

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s.23 application for award or award variation

**The AWU-FIME Amalgamated Union,
Tasmania Branch
(T.5679 of 1995)**

SHEARING INDUSTRY AWARD

COMMISSIONER R K GOZZI

HOBART, 1 August 1995

Award variation - variation of superannuation clause

ORDER - No. 1 of 1995

The above award is varied as follows:

Delete Clause 42 - Superannuation and insert in lieu thereof the following:

"42. SUPERANNUATION

(a) Contributions

- (i) The subject of superannuation is dealt with extensively by legislation including the Superannuation Guarantee (Administration) Act 1992, the Superannuation Guarantee Charge Act 1992, the Superannuation Industry (Supervision) Act 1993 and Superannuation (Resolution of Complaints) Act 1993. This legislation, as varied from time to time, governs the superannuation rights and obligations of the Parties.

- (ii) An employer shall make an occupational superannuation contribution equivalent to the amount prescribed by Superannuation Guarantee Charge Act 1992 of ordinary time earnings (as defined) into the fund known as TASPLAN (as defined) or The Australian Farm Superannuation Plan (The Rural Employees Award Plan [REAP]), Gro-Safe, National Superannuation Fund, as may be amended from time to time and includes any superannuation plan scheme which may be made in succession there to or any other approved fund (as defined) where an exemption has been granted under subclause (d) of this clause.
- (iii) Contributions to the fund shall be made by the employer on at least a calendar monthly basis unless there are circumstances for which the employer cannot be held responsible.
- (iv) Notwithstanding anything elsewhere contained in this clause an employee who is able to demonstrate to the employer their bona fide membership of the religious fellowship known as Exclusive Brethren shall have the contributions defined in subclause (a)(ii) of this clause paid into the fund known as C.I.S. Superannuation Deed BR1188 being a scheme approved by the Insurance and Superannuation Commission.

(b) Definitions

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

'**Eligible Employee**' means an employee for whom a classification appears in this award whether employed on a full-time or casual basis.

'**Ordinary Time Earnings**' shall mean the total amount of gross wages paid for the period of the shearing.

'**TASPLAN**' shall be an approved fund established by Trust Deed made on 24 March, 1987 and approved in accordance with the Commonwealth Operational Standards for Occupational Superannuation Funds.

'**The Australian Farm Superannuation Fund**' shall be an approved fund established by Trust Deed made on 23 July, 1979 and approved in accordance with the Commonwealth Operational Standards for occupational Superannuation Funds.

(c) 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.

(d) Exemptions

The Tasmanian Industrial Commission may grant an exemption to an employer in accordance with the provisions of the Industrial Relations Act 1984."

Operative Date

This order shall commence operation from the first full pay period to commence on or after 26 July 1995.

