

Joint Select Committee on Northern Australia
Inquiry into Workforce Development
Questions on notice – Public hearing, 17 April 2024

Manbulloo's Response

Question: *What changes are needed to the PALM Scheme to make it best work for your business?*

Answer: For Manbulloo Farms, the PALM scheme has worked well for the business and the Seasonal Workers, impacting the communities and lives of our workers in their home countries and in Australia mostly in a positive way.

The introduction of a weekly assessment and the payment of a mandatory 30 hour week whether worked hours, or not, needs to be amended. As of 1st July 2024, the changes will see a massive impact on the PALM scheme is it proceeds and as an employer of many Seasonal Workers it is a heavy financial burden and is not aligned with the Federal Horticulture Award.

Removal of this new obligation will be positive for Agricultural Industry prosperity for employers and workers. Averaging over a longer period of time is achievable and fair - over an average hours worked for 8 week period ensures income for workers and productivity for horticultural businesses. but not Paying a minimum of 30 hours based on every week in isolation is not sustainable or achievable since there is variability in agriculture including weather events, crop loss and instances when the harvest or activity needs to be delayed or sped up due to other environmental (mainly temperature) and marketing factors.

The fresh food industry is different to other industries such as hospitality or aged care. The variables in Agriculture are long recorded, the data is there every year to support the fact the 30-hour rule is detrimental and there is a fairer approach is to ensure the workers get an overall fair income.

To benefit workers when events beyond the control of businesses occur, we would propose that the transfer of workers between AEs and/or reputable businesses could be part of contingency plans. A “Pre-Approval” system where the AE or contractor could move PALM workers to other approved employers seamlessly with an update PALMIS so the whereabouts are known and workers are still managed and supported would avoid. Rather than having workers ‘sitting around bored and restless’ when there is an unforeseen break in work available would be advantageous. The current system for approving transfers in these circumstances is too slow and not responsive when events happen in Agriculture.

There are a lack of parallels to the Horticulture Award and Fair Work Act in the PALMIS gudielines and rules – many requirements in the PALMIS appear to be in contrast to the goals of these Australian laws related to “provide fairness at work and prevent discrimination.”

Question: *What could we do in terms of looking at the broader policy? If it's a good scheme that can assist the sector, how do we fix some of these issues going forward?*

Answer: There appears to be gaps and a disjointed approach in communication across the different Government agencies on many decisions and discussions. This issue extends to the communication and discussions with industry and users of the Scheme re policy and processes.

For example, PALM workers absconding is a significant problem that is exacerbated because workers know or believe that they will probably not be followed up and the precedent is that they will not be sent home and can stay as long as they want even when outside the terms of their Visa.

Consideration needs to be given to the Horticultural industry outside of other industries due the seasonality and dynamic nature of the influences on agriculture eg rain, cyclones, flowering and harvest patterns related to temperature. With this in mind, policies and rules need to be set and PALMIS staff need to be employed with an understanding of the industry. Some weeks the hours worked are extensive and some weeks the hours to be worked are lighter or there is a gap in field and packhouse activities through no fault of the employer. It would be a big step forward if Policy and decision makers cognisant of some basic factors affecting horticulture. Onboarding of DEWR staff including an introduction to the horticultural industry and the challenges faced so that all circumstances are considered by policy makers and government team members would be highly beneficial.

An example highlighting the need for understanding of the Industry and the Horticulture Award is below:

Recently Manbulloo Fruit Company submitted a Labour Test Market for approval to proceed with the recruitment plan – subsequently had a call from DEWR to say they would decline LMT as the advertisement had “casual job that may lead to Full-time” DEWR said it was confusing as stating both types of work.

After questioning the decision based on current Australian workplace law the LMT was approved. The time and resources taken and the delays due to an employee not knowing the legislation can be significantly negative to the businesses.

In regards to making it a better scheme, we would request consideration of the introduction of an Approved Employer reward system – where if the AE has consistently complied and performed based on the guidelines over a period of say 3 years, (based on this history) they can more readily go through the process of engaging PALM workers. Streamlining the system and rewarding those who are doing the right thing may increase efficiency and productivity, reduce some of the time consuming requirements and their frequency and allow resources to be focused on any participating businesses who are not complying and performing to a high standard of ethics and governance.