



## TASMANIAN INDUSTRIAL COMMISSION

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**CITATION:** Moore v Minister administering the State Service Act 2000/Department of Police, Fire and Emergency Management [2026] TASIC 55

**PARTIES:** Samuel Peter Moore (Applicant)

Minister administering the State Service Act 2000/Department of Police, Fire and Emergency Management (Respondent)

Uniter Firefighters Union of Australia – Tasmania Branch (Intervenor)

**SUBJECT:** Industrial Relations Act 1984, s 29(1A) application for hearing of an industrial dispute

**FILE NO:** T15222 of 2025

**HEARING DATE(S):** 19 February 2026 (President D J Barclay), 13 August 2026 (Commissioner S D Thompson)

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

**DATE REASONS ISSUED:** 17 September 2026 (revised from the transcript of 13 August 2026)

**COMMISSIONER:** Commissioner S D Thompson

**CATCHWORDS:** Volunteer Firefighter – Whether an Employee – Identification of Employer – Dismissed

### REPRESENTATION:

Alex Freeman for the Applicant

Jenny Rudolf for the Respondent

Stephen McCallum for the Intervenor

**MOORE V MINISTER ADMINISTERING THE STATE SERVICE ACT  
2000/DEPARTMENT OF POLICE, FIRE AND EMERGENCY MANAGEMENT**

**REASONS FOR DECISION REVISED FROM THE TRANSCRIPT**

**13 AUGUST 2026**

[1] This is a proceeding brought under s 29(1A) of the *Industrial Relations Act 1984*. It is an application for a hearing of an industrial dispute brought by Samuel Peter Moore. Mr Moore was a volunteer firefighter as defined in the *Fire Service Act 1979*.

[2] In substance, Mr Moore contends that he was unfairly dismissed. Before the Commission also are the United Firefighters Union intervening, the Minister Administering the State Service Act 2000 (the Minister) and the Department of Police, Fire and Emergency Management (the Department). The Minister and the Department are present as they were named, consistent with the prescribed form, by Mr Moore as the employer. The Minister and the Department have therefore been treated by the Commission and the parties thus far as the respondent.

[3] For the reasons which follow, I have decided to, in effect, summarily dismiss this proceeding.

[4] Mr Moore concedes that he was not employed by the Minister, nor by the Department. Instead, his case is cast on the basis that he was employed by the State Fire Commission (SFC). The SFC is plainly not a party to this proceeding and those appearing for the Minister and the Department do not appear for the SFC.

[5] The Minister and the Department contend that the SFC is not part of the Crown. That is not a contention that I need to resolve for the purposes of this application. Instead, the application brought by the Minister and the Department is that, in effect, the proceeding should be summarily dismissed because it is conceded that neither was the employer. There is a summary dismissal power provided by the Industrial Relations Act, s 21(c), which allows proceedings to be dismissed if, relevantly:

Further proceedings are not necessary or desirable in the public interest, or that, for any other reason, the matter or part should be dismissed.

[6] That, to my mind, confers the broad powers of summary dismissal. Having regard to the applicant's concession, it is plain that the proceeding against the Minister and the Department is misconceived and doomed to fail. That is because the applicant does not contend and has not produced any evidence to establish that he was employed either of them. Instead, his position is that he was employed by the SFC.

[7] While it would seem that that is likely to be denied by the SFC, and while I accept that the SFC is aware of the existence of the proceeding, the fact of the matter is that the SFC is not a party, the SFC has not been heard, and the SFC's response (that is, the submissions and the evidence upon which it relies) may not be the same as those provided by the Minister and the Department.

[8] While I acknowledge that this is a lay jurisdiction focussed on promoting industrial harmony and resolving industrial disputes, it is a matter fundamental to the exercise of power that I be satisfied of jurisdiction. I am satisfied that the correct respondent has not been identified, and I am satisfied that the proceeding against the Minister and the Department is misconceived.

[9] I have considered whether I should, as an alternative, adjourn the proceeding and direct that notice be given to the SFC so that it may decide whether it wishes to be joined or substituted for the Minister and the Department. The reasons that I have decided not to do that are: Firstly, I do not think that that is necessarily any more efficient from a case management perspective.

[10] Secondly, the fact that evidence and submissions have already been filed, albeit with respect to the preliminary issue, and that there is already a question about an extension of time being required against the current respondents (the Minister and the Department), complicates the matter in terms of substituting the SFC for the Department or the Minister.

[11] For these reasons I have decided to dismiss the proceeding. I note that this does not prevent a further proceeding from being commenced against the SFC, noting however, that an extension of time would likely be required.

[12] In reaching this conclusion, I make no criticism of those acting for Mr Moore. This is a lay jurisdiction. The prescribed form is, with respect, somewhat confusing in that it expressly refers to an 'agency' and a 'division'.

[13] The fatal flaw is that the proceeding as against the current respondents, the respondents who are named, is misconceived and doomed to fail. The order of the Commission is that the proceeding be dismissed.

#### **Post-script (17 September 2026)**

[14] Following the delivery of these ex-tempore reasons, I realised that two matters were either incorrect or apt to mislead. Accordingly, that same day, the Commission wrote to the parties in the following terms:

Commissioner Thompson has asked me to write to you regarding two matters arising from this afternoon's hearing.

The first is that he referred to the form used by applicant as a prescribed form. That was an error. While some forms are prescribed by the *Industrial Relations Regulations 2025*, the one used by the applicant was not one of them. This does not affect the Commissioner's reasoning. He nonetheless has asked me to let you know for reasons of completeness.

Second, the Commissioner noted that the dismissal of the application did not prevent the applicant from commencing a new proceeding against the State Fire Commission. In saying that, the Commissioner was not intending to express a view about whether the Commission would have jurisdiction in light

of the *Industrial Relations (Commonwealth Powers) Act 2009* and the *Fair Work Act 2009* (Cth). The parties may wish to consider the *Fair Work Act*, sections 14, 26(1), 30M and 30N, and the *Industrial Relations (Commonwealth Powers) Act*, sections 5 and 6. Whether the Commission would have jurisdiction would need to be considered at the relevant time and after hearing from the parties.

**[15]** While it was remiss of me not to address these two matters, neither bears upon the merits of the application for summary dismissal.



S Thompson  
**Commissioner**