

Friday 18 March 2022

Select Committee on Job Security
PO Box 6100
Senate
Parliament House
Canberra ACT 2600

By email: jobsecurity.sen@aph.gov.au



Head Office
126 - 130 Deakin Avenue
Mildura Victoria 3500

Postal Address
PO Box 5055
Mildura Victoria 3502

Telephone 03 5021 3472
Facsimile 03 5025 4040
Web www.madec.edu.au

ACN 086 804 015
ABN 48 086 804 015

Dear Mr See

Please find attached information that has been provided in response to questions from the Chair, Senator Sheldon, received on the 16th of March 2022.

Questions raised through the Senate Select Committee on Job Security are being thoroughly investigated by SWP program manager DFAT and the Fair work Ombudsman. I can confirm that MADEC is co-operating fully with these authorities, responding transparently and comprehensively to all of their requests to ensure the integrity of the investigation process.

Yours Sincerely,

Laurence Burt
Chief Executive Officer
MADEC Australia

Attachment A

Response to Question 1

Following the requests for relocation and the matters before the hearing, Mr Aleki and Mr Talipope have been working with the Department of Foreign Affairs (DFAT) and MADEC to make arrangements for their relocation.

Relocations often take some time to finalise in any circumstance. MADEC has a relocation process which is to:

- Canvass grower partners to determine if they have work opportunity available
- Ensure proposed placements have accommodation options that have been approved by DFAT. If necessary, seek DFAT endorsement by way of an accommodation proposal
- Seek DFAT approval of the offer of employment that is to be made to the worker. This can take up to 2 weeks
- Make the offer of employment to the workers
- Make travel arrangements and relocate

In this instance the communication with workers concerning alternative employment has been co-ordinated by DFAT.

Mr Aleki and Mr Talipope's peers were relocated to new work assignments on 8 March 2022, due to commence work by the 10th of March 2022. MADEC ensured that planned travel at this time did not impact on Mr Aleki and Mr Talipope's capacity to attend the Senate Select Committee hearing scheduled on the 10th of March.

MADEC have continued to pay Mr Aleki and Mr Talipope to ensure they do not suffer financial disadvantage during this period of time. We expect Mr Aleki and Mr Talipope's to be relocating within the next 5 days.

Response to Question 2

Please see attached extract (Attachment B) from the DFAT approved offer of employment for, Mr Aleki and Mr Talipope's, outlining the expectations for earnings and net benefit after tax and deductions.

This is broken down into two time periods, the first being pay period 1 to 8, where workers are paying their on-arrival expenses (international airfares, visa, etc) and pay period 9 to 36 post on-arrival expenses being paid off.

Response to Question 3

A team leader in an SWP assignment is a peer to other workers and is not a paid or authorised representative of MADEC. As provided in evidence by MADEC at the hearing of 10 March 2022, we are not aware that Mr Aleki and Mr Talipope had an upcoming appearance at the Senate hearing, or that they would be travelling to Canberra. We were first made aware after Mr Aleki and Mr Talipope appeared at the hearing on 3 February 2022.

Response to Question 4

As provided in evidence by MADEC at the hearing of 10 March 2022, MADEC had no prior knowledge that Mr Aleki and Mr Talipope were to appear at the hearing on 2 February 2022.

As previously advised, Mr Hay had no knowledge that Mr Aleki and Mr Talipope were intended to attend the hearings on 2 February 2022. The first Mr Hay became aware of their attendance was on 3 February 2022 when they returned. (Refer to Mr Hay's written evidence previously provided to the committee on 10 February 2022).

Mr Hay had not previously spoken to Ms Sauliuma-Duggan and was not aware of her or her involvement until the 3rd of February when he spoke to her and Mr Aleki and Mr Talipope at approximately 5pm at their accommodation. (Refer to Mr Hay's written evidence previously provided to the committee on 10 February 2022).

Response to Question 5

MADEC received the correspondence from Sunnyridge on 31 January 2022 as previously advised. It is our understanding that Sunnyridge Farms has provided documentary evidence to the committee concerning the correspondence on 31 January 2022 and the attendance issues that were being experienced. (Please refer to the Sunnyridge response to questions on notice).

MADEC routinely receives requests for the relocation of workers from hosts, unions, DFAT accommodation providers, welfare groups and the workers themselves. Relocation requests are made for a range of reasons including changes to the availability of work, incompatibility between the nature of the work and a group of workers, a wide range of performance related issues, accommodation issues and workers personal reasons. The notice that MADEC is provided concerning relocation requests varies significantly.

In instances where workers need to relocate, MADEC work closely with DFAT to redeploy workers to other assignments as timely as possible, with respect given to the DFAT approval processes for any variations to employment conditions of seasonal workers.

In the last two years of COVID, MADEC has supported approximately 4,000 relocations of workers primarily due to the fact that SWP visa holders have often not been able to return to their host country.

Response to Question 6

MADEC representatives are often speaking with Samoa, East Timor, Tonga and Solomon Islands Liaison Officers on a daily basis concerning the needs of respective visa holders and the issues that arise.

MADEC representatives have spoken to Mr Aufa'i Fulisiailagitele Saleuesile about the claims made by Mr Aleki and Mr Talipope. Consistent with written evidence provided on the 10th of February and evidence provided at the hearing on 10 March 2022, MADEC is not aware of any discussion concerning dismissal or repatriation of Mr Aleki and Mr Talipope.

Response to Question 7

MADEC's accommodation arrangements comply with the SWP Deed and guidelines and are approved by DFAT/DESE.

Each work assignment has a respective accommodation plan which DFAT/DESE officials review and approve prior to the work assignment commencing. MADEC confirms that this standard was met.

Mr Aleki and Mr Talipope were accommodated in approved accommodation known as Green Gables. The venue is located in Warburton in the Yarra Valley region and is fit for the local climate, in accordance with program guidelines. It is a large property with spacious outdoor areas, external seating, shade areas, etc. The facility has 2 large kitchens, 2 large dining halls and 4 large shared internal recreation spaces. Refer <https://greengables.net.au/> for images of the facility .

The weekly cost for each worker for this accommodation (including accommodation, utilities, cleaning, linen laundering service, internet, grounds maintenance) is \$150 and was approved by DFAT/DESE consistent with the program guidelines.

As per the guidelines, SWP visa holders are also permitted to make their own private accommodation arrangements should they wish.

Response to Question 8

The SWP guidelines and deed require that Approved Employers provide suitable accommodation to a standard that would be considered 'furnished accommodation'. This allows the SWP visa holders to have access to suitable accommodation on arrival and avoid excessive outlays for setting up accommodation. The accommodation inclusions and exclusions are approved in advance by DFAT as part of the accommodation approval process.

As outlined in the hearing on 10 March, the primary costs or deductions for SWP visa holders in the first 12 weeks is reimbursing an employer for on-arrival contributions. Costs such as flights and visa's. It is also a requirement under the Seasonal Worker guidelines that approved employers support workers with the upfront costs of items prior to them commencing work, after arrival into the country. This may include items like clothing, bedding, initial food shops, medical items and phones/credit. These costs are paid up front by the approved employer and recovered from the worker in subsequent pay cycles, after workers commence work.

The primary deductions for Mr Aleki and Mr Talipope in the first 12 weeks were for on arrival costs such as flights and the regularly weekly expenses of accommodation, transport and private health insurance.

Response to Question 9

MADEC is one of the largest Approved Employers under the Seasonal Worker Program and has been involved from the start of the program 12 years ago.

MADEC is a national business with SWP operations across Queensland, New South Wales, Victoria, Tasmania and South Australia.

MADEC is committed to right of association for all employees. All employees are informed of their workplace rights in their employment contract, including the right to join a union and not be subjected to discrimination if they choose to do so.

All MADEC employees are presented with a range of information concerning their right to associate and join a union at their arrival briefing into Australia.

MADEC has very constructive ongoing engagement with key union representatives such as:

- Unions are invited to all on arrival briefings with SWP Visa holders and provided a confidential opportunity to address new arrivals
- Unions are engaged in all disciplinary process for SWP Visa holders.
- Union requests to relocate workers and/or employ displaced workers are regularly accommodated
- Weekly meetings are held, every week, between MADEC and the United Workers Union to review issues identified, including member complaints or concerns and implement solutions that benefit worker welfare

Mr Saleuesile is unaffiliated with MADEC, he is an employee of the Samoan government. Mr Saleuesile regularly meets with workers across Australia, employed by MADEC and numerous other Approved Employers, and discusses a range of topics such as:

- conduct and behaviour
- repatriation opportunity and process
- mechanisms to raise complaints or concerns
- absconding
- welfare
- recent messaging from the Samoan government

MADEC is not aware of the evidence of the claims made in the media.

Estimated pay per pay period

Description	Pay period 1 to 8	Pay period 9 to 36
Estimated pay after tax	\$725.73	\$725.73
Estimated pay after tax and deductions	\$300.59	\$517.23

Please tick to agree that:

- ☐ I accept and authorise my **MADEC Australia** to make deductions from my weekly pay while in Australia to cover the costs of these items:
- ☐ Airfare and domestic transfers to and from the airport
 - ☐ Visa application fee
 - ☐ Health insurance
 - ☐ Accommodation
 - ☐ Transport
 - ☐ Cash advance or loan
 - ☐ Clothing (if required)
 - ☐ On arrival Meal (if required)
- ☐ I accept, and authorise MADEC Australia to make deductions from my weekly pay to recover the costs of other necessary One Off expenses incurred throughout my employment, and that MADEC will not make deductions for these expenses without my written consent to the nature, frequency and amount of the deduction.
- ☐ I accept that if my earnings are insufficient to pay my deductions in any pay period, a further deduction equivalent to the amount not taken, will be processed in the next available pay period, and I understand that in such a circumstance I will not be paid any less than the MADEC income safety net of \$100 for a pay week.
- ☐ I accept that if my expenses have not been paid back in full by the time I am due to depart Australia, my final pay may be reduced or withheld to the value of the deductions outstanding.
- Other conditions**
- ☐ I have read and agree to abide by The MADEC Code of Conduct (Seasonal Worker Program Participants (SWPP))
- ☐ I acknowledge that I will be provided a MADEC Drug & Alcohol Policy during my On Arrival briefing in Australia and that I will be required to behave in accordance with this as part of my employment with MADEC
- ☐ I acknowledge that I understand the accommodation offered is an alcohol free facility, and I agree to abide by this
- ☐ I acknowledge that I understand the accommodation offered is an alcohol free facility, and I agree to abide by this