

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 – s. 287 – application for declaration of a general ruling

Queensland Council of Unions AND Queensland Chamber of Commerce and Industry Limited, Industrial Organisation of Employers and Others (No. B1385 of 2004)

and

The Australian Workers' Union of Employees, Queensland AND Queensland Chamber of Commerce and Industry Limited, Industrial Organisation of Employers and Others (No. B1433 of 2004)

APPLICATION FOR GENERAL RULING IN REGARD TO THE SUPERANNUATION CONTRIBUTION AMOUNT FOR AWARD EMPLOYEES

VICE PRESIDENT LINNANE
DEPUTY PRESIDENT SWAN
DEPUTY PRESIDENT BLOOMFIELD

21 March 2005

DECLARATION OF GENERAL RULING
OCCUPATIONAL SUPERANNUATION

This Commission declares by way of General Ruling that awards be amended to include the following provisions:

1. Where Awards that substantially provide under *Contributions* in the Occupational Superannuation clause the following:

“Amount – Every employer shall contribute on behalf of each eligible employee as from . . . [specific to each award] an amount calculated at 3% of the employee’s ordinary time earnings, into an approved fund, as defined in this clause. Each such payment of contributions shall be rounded off to the nearest ten (10) cents.”

such clause be deleted and replaced with the following:

“Amount – As from 1 January 2005 every employer shall contribute on behalf of each eligible employee an amount calculated at 9% of the employee’s ordinary time earnings, into an approved fund, as defined in this clause. Each such payment of contributions shall be rounded off to the nearest ten (10) cents:

Provided that where an employee is absent and is receiving by way of workers’ compensation an amount of money no less than the award rate of pay the contribution shall be calculated at 3%.”.

2. Where Awards that substantially provide under *Contributions* in the Occupational Superannuation clause any of the following provisions:

“Minimum level of earnings – No employer shall be required to pay superannuation contributions on behalf of any eligible employee whether full-time, part-time, casual, adult or junior in respect of any week during which the employee’s ordinary time earnings (as defined in clause . . . [specific to each award]) do not exceed 35% of \$309.00 (or such other sum as is determined from time to time in proceedings relating to the state wage or safety net adjustments).”;

“Minimum level of earnings – No employer shall be required to pay Superannuation Contributions on behalf of any eligible employee whether full-time, part-time, casual, adult or junior in respect of any week during which the employee’s ordinary time earnings, as defined, do not exceed 35% of the Guaranteed Minimum Wage for the Southern Division, Eastern District as declared from time to time.”; and

“Minimum level of earnings – No employer shall be required to pay superannuation contributions on behalf of any eligible employee whether full-time, part-time, casual, adult or junior in respect of any week during which the employee’s ordinary time earnings, as defined, do not exceed 35% of the Queensland Minimum Wage as declared from time to time.”

such clause be deleted and replaced with the following:

“Minimum level of earnings – As from 1 January 2005 no employer shall be required to pay superannuation contributions on behalf of any eligible employee in respect of any month during which the employee’s ordinary time earnings, as defined, is less than \$450.00.”.

3. Where Awards that substantially provide under *Contributions* in the Occupational Superannuation clause the following:

“Absences from work – Contributions shall continue to be paid on behalf of an eligible employee during any absence on paid leave such as annual leave, long service leave, public holidays, sick leave and bereavement leave, but no employer shall be required to pay superannuation contributions on behalf of any eligible employee during any unpaid absences except in the case of absence on workers’ compensation. In the case of workers’ compensation the employer shall contribute in accordance with clause . . . [specific to each award] whenever the employee is receiving by way of workers’ compensation an amount of money no less than the award rate of pay.”

such clause be deleted and replaced with the following:

“Absences from work – Contributions shall continue to be paid on behalf of an eligible employee during any absence on paid leave such as annual leave, long service leave, public holidays, sick leave and bereavement leave, but no employer shall be required to pay superannuation contributions on behalf of any eligible employee during any unpaid absences except in the case of absence on workers’ compensation.”.

4. The Awards listed in Schedule A below are not to be affected by the decision of the Full Bench released on 17 December 2004.
5. Those Awards that are not covered by orders 1, 2 and 3 above and are not included in Schedule A are to be amended to give effect to the Full Bench decision dated 17 December 2004.
6. This General Ruling shall apply from 1 January 2005.

SCHEDULE A

Accommodation Industry (Other Than Hotels) Award – South-Eastern Division 2003

Agricultural Colleges (Domestic And General Staff) Award – State 2003

Agricultural Colleges (Excluding Domestic and General Staff) Award – State 2003

Award For Employees In Direct Client Services – Disability Services Queensland 2003

Baking Industry Carters’ Award – Southern Division 2003

Biscuit Manufacturing Industry Award – State 2003

Blue Care Enterprise Award – State 2004

Boarding House Employees Award – State (Excluding South-East Queensland) 2003

Boarding Schools, Residential Colleges and Other Non-Commercial Establishments Accommodation Award – South-Eastern Division 2003

Borallon Correctional Centre Award 2003

Brewing Industry – Queensland Breweries Employees’ Award 2003

Brick Manufacturing Employees’ Award – Sand-Lime Brick Manufacturing – Southern Division (Eastern District) 2003

Brisbane City Council – Bus Transport Employees’ Award 2003

Brisbane City Council – Construction, Maintenance and General Award 2003

Brisbane City Council – Miscellaneous Workers’ Award 2002

Brisbane City Council Plant Operators' Award 2002

Brisbane Markets Award – 2003

Building Materials – CSR Limited Award (Coopers Plains) 2003

Bulk Terminals Award – State 2003

Bundaberg Distilling Company Pty Ltd Award – Bundaberg 2003

Car Park Attendants Award – South Eastern Division

Catholic Boarding School & Colleges Employees Award – South Eastern Division

Cerebral Palsy League of Queensland Award 2003

Child Care Industry Award – State 2003

Clerical Award – Private Hospitals – State 2003

Clerical Employees' Award – Permanent Building Societies – State 2003

Clothing Trade Award – State (Excluding South–East Queensland) 2003

Club Employees' Award – State (Excluding South–East Queensland) 2003

Clubs Etc. Employees' Award – South East Queensland 2003

Cold Storage Employees' Award – Queensland Riverside Cold Stores (P. & O. Australia Ltd.) 2003

Community Education Counsellors Interim Award – State 2003

Community Teachers, Assistant Teachers – Aboriginal & Torres Strait Islander Community Schools Award – State 2003

Conservation, Parks and Wildlife Employees' Award – State Government 2003

Contract Cleaning Industry Award – State 2003

Cootharinga Society of North Queensland (Enterprise) Award 2003

Copper Refineries Pty Ltd Award – State – 2002

Dental Assistants (Private Practice) Award – State

Department Of Corrective Services Correctional Employees' Interim Award – State

Disability Support Workers Award – State 2003

District Health Services – Senior Medical Officers' and Resident Medical Officers' Award – State 2003

District Health Services Employees' Award – State 2003

Dry Cleaning and Dyeing Industry Award – Southern and Central Divisions 2004

Edible Nut Processing Award – State 2003

Electrical Contracting Industry Award – State 2003

Electricity Generation, Transmission and Supply Award – State 2002

Employees Of Queensland Government Departments (Other Than Public Servants) Award – State 2003

Family Leave (Queensland Public Sector) Award – State 2004

Family Leave Award 2003

Farm Hands, &c., Award – Queensland Agricultural College 2003

Floral Bouquets, Novelties etc., Making Award – State 2003

Food Production – P & O Prepared Foods (Wacol) – Award 2002

Footwear Manufacturing Award – State 2005

Forest Resources Industry (Carter Holt Harvey Wood Products Australia Pty Ltd – Gympie) Award 2003

Forest Resources Industry (CSR Softwoods) Award – State 2003

Forestry Employees’ Award – Department of Primary Industries 2003

Fruit and Vegetable Growing Industry Award – State – 2002

Gladstone Power Station Award – State 2003

Golden Casket Lottery Corporation Employees’ Award – State 2003

Goprint Award – State 2003

Ground Staff – Defence Force Contractors –Award – Southern Division 2004

Hospital Employees Award – Mount Olivet Hospital – Brisbane 2003

Hospitality Industry – Restaurant, Catering and Allied Establishments Award – South-Eastern Division 2002

Hotels, Resorts and Certain Other Licensed Premises Award – State (Excluding South-East Queensland) 2003

Indigenous Australian Community Housing Award – State

Kingfisher Bay Resort and Village Award 2003

Legal Aid Queensland Employees’ Award – State 2003

Lifeguard Award – State 2003

Local Government Employees’ (Excluding Brisbane City Council) Award – State 2003

Malthouse Employees’ Award – South–Eastern Division 2003

Margarine Manufacturing Award – Southern Division 2003

Maritime Award – Brisbane River and Moreton Bay 2003

Meat Industry (Private Export Companies) Mechanical Etc. Award – State 2002

Medical Imaging and Radiation Therapy Employees (Private Sector) Award – State 2002

Medical Superintendents with Right of Private Practice and Medical Officers with Right of Private Practice – Queensland Public Hospitals Award – State 2003

Meter Reading Employees’ Award – State 2002

Milk Industry Transport Award – Southern Division 2003

Millaquin Sugar Refiners’ Award – State 2004

Motor Drivers, Etc., Award – Southern Division 2003

Motor Vehicle Salespersons Award – State 2003

Mount Isa Mines Limited Award 2004

Mount Isa Mines Limited Contractors' and Sub-Contractors' Employees Award 2002

Municipal Baths Attendants Award – State 2003

Nestle Australia Ltd – Gympie Factory Employees Award 2003

NQMT Linesworkers Award – 2004

Parents and Citizens and Other Associations Retail Award – State 2004

Parliamentary Service Award – State 2003

Pathology (Private Practices) Award – State 2003

Pearl Culture (North Queensland) Award 2003

Pharmacy Assistants Award – State 2003

Police Service Award – State 2003

Port of Brisbane Corporation Employees' Award 2003

Ports Corporation Employees Award – State 2003

Poultry Processing Award – State 2003

Principal's Award – Catholic Schools Queensland 2002

Principal's Award – Non-Governmental Schools – State 2002

Private Hospitals Employees' Award – State 2003

Private Hospital Nurses' Award – State 2003

Professional Engineers' Award – State 2002

Professional Scientists' Award – State 2002

Property Management Award Queensland – State

Property Sales Award Queensland – State

Public Sector Employees – Grievance Procedures Award – State

Public Service Medical Officers' Award – State 2003

Queensland Building Services Authority Award – State 2003

Queensland Institute of Medical Research (QIMR) Award 2003

Queensland Investment Corporation – Clerical and Administrative Employees' Award – State 2003

Queensland Meals on Wheels Services Award – State 2003

Queensland Nickel Employees' Award – State 2003

Queensland Nursing Council Employees' Award – State 2002

Queensland Public Service Award – State 2003

Queensland Rail Award – State 2003

Queensland Railways Institute Inc. Employees’ Award 2003

Queensland Rural Adjustment Authority Award – State 2003

Queensland Tourist and Travel Corporation Employees’ Award – State 2003

Quick Service Food Outlets (QSFO’s) Award – State 2004

Racecourses and Showground Employees Award – Brisbane 2003

Racecourse Employees Award – Southern Division (Eastern District) 2003

Residential Colleges (University of Queensland St. Lucia Campus) Award – 2002

Residential Tenancies Authority Employees’ Award – State 2002

Road Service Patrols Award – State 2002 Royal Automobile Club of Queensland

Royal Blind Foundation Award – State 2003

Saddlery, Leather, Canvas and Plastic Material Workers’ Award – State 2003

Safe Food Qld – Employees’ Award – 2003

Sanctuary Cove Employees’ Award 2002

Security Industry (Contractors) Award – State 2004

Senior College Teachers’ Award – State 2003

SEPR Australia Pty Ltd – Award 2001

Skyrail Rainforest Cableway Employees Award – 2003

Sports Ground Employees’ Award – Southern Division (Eastern District) 2002

Storeworkers and Packers’ Award (Scrap Metal, Etc.) – Northern and Mackay Divisions 2003

Storeworker’s Award – General Stores – Brisbane City Council 2003

Sugar Cane Testers Award – State 2003

Sugar Industry Award – State 2004

Supported Wage Award – State 2002

Surveyors’ Labourers and Cooks Award – State 2003

TAFE Teachers’ Award – State 2003

Tea Industry Award – State 2003

Teachers’ Award – State 2003

The Smith’s Snackfood Company Ltd, Tingalpa, Queensland, Award 2003

Torres Strait Islander Communities – Community Development Employment Projects (Torres Strait) Award – State 2004

Tour Guides Award – State

Tourism Industry – Zoological Gardens Award – South-Eastern Division

Training Wage Award – State 2003

Trotting Club Employees' Award – State 2002

UniTAB Limited Employees Award – State 2003

Uniting Healthcare Clerical Employees Enterprise Award – State 2004

Uniting Healthcare Enterprise Award – State 2003

Veterinary Practice Employees Award – State

Voluntary Work – Extended Trading Hours – Non-Exempt Shops – Award – State

Woolclassers and Sheep Shearing Machine Experts and Grinders' Award – State 2003

Workcover Queensland Award – State 2003

Youth Workers Employed by the Department of Families Award – State 2003

Dated 21 March 2005.

By the Commission,
[L.S.] G.D. SAVILL,
Industrial Registrar.

Operative Date: 1 January 2005.
General Ruling – Occupational Superannuation
Released: 22 March 2005