**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

s23 application for award or variation of award

**Minister administering the State Service Act 2000**

(T14515 of 2017)

DEPUTY PRESIDENT N M WELLS HOBART, 16 JUNE 2017

**TASMANIAN STATE SERVICE AWARD**

**HEALTH AND HUMAN SERVICES (TASMANIAN STATE SECTOR) AWARD**

Award variation — wage related allowances – salaries — consent order issued — operative date from the date of this decision

# DECISION

1. On 1 June 2017, 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* (the TSS Award) and the *Health and Human Services (Tasmanian State Sector) Award* (the HAHSA).
2. At the hearing in Hobart on 16 June 2017, Ms Jane Fitton appeared for the MASSA. Mr T Lynch appeared for the Community and Public Sector Union (State Public Services Federation Tasmania) Inc (CPSU). Ms C Miller appeared for United Voice (UV).
3. Ms Fitton advised the variation of the Awards reflected an undertaking of the parties, at the last Tasmanian Minimum Wage Case hearing in July 2016, to agree a new method of calculating annual increases to wage related allowances. Ms Fitton submitted that the newly agreed calculation method was based on a percentage of the salary rate for the lowest pay level of the Band 4 General Stream classification in both the TSS Award and the HAHSA. Therefore, the variation of the two awards required that the remuneration tables for General Stream classification be updated.
4. The variation of the TSS Award at Part IV – Expense and Other Allowances, required a new clause 13 entitled ‘Adjustment to Wage Related Allowances’ which provided:

“13. Adjustment to Wage Related Allowances

Unless specified separately in this Award all monetary allowances are to be adjusted from the first full pay period on or after 1 July each year by the same percentage as the salary rate for the lowest level of the Band 4 General Stream classification of the Tasmanian State Service Award has increased between 1 July in the preceding year and 30 June of that year. Prior to 1 July each year the parties will make application to have the salary rates in this Award updated to reflect the rates being paid.”

1. Further, the TSS Award Part II was also to be varied by updating the current ‘General Stream’ remuneration table at Clause 3(a)(ii) and by updating the current ‘Professional Stream’ remuneration table at Clause 3(b)(ii) in accordance with the draft Order attached to the application.
2. The variation of the HAHSA at Part V – Expense and Other Allowances, required a new clause 9 entitled ‘Adjustment to Wage Related Allowances’ which provided:

“9. Adjustment to Wage Related Allowances

Unless specified separately in this Award all monetary allowances are to be adjusted from the first full pay period on or after 1 July each year by the same percentage as the salary rate for the lowest level of the Band 4 General Stream classification of the Health and Human Services (Tasmanian State Service) Award has increased between 1 July in the preceding year and 30 June of that year. Prior to 1 July each year the parties will make application to have the salary rates in this Award updated to reflect the rates being paid.”

1. Further, the HAHSA Part II was also to be varied by updating the current remuneration tables titled ‘General Stream (except for Health Services Officers)’ and ‘Health Services Officers’ at Clause 3(a)(ii) in accordance with the draft Order attached to the application.
2. Mr Lynch and Ms Miller endorsed the submissions of the employer. Mr Lynch noted there were two groups of allowances within the TSS Award that were without mechanisms for increases, noting that a further application to vary these allowances would be made in the future.
3. The parties stated the variation sought does not offend the public interest, does not disadvantage those employees covered by the Award and recommended the variation to the Commission.
4. Ms Fitton submitted that the operative date for the variation to the Award was to be from the date of this decision.
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 with an operative date from the date of this decision.
7. An order reflecting this decision is to follow.

N M Wells

**DEPUTY PRESIDENT**

***Appearances:***

*Ms J Fitton,* for the MASSA

*Mr T Lynch,* for the CPSU

*Ms C Miller*, for UV

***Date and place of hearing:***

2017

16 June

Hobart