

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s29 application for hearing of an industrial dispute

The Community and Public Sector Union (SPSFT) Inc.

(T14378 of 2015)

and

Minister administering the State Service Act 2000/Department of Health and Human Services

PRESIDENT TJ ABEY

HOBART, 10 December 2015

RECORD OF OUTCOME

[1] On 4 December 2015 the Community and Public Sector Union (SPSFT) Inc., (the applicant) applied to the President, pursuant to s 29(1) of the *Industrial Relations Act 1984* for a conference before a Commissioner in respect of an industrial dispute with the Minister administering the State Service Act 2000/Department of Health and Human Services (the respondent). The dispute concerns employees within the area of the Family Violence Counselling and Support Service (the FVCSS).

[2] The application concerned the engagement of an external organisation (Catholic Care) to deliver counselling and therapeutic services to children experiencing family violence. The applicant submits that the respondent has failed to follow the procedures prescribed in Clause 1 *Consultation and Change* of Part XII of the Health and Human Services (Tasmanian State Service) Award (the Award) relating to both consultation, and the outsourcing of an in-house service.

[3] The respondent gave assurances that the contract with Catholic Care was fixed term and limited to providing services for those on the waiting list. There is no impact on existing employees in terms of either job security or conditions of employment.

[4] I note that the '*Homes Safe Families Action Plan*' (the Action Plan) was announced by the Minister for Human Services in August 2015. Given the time lapse since this announcement, I find it surprising and regrettable that the engagement of the external provider has occurred, at the direction of the Government, in a time frame which apparently precluded an appropriate consultative process.

[5] Against this it must be recognised that the waiting list is of serious, perhaps crisis, proportions, and it is in the public interest that these additional services be provided as quickly as possible.

[6] As such I am appreciative that the applicant has agreed that the engagement of Catholic Care proceed in the manner proposed and will not pursue the order envisaged in the application.

[7] However this position is conditional on a consultative process as provided in the Award being implemented forthwith. The respondent has agreed to this process which will embrace both the implementation of the Catholic Care arrangements and the broader programs which have been foreshadowed in the Action Plan.

[8] I commend the agreement reflected above.

[9] Pursuant to s21(2)(c) I refrain from further hearing and close the file.



Tim Abey
PRESIDENT

Appearances:

Mr T Lynch, for the applicant
Mr T Kleyn, for the respondent
Mr T Kemp, for the respondent
Mr T Sales, for the respondent
Ms M Brady, for the respondent

Date and place of conference:

2015
10 December
Hobart