

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Budget Estimates 2011-2012**

Outcome 5 - Workplace Relations

DEEWR Question No. EW0159_12

Senator Fisher provided in writing.

Question

Superannuation

1. Can the department please conduct a qualitative and quantitative analysis of issues dealt with in each of the following clauses (numbered below) in the attached agreement, with any agreement approved by the Fair Work Australia (FWA) in comparable sectors or industries?

Superannuation law guarantees that employees have a right to choose their superannuation fund. However, this Agreement appears to remove that right, forcing employers to send employees' superannuation amounts to one of three specified funds (clause 4.3.5).

Answer

Superannuation law provides that employees engaged under certain types of industrial instruments, including collective or individual workplace agreements, are deemed to have exercised choice of fund in the process of negotiating and forming their agreement.

In respect to provisions in agreements dealing with the issue of choice of superannuation funds, Table 1 shows the number and percentage of agreements that list one or more specific superannuation funds to which employer superannuation contributions are to be paid.

It should be noted that agreements covered by Table 1 do not necessarily preclude other funds also being available to employees, as some agreements may allow additional choice to be exercised in addition to the funds listed.

Table 1 - Agreements with specified fund(s) – agreements approved under Fair Work Act 2009 (FW Act), by Australia New Zealand Standard Industrial Classification (ANZSIC) - 2010:

ANZSIC Division	Number of agreements	Number of employees	Percentage of agreements	Percentage of employees
Agriculture, Forestry and Fishing	176	3278	71.5	56.0
Mining	91	8546	53.8	72.7
Manufacturing	868	65077	58.5	65.3
Electricity, Gas, Water and Waste Services	109	9653	73.6	64.8
Construction	1666	25835	73.0	69.2
Wholesale Trade	100	5536	65.4	71.2
Retail Trade	262	125494	65.3	95.1
Accommodation and Food Services	223	28469	61.9	86.8
Transport, Postal and Warehousing	340	30620	63.2	35.2
Information Media and Telecommunications	41	6896	61.2	24.0
Financial and Insurance Services	27	64710	45.8	59.6
Rental, Hiring and Real Estate Services	55	1027	37.2	41.6
Professional, Scientific and Technical Services	74	6793	60.2	71.3
Administrative and Support Services	157	10568	65.4	61.6
Public Administration and Safety	202	89384	73.2	85.7
Education and Training	206	192207	78.9	89.0
Health Care and Social Assistance	658	110413	83.3	75.4
Arts and Recreation Services	40	9474	30.5	51.0
Other Services	94	5939	57.7	67.9
TOTAL	5389	799919	67.1	73.4

Source: Department's Workplace Agreements Database (WAD). The data provided is for 2010 agreements only as this provision was first coded in 2010.

Enterprise agreements are made at an enterprise level between employers and employees to address the needs and contexts of individual workplaces. Undertaking a meaningful qualitative analysis comparing particular clauses in individual agreements is not feasible in the absence of an understanding of the particular circumstances and contexts facing the parties entering into those agreements.