

# AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

## AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

FILED: ACT :04 Jun 1999

C No. 90223/99

### s.99 Notification of industrial disputes

H0017

Hospital Employees etc. (Nursing Staff A.C.T.) Award 1980  
[ODN C01127/78] - Commonwealth employment  
[Ref: Print E5101]

Subject: O OTHER  
Re: Superannuation entitlements

Applicant:  
Australian Nursing Federation

Respondent:  
A.C.T. Government

Referred to: MacBean SDP

DEEGANIC

TIME	DATE	PLACE OF HEARING	TIME	DATE	PLACE OF HEARING
3:30	WEDNESDAY 16 JUNE 99	CBR - CONFERENCE			
10:15	MON 28 JUNE 99	CBR - HEARING			

RECORDS MANAGEMENT  
MEL3166767

### RESULT

N.F.A.

### RECORDS MANAGEMENT USE ONLY

DS 592	ARCHIVE TRANSFER DATE
ENTRY 1.1	TRANSFER DATE Jun 2002
	DESTRUCTION DATE
TRANSCRIPT	EXHIBITS
ON FILE	ON FILE
NONE RECORDED	NONE SUBMITTED
BOUND VOL	HELD SEPARATELY
No.	No.

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No.	DOCUMENTS	No.	DOCUMENTS
1	NOTIFICATION + S100 / s103	16	
2	LISTING	17	
3	SUPPORTING DOCUMENTS	18	
4	EXHIBITS ANF1 - ANF-15	19	
5	DRAFT ORDER	20	
6	CORRESPONDENCE	21	
7	TRANSCRIPT	22	
8		23	
9		24	
10		25	
11		26	
12		27	
13		28	
14		29	
15		30	

#### PROCEDURES FOR COMPLETION OF COMMISSION FILES

If documents are required to complete a file, the copy file should be obtained from the Victorian Registry for this purpose.

File documents must be ordered in the following manner:

- Originating documents e.g. notification of dispute, application to vary.
- Supporting documents e.g. affidavits, orders for substituted service, if any.
- Affidavits of service if any.
- Notice or request for hearing/listing, in date order.
- Correspondence, such as letters, telexes, facsimiles, etc. in date order.
- Record of findings.
- Exhibits.
  - Exhibits list to be completed and placed on top of exhibits.
  - If exhibits are too large to attach to file, file material with cloth tape and then tie file and exhibits together.
- References (documents which may have been tendered in court but not marked as exhibits).

- Transcript -
  - To be placed on file in page no. order, starting with page 1 working down to last page.
  - If transcript is too large to attach to file, tie material with cloth tape and then tie file and transcript together.
  - If transcript is "in-confidence, then those pages are to be placed in a sealed envelope and marked with the following:
    - "The enclosed transcript is confidential and cannot be read without the permission of the presiding Member of Industrial Registrar".
    - The following information should also appear on the sealed envelope.
      - case no.
      - presiding member
      - date and time of proceeding
      - page numbers
      - transcript code.
- Draft orders/awards/etc. received from the parties.
- Order/award/decision etc. (signed original plus copy).

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## **TRANSCRIPT OF PROCEEDINGS**

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**AUSTRALIAN INDUSTRIAL**

**RELATIONS COMMISSION**

**COMMISSIONER DEEGAN**

**C No 90223 of 1999**

**C No 90233 of 1999**

**C No 90234 of 1999**

**C No 90245 of 1999**

**C No 90246 of 1999**

**C No 90249 of 1999**

**C No 90250 of 1999**

**C No 90251 of 1999**

**C No 90257 of 1999**

**AUSTRALIAN NURSING FEDERATION**

**and**

**ACT GOVERNMENT**

**CPSU, THE COMMUNITY AND  
PUBLIC SECTOR UNION**

**and**

**CHIEF MINISTER OF THE ACT  
and OTHERS**

**AUSTRALIAN SALARIED MEDICAL  
OFFICERS FEDERATION**

**and**

**ACT GOVERNMENT**

**AUSTRALIAN EDUCATION UNION**

**and**

**MINISTER FOR EDUCATION**

**HEALTH SERVICES UNION  
OF AUSTRALIA**

**and**

**ACT GOVERNMENT, MINISTER  
FOR HEALTH**

**MEDIA, ENTERTAINMENT AND  
ARTS ALLIANCE**

**and**

**CHIEF MINISTER'S DEPARTMENT**

**HEALTH SERVICES UNION  
OF AUSTRALIA**

**and**

**ACT GOVERNMENT, MINISTER  
FOR HEALTH**

**CONSTRUCTION, FORESTRY, MINING  
AND ENERGY UNION**

**and**

**MINISTER FOR URBAN SERVICES**

**TRANSPORT WORKERS' UNION  
OF AUSTRALIA**

**and**

**MINISTER FOR URBAN SERVICES  
and OTHERS**

**Notifications pursuant to section 99  
of the act of disputes re superannuation  
entitlements**

**CANBERRA**

**9.31 AM, TUESDAY, 29 JUNE 1999**

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**THE COMMISSIONER:** There are some changes to appearances so I will take appearances again.

5 **MS M. SHEEHAN:** I appear on behalf of the Australian Nursing Federation and I also appear on behalf of the Health Services Union of Australia - excuse me, Commissioner, if I use the acronyms - the MEAA, the CFMEU and the Transport Workers' Union.

MR P. MALONE: I appear on behalf of the Australian Education Union.

MS DUMMETT: I am from ASMOF.

5 MS SHEEHAN: Excuse me, Commissioner, I inadvertently forgot to mention that I also appear on behalf of the Community and Public Sector Union.

MR T. BRENNAN: I seek leave of the Commission to appear on behalf of the employer.

10 THE COMMISSIONER: Thank you, Mr Brennan. Yes, leave is granted. Yes, Ms Sheehan.

15 MS SHEEHAN: Thank you, Commissioner. Commissioner, when we were last before you in conference the situation was that the ACT Government was proposing to ask the Minister for Finance, the Commonwealth Minister for Finance, to make a declaration under the Public Service Superannuation scheme to exclude new starters in ACT Government Service from 1 July from eligibility to be members of the PSS Superannuation scheme. The Australian Nursing Federation believed that this was contrary to clause 5 of the ACT Public Sector Nurses Enterprise Bargaining Agreement and so we had notified a dispute on the matter.

20 Since that time there have been some serious developments, the result of which was that last Friday on 25 June the ACT Government announced that it had withdrawn its request to the Minister for Finance to make a declaration to exclude eligibility of membership to new starters and as a result that for the time being there would be no disadvantage with respect to superannuation entitlements for new starters in the ACT Public Service

25 The reason that the ANF has asked for today's hearing to proceed, Commissioner, is that at this stage we have simply a letter from the Chief Minister to the Trades and Labour Council saying that the Government does not intend to proceed with the disadvantage with respect to superannuation at this time, but that letter does state that at the very latest by 1 July 2000 the Government does intend to ask the Commonwealth to make that exclusion.

30 And so what the ANF and the - and I would like to do on behalf of the unions that have notified disputes that are before you today, what we would like to do is to formally put on the record the correspondence that

has been exchanged between the parties on the matter of superannuation, then seek a commitment by the employer advocate on behalf of the Government today that the Government will not proceed to request the Commonwealth Minister for Finance to make that declaration for  
5 exclusion, and then to make a commitment about a notice period that the employer would be prepared to give the unions of their intention to make a fresh request to the Federal Minister for Finance, and then we would like a commitment from the employers to engage in negotiations with the unions on the matter of superannuation so that we would then  
10 be in a position to make a decision on whether we need to come back to the Commission to make orders. So, if the Commission pleases, that is the way that we intend to proceed.

THE COMMISSIONER: Thank you, Ms Sheehan. Mr Malone, is there anything you have to add?

15 MR MALONE: No, Commissioner, I am quite happy to accept the submissions of the ANF.

MS DUMMETT: Commissioner, ASMOF would support the ANFs submission.

THE COMMISSIONER: Yes, Mr Brennan.

20 MR BRENNAN: Commissioner, I think that course is probably appropriate, albeit when we get to what commitments we might give they will not be quite as Ms Sheehan puts them.

THE COMMISSIONER: All right.

25 MS SHEEHAN: Thank you, Commissioner. On 24 September 1997 Ms Linda Webb, who is the Commissioner for Public Administration, wrote to the Australian Nursing Federation and to all areas in the ACT Government Service in conjunction with a public announcement by the Chief Minister of the ACT saying that as a result of the Federal  
30 Government's decision to close the Public Sector Superannuation Scheme to its own new starters from 1 July 1998 that the ACT Government would in conjunction with this Commonwealth decision review its own ACT superannuation arrangements. Commissioner, we would like to hand up a copy of that letter from Ms Webb.

THE COMMISSIONER: I will mark it ANF 1.

**EXHIBIT ANF 1 LETTER FROM MS WEBB TO ANF AND ACT  
GOVERNMENT SERVICE DATED 24.9.97**

MS SHEEHAN: Thank you, Commissioner. I do apologise for the handwriting, the internal ANF handwriting on the bottom of the letter,  
5 but it is a rather old document and we were unable to obtain a fresh copy. Attached to that letter from Ms Webb were the terms of reference for the review that would be conducted by the ACT Government, and that is attached to the document that we have just handed up,  
10 Commissioner. As a result of that review being conducted, the union parties did make submissions to that review and the Chief Minister then announced on 26 May 1998 that the report which had been - or that the review which had been conducted by Towers Perrin had actually produced two reports.

One report which was dated 16 April was a report on the alternatives  
15 open to the ACT Government for superannuation for its own staff, and the second report which was dated 29 April was a report on the financial management of ACT superannuation liabilities. I am not proposing to hand up those documents, Commissioner. But in general - and we will hear from Mr Brennan but I do not believe that this will be contested by  
20 the employer - the report entitled "The Alternatives for Superannuation" an option which it recommended the Government take was to move to something like the other State Government schemes.

It did not state an employer contribution into superannuation, but the report did state that the estimate of the value of the PSS scheme to  
25 employees in the ACT Government Service was around about the value of a 13 per cent employer contribution into superannuation. And in the executive summary of the report at page 9 it does recommend that the ACT Government not go to the minimum, which would be what was in the Superannuation Guarantee Act, but that it pick a mid point - it  
30 described it as a mid point - of around about 9 per cent because at the time that the report was delivered in 1998 the minimum amount was 6 per cent, so it picked 9 per cent as somewhere in the middle. But that was the recommendation of the review and the ACT Government had not expressed a view at that stage.

35 In December 1998 Paul Rayner of the ACT Government wrote to all ACT Government unions stating that the Government would definitely be introducing new superannuation arrangements from 1999. Now, initially in 1997 the Commonwealth had said it would change its own arrangements from 1 July 1998 but the Commonwealth had been unable  
40 to get its own legislation through the Senate and so the ACT had

extended its time frame for change to come in line with the Commonwealth, which was to be new arrangements by 1 July 1999. And if we could hand up a copy of that letter, Commissioner.

THE COMMISSIONER: It will be ANF 2.

5     **EXHIBIT ANF 2 LETTER FROM MR RAYNER TO ACT  
GOVERNMENT UNIONS DATED DECEMBER 1998**

10     MS SHEEHAN: In that letter, Commissioner, Mr Rayner says that the Government had formed a Steering Committee for Superannuation - there was no invitation to any ACT Government unions to be a part of that Steering Committee on Superannuation - and that it was the job of the Steering Committee, amongst other things, to make up a short list of  
15     contenders to establish a default fund in the ACT since one of the changes anticipated or one of the changes the Government would introduce was choice of fund but for employees who did not choose a fund that there would be a default fund established by the ACT  
Government. In that letter, Commissioner, there is no mention whatsoever of the quantum of the employer contribution. So as late as December 1998 the Government had not informed the ACT unions what its own contribution would be.

20     Mr Rayner then wrote again to ACT unions on 25 February saying that the AMP had been selected as the default fund, that there had been a tender process rigorously and keenly contested, and there again is no mention of the quantum of the employer contribution. And if we could hand up a copy of that letter, Commissioner.

25     THE COMMISSIONER: ANF 3.

**EXHIBIT ANF 3 LETTER FROM MR RAYNER TO ACT UNIONS  
DATED 25 FEBRUARY**

30     MS SHEEHAN: Thank you, Commissioner. Commissioner, at the same time as this was happening in the ACT, the Commonwealth was still unable to process its own legislation through the Federal Parliament and the ACT unions believed that as the history of the correspondence between the ACT parties had shown - the unions believed that the ACT Government linked its own changes to changes in the Commonwealth. The union parties believed that the failure of the Commonwealth to

succeed in having its own legislation changed would impact on what happened in the ACT.

5 And so it was then with some surprise that on the budget night, which was 4 May, the unions were informed at the budget briefing that the ACT Government had announced that from 1 July 1999 it would move to new superannuation arrangements but its own contribution would be only seven per cent. And, Commissioner, I will just hand you a copy of that announcement which was at page 9 of the budget speech.

THE COMMISSIONER: ANF 4.

10 **EXHIBIT ANF 4 COPY OF NEW SUPERANNUATION  
ARRANGEMENTS AT PAGE 9 OF BUDGET SPEECH OF 4 MAY**

15 MS SHEEHAN: As I said earlier, Commissioner, the Towers Perrin report had recommended nine per cent. The correspondence from the employer up until that point of time had not mentioned a quantum and so the unions were absolutely shocked to find a budget announcement that there would be a seven per cent employer contribution. At the budget briefing which was attended by Mr Paul Rayner, the ANF immediately raised with Mr Rayner that in the view of the ANF, clause 5 of the ACT Public Sector Nurses Enterprise Bargaining Agreement,  
20 specifically stated at 5.5, that at a minimum the agreement would maintain and where possible, improve by agreement essential conditions of employment, including superannuation. And Mr Rayner said that the ACT Government had legal advice that this clause would not apply to any starters. The ANF said that we would be following the conversation  
25 with an immediate letter. And so the ANF wrote to Mr Rayner on Thursday, 6 May and if I could hand a copy of that letter to you, Commissioner.

THE COMMISSIONER: ANF 5.

30 **EXHIBIT ANF 5 COPY OF LETTER TO MR RAYNER FROM  
ANF DATED 6 MAY**

MS SHEEHAN: The ACT Government basically chose to ignore the letter from the ANF and responded in no way to the ANF. However, on 12 May, Mr Rayner sent a short note to the Secretary of the Trades and Labour Council, Jeremy Pyner, which we will hand up now,

Commissioner. That note is one week after the budget announcement and the note from Mr Rayner to Mr Pyner simply says:

5 *I'm sorry I didn't get back to you sooner regarding our telephone discussion in April on the implementation of superannuation choice arrangements.*

And then Mr Rayner simply goes on to restate the Government's decision announcing the budget to move to a seven per cent employer contribution.

THE COMMISSIONER: ANF 6.

10 **EXHIBIT ANF 6 COPY OF NOTE FROM MR RAYNER TO JEREMY PYNER DATED 12 MAY**

15 MS SHEEHAN: When the ANF had heard nothing from the Government by the beginning of June, which is virtually one month after writing and bearing in mind that the new arrangements were to come into effect from 1 July, the ANF believed that we had no choice but to proceed to notify a dispute. So we wrote to Mr Rayner on 3 June informing him that we would notify a dispute and we did notify a dispute on that day. I hand up a copy of the ANF correspondence to Mr Rayner on 3 June.

20 THE COMMISSIONER: ANF 7.

**EXHIBIT ANF 7 COPY OF ANF CORRESPONDENCE TO MR RAYNER DATED 3 JUNE**

25 MS SHEEHAN: What was significant at this stage, Commissioner, was that the ACT Government unions had determined what legal instrument was necessary to close off access for new staff as to the PSS Scheme. So, we had discovered that the Federal Government did not even have to make a regulation to close off access to new starters, they only had to make a declaration - or the Federal Minister for Finance only had to make a declaration under section 6(2)(c) of the  
30 Superannuation Act to exclude new starters from ACT Government employment.

- That the declaration would have effect from the date it was signed by the Minister for Finance but it was a disallowable instrument so that it had to be tabled in the Parliament and then it could be disallowed in the Senate. But from discussions with Mr Clayton Conquest from Mr Paul Rayner's own office and also from discussions with the responsible officer in the Commonwealth Department of Finance, the ACT Government unions had been able to determine that several drafts had been exchanged between the Commonwealth and the ACT Government for that instrument.
- 10 So, the unions believed that the instrument would be made and that certainly the exclusion for new starters would be in place by 1 July. So, it was in that context that the ANF proceeded to notify a dispute to the Commission. Having notified a dispute on 3 June, there was, what the unions would term, a dramatic change in the Federal situation. And that change was that while the Federal Government had been unable to get its superannuation legislation through the Senate, it had nevertheless been in the Senate. But on 9 June, the Federal Minister for Finance put out a media release to say that he was actually withdrawing his legislation and for the reasons stated previously, Commissioner, to do with the link between the Commonwealth situation and the ACT situation. The unions thought that this was a development which should have been taken notice of by the ACT Government. If I could hand up a copy of the media release announcing that change, put up by the Minister for Finance.
- 25 THE COMMISSIONER: ANF 8.

#### **EXHIBIT ANF 8 COPY OF MEDIA RELEASE PUT OUT 9 JUNE**

- MS SHEEHAN: As a result of that, Commissioner, Colleen Duff, as president of the Trades and Labour Council, wrote again to the Chief Minister, saying that this was quite a dramatic development, and inviting the Government to reconsider its own position, and if I could hand a copy of that letter up.
- 30

THE COMMISSIONER: ANF 9.

#### **EXHIBIT ANF 9 LETTER TO CHIEF MINISTER FROM COLLEEN DUFF**

MS SHEEHAN: And interestingly enough, Commissioner, on the same day that the Commonwealth announced its decision to withdraw its own legislation, Mr Rayner finally wrote back to the ANF. It is a letter signed 9 June, but it was mailed, obviously not much sense of urgency here, mailed to the ANF and received in the ANF office on 11 June. That letter from Mr Rayner, simply says, "Well, we noticed that you have notified a dispute and we will be very happy to see what happens in the Industrial Relations Commission".

THE COMMISSIONER: ANF 10.

10 **EXHIBIT ANF 10 LETTER FROM MR RAYNER TO ANF**

MS SHEEHAN: Commissioner, in the letter of 11 June, which is ANF 10 from Colleen Duff as president of the TLC to the Government, Ms Duff has asked that the Government respond to the unions prior to the Commission hearing - or the Commission conference which was scheduled for 16 June, and there was much anticipation of a response when the - when I was informed by Mr Clayton Conquest on the morning of the hearing, on 16 June, that the Government had responded the night before to the Trades and Labour Council.

20 But in fact that response was unable to be located all day and the Government representatives made themselves unavailable to be contacted prior to the hearing in the Industrial Relations - prior to the conference in the Industrial Relation Commission and at that conference you set aside 28 June for a hearing on an application for orders with respect to superannuation.

25 [9.51am]

Interestingly, when the ANF returned to the offices of the ANF after the hearing late in the afternoon it seems that the Chief Minister's response had been faxed to the ANF after the conference had begun in the Commission, and we will now hand up a copy of a letter from the Chief Minister. But again, the Chief Minister's response simply that the Chief Minister is disappointed to see that the unions are trying to link the ACT decisions to the Commonwealth decision, which the unions were extremely surprised at given the history of the correspondence and the announcements, and the Chief Minister informs the Trades and Labour Council that the Government has no intention of changing its decision on superannuation.

THE COMMISSIONER: ANF 11.

**EXHIBIT ANF 11 LETTER FROM CHIEF MINISTER**

5 MS SHEEHAN: The unions were extremely confused by the Chief  
Minister's response because in conference in the Industrial Relations  
Commission the Health portfolio had stated that they wanted to be in a  
position to make a consent order with respect to nurses when coming  
back to the Commission on 28 June, although they could say nothing  
about other categories of employees, but certainly the Government was  
10 aware that all other ACT Government unions would be notifying a  
dispute with respect to superannuation because all enterprise bargaining  
agreements in the ACT contained a reference to maintenance of essential  
conditions of employment and it was that matter which would be before  
the Commission in any application to make orders with respect to  
15 maintenance of such conditions. And it seemed to the unions that the  
Chief Minister responding in that way was inconsistent at least with the  
Health portfolio's statement that they would be coming back to the -  
hoping to come back to the Commission with consent orders with  
respect to nurses.

20 The next thing that happened which reinforced the Chief Minister's  
approach was on 17 June, Mr Clayton Conquest forwarded to the ACT  
Government unions a draft of the declaration of exclusion, and if I could  
hand that draft up, Commissioner?

THE COMMISSIONER: ANF 12.

**EXHIBIT ANF 12 DRAFT OF DECLARATION OF EXCLUSION**

25 MS SHEEHAN: Again, it seemed very clear that the ACT  
Government was intending to have the declaration made and the drafts  
were still being worked on. The unions had asked for some time for a  
copy of the drafts that were being exchanged, and this was the first time  
that a draft had been provided, and we believed that it was provided on  
30 the basis that it was - the draft must be almost completed, and certainly  
given that it was 17 June and the changed arrangements would have  
effect from 1 July we felt entitled to reach a conclusion like that.

So the combined unions decided to have one more go at the ACT  
Government at this stage, and on 18 June Ms Duff as President of the

Trades and Labour Council wrote back to the Chief Minister saying that we were in receipt of her letter of the 15th saying that she did not intend to change her position, but reminding her that she in her announcement of the review in 1997 had linked the changes in the Commonwealth to the changes in the ACT and we attached a copy of her press release announcing her decision to review superannuation in case she had merely forgotten that it had been linked, and asking her again on the basis of the changes in the Commonwealth, and the fact that there would now be a notification with respect to every ACT Government union coming before the Commission on 28 June seeking orders with respect to superannuation, asking the Government to reconsider its position. And we will hand up a copy of that letter, Commissioner.

THE COMMISSIONER: ANF 13.

**EXHIBIT ANF 13 LETTER FROM MS DUFF TO CHIEF MINISTER DATED 18.06.99**

MS SHEEHAN: The ANF then met with the Health portfolio on the morning of Wednesday, 23 June to come - to try and reach agreement on a consent order for nurses, but - and certainly the Health portfolio was only able to negotiate with respect to nurses, but there were discussions at that meeting along the lines of that there would be one case run on behalf of all ACT Government unions in the Commission on 28 June, that that case would go to making of orders for all ACT public servants, that it would be based on the maintenance of essential conditions of employment, that certainly the ANF was pleased that there would be consent with respect to nurses but that the orders that would be presented to the Commission would be on behalf of all ACT public servants, and throughout this period unions were notifying on a daily basis, or union by union disputes with respect to superannuation. So the ACT Government was certainly in no doubt about what would be - what application would be made in the Commission on 28 June.

So negotiations on 23 June were quite specific on what was the quantum of the employer contribution which would be needed to maintain the benefit, and so there were discussions about how it was that 13.1 per cent was the Australian Government actuary's assessment of the value of superannuation, whether that was - that had been - assessment had been made in 1996, was that an appropriate assessment in 1999, was it an appropriate assessment for nurses? And so the - at the close of the negotiations on 23 June the parties had agreed that there would need to be more work done on whether 13.1 per cent was appropriate in the

long-term, but that as the hearing on 28 June needed to deliver at least an interim order with respect to nurses that the Health portfolio would put to the Government the ANF's proposal that for three months 13.1 per cent be agreed to on an interim basis while more work was done by the actuaries.

And the - Mr Clayton Conquest on behalf of the Chief Minister's Department was to put the ANF position, and he undertook to try and get back to the ANF with a definite response on the quantum and the draft order by Friday since the Commission hearing on the 28th was on the Monday. On Friday morning when the ANF made contact with the Health portfolio to try and progress the wording on choice of fund and default fund the ANF was told that the Government was expected to make an announcement later in the day on superannuation, and by the end of the day the Government had announced that it would withdraw its request to the Minister for Finance to make a declaration of exclusion. And if I could hand up the following correspondence, Commissioner? What I would call the grouping of correspondence to the Commission which is a letter from Mr Brennan to you, Commissioner, asking that the hearing scheduled for 28th be adjourned, and in addition to that the ANF's response to you, Commissioner, and to Mr Brennan.

THE COMMISSIONER: ANF 14.

**EXHIBIT ANF 14 LETTER FROM MR BRENNAN TO COMMISSIONER, ANF RESPONSE TO COMMISSIONER AND MR BRENNAN**

MS SHEEHAN: Mr Brennan states in his correspondence, Commissioner, that the Government has withdrawn its request to the Federal Minister for Finance, and in the first paragraph, or rather the second paragraph - let me withdraw that, Commissioner. Mr Brennan does not say in his letter how long the request would be withdrawn for, and later on that day the Chief Minister sent a letter to Colleen Duff as President of the ACT Trades and Labour Council stating that the Government intended to make - to remake that request no later - to be implemented no later than 1 July 2000, and we tender a copy of that letter, Commissioner.

THE COMMISSIONER: ANF 15.

**EXHIBIT ANF 15 LETTER FROM CHIEF MINISTER TO  
COLLEEN DUFF**

5 MS SHEEHAN: The Chief Minister also put out a press release which  
says something slightly different from what was said in the letter to the  
unions. It initially says that the deferral of the superannuation changes  
will be until 1 July 2000 but then later on in the press release it says that  
it would be implemented no later than 1 July 2000 which is what the  
Chief Minister had actually said in her letter to Ms Duff as President of  
the Trades and Labour Council. So, Commissioner, the situation that  
10 the unions believe we find ourselves in today is that the Government has  
announced a deferral of its decision to change its superannuation  
arrangements, and that means that there is no immediate threat on 1 July  
to superannuation entitlements for new starters in the ACT Government  
service.

15 However, the parties are still in dispute because the basis of the dispute  
is that every ACT Government enterprise bargaining agreement contains  
a provision to maintain essential conditions of service, and the  
Government has announced that they will make a change to  
superannuation arrangements at the very latest by 1 July 2000. Now,  
20 given that the current conditions are maintained in enterprise bargaining  
agreements the unions say that while ever those agreements remain in  
force that the ACT Government will be in immediate dispute with the  
unions should they attempt, or should they again make a request to the  
Minister for Finance to make a declaration of exclusion for new starters  
25 and to reduce the employment contributions down to only 7 per cent.

So what the unions are seeking from the Government today,  
Commissioner, is a commitment on the public record, or on transcript,  
and a commitment to the Commission that they have in fact withdrawn  
their request, and that if they were to make a request to the Federal  
30 Minister for Finance again that they would give at least one month's  
notice to the union parties that they have made the request. But in  
addition to that, that would merely give us notice that we needed to  
come back before this Commission in order to make an application for  
orders again because as I said before, Commissioner, while ever these  
35 current enterprise bargaining agreements are in force the unions believe  
that our members and our members who will be employed in the ACT  
Government in the future have got an entitlement to a current level, the  
current level of superannuation benefit.

40 So, Commissioner, if the employer is prepared to give those  
commitments on the record today the unions believe that it would be

appropriate for the employer and the unions to go into negotiations about superannuation, and we had certainly been expecting to do that in the context of negotiating our next enterprise bargaining agreements. But although we all hope that there will be new agreements in place by  
5 1 July next year what we cannot be sure of is when the Government will re-activate its request to the Commonwealth to change superannuation entitlements, so we will need to have some discussions with the employer about the notice period and about whether we could come to agreement on orders that we could come to the Commission with in the  
10 event that the Government activated its request to the Commonwealth while the current enterprise bargaining agreements were in place.

Now, the ANF has had considerable discussion about consent orders, but the other ACT Government unions have had no opportunity to have negotiations on the matter of orders. So, Commissioner, we believe it  
15 would be a good idea if we could report back to you in one month on how negotiations have gone with respect to orders on superannuation, and we would then in one month after discussions be in a position to tell you whether we would need to set aside a time then for a hearing on the matter of orders. If the Commission pleases.

20 THE COMMISSIONER: Thank you, Ms Sheehan. Mr Malone and Ms Dummett, do you need to add anything?

MR MALONE: No, Commissioner, we endorse the submissions of the ANF.

25 MS DUMMETT: If the Commission pleases, we support the union's submission.

THE COMMISSIONER: Thank you.

MS SHEEHAN: Excuse me, Commissioner, my apologies here, but when I announced my appearance on behalf of the Transport Workers Union, what I should have mentioned is that the Transport Workers  
30 Union only notified a dispute on the 25th, which was late Friday. They were in fact given a C number 90257 of 1999, but because of the lateness of the notification, it was not included in the listing yesterday, so if we could request that that C number would be joined to the proceedings.

35 THE COMMISSIONER: It is on the list now, is it? It is on the list now.

MS SHEEHAN: Thank you, Commissioner.

THE COMMISSIONER: Mr Brennan?

MR BRENNAN: May it please the Commission. I am instructed that our client did write to the Commonwealth Minister for Finance and Administration on Friday last, 25 June, requesting that the  
5 Commonwealth not make an instrument under section 6 of the Superannuation Act 1990, in advance of the Commonwealth's closure of the Public Sector Superannuation Scheme which was to be affected by amending Commonwealth legislation. As a consequence, the Public  
10 Sector Superannuation Scheme remains open to all new employees of the Territory.

Further, on behalf of the employer undertake that should the ACT wish to request the Commonwealth - should the ACT propose to request the Commonwealth to make any instrument under section 6 of the  
15 Superannuation Act 1990 it would give one month's notice to the Commission with copies to the unions that are parties to the disputes currently before it.

On the question of whether any further - any undertaking might be given with respect to negotiations and whether anything should be further  
20 listed before you, Commissioner, I take you firstly to ANF 14. The last page of that is the letter from Ms Sheehan to myself of last Friday. I take you to the last - sorry, to the penultimate paragraph where Ms Sheehan writes:

*However, we will agree to an adjournment of the hearing on  
25 28 June immediately after your client gives an undertaking to the Commission on transcript that the request to the Minister for Finance and Administration for a declaration has in fact been withdrawn in the terms referred to in the letter to Commissioner Deegan.*

So, firstly, Commissioner, that is what I have just done. Ms Sheehan  
30 has indicated she will now consent immediately to an adjournment. I take you further on that question to ANF 8, the Commonwealth Minister's press release. I take you to point 4 of that press release - sorry, to paragraph 4, Commissioner, where the Commonwealth Minister announces the Government, that is, the Commonwealth  
35 Government, "Remains committed to the passage of the Bills which will improve superannuation arrangements for Commonwealth employees". So we say on the question of negotiation that should the Commonwealth Bills be passed then the landscape in respect of the Public Sector Superannuation Scheme for ACT employees changes quite dramatically.

I would certainly concur with Ms Sheehan's submissions that with the exception of the teachers that all of the - and indeed ASMOF - all of the obligations that we are talking about here are obligations that arise under old act EBAs which have past their nominal expiry dates. With respect to the teachers that submission will be true come Thursday of this week. The Government is not in a position at this stage to give any commitment about negotiating process. It is certainly open to the union parties to pursue the course that Ms Sheehan has indicated, that is, if they wish to place this issue into the framework of their certified agreement negotiations they are free to do so and to pursue claims through that process.

Whether that is a process which the employer will engage in is something which the employer will make decisions on over the coming weeks and will notify relevant unions about. It is not necessarily something that the employer will take a uniform view across Government on. It may well be something where different approaches are taken by different agencies of Government. So I have given the commitments which, in our submission, have the effect of meaning there is now no live issue with respect to superannuation. But if there is a live issue to arise this Commission and the union parties will have at least a months notice of it.

On the question of negotiation we say the scheme of the Act is clearly one where that is to be dealt with by direct negotiation, not to be supervised by this Commission, at least in the first instance. And that that is something which is open to the union parties to pursue and we give no undertakings about it.

THE COMMISSIONER: Right, thank you, Mr Brennan. Ms Sheehan.

MS SHEEHAN: Thank you, Commissioner. Commissioner, superannuation is an allowable matter under section 89A of the Act and the Commission clearly has the jurisdiction with respect to superannuation, and while it was my submission that the maintenance of the existing level of benefit, however that is actuarially assessed, is something covered by existing enterprise bargaining agreements. It is certainly within the power of this Commission to make an award or an order with respect to superannuation and so it was certainly not my submission that the only reason that the parties should have negotiations about superannuation was because we would be engaged in enterprise bargaining agreements.

The union parties have not had superannuation clauses in their awards because the matter was controlled by Commonwealth legislation,

however, if that is to change - and it appears that it is to change - it will certainly be necessary to pick up superannuation by some other means within the jurisdiction of this Commission. And so, therefore, although, normally, the Commission isn't the first port of call with respect to  
5 enterprise bargaining negotiations, superannuation is an allowable matter. And because of the history of this matter the unions would say that it is important that negotiations occur on this matter and, therefore, we would be seeking a recommendation from you at least on that matter. With respect to the idea that superannuation is no longer a live issue  
10 between the parties, I think it is clear from the correspondence that we have handed up that it certainly is a live issue.

[10.11am]

We have been given a stay of sentence but the ACT Government says that it intends to have an implementation date no later than 1 July 2000.  
15 It has also stated, now - it seems to be stating that whatever happens with the Commonwealth it intends to change its own arrangements in the ACT. And so, therefore, we believe that it is still a live issue even though we have been given a stay of execution at this stage, if the Commission pleases.

20 THE COMMISSIONER: Yes, thank you, Ms Sheehan. I think, the most important undertakings have been given. I think, it would be in the interests of the ACT Government to talk to the unions about superannuation, whether it's in the context of enterprise bargaining or in the context of some other way of managing the situation. However, I  
25 am not prepared to give a recommendation. I do not think it is necessary at this stage now that the ACT Government have given a commitment that there will be at least one month notice of any request for a declaration under section 6 of the Super Act.

I think that should give the unions sufficient time to lodge any  
30 application they consider might be necessary in the circumstances. And I will give a commitment on behalf of the Commission that if such an application is lodged it will be dealt with very quickly, depending on the urgency. So, having heard the commitments from Mr Brennan I think that the most sensible thing to do is adjourn, which I will do sine die.

35 **ADJOURNED INDEFINITELY**

[10.15am]

# INDEX

## LIST OF WITNESSES

Page

## EXHIBITS/MFIs

Page

EXHIBIT ANF 1 LETTER FROM MS WEBB TO ANF AND ACT GOVERNMENT SERVICE DATED 24.9.97 . . . . .	6
EXHIBIT ANF 2 LETTER FROM MR RAYNER TO ACT GOVERNMENT UNIONS DATED DECEMBER 1998 . . .	7
EXHIBIT ANF 3 LETTER FROM MR RAYNER TO ACT UNIONS DATED 25 FEBRUARY . . . . .	7
EXHIBIT ANF 4 COPY OF NEW SUPERANNUATION ARRANGEMENTS AT PAGE 9 OF BUDGET SPEECH OF 4 MAY . . . . .	8
EXHIBIT ANF 5 COPY OF LETTER TO MR RAYNER FROM ANF DATED 6 MAY . . . . .	8
EXHIBIT ANF 6 COPY OF NOTE FROM MR RAYNER TO JEREMY PYNER DATED 12 MAY . . . . .	9
EXHIBIT ANF 7 COPY OF ANF CORRESPONDENCE TO MR RAYNER DATED 3 JUNE . . . . .	9
EXHIBIT ANF 8 COPY OF MEDIA RELEASE PUT OUT 9 JUNE . . . . .	10
EXHIBIT ANF 9 LETTER TO CHIEF MINISTER FROM COLLEEN DUFF . . . . .	10
EXHIBIT ANF 10 LETTER FROM MR RAYNER TO ANF . . .	11
EXHIBIT ANF 11 LETTER FROM CHIEF MINISTER . . . . .	12
EXHIBIT ANF 12 DRAFT OF DECLARATION OF EXCLUSION . . . . .	12
EXHIBIT ANF 13 LETTER FROM MS DUFF TO CHIEF MINISTER DATED 18.06.99 . . . . .	13
EXHIBIT ANF 14 LETTER FROM MR BRENNAN TO COMMISSIONER, ANF RESPONSE TO COMMISSIONER AND MR BRENNAN . . . . .	14
EXHIBIT ANF 15 LETTER FROM CHIEF MINISTER TO COLLEEN DUFF . . . . .	15

**AUSTRALIAN NURSING FEDERATION**

Australian Capital Territory Branch

Unit 3, 36 Botany Street, Phillip, ACT 2606

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President: R. Staniforth

Secretary: C. Duff

Friday 25th June 1999

Commissioner Deegan  
AIRC  
Canberra



Dear Commissioner Deegan

**C No. 90223/99 Superannuation entitlements ACT Government nurses**

The ANF is in receipt of correspondence to you from Mr Brennan advising you that the ACT Chief Minister's Department has requested the Minister for Finance and Administration (Commonwealth) to not make an Instrument under s.6 of the Superannuation Act 1990 in advance of the Commonwealth's closure of the PSS.

I respond to you on behalf of the ANF, the CPSU, CFMEU, MEAA, HSUA, ALHMWU and TWU, all of whom have notified disputes which will be joined to the ANF dispute C NO 90023/99.

We do not agree to an adjournment of the proceedings prior to a Hearing on 28 June. However, we will agree to an adjournment of the Hearing on 28 June once Mr Brennan gives an undertaking to the Commission on transcript on behalf of his client that the request to the Minister for Finance and Administration for a Declaration has in fact been withdrawn in the terms referred to in the letter.

I understand that the Canberra Registry has already begun notifying the parties that the Hearing set for 10-15 am June 28th is adjourned. However we do request that you set a time for the Act government to give those undertakings on transcript in the Commission.

Yours sincerely

Maureen Sheehan  
Industrial Officer

AIR-ACT

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CORRS  
CHAMBERS  
WESTGARTH

L A W Y E R S

PATRICK

**FACSIMILE TRANSMISSION**

Date: 25 June, 1999  
Total pages: 3 (including this page)

<b>To:</b> Australian Industrial Relations Commission AIRC Registry	<b>Attention:</b> Commissioner Deegan Canberra	<b>Telephone:</b> (03) 9653 8260	<b>Facsimile:</b> (03) 9653 8260 (02) 6247 9774
<b>From:</b> Tom Brennan	<b>Our Ref:</b> ACTC0639- 3358617	<b>Telephone:</b> (02) 6276 5513	<b>Facsimile:</b> (02) 6257 7563

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Dear Commissioner Deegan

**DISPUTE APPLICATION - ANF AND ACT GOVERNMENT - C No. 90223/99**

We act on behalf of the Chief Minister's Department in this matter.

Since this matter was last before you on 16 June 1999 the Chief Minister's Department has had the opportunity to consider in detail the consequences of the announcement by the Commonwealth that amendments to the Superannuation Act 1990 would not proceed at this time. Officials of that Department together with officials of the Department of Health and Community Care met with officials of the ANF on Wednesday 23 June 1999.

We are instructed that our client has requested the Minister for Finance and Administration (Commonwealth) to not make any instrument under s.6 of the Superannuation Act 1990 in advance of the Commonwealth's closure of the Public Sector Superannuation Scheme (PSS). As a consequence the PSS will remain open.

In our respectful submission the effect of that decision is that the superannuation position of all employees in the Territory will not be altered. Existing members of the CSS and PSS would never have been affected. New recruits will continue to be eligible to join the PSS.

In those circumstances we respectfully submit that the appropriate course to take is to adjourn the dispute notifications listed with liberty to the parties to apply to the Commission to have the matter relisted. We submit that you should take that course without the need for a hearing.

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SYDNEY

MELBOURNE  
C/30368/01

BRISBANE

PERTH

CANBERRA

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*PATRICK*

L A W Y E R S

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*JMB.*  
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25 June, 1999

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We have copied this correspondence to the address list attached.

Yours faithfully

**CORRS CHAMBERS WESTGARTH**  
Tom Brennan  
Partner

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Mr Neville Smith	Australian Salaried Medical Officers' Federation	6270 5499
Ms Wendy Caird	Community and Public Sector Union	6257 4523
Mr Bert Tolley	Health Services Union of Australia	6247 7741
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Mr Clive Hagar	Australian Education Union	6273 1828

TREVOR SANTI

TWU

6273 5077



*PATRICK*

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In those circumstances we respectfully submit that the appropriate course to take is to adjourn the dispute notifications listed with liberty to the parties to apply to the Commission to have the matter relisted. We submit that you should take that course without the need for a hearing.

*JMS*  
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25 June, 1999

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AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Work Place Relations Act. 1996  
s. 99 notification if an industrial dispute

Australian Nursing Federation

and

Australian Capital Territory Government  
(ODN C No. 90223 of 1999)

Nurses

ACT Government employment

Commissioner Deegan

15 June 1999

**DRAFT INTERIM ORDER**

A.1. Notwithstanding in the provisions of any Award or Agreement or ACT or Commonwealth legislation the ACT government is ordered to maintain the superannuation entitlements of nurses whose employment is subject to the ACT Public Sector (Nurses ) Enterprise Bargaining Agreement 1996 - 1999 at their current value.

2. The parties are directed to confer on the assessment of the current value of those Superannuation entitlements and report back to the Commission in one week.

B. This Order is to remain in force for one month.

BY THE COMMISSION

COMMISSIONER DEEGAN

④

Re: SUPERANNUATION

### KEY

3



Kate Carnell

Chief Minister

Treasurer

Member for Molonglo  
Australian Capital Territory

Ms Colleen Duff  
President  
ACT Trades and Labour Council  
PO Box 279  
DICKSON ACT 2602

Dear Ms <sup>Colleen</sup>Duff

I refer to your letter of 18 June 1999 about the implementation of superannuation choice arrangements for new employees in the ACT public sector after 1 July 1999.

As I said in my letter of 15 June 1999, the Government's reasons for implementing superannuation choice arrangements, including closure of the PSS Scheme, are not linked to decisions of the Commonwealth. However, the Commonwealth legislation was clearly a factor in our considerations, particularly in regard to timing of the introduction of new arrangements.

Since my last letter, I have had the opportunity to fully consider the implications of the Commonwealth decision to defer the proposal to implement superannuation choice arrangements through legislation. Consequently, I have decided to defer my request for the Commonwealth to close the PSS to new ACT employees from 1 July 1999.

It is still my intention to introduce superannuation choice arrangements which:

1. close the PSS to new employees (existing employees would be unaffected);

2. offer choice of superannuation funds to all new employees; and

3. introduce levels of employer contributions for new employees which are in accordance with community standards and the *Superannuation Guarantee (Administration) Act 1992* ie. 7% of wages rising to 9% in 2002.

However, I would anticipate that superannuation choice arrangements would now be implemented no later than 1 July 2000.

I understand that the Australian Industrial Relations Commission, and unions which have currently notified disputes in relation to superannuation, have been advised of this decision.

Yours sincerely

Kate Carnell MLA  
Chief Minister

25 JUN 1999

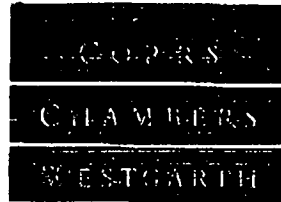
ACT Legislative Assembly,  
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GPO Box 158, Canberra ACT 2601  
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ACT Government's Homepage: <http://www.lga.act.gov.au>

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ANF14.

FAX IN



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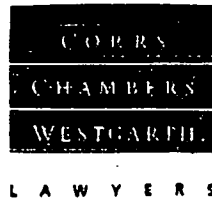
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25 June, 1999

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**CORRS CHAMBERS WESTGARTH**

  
Tom Brennan  
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President: R. Staniforth

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AIRC  
Canberra

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Industrial Officer



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Mr Tom Brennan  
Partner  
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I respond to your correspondence to Commissioner Deegan on behalf of the ANF, the CPSU, CFMEU, MEAA, HSUA, ALHMWU and TWU, all of whom have notified disputes which will be joined to the ANF dispute C NO 90023/99.

The ACT Government unions acknowledge your advice to Commissioner Deegan that the ACT Chief Minister's Department has requested the Minister for Finance and Administration (Commonwealth) to not make any instrument under s.6 of the Superannuation Act 1990 in advance of the Commonwealth's closure of the PSS.

We will not agree to an adjournment of the proceedings prior to a Hearing on 28 June.

However, we will agree to an adjournment of the Hearing on 28 June immediately after your client gives an undertaking to the Commission on transcript that the request to the Minister for Finance and Administration for a Declaration has in fact been withdrawn in the terms referred to in the letter to Commissioner Deegan.

I have written to Commissioner Deegan in the same terms.

Yours sincerely

Maureen Sheehan  
Industrial Officer



# Trades and Labour Council

OF THE AUSTRALIAN CAPITAL TERRITORY INC.

Telephone (06) 247 7844  
Facsimile (06) 257 6638

PO Box 279  
Dickson ACT 2602  
17 Woolley Street  
Dickson, ACT

President:

Friday 18 June 1999.

Mrs Kate Carnell  
ACT Chief Minister  
Legislative Assembly

Dear Chief Minister

Superannuation for ACT Government Service New Starters

I am in receipt of your letter of 15 June in which you say the ACT Government intends to proceed with its plan to remove access to the PSS superannuation Scheme for all new starters in the ACT Government Service from 1 July 1999.

At no stage before your budget announcement on 4 May 1999 did the government state in correspondence with unions that the employer contribution to Superannuation would be reduced from approximately 13.1% down to 7%. You also made it clear from your first Press Release on the matter on 24 September 1997 that your actions were directly related to the decision of the Commonwealth government to close the PSS, which I attach to jog your memory.

There is no divergence of opinion between affiliates of the TLC. The position of all affiliates is that the entitlements of staff, both existing and future, should be the subject of negotiation between the employer and the relevant union. At the present time all Enterprise Bargaining Agreements covering ACT public servants include a clause which preserves existing entitlements. This is the subject of proceedings in the AIRC in C No 90223 of 1999, to which will be joined the dispute notifications of all ACT government unions at the Hearing on Monday 28 June.

Again we ask that you not move to restrict access to the PSS ahead of the Commonwealth's own legislative action, and that you maintain superannuation entitlements for staff as you are required to under current EBAs.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Colleen Duff'.

Colleen Duff  
President

**DRAFT ONLY****SUPERANNUATION (PSS) MEMBERSHIP EXCLUSION DECLARATION  
(AMENDMENT)**

I, JOHN JOSEPH FAHEY, Minister for Finance and Administration, make the following Declaration under paragraph 6(2)(c) of the *Superannuation Act 1990*.

Dated 1999

JOHN FAHEY  
Minister for Finance and Administration

**1. Commencement**

1.1 This declaration commences on 1 July 1999.

**2. Amendment**

2.1 The Superannuation (PSS) Membership Exclusion Declaration is amended as set out in this declaration.

**3. Schedule (Persons to whom section 6 of the 1990 Act does not apply)**

3.1 Add at the end:

"39 A person who becomes an employee of the Australian Capital Territory, or an authority or a body in which the Australian Capital Territory has a controlling interest, on or after 1 July 1999, unless the person:

- (a) is a PSS member before commencing that employment; or
- (b) upon commencing that employment is a preserved benefit member within the meaning of the rules for the administration of the Public Sector Superannuation Scheme whose PSS benefit became preserved before 1 July 1999 who elects by notice in writing given to the Board, to become a PSS member within 3 months of first commencing that employment; or
- (c) makes an election and declaration under subsection 244(1) of the *Superannuation Act 1976* within 3 months of becoming such an employee.

**DRAFT ONLY**

**DRAFT ONLY**  
2

40 A person who is appointed to a statutory office under a law of the Australian Capital Territory on or after 1 July 1999, unless the person:

- (a) is a PSS member immediately before being appointed to the statutory office; or
- (b) upon being appointed to the statutory office is a preserved benefit member within the meaning of the Rules for the administration of the Public Sector Superannuation Scheme whose PSS benefit was preserved before 1 July 1999 and who elects by notice in writing given to the Board, to become a PSS member within 3 months of being appointed to the statutory office; or
- (c) makes an election and declaration under subsection 244(1) of the *Superannuation Act 1976* within 3 months of being appointed to the statutory office."

ANF 11.



Kate Carnell MIA

Chief Minister

Treasurer

Member for Molonglo

Australian Capital Territory

Ms Colleen Duff  
President  
Trades and Labour Council  
of the Australian Capital Territory Inc  
PO Box 279  
DICKSON ACT 2602

*Colleen*  
Dear Ms Duff

I refer to your letter of 11 June 1999 about changes to Superannuation for ACT Government new starters from 1 July 1999.

I need to remind you that there has been correspondence on this matter for a lengthy period, and it is disappointing to see an apparent linkage between a call by the TLC to change ACT Government policy, and a decision by the Commonwealth to defer their start date.

I believe it has been made clear that our reasons for closing the scheme to new starters are very much our own reasons, not those of the Commonwealth. Accordingly I see no reason not to proceed with the proposal.

I note that the TLC appears to have different views, and that the ANF will be attending the AIRC on Wednesday to discuss the matter.

Yours sincerely

Kate Carnell MLA  
Chief Minister

15 JUN 1999

ACT Legislative Assembly,  
London Circuit, Canberra ACT 2601  
GPO Box 158, Canberra ACT 2601  
Email: carnell@dpa.act.gov.au  
Ph (02) 6205 0101 Fax (02) 6205 0309  
ACT Government Homepage: <http://www.act.gov.au>

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CHIEF MINISTER'S DEPARTMENT

Ms Maureen Sheehan  
Industrial Adviser  
Australian Nursing Federation  
PO Box 1995  
WODEN ACT 2606

ANF	ACT BRANCH
DATE	11 JUN 1999
FILE	
BCM	
WPR	
OTHER	Maureen

Dear Ms Sheehan

### Closure of the PSS Superannuation Scheme to new employees from 1 July 1999

I refer to your letter of 6 May 1999 and your notification on 4 June 1999 of an alleged industrial dispute under section 99 of the *Workplace Relations Act 1996*.

You will recall that I specifically raised superannuation matters at the union budget briefing on 5 May 1999. In particular, I noted that the Government has decided that the PSS will be closed to new ACTPS employees after 1 July 1999 and that employer contributions for these employees will be set at the levels required by the *Superannuation Guarantee (Administration) Act 1992*.

As previously discussed, copies of the proposed Commonwealth 'declarations' to exclude new employees from eligibility to join the PSS will be sent to you once the drafts have been prepared.

I note your concerns regarding the principles set out in the *ACT Public Sector (Nurses) Enterprise Bargaining Agreement 1996-1999*. I understand that the matter has been listed for hearing by the AIRC on Wednesday 16 June 1999.

Yours sincerely

Paul Rayner  
Director, Employment and Remuneration

9 June 1999

ANF9.



# Trades and Labour Council

OF THE AUSTRALIAN CAPITAL TERRITORY INC.

Telephone (06) 247 7844  
Facsimile (06) 257 6638

PO Box 279  
Dickson ACT 2602  
17 Woolley Street  
Dickson, ACT

President:

Secretary:

Friday, 11 June 1999

Mrs Kate Carnell  
ACT Chief Minister  
Legislative Assembly

COPY

Dear Ms Carnell

## **Changes to Superannuation for ACT Government new starters from 1 July 1999**

The ACT Trades and Labour Council on behalf of ACT Government Unions asks as a matter of urgency that you withdraw your Government's request to the Commonwealth Minister for Finance to make a Regulation to exclude new starters in the ACT Government Service from eligibility to join the PSS Superannuation Scheme from 1 July 1999.

The ACT Government unions believe that the situation has changed dramatically since Wednesday 9 June with the announcement by the Minister for Finance that at this time the Commonwealth Government is not proceeding with its own superannuation legislation to close the PSS to new starters and close off access to lump sums for employees made redundant from 1 July 1999.

The ACT Government announced changes to superannuation for ACT government employees on the basis that changes by the Commonwealth were imminent. These changes are not proceeding and therefore the ACT Government has no sound basis upon which to change entitlements in the ACT.

ACT government unions believe it is unfair to new starters to provide them with a lesser entitlement than that provided to existing staff. In addition it is contrary to the commitment given by the ACT government in a number of Enterprise Bargaining Agreements that core conditions of employment would be maintained.

As a result this superannuation issue is before the Australian Industrial Relations Commission on Wednesday 16 June and we seek a response from you before hand, by midday on Tuesday 15 June.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Colleen Duff'.

Colleen Duff  
President



## Minister for Finance and Administration

THE HON JOHN FAHEY, MP

### **MEDIA RELEASE**

26/99

#### **SENATE LOGJAM DELAYS SUPER REFORM**

Legislative delays in the Senate have forced the Government to defer the starting date for new Commonwealth superannuation arrangements.

The new arrangements were due to commence from 1 July 1999, but the logjam of Senate business has made it necessary to defer their commencement.

This will also mean that the restriction on the availability of cash lump sums on redundancy from the Commonwealth Superannuation Scheme (CSS) or the Public Sector Superannuation Scheme (PSS) will not be brought forward to 1 July 1999 as originally proposed. Instead, the date will stay as 1 July 2000 as currently provided for in the CSS and PSS legislation.

The Government remains committed to the passage of the Bills, which will improve superannuation arrangements for Commonwealth employees.

In particular, the Government is committed to the closure of the PSS and to giving Commonwealth employees choice of superannuation fund.

Because most new Commonwealth employees are tied to compulsory membership of the PSS, they have superannuation arrangements that are ill-suited to a modern, highly mobile employment market.

Commonwealth employees should be able to have more flexible and equitable superannuation arrangements than the PSS provides.

The eventual passage of the Bills will also provide improved benefits for surviving spouses and children of some PSS and CSS members who have been in a "post-retirement" marital relationship.

A further announcement on a new start date will be made as soon as possible.

Canberra  
9 June, 1999



## AUSTRALIAN NURSING FEDERATION

Australian Capital Territory Branch

Unit 3, 36 Botany Street, Phillip, ACT 2606  
All correspondence to: PO Box 1995, WODEN ACT 2606  
Telephone: (02) 6282 9455 Fax: (02) 6282 8447  
Email: [actanf@netinfo.com.au](mailto:actanf@netinfo.com.au)  
Homepage: <http://www.netinfo.com.au/actanf>

President: R. Staniforth

Secretary: C. Duff

Thursday 3rd June 1999

Mr Paul Rayner  
Director Employment and Remuneration  
Chief Minister's Department

Dear Mr Rayner

### **Closure of PSS Superannuation Scheme to new staters from 1 July 1999.**

The ANF wrote to you on 6 May concerning our objection to the closure of the PSS to new staters from 1 July and the payment of an employer contribution in to an accrual scheme at only the Superannuation Guarantee Act level only, as it is contrary to clause 5.5 of our Enterprise Bargaining Agreement. We have received no response to our earlier letter

Following telephone conversations with Mr Clayton Conquest from your office and an officer from the Department of Finance who is involved in drafting the Instrument I find that a Declaration is about to be made by the Minister for Finance under s. 6 (2) (c) of the Superannuation Act to exclude new starters in ACT Government employment from eligibility to become members of PSS.

Under the circumstances the ANF has no alternative but to proceed to notify a Dispute to the Industrial Relations Commission, as we believe our Enterprise Bargaining Agreement guarantees the maintenance of superannuation benefits for both current and future employees whose employment is subject to that Agreement.

Yours sincerely

Maureen Sheehan  
Industrial Adviser  
cc Jeremy Pyner ACT TLC  
Steve Ramsey CPSU Legal Unit

ANF 6

FACSIMILE

CHIEF MINISTER'S DEPARTMENT



Date 12 May 1999 Time            Pages 2  
To Mr Jeremy Pyner  
Of ACT Trades and Labour Council  
62576638  
Fax 62477844 Phone 62477844

Mr Pyner

Sorry I didn't get back to you sooner regarding our telephone discussion in April on the implementation of superannuation choice arrangements for the ACTPS.

As we discussed, superannuation choice arrangements for new ACTPS employees are due to come into effect on 1 July 1999. The choice arrangements feature the closure of the PSS to new entrants and unlimited choice of private sector superannuation funds, including Industry funds.

As noted in the briefing to unions on 4 May 1999, the Government has also confirmed, in the 1999-2000 Budget, that the level of employer contributions will be at the levels specified in the *Superannuation Guarantee (Administration) Act 1992*. The SGA minimum contribution is currently 7%, rising to 9% in July 2002. An extract of the Budget Statement is attached.

An ACTPS "default fund", called the ACT Public Service Superannuation Default Fund a sub-plan of AMP CustomSuper, has been selected.

Regards

*Paul*  
Paul Rayner  
Director, Employment and Remuneration



# AUSTRALIAN NURSING FEDERATION

Australian Capital Territory Branch

ANFS

Unit 3, 36 Botany Street, Phillip, ACT 2606  
All correspondence to: PO Box 1995, WODEN ACT 2606  
Telephone: (02) 6282 9455 Fax: (02) 6282 8447  
Email: [actanf@netinfo.com.au](mailto:actanf@netinfo.com.au)  
Homepage: <http://www.netinfo.com.au/actanf>

President: R. Staniforth

Secretary: C. Duff

Mr Paul Rayner  
Director  
Employment and Remuneration Branch  
Chief Ministers Department

Thursday 6 May 1999.

Dear Mr Rayner

## **RE Superannuation for new starters after July 1 1999.**

Further to our brief conversation at the ACT Budget Briefing, I am writing to you concerning the ANF's understanding of Superannuation entitlements of nurses employed in the ACT public health system covered by the ACT Public Sector (Nurses) Enterprise Bargaining Agreement 1996-1999.

The government has committed itself to maintain superannuation entitlements in clause 5 of that Agreement as follows.

### **5. Principles of the Agreement**

**"The following Principles shall apply to the operation of this agreement. The parties shall:....**

**5.5 at a minimum maintain, and where possible improve, by agreement, essential conditions of employment, including hours of work, public holidays, recreation, sick and long service leave, superannuation, penalty rates, leave loading, accrued days off, carer's leave....."**

The ANF believes that the announcement in the budget that new starters will receive a reduced employer contribution as of July 1 is in contravention of that clause.

We therefore ask that you clarify the government's intentions in light of these obligations under the existing Agreement.

Yours sincerely

A handwritten signature in cursive script that reads "Maureen Sheehan".

Maureen Sheehan  
Industrial Adviser

cc ACT Government Unions

Canberra Tourism and Events Corporation will also receive an additional \$2 million for marketing and promotion, the second instalment of a \$6 million funding boost over the term of this government.

### **Information Technology and Multimedia**

Mr Speaker, this government is continuing to lead the way in encouraging the development of Canberra as a centre for information and advanced technology.

That leadership is in the form of the complete modernisation of our IT infrastructure across every agency and every service.

Our aim is to have all major government transactions available on-line by 2001 and we are well on the way to achieving this.

Our modernisation program will not only ensure that our critical systems are Y2K-ready by late 1999 but also position the Territory to offer better and faster services to all Canberrans.

\$10 million has been allocated for the government-wide upgrading of information technology cabling along with another \$8 million for the replacement and upgrading of key systems within the Department of Justice and Community Safety, The Canberra Hospital and the Emergency Services Bureau.

### **Superannuation Liabilities**

Mr Speaker, this budget provides for the allocation of \$300 million to help meet the Territory's unfunded superannuation liabilities.

The money will come from a capital repayment by ACTEW Corporation.

It is a one-off payment allocated fully to the superannuation provision account and will not impact on the overall budget operating result.

It replaces the plan announced last year and is consistent with the recommendations of the Assembly's Select Committee on Superannuation.

Mr Speaker, this is a second-best option but in light of the Assembly's decision to reject the sale of ACTEW Corporation, the Government has been left with few alternatives.

From the 1st of July, all new entrants to the ACT Public Service will be able to choose their own superannuation scheme or they will be covered by a default scheme selected by the government.

The government contribution will be consistent with the superannuation guarantee levy of seven per cent, rising to nine per cent in 2002.

It should also be noted that the results of the latest triennial review of the Territory's superannuation liability should be available in the second half of 1999, which will provide an updated estimate of our emerging costs and liabilities.

ANF 3.



CHIEF MINISTER'S DEPARTMENT

- Mr Clive Haggart - AEU
- Gil Anderson - ALHMCWU
- Mr Bob O'Hara - AMWU
- Ms Colleen Duff - ANF
- The Director - APESMA
- Mr Eric Jansen - ASMOF
- Ms Karin McDonald - ASU
- Mr Craig Simmons - AWU - FIME
- Mr Neville Betts/Mr Brian O'Reilly - CEPU
- Mr George Wason - CFMEU
- Ms Jennifer Eccles - CPSU
- Ms Joanna Mullins - CPSU (Professional Division)
- Mr Bert Tolley - HSUA
- Mr Michael White - MEAA
- Mr Peter Hearne - NUW
- Mr Jeremy Pyner - TLC
- Mr Trevor Santi - TWU
- Mr Russ Shephard - UFU

ANF	ACT BRANCH
DATE	25 FEB 1999
FILE	
COM	
WFR	
OTHER	

### NEW SUPERANNUATION ARRANGEMENTS

As outlined in our letter of 10 December 1998, new superannuation arrangements are being established by the ACT Government to cover new employees entering the ACTPS from 1 July 1999 in the context of the Commonwealth decision to close access to the PSS from that date.

The new arrangements will expand the superannuation choices available to new employees.

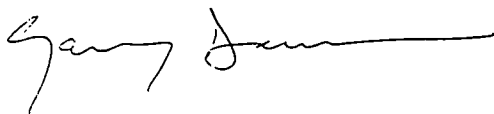
Following a tender process the AMP has been selected as the superannuation default fund provider for new entrants to the ACT Public Service who do not select their own superannuation fund under the choice of fund arrangements scheduled to commence from 1 July 1999.

The tender process was rigorous and keenly contested with the AMP rating strongest overall against a broad range of selection criteria.

It is again emphasised that these new arrangements for new starters will have no impact on the entitlements of existing employees. Current employees who are members of the CSS or PSS schemes and new entrants to the PSS before 1 July 1999 can remain in these schemes with no change to their arrangements.

We will continue to keep all stakeholders including existing staff and employee associations informed of developments as the new arrangements are put in place.

Yours faithfully



Gary Dawson  
Director  
Economic Management Branch  
OFM

22 February 1999



Paul Rayner  
Director  
Employment and Remuneration Branch  
OSPA

22 February 1999

Mr Clive Haggart - AEU  
 Gil Anderson - ALHMCWU  
 Mr Bob O'Hara - AMWU  
 Ms Colleen Duff - ANF  
 The Director - APESMA  
 Mr Eric Jansen - ASMOF  
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 Mr George Wason - CFMEU  
 Ms Jennifer Eccles - CPSU  
 Ms Joanna Mullins - CPSU (Professional Division)  
 Mr Bert Tolley - HSUA  
 Mr Michael White - MEAA  
 Mr Peter Hearne - NUW  
 Mr Jeremy Pyner - TLC  
 Mr Trevor Santi - TWU  
 Mr Russ Shephard - UFU

### NEW SUPERANNUATION ARRANGEMENTS

The ACT Government is establishing alternative superannuation arrangements to cover new employees entering the ACTPS from 1 July 1999 following the announcement that the Commonwealth Government is to close access to the PSS superannuation scheme, for new starters to both the Commonwealth and ACT Public Service, from that date. The Commonwealth also plans to implement a choice of fund regime from the same date expanding the superannuation choices available to employees

On 26 May 1998 the Chief Minister announced that the Government would introduce unlimited choice of superannuation fund to new ACTPS staff from 1 July 1999.

It is important to note that the new arrangements will not apply to existing members of the CSS/PSS unless they specifically wish to avail themselves of any choice of fund opportunities provided for members of those schemes. The Commonwealth proposes to introduce choice of fund for CSS/PSS members from 1 July 2000. Existing members of the CSS/PSS who wish to remain with these schemes will be able to do so and there will be no change to existing arrangements for these employees.

A Superannuation Steering Committee (SSC) was formed in August 1998 to oversight introduction of the new superannuation arrangements.

The most immediate task for the SSC has been the selection of a default fund for new entrants after 1 July 1999 who do not exercise choice of fund under the new arrangements. The default fund will be the fund that members automatically join if they do not choose a particular fund within a certain timeframe.

A shortlisting of potential tenderers for the default fund, embracing both industry funds and master trust providers, was determined by the SSC after these potential tenderers had first been assessed. Funds/providers on the shortlist were invited to and have now tendered for the default fund. The intention is to complete the selection process by late December or early January.

Further information will be provided at relevant stages to keep all stakeholders including existing staff and employee associations informed of developments.

Yours faithfully



Gary Dawson  
Director  
Economic Management Branch  
OFM

10 December 1998



Paul Rayner  
Director  
Employment and Remuneration Branch  
OSPA

10 December 1998

ANF



AUSTRALIAN  
CAPITAL TERRITORY

CHIEF MINISTER'S  
DEPARTMENT

Ms Colleen Duff  
Secretary  
Australian Nursing Federation  
PO Box 715  
DICKSON ACT 2601

Office of Strategy  
and Government  
Business

Dear Ms Colleen Duff

### SUPERANNUATION REVIEW

The Chief Minister announced today that an external review of ACT public sector superannuation arrangements will be undertaken in line with commitments made in the 1997-98 ACT Budget (see attached statement and press release).

The review will take into account the changes that the Commonwealth has announced in relation to the closure of the current Public Sector Superannuation Scheme (PSS). A copy of the press release by the Federal Minister for Finance is attached. For existing ACT public servants there is absolutely no threat to existing superannuation arrangements as a result of the changes the Commonwealth is making.

The review of ACT superannuation arrangements will be conducted by an expert commissioned by the Government. It is expected that the review will be finalised by early next year to enable alternative arrangements to be put in place for new ACT public sector employees commencing employment after 1 July 1998.

The terms of reference are broader than just looking at the changes that the Commonwealth has announced and will look at bringing forward options for addressing the unfunded liabilities and developing a preferred approach to the future of superannuation arrangements for the ACT public sector.

The Terms of Reference invite all interested parties and individuals to make submissions to the review. A date for the lodgement of these submissions will be announced once an external expert has been commissioned. However, the Government is keen to ensure that staff and their representatives have a major input and therefore will ensure that your views are fully taken into account. Therefore any submission your union would seek to make would be welcomed.

*Tender to major Super Financial firms.*

*Selected Tender of several major firms.*

ACTANM/SUPA 3.000

*Review to begin within the month, report by  
March '98.*

*Govt Resources : "Support" info. P.T.O.*

I also anticipate there will be follow up briefings by the consultant as it is important the review finding are based on common agreement and understanding of the issues.

Yours sincerely



L M Webb

Commissioner for Public Administration

24 September 1997

---

## EXPERT REVIEW OF ACT PUBLIC SECTOR SUPERANNUATION

The ACT Government is committed to developing a long term strategy to address the issue of unfunded superannuation liabilities for the ACT Public Service (ACTPS) and, in the shorter term, to develop alternative superannuation arrangements for new ACTPS employees from 1 July 1998.

The existing arrangements use the two Commonwealth schemes: the Commonwealth Superannuation Scheme (CSS) and the Public Sector Superannuation Scheme (PSS). Both schemes provide defined benefits as distinct from the accumulation schemes operating in most States and the private sector.

The CSS was closed to new entrants in 1990. The Commonwealth has announced it will close the PSS to all new entrants from 1 July 1998.

Recent actuarial estimates show that, for the ACTPS, current unfunded liabilities of around \$700m are projected to increase to approximately \$1600m by the year 2013 if the PSS remains the principal scheme for new entrants and there is no change to the present funding levels. The annual costs will increase from the 1997-98 level of \$16m to over \$120m by the year 2027.

It is against this background that the review of ACTPS superannuation arrangements foreshadowed in the 1997-98 Budget is to take place.

### Terms of Reference

1. Review the work done to date on superannuation liabilities for the ACT public sector.
2. Gain a sound understanding of the implications of Commonwealth proposals and their implications for the ACT public sector.
3. Assess the characteristics of the ACT public sector now and in the future in relation to superannuation.
4. Gain a sound understanding of superannuation arrangements and expectations in the public and private sectors across Australia including a view on community standards.

Following this work the review is to:

5. bring forward options for addressing the unfunded liabilities; and
6. develop options for, and a preferred approach to, future superannuation arrangements for the ACT public sector.

The Review, to be conducted by an expert commissioned by the ACT Government, will take submissions on these matters from interested parties and individuals should they wish to make them.

The Review will need to be finalised during the second half of 1997-98, in sufficient time to enable implementation from 1 July 1998.

CANBERRA TIMES 13/6/99

business Margaret White... accepted that... In fringe benefit tax paid by

**PSS**  
The PSS Board

**ACT GOVERNMENT  
TEMPORARY, CASUAL AND  
PART-TIME WORKERS**

**WOULD YOU KNOCK BACK  
A PAY RISE?**

No? But, that's effectively what you could be doing by not joining the Public Sector Superannuation (PSS) Scheme before it closes to new members employed by the ACT Government on 1 July 1999.

This is your last chance to participate in the superannuation arrangements that your fellow permanent workers enjoy. But, you must do so before 1 July 1999.

ComSuper, the administrator of the PSS, will be conducting information seminars to tell you more about the benefits of joining the PSS. To find out when a seminar will be held near you, or why you should join the PSS, just ring a ComSuper Advisory Officer on (02) 6252 7708.

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30 JUNE 1999**

00001

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CHIEF MINISTER'S DEPARTMENT

Ms Maureen Sheehan  
Industrial Adviser  
Australian Nursing Federation  
PO Box 1995  
WODEN ACT 2606

ANF	ACT BRANCH
DATE	11 JUN 1999
FILE	
BCM	
WPR	
OTHER	Maureen

Dear Ms Sheehan

**Closure of the PSS Superannuation Scheme to new employees from 1 July 1999**

I refer to your letter of 6 May 1999 and your notification on 4 June 1999 of an alleged industrial dispute under section 99 of the *Workplace Relations Act 1996*.

You will recall that I specifically raised superannuation matters at the union budget briefing on 5 May 1999. In particular, I noted that the Government has decided that the PSS will be closed to new ACTPS employees after 1 July 1999 and that employer contributions for these employees will be set at the levels required by the *Superannuation Guarantee (Administration) Act 1992*.

As previously discussed, copies of the proposed Commonwealth 'declarations' to exclude new employees from eligibility to join the PSS will be sent to you once the drafts have been prepared.

I note your concerns regarding the principles set out in the *ACT Public Sector (Nurses) Enterprise Bargaining Agreement 1996-1999*. I understand that the matter has been listed for hearing by the AIRC on Wednesday 16 June 1999.

Yours sincerely

Paul Rayner  
Director, Employment and Remuneration

9 June 1999



# AUSTRALIAN NURSING FEDERATION

Australian Capital Territory Branch

Unit 3, 36 Botany Street, Phillip, ACT 2606

All correspondence to: PO Box 1995, WODEN ACT 2606

Telephone: (02) 6282 9455 Fax: (02) 6282 8447

Email: [actanf@netinfo.com.au](mailto:actanf@netinfo.com.au)

Homepage: <http://www.netinfo.com.au/actanf>

President: R. Staniforth

Secretary: C. Duff

Mr Paul Rayner  
Director  
Employment and Remuneration Branch  
Chief Ministers Department

Thursday 6 May 1999.

Dear Mr Rayner

## **RE Superannuation for new starters after July 1 1999.**

Further to our brief conversation at the ACT Budget Briefing, I am writing to you concerning the ANF's understanding of Superannuation entitlements of nurses employed in the ACT public health system covered by the ACT Public Sector (Nurses) Enterprise Bargaining Agreement 1996-1999.

The government has committed itself to maintain superannuation entitlements in clause 5 of that Agreement as follows.

### **5. Principles of the Agreement**

**"The following Principles shall apply to the operation of this agreement. The parties shall:....**

**5.5 at a minimum maintain, and where possible improve, by agreement, essential conditions of employment, including hours of work, public holidays, recreation, sick and long service leave, superannuation, penalty rates, leave loading, accrued days off, carer's leave....."**

The ANF believes that the announcement in the budget that new starters will receive a reduced employer contribution as of July 1 is in contravention of that clause.

We therefore ask that you clarify the government's intentions in light of these obligations under the existing Agreement.

Yours sincerely

A handwritten signature in cursive script that reads "Maureen Sheehan".

Maureen Sheehan  
Industrial Adviser

cc ACT Government Unions



## AUSTRALIAN NURSING FEDERATION

Australian Capital Territory Branch

Unit 3, 36 Botany Street, Phillip, ACT 2606  
All correspondence to: PO Box 1995, WODEN ACT 2606  
Telephone: (02) 6282 9455 Fax: (02) 6282 8447  
Email: [actanf@netinfo.com.au](mailto:actanf@netinfo.com.au)  
Homepage: <http://www.netinfo.com.au/actanf>

President: R. Staniforth

Secretary: C. Duff

Thursday 3rd June 1999

Mr Paul Rayner  
Director Employment and Remuneration  
Chief Minister's Department

Dear Mr Rayner

### **Closure of PSS Superannuation Scheme to new staters from 1 July 1999.**

The ANF wrote to you on 6 May concerning our objection to the closure of the PSS to new staters from 1 July and the payment of an employer contribution in to an accrual scheme at only the Superannuation Guarantee Act level only, as it is contrary to clause 5.5 of our Enterprise Bargaining Agreement. We have received no response to our earlier letter.

Following telephone conversations with Mr Clayton Conquest from your office and an officer from the Department of Finance who is involved in drafting the Instrument I find that a Declaration is about to be made by the Minister for Finance under s. 6 (2) (c) of the Superannuation Act to exclude new starters in ACT Government employment from eligibility to become members of PSS.

Under the circumstances the ANF has no alternative but to proceed to notify a Dispute to the Industrial Relations Commission, as we believe our Enterprise Bargaining Agreement guarantees the maintenance of superannuation benefits for both current and future employees whose employment is subject to that Agreement.

Yours sincerely

Maureen Sheehan  
Industrial Adviser  
cc Jeremy Pyner ACT TLC  
Steve Ramsey CPSU Legal Unit



Ms Maureen Sheehan  
Industrial Adviser  
Australian Nursing Federation  
PO Box 1995  
WODEN ACT 2606

ANF	ACT BRANCH
DATE	11 JUN 1999
FILE	
BCM	
WPR	
OTHER	Maureen

Dear Ms Sheehan

**Closure of the PSS Superannuation Scheme to new employees from 1 July 1999**

I refer to your letter of 6 May 1999 and your notification on 4 June 1999 of an alleged industrial dispute under section 99 of the *Workplace Relations Act 1996*.

You will recall that I specifically raised superannuation matters at the union budget briefing on 5 May 1999. In particular, I noted that the Government has decided that the PSS will be closed to new ACTPS employees after 1 July 1999 and that employer contributions for these employees will be set at the levels required by the *Superannuation Guarantee (Administration) Act 1992*.

As previously discussed, copies of the proposed Commonwealth 'declarations' to exclude new employees from eligibility to join the PSS will be sent to you once the drafts have been prepared.

I note your concerns regarding the principles set out in the *ACT Public Sector (Nurses) Enterprise Bargaining Agreement 1996-1999*. I understand that the matter has been listed for hearing by the AIRC on Wednesday 16 June 1999.

Yours sincerely

Paul Rayner  
Director, Employment and Remuneration

9 June 1999



## AUSTRALIAN NURSING FEDERATION

Australian Capital Territory Branch

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Thursday 3rd June 1999

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Chief Minister's Department

Dear Mr Rayner

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Yours sincerely

Maureen Sheehan  
Industrial Adviser  
cc Jeremy Pyner ACT TLC  
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President: R. Staniforth

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Mr Paul Rayner  
Director  
Employment and Remuneration Branch  
Chief Ministers Department

Thursday 6 May 1999.

Dear Mr Rayner

## **RE Superannuation for new starters after July 1 1999.**

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The government has committed itself to maintain superannuation entitlements in clause 5 of that Agreement as follows.

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The ANF believes that the announcement in the budget that new starters will receive a reduced employer contribution as of July 1 is in contravention of that clause.

We therefore ask that you clarify the government's intentions in light of these obligations under the existing Agreement.

Yours sincerely

A handwritten signature in cursive script that reads 'Maureen Sheehan'.

Maureen Sheehan  
Industrial Adviser

cc ACT Government Unions



Mr Clive Haggar - AEU  
 Gil Anderson - ALHMWU  
 Mr Bob O'Hara - AMWU  
 Ms Colleen Duff - ANF  
 The Director - APESMA  
 Mr Eric Jansen - ASMOF  
 Ms Karin McDonald - ASU  
 Mr Craig Simmons - AWU - FIME  
 Mr Neville Betts/Mr Brian O'Reilly - CEPU  
 Mr George Wason - CFMEU  
 Ms Jennifer Eccles - CPSU  
 Ms Joanna Mullins - CPSU (Professional Division)  
 Mr Bert Tolley - HSUA  
 Mr Michael White - MEAA  
 Mr Peter Hearne - NUW  
 Mr Jeremy Pyner - TLC  
 Mr Trevor Santi - TWU  
 Mr Russ Shephard - UFU

ANF	ACT BRANCH
DATE	25 FEB 1999
FILE	
DOM	
WPR	
OTHER	

### NEW SUPERANNUATION ARRANGEMENTS

As outlined in our letter of 10 December 1998, new superannuation arrangements are being established by the ACT Government to cover new employees entering the ACTPS from 1 July 1999 in the context of the Commonwealth decision to close access to the PSS from that date.

The new arrangements will expand the superannuation choices available to new employees.

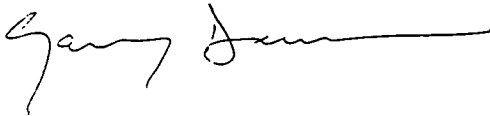
Following a tender process the AMP has been selected as the superannuation default fund provider for new entrants to the ACT Public Service who do not select their own superannuation fund under the choice of fund arrangements scheduled to commence from 1 July 1999.

The tender process was rigorous and keenly contested with the AMP rating strongest overall against a broad range of selection criteria.

It is again emphasised that these new arrangements for new starters will have no impact on the entitlements of existing employees. Current employees who are members of the CSS or PSS schemes and new entrants to the PSS before 1 July 1999 can remain in these schemes with no change to their arrangements.

We will continue to keep all stakeholders including existing staff and employee associations informed of developments as the new arrangements are put in place.

Yours faithfully



Gary Dawson  
Director  
Economic Management Branch  
OFM

22 February 1999

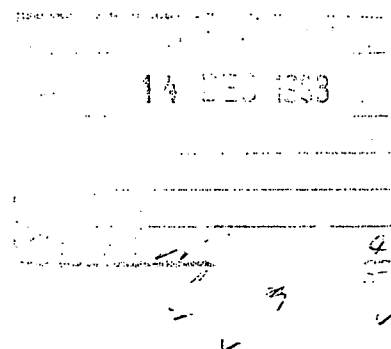


Paul Rayner  
Director  
Employment and Remuneration Branch  
OSPA

22 February 1999



Mr Clive Haggart - AEU  
Gil Anderson - ALHMWU  
Mr Bob O'Hara - AMWU  
Ms Colleen Duff - ANF  
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Mr Bert Tolley - HSUA  
Mr Michael White - MEAA  
Mr Peter Hearne - NUW  
Mr Jeremy Pyner - TLC  
Mr Trevor Santi - TWU  
Mr Russ Shephard - UFU



### NEW SUPERANNUATION ARRANGEMENTS

The ACT Government is establishing alternative superannuation arrangements to cover new employees entering the ACTPS from 1 July 1999 following the announcement that the Commonwealth Government is to close access to the PSS superannuation scheme, for new starters to both the Commonwealth and ACT Public Service, from that date. The Commonwealth also plans to implement a choice of fund regime from the same date expanding the superannuation choices available to employees

On 26 May 1998 the Chief Minister announced that the Government would introduce unlimited choice of superannuation fund to new ACTPS staff from 1 July 1999.

It is important to note that the new arrangements will not apply to existing members of the CSS/PSS unless they specifically wish to avail themselves of any choice of fund opportunities provided for members of those schemes. The Commonwealth proposes to introduce choice of fund for CSS/PSS members from 1 July 2000. Existing members of the CSS/PSS who wish to remain with these schemes will be able to do so and there will be no change to existing arrangements for these employees.

A Superannuation Steering Committee (SSC) was formed in August 1998 to oversight introduction of the new superannuation arrangements.

The most immediate task for the SSC has been the selection of a default fund for new entrants after 1 July 1999 who do not exercise choice of fund under the new arrangements. The default fund will be the fund that members automatically join if they do not choose a particular fund within a certain timeframe.

A shortlisting of potential tenderers for the default fund, embracing both industry funds and master trust providers, was determined by the SSC after these potential tenderers had first been assessed. Funds/providers on the shortlist were invited to and have now tendered for the default fund. The intention is to complete the selection process by late December or early January.

Further information will be provided at relevant stages to keep all stakeholders including existing staff and employee associations informed of developments.

Yours faithfully



Gary Dawson  
Director  
Economic Management Branch  
OFM  
10 December 1998



Paul Rayner  
Director  
Employment and Remuneration Branch  
OSPA  
10 December 1998



②

# URGENT LISTING

## AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION NOTICE OF LISTING

### C No/s

<b>90223 of 1999</b>	s.99 notification of an alleged industrial dispute between the Australian Nursing Federation -and- ACT Government, Minister for Health
<b>90233 of 1999</b>	s.99 notification of an alleged industrial dispute between the CPSU, the Community and Public Sector Union -and- the Chief Minister and others
<b>90234 of 1999</b>	s.99 notification of an alleged industrial dispute between the Australian Salaried Medical Officers Federation -and- ACT Government, Minister for Health and Community Care
<b>90245 of 1999</b>	s.99 notification of an alleged industrial dispute between the Australian Education Union -and- the Minister for Education
<b>90246 of 1999</b>	s.99 notification of an alleged industrial dispute between the Health Services Union of Australia - and- the ACT Government, Minister for Health re Superannuation entitlements
<b>90249 of 1999</b>	s.99 notification of an alleged industrial dispute between the Media, Entertainment and Arts Alliance -and- the ACT Government Chief Ministers Department re Superannuation entitlements
<b>90250 of 1999</b>	s.99 notification of an alleged industrial dispute between the Health Services Union of Australia - and- the ACT Government, Minister for Health re Superannuation entitlements - Calvary Hospital
<b>90251 of 1999</b>	s.99 notification of an alleged industrial dispute between the Construction, Forestry, Mining and Energy Union - the Minister for Urban Services

<b>Is Now</b>	<b>Listed for</b>	<b>Hearing</b>	<b>Before:</b>	Commissioner Deegan
<b>Time</b>	9.30 am	<b>Date:</b>	<b>Place:</b>	2 <sup>nd</sup> Floor
	Tuesday	29 June 1999		17-21 University Avenue
				CANBERRA ACT 2600

**REGISTRAR**      ACT      **Date:** 28 June 1999

<b>PARTIES NOTIFIED:</b>	<b>ATTENTION:</b>	<b>FAX NO:</b>
ANF - Federal Office	Federal Secretary	03 9652 0567
ANF - ACT Branch	Maureen Sheehan	6282 8447
CPSU - National Office	National Secretary	02 9334 9250
CPSU - ACT Branch	Jenni Eccles	02 6257 6181
Australian Salaried Officers Federation - Federal Office	Federal Secretary	02 9212 6911
Australian Salaried Officers Federation	Neville Smith	02 6270 5499
Australian Education Union - Federal Office	Federal Secretary	03 9254 1805
Australian Education Union - ACT Branch	Clive Haggart	02 6273 1828

### TELEPHONE CONTACT:

VIC (03) 9653 8200  
NSW (02) 9332 0666

QLD (07) 3227 6666  
SA (08) 8207 0900  
WA (08) 9278 8800

ACT (02) 6247 9333  
TAS (03) 6232 1753  
NT (08) 89 44 3131

HSUA - National Office	National Secretary	03 9376 8243
HSUA - ACT Office	Bert Tolley	02 6247 7741
MEAA - Federal Office	Federal Secretary	02 9333 0933
MEAA - ACT Branch	Robin Hampstead	02 6273 2512
CFMEU - National Office	National Secretary	02 9299 1685
CFMEU - ACT Branch	Sarah Schoonwater	02 6249 1247
Corrs Chambers Westgarth	Tom Brennan	6257 7563
ACT Government - Minister for Health	M Moore	02 6205 0431
ACT Department of Education and Community Services	Warren Foster	02 6205 9146
Department of Health and Community Services	D Butt	02 6205 0825
Minister for Urban Services	Executive Officer	02 6205 0859
Department of Urban Services	Tony Farley	02 6207 6397
Department of Justice and Community Safety	Chief Executive Officer	02 6207 0499
Minister For Education	Bill Stefaniak	02 6205 3000
Chief Ministers Department	Paul Rayner	02 6205 0334
Canberra tribunals		02 6247 9774

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2

AIR-ACT

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**Is Now Listed for Hearing**

**Before:** Commissioner Deegan

**Time** 9.30 am **Tuesday** **Date:** 29 June 1999

**Place:** 2<sup>nd</sup> Floor

17-21 University Avenue

AIR-ACT

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	CMD#	STATUS
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				CANBERRA ACT 2600

**REGISTRAR** ACT **Date:** 28 June 1999

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ANF - Federal Office	Federal Secretary	03 9652 0567
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AIR-ACT

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	CMD#	STATUS
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<b>Is Now</b>	<b>Listed for</b>	<b>Hearing</b>	<b>Before:</b>	Commissioner Deegan
<b>Time</b>	9.30 am	<b>Date:</b>	<b>Place:</b>	2 <sup>nd</sup> Floor
	Tuesday	29 June 1999		17-21 University Avenue
				CANBERRA ACT 2600

**REGISTRAR** ACT **Date: 28 June 1999**

#### PARTIES NOTIFIED:

#### ATTENTION:

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NT (08) 89 44 3131



2  
**URGENT**

**AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
NOTICE OF LISTING**

**C No/s** 90223 of 1999

s.99 notification of an alleged industrial dispute between:

the Australian Nursing Federation -and- ACT Government, Minister for Health

**Re** Superannuation entitlements

**Is Now Listed for Hearing**  
**Time** 10.15 am **Monday** **Date:** 28 June 1999

**Before:** Commissioner Deegan

**Place:** 2nd Floor

17-21 University Avenue

CANBERRA ACT 2600

**ADJOURNED**

MAY BE LISTED AGAIN ON APPLICATION

25.6.99

**REGISTRAR**

**ACT**

**Date:** 17 June 1999

**PARTIES NOTIFIED:**

**ATTENTION:**

**FAX NO:**

ANF - Federal Office

Federal Secretary

03 9652 0567 ✓

ANF - ACT Branch

Maureen Sheehan

6282 8447 ✓

ACT Department of Health

D Butt

6205 0825 ✓

Chief Ministers Department

Paul Rayner

DEWRSB  
6121 7781

Canberra tribunals ✓  
2

62050334 ✓

XXXX XXXX ✓

REGISTRAR					<del>VIC</del>		<del>NSW</del>		<del>QLD</del>		<del>SA</del>	<del>WA</del>	ACT	<del>TAS</del>	NT	
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PN		RN		DIRN		SI		LL		CA		CT	✓	AB		CB

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AIR-ACT

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	CMD#	STATUS
16	06/25	16:57	61394822330 ✓	EC--S	00'26"	001	236	OK
17	06/25	16:59	61 6 2828447 ✓	EC--S	00'35"	001	236	OK
18	06/25	17:01	+61 2 62050843 ✓	EC--S	00'32"	001	236	OK
19	06/25	17:03	+61 2 62050334 ✓	EC--S	00'29"	001	236	OK



**URGENT**

**AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
NOTICE OF LISTING**

**C No/s** 90223 of 1999

s.99 notification of an alleged industrial dispute between:

the Australian Nursing Federation -and- ACT Government, Minister for Health

**Re** Superannuation entitlements

**Is Now Listed for Hearing** **Before:** Commissioner Deegan

**Time** 10.15 am **Monday** **Date:** 28 June 1999 **Place:** 2nd Floor

**ADJOURNED** 17-21 University Avenue  
CANBERRA ACT 2600

MAY BE LISTED AGAIN ON APPLICATION 25.6.99

**REGISTRAR** ACT **Date:** 17 June 1999

PARTIES NOTIFIED:	ATTENTION:	FAX NO:
ANF - Federal Office	Federal Secretary	03 9652 0567
ANF - ACT Branch	Maureen Sheehan	6282 8447
ACT Department of Health	D Butt	6205 0825
Chief Ministers Department	Paul Rayner	(6121-7781)
Canberra tribunals		62050334

DEWRSB  
XXXX XXXX

REGISTRAR					VIC	NSW	QLD	SA	WA	ACT	TAS	NT				
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**TELEPHONE CONTACT:**  
VIC (03) 9653 8200  
NSW (02) 9332 0666

QLD (07) 3227 6666  
SA (08) 8207 0900  
WA (08) 9278 8800

ACT (02) 6247 9333  
TAS (03) 6232 1753  
NT (08) 89 44 3131

AIR-ACT

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	CMD#	STATUS
22	06/25	17:13	61394822330	EC--S	00'26"	001	239	OK
23	06/25	17:15	+61 2 62050843	EC--S	00'31"	001	239	OK



**URGENT**

**AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
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**Re** Superannuation entitlements

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**Time** 10.15 am **Monday** **Date:** 28 June 1999 **Place:** 2nd Floor

**17-21 University Avenue**  
**CANBERRA ACT 2600**

**ADJOURNED**

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Chief Ministers Department	Paul Rayner	(6121 7781)
Canberra tribunals		62050334
		XXXX XXXX

REGISTRAR					VIC	NSW	QLD	SA	WA	ACT	TAS	NT
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**AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**  
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**C No/s** 90223 of 1999

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**Re** Superannuation entitlements

	<b>Is Now</b>	<b>Listed for</b>	<b>Hearing</b>	<b>Before:</b>	Commissioner Deegan
<b>Time</b>	10.15 am	Monday	<b>Date:</b> 28 June 1999	<b>Place:</b>	2nd Floor
					17-21 University Avenue
					CANBERRA ACT 2600

**REGISTRAR** ACT **Date:** 17 June 1999

PARTIES NOTIFIED:	ATTENTION:	FAX NO:
ANF - Federal Office	Federal Secretary	03 9652 0566
ANF - ACT Branch	Maureen Sheehan	6282 8447
ACT Department of Health	D Butt	6205 0825
Chief Ministers Department	Paul Rayner	6121 7781
Canberra tribunals		XXXX XXXX

REGISTRAR					VIC		NSW		QLD		SA	WA	ACT	TAS	NT	
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**TELEPHONE CONTACT:**

VIC (03) 9653 8200  
NSW (02) 9332 0666

QLD (07) 3227 6666  
SA (08) 8207 0900  
WA (08) 9278 8800

ACT (02) 6247 9333  
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NT (08) 89 44 3131

AIR-ACT

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	CMD#	STATUS
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19	06/17	10:41	0396520567	---S	00'00"	000	044	BUSY
20	06/17	10:43	+61 2 62050843	EC--S	00'29"	001	044	OK



**AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
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**C No/s** 90223 of 1999

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<b>Is Now</b>	<b>Listed for</b>	<b>Hearing</b>	<b>Before:</b>	Commissioner Deegan
<b>Time</b>	10.15 am	<b>Monday</b>	<b>Date:</b>	28 June 1999
			<b>Place:</b>	2nd Floor 17-21 University Avenue CANBERRA ACT 2600

**REGISTRAR** ACT **Date:** 17 June 1999

**PARTIES NOTIFIED:**

**ATTENTION:**

**FAX NO:**

X ANF - Federal Office	Federal Secretary	03 9652 0567
ANF - ACT Branch	Maureen Sheehan	6282 8447
✓ ACT Department of Health	D Butt	6205 0825 = phone no.
✓ Chief Ministers Department	Paul Rayner	6121 7781

Canberra tribunals

XXXX XXXX

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Registry use only																	
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SA (08) 8207 0900  
WA (08) 9278 8800

ACT (02) 6247 9333  
TAS (03) 6232 1753  
NT (08) 89 44 3131

AIR-ACT

566 ✓  
 DATE TIME TO/FROM MODE MIN/SEC PGS CMD# STATUS  
 26 06/17 12:01 61396520567 EC--S 00'21" 001 053 OK



AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
 NOTICE OF LISTING

C No/s 90223 of 1999

s.99 notification of an alleged industrial dispute between:

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Re Superannuation entitlements

Is Now Listed for Hearing Before: Commissioner Deegan  
 Time 10.15 am Monday Date: 28 June 1999 Place: 2nd Floor  
 17-21 University Avenue  
 CANBERRA ACT 2600

REGISTRAR ACT Date: 17 June 1999

PARTIES NOTIFIED:

ATTENTION:

FAX NO:

ANF - Federal Office Federal Secretary 03 9652 0567  
 ANF - ACT Branch Maureen Sheehan 6282 8447  
 ACT Department of Health D Butt 6205 0825  
 Chief Ministers Department Paul Rayner 6121 7781  
 Canberra tribunals xxxx xxxx

REGISTRAR					VIC	NSW	QLD	SA	WA	ACT	TAS	NT
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AIR-ACT

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	CMD#	STATUS
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23	06/17	11:23	61262437784	EC--S	00'30"	001	049	OK
24	06/17	11:32	0396520567	----S	00'00"	000	049	BUSY



**AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
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**C No/s** 90223 of 1999

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<b>Time</b> 10.15 am	<b>Monday</b>	<b>Date:</b> 28 June 1999	<b>Place:</b>	2nd Floor
				17-21 University Avenue
				CANBERRA ACT 2600

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Chief Ministers Department			Paul Rayner	6121 7781
Canberra tribunals				XXXX XXXX

REGISTRAR					VIC	NSW	QLD	SA	WA	ACT	TAS	NT				
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NOTICE OF LISTING**

**C No/s** 90223 of 1999

s.99 notification of an alleged industrial dispute between:

the Australian Nursing Federation -and- ACT Government, Minister for Health

**Re** Superannuation entitlements

	<b>Listed for</b>	Conference	<b>Before:</b>	Commissioner Deegan
<b>Time</b>	3.30 pm	<b>Date:</b>	16 June 1999	<b>Place:</b>
	Wednesday			2nd Floor
				17-21 University Avenue
				CANBERRA ACT 2600

**REGISTRAR** ACT **Date:** 7 June 1999

PARTIES NOTIFIED:	ATTENTION:	FAX NO:
ANF - Federal Office	Federal Secretary	03 9652 0567
ANF - ACT Branch	Maureen Sheehan	6282 8447 ✓
ACT Department of Health	D Butt	6205 0825 ✗
Chief Ministers Department	Paul Rayner	6207 5376 ✗ <del>6207 5376</del> ✓
Canberra tribunals		XXXX XXXX

REGISTRAR					<del>VIC</del>		<del>NSW</del>	<del>QLD</del>	<del>SA</del>	<del>WA</del>	ACT	<del>TAS</del>	<del>NT</del>				
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AIR-ACT

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**AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
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Canberra tribunals			XXXX XXXX

REGISTRAR					VIC		NSW	QLD	SA	WA	ACT	TAS	NT				
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AIR-ACT

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	CMD#	STATUS
16	06/08	10:26	+61 2 6205 0830	EC--S	00'22"	001	064	OK



**AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
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	Wednesday		17-21 University Avenue
	<b>Date:</b> 16 June 1999		CANBERRA ACT 2600

**REGISTRAR**

ACT

**Date:** 7 June 1999**PARTIES NOTIFIED:****ATTENTION:****FAX NO:**

ANF - Federal Office	Federal Secretary	03 9652 0567
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Canberra tribunals		XXXX XXXX

REGISTRAR					VIC		NSW	QLD	SA	WA	ACT	TAS	NT				
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PN		RN		DIRN		SI		LL		CA		CT		AB		CB	

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ACT (02) 6247 9333  
 TAS (03) 6232 1753  
 NT (08) 89 44 3131

AIR-ACT

DATE TIME TO/FROM MODE MIN/SEC PGS CMD# STATUS  
 20 06/08 11:13 61394822330 EC--S 00'25" 001 074 OK



AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
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REGISTRAR ACT Date: 7 June 1999

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Canberra tribunals				XXXX XXXX

REGISTRAR					VIC		NSW		QLD		SA		WA		ACT		TAS		NT	
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AIR-ACT

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	CMD#	STATUS
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05	06/08	09:52	61262437781 ✓	EC--S	00'23"	001	055	OK
11	06/08	10:03	62050825	----S	00'00"	000	055	BUSY



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<b>Time</b>	3.30 pm	<b>Place:</b>	2nd Floor
<b>Date:</b>	16 June 1999		17-21 University Avenue
			CANBERRA ACT 2600

**REGISTRAR ACT Date: 7 June 1999**

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Canberra tribunals		XXXX XXXX

REGISTRAR					VIC		NSW	QLD	SA	WA	ACT	TAS	NT				
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Registry use only																	
PN		RN		DIRN		SI		LL		CA		CT		AB		CB	

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TAS (03) 6232 1753  
NT (08) 89 44 3131

AIR-ACT

DATE TIME TO/FROM MODE MIN/SEC PGS CMD# STATUS  
16 06/08 14:43 06 207 5376 EC--S 00'29" 001 099 OK



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ACT Department of Health	D Butt	6205 0825 ✗
Chief Ministers Department	Paul Rayner	6207 5376 ✓ <del>6207 5376</del>
Canberra tribunals		XXXX XXXX

REGISTRAR				VIC		NSW		QLD		SA		WA		ACT		TAS		NT	
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TELEPHONE CONTACT:

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NT (08) 89 44 3131



## AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

80 William St, East Sydney, NSW 2011

FAX: (02) 9380 6990

Telephone: (02) 9332 0666

### MEMORANDUM

**To:** Commissioner Deegan

**From:** Senior Deputy President MacBean

**Re:** C No. 90223 of 1999

**Date:** 10 June, 1999

---

Pursuant to s.100 this matter has been referred to you for conciliation. On the completion of the conciliation proceedings in accordance with s.103 you may proceed to deal with the remaining matters in dispute by arbitration.

J.W. MACBEAN  
Senior Deputy President

C No 90223/99 (1)

**FORM R4****Workplace Relations Act 1996****AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION****NOTIFICATION OF AN ALLEGED INDUSTRIAL DISPUTE**

Under section 99 of the Workplace Relations Act 1988 the Australian Nursing Federation notifies you of the existence of an alleged industrial dispute between:

Australian Nursing Federation  
Unit 3, 36 Botany St Phillip. ACT 2606  
and

ACT Government  
Minister for Health  
GPO Box 158  
Canberra ACT 2601

concerning:

- notification to the ANF that new employee superannuation entitlements will be reduced from 1 July 1999 which is inconsistent with the principles as outlined in clause 5.5 of the ACT Public Sector (Nurses) Enterprise Bargaining Agreement 1996-1999
- Notification to the AIRC of the inability to resolve the matters in dispute after following the Dispute Resolution Procedures, in particular Clause 21. (10) of the ACT Public Sector ( Nurses ) Enterprise Bargaining Agreement 1996-1999

***Awards and Agreements binding on the parties to the dispute are:-***

- Hospital Employees Etc (Nursing Staff ACT) Award 1980
- ACT Public Sector (Nurses) Enterprise Bargaining Agreement 1996-1999

Industrial action is not threatened.

3 June 1999.



Colleen Duff

Secretary

ACT Branch

Australian Nursing Federation



AUSTRALIAN NURSING FEDERATION ACT BRANCH  
UNIT 3, 36 BOTANY STREET, PHILLIP ACT 2606  
PO BOX 1995 WODEN ACT 2606



## Fax Cover Sheet

Date: 4/6/99

Time: 2pm

To:	<u>Ms. Christine Heywood</u>
	<u>Deputy Industrial Registrar</u>
	<u>ATRC</u>
Phone:	
Fax:	<u>cc Paul Rayner</u>
	<u>ACT Chief Ministers Department</u>

From:	<u>Colleen Duff</u>
	<u>ANI</u>
Phone:	<u>02 6282 9455</u>
Fax:	<u>02 6282 8447</u>

Message:	<u>Dispute Notification</u>
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Number of pages including cover sheet:	<u>2</u>
Please phone asap if you do not receive the full fax.	