

122/1993 (29th January, 1993)

Industrial Relations Commission Decision 122/1993; [1993] 122 IRCommA

Dec 122/93 M Print K6457

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

[Industrial Relations Act 1988](#)
[s.113](#) applications for variation

The Federated Furnishing Trade Society of Australasia
(C Nos 30931, 30932 and 30934 of 1992)

GLASS MERCHANTS AND GLAZING CONTRACTORS (TASMANIA) AWARD 1976(1)
(ODN C No. 02591 of 1976)

GLASS MERCHANTS AND GLAZING CONTRACTORS (VICTORIA) CONSOLIDATED
AWARD 1988(2)
(ODN C No. 32180 of 1988)



GLASS MERCHANTS AND GLAZING CONTRACTORS (SOUTH AUSTRALIA)
(CONSOLIDATED) AWARD 1984(3)
(ODN C No. 02709 of 1976)

Various employees

Glass industry

DEPUTY PRESIDENT WATSON

MELBOURNE, 29 JANUARY 1993

Labour on-costs - superannuation - exemption - agreed position regarding provisions which should apply in respect of members of  **the Brethren** 
conciliated
- order made.

DECISION

The following is a decision (now edited) given in transcript at Melbourne on 20 January 1993:

In a decision on 4 January 1993(4) I approved applications for the insertion of superannuation provisions in the Glass Merchants and Glazing

Contractors (Tasmania) Award 1976, the Glass Merchants and Glazing Contractors (South Australia) (Consolidated) Award 1984 and the Glass Merchants and Glazing Contractors (Victoria) Consolidated Award 1988.

In that decision I determined an interim provision to apply in respect of exemption for members of the Christian fellowship known as **the Brethren** to apply until disagreement between members of **the Brethren** and The Federated Furnishing Trade Society of Australasia (the Society) as to the form of a final exemption could be determined, and I set down proceedings for Wednesday, 20 January 1993 to deal with the issue by conciliation and, if necessary, arbitration.

In the event, conciliation has occurred by way of separate discussions between myself and **the Brethren** on one hand, and myself and the Society on the other, and that process has led to an agreed position as to the ultimate provision which should apply in respect of members of **the Brethren**. That provision is as follows, in subparagraph (c)(i)(3), the interim provision determined will be replaced by the following words:

- (1)Print C6877 [G003]; (1976) 176 CAR 813 (2)Print H4634 [G034]
(3)Print F6568 [G005] (4)Print K6113

"The provisions of this clause will not apply to named respondents and their employees who are members of the religious fellowship known as **the Brethren**, who are in receipt of a certificate of exemption as provided for in [section 267](#) of the [Industrial Relations Act 1988](#). Provided the employer contributes to a fund which meets the criteria required by the Insurance and Superannuation Commission and is in accordance with the principles of National Wage Case decisions. The name of such fund and evidence that the fund complies with the Insurance and Superannuation Commission's criteria shall be advised in writing to the Registrar of the Australian Industrial Relations Commission."

The order giving effect to my decision of 4 January 1993 has not as yet been issued. In those circumstance I would intend to issue a single order in the terms of exhibits L6 to L8 but amended to reflect the words in subparagraph which I have just referred to. The total order in those terms will apply from the first pay period to commence on or after 21 December 1992, consistent with my earlier decision, and shall remain in force for a period of six months.

Appearances:



A. Apted and R.A. Lowe for The Federated Furnishing Trade Society of Australasia.

D. Blanksby for the Victorian Glass Merchants Association.

D. Hope for The Australian Chamber of Manufactures, the Chamber of Commerce and Industry, South Australia Inc. and the South Australian Employers Federation.

R. Hamilton for the Confederation of A.C.T. Industry with T. Edwards for the Tasmanian Confederation of Industry and R. Saunders for the Chamber of Commerce and Industry, South Australia Inc.

S. Day for The Australian Chamber of Manufactures, the Tasmanian Confederation of Industry, the Chamber of Commerce and Industry, South Australia Inc., the South Australian Employers Federation and the Confederation of A.C.T. Industry.

D.I. Hornsey for Leadlight Originals and on behalf of the Christian Fellowship known as  **the Brethren** .

R. Hamilton and D. Gregory for the Confederation of Australian Industry (intervening).

Dates and place of hearing:

1992.

Melbourne:

June 18;

August 18;

October 6;

November 5;

December 21.

1993.

January 20.

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