

## Submission to Review of Regional Migration Settings

### *Supporting Strong and Sustainable Regions Discussion Paper*

#### About Berries Australia

Berries Australia was established in November 2018 as a joint venture between the Australian Blueberry Growers' Association Inc. (ABGA), Raspberries and Blackberries Australia Inc. (RABA) and Strawberries Australia Inc. (SAI) to represent the interests of the Australian berry industry as a whole. Valued at \$1.04 billion/annum, the berry industry now represents the single largest fresh produce category in Australian supermarkets. Berries are grown in every state in Australia and due to this geographic spread are produced virtually year-round.

Berries Australia is a member of the National Farmers' Federation Horticulture Council and works very closely with the Australian Fresh Produce Alliance as we share several members. As such this submission should be seen as supplementary to the submissions from both those organisations.

#### Submission

Berries Australia welcomes the opportunity to make a submission into the review of regional migration settings. Berries, like most other horticulture commodities, are predominantly grown in regional areas. Most of the people working in the berry industry live, work and spend in regional areas, so the berry industry is both a contributor to and beneficiary of strong and sustainable regions. Berries Australia notes the breadth of the review and the implications for regional areas however this submission will focus specifically on the provisions relating to the Working Holiday Maker (WHM) visa and in particular the current visa extension obligations, as working holiday makers are critical to the viability of the berry industry.

#### *The workforce challenges of the berry sector.*

Berries are a high value and highly perishable product. Due to their inherent properties almost all berries are handpicked here in Australia and globally. The dependence on hand picking and the time sensitive nature of the product means that berries are particularly reliant on a mobile workforce that can be deployed quickly and then moved to another location. The term seasonal worker is problematic in so much as there are varied times throughout the year that workers are needed, which include preparation as well as just picking and packing. Figure 1 one highlights the variability in worker numbers required on a typical Queensland strawberry farm over a 12 month period.

Figure 1: Workforce needs for a QLD strawberry farm

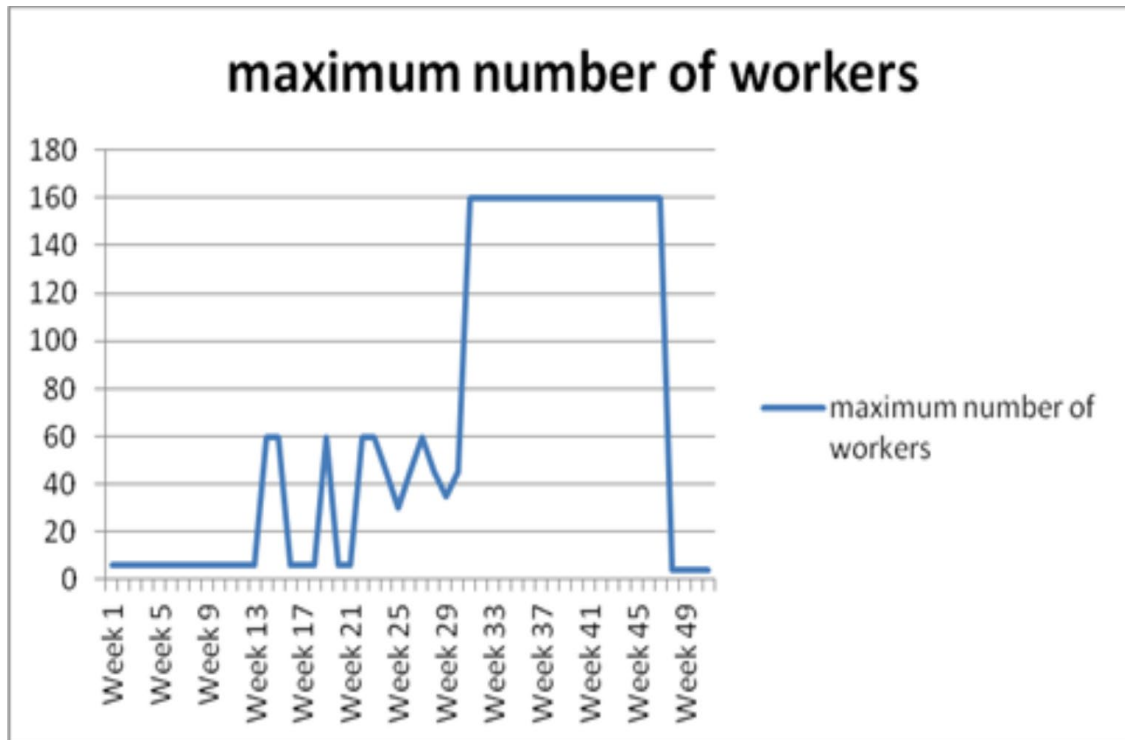


Figure 1 Example of variability in work available and people required on an example strawberry farm during QLD winter production

Jan-Feb - Preparation of the farm for the coming season requiring approximately 4 – 6 workers

March – Planting begins requiring approximately 60 workers for 10 days only

April – Pruning work is available in late April requiring approximately 60 workers

May – Ongoing pruning work and the beginning of harvest requiring approximately 60 workers for 10 days only

June-July – Variable weather and production levels mean anywhere from 10 to 60 workers are required for picking for four to five days a week

August –November – Full production requiring 160 workers seven days a week. The season can end abruptly depending on weather conditions or low prices.

Managing this level of variability in labour needs is already very challenging for many growers and demonstrates why the PALM scheme in its current form, whilst highly valued by the berry industry, cannot meet all of our workforce needs.

The berry industry has implemented many schemes over many years to increase the attractiveness of working in the industry to Australian workers. Most notable of these was the Sweetest Job Campaign 2016-2017 which was a collaboration between the Sunshine Coast council and local grower organisations. Unfortunately despite more than a thousand expressions of interest, only 50 locals ended up taking farm worker positions and only one remained employed the following year.

Covid 19 saw a number of other programs aimed at increasing local participation with limited success. Commentators on the left wing of politics attribute this to the fact to poor payrates and conditions and those on the right like to call young Australians lazy. Both of these positions underestimate the complexity of the situation which is replicated in advanced economies globally. Essentially itinerant short term manual work with variable hours is not really compatible with the reasonable lifestyle expectations of many Australians, but as a primary production industry the growers are at the mercy of nature and supermarket timelines.

The second year visa WHM extension requirements are a neat solution to this challenge as it matches the desire of backpackers to intersperse their travel with work and move to different locations, with the horticulture industries need for a 'surge' workforce at certain times of year. The berry industry, according to the recent JSA report, is actually the highest user of WHMs accessing 8% of all WHM on second year visas. This highlights the importance of this workforce to the berry industry.

If the intent of this review is really about the migration settings for strong and sustainable regions then a visa setting that accommodates the complexity of the berry sector is vital. We would support the phase out of the current WHM second year visa requirement only after alternatives such as the Ag visa or the AFPA harvest visa have been locked in place and working effectively.

### Addressing exploitation concerns

Berries Australia acknowledges the concerns raised relating to exploitation of WHM but contends that the reforms made in 2016 which lifted the requirement for employers to 'sign off' on second year visa applications and the more recent decision by the Fair Work Commission to create a floor within the piece rate provisions has done much to address these concerns. The missing piece of the puzzle continues to be a national labour hire licensing scheme which was an election commitment of the Albanese government.

Berries Australia has publicly advocated for national labour hire licensing since its formation in 2018. This position was developed after clear evidence that the labour hire licensing scheme had made a significant impact on improving worker conditions in the Queensland berry industry. This has been validated by the recent report from the FWO which revisited locations identified as exploitation hotspots in their Harvest Trail report. In their original investigation both the Queensland strawberry industry and the Coffs Harbour blueberry industry were identified as on compliance hot spots. In the 2023 follow-up investigation, the Queensland industry was identified as having high compliance rates whereas the Coffs Harbour region continues to have issues with compliance. Queensland has a labour hire licensing scheme and NSW does not! Even more telling is that the significant majority of compliance issues in the Coffs region related to Labour Hire. The evidence that the WHM second year visa settings facilitate exploitation is either out of date or anecdotal at best. The evidence that labour hire licensing works is clear and contemporary.

Whilst the introduction of Labour Hire licensing should be an immediate priority for government, we are supportive of measures to improve the oversight of employers who use WHMs. We consider some sort of registration scheme to have merit and welcome the opportunity, as the sector with the largest dependence on WHM, to be part of the design to mitigate against unintended consequences. Any registration scheme needs to be low cost and accessible to growers of all sizes and capacity. Well regulated labour hire must also remain part of the mix as they are often the only way small to medium sized growers can manage their variable workforce needs. The government should also consider the role of existing certification schemes such as Fair Farms and SEDEX in the design of the registration scheme and also reconsider the value of these schemes for demonstrating PALM scheme compliance obligations which are currently duplicative and burdensome.

As has been highlighted in other submissions, the berry industry is a significant regional employer of Australians and the use of seasonal workers generates job opportunities in a range of support roles. We are keen to work closely with government to ensure the WHM scheme continues to deliver vital short-term workers whilst also enhancing protection of these workers. Alternatively, we again ask the government to consider a fit for purpose visa to ensure that good growers can access good workers and all Australians can continue to enjoy high quality berries.

For more information or to discuss any aspect of this submission please contact Rachel Mackenzie on 0408 796 199 or [rachelmackenzie@berries.net.au](mailto:rachelmackenzie@berries.net.au)