

## **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**

(T14929 of 2022)

#### **AWU (TASMANIAN STATE SECTOR) AWARD**

#### **CUSTODIAL OFFICERS AWARD**

#### **PORT ARTHUR HISTORIC SITE MANAGEMENT AUTHORITY 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 AWU (Tasmanian State Sector) Award, Custodial Officers Award and the Port Arthur Historic Site Management Authority Award.

**[2]** At the hearing on 12 May 2022, Ms Elise McCarthy and Mr Oliver Clark appeared on behalf of MASSA, and Ms Natalie Marzella appeared on behalf of The Community and Public Sector Union (State Public Services Federation Tasmania) Inc (CPSU (SPSFT) Inc).

**[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 AWU (Tasmanian State Sector) Award, the mechanism contained in Part IV, Clause 10 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 lowest level of Band 4 General Stream classification of the AWU (Tasmanian State Sector) Award has increased between 1 July in the preceding year and 30 June of that year. The relevant percentage for this application is 2.3% in line with the December 2020 salary increase.

Within the Custodial Officers Award, the mechanism contained in Clause 20 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 lowest level of the Band 4 General Stream classification of the Tasmanian State Service Award has increased between 1 July in the preceding year and 30 June of that year. The relevant percentage for this application is 2.3% in line with the December 2020 salary increase.

Within the Port Arthur Historic Site Management Authority Award, the mechanism contained in Part IV, Clause 8 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 lowest level of the Band 4 General Stream classification of the Port Arthur Historic Site Management Authority Award has increased between 1 July in the preceding year and 30 June of that year. The relevant percentage for this application is 2.3% in line with the December 2020 salary increase.

In addition, the application seeks to vary the AWU (Tasmanian State Sector) Award Part II Clause 8, sub-clauses (d)(i)(1) and (d)(ii)(1), and the Port Arthur Historic Site Management Authority Award Part II Clause 4, sub-clauses (d)(i)(1) and (d)(ii)(1) 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.

[6] The applications are granted. The awards are varied in accordance with the application, save for Part II cl 8(d)(i)(1) and (d)(ii)(1) of the AWU (Tasmanian State Sector) Award, and Part II cl 4(d)(i)(1) and (d)(ii)(1) of the Port Arthur Historic Site Management Authority Award, the operative date being 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.

[7] An order reflecting this decision will follow.



**Appearances:**

Ms E McCarthy and Mr O Clark for MASSA  
Ms N Marzella for the CPSU (SPSFT) Inc

**Date and place of hearing:**

2021  
12 May  
HOBART