



## TASMANIAN INDUSTRIAL COMMISSION

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**CITATION:** Variation of the Health and Human Services (Tasmanian State Service) Award [2023] TASIC 21

**PARTIES:**

Minister administering the *State Service Act 2000*

Australian Nursing and Midwifery Federation (Tasmanian Branch)

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

Health Services Union, Tasmania Branch

Tasmanian Trades and Labor Council

**SUBJECT:** *Industrial Relations Act 1984*, s 23(1) application for variation of Award

**FILE NO:** T15027 of 2023

**HEARING DATE(S):** 15 May 2023

**HEARING LOCATION:** Tasmanian Industrial Commission, Hobart

**DATE REASONS ISSUED:** 8 June 2023

**MEMBER:** Deputy President N M Ellis

**CATCHWORDS:** Award variation – market allowance-higher duties allowance - more responsibility allowance - mixed function allowance-travel allowances - lead apron allowance - hours of work and overtime for Day Work - Time Off in Lieu for Overtime - Workplace delegates - night shift penalty 27.5% - consent application - consent order issued - operative date for the variations FFPPOA 15 May 2023.

**REPRESENTATION:**

E Reale and K Gates for Minister administering the *State Service Act 2000*

N Jones for Community and Public Sector Union State Public Services Federation  
Tasmania Inc

J Eddington for Health Services Union

## VARIATION OF THE HEALTH AND HUMAN SERVICES (TASMANIAN STATE SERVICE) AWARD [2023] TASIC 20

### REASONS FOR DECISION

8 JUNE 2023

**[1]** On 8 May 2023, the Minister administering the *State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to section 23 of the *Industrial Relations Act 1984* (the Act), an application to vary the Health and Human Services (Tasmanian State Service) Award.

**[2]** The Application relates to award variations as set out in the applicant's submissions:

- Market allowance increased to 20%;
- Higher Duties Allowance and More Responsibility Duties Allowance to include fixed term and casual employees;
- Mixed Functions Allowance to expand scope and include any employee classified at Band 2 or as a Health Services Officer who does not have direct access to a supervisor;
- Travel allowances for private vehicle use for required and occasional users to include rates of payment for electric and hybrid cars;
- New entitlement to any employee who is required to wear a Lead Apron at a rate of \$2.64 per hour;
- Variations to the Hours of Work and overtime for Day Work which alters the spread of hours between 6am and 7pm by mutual agreement and the inclusion of the term "in writing", introduction of flexitime increasing the span of hours to 7am to 7pm and inclusion of overtime for Band 7 and 8;
- Time off in Lieu of payment for overtime or payment at the end of 28 days if not taken;
- Increase night shift loading to 27.5%; and
- Workplace Delegates conditions to include five days of paid training in a calendar year, with provision to carry over unused leave up to two years.

**[3]** The variations and new provisions listed above are part of a suite of variations negotiated with the public sector unions and are the second tranche reflecting that consent agreement. It was submitted that an application for further variations will follow.

**[4]** Written submissions were received from HSU, ANMF and CPSU. All parties submitted the variations did not disadvantage employees covered, are in the public interest and with the consent of the parties.

**[5]** I am satisfied that the application is consistent with the public interest requirements of the Act and does not disadvantage the Award-covered employees and is with the consent of the parties.

**[6]** The application for variation is granted with an operative date from the first full pay period on or after 15 May 2023, unless otherwise specified.

[7] An order reflecting this decision is to follow.

