

## **TASMANIAN INDUSTRIAL COMMISSION**

*Industrial Relations Act 1984*

s 23(1) application for award or variation of award

### **The Minister administering the State Service Act 2000**

(T14930 of 2022)

### **NURSES AND MIDWIVES (TASMANIAN STATE SERVICE) AWARD AMBULANCE TASMANIA AWARD**

PRESIDENT D J BARCLAY

HOBART, 12 MAY 2022

**Award variation – expense and wage related allowances – salary tables – superannuation – consent application – consent order issued – operative from the first full pay period on or after 1 July 2021**

#### **DECISION**

**[1]** On 5 May 2022, the Minister administering *the State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to section 23(1) of the *Industrial Relations Act 1984*, an application to vary the Nurses and Midwives (Tasmanian State Service) Award and the Ambulance Tasmania Award.

**[2]** At the hearing on 12 May 2022, Ms Elise McCarthy and Mr Oliver Clark appeared on behalf of MASSA, and Mr James Milligan appeared on behalf of the Health Services Union, Tasmania Branch (HSU). Ms Caroline Saint on behalf of the Australian Nursing and Midwifery Federation (Tasmanian Branch) (ANMF) provided an email to the Commission advising that they consent to the application. The parties filed written submissions.

**[3]** The Application related to increases in salaries and a clarification in respect to superannuation. The Applicant filed submissions in the following terms:

"Within the Nurses and Midwives (Tasmanian State Service) Award, the mechanism contained in Part IV, Clause 19 provides for the adjustment to wage related allowances. The clause provides that all monetary allowances (unless specified separately) are to be increased from the first full pay period on or after 1 July each year by the same percentage as the salary rate for the Grade 3 Year 8 classification of the Nursing and Midwives (Tasmanian State Service) Award has increased between 1 July in the preceding year and 30 June that year. The relevant percentage for this application is 2.3% in line with the December 2020 salary increase.

Within the Ambulance Tasmania Award, the mechanism contained in Part III, Clause 6 provides for the adjustment to wage related allowances. The clause provides that all monetary allowances (unless specified separately) are to be increased from the first full pay period on or after 1 July each year by the same percentage as the salary rate for a Paramedic Year 1 classification of the Ambulance Tasmania Award has increased between 1 July in the preceding year and 30 June that year. The relevant percentage for this application is 2.3% in line with the December 2020 salary increase.

In accordance with the clauses it is submitted that the variations sought be made

operative with effect from the first full pay period on or after 1 July 2021.

In addition, the application seeks to vary the Nurses and Midwives (Tasmanian State Service) Award Part III Clause 8, sub-clauses (i)(1) and (ii)(1) and the Ambulance Tasmania Award Part II Clauses 11.1(a) and 11.2(a) with the addition of the wording 'in the first 12 months' in the relevant clauses. This proposed variation clarifies the position that was agreed by the parties during the last round of negotiations in relation to the payment of superannuation during periods of unpaid parental leave in the first 12 months."

**[4]** All parties submitted the variations sought do not offend the public interest, do not disadvantage those employees covered by the Awards and recommended the variations to the Commission.

**[5]** I am satisfied that the variations are consistent with the public interest and that no employees are disadvantaged by the variations

**[1]** The applications are granted. The awards are varied in accordance with the application, save for Part III cl 8(i)(1) and (ii)(1) of the Nurses and Midwives (Tasmanian State Service) Award and Part II cls 11.1(a) and 11.2(a) of the Ambulance Tasmania Award, the operative date of the variations is the first full pay period on or after 1 July 2021. In respect of the individual clauses I have referred to in the forgoing sentence they commence from today.

**[6]** An order reflecting this decision will follow.



**Appearances:**

Ms E McCarthy and O Clark for MASSA  
Mr J Milligan for HSU  
ANMF Submissions in writing

**Date and place of hearing:**

2022  
12 May 2022  
HOBART