

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23 application for award or variation of award

**Australian Liquor, Hospitality and Miscellaneous Workers Union -
Tasmanian Branch
(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**

CLEANING AND PROPERTY SERVICES AWARD

ORDER BY CONSENT -

No. 1 of 2003

AMEND THE **CLEANING AND PROPERTY SERVICES AWARD** IN THE FOLLOWING MANNER:

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

"30. SUPERANNUATION

(a) Definitions

'Approved Fund' means a Superannuation Scheme which is established in accordance with the Operational Standards for Occupational Superannuation Schemes and has received preliminary listing from the office of the Occupational Superannuation Commissioner - Interim Group.

'ARF' means the Australian Retirement Fund established by a Trust Deed and Articles on 11 July 1986.

'Employer' means an employer in terms of Clause 2 - Scope of this award.

'Fund' Means ARF or an approved fund as defined.

'Union' means the Australian Liquor, Hospitality and Miscellaneous Workers Union - Tasmanian Branch.

(b) Fund

(i) For the purposes of this award, contributions made by the employer in accordance with the provisions of subclause (d) - Employer Contributions shall be paid to the Treasurer of ARF.

(ii) All employers bound by this award shall apply to and become a party to ARF and upon the acceptance of the Trustees of that Scheme of an application to become a participating employer to ARF, duly signed and executed by that employer, become a participating employer of ARF.

(iii) An approved Superannuation Fund shall also mean such other Superannuation Scheme established and conforming with the Commonwealth's Operational Standards for Occupational Superannuation Funds as at 5 July 1988 subject to agreement from the union or as determined by the Tasmanian Industrial Commission.

(c) Eligibility for Membership

(i) An employee having completed three months continuous service with the employer shall be eligible from the first entry date which next occurs to have contributions paid to the Fund subject to subclause (e) - Employee Contributions.

- (ii) An employee shall be enrolled in the approved Superannuation Fund upon the acceptance of the Administrator of the Fund of a membership application form and shall be deemed to be a member of the scheme from his or her entry date as prescribed in paragraph (c)(i) herein.
- (iii) Subject to the provisions contained in paragraphs (c)(i) and (c)(ii) herein an employee who is a member of an approved Fund and was having contributions paid in accordance with this award at his or her previous place of employment shall continue to have contributions paid on his or her behalf from the date of commencing employment with their current employer.

(d) Employer Contributions

- (i) Contributions shall be paid by the employer on the following basis:

Ordinary Hours Worked in a Week	Weekly Contributions
38 hours or more	9 per cent of the weekly wage as set out in Clause 8 – Wages of this award
10 hours or more but less than 38	9 per cent of the weekly wage earned by the employee
Less than 10 hours	9 per cent of the weekly wage earned by the employee

- (ii) Weekly contributions shall be paid to the Fund on at least a calendar monthly basis.
- (iii) An employer shall not be required to contribute during any period of unpaid leave. Furthermore an employer shall not be required to make additional contributions in respect of annual leave paid out on termination.
- (iv) A pro rata deduction shall be made from the weekly contribution payable for any unauthorised absence of at least one day's duration.

(e) Employee Contributions

Subject to the rules of the Fund, employees who may wish to make contributions to the Fund additional to those being paid pursuant to subclause (d) - Employer Contributions herein, shall be so entitled. Such employees may either forward their own contribution directly to the Fund Administrators or, where it is practicable to do so, authorise the employer to pay into the fund from the employee's wages, amounts specified by the employee subject to the amount of contribution being expressed in whole dollars and any adjustment to the level of contribution being subject to three

months notice in writing from the employee to the employer or such lesser period as they may both otherwise agree.

(f) Cessation of Contributions

An employee's eligibility for contributions to the Fund will cease on the last day of employment with the employer and the employer shall not make any contributions to the Fund in respect of any period beyond that last day of employment.

(g) Duration

This clause shall operate from the beginning of the first full pay period to commence on or after 15 March 1989 and shall remain in force for a period of two years.

(h) For the purpose of this clause, the following company is exempt from making superannuation contributions into ARF and shall use the fund nominated:

Company	Fund
CLEENCO	National Mutual Simple Super
The Cleaning Lady	Any employee as at 25 November 2002 who was having contributions made to Tasplan, HESTA, Hostplus-Hospitality Super, Australian Primary or Synergy Master Fund"

Operative Date

This variation shall come into operation from the first full pay period to commence on or after 25 November 2002.

Tim Abey
COMMISSIONER

16 January 2003