

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23 application to vary the Tasmanian minimum wage

Tasmanian Trades and Labor Council

(T14871 OF 2021)

PUBLIC SECTOR AWARDS

PRESIDENT D BARCLAY
DEPUTY PRESIDENT N ELLIS
COMMISSIONER T LEE

HOBART, 18 JULY 2022

Wage Rates - Tasmanian minimum wage rate determined at \$772.60 pw – s47AB - supported wage varied to \$90.00pw –training wage increases by 2.5% - operative date from 1 August 2021

DECISION

[1] On 16 November 2021 the Tasmanian Trades and Labor Council (TTLC) lodged an application seeking to:

- Vary the Tasmanian minimum wage for an adult in full-time employment specified by s 47AB of the *Industrial Relations Act 1984* (the Act) by an increase of 2.5% to become \$772.60 per week effective from 1 August 2021, and to increase the minimum wage contained in awards to the same level.
- Increase the minimum wage payable to persons engaged under the supported wage system to \$90.00.
- Adjust salary rates in the Tasmanian State Service National Training Wage Award by an increase of 2.5%.

[2] This application arises from the *Annual Wage Review 2020-2021* of the Fair Work Commission (FWC) handed down on 16 June 2021.¹ In its decision the FWC Full Bench increased the minimum wage by 2.5%.

[3] The matter proceeded to hearing on 11 July 2022. Marta Hodul-Lenton appeared on behalf of the Tasmanian Trades and Labor Council (TTLC), Elise McCarthy appeared on behalf of the Minister administering the State Service Act 2000 (MASSA), James Milligan appeared for the Health Services Union, Tasmania Branch (HSU), James Katarzynski appeared for the United Workers' Union (UWU), and Lilli Midgley appeared for The Community and Public Sector Union (State Public Services Federation Tasmania) Inc (CPSU).

¹ [2021] FWCFB 3500.

[4] In any event Ms Hodul-Lenton provided submissions in support of the application. In her written submissions she said:²

- “• The Fair Work Commission’s annual wage review raised the national minimum wage by 2.5% from \$19.84 an hour to \$20.33 an hour or \$772.60 for a 38-hour week commencing 1 July 2021. It raised training award wages by 2.5% and raised the supported wage system minimum to \$90 per week.
- In determining that this rise was appropriate, the Fair Work Commission noted that the proportion of low-paid employee households experiencing financial stress was growing even prior to the hardship of the pandemic, and that increasing the minimum wage would assist these employees to better meet their needs.
- In recent years, the Tasmanian Industrial Commission has aligned our minimum wage rise with the rise determined by Fair Work and we submit that this remains a fair and reasonable way to maintain the Tasmanian minimum wage.
- We also note the Commission must have regard to the public interest in exercising its jurisdiction to determine the minimum weekly wage and to vary the Awards. It is our submission that it is in the public interest to increase Tasmania’s minimum wage in line with the national minimum wage order to maintain a relevant minimum safety net.
- In relation to the supported wage system, custom and practice has seen the rate increase in line with the national supported wage minimum and consistent with income tests for pensions set by the Department of Social Services. These have been published and we seek that the supported wage minimum be increased to \$90 per week.
- With respect to the Tasmanian State Service National Training Wage Award, we note that clause 12(d) of this Award provides that all wage rates are to be adjusted, effective from 1 August, by the same percentage that the Tasmanian Minimum Wage increases, as determined in accordance with section 47AB of the Industrial Relations Act 1984. Accordingly, the application before you includes an increase of 2.5% to the wage rates in this Award.”

[5] The parties who appeared endorsed the submissions made by the TTLC and agreed the variations are in accordance with the public interest. All written submissions also supported the Application.

[6] Those written submissions were received from UWU, CPSU, HSU, Police Association of Tasmania (PAT), Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU Tasmanian Branch), and Australian Nursing and Midwifery Federation (Tasmanian Branch).

[7] As pointed out by Ms Hodul-Lenton the Commission has aligned the Tasmanian minimum wage with that determined by the Fair Work Commission over the recent past. In the present circumstances and noting the unanimous consent, we consider that it is consistent with the public interest to continue the alignment on this occasion. We also note s35(7) of the *Industrial Relations Act 1984* which provides:

² Applicants written submission

" ...

(7) Subject to this section, where a Full Bench is satisfied that, having regard to a decision of the Australian Commission that is applicable to the wages payable generally to employees who are subject to awards of the Australian Commission in Tasmania, a variation should be made to the wages payable generally to employees under awards of the Commission, the Full Bench may order that any such variation be made.

... "

[8] Pursuant to s47AB of the Act we determine that the Tasmanian minimum wage for an adult in full-time employment will be \$772.60 per week effective from 1 August 2021.

[9] Awards containing a supported wage clause will be varied to reflect the new supported wage of \$90 per week effective from 1 August 2021. We note that this rate has historically been set at an income level which does not compromise benefits received under the Disability Support Pension.

[10] The training wage is also increased by 2.5% for those covered by the Tasmania State Service National Training Wage Award.

[11] Pursuant to s 23 of the Act, awards containing minimum wage and supported wage clauses will be varied to reflect this decision.

[12] All Award variations arising from this decision will be effective from 1 August 2021.

[13] Orders arising from this decision will be settled by the Registrar with recourse to the President.

D Barclay
President

Appearances:

L Hodul-Lenton for TTLC
E McCarthy for MASSA
L Midgley for CPSU
James Milligan for HSU
James Katarzynski for UWU

Date and place of hearing:

2022
July 11
HOBART

Annexure 1

Award	Tasmanian Minimum Wage	Supported Wage System
AWU (Tasmanian State Sector) Award	\$772.60	\$90.00
Custodial Officers Award	\$772.60	\$90.00
Facility Attendants (Tasmanian State Service) Award	\$772.60	\$90.00
Governor of Tasmania Staff Award	\$772.60	\$90.00
Health and Human Services (Tasmanian State Service) Award	\$772.60	\$90.00
Legal Practitioners Award	\$772.60	\$90.00
Nurses and Midwives (Tasmanian State Service Award)	\$772.60	N/A
Parliamentary Staff Award	\$772.60	\$90.00
Police Award	\$772.60	N/A
Port Arthur Historic Site Management Authority Award	\$772.60	\$90.00
Ambulance Tasmania Award	\$772.60	\$90.00
Tasmanian Fire Fighting Industry	\$772.60	N/A
Tasmanian State Service Award	\$772.60	\$90.00
TasTAFE Teaching Staff Award	\$772.60	\$90.00
Teaching Service (Tasmanian Public Sector) Award	\$772.60	\$90.00