

ENTERPRISE AGREEMENT

NO: E.A. 31 /1996

DATE REGISTERED: ²⁹30-1-96

PRICE: \$ 12-00

G.M. Menegazzo *A.C.F.S.* *A.C.F.S.* *MC-11*

~~Draft Enterprise Agreement~~

G.M. MENEGAZZO & CO GENERAL FARM HANDS ENTERPRISE AGREEMENT

BETWEEN

Dellapool Nominees Pty Ltd Trading as G.M. Menegazzo & Co

AND

Employees engaged in the capacity of general farm hands.

PART A

1 TITLE

This Agreement is to be known as the G.M. Menegazzo & Co General Farm Hands Enterprise Agreement.

2 PARTIES TO THE AGREEMENT

This Agreement is made pursuant to Section 115-142 of the Industrial Relations Act 1991, between Dellapool Nominees Pty Ltd. A.C.N. 001 270 579 trading as G.M. Menegazzo & Co and persons employed as general farm hands.

3 INTENTION

This Agreement is to apply to leading hands and general farm hands located at "Dellapool", "Wauberrima" and "Moombill" farming properties near Narrandera.

4 INCIDENCE

This Agreement totally regulates the terms and conditions of employment for leading hands and general farm hands previously regulated by the Potato Growers (State) Award.

5 DURESS

This Agreement was not entered into under duress by any party to it.

6 TERM

This Agreement is to operate from the date of registration and remain in force for a period of three (3) years, unless varied, or terminated earlier by the provisions of the Industrial Relations Act 1991. It will continue to apply after the nominal term until one of the parties gives notice of termination. After expiration of the nominal term either party may terminate the agreement by giving three (3) months notice to the other party.

7 HOURS OF EMPLOYMENT

- (a) The ordinary hours of employment shall not exceed 40 per week averaged over a 52 week period.
- (b) Up to two paid tea breaks of up to ten minutes duration may be allowed each day.

8 OVERTIME

All work performed in excess of 40 hours per week averaged over a 52 week period is on a voluntary basis and paid at the single time rate.

9 EMPLOYMENT

Permanent: A permanent employee means an employee who is engaged for an indefinite period and paid by the week.

Casual: A casual employee means an employee engaged and paid by the hour.

10 WAGES

- (i) Wage rates for adults are set out in Table 1 of Part B Wages to this agreement.
- (ii) The minimum rates of pay for junior general farm hands are set out in Table 2 of Part B to this agreement. As long as a junior employee over the age of 16 is able to do the work of an adult, adult rates of pay will apply.
- (iii) The hourly rate for adult casual employees is to be calculated using the formula in Table 1 of part B to this agreement.

11 PUBLIC HOLIDAYS

New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Queen's Birthday, Eight Hour Day (Sydney), Christmas Day and Boxing Day and any days proclaimed and generally observed as public holidays throughout the State of New South Wales shall be public holidays for the purpose of this agreement. All work performed on public holidays is on a voluntary basis and shall be paid at single time rates.

12 SICK LEAVE

Sick leave shall be one week on full pay for each full year of service for permanent employees.

13 ANNUAL HOLIDAY

Annual holidays are in accordance with the Annual Holidays Act 1944. However for each week of holidays the employee shall be paid not less than fifty (50) times the employee's hourly rate of pay.

14 LONG SERVICE LEAVE

Long service leave is in accordance with the Long Service Leave Act 1955.

15 FAMILY LEAVE

An employee may be granted family leave from annual leave entitlements or otherwise as approved by the employer.

16 PARENTAL LEAVE

Adoption, maternity and paternity leave are in accordance with the Industrial Relations Act 1991.

17 BEREAVEMENT LEAVE

Bereavement leave is a maximum of 2 days per year for permanent employees or otherwise as approved by the employer.

18 JURY SERVICE

The difference between the amount received for jury service and the employees wages is to be made up by the employer.

19 TERM OF ENGAGEMENT

(a) Employees will be engaged under one of the following classifications:

- (i) **Leading hand:** an employee employed as such during harvest season who performs work under the direction of the Manager and has any necessary supervisory authority delegated to them by the Manager.
- (ii) **General farm hand:** an employee employed as such who performs work as directed by the Leading hand or as otherwise directed by the Manager.
- (iii) **Casual:** an employee employed as such who performs work as directed by the Leading hand or as otherwise directed by the Manager.

(b) Casual employees may have their employment terminated by one hour's notice on either side given at any time during the week or by the payment or forfeiture of an hour's wages in lieu of notice.

(c) Employment may be terminated by either party with the following notice or payment in lieu of notice:

Employee's period of continuous service with the employer:	Period of notice - Number of weeks
Not more than 1 year	At least one week
More than 1 year but not more than 3 years	2
More than 3 years but not more than 5 years	3
More than 5 years	4

If an employee is over 45 years of age and completed at least 2 years continuous service with the employer the period of notice is increased by one week.

(d) The employer retains the right to summarily dismiss without notice an employee for serious misconduct or wilful disobedience. Payment is up to the time of dismissal only. Serious misconduct is where it would be unreasonable to require the employer to continue the employment during the notice period.

(e) When an employee's services are terminated, all wages due are to be paid immediately on termination.

20 PROBATION

(a) The employer may engage a permanent employee on a probationary basis.

(b) The period of probation is for a period of three months

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- (c) The employment of a probationary employee may be terminated by the employer or the employee upon the giving of one week's notice or the payment or forfeiture of one week's salary where such notice is not given.

21 PAYMENT OF WAGES

Wages are to be paid by cheque or direct deposit on Thursday of each week in the employer's time.

22 CONSULTATION

The employee is to be consulted by the employer on decisions which affect the employee. Any grievance or conflict is to be resolved without disruption to work. Disputes are to be resolved through the grievance procedure.

23 GRIEVANCE PROCEDURE

Grievances are to be resolved between the employee and the designated immediate supervisor for the season. If not resolved they are to be referred to the Manager and if still not resolved they are to be referred to the employer. Resolutions of grievances are to be within reasonable time limits. A record of the issues, requests and responses for each step in the procedure is to be kept.

24 DISPUTES

Disputes are to be resolved in accordance with the grievance procedure. If not resolved disputes may be referred for conciliation or arbitration to the Industrial Relations Commission of New South Wales or to an independent third party or parties as agreed between the employee(s) concerned and the employer.

Mr. GTS / *RES 7.6-7*
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THE COMMON SEAL of DELLAPOOL
NOMINEES PTY. LTD. A.C.N. 001 270 579



was hereunto affixed by authority
of the Directors in the presence of

Y. M. Menegaffe
DIRECTOR

J. H. Menegaffe
SECRETARY

Martin Ross Christie-Murray

M. R. Christie-Murray

Christopher Edward Sommerfield

C. E. Sommerfield

Anthony Richard Mullin

Anthony R. Mullin

Geoffrey David Anthony

G. D. Anthony

Craig Campbell Richard Broad

C. Campbell

Gavin Francis Simpkin

G. F. Simpkin

[Handwritten signatures]
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[Handwritten initials]
E.E.S. J.G.H.

PART B

WAGES TABLE 1

- (a) General farm hand: \$328.40 per week
\$8.21 per hour
- (b) Leading hand: \$10.50 per hour

This Leading Hand hourly rate includes a leading hand allowance: \$11.35 per week for 2 - 8 persons supervised and \$15.90 for more than 9 persons supervised.

- (c) The hourly rate for adult casual employees is to be calculated using the following formula in three steps:

(A) Ordinary rate per week for
General Farm Hand under the
Potato Growers (State) Award $\times \frac{115}{100} = \W per hour (hourly rate)
40

(B) In addition for pro-rata annual leave: $\$W \times \frac{1}{12}$
(only paid on ordinary time worked, not overtime)

(C) (A) + (B) = hourly rate for an adult casual employee

The abovementioned casual rate for adults is to be adjusted from time to time in accordance with the abovementioned formula as the weekly rate for a General Farm Hand is varied under the said Award. The abovementioned casual rates are to be adjusted for juniors so that they are equal to the relevant percentages of the adult rate as set out in Table 2 below.

- (d) Adult employees (including adult casual employees) covered by this agreement shall be paid not less than the hourly rate of \$10.50 or the hourly rate for adult casual employees calculated in accordance with paragraph (c) above (whichever is the greater) for each ordinary hour worked.

TABLE 2

AGE	% OF ADULT RATE
At 16 years of age and under	60
At 17 years of age	70
At 18 years of age	80
At 19 years of age	90
At 20 years of age	100