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**TASMANIAN INDUSTRIAL COMMISSION**

**Industrial Relations Act 1984**

s23 application for award or variation of award

**Australian Liquor, Hospitality and Miscellaneous Workers Union**  
(T10410 of 2002)

**AERATED WATERS AWARD  
CHILD CARE AND CHILDREN'S SERVICES AWARD  
CLEANING AND PROPERTY SERVICES AWARD  
FIBREGLASS AND PLASTICS AWARD  
HEALTH AND FITNESS CENTRES AWARD  
ICE CREAM MAKERS AWARD  
INDEPENDENT SCHOOLS (NON TEACHING STAFF) AWARD  
LAUNDRY AND DRY CLEANING AWARD  
LICENSED CLUBS AWARD  
MISCELLANEOUS WORKERS AWARD  
RESTAURANT KEEPERS AWARD  
SECURITY INDUSTRY AWARD  
SHIPPING AWARD**

**FULL BENCH:**

PRESIDENT P L LEARY  
DEPUTY PRESIDENT R J WATLING  
COMMISSIONER T J ABEY

**Award variation - 9% superannuation - application approved - operative date ffpp 25 November 2002**

**ORDER BY CONSENT -**

**HEALTH AND FITNESS CENTRES AWARD**

**No. 1 of 2003**

THE **HEALTH AND FITNESS CENTRES AWARD** IS VARIED IN THE FOLLOWING MANNER:

By deleting Clause 30 – Superannuation and inserting in lieu thereof the following:

**“30. SUPERANNUATION**

(a) Contribution

An employer shall make a contribution equivalent to nine per cent of ordinary time earnings into an approved superannuation fund in respect of all eligible employees (as defined) as from the first full pay period to commence on or after 4 May 1992. Such earnings shall exclude overtime and allowances in the nature of reimbursement (such as meal money).

(b) Casual and Part-Time Employees

In the case of eligible casual and part-time employees, contributions shall be made where the employee works at least 12 hours per week averaged over a fund billing statement month.

(c) Definitions

**'Eligible employee'** shall mean an employee whether weekly, part-time or casual, who has had at least six months continuous service with an employer subject to this award.

**PROVIDED** that in the case of an employee who has so qualified with one employer, that employee shall not be required to serve the qualifying period with any subsequent employer subject to this award.

**'Approved fund'** shall mean a superannuation fund or scheme approved in accordance with the Commonwealth Operational Standards for Occupational Superannuation Funds.

(d) Fund

Contributions determined in accordance with subclause (a) of this clause shall, subject to subclauses (e) and (f) of this clause, be made into TASPLAN.

(e) Exemption

An employer may seek an exemption from making contributions into TASPLAN subject to all of the following circumstances:

- (i) Where a fund for which an exemption application is made, is an approved fund (as defined) established prior to the first full pay period commencing on or after 4 May 1992; and

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(ii) Occupational superannuation contributions equivalent to nine per cent of ordinary time earnings were being paid on behalf of all employees in the establishment covered by this award prior to the first full pay period commencing on or after 4 May 1992, and have continued to be paid since that date.

(f) Procedure for Seeking Exemption

Applications for exemption must be lodged with the Tasmanian Industrial Commission by no later than 31 August 1992. Subsequently, subject to subclause (e) of this clause, the Commission shall determine whether an exemption is granted.”

This variation shall take effect from the first full pay period on or after 25 November, 2002.

P L Leary  
**PRESIDENT**

24 January 2003