

REGISTER OF ENTERPRISE AGREEMENTS

ENTERPRISE AGREEMENT NO: EA05/286

**TITLE: Dairy Farmers AMIEU (Newcastle and Northern)
Superannuation Salary Sacrifice Variation Agreement 2005**

I.R.C. NO: IRC5/3834

DATE APPROVED/COMMENCEMENT: 5 August 2005 / 5 August 2005

TERM: 3

**NEW AGREEMENT OR
VARIATION:** EA03/124

GAZETTAL REFERENCE: 21 October 2005

DATE TERMINATED:

NUMBER OF PAGES: 2

COVERAGE/DESCRIPTION OF

EMPLOYEES: The agreement applies to all employees employed by Australian Co-operative Foods Limited, engaged under the Butter & Cheese and Other Dairy Newcastle and Northern) Award at the Company's sites at Hexham and Comboyne (excluding all Hexham Distribution employees, Rural Trading employees and employees engaged in Country Stores.

PARTIES: Australian Co-operative Foods Limited -&- The Australasian Meat Industry Employees' Union, Newcastle and Northern Branch

DAIRY FARMERS AMIEU (NEWCASTLE AND NORTHERN) SUPERANNUATION SALARY SACRIFICE VARIATION AGREEMENT 2005

1. Title

This Agreement shall be known as the Dairy Farmers AMIEU (Newcastle and Northern) Superannuation Salary Sacrifice Variation Agreement 2005 ("Agreement").

2. Arrangement

Clause No. Subject Matter

- | | |
|----|---------------------------------|
| 2. | Arrangement |
| 5. | Nominal Term |
| 3. | Parties, Area And Incidence |
| 6. | Settlement of Disputes |
| 4. | Superannuation Salary Sacrifice |
| 1. | Title |

3. Parties, Area and Incidence

This variation Agreement is made between Australian Co-operative Foods Limited (trading in New South Wales as and herein called Dairy Farmers) and the Australasian Meat Industry Employees Union, Newcastle and Northern Branch and varies the Dairy Farmers AMIEU (Newcastle and Northern) Enterprise Agreement 2002 (EA03/124).

4. Superannuation Salary Sacrifice

Insert a new clause 34A, Superannuation Salary Sacrifice, in the Dairy Farmers AMIEU (Newcastle and Northern) Enterprise Agreement 2002 (EA03/124) as follows:

"34A. Superannuation Salary Sacrifice

From the date nominated by Dairy Farmers as the date of commencement and subject to any relevant taxation and superannuation legislation, regulations and/or rules, Dairy Farmers may, if so requested by a weekly full-time or weekly part-time employee ("employee"), agree to allow the employee to sacrifice part of their gross weekly ordinary time base rate of pay (excluding overtime, shift/weekend/public holiday penalties and any allowances which are not paid for all purposes) ("weekly pay") as superannuation contributions ("Salary Sacrifice contributions") in accordance with the following provisions:

- (i) The Salary Sacrifice contributions may only be made to the superannuation fund to which Dairy Farmers makes the employee's superannuation contributions under this Agreement and only if such fund is permitted to accept the Salary Sacrifice contributions ("nominated plan").
- (ii) An employee must request and authorise Dairy Farmers in writing to make Salary Sacrifice contributions to the nominated plan and complete and sign any documentation required by Dairy Farmers or the fund manager or trustee (as the case may be) of the nominated plan.
- (iii) Salary Sacrifice contributions made for an employee are in addition to the contributions Dairy Farmers is required to make for the employee under the superannuation guarantee legislation ("Dairy Farmers superannuation contributions").
- (iv) The amount of Salary Sacrifice contributions are to be nominated by the employee and must be expressed as an amount of money and not as a percentage of their weekly pay and such amount is not to exceed 45% of the employee's weekly pay provided that the aggregate of the Salary Sacrifice contributions and the Dairy Farmers superannuation contributions do not exceed in any relevant period

the employee's age-based deduction limit (as determined from time to time under the relevant superannuation legislation).

- (v) The amount of any Salary Sacrifice contribution is deducted from the employee's weekly pay. However, the amount of the employee's weekly pay without any deduction for Salary Sacrifice contributions will be used for the purposes of calculating the Dairy Farmers superannuation contributions, annual leave loading, overtime, penalty rates, payment of accrued leave on termination and, if applicable, payment in lieu of notice and severance payments.
- (vi) Dairy Farmer will remit Salary Sacrifice contributions to the nominated plan at the same time that Dairy Farmers superannuation contributions are made.
- (vii) After having nominated the amount of Salary Sacrifice contributions to be made, the employee (except in cases of demonstrated hardship) may not change the amount more than once in any twelve (12) month period.
- (viii) Unless there is written agreement between Dairy Farmers and the employee to the contrary, all Salary Sacrifice contributions shall cease during any period when the employee is receiving workers compensation payments and during any period of leave without pay including, without limitation, periods of unpaid sick leave.
- (ix) Dairy Farmers may at any time in its absolute discretion cease to make Salary Sacrifice contributions on behalf of the employee and will advise the employee in writing accordingly.
- (x) The employee may at any time advise Dairy Farmers in writing to cease making the Salary Sacrifice contributions on behalf of the employee.

Dairy Farmers recommends that an employee obtain independent legal and/or financial advice before they elect to make Salary Sacrifice contributions."

5. Nominal Term

This variation Agreement comes into force on being approved by the Commission and remains in force to the end of the nominal term of the Dairy Farmers AMIEU (Newcastle and Northern) Enterprise Agreement 2002 (EA03/124).

6. Settlement of Disputes

The parties rely on Clause 45, Settlement of Disputes, of the Dairy Farmers AMIEU (Newcastle and Northern) Enterprise Agreement 2002 (EA03/124).

SIGNED for and on behalf of AUSTRALIAN CO-OPERATIVE FOODS LIMITED

Signed

Date

SIGNED for and on behalf of the AUSTRALASIAN MEAT INDUSTRY EMPLOYEES UNION

Signed

Date