

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s55(2) application for approval of an industrial agreement

Minister administering the State Service Act 2000

and

Australian Nursing and Midwifery Federation (Tasmanian Branch)

and

Health Services Union, Tasmanian branch
(T14597 of 2018)

NURSES AND MIDWIVES (TASMANIAN STATE SERVICE) AGREEMENT 2016 (No.2)

PRESIDENT D J BARCLAY

HOBART, 29 June 2018

Industrial agreement - application approved - operative from date of registration - forwarded to Registrar for registration

DECISION

- [1]** On 30 May 2018, the Minister administering *the State Service Act 2000* (**MASSA**) lodged with the Registrar, pursuant to Section 55(2) of the *Industrial Relations Act 1984* (**the Act**), an Application to approve the Nurses and Midwives (Tasmanian State Service) Agreement 2016 (No.2) (**the Agreement**).
- [2]** At the hearing in Hobart on 14 June 2018, Ms R MacGregor and M Double appeared on behalf of MASSA, Ms C Saint appeared on behalf of the Australian Nursing and Midwifery Federation (Tasmanian Branch) (**ANMF**) and Mr R Moore appeared on behalf of the Health Services Union (**HSU**).
- [3]** Ms MacGregor advised that the Agreement came out of a wages bargaining process which led to the agreement and also to variations to the relevant award. The Agreement is supplementary to other agreements and I was told it was intended to consolidate those agreements in due course.
- [4]** Ms Macgregor explained that the agreement contained a number of commitments including a number of new clauses to be inserted into the Agreement.
- [5]** I noted that the Agreement was to expire on 30 June 2018. I enquired why a new agreement was sought for such a short period. The reason given for registering the Agreement for such a short period of time was due to an Excess on Call Leave provision found in clause 14(2) of the Agreement. This provides additional leave to affected employees that work more than 250 hours per annum, this is based upon a financial year. Registering the Agreement before the end of the 2017-2018 financial year will result in employees being able to claim this leave for this financial year.

- [6] Ms Macgregor submitted that the Agreement was made by genuine consent. She submitted that no employees were disadvantaged and that the Agreement was in the public interest. Ms Saint and Mr Moore echoed those submissions.
- [7] 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.
- [8] Pursuant to s55(4) the Agreement is approved with an operative date from the date of registration and shall remain in force until 30 June 2018. The file will now be referred to the Registrar for registration of the Agreement in accordance with the requirements of s56(1) of the Act.



David Barclay
President

Appearances:

Ms R Macgregor for MASSA
Mr M Double for MASSA
Ms C Saint for ANMF
Mr R Moore for HSU

Date and place of hearing:

2018
14 June
Hobart