

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s23 application for award or variation of award

Minister administering the State Service Act 2000
(T14516 of 2017)

DEPUTY PRESIDENT N M WELLS

HOBART, 16 JUNE 2017

MEDICAL PRACTITIONERS (PUBLIC SECTOR) AWARD

NURSES AND MIDWIVES (TASMANIAN STATE SECTOR) AWARD

AMBULANCE TASMANIA 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 *Medical Practitioners (Public Sector) Award* (the MPPS Award), the *Nurses and Midwives (Tasmanian State Sector) Award* (the Nurses Award) and the *Ambulance Tasmania Award* (the Ambulance 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). Ms C Saint appeared for the Australian Nursing and Midwifery Federation, Tasmanian Branch. Mr T Steven appeared for the Tasmanian Salaried Medical Practitioners' Society.

[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 a particular level of 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 application, as it applied to the variation of the MPPS Award, was amended at hearing, correcting an incorrect reference to a clause number.

[5] The variation of the MPPS Award at Part II – Salaried and Related Matters, required a new clause 18(a) entitled 'Adjustment to Wage Related Allowances' which provided:

“18(a). 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 Medical Practitioner Level 5 classification of the Medical Practitioners (Public 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.”

[6] The variation of the Nurses Award at Part IV – Allowances, required a new clause 19 entitled ‘Adjustment to Wage Related Allowances’ which provided:

“19. 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 Grade 3 Year 8 classification of the Nurses and Midwives (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.”

[7] The variation of the Ambulance Award at Part III –Allowances, required a new clause 5 entitled ‘Adjustment to Wage Related Allowances’ which provided”

“5. 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 a Paramedic Year 1 classification of the Tasmanian Ambulance 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.”

[8] Further, the Ambulance Award Part II was also to be varied by updating the current remuneration table entitled ‘Schedule 1 Salaries’ at Clause 4 in accordance with the draft Order attached to the application.

[9] Mr Lynch, Ms Saint and Mr Steven endorsed the submissions of the employer. Ms Saint confirmed the submissions of Ms Fitton in that the parties had undertaken to agree the reference point for the wage related allowances increase in the Nurses Award, given that the classification and remuneration structure in the Award did not reflect the nursing classification structure in the current s55 industrial agreement.

[10] 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.

[11] Ms Fitton submitted that the operative date for the variation to the Award was to be from the date of this decision.

[12] I am satisfied that the application is consistent with the public interest requirements of the Act and does not disadvantage the Award covered employees.

[13] The application for variation is granted with an operative date from the date of this decision.

[14] 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 Saint, for the ANMF

Mr T Steven, for the TSMPS

Date and place of hearing:

2017

16 June

Hobart