



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Variation of the Ambulance Tasmania Award [2024] TASIC 11

AMENDED DECISION

PARTIES:

Minister administering the State Service Act 2000

The Association of Professional Engineers, Scientists and Managers, Australia

The Australia Education Union, Tasmanian Branch

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

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

The Community and Public Sector Union (State Public Services Federation Tasmania) Inc

Construction, Forestry, Mining and Energy Union, Tasmanian Branch

Health Services Union, Tasmania Branch

Transport Workers' Union of Australia (Victorian/Tasmanian 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: T15121 of 2024

HEARING DATE(S): 17 May 2024

HEARING LOCATION: Tasmanian Industrial Commission, Hobart

DATE REASONS ISSUED: 25 June 2024

MEMBER: President D J Barclay

CATCHWORDS: Award Variation - Tasmanian State Service Award – variation of salaries – variation of expenses and other allowances – operative from the first full pay period on or after 1 July 2023

REPRESENTATION:

No appearance for Minister administering the *State Service Act 2000*

Lilli Midgley for The Community and Public Sector Union (State Public Services Federation Tasmania) Inc

James Katarzynski for the United Workers' Union, Tasmanian Branch

Steven Smith for the Australian Education Union, Tasmanian Branch

VARIATION OF THE TASMANIAN STATE SERVICE AWARD [2024] TASIC 11

AMENDED DECISION

REASONS FOR DECISION

HOBART 4 JUNE 2024

[1] The Applicants made an application to vary the Award by making increases to salaries and a number of expenses and allowances.

[2] The salary adjustments are at the agreed rate of 3.5%. However, the adjustment to the allowances was in dispute.

[3] The Applicant sought to increase the allowances by 4.8874%. The Respondent's contention was that the agreement to increase salaries by 3.5% also applied to the increase in allowances. The Applicant contended that the allowances were to increase in accordance with clause 13 of Part IV of the Award. That clause provides as follows:

“Unless specified separately in this Award all monetary allowances are to be adjusted 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. Prior to 1 July each year the parties will make application to have the salary rates in this Award updated to reflect the rates being paid.”

[4] At the conference, I indicated that the Award provided for an automatic increase in expenses and allowances to which the clause applied, circumventing the need to come to the Commission each year for an increase. I indicated that was the purpose of the inclusion of the clause in the Award. Once there was a salary increase (almost always as a result of a negotiated agreement) then clause 13 applied to automatically increase allowances.

[5] Usually, the increase will be the same as the increase to salaries. However, in the relevant year there was a one-off cost of living increase which increased one of the salaries for the purposes of the calculation referred to in clause 13 resulting in the 4.8874 figure. As a result, the increase in the relevant year was greater than the increase to salaries agreed by the parties.

[6] After the conference, the Respondent took legal advice and ultimately did not oppose the Application. As such, it was not strictly necessary to make any orders to increase the allowances and expenses because they would increase in accordance with clause 13. Nevertheless, I determined to formally approve the increases by 4.8874%.

[7] The salary increased by 3.5%, the rate agreed by the parties.

[8] In addition, the Application was amended to include increases to some expenses and allowances for the Tasmanian Prison Service in the Award. The amendments were:

“Part IV – Expense and Other Allowances

Clause 10 – Tasmania Prison Service – Special Allowances:
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(a) – Tactical Response Group Commander
DELETE \$2,189 and REPLACE with \$2,296.

(b) – Tactical Response Group Member
DELETE \$1,462 and REPLACE with \$1,533.

(c) – Drug Detector Dog Handler
DELETE \$1,462 and REPLACE with \$1,533.

(d) – Workplace Assessor
DELETE \$1,128 and REPLACE with \$1,183.

(e) – Workplace Trainer
DELETE \$1,128 and \$65.12 and REPLACE with \$1,183 and \$68.30.”

[9] The increases (save for the Workplace Assessor increase, which was not increased effective 1 December 2023) apply for a period between 1 July 2023 and 1 December 2023. Amendments to the Award effecting increases on and from 1 December 2023 were approved in T15108 of 2023. It seems that the period from 1 July 2023 to 1 December 2023 was overlooked. This amendment cures that oversight.

[10] In the event I am satisfied that the application is consistent with the public interest requirements of the Act and does not disadvantage the Award-covered employees. I am satisfied that the variation should be approved.

[11] The application for variation is granted with an operative date of 1 July 2023.

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

