



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Variation of the Port Arthur Historic Site Management Authority Award [2023] TASIC 23

PARTIES:

Minister administering the *State Service Act 2000*

The Community and Public Sector Union (State Public Services Federation) Inc

Tasmanian Trades and Labor Council

SUBJECT: *Industrial Relations Act 1984*, s 23(1) application for variation of Award

FILE NO: T15033 of 2023

HEARING DATE(S): 26 May 2023

HEARING LOCATION: Tasmanian Industrial Commission, Hobart

DATE REASONS ISSUED: 6 June 2023

MEMBER: President D J Barclay

CATCHWORDS: Award variation – consent application - consent order issued - operative date from the first full pay period commencing on or after 26 May 2023.

REPRESENTATION:

S Locke for Minister administering the *State Service Act 2000*

L Midgley for The Community and Public Sector Union (State Public Services Federation) Inc

VARIATION OF THE PORT ARTHUR HISTORIC SITE MANAGEMENT AUTHORITY AWARD [2023] TASIC 23

REASONS FOR DECISION

HOBART, 6 JUNE 2023

[1] On 22 May 2023, 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 Port Arthur Historic Site Management Authority Award ('the Award').

[2] The major variations are as follows:

- Market Allowance - increased maximum market allowance payable from ten to twenty per cent;
- Higher Duties Allowance - amended to remove existing award restriction for fixed-term employees;
- More Responsible Duties Allowance - amended to remove existing award restriction for fixed-term employees;
- Private Vehicle Use Allowance - amended to expressly define rates of payment for electric and hybrid vehicles and to expressly provide for 'required users';
- Compressed hours arrangement Dayworker - New provision to allow a day worker to seek approval from the employer to work their ordinary hours in a compressed hours arrangement; In addition, clause references in Part VI are renumbered thereafter to facilitate the insertion of the new Clause 4;
- Overtime for day work - amended to remove previous criteria for overtime eligibility for General Stream Band 7 and 8 and Professional Stream Band 3 and 4 employees; As above, the Clause number of the existing clause is renumbered to 'Clause 7'; and
- Time off in lieu - amended to provide clarity that TOIL is to be paid out at the end of 28 days if not taken during the time period and there is no mutual agreement in writing to take at a later date and paid out on cessation. As above, the Clause number of the existing clause is renumbered to 'Clause 8'.

[3] Higher duties allowances are now payable to fixed term employees. Further, there is now provision for compressed hours which, if such an arrangement is agreed, will provide an employee with a regular day off. The variations are otherwise self-explanatory.

[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 first full pay period commencing on or after 26 May 2023.

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

