

TASMANIA

CROWN EMPLOYEES (SALARIES) BILL 2014

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CROWN EMPLOYEES (SALARIES) BILL 2014

(Brought in by the Treasurer, the Honourable Peter Carl Gutwein)

A BILL FOR

An Act to give effect to Government policy on the salary of Crown employees, to amend the *Industrial Relations Act 1984* and for related purposes

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Crown Employees (Salaries) Act 2014*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Interpretation

In this Act, unless the contrary intention appears –

award has the same meaning as in the *Industrial Relations Act 1984*;

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Part 1 – Preliminary

Crown employee means a person appointed or employed under or pursuant to –

- (a) the *State Service Act 2000*; or
- (b) the *Police Service Act 2003*; or
- (c) the *Parliamentary Privilege Act 1898*; or
- (d) the *Governor of Tasmania Act 1982*; or
- (e) the Crown Prerogative;

determination means any order, determination or other decision made by the Tasmanian Industrial Commission under the *Industrial Relations Act 1984* and includes any other matter or thing prescribed by the regulations;

industrial agreement has the same meaning as in the *Industrial Relations Act 1984*;

regulations means the regulations made under this Act;

salary means salary and salary-related allowances specified in an award, industrial agreement or instrument of appointment, or such other arrangement as may be prescribed by the regulations, to which a Crown employee is entitled;

salary progression increments means increments, salary progressions, performance payments, advancement

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assessment points, years of service progressions, accelerated advancements and qualification-based progressions within a classification specified in an award, industrial agreement, or instrument of appointment, to which a Crown employee is entitled on or after the commencement of this Act.

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Part 2 – Salary Pause

PART 2 – SALARY PAUSE

4. Interpretation: Part 2

In this Part –

salary means salary and salary-related allowances specified in an award, industrial agreement or instrument of appointment, or such other arrangement as may be prescribed by the regulations, to which a Crown employee was entitled immediately before the commencement of this Act.

5. Salary Pause

- (1) There is to be a Salary Pause.
- (2) The Salary Pause applies on the following terms:
 - (a) for a period of 12 months, there is to be no increase in salary for –
 - (i) Crown employees to whom the awards or industrial agreements, specified in column 1 of Parts 1 and 2 of Schedule 1, and the instruments of appointment, specified in column 1 of Part 3 of that Schedule, apply; and
 - (ii) Crown employees specified in column 1 of Part 4 of that Schedule;

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- (b) the period specified in paragraph (a) commences on the day specified in column 2 of Schedule 1 –
- (i) with respect to Crown employees to whom the awards or industrial agreements, specified in column 1 of Parts 1 and 2 of Schedule 1, and the instruments of appointment, specified in column 1 of Part 3 of that Schedule, apply; and
 - (ii) with respect to Crown employees specified in column 1 of Part 4 of that Schedule;
- (c) any salary progression increments that apply to –
- (i) Crown employees to whom the awards or industrial agreements, specified in column 1 of Parts 1 and 2 of Schedule 1, and the instruments of appointment, specified in column 1 of Part 3 of that Schedule, apply; and
 - (ii) Crown employees specified in column 1 of Part 4 of that Schedule –

are deferred for a period of 12 months from the date on which they were due to be paid.

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Part 2 – Salary Pause

- (3) Notwithstanding subsection (2)(b), the Salary Pause specified in subsection (2)(a) –
- (a) takes effect for a period of 12 months commencing on the date on which a final determination in respect of the matters specified in Schedule 2 takes effect; and
 - (b) applies with respect to Crown employees to whom the awards or industrial agreements specified in Schedule 2 apply.

6. Salary Pause to override agreements, &c.

- (1) The Salary Pause takes effect in accordance with section 5 notwithstanding anything to the contrary in –
- (a) any industrial agreements and awards; and
 - (b) any instruments of appointment, contracts of employment or other arrangements under which Crown employees are employed; and
 - (c) any determinations.
- (2) Subsection (1) applies to determinations, industrial agreements or awards, or any instruments of appointment, contracts of employment or other arrangements under which Crown employees are employed, that are –
- (a) in force immediately before the commencement of this Act; or

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- (b) made or entered into on or after the commencement of this Act.

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Part 3 – Salary Increases

PART 3 – SALARY INCREASES

7. Increases in salary for Crown employees

- (1) Increases in salary for Crown employees are –
 - (a) not to be greater or less than 2% per annum; or
 - (b) as are prescribed by the regulations.
- (2) The increases referred to in subsection (1)(a) apply on and from the date specified in column 3 of Schedule 1 –
 - (a) with respect to Crown employees to whom the awards or industrial agreements, specified in column 1 of Parts 1 and 2 of Schedule 1, and the instruments of appointment, specified in column 1 of Part 3 of that Schedule, apply; and
 - (b) with respect to Crown employees specified in column 1 of Part 4 of that Schedule.

8. Increases in salary to override agreements, &c.

- (1) The increases in salary referred to in section 7 take effect notwithstanding anything to the contrary in –
 - (a) any industrial agreements or awards; or

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Part 3 – Salary Increases

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- (b) any instruments of appointment, contracts of employment or other arrangements under which Crown employees are employed; or
 - (c) any determinations.
 - (2) Subsection (1) applies to determinations, industrial agreements or awards, or any instruments of appointment, contracts of employment or other arrangements under which Crown employees are employed –
 - (a) in force immediately before the commencement of this Act; or
 - (b) made or entered into on or after the commencement of this Act.

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Part 4 – Industrial Relations Act 1984 Amended

**PART 4 – INDUSTRIAL RELATIONS ACT 1984
AMENDED**

9. Principal Act

In this Part, the *Industrial Relations Act 1984** is referred to as the Principal Act.

10. Section 20A inserted

After section 20 of the Principal Act, the following section is inserted in Division 2:

20A. Commission to give effect to Salary Pause and salary increases for Crown employees

- (1) The Commission must, in the performance or exercise of its functions or powers, give effect to –
 - (a) the Salary Pause referred to in Part 2 of the *Crown Employees (Salaries) Act 2014*; and
 - (b) the increases in salary referred to in Part 3 of that Act.
- (2) Subsection (1) has effect in relation to any application made to the Commission on or after 28 August 2014.
- (3) A determination, industrial agreement or award made or varied by the Commission on or after 28 August 2014

*No. 21 of 1984

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Part 4 – Industrial Relations Act 1984 Amended

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does not have effect to the extent that it is
inconsistent with the obligation of the
Commission under subsection (1).

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Part 5 – Miscellaneous

PART 5 – MISCELLANEOUS

11. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting subsection (1), the regulations may provide for increases in salary of Crown employees.
- (3) The regulations may restrict the performance and exercise of the functions and powers of the Tasmanian Industrial Commission under the *Industrial Relations Act 1984* and may override any provisions of that Act in the manner specified in the regulations.
- (4) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (5) The regulations may apply –
 - (a) to a Crown employee individually or to Crown employees generally or to a specified class, or specified classes, of Crown employees; and
 - (b) generally or in a particular case or class of cases or in particular cases or classes of cases; and
 - (c) at all times or at a specified time or at specified times.

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Part 5 – Miscellaneous

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12. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Treasurer; and
- (b) the department responsible to the Treasurer in relation to the administration of this Act is the Department of Premier and Cabinet.

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SCHEDULE 1 – CROWN EMPLOYEES’ AWARDS &C.
Sections 5 and 7

**PART 1 – AWARDS AND INDUSTRIAL AGREEMENTS – STATE
SERVICE**

Column 1	Column 2	Column 3
Allied Health Professionals (Tasmanian State Service) Agreement 2014	30 November 2014	1 December 2015
Ambulance Tasmania Agreement 2013	30 November 2014	1 December 2015
AWU Public Sector Unions Wages Agreement 2013	30 November 2014	1 December 2015
Correctional Officers Agreement 2013	30 November 2014	1 December 2015
Education Facility Attendant Salaries and Conditions of Employment Industrial Agreement 2013	30 November 2014	1 December 2015
Health and Human Services (Tasmanian State Service) Award	30 November 2014	1 December 2015
Legal Practitioners Agreement 2014	30 June 2015	1 July 2016
Ministerial Drivers Industrial Agreement 2014	3 December 2014	4 December 2015
Nurses and Midwives Tasmanian State Service Interim Agreement 2013	30 November 2014	1 December 2015
Port Arthur Historic Site Management Authority Staff Agreement 2014	30 November 2014	1 December 2015
Public Sector Unions Wages Agreement 2013	30 November 2014	1 December 2015
Public Sector Unions Wages Agreement 2013 Extension	30 November 2014	1 December 2015
Radiation Therapists (State Service) Union Agreement 2013	30 November 2014	1 December 2015

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Column 1	Column 2	Column 3
Rural Medical Practitioners (Public Sector) Agreement 2011-2014	30 June 2015	1 July 2016
Salaried Medical Practitioners (AMA Tasmania/DHHS) Agreement 2009	30 November 2014	1 December 2015
Tasmanian Fire Fighting Industry Employees' Industrial Agreement 2013	30 November 2014	1 December 2015
Tasmania Fire Service (TasFire Equipment) Industrial Agreement 2013	30 November 2014	1 December 2015
Tasmanian State Service Award	30 November 2014	1 December 2015
Tasmanian Visiting Medical Practitioners (Public Sector) Agreement 2013	30 November 2014	1 December 2015
TasTAFE Teaching Staff Industrial Agreement 2014	28 February 2015	1 March 2016
Teaching Service (Tasmanian Public Service) Principals Agreement 2013	28 February 2015	1 March 2016
Teaching Service Salaries and Conditions of Employment Agreement 2014	28 February 2015	1 March 2016
The Department of Infrastructure, Energy and Resources (DIER) Engineers Industrial Agreement 2014	30 March 2015	31 March 2016

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**PART 2 – AWARDS AND INDUSTRIAL AGREEMENTS –
NON-STATE SERVICE**

Column 1	Column 2	Column 3
Governor of Tasmania Staff Enterprise Agreement 2012	30 November 2014	1 December 2015
House of Assembly Staff Industrial Agreement 2009	30 November 2014	1 December 2015
Legislative Council Staff Agreement 2009	30 November 2014	1 December 2015
Legislature-General Staff Industrial Agreement 2009	30 November 2014	1 December 2015
Police Award	30 November 2014	1 December 2015

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PART 3 – INSTRUMENTS OF APPOINTMENT

Column 1	Column 2	Column 3
Instruments of appointment made under section 31 of the <i>State Service Act 2000</i>	30 June 2014	1 July 2015
Instruments of appointment made under the <i>Police Service Act 2003</i> , <i>Parliamentary Privilege Act 1898</i> or <i>Governor of Tasmania Act 1982</i> or under the Crown Prerogative	30 November 2014	1 December 2015

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PART 4 – OTHER CROWN EMPLOYEES		
Column 1	Column 2	Column 3
Any Crown employee not specified in Part 1, 2 or 3	30 November 2014	1 December 2015

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SCHEDULE 2 – MATTERS

Section 5(3)		
Tasmanian Industrial Commission Reference	Award/Agreement	Applies to
T14097 of 2013 T14214 of 2014	Nurses and Midwives Tasmanian State Service Interim Agreement 2013 and Nurses and Midwives Heads of Agreement 2010	Child and Family Health Nurses – Home visitor
T14020 of 2013	Tasmanian Ambulance Service Award	Paramedics
T14112 of 2013	Medical Practitioner (Public Sector) Award	Salaried Medical Practitioners