

COMMISSIONER: I'll take appearances in that matter please.

MS J. THOMAS: JENNY THOMAS for the Tasmanian Chamber of Commerce and Industry Limited.

5 COMMISSIONER: Good, thank you. No further appearances. Ms Thomas, thank you.

MS THOMAS: Yes thank you Mr Commissioner. This is an application to vary subclause 33(h) of the Wholesale Trades Award to allow Millen Wholesale Propriety Limited to contribute into SMF Superannuation Fund in lieu of the award nominated superannuation funds Tasplan and LUCRF. I'd like to hand up an exhibit at this stage.

10 COMMISSIONER: Mark this **Exhibit TCCI 1**.

MS THOMAS: Thank you Mr Commissioner. In matters of this type the commission, under Section 32(1)(b) of the *Industrial Relations Act*, must not refuse to make or vary an award if the proposed superannuation fund is a complying superannuation fund and one which the commission is satisfied meets the wishes of employees.

15 If I, obviously the cover page of Exhibit TCCI.1 is a copy of the application. Now the next - there are some pages within this exhibit that you may not be familiar with, they are the standard papers that I receive from SMF in relation to these matters - you'll note that page 1 of 9 - you see, I've provided you with the full, with all the pages, because I didn't want to take out some and leave others, which would obviously attract questions from the bench, so I thought I'll just put them all in.

20 COMMISSIONER: Good, thank you.

MS THOMAS: Page 1 of 9 is a letter from the managing director of Millen Wholesale Propriety Limited, addressed to me, which indicates that they'd like a superannuation exemption via the SMF Group. And they go on to say that they've enclosed statutory declarations, the Appendix A - which is the fund summary sheets - employee acceptance form and Attachment A, and the insurance superannuation commission letters of regulation of the proposed fund.

30 Now the next page, 2 of 9, is a statutory declaration, once again completed by Nicholas Millen, managing director of Millen Wholesale Propriety Limited, which indicates there are four employees employed by Millen Wholesale Propriety Limited under the Wholesale Trades Award.

It's somewhat out of order, but page 3 of 9 - you might skip those just briefly - to go to page 6 of 9, which is the employee acceptance form,

which I note has the same verbiage as the previous two matters, but that's a form where the employees have indicated that they have made a decision free of duress and based on informed consent, and they've indicated they wish contributions to be made into the proposed fund,
5 SMF Superannuation Fund in lieu of the award funds Tasplan and LUCRF.

Now the employees are, you will note on the employee acceptance form, were provided with the fund summary information, which appears on page 3 of 9, 4 of 9 and 5 of 9. They are summary sheets on the
10 proposed fund SMF Superannuation Fund, the fund summary sheet on Tasplan and one for LUCRF. And they in effect were Appendix A which was attached to the employee acceptance form.

Just moving beyond that to page 8 of 9, this is another document which the commission typically doesn't see, and I'll probably advise
15 these if efforts are necessary, but it talks about the applicant, Mellin Wholesale, wishing to make a superannuation contribution into an alternative fund.

And it just states that the SMF Superannuation Fund is a regulated superannuation fund and that the employees wish to direct their
20 superannuation contributions to the SMF Super Fund.

And further, in terms of the last page there, that is a - page 9 of 9 - that is a letter from the Insurance and Superannuation Commission, addressed to the SMF Superannuation Fund which acknowledges receipt and acceptance of the funds election to become a regulated
25 superannuation fund under the *Superannuation Industries Supervision Act 1993*.

Once again, moving on, I corresponded with the employee organisations with an interest in this award, they being the National Union of Workers, Transport Workers Union, AMACSU, SDA. And the last page
30 is just standard response from Ian Paterson of AMACSU which indicates that the union consents to the award on the basis - on the grounds - that the commission would be satisfied, I think, easiest way to state it.

So unless you have any questions, with respect to this matter, I'd ask
35 that the award be varied operative from the first full pay period to commence on or after today's date. If it pleases.

COMMISSIONER: Right, thank you, I'll hand down a written decision in due course and will be in favour of the application. Nothing further for listing this afternoon? We can now retire. Thank you.

40 **HEARING CONCLUDED**