



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Variation of the Allied Health Professionals Public Sector Union Wages Agreement No 2 of 2022 [2024] TASIC 4

PARTIES:

Minister administering the *State Service Act 2000*

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

Australian Education Union, Tasmanian Branch

SUBJECT: *Industrial Relations Act 1984* (Tas), s 59(2) application to vary an Industrial Agreement

FILE NO: T15110 of 2024

HEARING DATE(S): 29 February 2024

HEARING LOCATION: Hobart

DATE REASONS ISSUED: 1 March 2024

COMMISSIONER: Deputy President Ellis

CATCHWORDS: Variation to Industrial Agreement – amendment to Schedule 3 and Schedule 11 – application approved with effect from 29 February 2024.

REPRESENTATION:

K Gates, P Gourlay for the Minister administering the *State Service Act 2000*

T Lynch for the Community and Public Sector Union (State Public Services Federation Tasmania) Inc

J Milligan for the Health Services Union, Tasmania Branch

VARIATION OF THE ALLIED HEALTH PROFESSIONALS PUBLIC SECTOR UNION WAGES AGREEMENT NO 2 OF 2022

REASONS FOR DECISION

1 MARCH 2024

[1] On 21 February 2024, the Minister administering the *State Service Act 2000* ('The Minister') lodged with the Registrar, pursuant to Section 59(2) of the *Industrial Relations Act 1984* (Tas), an application to vary the Allied Health Professionals Public Sector Union Wages Agreement No 2 of 2022 ('the Variation').

[2] This Variation was agreed by all parties as part of the extensive discussions in relation to a new Child Safety Industrial Agreement, noting that a concurrent application for the making of a Child Safety Industrial Agreement has been made.

[3] The Variation supports interim arrangements which were considered appropriate to remain in place, while the parties work together towards a new future agreement that will stand alone from the Allied Health Professionals Agreement and that, as a priority, will consider a new classification structure for Child Safety Services.

[4] The application relates to variations to the Agreement as set out in the Minister's submissions and outlined below:

"5. The Variation includes an amendment to Schedule 3 of the Agreement which deals with the qualification requirements for Allied Health Professionals and inserts a new schedule 11, that outlines special arrangements for employees employed as Allied Health Professionals predominantly in the Keeping Children Safe Portfolio.

6. Schedule 11 then provides the qualification requirements for Allied Health Professionals in the Keeping Children Safe Portfolio who are employed after the date of registration, who may meet the qualifications requirements in Schedule 3 for Allied Health Professionals or who may hold qualifications other than those in Schedule 3.

7. Schedule 11 also provides for current employees, who may meet the qualifications requirements in Schedule 3 for Allied Health Professionals or who may hold qualifications other than those in Schedule 3.

8. Schedule 11 also provides for a small group of current Allied Health Professionals in the Youth Justice Portfolio who may not meet the qualifications requirements in Schedule 3 for Allied Health Professionals."

[5] The CPSU tendered materials to demonstrate the scope of the employees employed in the Keeping Children Safe Portfolio through an organisational flowchart, DECYP Annual Report and an email exchange between the parties.¹

[6] The CPSU, HSU and AEU (through email correspondence) consented to the application and stated it was consistent with the public interest test.

¹ MF11, and MF12 and MF13 respectively.

[7] The parties submitted that no employees covered by the Variation would be disadvantaged by this amendment and the variations will support retention and recruitment in the program.

[8] Although not specifically required by the Act in this case, having regard to the submissions of the parties and the terms of the Variation, I am satisfied that the variation to the agreement is consistent with the public interest, and it does not disadvantage the employees concerned. I am satisfied that there is genuine consent to the Variation by the parties.

[9] Pursuant to s 59(2), I order that the Allied Health Professionals Public Sector Union Wages Agreement No. 2 of 2022 be varied in accordance with the terms of the application.

