

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23(1) application for award or variation of award

The Minister Administering the State Service Act 2000

and

The Community and Public Sector Union (State Public Services Federation Tasmania) Inc.

and

Health Services Union, Tasmania Branch

and

Tasmanian Salaried Medical Practitioners' Society

and

Australian Nursing and Midwifery Federation (Tasmanian Branch)

and

Tasmanian Trades And Labor Council

(T14561 of 2017)

**MEDICAL PRACTITIONERS (PUBLIC SECTOR) AWARD
NURSES AND MIDWIVES (TASMANIAN STATE SERVICE) AWARD
TASMANIAN AMBULANCE SERVICE AWARD**

PRESIDENT D J BARCLAY

HOBART, 15 November 2017

Award variation - allowances – travel allowance – meal allowance – kilometrage allowance - consent application - operative date from the first full pay period on or after on 15 November 2017

DECISION

- [1] On 16 October 2017, The Minister administering *the State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to Section 23(1) of the *Industrial Relations Act 1984* (the Act), an application to vary the Medical Practitioners (Public Sector) Award, Nurses and Midwives (Tasmanian State Service) Award and Tasmanian Ambulance Service Award.
- [2] At the hearing in Hobart on 15 November 2017, Mr Tim Witt appeared on behalf of MASSA, Ms N Jones appeared on behalf of the Community and Public Sector Union (State Public Services Federation Tasmania) Inc. (CPSU), Mr C Kennedy appeared on behalf of Health Services Union, Tasmania Branch and Ms C Saint appeared on behalf of the Australian Nursing and Midwifery Federation (Tasmanian Branch).

- [3] Mr Witt set out the nature of the variations, and noted that were in line with Australian Tax Office Determinations and in line with methods for increases provided by the awards. He submitted that the variations were in the public interest. The representatives of the unions joined in those submissions. Additionally it was submitted that no persons affected by the variations were worse off.
- [4] I note that no representative of the Tasmanian Salaried Medical Practitioners' Society appeared at the hearing. However my associate contacted its representative who confirmed the members of that union affected by the variations consented to the variations. The Commission has received confirmation of that consent in writing.
- [5] I note in passing that occasionally parties fail to appear at applications to vary awards. While that is not ideal, if a party is unable to attend the hearing the Commission expects that that party will advise the Commission and the other parties that a representative will not be able to appear and that the party consents to the variations. While consent is not strictly relevant, the attitude of all parties to the application is a matter which ought to be taken into account by the Commission in determining where the public interest lies. Ordinarily the Commission expects a representative for persons affected by the proposed variations to appear at the hearing.
- [6] In the present case I am satisfied that the variations are in the public interest and that no employees are disadvantaged.
- [7] The application is granted and pursuant to s24 and 36 of the Act the Award is varied in accordance with the application. The variations to the award are operative from the first full pay period on or after 15 November 2017.
- [8] An order reflecting this decision is to follow.



Appearances:

Mr T Witt for MASSA
Ms N Jones for CPSU
Ms C Saint for ANMF
Mr C Kennedy for HSU

Date and place of hearing:

2017
15 November
Hobart