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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 19 November 2003**

LICENSED CLUBS AWARD

ORDER BY CONSENT

No. 3 of 2003

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THE **LICENSED CLUBS AWARD** IS VARIED IN THE FOLLOWING MANNER:

By deleting Clause 39 and inserting in lieu thereof the following:

"39. SUPERANNUATION

(a) Enrolment

- (i) Each employer listed in Appendix A of this award shall take all necessary steps to ensure that each of his eligible employees becomes a member of HOST PLUS.
- (ii) Each employer listed under Appendix B of this award shall take all necessary steps to ensure that each of his eligible employees becomes a member of one of the following superannuation funds:

TASPLAN, HOST-PLUS, or an approved company scheme.

(b) Contributions

- (i) Subject to the appropriate Appendix of the award each employer shall pay to the Trustee in respect of each eligible employee an amount equal to nine percent of the employee's ordinary time earnings.
- (ii) Each employer shall remit to the Trustees of the Fund all payments due in respect of his employees immediately at the conclusion of each calendar month or at such other times and in such other manner as may be agreed in writing between the Trustees and the employer from time to time.

(c) Records

The employer shall retain all records relating to the calculation of payments due in respect of each employee and such records shall be retained for a period of seven years. They shall be available for inspection by:

- (i) an official of the union
- (ii) representatives of the Trustees.

(d) Definitions

HOST-PLUS means the HOST-PLUS Superannuation Tasmania Scheme established by trust deed and which complies with the Australian Government's Operational Standards for Occupational Superannuation Funds.

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Eligible employee means:

- (i) Any employee whether full-time or part-time employed in the industry but who is subsequently employed in the industry for a period of four weeks from the appropriate date in Appendix A or B.
- (ii) Any employee whether full-time or part-time who was not employed in the industry but who is subsequently employed in the industry for a period of four weeks from the appropriate date in Appendix A or B.
- (iii) (1) Any casual after the date of his first engagement who has completed 25 engagements with that employer wither prior to the appropriate date in Appendix A or B, or if subsequently employed for a first engagement from the appropriate date in Appendix A or B.

PROVIDED that no payment shall be made on behalf of a casual for the relevant month unless the casual has been employed for a minimum of 8 engagements in that month.

- (2) A casual, due to his regularity of employment or employment with more than one employer, who believes that he should have payments made by the employer to that relevant superannuation scheme but is excluded by virtue of the provisions of (1) of this subclause, shall, on the application of his union to thew Tasmanian Industrial Commission, be covered by Superannuation if the Tasmanian Industrial Commission so determines.

Ordinary time earnings means:

- (i) In the case of a full-time employee, his weekly rate for the ordinary hours of the week as prescribed by Clause 8 - Wage Rates, together with payments prescribed by Clauses 10 - Annual Leave, 11 - Annual Salary, 14 - Broken Periods of Work, 17 - Compassionate Leave, 21 - Holidays with Pay, 24 - Meal (Tea) Money, 36 - Shift Allowance, 37 - Sick Leave, 38 - Structural Efficiency, and 42 - Tool Allowance, but excluding Clause 26 - Overtime. Overaward payments shall also be included.
- (ii) In the case of a part-time employee, his weekly rate for ordinary hours of the week prescribed by Clause 8 - Wage Rates, together with payments prescribed by Clauses 10 - Annual Leave, 11 - Annual Salary, 14 - Broken Periods of Work, 17 - Compassionate Leave, 21 - Holidays with Pay, 22 - Hours, 24 - Meal (Tea) Money, 28 - Part-time Employees, 36 - Shift Allowance, 37 - Sick Leave and 42 - Tool Allowance, but excluding Clause 26 - Overtime. Overaward payments shall also be included.
- (iii) In the case of a casual employee, his weekly rate for ordinary hours of work as prescribed by Clause 8 - Wage Rates together with payment prescribed by Clauses 16 - Casual Employees, 21 - Holidays with Pay, 24 - Meal (Tea) Money, 30 - Penalty Rates, 36 - Shift Allowance, 37 - Sick Leave and 42 -

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Tool Allowance, but excluding Clause 26 - Overtime. Overaward payments shall also be included.

TASPLAN means the TASPLAN Superannuation Scheme established by trust deed and which complies with the Australian Government's Operational Standards for Occupational Superannuation Funds.

Trustee means a trustee of HOST-PLUS or a trustee of TASPLAN or a trustee of the appropriate employer scheme."

OPERATIVE DATE

This variation shall come into operation from the first full pay period to commence on or after 19 November 2003.

P C Shelley
COMMISSIONER

19 November 2003