



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Filing of the Nurses and Midwives (Tasmanian State Service) Agreement 2023 [2023] TASIC 66

PARTIES:

Minister administering the *State Service Act 2000*

Australian Nursing and Midwifery Federation (Tasmanian Branch)

Health Services Union, Tasmanian Branch

SUBJECT: *Industrial Relations Act 1984*, s 55(2) application for filing of Industrial Agreement

FILE NO: T15086 of 2023

HEARING DATE(S): 30 November 2023

HEARING LOCATION: Hobart

DATE REASONS ISSUED: 12 December 2023

COMMISSIONER: Deputy President Ellis

CATCHWORDS: Industrial agreement – new agreement replaces and cancels 2019 agreement – salaries – various allowances – Enrolled Nurse skill mix and skills matrix – NHPPD and ratio model – casual loading increase-review classification structure Grade7-9- Christmas close down days – application approved with effect from 1 July 2023 and remains in force until 30 June 2026.

REPRESENTATION:

J Fitton, D Appleyard with F Douce for the Minister administering the *State Service Act 2000*

E Shepherd and Phoebe Mansell for Australian Nursing and Midwifery Federation (Tasmanian Branch)

FILING OF THE NURSES AND MIDWIVES (TASMANIAN STATE SERVICE) AGREEMENT 2023 [2023] TASIC 66

REASONS FOR DECISION

30 NOVEMBER 2023

[1] On 23 November 2023, the Minister administering the *State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to Section 55(2) of the *Industrial Relations Act 1984*, an application to file the Nurses and Midwives (Tasmanian State Service) Agreement ('the Agreement') and to cancel the Nurses and Midwives (Tasmanian State Service) Agreement 2019.

[2] Clause 4 provides that the Agreement cancels and replaces the Nurses and Midwives (Tasmanian State Service) Agreement 2019.

[3] As outlined in the Secretary's submissions, the Agreement provides for increased salaries as outlined in Schedule 1. These are the notable inclusions:

- “• 3.5% percent per annum with effect from the first full pay period commencing on or after (ffppcooa) 1 December 2023;
 - (ii) 3 percent per annum with effect from the ffppcooa 1 December 2024; and
 - (iii) 3 percent per annum with effect from the ffppcooa 1 December 2025.
- A flat rate \$1500 base salary adjustment increase is payable to the base salaries in Schedule 1 with effect from ffppcooa 17 October 2023.
- A flat rate \$500 Professional Development Allowance is payable to the base salaries of Schedule 1 with effect from 17 October 2023.
- In addition to the percentage salary increases, all employees covered by this Agreement, will receive a flat rate \$1000 cost of living increase to the base salaries with effect from ffppcooa 17 October 2023.
- A lower income payment of \$500 is to be applied to the base salaries in Schedule 1 for employees at Grade 2, Year 4 and below; and Grade 3, Year 1, effective from the ffppcooa 17 October 2023.
- A one-off Lower Income Payment is payable to employees at Grade 2, Year 4 and below; and Grade 3, Year 1, at the point the payment is due as follows:
 - (i) \$1,000 (pro-rata) payable from the ffppcooa 17 October 2023.
 - (ii) \$500 (pro-rata) payable from the ffppcooa 1 December 2024.
 - (iii) \$500 (pro-rata) payable from the ffppcooa 1 December 2025.”

[4] This Agreement also provides for the following improved conditions:

- Clause 11- Advancement arrangements to apply to any clinical areas and include a range of classifications;
- Clause 17-NHPPD and Ratios-commitment to review and transition to a ratio model NHPPD over the life of the Agreement, as mutually agreed. The current NHPPD

model in Appendix C, Nurses and Midwives Agreement 2013 will remain until replaced;

- Clause 21-Amendment to staffing skill mix ratio for registered Nurses and Enrolled Nurses to 70:30% where clinically appropriate;
- Clause 24- Casual loading to increase to 25%;
- Clause 27-Provision of motor vehicle allowance for Grade 9 classification with transition provisions;
- Clause 29-Christmas Close Down Days providing an entitlement to pay in lieu of deduction of recreations leave where a service is closed down ;
- Clause 29-Market Allowance- up to 20% salary above the maximum salary of the specified grade for specific groups/roles as determined;
- Clause 31- Dive Allowance for hyperbaric nurses as per Schedule 3;
- Clause 32- Classification Structure Review Grade 7-9 to be undertaken during the first six months of the Agreement;
- Clause 33-Enrolled Nurse-Skills Mix Matrix-will be developed within six months across all patient care areas by agreement of the parties;
- Clause 34- After Hours Contact- within three months an operational protocol will be developed to enable an opt out from all contact for any reason;
- Clause 35-Agreement to simplify and consolidate some Agreements, noting the registration of a s 55 industrial agreement for 12 hour shifts.

[5] The parties submitted that no employees covered by the Agreement would be disadvantaged by the Agreement, the approval would be in the public interest and it is made with the consent of the parties. Consent was received through an email from HSU.

[6] Having regard to the submissions of the parties and the terms of the Agreement, I am satisfied that 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 Agreement by the parties to it and that the Agreement is not for a period of more than five years.

[7] Pursuant to s 55(4)(a) of the Act, the Agreement is approved will take effect from 1 July 2023 and will remain in force until 30 June 2026.

[8] The file will now be referred to the Registrar for registration in accordance with s 56 of the Act.

