**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

s23 application for award or variation of award

**Minister administering the State Service Act 2000**

(T14541 of 2017)

(T14542 of 2017)

DEPUTY PRESIDENT N M WELLS HOBART, 9 AUGUST 2017

**TASMANIAN STATE SERVICE AWARD** (T14541 of 2017)

**HEALTH AND HUMAN SERVICES (TASMANIAN STATE SECTOR) AWARD** (T14542 of 2017)

Award variation — salaries — remuneration point – graduates – cadets – purchased leave scheme – consent order issued — operative date from the date of this decision

# **DECISION**

1. On 19 July 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 7 August 2017, Ms Lucy Ross appeared for the MASSA. Mr Will Greer appeared for the Community and Public Sector Union (State Public Services Federation Tasmania) Inc (CPSU). Ms Sarah Ellis of United Voice (UV) provided submissions in writing in support of the application.
3. Ms Ross advised the variation of the Awards reflected a correction of drafting errors which had been found in the Awards and which had arisen from the negotiation of the previous Public Sector Unions Wages Agreement. The variation to be effected to the TSS Award involved clause 6(h)(ii) and (iii) and clause 6(i)(ii) at Part II, through replacing the reference to remuneration point ‘B4-R2-1’ with remuneration point ‘B4-R1-4’. It was said that it was the intention of the parties, in negotiating the remuneration for Graduates with a Bachelor Degree and Cadets with a Bachelor Degree, that the remuneration for the work be covered within Band 4, Range 1 of the remuneration scale.
4. Likewise, the variation to be effected to the HAHSA involved clause 6(h)(ii) and (iii) and clause 6(i)(ii) at Part II, through replacing the reference to remuneration point ‘B4-R2-1’ with remuneration point ‘B4-R1-4’. It was said that it was the intention of the parties, in negotiating the remuneration for Graduates with a Bachelor Degree and Cadets with a Bachelor Degree, that the remuneration for the work be covered within Band 4, Range 1 of the remuneration scale. Further a variation, by way of correcting a drafting error, was requested to Part IX – Leave and Holidays with Pay at Clause 9(j) by replacing the reference to ‘2.82’ hours with ‘2.92’ hours, and replacing the reference to ‘73.5 hours’ with ‘76 hours’.
5. Mr Greer endorsed the submissions of the employer.
6. The parties stated the variation sought does not offend the public interest and does not disadvantage those employees covered by the Award, noting any Graduates or Cadets currently remunerated at Band 4, Range 2, step 1 would continue to enjoy that remuneration. The parties recommended the variation to the Commission.
7. Ms Ross submitted that the operative date for the variation to the Award was to be from the date of this decision.
8. I am satisfied that the application is consistent with the public interest requirements of the Act and does not disadvantage the Award covered employees.
9. The application for variation of the Awards is granted with an operative date from the date of this decision.
10. An order reflecting this decision is to follow.

N M Wells

**DEPUTY PRESIDENT**

***Appearances:***

*Ms L Ross,* for the MASSA

*Mr W Greer,* for the CPSU

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

2017

7 August

Hobart