



DECISION

Fair Work Act 2009

s.160—Variation of modern award

Variation on the Commission’s Own Motion—Oil Refining and Manufacturing Award 2020

(AM2021/80)

Oil and gas industry

COMMISSIONER O’NEILL

MELBOURNE, 29 NOVEMBER 2021

Section 160 of the Fair Work Act 2009 (Cth) – variation on the Commission’s own motion - Oil Refining and Manufacturing Award 2020.

[1] On 25 October 2021 the United Workers’ Union (UWU) made an application to vary clause 21.4 of the *Oil Refining and Manufacturing Award 2020* (the Award). The application seeks to vary clause 21.4 as follows:

“Unless, to comply with superannuation legislation, the employer is required to make the superannuation contributions provided for in clause 21.2 to another superannuation fund that is chosen by the employee, the employer must make the superannuation contributions provided for in clause 21.2 and pay the amount authorised under clauses 21.3(a) or (b) ~~to the following superannuation funds~~ to the following superannuation funds or its successor:”

[2] As part of the application, the UWU informed the Commission that AustralianSuper and LUCRF Super have announced they are taking steps to merge and that, should the merger occur, AustralianSuper will be the successor superannuation fund and that LUCRF Super, currently referred to in clause 21.4(b) of the Award, will cease to operate.

[3] A Statement and draft determination were published on the Commission’s website on 8 November 2021. The Statement advised that my provisional view was to vary clause 21.4 of the Award as proposed by the UWU and as set out in the draft determination issued with the Statement, and that if no submissions opposing the variation were received, a final determination would be issued. Submissions opposing the provisional view were required to be filed by 24 November 2021.

[4] No submissions were received.

[5] Pursuant to s.160 of the Act, the Award will be varied as proposed by the UWU.

[6] The determination will be issued separately.



COMMISSIONER

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