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21 December 2011

Tooheys Pty Ltd
Locked Bag 58
Silverwater NSW 1811

Attention: Warwick Shaw, Strategic Procurement Director

By email: warwick.shaw@lionco.com; Cc: Bob.Barbour@lionco.com

Dear Mr. Shaw,

Strictly Private & Confidential: Allegations of sexual harassment/assault by Toohey's employee

We note your correspondence of 15 December 2011 to Mr. Byron Smith of FP Group Pty Ltd. We are instructed to respond on behalf of FP Group Pty Ltd (**FP Group**) as follows:

1. On or about the 14 or 15 September 1995, [REDACTED] who was a worker supplied by FP Group, caught the goods lift in the bottling hall. A [REDACTED] entered the lift and demanded oral sex. [REDACTED] was frightened and said "no". [REDACTED] then said words to the effect "I hold a position within Tooheys and can make sure you never work here again." To prevent a more serious assault, [REDACTED] then "allowed" [REDACTED] to fondle her breasts.
2. [REDACTED] then complained about the incident to FP Group. She was placed on paid leave and Mr. Trevor Gorman brought the matter to the attention of Mr. Stephen Lewis at Tooheys. Mr. Gorman had been due to fly to Singapore on 16 September 1995 but delayed his departure by a day. On his eventual arrival in Singapore, Mr. Gorman was instructed by Tooheys to return immediately to Sydney. Understanding the seriousness of the matter Mr. Gorman did so the next day. Upon his return Mr. Gorman was instructed by Tooheys to obtain a waiver from [REDACTED], releasing Tooheys from all claims she may have against it. Over an extended period, Mr. Gorman attempted to secure signing of the waiver with little initial success. Mr. Lewis insisted that the issue be resolved as a matter of urgency and only after 3 separate meetings with [REDACTED] at her residence was Mr. Gorman able to secure signing of the waiver. The signed waiver was then provided directly to Stephen Lewis.

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3. Within three months of this event Tooheys instructed FP that [REDACTED] services were no longer required and that she was to be removed from site. Despite this incident, [REDACTED] remained in the employ of Tooheys
4. In April 2009, several casual brewery technicians complained directly to Tooheys about [REDACTED] whose behaviours in their opinion had become progressively worse to the point where they felt threatened by his actions. The nature of these complaints ranged from inappropriate and unwanted physical contact to harassment and lewd behaviour. In two of these cases interviews were conducted by the relevant Tooheys Team Leader (Nick Hall) with the FP Labour Hire Coordinator (Susie Budwee) and the complainant(s) in attendance ([REDACTED] and [REDACTED]). File notes were gathered and subsequently distributed to both the Packaging Manager (Mark Thorpe) and Human Resources Manager (Katharine Stevens).
5. The third of these complaints was made directly to the FP Labour Hire Coordinator. However through fear of reprisal; the complainant ([REDACTED]) chose not to formally pursue the matter.
6. Tooheys actions in response to these interviews is unknown to FP Group.
7. In relation to the [REDACTED] / [REDACTED] physical assault, we are instructed FP Group has already provided its understanding of events and, in its view, there is no doubt that a physical assault did take place and that Tooheys undertook to conduct all investigations without involving FP Group. The outcomes of this matter are not dissimilar to the [REDACTED] matter.

Please also note that FP Group denies the assertion that it used the *'threatened disclosure of details of what [is] alleged to be a criminal act for bargaining purposes in the current discussions with Tooheys'*. Tooheys has misunderstood its position. Please also note that we have cc'd Mr. Bob Barbour as he may be of assistance in validating the above due to his long history with Tooheys in matters of this nature.

FP Group requests copies of all Tooheys file notes, waivers, etc, in relation to the above incidents.

Yours sincerely

Chris McArdle

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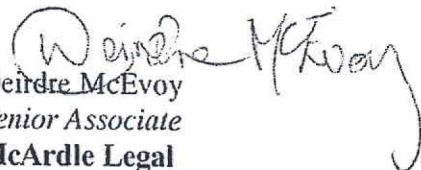
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Mr Byron Smith
General Manager
FP Group Pty Ltd
Proden Pty Ltd
Unit 1/3, Rayben Street
GLENDENNING NSW 2761

4 December 2011 By email

Services Agreement between Tooheys Pty Limited ("Tooheys") and FP Group Pty Ltd ("FP Group")

Dear Byron

I am writing in response to FP Group's letter of 21 November 2011.

Your letter is once again unhelpful and seems designed to obstruct rather than progress the resolution of the genuine issues which require attention at the moment.

FP Group has again sought to raise historical issues concerning the relationship between Tooheys and FP Group. Your letter traverses old ground which Tooheys has already addressed in its extensive previous correspondence. It seems we clearly have a difference of opinion on these issues which will not be resolved through ongoing correspondence of the type which has been exchanged over the last month or so.

FP Group appears to have chosen not to engage with the substance of Tooheys' responses, preferring instead to continue making untrue (and, in some cases, offensive) accusations against Tooheys. Further, FP Group's reluctance to record its allegations in open correspondence, make clear the weakness of its position.

The way FP Group has conducted itself during the course of this dialogue with Tooheys shows that FP Group has no real intention to achieve a reasonable resolution of the issues it has raised, including the immediately pressing issues concerning the welfare of FP Group's own employees. FP Group's approach of making its co-operation conditional upon Tooheys agreeing to a "commercial resolution" of the alleged legacy claims - which we understand to mean that Tooheys should make a payment to FP Group in the range of several million dollars, is both unreasonable and entirely counterproductive. Tooheys does not see any utility in further debating FP Group's baseless allegations or engaging in further discussions while FP Group maintains this approach.

Your response to our without prejudice communication concerning the displaced FP personnel is disappointing and another example of FP Group using the legacy claims to obstruct commercial discussion on genuine issues. The conditions FP Group has sought to impose (including conditions inuring to FP Group's own benefit in respect of its "unconscionability claim") on an offer Tooheys made in good faith for the principal benefit of FP Group's potentially redundant employees are wholly unacceptable. Tooheys will not proceed with a proposal on those terms. Accordingly, the proposal communicated in our without prejudice letter of 15 November 2011 is withdrawn.

We also note our disappointment that FP Group communicated the details of a confidential and without prejudice offer to its employees. Contrary to FP Group's assertion, at no time did Tooheys request that FP Group do this. We made an offer of financial support to FP Group which should have been the subject of appropriate discussion between FP Group and Tooheys before FP Group approached its employees with details of this position. Tooheys reserves its rights in respect of this matter.

Tooheys had previously understood that FP Group was willing to engage in discussions with SKILLED regarding the transition of FP Group personnel to SKILLED. However, recent



events and communications suggest this is not the case. This is disappointing to Tooheys. Tooheys preferred position was for FP Group to co-operate in this process to ensure the least disruption for both Tooheys business and FP personnel working at our site. We suggested the transition of FP Group personnel to SKILLED on the basis that it would be in the best interests of all parties.

Could you please advise us in writing **by 5pm Tuesday 6 December** as to whether FP Group is prepared to engage with SKILLED and support the transition of FP Group personnel to employment with SKILLED. If we do not receive a response by this time we will assume that FP Group is not prepared to engage in this process.

Yours sincerely

Warwick Shaw
Strategic Procurement Director
Tooheys Pty Ltd