



# About the F46 Application Form

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## Application to vary a modern award

### Who can use this form

Use this form if you want to make an application for the Fair Work Commission (the Commission) to make:

- a modern award,
- a determination varying a modern award, or
- a determination revoking a modern award.

You should only use this form to make an application **outside** of the system of the 4 yearly reviews of modern awards (4 yearly reviews) or the annual wage reviews.

You must be a person, organisation or outworker entity covered by the modern award to be eligible to make an application, or be an organisation that is entitled to represent the industrial interests of the person(s) or organisation(s) that are covered by the modern award.

You may make applications for 2 or more related things at the same time, depending on the kind of application you want to make. See section 158 of the *Fair Work Act 2009* (the FW Act) for more information about who may apply to make a modern award or for a determination varying or revoking a modern award.

### About varying modern awards

The Commission must ensure that modern awards, together with the National Employment Standards, provide a fair and relevant minimum safety net of terms and conditions. In order to achieve the modern awards objective, the Commission must take into account the matters set out in section 134 of the FW Act, such as relative living standards and the needs of the low paid.

The FW Act allows the Commission to make a modern award, or make a determination varying or revoking a modern award **outside** of the system of 4 yearly reviews if the Commission is satisfied that to do so is necessary to achieve the modern awards objective (s.157(1)).

The Commission may also make a determination varying modern award minimum wages **outside** of the 4 yearly review and the system of annual wage reviews if the Commission is satisfied that to do so is:

- justified by work value reasons, and
- necessary to achieve the modern awards objective (s.157(2)).

Note: section 157 to 160 of the FW Act set out other situations where the Commission may vary a modern award.

See the Commission's [Awards and Agreements](#) web page for more information about the 4 yearly review and the annual wage review.

### Lodgement and service of your completed form

**1. Lodge** this application and any supporting documents with the Commission.

You can lodge your application by post, by fax or by email or in person at the [Commission's office](#) in your State or Territory.

**2. Serve a copy of your application and any supporting documents** on each Respondent listed in the application as soon as practicable after lodging with the Commission. You can send this

application and supporting documents in a number of ways, including by email or by express or registered post.

## Where to get help

### Commission staff & resources

Commission staff cannot provide legal advice. However, staff can give you information on:

- processes in the Commission
- **how to make an** application to the Commission
- how to fill out forms
- where to find useful documents such as legislation and decisions
- other organisations that may be able to assist you.

The Commission's website [www.fwc.gov.au](http://www.fwc.gov.au) also contains a range of information that may assist.

### Throughout this form



This icon appears throughout the form. It indicates information to help you answer the question following.

### Legal or other representation

Representation is where another person (such as a lawyer or union official) speaks or acts on your behalf in relation to your matter. There is no requirement for you to be represented when you appear at the Commission. You will need the permission of the Commission member dealing with your case if you wish to be represented by a lawyer or paid agent unless that person is:

- a bargaining representative, or
- employed by a union or employer organisation, a peak union or peak employer body, or
- one of your employees or officers (if you are an employer).

If you decide to represent yourself in proceedings you will need to make sure you are well prepared.

### Glossary of common terms

**Applicant**—This is the person or organisation that is making an application.

**Party**—A party is a person or organisation involved in a matter or case that is brought to the Commission.

**Respondent**—The person or business responding to an application made by an Applicant.

**Service**—Serving a document means giving a copy of the document to a person or organisation, usually to the other party to the matter. You can serve a document in a number of ways, including by email, fax, express or registered post, or in person. Parts 7 and 8 of the Fair Work Commission Rules 2013 deal with service.

### Privacy

The Commission collects the information (including personal information) provided to it in this form for inclusion on the case file, and may disclose this information to the other parties to this matter and to other persons. For more details of the Commission's collection, use and disclosure of this information, please see the [Privacy Notice](#) for this form, or ask for a hard copy to be provided to you.



**Remove this cover sheet** and keep it for future reference—it contains useful information

## Form F46 Application to vary a modern award

Fair Work Act 2009, ss.157–160

This is an application to the Fair Work Commission to make a modern award or make a determination varying or revoking a modern award, in accordance with Part 2-3 of the Fair Work Act 2009.

### The Applicant



These are the details of the person who is making the application.

Title	<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)	Blake		
Surname	Robson		
Postal address	Level 8, 28 Margaret St		
Suburb	SYDNEY		
State or territory	NSW	Postcode	2000
Phone number	(02) 9242 4148	Fax number	(02) 9242 4188
Email address	Blake.Robson@lgnsw.org.au		

If the Applicant is a company or organisation please also provide the following details

Legal name of business	Local Government and Shires Association of New South Wales
Trading name of business	Local Government NSW
ABN/ACN	49 853 9113 882
Contact person	Blake Robson

Does the Applicant need an interpreter?



If the Applicant requires an interpreter (other than a friend or family member) in order to participate in conciliation, a conference or hearing, the Fair Work Commission will provide an interpreter at no cost.

Yes—Specify language

No

Does the Applicant require any special assistance at the hearing or conference (e.g. a hearing loop)?

Yes— Please specify the assistance required

No

Does the Applicant have a representative?



A representative is a person or business who is representing the Applicant. This might be a lawyer, or a representative from a union or employer association. There is no requirement to have a representative.

Yes—Provide representative's details below

No

### Applicant's representative



These are the details of the person or business who is representing the Applicant.

Name of person			
Organisation			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

### 1. Coverage

1.1 What is the name of the modern award to which the application relates?



Include the Award ID/ Code No. of the modern award

Local Government Industry Award 2010- MA000112
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1.2 What industry is the employer in?

Local Government
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## 2. Application

### 2.1 What are you seeking?

Specify which of the following you would like the Commission to make:

- a determination varying a modern award  
 a modern award  
 a determination revoking a modern award
- ### 2.2 What are the details of your application?

Local Government NSW on behalf of the combined State and Territory Local Government Associations (jointly the LGA) seeks to amend Clause 20.4 of the Local Government Industry Award 2010, to reflect changes to the trading names of two default funds listed.

The proposed amendments to subclause 20.4 shall read as follows:

"20.4 Superannuation fund

Unless, to comply with superannuation legislation, the employer is required to make the superannuation contributions provided for in clause 20.2 to another superannuation fund that is chosen by the employee, the employer must make the superannuation contributions provided for in clause 20.2 and pay the amount authorised under clauses 20.3(a) or (b) to one of the following superannuation funds or its successor:

- (a.) LGsuper;
- (b.) Local Government Superannuation Scheme (LGSS);
- ~~(c.)~~ Quadrant Superannuation Scheme;
- ~~(d.)~~(c.) Tasplan;
- ~~(e.)~~(d.) Vision Super;
- ~~(f.)~~(e.) WA Local Government Superannuation Plan;
- ~~(g.)~~(f.) City of Perth Superannuation Fund;
- ~~(h.)~~(g.) Local SuperStatewide Super;
- ~~(i.)~~(h.) any superannuation fund to which the employer was making superannuation contributions for the benefit of its employees before 12 September 2008, provided the superannuation fund is an eligible choice fund and is a fund that offers a MySuper product or is an exempt public sector scheme; or
- ~~(j.)~~(i.) a superannuation fund which the employee is a defined benefit member of."

Attach additional pages, if necessary.

### 2.3 What are the grounds being relied on?

Using numbered paragraphs, specify the grounds on which you are seeking the proposed variations.



You must outline how the proposed variation etc is necessary in order to achieve the modern awards objective as well as any additional requirements set out in the FW Act.

1. In correspondence dated 26 May 2017, the LGA were advised by the Fair Work Commission ('the Commission') that modern award default fund terms may only be varied outside a four yearly review pursuant to section 160 of the *Fair Work Act 2009* (Cth) ('the Act').
2. In accordance with section 160 (1) of the Act, the Commission has the ability to make a determination varying a modern award to remove an ambiguity or uncertainty or to correct an error.
3. Section 160 (2) (c) provides that an application may be brought by an organisation that is entitled to represent the interests of one or more employers or employees that are covered by the Award. On this basis a joint application is made by the LGA to amend Clause 20.4 of the *Local Government Industry Award 2010* ('the Award').
4. The LGA assert that amendments to Clause 20.4 of the Award will remove any ambiguity or uncertainty in relation to the current list of funds. Specifically the proposed amendments identified above will remove funds which have ceased to exist.
5. I refer to the attached "Annexure A", which identifies that on 30 November 2015 "Quadrant Superannuation Scheme" merged with "Tasplan". As a result, members of the Quadrant Superannuation Scheme were transferred to the Tasplan fund through a 'successor fund transfer'. The effect of this change is that Quadrant Superannuation Scheme ceased to exist from 1 December 2015.
6. The reference to "Quadrant Superannuation Scheme' is obsolete; on this basis Clause 20.4 sub-clause (c) should be deleted.
7. On 1 July 2012 "Local Super" merged with "StatewideSuper", as a result the merged fund has been trading under the name "StatewideSuper" from 1 January 2013. The attached "Annexure B" identifies that members of Local Super were transferred to StatewideSuper through a 'successor fund transfer'. The modern award term eprmits contributions to be made to StatewideSuper as the 'successor fund'.
8. The reference to "Local Super" in Clause 20.4 sub-clause (h) is obsolete and should be deleted and replaced with a reference to "Statewide Super".
9. The proposed variations to the default terms would not alter the operation of the Local Government Industry Award. By updating the list of funds contained in clause 20.4 of the Award, the LGAs seek to remove any ambiguity or uncertainty which may arise.

Attach additional pages, if necessary.

## Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature	Blake Robson
Name	Blake Robson
Date	14/07/2017
Capacity/Position	Graduate Officer- Local Government NSW



Where this form is not being completed and signed by the Applicant, include the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS

# The Quadrant/Tasplan merger is officially complete

We've merged, right on schedule! And we're very excited about operating as one fund.

Members of each fund recently received a letter, formally outlining the details of the merger and what this will likely mean for them. This letter included details about fees, insurance and investment options. It also outlined the timetable of events including system changes and, of course, the official timing of the merger.

The merger officially took place on 30 November. At this time, we moved all Quadrant accounts to Tasplan and the two organisations became one. This is a significant and positive step for super in Tasmania. It means a bigger, stronger Tasmanian fund that will invigorate the Tasmanian economy and put Tassie on the national super map through through investments, employment and a commitment to excellence.

## Investment

With substantial investments in the state, already, the new Tasplan Board has extended its commitment to investing in Tasmanian businesses through the Tasmanian Growth and Development Fund by a further \$20 million. This pledge is expected to provide both good investment returns for members and inject much needed capital into the Tasmanian economy.

## Employment

Further, Tasplan has brought its administration and call centre operations from the mainland to Hobart. Ahead of the merger, Tasplan has implemented a new contact centre and administration function in Hobart.

To support the new business model, Tasplan has employed 38 new, local staff – a total of 88 full time equivalent employees – with more recruitment likely.

## A commitment to excellence

Tasplan has implemented new IT Infrastructure. The new system efficiently administers Tasplan's 100,000 members and can easily handle up to 200,000 members. This system is leading edge in the national super industry. It not only allows Tasplan to satisfy its current membership's needs but means it can also offer services to other super funds.

The in house contact centre, enhanced administration systems and increased staffing levels means the organisation represents a true centre of excellence in Tasmania.

Not only that, the Quadrant/Tasplan merger puts the new Tasplan in a robust position to deliver on its current strategic intent of growth through a potential merger with the RBF Tasmanian Accumulation Scheme.

The newly formed fund would have around 165,000 members, managing around \$6.5 billion and delivering significant economies of scale and value for money for its members. If it goes ahead, it will be a huge step for super in the state – and enormously beneficial for Tasplan members, Tasplan staff and the Tasmanian community.

We'll regularly keep you up-to-date as the merger plans progress.

If you have any questions or concerns, feel free to get in touch on 1800 005 166 or at [info@tasplan.com.au](mailto:info@tasplan.com.au) (<mailto:info@tasplan.com.au>)

Thank you for your continued loyalty as we consolidate our fund's position as a secure and sustainable Tasmanian organisation.



**StatewideSuper**  
The industry fund for South Australians.

**LOCAL  
SUPER**  
*Where members come first*

# MergerUpdate

effective 1 July 2012

**Great news!** StatewideSuper and Local Super will be merging from 1 July 2012.

The merged fund will have over 160,000 members, making it the state's leading South Australian-based Industry fund, with over \$4 billion in funds under management.

There'll be no change to the excellent level of service that you currently enjoy, and it will be 'business as usual' once the merger takes place.

#### About the merged fund

From 1 July 2012, StatewideSuper and Local Super will merge but will keep their own branding. We'll communicate any future changes to the branding before they come into effect.

The merged fund will be proudly South Australian owned and operated, providing a sustainable and uniquely South Australian value proposition to all our members and employers, with its heart in our great state.

#### When does the merger take place?

The Trustees of StatewideSuper and Local Super have agreed in principle to merge and as a result Local Super will merge with StatewideSuper on 1 July 2012.

The transition process to the merged fund will take place throughout 2012-13.

#### What will happen to my StatewideSuper account?

Nothing. There will be no administration changes to your account details.



In this update,  
you'll find important  
information that you need  
to know about the merger  
and what it means for you.  
Read on to find out more!

## Merger Update

### The new Board

On 1 July 2012, the merged fund's Board will be as shown in the table below:

The Chair of the merged fund will be independent director Juliet Brown.	
Representative director	Appointed by
Brian Hurn John Rich Employer representative directors	Local Government Association of South Australia
Nick Begakis AM Greg Boulton AM Mike Terlet AO Employer representative directors	Business SA
Ian Steel Katrine Hildyard Kenneth Williams Member representative directors	Australian Services Union SA/NT
Wayne Hanson Member representative director	Australian Workers Union
Janet Giles Member representative director	SA Unions

### Even more benefits from the super fund you know and trust

The merger will create many benefits, including cost, service and investment advantages. Like all industry funds, the merged fund will be run solely to benefit you - our members, with all profits returned to you in the form of lower fees and charges.

Of course, you'll still have access to StatewideSuper's Advantage Program!

Our exclusive StatewideSuper Advantage Program provides local South Australian businesses with the opportunity to present short-term promotional offers for their products and services in our newsletters, regular e-news and e-updates. From discounted shoes, chocolates and travel to great deals on training and services - there's something for everyone.

If you're not yet making the most of the Advantage Program, simply sign up for e-news from the home page of the StatewideSuper website, [www.statewide.com.au](http://www.statewide.com.au). You'll soon have special offers coming straight to your inbox.

All of StatewideSuper's other great products and services will continue to be provided for our members, including:

- Low-cost insurance
- A choice of investment options
- Access to financial planning\*
- Competitive retirement products
- Regular e-news, e-updates and member newsletters
- A friendly and professional Client Services team to help you with all your super enquiries.

### What happens next?

You won't notice any immediate changes once the merger takes effect on 1 July 2012, as all of our StatewideSuper products will remain the same and you'll still have access to the friendly South Australian service that you've come to expect.

This is an exciting time for StatewideSuper, and we want to make sure you're kept up to date with the latest information. So keep an eye out for our merger or scheme updates, which will be coming your way over the next 12 months.

In the meantime, if you'd like more information, why not check out the Frequently Asked Questions in the 'About us' section of our website, [www.statewide.com.au](http://www.statewide.com.au)?

### Contacting StatewideSuper?

Our contact details aren't changing, and our friendly Client Services team can still be contacted by:

Telephone: **1300 65 18 65**  
 Fax: **08 8217 8555**  
 Email: **info@statewide.com.au**  
 Web: **www.statewide.com.au**

And you can still pop in to our office, centrally located in the CBD, for a chat. You'll find us on the Ground Floor, 99 Gawler Place, Adelaide SA 5001.

Remember, StatewideSuper is proudly South Australian - just like you!