



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Police Association of Tasmania and Commissioner of Police [2023] TASIC 1

PARTIES: Police Association of Tasmania (Applicant)

Commissioner of Police (Respondent)

SUBJECT: *Industrial Relations Act 1984*, s23(1) Application for award or variation of award

Variation of Police Award

FILE NO: T15004 of 2023

HEARING DATE(S): 7 February 2023

HEARING LOCATION: Hobart

DATE REASONS ISSUED: 10 February 2023

MEMBERS: Barclay P

CATCHWORDS: Award variation – salary and expense allowances increases – variations to clauses to aid clarity - consent application - operative from the first full pay period on or after 1 December 2022.

REPRESENTATION:

Appellant: C Riley

Respondent: M Ghedini

POLICE ASSOCIATION OF TASMANIA and COMMISSIONER OF POLICE

REASONS FOR DECISION

10 FEBRUARY 2023

[1] On 3 February 2023, The Police Association of Tasmania lodged with the Registrar, pursuant to Section 23(1) of the *Industrial Relations Act* 1984, an application to vary the Police Award.

[2] The variations are to salaries and various expense allowances and also substitute some clauses for amended ones to aid in clarity of meaning.

[3] The variations to salary over three years amount in total to 9.5% and the increases to allowances are by 3.5%. In my view the increases are modest having regard to current cost of living pressures and are reasonable in all the circumstances.

[4] One change of note is that special allowances will be paid whether the member is undertaking those duties on a full time basis or a part time basis. Additionally a constable or sergeant attached to the Multi-Disciplinary Centres or Investigations Training Coordinator will now be entitled to a Detective Allowance.

[5] Of particular significance however is that the variations to the Award are agreed on the basis of commitments given by the Commissioner, in accordance with Appendix A attached, to further vary the Award as referred to in that Appendix by 31 March 2023. Additionally the Premier had given an undertaking in the following terms as to any potential wage increases¹:

“It is acknowledged that there will be no backdating of any salary offer should agreement not be reached before 1 December 2022. Furthermore, that should the Government headline wages and standard conditions offer increase from the proposed police agreement for other employee representative bodies, during this round of negotiations between December 2022 to April 2023, and for any further whole of government headline wages and standard conditions offer for these specific bodies during the life of this proposed police agreement, Tasmania Police officers’ wages and standard conditions will be increased commensurate with the Government’s final offer to these other specific representative bodies.”

[6] Both the undertaking by the Premier and the commitments made by the Commissioner were matters conditional upon the consent to the variations sought in this application.

[7] I note the effect of the commitments and undertakings would likely amount to exceptions to the No Extra Claims clause of the variations.

[8] Further, in respect to the Community Assistance Expense Allowance the Commissioner has confirmed that the exclusion from the allowance for members who own their residence in the

¹ Letter from the Premier to the President, Police Association of Tasmania dated 15 December 2022.

station sub-division does not apply to those members who own their own residence but do not live in it as at the date of the approval of the variations².

[9] The parties submitted that the variation was in the public interest and that no employee covered by the award would be prejudiced as a result of the variation.

[10] I am satisfied that the variations are in the public interest and that no employees are disadvantaged. The quantum of the variations are, across the board modest and reasonable.

[11] The application is granted and pursuant to s24 and s36 of the Act the Award is varied in accordance with the application. The variations to the award are operative from the first full pay period on or after 1 December 2022.

[12] An order reflecting this decision will follow.



² Email from the Deputy Commissioner J Higgins to President, Police Association of Tasmania dated 3 February 2023.