



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Variation of the Tasmanian State Service Award and the Health and Human Services Award [2023] TASIC 41

PARTIES:

Minister administering the *State Service Act 2000*

The Association of Professional Engineers, Scientists and Managers, Australia

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

Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia

Construction, Forestry, Mining and Energy Union, Tasmanian Branch

Health Services Union, Tasmania Branch

Transport Workers' Union of Australia (Victorian/Tasmanian Branch)

Australian Education Union, Tasmanian Branch

Australian Nurses and Midwifery Union (Tasmanian Branch)

Community and Public Sector Union (State Public Services Federation Tasmania) 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: T15052 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 increased by 2.35% - Awards to include "normal salary rate" reference - additional 12 weeks of paid parental leave to secondary caregiver - renumbering to reflect new location of subclause – salary tables and wage-related allowances effective from the first full pay period commencing on or after 1 July 2022 – miscellaneous variations 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*

S Smith for the Australian Education Union, Tasmanian Branch

R Moore for the Health Service Union, Tasmania Branch

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

VARIATION OF THE TASMANIAN STATE SERVICE AWARD AND THE HEALTH AND HUMAN SERVICES 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 Tasmanian State Service Award and Health and Human Services (Tasmanian State Service) 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, this application seeks:

- a) Replacement of 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, the increase of all monetary allowances in line with the adjustment to wage related allowance mechanism and respective salary increases of 2.35% with effective dates outlined below:
- c) Within the Tasmanian State Service Award:
 - i. Part II, sub-cl 4(d)(ii)(2) the reference to 'Part VIII, Clause 2(a)(x)' is sought to be replaced with 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. Part VIII, sub-cl 2(b)(iv) the reference to subclause '(e)(i)' is sought to be replaced 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. Four amendments at Part VIII, sub-cl 2(c)(ii); sub-cl 2(e)(i); sub-cl 2(h)(i)(2); and sub-cl 2(h)(ii)(2) to replace the references to 'Part VIII, Clause 4(d)(ii)' with 'Part VIII, Clause 4(e)(ii)' sought to reflect the new location of the subclause.
- d) Within the Health and Human Services Award:
 - i. Part II, sub-cl 4(d)(ii)(2) the reference to 'Part IX, Clause 2(a)(x)' is sought to be replaced with 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. Part IX, sub-cl 2(b)(iv) the reference to subclause '(e)(i)' is sought to be replaced 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 IX, sub-cl 2(c)(ii); sub-cl 2(e)(i); sub-cl 2(h)(i)(2); and sub-cl 2(h)(ii)(2) are sought to replace the references to 'Part IX, Clause 4(d)(ii)' with 'Part IX, Clause 4(e)(ii) 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, this will vary:

a) Tasmanian State Service Award:

- i. Part II, Clause 3;
- ii. Part IV, Clause 5; Clause 6; Clause 7; Clause 8; Clause 10; Clause 11; Clause 12; Clause 13;
- iii. Part VI, Clause 5;

b) Health and Human Services Award:

- i. Part II, Clause 3;
- ii. Part V, Clause 4, Clause 5, Clause 6, Clause 8;
- iii. Part VII, Clause 7;
- iv. Appendix 11, Clause 1; Clause 4.

[4] The miscellaneous variations to clause references within the following Parts of the Awards are operative from the first full pay period commencing on or after 1 December 2022. Specifically, this will vary:

a) Tasmanian State Service Award:

- i. Part II, Clause 4;
- ii. Part VIII, Clause 2;

b) Health and Human Services Award:

- i. Part II, Clause 4;
- ii. Part IX, 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 is to follow.



Neroli Ellis
Deputy President