

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s23(1) application for award or variation of award

Minister administering the State Service Act 2000
(T14709 of 2019)

TASMANIAN STATE SERVICE NATIONAL TRAINING WAGE AWARD

PRESIDENT D BARCLAY
COMMISSIONER T LEE
COMMISSIONER T CIRKOVIC

HOBART, 21 NOVEMBER 2019

**Award variation – new adjustment of wages clause - consent application -
consent order issued - operative date from 1 August 2019**

DECISION

[1] On 7 November 2019, the Minister administering the *State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to section 23(1) of the *Industrial Relations Act 1984* (the Act), an application to vary the Tasmanian State Service National Training Wage Award.

[2] At the hearing in Hobart on 11 November 2019, Mr Ben Phillips and Mr Tim Witt appeared for MASSA Mr James Eddington appeared on behalf of the Health Services Union, Tasmanian Branch, (HSU) and Ms Natalie Jones appeared for the Community and Public Sector Union (State Public Services Federation Tasmania) Inc. (CPSU).

[3] Mr Phillips provided submissions in support of the application:¹

“Thank you, President. So T14709 seeks to include a mechanism clause within the Tasmanian State Service National Training Wage Award linking wage increases within that award to the annual minimum wage decision.

It's become standard practice for the annual application regarding the Tasmanian minimum wage to include an increase to wage rates within the National Training Wage Award, and as we've just heard, for this year. However, with the rates within that award being the training rates they are less than the minimum wage and without a mechanism providing the direct link to that decision the inclusion of this award in the applications and the date at which such increases are to be effected has been somewhat ambiguous. The issue

¹ PN54 to PN57

has been subject to discussion with parties and has also been noted at previous wage hearing decisions.

Accordingly, the application before you contains a new clause for the Tasmanian State Service National Training Wage Award to provide this mechanism for the wage increases. The intent is that this clause will provide certainty around the method and timing for industrial wage rates within this award being that the rates will increase each year from 1 August by the same percentage as the Tasmanian minimum wage increases within that year.

An additional minor variation is also contained within this application which is simply to remove the reference to the Police Department Employees Award from schedule A. This variation is sought as that award has since been rescinded. And we submit these variations are by consent of the parties, do not disadvantage the employee's covered by the award, and that the public interest is satisfied. If it pleases I have nothing further on T14709."

[4] Ms Jones, and Mr Eddington, endorsed the submissions made by MASSA and agreed the variations are in accordance with the public interest.

[5] The President raised an issue regarding the potential for the amendment to the Award, including as it did a formula which automatically increases the training wage, might usurp the role of the Commission. Mr Phillips confirmed that it was nevertheless intended to make an application for an increase in the training wage each year. As such the Commission would be seized of the matter as required by the legislation.

[6] On the basis of the commitment to make a fresh application each year for an increase in the training wage, we are satisfied that the application is consistent with the public interest requirements of the Act and does not disadvantage the Award covered employees.

[7] The application for variation is granted with an operative date of 1 August 2019.

[8] An order reflecting this decision will follow.



D J Barclay
PRESIDENT

Appearances:

Mr B Phillips and Mr T Witt for MASSA
Ms N Jones for CPSU
Mr J Eddington for HSU

Date and place of hearing:

2019
11 November 2019.
HOBART