



30th August 2018

Deputy President Kovacic
Fair Work Commission

Via email: chambers.kovacic.dp@fwc.gov.au

Dear Sir,

REF: AM2014/196 and 2017/197 – Casual and Part Time Employment - Horticulture

We are involved in the orchard industry and we operate commercial orchard farms both in regional Southern New South Wales and regional Eastern Victoria. Fruit harvesting and other seasonal orchard activities present our operations with a requirement to engage employees on a casual basis to accommodate seasonal requirements. In the case of fruit harvest, these requirements are more intensive over relatively short periods of time.

The Commission's review of the aspect of the overtime penalty rates for casual employees relative to the *Horticulture Award 2010*, and further the associated work that we understand that you have been involved with in relation to this matter, have only recently been brought to our attention.

We understand that there is a short timeframe offered to interested parties to submit feedback to your attention on this matter and, therefore, we respectfully wish to provide some constructive feedback from an orchard farming operation perspective to you on this matter in good faith.

Fruit harvest is already highly pressurised, both financially as to labour costs as well as operationally when considering the difficulty we have engaging workers during these intensive seasonal periods where time is of the essence to complete harvesting within what can be a relatively tight 'window' of fruit maturity and associated harvesting. Our fruit harvest can extend out to 12 – 16 weeks depending on the varieties being harvested in any season and, as such, we rely on the ability to engage casual workers for additional hours over that harvest period.

Frankly, we will not be in a financial position to pay overtime rates for the extra work required during the peak seasonal requirements for the casual workers and we believe that this will be detrimental to casual employees that come to us seeking to work additional hours to suit their desires / requirements for short term work and we will simply be forced to reduce the hours that they themselves are seeking from us by employing other staff to cover the shortfall to keep the harvest costs viable.

With our orchard farming operations being located in regional areas, this presents difficulties attracting employees. For example, many overseas visitors travelling may be attracted to work for a limited period in regional areas, but they often prefer to work for shorter more intensive periods and then move on. We are often asked to provide such longer hours by people that approach us for casual work as this is what they themselves are seeking. Having the ability to pay casuals additional hours, at their own request, makes it more attractive to them to travel to country areas where there are few facilities for them to spend their time-off and can make this

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viable for both the orchard operations and those persons looking for such casual seasonal work. Accordingly, we are very concerned that changing this aspect of the Horticulture Award will make it harder to attract workers to the regions for these special requirements in a way that is sustainable for us as an orchard operation.

Casual employees seeking work in the horticulture field also rely on access to shorter but intense periods of work to best suit their own personal desires / requirements will likely find that they have less hours available to them if the overtime aspect is introduced into the Horticulture Award as many orchard operations, like ourselves, will not be able to viably sustain such increased costs without any tangible increase in the output on the farm.

Also, from an industry perspective, any added increase in harvest costs will work directly against the Australian orchard industry's competitiveness on the export market as our labour costs are already much higher than many of our international competitors.

We thank you for the opportunity to provide our constructive feedback to you on this matter and we look forward to monitoring the progression of this matter in the future.

Yours Faithfully,

Tony Willcocks
Commercial Manager

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