

# MINUTES

## OF THE FORTIETH ANNUAL GENERAL MEETING OF THE VICTORIAN FARMERS FEDERATION INDUSTRIAL ASSOCIATION HELD AT THE VICTORIAN FARMERS FEDERATION, FARRER HOUSE 24-28 COLLINS STREET, MELBOURNE IN THE HEATHER MITCHELL ROOM ON LEVEL 4 COMMENCED AT 10:08AM THURSDAY 18 JULY 2019

The meeting commenced at 10:08am, at which time the president, Ms Emma Germano, declared a quorum to be present.

### 1. PRESENT

|                |                                      |
|----------------|--------------------------------------|
| Emma Germano   | President VFFIA                      |
| David Jochinke | Vice President VFFIA (via telephone) |
| Robyn Gulline  | Treasurer VFFIA (via telephone)      |
| Alan Bowman    | Committee Member VFFIA               |
| Meg Parkinson  | Committee Member VFFIA               |

|                |              |
|----------------|--------------|
| Sarah Parker   | VFFIA Member |
| Sue Finger     | VFFIA Member |
| Jim Hinton     | VFFIA Member |
| Julia Hausler  | VFFIA Member |
| Nathan Free    | VFFIA Member |
| Carla Vizzarri | VFFIA Member |

|                    |   |
|--------------------|---|
| Staff              |   |
| Patricia Murdock   | Executive Manager of Human Resources and Workplace Relations, VFF |
| Stephen Sheridan   | CEO, VFF  |
| Jillian Harrington | Administrative Officer Workplace Relations & HR (interim), VFF    |
| Allan Zoch         | Workplace Relations Advisor, VFF                                  |

### 2. APOLOGIES

James

**MOVED:** Sue Finger

**SECONDED:** Jim Hinton

### 3. MINUTES OF THE PREVIOUS MEETING ADOPTED

It was moved that the minutes of the Annual General Meeting of 20 July 2018 be confirmed.

**MOVED:** Meg Parkinson

**SECONDED:** Jim Hinton

#### **4. PRESIDENTS REPORT**

The President stated that it had been her first year as President.

The Memorandum of Understanding has been signed between the VFF and the VFFIA this morning. The President encouraged the next incoming President to encourage membership with of the VFFIA by working together with VFF to increase the common membership.

#### **Annual wage case**

The Fair Work Commission has granted award-reliant workers a 3% increase, lifting the national minimum wage by \$21.60 a week or 57 cents an hour in this year's annual wage review ruling.

The new weekly minimum wage will be \$740.80 – or \$19.49 an hour – from July 1.

The ACTU had argued for a 6% increase this year and through the Employer Associations effects to counter this a 3% increase was given

#### **Modern award review- Horticultural Award and the Pastoral Award**

##### **4 Yearly Review of Awards**

Casual loading for casuals has been introduced into the Horticultural Award.

The new conditions are:

On 2 April 2019, the Fair Work Commission made a decision concerning overtime for casuals in the modern Horticultural Award. This decision changed the Horticultural Award for casual employees to include ordinary hours of work, a night loading and overtime entitlements. It also clarified the penalty rate for working on public holidays for casuals. The changes apply from the first full pay paid on or after 15 April 2019.

Amended changes include:

- The ordinary hours of work for casual employees other than shiftworkers will not exceed 304 ordinary hours over an eight week period;
- The maximum number of ordinary hours which a casual employee may work per engagement, or on any day, is 12 ordinary hours. See section 22.2 (e) of the award. All time worked in excess of 12 hours per engagement, 12 hours in a single day or 304 ordinary hours over an eight week period will be deemed overtime;
- Each ordinary hour of work worked by a casual employee on any day of the week (excluding public holidays) between 5.00am and 8.30pm will be paid at the employee's minimum hourly wage for his or her classification plus a casual loading of 25%;

- In a State or Territory that does not observe daylight saving time, by agreement between the employer and a majority of affected casual employees, the 5.00am to 8.30pm daily spread of hours can be moved forward one hour (4.00am to 7.30pm) for the period of daylight saving time in other States and Territories;
- Each ordinary hour worked by a casual employee on any day of the week (excluding public holidays) between 8.31pm and 4.59am (or 7.31pm and 3.59am in accordance with clause 22.2(c)) will attract a loading of 15% of the employee's minimum hourly wage for his or her classification (in addition to the casual loading of 25%);
- Each hour worked in excess of 12 hours per engagement, 12 hour in a single day or 304 ordinary hours over an eight week period will be paid at a rate of 175% of the employee's minimum hourly wage for his or her classification (inclusive of the casual loading);
- All hours worked by a casual employee on a public holiday (both ordinary hours and any overtime) will be paid at a rate of 225% of the employee's minimum hourly wage for his or her classification (inclusive of the casual loading).

Other Changes the President mentioned were:

- Right to request casual conversion;
- Leave to deal with Family and Domestic Violence;
- Requests for flexible working arrangements; and
- Notice of termination

If an employee who is at least 18 years old does not give the period of notice required, then the employer may deduct from wages due to the employee under this award an amount that is no more than one week's wages for the employee. This has been included in the Pastoral Award and Horticultural Award.

#### Labour Hire Licensing

##### Labour Hire in Victoria

The Labour Hire Licensing Act was passed last year. From 29 April 2019, Labour Hire businesses have six months, to 30 October 2019 to apply for a licence.

The key elements of the licensing scheme are as follows;

- labour hire providers must be licensed to operate in Victoria
- Those who use labour hire providers must only engage licensed providers
- Labour hire providers must report annually on their labour hire activities

From 30 October 2019, hosts must not use unlicensed providers unless a provider is on the Authority's website as having applied for a licence and the application has not been refused.

Post the 29<sup>th</sup> October, if a labour hire provider has been declined a license or has not applied, and still continues to operate, penalties will be given.

As an employer your obligation is to use a licensed labour hire provider post 29<sup>th</sup> October, or a labour hire provider who has applied for a license under the scheme, yet is still being processed. Failure to do so and utilizing the services of an unlicensed provider whom is not being processed will result in fines up to \$500,000. To check if your labour hire provider has applied or been granted/declined a license within Victoria, you are able to view per the Labour Authority Webpage: <https://labourhireauthority.vic.gov.au>.

The VFF Industrial Relations team and Horticulture Team have met with Steve Dargavel, Commissioner for the Labour Hire Authority to discuss the implementation of the scheme. There is still discussion on having a national system and this is our preferred option.

Sarah Parker advised of a report which indicates the dairy industry is following the same pattern in respect to undocumented workers, highlighting the issue to be classified critical by 2023.

Sue Finger raised issues with housing/accommodation in respect to casual labour and the seasonal worker program; specifically the difficulty placed on farmers with housing regulations in rural locations. Sue has asked for the VFF to consider what work can be done to assist farmers and workers find affordable housing during peak season. Sue further noted that AirBnB is not a suitable alternative as there are often block-outs over peak season and/or public holidays. Alan Bowman concurred that accommodation availability and indeed quality, is a widespread issue. Emma Germano suggested that recent innovations in on-farm accommodation solutions might be worth investigating, and further discussions with local councils to provide favourable rulings on such housing, could be another avenue for consideration. Meg Parkinson suggested that the Health Department should be involved in the conversation, as they regulate and enforce the standards of housing. Sue Parker stated this was an issue nationally (not unique to Victoria), and therefore the inclusion of national agencies and representative organisations may be advantageous.

The President's Report was then:

**MOVED:** Emma Germano

**SECONDED:** Alan Bowman

**ALL IN FAVOUR:** Yes

**OPPOSED:** Nil

**STATUS:** Carried

## 5. **CHANGE OF VFFIA RULES – RESOLUTION TO AMEND**

### **Proposed changes of the VFFIA rules**

The VFFIA draft amended rules have been reviewed by the VFFIA Executive Committee and Fair Work Commission and the proposed changes relate to:

**Changed terminology** eg Commissioner of the Registered Organisations Commission at 27.13.1, and change from Workplace Relations Act to the Fair Work (Registered Organisations) Regulations 2009 see clause 28.8.1 and 28.8.3;

**Nominations removal of requirement for age**

**Use of gender neutral terms eg His/Her;**

**Definitions-** change definitions eg "declared Person or body"- this was done on the advice of the FWC. As was the removal of **clause 25A, 25B, 25C** due to the Legislative updates that no longer require certain rules to be in the VFFIA rules due to the clauses being in the regulations;

**President, Vice President and Treasurer and the two other Executive members** shall be appointed every two years insert of annually- clause 26. Continuing with members term of office .Proposed change to the annual elections being to a biennial election

**Changes in the quorum at general meetings** from 30 to 15 of whom at least 8 (currently 10) are present other than by proxy.

**Resolution: that the members of the VFFIA approve of the proposed amendments to the VFFIA rules:**

**MOVED:** Sarah Parker

**SECONDED:** Alan Bowman

**ALL IN FAVOUR:** Yes

**OPPOSED:** Nil

**STATUS:** Carried by all the members present and by proxies received who all voted in favour. (more than 75% approved)

## **6. ACCOUNTS AND AUDITOR (TREASURER'S REPORT)**

### **(A) 2018 Financials accounts and Auditor's report tabled**

Treasurer, Robyn Gulline discussed highlights of the report, in particular the nominal fee per membership allocated to cover VFFIA expenses, and details of said expenses. Robyn requested a move to accept the VFFIA financial statements.

**MOVED:** Robyn Gulline

**SECONDED:** Meg Parkinson

**ALL IN FAVOUR:** Yes

**OPPOSED:** Nil

**STATUS:** Carried

### **(B) Appointment of Auditor for 2018/19 financial year**

Discussion on current Auditor's tenure and rules outlining permissible tenure took place. It was highlighted that although current Auditor's have capacity to change relationship managers (in line with rules), it was advisable that auditing firms should change after seven years. Current auditing firm have been in place since 2013. Stephen Sheridan remarked that there are few auditing firms with experience in partnering with representative agencies, and therefore suggested the first action should be to challenge fees with current auditing firm. Emma Germano suggested the new elect VFFIA President to test Auditor's fees and that the MOU would govern and guide same.

It was then moved that the Auditor for the next financial year was Grant Thorton.

**MOVED:** Meg Parkinson

**SECONDED:** Sarah Parker

**ALL IN FAVOUR:** Yes

**OPPOSED:** Nil

**STATUS:** Carried

**7. OTHER BUSINESS**

Nil

**8. CLOSE**

The meeting was then closed 10:47am.