

**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984  
s.23 application to vary an award

**Tasmanian Confederation of Industries**  
(T.2990 and T3167 of 1991)

**WHOLESALE TRADES AWARD**

PRESIDENT F. D. WESTWOOD

5 September 1991

Occupational Superannuation - exemption from nominated fund

**REASONS FOR DECISION**

Application T3167 of 1991 sought to clarify a number of unresolved matters from Application T2990 which were held over from a previous hearing pending the provision of the information required in accordance with the award (Clause 32, Superannuation) and to add to the list of exemptions two additional companies.

The award provides in subclause (e) of Clause 32 that, subject to certain other preconditions, an application for exemption may be made by an employer in the following circumstances:

- (i) Where employees subject to the award represent a minority of the total employees and contributions are already being made into an approved fund (as defined) in respect of the majority of employees in any one establishment; or
- (ii) Where an employer can demonstrate a special and compelling circumstance to justify the use of an approved fund other than either of the nominated approved funds.

Mr. Sertori presented the Commission with the details required by subclause (f) of Clause 32 - Superannuation - in respect of eight (8) companies. These details related to:

- (1) Name of Fund;
- (2) Evidence of compliance with Commonwealth Operational Standards;

- (3) Summary of Structure and Benefits;
- (4) Level of Administrative Charge.

He also supplied information going to the proportion of employees employed under the Wholesale Trades Award, in each case a significant minority, to the total number of employees in each company.

Mr. Sertori indicated that the employee organisations had agreed with the exemptions which, he requested, should be operative from 14 July 1989, being the effective date from which the award provided, for the first time, for employer contributions to occupational superannuation. Contributions have been made and will continue to be made on behalf of employees to the named company funds.

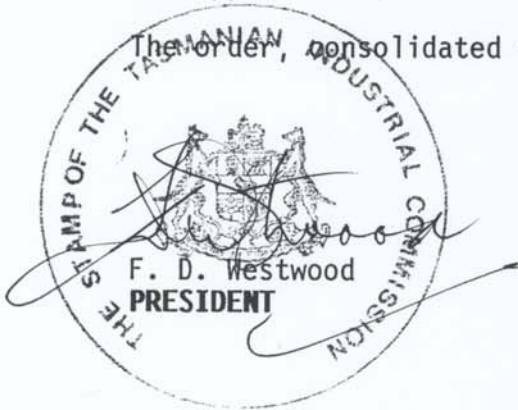
The companies and the respective superannuation funds are as follows:

<b>COMPANY</b>	<b>FUND</b>
Spicers Paper Limited	Spicers Paper Superannuation Plan
C.C.A. Snack Foods	A.P.D. Snack Foods Superannuation Plan
Uncle Toby Company Pty. Ltd.	Aust. Food Superannuation Plan
Kimberley Clark Aust. Pty. Ltd.	Kimberley Clark Australia Retirement Fund
Monier Redland Limited	Monier Redland Ltd. Group Superannuation Fund
National Distribution Services	Rothmans of Pall Mall (Aust) Limited Superannuation
Rothmans of Pall Mall (Aust) Ltd.	Rothmans of Pall Mall (Aust) Limited Superannuation Fund
Arnotts Biscuits Limited	Arnotts Accumulation Superannuation Plan

The unions present supported the exemptions and the proposed operative date.

I indicated on transcript that I considered the application met the requirements of the award, subject to the provision of certain additional information relating to Monier Redland Limited and Arnotts Biscuits Limited. That information has now been provided to the Commission and accordingly the award will be varied to exempt those companies listed in the application, with effect from 14 July 1989.

The order, consolidated to include all previous exemptions, is attached.



APPEARANCES:

Mr. M. Sertori for the Tasmanian Confederation of Industries, the Tasmanian Sawmillers Industrial Association and the Metal Industries Association Tasmania

Mr. D. Strickland for the National Union of Workers, Tasmanian Branch

Mr. A. Grubb for the Federated Clerks Union of Australia, Tasmanian Branch

DATE AND PLACE OF HEARING:

1991  
Hobart  
8 August