



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Variation of the Governor of Tasmania Employee Award [2023] TASIC 53

PARTIES:

Governor-in-Council; the Official Secretary, Government House

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

Australian Workers' Union, Tasmania Branch

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

FILE NO: T15068 of 2023

HEARING DATE(S): 20 September 2023

HEARING LOCATION: Tasmanian Industrial Commission, Hobart

DATE REASONS ISSUED: 26 September 2023

COMMISSIONER: Deputy President N M Ellis

CATCHWORDS: Award variations – improvements to superannuation benefits - leave entitlements for paid parental leave - grandparent leave - personal leave to include Aboriginal family relationships - bereavement and compassionate leave - family violence leave - Aboriginal cultural leave - disability leave - foster and kinship leave - gender affirmation leave - surrogacy leave - variations effective from the first full pay period commencing on or after 1 December 2022.

REPRESENTATION:

E Reale and D Appleyard for the Governor-in-Council; Official Secretary, Government House

N Jones for the Community and Public Sector Union (State Public Services Federation of Tasmania) Inc.

R Flanagan for the Australian Workers' Union, Tasmania Branch

VARIATION OF THE GOVERNOR OF TASMANIA EMPLOYEE AWARD

REASONS FOR DECISION

26 SEPTEMBER 2023

[1] On 8 September 2023, the Governor-in-Council and the Official Secretary, Government House ('the Secretary') lodged with the Registrar, pursuant to section 23 of the *Industrial Relations Act 1984* ('the Act'), an application to vary the *Governor of Tasmania Employee Award* ('the Award') with respect to implementing Tasmanian State Service standard conditions, notwithstanding Government House employees are not State Service employees.

[2] The application relates to award variations as set out in the applicant's submissions.

[3] The new and improved terms and conditions, that form the basis of the application, include:

- a) improved superannuation benefits for additional employee contributions;
- b) improved leave entitlements for paid parental leave (including an increase to the weeks of paid parental leave for the primary and secondary caregiver);
- c) (new) grandparent leave (paid and unpaid leave provisions to support grandparents acting as primary caregivers);
- d) personal leave (to insert a new Aboriginal family relationships provision);
- e) bereavement and compassionate leave (to extend the entitlement to instances of miscarriage and stillbirth; and to insert a new Aboriginal family relationships provision);
- f) family violence leave (increase from 10 days to 20 days; and to insert a new Aboriginal family relationships provision);
- g) (new) Aboriginal cultural leave (5 days paid leave to enable an Aboriginal employee 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 Government House);
- h) (new) disability leave (5 days per year to be used for activities (including attending appointments) associated with an employee's long-term physical or psychological disability);
- i) (new) foster and kinship care leave (up to 10 days per year to support foster and kinship carers);
- j) (new) gender affirmation leave (4 weeks paid leave and 48 weeks unpaid leave for employees affirming their gender); and

- k) (new) surrogacy leave (6 weeks paid leave to support an employee acting as a surrogate in a formal surrogacy arrangement).

[4] The variations to the award are sought to be operative from the first full pay period commencing on or after 1 December 2022.

[5] All parties submitted the variations did not disadvantage employees covered, are in the public interest and there is genuine 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, it 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 of the Act, with the variations being operative from the first full pay period commencing on or after 1 December 2022.

[8] An order reflecting this decision will follow.

