**TASMANIAN INDUSTRIAL COMMISSION**

**Industrial Relations Act 1984**

s23(1) application for award or variation of award

**The Minister administering the State Service Act 2000**

(T14467 of 2016)

**AWU (TASMANIAN STATE SECTOR) AWARD**

PRESIDENT D J BARCLAY HOBART, 23 December 2016

**Award variation - family violence leave - compassionate and bereavement leave - parental leave - consent application - consent order issued - operative date 22 December 2016**

**DECISION**

**[1]** On 20 December 2016, The Minister administering the *State Service Act* 2000 (MASSA) lodged with the Registrar, pursuant to Section 23(1) of the *Industrial Relations Act* 1984 (the Act), an application to vary the *AWU (Tasmanian State Sector) Award.*

**[2]** At the hearing in Hobart on 22 December 2016, Ms J Fitton appeared on behalf of the MASSA and Mr K Midson appeared for the Australian Workers' Union, Tasmanian Branch (AWU).

**[3]** Ms Fitton sought the following variations to the Award:

a. Part VII - Leave and Holidays with pay- insert new clause 10 -following Defence Force Leave - new provision - Family Violence Leave - amends previous Personal Leave provision;

b. Part VII - Leave and Holidays with pay- delete existing clause - insert new clause - Parental Leave clause - amends entitlements to 14 weeks paid Maternity Leave, and amends entitlements for partner and Adoption Leave;

c. Part VII - Leave and Holidays with pay - delete existing clause 3 - replace with new clause 3 - Personal Leave - amends to reflect separate Family Violence Leave provision, and also amendments to occasions when statutory declarations can be used - sub clause;

d. Part VII - Leave and Holidays with pay - delete existing clause - Insert new clause- clause 4 - Compassionate and Bereavement Leave incorporates changes to period and reasons when leave can be accessed.

**[4]** Ms Fitton noted that the changes arose out of the negotiations relating to the 2016 wage agreements.

**[5]** Essentially the clauses introduce Compassionate Leave as part of Bereavement Leave entitlements expanding the access of persons to leave where a significant other has a life threatening illness or injury and for whom the employee is providing car; a separate provision for Family Violence Leave; an increase in Parental Leave entitlements together with ancillary amendments to effect those variations.



**[6]** Mr Midson commended the variations to me. In my view the variations are appropriate, especially in relation to the Family Violence clause and the inclusion of Compassionate Leave

[8] Both parties submitted the variations sought do not offend the public interest, do not disadvantage those employees covered by the Award and recommended the variations to the Commission.

[9] Iam satisfied that the variations are in the public interest and that no employees are disadvantaged.

[10] The application is granted and pursuant to ss24 and 36 of the Act the Award is varied in accordance with the application. The variations to the award are operative from

22 December 2016.

[11] An order reflecting this decision is to follow.

**Apt"-·........-**

*Ms J Fitton* for MASSA

*Mr K Midson* for AWU

**Date and place of hearing:**

2016

22 December

Hobart