

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23(1) application for award or variation of award

Police Association of Tasmania

and

Commissioner of Police

(T14657 of 2019)

POLICE AWARD

DEPUTY PRESIDENT N ELLIS

HOBART, 10 July 2019

Award variation – expense related and salary based allowances -consent application – variable operative dates.

DECISION

[1] On 8 July 2019, the Police Association of Tasmania 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] The hearing in Hobart on 10 July 2019, Inspector Elmer and Senior Sergeant Gill appeared on behalf of the Commissioner of Police (COP) and Mr Kadziolka and Senior Sergeant Bennett appeared on behalf of the Police Association of Tasmania (PAT).

[3] Mr Kadziolka submitted the variations relate to increases in expense related and salary based allowances. The variations sought relate to increases to the following clauses:

- Clause 9.4 – Specialist Allowance, sub-clauses 9.4.2, 9.4.3 and 9.4.4;
- Clause 10.8 – Overnight Expense Allowances, sub-clause 10.8.1;
- Clause 13 – Hours, sub-clauses 13.3.2 and 13.3.3, Availability and Standby;
- Clause 20 – Physical Surveillance Services and Police Technical Surveillance Services Allowance, sub-clause 20.8(a) Meal and Incidentals Allowance;
- Clause 21 – Special Response and Counter Terrorism Unit, sub-clause 21.7(a) Meal and Incidentals Allowance.
- Clause 22.2 – Dog Handlers Allowance, sub-clause 22.2.1

[4] Mr Kadziolka 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 2019/11,¹ or as a result of recent wage increase of 2%. The increased amounts were reflected in the draft order lodged with the application. He outlined a variation in the application to the date of effect for the amendments to clauses 10.8.1, 20.8(a) and 21.7(a) which will be from 1 July 2019. The original application was 1 July 2018. Mr Elmer concurred with the submissions made by the Applicant and consented to the application, with the amendment to the effective date for the variations in above paragraph to 1 July 2019.

[5] Both parties stated the variations sought do not offend the public interest, do not disadvantage those employees covered by the Award and recommended the variations to the Commission.

¹ Exhibit A1

[6] I am satisfied that the application is with the consent of the parties, is consistent with the public interest requirement of the Act and does not disadvantage the employees covered by the Award.

[7] The application is granted and pursuant to s24, s34 and s36 of the Act, the Award is varied in accordance with the application. The operative date for amendments to clauses 10.8.1, 20.8(a) and 21.7(a) to be from 1 July 2019. The operative date for amendments to clauses 9.4.2, 9.4.3, 9.4.4, 13.3.2, 13.3.3 and 22.2.1 to be from 11 July 2019.

[8] An order reflecting this decision will follow.



Appearances:

Inspector Elmer and Senior Sergeant Gill for COP
Mr Kadziolka and Senior Sergeant Bennett for PAT

Date and place of hearing:

2019
10 July
Hobart