



## TASMANIAN INDUSTRIAL COMMISSION

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**CITATION:** Variation of the Nurses and Midwives (Tasmanian State Service) Award and the Ambulance Tasmania Award [2023] TASIC 39

**PARTIES:**

Minister administering the *State Service Act 2000*

Health Services Union, Tasmanian Branch

Australian Nursing and Midwifery Federation (Tasmanian Branch)

Tasmanian Trades and Labor Council

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

**FILE NO:** T15050 of 2023

**HEARING DATE(S):** 8 August 2023

**HEARING LOCATION:** Tasmanian Industrial Commission, Hobart

**DATE REASONS ISSUED:** 16 August 2023

**COMMISSIONER:** Deputy President N M Ellis

**CATCHWORDS:** Award variations – salary tables updated-adjustment to wage related allowances mechanism increased by 2.35% - Professional Development Allowance - Paramedic Specialist Allowance - miscellaneous amendments to Ambulance Tasmania Award to include “Ordinary rate of pay” to replace normal salary rate reference - additional 12 weeks of paid parental leave to secondary caregiver – salary tables and wage-related allowances effective from the first full pay period commencing on or after the dates prescribed in the award mechanism – miscellaneous variations effective from the first full period on or after 1 December 2022.

**REPRESENTATION:**

E Reale for the Minister administering the *State Service Act 2000*

R Moore for the Health Services Union, Tasmanian Branch

## VARIATION OF NURSES AND MIDWIVES (TASMANIAN STATE SERVICE) AWARD AND THE AMBULANCE TASMANIA AWARD

### REASONS FOR DECISION

16 AUGUST 2023

**[1]** On 21 July 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 Nurses and Midwives (Tasmanian State Service) Award and the Ambulance Tasmania Award with respect to adjustments to wage related allowances, and other miscellaneous amendments.

**[2]** The application relates to award variations to contemporise and align the Tasmanian State Service entitlements as set out in the applicant's submissions:

- a) Replacing salary tables to reflect salary rates payable on the first full pay period commencing on or after 1 July 2022;
- b) in relation to wage related allowances, increasing all monetary allowances by 2.35%;
- c) rectifying an identified discrepancy in the Nurses and Midwives (Tasmanian State Service) Award in the base rate of the Professional Development Allowance with effect from the first full pay period commencing on or after 1 July 2021 and then application of a salary percentage increase from the first full pay period commencing on or after 1 July 2022;
- d) rectifying an identified discrepancy in the Ambulance Tasmania Award and the base rate of the Paramedic Specialist Allowance at Part III, Clause 3 with effect from the first full pay period commencing on or after 5 May 2020 and salary percentage increases in accordance with the wage related allowance mechanism with effect from the first full pay period commencing on or after 1 July 2020, the first full pay period commencing on or after 1 July 2021 and the first full pay period commencing on or after 1 July 2022; and
- e) miscellaneous amendments to the Ambulance Tasmania Award, including:
  - i. Replacing Part II, sub-cl 11(b)(ii) the reference to 'Part VIII, Clause 6(a)(x)' with reference to 'Ordinary rate of pay'.
  - ii. Replacing Part VIII, sub-cl 6(b)(iv) - the reference to subclause '(e)(i)' and with reference to subclause '(f)(i)' - to reference the additional 12 weeks of paid parental leave available to a Secondary Caregiver who assumes Primary Caregiving responsibility in respect of the birth of placement of a child within the first 78 weeks.
  - iii. The four amendments at Part VIII, sub-cl 6(c)(ii); sub-cl 6(e)(i); sub-cl 6(h)(i)(2); and sub-cl 6(h)(ii)(2) are sought to replace the references to 'Part

VIII, Clause 4(d)(ii)' with 'Part VIII, Clause 4(e)(ii)' to reflect the new location of the subclause.

**[3]** The variations to salary tables and wage-related allowances are operative from the first full pay period commencing on or after 1 July 2022. Specifically, variations to:

a. Nurses and Midwives (Tasmanian State Service) Award:

i. Part IV, Clause 1; Clause 12; Clause 14; Clause 16; Clause 19;

ii. Part V, Clause 6; and

b. Ambulance Tasmania Award:

i. Part II, Clause 4; and

ii. Part VII, Clause 5.

**[4]** The variation to Part IV, Clause 13 of the Nurses and Midwives (Tasmanian State Service) Award, in respect of the Professional Development Allowance, is operative from the effective dates, being the first full pay period commencing on or after 1 July 2021 and the first full pay period commencing on or after 1 July 2022.

**[5]** The variation to Part III, Clause 3 of the Ambulance Tasmania Award, in respect of the Paramedic Specialist Allowance, is operative from the first full pay period commencing on or after 5 May 2020, the first full pay period commencing on or after 1 July 2020, the first full pay period commencing on or after 1 July 2021 and the first full pay period commencing on or after 1 July 2022.

**[6]** The miscellaneous variations to clause references of the Ambulance Tasmania Award are operative from the first full pay period commencing on or after 1 December 2022.

**[7]** All parties submitted the variations did not disadvantage employees covered, are in the public interest and are with the consent of the parties. The ANMF provided written submissions reflecting their consent to the variation.

**[8]** I am satisfied that the application is consistent with the public interest requirements in line with s 36 of the Act, it does not disadvantage the Award-covered employees and is with the consent of the parties.

**[9]** The application for variation is granted pursuant to s 24 of the Act, with the variations to salary tables and wage-related allowances being operative from the first full pay period commencing on or after the dates indicated in the award mechanism.

**[10]** Orders reflecting this decision will follow.

