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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 6 November 2003**

ORDER BY CONSENT –

SHIPPING AWARD

No. 2 of 2003

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THE **SHIPPING AWARD** IS VARIED IN THE FOLLOWING MANNER:

By inserting a new Clause 35A – Superannuation as follows:

“35A. SUPERANNUATION

(a) Preamble

Superannuation legislation

- (i) The subject of superannuation contributions 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 the *Superannuation (Resolution of Complaints) Act 1993*. The legislation, as varied from time to time, governs the superannuation rights and obligations of the parties.
- (ii) Notwithstanding subclause (a)(1) above, the following provisions shall also apply.

(b) Definitions

- (i) The **“fund”** for the purposes of this clause shall mean TASPLAN; which complies with the *Superannuation Industry (Supervision) Act 1993* as amended from time to time, and any scheme, which may be made in succession thereto.
- (ii) Ordinary time earnings for the purposes of this clause, means:
 - (1) award classification rate;
 - (2) over-award payment;
 - (3) shift loading - including weekend and public holiday penalty rates earned by shift employees on normal rostered shifts forming the ordinary hours of duty not when worked as overtime;
 - (4) casual loading in respect to casual employees.
- (iii) Ordinary time earnings does not include bonuses, commission, payment for overtime or other extraordinary payment, remuneration or allowance, annual leave loading, annual and/or long service leave payments on separation from employment and any allowance not paid on a permanent all purpose basis.

(c) Employers to become a party to the fund

- (i) An employer shall make application to the fund to become a participating employer in the fund and shall become a participating employer upon acceptance by the Trustee of the fund.

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- (ii) An employer shall provide each employee who is not a member of the fund with a membership application form upon commencement of this clause and thereafter upon commencement of employment.
 - (iii) Each employee shall be required to complete the membership application and the employer shall forward the completed application to the fund by the end of the calendar month of commencement of this clause or commencement of employment.
- (d) Eligibility of employees
- (i) Each employee shall be eligible to join the fund upon commencement of employment, subject to subclause (c)(i) of this clause.
 - (ii) Each employee shall be eligible to receive contributions from the date of eligibility, notwithstanding the date the membership application prescribed in subclause (c)(iii) above was forwarded to the fund.
- (e) Employer contributions
- (i) An employer shall contribute to the fund in respect of each employee such contributions as required to comply with the *Superannuation Guarantee (Administration) Act 1992* and the *Superannuation Guarantee Charge Act 1992* as amended from time to time:
 - (1) the following percentage of ordinary time earnings on behalf of each eligible employee:

9% of Ordinary time earnings
 - (ii) Provided that the employer shall make contributions for each employee for each month where the employee earns \$450.00 or more in a calendar month, the amount of contributions to the fund shall be calculated to the nearest ten cents, any fraction below five cents shall be disregarded.
 - (iii) An employer shall contribute to the fund:
 - (1) monthly by the last day of the month following the total of the weekly contribution amounts accruing in the previous month in respect of each employee; or
 - (2) equivalent monthly contributions at such other time and in such manner as may be agreed in writing between the Trustees of a fund and the employer;
- (f) Voluntary employees contributions
- (i) An employee may make contributions to the fund in addition to those made by the respondent employer under subclause (e).

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- (ii) An employee who wishes to make additional contributions must authorise the respondent employer in writing to pay into the fund, from the employee's wages, amounts specified by the employee in accordance with the Fund Trust Deed and Rules.
- (iii) An employer who received written authorisation from the employee, must commence making payments into the fund on behalf of the employee within fourteen days of receiving authorisation.
- (iv) An employee may vary his or her additional contributions by a written authorisation and the employer must alter the additional contributions within fourteen days of receiving the authorisation.
- (v) Additional employees contributions to the fund requested under this clause shall be expressed in whole dollars.
- (vi) Employees shall have the right to adjust the level of contributions made on their own behalf on the first of July each year provided that by agreement with the respondent employer the employees may vary their additional contribution at other times."

OPERATIVE DATE

This variation shall take effect from the first full pay period on or after 6 November, 2003.

P L Leary
PRESIDENT

6 November 2003