



## TASMANIAN INDUSTRIAL COMMISSION

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**CITATION:** Variation of the Facility Attendants (Tasmanian State Service) Award and the Teaching Service (Tasmanian Public Sector) Award [2023] TASIC 38

**PARTIES:**

Minister administering the *State Service Act 2000*

United Workers' Union, (Tasmanian Branch)

Australian Education Union, Tasmanian Branch

Tasmanian Trades and Labor Council

**SUBJECT:** *Industrial Relations Act 1984*, s 23(1) application for variation of Award

**FILE NO:** T15049 of 2023

**HEARING DATE(S):** 8 August 2023

**HEARING LOCATION:** Tasmanian Industrial Commission, Hobart

**DATE REASONS ISSUED:** 16 August 2023

**MEMBER:** Deputy President N M Ellis

**CATCHWORDS:** Award variations – salary tables updated - adjustment to wage related allowances mechanism increased by 2.35% - miscellaneous amendments to Facility Attendants (Tasmanian State Service) Award to include “Ordinary rate of pay” to replace normal salary rate - additional 12 weeks of paid parental leave to secondary caregiver - variations to salaries and wage-related allowances effective from the first full pay period commencing on or after 1 July 2022 – other variations effective from the first full pay period commencing on or after 1 December 2022.

**REPRESENTATION:**

E Reale for the Minister administering the *State Service Act 2000*

S Smith for the Australian Education Union, Tasmanian Branch

## VARIATION OF THE FACILITY ATTENDANTS (TASMANIAN STATE SERVICE) AWARD AND THE TEACHING SERVICE (TASMANIAN PUBLIC SECTOR) AWARD

### REASONS FOR DECISION

16 AUGUST 2023

[1] On 21 July 2023, the Minister administering the *State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to section 23 of the *Industrial Relations Act 1984* (the Act), an application to vary the Facility Attendants (Tasmanian State Service) Award and the Teaching Service (Tasmanian Public Sector) Award with respect to adjustments to wage related allowances, and other miscellaneous amendments.

[2] The application relates to award variations to contemporise and align Tasmanian State Service entitlements, as well as including changes to several teacher and facility attendant specific entitlements as set out in the applicant's submissions. Specifically:

- a) Replacement of salary tables to reflect salary rates payable on the first full pay period commencing on or after 1 July 2022;
- b) in relation to wage related allowances, an increase to all monetary allowances by 2.35% with effective dates as below; and
- c) miscellaneous amendments to the Facility Attendants (Tasmanian State Service) Award, including:
  - i. Part II, sub-cl 5(d)(ii)(2) - the reference to 'Part VII, Clause 2(a)(x)' to be replaced with reference to 'Ordinary rate of pay';
  - ii. Part VII, sub-cl 2(b)(iv) - the reference to subclause '(e)(i)' to be replaced with reference to subclause '(f)(i)', to reference the additional 12 weeks of paid parental leave available to a Secondary Caregiver who assumes Primary Caregiving responsibility in respect of the birth of placement of a child within the first 78 weeks.
  - iii. Part VII, sub-cl 2(c)(ii); sub-cl 2(e)(i); sub-cl 2(h)(i)(2); and sub-cl 2(h)(ii)(2) - to replace the references to 'Part VII, Clause 4(d)(ii)' with 'Part VII, Clause 4(e)(ii)' to ensure correct numbering and location of the subclause.

[3] The variations to salary tables and wage-related allowances are operative from the first full pay period commencing on or after 1 July 2022:

- a) Facility Attendants (Tasmanian State Service) Award:
  - i. Part II, Clause 3;
  - ii. Part IV, Clause 3 and Clause 4; and
  - iii. Part V, Clause 6;

b) Teaching Service (Tasmanian Public Sector) Award:

- i. Part III, Clause 1; and
- ii. Part IV, Clause 3.

[4] The miscellaneous variations to clause references within the following Parts of the Facility Attendants (Tasmanian State Service) Award are operative from the first full pay period commencing on or after 1 December 2022:

- a) Part II, Clause 5;
- b) Part VII, Clause 2

[5] All parties submitted the variations did not disadvantage employees covered, are in the public interest and are with the consent of the parties.

[6] I am satisfied that the application is consistent with the public interest requirements in line with s 36 of the Act and does not disadvantage the Award-covered employees and is with the consent of the parties.

[7] The application for variation is granted pursuant to s 24, and consistent with s 36 of the Act. The variations to salary tables and wage-related allowances will be operative from the first full pay period commencing on or after 1 July 2022, in line with the award mechanism. The remaining variations will take effect from the first full pay period commencing on or after 1 December 2022.

[8] Orders reflecting this decision will follow.

