**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

s23 application for award or variation of award

**Minister administering the State Service Act 2000**

(T14518 of 2017)

DEPUTY PRESIDENT N M WELLS HOBART, 16 JUNE 2017

**FACILITY ATTENDANTS (TASMANIAN STATE SERVICE) AWARD**

**TASTAFE TEACHING STAFF AWARD**

**TEACHING SERVICE (TASMANIAN PUBLIC SECTOR) AWARD**

Award variation — wage related allowances – salaries — consent order issued — operative date from the date of this decision

# DECISION

1. On 1 June 2017, the Minister administering the State Service Act 2000 (MASSA) lodged with the Registrar, pursuant to Section 23 of the *Industrial Relations Act* 1984 (the Act), an application to vary the *Facility Attendants (Tasmania State Service) Award* (the Facility Attendants Award), the *TasTAFE Teaching Staff Award* (the TasTAFE Teaching Award) and the *Teaching Service (Tasmanian Public Sector) Award* (the Teaching Service Award).
2. At the hearing in Hobart on 16 June 2017, Ms Jane Fitton appeared for the MASSA. Ms Celeste Miller appeared for United Voice (UV). Ms K Siejka appeared for the Australian Education Union, Tasmanian Branch (AEU).
3. Ms Fitton advised the variation of the Awards reflected an undertaking of the parties, at the last Tasmanian Minimum Wage Case hearing in July 2016, to agree a new method of calculating annual increases to wage related allowances. Ms Fitton submitted that the newly agreed calculation method was based on a percentage of the salary rate for the lowest pay level for a particular level of classification in each of the above Awards. Therefore, the variation of the three awards required that the remuneration tables for the effected classifications be updated.
4. The variation of the Facility Attendants Award at Part IV,, required a new clause 5 entitled ‘Adjustment to Wage Related Allowances’ which provided:

“5. Adjustment to Wage Related Allowances

Unless specified separately in this Award all monetary allowances are to be adjusted from the first full pay period on or after 1 July each year by the same percentage as the salary rate for the lowest level of the Band 4 General Stream classification of the Tasmanian State Service Award has increased between 1 July in the preceding year and 30 June of that year. Prior to 1 July each year the parties will make application to have the salary rates in this Award updated to reflect the rates being paid.”

1. The variation of the TasTAFE Teaching Award at Part IV - Allowances, required a new clause 9 entitled ‘Adjustment to Wage Related Allowances’ which provided:

“9. Adjustment to Wage Related Allowances

Unless specified separately in this Award all monetary allowances are to be adjusted from the first full pay period on or after 1 July each year by the same percentage as the salary rate for the lowest level of the Band 1 classification of the TasTAFE Teaching Staff Award has increased between 1 July in the preceding year and 30 June of that year. Prior to 1 July each year the parties will make application to have the salary rates in this Award updated to reflect the rates being paid.”

1. The variation of the Teaching Service Award at Part IV – Allowances, required a new clause 11 entitled ‘Adjustment to Wage Related Allowances’ which provided”

“8. Adjustment to Wage Related Allowances

Unless specified separately in this Award all monetary allowances are to be adjusted from the first full pay period on or after 1 July each year by the same percentage as the salary rate for the lowest level of the Band 1 classification of the Teaching Service (Tasmanian Public Sector) Award has increased between 1 July in the preceding year and 30 June of that year. Prior to 1 July each year the parties will make application to have the salary rates in this Award updated to reflect the rates being paid.”

1. Ms Miller and Ms Siejka endorsed the submissions of the employer and consented to the application to vary. Ms Miller noted the district, travelling and clothing and equipment allowances in the Facility Attendants Award remained without a mechanism for increases. She submitted that this Award would require a future variation to include a mechanism to increase these allowances.
2. The parties stated the variation sought does not offend the public interest, does not disadvantage those employees covered by the Award and recommended the variation to the Commission.
3. Ms Fitton submitted that the operative date for the variation to the Award was to be from the date of this decision.
4. I am satisfied that the application is consistent with the public interest requirements of the Act and does not disadvantage the Award covered employees.
5. The application for variation is granted with an operative date from the date of this decision.
6. An order reflecting this decision is to follow.

N M Wells

**DEPUTY PRESIDENT**

***Appearances:***

*Ms J Fitton,* for the MASSA

*Ms C Miller,* for UV

*Ms K Siejka,* for the AEU

***Date and place of hearing:***

2017

16 June

Hobart