



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Variation of the AWU (Tasmanian State Sector) Award, the Custodial Officers Award and the Port Arthur Historic Site Management Authority Award [2023] TASIC 40

PARTIES:

Minister administering the *State Service Act 2000*

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

Australian Workers' Union, Tasmania Branch

United Workers' Union, Tasmanian Branch

Tasmanian Trades and Labor Council

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

FILE NO: T15051 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% - miscellaneous amendments to include “normal salary rate” to replace normal rate of pay reference - additional 12 weeks of paid parental leave to secondary caregiver - renumbering clauses to reflect new location of subclause – salary table and work-related allowances effective from the first full pay period commencing on or after 1 July 2022, in line with award mechanism – miscellaneous amendments effective from the first full pay period commencing on or after 1 December 2022.

REPRESENTATION:

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

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

VARIATION OF THE AWU (TASMANIAN STATE SECTOR) AWARD, THE CUSTODIAL OFFICERS AWARD AND THE PORT ARTHUR HISTORIC SITE MANAGEMENT AUTHORITY 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 AWU (Tasmanian State Sector) Award, the Custodial Officers Award and the Port Arthur Historic Site Management Authority 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. Specifically, the application seeks to:

- a) Replace the 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, increase all monetary allowances by 2.35% with effective dates, as below;
- c) Within the AWU (Tasmanian State Sector) Award:
 - I. Replace Part II, sub-cl 8(d)(ii)(2) the reference to 'Part VII, Clause 2(a)(x)', in reference to 'Part 1 – Application and Operation of the Award, Clause 7 Definitions, to properly reference the definition for 'normal salary rate' within the Award.
 - II. Replace Part VII, sub-cl 2(b)(iv) the reference to subclause '(e)(i)', in 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.
- d) Within the Port Arthur Historic Site Management Authority Award:
 - I. Replace Part II, sub-cl 4(d)(ii)(2) the reference to 'Part VII, Clause 2(a)(x)', in reference to 'Part 1 – Application and Operation of the Award, Clause 7 Definitions' to properly reference the definition for 'normal salary rate' within the Award.
 - II. Replace Part VII, sub-cl 2(b)(iv) the reference to subclause '(e)(i)', in 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 VII, sub-cl 2(c)(ii); sub-cl 2(e)(i); sub-cl 2(h)(i)(2); and sub-cl 2(h)(ii)(2) are to replace the references to 'Part VII, Clause 4(d)(ii)' with 'Part VII, 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 speaking:

- a) AWU (Tasmanian State Sector) Award:
 - I. Part II, Clause 3;
 - II. Part IV, Clause 6; Clause 7; Clause 8; Clause 9;
 - III. Part VI, Clause 6;
- b) Custodial Officers Award:
 - I. Clause 14
- c) Port Arthur Historic Site Management Authority Award:
 - I. Part II, Clause 3;
 - II. Part IV, Clause 4, Clause 5, Clause 6, Clause 7;
 - III. Part VI, Clause 8;

[4] The miscellaneous variations are operative from the first full pay period commencing on or after 1 December 2022, specifically:

- a) AWU (Tasmanian State Sector) Award:
 - I. Part II, Clause 8;
 - II. Part VII, Clause 2;
- b) Port Arthur Historic Site Management Authority Award:
 - I. Part II, Clause 4;
 - II. Part VII, Clause 2.

[5] All parties submitted the variations did not disadvantage employees covered, are in the public interest and with the consent of the parties.

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

[7] 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 1 July 2022 in line with the Award mechanisms. The remaining variations will take effect from the first full pay period commencing on or after 1 December 2022.

[8] Orders reflecting this decision will follow.

