**TASMANIAN INDUSTRIAL COMMISSION**

Industrial Relations Act 1984

s23 application for award or variation of award

**Minister administering the State Service Act 2000**

(T14517 of 2017)

DEPUTY PRESIDENT N M WELLS HOBART, 16 JUNE 2017

**AWU (TASMANIAN STATE SECTOR) AWARD**

**CUSTODIAL OFFICERS AWARD**

**PORT ARTHUR HISTORIC SITE MANAGEMENT AUTHORITY 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 *AWU (Tasmania State Sector) Award* (the AWU Award), the *Custodial Officers Award* (the Custodial Award) and the *Port Arthur Historic Site Management Authority Award* (the PAHSMA Award).
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) and the Australian Workers Union, Tasmania Branch (AWU). Ms Celeste 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 each of the above Awards. Therefore, the variation of the three awards required that the remuneration tables for the effected classifications be updated.
4. The variation of the AWU Award at Part IV – Expenses and Other Allowances, required a new clause 10 entitled ‘Adjustment to Wage Related Allowances’ which provided:

“10. 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 AWU (Tasmanian State Sector) 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 AWU Award Part II was also to be varied by updating the current remuneration table entitled ‘General Stream’ at Clause 3 in accordance with the draft Order attached to the application.
2. The variation of the Custodial Award, required a new clause 20 entitled ‘Adjustment to Wage Related Allowances’ which provided:

“20. 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. The variation of the PAHSMA Award at Part V – Expenses and Other Allowances, required a new clause 8 entitled ‘Adjustment to Wage Related Allowances’ which provided”

“8. 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 Port Arthur Historic Site Management Authority 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 PAHSMA Award Part II was also to be varied by updating the current remuneration table entitled ‘General Stream’ 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 the allowances in the AWU Award and the PAHSMA Award that remained without a mechanism for increases, noting that subsequent applications would be made to address this anomaly.
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 and AWU

*Ms C Miller,* for UV

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

2017

16 June

Hobart