

Dear Members of the Joint Standing Committee on Migration,

RE: INTERIM REPORT OF THE INQUIRY INTO THE WORKING HOLIDAY MAKER PROGRAM

We write to you to bring your attention to the gaps in the recently released interim report of your inquiry on the Working Holiday Maker program and to urge you to address them with effective and just policy recommendations in your final report.

We notice that five of the report's ten recommendations aim at diversifying regional workforce in case the number of Working Holiday Makers in Australia continues to fall and regional businesses face labour shortage. Recommendations 1 through 3 introduce various measures to encourage native-born workers to go to regional areas and compensate those undertaking agricultural and horticultural work. Recommendation 5 suggests 12-month provisional measures to make other temporary visa holders undertake work in peri-urban, regional, rural or remote areas. Recommendation 10 aims at expanding the Seasonal Worker Program and Pacific Labour Scheme.

These measures do not address the fundamental problem of worker exploitation at the centre of the labour supply issue in the agricultural and horticultural sectors and will cost the general public of Australia in the long run by further distorting the sectors.

The problem with the sectors is that employers have relied on a business model of exploiting migrant workers such as Working Holiday Makers who have few alternatives but to undertake agricultural and horticultural work. Recommendation 2 acknowledges that agricultural and horticultural work is "low paid", implying the Committee's awareness that at the root of regional labour shortage lies pay rates and working conditions that do not value human labour.

Working Holiday Makers have long complained about the poor working conditions, exploitative labour hire structure, and below-minimum wage piece-rate pay in regional Australia.¹ And yet, the report paid little attention to their voices. The only measure suggested regarding their complaints is Recommendation 8 on the establishment of a hotline for "advice". A hotline can be useful when it can provide solutions to problems raised. Regrettably, in the current environment, it can do nothing to protect Working Holiday Makers. Suppose a labour hire provider charged a Working Holiday Maker for an unlawful deposit while delaying the payment of the worker's wage for their farm work and the worker contacted the hotline for help. What "advice" can the hotline provide the worker other than a phone number to the Fair Work Ombudsman? The Working Holiday Maker would have to give up their deposit and unpaid wage and move on to another workplace because their peers had already advised them that the Fair Work Ombudsman only provides "mediation" and rarely investigates a case as small as theirs.

Recommendation 9 suggests that workers should use the Harvest Trail for better job placement results. While we support the idea of promoting a clearing house for agricultural and horticultural work, we are concerned about the lack of monitoring over the Harvest Trail. Many Working Holiday Makers inform us that the Harvest Trail does not promise any better results. Indeed, there have been news reports about Working

Holiday Makers who followed Harvest Trail job opportunities and ended up getting scammed and exposed to dangers.ⁱⁱ This is because the Harvest Trail has no mechanism to screen dodgy employers or bogus jobs. All one needs to advertise a job on the website is an ABN, and the Harvest Trail does not even check if labour hire providers are lawfully licensed in Queensland, Victoria, or South Australia before they post jobs from the states. As a result, most of the jobs listed on the Harvest Trail are the same casual, underpaying, labour hire jobs that one can easily find on other outlets and social media. Besides, the Harvest Trail does not mediate the contact between workers and employers, encouraging workers to contact employers directly. There is literally no reason for workers to take the effort to visit the Harvest Trail to find regional work.

A genuine solution to the regional labour shortage is to improve working conditions, correct the distorted low pay rates, and regulate labour hire exploitation. We urge the Committee to reconsider the benefit of introducing a national labour hire licensing scheme built on the success of the state-level schemes in Queensland and Victoria. We also ask the Committee to recommend a renegotiation of the Horticulture Award 2010 to review the practice of piece rate pay that results in wages below the minimum wage. Finally, we suggest the Committee to discuss measures that can proactively protect Working Holiday Makers from systemic and targeted exploitation such as criminal sanctions against wage theft. We would like to bring your attention to the recommendations the Migrant Workers Centre elaborated in its submission to your inquiry.ⁱⁱⁱ

We notice that Recommendation 4 introduces some 12-month provisional changes to the Working Holiday Maker program to facilitate Working Holiday Makers' employment in peri-urban, regional, rural or remote areas. We are concerned that the Recommendation will exacerbate and normalise the exploitation of Working Holiday Makers in regional Australia and regional Australia's dependence on their labour. Work restrictions and conditional visa extensions to regional work deprive Working Holiday Makers of power against employers and make them vulnerable to exploitation. We ask the Committee to devise more comprehensive and permanent reforms to the program.

The inquiry aims to assess the impact of COVID-19 on the Working Holiday Maker program. The interim report's disproportionate attention made to addressing labour shortage discloses that Australia utilises the Working Holiday Maker program not for its stated purpose of cultural exchange but as another labour migration program. Given the acknowledgment that the nation's economy relies on their labour, we must address Working Holiday Makers' concerns about low pay and poor employment practices.

We therefore urge you most strongly to reconsider the recommendations of the interim report and make policy recommendations that can work for a just and sustainable future of Australia.

Yours faithfully,

Migrant Workers Centre
Hong Kong Working Holiday Youth
Korean Working Holiday Youth

Tom and Mia's Legacy: Backpackers 88 Days and Counting Australia

NOMIT—the Italian Network of Melbourne
Taiwanese Working Holiday Youth
Work in Australia

ⁱ ABC, 4 May 2015, "Slaving Away", <https://www.abc.net.au/4corners/slaving-away-promo/6437876>.

ⁱⁱ ABC, 17 July 2017, "Long Way from Home", <https://www.abc.net.au/news/2017-07-17/rosie-ayliffe-uncovers-backpacker-farm-work-horror-stories/8687868>.

ⁱⁱⁱ MWC, 2020, "Submission to the Joint Standing Committee on Migration regarding the Inquiry into the Working Holiday Maker Program" (Submission 39).