

Our ref:  
(Adam Dansie)

31 May 2017

Ms Catherine Luby  
Member Support Team  
Fair Work Commission  
11 Exhibition Street  
MELBOURNE VIC 3000

By email: [catherine.luby@fwc.gov.au](mailto:catherine.luby@fwc.gov.au)

Dear Ms Luby

**RE: AM2014/234 – Local Government Industry Award 2010**

I refer to your letter dated 26 May 2017, in relation to the 4 yearly review of the *Local Government Industry Award 2010* (“LGI Award”).

In your letter it was noted that the Fair Work Commission (“FWC”) has limited powers to vary default superannuation fund terms under the *Fair Work Act 2009* (“FW Act”), and that section 156(2)(c) of FW Act provides “*In a 4 yearly review of modern awards, the FWC... must not review, or make a determination to vary, a default fund term of a modern award*”. Further, an application made pursuant to section 160 of the FW Act may be a more appropriate means to vary the default superannuation fund terms outside the four yearly review of modern awards.

Based on this information, the Commission is advised of the following:

1. The combined State and Territory Local Government Associations (“LGAs”) withdraw their application to amend clause 20.4, Superannuation fund, of the LGI Award, under the terms of the four yearly review; and
2. The LGAs’ intend making an application to amend clause 20.4, Superannuation fund, of the LGI Award, pursuant to section 160 of the FW Act, to remove ambiguity or uncertainty.

Should you require any further information regarding this correspondence, please do not hesitate contacting me at [adam.dansie@lgnsw.org.au](mailto:adam.dansie@lgnsw.org.au) or by phoning (02) 9242-4142.

Yours sincerely



Adam Dansie  
**Senior Manager, Industrial Relations**