



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Variation of the Police Award [2023] TASIC 26

PARTIES: Commissioner of Police (Applicant)

Police Association of Tasmania (Respondent)

SUBJECT: *Industrial Relations Act 1984*, s 23(1) Application for award or variation of award

Variation of Police Award

FILE NO: T15038 of 2023

HEARING DATE(S): 15 June 2023

HEARING LOCATION: Hobart

DATE REASONS ISSUED: 20 June 2023

COMMISSIONER: President Barclay

CATCHWORDS: Award variation – leave entitlements – consent application – various operative dates.

REPRESENTATION:

Applicant: B Berry

Respondent: A Thompson

VARIATION OF THE POLICE AWARD [2023] TASIC 26

REASONS FOR DECISION

20 JUNE 2023

[1] On 31 May 2023, The Commissioner of Police lodged with the Registrar, pursuant to Section 23(1) of the *Industrial Relations Act* 1984, an application to vary the Police Award.

[2] The variations are summarised in the Applicants written submissions as follows:

“The new and improved terms and conditions, that form the basis of the application, include;

- Improved leave entitlements for paid parental leave (including an increase to the weeks of paid parental leave for the primary and secondary caregiver);
- (new) grandparent leave (paid and unpaid leave provisions to support grandparents acting as primary caregivers);
- Personal leave (to insert a new Aboriginal family relationships provision);
- Bereavement and compassionate leave (to extend the entitlement to instances of miscarriage and stillbirth; and to insert a new Aboriginal family relationships provision);
- Incorporate a new standard recreation leave provision to provide for ongoing accrual of leave and the management of excess leave accrual;
- Family violence leave (increase from 10 days to 20 days; and to insert a new Aboriginal family relationships provision);
- (new) Aboriginal cultural leave (5 days paid leave to enable an Aboriginal member to be absent from work to engage in Aboriginal cultural practices and meet cultural expectations as an active Aboriginal community member during their employment in TSS);
- (new) Disability leave (5 days per year to be used for activities (including attending appointments) associated with an member’s long-term physical or psychological disability);
- (new) Foster and kinship care leave (up to 10 days per year to support foster and kinship carers);
- (new) Gender affirmation leave (4 weeks paid leave and 48 weeks unpaid leave for members affirming their gender);
- (new) Surrogacy leave (6 weeks paid leave to support a member acting as a surrogate in a formal surrogacy arrangement)...”

[3] It may be seen that some entitlements are new and other existing leave entitlements are increased. All variations result in an improvement in the terms and conditions of employees covered by the Award.

[4] The parties submitted that the variation was in the public interest and that no employee covered by the award would be prejudiced as a result of the variation.

[5] I am satisfied that the variations are in the public interest and that no employees are disadvantaged.

[6] The application is granted and pursuant to ss 24 and 36 of the Act, the Award is varied in accordance with the application. The variations to the Award are operative from the first full pay period on or after 1 December 2022 save for recreational leave provided for in clause 15.11 which commences from the first full pay period on or after 15 June 2023.

[7] An order reflecting this decision will follow.

