



# DETERMINATION

*Fair Work Act 2009*

s 160—Variation of modern award to remove ambiguity or uncertainty or correct error

## **Variation of modern awards on the Commission’s own motion – modern award superannuation clause review**

(AM2022/29)

### **MISCELLANEOUS AWARD 2020**

[MA000104]

Miscellaneous

JUSTICE HATCHER, PRESIDENT  
VICE PRESIDENT CATANZARITI  
DEPUTY PRESIDENT CLANCY

SYDNEY, 26 MARCH 2024

*Variation on the Commission’s initiative – review and variation of modern award superannuation clauses to reflect current superannuation requirements – Fair Work Legislation Amendment (Protecting Worker Entitlements) Act 2023 – superannuation in the National Employment Standards.*

A. Further to the decision issued by the Full Bench on 26 March 2024 [[\[2024\] FWCFB 189](#)], the above award is varied as follows:

1. By deleting clause 18.1 and inserting the following:

**18.1** The NES and Superannuation legislation, including the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *Superannuation Guarantee Charge Act 1992* (Cth), the *Superannuation Industry (Supervision) Act 1993* (Cth) and the *Superannuation (Resolution of Complaints) Act 1993* (Cth), deal with the superannuation rights and obligations of employers and employees.

B. This determination comes into operation on 9 April 2024. In accordance with s.165(3) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee’s first full pay period that starts on or after 9 April 2024.



PRESIDENT

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