

TASMANIAN INDUSTRIAL COMMISSION

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

Minister administering the State Service Act 2000

(T14913 of 2022)

TASMANIAN STATE SERVICE AWARD

PRESIDENT DJ BARCLAY

HOBART, 30 MARCH 2022

Award variation – schedule 12 replaced – transport safety and investigation officers – operative from 30 March 2021 – consent order issued

DECISION

[1] On 23 March 2022, 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 Tasmanian State Service Award.

[2] At the hearing in Hobart on 30 March 2022, Ms Jacquie Cook and Ms Alice Van Galen appeared for MASSA, Ms Natalie Jones appeared for the Community and Public Sector Union (SPSFT) Inc (CPSU), Mr James Milligan appeared for the Health Services Union, Tasmanian Branch (HSU). Mr James Katarzynski sent submissions on behalf of United Workers' Union, Tasmania Branch and Mr Michael Anderson advised the Commission via email that the Communications, Electrical, Electronic, Energy, Information, Postal (CEPU) consents to the variations to the Award.

[3] The position of the parties is best described by setting out the Applicants submissions which are in the following terms:

“INTRODUCTION

This Award variation has been filed with the consent of all parties, to formalise matters agreed to through consultation in relation to the relevant qualification for Transport Safety and Investigation Officers as detailed in Appendix 12 of the Tasmanian State Service Award (TSSA).

This Award variation is provided to the Commission on behalf of the Minister Administering the State Service Act 2000, and the Community and Public Sector Union (State Public Services Federation Tasmania) Inc.

The variations sought are to update the role title and qualification requirement in Appendix 12 of the TSSA.

BACKGROUND

Since 2007 an agreed broad-banding arrangement for Transport Inspectors has covered progression from General Stream Band 4 to General Stream Band 5 on

voluntary completion of a Certificate IV in Government (Road Transport Compliance) where a Transport Inspector has demonstrated competence and effective performance and served a minimum of six months in the role. This qualification was superseded by Certificate IV in Heavy Vehicle Road Compliance in March 2016.

In March 2016, when the qualification was originally superseded by Certificate IV in Heavy Vehicle Road Compliance, the new qualification was still applicable to the role of Transport Inspectors.

In 2018, as a result of the National Heavy Vehicle Regulator (NHVR) gradually transitioning heavy vehicle functions from each jurisdiction, the heavy vehicle functions of Transport Inspectors transitioned to the NHVR. The remaining residual functions of Transport Inspectors focussed on education, enforcement and investigation activities across light and public passenger vehicles.

Extensive consultation was undertaken with the CPSU as part of the transition of functions to the NHVR during 2018. This included a review of the residual functions and the resultant roles that employees not transitioning to the NHVR would undertake within the Department. The

Transport Inspector role was reshaped and retitled to Transport Safety and Investigation Officer to reflect the agreed residual functions,

A review was undertaken in 2021 to ascertain the relevancy of the Certificate IV in Heavy Vehicle Road Compliance, in line with the reshaped role. Following research, it was determined that the Certificate IV in Government Investigations, which is available in Tasmania, was the most relevant qualification.

Minimal recruitment has occurred since the introduction of the NHVR with two Transport and Safety Investigation Officers recruited in 2019 recently completing the Certificate IV in Government Investigations. These two employees will move to General Stream Band 5 on variation of Appendix 12 to include the relevant application. In mid-2021 the Department completed a statewide recruitment process, resulting in the employment of four permanent Transport Safety and Investigation Officers who commenced in September 2021."

[4] All parties agreed with and consented to the variation to the Award. Ms Jones noted in particular that the CPSU were satisfied that there was no disadvantage to any employees given that other relevant qualifications were included in the variation thus covering employees working towards the new qualification, namely Certificate IV in Government Investigations.

[5] I am satisfied that the application is consistent with the public interest requirements of the Act and does not disadvantage the Award covered employees.

[6] The application for variation is granted and pursuant to s 24 and 36 of the Act the Award is varied in accordance with the Application. The variation is operative from the date of approval being 30 March 2022.

[7] An order reflecting this decision will follow.



Appearances:

Mr J Cooke and Ms A Van Galen for MASSA,
Ms N Jones for CPSU,
Mr J Milligan for HACSU

Date and place of hearing:

30 March 2022

HOBART