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People are NOT for sale

Australian Catholic Religious Against Trafficking in Humans

11/02/2020

The Honorable Scott Morrison MP
Member for Cook NSW
Prime Minister
Minister for the Public Service
Parliament House
Canberra ACT 2600

Dear Prime Minister,

I am writing to request an ex-gratia payment totalling \$77,649 be made to 22 seasonal workers from Vanuatu who were egregiously exploited under the Seasonal Workers Programme (SWP). This programme is part of Australia's aid program in the Pacific and is administered by the Department of Employment on behalf of the Federal Government.

The 22 workers arrived in Australia in July 2014 already indebted to Mr Emmanuel Bani, director of the labour-hire company Maroochy Sunshine Pty Ltd. For seven weeks they worked tirelessly on six farms sometimes receiving only one meal a day. When they were not paid their salaries, they asked Mr Bani for their wages. He threatened to refer them to the police and have them deported. This was not further investigated by the police as a potential case of forced labour under the Human trafficking legislation.

March 24th 2020 will be the Third anniversary of the judgement made by Judge Jarrett in favour of the Fair Work Ombudsman and the vulnerable workers. Maroochy Sunshine Pty Ltd and Mr Bani were ordered by the Federal Court of Australia to repay the workers \$77,649 in unpaid salaries and were fined \$227,000 for violating the Fair Work Act.

It must also be noted that Mr Bani was already dealing with complaints to the Fair Work Ombudsman of underpaying staff during the time he was arranging the employment of the 22 men. As it says in section 70 of the judgement handed down by judge Jarret: The Fair Work Ombudsman "received complaints from seven employees in June, 2014" who were employed by Mr Bani "alleging the underpayment of minimum hourly rates of pay under the Award and failure to provide pay slips in compliance with the Fair Work Regulations." "Mr Bani dealt with these complaints with the Applicant [FWO] during the period that he was arranging for the employees [22 workers from Vanuatu] to come to Australia and according to the evidence received specific warning on his obligations in the week prior to their arrival." This indicates that the government failed to communicate between its departments as to the reliability of Mr Bani as an employer before allowing him to employ these men through the SWP.

The workers have been waiting almost six years to receive their unpaid salaries. They came to Australia under the Commonwealth Government's Seasonal Worker Program, a part of the Australian aid program to Pacific Island countries. They worked hard to earn money for their poor struggling families. Instead they became victims of labour exploitation on our Australian farms.

It is my hope that after reading this you will agree that the Australian Federal Government bears some culpability for the circumstances in which these men found themselves. This is because of the Federal Government's responsibility and oversight of the SWP, which again is part of Australia's aid



program in the Pacific. The egregious exploitation was not investigated further by the AFP. These men's experiences in Australia therefore constitutes a failure in the Federal Government's responsibility to oversee the safety and fair treatment of the people who have been brought to this country on a work visa.

In addition the government's mandate, as laid out in item number 45 of the *National Action Plan to Combat Human Trafficking and Slavery 2015-19*, states that the government aims to "Provide trafficked people with the opportunity to access civil and administrative remedies irrespective of their nationality and whether an offender has been convicted."

Because of these points we in ACRATH feel that Australia has a moral responsibility to fast track the proposed ex-gratia payment to these men, in order to redress the gross injustice that has been done to them. They have been waiting now six years for justice after experiencing exploitation in Australia.

Yours sincerely,



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