

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

(T14981 of 20222)

AWU (TASMANIAN STATE SECTOR) AWARD

FACILITY ATTENDANTS (TASMANIAN STATE SERVICE) AWARD

HEALTH AND HUMAN SERVICES (TASMANIAN STATE SERVICE) AWARD

TEACHING SERVICE (TASMANIAN PUBLIC SECTOR) AWARD

PRESIDENT D BARCLAY

HOBART, 23 NOVEMBER 2022

Award variation – district allowance – consent application – consent order issued – operative date from today 23 November 2022

DECISION

[1] On 15 November 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, Facility Attendants (Tasmanian State Service) Award, Health and Human Services (Tasmanian State Service) Award and Teaching Service (Tasmanian Public Sector) awards.

[2] At the hearing, on 23 November 2022, Oliver Clark appeared on behalf of MASSA, James Katarzynski appeared on behalf of the United Workers' Union (UWU), Steven Smith appeared on behalf of the Australian Education Union, Tasmanian Branch (AEU), and Robert Flanagan appeared on behalf of the Australian Workers Union (AWU). Caroline Saint sent an email to the Commission on behalf of the Australian Nursing and Midwifery Federation (Tasmanian Branch) (ANMF) advising they were unable to attend the Hearing and consenting to the variation.

[3] The Application related to district allowances and seeks an increase in those allowances. The allowances had not been increased since 2012 except in the case of the Teaching Service (Tasmanian Public Sector) Award which had been increased in 2014, however only to the level of the other three awards the subject of this application. As a result, the Applicants sought to adjust the allowances by an increase of 24%, being the increase in the relevant Consumer Price Index from March 2012 to March 2022.

[4] I note the Tasmanian State Service Award was varied in October 2022 to include a 24% increase and an adjustment mechanism identical to this application. It is of course reasonable that the allowances are brought up to date and to include a mechanism whereby the allowances can be increased without the need for further applications to the Commission.

[5] 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.

[6] I am satisfied that the variations are consistent with the public interest and that no employees are disadvantaged. Indeed it is unfortunate that the employees to whom the awards apply did not have the benefit of an increase in the district allowance for a number of years. Whilst the increases on this occasion are substantial they are necessary and are appropriately calculated against movements in the relevant consumer price index.

[7] The application is granted. The Award is varied in accordance with the application, commencing from 23 November 2022.

[8] An order reflecting this decision will follow.



Appearances:

O Clark for MASSA
R Flanagan for AWU
J Katarzynski for UWU
S Smith for AEU

Date and place of hearing:

2022
23 November 2022
HOBART