TASMANIA

TASMANIAN INDUSTRIAL COMMISSION

CITATION: Variation of the Public Sector Union Wages Agreement 2022 [2025] TASIC 29

PARTIES:

All parties in the Agreement

Minister administering the *State Service Act 2000*

The Association of Professional Engineers, Scientists and Managers, Australia

Australian Education Union, Tasmanian Branch

Australian Nursing and Midwifery Federation (Tasmanian Branch)

Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union

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

Health Services Union, Tasmania Branch

United Workers' Union, Tasmanian Branch

SUBJECT: *Industrial Relations Act 1984*, s 59(1) application for variation of the Public Sector Union Wages Agreement 2022

FILE NO: T15141 of 2024

HEARING DATE(S): Determined in chambers

HEARING LOCATION: Tasmanian Industrial Commission, Hobart

DATE REASONS ISSUED: 4 November 2025

MEMBER: President D J Barclay

CATCHWORDS: Industrial agreement – application approved – Department of Justice – Department of Police, Fire and Emergency Management – higher duties allowance – takes effect from the first full pay period commencing on or after 4 November 2025.

REPRESENTATION:

Determined on the papers

VARIATION OF THE PUBLIC SECTOR UNION WAGES AGREEMENT 2022 [2025] TASIC 29

REASONS FOR DECISION **HOBART, 4 NOVEMBER 2025**

[1] On 18 June 2024, the Minister administering the State Service Act 2000 (the Minister) lodged with the Registrar, pursuant to Section 59(1) of the *Industrial Relations Act 1984* (the Act), an application for variation of the Public Sector Union Wages Agreement 2022 (the Agreement).

[2] The matter first came on for hearing on 25 June 2024 when certain issues arose regarding the application of certain parts of the variation. I was concerned to know how the provisions would work in practice. The issues were clarified by further submissions dated 15 October 2025 made by the Community and Public Sector Union (State Public Services Federation Tasmania) Inc and the Minister jointly.

[3] The Minister's initial written submissions were as follows:

5. Under existing industrial arrangements, employees are entitled to payment of a Higher Duties Allowance in accordance with Part II, Clause 11 of the Tasmanian State Service Award (TSSA) only when the employee is directed to perform duties that are classified higher than the employee's substantive band for a period of five or more consecutive working days (emphasis added).
6. The purpose of this new Clause 17 is to provide an entitlement to payment of a Higher Duties Allowance for employees in the Department of Justice (DoJ) and the Department of Police, Fire and Emergency Management (DPFEM) when directed to perform higher duties for a period of one day in the exceptional circumstances described at Subclause 17.2.
7. Following the approval of this variation, the entitlement of DoJ and DPFEM employees covered by this Agreement to Higher Duties Allowance will no longer be subject to the five or more consecutive working day requirement under TSSA, provided that the employee is directed to perform higher duties in the defined exceptional circumstances.
8. The 'exceptional circumstances' are defined in Subclause 17.2 and reflect the criteria agreed by the parties through acceptance of the letter of offer.
9. Subclause 17.2(ii) makes reference to the definition of 'Emergency', as defined in the Emergency Management Act 2006. The Emergency Management Act 2006 defines 'Emergency' as follows:

    (a) an event that –

        (i) endangers, destroys or threatens to endanger or destroy human life, property or the environment, or causes or threatens to cause injury or distress to persons; and

        (ii) requires a significant response from one or more of the statutory services; or

    (b) a significant threat of the occurrence of an event of a kind referred to in paragraph (a) in respect of which it is appropriate to take measures –

        (i) to prevent that possible resulting event; or

(ii) to mitigate the risks associated with that threat and that possible resulting event;

10. For the avoidance of doubt, this clause does not prevent the payment of a Higher Duties Allowance for a period of more than one day (i.e. two, three or four days), where the relevant criteria are satisfied. Further, this clause does not change or limit the ongoing entitlement to payment of a Higher Duties Allowance under the TSSA clause in circumstances where the employee is directed to perform higher duties for a period of five or more consecutive working days. Notations to this effect are included at Subclause 17.3.

[4] How the scheme will work in practice was clarified by the 15 October submissions in the following terms:

> The current award provision in relation to Higher Duties Allowance (HDA) in TSSA provides that where an employee is directed to perform duties at a higher classification for 5 days or more, they are entitled to the difference between their substantive salary and the higher salary paid as an allowance for the duration of 5 days or more. This commitment arising out of the PSUWA 2022 commitments was to provide an exception to the award provision in exceptional and specific circumstances and only in DoJ and DPFEM for periods of one day or more, noting this still requires a direction of the employer (or delegate).
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> The specific circumstances when an employee as and when directed will be entitled to HDA for a period of one or more days in DoJ and DPFEM is in the following circumstances:
>
> 17.2(i) Duties of a significant role which require the exercise of delegated authority
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> 17.2(ii) Duties required to be undertaken with limited supervision due to an Emergency, as defined in the Emergency Management Act 2006
>
> 17.3(iii) Duties of a key operational role required by the agency
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> 17.2(i) This is where in the course of exercising the duties of a particular role as part of the functions and duties an employee must be acting in the role to be for example the duly authorised officer to act as the delegate and sign off on matters or make certain decisions which are required to be made for periods of less than 5 days and that need to be done by the specific person in the role and cannot or it is not reasonable to give to others. There are no specific examples of roles provided by DPFEM or DoJ, or unions however this has been inserted as an identified need.
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> 17.2(ii) This subclause is to enable backfill of roles for 1 day as required to continue while the substantive employee moves into an incident emergency role for less than 5 days. Noting that there are Incident Management Agreements that provide for 1-day HDA for employees moving into Incident Management operation roles but this clause provides the backfill of the role that has been vacated. As examples, this can occur in regional areas of TFS where employees are released into IMT roles and team leaders are required in the team and also in finance areas of the TFS.
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> 17.3(iii) There are a number of roles/duties performed in DPFEM DoJ that cannot be left vacant due to the necessity of having ongoing filling. Examples of these roles are administrative court staff employed at Band 2 level and employees required to perform

a Court Clerk (General Stream Band 3) roles and Monitoring and Compliance Supervisors.

[5] The written submissions of The Community and Public Sector Union (State Public Services Federation Tasmania) Inc, the Health Services Union, Tasmania Branch and the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union confirmed there was consent to the variations, they do not disadvantage those employees covered by the Agreement and that there is genuine consent to the variations. The Australian Education Union, Tasmanian Branch, the United Workers' Union, Tasmanian Branch, the Australian Nursing and Midwifery Federation (Tasmanian Branch) stated that they had no interest in the application and had no submissions to make.

[6] I am satisfied that the variations do not disadvantage any employees covered by the Agreement, that there is genuine consent to the variations, and that the variations are in the public interest.

[7] Pursuant to s 59(2), the variations are approved and will come into force from the first full pay period commencing on or after 4 November 2025.

D J Barclay
President