

REFRIGERATED WAREHOUSE &amp; TRANSPORT ASSOCIATION OF AUSTRALIA LTD

# cold running

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## COMPLIANCE WITH THE FAIR WORK ACT 2009

The Fair Work Act 2009 (Act) came into full operation on 1 January 2010. The minimum terms and conditions found in the National Employment Standards (NES), the consolidation and modernisation of all the nation's awards, and expanded access to unfair dismissal will place significant new obligations on employers.

Adding to the pressure on employers is the establishment of the heavily funded Fair Work Ombudsman, which has been actively patrolling the labour-market and prosecuting breaches of the NES and modern awards. Employers may be subject to fines of up to \$33,000 per breach.

In this new environment it is vital that employers are up-to-date with their obligations, and take appropriate measures to ensure compliance.

### National Employment Standards

The NES enshrines 10 minimum standards which form the foundation of the new workplace relations system. While many of the standards existed under the Workplace Relations Act 1996, the NES introduces the following new minimums:

- the right for parents to request flexible working arrangements, which shall only be refused on reasonable business grounds;
- up to 24 months unpaid parental leave;
- expanded rights to personal/carer's and compassionate leave;

- community service leave;
- up to 16 weeks mandatory redundancy pay;
- the obligation on all employers to provide new employees with a Fair Work Information Statement.

Employers should ensure that employment contracts comply with the NES and that there are adequate policies and procedures in place to deal with requests for leave and flexible working arrangements.

### Modern Awards

The award modernisation process is now complete, and the 3,715 awards which applied across the country have now been consolidated into 122. Employers should ensure they are aware which modern award covers their employees.

### Unfair Dismissal

The 100 employee threshold for unfair dismissal claims has been removed, exposing all employers to such a claim. With that in mind, employers should take proactive steps to ensure that their dismissal policies are up-to-date and complied with.

The Act extends the qualifying period from 6 to 12 months for employees of small business employers (businesses with fewer than 15 full-time equivalent employees).

[cont'd on page 10](#)

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## BROOKLYN EPS – A NEW INSURANCE INITIATIVE

The endorsed Insurance Broker to the RWTA, General Security Australia Insurance Brokers Pty Ltd (GSA) has some exciting news to announce to RWTA members with regard to a new insurance initiative soon to be launched by GSA's underwriting subsidiary Brooklyn Underwriting Pty Ltd (Brooklyn).

Brooklyn is an Underwriting Agency which up until recent times has specialised in accident classes, particularly General Liability and PI, but has now compiled a Property team capable in the placement of structures built of sandwich panelling (including EPS).

RWTA members will recall GSA's timely updates on the state of the insurance market following the catastrophic Primo loss of October 2007 and the major Public Cold Storage explosion in Hamilton NZ in April 2008. It was at this time that GSA and Brooklyn first identified that many underwriters were becoming risk adverse to EPS type risks, and the continued series of large fire losses in recent times, including Western Meat Packers in WA (Nov. 09) and Inghams Chicken in Victoria (Jan. 09) has not helped the situation.

Since 2007 GSA and Brooklyn have been working closely with leading Underwriters both in Australia and the UK to develop a unique insurance underwriting facility in the difficult area of sandwich panel systems, and particularly EPS.

The Brooklyn facility will provide both Brokers and clients the availability of obtaining cover for structures essentially built of EPS (or related materials) whether it be storage, processing or public cold storage facilities.

The "Brooklyn Difference" is that it offers a value-added service by the provision of high quality risk management advice from the Brooklyn Underwriting team, who are totally familiar with the underwriting exposures relating to EPS and methods to reduce the fire inception hazard.

Doug Daly, the Property Underwriting Manager at Brooklyn, suggests that many clients with EPS exposures have not in the past had access to first-class loss control advice from their Insurers or Brokers and as a result have not been educated in the series of major losses that have occurred in Australia, let alone overseas!

Brooklyn is in the final stages of assembling a panel of first class insurers from Australia and the UK to support this somewhat unique facility with likely capacity of \$40 to \$50 million each and every risk (final capacity being negotiated as this goes to print). Flexible rates and deductibles have been negotiated for both storage and processing facilities.

However, the fundamental requirement for Brooklyn is that the Insured must have in place a robust property conservation program. The facility has a strong Risk Management presence and prior to placement of cover, Brooklyn must carry out a risk inspection and all fundamental loss prevention measures are put in place. This would include such items as regular housekeeping inspections using checklists, EPS Repair Safety Procedures, Hot Work Permits, Staff and Contractor training, battery charging safety, security standards and the like.

Brooklyn and GSA believe a collaborative approach between insurer, broker, and insured is the only way forward. Education as to the nature of EPS and its inherent risks, coupled with comprehensive and robust loss prevention programmes, will ultimately lead to stabilisation in this market space (with fewer catastrophic losses!) to the ultimate benefit of all concerned.

**Brooklyn anticipates that it will commence writing business from 31 March this year. In the meantime, if you have any enquiries regarding the Brooklyn EPS underwriting facility or more general technical or underwriting insurance advice, please do not hesitate to contact GSA on: Nicole Mellick Manager – Business Development 02 8274 8138 or [nicolem@gsaib.com.au](mailto:nicolem@gsaib.com.au) or James Telford Manager – General Insurance Division 08 8274 8121 or [jamest@gsaib.com.au](mailto:jamest@gsaib.com.au)**



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A study conducted for the Investment and Financial Services Association (IFSA) found that 60 percent of Australian families with dependent children do not have enough life insurance cover to meet their family's expenses for just one year if the main breadwinner dies unexpectedly.

So why are people more willing to insure their car than their life?

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### CREATING A PARTNERSHIP SAFETY NET

A good business partner is worth their weight in gold. And not just because of the capital they bring in to your business.

Naturally, your partner shares the load and keeps things running when you're sick or absent. Ideally, they also have strengths and experience that complement your own, broadening your skill base and bringing extra energy and enthusiasm into the business.

All of this makes your business partner an important asset to you and your business. And like any other business asset, they need to be protected. Because if something was to happen to you, your partner, or your partnership, it could significantly damage your profitability and even threaten the ongoing viability of your business.

#### Why do you need a safety net?

To see what I mean, ask yourself what would happen if your business partner decided to move on. Would you be able to buy them out? If they wanted to sell their share in the business to an outsider, would they need your approval? What if they wanted to set up shop as a competitor in your area? Who would keep your trading name, your client base and your staff?

Then there are those scenarios which no-one likes to think about. What happens if you or a partner becomes seriously ill or even dies? Could you keep the business running without their skills, knowledge and experience? And could you keep paying their salary during a long convalescence, especially when you're one person down?

Without a formal agreement in place, the unforeseen death of a partner can put the surviving partner in the awkward position of negotiating with bereaved family members who have inherited his or her share of the business. If you can't agree on a buy-out arrangement, you could be left running the business hand in hand with someone who has no real interest in it and no background in the industry. Or they might take too active an interest. Either way, it's a difficult situation.

A prolonged illness can be even more devastating. Naturally you'd want to support your business partner in their time of need. But how long could you continue to pay them an income when they're not around to keep sales coming in? And if they needed to leave the business, how would you buy them out?

In situations like these, you need a partnership safety net. Here's how to create one.

#### The Buy-Sell Agreement

The first strand in your safety net is a written Buy-Sell Agreement. It can form part of your Partnership Agreement, or stand alone as a separate document, particularly if you have a company structure.

Your agreement should explicitly set out what happens in the situations I've described, giving you and your partner certainty and protecting your respective interests in the business. It can also include:

- A **call option**, giving each partner the right to buy out the other in specified circumstances.
- A **put option**, giving each partner the right to force the other partner to buy them out in specified circumstances.
- An **agreed price or valuation method** for the buy-out. If the agreement specifies a price, it's usually updated annually to reflect the changing value of the business.

Your solicitor can help you draw up an agreement tailored to your needs, while your accountant can advise you on the financial implications. And don't forget to ask your banker about funding — after all, if you or your partner decides to exercise those call or put options, you're going to need some cost-effective finance. That's something best discussed ahead of time, rather than at the last minute when you're under pressure.

#### Key person insurance

The next strand in your safety net is key person insurance covering both you and your partner. At a minimum, most businesses opt for an insurance package for each partner including life cover, total and permanent disability insurance (TPD), and trauma insurance. The cover is usually held in the name of each individual partner, with the partner and their family as beneficiaries, avoiding capital gains tax complications. But the Buy-Sell Agreement ensures that any payout is used for its intended purpose.

As well as that core package, you can choose from a range of business protection options to offset the broader financial impacts if a partner dies or becoming disabled. They include:

- **Loan cover**, enabling you to pay-off business loans.
- **Revenue cover**, covering you for loss of revenue.
- **Business succession cover**, giving you the capital you need to buy out the injured partner's interest in the business.
- **Expenses cover**, covering up to 100% of your fixed expenses.

With a Buy-Sell Agreement in place, and key person insurance to underpin it, you can continue to enjoy the benefits of a productive business partnership, while being protected from the risks.

**Gary Pretty is an Area Manager with the Commonwealth Bank's Corporate Financial Services division, a specialist division dedicated to the needs of business clients. To find out more, contact Gary on 0414 789 431 or prettygj@cba.com.au Commonwealth Bank of Australia ABN 48 123 123 124**

## A proud partner of the Refrigerated Warehouse and Transport Association of Australia. All the best for 2010.

Our market expertise and local knowledge is a driving force behind the success of many businesses. To find out how we can help yours, talk to **Gary Pretty**, Area Manager on **0414 789 431**.



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### FLORENTINES' DELIVERY OF SWEET SUCCESS

With the Australian cake and pastry manufacturing industry worth \$1,371.5 million each year, and retail sales of bread and cakes reaching \$3,482.6 million, high-end cake manufacturer Florentines attributes its successful entry into the Australian market to its distribution processes managed by Rizzi.

As the leading high-quality cake producers in New Zealand, Florentines entered the Australian market in 2007 and now supply 80 cake lines to the food service industry across four states.

According to the Australian Sales Director, Ms Jessica Brisbane, when Florentines first considered its expansion into the Australian market, the company spent significant time researching and sourcing the right distribution partner because of its paramount importance to the quality of their cakes and the ongoing satisfaction of their clients.

"It became very clear from early on that we could not take our cakes to market without Rizzi," said Brisbane.

Starting operations with a monthly 20-foot container, Florentines growth of 650 percent in less than three years now requires logistics and handling of alternating 20- and 40-foot containers on a weekly basis.

"Our growth in the Australian market could not have happened without Rizzi because they go above and beyond the call of duty to help us grow our business," she said.

"I remember one time when I was on holidays and Rizzi organised the delivery of brochures and samples to help us win a new client."

"They're especially helpful when we've been under pressure; waiting for containers to come in and they've picked, packed and sent from that container the same day – and you can imagine that's no easy feat."

"So from our perspective, Rizzi is integral to our success and we couldn't possibly have achieved the market penetration that we have without them," Brisbane said.

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### JAT TRANSPORT KEEPS IT COOL WITH IRONBARK SOFTWARE

Ironbark Software has innovated and developed ERP software for over three decades, providing and supporting flexible business management systems for dynamic, high growth companies in the Cold Chain Industry.

Cold Storage (3PL) operations have benefited from this experience and the result is a reliable, accurate and efficient system showcasing the latest innovations such as RF Technology for Scanning and Barcoding, POD digital signatures on Touch Tablets for automatic transport dispatch manifests, etc...

Ironbark is also well experienced with Supplier/ Customer Web Portals and Supplier EDI Integration.

The Cold Storage industry has competitive low margins and is very reliant on efficient systems to reduce labour and stock losses. The need for very precise stock control and transparency of stock to the customer is critical.

The key to success is an efficient communication with Customers, Suppliers and Freight Inwards/ Outwards; with Ironbark Cold Storage Software, you will benefit from synergy and efficiency in the chain.

#### Case Study – JAT Refrigerated Road Services

JAT Refrigerated Road Services has grown from a small operation started in 1986 by John Azzopardi and his wife, Heather, to a well respected industry leader in the movement of chilled/ frozen and ambient freight in and out of North QLD and an emerging line haul provider to the Southern state's.

With a modern fleet of 45 trucks and over 70 trailers, JAT provides its customers with a fast, efficient and cost effective transport and storage solution.

JAT has transport depots in Cairns, Tully, Townsville, Mackay and Sydney.

In October 2009, they moved into their own purpose built state of the art transport and cold storage facility in Lytton, Brisbane. This facility enables them to service the transport and storage needs of their existing customer base and position them well to cater for new customers in the future.

With the acquisition of this new warehouse came the decision to upgrade their software system and they have chosen to partner with Ironbark Software.

Ironbark Software have implemented a fully integrated 3PL Warehouse Management System complete with RF Technology for Scanning and Barcoding, for precise stock tracking, and a Supplier Portal, for the real time access to stock movements and invoicing information.

Wayne Azzopardi, Manager of Brisbane warehouse, says that they were looking for a better software package to support their growing business, something "that was easy to use" and "allowed them to keep track of stock on-line".

After implementation and training phases and once the team started to use the system on a daily basis, Wayne says "the system is quite easy to operate and working well with our operations... Our customers are impressed with the extra features that this program has to offer. Our human error mistake rate has pretty much gone... I have found Ironbark to be really

helpful and definitely feel that we can call them at anytime. And nothing is ever a problem."

**For more information on JAT Transport, call Wayne Azzopardi on 07 3890 4611.**

**For more information on Ironbark Software, call Chris Findlater on 07 3423 3811.**



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## REFLECTIONS ON 45 YEARS IN THE COLD STORAGE INDUSTRY-GABOR HILTON

The 1st of February 2010, marked the 35th anniversary of Oxford Cold Storage's foundation and my 45 years in the cold storage industry.

After nearly 10 years of loyal service, my employment as General Manager of Polar Cold Storage was unexpectedly terminated. Unemployed and married with three young children I was devastated.

My first wife's family, the Fleiszig Family, owned A B Cambridge Poultry Distributors, a poultry processing and distribution company that was located at Pipe Road, Laverton North in Victoria. They operated from a small freezing and holding chamber that serviced their cold storage requirements.

During the first part of 1975 the storage capacity was increased by erecting Freezer 2. Oxford Cold Storage was formed to utilise any surplus capacity. I became a partner and General Manager of the new business, my contribution being my cold storage industry experience during the previous ten years. The first consignment of chilled lamb carcasses for the Jordanian Army Forces was received and blast frozen on the 1st August 1975.

The cold storage industry was very different in the late 1960s and early 1970s. There were literally hundreds of small cold stores in Victoria. Most were extensions to ice works. They were mostly ground level constructions and the chambers were small with low ceilings, many insulated with cork, asbestos and EPS sheets stuck on timber or brick walls. Very few of these buildings were suitable for forklift operation and racking.

OH&S was not much of an issue during these early years. Most product handling was manual and chamber hands and tally clerks spent long days working inside the chambers stacking and unstacking products in very cold environments. In many of the older cold stores there were rusted ammonia cooling pipe coils on the walls, snow and ice on the products and the floor. Badly insulated, dripping ammonia refrigeration lines were running alongside buildings and passages. These were frequently brought down by forklifts and trucks. These stores were characterised by the never ending faint smell of ammonia.

The RWTA was formed from state based cold storage associations. The Cold Storage Association of Victoria (CSAV) had cold store and ice members and membership was in the hundreds. One of the main functions of CSAV was to represent the industry on wages boards during award negotiations and to argue on behalf of members during arbitration and court proceedings on industrial issues concerning their employees. CSAV published guidelines to best cold storage practices and recommended freezing and storage rates that were always well above what was commercially achievable.

As stated before, export meat freezing and storage operations were started on the 1st August 1975 at Oxford Cold Storage with the help of labourers from the poultry operation on borrowed hanging stillages, pallets and a very unreliable used Clarke LPG forklift (no power steering or brakes). Once the carcasses were frozen they were manually stacked on the freezer floor. For shipment, they were picked up from the floor, loaded into stillages, transported to the back of refrigerated trucks, manually unloaded, tallied and stacked on the floor of the truck. There were very few shipping containers, and the trucks would deliver the carcasses to the wharf where wharfies unloaded them into nets. Cranes then lifted the cargo into the hold of the refrigerated cargo ship and the wharfies would restack them into the ship's freezer room.

Oxford Cold Storage had a successful beginning and by July 1976 Freezer 3 was commissioned, followed by Freezer 4 in 1977 and Freezer 5 in 1978. From carcasses the business expanded into freezing cartons of export mutton for Jakes Meats, veal sides and quarter beef for Tancred Brothers, mutton and lamb carcasses for Consolidated Meat Exports and minced bones (sludge) for Murray Valley Protein.

Around 1978, Oxford Cold Storage purchased a second-hand Singer computer for \$12,000 with a 5 gigabyte hard disk that was about 40cm wide and housed in a table the size of an office desk. A program was written to keep stock records and to produce stock reports. We used this computer until the early 1980s when we purchased an 8 bit Apple computer with custom written programs

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## REFLECTIONS ON 45 YEARS IN THE COLD STORAGE INDUSTRY-GABOR HILTON (cont'd)

for stock control, wages and accounting.

After Pipe Road Freezer 5 was completed, Oxford Cold Storage ran out of land and further expansion was only possible on a new site. In 1980, Oxford's co-founder and patriarch, Laszlo Fleiszig had the foresight to purchase the Hume Road site. The 17 hectares of paddocks were grassland at the time with the exception of the building now known as Freezers 1-4 and a massive office fronting Hume Road. Built in 1957 by Victorian Master Butchers, the building was used as a hide salting store until the late 1970s. We subdivided the large hide processing area into four insulated chambers and a loading dock and commenced cold storage operations at Hume Road in August 1981. At this stage all the customers were export and local meat packers and meat exporters.

Within 2 years, in 1983, Hume Road Freezer 5 was built and Freezer 6, specifically designed for curing barrels of cheese for Kraft, was completed in 1984. The expansion continued with Freezer 7 in 1986 and Freezer 8 in 1989. The meat industry became more seasonal and less profitable and it was not until 1994 that we decided to further expand.

1994 saw the building of Freezer 9, the first of many state of the art high-rise, racked and elevated stores with loading docks. It was during this time that Paul Fleiszig, current RWTA National Deputy Chairman, brought his accounting knowledge and passion for the family business to Oxford. This was also the beginning of our long term partnership with Vaughan Constructions who built all the new buildings.

That year, a new era of computerisation was started, with the introduction of a Radio Frequency (RF) Warehouse Management System (WMS). The subsequent formation by Mark Fleiszig of Radio Terminal Systems (RTS), to take ownership of and to develop in-house the hardware and software for the WMS, became the key

to our rapid expansion and leading edge service levels. Having a fully racked facility with RF-WMS also opened the door to more demanding clients such as Fonterra, Nestles, Simplot and McCains.

Oxford's exponential expansion since 1994 continues to date with the help of the next generation of family members under the stewardship of Stephen, Gabor and Luis Fleiszig.

Today, Oxford Cold Storage is number twenty by size in the world, has storage capacity for 150,000 pallets and employs in excess of 400 workers, mostly from the disadvantaged Western suburbs of Melbourne.

In conclusion, I wish to say that the journey was amazing and I feel privileged to have lived through and contributed to the massive changes in our industry over the past 45 years. I have designed and project managed most of the early buildings at the Polar Cold Storage site and every building on both of Oxford's sites. I was able to fine-tune my design concepts to keep up to date with changes in OH&S, health and food regulations, customer's requirements and technology. I also learned from our experiences as operators of the stores.

I wish to thank all current and past RWTA members, many of whom I look at as friends, for their friendship and for supporting me. Ours is a small industry and although we are very competitive to gain market share most members are open and willing to help each other when it is for the good of the industry, whether it is in workplace safety, energy management or productivity.

I am confidently looking forward to a very exciting future for RWTA and our industry. I hope that I will be able to continue contributing to this wonderful organisation for many more years to come.

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### GSA WORKERS COMPENSATION INFORMATION ON OH&S HARMONISATION

The proposed Legislation creates consistency across Australia, and is therefore a benefit to employers who operate in more than one State or Territory. Most significantly on the administrative side of OH&S.

While the Legislation is to be in place by 31 December 2011, it's important for employers to prepare now by ensuring that policies and processes are reviewed and ready for the changes.

The policies and procedures around risk management, consultation, training and due diligence will be critical to compliance with the new legislation.

Most importantly employers should ensure that they collect data to establish a benchmark on which they can build and demonstrate improvements.

The following summary is based on details published by various sources and extracts from a presentation by Sparke Helmore Solicitors on 9 February 2010.

Current OH&S Legislation varies from State to State and applies different standards. To remove confusion and simplify this situation for employers a piece of Legislation has been suggested that will be adopted by all States.

- The proposed legislation was released for public comment between September and November 2009 and endorsed by the Workplace Relations Ministers Council (WRMC).

- At this time all States and territories have agreed to adopt the Legislation by 31 December 2011.
- The key definitions for employees are 'risk' and 'hazard'. Risk is the probability of an incident and hazard is the possibility that this will happen. This is a change from the traditional 'risk matrix' of risk and consequence. Employers will therefore need to adjust their risk management to focus on what could possibly happen and what could probably happen.
- This reflects the 'risk management' focus of the legislation. Employers will need to ensure that they are conducting risk assessments and acting on those assessments.
- Definitions of worker, employer and workplace remain broad to ensure that the Legislation can not be evaded or avoided.
- The proposed Legislation lists a number of health and safety duties for employers as a 'primary duty of care' and further duties that distribute responsibility through the business.
- These duties remain with the employer and not third parties who may be involved in designing, installing, supplying and manufacturing plant and equipment for the employer.
- The proposed Legislation creates a positive legal obligation, that is employers need to demonstrate due diligence in managing OH&S.
- Due diligence is defined as maintaining OH&S knowledge; understanding the risks associated with your business; ensuring that appropriate processes are in place for gathering and assessing information on incident, risks and hazards, and that you respond in a timely manner; ensure that the business has tools and processes for complying with the Legislation and confirm that the business has adequate resources for managing OH&S.

[cont'd over page](#)



## Celebrating 40 years in Australia.

Since arriving in Australia in 1969 Beca has worked with clients across the food and beverage market, including many in the RWTA, to engineer better solutions to their business problems.

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## GSA WORKERS COMPENSATION INFORMATION ON OH&S HARMONISATION (cont'd)

- Managers and supervisors in the business will be required under the Legislation to report incidents, consult with workers, comply with notices issued under the Legislation, and ensure workers are trained in OH&S.
- Workers will be required to take reasonable care for their own health & safety; take reasonable care not to create risks and hazards for others; comply with reasonable instructions issued by the employer; comply with the businesses policies and procedures that have been notified to workers.
- Penalties for companies in NSW will increase in the most serious case from \$500,000 to \$3 Million. Penalties for directors, managers and workers will all increase in line with this.
- Employer's duties around incident notification now require records of the notification to be kept for 5 years; notification to be by the fastest possible means; set a minimum standard for the detail provided and establish a duty to preserve the site – this may mean that your business has to cease operation for a period.
- The Legislation establishes penalties for companies and individuals who do not notify incidents.
- Currently in NSW, WorkCover has 2 years from the date of the incident to commence prosecution. The new Legislation changes this to be from the date of notification.
- The Legislation sets out who needs to be consulted and when consultation is required. It should be remembered that consultation is an opportunity to identify the concerns of your workforce and to involve those doing the work in your ideas. Importantly employers need to be able to show that workers and their representatives are involved in the OH&S process.
- Health & Safety Representatives within the business will have the power to cease unsafe work. This would be based on either a risk assessment or an incident, and the best way for an employer to manage this is by having their own risk assessment and an effective process consultation process.
- Senior managers need to be aware of the powers and responsibilities of both Health & Safety Representatives and Workplace health & Safety Permit Holders who may enter the workplace.

- The powers of the regulator have been broadened in regard to prosecution, in that they can now compel people to answer questions.
- The legal fraternity is concerned about the potential for this Legislation to further 'industrialise' the workplace.

### For more information please contact:



#### Tony Byrnes

Manager, Workers Compensation

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**GSA WORKERS  
COMPENSATION**  
Eye-opening insurance.

## COMPLIANCE WITH THE FAIR WORK ACT 2009 (cont'd from pg 1)

Additionally, a Small Business Fair Dismissal Code has been introduced which, if followed, provides a level of protection against claims for small business employers.

### Transfer of Business

For employers buying and selling businesses the Act introduces significant changes to the transfer of business rules, including the following:

the industrial instrument covering the transferring employees will apply indefinitely until replaced or terminated, whereas previously it only applied for 12 months;

new employees who did not work for the old employer will also be covered by the transferring instrument, but only in circumstances where the new employee is performing work previously performed for the old employer; and a new employer who is not an associated entity of the old employer may elect not to recognise the employees' annual leave and length of service for the purpose of redundancy, in which case the old employer will be required to pay out these entitlements.

### Conclusion

The Fair Work Act 2009 makes breaches of employment obligations subject to heavy penalties, and all employers should ensure that they are compliant with the new laws.

**If you have any questions about employment law or workplace issues please contact Mark Yorston at Wisemah Mahony Lawyers on 9612 7341 or [mark.yorston@wisemah.com.au](mailto:mark.yorston@wisemah.com.au). Mark is an accredited specialist in both business law and workplace relations. There is no charge for an initial discussion about any employment matter.**

## WORKCOVER AUTHORITY NSW ASSISTING EMPLOYERS TO CLARIFY THE STATUS OF CONTRACTORS AND WORKERS

The changing nature of employment relationships in the workplace does not always make it easy for employers to clarify the status of a person (who may be defined as a worker, deemed worker or contractor) when determining who to include in their premium calculations.

As part of its drive to provide practical assistance to businesses, WorkCover NSW established the Worker Status Ruling Service to assist employers in determining who to include in their workers compensation policy wage declaration.

An innovative feature of the service is the online self-assessment tool, accessed via the WorkCover website, that provides guidance to employers on what the status of a person or group of people may be – ie worker or contractor. The worker status self-assessment tool is anonymous, simple to use and you can access it at [workcover.nsw.gov.au/workerstatus](http://workcover.nsw.gov.au/workerstatus)

The tool walks the user through a series of simple questions, with advice to assist in answering them. Based on the information the user provides, the tool will generate a report on the person's worker status.

The result of the self-assessment is non-binding – it is simply a guide that helps employers. If the user still needs to seek clarification, they can lodge an application for a private ruling.

Employers may now apply to WorkCover for prospective private rulings to determine the status of workers/contractors for premium calculation purposes. A private ruling is a binding notice that determines whether a person (or a group of persons) is a worker, deemed worker or contractor. A ruling is based on the facts and information submitted at the time the application is made.

A private ruling is for the purpose of identification of worker status for premium calculation only and does not affect a person's ability to lodge a workers compensation claim. A private ruling cannot be used in claims proceedings.

**To find out more about the Worker Status Service, contact WorkCover on 13 10 50 or email [privaterulings@workcover.nsw.gov.au](mailto:privaterulings@workcover.nsw.gov.au)**

**The worker status self-assessment tool and private ruling application forms are available at [workcover.nsw.gov.au/workerstatus](http://workcover.nsw.gov.au/workerstatus). You can also get additional information through these pages, including frequently asked questions and 'worked examples' from various industries.**

## IARW-WFLO CONVENTION FOCUSES ON BUILDING BUSINESS AND CONFIDENCE IN TOUGH ECONOMY

Washington, DC, 2 February 2010 – Where do the growth opportunities lie in this tough economy? What type of attitude is needed to capitalize on them? How do strong ethics factor into the leadership required to succeed?

These questions and more will be answered at the 2010 IARW-WFLO Annual Convention & Expo, to be held 24-29 April 2010 at the Westin Kierland Resort, Scottsdale, Arizona, USA.

2010 marks the 119th anniversary of this event, which annually attracts the top executives in refrigerated warehousing and logistics with over 200 hours of world-class educational programming, a 95-booth expo, and multiple networking opportunities.

The formal convention program kicks off on 26 April with a powerful presentation from bestselling author Peter Sheehan entitled, "Flip: How to find and exploit opportunities in an upside down-world." The session will reveal the changing nature of leadership, the evolution of business models, and deliver dozens of examples and strategies for finding opportunity and making money in tough economic times. "Flip" is a philosophy not just for reacting to changing markets, but for being the force of change in your market.

The following day, Dr. Paul J. Voss, president of Ethikos and an associate professor at Georgia State University, will speak on "To Hell and Back: The Crisis of Leadership and the Leadership of Crisis," sponsored by Primus Builders. The session will explore why some businesses fail and show how executives can avoid a descent into economic hell by employing strong ethics to lead companies out of any crisis.

On the final day of the convention, Sam Glenn, author of "A Kick in the Attitude," will deliver a hilarious presentation that will show attendees how to put the positive kick back into their attitudes. Years ago Glenn lost a successful distribution company to an overnight fire and lost everything. His attitude turned dark and his misery pushed away opportunities and invited more negative circumstances. Finally someone shared some humbling, yet insightful wisdom that sparked his attitude to change and live a better life. He will share the secrets to this turnaround.

Beyond these keynote sessions, the convention will offer a wide range of educational sessions ranging from the popular "Scientists Speak" sessions on 25 April to several useful Focus Sessions on 26 April.

The Expo Hall also provides a marketplace for doing business with companies from all sectors of the cold chain, displaying the latest in products and services to help warehouse executives succeed. Over half of the expo booths are sold. Interested suppliers are encouraged to contact IARW at +1 703 373 4300 immediately to reserve space.

An optional three-day pre-convention warehouse tour to a cold store facility, coupled with a guided city tour of Denver and a full-day visit to the Royal Gorge Bridge & Park in Cañon City, will run from 20-24 April.

The convention also offers many opportunities for networking and socializing, including the Welcome Reception, First Timers and New Members Reception, IARW Golf Classic, and a new "Afternoon at the Oasis" event featuring drinks, snacks, great music, games, and more! The "Afternoon at the Oasis" brings a fresh, new twist to the formal farewell reception and dinner dance of past years.

A spouse and guest program is also available.



**For more information and to register, visit [www.iarw.org/convention](http://www.iarw.org/convention) or call +1 703 373 4300.**

IARW promotes excellence in the global temperature-controlled warehouse and logistics industry. WFLO delivers education and research to the industry and empowers economic development by strengthening the global cold chain. IARW-WFLO represents 98 percent of public refrigerated warehousing companies in the United States and has members in 65 different countries. Members of these organizations can be identified by the use of IARW and WFLO logos in their company promotions. For more information, visit [www.iarw.org](http://www.iarw.org) or [www.wflo.org](http://www.wflo.org). Both IARW and WFLO are Core Partners of the Global Cold Chain Alliance, which represents all major industries engaged in temperature-controlled logistics.

## EUROPEAN COLD STORAGE AND LOGISTICS ASSOCIATION AND GLOBAL COLD CHAIN ALLIANCE PARTNERS TO FORM ONE EUROPEAN ORGANIZATION

Brussels, 17 February 2010—The European Cold Storage and Logistics Association (ECSLA) and The Global Cold Chain Alliance (GCCA), gathered in Amsterdam last week for an international cold chain conference, have signed an agreement to form one organization to represent and serve the temperature controlled warehousing and logistics industry in Europe. This organization will retain the name ECSLA and be an Affiliate Partner of GCCA.

The partnership allows the two organizations to offer expanded programs and services to European national cold storage associations and European cold storage companies. Theo van Sambeeck will serve as Managing Director of the Association and a General Secretary will be appointed in Brussels to lobby industry issues. Van Sambeeck states, “I look forward to the challenge of bringing these two associations together into a powerful force in Europe.”

ECSLA President Wim van Bon from The Netherlands says, “ECSLA plays a critical role in lobbying for industry interests in Brussels and providing a network for the many national cold storage associations across Europe. This new partnership gives us even more clout and allows us to take advantage of the many other services and resources that GCCA offers.

“With ECSLA’s excellent reputation and work in Brussels and GCCA’s resources, this combination will form a strong service organization in Europe,” explains GCCA President and CEO Bill Hudson. “The cold storage industry is increasingly integrated across the globe, and this partnership will provide the European cold storage industry with access to the worldwide resources of GCCA, including our five global offices strategically located around the world.”

National cold storage associations in Europe will be listed in the comprehensive Global Cold Chain Directory, which is published by GCCA and distributed to food companies and cold chain-related organizations across the globe. These national associations and their members will also receive the popular Cold Connection eNewsletter, published by GCCA Core Partner the International Association of Refrigerated Warehouses. European cold storage companies member of the GCCA will now also receive the ECSLA Newsletter

The World Food Logistics Organization (WFLO), one of the Core Partners of GCCA, has conducted several industry development projects in Europe and has fostered the development of new national cold storage associations around the world. GCCA/WFLO will support ECSLA in continuing building new national associations in Europe and solicit funding from the European Union to help ECSLA conduct further development work in Europe.



(Pictured left to right: Bill Hudson (GCCA President and CEO); Derk J.B. Van Mackelenbergh (WFLO Chairman); Wim Van Bon (ECSLA Chairman); Larry Laurin (IARW Chairman); and Hans van Leeuwen (WFLO Board Member)

## A STAR AMONGST US - INTERVIEW WITH DEAN PULLAR (P.PULLAR & CO)

My first coach was my mother Wendy, who missed the 1960 Rome Olympic Diving team for South Africa.

I started diving at the Cobram pool and spent ten years at the AIS diving program in Brisbane between 1991 and 2001.

Having slipped a disc in my back between L4/L5 in 1993, I came back and qualified for the Commonwealth Games in Victoria, Canada in 1994.

I missed out on selection for the Atlanta 1996 Olympics but this inspired me to continue and have a crack at a home Olympics in Sydney as a 27 year old veteran!

I was training terribly in Sydney before taking myself off to my parents apartment for a break and hopefully some perspective.

I sat on their balcony at their apartment in Milsons Point and looked over Sydney for 3 hours.

It was great to get out off the bubble of the games and get some reality.

I left there and everything fell into place.

I believe it was my time and that I had done the hard work and everything fell into place.

I achieved 5th in the Individual 3m Springboard. This event lasted over two days and I had to complete 17 dives.

I was thrilled to achieve the second best male springboard result by an Aussie at an Olympics ever.

In between my events, I had a day to train with Robert Newbery for our synchronised event.

I pulled my neck on the last practice dive and spent that night with hot/cold packs trying to give me a chance the next day.

I woke up stiff as a board the next day and could not train with Rob immediately before the event as I was off receiving a couple of local injections in my neck to ease the pain.

My neck started to free up as the competition started. We were sitting in second position going into the last round and we knew we had an Olympic medal in our grasp.

The crowd nearly roared the roof off as we were being announced for our last dive.

We performed a 5337D, a reverse one and a half somersaults with three and a half twists... we nailed it and came third beating the Americans by half a point!

We had just won Australia's first Olympic male diving medal since Dick Eve won Gold in Paris 1924 for the plain high dive.

A great way to finish my diving career.

\* \* \* \* \*

My great grandfather purchased the land that we still farm and run our coldstore on in Cobram in 1912.

The first Williams Pear trees that were planted in 1916 are still in production today.

I am the fourth generation and have enjoyed running the property with my father Philip for the last 8 years since my return from Diving.

My grandfather built the first coolrooms back in the early 1950's to store our fruit.

Murray Goulburn commenced operation in Cobram, and in 1987 we started storing some of their cheese for maturation in our fruit rooms during the months they were empty of fruit.

As the fruit came in over summer we needed the rooms so we built new rooms to accommodate the cheese.

This same pattern continued over numerous years until we now have 23 rooms with a 17,000 pallet capacity.

Due to the many rooms, we are able to offer a variety of temperatures from -18 to +20.

We store our own fruit in Controlled Atmosphere and pack as required for the market.

The site is fully sprinklered, with Dexion racking and RF tracking.

We are a "can do" operation that provides a service that is both personal and professional.

**A full interview will be conducted with Dean Pullar at the 2010 RWTA Conference and Exhibition at Crown Promenade Melbourne 29-31 August.**



Dean Pullar and son Olly

## MICHELLE McKENZIE JOINS MONTAGUE GROUP

A big welcome to Michelle McKenzie (pictured) who has joined the Montague Group as their Occupational Health, Safety and Environment Manager.

Michelle's previous role was advising the Mayne Group of Companies incorporating; Mayne Nickless Express, IPEC, Security Express, Wards/Skyroad & Symbion Health in all aspects of Occupational Health and Safety and Risk Management and brings to the Group a wealth of experience and knowledge in her chosen field.

"**TARGET ZERO**" follow up is one of the first tasks that Michelle will undertake and a visit to all Montague sites for presentation to employees will occur over the next month .

Michelle will cover:

- New OHS Policy;
- New Rehabilitation Policy;
- New Environment Policy
- Safety Management Standards;

- Safety Charter – Employees;
- Safety Charter – Managers;
- Notifiable Incident Reporting Procedure including, LTI interview process.

An important milestone was achieved by Montague's Orchards Division where there was no Lost Time Injury recorded for the last twelve months.

The achievement of "**TARGET ZERO**" at the Montague Group is a reward for employees paying attention to the removal of hazards and not taking risks---plus a lot of hard work.



## NORTHMAID LOGISTICS

Northmaid Logistics in Cairns Queensland advise that they have 550m2 of temperature controlled pallet/storage available.

Permitted uses include foodstuffs, pharmaceuticals, cosmetics, dry goods or materials or document storage.

They also have approval to construct on their existing site, a 2 storey 1000m2 new build to customer specifications.

**For further information, please contact David Palmer  
Director on Ph 07 4031 4031, Fax 07 4031 5303 or email  
gm@northmaid.com.au**

## WELCOME TO NEW MEMBERS

A very warm welcome to the following companies that have recently joined the RWTA:

### Full Members

- K5 Refrigerated Logistics (VIC)
- Northmaid Logistics (QLD)
- Regal Cream Products Pty Ltd (VIC)
- Prospect Refrigerated Transport Pty Ltd (NSW)
- Tony Madden Refrigerated Transport & Cold Storage (NSW)

### Associate Members

- Envico Doors (NSW)
- Ecolites Australia (VIC)
- Fonterra Brands Australia (VIC)
- Barcode Dynamics (QLD)
- Crisp Power & Control (QLD)
- Komatsu Forklift Australia (QLD)
- Komatsu Forklift Australia (WA)
- Komatsu Forklift Australia (SA)
- Komatsu Forklift Australia (NSW)
- Komatsu Forklift Australia (VIC)
- Schultz & Burns Projects (QLD)
- Ahrens Group (WA)
- Albany Door Systems (NSW)
- Ecotality Australia Pty Ltd (QLD)
- Colby Southern Storage Solutions (VIC)
- Wisewould Mahony Lawyers (VIC)
- Mai & Associates (NSW)

## INITIATIVE AND INNOVATION FAST TRACKED AT OXFORD COLD STORAGE

Storing and handling chilled and frozen food is a challenging business. It requires a mix of special skills and experience to retain value for the owners and keep the goods fresh for consumers.

Oxford Cold Storage is a family owned and operated business providing cold storage services to Australian food manufacturers, and distributors since 1975. It began specialising in Fast Moving Consumers Goods (FMCG) 15 years ago and since then experienced rapid growth. It is now the third largest provider of cold storage services and facilities in Australia with over 90 customers including Nestle, Fonterra and McCain. Its Melbourne base, in Laverton North, is the largest temperature controlled storage site in the Australia and the National Distribution Centre for some of its largest customers.

### The challenge

When Oxford Cold Storage commissioned a new 15,000 pallet cold store facility for George Weston Foods, it presented considerable challenges. The main issues revolved around the merger and acquisition of two smallgoods companies and the integration of their additional products.

"Without really knowing the number of SKU's, we had to somehow configure the space in the most efficient manner, optimising it for current storage and distribution needs but building in provision for potential changes" said Paul Fleiszig, Director of Oxford Cold Storage.

Compounding the challenge, Oxford Cold Storage needed to fast track construction to meet a tight deadline. To manage the risks involved, they produced detailed specifications and invited a select group of prospective tenderers to a round table briefing. The aim was to focus on any unresolved issues and give all interested parties an opportunity to respond with solutions.

Dematic was well aware of Oxford Cold Storage's history of growth and innovation in the industry. They were an experienced and savvy company who knew what they wanted. To win the tender meant Dematic would need to think 'out of the box'.

"Dematic came back to us with some really innovative solutions. We worked through Dematic's ideas and we've come up with something we think is really good," said Mr. Fleiszig.

The George Weston Foods distribution centre comprises a freezer room and a chiller. It is customised to deal with a relatively large number of SKU's. The freezer is used primarily for reserve storage and is fitted out with double deep rack to provide an ideal combination of space utilisation and easy access to all stock. The chiller operation required a high level of picking so a configuration involving 2 deep 2 high pallet live storage was implemented. This enabled the separation of picking and replenishment aisles and provided a safer working space for both pickers and forklift operators.

Dematic recognised that there were several areas where smarter thinking could give Oxford Cold Storage a better solution including adapting its standard product to meet customer needs. Space optimisation and better OH&S were the key target areas for improvement.

The first key innovation, which represented a significant saving to Oxford Cold Storage, was the precise positioning of beam levels to optimise both pallet clearance and use of headroom. The second was a change in depth of the pallet live storage lanes which had two very specific advantages. New tracks mounted flush with the front and back beams of the racks meant that pallet-overhang and catch points were eliminated. This led to a safer and more productive working environment.

### Partnership Approach Builds Experience

Because the tender was so tightly specified both Dematic and their competition were able to meet all the requirements for safety, durability, and maintenance, within a similar price range. It was Dematic's interaction in the tender process where they demonstrated initiative and innovation that convinced Oxford Cold Storage to award them the tender.

"The project was not a standard build, there were going to be changes and there was the pressure of a tight deadline. We felt Dematic was more professional particularly in the implementation stage and would do a better job," said Mr. Fleiszig.

When it came time for the Dematic installation crew to begin erecting the racking system on-site their reputation for initiative and innovation was validated. As the installation progressed the Dematic team showed strong initiative by dealing with onsite issues such as integrating the rack with the building columns by customising beams and ensuring valuable space was not wasted.

Because of their proactive, partnership approach with Oxford Cold Storage, Dematic was able to anticipate problems and work through solutions before they became project delaying issues, enabling the George Weston Foods Store to be finished on time.

### A Quality Result Builds More Opportunities

Dematic was asked by Oxford Cold Storage to begin a new project on completion of George Weston Foods. Again it is a large project designed to increase storage capacity at the Laverton site. The new project is based on Oxford Cold Storage's standard configuration with low level picking and double deep racking - designed to be a flexible balance between storage and functionality. Once again the intention of both parties is to use the experience gained to get an even better result.

"Oxford Cold Storage is a service focused company, we are innovative, proactive and growing. It's natural for us to seek companies to work with, who demonstrate similar values," finished Mr. Fleiszig.

By placing a high value on innovation, initiative and accountability Dematic won back the trust of a significant client and generated an ongoing partnership that has already led to further work.



Left to right: Joe Carmody - Dematic, Paul Fleiszig - Oxford Cold Storage

### ECOTALITY OFFERS FAST SOLUTION

Kevin Campbell, Business Development Manager of newly formed Brisbane based ECotality Australia is excited to be part of the growth of the industry through the introduction of the Minit-Charger, a fast-charging solution for electric forklift trucks which has successfully been saving clients thousands of dollars in the USA for more than 10 years. ECotality Australia is a 100% wholly owned subsidiary of the USA parent company which pioneered fast-charging in the mid-90's.

Minit-Charger remains the benchmark fast-charger technology which has patented interactive charge technology which adapts to real time battery conditions (age, usage and maintenance). Kevin adds "our fast-charging systems have saved our customers thousands of dollars by improving productivity through innovation and smart technology, together with significant benefits of lowering operating costs and reducing carbon emissions".

ECotality's flagship product, the model FC charger, high frequency design, has a small footprint, charges standard

forklift batteries and features the highest energy conversion efficiency (97%) in its class; all while providing up to 320 amps of output. It can fast-charge battery systems of 48 volts (or less) more than four times faster than conventional chargers – and their user-friendly single connector facilitates easy operation.

ECotality invites the industry, to try it - is to believe it "RWTA members have the opportunity to secure a no-cost/no-obligation analysis of your operations and facility. More importantly, we'll show you how the best patented cutting-edge technology in the business will save you both time and money. We will show you specific ways **Minit-Charger** can eliminate spare batteries, improve battery life, create a safer workplace, reduce energy consumption and kw electrical costs, eliminate operator non-productive time (no battery change-over required), reduce the carbon footprint of your operation and most importantly of all: improve your bottom line profit " .

**For further information: contact:  
Kevin Campbell on mobile: 0401 229 294 or  
email [kcampbell@ecotality.com.au](mailto:kcampbell@ecotality.com.au) or check their web  
site [www.minit-charger.com](http://www.minit-charger.com)**



## RWTA DIVISIONS

“The RWTA Ltd has a Division in each state of Australia. These State Divisions are run by an elected Committee, appointed by the members at their respective AGM, and each Division nominates a representative to the National Board of Directors.

All Divisions conduct regular business meetings, including breakfasts and luncheons, with guest speakers on a wide variety of topics and site visits, where possible.

The meetings are designed to provide a suitable forum for information exchange, update on issues and activities at the national level and enable participants the opportunity to network, an integral part of today’s business environment.

In addition to business meetings, each Division conducts an annual golf day and a variety of mid-year and end-of-year social functions for members, their partners and guests. These sporting and social functions are strongly supported in all states”.

## CONTACTS

For information on the RWTA or your State Division please contact the following:

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### Victorian Division

Secretariat Robin Meyers M: 0420 961 720

### Queensland Division

Secretariat Rebecca Webber Ph: (07) 3390 6555

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### Tasmanian Division

Secretariat Jeff Franklin Ph: (03) 6391 8655

### New South Wales Division

Secretariat John Howell M: 0419 974 678

## INFORMATION, PUBLICATIONS ETC.

The RWTA publishes and distributes a variety of industry relevant protocols, guidelines etc. For information on any of these publications, please contact your State Division Secretariat. For information on all RWTA publications and industry guidelines, please visit our website at [www.rwta.com.au](http://www.rwta.com.au).



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