

6 September 2012

Mr. Mike Woods
Deputy Chairman
Productivity Commission
LB2 Collins Street East
Melbourne Vic 8003

Dear Deputy Chairman

RE: Financial Services Council Further Supplementary Submission

We write to you following the release of the joint submission by the Treasury and the Department of Education, Employment and Workplace Relations (DEEWR) on 22 August 2012.

The FSC represents Australia's retail and wholesale funds management businesses, superannuation funds, life insurers and financial advisory networks, trustee companies and public trustees. The FSC has over 130 members who are responsible for investing \$1.8 trillion on behalf of more than 11 million Australians.

The pool of funds under management is larger than Australia's GDP and the capitalisation of the Australian Securities Exchange and is the fourth largest pool of managed funds in the world. The FSC promotes best practice for the financial services industry by setting mandatory Standards for its members and providing Guidance Notes to assist in operational efficiency.

Regards

ANDREW BRAGG
SENIOR POLICY MANAGER



FINANCIAL SERVICES COUNCIL

FURTHER SUPPLEMENTARY SUBMISSION

PRODUCTIVITY COMMISSION INQUIRY –

DEFAULT SUPERANNUATION FUNDS IN MODERN AWARDS

This submission should be read alongside our primary and supplementary submissions which were provided to the Commission in April and August 2012. This submission solely addresses the matters contained in the Treasury and DEEWR (the Departments) joint submission as released by the Minister on 22 August 2012.

Overall, the FSC is concerned that the Departments' joint submission:

1. Proposes the status quo remain despite the Commission identifying substantive problems;
2. Presents a reform proposal which would fail to address contestability, transparency and procedural fairness issues;
3. Ignores the ground-breaking changes which are to commence with MySuper and the broader Stronger Super reforms over the next two years;
4. Proposes inappropriate roles for other bodies;
5. Contains incorrect information; and
6. Misrepresents information on the treatment of superannuation in the industrial system.

We have attached a table of primary information as an appendix to this submission which highlights the factual errors in the Departments' joint submission relating to a key element in the Commission's inquiry.

Overview

Treasury is presiding over a reform process which has sought to implement the findings of the independent Super System Review (Cooper Review) of 2009-10 which has:

- Created a heavily prescriptive mandatory default superannuation product in legislation; and
- Armed APRA with an authorisation power for each MySuper product.

The Departments infer in their joint submission that the combination of these two factors would be insufficient and that a third process is necessary – which should occur through Fair Work Australia with an expert panel requiring:

- Legislative amendments to the Fair Work Act to enshrine criteria for determining default fund eligibility in addition to MySuper;
- A new process where an “expression of interest process...” for MySuper providers seeking to be default funds could occur;¹
- The creation of an expert panel within Fair Work Australia which would recommend default fund listings per award; and
- The creation of a process where expert panel recommendations are delivered to the FWA Full Bench for subsequent approval / rejection and the provision of reasoning.

The joint submission notes the Commission’s draft findings and recommendations which are favourable to maintaining the status quo. The submission states that industrial parties should be permitted to engage with the expert panel and the Full Bench in determining whether to vary an award for superannuation fund purposes.² The Departments make no mention of the Commission’s concerns about conflicted industrial parties as highlighted in the draft report:

Many industrial parties are likely to have other potentially conflicting interests in the field of superannuation, either as trustees of an industry superannuation fund or as employees of an organisation that nominates trustees to a fund. In either case, these representatives could have an interest in ensuring that the fund they are associated with is listed as a default fund in the award.

Industrial parties may represent their members rather than all the workers covered by a particular award. This can mean that the majority of workers may not be represented in the selection of a default fund (only 18 per cent of Australian employees were union members in their main job in August 2011 (ABS 2012b)).³

Rather the Departments state that: “Given its broader role in managing the overall review assessment and selection process, and its responsibility for conducting reviews of modern awards generally, the Full Bench would consider the panel’s report, hear the views of the industrial parties and determine whether or not to vary the relevant awards, as appropriate.”⁴ And:

Importantly, the continued involvement of the industrial parties in the process will ensure that the interests of employees continues to be a key consideration for the FWA Full Bench in determining which funds to list as default funds in modern awards but that the interest of employers are also considered.⁵

Despite the claim from the Departments, the FSC strongly agrees with the Commission that the maintenance of conflicted industrial parties in the selection of default superannuation funds will hamper efforts to address contestability, procedural fairness and transparency.

The ability of industrial parties to maintain “standing” in default superannuation fund hearings would likely create repeated instances where employer groups or unions use their standing to block an application from a non-affiliated fund. This has been demonstrated in 2010 when AMP had its application for default fund status under an award successfully opposed by the Australian Industry Group (a recognised body with standing under the Fair Work Registered Organisations Act).

The following comments refer to the subheadings in the Department’s submission in sequential order.

¹ Page 4 (2.2.4)

² Page 5 (2.2.4)

³ Page 126 Draft Report

⁴ Page 5 (2.2.4)

⁵ Page 5 (2.2.5)

1. Options for reform (Page 3 in the joint submission)

The Departments assert that option 3, as presented by the Commission, would be the optimal approach as “...superannuation is an award matter...”

Although superannuation has its origins in the award system and is presently an allowable matter, the system has evolved to a point where superannuation funds should no longer be named in awards. We make the following points which reflect the recent de-linking of superannuation and the industrial system:

- Choice of fund legislation permits members to choose their own fund (which is not the workplace fund) which allows employees to step outside of an “award matter”;
- Superannuation is now solely regulated under the *Superannuation (Industry) Supervision Act 1992*, *Superannuation (Guarantee) Administration Act 1993*, associated regulations and prudential standards. For example, under Commonwealth statute, the *Superannuation Guarantee (Administration) Act 1992* requires that 9 per cent of wages must be paid into a regulated superannuation fund. This does not differ between industries under Commonwealth law. A minimum of 9 per cent must be paid under every award regardless of which fund it is paid into;
- Nearly all major superannuation funds no longer represent a particular industry or demographic – and have evolved to public offer licence designations. There has also been a significant level of merger activity in recent years which has led to the blurring of workplace representation in industry funds. There were 106 industry superannuation funds in 2004, today there are 65. Of these, 40 are public offer funds;⁶ and
- From 1 July 2013, there will be a default superannuation product designed in legislation (MySuper) with distinct trustee obligations, disclosures, and fee and member service rules.

Accordingly, the FSC does not see a case for maintaining named superannuation funds in awards.

Further, the Departments argue that Fair Work Australia has significant expertise in “working constructively with stakeholders in undertaking the many functions for which it is responsible under the FW Act.”

FWA (and its predecessor the Australian Industrial Relations Commission) demonstrated its disinterest in matters related to superannuation over the past five years.

A 2008 letter penned by former Minister for Superannuation & Corporate Law Nick Sherry requested that if the Commission was to prescribe default superannuation funds in Modern Awards, they should establish an appropriate process and criteria for selecting funds rather than doing so on an arbitrary or non-transparent basis.

The Commission chose not to heed the Minister’s request and instead prescribed superannuation funds into awards without adopting a process. On 12 September 2008, the Commission stated they would not apply criteria when selecting funds in awards despite the urging of Minister Sherry:

“[29] We have drafted a model superannuation provision to be included in modern awards if those awards deal with superannuation. The clause will nominate a default fund or funds should an employee fail to exercise his or her right to nominate the fund to which employer contributions should be made. We do not think it is

⁶ APRA Annual Bulletin 2010 <http://www.apra.gov.au/Statistics/Documents/June-2010-Annual-Superannuation-Bulletin.pdf>

appropriate that the Commission conduct an independent appraisal of the investment performance of particular funds.⁷

As a consequence of this exchange, neither a selection process nor review mechanism for default superannuation funds in Modern Awards exists. By the middle of 2009, in a series of tranches, the Commission had furnished Modern Awards with default superannuation funds. Subsequently, superannuation funds have applied to be included in a Modern Award. Applications have been successful where it has been demonstrated that a superannuation fund was a default fund in a transitional award.

In the absence of a proper process, applications to include superannuation funds in Modern Awards rely upon the parties to the award. A further comment in the 12 September 2008 Determination is instructive: *"we are prepared to accept a fund or funds agreed by the parties, provided of course that the fund meets the relevant legislative requirements."*

The Commission's abrogation of its responsibility to devise a process has highlighted consumer protection, competition and transparency issues as unions and employer groups registered under the Fair Work Act control which funds become default funds for award employees.

Its abrogation has led to superannuation funds under investigation by the Australian Prudential Regulation Authority (APRA) being prescribed as default funds simultaneously. It is therefore critical that appropriate consumer protection mechanisms exist, and that the process becomes transparent and contestable.

2. Factors to be considered (Page 6 of the joint submission)

We believe that many of the factors identified by the Commission in the Draft Report are factors that employers should consider when selecting a default fund. One factor identified by the Commission in particular impacts employers directly:

Administrative efficiency of the fund

We share the Commission's concerns about the administrative capacity of default funds but we have reservations about the Departments' views and proposed solution – according to the Draft Report:

The administrative efficiency of a fund will directly flow through to the costs incurred by employers, potentially impacting on the level of compliance with their superannuation guarantee obligations, as well as on the profitability of the business. The effect on businesses can, in turn, impact on employees. The administrative efficiency of a fund will also flow through directly to employees, in terms of the ease with which they can access details of their account, switch between products and options, make voluntary contributions and receive benefits.⁸

As stated in our earlier submissions, many employers (particularly small employers) who employ award employees and have a compulsory default fund may be subjected to a fund's poor administration efficiency. Our engagement with the small business community has revealed that many small employers are frustrated with the poor service quality of compulsory default funds and also the cost of instituting an enterprise agreement is seen as a barrier to selecting a different default fund. This is a significant shortcoming of the regulatory framework.

⁷ AIRC statement on Award Modernisation 12 September 2008 - <http://www.fwa.gov.au/awardmod/databases/general/decisions/2008aircfb717.htm>

⁸ Page 105 Draft Report

Where superannuation funds, listed in Modern Awards, are inefficient in their dealings with employers it adds time and costs to an employer's operations. This has occurred, in part, because of a lack of competition in the default superannuation sector and also because employers are required to pay the Superannuation Guarantee.

Ultimately we believe that the administrative efficiency of a fund is one of the many reasons why the Commission's draft recommendation 8.2 to permit employer choice of default fund is critical; it will directly address inefficiency or poor service quality.

Typically efficiency and service quality will be assessed at the workplace level. Accordingly we agree that employers should consider the efficiency or otherwise of a default superannuation fund. However we do not believe this would be an appropriate role for the SuperStream Advisory Council which has a different role as already determined by the Government and Treasury which is principally related to data and payment standards (transactions):

SuperStream Advisory Council - Terms of Reference

The SuperStream Advisory Council is to be established to provide advice to Government to assist in the efficient and effective implementation of the new superannuation data and payment standards and e-commerce requirements. The Council is to have an ongoing role post implementation in monitoring the success of the standards and recommending refinements and improvements to the standards where appropriate.

The Council will also provide advice to Government on other issues related to SuperStream referred to the Council by Government.

Members of the Council would be expected to act in an individual capacity, rather than as representatives of any particular organisation, and to meet their own costs of attending meetings and contributing to the work of the Council.⁹

The FSC has been an active participant of the Advisory Council's predecessor, the SuperStream Working Group where "developing efficiency benchmarks" (as proposed by the Departments) has not been part of the group's remit. We are firmly of the view that "developing efficiency benchmarks" would not be an appropriate role for this body and that it would not be practicable to develop service quality benchmarks other than legislated timeframes.

The closest point of relevance between the SuperStream Working Group and efficiency benchmarks has been the standardisation of processing speeds of contributions and rollovers (to be legislated). Through standardisation of data and payment processes, the SuperStream reforms will mandate a service timeframe for stakeholders engaging with the superannuation industry. This will standardise the timeframes in which a fund must execute a transaction under the data and payment standards, however the standards will not lead to universal service quality. Inevitably this will depend on the fund's resources and an assessment at the enterprise level about a fund's administrative efficiency.

The SuperStream Advisory Council has an important role in advising government on technical arrangements for data and payment standards – it should not have its role expanded to the development of efficiency benchmarks which is impractical and beyond the Council's capacity.

⁹ <http://ministers.treasury.gov.au/DisplayDocs.aspx?doc=pressreleases/2012/028.htm&pageID=003&min=brs&Year=&DocType=>

3. Employer Ability to Choose a Fund (Page 9 of the joint submission)

Overview

In the context of the Commission's draft recommendation 8.2, the Departments note that they "do not support this proposal and consider it raises considerable risks to the integrity of the proposed default fund arrangements, the safety net and the FW Act framework."¹⁰

As noted above, we do not accept this proposition. MySuper itself is a safety net which has not previously existed. It has legislative safeguards and requires prudential regulator approval before it can be taken to market.

Further the Departments assess the following reasoning from the Draft Report:

There are several reasons why employers should be given this flexibility. First, many pre-modern federal awards allowed employers to choose any fund. Forty-five per cent of pre-modern federal awards did not list a default fund. Of the remaining 55 per cent that did list at least one default fund, 12 per cent gave employers discretion to choose any other fund and just over half gave employers the ability to choose a different fund in limited specified circumstances (including, for example, by agreement with employees or unions, and/or on application to the Australian Industrial Relations Commission). The Commission is not aware of any problems that arose from these arrangements.

Second, allowing employers to use their discretion would help to alleviate the problems associated with contestability identified in chapter 7. Giving employers the ability to choose a fund other than one listed in the relevant award would introduce the threat of competition for listed funds. Even if few employers actually utilised this discretion, the threat of competition can be enough to strengthen contestability and strengthen the incentive for listed funds to produce outcomes that are in the best interests of members.

Third, employers have the legal obligation under the *Superannuation Industry Supervision Act 1993* (Cwlth) to choose a fund on behalf of their employees (chapter 2). Where they have the interest and expertise for making an informed decision, they should be allowed to exercise choice in the way they carry out that obligation. With the increasing information disclosure and administrative efficiencies that the Stronger Super reforms will entail, the number of employers with the ability to exercise choice in a way that does not disadvantage their employees is likely to increase.

Finally, employer discretion allows for closer tailoring to the needs of a particular workplace than can a system based on awards. It therefore has the potential to provide superior outcomes for those members.¹¹

The Departments do not address the well considered rationale behind points two, three and four and instead focussed on one where incorrect evidence is provided.

Employer ability to select a default fund under an award

On page nine the Departments incorrectly state: "Pre-modern awards did not give employers the ability to unilaterally 'opt-out' of a safety net provision – any deviations from such provisions required agreement or approval."¹²

This is incorrect. Many awards in the pre-FWA/modern award era did not contain superannuation provisions or contained opened ended superannuation provisions, with no real prescription of the default fund. That is, employers could select any complying superannuation fund utilising an award without agreement or approval.

¹⁰ Page 9 (4.1.1)

¹¹ Draft Report P157

¹² Page 9 (4.2.1)

As noted previously, it has been estimated that as many as 30 per cent of superseded state and federal awards provided the employer with the capacity to select any compliant superannuation fund as a default fund.¹³ This included some awards with a very significant coverage – such as the *NSW Clerical and Administrative (State) Employees Award*, which covered most employers in the state.

Accordingly, the FSC has gathered the necessary primary evidence. Enclosed is a table (appendix to this submission) which compares a broad selection of 14 modern awards against related current state awards (NAPSA) and federal awards (pre-modern awards).

This enclosed table presents primary information sourced directly from awards relating to an employer's capacity to choose a non-award listed superannuation fund. For context, the table identifies:

- whether there is no right for the employer to nominate any complying fund - the table does not, however, set out information about minor exemptions from this ability to do so for specific types of employees.
- whether there is an express right of the employer to nominate any complying fund - this does not include where there are exemptions and limitations on this right to nominate another fund (e.g. the National Fast Food Retail Award 2000 which allow an employer to contribute to another complying fund other than REST if more than 75% of its employees are engaged in an industry other than the retail industry);
- where the right to nominate a fund is not mentioned or where it states specific legislation governs the rights and obligations of the parties;
- where an award may potentially apply to a number of states - this has been determined through looking at the coverage of the parties to the agreement.
- where the award explicitly states that the award applies to certain states;
- where the award has not explicitly stated the area or State covered by the award - this has been shown through the use of the words 'potentially applies'; and
- whether the parties include a national organisation (eg union or association) and where the employers are based, however, there is no way of determining where the employer has employees.

In this comparison of modern awards with pre-modern awards and NAPSA's (current awards), 210 awards have been considered. The result of the review is:

- 53 awards made no comment on the superannuation fund to be used by the employer - out of these 53 awards, five awards made no comment on the superannuation fund to be used by the employer made reference to some sort of superannuation legislation or regulations; and
- 17 awards expressly allowed an employer to nominate any complying superannuation fund.¹⁴

Accordingly, out of the 210 awards reviewed, 70 awards in total effectively allowed an employer to nominate any complying superannuation fund (i.e. 53 + 17). That means that employers had the ability to choose any complying superannuation fund as a default fund under approximately 33% of the 210 awards reviewed.

¹³ AMP Submission - Senate Education and Employment Workplace Relations Committee (Inquiry into the Fair Work Bill 2008) Page 2

¹⁴ Attachment 1

This number slightly exceeds the estimate the FSC has previously noted (30% of pre-modern awards permitted employer flexibility as referenced in the 2008 AMP submission).

Enterprise agreements

Finally we agree with the Departments that employers do have the flexibility to select an alternative default fund if they institute an enterprise agreement. However this is unlikely to be an option for many small or medium businesses.

This is particularly discriminatory to small and medium-sized businesses which are less likely to have the financial capacity to institute an enterprise agreement. Such employers are therefore forced to use the default superannuation fund listed in the relevant award regardless of its efficiency, member and employer service capability.

With 1.2 million small businesses in Australia;¹⁵ but fewer than 24,000 enterprise agreements registered with Fair Work Australia (which cover multiple enterprises throughout the economy), it is clear that employers do not view this as a simple solution to selecting an alternative default superannuation fund for their employees.

¹⁵ Department of Innovation Fact Sheet <http://www.innovation.gov.au/SmallBusiness/KeyFacts/Documents/SmallBusinessDataCard.pdf>

General Retail Industry Award 2010

Modern Award	NSW	VIC	QLD	WA	SA	TAS	ACT/NT	All states and territories
General Retail Industry Award 2010 The award covers the general retail industry only. It does not include the following industries: <ul style="list-style-type: none"> fast food; meat retailing; hair and beauty; or pharmacy Default fund: <ul style="list-style-type: none"> REST 	Shop Employees (State) Award The award does not comment on the superannuation fund to be used by the employer.	Shop, Distributive and Allied Employees Association – Victorian Shops Interim Award 2000 Clause 21 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Retail Industry Award – State Clause 5.5 specifies a default fund and does not allow the employer to nominate any Complying Fund.	The Shop and Warehouse (Wholesale and Retail Establishments) State Award 1977 Clause 45 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Video Industry (South Australia) Award 2000 Clause 28 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Retail Trades Award Clause 37 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Retail and Wholesale Industry – Shop Employees – Australian Capital Territory – Award 2000 Clause 22 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Shop, Distributive and Allied Employees' Association - Hardware Retail Industry Award 1999 Clause 20 specifies a default fund and does not allow the employer to nominate any Complying Fund. This award applies to all states and territories. The award binds specified: <ul style="list-style-type: none"> organisation with national coverage; and employers from all states and territories.
		Retail Trade Industry Sector - Minimum Wage Order - Victoria 1997 The award does not comment on the superannuation fund to be used by the employer.			Retail Industry (South Australia) Award Clause 5.8 specifies a default fund and does not allow the employer to nominate any Complying Fund.		Retail, Wholesale and Distributive Employees (NT) Award 2000 Clause 27 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Airport Retail Concessions Award 1990 Clause 15.3 specifies a default fund and does not allow the employer to nominate any Complying Fund. This award applies to all states and territories. The award binds specified: <ul style="list-style-type: none"> organisation with national coverage; and employers from all states and territories.

Clerks – Private Sector Award 2010

Modern Award	NSW	VIC	QLD	WA	SA	TAS	ACT/NT	More than one state
<p>Clerks—Private Sector Award 2010 (MA000002)</p> <p>The award covers the private sector, engaged wholly or principally in clerical work, including administrative duties of a clerical nature.</p> <p>Default funds:</p> <ul style="list-style-type: none"> • CARE Super • AustralianSuper • SunSuper • HESTA • Statewide • Tasplan 	<p>Clerical and Administrative Employees (State) Award (AN120664) NSW</p> <p>Clause 20 allows employers to nominate any other Complying Fund (that must also comply with s124 IRA).</p>	<p>Clerical and Administrative Employees (Victoria) Award 1999 (AP773032CRV)</p> <p>Clause 20 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>Clerical Employees Award (State) 2002 (AN140067) QLD</p> <p>Clause 5.8 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>Clerks (Commercial, Social and Professional Services) Award No. 14 of 1972 (AN160066) WA</p> <p>Clause 34 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>Clerks (SA) Award</p> <p>Clause 5.7 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>Clerical and Administrative Employees (Private Sector) Award TAS</p> <p>Clause 8 allows the employer to make a contribution to any Complying Fund.</p>	<p>Clerks (A.C.T.) Award 1998</p> <p>Clause 19 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>Off-Course Agency Employees Award 2001</p> <p>Clause 14 allows an employer to nominate any Complying Fund.</p> <p>This award potentially applies in all states and territories.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> • organisation with national coverage. • employer from VIC.
	<p>Clerical and Administrative Employees Legal Industry (State) Award (AN120675) NSW</p> <p>Clause 25(vii) allows employers to nominate other Complying Funds (that must also comply with s124 IRA).</p>	<p>Victorian Legal Professional, Clerical and Administrative Employees Award 2004</p> <p>Clause 25 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>Clerical Awards – Private Hospitals – State 2003 (AN140065) QLD</p> <p>Clause 5.7.2(a) specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>Clerks' (Taxi Services) Award of 1970 (AN160079) WA</p> <p>Clause 33 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>			<p>Clerical and Administrative Employees (Northern Territory) Award 2000</p> <p>Schedule B specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>Records Management Services Award 2002</p> <p>Clause 23 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p> <p>This award potentially applies in all states and territories.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> • organisation with national coverage. • employer from VIC.
	<p>Clerical and Administrative</p>	<p>Group Training (Victoria)</p>	<p>Taxi Industry – Call Centre</p>	<p>Clerks (Racing Industry-Betting)</p>				

	Employees, Hire Cars and Taxis (State) Award Clause 34 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Award 1999 Clause 16 allows employer to nominate any Complying Fund (but employer must consult with employees).	Operators and Clerical Employees Award – State 2004 Clause 5.8 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Award 1978 (AN160077) Clause 17 specifies a default fund and does not allow the employer to nominate any Complying Fund.				
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Pharmacy Industry Award 2010

Modern Award	NSW	VIC	QLD	WA	TAS	ACT/NT	All states and territories
Pharmacy Industry Award 2010 (MA000012) The award covers the community pharmacy industry. It does not include: <ul style="list-style-type: none"> pharmacy in hospitals; nursing homes; or institutions providing an in-patient service. Default fund: <ul style="list-style-type: none"> REST 	Community Pharmacy (State) Award 2001 (AN120152) NSW Clause 16 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Shop, Distributive & Allied Employees Association - Victorian Pharmacy Assistants Award 2000 Clause 20 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Pharmacy Assistants' Award – State 2003 (AN140207) QLD Clause 5.9 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Retail Pharmacists' Award 2004 (AN160277) WA Clause 10 allows employer to nominate any Complying Fund until employee nominates one.	Retail Pharmacy Award (AN170087) TAS Clause 7 allows employer to nominate any Complying Fund .	Chemists (Australian Capital Territory) Award 2000 Clause 17 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Community Pharmacy Award 1998 (AP773671CRV) FED Clause 18 specifies a default fund and does not allow the employer to nominate any Complying Fund. This award potentially applies in all states and territories. The award binds specified: <ul style="list-style-type: none"> organisations with cumulative national coverage. employers from VIC, ACT, TAS, QLD & SA.
				S.D.A Western Australian Community Pharmacy - Pharmacy Assistants Award 2000 Clause 18 specifies a default fund and does not allow the employer to nominate any Complying Fund.			

Racing Clubs Events Award 2010

Modern Awards	NSW/ACT	VIC	QLD	WA	SA	More than 1 state
<p>Racing Clubs Events Award 2010</p> <p>Coverage extends to employers and employees involved in:</p> <ul style="list-style-type: none"> the staging of events at horse and greyhound racing venues, including but not limited to thoroughbred, harness, trotting and greyhound racing clubs. <p>This includes:</p> <ul style="list-style-type: none"> racecourse attendants; and liquor employees. <p>Default funds:</p> <ul style="list-style-type: none"> AustralianSuper; HOSTPLUS; SunSuper; Victorian Racing Industry Superannuation Plan; and Custom Super Plan– AMP. 	<p>Theatrical Employees (Recreation Grounds and Raceday Racing Officials - NSW and ACT) Award 2000</p> <p>Clause 16 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>Entertainment and Broadcasting Industry (Recreation Grounds etc - Victoria) Award 2000</p> <p>The award does not comment on the superannuation fund to be used by the employer.</p>	<p>Racing Industry Employees' Occupational Superannuation Award (State) 2003 QLD</p> <p>Clause 5.1 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>Entertainment and Broadcasting Industry - Recreation Grounds - Western Australia Award 2000</p> <p>The award does not comment on the superannuation fund to be used by the employer.</p>	<p>Theatrical Employees (Recreation Grounds, Etc) South Australia Award 2000</p> <p>The award does not comment on the superannuation fund to be used by the employer.</p>	<p>Liquor Industries - Racecourses Showgrounds etc. - Casuals Award 1998</p> <p>The award does not comment on the superannuation fund to be used by the employer.</p> <p>The award applies in NSW, VIC, TAS & QLD.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> organisation with national coverage; and employers from NSW, VIC, TAS & QLD.
	<p>AWU Racing New South Wales (State) Award</p> <p>The award does not comment on the superannuation fund to be used by the employer.</p>	<p>Licensed Clubs (Victoria) Award 1998</p> <p>Clause 27 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>Racecourse and Showground Employees Award – Brisbane 2003 (AN140252)</p> <p>Clause 5.5 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>			
			<p>Trotting Club Employees' Award (State) 2002 (AN140306)</p> <p>Clause 5.3 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>			

			<u>Entertainment Industry - Recreation Grounds Queensland Award 2000</u> The award does not comment on the superannuation fund to be used by the employer.			

Racing Industry Ground Maintenance Award 2010

Modern Award	NSW	VIC	QLD	WA	SA
<p>Racing Industry Ground Maintenance Award 2010</p> <p>Coverage extends to employers involved in thoroughbred, harness, trotting and greyhound racing industries and their employees who are engaged in the maintenance of racing venues to the exclusion of any other modern award.</p> <p>This includes:</p> <ul style="list-style-type: none"> • maintenance and horticulture employees; • tradespersons; • trackwork and pool supervisors; • management employees; and • apprentices. <p>Default funds:</p> <ul style="list-style-type: none"> • AustralianSuper; • HOSTPLUS; • SunSuper; • Victorian Racing Industry Superannuation Plan; and • Custom Super Plan–AMP. 	<p>Race Clubs Employees (State) Award (AN120450) NSW</p> <p>Clause 31 allows employer to nominate Complying Fund.</p>	<p>Sportsground Maintenance and Venue Presentation (Victoria) Award 2001</p> <p>The award does not comment on the superannuation fund to be used by the employer.</p>	<p>Metropolitan Race Clubs Maintenance Employees' Award – Brisbane and Ipswich 2003 (AN140172)</p> <p>Clause 5.5 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>Municipal Employees' (Sporting Grounds - Western Australia) Award 2000</p> <p>The award does not comment on the superannuation fund to be used by the employer.</p>	<p>Race-Course Groundspersons Award (AN150124) SA</p> <p>Clause 5.6 does not comment on superannuation fund to be used by the employer but states that the rights and obligations of the parties are governed by the Superannuation Legislation</p>
	<p>Farriers (State) Award</p> <p>The award does not comment on the superannuation fund to be used by the employer.</p>	<p>Cultural and Recreational Services Industry Sector Minimum Wage Order - Victoria – 1997</p> <p>The award does not comment on the superannuation fund to be used by the employer.</p>	<p>Racing Industry Employees' Occupational Superannuation Award (State) 2003 QLD</p> <p>Clause 5.1 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>		
			<p>Racecourse and Showground Employees Award – Brisbane 2003 (AN140252)</p> <p>Clause 5.5 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>		

Horse and Greyhound Training Award 2010

Modern Award	NSW	VIC	All states and territories
<p>Horse and Greyhound Training Award 2010</p> <p>This award covers the horse and greyhound training industry.</p> <p>This includes a:</p> <ul style="list-style-type: none"> • stable employee; • stablehands; • trackrider; • stable foreman; • training assistant; and • trainer. <p>Default funds:</p> <ul style="list-style-type: none"> • AustralianSuper; • HOSTPLUS; • SunSuper; • Victorian Racing Industry Superannuation Plan; or • CustomSuper Plan – AMP. 	<p>Strappers and Stable Hands (State) Award (AN120516) NSW</p> <p>Clause 31 does not comment on the superannuation fund to be used by the employer but states that rights and obligations are governed by Superannuation Legislation and s124 IRA.</p>	<p>Cultural and Recreational Services Industry Sector Minimum Wage Order - Victoria – 1997</p> <p>The award does not comment on the superannuation fund to be used by the employer.</p>	<p>Horse Training Industry Award (AP783476CRV) FED</p> <p>Clause 17 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p> <p>This award applies in all states and territories.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> • organisations with cumulative national coverage. • employers from SA, QLD, NSW, VIC

Fast Food Industry Award 2010

Modern Award	QLD	WA	All states and territories
Fast Food Industry Award 2010 (MA000003) The award covers the Fast Food Industry. It does not cover the: <ul style="list-style-type: none"> • general retail industry; or • hospitality industry. Default fund: <ul style="list-style-type: none"> • REST 	Fast Food Industry Award - South Eastern Division 2003 Clause 5.4 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Fast Food Outlets Award 1990 The award does not comment on the superannuation fund to be used by the employer.	National Fast Food Retail Award 2000 Clause 21 specifies a default fund and does not allow the employer to nominate any Complying Fund. The award applies in all states and territories. The award binds specified: <ul style="list-style-type: none"> • organisation with national coverage; and • employers in all states (including ACT but excluding NT).
	Fast Food Industry Award - State (Excluding South-East Queensland) 2003 Clause 5.5 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Transport Workers (Mobile Food Vendors) Award 1987 The award does not comment on the superannuation fund to be used by the employer.	
	Quick Service Food Outlets (QSFO'S) Award – State 2004 Clause 5.4 specifies a default fund and does not allow the employer to nominate any Complying Fund.		
	Retail Take-Away Food Award - South-Eastern Division 2003 Clause 5.5 specifies a default fund and does not allow the employer to nominate any Complying Fund.		

Hair and Beauty Industry Award 2010

Modern Award	NSW	VIC	QLD	WA	SA	TAS	ACT/NT
Hair and Beauty Industry Award 2010 (MA000005) Coverage extends to employers and employees in the hair and beauty industry but does not cover those who work in general retailing, theatrical, amusement and entertainment industries. Default fund: <ul style="list-style-type: none"> REST 	Hairdressers' &c (State) Award Clause 36 allows the employer to choose any Complying Fund.	Hairdressing and Beauty Services - Victoria - Award 2001 Clause 22 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Hairdressers' Industry Award - State 2003 Clause 5.3 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Hairdressers Award 1989 Clause 29 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Hairdressers & Beauty Salons Award Clause 5.5 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Hairdressing, Health and Beauty Industry Award Clause 6 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Hairdressing and Beauty Industry (Australian Capital Territory) Award 1998 Clause 16 states that the award is governed by the Superannuation Legislation. The award does not comment on the superannuation fund to be used by the employer.
		Personal and Other Services Industry Sector - Minimum Wage Order - Victoria 1997 The award does not comment on the superannuation fund to be used by the employer.					Hairdressing and Beauty Industry (Northern Territory) Award 2002 Clause 26 specifies a default fund and does not allow the employer to nominate any Complying Fund.

Security Services Industry Award 2010

Modern Award	NSW	VIC	QLD	WA	SA	TAS	NT/ACT
Security Services Industry Award 2010 (MA000016) The award covers the security services industry. This is more extensively outlined under clause 4.2 of the modern award. Default funds: <ul style="list-style-type: none"> AustralianSuper Sunsuper 	Security Industry (New South Wales) Award 1999 The award does not comment on the superannuation fund to be used by the employer.	Security Employees (Victoria) Award 1998 Clause 20 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Security Industry (Contractors) Award - State 2004 Clause 5.4 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Security Officers' Award Clause 33 allows employer to choose any Complying Fund.	Security Officers' Award Clause 5.8 allows an employer to choose any Complying Fund.	Security Industry Award Clause 35 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Security Employees (A.C.T.) Award, 1998 Clause 5.6 specifies a default fund and does not allow the employer to nominate any Complying Fund.
	Security Industry (State) Award The award does not comment on the superannuation fund to be used by the employer.			Security Officers (Western Australia) Award 2002 Clause 25 specifies a default fund and does not allow the employer to nominate any Complying Fund.			Security Industry (Northern Territory) Award 2002 Clause 21 specifies a default fund and does not allow the employer to nominate any Complying Fund.

Higher Education Industry – Academic Staff – Award 2010

Modern Award	VIC	QLD	SA	All states and territories
Higher Education Industry – Academic Staff – Award 2010 The award covers employers in the higher education industry and their academic staff. Default fund: <ul style="list-style-type: none"> • Unisuper 	Education Services Industry Sector Order - Victoria 1998 The award does not comment on the superannuation fund to be used by the employer.	AP818795 - Queensland Post Compulsory and Higher Education Academic Staff (Conditions of Employment) Award 2002 The award does not comment on the superannuation fund to be used by the employer.	South Australian Academic Staff Interim Award Part I clause 12, Part II clause 3 and Part III clause 15 nominate a default fund and does not allow the employer to nominate any Complying Fund.	Higher Education Academic Salaries Award 2002 The award does not comment on the superannuation fund to be used by the employer. This award potentially applies to all states and territories. The award binds specified: <ul style="list-style-type: none"> • organisations with cumulative national coverage; and • employers from all states and territories.
	Victorian Post-Compulsory and Higher Education Academic and Teaching Staff (Conditions of Employment) Award 2002 This award nominates a default fund and does not allow the employer to nominate any Complying Fund.		South Australian Post Compulsory and Higher Education Academic Staff (Conditions of Employment) Award 2002 The award does not comment on the superannuation fund to be used by the employer.	Higher Education Academic Staff Core Conditions of Employment Award 2005 The award does not comment on the superannuation fund to be used by the employer. This award potentially applies to all states and territories. This award binds specified: <ul style="list-style-type: none"> • an organisation with national coverage; and • employers from ACT, VIC, SA, NSW, TAS, WA & QLD.
	Victorian Universities (Controlled Entities and Affiliated Organisations) Employees' Award 2004 The award does not comment on the superannuation fund to be used by the employer.			Higher Education Contract of Employment Award 1998 The award does not comment on the superannuation fund to be used by the employer. This award potentially applies to all states and territories. The award binds specified: <ul style="list-style-type: none"> • organisations with cumulative national coverage; and • employers from all states and territories.
				Universities and Affiliated Institutions Academic Research Salaries (Victoria and Western Australia) Award 1989 The award does not comment on the superannuation fund to be used by the employer. This award potentially applies to all states and territories. The award binds specified:

				<ul style="list-style-type: none"> • organisation with national coverage; and • employers in VIC and WA.
				<p><u>Universities and Post Compulsory Academic Conditions Award 1999</u></p> <p>The award does not comment on the superannuation fund to be used by the employer.</p> <p>This award potentially applies to all states and territories.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> • organisations with cumulative national coverage; and • employers from all states and territories.

Higher Education Industry – General Staff – Award 2010

Modern Award	NSW	VIC	WA	All states and territories
Higher Education Industry – General Staff – Award 2010 The award covers employers in the higher education industry and their employees gained as general staff. Default fund: <ul style="list-style-type: none"> • Unisuper 	University of Newcastle Union Food and Beverage Staff (State) Award Clause 33 allows an employer to nominate any Complying Fund.	Education Services Industry Sector Order - Victoria 1998 The award does not comment on the superannuation fund to be used by the employer.	University, Colleges and Swanleigh Award 1980 Clause 33 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Higher Education Contract of Employment Award 1998 The award does not comment on the superannuation fund to be used by the employer. This award potentially applies to all states and territories. The award binds specified: <ul style="list-style-type: none"> • organisations with cumulative national coverage; and • employers from all states and territories.
		Higher Education Workers Victoria Award 2005 This award is divided into parts corresponding to category of general staff. Part 2(B) clause 8 specifies a default fund and does not allow the employer to nominate any Complying Fund. This applies to class 2(B) and 2(C) employees. The sections of the award covering employees in part 2(A), 3(A)-3(D) and 4(A)-4(C) do not comment on the superannuation fund to be used by the employer.	AN160283 – Salaried Staff Curtin University of Technology Award 1985 The award does not comment on the superannuation fund to be used by the employer.	Higher Education General and Salaried Staff (interim) Award 1989 The award does not comment on the superannuation fund to be used by the employer. This award potentially applies to all states and territories. The award binds specified: <ul style="list-style-type: none"> • organisations with cumulative national coverage; and • employers from ACT, NSW, QLD, SA, TAS & WA.
		Victorian Universities (Controlled Entities and Affiliated Organisations) Employees’ Award 2004 The award does not comment on the superannuation fund to be used by the employer.	Western Australia Universities General Staff Award 2002 The award does not comment on the superannuation fund to be used by the employer.	Higher Education General Staff Salaries and Classifications Award 2002 The award does not comment on the superannuation fund to be used by the employer. This award potentially applies to all states and territories. The award binds specified: <ul style="list-style-type: none"> • organisations with cumulative national coverage; and • employers from ACT, NSW, QLD & SA
				Queensland Universities (General Staff) Award 2000 The award does not comment on the superannuation fund to be used by the employer.

				<p>This award potentially applies to all states and territories.</p> <p>The award binds specified:</p> <ul style="list-style-type: none">• organisations with cumulative national coverage; and• employer from QLD.
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Manufacturing and Associated Industries and Occupations Award 2010

Modern Award	NSW	VIC	QLD	WA	SA	TAS	ACT/NT	More than one state or territory
Manufacturing and Associated Industries and Occupations Award 2010 (MA000010) Cover extends to Manufacturing and Associated Industries and Occupations. Default funds: <ul style="list-style-type: none"> • AustralianSuper; • LUCRF; • TasPlan; and • Sunsuper; 	Rubber Workers (State) Award Clause 11 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Metal Industry (Victorian Public Hospitals) Award 2002 The award does not comment on the superannuation fund to be used by the employer.	Rubber and Plastic Industry Award - State 2003 Clause 5.5 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Plastic Manufacturing Award 1977 Clause 35 specifies a default fund and does not allow the employer to nominate any Complying Fund.	South Australian Government Departments and Instrumentalities (Metal Trades) Award 1999 The award does not comment on the superannuation fund to be used by the employer. Clause 9 states that this award should be read in conjunction with Superannuation (Benefit Scheme) Act 1992 SA.	Rubber Trades Award Clause 20 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Metal Trades (Australian Capital Territory) Award 2000 Clause 27 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Rubber, Plastic and Cable Making Industry - General - Award 1998 Clause 27 specifies a default fund and does not allow the employer to nominate any Complying Fund. This award potentially applies to all states and territories. The award binds specified: <ul style="list-style-type: none"> • organisation with national coverage; and • employers from all states (including ACT but excluding NT).
	Gelatine and Glue Industry (State) Award Clause 31 specifies a default fund and does not allow the employer to nominate any Complying Fund.		Engineering Award - State 2002 Clause 5.9 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Metal Trades (General) Award 1966 Clause 33 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Metal Industry (South Australia) Award Appendix A specifies a default fund and does not allow the employer to nominate any Complying Fund.	Fibreglass and Plastics Award Clause 29 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Metal Industry (Northern Territory) Award 2003 Clause 5.12 specifies a default fund and does not allow the employer to nominate any Complying Fund.	Rubber, Plastic and Cable Making Industry - Technical and Supervisory Award 2000 The award does not comment on the superannuation fund to be used by the employer. This award applies to NSW, VIC, SA, TAS, WA and ACT. The award binds specified: <ul style="list-style-type: none"> • organisations with cumulative national coverage; and • employers from VIC.

	Plastic Moulding, &c. (State) Award Clause 25 specifies a default fund and does not allow the employer to nominate any Complying Fund.			Vehicle Builders' Award 1971 Clause 35 specifies a default fund and does not allow the employer to nominate any Complying Fund.		Metal and Engineering Industry Award Clause 12 specifies a default fund and does not allow the employer to nominate any Complying Fund.		Adhesives Industry and Gelatine Manufacturing Award 2001 Clause 21 specifies a default fund and does not allow the employer to nominate any Complying Fund. This award applies in all states and territories. The award binds specified: <ul style="list-style-type: none"> • organisation with national coverage; and • employers from NSW, VIC, ACT, SA, QLD & WA.
	Metal, Engineering and Associated Industries (State) Award The award does not comment on the superannuation fund to be used by the employer.					Automotive Industries Award Part III clause 6 specifies a default fund and does not allow the employer to nominate any Complying Fund.		Plastics, Resins, Synthetic Rubbers and Rubbers (Plastic Sheet Fabrication) Award 1999 Clause 23 specifies a default fund and does not allow the employer to nominate any Complying Fund. This award applies to all states and territories. The award binds specified: <ul style="list-style-type: none"> • organisation with national coverage; and • employers from NSW, ACT, NT, QLD, SA, VIC & WA.
	Coachmakers, &c., Rail (State) Award Clause 40 specifies a							Rubber, Plastic and Cable Making Industry - Rubber, Plastic, Adhesive Tape, Abrasive and Coated Materials Award 2000

	default fund and does not allow the employer to nominate any Complying Fund.							<p>Clause 25 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p> <p>This award potentially applies to all states and territories.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> • organisation with national coverage; and • employers from SA, NSW & VIC.
	Coachmakers, &c., Road and Perambulator Manufacturers (State) Award Clause 34 specifies a default fund and does not allow the employer to nominate any Complying Fund.							<p>Ionising Processing (Irradiation) Award 2002</p> <p>Clause 23 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p> <p>This award potentially applies to all states and territories.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> • organisation with national coverage; and • employers from VIC.
								<p>Metal, Engineering and Associated Industries Award 1998</p> <p>This award is divided up into 6 parts (Parts I-VI). Each part relates to a different class of employees.</p> <p>In relation to employees referred to in Parts I, II, III and V, the award specifies a default fund and does not allow the employer to</p>

								<p>nominate any Complying Fund.</p> <p>In relation to employees referred to in Parts IV and VI, the award does not comment on the superannuation fund to be used by the employer.</p> <p>Parts I-V apply to NSW, VIC, QLD, TAS & SA. Part VI applies to NSW and VIC.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> • organisations with cumulative national coverage; and • employers.
								<p>Draughting, Production Planners and Technical Workers Award 1998</p> <p>Clause 8.1 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p> <p>This award applies to all states and territories.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> • organisation with national coverage; and • employers from NSW, VIC, SA & TAS.
								<p>Industrial Services (Australian Workers' Union) Award 2002</p> <p>Schedule 2 specifies a default fund and does not allow the employer to nominate any</p>

							<p>Complying Fund.</p> <p>This award applies to NSW, VIC and QLD.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> • organisation with national coverage; and • employers from QLD.
							<p>Land Surveyors General - Award 1998</p> <p>Clause 5.5 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p> <p>This award applies in all states and territories.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> • organisation with national coverage; and • employers from VIC.
							<p>Metal, Engineering And Associated Industries (Professional Engineers and Scientists) Award 1998</p> <p>The award specifies a default fund and does not allow the employer to nominate any Complying Fund.</p> <p>This award applies in all states and territories.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> • organisation with national coverage.
							<p>Vehicle Industry Award 2000</p>

								<p>Clause 5.5 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p> <p>This award applies to NSW, VIC, QLD, SA and TAS.</p> <p>The award binds specified:</p> <ul style="list-style-type: none">• organisations with cumulative national coverage; and• employer organisations with cumulative national coverage.
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Hospitality Industry (General) Award 2010

Modern Award	NSW/ACT	VIC	WA	QLD	SA	TAS	NT	More than one state or territory
<p>Hospitality Industry (General) Award 2010 (MA000009)</p> <p>This award covers:</p> <ul style="list-style-type: none"> Clubs registered or recognised under State or Territory legislation; Boarding schools; Residential colleges; Hospitals; Industrial schools; Orphanages; Any council, county council, municipal council, shire, shire council or local government body; Off-shore island resorts; Theme parks; In-flight 	<p>Caterers Employees (State) Award NSW</p> <p>The award does not comment on the superannuation fund to be used by the employer.</p>	<p>Catering - Victoria - Award 1998</p> <p>Clause 23 specifies a nominated fund and does not allow an employer to nominate any Complying Fund.</p>	<p>Industrial Catering, Cleaning and Incidental Services (AWU and LHMU) Award 2000</p> <p>The award does not comment on the superannuation fund to be used by the employer.</p>	<p>Contract Catering and Industrial Services Award - South-Eastern Division 2004</p> <p>Clause 5.4 specifies nominated fund and does not allow an employer to nominate any Complying Fund.</p>	<p>Clerks (Clubs, Hotels and Motels) Award</p> <p>Clause 5.5 specifies nominated fund and does not allow an employer to nominate any Complying Fund.</p>	<p>Licensed Clubs Award</p> <p>Clause 39 specifies nominated funds and does not allow an employer to nominate any Complying Fund. However an employer can nominate an approved company scheme if listed in Appendix B.</p>	<p>Hotels, Motels, Wine Saloons, Catering, Accommodation, Clubs and Casino Employees (Northern Territory) Award 2002</p> <p>Clause 22 specifies nominated fund and does not allow an employer to nominate any Complying Fund.</p>	<p>Airport Catering Award 2002</p> <p>Clause 20 specifies nominated funds and does not allow an employer to nominate any Complying Fund.</p> <p>This award applies to all states and NT.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> organisation with national coverage; and employers from NSW, VIC, QLD & NT.
	<p>Club Employees (State) Award NSW</p> <p>Clause 31 specifies nominated fund and does not allow an employer to nominate any Complying Fund.</p>	<p>Licensed Clubs (Victoria) Award 1998</p> <p>Clause 27 specifies nominated fund and does not allow an employer to nominate any Complying Fund.</p>	<p>Clerks' (Hotels, Motels and Clubs) Award 1979</p> <p>Clause 27 specifies nominated fund and does not allow an employer to nominate any Complying Fund.</p>	<p>Clerical Award - Hotels, Resorts and Certain Other Licensed Premises - State (South East Queensland) 2002</p> <p>Clause 5.9 specifies nominated fund and does not allow an employer to nominate any Complying Fund.</p>	<p>Boarding Houses, Guest Houses, Etc., Award</p> <p>Clause 5.10 specifies nominated fund and does not allow an employer to nominate any Complying Fund.</p>	<p>Hotels, Resorts, Hospitality and Motels Award</p> <p>Clauses 43 and 77 specify nominated fund and does not allow an employer to nominate any Complying Fund.</p>		<p>The Hospitality Industry - Accommodation, Hotels, Resorts and Gaming Award 1998</p> <p>Clause 25 specifies nominated funds and does not allow an employer to nominate any Complying Fund.</p> <p>This award applies</p>

<p>catering for airlines;</p> <ul style="list-style-type: none"> Contract cleaning undertaken by companies not operating exclusively in the hospitality industry; Catering services provided by aged care employers (except where these services are provided by a hospitality industry employer for or within an aged care facility); <p>Default funds:</p> <ul style="list-style-type: none"> HOST-PLUS HOST-PLUS Queensland Trust Deed; Sunsuper; InTrust Super Fund; HostWest Superannuation Fund; and Westscheme 								<p>to NSW, VIC, TAS and South East Division of QLD.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> organisation with national coverage.
	Liquor and Allied Industries Catering, Cafe, Restaurant, Etc. (Australian Capital Territory) Award 1998 Clause 24 specifies nominated fund and does not allow an employer to nominate any Complying Fund.	Liquor and Accommodation Industry - Restaurants - Victoria - Award 1998 Clause 36 specifies nominated fund and does not allow an employer to nominate any Complying Fund.	Industrial Catering Workers' Award 1977 The award does not comment on the superannuation fund to be used by the employer.	Clerical Award - Registered and Licensed Clubs - State 2003 Clause 5.9 specifies nominated fund and does not allow an employer to nominate any Complying Fund.	Hotels, Clubs, Etc., Award Clause 5.5 specifies nominated fund and does not allow an employer to nominate any Complying Fund.	Restaurant Keepers Award Clause 34 specifies nominated fund and does not allow an employer to nominate any Complying Fund.		Liquor and Accommodation Industry - Licensed Clubs - Managers and Secretaries - Award 2002 Clause 17 specifies nominated funds and does not allow an employer to nominate any Complying Fund. This award potentially applies to all states and territories. The award binds specified: <ul style="list-style-type: none"> organisation with national coverage; and employers in QLD & VIC.
	Liquor Industries Hotels, Hostels, Clubs and Boarding Establishments etc. (Australian	Accommodation, Cafes and Restaurants Industry Sector - Minimum Wage Order - Victoria	Club Workers' Award, 1976 Clause 37 specifies nominated	Clerks' Award - Hotels and Registered Clubs - State 2003 Clause 5.6 specifies	Motels (South Australia) Award Clause 45 specifies			Motels, Accommodation and Resorts Award 1998 Clause 22 specifies

	Capital Territory Award, 1998 Clause 26 specifies nominated fund and does not allow an employer to nominate any Complying Fund.	1997 The award does not comment on the superannuation fund to be used by the employer.	fund and does not allow an employer to nominate any Complying Fund.	nominated fund and does not allow an employer to nominate any Complying Fund.	nominated fund and does not allow an employer to nominate any Complying Fund.			nominated fund and does not allow an employer to nominate any Complying Fund. This award applies to NSW, VIC, TAS, QLD (South East div) and excludes ACT. The award binds specified: <ul style="list-style-type: none"> • organisation with national coverage; and • employers in NSW, TAS, QLD & VIC.
	Liquor Trades Hotels (Australian Capital Territory) Award, 1998 Clause 22 specifies nominated fund and does not allow an employer to nominate any Complying Fund.		Hotel and Tavern Workers' Award, 1978 Clause 38 specifies nominated fund and does not allow an employer to nominate any Complying Fund.	Queensland Accommodation Clerical Award 2005 Clause 5.8 specifies nominated fund and does not allow an employer to nominate any Complying Fund.	Cafes and Restaurants (South Australia) Award Clause 5.4 allows an employer to nominate any complying superannuation fund.			Liquor and Accommodation Industry – Hotels, Resorts and Gaming – (Managerial Staff) - Award 2003 Clause 17 specifies nominated fund and does not allow an employer to nominate any Complying Fund. The award applies to NSW, VIC, QLD, SA, WA and TAS. The award binds specified: <ul style="list-style-type: none"> • organisations

								with cumulative national coverage.
	Hotel Employees (State) Award NSW The award does not comment on the superannuation fund to be used by the employer.		Motel, Hostel, Service Flats and Boarding House Workers' Award 1976 Clause 37 specifies nominated fund and does not allow an employer to nominate any Complying Fund.	Clubs Etc. Employees' Award - South East Queensland 2003 Clause 5.6 specifies nominated fund and does not allow an employer to nominate any Complying Fund.	Delicatessens, Canteens, Unlicensed Cafes and Restaurants etc. Award Clause 5.7 specifies nominated fund and does not allow an employer to nominate any Complying Fund.			
	Motels, Accommodation and Resorts (State) Award NSW Clause 17 specifies nominated fund and does not allow an employer to nominate any Complying Fund.		Restaurant, Tearoom and Catering Workers' Award, 1979 Clause 5.6 specifies nominated fund and does not allow an employer to nominate any Complying Fund.	Accommodation Industry (Other Than Hotels) Award - South-Eastern Division 2003 Clause 5.6 specifies nominated fund and does not allow an employer to nominate any Complying Fund.				
	Restaurants, &c., Employees (State) Award NSW The award does not comment on			Boarding House Employees Award - State (Excluding South-East Queensland) 2003				

	the superannuation fund to be used by the employer.			Clause 5.6 specifies nominated fund and does not allow an employer to nominate any Complying Fund.				
				Hotels, Motels, Resorts and Accommodation Award - State (Excluding South-East Queensland) 2005 Clause 5.7 specifies nominated fund and does not allow an employer to nominate any Complying Fund.				
				Hotels, Resorts And Accommodation Industry Award - South-Eastern Division 2002 Clause 5.5 specifies nominated fund and does not allow an employer to nominate any Complying Fund.				
				Hotels, Resorts and Certain Other Licensed Premises Award - State (Excluding South-East Queensland) 2003 Clause 5.7 specifies				

				nominated fund and does not allow an employer to nominate any Complying Fund.				
				Off-Shore Island Resorts Award - State 2005 Clause 5.5 specifies nominated fund and does not allow an employer to nominate any Complying Fund.				
				Hospitality Industry - Restaurant, Catering and Allied Establishments Award - South-Eastern Division 2002 Clause 5.6 specifies nominated fund and does not allow an employer to nominate any Complying Fund.				

Textile, Clothing, Footwear and Associated Industries Award 2010

Modern Award	NSW	QLD	WA	SA	TAS	More than one state or territory
<p>Textile, Clothing, Footwear and Associated Industries Award 2010</p> <p>The award covers the following industries:</p> <ul style="list-style-type: none"> • textile; • clothing; • bag making; • button making; • footwear; • allied manufacturing and fabricating; and • their employees engaged in duties covered by the classifications in this award <p>Default fund:</p> <ul style="list-style-type: none"> • Australian Super Fund 	<p>AN120060 – Bootmakers and Heel Bar Operatives, &c. (State) Award</p> <p>Clause 36 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>AN140070 – Clothing Trades Award - State (Excluding South-East Queensland) 2003</p> <p>Clause 5.8 allows other complying superannuation fund (ie conforming to the Cth Governments' Operational Standards for occupational superannuation funds)</p>	<p>Bespoke Bootmakers' and Repairers' Award No. 4 of 1946</p> <p>The award does not comment on the superannuation fund to be used by the employer.</p>	<p>AN150016 – Boot and Shoe Award 2006</p> <p>Clause 5.5 allows employer to nominate any Complying Fund.</p>	<p>AN170018 – Clothing Industry Award</p> <p>The award does not comment on the superannuation fund to be used by the employer.</p> <p>Clause 30 states that the superannuation legislation governs rights and obligations of parties.</p>	<p>AP772144CAV - Clothing Trades Award 1999</p> <p>Clause 30 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p> <p>Award applies to all states and territories but only applies to the part of QLD see clause 6.1.8).</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> • organisation with national coverage; and • employers in SA, TAS, WA, VIC, NSW & QLD.
	<p>AN120099 – Button Makers (State) Award</p> <p>Clause 21 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>AN140120 – Footwear Manufacturing Award - State 2005</p> <p>Clause 5.6 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>AN160081 – Clothing Trades Award 1973</p> <p>Clause 32 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>AN150041 – Clothing Trades Award</p> <p>Clause 5.5 allows employer to nominate any Complying Fund.</p>	<p>AN170118 – Bootmakers Award</p> <p>Clause 8 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>AP781127CRV - Footwear Industries Award 2000</p> <p>Clause 24 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p> <p>The award potentially applies to all states.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> • organisations with cumulative national coverage; and • employers in all states.
	<p>AN120135 – Clothing Trades (State) Award</p> <p>Clause 55 specifies a default fund and does not allow the</p>	<p>AN140286 – Surgical Bootmaking, Bespoke Bootmaking and Boot Repairing Award - State 2003</p> <p>Clause 5.4 allows employer to</p>	<p>AN160021 – Bag, Sack and Textile Award</p> <p>Clause 34</p>		<p>AN170105 – Textile Award</p> <p>Clauses 21 and 50 specify a default</p>	<p>Textile Industry Award 2000</p> <p>Clause 33 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>

	employer to nominate any Complying Fund.	nominate any complying superannuation fund (ie conforming to the CGOSOS).	specifies a default fund and does not allow the employer to nominate any Complying Fund.		fund but do not allow the employer to nominate any Complying Fund.	<p>The award applies to all states and territories.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> • organisation with national coverage; and • employers in all states and territories.
	<p>AN120213 – Footwear Manufacturing Industry (State) Award</p> <p>Clause 50 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>	<p>AN140071 – Clothing Trades Award - Southern and Central Divisions 2003</p> <p>Clause 5.9 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>				<p>Felt Hatting Industry Award 1999</p> <p>Clause 30 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p> <p>The award applies to all states and territories.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> • organisation with national coverage; and • employers in VIC & NSW.
	<p>AN120549 – Textile Industry (State) Award</p> <p>Clause 53 specifies a default fund and does not allow the employer to nominate any Complying Fund.</p>					<p>Fibre Processing Industry Award 1998</p> <p>The award does not comment on the superannuation fund to be used by the employer.</p> <p>The award potentially applies to all states and territories.</p> <p>The award binds specified:</p> <ul style="list-style-type: none"> • organisation with national coverage; and • employers in VIC & NSW.

Notes:

Throughout the various awards set out in this table, complying superannuation funds are referred to in different ways. For example, in some awards it is referred to as:

- a fund that comply with the Commonwealth Government's operational standards for occupational superannuation;
- a fund that complies with the Occupational Superannuation Standards Act and Regulations and any other relevant Government requirements; or
- a Complying Fund within the meaning in the Superannuation Guarantee (Administration) Act 1992 Cth.

In his table, we refer to complying superannuation funds generically as **Complying Funds** irrespective of how is so described in the relevant award.

IRA means Industrial Relations Act 1996 (NSW).

Superannuation Legislation means:

- Superannuation Guarantee (Administration) Act 1992;
- Superannuation Guarantee Charge Act 1992;
- Superannuation Industry (Supervision) Act 1993; and
- Superannuation (Resolution of Complaints) Act 1993.