

## TASMANIAN INDUSTRIAL COMMISSION

*Industrial Relations Act 1984*

s23(1) application for award or variation of award

### **The Minister administering the State Service Act 2000**

(T14603 of 2017)

## HEALTH AND HUMAN SERVICES (TASMANIAN STATE SERVICE) AWARD

PRESIDENT D J BARCLAY

HOBART, 29 JUNE 2018

### **Award variation – state service (restructuring) order 2018 – scope - consent application - operative from 1 July 2018**

#### **DECISION**

- [1] On 26 June 2018, The Minister administering *the State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to Section 23(1) of the *Industrial Relations Act 1984*, an application to vary the Health and Human Services (Tasmanian State Service) Award.
- [2] At the hearing in Hobart on 26 June 2018, Mr Frank Ogle and Ms Jane Fitton appeared on behalf of MASSA, Mr Tim Jacobson and Mr James Eddington appeared on behalf of the Health Services Unions, Tasmania Branch (**HSU**) and Mr Tom Lynch appeared on behalf of The Community and Public Sector Union (**SPSFT**) Inc (**CPSU**).
- [3] Mr Ogle sought a variation to the scope of the Award and submitted that the variation is required as a result of some State Service employees transferring to a new Department titled Communities Tasmania. The transition of employees to the new entity is as a result of the State Service (Restructuring) Order 2018 (**Order**) coming into force on 1 July 2018. The variation to the scope of the award will capture those persons transferring and who are currently employed under the Health and Human Services (Tasmanian State Service) Award so that they remain under that award. The variation will remain in force until February 2019. Further the Department of Health and Human Services is renamed Department of Health and the expanded scope also notes this change.
- [4] All parties submitted the variation sought does not offend the public interest, does not disadvantage those employees covered by the Award and recommended the variations to the Commission
- [5] I am satisfied that the variations are in the public interest and that no employees are disadvantaged. Indeed the expanded scope ensures that the terms and conditions of those employees employment do not change as a result of the Order.
- [6] The application is granted and pursuant to s24 and 36 of the Act the Award is varied in accordance with the application. The variations to the award are operative from 1 July 2018. It is noted that the expanded scope will remain in force until 28 February 2019.

[7] An order reflecting this decision will follow.



David Barclay  
**President**

**Appearances:**

Mr F Ogle and Ms J Fitton for MASSA  
Mr T Jacobson and Mr J Eddington for HSU  
Mr T Lynch for CPSU (SPSFT) Inc

**Date and place of hearing:**

2017  
26 June 2018  
Hobart