



Australian Centre for Regional Economic Justice

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Committee Secretary
Senate Employment, Workplace Relations &
Education Committee
Department of the Senate
Parliament House
Canberra ACT 2600

Dear Committee Secretary,

I am pleased to provide a copy of our submission in response to your inquiry into a Pacific Region Seasonal Contract Labour Scheme.

We recognise and support the urgency to address labour shortages in rural Australia as well as the government's endeavour to consider Pacific countries as potential source destinations for our labour needs. We believe rural farmers, businesses and the regional communities will benefit greatly from the proposed scheme.

However, we will caution that the proposed scheme will produce minimal effects on the economies of Pacific countries. Instead, a more symbolic change to our immigration programs should be considered to encourage more Islanders into other industries and sectors in this country. The risk in what we're proposing now is that it could discriminate Islanders from other occupations in the future, as is the likelihood to attract institutional racism against those already here as citizens or permanent residents.

We offered some explanation as to why the scheme will produce minimal effect on the economies of Pacific Island countries and stated some of the factors the Committee must consider in order for this scheme to have any real impact on these countries.

We made the point that we have been discussing labour shortages in this country for many years and have heard a great deal of opinions from the business community about their desire to recruit foreigners to meet these shortages. However, this is not to suggest that there has been any public outcry on this debate or any demand that we consider Pacific countries as a major source for our labour supply needs. Obviously someone in Canberra

have thought otherwise so we welcome the optimism that is being expressed to consider Pacific countries ‘favourably’ for this particular scheme.

Our submission examines just two areas of the TOR as follows:

The (a) likely technical, legal and administrative considerations of the scheme and the (b) effects of the scheme on the economies of the Pacific Countries

We thank the Committee for considering our submission and for introducing this very important debate as we look forward to your final report.

Sincerely Yours,



John Uri BEd (UWS)
Chief Advocate

Submission to the
Senate Employment, Workplace Relations and
Education Committee
March, 2006

INQUIRY INTO A PACIFIC REGION SEASONAL CONTRACT LABOUR SCHEME

The Australian Centre for Regional Economic Justice (ACRE Justice) is a non-profit research organisation based in Sydney. Originally established in 2003 as the Australia-Pacific Policy Action Network Inc, the organisation promotes research activities to advance global understanding of the social, cultural and economic status of Pacific Communities and families in Australia and in the Pacific region. The Centre's broader mission is to assist and facilitate educational programs to increase awareness of the cultures and history of Pacific people. ACRE Justice frequently promotes critical examination of contemporary issues relevant to the social and economic development of Pacific Communities particularly in Australia and around the Pacific region.

Summary of Key Points

1. Broadening our immigration programs towards Pacific Island countries should be maximised so we can deliver the greatest economic partnership to the societies of the Pacific region.
2. The proposed scheme will have a significant impact on regional Australia, particularly on the horticulture and agricultural sectors, because there will be a pool of workers available when they need them. However, the impact of the scheme on Pacific countries will remain uncertain because this will depend on how the government proposes to coordinate the scheme with specific Island countries and which country it will choose predominantly to recruit workers from.
3. It is our view that the scheme's impact on Pacific countries will depend primarily on 3 – 4 factors. First, the quota of workers recruited from a single country has to be significant. Second, the number of workers recruited annually from the same country must be sustained at the same rate or higher. Third, it will depend on how long the scheme will operate, assuming that this country's political framework are not always in agreement on everything. The longer the scheme operates,

the better. Fourth, we need to know whether the income earned by workers will be invested in capital or business ventures, or used primarily for consumption purposes.

4. The quota is relatively important for the scheme to have any effect on the economy of the source country. Recruiting 100 workers from the Solomon Islands will not scratch the surface of that country's economy. The same could be said for PNG or Fiji. Unless these factors are seriously considered, we will simply have a scheme designed to serve our own purpose and not the other way around. What is true of course is that seasonal workers will enjoy the monetary benefits of the scheme because the wages they earn will be higher than most senior public servants in Honiara or Suva.
5. In the past 40 years, we conducted an immigration policy that has become increasingly discriminatory towards Pacific Island nations. It is time that we bury these policies for good and to consider these countries as regional partners instead of rivalries.
6. We chose not to comment on the various factors that is creating labour shortages in rural Australia because we believe enough have been said about this subject over the years. Many opinions have been expressed by experts and industries regarding labour shortages in this country so we believe the next step now is to decide where to recruit workers from. We commented on the technical and administrative implications of the scheme and on the factors that will impact on the economies of the Pacific region. The points expressed will be relevant to the Committee's inquiry now that we're considering the prospect of recruiting humans, not sheeps, to assist with our rural farms. It is unfortunate that the terms of reference could not be expanded so we can comment directly on the human aspects of the scheme.
7. It is our view that the proposed scheme could create long term discrimination against Pacific Islanders in this country if the scheme is used solely to serve a political purpose. The fact we are considering a seasonal labour scheme 'fit' for Pacific Islanders will make such allegations even more credible. Not that anyone will reject the merits of the scheme but in this country public opinion matters and we take such views very seriously. We have many migration schemes that are not tied to any specific countries. This one is so we should be concerned.
8. Exploitation and abuse is a common threat to workers that has no protection and rights. We recommend that the Committee consider introducing appropriate legislations to protect the rights of seasonal workers in relation to wages, working conditions, accommodation, access to grievance support and a host of other measures deemed

necessary to support these workers.

9. We believe this scheme will pose a number of moral and ethical issues if it is strictly treated for commercial outcomes only where the human aspects of the scheme are ignored. We would have preferred a migration scheme that will allow Island workers to work in sectors other than farming or agriculture, and not be bound to any condition that will require them to return home after six or nine months of work.
10. There have been criticism against these types of schemes because of the threat to local jobs particularly in rural areas where youth unemployment is very high. The claim suggests that foreign workers are cheap and their presence in this country will force local wages down. We would probably agree on the second point that using foreign workers could affect local wages. However, we don't agree that foreign workers will necessarily take over local jobs particularly in an industry where farmers or growers are constantly struggling to find workers. As stipulated in previous inquiries, there will be seasons when growers and farmers will struggle to find the workers they need even with the sort of effort being put in to maximise local interest to participate in rural work.
11. We are concerned that workers recruited under the proposed scheme may be affected by the recent changes to this country's industrial relations system (introduced last year). We fear there will be an imbalance in the negotiation power between migrant workers and their employers and there are also doubts over the minimum wages these workers will receive. Picking and harvesting jobs don't necessarily require migrants to speak English fluently and this is potentially a recipe for exploitation to abuse workers rights. We therefore need safety nets to ensure that the workers' interest are not eroded or abused.
12. We have serious reservation about some aspects about the scheme particularly if workers fail to return to their country when their contract expires etc. Those who skip ship will become illegal migrants and soon we will have a diversity of public opinions asking whether the scheme should have been introduced at all. Should these events occur, we hope the government will do everything it can to avoid scapegoating those who came to this country under the proposed scheme.
13. We speculated somewhat about this country's political and economic relationship with Pacific countries and have expressed a number of important views on these issues. We believe the Australian public are not being informed adequately about our attitude towards Pacific countries. What we often see and hear is a political framework that tend to patronise the societies of the region when the subject matters suits us.

Labour and the Pacific

Our comments on this inquiry is confined to two specific areas, primarily on the administrative and technical aspects of the scheme, and secondly, its potential impact on the economies of Pacific countries. We ignored other aspects of the terms of reference (TOR) because we believe a great deal of time had been spent discussing this same subject over the past 5 years. There is already a vast array of opinions in this country highlighting the economic benefits of recruiting workers from overseas, only that nothing has been said as to where exactly we should recruit from.

The horticultural sectors have generally acknowledged the long term risks posed by labour shortages in rural Australia and have proposed practical solutions to address the shortage. They have seriously considered this for a number of years, although the choice of country where this need may be met had not been agreed to unanimously. For us, the confusion is whether this inquiry is considering Pacific countries as a suitable place to supply our labour needs and if it is, then the TOR is not making this point any clearer. It would appear the Senate inquiry will focus almost exclusively on the mitigating problems that is driving rural communities into economic ruin and a debate we are again revisiting.

The significance of the scheme in relation to Pacific Island nations is therefore stated almost insignificantly. The only hint given that the scheme might have something to do with the Pacific region is the title allocated for this inquiry, and the last point of the TOR. As we debate the ongoing consequences confronting farmers and the rural community in relation to labour shortages, we are not exactly sure whether Pacific countries are being considered because no other country or countries can assist us with our rural labour requirement. If Pacific countries are the logical choice, then perhaps some questions needs to be raised such as how the Committee came up with that conclusion?

It seems, the TOR presented for public comment, represents a very short and narrow view about the Pacific region so that your inquiry will deny many others the opportunity to comment fully and directly on our past (and present) history with the Pacific countries in terms of our policies on immigration, foreign aid, investment and trade. The context of the TOR, it seems, is also skewed to discourage others from taking part in a genuine discussion about our Pacific neighbours as though the expectation is to receive as little information as possible about the Pacific and more on what is happening in rural Australia. Ironically, this inquiry has not specifically asked whether the PI countries will serve our economic interest. It only hints whether this scheme (labour shortages) will impact on the economies of the Pacific countries, a very weird way to express this considering the primary

purpose of this inquiry.

It is therefore important for us to raise these issues because it seems there are two different and entirely distinctive issues emanating from this inquiry. The two issues have been somewhat mixed so that one is less significant than the other. The only question is, which references will be recognised as legitimate and which one will be treated less significantly? We would have preferred that the inquiry was introduced without being attached to any particular country or countries so we can have a genuine public debate that is impartial and productive. It will then be up to the public to comment indirectly or directly on a set of countries they believe will serve our economic interest and to state why.

If the possible responses suggests that we should recruit from Pacific countries, China, Vietnam or India, at least the government is given a set of choices. This approach is a lot more impartial because if the scheme is implemented and then failed, we won't have to condemn specific ethnic group as is currently the case. The government will have the space to state publicly why they would choose Pacific countries over others. Since what is being proposed is pre-determined for Pacific countries, there is more reason now to doubt the motives behind the proposal such as whether it is being initiated purely for commercial or for political purposes. We believe it reflects both, because the usual prescriptors that are generally prevalent in a public inquiry are absent. That is, the government have already decided for us the country or countries where our labour requirements may be met.

Likely technical, legal and administrative considerations for such a scheme

- 1.1 It is difficult to predict precisely how the scheme will affect seasonal workers until at least we have surpassed 2 – 3 years of operation. However, we know that Australia will gain much more than the countries we are planning to source our workers from. Different arrangements with different countries is likely to produce different results for each source country. Inevitably, Australian farmers and growers will have a guaranteed pool of labourers to meet their demand each season.
- 1.2 There are structural issues the government must seriously consider. Many regional communities are already experiencing problems in relation to communication, housing and transport services and if these issues are not addressed, they could impact indirectly on the business and farming activities of those supporting this scheme. Relevant to this inquiry is whether the rural sector is ready to accommodate the new visitors. This is potentially a major issue for farmers because of the cost factors that must be considered and the pressure to provide

adequate accommodation and facilities for migrant workers. In addition, special services should be established to accommodate the educational needs of workers. This could include English lesson classes or training facilities for guest workers.

- 1.3 We would argue that the Commonwealth should manage the scheme at least for the first two years. This means handling and coordinating all hiring activities, including the transportation of workers from key Australian ports to the rural country, overseeing all contractual arrangements, and to ensure that wages and working conditions are fair and socially equitable. Handing the hiring tasks out to private firms may be premature and should be carefully examined by the government to ensure that contracts are transparent and that worker's rights are protected.
- 1.4 If all the technical, administrative and legal implications can be adequately ratified and fully understood by all stakeholders, it will be easier for hiring or contract firms to step in and absorb some of the operations of the scheme as prescribed earlier on. Thus, from an economic point of view, the burden of the costs to successfully implement the scheme should be born by the government since they will always recover their costs once the scheme is in full swing.
- 1.5 There is already a wide body of knowledge and research that clearly endorsed foreign workers as viable solutions when supply cannot be met internally. Seasonal workers have been recruited for agricultural work in other countries such as Canada, the US and some European countries. The Canadian model is probably the best example given that it has been in operation for several years although their experience did not always start without controversy. Reports of exploitation by unscrupulous farmers and hiring firms was experienced during the early years of the scheme. Despite these earlier doubts, there is still widespread perception that the Canadian model is still the best. We recommend that the Committee examine the Canadian model as a possible template for the proposed scheme.
- 1.6 Working conditions for seasonal workers in Canada have improved over the years and have been supported by that country's major union bodies, the National Union of Public and General Employees (NUPGE), and the United Food and Commercial Workers (UFCW) union (15). Another country where seasonal workers are in abundance is America. Today, there are over 2 million agricultural workers in the US. Like the Canadian experience, seasonal workers in America were historically denied union representation. The United Farm Workers union was later established and had been a prominent advocate for seasonal workers. They were largely responsible for improving the working conditions that

migrant workers come to enjoy today (16).

- 1.7 In recent years, labour unions in the States have made a symbolic change to their philosophical position by stepping into the agricultural sector in an effort to re-establish their influence throughout America. In Australia, it is not certain where the union stand in relation to this and related schemes but we do acknowledge that historically, the major union bodies, including the ACTU, have generally rejected guest worker schemes with Pacific countries.
- 1.8 We recommend that seasonal workers employed under the proposed scheme be given the right to open a bank account upon arrival to this country. The Committee should determine the types of official documents or identification papers they need to present to banks to open an account. In addition, the Committee should take into account the fact that these arrivals carry very little credentials to establish credibility for identification purposes. We believe that cash carrying in bush country is extremely risky since most of these workers will reside in shared accommodation where personal belongings are not safe.
- 1.9 In keeping with the Australian standard about fair wages and conditions, seasonal workers employed under the proposed scheme should receive the same treatment and rights like those already enjoyed by Australian workers. The number of hours they should work under should be reasonable and just. We recommend that workers should be given an option to take one day off during weekdays so they can attend to private matters such as banking, post office, educational classes, paying bills, or contacting government agencies for private reasons. We stressed the word 'optional' to imply that it is up to the workers to decide whether to take a time off or not.
- 1.10 If the income earned by seasonal workers attracts income tax or superannuation deductions, then we recommend that these workers be allowed to apply and receive a tax file number (TFN). Other types of deductions should be considered by the Committee to ensure that the amount or rate deducted does not disadvantage them.
- 1.11 Although this scheme has similarities to other migration schemes currently in place, it is different in many aspects. Workers employed under the proposed scheme will be tied to a single employer and their mobility to move around may be constrained by visa or contractual conditions. The scheme is yet to be trialled and inevitably, there will be a period of 'uncertainty' also. Therefore, it is in the government's interest to sort out the administrative, technical or legal complications in the short term and to facilitate the cooperation needed between the source country, this country and all stakeholders.

- 1.12 We understand that the hiring firms are keen to take advantage of the scheme but we also feel that the program should be managed by the government until such time when we are able to absorb all of the technical and legal complexities surrounding this scheme. We recommend that the Committee consider establishing a consultative body of business, government and community advisors to consider all of the technical, social, human and administrative aspects of the scheme.
- 1.13 In addition to our endorsement of the scheme, we hope that in the immediate future the government will allow seasonal workers to access other jobs in other sectors in this country. We understand that many labour intensive jobs are also available in sectors other than horticulture or farming. In urban centers of the main cities, 75 per cent of labour and construction work are never filled. This is despite the fact that they are advertised regularly in various job networks.
- 1.14 We accept that this scheme poses considerable risks to its integrity, particularly in situations when seasonal workers fail to comply with their visa conditions or contractual obligations. We have every reason to be concerned because of the likely impact this will have not only on those who fail to comply, but also on how the crisis is played out in the public domain and media. How that opinion is expressed will depend on the degree of the crisis and whether the Australian public can tolerate it. We have always held the view that what is being proposed is morally controversial partly because it is being developed and considered for a specific cultural group and the fact that we did not ask the Australian public to decide for themselves as to which country should we consider to source our workers from.
- 1.15 We support this inquiry because of the business and political optimism that is being expressed that the scheme may remove some of the economic perils confronting many families in Pacific countries. We also support it because of the persistent argument that rural farmers and growers cannot find the workers they need when they need it most. However, we are also realists. We would have preferred for a different kind of migration program, the kind that is open with no strings attached. Or a scheme that will not be used one day to condemn the very people we are trying to assist.
- 1.16 Under this scheme, there is clearly an economic benefit for the rural sector. What is uncertain is the type of wages these workers will receive. We expressed this view very strongly because of the recent changes to the industrial relations legislation which came into effect in 2005. If employers were to decide the basis of the agreement to be signed and accepted by seasonal workers, then it is critical that

the workers know what they are signing for, and that someone else is present to represent the individual's interest. This will ensure that workers are satisfied with the agreement.

- 1.17 We mentioned earlier on that the scheme needs to be coordinated well so there is regular consultation between the growers or farmers, the government and the governments of the source nations. There is a wide variety of crops or fruits or rural activities that require specific numbers of workers at different times. So a decision must be made by somebody or by a controlling center on the number of workers needed from each nation for a specific rural sector. While we believe the number of workers required can be met, it is important that seasonal workers receive as much work opportunities as possible considering that many of them could have 3, 6 or 9 months of stay in this country.
- 1.18 We will also ask whether it is possible to give flexibility to this scheme to allow workers to move from one employer to the next when the first employer have no other work available? Should this happen, we then need to consider the legal or technical implication for worker mobility and their relationship with new employers etc? For example, how will the transition process transpire and who will represent the interest of the workers given these circumstances? Will the next employer offer a different wage rate and if so, how different? A complicated question that also needs answers is who will be responsible for the general welfare of these workers while they are here?

Effects of the scheme on the economies of Pacific nations

- 2.1 The South Pacific region is a large area representing different governments and institutions with populations that vary in size, culture, language and history. Unfortunately, the term 'Pacific countries' have been carelessly used by many institutions to the extent that even today's young people are being brought up to think that Pacific Islanders are a single entity society. The misuse of this term becomes obvious when we are dealing not with one, but a host of different political institutions and ethnicities.
- 2.2 Since Pacific countries are individual nations having their own political institutions, the impact of the scheme will depend only on which country we are prepared to predominantly recruit from. The impact on the source nation will be very minimal unless the recruitment quota is significant and proportional to the source country's population. A successful scheme offered to Solomon Island workers for example will

have no bearing on the economies of Tonga or the remote Island of Kiribati.

- 2.3 There is very little trading activities taking place between Island countries so it will be difficult to detect precisely the impact of the scheme and how this will spread to other PI nations. These countries trade mostly with us, New Zealand, Japan and the US. As this scheme is being considered for the Melanesian countries to the North, Australia will be the ultimate winner and potentially in two ways. The money earned from rural Australia will be spent mostly on Australian goods imported by Honiara or PNG. So in a sense, what we give to these workers, we also take it away from them through our exports to the region.
- 2.4 The success of the scheme will depend on whether the bucreaucracies both here and abroad can manage and coordinate all recruitment activities with heightened efficiency. Other than the fact that peripheral benefits of the scheme will be enjoyed by families of the recruited workers, only time will tell whether the scheme will have any real impact on the lives of the people. Australia must continue to invest heavily in these countries and should not rely solely on this scheme to bring growth to this part of the region.
- 2.5 It is our understanding that the Melanesian countries (Solomon Islands, PNG, Fiji etc) are being considered as front runners for this scheme. So the success of the scheme can be determined on the basis of the quota of workers recruited from each nation. We simply can't lump all Pacific countries together and use this as a basis for predicting this 'impact' because many other smaller nations are not likely to be a major player in this scheme. What success is experienced in Melanesia will have no major bearing on other non participant countries.
- 2.6 We wil argue that the scheme's impact will be much more exact if the analysis is located on the basis of the source country. We stated earlier the kinds of factors that must be considered and implemented in order for the scheme to bear fruits for regional countries. That is, the quota of workers from a single country must be significant and sustainable in any year and the scheme should operate beyond 3 or 5 years before any benefits can be realised.
- 2.7 The scheme will not work if the demand for workers in any particular year are controlled, varied or reduced significantly. For example, for the scheme to have any kind of impact on the Solomon Island economy, they would need to supply between 700 – 1500 workers per year and at this rate (or higher) the country must be able to sustain the same rate for the seaons to follow. We will therefore argue that the decisions

on the number of workers required for regional Australia and for each year will have a direct bearing on the scheme and ultimately on the economies of the source nation.

- 2.8 The economic crisis confronting Island countries today vary in strength and size. The smaller island countries are much more vulnerable because they lack the sort of resources needed to advance their economic prosperity. However, all Island countries share something in common: they have high levels of unemployment, they are a long way from the major international markets and communication services are extremely expensive. Although Island countries receive foreign aid from Australia and others, the smaller Island states are highly dependent on outside aid because they simply don't have the resource or land base to initiate long term economic development. There will be significant social risks for the smaller states who want to engage with this scheme in particular, because of current efforts to discourage outward migration to prevent depopulation amongst those nations.
- 2.9 By definition, it is in our interest to trade and invest in the Pacific region. Despite the number of reports highlighting foreign workers as a useful source for short term labour requirements, we must point out that what is being proposed is fundamentally different. The intention of the scheme of course is another matter considering our political past and attitude towards the region. These perspectives are therefore important not so much because we need more workers to satisfy the interest of rural businesses, but more so for the political and business optimism in linking this scheme to Pacific countries at all. Then on the other hand, we deny them the opportunity to access this country's labour market programs because we have effectively shut them out through our somewhat discriminatory immigration programs.
- 2.10 The dilemma for skeptics and outsiders lies in the fact that we are processing an ideology that seems to suggest that Islanders are ideal workers for this scheme because it is manual, hard and dirty. It begs one to ask: why aren't they good enough to work in the other sectors in this country, such as nurses, teachers, doctors, or construction workers? Then there are those who will pretend that the scheme is being proposed because we were pressured by Pacific governments to come up with something or anything.
- 2.11 Pacific governments have never argued for seasonal work programs of the type we are considering now. Historically, the region have asked that we moderate and broaden our immigration programs so that struggling families from the region can access our labour market programs. Subsequent governments have since refused to entertain such ideas. In perspective, what is true is exactly the opposite. We

bullied the small Island nation of Nauru to accept our boat refugees there and in achieving that purpose, we hardly cared how or what Pacific countries think. And Pacific countries never complained about our own arrogance.

- 2.12 Needless to say, we believe the proposed scheme will achieve an economic outcome for workers and families selected to work in this country. Whether the economies of the region will benefit, this will depend on many different factors and on this country's will to consider Pacific countries not as 'outsiders', but as true economic partners. In discussing the technical or administrative implication of the scheme, we mentioned some of the factors needed for this scheme to work. In conclusion, we believe Pacific governments will welcome this scheme even in the absence of any comprehensive economic model to describe precisely what those benefits will be.

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