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Fears agriculture visa will lead to worker exploitation

EXCLUSIVE
ADESHOLA ORE

A labour hire firm accused of housing Pacific Islander workers in squatter-like conditions is planning to hire employees under the long-awaited agriculture visa, raising concerns about worker conditions in the new scheme.

It comes as the federal government's Seasonal Worker Program faces a proposed class action by workers against labour hire companies accused of exploitation and massive wage theft that could disrupt a record \$73bn harvest.

The company, Owen Pacific Workforce, is involved in the Pacific Labour Scheme and the

Seasonal Worker Program. Owen Pacific's website states the firm is also planning to "include these new (agriculture) visa holders as part of our workforce" and requests contact from employers interested in engaging workers.

In February 2020, the Latrobe Council in Tasmania issued an emergency evacuation order for more than 70 workers employed by Owen Pacific under the SWP who were living in a five-bedroom house.

Owen Pacific was engaged by horticultural company Costa to manage the accommodation. The workers – who were rotating the use of beds between shifts due to a lack of space – were moved into temporary accommodation following the evacuation.

A spokeswoman for Owen Pacific said the company was not participating in the first phase of the agriculture visa but did not respond to further questions.

The Australian has confirmed the first phase of the agriculture visa will involve 11 government-approved employers – already accredited through the Pacific labour schemes – to test the sys-

tem before it is scaled up in stage two from April.

A Department of Foreign Affairs and Trade spokesperson said there would be a "rigorous monitoring and compliance framework" to ensure employers complied with workplace laws.

"Entities approved under the Pacific Australian Labour Mobility Scheme must satisfy a series of checks to ensure they are reputable, financially sound and able to fulfil the scheme's requirements," the spokesperson said.

The agriculture visa scheme – unveiled by the federal government in August – will allow farmers to source foreign workers to help fill critical labour gaps exacerbated by the pandemic. The government is currently in negoti-

ations with four Southeast Asian nations over bilateral agreements for the scheme, but no deals have been struck yet.

The continuing negotiations form the backdrop to Scott Morrison's announcement this week that Australia will begin welcoming fully vaccinated skilled migrants – including those travelling to Australia on an agriculture visa – and international students.

The announcement was a major win for businesses that have been deprived of staff, as well as the education sector.

However, Labor says the new agriculture visa stream will undermine Australia's critical relation-

ship with Pacific countries by prioritising workers from South-east Asian nations.

'Entities approved under the Pacific Australian Labour Mobility Scheme must satisfy a series of checks'

DFAT SPOKESPERSON

'Squatter-like' property owned by Burnie Mayor Steve Kons used to house Tongan workers

February 12, 2020 Australian Broadcasting Corporation: Asia Pacific (Australia)
Exclusive by Erin Cooper Section: News

A property owned by a northern Tasmanian mayor is the latest seasonal worker accommodation in the state to come under fire from unions over what they call "squatter-like" conditions.

The building, which used to be Brooklyn Primary School, houses about 20 workers from Tonga who pick berries for Costa across the coast.

It is owned by Burnie Mayor Steve Kons.

"It's shocking to see an employer going to great lengths to create squatter-like conditions at the consequence of a whole lot of workers over here to support the farming industry," Daniel Walton, national secretary of the Australian Workers' Union, said.

"It's quite clear that the photos show a makeshift house which has been transformed to try and accommodate large scales of workers.

"In no way, shape or form is this acceptable in the modern age in a developed country."

The ABC understands the bedrooms have walls that don't reach the ceiling, are around three metres wide and sleep two people per room.

There are also no tables and chairs provided in the common areas.

Each resident pays \$130 a week to live there, which Mr Walton said was too much.

"Everyone's rightly going to say 'where is that money going'," he said.

"You'd be hard-pressed to find a house in Tasmania where people are making thousands of dollars a week in rent, so in whose back pocket does this money end up?"

'I'll take the unions up there': Kons

Alderman Kons said he was happy with the condition of the property.

"If the unions want to give me a ring I'll take them up there and show them around," he said.

Alderman Kons said the walls did not reach the ceiling to allow the smoke detection system to work, and the dirt on the floor was a result of people bringing mud back on the shoes from the farm and not cleaning it up.

He also said Costa representatives were at the house on Tuesday to inspect the property and replace the ovens.

"It's one of the seasonal workers' preferred places to stay because it's got a big footy ground out the back," Alderman Kons said.

A Burnie City Council spokesperson said the building satisfied all the necessary approvals for its use as accommodation.

Alderman Kons leases the property to third-party labour supplier **Owen Pacific Workforce, based on the Gold Coast, which is engaged by Costa to manage the accommodation.**

Mr Walton said the ultimate responsibility lay with Costa.

"It's like saying, 'I've hired a hitman and I'm not responsible for them killing someone'," he said.

Workers want people in Tonga 'to know the truth'

The controversy around the Burnie property is part of a larger problem across northern Tasmania.

Last week, the Latrobe Council issued an emergency evacuation order for up to 77 workers living in a five-bedroom house in Shearwater, prompting anger from community members at a council meeting on Monday night.

Mayor Peter Freshney said there were concerns around the building's fire security.

At least one other property in the municipality, in Wesley Vale, is also under investigation.

The ABC spoke to seasonal workers from Tonga who said they were not happy with the living conditions they faced in Tasmania when they arrived in November.

They wanted to remain anonymous because they fear losing their jobs.

"When I arrived I didn't like it, but I don't have a choice. I'm coming here to work hard for my children and my family," one said.

They expressed frustration that the problems are only being fixed now that the buildings have come under scrutiny.

"They should have sorted this out before we arrived," the worker said.

They wanted to speak up to warn people back in Tonga what they were getting themselves into by joining the Seasonal Worker Program.

"We want them to know the truth. People just pay for the airfares and come over here

because they don't have the information they need," the worker said.

A spokesman from the Department of Education, Skills and Employment, which manages the Seasonal Worker Program, said the government "takes all allegations seriously and the department will investigate allegations of mistreatment of seasonal workers under the program".

Costa declined to provide a response to the concerns about the Burnie property.

Owen Pacific Workforce has been contacted for comment.

Tongan father was living on \$10 a week

December 13, 2017 Weekly Times, The (Melbourne, Australia)

Author/Byline: VANESSA MARSH and EMMA FIELD Page: 8 Section: News
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TONGAN farmer Vaea Mahina came to Australia in September 2012 on the Seasonal Worker Program to make a better life for his wife and their eight children.

Just months later, on December 7, Mr Mahina (pictured) collapsed on the NSW berry farm where he was working.

Mr Mahina was in Australia on the Government-run Seasonal Worker Program, and became one of the first Pacific Islanders to die on the program, which started in 2012.

After 2½ months of work, the 45-year-old father-of-eight had just \$900 in his bank account when he died, his cousin Telesia Lavaki claimed.

Mr Mahina's pay slips from his employer, **Owen Pacific Workforce**, show in one week he earned \$379 but took home just \$53 after deductions by his employer.

Mrs Lavaki said in the week he earned a little over \$50, he sent most of this home, leaving him with \$10 a week to live and he struggled to buy adequate food.

His pay slips also reveal he was charged: \$120 for accommodation a week, which Mrs Lavaki claims was a converted shipping container he shared with up to eight other men, and \$77 a week for transport; \$31.50 a week for visa fees; and \$17.40 a week, totalling more than \$120, for "sundry expenses", which Mrs Lavaki was told paid for newspapers.

A pay slip for the period between November 26, 2012 and December 2, 2012, seen by The Weekly Times, showed Mr Mahina's year-to-date earnings at \$5975.50 but after deductions, he received just \$1471.

A company representative for **Owen Pacific Workforce** said its workers were housed in air-conditioned council-approved accommodation at a holiday park which was regularly inspected by the Department of Employment and is still being used today.

The spokesman said deductions were taken on the advice of the then Department of Education, Employment and Workplace Relations.

The spokesman said he "immediately ceased" deducting for sundries when the department advised against it [did they refund the fees previously deducted?].

Mrs Lavaki, who lives in Brisbane, had to fight for two years to receive a death insurance payout from his superannuation fund for his family.

Mr Mahina, who farmed taro, yam and pineapple at his plantation in Tonga, was found to have died from a heart attack.

Mrs Lavaki said her cousin was fit and healthy and had passed a health check in Tonga before coming to Australia, a requirement of the program.

"I think my cousin was dehydrated, his nutrition was bad from the food he was eating ... I saw the photos. It's not him," she said.

She believed the employers the Federal Government approve to bring in the workers need to be better regulated.

The Owen Pacific Workforce spokesman said they visited Mr Mahina's family in Tonga, and made a donation of his "estimated earnings" to the family and later employed their oldest son.

"I felt so badly for her, farewelling her husband with the hope of a brighter future for her family only to receive the devastating news of his passing 10 weeks later," the spokesman said. A Department of Employment spokesman said the Seasonal Worker Program "has robust safeguards in place to protect the rights of participating workers" and every allegation raised was referred to relevant authorities.