

# ENTERPRISE AGREEMENT

NO: E.A. 90 /1993

DATE REGISTERED: 25-6-93

PRICE: \$ 12-00

**ENTERPRISE AGREEMENT**

BETWEEN

**JOHN DEREK ARMITAGE**

TRADING AS

**ALLAMBIE HEIGHTS REAL ESTATE  
B.R.N. K 8904223**

AND

**ROBERT JOHN DAVIES - SALESPERSON - OF 32 FOREST WAY,  
FRENCHES FOREST, NSW, 2086.**

**TAMMY LEE ARMITAGE - PROPERTY MANAGER - OF 7 MILLS  
PLACE, BEACON HILL, NSW, 2100.**

[ 1.] This Enterprise Agreement, made in pursuance to the N.S.W. Industrial Relations Act, 1991 and in accordance with the provisions of Sections 115 to 142 of the said Act, entered into between , JOHN DEREK ARMITAGE , trading as ALLAMBIE HEIGHTS REAL ESTATE , Business Registration Number K 8904223 , of Shop 1A, 151 Allambie Road , Allambie Heights , 2100, of the one part and the Employees of Allambie Heights Real Estate with the following occupations:

**Salespersons**

**Property Managers**

**Property Officers**

as defined in the REAL ESTATE INDUSTRY {STATE} AWARD, of the other part.

[ 2.] It is agreed between the parties as follows :

[a] **TITLE:** This Agreement shall be known as the **ALLAMBIE HEIGHTS REAL ESTATE , ENTERPRISE AGREEMENT.**

[b] **INTENTION:** This Agreement shall only apply to Employees in the occupations identified situated at **ALLAMBIE HEIGHTS REAL ESTATE , ALLAMBIE HEIGHTS..**

[c] **DURESS:** This Agreement was not entered into under duress by any party to it.

[d] **INCIDENCE:** This Agreement shall regulate partially the terms and conditions of employment previously regulated by the **REAL ESTATE INDUSTRY {STATE} AWARD**

Apart from the clauses specified in this Agreement all other clauses of the **REAL ESTATE INDUSTRY {STATE} AWARD,** as varied from time

PART 2.

[ 3 ] The terms and conditions of the REAL ESTATE INDUSTRY {STATE} AWARD, as varied from time to time, shall apply to the persons covered by this Agreement, with the exclusion of Clause 11, Letters of Appointment, and Clause 35, Locomotion, of that Award.

[ 4 ] The remuneration for persons covered by this Agreement shall be as provided for in Clauses 25, 26, 27, 28, 29, and 30 of PART B, of the REAL ESTATE INDUSTRY {STATE} AWARD or for licensed Salespersons in accordance with PART C, Commission only Salespersons, of that Award.

[ 5 ] In lieu of the Locomotion Allowances prescribed under Clause 35, of the REAL ESTATE INDUSTRY {STATE} AWARD the following allowances will be paid to employees who use their own motor vehicle for authorised business purposes :

Vehicles up to 1600 c.c. engine size-----	30 cents per business km
Vehicles above 1600 c.c. to 2600 c.c. engine size-----	40 cents per business km.
Vehicles above 2600 c.c. engine size-----	48 cents per business km.

[ 6 ] It is a condition of the Agreement that Employees paid in accordance with Part B of the REAL ESTATE INDUSTRY {STATE } AWARD, in accordance with Clause 4 of this Agreement, will have these amounts of remuneration offset or debited against Commission Payments earned in accordance with Clause 7 of this Agreement, as will payments under clause 5 of this Agreement, payments earned in accordance with Clause 36, Telephone, of the REAL ESTATE INDUSTRY {STATE} AWARD, payments

for accrued Annual Leave, Long Service Leave and Industry Superannuation.  
[ 7 ] IT is a condition of the Agreement that Clause 11, Letter of Appointment, of PART A, Common Provisions, of the REAL ESTATE INDUSTRY [STATE] AWARD in its entirety shall not apply to parties to this Agreement.

In lieu thereof and subject to the provisions of Clause 6 of this Agreement the Minimum Commission payments to Salespersons shall be:

{ A } For Salespersons employed under Part B . of the Real Estate Industry ( State ) Award:

(i) in the event that the Salesperson both Lists and sells a property the Commission shall be 33 Percentum of the " Agency Commision" received for such sale.

(ii) in the event of listing or selling only , the following percentages of the 33 percentum, referred to in (i) above will apply:

	Listing.	Selling.
Open Agency	30%	70%
Exclusive Agency	50%	50%
Auction Agency	80%	20%

{ B } For Licensed Commission Only Salespersons employed under Part C of the Real Estate Industry ( State ) Award . will be paid commissions in accordance with the following:

(i) In the event the Salesperson both lists and sells a property they will receive 45 percentum of "Agency Commission" received for such sale.

(ii) in the event of listing or selling only . the same percentages of the

45 percentum , referred to in {A} (ii) above , shall apply.

The Term " Agency Commission " Shall mean the actual amount received by the employing agency as commission for the sale of a property after deduction of any fees or commissions payable to any conjunction or referral agent(s) , listing service , franchise organisation or marketing group.

Commission payments will be payable monthly. subject to Clause 6 of this Ageement, based on Agency Commission Payments received for that month.

[ 8 ] Ordinary hours of employment . The ordinary hours of employment under this Agreement shall be a maximum of 40 hours per week averaged over a 52 week period.

### **PART 3**

#### **TERM OF AGREEMENT**

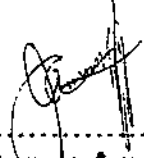
[ 9 ] This Agreement shall operate from the date of Registration and shall remain in force for a period of three years unless varied or terminated earlier by the provisions provided by the Act.

**PART 4**  
**AGREEMENT**

The foregoing Agreement;

1 Signed by JOHN DEREK ARMITAGE

For and behalf of ALLAMBIE HEIGHTS REAL ESTATE.



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John Derek Armitage - Proprietor.

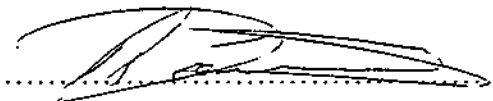
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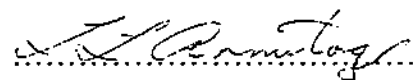
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Robert John Davies - Salesperson

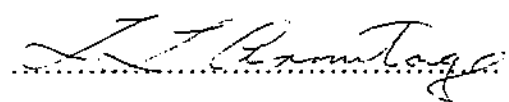
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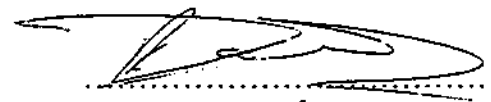
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Tammy lee Armitage - Property Manager.

Witnessed



Date

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