



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Miller v Minister administering the State Service Act 2000 – Tasmanian Health Service [2024] TASIC 13

PARTIES: Jodie Lee Miller (Applicant)

Minister administering the State Service Act 2000/Tasmanian Health Service (Respondent)

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

FILE NO: T15138 of 2024

HEARING DATE(S): 4 July 2024

HEARING LOCATION: Tasmanian Industrial Commission, Hobart

DATE REASONS ISSUED: 12 July 2024

COMMISSIONER: President D J Barclay

CATCHWORDS: Applicant's failure to appear on two occasions – no explanation – application dismissed

REPRESENTATION:

Kirk Ashwood for the Respondent

**JODIE MILLER v MINISTER ADMINISTERING THE STATE SERVICE ACT 2000 –
TASMANIAN HEALTH SERVICE**

REASONS FOR DECISION

12 JULY 2024

[1] This is an application under s29(1) of the *Industrial Relations Act 1984* wherein the Applicant is seeking to be paid ordinary hours for time not worked due to a non-work-related illness or injury.

Non-attendance

[2] A conciliation conference was scheduled to be held on 26 June 2024. The Applicant failed to appear on that day.

[3] As a consequence, I adjourned the matter and my Associate sent email correspondence on 26 June 2024 to both parties, stating:

“The Applicant did not attend the conciliation listed for 12:00 noon today. The Commission attempted to contact the Applicant by telephone but the Applicant did not answer.

As a result, the conciliation has been adjourned to Thursday, July 4 at 2:00pm. The Applicant is required to attend this listing or the matter may be dismissed.

Please confirm receipt of this email.”

[4] The Applicant did not confirm receipt of the email nor did my Associate receive an indication that the email was not properly delivered to the Applicant’s email address.

[5] I note that the email address used was the email address provided by the Applicant when she lodged her original application on 29 May 2024.

[6] Another conciliation conference was attempted on 4 July 2024. The Applicant also failed to appear on that occasion.

[7] There was no explanation as to why the Applicant had failed to appear at the time of the conciliation on 4 July 2024.

[8] The Applicant was advised on two occasions that her application may be dealt with if she failed to appear. The first in the original Notice of Listing and the second in the email set above which I note went further and advised that her application may be dismissed if she again failed to appear.

[9] As there is no explanation for the Applicant’s failure to appear, I dismiss the application.

Order

[10] The Application is dismissed.

