

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s55(2) application for approval of an industrial agreement

Minister administering the State Service Act 2000

and

Australian Education Union, Tasmanian Branch

and

The Community and Public Sector Union (State Public Services Federation Tasmania) Inc

and

Health Services Union
(T14604 of 2018)

**ALLIED HEALTH PROFESSIONALS PUBLIC SECTOR UNIONS WAGES AGREEMENT
2016 No. 2**

PRESIDENT D J BARCLAY

HOBART, 29 June 2018

**Industrial agreement - application approved - operative from 22 December 2016
and shall remain in force until 30 June 2018 - forwarded to Registrar for registration**

DECISION

- [1]** On 26 June 2018, 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 approve the Allied Health Professionals Public Sector Unions Wages Agreement 2016. Accompanying the application was an application to cancel the existing 2016 agreement bearing the same name.
- [2]** At the hearing in Hobart on 26 June 2018, Mr Frank Ogle and Ms Jane Fitton appeared on behalf of MASSA, Ms Siejka appeared on behalf of the Australian Education Union, Tasmania Branch (AEU), Mr Tom Lynch appeared on behalf of the Community and Public Sector Union (State Public Services Federation Tasmania) Inc (CPSU) and Mr Tim Jacobson and Mr James Eddington appeared on behalf of the Health Services Union, Tasmanian Branch (HSU).
- [3]** The need for the Agreement arises because of the State Service (Restructuring) Order 2018 (**Order**). Employees will from 1 July 2018 be employed by the Department of Health (as opposed to the old Department of Health and Human Services) or a new entity titled Communities Tasmania. The Agreement ensures that the employees affected by the Order will have the same terms and conditions including classifications and salaries as before the commencement of the Order. That is the status quo will remain. It is for this reason that somewhat unusually the Agreement is expressed to expire on 30 June 2018. I note negotiations for a new agreement are to commence imminently.

- [4] I am satisfied that the agreement is consistent with the public interest requirements of the Act, does not disadvantage the employees concerned, and the term of the agreement does not exceed 5 years.
- [5] In respect to the existing agreement I am satisfied that no person is deprived of a benefit from the existing agreement sought to be cancelled who is not a party to the Agreement.
- [6] Accordingly I order cancellation of the existing agreement pursuant to s59(1) of the Act.
- [7] Pursuant to s55(4) the Agreement is approved with an operative date from 22 December 2016 and shall remain in force until 30 June 2018. The file will now be referred to the Registrar for registration of the Agreement in accordance with the requirements of s56(1) of the Act.
- [8] I note for ease of reference the agreement will be called the Allied Health Professionals Public Sector Unions Wages Agreement 2016 (No. 2).



David Barclay
President

Appearances:

Mr F Ogle and Ms J Fitton for MASSA
Ms K Siejka for AEU
Mr T Jacobson and Mr J Eddington for HSU
Mr T Lynch for CPSU

Date and place of hearing:

2018
18 June
Hobart