

**IN THE TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984  
s.23 application for the variation of an award

**Federated Clerks Union of Australia**  
**Tasmanian Branch**  
(T.2700 of 1990)

**WHOLESALE TRADES AWARD**

PRESIDENT

10 October 1990

Superannuation - exemption from nominated fund

**REASONS FOR DECISION**

This application by the Federated Clerks Union of Australia, Tasmanian Branch (FCU) originally sought to vary the Wholesale Trades Award by adding an additional nominated fund to the Superannuation Clause.

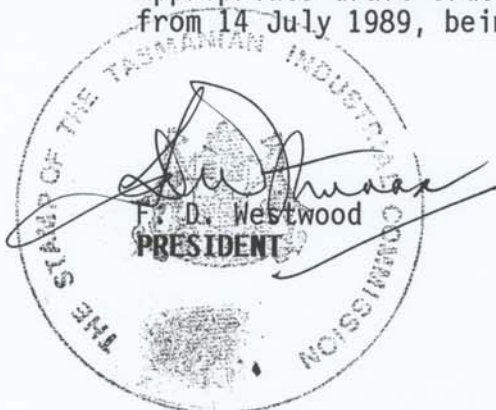
At the outset of the hearing, Mr. Fry, for the FCU, sought leave to amend the application so that just Clements and Marshall Pty Ltd and its subsidiaries would be exempted from the requirement to contribute to the award's "nominated fund" rather than provide for an additional fund. Mr. Fry said that Company was subject to two awards, the Wholesale Trades and the Produce Awards. An exemption had already been granted to the Company under the latter award for superannuation payments be made to the CARE fund. Mr Fry submitted that to be consistent Clements and Marshall Pty Ltd should have a similar exemption under the Wholesale Trades Award.

Mr. Strickland of the National Union of Storeworkers, Packers, Rubber and Allied Workers supported the suggested amendment.

Mr. Clues, representing the Tasmanian Confederation of Industries (TCI), agreed to the amendment and, in addition, suggested the inclusion in the Superannuation Clause of a provision listing the other companies already exempted from contributing to the nominated fund.

It was submitted, and agreed by the parties, that as Clements and Marshall Pty Ltd had been contributing to the CARE fund for a considerable time, a retrospective operative date would be appropriate.

Since the variation will only apply to one company and its subsidiaries, and the variation does not conflict with the general thrust of the superannuation provisions of the wage fixing principles, the amended application is granted in the manner sought. Upon receipt of an appropriate draft order the award will be varied accordingly, with effect from 14 July 1989, being the date agreed to by the parties.



Appearances:

Mr. D. J. Fry for the Federated Clerks Union of Australia, Tasmanian Branch

Mr. D. Strickland for the National Union of Storeworkers, Packers, Rubber and Allied Workers', Tasmanian Branch

Mr. S. Clues for the Tasmanian Confederation of Industries

Date and place of hearing:

9.10.90

Hobart