Fair Work Amendment Bill 2013

(Amendments to be moved by Mr Bandt)

(1) Clause 2, page 2 (after table item 10), insert:

10A. The day after this Act receives the Royal Assent.

[commencement]

(2) Page 29 (after line 14), after Schedule 5, insert:

Schedule 5A—Increases to compulsory superannuation not to affect minimum wage reviews or orders

Fair Work Act 2009

1 At the end of section 285

Add:

(4) In exercising its power in an annual wage review:
(a) to make determinations referred to in paragraph (2)(b); and
(b) to make a national minimum wage order;
the FWC must disregard any increase in relevant superannuation contributions that takes effect after this subsection commences.

(5) Relevant superannuation contributions are contributions to a superannuation fund made by an employer to the extent that one or more of the following applies:
(a) the employer would have been liable to pay superannuation guarantee charge under the Superannuation Guarantee Charge Act 1992 in relation to the person if the amounts had not been so contributed;
(b) the employer is required to contribute to the fund for the employee’s benefit in relation to a defined benefit interest (within the meaning of section 292-175 of the Income Tax Assessment Act 1997) of the employee;
(c) the employer is required to contribute to the fund for the employee’s benefit under a law of the Commonwealth, a State or a Territory.

[increases to compulsory superannuation not to affect minimum wage reviews or orders]