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Response to Migrant Workers' Taskforce report

Australian Resources and Energy Group AMMA notes the Federal Coalition Government's intention to adopt all 22 recommendations of the Migrant Workers' Taskforce [Report](#), including criminalisation of serious worker exploitation and establishing a National Labour Hire Registration Scheme.

"AMMA's long held position is that introducing criminal sanctions into workplace relations law is unnecessary given existing criminal law can already be applied in the most serious cases of unlawful treatment of employees," Tara Diamond, AMMA Acting Chief Executive, said.

"Further, criminal charges would likely be counter-productive to the efficient recovery of underpaid wages for affected workers. We would also need to carefully consider how the introduction of criminal charges might affect reporting of underpayment or exploitation.

"However, AMMA does accept that a small number of isolated cases of deliberate and systematic underpayment of workers has damaged the public's confidence in existing measures for preventing and prosecuting of this type of behaviour.

"We don't believe introducing criminal sanctions into Australia's workplace laws is the right answer, however if the government believes this path would restore that lost public confidence, limiting its application to 'only the most serious and egregious cases' would be critically important.

"This would largely preserve the existing approach for all but the most extreme and deliberate of cases, emphasising proactive education, efficiently identifying and remedying mistakes or oversights in payment processes, and administering civil penalties for minor breaches, first offenders and careless non-compliance."

A second major policy commitment arising from the Taskforce report is to establish a National Labour Hire Registration Scheme seeking to reduce exploitation and drive behavioural change among labour hire operators in "high risk sectors", named as horticulture, meat processing, cleaning and security.

"AMMA has ardently opposed indiscriminate labour hire licensing schemes, such as those introduced by the Queensland, Victorian and South Australian Government, and proposed nationally by the ALP Federal Opposition," Ms Diamond said.

"A key basis for AMMA's position is that exploitation of labour hire employees had only been identified in a limited number of sectors, and not the resources and energy industry where labour hire is a valuable, responsible and commercially necessary supplement to other employment models.

"For this reason, while AMMA does not support the introduction of any National Labour Hire Registration Scheme, the model proposed by the Taskforce is more appropriately targeted to those industries where concerns about labour hire practices have been identified.

"It is also critical that whichever party forms government following the 2019 Federal Election, that when implementing its preferred national labour hire licensing or registration scheme, that the national system would replace those already in place or proposed for various states and territories.

"Further, pursuing a low regulatory burden is a sound approach to ensuring any scheme is workable for labour hire providers without adversely impacting their business models and the job prospects of labour hire employees."

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