



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Variation of the Health and Human Services (Tasmanian State Service) Award [2026] TASIC 32

PARTIES:

Minister administering the State Service Act 2000

Australian Nursing and Midwifery Federation (Tasmanian Branch)

The Community & Public Sector Union (State Public Services Federation) 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: T15350 of 2026

HEARING DATE(S): 1 June 2026

HEARING LOCATION: Tasmanian Industrial Commission, Hobart

DATE REASONS ISSUED: 22 June 2026

MEMBER: Acting President N M Ellis

CATCHWORDS: Award variation – TSS standard leave and conditions – state wage negotiations – consent application – consent order issued – operative date from 11 May 2026 and 1 June 2026

REPRESENTATION:

Jane Fitton, Kiralee Gates and Amanda Aplin for the Minister administering the *State Service Act 2000*

Elma Nidorfer for the Australian Nursing and Midwifery Federation (Tasmanian Branch)

Lilli Midgley for The Community & Public Sector Union (State Public Services Federation) Inc

Shane Hamel for the Health Services Union, Tasmania Branch

VARIATION OF THE HEALTH AND HUMAN SERVICES (TASMANIAN STATE SERVICE) AWARD [2026] TASIC 32

REASONS FOR DECISION

HOBART, 22 JUNE 2026

[1] On 20 May 2026, the Minister administering the *State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to section 23(1) of the *Industrial Relations Act 1984* (the Act), an application to vary the Health and Human Services (Tasmanian State Service) Award (the Award).

[2] The Minister sought to vary the Awards by including in the Award "... the new and enhanced Tasmanian State Service (TSS) leave and conditions arising from the last round of Tasmanian State Service wage negotiations."

[3] As advised by the Minister on the registration of the State Service Agreements on 11 May 2026, the TSS standard leave and conditions would be varied as part of the changes.

[4] The Minister submitted that "The TSS Standard leave and conditions are part of the total package for the Agreements as part of our commitment to maintain a contemporary workforce and reflect practice, to address issues including recruitment, retention, and recognising our diverse workforce."

[5] The TSS leave and conditions as set out in the Ministers submissions include:

- Part VI Clause 4
New - Introduction of Right to Disconnect provisions.
- Part IX Clause 2
Update - Parental Leave clause - A reduction in the qualifying period for taking paid parental leave from 12 months to 40 weeks.
- Part IX, Subclause 3(g)
Update - Personal Leave clause - Increasing the amount of personal leave that can be used for carers leave per year.
- Update – Personal Leave clause – introduce use of personal leave to attend medical appointments.
- Part IX Subclause 4(a)(ii)(2) and (3)
Update – Definition of 'immediate family' - to include 'niece, nephew, aunt and uncle' in Personal Leave, Compassionate and Bereavement Leave and Family Violence Leave provisions.
- Update - Compassionate and Bereavement Leave clause – relaxation of the evidence requirements for Compassionate and Bereavement Leave.
- Part IX Subclause 5(d)
Update – Management of Recreation Leave sub-clause – providing for employer to respond to recreation leave requests within 14 days.
- Part VIII Subclause 11(b)(iv)(2), subclause 11(d), and subclause 11(k)
Update - Family Violence Leave clause - increasing entitlement from 20 to 25 days per annum and clarification on the access to family violence for fixed-term casual employees.

- Part IX, Subclause 15(c)(i)(1), 15(c)(i)(2), 15(c)(vi) and 15(e)(ii)
Update - Gender Affirmation Leave clause - clarification that leave does not have to be used within 52 weeks of first accessing the leave and ability to access 4 weeks continuous leave at half-pay over 8-weeks.
- Part IX, Clause 17
New - Pregnancy Loss Leave clause - combining previous clauses in parental and bereavement leave dealing with pregnancy loss into a new single clause.
- Part IX, Clause 18
New - Reproductive Leave clause (entitlement to 5-days leave per personal leave year, non-cumulative, and available pro rata for part-time employees).
- Part XI Clause 2(c)
Update - Workplace Delegates clause - new provisions to enable part-time employees and shift worker delegates to rearrange work patterns to attend union-endorsed courses or conferences that occur outside of regular rostered hours, or in exceptional circumstances where this cannot be re-arranged, payment at ordinary hours.

[6] The parties to the Award consented in writing and in person. They submitted that the variations are in the public interest, did not disadvantage those employees covered by the Award and that there was consent of the affected parties to the variations.

[7] I am satisfied that the variations do not disadvantage those to whom it applies and that the variations are in the public interest and accordingly I approve the variations. Other than the variations to Part VI Clause 4 - Right to Disconnect, Part IX Subclause 5(d) - Recreation Leave, and Part IX, Subclause 15(c)(i)(1), 15(c)(i)(2), 15(c)(vi) and 15(c)(e)(ii) - Gender Affirmation Leave, the variations are approved from 11 May 2026.

[8] The variations to Part VI Clause 4 - Right to Disconnect, Part IX Subclause 5(d) - Recreation Leave, and Part IX, Subclause 15(c)(i)(1), 15(c)(i)(2), 15(c)(vi) and 15(c)(e)(ii) - Gender Affirmation Leave are approved from 1 June 2026.

[9] An order reflecting this decision will follow.



Neroli Ellis
Acting President
Tasmanian Industrial Commission