

**From:** Kara Sheehan [<mailto:ksheehan@nuw.org.au>]  
**Sent:** Friday, 30 June 2017 4:39 PM  
**To:** Chambers - Catanzariti VP; Stephen Smith  
**Cc:** [houlihan@sladen.com.au](mailto:houlihan@sladen.com.au); [chris.mossman@mk.com.au](mailto:chris.mossman@mk.com.au); [pdugan@dmawlawyers.com.au](mailto:pdugan@dmawlawyers.com.au); [Kate.Sheridan@mk.com.au](mailto:Kate.Sheridan@mk.com.au); [paula.colquhoun@mitologroup.com.au](mailto:paula.colquhoun@mitologroup.com.au); Kylie Dunn; Genevieve Vaccaro; Paul White; Tass Angelopoulos; Kimberly Pearsall; Stephen Crawford; Roushan Walsh  
**Subject:** RE: AM2016/25 - 4 yearly review of modern awards – Horticulture Award 2010

Dear Associate,

We refer to proceeding AM2010/25 and we write in relation to two matters.

## 1. Site inspections

We have recently become aware of a site operated by the Mitolo Group in Eastern Creek, Sydney. We consider that there is utility in the Commission conducting a short visit to this site.

In support of this application, we rely on the attached statements of George Robertson and Jafar Kazmi.

We have foreshadowed this issue with Mitolo's lawyers and the other parties, but understand that to date Mitolo has not consented to the view occurring.

The site is located approximately 1 hour from the Commission, so we suggest that the view occur on Wednesday 5 July 2017 which was previously set down for hearing this matter.

We would greatly appreciate if we could be informed whether the Commission is minded to conduct a view in advance of the commencement of Tuesday's hearing.

## 2. Further material for filing

We also wish to be provided with leave to rely on the attached 3 witness statements in relation to the site visits and in response to the third witness statement of Ms Paula Colquhoun filed on 15 June 2017.

Sincerely,

**Kara Sheehan** | National Industrial Officer  
**National Union of Workers**  
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**FAIR WORK COMMISSION**

*Fair Work Act 2009*

IN THE MATTER OF:

**AM2010/25 HORTICULTURE AWARD 2010 [MA00028]**

**4 Yearly Review of Modern Awards (AM2016/25) –**

Application to Vary the Award by Mitolo & Ors

**SECOND WITNESS STATEMENT OF GEORGE ROBERTSON**

I, George Alexander Raphael Robertson, of 833 Bourke Street, Docklands, Victoria, Lead Organiser, make the following statement in this matter before the Fair Work Commission:

**Introduction**

1. I refer to my previous witness statement dated 21 April 2017.
2. I make this supplementary statement in response to the supplementary witness statement of Paula Colquhoun filed on 15 June 2017 (**Third Colquhoun Statement**), in support of the NUW's request that the Commission visit the Mitolo Group's Eastern Creek Site as part of this proceeding.

**The Mitolo Group's Operations in NSW**

3. On or around 20 June 2017 I was informed by Kara Sheehan, NUW National Industrial Officer that in this matter the Full Bench had raised the prospect of visiting the Angle Vale Road Site to obtain an understanding of the operations at the site. Given that the issue of visiting sites had been raised by the Commission, I considered whether the NUW should suggest to the the Commission that it should also visit other workplaces to allow it to obtain a fair understanding of the types of operations that would be impacted by any variation to the Award.
4. One of the matters that I considered was whether the Commission should visit any other Mitolo Group Sites. I understood that Mitolo had operations in New South Wales

(as this had been referred to in the Mitolo Group's material in this matter) but was unsure of where these operations were located or any detail at all about these operations including whether it was a farm or a packing shed or both. To try and find out more I conducted some research on the internet.

5. On 22 June 2017, I located the following report online which at page 4 shows that in December 2016, the Mitolo Group leased an industrial facility at Unit 1, 25 Wonderland Drive, Eastern Creek (**the Eastern Creek Site**) (available at <http://pdf.savills.asia/asia-pacific-research/australian-research/australia-industrial/savillsresearch-quartertimes-sydney-industrial-q4-2016.pdf> and attached at **Annexure 1**).
6. Attached to this statement at **Annexure 2** is a photograph obtained from an internet search in relation to the area surrounding the Mitolo Group's site in Eastern Creek.
7. After obtaining the above I spoke to Jafar Kazmi an NUW organizer based in NSW. I explained to Jafar the issues that had arisen in this proceeding. I explained to him that I had identified a Mitolo Group site in Eastern Creek. I asked him to attend the site to speak to any workers and find out how they were being paid and what work they were doing. I also explained that the NUW would then consider whether it should request that the Commission also attend the Eastern Creek Site site for an inspection.
8. Jafar has informed me that he attended the site on 28 July 2017. He has informed me that it is a packing and storage facility and that in his view the operations appear different to the Angle Vale Road site (as indicated by the photos that are attached to the Third Colquhoun Statement).

### **Fresh Produce Packing and Storage Facilities outside of Virginia, South Australia**

9. I understand that the Commission will visit the Angle Vale Road Site and Zerella as part of this proceeding. I am concerned that the Angle Vale Road site and the Zerella site are not representative of the operations of other sites that it seems to me would be impacted by an Award variation.
10. I am aware of a number of other stand-alone packing and distribution facilities across Australia which are utilised by producers of a variety of crops that are separate from their farm, orchard or agricultural holdings. Many of these sites would be affected if the

application to change the coverage of the Horticulture Award was granted. I discuss such facilities below.

11. A number of these packing and processing facilities - which are currently covered by the *Storage Services and Wholesale Award 2010* - are owned or operated by enterprises that have “connection” with the primary grower or “horticultural enterprise”.

### **Flavorite**

12. Flavorite is an enterprise which grows tomatoes, capsicums, cucumbers and eggplants.
13. Flavorite also runs a packing facility and distribution center located at the Orbis Business Park at 30 Riding Boundary Road, Ravenhall, Victoria (**Flavorite Packing Facility**), which I visited on 27 June 2017. The Flavorite Packing Facility is located in an industrial precinct approximately 30 kms from the Melbourne CBD.
14. On 27 June 2017, I spoke to workers at the Flavorite Packing Facility who confirmed that most of the produce comes to the facility from Flavorite’s main farm in Warragul, Victoria, some from other Flavorite farms, and some from farms not owned by Flavorite.
15. Workers also confirmed that the Flavorite Packing Facility includes a packing section where workers grade and pack produce, predominately cucumbers and tomatoes, and a loading area where product is received and forwarded onto the distribution centers for the major supermarkets.
16. This is consistent with a job advertisement I located online for a Production Team Member at the Flavorite Packing Facility. This is attached as **Annexure 3**.
17. On 27 June 2017 the HR manager and workers at this site told me that workers in the packing section are paid according to the *Storage Services and Wholesale Award 2010*.
18. According to an announcement issued in relation to the commencement of the construction of the Flavorite Packing Facility, Flavorite “*decided to commit to a facility at Orbis largely as it is centrally located between the distribution centres of our major*

*retail customers and service providers. Being close to the four-way interchange that connects Robinsons Road and the Western Freeway was also a significant factor ensuring efficient access to our own farms North and West of Melbourne, and a clear run to the new Wholesale Fruit & Vegetable markets at Epping". This is attached as Annexure 4.*

### **Mercorella Group**

19. The Mercorella Group is a large horticultural enterprise based in South Australia.
20. The group's operations include a warehousing/distribution and consolidation centre for fresh fruit and vegetables located at 469 Waterloo Corner Road, Burton, South Australia (**Mercorella DC**), approximately 26 kms from the Adelaide CBD.
21. The Mercorella Group also has an enterprise called the Carrot Company Pty Ltd (**Carrot Company**). The Carrot Company runs a packing facility adjacent to the Mercorella DC. There is a carrot farm located on the same site as the Carrot Company packing facility.
22. I have been informed by workers at the Mercorella DC, that the carrot farm is owned by the Mercorella Group.
23. At the Mercorella DC, produce is received from a range of horticultural suppliers.
24. Workers at the Mercorella DC store, and forward fresh food and vegetables to Coles supermarkets in South Australia and the Northern Territory.
25. Workers engaged to pack and forward fresh food and vegetables at the Mercorella DC are currently paid under the Storage Services and Wholesale Award 2010.

### **Select Harvest**

26. Select Harvest Ltd is a publically listed horticultural company which owns almond orchards in Australia and also operates almond packing and processing facilities in Victoria.

27. The NUW is a party to the enterprise agreement which applies to Select Harvest's almond packing and processing facility in Thomastown Victoria, the *Select Harvests Food Products Pty Ltd, Enterprise Agreement 2015*. This agreement is underpinned by the Storage Services and Wholesale Award 2010.
28. I have been informed by the organiser responsible for this site that the produce arrives from farms owned by the Select Harvest group in addition to being sourced from other growers, and is then sorted, packed, stored, and prepared for sale before it is forward on for sale.

### **The Costa Group Holdings Ltd**

29. Costa Group Holdings Ltd is a publically listed horticultural company that, within its corporate group, grows, packs and markets fresh fruit and vegetables. A document setting out the Costa Group's company structure is attached at **Annexure 5**.
30. In 2016 I was involved in negotiations for a new enterprise agreement at a tomato glasshouse owned by the Costa Group in Guyra NSW. Because the packing facility at that site is located on a farm, the Agreement is underpinned by the Horticulture Award 2010.
31. In addition to being a major grower of tomatoes, citrus, berries, mushrooms, the Costa Group operates number of cold storage and logistics operations in a range of locations in Australia.
32. For example, I am aware that the NUW is a party to the Costa Logistics Eastern Creek Distribution Centre Enterprise Agreement 2016, which related to a distribution centre located nearby the Mitolo Group's Eastern Creek Facility. This Agreement is underpinned by the Storage Services Award.
33. I understand from the information at Annexure 1 that the Costa Group also has a 50% interest in Polar Fresh Cold Chain Services Pty Ltd (**Polar Fresh**). Polar Fresh is a Company that provides cold storage and distribution services to Coles.
34. Polar Fresh runs a large distribution facility for Coles in Laverton, Melbourne. I have spoken to members and delegates at Polar Fresh about the work they do. They have told me that there is an area in which workers pick, pack, store and forward fresh fruit

and vegetables as well as other grocery items that require cold storage. The fresh fruit and vegetables they handle is sold to Coles before it arrives at the Laverton facility.

35. I am aware that the NUW is party to the Enterprise Agreement that covers Polar Fresh's Laverton site (the *Polar Fresh Victoria and National Union of Workers Enterprise Agreement 2016*). This agreement is underpinned by the *Storage Services and Wholesale Award 2010*.
36. I am aware that Polar Fresh performs storage, and forwarding work in connection with produce that comes from a variety of horticultural enterprises, including from farms and agricultural holdings owned and operated by the Costa Group.
37. Polar Fresh is described in the prospectus issued by the Costa Group as a joint venture between the Costa Group and Swires Cold Storage. This is attached as **Annexure 6**. Polar Fresh is also described on the Polar Fresh website as a partnership between Costa and Swires Cold Storage. A screen shot is attached as **Annexure 7**. According to a company search conducted on 29 June 2016, 50% of the shares in Polar Fresh are owned by Costa Fresh Logistics Pty Ltd this is attached as **Annexure 8**.
38. Given that 50% of Polar Fresh is owned by the Costa Group and that workers at the site pack, store and forward horticultural crops from Costa Group farms as well as other horticultural companies, I am concerned that some workers at this site may have their award safety net set by the Horticulture Award 2010 if the application is granted.
39. I do not know what level of "control" (as that term is defined in *the Corporations Act 2001 (Cth)*) Costa Group exercises over the affairs of Polar Fresh without further access to information regarding the internal affairs of the entities.

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George Alexander Raphael Robertson

30 June 2017

## ANNEXURE 1





Savills Research  
New South Wales

# Quarter Times Sydney Industrial

Q4/2016



## Key Indicators

### South Sydney (Alexandria, Botany, Banksmeadow, Rosebery)

	Prime		Secondary	
	Low	High	Low	High
Rental Net Face (\$/sq m)	140	200	110	140
Yield - Market (%)	5.75	6.50	6.75	7.75
IRR (%)	7.25	7.75	7.75	8.25
Outgoings - Total (\$/sq m)	30	40	30	40
Capital Values (\$/sq m)	2,154	3,478	1,419	2,074
Land Values 3,000 - 5,000 sq m (\$/sq m)	1,000-1,100			
Land Values 10,000 - 30,000 sq m (\$/sq m)	800-1,000			

Source: Savills Research \*Assumption: Lands values are quoted on a 'serviced and benched' gross land area basis

### South West Sydney (Chipping Norton, Yennora, Moorebank, Prestons)

	Prime		Secondary	
	Low	High	Low	High
Rental Net Face (\$/sq m)	100	120	70	100
Yield - Market (%)	6.00	6.75	7.00	8.25
IRR (%)	7.50	8.25	8.00	8.75
Outgoings - Total (\$/sq m)	18	22	18	22
Capital Values (\$/sq m)	1,481	2,000	848	1,429
Land Values 3,000 - 5,000 sq m (\$/sq m)	375-425			
Land Values 10,000 - 30,000 sq m (\$/sq m)	300-350			
Land Values 10ha+ (\$/sq m)	275-325			

Source: Savills Research \*Assumption: Lands values are quoted on a 'serviced and benched' gross land area basis

### Outer South West Sydney (Campbelltown, Ingleburn, Minto, Smeaton Grange)

	Prime		Secondary	
	Low	High	Low	High
Rental Net Face (\$/sq m)	90	105	70	85
Yield - Market (%)	6.50	7.25	7.75	8.50
IRR (%)	7.75	8.50	8.25	9.00
Outgoings - Total (\$/sq m)	15	20	15	20
Capital Values (\$/sq m)	1,241	1,615	824	1,097
Land Values 3,000 - 5,000 sq m (\$/sq m)	300-350			
Land Values 10,000 - 30,000 sq m (\$/sq m)	250-300			
Land Values 10ha+ (\$/sq m)	250-300			

Source: Savills Research \*Assumption: Lands values are quoted on a 'serviced and benched' gross land area basis

Central West Sydney (Auburn, Chullora, Granville, Homebush, Rydalmere, Silverwater)				
	Prime		Secondary	
	Low	High	Low	High
Rental Net Face (\$/sq m)	120	140	90	110
Yield - Market (%)	6.25	7.00	7.50	8.50
IRR (%)	7.25	8.00	8.25	9.00
Outgoings - Total (\$/sq m)	20	27	20	27
Capital Values (\$/sq m)	1,714	2,240	1,059	1,467
Land Values 3,000 - 5,000 sq m (\$/sq m)	500-650			
Land Values 10,000 - 30,000 sq m (\$/sq m)	450-550			
Land Values 10ha+ (\$/sq m)	450-550			

Source: Savills Research \*Assumption: Lands values are quoted on a 'serviced and benched' gross land area basis

Western Sydney (Arndell Park, Eastern Creek, Erskine Park, Greystanes, Huntingwood, Smithfield, Wetherill Park)				
	Prime		Secondary	
	Low	High	Low	High
Rental Net Face (\$/sq m)	105	125	75	95
Yield - Market (%)	6.00	6.75	6.75	7.75
IRR (%)	7.25	7.75	7.75	8.50
Outgoings - Total (\$/sq m)	18	22	18	22
Capital Values (\$/sq m)	1,556	2,083	968	1,407
Land Values 3,000 - 5,000 sq m (\$/sq m)	450-500			
Land Values 10,000 - 30,000 sq m (\$/sq m)	375-425			
Land Values 10ha+ (\$/sq m)	325-375			

Source: Savills Research \*Assumption: Lands values are quoted on a 'serviced and benched' gross land area basis

North Western Sydney (Seven Hills, Kings Park, Blacktown, Marsden Park, Baulkham Hills)				
	Prime		Secondary	
	Low	High	Low	High
Rental Net Face (\$/sq m)	100	115	80	100
Yield - Market (%)	6.50	7.25	7.75	8.50
IRR (%)	7.75	8.50	8.25	9.00
Outgoings - Total (\$/sq m)	18	25	18	25
Capital Values (\$/sq m)	1,379	1,769	941	1,290
Land Values 3,000 - 5,000 sq m (\$/sq m)	450-550			
Land Values 10,000 - 30,000 sq m (\$/sq m)	350-400			
Land Values 10ha+ (\$/sq m)	300-350			

Source: Savills Research \*Assumption: Lands values are quoted on a 'serviced and benched' gross land area basis.

North Shore (Artarmon, Lane Cove, St Leonards)				
	Prime		Secondary	
	Low	High	Low	High
Rental Net Face (\$/sq m)	135	190	105	130
Yield - Market (%)	6.75	8.00	8.00	9.00
IRR (%)	8.00	8.75	8.25	9.25
Outgoings - Total (\$/sq m)	40	50	40	50
Capital Values (\$/sq m)	1,688	2,815	1,167	1,625
Land Values 3,000 - 5,000 sq m (\$/sq m)	600-700			
Land Values 10,000 - 30,000 sq m (\$/sq m)	400-600			

Source: Savills Research \*Assumption: Lands values are quoted on a 'serviced and benched' gross land area basis

## Major Leasing Activity

### Select Sydney Industrial Facilities

Date	Property	GLA(sq m)	Rent (\$/sq m)	Tenant
Nov-16	Unit 1, 25 Wonderland Dr, Eastern Creek	6,420	113 N	Mitolo Group
Nov-16	5-7 Murtha St, Arndell Park	12,775	105 N	General Carrying
Dec-16	205-231 Fairfield Rd, Yennora	19,000	108 N	The Iconic

Source: Savills Research

## Major Sales Activity

### Select Sydney Industrial Investment Sales

Date	Property	Price (\$m)	GLA (sq m)	\$/sq m	Yield (%)
Dec-16	12 Lanceley Pl, Artarmon	17.30	4,309	4,015	6.00 ^
Dec-16	20 Davis Rd, Wetherill Park	10.10	3,975	2,541	6.00 ^
Dec-16	201-205 Newton Rd, Wetherill Park	8.70	2,987	2,913	6.00 ^
Dec-16	205-231 Fairfield Rd, Yennora	46.70	31,086	1,502	7.39

Source: RCA, Savills Research ^ stated portfolio yield

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## ANNEXURE 2

1/25 Wonderland Drive, Eastern Creek, NSW 2766  
Leased Wed 16-Nov-16



## ANNEXURE 3





## POSITION DESCRIPTION

<b>Position:</b>	Production Team Member
<b>Department:</b>	Production
<b>Reports to:</b>	Warehouse Supervisor
<b>Direct Reports:</b>	NIL
<b>Our Vision:</b>	
<i>"To be an Australian family business sourcing and marketing high quality fresh produce".</i>	
<b>We value:</b>	
<b>Teamwork:</b> We consider everyone at Flavorite as our extended family and every member of our team is important. We share ideas and solve problems collaboratively.	
<b>Leadership:</b> We lead ourselves and we lead others to deliver our vision.	
<b>Passion:</b> We are passionate about Flavorite and we are dedicated to sourcing and marketing high quality, fresh produce, in partnership with our suppliers.	
<b>Reliability:</b> We can be relied upon to do what we say we will do and what we need to do.	
<b>Ethics:</b> We have the highest ethical standards and value honesty, responsibility and accountability in all we do.	
<b>Position Purpose:</b>	
The Production Team Member is responsible for all production tasks involving packing, grading, labelling, sorting and also assisting with training and performance monitoring to achieve the relevant KPI's and quality requirements	
<b>Key Result Area:</b>	<b>Specific Tasks:</b>
<b>Warehouse Operations</b>	<ul style="list-style-type: none"> <li>• Sort, grade and pack produce according to quality and procedural requirements</li> <li>• Train new staff on correct techniques to ensure efficiency is achieved as set out by the Warehouse Supervisor</li> <li>• Report all produce issues to the Warehouse Supervisor</li> <li>• Correct staff if they are not performing tasks correctly</li> <li>• Ensure quality standards meet customer and warehouse requirements</li> <li>• Participate with cleaning and housekeeping duties</li> <li>• Other tasks as required</li> </ul>
<b>Administration</b>	<ul style="list-style-type: none"> <li>• Ensure daily cleaning activities are completed and check list is completed</li> <li>• Generating customer / despatch labels as per specification</li> </ul>
<b>Workplace Health &amp; Safety</b>	<ul style="list-style-type: none"> <li>• Maintain clean and efficient production areas</li> <li>• Report near misses and potential hazards</li> <li>• Adhere to all Workplace Health and Safety policies</li> <li>• Report all incidents involving injury to Supervisor</li> <li>• Be an advocate for OH &amp; S compliance</li> </ul>

Position Number: PD005

Revision Date: 2 December, 2015

Position Name: Permanent Production

Reviewed by: D. Robson



## POSITION DESCRIPTION

Person Specification:	
<b>Mandatory Qualifications / Skills:</b>	<ul style="list-style-type: none"><li>• Training and coaching experience</li><li>• Good fitness level with the ability to undertake physical and repetitive work required by the role</li></ul>
<b>Desirable Qualifications / Skills:</b>	<ul style="list-style-type: none"><li>• Previous packing or produce experience</li><li>• Exposure to FMCG environment</li><li>• Produce / Food handling background</li></ul>
<b>Personal Attributes:</b>	<ul style="list-style-type: none"><li>• Quality orientation</li><li>• Well developed communication skills</li><li>• Motivation and Initiative</li><li>• Able to follow procedures and instructions</li><li>• Team player</li></ul>

The above statements are intended to describe the general nature and level of the work being performed by people assigned to this position. This is not an exhaustive list of all duties and responsibilities. Flavorite management reserves the right to amend and change responsibilities to meet business and organisational needs as necessary.

Position Number: PD005	Revision Date: 2 December, 2015
Position Name: Permanent Production	Reviewed by: D. Robson

## ANNEXURE 4



## **Flavorite has taste for Orbis in West Plus speculative industrial building announced**

Pellicano Group announced today they had commenced construction on an \$8.5mil development program consisting of two large scale industrial developments at its Orbis Business Park in Ravenhall.

The projects include a major office/warehouse for leading fresh fruit and vegetable producers, Flavorite and a 4,400 sqm speculative office/warehouse.

Flavorite, one of Australia's premier growers and marketers of vine ripened produce, has pre-committed to the warehouse for 10 years.

The building has a total area of 3,897sqm and includes 29 car parks, 3 recessed docks and 2 regular docks. The deal was negotiated by Nicholas Ott of Ott Property Solutions and Pellicano will retain ownership of the building.

Flavorite's Managing Director Mr Mike Nichol said.....

"We decided to commit to a facility at Orbis largely as it is centrally located between the distribution centres of our major retail customers and service providers. Being close to the four-way interchange that connects Robinsons Road and the Western Freeway was also a significant factor ensuring efficient access to our own farms North and West of Melbourne, and a clear run to the new Wholesale Fruit & Vegetable markets at Epping." he said.

Pellicano has also commenced construction of a speculative office/warehouse adjacent to the Flavorite facility comprising a warehouse of 4,175m<sup>2</sup> and 200 sqm of office space on an 8,000 sqm site. The building will be available for lease from August 2013.

Pellicano Joint Managing Director Mr Nando Pellicano said the Flavorite move to Orbis is further confirmation that the west is providing alternatives to Melbourne's fresh food market in Melbourne's North which is currently under construction.

He said the West proved to be an attractive location for a large proportion of the fresh food industry because the supermarket distribution centres are based here.

"In addition Industrial rents in the West are also cheaper than the North so a number of food producers have been seeking alternative accommodation in the Western precinct to take advantage of the lower business costs," Mr Pellicano said.

He said the speculative building was proceeding due to a limited amount of new quality industrial floor space that would be available in 2013 for tenants seeking new accommodation.

**Orbis Business Park** is located on the corner of Riding Boundary Road and Business Park Drive, Ravenhall and has secured several major pre-commitments in recent years including the Costa Group's headquarters, Penguin Childcare and Salmat's 20,000 sqm facility that houses 600 employees.

**The Pellicano Group currently owns and manages more than 170 properties across Victoria and Queensland, with over 270 commercial clients across a diverse portfolio of property sectors including commercial, industrial, retail and residential. With over 44 years experience in the development of business parks, Pellicano Group developments include major business parks such as Parkview Estate, Moorabbin, Orbis Business Park in Ravenhall, and the M1 & M2 Industry Parks, Dandenong South.**

Nando Pellicano  
Pellicano Group  
Joint Managing Director  
Mob 0417 114 374

Grant Müller  
Impact Corporate Communications  
Ph 03 9853 7665  
Mob 0411 60 2233

## ANNEXURE 5

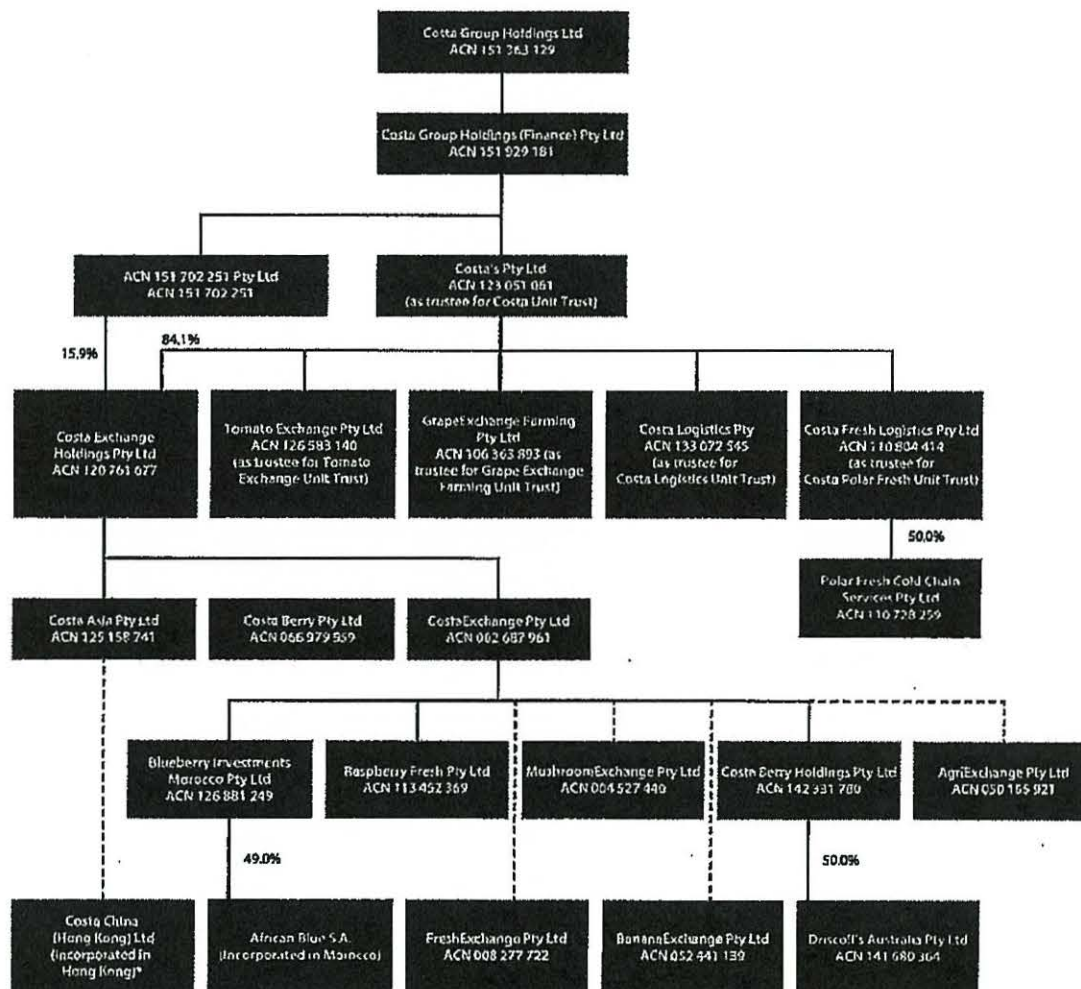
## 9.1 REGISTRATION

The Company was registered in Victoria, Australia on 8 June 2011 as a private company limited by shares and was converted into a public company limited by shares on 30 April 2015.

## 9.2 COMPANY TAX STATUS

The Company will be taxed as an Australian tax resident public company in Australia for the purposes of Australian income tax. The Company will be subject to tax at the Australian corporate tax rate.

## 9.3 CORPORATE STRUCTURE



----- = interest held through subsidiaries ——— = direct interest

\*currently 100% owned by Costa Asia Pty Ltd. It is proposed that 30% will be transferred to Driscoll's as part of the China JV. See Section 9.5.3.2 for further information.

**ANNEXURE 6**



Figure 32: Melbourne wholesale produce market

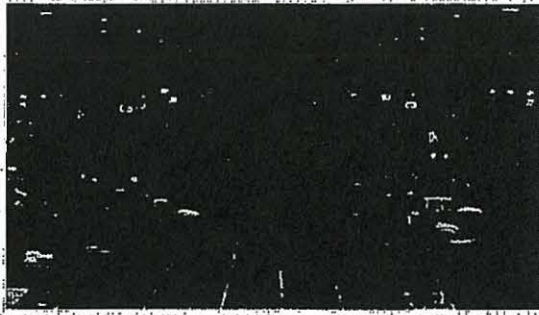
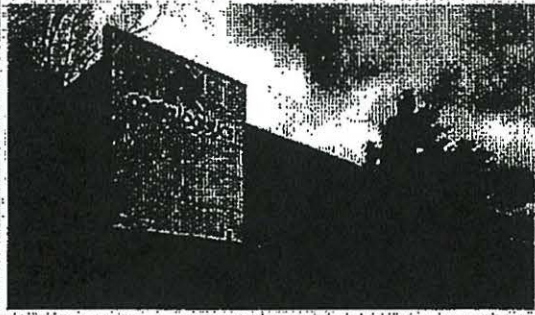


Figure 38: Costa Logistics Eastern Creek, NSW



### 3.4.3.5 Polar Fresh

Polar Fresh was incorporated in August 2004 and is a 50/50 partnership between Swire Cold Storage and Costa Fresh Logistics (see Section 9.5.5 for further information). Polar Fresh provides refrigerated storage and distribution management services to Coles. Polar Fresh receives a management fee and other service income from these activities. Polar Fresh currently manages three facilities in Melbourne, Sydney and Brisbane.

### 3.4.3.6 Costa Farms and Logistics facilities

Table 13: Costa Farms and Logistics facilities<sup>33</sup>

	Facility	Location	Size	Owned/leased <sup>34</sup>
Costa Farms	West Melbourne <sup>35</sup> (relocating to Epping in mid-2015)	West Melbourne, Victoria	approx. 579m <sup>2</sup>	West Melbourne lease is currently month to month  New Epping lease will expire in 2030
	Rocklea	Rocklea, Queensland	approx. 2,256m <sup>2</sup>	Leases expire in 2021, 2022 and 2029
	Pooraka	Pooraka, South Australia	approx. 3,450m <sup>2</sup>	Lease expires in 2018
Logistics	Jandakot distribution centre	Jandakot, Western Australia	7,481m <sup>2</sup>	Lease expires in 2038
	Devonport distribution centre	Devonport, Tasmania	3,415m <sup>2</sup>	Lease expires in 2038
	Derrimut distribution centre (including Coles Ripening Centre) <sup>36</sup>	Derrimut, Victoria	15,347m <sup>2</sup>	Lease expires in 2039
	Eastern Creek distribution centre <sup>37</sup>	Eastern Creek, New South Wales	18,922m <sup>2</sup>	Lease expires in 2036
Banana	Banana farm	Tully, Queensland	150 hectares planted and approx 1,800m <sup>2</sup> packing shed	Owned
	Banana farm and packing shed	Walkamin, Queensland	148 hectares planted (83 hectares of Cavendish and 65 hectares of Lady Fingers) and approx. 2,400m <sup>2</sup> packing shed	Site leased  Packing infrastructure owned  Leases expire in 2033 (farms) and 2053 (packing shed)

33. Excludes Polar Fresh joint venture facilities.

34. Lease expiry assumes exercise of all options available to Costa to extend. In the case of consecutive leases over the same property, the expiry date of the last lease is stated.

35. Costa is currently on a month to month lease in West Melbourne pending the relocation to Epping in mid-2015. Quoted size is for leased area after relocation to Epping.

36. Approximately 5,600 square metres is subleased by a third party for most of the remaining term.

37. Approximately 2,780 square metres is subleased by a third party until 2019.

## Default and change of control

Certain events of default in relation to an African Blue Joint Venturer trigger a right of all other African Blue Joint Venturers to purchase all of the defaulting African Blue Joint Venturer's shares at a purchase price determined by an auditor according to accounting standards and with regard to profit, strategic positioning, future prospects of African Blue and other factors that the auditor considers appropriate.

Events of default include an unremedied material breach of the African Blue JV Agreement or certain ancillary agreements, change in law that prohibits an African Blue Joint Venturer from being a shareholder in African Blue, cessation of business (or threat of cessation of business) by an African Blue Joint Venturer, certain insolvency related events, a disposal of shares in African Blue in breach of the pre-emptive rights set out in the African Blue JV Agreement and a change of control.

A change of control of an African Blue Joint Venturer will constitute an event of default if:

- an African Blue Joint Venturer becomes a subsidiary of another corporation;<sup>1</sup>
- the holding company<sup>2</sup> of an African Blue Joint Venturer ceases or ceases to hold or control 50% of such ordinary shares or other rights; or
- any person or persons who between them control or beneficially own (as at the date of the African Blue JV Agreement) 50% of the ordinary shares or other voting, income or capital participation rights of an African Blue Joint Venturer, and that person or persons ceases or ceases to hold or control 50% of such ordinary shares or other rights.

Each African Blue Joint Venturer has given their consent to the IPO, and has otherwise waived any rights that they may have otherwise had in relation to the change in Costa's shareholding resulting from the IPO.

## Intellectual property

Under a licence agreement dated 19 November 2007 (as amended on 7 January 2014), CostaExchange, Mountain Blue Orchards Pty Ltd (MBO) (an entity associated with former African Blue shareholder, MBM) and Raspberry Fresh Pty Ltd (Raspberry Fresh) (a wholly owned subsidiary of the Company) granted a non-exclusive licence of certain plant varieties owned by each of them, including Corindl Selections (the Raspberry Fresh Licensed Varieties) to Raspberry Fresh for use solely in the conduct and for the sole benefit of sublicensing to the African Blue JV (Raspberry Fresh Head Licence). Under the Raspberry Fresh Head Licence agreement, Raspberry Fresh must pay to CostaExchange or MBO (as applicable) a licence fee which is equivalent to the fee payable by African Blue under any sub-licence (including the Raspberry Fresh Sub-Licence defined below). The agreement for the Raspberry Fresh Head Licence continues until at least 2019, unless it is terminated earlier. The Raspberry Fresh Head Licence will automatically terminate if the African Blue JV Agreement is terminated, and may be terminated following the occurrence of an event of default. An event of default is defined as including an event of default under the African Blue JV Agreement (described in this Section 9.5.4).

By way of a sub-licence agreement commencing on 24 September 2009 (Raspberry Fresh Sub-Licence), Raspberry Fresh then granted to African Blue an exclusive, non-transferable licence to use the Raspberry Fresh Licensed Varieties in Morocco to plant, harvest, grow, process, pack and store crops of fruit of the Raspberry Fresh Licensed Varieties, as well as a licence to offer for sale and to sell and to engage in trade in the rest of the world (except for North America, Central America and South America) in relation to fruit of the Raspberry Fresh Licensed Varieties that are harvested from plants planted in Morocco. The Raspberry Fresh Sub-Licence continues until at least 2019, unless it is terminated earlier.

In March 2014, MBM ceased to be a shareholder in African Blue. As a result, African Blue's rights to MBO's varieties are restricted to the use of MBO's Raspberry Fresh Licensed Varieties to plant, grow, maintain, harvest and sell fruit in respect of those plants (and the fruit from those plants) which have been planted or ordered by or on behalf of African Blue prior to the date on which MBM ceased to be a shareholder in African Blue.

African Blue must pay a royalty payment to Raspberry Fresh, calculated as a fixed percentage of revenue received from the sale of the fruit of the Raspberry Fresh Licensed Varieties by African Blue or any of its licensees.

## 9.5.5 Partnership agreement with Polar Fresh

### Overview

The Polar Fresh Partnership was formed under the partnership deed dated 26 April 2005 (Polar Fresh Partnership Deed) and is currently conducted by Costa Fresh Logistics Pty Ltd (as trustee for the Costa Polar Fresh Unit Trust) and Polar Fresh Investments Pty Ltd (owned by Swire Cold Storage) (each a Polar Fresh Partner). The Polar Fresh Partnership is carried on under the name of Polar Fresh Cold Chain Services Pty Ltd (a company jointly owned by the Polar Fresh Partners) (Polar Fresh).

### Business and management

The Polar Fresh Partnership was formed to conduct the business of tendering for, and if successful, conducting distribution centre operating contracts for Coles Supermarkets Australia Pty Ltd (ABN 45 004 189 708) (Coles) composite chilled requirements.

1. Under the African Blue JV Agreement, a subsidiary is defined as a company where the majority of its share capital is owned by another company.  
2. Under the African Blue JV Agreement, a holding company is defined as a company that owns the share capital of another company.

The Polar Fresh Partnership (through Polar Fresh) is the supplier that operates various distribution centres and provides services to Coles. The Polar Fresh Partners must each appoint representatives to a board of representatives to make decisions as to the management and conduct of the Polar Fresh Partnership.

#### Further provisions

The Polar Fresh Partnership Deed contains exclusivity and non-compete provisions that operate anywhere in Queensland, New South Wales and Victoria until the expiration or earlier termination of the distribution agreements. The Polar Fresh Partnership Deed will be dissolved on the termination of all distribution agreements (unless the Polar Fresh Partners agree to an extension of the term).

### 9.5.6 Intellectual property arrangements

#### 9.5.6.1 Provision of blueberry seeds

Costa and the University of Florida Board of Trustees (University of Florida) entered into three consecutive agreements in 1995, 2000 and 2006, respectively, under which the University of Florida agreed to supply blueberry seeds to CostaExchange for use in its blueberry breeding program. The last of these agreements (dated 27 November 2006) expired on 30 June 2014. Costa is currently negotiating a new agreement with the University of Florida for the exchange of blueberry seeds for use in the parties' respective breeding programs. It is intended that this new agreement (which is close to finalisation) will have a term of 2015 to 2025.

#### 9.5.6.2 2012 University of Florida Agreement (including Corindi Selections)

CostaExchange is party to a Plant Material License Agreement with Florida Foundation Seed Producers, the commercialisation arm of the University of Florida (FFSP) with an effective date of 4 June 2012 (2012 Agreement), which deals with the commercialisation for the varieties that have been, and are being, developed from materials provided under the agreements entered into between the parties in 1995 and 2000. The 2012 Agreement covers all varieties that have been commercialised by CostaExchange as at the date of this Prospectus and covers all varieties that have been identified by Costa for possible commercialisation within the next five years. As at the date of this Prospectus, no commercial varieties have yet been developed from the material received from the University of Florida under the agreement entered into in 2006 and no commercialisation agreement exists relating to these varieties. The 2012 Agreement deals with licensing and ownership issues as follows:

- the Florida Germplasm: FFSP is the owner of all intellectual property rights in Florida Germplasm (ie. blueberry seeds provided by FFSP to CostaExchange under the agreements entered into in 1995 and 2000);
- the Corindi Selections: FFSP and CostaExchange are joint owners of all intellectual property rights in the Corindi Selections (ie. the first and second generation selections from the Florida Germplasm which were bred by CostaExchange either before or during the 2012 Agreement, and which have potential suitability for use as commercial varieties or as parents to develop additional germplasm from which additional Corindi Selections are to be made). Corindi Selections represent a significant proportion of blueberry varieties grown and licensed by Costa in Australia, and all of the varieties licensed by CostaExchange internationally; and
- the Subsequent Selections: CostaExchange is the owner of all intellectual property rights in all third (and subsequent) generation selections derived from the Florida Germplasm and made by or on behalf of CostaExchange.

The 2012 Agreement commenced on 4 June 2012 and continues for 10 years. The agreement can be extended by CostaExchange for a further 10 years by giving at least six months' notice to FFSP.

FFSP grants to CostaExchange various rights, including an exclusive, worldwide licence to use seeds of the Corindi Selections to produce seedlings and to possess, asexually propagate, grow and maintain plant material from the seedlings and to make selections from the first generation plants grown from the plant material of the Corindi Selections, as well as an exclusive licence to sell, offer to sell, import and export fruit harvested from the Corindi Selections throughout the world. CostaExchange must pay FFSP a royalty calculated as a fixed percentage of all the proceeds from the sale, lease, transfer or other conveyance received by CostaExchange for the use of the Corindi Selections outside Australia. CostaExchange commits to paying a small minimum base royalty per year.

No royalty payments are due on the sale of fruit from the Corindi Selections in Australia by CostaExchange or its sub-licensees.

The 2012 Agreement also grants a licence to CostaExchange to grow specified blueberry plant varieties bred solely by FFSP (Florida Plant Varieties). As the sole breeder, FFSP retains ownership of all intellectual property rights in those varieties. CostaExchange pays to FFSP a flat fee royalty payment for each plant of the Florida Plant Varieties propagated beyond 1,500 plants per genotype in any one location on or after 1 July 2010.

#### 9.5.6.3 Licence agreement with Driscoll's and Fall Creek

Under a licence agreement dated 9 September 2010 between CostaExchange, Driscoll's and Fall Creek Farm & Nursery, Inc (Fall Creek), CostaExchange grants to Driscoll's two licences, as follows:

- a limited exclusive licence to grow certain Corindi Selections varieties in the United States, Mexico, Canada, Chile, Peru, Uruguay and Argentina and to harvest and sell the fruit of those plants in North, Central and South America. This licence continues for as long as any of the relevant varieties are covered by patent protection; and
- a limited exclusive licence to test and evaluate new varieties from CostaExchange's Australian blueberry breeding program. This licence continues until 8 September 2020.

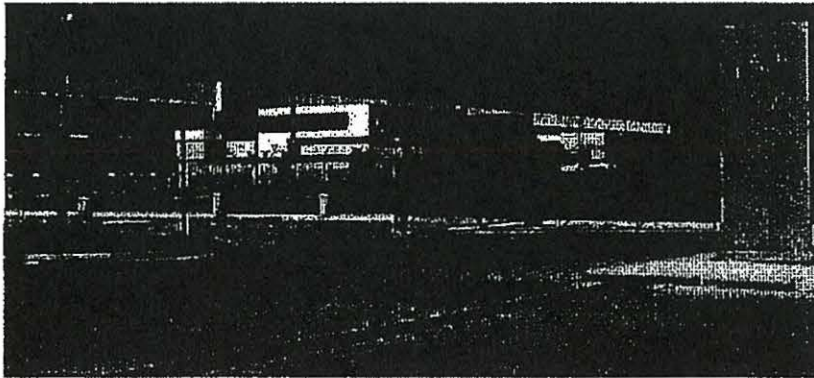
## ANNEXURE 7

### Company Links

- [ThumperNet](#)
- [Company Webmail](#)
- [Team Member Portal](#)
- [Laverton Site Induction](#)
- [Eastern Creek Site Induction](#)

### Affiliates

- [RWTA](#)
- [Costa Exchange](#)
- [Swires Cold Storage](#)
- [Action Workforce](#)



### Our business

Polar Fresh Cold Chain Services was formed in July 2004 and is a joint venture between Swire Cold Storage and Costa Logistics. Polar Fresh commissioned the distribution centres in QLD and VIC for a major retailer. The first Polar Fresh site was commissioned in Laverton, Victoria and started operations in May 2007 and after a few very successful years Polar Fresh then opened its second site in Parkinson, Queensland and started operations in February 2009. The third site in Eastern Creek NSW was transitioned to Polar Fresh operations in Feb 2013. Polar fresh now receives picks and loads over 4 million cases a week across the Eastern Seaboard, operating to strict service and cost KPI's. Polar Fresh currently has over 1500 team members employed across our business.  
© Polar Fresh Cold Chain Services | ABN 48 078 072 490 | [Home](#) | [Contact](#) | [Site Map](#) |

## ANNEXURE 8



**ASIC**

Australian Securities & Investments Commission

## Current Company Extract

**Name:** POLAR FRESH COLD CHAIN SERVICES PTY LTD

**ACN:** 110 728 259

Date/Time: 29 June 2017 AEST 07:22:36 PM

This extract contains information derived from the Australian Securities and Investments Commission's (ASIC) database under section 1274A of the Corporations Act 2001.

Please advise ASIC of any error or omission which you may identify.

EXTRACT

Organisation Details	Document Number
<b>Current Organisation Details</b>	
Name: POLAR FRESH COLD CHAIN SERVICES PTY LTD	1E0230006
ACN: 110 728 259	
Registered in: Victoria	
Registration date: 30/08/2004	
Next review date: 30/08/2017	
Name start date: 30/08/2004	
Status: Registered	
Company type: Australian Proprietary Company	
Class: Limited By Shares	
Subclass: Proprietary Company	

Address Details	Document Number
<b>Current</b>	
Registered address: 275 Robyns Road, RAVENHALL VIC 3023	1F0389239
Start date: 05/03/2012	
Principal Place Of Business address: Level 1, 170 Little Malop Street, GEELONG VIC 3220	1E4033624
Start date: 29/01/2008	

Officeholders and Other Roles	Document Number
<b>Director</b>	
Name: HARRY GEORGE DEBNEY	1F0389239
Address: [REDACTED]	
Born: [REDACTED]	
Appointment date: 01/02/2012	
Name: GREGORY VINCENT HOLT	7E7722154
Address: [REDACTED]	
Born: [REDACTED]	
Appointment date: 20/07/2015	
Name: GEOFFREY LESLIE CUNDLE	7E7722154
Address: [REDACTED]	
Born: [REDACTED]	
Appointment date: 28/02/2015	
Name: DARYL PAUL ROE	7E7722154
Address: [REDACTED]	
Born: [REDACTED]	
Appointment date: 02/03/2015	
Name: LINDA LEE KOW	7E7722154
Address: [REDACTED]	
Born: [REDACTED]	
Appointment date: 27/11/2012	



Name: FRANCIS ALOYSIUS COSTA 7E7722154  
 Address: [REDACTED]  
 Born: [REDACTED]  
 Appointment date: 01/01/2005

**Secretary**

Name: DARYL PAUL ROE 7E7722154  
 Address: [REDACTED]  
 Born: [REDACTED]  
 Appointment date: 14/12/2015

**Share Information**

**Share Structure**

Class	Description	Number issued	Total amount paid	Total amount unpaid	Document number
ORD	ORDINARY SHARES	12	12.00	0.00	1E0677853

**Members**

Note: For each class of shares issued by a proprietary company, ASIC records the details of the top twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the top twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

Name: POLAR FRESH INVESTMENTS PTY LTD  
 ACN: 111 919 727  
 Address: Level 2, 8 Spring Street, SYDNEY NSW 2000

Class	Number held	Beneficially held	Paid	Document number
ORD	6	yes	FULLY	1E0677853

Name: COSTA FRESH LOGISTICS PTY LTD  
 ACN: 110 804 414  
 Address: COSTAEXCHANGE LTD, Unit 1, 213-279 Robinsons Road, RAVENHALL VIC 3023

Class	Number held	Beneficially held	Paid	Document number
ORD	6	no	FULLY	029277601

**Documents**

Note: Where no Date Processed is shown, the document in question has not been processed. In these instances care should be taken in using information that may be updated by the document when it is processed.

Where the Date Processed is shown but there is a zero under No Pages, the document has been processed but a copy is not yet available.

Date received	Form type	Date processed	Number of pages	Effective date	Document number
18/06/2015	484N Change To Company Details Changes To (Members) Share Holdings	04/02/2016	3	18/06/2015	029277601
23/02/2016	484E Change To Company Details Appointment Or Cessation Of A Company Officeholder	23/02/2016	4	23/02/2016	7E7722154

\*\*\*End of Extract of 3 Pages\*\*\*

**FAIR WORK COMMISSION**

*Fair Work Act 2009*

**IN THE MATTER OF:**

**AM2010/25 HORTICULTURE AWARD 2010 [MA00028]**

**4 Yearly Review of Modern Awards (AM2016/25) –**

**Application to Vary the Award by Mitolo & Ors**

**SECOND WITNESS STATEMENT OF KAY RAULT**

I, Kay Rault, c/o Mitolo Group Pty Ltd, Angle Vale Road, Virginia in the State of South Australia, Grader, make the following statement in this matter before the Fair Work Commission:

1. I refer to my previous witness statement dated 21 April 2017.
2. I make this statement in response to the supplementary witness statement of Paula Colquhoun filed on 15 June 2017 (**the Third Colquhoun Statement**).
3. I refer to paragraphs 27 to 31 of the third Colquhoun Statement in which Ms Colquhoun gives evidence about the need for flexibility in the Mitolo Group's operations. I respond as follows:
  - a. I don't agree that it is "very unusual" for potatoes that have been packed to be stored on site for more than 48 hours. I don't know about onions because I'm not on that line. Since we got the Woolworths contract things have been a bit more strict, sometimes if potatoes are stored more than 48 hours we will need to open the stock and re-grade and package them. There is also a separate quality control check for all product that stays longer than 48 hours.
  - b. About 1 hour before we start work, 3 wash workers and 1 team leader will arrive at the site.

- c. We don't always start at 5am. Sometimes we start at 5am and sometimes we start at 6am if the days are short. Sometimes we start as late as 8am if there are less orders.
  - d. Generally, most potatoes are dispatched within 48 hours of arriving at the site, however, it is sometimes longer. Different types of potatoes can be stored for different lengths of time. Sometimes, approximately once a fortnight, the storeroom will be full of product. Full production won't be run if the storeroom is full.
  - e. Finishing times can vary, but we usually know on the day what time we're going to finish up because we will know what time the afternoon shift starts, and we need to finish half an hour before that to clear the car park and leave the site so that the people on the afternoon shift can park their cars.
  - f. Before the introduction of two shifts a day, we would often work 5am-6pm, sometimes 10-14 hours a day. Now it is more common for us to work 6 to 8 hours a day, although we still sometimes do big days.
4. I refer to paragraphs 37 to 39 of the Third Colquhoun Statement. After starting with Mitolo, I completed training and was assessed on the key skills after 6 months before moving to Level 2.
5. I moved to Level 2 about 6 years ago. I now work under limited supervision, and am not directly supervised. I am responsible for the quality of my own work and am not given detailed directions on a day to day basis and I have a thorough understanding of the procedures a grader needs to follow.
6. Also, I have been training new workers at the site for at least 5 years. When a new worker arrives at the site, a supervisor brings them to me or another level 2 worker.

7. New employees have a training book with a 3 day training schedule. Over the course of 3 days, I work next to the new worker and explain and demonstrate the policy and procedures of the company to the new worker. At the end of each day I sign off in the new worker's training book that they understand the work processes that have been explained to them that day. I get paid an extra \$25 per person trained.

---

Kay Rault

30 June 2017

**FAIR WORK COMMISSION**

*Fair Work Act 2009*

IN THE MATTER OF:

**AM2010/25 HORTICULTURE AWARD 2010 [MA00028]**

**4 Yearly Review of Modern Awards (AM2016/25) –**

Application to Vary the Award by Mitolo & Ors

**WITNESS STATEMENT OF JAFAR KAZMI**

I, Jafar Kazmi, of Suite 5, Level 7, 377 Sussex Street, Sydney NSW, Organiser, make the following statement in this matter before the Fair Work Commission:

1. I am employed by the National Union of Workers (**NUW**) as an Organiser. I have held this position since about July 2013.
2. I am authorised to make this witness statement on behalf of the NUW.
3. I make this statement on the basis of my own knowledge save where otherwise stated. Where this statement contains information provided to me by others, I identify the source of that information and I believe that information to be true.
4. My duties as an Organiser include enrolling and organising workers as members of the NUW, speaking to workers, educating them about their working conditions and workplace rights and ensuring members receive their lawful employment entitlements.
5. I have read the Witness Statement of Paula Colquhoun filed on 15 June 2017 (**the Third Colquhoun Statement**). I make this statement in response to the Third Colquhoun Statement and in support of the NUW's request that the Commission visit the Mitolo Group's Eastern Creek Site as part of this proceeding.
6. I have reviewed the photographs of the Angle Vale Road Site that are attached to the Third Colquhoun Statement at pages 10 to 53. I respond as follows.
7. I have never attended the Angle Vale Road site but I have attended a packaging and storage facility that is operated by the Mitolo Group in New South Wales. The site is

located at Unit 1, 25 Wonderland Drive, Eastern Creek, New South Wales (**the Eastern Creek site**).

8. On 28 July 2017, I attended the Eastern Creek Site.
9. I attended the Eastern Creek Site at the request of George Robertson, a Lead Organiser of the NUW based in Melbourne. On or around 22 June 2017, George explained to me that as part of this Award review the Fair Work Commission was interested in visiting the Angle Vale Road site to see the operations at that workplace. George also explained to me that he had identified a Mitolo site in Eastern Creek Site. George asked me to attend the site to speak to the workers to find out how they were being paid and so that the NUW could then consider whether it should request that the Commission also attend this site for an inspection. Prior to speaking with George I was not aware of the Eastern Creek Site.
10. The Eastern Creek Site is located within a vast industrial park, largely composed of other warehouses. The Site is approximately a 1 hour drive from Sydney's Central Business District. I did not see any farms close to the site.
11. Having visited the Eastern Creek Site and spoken to employees at the site, I can say that it is very different to the Angle Vale Road site (as I have seen in Ms Colquhoun's photos). In my role at the NUW I need to visit packing and warehousing sites. The Eastern Creek Site is more similar to many packing and warehousing sites that I have visited than the Angle Vale Road site. The Eastern Creek Site seems to me to be a very sophisticated and modern operation.
12. Photographs of the Eastern Creek Site site obtained from internet searches are attached at **Annexure 1**. These photos are consistent with what I witnessed at the Eastern Creek Road Site.
13. I spoke to a number of workers about a range of matters whilst at the Eastern Creek Site.

## **Work at the site**

14. Workers explained the work processes at the Eastern Creek Site to me. They said that large bags of brushed and unbrushed potatoes, both organic and non-organic come into the warehouse from a farm.
15. The workers also explained to me that these potatoes are then loaded onto a conveyor belt where some workers sort the potatoes, discarding ones that do not meet the standard required.
16. The workers also explained to me that the suitable potatoes then move through the process of being automatically bagged and sealed, then the sealed bags are dropped into a large vessel.
17. The workers also explained to me that they then take these sealed bags and pack them into various crates/ palettes as directed.
18. The workers also explained to me that the palettes/ crates are then loaded via forklift onto a vehicle which carries them to their next destination. I have looked at the photos attached to the statement of Paula Colquhoun dated 15 June 2017, and the work processes pictured at end of her statement look different to what the workers described to me. For example, workers did not mention any significant washing of potatoes or removal of dirt. Further, the surrounding area of the packing shed is very different.

## **Conditions at the site**

19. The first worker I spoke to was a Sri Lankan man who told me initially that he was being paid \$21.18 per hour, however, after going through the pay guide for the *Storage Services and Wholesale Award 2010* with him he corrected himself and told me he was employed at a rate equivalent to that of a level 3 fulltime employee under this award of \$21.13. He informed me that he had worked at the Site for about 7 years.
20. I then spoke with two other employees over the course of my time there who both told me that they were paid around \$23.60 and were both engaged by a labor hire company.



21. One of these workers told me he had worked at the site for around 3 months, he said that the numbers varied day to day depending on work flow however he estimated that there were somewhere between 30-40 employees on average per day, the majority of whom he believed were labor hire employees.
22. Other workers told me that casuals get paid overtime rates when they do extra hours.

---

Jafar Kazmi

30 June 2017

**Annexure 1:**

**Images of Unit 1, 25 Wonderland Drive, Eastern Creek**

1/25 Wonderland Drive, Eastern Creek, NSW 2766

Leased Wed 16-Nov-16



1/25 Wonderland Drive, Eastern Creek, NSW 2766

Leased Wed 16-Nov-16



1/25 Wonderland Drive, Eastern Creek, NSW 2766

Leased Wed 16-Nov-16

