

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s55(2) application for approval of an industrial agreement

**Governor in Council and Official Secretary, Government House
(T14825 of 2020)**

and

The Australian Workers' Union, Tasmania Branch

and

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

GOVERNOR OF TASMANIA EMPLOYEE AGREEMENT 2020

DEPUTY PRESIDENT N ELLIS

HOBART, 4 FEBRUARY 2021

Industrial agreement – application approved - effective from date of registration and will remain in force until 30 June 2022 - forwarded to Registrar for registration.

DECISION

[1] On 24 December 2020, the Minister administering the *State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to section 55(2) of the *Industrial Relations Act 1984* (the Act), an Application to approve the Governor of Tasmania Employee Agreement 2020 (the Agreement).

[2] The application also sought the cancellation of the Governor of Tasmania Staff Enterprise Agreement 2012.

[3] At the hearing on 3 February 2021, Mr Andrew Prior appeared on behalf of MASSA, and Ms Natalie Jones appeared on behalf of The Community and Public Sector Union (State Public Services Federation Tasmania) Inc and The Australian Workers' Union, Tasmanian Branch (AWU). The parties had filed written submissions.

[4] A number of clauses from the old agreements providing benefits to employees covered by them are carried over into this Agreement. Additionally the Agreement provides for salary increases as follows:

- (i) 2.3 per cent per annum with effect from the first full pay period commencing on or after ffppcoa 1 December 2020.
- (ii) 2.35 per cent per annum with effect from the first full pay period commencing ffppcoa 1 December 2021.

[5] It is noted the employees covered by this agreement are not State Service employees, rather State employees employed by a State authority under the Act. The parties agreed to adopt a consistent framework and align the conditions more closely to the State Service. The Agreement has 13 parts and where possible, the conditions are consistent with the terms of the Public Service Union Wages Agreement 2019.

[6] The Agreement provides for specific conditions for employees at Government House:

a) Renewal of Employment Contracts

It was submitted that temporary employees have traditionally had their employment contracts renewed at the end of their term subject to satisfactory performance. The existing performance management process at Government House will be used to determine satisfactory performance. This clause provides certainty for those employees.

b) Conduct and Confidentiality

The nature of the operations of Government House require particular focus on matters of confidentiality and conduct. This provision sets out the requirements for conduct and confidentiality that all employees must adhere to given the nature of their work supporting the Vice-Regal duties of the Governor. There is a requirement for the express approval by the employer if any employee, other than a casual, wishes to undertake secondary employment or any other position of profit.

[7] The CPSU and the AWU supported the approval of the Agreement. The parties submitted there was genuine consent to the Agreement and it does not offend the public interest, and no persons affected by the Agreement are disadvantaged. As benefits have been carried over from the earlier Agreement, I am satisfied that there is no detriment to employees covered by the Agreement. The parties recommended the approval of the Agreement by the Commission.

[8] I am satisfied that the Agreement is consistent with the public interest requirements of the Act, does not disadvantage the employees concerned, and the term of the agreement does not exceed 5 years.

[9] Pursuant to s 55(4) the agreement is approved with effect from the date of registration and will remain in force until 30 June 2022. Accordingly, I cancel the Governor of Tasmania Staff Enterprise Agreement 2012.

[10] The file will now be referred to the Registrar for registration of the Agreement in accordance with the requirements of s 56(1) of the Act.



Appearances:

Mr Andrew Prior for MASSA

Ms Natalie Jones for CPSU (SPSFT) Inc, and with instructions, for the AWU

Date and place of hearing:

2021

3 February

HOBART