



AUSTRALIAN CATHOLIC BISHOPS CONFERENCE

Bishops Commission for Evangelisation, Laity & Ministry

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24 March 2020

Committee Secretary
Select Committee on Temporary Migration
Department of the Senate
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Dear Sir/Madam

Temporary Migration

This submission from the Australian Catholic Bishops Conference (**ACBC**) on temporary migration is prepared by the Bishops Commission for Evangelisation, Laity and Ministry (**BCELM**).

The ACBC is a permanent institution of the Catholic Church in Australia and the vehicle used by the Australian Catholic Bishops to address issues of national significance.

The BCELM is one of a number of commissions established by the ACBC to address important issues including migration.

More than 60 per cent of Australians profess a faith, and more than one in five Australians are Catholic. More than 25 per cent of Australian Catholics were born overseas.

The Catholic Church provides Australia's largest non-government grouping of hospitals, aged and community care services, providing approximately 10 per cent of health care services in Australia. It provides social services and support to more than 450,000 people across Australia each year. There are more than 1,700 Catholic schools providing education to more than 760,000 students and employment to 96,000 staff. There are two Catholic universities, teaching more than 46,000 students.

The ACBC seeks to participate in public debate by making reasoned arguments that can be respectfully considered by all people of goodwill.

The ACBC appreciates the opportunity to make a submission on this important issue.

Migrants and refugees

Jesus identifies Himself as a stranger to be welcomed (Matthew 25:35). The Catholic Church teaches that Christ has in some way united himself to every person, whether or not one is aware of this. Christ will consider done to himself the kind of treatment that is reserved to any human person, in particular, to the least among them, the stranger.

While the Gospel compels us to welcome strangers it also presents the opportunity to practice the commandment to love God “with all your heart, all your soul, all your mind and all your strength” and to love the other “as you love yourself” (Mark 12:29-31).

Pope John Paul II invited us to an ever deeper awareness of the mission of the Catholic Church: “to see Christ in every brother and sister in need, to proclaim and defend the dignity of every migrant, every displaced person and every refugee. In this way, assistance given will not be considered as alms from the goodness of our heart, but an act of justice due to them”.

All nations have a right to regulate migration across their borders. This right is coupled with the duty to protect and help innocent victims and those fleeing for their lives. The right of nations to regulate their borders is an extension of the right of all persons to live a dignified life in their community. Borders are for the protection of people, not for the exclusion of people seeking protection.

The most vulnerable people are not simply those who are in a needy situation to whom we kindly offer an act of solidarity, but are members of our family with whom we have a duty to share the resources we have. Solidarity towards migrants and refugees is inscribed in the common membership of the human family.

The inquiry raises two particular issues addressed in this submission:

- Modern slavery, and
- The importance of culture to recognising human dignity.

Modern slavery, including forced labour

Modern slavery includes “... human trafficking, slavery and slavery like practices such as servitude, forced labour, forced or servile marriage, the sale and exploitation of children, and debt bondage.”¹

Pope Francis is a vocal advocate for the eradication of modern slavery. As the Holy Father says, “... modern slavery — in the form of human trafficking, forced labour, prostitution or the trafficking of organs — is a crime ‘against humanity’. The victims of this are from every walk of life, but most are found among the poorest and the most vulnerable of our brothers and sisters.”²

¹ Walk Free Foundation, *The Case for an Australian Modern Slavery Act*. The Minderoo Foundation Pty Ltd, 2017. Page 4.

² Address of His Holiness Pope Francis, Ceremony for the Signing of the Faith Leaders’ Universal Declaration Against Slavery. Casina Pio IV, Tuesday 2 December 2014.

If we know that a person's human dignity is being harmed in this way, we should do what we can to free them from that ill-treatment.

Australia adopted the goal of eradicating modern slavery, human trafficking and forced labour as one of the nations participating in the unanimous General Assembly vote for the United Nations' Sustainable Development Goals on 25 September 2015. This was the very day on which Pope Francis addressed the United Nations General Assembly and spoke about slavery and human trafficking.

Goal 8.7 of the UN Sustainable Development Goals commits all UN members to "take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms."³

Pope Francis has been a key advocate of this goal, which seeks eradication of the "atrocious scourge" and the "open wound" of modern slavery in this generation.⁴ National policy should be directed towards this objective.

The Archdiocese of Sydney has undertaken significant work to combat modern slavery, developing expertise in this area. This work is significant as the Catholic Church is one of the largest purchasing groups in Australia after government. Australia's Catholic bishops will look to the Archdiocese of Sydney to model how slavery-free supply chains can be achieved.

The bishops acknowledge and appreciate the long-term and expert work of Australian Catholic Religious Against Trafficking in Humans (**ACRATH**) and the Archdiocese of Sydney's Anti-Slavery Taskforce.

The recent Modern Slavery Act is very welcome because it sets a requirement for very large organisations to report annually and establishes a central repository of reports. In particular, the Government should be congratulated for agreeing to examine its own procurement for slavery tainted goods or services.

Fifty-five Catholic entities are obliged to report under the Act and work is well underway to prepare that information.

The Archdiocese of Sydney's Anti-Slavery Taskforce announced this year the new Domus 8.7 centre, which is a hub offering services to victims or survivors of modern slavery and forced labour. The centre will offer help with accommodation, legal advice, financial advice and health and welfare services.⁵

³ United Nations' Sustainable Development Goals. Goal 8: Promote inclusive and sustainable economic growth, employment and decent work for all. See: <http://www.un.org/sustainabledevelopment/economic-growth/>

⁴ White, C, 'Pope Francis, world leader of the modern anti-slavery movement.' *Crux*, 30 July 2016. See: <https://cruxnow.com/catholic-voices/2016/07/30/chris-white-piece-human-trafficking/>

⁵ Patty, A, Catholic Church creates one-stop shop for victims of modern slavery. *The Sydney Morning Herald*, 17 February 2020.

Culture, human dignity and exploited workers

Legislation and regulations are vital to effect positive change against modern slavery and the exploitation of workers, but without a fundamental change in our culture any changes in behaviour will not last.

Australia has a successful market economy, but it needs more work to ensure those participating in the economy recognise the human dignity of all people.

The risk in a market economy is that without a clear idea of what is good, all there is left is a contest of power and self-interest between one person and another.⁶

The risk of individualism is it can limit itself to self-interest and the profit motive, forgetting other more human motives.⁷ Individualism means that people can see others as commodities or as a means to an end rather than as human beings made in the image of God.⁸ People who are poor or vulnerable in other ways are at particular risk of not having their fundamental worth recognised.

A focus on maximising profits to the exclusion of other considerations can lead to the exploitation of workers.⁹

We can use our own buying power for good, declining to buy tainted goods or services.¹⁰

One of the drivers of exploitation of workers is our demand for cheap food, clothes and other goods. Ensuring the dignity of workers may mean higher costs for employers and higher prices for the community. The challenge for the community is to live a simpler life with fewer things and a willingness to pay for the true value of goods and services free of exploitation.¹¹

When businesses forget moral limits, they can become prey to the lowest common denominator and driven by economic and financial pressures, rather than working to behave in an ethical manner.

For example, where power is dominant, some companies pay low wages or set poor working conditions because they can. Where the only end in mind is maximising profit, cutting the pay and conditions of workers can be seen as good business practice. Many companies feel an obligation – whether to shareholders or for another reason – to maximise profit rather than to also consider justice. There is an assumption that the primary concern of consumers is price.¹²

⁶ Cavanaugh, WT, *Being Consumed: Economics and Christian Desire*. William B Eerdmans Publishing Company, Cambridge UK, 2008. Page 16.

⁷ Bruni, L and Zamagni, S, *Civil Economy: Efficiency, Equity, Public Happiness*. Oxford; New York: Peter Lang, 2007. Page 175.

⁸ Migrants and Refugees Section, *Pastoral Orientations on Human Trafficking*. Dicastery for Promoting Integral Human Development, 2019. #17.

⁹ Tornielli, A and Galeazzi, G, *This Economy Kills: Pope Francis on Capitalism and Social Justice*. Liturgical Press, Collegeville, Minnesota, 2015. Page 29.

¹⁰ Migrants and Refugees Section, 2019. #33.

¹¹ Migrants and Refugees Section, 2019. #17.

¹² Cavanaugh, 2008, page 20.

Instead, it is the welfare of people that should be our primary concern. All human beings are made in the image of God and so deserve our deepest respect for their human dignity. Our objective should be to promote the interests of people and their fundamental human dignity.¹³

We cannot be indifferent to the plight of our fellow human beings. Our economic system tempts us to indifference, but what we choose to buy or sell has moral implications because of its impact on the lives of other people.¹⁴

People in our communities are often not aware of the exploitation that may be part of the goods and services they buy. Most people don't want employees to have bad conditions, but we're often quite detached from their lives and how food or goods are produced, so we can't see what happens.¹⁵

Solidarity is a sense of personal responsibility for everyone, separate from the actions of the state.¹⁶

Charity is a type of love where there's a willingness to give – even to strangers – without expecting anything in return. There is a view that charity is scarce like economic goods, but that's not so. Charity cannot be overused and builds the more it is used, because it strengthens relationships and communities. We need these strong relationships and communities for a good civil society.¹⁷

To love someone is to want to advance their interests. The risk is that some businesses might be seen as solely about the pursuit of self-interest and profit, because self-interest is often at odds with the common good. The common good is where conditions are established to help all people to flourish and have a humanity where all people are responsible for each other.¹⁸

One way to help improve a sense of responsibility is through ideas like the Economy of Communion.¹⁹

The Economy of Communion is a scheme where businesses commit to distribute their profits in three parts: to aid the poor, to educational projects and to develop the business. This is an economy of giving rather than the consumer economy, which is one of taking.²⁰

¹³ Migrants and Refugees Section, 2019. #18.

¹⁴ Migrants and Refugees Section, 2019. #21, 33.

¹⁵ Cavanaugh, 2008, page 43; Migrants and Refugees Section, 2019. #20.

¹⁶ Booth, P, Understanding the modern state. This paper was delivered by Prof Philip Booth at the Von Hügel Institute Conference on 'Catholic Social Thought and the Big Society' held at St Edmund's College, Cambridge 25-26th June 2012.

¹⁷ Bruni, L, Common good and economics: Toward an agapic economy. Università di Milano-Bicocca and Istituto superiore di cultura "Sophia", Loppiano (FI). Translated by Michael Brennen.

¹⁸ Longley, C, Understanding the modern state. This paper was delivered by Clifford Longley at the Von Hügel Institute Conference on 'Catholic Social Thought and the Big Society' held at St Edmund's College, Cambridge 25-26 June 2012.

¹⁹ Migrants and Refugees Section, 2019. #19.

²⁰ Cavanaugh, 2008, pages 98-99.

This is part of the development of what Pope Francis has described as a “culture of tenderness”, where we walk with people to help them through the difficulties they encounter, as well as the joys and wonders, in their life journey.²¹

Migrant workers exploited

I note the Report of the Migrant Workers’ Taskforce, which found that around six percent of Australia’s workforce is made up of temporary migrant workers. Their role is obviously crucial to our economy. Despite that, there is evidence that as many as 50 percent of this group may be underpaid.²²

A couple of examples from the Seasonal Worker Program illustrate what can happen when the profit motive takes over from ensuring that workers receive decent pay and conditions.

The program is important to workers from the Pacific islands, for their countries and for Australian farmers who need fruit and vegetables picked. One news report said that wages earned by Tongan workers under this program total more than the total of both Australian aid and Tongan exports to Australia.²³

The high value of these wages to Pacific communities is perhaps one reason workers can be reluctant to complain about poor working conditions.

It was reported that 70 Tongan workers were found living in one house, which was accommodation provided by a labour hire company, with the residents paying up to \$130 each for rent.²⁴

In a second case, a group of 22 men travelled to Australia to work, but were exploited by being forced to work for little or no pay.

The men came to Australia from Vanuatu in 2014 to earn money under the Seasonal Workers Program. They later complained to the Fair Work Ombudsman about their treatment by labour hire company Maroochy Sunshine Pty Ltd and its sole director Emmanuel Bani.

Thirteen of the 22 workers were paid nothing. The others were paid between \$50 and \$300 for seven weeks’ work picking fruit and vegetables. These small payments come nowhere near covering the cost of their outlays for airfares, visas, medical and police checks to get to Australia. The men were treated badly, given minimal food and water and very poor accommodation.

The Ombudsman took their case to the Federal Circuit Court and Judge Michael Jarrett found that Mr Bani’s “appalling treatment” of the men “... was clearly designed to exploit this group of vulnerable workers.”

²¹ Prowse, C, Closeness and Tenderness. *Catholic Voice*, August 2019. See: <https://www.catholicvoice.org.au/closeness-and-tenderness/>

²² *Report of the Migrant Workers’ Taskforce*. Commonwealth of Australia, March 2019. Pages 5-6.

²³ Seasonal worker program faces fresh scrutiny after 70 workers found living in one house. *ABC Rural*, Friday 14 February 2020.

²⁴ Ibid

The Federal Circuit Court ordered that the 22 workers be paid the \$77,649 owed to them.

The Seasonal Workers Program is clearly important to the relationship between Australia and Pacific Island nations. The Program offers the opportunity for Pacific Islanders like the men from Vanuatu to come to Australia and earn good money for hard work, aiding the development of Pacific nations. The program is also very important to Australian farmers, to help ensure their produce is picked.

The Australian Government should make an ex-gratia payment to these men of \$77,649, which is the amount the Federal Circuit Court determined was owed.²⁵

Conclusion

Laws and regulations against modern slavery and the exploitation of workers are essential, but they will not be decisive unless there is a change in our culture to recognise the human dignity of all people. Australia's system of temporary migration should focus on promoting human dignity and the integral human development of people.

I would be happy to answer any questions the Committee may have. I can be contacted via Fr Maurizio Pettenà CS, National Director of the Australian Catholic Migrant and Refugee Office

Yours sincerely

Archbishop Christopher Prowse

Chair

Bishops Commission for Evangelisation, Laity and Ministry

²⁵ Queensland labour-hire operator slammed for "appalling and egregious treatment" of visa-holders. Media release: Fair Work Ombudsman. 28 March 2017; Bowling, M, Church advocates seek lost wages for 22 Pacific Island seasonal workers exploited in Queensland. *The Catholic Leader*, 31 July 2019.