

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s 23(1) application for award or variation of award

The Minister administering the State Service Act 2000

(T14962 of 20222)

TASMANIAN STATE SERVICE AWARD

PRESIDENT D BARCLAY

HOBART, 8 NOVEMBER 2022

Award variation – district allowance – consent application - consent order issued – variable operative dates

DECISION

[1] On 2 September 2022, the Minister administering *the State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to section 23(1) of the *Industrial Relations Act 1984*, an application to vary the Tasmanian State Service Award (the Award).

[2] At the hearing, on 4 October 2022, Stuart Locke appeared on behalf of MASSA, Natalie Jones appeared on behalf of The Community and Public Sector Union (State Public Services Federation Tasmania) Inc (CPSU), James Katarzynski appeared on behalf of the United Workers' Union (UWU) and Steven Smith appeared on behalf of the Australian Education Union, Tasmanian Branch (AEU).

[3] The Application related to district allowances and seeks an increase in those allowances. The allowances had not been paid since 2012. As a result, the Applicants sought to adjust the allowances by an increase of 24%, being the increase in the relevant Consumer Price Index from March 2012 to March 2022.

[4] Whilst the application was initially opposed, The Minister Administering the State Service Act 2000 ultimately consented to the application. The Ministers position was initially centered around the fact that there was no lawful mechanism by which the allowances could be increased. As a result of a number of meetings between the Minister and the relevant Unions, agreement was reached both as to the quantum of the increase and a mechanism moving forward for the ongoing adjustment of the district allowance. This application is therefore brought by the consent of the parties seeking the increase of 24%.

[5] All parties submitted the variations sought do not offend the public interest, do not disadvantage those employees covered by the Awards and recommended the variations to the Commission.

[6] I am satisfied that the variations are consistent with the public interest and that no employees are disadvantaged. Indeed it is unfortunate that the employees to whom the award applies did not have the benefit of an increase in the district allowance for a number of years.

Whilst the increases on this occasion are substantial they are necessary and are appropriately calculated against movements in the relevant consumer price index.

[7] The application is granted. The Award is varied in accordance with the application, commencing from 4 October 2022.

[8] An order reflecting this decision will follow.



Appearances:

S Locke for MASSA

N Jones for CPSU

J Katarzynski for UUU

S Smith for AEU

Date and place of hearing:

2022

4 October 2022

HOBART