

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s 55(2) application for approval of an industrial agreement

Minister administering the State Service Act 2000

and

Australian Education Union, Tasmanian Branch

and

Community & Public Sector Union (State Public Services Federation Tasmania) Inc

and

Health Services Union, Tasmania Branch

(T14997 of 2022)

ALLIED HEALTH PROFESSIONALS PUBLIC SECTOR UNIONS WAGES AGREEMENT No 1 2022

PRESIDENT D J BARCLAY
2022

HOBART, 23 DECEMBER

Industrial agreement – application approved – agreement to effect salary increases – increase to allowances - agreement operative from 1 July 2022 until 30 June 2025 - forwarded to registrar for registration

DECISION

[1] On 20 December 2022 the Minister administering the State Service Act 2000 (the Act) lodged with the Registrar, pursuant to s55 of the Industrial Relations Act 1984 an application to approve the Allied Health Professionals Public Sector Unions Wages Agreement No.1 of 2022 (the Agreement) and to cancel previous agreement No 2 of 2019 (the 2019 Agreement).

[2] At the Hearing, on 23 December 2022, Jane Hanna and Stuart Locke appeared for the Minister administering the *State Service Act 2000* (MASSA), Natalie Jones appeared for the Community and Public Sector Union (State Public Services Federation Tasmania) Inc (CPSU), Robbie Moore appeared for the Health Services Union (HSU) and David Genford appeared for the Australian Education Union, Tasmanian Branch.

[3] In its written submissions the Minister noted:

- a. "9. New Clause 5 outlines the purpose of the Agreement as an interim Agreement to ensure that employees can receive salary increases from the first full pay period on or after 1 December 2022 and Christmas Close Down days for eligible employees as follows:
- b. 10. The parties recognises the unique circumstances that exist at the time of making this agreement, being that:

- The interim agreement does not represent the full offer and terms and conditions that were voted on by members and a commitment by all parties to reach full agreement.
- The AEU, CPSU, and HACSU conducted ballots of membership with respect to the full offer dated 13 December 2022 where CPSU and AEU members voted in favour of that offer, and HACSU members voted to reject the offer.
- The interim agreement is to ensure that employees can receive salary increases effective from the first full pay period commencing on or after 1 December 2022 and Christmas Close Down Day provisions.
- That this offer does not prejudice any decision made by members of HACSU to pursue further matters including structural adjustments as democratically voted upon by its membership and remain unresolved. Nor does this offer prejudice the CPSU, AEU and HACSU to pursue matters contained in the offer letter of 13 December 2022, in Schedule 10, for the purpose of finalising a full AHP Agreement by no later than 31 March 2023.
- That negotiations with respect to the matters unresolved will continue between the parties following the 2022 Christmas New Year break.
- Recognises that the unions have no ability to seek endorsement of its members on this interim agreement, and in light of the Employer deadline for signing and registering this agreement.

[4] In light of these matters I am prepared to entertain the application for approval.

[5] The Agreement will apply for 3 years from 1 July 2022 until 30 June 2025. It provides for salary increases totalling 9.5% over 3 years. A number of employees will receive a \$1000 cost of living allowance and others will receive lower income payments of between \$500 and \$2000 (payable over three years) depending on their classification.

[6] A new clause includes pay in lieu of deduction of recreational leave where a Head of Agency determines to close the agency (or a part) between Christmas Day and New Year's Day.

[7] There are also changes to the schedules to reflect updates references to various allied health groups.

[8] All other clauses of the 2019 Agreement are carried over. Accordingly the parties submitted that no employees covered by the 2019 Agreement will be disadvantaged by the cancellation of it. Accordingly I cancel the 2019 Agreement.

[9] All parties submitted the Agreement is consistent with the public interest, does not disadvantage those employees covered by it and that there is genuine consent to the Agreement.

[10] I am satisfied that the Agreement is consistent with the public interest requirements of the Act, does not disadvantage the employees concerned, and the term of the Agreement does not exceed 5 years. I am satisfied that there is genuine consent to the Agreement by the parties to it.

[11] Pursuant to s 55(4) the Agreement is approved with an operative date 1 July 2022 and shall remain in force until 30 June 2025. The file will now be referred to the Registrar for registration of the Agreement in accordance with the requirements of s 56(1) of the Act.



David Barclay
President

Appearances:

J Hanna & S Locke for MASSA

D Genford for AEU

R Moore for AWU

N Jones for CPSU

Date and place of hearing:

2022

23 December

Hobart