

## MEDIA RELEASE

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### **Australian Horticulture Industry welcomes Final Decision of the Fair Work Commission**

The Australian Horticulture Industry has welcomed the final decision by Fair Work Australia on the Review of its Modern Horticulture Award.

Ms Robbie Davis, CEO Potatoes South Australia, the peak body for the potato industry in South Australia, said “two years of uncertainty for the horticulture industry had now been addressed in the final decision of the Fair Work Commission handed down on 22 December 2017”. Potatoes South Australia provided a witness statement to the Commission and there was strong support from a range of key industry organisations including Hortex Alliance. “These expert witnesses were instrumental in assisting us to gain the result we sought,” she added.

Ms Davis explained “The review process for Modern Awards had resulted in the industry having to argue a case to retain its Horticulture Award in the face of a determined push by two Unions (NUW and AWU) to move part of its harvest operations to the Storage and Services Award”.

The Unions’ position would have resulted in some businesses paying their employees under the Horticulture Award while other businesses in close proximity paying employees under the Storage and Services Award for identical work.

The Unions had argued that the concept of “farm gate” related to a physical place and those businesses that wash, grade and pack produce, in locations not within or adjacent to production areas, should come under the Storage and Services Award.

The Fair Work Commission found that the scope of the horticulture industry included all activities associated with preparing produce for sale. This includes packing sheds which wash, grade, sort and package potatoes for sale.

Mr Frank Mitolo, MD The Mitolo Group said “the decision vindicated the position put forward by the industry and is a win for common sense. It has been a long and hard road having to argue the case but the issue has brought the industry closer together. The result now provides greater certainty for our business and future expansion plans which will create more jobs on the Northern Adelaide Plains.”

The Chairman of Potatoes South Australia, Dr Andrew MacDonald, welcomed the decision by the Fair Work Commission and explained “we were in danger of having two different Awards for employees doing the same work but in different locations. Ultimately, the Fair Work Commission assessed all arguments and determined that what we were saying was logical and sensible. It’s a win for all in the industry and we have waited to announce pending the final FWC decision.

The South Australian Potato industry is the nation’s largest horticulture producer accounting for some 80% of the nation’s fresh washed potatoes.

Ms Davis said “The decision is a win for horticulture nationally and means that the industry can expand with confidence, competitively and with greater certainty which will help all production regions in Australia. Businesses should seek appropriate industrial relations advice regarding the Award’s application.

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