on Migration

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/MigrationPathway/Report

⁵⁸ NSW Government, 2024. NSW Government set to deliver state’s first Migrant Workers Centre. 28 July 2024. <https://www.nsw.gov.au/media-releases/nsw-government-set-to-deliver-states-first-migrant-workers-centre>

3 Social costs and safety nets

The exclusion of temporary migrant workers – particularly undocumented or disengaged workers – from important State- and federally-funded healthcare, housing and social safety nets creates significant costs for NSW Government and non-government service providers, local councils, and NSW taxpayers. Reports to me from stakeholders in rural and regional NSW over the last two years indicate that hundreds of temporary migrant workers have sought humanitarian support over that period, particularly in the western Riverina region (around Griffith and Leeton), but also in the Mid North Coast Region around Coffs Harbour and the Nambucca Valley. Government law enforcement, healthcare and child protection workers report encountering numerous temporary migrant women with unplanned pregnancies who had not received antenatal care due to ineligibility for Medicare, and lacking access to private healthcare options. In many cases, the women’s first engagement with the NSW health system is during a health crisis, when they are forced to seek assistance from an emergency department. This is life-threatening and traumatic for the patient; it also increases pressure on an already overstretched health system.⁵⁹

Similarly, barriers to finding suitable accommodation force temporary migrant workers into unsafe living conditions and impose costs on local councils and charitable organisations. Migrant workers leaving exploitative conditions often face homelessness and food insecurity. Many temporary migrant workers, and especially undocumented workers, are not eligible for State- or federally-funded accommodation or rental assistance. This, in turn, imposes costs on local communities who are forced to be accommodation providers of last resort. In the western Riverina of NSW, crisis accommodation providers reported having exhausted all available resources, including even tents, for PALM workers who had left their employer-provided accommodation and were sleeping rough. Local civic, multicultural and religious organisations report being stretched by unpredicted demand. Even with the support that local councils and non-government organisations can provide at short notice, many workers risk falling further into exploitation as they search for any opportunity to make an income in order to survive, including by working informally for unscrupulous employers or potentially, petty crime. This therefore creates additional economic and social costs for the state from a security perspective, and imposes unexpected demand on the NSW Police Force.

On a broader level, exploitation of temporary migrant workers creates significant economic costs to the NSW taxpayer and rural and regional communities. Workers who are not paid (or are underpaid) do not spend their wages: thus, modern slavery and other exploitative labour practices reduce public revenue and negate important benefits of labour immigration for local economies. Further, modern slavery creates significant public expenses, including policing and regulatory enforcement, criminal justice, health services, victim services, and in some cases also compensation costs. The Anti-slavery Commissioner has previously estimated that somewhere between AU \$350 million and AU \$3.5 billion in direct costs to the NSW public purse result from modern slavery.⁶⁰

Recommendation

That the Committee assess and take account of the costs borne by the NSW Government, local councils and public as a result of temporary migrant workers being excluded from social safety nets and funded State and Federal services, including the costs of providing emergency healthcare, crisis accommodation, and policing services.

⁵⁹ Parliament of NSW, Portfolio Committee No. 2 (Health), *Report No 57 (PC 2 – Health): Health outcomes and access to health and hospital services in rural, regional and remote New South Wales*. Sydney: NSW Parliament. 5 May 2022. <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2615#tab-reportsandgovernmentresponses>.

⁶⁰ For the underlying methodology see J Cockayne (2021). *Developing Freedom: The sustainable development case for ending modern slavery, forced labour and human trafficking* (New York: United Nations University).

4 Training frontline workers

Evidence suggests that victims of modern slavery in rural and regional NSW, including some temporary migrant workers, frequently come into contact with NSW and local government personnel, including healthcare workers, police, librarians, rangers, building surveyors, community development officers and environmental health officers. During research for *Be Our Guests Report*, I heard from both workers and government personnel about such interactions, and from some government personnel that had identified indicators of modern slavery. Yet identification of cases of modern slavery by frontline workers is notably rare. This is unsurprising, given the lack of training in identification and response.

As set out in my 2024 Annual Report, my Office surveyed 32 NSW Government agencies about modern slavery training provided to frontline staff.⁶¹ We also conducted outreach with frontline workers in rural and regional areas, including many involved in supporting migrant workers who may be victims of modern slavery.⁶² We found that many frontline workers in State agencies and local government are encountering temporary migrant workers at-risk of modern slavery and other forms of exploitation, but lack training in identifying people with lived experience of modern slavery and have limited knowledge of referral options. They also struggle to know how to record or track the data they are receiving about exploitation of migrant workers, as information systems frequently do not account for modern slavery.

As earlier noted, the reluctance of temporary migrant workers to come forward to make complaints to authorities (see Box 1 above) makes it even more critical that there are proactive detection mechanisms in place to detect instances of modern slavery. To address this, a mandatory training program could be developed and tailored for key State agencies such as the NSW Police Force, NSW Government healthcare organisations, SafeWork NSW, and the Department of Primary Industries and Regional Development, as well as local government bodies in rural and regional areas with high temporary migrant worker populations. This training should focus on the 11 Forced Labour Indicators developed by the ILO (as outlined above) to help to identify at-risk populations. My Office has already started working with one local council in NSW to train frontline personnel on a pilot basis. Resources are, however, needed to upscale training beyond this preliminary pilot. In particular, while there are opportunities to leverage digital learning, it is recommended that frontline personnel training is initially undertaken face-to-face, to ensure effective educational outcomes. Through an adequately resourced and targeted training system, NSW agencies would be better equipped to identify, respond to, and prevent instances of forced labour and other forms of modern slavery that impact temporary migrant workers. This is crucial for improving the overall effectiveness of government efforts to combat modern slavery and support vulnerable workers.

An initial step, as noted in my 2023-24 Annual Report, could be for the NSW Government to establish a taskforce to discuss, develop and implement mandatory anti-slavery training for frontline workers. This taskforce should explore how to effectively connect frontline workers and their organisations with appropriate training providers, including individuals with lived experience. It should also assess sustainable funding options, considering not only government funding but also alternative models such as fee-for-service arrangements or public-private partnerships to support system-wide capacity building. Additionally, the taskforce should determine the most effective way to integrate this training and accreditation into existing professional development frameworks for frontline workers.⁶³

⁶¹ NSW Anti-slavery Commissioner, *Engaging for Freedom: Annual Report Financial Year 2023–2024* (Sydney, 2024), pp. 31-2.

⁶² *Ibid*, p. 27.

⁶³ *Ibid*, p.13.

Recommendation

The Modern Slavery Committee should recommend to the NSW Government to convene an inter-agency taskforce, in collaboration with my Office, to develop a plan for delivering mandatory modern slavery training for frontline workers. This taskforce should explore opportunities for sustainably developing and delivering resources building on existing initiatives. For example, training could be offered through a fee-for-service funding model, meaning that the government agencies or organizations requesting the training cover the cost, or through a centralized fund. It could also be formed through tailored 'add-on' modules in agencies' existing training arrangements.

5 Labour hire regulation

Labour hire regulation plays a critical role in addressing worker exploitation, particularly for temporary migrant workers in high-risk sectors. As noted in the *Be Our Guests* Report, the PALM scheme, in particular, relies significantly on labour hire companies, with at least 14 labour hire companies employing a significant proportion of Pacific workers in NSW.

Available evidence suggests that most labour hire providers are compliant with their legal obligations and respect their workers' rights. However, there is a minority of unscrupulous providers who abuse the vulnerability of temporary migrant workers. Despite enforcement action against some of these rogue actors,⁶⁴ the limited resourcing available to national regulators to investigate and prosecute unlawful conduct in this domain mean that many unscrupulous labour hire providers may not face justice.⁶⁵ As an example, and as discussed in Box 3 above, despite repeated allegations of abuse and mistreatment by workers employed by Linx Employment in 2022-23, to date no charges or actions have been brought against the company or its directors. In fact, as explained above, I have received requests for support and assistance from temporary migrant workers whose treatment suggests they have been exploited by a resurrected or 'phoenixed' version of Linx, operating under a different name and with temporary migrant workers on other valid visa classes.

Labour hire providers are vital to Australian horticulture due to the seasonal nature of the industry and the need for flexible, rapid deployment of workers – especially in rural areas facing domestic labour shortages. However, exploitation of vulnerable workers has been recognized, and has driven regulatory reforms at state, territory, and Commonwealth levels to better protect workers and ensure ethical practices.

With four Australian jurisdictions – Queensland, Victoria, South Australia, and the Australian Capital Territory – already having implemented labour hire licensing schemes, the Commonwealth Government committed, in 2023, to establish a harmonized national labour hire regulatory scheme. In June 2023, Workplace Relations Ministers at Federal and State level tasked a working group, led by Queensland and Victoria, with developing a model for national labour hire regulation. The group delivered a proposed model in October 2023, which was endorsed by State and Federal Ministers. Ministers agreed in principle, for Victoria to be the host jurisdiction, responsible for legislating the model law and establishing the National Labour Hire Regulator, subject to funding agreements with the Commonwealth. The Government provided initial funding to Victoria to establish a project office to manage scoping and planning work for the national regulator.⁶⁶ However, delays in developing and finalizing an intergovernmental agreement and funding commitments between the Commonwealth government and the States and Territories have ensued. Ministers initially intended to endorse an intergovernmental agreement on the national scheme by 1 July 2024.⁶⁷ This then became 1 December 2024.⁶⁸ No Communique has been shared from the December 2024 meeting,

⁶⁴ FWO, 2024. "Alleged unlawful deductions from visa workers on potato farm". FWO (Web Page: 26 September 2024). <https://www.fairwork.gov.au/newsroom/media-releases/2024-media-releases/september-2024/20240926-mccrystal-litigation-media-release>

⁶⁵ Cavanough, E and Douglass, M. 2025. Licensing Labour Hire. Sydney: McKell Institute.

⁶⁶ Federal Financial Relations, 2024. "National Labour Hire Scheme – Project Office." <https://federalfinancialrelations.gov.au/agreements/national-labour-hire-scheme-project-office>. The project office was established in April 2024

⁶⁷ DEWR, 2023. Work Health and Safety and Workplace Relations Ministers' Meeting – 13 December 2023. <https://www.dewr.gov.au/work-health-and-safety-and-workplace-relations-ministers-meeting-13-december-2023-online-version>.

⁶⁸ DEWR, 2024. Workplace Relations Ministers' Meeting – Communique, 20 June 2024. <https://www.dewr.gov.au/meetings-workplace-relations-ministers/resources/workplace-relations-ministers-meeting-20-june-2024>.

putting in question the timeframe that would be applicable, especially as we move towards a Federal election in early 2025. The process appears further thrown into turmoil with the Queensland deputy Premier announcing on 20 February 2025 that the State would apparently not participate in the national scheme.⁶⁹

While establishing a unified national scheme would be the preferred option, the delay in the development of a such a scheme leaves a dangerous regulatory gap that continues to expose vulnerable workers in NSW to poor working conditions, wage underpayment, and exploitation. NSW is one of only three states in the country that does not currently have a labour hire licensing scheme in place. Some experts believe that this results in unscrupulous actors relocating to states like NSW with weaker licensing laws.⁷⁰ If the NSW Government recognises the urgency of this issue, it should ensure that appropriate protections are in place for labour hire workers in NSW as soon as possible – for example by the end of 2025.

Specifically, the NSW Government should provide clarity on how it intends to proceed, both in relation to federal discussions and any potential state-based measures. A clear position would provide certainty for businesses operating across jurisdictions and reassurance to workers that regulatory protections are being strengthened.

The Modern Slavery Committee should encourage the NSW Government to urgently and publicly commit to a licensing framework, with a clear timeline for implementation, ideally by end 2025. Taking a proactive approach will reinforce NSW's commitment to preventing exploitation and ensuring fair treatment for all workers in the state.

Recommendation

The Modern Slavery Committee could recommend that the NSW Government clearly articulate its approach to regulating labour hire companies and define the minimum standards it expects from any federal scheme. Given the slow progress at the federal level, it is also important for NSW to set out its position on what it considers essential in a national framework and when, and under what circumstances, it would pursue state-level regulation if federal reforms remain inadequate.

⁶⁹ McKenna, M. 2025. "Queensland opposes 'reckless' national labour hire plan". The Australian (Web Page: 20 February 2025).

⁷⁰ McKell Institute, 2025. Unions and business unite to protect vulnerable workers in Australian horticulture. Media Release, McKell Institute (21 February 2025). <https://newshub.medianet.com.au/2025/02/unions-and-business-unite-to-protect-vulnerable-workers-in-australian-horticulture/88681/>

6 Visa and worker protection reforms

PALM worker mobility

PALM workers that suffer modern slavery or abuse may feel unable to leave exploitative working and living situations. Threats by employers and labour-hire companies to send workers home are not uncommon.⁷¹ Many workers mistakenly believe that employers have the legal power to deport them and remain fearful of removal even when they still have significant time left on their visas. In other cases, workers are threatened with not being allocated work (and thus losing income), having additional fees or charges imposed on them, or retaliation against family members in their home country. Language barriers and limited awareness of rights appear to exacerbate PALM workers' susceptibility to such coercion.⁷²

This coercion is effective largely because PALM workers are not in a position to move to other employers. (Working holiday makers, in contrast, have greater labour mobility.) They can generally only do so after a relatively complex process to seek DEWR approval to move employers. Since around 70 per cent of PALM workers in NSW are in the 'long-term' stream of the PALM program, this means workers are generally looking at spending up to 4 years 'tied' to the same employer. This strongly disincentivises speaking up when things go wrong during that period.

When comparing this with other employer-sponsorship schemes globally, this period of tied employment can be seen as excessive (see Box 4 below) and is also out of step with all other migrant worker categories in Australia, where there is greater mobility allowed.⁷³ "At its very core, the employer-specific work permit removes a worker's opportunity to seek competitive employment ... and may result in a significant power imbalance between the migrant worker and their employer", noted Canada's Standing Senate Committee on Social Affairs, Science and Technology which was tasked with reviewing temporary labour migration programmes. After a comprehensive two year inquiry, the Committee recommended that the Canadian government phase out *all* employer-specific work permits within three years, potentially in favour of sector and/or region specific work permits where migrant workers can more freely leave an employer.⁷⁴ Numerous scholars, UN experts⁷⁵ and others agree that worker-initiated employment mobility is critical to reduce exploitation and modern slavery – arguing that visa portability is "perhaps the single best thing the government could do to protect workers' rights".⁷⁶

Recruitment fee debt can also contribute to vulnerability to modern slavery, and impede mobility. Although, under the PALM scheme, authorised employers pay upfront the workers' international airfares, many workers go into debt to cover some PALM costs in their country of origin (e.g. internal transport and accommodation costs, medical checks, fees to recruitment brokers or intermediaries)

⁷¹ IARC, 2024. Preventing migration worker exploitation in Australia: A report for the United Nations Special Rapporteur on Contemporary Forms of Slavery. Sydney: IARC and Unions NSW.

⁷² Ibid.

⁷³ Recent reforms have allowed workers on the temporary skills shortage visa, from July 2024, to leave their employers at any time and given them 180 days to find a new sponsor while maintaining work rights.

⁷⁴ Canada Senate, 2024. Act Now: Solutions for Temporary and Migrant Labour in Canada. Report of the Standing Senate Committee on Social Affairs, Science and Technology: Ottawa, Canada.

⁷⁵ ILO. 2022. Seasonal worker schemes in the Pacific through the lens of international human rights and labour standards: Technical report. ILO Office for Pacific Island Countries. See also ILO. 2022. Temporary labour migration: Unpacking complexities - Synthesis Report. Geneva: International Labour Office.

⁷⁶ Clemens, M. and Gough, K, 2018. Don't Miss This Chance to Create a 21st Century US Farm Work Visa. <https://www.cgdev.org/blog/dont-miss-chance-create-21st-century-us-farm-work-visa> (Web Page: 20 June 2024). See also, Withers, M and Kagan, S, 2024. Free agency is a right not an option. Canberra: Development Policy Centre (Web Page: 21 November 2024). <https://devpolicy.org/free-agency-is-a-right-not-an-option-20241121/>

and rely on their wages to repay these debts to commercial, community and family lenders. Charging workers for recruitment related costs, such as airfares (which is permitted under PALM) is contrary to the ILO *Private Employment Agencies Convention, 1998* (No. 181), which Australia has not ratified.

The UNSR has observed that:

The main issue among these schemes [PALM, WHM, Domestic Worker (Diplomatic or Consular) stream, Temporary Skill Shortage Visa, and Student Visa] is that they create a significant power imbalance between employers and workers, since employees are either tied to a single employer, and mobility is reported to be extremely difficult, and/or dependent on their employer for extension of contracts or nomination for permanent residency... The power imbalance undoubtedly leads to underreporting among workers, which in turn results in impunity among employers, labour hire companies or immigration agents. In this regard, the Special Rapporteur has been informed that their prosecutions are rare in practice.⁷⁷

Potential mechanisms to implement PALM mobility

Providing employment mobility within the PALM scheme would enhance worker agency and well-being while making the program more attractive to potential recruits. Some industry stakeholders argue that employers would be disadvantaged by such a policy change due to the upfront financial investment required to bring workers from overseas. They contend that allowing workers to switch employers too easily could discourage participation in the scheme, particularly among smaller businesses that lack the financial flexibility to absorb recruitment costs without a guaranteed return. However, there are several ways to mitigate these concerns while upholding workers' rights.

Examples from UK, Canada and South Korea show that mobility to other approved employers can be orderly, including on schemes that are larger than PALM (current number of PALM workers is just 27,260,⁷⁸ which is much lower than the number of temporary migrant workers in Korea and Canada, for example). Figures on transfers in both UK and Korea show that around 20 per cent of workers will choose to move, which is considered fairly normal turnover in a well-functioning labour market.

One possible solution is for the Australian and/or State government(s) to establish a joint fund that covers upfront recruitment fees and relocation costs, instead of the status quo which places the burden of upfront recruitment costs on employers. Functioning as a type of clearing house, government(s) and employers could jointly pay into the fund – possibly on a levy basis – based on the number of workers they recruit. As workers begin earning wages, they could make repayments to the fund. The portion of the cost employers originally paid into the fund would be repaid over time through deductions from the workers' wages. The fund would manage these transactions: collecting contributions from employers, holding money until workers start repayments, and ensuring that the repayments are handled fairly (for example, if a worker moves to a new approved employer shortly after arriving in Australia, the 'new' employer would contribute to some of the recruitment cost and the 'original' employer would thus be partly compensated for their investment to bring the worker). The system would work as a balance to mitigate financial risks for employers and ensure that upfront expenses are not solely placed on employers – while workers are not at risk of debt bondage to or coercion by employers.

Another strategy to reduce the burden on employers is to ensure that employers with a demonstrated track record of compliance and fair treatment of PALM workers benefit from a more efficient recruitment process. A model similar to Canada's Recognized Employer Pilot could be adopted, where businesses that consistently meet high labour standards face fewer administrative hurdles when hiring workers. This would reduce disruptions caused by worker mobility and incentivize ethical employment practices.

⁷⁷ UNSR, above n12, p. 6.

⁷⁸ DEWR, 2024. PALM Scheme Key Data (published 31 December 2024). Canberra: DEWR. <https://www.palmscheme.gov.au/palm-scheme-data>.

Another way to address employers' concerns, which could be achieved even with existing visa settings, is to set up a centralized job-matching service that facilitates the transition of workers between PALM-approved employers when they seek to change jobs. Such a system would ensure that both employers and workers can quickly and efficiently fill vacancies, reducing concerns about labour shortages while preventing workers from falling into irregular employment situations.

Longer term, government-managed recruitment pools for workers seeking to change employers could be an efficient way of enabling mobility.⁷⁹ These pools could be organised on either an industry-specific or regional basis, allowing PALM-approved employers to directly access a workforce already in Australia without relying on labour hire intermediaries. By removing third-party recruiters from the equation, this system would reduce inefficiencies, lower costs, and ensure that job transitions are handled in a fair and transparent manner. Recruitment pools would not only streamline the hiring process for employers but also safeguard the rights of workers looking to switch jobs. It would provide them with a structured pathway to find new employment without the risk of becoming undocumented or vulnerable to exploitation. By maintaining oversight of worker transitions, the government could ensure that employment conditions remain compliant with labour laws and PALM scheme standards, thereby strengthening protections against mistreatment.

From an economic perspective, this system could also significantly reduce the financial burden on employers seeking to hire replacement workers. The government could play a role in subsidising or redistributing the costs associated with worker mobility, recognising that these costs are a necessary investment in maintaining a reliable temporary migrant workforce, with a sustainable social license. This would be particularly beneficial for rural and regional industries that depend on PALM workers to meet labour shortages.

Implementing such a recruitment and job-matching facility would require additional public investment in administering the PALM scheme. However, this expenditure aligns with the program's broader international development objectives, which emphasise ethical labour migration and sustainable economic participation. Additionally, it can be justified as a necessary subsidy for essential industries in rural and regional Australia, where workforce stability is crucial for economic resilience.

By adopting this approach, the PALM scheme could foster a more dynamic, fair, and efficient labour market that balances the needs of workers and employers while reducing dependency on private labour hire firms. This would not only enhance the scheme's integrity but also improve outcomes for all parties involved. By implementing these and other complementary measures, the PALM scheme can strike a balance between providing workers with mobility and ensuring employers have access to a reliable and stable workforce. Ultimately, empowering workers will contribute to a more sustainable and ethical labour migration program.

Box 4: Promising practices in agricultural worker mobility arrangements

The **UK's Seasonal Worker Visa** (launched after Brexit as a pilot in 2019) allocates 45,000 spots annually for horticulture and an additional 2,000 for poultry workers to work for between 6 weeks (poultry) and 6 months (agriculture) in the UK. Like PALM, workers are on an employer-tied sponsorship but have the right to request a transfer to another employer for any reason. According to a report by the Migration Advisory Committee, cited reasons for making transfer requests include seeking better pay/more hours (perhaps due to the crop); friends/families on other farms; travel; or welfare issues. Between 2020 and 2022, 13,558 worker transfers between employers were recorded, equating to about 19 per cent of all workers in that period. This has led to employers improving retention in other ways including better accommodation, welfare officers, and recreational facilities, and improving pay and conditions.

⁷⁹ Withers, M and Kagan, S (2024) Free agency is a right not an option. Canberra: Development Policy Centre. <https://devpolicy.org/free-agency-is-a-right-not-an-option-20241121/>

Workers on **Korea's Employment Permit Scheme (EPS)**, including around 79,000 agricultural workers,⁸⁰ can change employers up to three times in a three-year contract. The Ministry of Employment and Labor supports workers during this period, providing job placement services through its digital platform and employment centres to help match workers who want to transfer employers.⁸¹ The Ministry offers unemployed EPS workers three months job-search support. Based on worker preference for the region, conditions and occupation, the Ministry will send text messages with contacts of employers who have vacancies. The employment centre also hosts interviews and provides translation if necessary. If the job seeker fails to find a job after two months, the centre finds and proposes at least five employers to the worker, based on set criteria.

Canada's Seasonal Agriculture Worker Program (SAWP) and agriculture stream of the Temporary Labour Migration Programme⁸² bring migrant workers including – like PALM – workers from neighbouring countries. Under SAWP, employers can hire migrant workers from participating countries for a maximum period of 8 months. During this time, workers are technically on occupation-restricted visas rather than employer-sponsored visas, though in reality, workers need the approval of both the receiving and the new employer for the transfer to proceed. Workers on the agriculture stream of the Temporary Labour Migration Programme, which offers longer placements, have full mobility to change to a new employer. Unlike PALM, SAWP workers do not pay for their accommodation in Canada and contribute 50 per cent towards international travel. (Under PALM, Pacific workers pay for all but \$300 of these latter costs through salary deductions.)

The specified work rule for working holiday makers

The 'specified work rule' requires working holiday makers to work 88 days of 'specified work' in their first year in Australia, if they wish to extend their stay for a second year. In the second year, they must work 179 days in that specified work, in order to stay a third year. As explained earlier, specified work includes agriculture, forestry, and fishing, mining and construction and bushfire recovery, but most WHMs engage in work on farms. In June 2024, the number of WHMs was 170,437, of which, around 53,000 may be in NSW.⁸³

While it may be a choice for WHMs whether to seek to extend their visa for a second or third year through performance of 'specified work', important observers – including the US Department of State in its annual *Trafficking in Persons Report* – have identified the specified work rule as a key driver of coercion risks for WHMs.⁸⁴ Research suggests that a significant majority of participants said that they would not have worked in the horticulture industry without the incentive of earning a second year visa, with respondents comparing completing the 88 days to a "prison sentence" and referring to having "no choice" but to accept exploitative work because of the need to complete farm work in order to get a visa extension.⁸⁵ While WHMs have greater mobility to change employers than PALM workers, they are also dependent on their employers to ensure continuing employment to meet the specified work period to remain in Australia.⁸⁶ They are also subject to many similar issues to PALM workers, including deception, abuse of vulnerability, poor working and

⁸⁰ As of 2023, the total number of EPS workers in South Korea was around 264,000, with approximately 30% of these workers employed in the agriculture and animal husbandry sectors. This means that around 79,200 workers are involved in agriculture under the EPS system.

⁸¹ In 2016, 25.4 per cent of EPS workers applied for job changes, with 94.3 per cent approved.

⁸² As of 2023, there were approximately 69,365 agricultural workers under SAWP and the Agricultural Stream of the Temporary Foreign Worker Program. This includes about 37,035 workers under SAWP and 32,490 workers in the Agricultural Stream

⁸³ DHA, 2024. Working Holiday Maker visa program report (June 2024). Canberra: DHA).

⁸⁴ US Department of State, 2023. *Trafficking in Persons Report for Australia (2023)*. Washington DC: United States Department of State.

⁸⁵ Howe et al, above n14.

⁸⁶ UNSR, above n12, p6.

living conditions and withholding of wages (through wage deductions), as demonstrated in Section 1 above.

From July 2024, Australia removed the 88-day requirement for British citizens as part of the Australia-UK Free Trade Agreement.⁸⁷ This may have been prompted in part by the death of a British backpacker in 2016, and a campaign by her mother to remove the 'specified work rule', which she argued put her daughter in a dangerous situation.⁸⁸ Maintaining the rule for other nationalities, however, risks a discriminatory approach.

While some industry groups have noted their opposition to removing the specified requirement because of fear of labour market shortages, there is no reason that WHMs could be not be incentivized to voluntarily choose to work in regional settings through better wages and working conditions in the sector, tax incentives or other inducements, which would also make the sector more attractive to local workers. This could still leave a gap in the labour market, which may need to be addressed through other more comprehensive reforms to labour market supply in the sector, though these go beyond the scope of this submission.

As a minimum, if the specified work rule were not removed, it would be prudent to raise the requirements for employers of WHMs in ways that would reduce risks of exploitation. Indeed, harmonizing rules on employment mobility, worker induction, and employer registration across the PALM and WHM programs would create a fairer, more transparent and more efficient labour market. Standardizing regulations would prevent employers from exploiting differences between schemes, ensure equal protections for workers, and reduce administrative burdens for businesses. While PALM workers may require additional support due to longer stays, greater alignment between the programs would improve workforce management, worker protection, and employer compliance, benefiting all stakeholders.

Recommendation

Report to Parliament on the need to address within the National Cabinet issues and possible reforms with respect to:

- (a) Visa reforms that would enhance PALM worker mobility, for example by replacing employer-specific permits with sectoral or regional ones, streamlining employer transfers, creating a job-matching platform, sharing recruitment costs through a joint fund, and incentivizing ethical employers with a "Trusted Employer" model; and
- (b) Removing the specified work rule for backpackers and/or ensuring more stringent regulatory requirements in line with the PALM scheme.

⁸⁷ Department of Home Affairs, 2024. Working Holiday (subclass 417) visa arrangements for UK passport holders. From 1 July 2024, UK passport holders can be granted up to three separate Working Holiday visas without having to meet any specified work requirements.

⁸⁸ Uibu, K, 2021. Rosie Ayliffe, mother of murdered backpacker, welcomes Australian government's visa program change, ABC (Web Page 17 June 2021). <https://www.abc.net.au/news/2021-06-17/rosie-ayliffe-welcomes-governments-change-to-visa-program/100221204>

7 Co-regulation

Around the world, labour regulators alone lack the resources for comprehensive monitoring and enforcement. In particular, they rarely possess the ground-level intelligence that workers and worker organizations possess about employer malpractice. Local government bodies, worker organisations, unions and civil society actors often enjoy significant trust from vulnerable workers, enabling them to gather critical information about workplace conditions and treatment of workers outside the workplace, that would otherwise remain inaccessible. Incorporating these organisations into enforcement efforts can transform workers from passive observers into active participants, strengthening the regulatory system and helping to efficiently funnel scarce resources to areas where exploitation risks are highest.⁸⁹

Successful co-regulatory or co-enforcement examples exist in different parts of the world. In the US, the collaboration between the US Department of Labor and the National Guestworkers Alliance demonstrates how structured partnerships can amplify enforcement efforts amongst temporary migrant workers. The Guestworkers Alliance conducted outreach to international students, visiting them in their accommodations, gathering evidence of labour violations, and teaching them about their rights. The Alliance's direct engagement with workers helped build trust and uncover systemic abuses, which were documented and shared with labour inspectors. This collaboration enabled investigators to target their efforts, leading to faster and more impactful enforcement actions. The collaboration also extended to joint visits with Compliance Safety and Health Officers on inspections. The inspectors, upon entering a workplace, would routinely ask for the highest ranking union official to accompany them and provide support during an inspection.⁹⁰

A co-regulatory approach that brings together federal agencies, State bodies such as SafeWork NSW and NSW Police, local government, trade unions and civil society can play an important role in ensuring the wellbeing of temporary migrant workers and detecting cases of modern slavery. This, more integrated, collaborative approach would ensure that gaps in worker protections are closed and that government agencies can respond more effectively to cases of exploitation, substandard accommodation, and workplace abuses. It could encompass strengthened data sharing by federal agencies regarding PALM migrant worker deployments, coordinated oversight of accommodation, and joint inspections.

Data sharing

Stronger data sharing between federal, State and local actors, particularly regarding the anticipated arrival of PALM workers in a particular location, is a critical first step in improving oversight and planning. Currently, local councils and State regulators (as well as trade unions) often lack timely information about where and when large groups of temporary migrant workers are arriving. This information gap makes it difficult to conduct proactive inspections, ensure suitable accommodation, interpretation and care are available, and coordinate essential support services. A structured data sharing mechanism that gives State and local authorities improved visibility over the arrival and presence of temporary migrant worker populations will allow for better planning, risk management, targeted outreach, and early intervention when issues arise. The limited access to information also impedes planning by non-government organisations for the provision of other services to temporary migrant workers, including with respect to medical care, legal assistance and settlement support.

⁸⁹ See for example, Fine, J, 2017. Enforcing Labor Standards in Partnership with Civil Society: Can Co-enforcement Succeed Where the State Alone Has Failed?, 45 Pol. & Soc'y 359. Fine, J, 2018. "New Approaches to Enforcing Labor Standards: How Co-enforcement Partnerships between Government and Civil Society Are Showing the Way Forward," University of Chicago Legal Forum: Vol. 2017, Article 7. <https://chicagounbound.uchicago.edu/uclf/vol2017/iss1/7>

⁹⁰ See above, Fine, 2018.

Ensuring that local governments and other stakeholders receive data on migrant arrivals was a recommendation made by the NSW government in its 2023 submission to the Federal Government’s Parliamentary Inquiry on Migration, Pathway to National Building.⁹¹ In that submission, the NSW Government noted that:

“[The] NSW government would also benefit from more timely, granular information about incoming migrants. Better data will enable jurisdictions to efficiently plan for and support new arrivals, including linkages to employment, education and training support and services. For example, timely data sharing on Pacific Australian Labour Mobility scheme workers would enable NSW to plan better access to and delivery of state government services This would set arrivals up for settlement success and allow NSW to work with regional communities to welcome new arrivals and build social cohesion.”⁹²

Coordinated oversight of accommodation

In addition to better data coordination, a formalised referral process between federal agencies and local authorities is needed to address complaints raised by temporary migrant workers, particularly in relation to accommodation. The *Be Our Guests Report* documented widespread issues with poor-quality and overcrowded housing, which in some cases has been linked to coercion, wage deductions, and debt bondage. However, these concerns often fall outside traditional industrial relations enforcement mechanisms, leaving workers with few avenues for redress. When it comes to accommodation standards, it should be noted that the FWO mandate does not include enforcing housing conditions.⁹³ This leaves the mandate for enforcement of standards to DEWR for PALM workers, and local councils in case of all residents. The latter have a mandate under the *Environmental Planning and Assessment Act 1979* (NSW) and the *Local Government Act 1993* (NSW), to inspect temporary migrant workers’ accommodation and take action in case of unsafe or dangerous conditions. In practice, because of limited communication by federal agencies with local councils – to let them know of migrant workers who are in their areas – proactive monitoring is made more challenging. Local councils do not know where temporary migrant workers live.

A system for federal agencies to refer complaints to local governments and relevant State bodies would allow for more responsive enforcement, ensuring that exploitative housing arrangements are investigated and that workers are not left in unsafe living conditions. This was also a key recommendation of the Migrant Workers’ Taskforce which, in 2019, recommended that “accommodation issues affecting temporary migrant workers be placed on the Council of Australian Governments (COAG) [now the National Cabinet] agenda to [work with] state and territory governments to address accommodation issues affecting temporary migrant workers – particularly working holiday makers undertaking ‘specified work’ in regional Australia”. Despite the Federal government having committed to enacting all recommendations of the Taskforce, the issue continues to surface as a key concern for temporary migrant workers in rural and regional NSW.⁹⁴

A persistent, underlying problem, however, is the lack of suitable housing for temporary migrant workers. Industry bodies have called for greater investment in housing for temporary workers in rural settings. For example, in 2024, the National Farmers’ Federation lobbied for “\$175.0 million over four years for a ‘farmworker accommodation stimulus package’ of taxation concessions and

⁹¹ NSW Government, 2023. ‘Submission to the Parliamentary Inquiry on Migration, Pathway to National Building’. Canberra: Joint Standing Committee on Migration.

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/MigrationPathway

⁹² Ibid, p14.

⁹³ However, when accommodation is provided as part of employment, FWO can still check whether deductions from wages for accommodation are lawful and not exploitative.

⁹⁴ In October 2021, the NSW Regional Housing Taskforce highlighted the need for a standardised planning approach for seasonal and temporary workers’ accommodation. In response, the NSW Government prepared a draft Temporary and Seasonal Workers’ Accommodation Toolkit for local councils, but this does not address health and safety in depth, but rather focuses on planning issues and use of land.

incentives to accelerate the construction and upkeep of farmworker accommodation”.⁹⁵ While the NSW Government released a draft Temporary and Seasonal Workers’ Accommodation toolkit in August-September 2023 to help local councils to develop new accommodation for temporary migrant workers,⁹⁶ the process of finalizing the toolkit has stalled and funding for new accommodation remains limited. Thus, innovative new ideas need to be explored, including the possibility of public-private partnerships to invest in the development of housing stock suitable for both seasonal and other temporary migrant workers.

Support services

Beyond enforcement, additional resources must be allocated to local governments and other community stakeholders to provide essential pastoral care and support for temporary migrant workers. Many temporary workers, particularly PALM workers and WHMs from Asian countries arrive in rural and regional areas with little knowledge of their rights, limited English proficiency, and few social connections. The *Be Our Guests* Report highlights the significant role that local councils, community organisations, and faith-based groups play in supporting these workers. Yet these groups often operate with limited funding and without formal coordination with government agencies. Investing in local services, such as worker information sessions, legal aid access, and culturally appropriate support networks, would strengthen protections and improve worker well-being.

The Committee may also wish to consider what would be needed to support the development of community-level ‘Welcome Committees’ to help temporary migrant workers integrate more effectively with host communities, and enjoy their time as guests in our State. These Committees could play an important role in:

- coordinating a crisis response when workers need remedial support and assistance
- ensuring coordinated and culturally safe responses to support migrant workers at risk of, or experiencing modern slavery
- facilitating the development and professional translations of ‘welcome packs’ with local services, local information, key contacts, union details, worker, and visa rights. These packs could be given to migrant workers upon arrival by trusted intermediary networks (or shared online as videos in workers’ languages) and as a mandatory requirement of arrival briefings by PALM employers)
- supporting such functions as cultural capability training for approved employers, local councils and service providers
- supporting migrant workers wishing to change employers with contacts of local business (and approved employers) who may have available vacancies (and potentially even helping workers to transition to a new approved employer)
- providing information to workers on accommodation through a fair price index’ developed at local level.

A co-regulatory model that enhances data sharing, facilitates federal-to-local referrals, and strengthens local support services would not only protect temporary migrant workers. It would also promote a more sustainable and ethical labour market in NSW. By ensuring that all levels of government are engaged in a coordinated effort to monitor and support these workers, NSW can set a national benchmark for worker protection.

⁹⁵ National Farmers Federation, 2024. From Farm to Future: NFF Pre-Budget Submission 2025–26. <https://nff.org.au/wp-content/uploads/2024/11/2025-26-NFF-Pre-Budget-Submission-FINAL-.pdf>

⁹⁶ NSW Government, undated. Temporary and Seasonal Workers’ Accommodation Toolkit. <https://www.planningportal.nsw.gov.au/draftplans/exhibition/temporary-seasonal-workers-accommodation-toolkit>

Recommendation

Report to Parliament on the need for a co-regulatory approach that brings together federal agencies, State agencies (SafeWork NSW, NSW Police), local government and non-governmental actors such as trade unions and civil society, to explore opportunities for:

- stronger data sharing (including information on anticipated arrivals of PALM workers)
- referrals from federal agencies (from PALM workers and others) with respect to temporary migrant worker complaints regarding accommodation (and a broader discussion about availability of suitable housing)
- more robust resources to local government and other local stakeholders to provide pastoral care and support to temporary migrant workers, potentially including a network of 'Welcome Committees' at local level.

8 Conclusion

Ensuring that temporary migrant workers in rural and regional NSW are protected from modern slavery risks is a moral imperative, a legal obligation of the State, and a prudent economic development strategy.

As outlined in this submission, temporary migrant workers play a crucial role in sustaining key regional industries in NSW but remain highly vulnerable to exploitation due to intersecting factors such as visa conditions, recruitment practices, inadequate oversight, and geographic isolation. Without urgent reforms, the persistence of rare but systemic exploitative practices will not only harm workers but also undermine the integrity and sustainability of the labour market in these regions, and create economic, social and security costs for our regional communities and local/state agencies. The *Be Our Guests* Report, and this submission, aim to provide a foundation for understanding these risks and offer practical, evidence-based recommendations to strengthen worker protections, improve regulatory oversight, and promote ethical recruitment and employment practices and accommodation standards for temporary migrant workers.

The Modern Slavery Committee has a unique opportunity to drive meaningful change by championing a more robust, rights-based framework for temporary migrant worker protections in NSW. Introducing mandatory anti-slavery training for frontline workers, expanding interpretation, legal and social services, and advocating for stronger visa protections at the federal level are just some of the necessary steps to ensure that exploitation is not an accepted cost of doing business. Through coordinated action between governments, industry, and civil society, NSW can take a leadership role in fostering a labour mobility system that is ethical, sustainable, and fair for all stakeholders.

**Office of the
NSW Anti-slavery
Commissioner**

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