



## DECISION

*Fair Work Act 2009*

s.160—Variation of modern award

### **Catholic Super (CSF Pty Ltd)**

(AM2012/356 and others)

DEPUTY PRESIDENT SMITH

MELBOURNE, 22 JANUARY 2013

*Social, Community, Home Care and Disability Services Industry Award 2010 and others—  
change of default superannuation fund name.*

[1] On 10 December 2012 Catholic Super contacted Fair Work Australia (now the Fair Work Commission) with the intention of submitting applications to vary the six modern awards listed below to change the name of a default superannuation fund. The change proposed was subsequent to the merger of the National Catholic Superannuation Fund (NCSF) and Catholic Super (CSF). The two funds merged on 31 March 2010 and since then have been trading as Catholic Super (CSF Pty Ltd).

[2] Section 158 of the *Fair Work Act 2009* (Cth) (the Act) provides who may make an application for the making of a determination varying a modern award and this is relevantly limited to:

- An employer, employee or organisation that is covered by the modern award; or
- An organisation that is entitled to represent the industrial interests of one or more employers or employees that are covered by the modern award.

[3] It appears Catholic Super does not meet the standing requirements of s.158 as outlined above, however under s.160(2)(a) the Fair Work Commission has the capacity to make the applications on its own initiative to remove an ambiguity or uncertainty or to correct an error in a modern award.

[4] National Catholic Superannuation Fund (NCSF) is listed in the six modern awards which were the subject of the application by Catholic Super as outlined below, while Catholic Super is also listed in two of these modern awards:

<b>Award code</b>	<b>Award title</b>	<b>Clause</b>	<b>Proposed amendment</b>
MA000100	<i>Social, Community, Home Care and Disability Services Industry Award</i>	23.4(e)	Replace “National Catholic Superannuation Fund” with “Catholic Super (CSF)”

<b>Award code</b>	<b>Award title</b>	<b>Clause</b>	<b>Proposed amendment</b>
	<i>2010</i>		
MA000018	<i>Aged Care Award 2010</i>	21.4(e)	Replace “National Catholic Superannuation Fund” with “Catholic Super (CSF)”
MA000034	<i>Nurses Award 2010</i>	20.4(e)	Replace “National Catholic Superannuation Fund” with “Catholic Super (CSF)”
MA000076	<i>Educational Services (Schools) General Staff Award 2010</i>	20.4(c)	Delete “National Catholic Superannuation Fund (NCSF)”
MA000077	<i>Educational Services (Teachers) Award 2010</i>	18.4(c)	Delete “National Catholic Superannuation Fund (NCSF)”
MA000027	<i>Health Professionals and Support Services Award 2010</i>	22.4(e)	Replace “National Catholic Superannuation Fund” with “Catholic Super (CSF)”

[5] A schedule outlining the proposed change of these fund names in the six affected modern awards was published on the Fair Work Commission website on 4 January 2013 along with Directions seeking any submissions in relation to the matter and a Notice of Listing.

[6] No submissions were received and no interested persons attended the hearing on 22 January 2013.

[7] Pursuant to s.160 of the Act the modern awards will be varied to give effect to the change in the name of the default superannuation fund by replacing National Catholic Superannuation Fund (however named) to Catholic Super (CSF), from the first pay period commencing on or after the date of this decision.

[8] That determination is pursuant to my power under section 160 of the Act, and I am satisfied that the merger of the two funds earlier identified creates an ambiguity or uncertainty in relation to the six modern awards that are the subject of these determinations.

[9] Determinations will be issued accordingly.

DEPUTY PRESIDENT

*Hearing details:*

2013.

Melbourne:

January 22.

Printed by authority of the Commonwealth Government Printer

<Price code A, PR533376>