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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 25 November 2002**

ORDER BY CONSENT -

MISCELLANEOUS WORKERS AWARD

No. 1 of 2003

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THE **MISCELLANEOUS WORKERS AWARD** IS VARIED IN THE FOLLOWING MANNER:

By deleting Clause 33 – Superannuation and inserting in lieu thereof the following:

“33. SUPERANNUATION

(a) Definitions

‘Approved Fund’ means a superannuation fund which is established in accordance with the Operational Standards for Occupational Superannuation Schemes and has received preliminary listing from the office of the Occupational Superannuation Commissioner - Interim Group.

‘Eligible Employee’ means a full-time, part-time or casual employee who is employed under a classification of the Miscellaneous Workers Award and who has completed one calendar months service with the employer.

‘Employer’ means an employer bound by the terms of the Miscellaneous Workers Award.

‘Ordinary Time Earnings’ means the award classification rate, overaward payments and shift loadings (where relevant).

‘Tasplan’ means the Tasplan Fund established by Trust Deed and Articles on 24 March 1987.

‘Union’ means the Australian Liquor, Hospitality and Miscellaneous Workers Union, Tasmanian Branch.

(b) Fund

(i) For the purpose of this award contributions made by employers in accordance with the provisions of subclause (d) - Employer Contributions of this clause shall be paid to the Treasurer of TASPLAN.

(ii) All employers upon being bound by this award shall apply to and become party to TASPLAN and upon the acceptance of the Trustees of that scheme of an application to become a participating employer to TASPLAN, duly signed and executed by that employer, become a participating employer of TASPLAN.

(c) Eligibility for Membership

(i) An employee having completed one calendar months continuous service with the employer shall be eligible from the first entry date which next occurs to have contributions paid to the Fund subject subclause (d) - Employer Contributions of this clause.

- (ii) An employee shall be enrolled in the approved Superannuation Fund upon the acceptance of the Administrator of the Fund of a membership application form and shall be deemed to be a member of the scheme from his or her entry date as prescribed in paragraph (i) herein.
- (iii) Notwithstanding the provisions contained in subclauses (i) and (ii) herein, an employee who is a member of an Approved Fund and was having contributions paid in accordance with this clause at his or her previous place of employment shall continue to have contributions paid on his or her behalf from the date of commencing employment with the current employer.

(d) Employer Contributions

- (i) Subject to the rules of the Fund and the conditions identified elsewhere in this clause, contributions shall be paid by employers in respect of each eligible employee at the rate of nine per cent of ordinary time earnings for each complete week employed. This calculation shall be based on the ordinary time worked by an employee in any week and shall exclude work performed and paid as overtime.
- (ii) Subject to subclause (i) herein an eligible employee shall have a minimum contribution per week paid into the Fund of \$1.40.
- (iii) Contributions shall be made for each calendar month an employee is a member of the scheme.
- (iv) An employer shall not be required to contribute during any periods of unpaid leave. Furthermore, an employer shall not be required to make additional contributions in respect of annual leave paid out on termination.
- (v) Pro rata deduction shall be made from the weekly contribution payable for any unauthorised absence of at least one day's duration.
- (vi) 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.

(e) Employee Contributions

Subject to the rules of the Fund, employees who may wish to make contributions to the Fund additional to those being paid pursuant to subclause (d) - Employer contributions - herein, shall be so entitled. Such employees may either forward their own contribution directly to the Fund Administrators or, where it is practicable to do so, authorise the employer to pay into the Fund from the employees' wages, amounts specified by the employee subject to the amount of contribution being expressed in whole dollars and any adjustment to the level of contribution being subject to 3

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months notice in writing from the employee to the employer or such lesser period as they may both otherwise agree.

(f) 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.

(g) Exemptions

For the purpose of this award the following companies and organisations have been determined to be exempted from the use of TASPLAN and shall contribute to an "Approved Fund" as specified in this clause:

- (i) Northern Television (TNT9) Pty Ltd - Australian Retirement Fund (ARF).
- (ii) Dominic College - Archdiocese of Hobart Superannuation Fund.
- (iii) Webster Limited - Webster Superannuation Fund.
- (iv) Tasmanian Teachers Federation - Tasmanian Teachers Federation Staff Superannuation Fund.
- (v) Australian Liquor, Hospitality and Miscellaneous Workers Union of Australia, Tasmanian Branch - Federated Miscellaneous Workers Union Staff Superannuation Plan.
- (vi) Salamanca Arts Centre Inc. - The Eagle Retirement Fund.
- (vii) Centacare Tasmania – Catholic Superannuation Fund.”

This variation shall take effect from the first full pay period on or after 25 November, 2002.

P L Leary
PRESIDENT

24 January 2003