

## **TASMANIAN INDUSTRIAL COMMISSION**

*Industrial Relations Act 1984*  
s23(1) application for award or variation of award

**The Minister administering the State Service Act 2000**  
(T14911 of 2022)

### **HEALTH AND HUMAN SERVICES (TASMANIAN STATE SERVICE) AWARD**

PRESIDENT D J BARCLAY

HOBART, 29 MARCH 2022

**Award variation – extension of scope time frame- consent application - operative from 1 July 2018 until 30 September 2022**

#### **DECISION**

- [1] On 17 March 2022, the Minister administering *the State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to section 23(1) of the *Industrial Relations Act 1984* (Tas) an application to vary the Health and Human Services (Tasmanian State Service) Award.
- [2] At the hearing in Hobart on 23 March 2022, Mr Hodgson appeared on behalf of MASSA and Mr Jacobson appeared on behalf of the Health Services Union, Tasmania Branch (HSU). The Community and Public Sector Union, (SPSFT) Inc (CPSU) was represented by Ms Jones. The Australian Nursing and Midwifery Federation (Tasmanian Branch) (ANMF) advised that it would be unable to appear but endorsed the submissions of the parties and consented to the extension of the scope of the Award.
- [3] This is one of many applications extending the scope of the award. The extension of the scope was sought to enable the Department of Communities to be wound up in line with new arrangements announced by the Premier on 24 February 2022. The employees covered by the Award will be transferred to various other Departments.
- [4] The Application as filed sought an extension of the scope until 1 July 2022. However at the hearing I noted it was unlikely that the arrangements for the transfer of employees to other departments and the terms and conditions of those transfers would be finalised by 1 July 2022. I was advised that it was intended that the arrangements would be put in place and all transfers finalised by 30 September 2022. I indicated that I was prepared to extend the scope to 30 September 2022. I suggested that the Applicant bring in an amended Application seeking an extension of the scope to a date which would enable the arrangements for transfer to be completed. I indicated that I would be prepared to finalise the Application on the papers if such an amended application were filed and the parties indicated their consent to the amendment.
- [5] On 25 March 2022 an amended Application was filed seeking an extension of the scope until 30 September 2022.
- [6] The Parties have consented to the amendment to the application. All parties submit the variation sought does not offend the public interest, does not disadvantage those employees covered by the Award and recommended the variations to the Commission.

[7] Having regard to the history of the matter and the fact that the department is being wound up in light of the new administrative arrangements I am satisfied that the variations are in the public interest and that no employees are disadvantaged.

[8] The application is granted and pursuant to s24 and 36 of the Act, the Award is varied in accordance with the amended application. The variation to the Award is operative from 1 July 2018 until 30 September 2022.

[9] An order reflecting this decision will follow.



**Appearances:**

Mr Hodgson for MASSA  
Mr Jacobson for HSU  
Ms Jones for CPSU

**Date and place of hearing:**

2022  
23 March  
Hobart