

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23 application for award or variation of award

Police Association of Tasmania

(T14611 of 2018)

DEPUTY PRESIDENT N M ELLIS

HOBART, 1 AUGUST 2018

POLICE AWARD

Award variation– allowances– consent application– consent order issued – variable operative dates

DECISION

[1] On 9 July 2018, the Police Association of Tasmania (PAT) lodged with the Registrar, pursuant to Section 23(1) of the *Industrial Relations Act 1984* (the Act), an application to vary the *Police Award* (the Award).

[2] At the hearing in Hobart on 1 August 2018, Mrs A Smith appeared for the PAT and Acting Inspector S Watson appeared for The Commissioner of Police (the Controlling Authority).

[3] Mrs Smith advised the variation and consolidation of the Award was sought to reflect a monetary increase only, in a number of allowances contained within the Award as per the mechanisms for increases.

[4] Mrs Smith stated that the operative date for the increases was not to be applied universally, requesting that 27 June 2018 be the date of effect for clauses 10.9.1(d) and 10.11.1, and 1 July 2018 be the date of effect for clauses 10.8.1, 20.8(a) and 21.7(a), and for clauses 9.4.2, 9.4.3, 9.4.3, 13.3.2, 13.3.3 and 22.2.1 the date of effect be 12 July 2018. Senior Sergeant Watson supported Mrs Smith's submissions on the dates of operation.

[5] The clauses to be varied are:

- 9.4 Specialist Allowance – sub-clauses 9.4.2, 9.4.3 and 9.4.4
- 10.8 Overnight Expense Allowance – sub clause 10.8.1
- 10.9 Plain Clothes Expense Allowance
- 10.11 Communications Expense Allowance
- 13.3 Availability and Standby – sub-clauses 13.3.2 and 13.3.3
- 20 Physical Surveillance Services and Police Technical Surveillance Services – Meal and Incidentals Allowance – sub-clause 20.8(a)
- 21 Special Response and Counter Terrorism Unit – Meal and Incidentals Allowance – sub clause 21.7(a)
- 22.2 Dog Handlers Allowance – sub-clause 22.2.1

[6] Ms Smith advised the variation of the value of the allowances in the clauses identified above were reflected either by the increase established under the Australian Taxation Office (ATO) Tax Determination 2018/11, or as a result of recent wage increases

of 2%. The new allowances in clauses 10.9.1(d) and 10.11.1 are to be increased by the Consumer Index Price (CPI) which is 1.9%. The increased amounts were reflected in the draft order lodged with the application.

[7] Ms Smith also requested that clause 10.8.1 be amended by removing the reference to the previous ATO Tax Determination 2017/19 and replacing it with reference to the new Tax Determination 2018/11.

[8] Both parties consented to the following typographical errors in the application; clause 9.4.2, Level 5 Allowance amount should read \$5167 and not \$5.167, clause 10.11 should read \$1223 and not \$1224 and the date of effect for relevant clauses being 12 July 2018 and not 25 July 2018.

[9] Senior Sergeant Watson, on behalf of the Commissioner of Police supported the variations sought, and the submissions of Ms Smith, together with the date of effect of such variations.

[10] Both parties stated the variations sought do not offend the public interest, do not disadvantage those employees covered by the Award.

[11] I am satisfied that the application is consistent with the public interest requirements of the Act, does not disadvantage the employees covered by the Award and reflects the most up to date information.

[12] The application for variation is granted with an operative date for clauses 10.9.1(d) and 10.11.1 from 27 June 2018, clauses 10.8.1, 20.8(a) and 21.7(a) from 1 July 2018 and for clauses 9.4.2, 9.4.3, 9.4.3, 13.3.2, 13.3.3 and 22.2.1 from 12 July 2018.

[13] An order reflecting this decision is to follow.



N M Ellis
DEPUTY PRESIDENT

Appearances:

Mrs Angela Smith for the PAT
Acting Inspector Stephen Watson for the Commissioner of Police

Date and place of hearing:

2018
1 August
Hobart