



**ATTENTION:** Fair Work Commissioner

**FROM:** Glenn and Stephen Riseborough, Directors  
Cherryhill Orchards Pty Ltd

**DATE:** 27<sup>th</sup> August 2018

**SUBJECT:** **Horticulture Award – Changes to Overtime for Casuals**

**REGARDING:** FULL BENCH OF FAIR WORK COMMISSION – 9<sup>th</sup> August 2018

In anticipation of the 31<sup>st</sup> August 2018 request for submissions, we are responding to the Fair Work Commission review dated August 9<sup>th</sup>, 2018, concerning casual employment in the modern Horticulture Award. The review identified over time for casuals as an outstanding issue to be resolved. The proposed model would allow overtime payments for casual staff to be applied once 304 hours has been exceeded within an 8-week period.

This is major cause of concern for Australian farmers, consumers and seasonal staff. Our business operates a harvest period of fourteen to sixteen weeks on average and there would be many other farmers exposed in this way as well as our own family operation.

*Cherryhill Orchards: Our story began in 1940 when our grandfather, George Riseborough, planted his first cherry trees in Victoria's fertile Yarra Valley. Over 75 years later, our family still proudly carries on this cherry growing tradition with diligence and passion to produce Australia's finest cherries. Today the orchard is run by Glenn & Stephen Riseborough who have continued to grow the business into one of Australia's leading cherry producers.*

*Implications of the August 8<sup>th</sup>, 2018 Fair Work Commission Decision;*

- **The cost to consumers;** this has the potential to fatally wound the Australian fruit and vegetable industry. Australia already has some of the highest horticulture labour costs in the world. The operating expense of over time payments to seasonal staff is not sustainable and will be passed on to supermarkets and inevitably to consumers. This will cripple an already strained industry and the end Australian consumer will be at a disadvantage.
- **Competing in the global industry;** Australia already incurs one of the highest labour costs for horticulture work, with 50% of our operating costs aligned to manual labour in the cherry industry. This puts us at a significant disadvantage in the export market, based on our operating expenses incorporating high labour costs. This will essentially wipe Australian farmers out of the export market as commodities are sourced from our competitors.
- **Attracting and Retaining Seasonal Staff:** A significant proportion of labour is sourced from overseas with majority all seeking to obtain as many hours as possible to contribute to their 88-day regional work, to enable them to apply for their second-year visas. Farmers incurring overtime costs to support this will put a large strain on operations. With the introduction of these changes, Australian farmers will struggle to obtain regional workers as seasonal staff want to work as much as reasonably possible, to obtain 2<sup>nd</sup> year visas or to save up before travelling. With over time provisions in place, caps will likely be put in place and therefore a

high staff turnover is expected, crippling production. This does not advantage Australian businesses, nor Australian workers as a very high percentage of the seasonal workforce in the Horticulture industry is made up of overseas workers.

- **Mother Nature, Seasonal Variants** – Our hourly workforce determinants staffing requirements can double literally overnight dependant on the current weather conditions. For example, a picking schedule can shift on an hourly, daily, weekly or fortnightly basis in accordance with the prevailing weather events during harvest. Coupled with this, the span of the cherry season can be anything from 14 – 16 weeks, putting the 8-week span of hours well out of reach for cherry growers in Australia.
- **Price takers not price makers on a global sense** – Ultimately by attrition, costs will be passed onto consumers in the domestic setting which we think is highly unpalatable. This would have consequences for the nation as a whole, making costs of purchasing Australian grown fresh fruit and vegetables out of reach of the average family, with labour costs being passed down from the grower ultimately to the consumer.

Yours sincerely,



Glenn and Stephen Riseborough  
Director(s), Cherryhill Orchards Pty Ltd