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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

T.1941, T:1948 and T.1949 of 1989

IN THE MATTER OF APPLICATIONS BY THE FEDERATED CLERKS UNION; THE SHOP DISTRIBUTIVE AND ALLIED EMPLOYEES' ASSOCIATION; AND THE UNITED SALES REPRESENTATIVES AND COMMERCIAL TRAVELLERS' GUILD OF AUSTRALIA, TO VARY THE **PRODUCE AWARD**

RE: 3% SUPERANNUATION

ORDER -

No. 6 of 1989

AMEND THE **PRODUCE AWARD** IN THE FOLLOWING MANNER:

P054

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1. Insert in Clause 3 - Arrangement, Conditions for Employees in Division B - Auctioneers, Travellers and Seller of Agricultural Machinery and/or Equipment, after Mixed Functions, the following:

"Occupational Superannuation 53"

2. Insert after Clause 52 - Mixed Functions, the following new clause:

"**53. SUPERANNUATION**

(a) Contribution

An employer shall make an Occupational Superannuation contribution equivalent to 3% of ordinary time earnings (as defined) into an approved Superannuation Fund in respect of all eligible employees (as defined) from the beginning of the first full pay period to commence on or after 1 September 1989.

(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

(i) **'Eligible employee'** shall mean an employee, whether weekly, part-time or casual, who has had at least 6 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.

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

(iii) **'Ordinary time earnings'** shall mean the classification rate prescribed in Clause 8 - Wage Rates of this award plus overaward payments if any, for work performed during ordinary hours and shall therefore exclude work performed and paid as overtime.

(d) Fund

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

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(e) Unpaid Absences

The employer shall not be required to make a contribution on behalf of an employee who is absent from work without pay, and the employer's contribution in any week on behalf of such an employee will be reduced by a proportionate amount.

(f) Employee Contributions

(i) Subject to the Rules of the Fund, an eligible employee who may wish to make contributions additional to those being paid pursuant to subclause (a) of this clause, shall be entitled to do so. Such an employee may either forward the contribution directly to the Fund Administrator or, where it is practicable to do so, authorise the employer to pay into the Fund from the employee's wages, an amount specified by the employee.

(ii) An employees' additional contribution to the Fund, forwarded by the employer at the employee's request, shall be subject to the amount being expressed in whole dollars, and the employee shall have the right to adjust the level of contribution made on the employee's own behalf, from the first of the month, following the giving of three months' written notice to the employer.

PROVIDED that by agreement with the employer, an employee may vary the additional contribution in extenuating circumstances, at other times.

Cessation of Contributions

(g) 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.

(h) Exemptions

(i) The Tasmanian Industrial Commission may grant exemptions from the use of the Fund nominated in subclause (d) of this clause, to employers who provide Occupational Superannuation into a fund which meets the guidelines of the Tasmanian Industrial Commission.

Employers seeking an exemption in accordance with this provision shall notify the union of such intention and lodge an application with the Tasmanian Industrial Commission no later than 8 August 1989.

(ii) Notwithstanding anything elsewhere contained in this clause, an employee who belongs to the religious fellowship known as Brethren and who holds a certificate issued by the Registrar pursuant to Section 32(9) of the Act may nominate an alternative complying fund into which the contribution shall be paid."

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3. Renumber subsequent clauses accordingly.

4. Insert in Clause 3 - Arrangement, Conditions for Employees in Division D - Clerks, after Meal and Rest Periods, the following:

"Occupational Superannuation 66"

5. Insert after Clause 65 - Meal and Rest Periods, the following new clause:

"**66. OCCUPATIONAL SUPERANNUATION**

(a) Contribution

An employer shall make an Occupational Superannuation contribution equivalent to 3% of ordinary time earnings (as defined) into an approved Superannuation Fund in respect of all eligible employees (as defined) from the beginning of the first full pay period to commence on or after 1 September 1989.

(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

(i) **'Eligible employee'** shall mean an employee, whether weekly, part-time or casual, who has had at least 6 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.

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

(iii) **'Ordinary time earnings'** shall mean the classification rate prescribed in Clause 8 - Wage Rates of this award plus overaward payments if any, for work performed during ordinary hours and shall therefore exclude work performed and paid as overtime.

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(d) Fund

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

(e) Unpaid Absences

The employer shall not be required to make a contribution on behalf of an employee who is absent from work without pay, and the employer's contribution in any week on behalf of such an employee will be reduced by a proportionate amount.

(f) Employee Contributions

(i) Subject to the Rules of the Fund, an eligible employee who may wish to make contributions additional to those being paid pursuant to subclause (a) of this clause, shall be entitled to do so. Such an employee may either forward the contribution directly to the Fund Administrator or, where it is practicable to do so, authorise the employer to pay into the Fund from the employee's wages, an amount specified by the employee.

(ii) An employees' additional contribution to the Fund, forwarded by the employer at the employee's request, shall be subject to the amount being expressed in whole dollars, and the employee's shall have the right to adjust the level of contribution made on the employee's own behalf, from the first of the month, following the giving of three months' written notice to the employer.

PROVIDED that by agreement with the employer, an employee may vary the additional contribution in extenuating circumstances, at other times.

(g) 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.

(h) Exemptions

(i) The Tasmanian Industrial Commission may grant exemptions from the use of the Fund nominated in subclause (d) of this clause, to employers who provide Occupational Superannuation into a fund which meets the guidelines of the Tasmanian Industrial Commission.

Employers seeking an exemption in accordance with this provision shall notify the union of such intention and lodge an application with the Tasmanian Industrial Commission no later than 8 August 1989.

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(ii) Notwithstanding anything elsewhere contained in this clause, an employee who belongs to the religious fellowship known as Brethren and who holds a certificate issued by the Registrar pursuant to Section 32(9) of the Act may nominate an alternative complying fund into which the contribution shall be paid."

6. Renumber subsequent clauses accordingly.

DATE OF OPERATION

The foregoing variation shall take effect from the beginning of the first full pay period to commence on or after 1 September 1989.

R.K. Gozzi
COMMISSIONER

4 August 1989