



# DECISION

*Fair Work Act 2009*

s.157—FWC may vary etc. modern awards if necessary to achieve modern awards objective

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

## Modern award superannuation clause review 2025

(AM2025/1)

JUSTICE HATCHER, PRESIDENT  
DEPUTY PRESIDENT WRIGHT  
COMMISSIONER CRAWFORD

SYDNEY, 3 DECEMBER 2025

*Variation on the Commission's own initiative – superannuation provisions in modern awards – not a 4-yearly review of default funds – employer contributions clause – Fair Work Act 2009 (Cth) s 149B – updating names of default superannuation funds – further submissions sought – 25 modern awards varied.*

[1] On 12 August 2025, we issued a Statement<sup>1</sup> (**August Statement**) commencing this matter on the Commission's own initiative and expressed *provisional* views in respect of the following three issues:

- (1) A number of modern awards do not contain the standard 'employer contributions' clause. This may give rise to a question of inconsistency with s 149B of the *Fair Work Act 2009* (Cth) (**FW Act**).
- (2) The definition of National Employment Standards (**NES**) in the nine 'plain language' awards needs to be aligned with s 61 of the FW Act.
- (3) The fund names in the default fund terms in a number of modern awards need to be updated or corrected.

[2] Concurrently with the August Statement, we published 16 draft determinations in relation to the first issue, nine draft determinations in relation to the second issue and an audit of default fund terms in modern awards in relation to the third issue.

[3] Interested parties were invited to comment on the *provisional* views,<sup>2</sup> the draft determinations and the audit of default fund terms by 12 September 2025.

[4] We received a total of 17 submissions from the following parties:

- Australian Council of Trade Unions (**ACTU**)
- Australian Manufacturing Workers' Union (**AMWU**)
- Australian Nursing and Midwifery Federation (**ANMF**)

- Australian Services Union (ASU)
- Aware Super
- Club Managers' Association Australia
- Community and Public Sector Union (PSU Group) (CPSU)
- Construction and Building Unions Superannuation Fund (**Cbus Super**)
- Construction, Forestry and Maritime Employees Union (Construction and General Division) (**CFMEU (C&G)**)
- Host-Plus Pty Limited
- Local Authorities Superannuation Fund, known as Vision Super
- Media Entertainment and Arts Alliance (**MEAA**)
- Newsagents Association of NSW and ACT Ltd and Australian Lottery and Newsagents Association
- Pharmacy Guild of Australia
- REST – Retail Employees Superannuation Trust (**REST**)
- Super Members Council of Australia Ltd
- United Workers' Union (**UWU**)

### **First issue — Employer contributions clause**

[5] The background to this issue is set out at paragraphs [4] to [19] of the August Statement.

[6] As noted at paragraph [4] of the August Statement, s 149B of the FW Act, which commenced operation on 1 January 2014, provides that modern awards must include an 'Employer contributions' clause.

[7] The transitional arrangements in item 2(1) of Schedule 3 to the FW Act provide that while s 149B applies to any modern award made after 1 January 2014, it does not apply to an award made before that date unless it has been varied in a 4 yearly review of default fund terms. As set out in the August Statement, the Commission has been unable to conduct a 4 yearly review of default fund terms as contemplated by the FW Act.

[8] The standard 'Employer contributions' clause appearing in most modern awards is as follows:

#### **XX.X Employer contributions**

An employer must make such superannuation contributions to a superannuation fund for the benefit of an employee as will avoid the employer being required to pay the superannuation guarantee charge under superannuation legislation with respect to that employee.

[9] In the August Statement, we identified 15 modern awards that do not contain an 'Employer contributions' clause, comprised of nine industry/occupational awards (made before 1 January 2014) and six enterprise awards (made after 1 January 2014). We also identified that the *Reserve Bank of Australia Award 2016* (**Reserve Bank Award**) contains a non-standard employer contributions clause which may not be compliant with s 149B of the FW Act.

*Nine modern awards made before 1 January 2014*

[10] Nine of the 16 modern awards we proposed to vary are industry/occupational awards made before 1 January 2014 and have not been varied in a 4 yearly review of default fund terms. Those modern awards are:

- *Asphalt Industry Award 2020* [[MA000054](#)]
- *Black Coal Mining Industry Award 2020* [[MA000001](#)]
- *Dredging Industry Award 2020* [[MA000085](#)]
- *Hydrocarbons Industry (Upstream) Award 2020* [[MA000062](#)]
- *Maritime Offshore Oil and Gas Award 2020* [[MA000086](#)]
- *Mining Industry Award 2020* [[MA000011](#)]
- *Miscellaneous Award 2020* [[MA000104](#)]
- *Rail Industry Award 2020* [[MA000015](#)]
- *Seagoing Industry Award 2020* [[MA000122](#)]

[11] We expressed the following *provisional* view at paragraph [20] of the August Statement:

It is our *provisional* view that the standard employer contributions clause should be inserted into the nine industry/occupational modern awards which were made prior to 1 January 2014 and have not undergone a variation in a 4 yearly review of default fund terms. We propose these variations be made pursuant to s 157 of the FW Act on the basis that they are necessary to achieve the modern awards objective.

[12] Nine draft determinations giving effect to our *provisional* view were published in conjunction with the August Statement. We invited interested parties to comment on the *provisional* view and the draft determinations.

[13] None of the submissions received opposed our *provisional* view or any aspect of the nine draft determinations published with the August Statement.

[14] We are satisfied that the variations are necessary to achieve the modern awards objective having regard to the matters specified in s 134(1). Accordingly, we confirm our *provisional* view.

[15] We publish nine final determinations with this decision varying the modern awards listed at paragraph [10] above, under s 157 of the FW Act, in the same terms set out in the relevant draft determinations. The determinations will come into operation on 10 December 2025.

*Six modern awards made after 1 January 2014*

[16] Six of the 16 modern awards we proposed to vary are modern enterprise awards made after 1 January 2014 that do not contain an ‘Employer contributions’ clause:

- *Australian Broadcasting Corporation Enterprise Award 2016* [[MA000147](#)]
- *Australian Bureau of Statistics (Interviewers) Enterprise Award 2016* [[MA000143](#)]
- *Australian Federal Police Enterprise Award 2016* [[MA000142](#)]
- *Australian Public Service Enterprise Award 2015* [[MA000124](#)]

- *Christmas Island Administration Enterprise Award 2016* [[MA000149](#)]
- *Parliamentary Departments Staff Enterprise Award 2016* [[MA000145](#)]

[17] We expressed the following *provisional* view at paragraph [9] of the August Statement:

As the six enterprise awards that do not contain an employer contributions clause were all made after 1 January 2014, s 149B applies to them. Accordingly, our *provisional* view is that these six awards be varied to include the standard employer contributions clause.

[18] Six draft determinations giving effect to the *provisional* view were published in conjunction with the August Statement. We invited interested parties to comment on the *provisional* view and the draft determinations.

[19] The CPSU<sup>3</sup> proposes inserting an additional sub-clause to the employer contributions clause into the *Australian Bureau of Statistics (Interviewers) Enterprise Award 2016*, *Australian Federal Police Enterprise Award 2016*, *Australian Public Service Enterprise Award 2015* and *Parliamentary Departments Staff Enterprise Award 2016* as follows:

#### **X.X Employer contributions**

a) An employer must make such superannuation contributions to a superannuation fund for the benefit of an employee as will avoid the employer being required to pay the superannuation guarantee charge under superannuation legislation with respect to that employee; and

b) For an employee who is a member of a superannuation accumulation fund, an employer must make such employer superannuation contributions for the benefit of an employee that are consistent with the contribution rate prescribed by the relevant legislation relating to the Public Sector Superannuation Accumulation Plan.

(underlining added)

[20] It submits that the additional sub-clause would ensure that there is a requirement for the Commonwealth to make the same superannuation contribution for all employees in an accumulation fund, regardless of whether they choose the Public Sector Superannuation Accumulation Plan (PSSAP) or another fund. The PSSAP requires employer contributions of 15.4% of an employee's salary for superannuation purposes, whilst the current superannuation guarantee rate is 12%. That is, the CPSU says that an employee's choice of fund should have no impact on the amount of contribution made by their employer and effectively raises the minimum employer contribution for employees outside the PSSAP from 12% to 15.4%.

[21] The ACTU supports the CPSU's position and also supports inserting the additional sub-clause into the *Australian Broadcasting Corporation Enterprise Award 2016*.

[22] The ACTU submits that, while it supports our *provisional* view in principle, where awards contain provisions that supplement the NES in terms of the contributions to be made, and in particular where they effectively provide for a greater contribution, adjustments to the standard employer contribution clause should be made to ensure the obligation is not inadvertently lost or otherwise made ambiguous or uncertain. The ACTU submits that Parliament's intention in legislating s 149B was to provide an additional award entitlement for superannuation. Moreover, the ACTU notes that s 149B must be interpreted in the context of s 40 of the FW Act, which provides that a public sector employment law prevails over a Fair

Work instrument that deals with public sector employment to the extent of any inconsistency. This position is supported by the UWU<sup>4</sup> and AMWU.<sup>5</sup>

[23] The ACTU also proposes that the following wording be inserted to the beginning of the standard employer contributions clause (as new clause 12.5) in the *Christmas Island Administration Enterprise Award 2016*:

Without reducing the superannuation entitlements otherwise payable under this award...

[24] The ACTU's proposal is supported by the ANMF.

[25] Without commenting on the merits of the additional sub-clause (b) proposed to be added to the standard 'Employer contributions' clause for the four enterprise awards identified by the CPSU and the enterprise award identified by the ACTU, we decline to make this variation at this time because it goes beyond the confined scope of the relevant aspect of this review, namely compliance with s 149B. Any party with standing to do so may make a separate application for variation of the identified enterprise award to add the proposed sub-clause (b) pursuant to s 158 of the FW Act. In respect of the *Christmas Island Administration Enterprise Award 2016*, the additional words proposed by the ACTU are unnecessary since it is clear that the addition of the standard 'Employer contributions' provision to clause 12 of that award will not have any effect on the entitlement conferred by clause 12.3 to employer superannuation contributions in excess of the superannuation guarantee rate.

[26] We are satisfied that the variations in the draft determinations to the six enterprise awards identified in paragraph [16] above are necessary to achieve compliance with s 149B of the FW Act, and we confirm our *provisional* view in that respect. We publish six final determinations with this decision varying the identified modern awards in the same terms set out in the relevant draft determinations. Those determinations will come into operation on 10 December 2025.

*One additional modern award made before 1 January 2014*

[27] We observed in the August Statement that the Reserve Bank Award contains a clause in relation to employer contributions that is not the standard 'Employer contributions' clause and may not comply with s 149B. Clause 16.3 of that award provides:

16.3 The Bank will contribute to the appropriate fund the minimum amount as required by the legislative requirements, or such greater amounts as the Bank determines in each case to be necessary or desirable to provide the benefits.

[28] At paragraph [11] of the August Statement, we expressed the *provisional* view that clause 16.3 should be replaced with the standard 'Employer contributions' clause. We invited interested parties to comment on that *provisional* view and the draft determination.

[29] None of the submissions received opposed our *provisional* view or any aspect of the draft determination published with the August Statement. However, in its submission, the ACTU raised two issues with the interpretation of clause 16.3:<sup>6</sup>

- The ‘legislative requirements’ for determining the minimum employer contributions are not identified.
- The ‘greater amounts’ that may be necessary to provide ‘the benefits’ are unclear.

[30] The ACTU did not provide any alternative proposal and deferred to any submissions made by the Finance Sector Union (FSU), its affiliate member with primary interest in the Reserve Bank Award.

[31] Neither the FSU nor any other interested parties made submissions about the Reserve Bank Award.

[32] We agree with the ACTU that the effect of the current clause 16.3 is less than pellucidly clear. However, we do not consider that the replacement of the current clause 16.3 with the standard ‘Employer contributions’ clause would give rise to any real risk of a reduction to an existing entitlement to employer superannuation contributions in excess of the superannuation guarantee rate, for two reasons. First, on any view, current clause 16.3 does not establish an *entitlement* to additional employer contributions but merely gives the employer the discretion to make additional contributions. Second, current clause 16.3 is reproduced in clause 13 of the *Reserve Bank of Australia Enterprise Agreement 2023*<sup>7</sup>, which applies to employees covered by the Reserve Bank Award (except for those at Level 5) (clause 2) and operates to the exclusion of that award (clause 4(a)).

[33] We confirm our *provisional* view to replace clause 16.3 with the standard ‘Employer contributions’ clause. A final determination in the same terms as our draft determination is published together with this decision. The determination will come into operation on 10 December 2025.

### **Second issue — Amendment to the definition of NES in plain language awards**

[34] In the August Statement, we expressed the *provisional* view at paragraph [23] that the definition of NES contained in the respective definitions clauses of the nine ‘plain language awards’ should be varied to insert the subsection ‘(ha) superannuation contributions (Division 10A)’, to align with the current wording of s 61(2) of the FW Act.

[35] The nine plain language awards are:

- *Cleaning Services Award 2020* [[MA000022](#)]
- *Clerks (Private Sector Award) 2020* [[MA000002](#)]
- *Fast Food Industry Award 2020* [[MA000003](#)]
- *General Retail Industry Award 2020* [[MA000004](#)]
- *Hair and Beauty Industry Award 2020* [[MA000005](#)]
- *Hospitality Industry (General) Award 2020* [[MA000009](#)]
- *Pharmacy Industry Award 2020* [[MA000012](#)]
- *Restaurant Industry Award 2020* [[MA000119](#)]
- *Security Services Industry Award 2020* [[MA000016](#)]

[36] Nine draft determinations giving effect to the *provisional* view were published in conjunction with the August Statement. We invited interested parties to comment on the *provisional* view and the draft determinations.

[37] None of the submissions received opposed our *provisional* view or any aspect of the nine draft determinations published with the August Statement.

[38] Accordingly, we confirm the *provisional* view and publish nine final determinations with this decision varying the nine modern awards listed at paragraph [35] above under s 160 of the FW Act so as to remove an ambiguity or uncertainty or to correct an error.

[39] The final determinations are in the same terms as the draft determinations and will come into operation on 10 December 2025.

### **Third issue — updating or correcting superannuation fund names in default fund terms**

[40] As stated in the August Statement, the Commission has been unable to conduct any 4 yearly review of default fund terms as contemplated by Division 4A of Part 2-3 of the FW Act. As a result, default fund terms in modern awards have been updated in a piecemeal fashion, generally in response to applications made by parties to vary particular modern awards in which they have an interest, under s 160 of the FW Act.

[41] In the August Statement at paragraph [28], we expressed the *provisional* view that default fund terms in modern awards should be varied ‘to reflect any changes to the names of superannuation funds which have occurred due to mergers or for any other reason, to correct any errors in the naming of funds, and to remove any default funds that do not offer a MySuper product’. We also expressed the *provisional* view that superannuation fund names should be expressed consistently across modern awards.

[42] We published an audit of default fund terms prepared by Commission staff in conjunction with the August Statement. The audit identifies the current default funds named in each modern award and any changes that may be required to update, correct or render consistent these fund names. Where fund names are expressed inconsistently across modern awards, the audit proposes replacing the various iterations of fund names with the Australian Prudential Regulation Authority (APRA) registered fund name.

[43] We envisaged in the August Statement that the proposed variations would be made pursuant to s 160 of the FW Act so as to ‘remove an ambiguity or uncertainty or correct an error’. We invited interested parties to comment on the audit.

#### *Corrections to the audit*

[44] The ACTU identified two errors in the audit prepared by Commission staff. We have also identified one further correction to be made as a result of a recent merger.

[45] The first error is contained in the proposed fund name to replace clause 19.4(d) of the *Water Industry Award 2020* [MA000113].<sup>8</sup> We accept that the audit incorrectly proposes replacing the current default fund name ‘Local Government Superannuation Scheme (LGSS)’

with ‘Local Government Super’, instead of ‘Local Authorities Superannuation Fund’. As ‘Local Authorities Superannuation Fund’ is already proposed to replace ‘Vision Super’ at clause 19.4(f), we propose to delete ‘Local Government Superannuation Scheme (LGSS)’ appearing at clause 19.4(d).

[46] The second error is contained in the audit’s proposal for ‘Brighter Super’ to replace references to ‘Energy Super’ and ‘LGsuper’ in the following four modern awards:

- *Electrical, Electronic and Communications Contracting Award 2020* [[MA000025](#)]
- *Electrical Power Industry Award 2020* [[MA000088](#)]
- *Local Government Industry Award 2020* [[MA000112](#)]
- *Water Industry Award 2020* [[MA000113](#)].

[47] The ACTU submits that the proposed reference to ‘Brighter Super’ does not reflect the registered APRA fund name, ‘Brighter Super Fund’.<sup>9</sup> We agree with the ACTU’s submission to replace references to Brighter Super with Brighter Super Fund.

[48] We have identified a third correction to be made to the audit. Following CareSuper’s merger with the Meat Industry Employees’ Superannuation Fund on 1 October 2025, we propose that ‘CareSuper’ replace references to ‘Meat Industry Employees’ Superannuation Fund’ in the following two modern awards:

- *Meat Industry Award 2020* [[MA000059](#)]
- *Poultry Processing Award 2020* [[MA000074](#)].

[49] We will publish draft determinations together with this decision for all awards the subject of the audit, and the draft determinations for the seven awards identified in paragraphs [46]–[48] will contain these corrections. We will give parties an opportunity to comment on them.

#### *Use of the APRA registered fund name*

[50] A number of parties submitted that in certain circumstances, the use of the APRA registered fund name may inadvertently *create* confusion or uncertainty rather than resolve it, such as where a registered fund name is not the commonly-understood and recognised brand or trading name.

[51] Several parties submitted that both the legal fund name and the brand or trading name should be included in modern awards so that the named fund is easily identifiable to employees and employers. These parties’ proposals are set out in Annexure A to this decision.

[52] We note that many parties have requested a further opportunity to comment or consult on how these funds should be referred to, prior to finalising the variations.

[53] On the basis of these submissions, the draft determinations to be published with this decision shall contain, in addition to the APRA registered fund name, the recognised trading/brand name or commonly used name for the fund in parentheses. Parties will be given

an opportunity to comment upon these and to identify any other superannuation funds where the APRA registered fund name is not the recognised trading or brand name or the commonly used name.

*Defined benefit funds*

[54] In the audit prepared by Commission staff, ‘Energy Industries Superannuation Scheme (EISS)’ appearing in the *Electrical, Electronic and Communications Contracting Award 2020 (EECC Award)* and the *Electrical Power Industry Award 2020 (EPI Award)* is proposed to be replaced with ‘Construction and Building Unions Superannuation Fund’ on the basis that those funds merged on 15 May 2023.

[55] In its submission, Cbus Super said:

Lastly, relevant parties should also be consulted on the variation of the Electrical Power Industry Award 2020 which currently lists Energy Industry Superannuation Scheme, to ensure uncertainty is not created by the insertion of the legal entity name without reference to the legacy fund.

[56] We have since identified that EISS is a defined benefit fund. Separately, we have also identified ‘Australia Post Superannuation Fund’, as appearing in the *Australia Post Enterprise Award 2015 (Australia Post Award)*, to be a defined benefit fund. However, as the Australia Post Award was made after 1 January 2014 and the EECC Award and the EPI Award were made before 1 January 2014, we will consider them under different provisions of the FW Act below.

[57] Pursuant to the transitional arrangements in item 2(1) of Schedule 3 to the FW Act, ss 149B, 149C(1) and 149D apply to an award that was made on or after 1 January 2014, or was made before that date and subsequently varied in a 4 yearly review of default fund terms. As neither the EECC Award nor the EPI Award has been subject to a 4 yearly review of default fund terms, it follows that these provisions apply only to the Australia Post Award in these circumstances.

[58] Relevantly, sub-ss 149D(1) and (2) of the FW Act provide:

**149D Default fund term must provide for contributions to be made to certain funds**

*Specified superannuation fund offering standard MySuper product*

- (1) A default fund term of a modern award must require an employer covered by the award to make contributions, for the benefit of a default fund employee, to a superannuation fund that:
  - (a) offers a standard MySuper product; and
  - (b) is specified in the default fund term of the award in relation to that product;

if:

- (c) the employer will be liable to pay superannuation guarantee charge under the *Superannuation Guarantee Charge Act 1992* in relation to the employee if the employer does not make contributions to a superannuation fund for the benefit of the employee; and
- (d) the employer is not making contributions to a superannuation fund referred to in subsection (1A), (2), (3), (4) or (5) for the benefit of the employee.

Note: If a superannuation fund is specified in the default fund term of a modern award in relation to a standard MySuper product and, in addition to offering the standard MySuper product, the fund offers a tailored MySuper product that a default fund employee is entitled to hold, then any contributions made by the employer to the fund for the benefit of that employee will be paid into the tailored MySuper product instead of the standard MySuper product (see section 29WB of the *Superannuation Industry (Supervision) Act 1993*).

...

#### *Defined Benefits Scheme*

- (2) A default fund term of a modern award must permit an employer covered by the award to make contributions, for the benefit of a default fund employee, to a superannuation fund in relation to which a default fund employee is a defined benefit member.

**[59]** The Explanatory Memorandum to the *Fair Work Amendment Bill 2012* says:

33. It is intended that funds in relation to their generic MySuper products are specified, or named, in default fund terms. By contrast, the funds or schemes referred to in new subsections 149D(2), (3), (4) and (5) should be referred to in modern awards more generally as a category of fund to which contributions are permitted to be made for default fund employees in certain circumstances.

**[60]** We consider it clear, with the aid of the Explanatory Memorandum, that s 149D(1) does not contemplate that specific defined benefits funds or schemes would be named in default fund terms. As such, Australia Post Superannuation Fund should be removed from the Australia Post Award, leaving reference only to the default fund (which the audit proposes to be Australian Retirement Trust).

**[61]** Pursuant to the transitional arrangements in item 2(2) of Schedule 3 to the FW Act, despite the repeal of ss 149A and 155A, these sections continue in force in relation to modern awards made before 1 January 2014 and have not been varied in a 4 yearly review of default fund terms. These provisions therefore remain in force with respect to the EECC Award and the EPI Award.

**[62]** Relevantly, repealed s 155A(1) of the Act provided:

#### **155A Terms dealing with superannuation**

- (1) A modern award must not include a term that has the effect of requiring or permitting contributions, for the benefit of an employee covered by the award who is a default fund employee, to be made to a superannuation fund or scheme specified in the modern award, unless one of the following is satisfied in relation to the fund or scheme:

- (a) it is a fund that offers a MySuper product;
- (b) it is an exempt public sector superannuation scheme.

Note: Contributions may be made to a superannuation fund or scheme for its defined benefit members under section 149A even though the fund or scheme is not specified in a modern award because of this section.

**[63]** We consider that s 155A does not contemplate the naming of specific defined benefits funds in a default fund term of a modern award. Accordingly, EISS should be removed from the EECC Award and the EPI Award. As EISS is a defined benefit fund, it can still be captured by clauses 19.4(f) and 18.4(k) of those awards respectively (that is, ‘a superannuation fund or scheme which the employee is a defined benefit member of’).

**[64]** The draft determinations published with this decision for the EECC Award, EPI Award and Australia Post Award do not contain references to these defined benefit funds. Parties will be given an opportunity to comment upon these.

#### *References to AMP Superannuation Savings Trust*

**[65]** ‘AMP Superannuation Savings Trust’ currently appears as a default fund in the following 15 modern awards:

- *Amusement, Events and Recreation Award 2020* [[MA000080](#)]
- *Educational Services (Schools) General Staff Award 2020* [[MA000076](#)]
- *Educational Services (Teachers) Award 2020* [[MA000077](#)]
- *Fitness Industry Award 2020* [[MA000094](#)]
- *Horse and Greyhound Training Award 2020* [[MA000008](#)]
- *Marine Towing Award 2020* [[MA000050](#)]
- *Port Authorities Award 2020* [[MA000051](#)]
- *Ports, Harbours and Enclosed Water Vessels Award 2020* [[MA000052](#)]
- *Professional Diving Industry (Industrial) Award 2020* [[MA000108](#)]
- *Professional Diving Industry (Recreational) Award 2020* [[MA000109](#)]
- *Racing Clubs Events Award 2020* [[MA000013](#)]
- *Racing Industry Ground Maintenance Award 2020* [[MA000014](#)]
- *Sporting Organisations Award 2020* [[MA000082](#)]
- *Sugar Industry Award 2020* [[MA000087](#)]
- *Travelling Shows Award 2020* [[MA000102](#)]

**[66]** The audit proposes deleting ‘AMP Superannuation Savings Trust’ and inserting ‘AMP Super Fund’ in the above 15 modern awards. The audit notes as follows:

‘AMP Superannuation Savings Trust’ is not currently registered with APRA according to ‘APRA Super Fund Lookup’ nor is it in the APRA list of super[annuation] funds with My[S]uper Authorised products. It is unclear whether the fund should be deleted from the award or changed to ‘AMP Super Fund’[,] which does have a My[S]uper Authorised product.

**[67]** The ACTU agrees that ‘AMP Superannuation Savings Trust’ is not currently registered with APRA, nor is it in the APRA list of superannuation funds with MySuper Authorised

Products.<sup>10</sup> It submits that the funds also have different ABNs and appear to be different accounts. In those circumstances, the ACTU submits that further information would need to be obtained regarding the relationship between the two funds prior to any substitution of the names.

[68] The draft determinations to be published for the 15 awards listed in paragraph [65] will delete the references to the ‘AMP Superannuation Savings Trust’. They will not include the ‘AMP Super Fund’ at this stage. We invite evidence and submissions from parties to explain the relationship, if any, between the ‘AMP Superannuation Savings Trust’ and the ‘AMP Super Fund’.

*Default funds proposed to be deleted*

[69] The audit identified six default funds which were proposed to be deleted for reasons other than duplication. An extract from the audit setting out the relevant details for these funds is contained in Annexure B to this decision.

[70] One of these funds is the Law Employees Superannuation Fund, which is named in the *Legal Services Award 2020*. The audit notes:

Law Employees Superannuation Fund (LESF) is not registered with APRA and appears to be a cancelled fund. LESF was acquired by Diversa Trustees in 2013.

[71] The ASU submits that ‘Law Employees Superannuation Fund’ can be replaced by ‘Diversa Trustees’ in the *Legal Services Award 2020*.<sup>11</sup> Our *provisional* view is to accept this submission, and this variation is accordingly contained in the modified draft determinations to be published with this decision.

[72] No submissions have been received in relation to the remaining five default funds proposed to be deleted. The deletion of these funds remains in the draft determinations for the awards which currently contain a reference to them. For more abundant caution, we provide parties with a final opportunity to comment upon this.

[73] For the *Reserve Bank of Australia Award 2016* and the *Optus Award 2015*, the proposed deletion of the default funds in these awards will have the effect of removing all default funds listed. The draft determinations propose to retain the default fund term but only to refer to a generic ‘complying superannuation fund’.

*Next steps*

[74] One hundred and twenty-five draft determinations are issued with this decision in respect of the third issue.

[75] Parties will be given the opportunity to provide evidence (in relation to the ‘AMP Superannuation Savings Trust’ issue only) and submissions in response to the draft determinations. Any such evidence and submissions should be emailed to [awards@fwc.gov.au](mailto:awards@fwc.gov.au) by no later than **12:00 pm (AEDT) on Friday, 19 December 2025**.

[76] Twenty-five final determinations in respect of the first and second issues are also issued with this decision and will come into operation on 10 December 2025.



PRESIDENT

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## Annexure A — Proposals to combine registered APRA name and brand/trading name

Current fund name in award	Modern awards containing fund	Fund name proposed in audit (registered APRA name)	Parties' positions and proposals
<ul style="list-style-type: none"> <li>• Building Unions Superannuation (Queensland) (BUS(Q))</li> <li>• Building Unions Superannuation (Queensland) (BUSS(Q))</li> <li>• BUSS(Q)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Building and Construction General On-site Award 2020</i> [MA000020]</li> <li>• <i>Joinery and Building Trades Award 2020</i> [MA000029]</li> <li>• <i>Plumbing and Fire Sprinklers Award 2020</i> [MA000036]</li> </ul>	Building Unions Superannuation Scheme (Queensland)	<p><b>Opposed by CFMEU (C&amp;G).</b></p> <p><b>CFMEU (C&amp;G) proposal:</b><sup>12</sup> Building Unions Superannuation Scheme (Queensland) (BUSSQ)</p>
<ul style="list-style-type: none"> <li>• Cbus</li> <li>• Cbus Super</li> <li>• Construction and Building Industry Super (Cbus)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Building and Construction General On-site Award 2020</i> [MA000020]</li> <li>• <i>Concrete Products Award 2020</i> [MA000056]</li> <li>• <i>Electrical Power Industry Award 2020</i> [MA000088]</li> <li>• <i>Electrical, Electronic and Communications Contracting Award 2020</i> [MA000025]</li> <li>• <i>Gardening and Landscaping Services Award 2020</i> [MA000101]</li> <li>• <i>Joinery and Building Trades Award 2020</i> [MA000029]</li> </ul>	CONSTRUCTION AND BUILDING UNIONS SUPERANNUATION FUND	<p><b>Opposed by Cbus Super and CFMEU (Construction and General Division).</b></p> <p><b>Cbus Super</b><sup>13</sup> and <b>CFMEU (C&amp;G)</b><sup>14</sup> <b>proposal:</b> Construction and Building Unions Superannuation Fund (Cbus Super)</p>

<sup>12</sup> [CFMEU \(C&G\) submission](#), 12 September 2025 [2]–[6].

<sup>13</sup> [Cbus Super submission](#), 12 September 2025 [4].

<sup>14</sup> [CFMEU \(C&G\) submission](#), 12 September 2025 [2]–[6].

Current fund name in award	Modern awards containing fund	Fund name proposed in audit (registered APRA name)	Parties' positions and proposals
	<ul style="list-style-type: none"> <li>• <i>Manufacturing and Associated Industries and Occupations Award 2020</i> [MA000010]</li> <li>• <i>Mobile Crane Hiring Award 2020</i> [MA000032]</li> <li>• <i>Plumbing and Fire Sprinklers Award 2020</i> [MA000036]</li> </ul>		
<ul style="list-style-type: none"> <li>• Local Government Superannuation Scheme (LGSS)</li> <li>• Vision Super</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Local Government Industry Award 2020</i> [MA000112]</li> <li>• <i>Victorian Local Government (Early Childhood Education Employees) Award 2016</i> [MA000150]</li> <li>• <i>Victorian Local Government Award 2015</i> [MA000132]</li> <li>• <i>Victorian State Government Agencies Award 2015</i> [MA000134]</li> <li>• <i>Water Industry Award 2020</i> [MA000113]</li> </ul>	Local Authorities Superannuation Fund	<p><b>Opposed by ASU and Vision Super.</b></p> <p><b>ASU<sup>15</sup> and Vision Super<sup>16</sup> proposal:</b> Local Authorities Superannuation Fund known as Vision Super</p>
<ul style="list-style-type: none"> <li>• Media Super</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Book Industry Award 2020</i> [MA000078]</li> </ul>	CONSTRUCTION AND BUILDING UNIONS SUPERANNUATION FUND	<p><b>Opposed by ACTU, AMWU,<sup>17</sup> Cbus Super and MEAA.</b></p>

<sup>15</sup> [ASU submission](#), 12 September 2025 [12]–[16].

<sup>16</sup> [Vision Super submission](#), 12 September 2025 Annexure 1.

<sup>17</sup> [AMWU submission](#), 12 September 2025 [5].

Current fund name in award	Modern awards containing fund	Fund name proposed in audit (registered APRA name)	Parties' positions and proposals
	<ul style="list-style-type: none"> <li>• <i>Broadcasting, Recorded Entertainment and Cinemas Award 2020</i> [MA000091]</li> <li>• <i>Chullora Printing Award 2015</i> [MA000127]</li> <li>• <i>Graphic Arts, Printing and Publishing Award 2020</i> [MA000026]</li> <li>• <i>Journalists Published Media Award 2020</i> [MA000067]</li> <li>• <i>Live Performance Award 2020</i> [MA000081]</li> <li>• <i>Mannequins and Models Award 2020</i> [MA000117]</li> <li>• <i>Metropolitan Newspapers (South Australia and Tasmania) Printing Award 2015</i> [MA000130]</li> <li>• <i>Northern Territory News Award 2015</i> [MA000129]</li> <li>• <i>Note Printing Australia Award 2016</i> [MA000156]</li> </ul>		<p><b>ACTU proposal:</b><sup>18</sup> Do not remove reference to Media Super and instead include a note to the effect of:</p> <p>‘Media Super is a branded division within the Construction and Building Unions Superannuation Fund (Cbus), administered by United Super Pty Ltd in its capacity as trustee for Cbus.’</p> <p><b>Cbus Super proposal:</b><sup>19</sup> Construction and Building Unions Superannuation Fund (Media Super)</p> <p><b>MEAA proposal:</b><sup>20</sup> If introducing a reference to ‘Construction and Building Unions Superannuation Fund’, retain reference to ‘Media Super’ in an appropriate way.</p>

<sup>18</sup> [ACTU submission](#), 12 September 2025 [31]–[33].

<sup>19</sup> [Cbus Super submission](#), 12 September 2025.

<sup>20</sup> [MEAA submission](#), 12 September 2025.

Current fund name in award	Modern awards containing fund	Fund name proposed in audit (registered APRA name)	Parties' positions and proposals
	<ul style="list-style-type: none"> <li>• <i>Printing Industry—Herald &amp; Weekly Times—Production Award 2015</i> [MA000126]</li> <li>• <i>Queensland Newspapers Pty Ltd Printing (Murarrie) Award 2015</i> [MA000128]</li> <li>• <i>Sporting Organisations Award 2020</i> [MA000082]</li> </ul>		
<ul style="list-style-type: none"> <li>• REST</li> <li>• REST Superannuation</li> <li>• Retail Employees Superannuation Trust</li> <li>• Retail Employees Superannuation Trust (REST)</li> <li>• The Retail Employees Superannuation Trust (REST)</li> <li>• Retail Employees Superannuation Trust (REST)</li> <li>• REST Superannuation</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Commercial Sales Award 2020</i> [MA000083]</li> <li>• <i>Fast Food Industry Award 2020</i> [MA000003]</li> <li>• <i>General Retail Industry Award 2020</i> [MA000004]</li> <li>• <i>Mannequins and Models Award 2020</i> [MA000117]</li> <li>• <i>Marine Tourism and Charter Vessels Award 2020</i> [MA000093]</li> <li>• <i>Pharmacy Industry Award 2020</i> [MA000012]</li> <li>• <i>Storage Services and Wholesale Award 2020</i> [MA000084]</li> </ul>	Retail Employees Superannuation Trust	<p><b>Opposed by REST.</b></p> <p><b>REST proposal:</b><sup>21</sup>  REST – Retail Employees Superannuation Trust</p>

<sup>21</sup> [REST submission](#), 12 September 2025.

Current fund name in award	Modern awards containing fund	Fund name proposed in audit (registered APRA name)	Parties' positions and proposals
	<ul style="list-style-type: none"> <li>• <i>Vehicle Repair, Services and Retail Award 2020</i> <a href="#">[MA000089]</a></li> <li>• <i>Hair and Beauty Industry Award 2020</i> <a href="#">[MA000005]</a></li> </ul>		
<ul style="list-style-type: none"> <li>• Energy Industry Superannuation Scheme</li> <li>• Energy Industries Superannuation Scheme (EISS)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Electrical, Electronic and Communications Contracting Award 2020</i> <a href="#">[MA000025]</a></li> <li>• <i>Electrical Power Industry Award 2020</i> <a href="#">[MA000088]</a></li> </ul>	CONSTRUCTION AND BUILDING UNIONS SUPERANNUATION FUND	<p><b>Cbus Super proposal:</b><sup>22</sup> Consult with relevant parties 'to ensure uncertainty is not created by the insertion of the legal entity name without reference to the legacy fund.'</p>

<sup>22</sup> [Cbus Super submission](#), 12 September 2025 [9].

**Annexure B — Default funds proposed to be deleted** (Extract from [audit of superannuation funds](#) published 12 August 2025)

Award	Award ID	Clause no. proposed to be varied	Fund name currently listed	Fund name proposed	Reason for proposed variation
<i>Legal Services Award 2020</i>	<a href="#">MA000116</a>	19.4(f)	Law Employees Superannuation Fund	Propose to delete.	Law Employees Superannuation Fund (LESF) is not registered with APRA and appears to be a cancelled fund. LESF was acquired by <del>Diversa</del> Trustees in 2013.
<i>Optus Award 2015</i>	<a href="#">MA000133</a>	22.4	Optus Group Superannuation Fund	Propose to delete.	Optus Superannuation Fund appears to have a cancelled ABN and may no longer be operating. It does not offer an authorised MySuper product and nor does it appear to be an exempt public sector superannuation fund.
<i>Passenger Vehicle Transportation Award 2020</i>	<a href="#">MA000063</a>	18.4(d)	QBIC Super Fund (MLC <del>MasterKey Business Super</del> )	Propose to delete.	QBIC Super Fund does not appear to be an APRA regulated fund offering an authorised MySuper product nor an exempt public sector superannuation fund. MLC Super Fund offers the MLC <del>MasterKey Business Super</del> product. MLC Super Fund offers an authorised MySuper product. Did QBIC Super Fund merge with MLC Super Fund
<i>Plumbing and Fire Sprinklers Award 2020</i>	<a href="#">MA000036</a>	20.4(g)	Building Employers Superannuation Trust	Propose to delete.	Building Employees Superannuation Trust appears to have a cancelled ABN number and may no longer be operating. It does not offer an authorised MySuper product and nor does it appear to be an <del>exampt</del> public sector superannuation fund.

Award	Award ID	Clause no. proposed to be varied	Fund name currently listed	Fund name proposed	Reason for proposed variation
<i>Reserve Bank of Australia Award 2016</i>	<a href="#">MA000140</a>	16.2(a)	Reserve Bank of Australia Officers' Superannuation Fund	Propose to delete.	Reserve Bank of Australia Officers' Superannuation Fund (OSF) appears to be the former name of RB Super. RB Super does not appear to offer an authorised MySuper product nor be an exempt public sector superannuation fund.
<i>Reserve Bank of Australia Award 2016</i>	<a href="#">MA000140</a>	16.2(c)	the Bank's default MySuper fund	Propose to delete.	The Reserve Bank does not appear to have a MySuper Authorised product.

<sup>1</sup> [\[2025\] FWCFB 175](#).

<sup>2</sup> See paragraphs [9], [11], [20], [23] and [28] of the August Statement.

<sup>3</sup> [CPSU submission](#), 12 September 2025 Attachment A.

<sup>4</sup> [UWU submission](#), 12 September 2025 [6].

<sup>5</sup> [AMWU submission](#), 12 September 2025 [3].

<sup>6</sup> [ACTU submission](#), 12 September 2025 [19]–[21].

<sup>7</sup> AE522876.

<sup>8</sup> [ACTU submission](#), 12 September 2025 [29(a)].

<sup>9</sup> *Ibid* [29(b)].

<sup>10</sup> [ACTU submission](#), 12 September 2025 [34]–[36].

<sup>11</sup> [ASU submission](#), 12 September 2025 [11(h)].