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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s23 application for award or variation of award

**The Community and Public Sector Union (State Public Services Federation
Tasmania) Inc.**
(T13159 of 2008)

DEPUTY PRESIDENT P C SHELLEY

Award variation – expense related allowances – consent order issued

GENERAL CONDITIONS OF EMPLOYMENT AWARD

ORDER BY CONSENT

No. 5 of 2008

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The General Conditions of Employment Award is amended in the following manner:

(1) By deleting from Part IV - ALLOWANCES Clause 7 Location Allowances and inserting in lieu thereof the following:

"7. LOCATION ALLOWANCES

(a) Camp

Where in the performance of their duties an employee is required to camp and tents or other means of accommodation are provided, and the employee is absent from their normal place of residence, the employee shall be paid a camp allowance in accordance with the following rates:

	Rates per Day \$
Where a cook is provided	27.55
Where a cook is not provided	33.85

Such allowance to be inclusive of all special conditions such as the carrying of tents and equipment, travelling over rough terrain and for work performed in severe climatic conditions.

(b) District

(i) The purpose of this General Allowance is to compensate for excess costs necessarily incurred by an employee living in an 'isolated area' and without limiting the foregoing includes partial reimbursement for STD, freight, fuel and depreciation costs.

(ii) Where an employee is stationed in one or other of the following districts, the employee shall be paid an allowance in accordance with the following rates:

	Rate per Annum \$
(1) Category R	
Remote locations approved as such by the Tasmanian Industrial Commission including Bass Strait Islands, Maria Island, Bruny Island:	
Employee with dependent relatives residing with them	3364
Other (no dependents)	1681

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(2) Category B

Locations under the Commonwealth Taxation Zone B prescription:

Employee with dependent relatives living with them	1681
Others (no dependents)	841

(3) Category S

Special locations as may be approved by the Tasmanian Industrial Commission:

Employee with dependent relatives residing with them	841
Others (no dependants)	420

(iii) Where a part-time employee is eligible for an allowance under paragraph (ii) such allowance shall not be subject to any proportionate reduction.

PROVIDED that an employee who has dependants residing with the employee shall be regarded as an employee without dependants if their partner or spouse, of entitlement arising from employment, is in receipt of a district allowance.

PROVIDED FURTHER that a junior employee ineligible by age from holding a driving licence, shall be paid a rate calculated on the basis of the proportion that the junior employee's salary bears to the appropriate adult salary rate, provided that the junior employee shall in any case receive not less than 50 percent of the relevant single adult allowance.

PROVIDED ALWAYS that a junior employee qualified by age to hold a driving licence shall be paid the full adult single allowance.

PROVIDED that a part-time employee working in more than one part-time position shall not receive an allowance in excess of that paid to a full-time employee."

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(2) By deleting from Part IV - ALLOWANCES Clause 11 Training Courses, Conference Allowance and inserting in lieu thereof the following:

"11. TRAINING COURSES, CONFERENCE ALLOWANCE

An employee who is required or is authorised to attend either a training course, conference or other similar function where full accommodation is provided at no cost to such employee, he shall be paid an allowance for incidental expenses for each day of such attendance at the rate of:

	Rate per Day \$
Within this state	16.80
Outside this state	23.60"

(3) By deleting from Part IV -ALLOWANCES Clause 12 Meal Allowances and inserting in lieu thereof the following

"12. MEAL ALLOWANCES

(a) Where an employee is required to commence duty at his headquarters not less than one and a half hours before, or to remain on duty for not less than one and a half hours after, the normal hours of duty, and that requirement necessitates his obtaining a meal away from home, that employee shall, subject to this subclause, be paid a meal allowance at the following rates:

Meal	Rate of Allowance \$
Breakfast	9.95
Lunch (or midday meal)	10.95
Dinner (or evening meal)	19.35

PROVIDED that where an employee who is required to work overtime on a Saturday, Sunday or public holiday, has been given prior notice thereof the previous day or earlier, he shall not be entitled to the payment of meal allowances BUT where such prior notice has not been given he shall attract such payment.

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(b) Where the duties of an employee require him to travel from his headquarters and he is more than 10 miles or 16 kilometres therefrom at his normal meal hour, that employee shall, subject to this subclause, be paid:

(i) in the case of a meal purchased by the employee at any hotel, boarding house, or public eating place, a meal allowance at the following rates:

Meal	Rate of Allowance \$
Breakfast	9.95
Lunch (or midday meal)	10.95
Dinner (or evening meal)	19.35

(ii) in the case of a meal provided by the employee himself, a meal allowance of \$3.55 for each meal so provided."

(4) By deleting from Part IV - ALLOWANCES Clause 13 Travel Allowances and inserting in lieu thereof the following:

"13. TRAVEL ALLOWANCES

(a) Excess Fares

An employee who in the normal course of employment is not required to travel to different locations for the performance of his duties, but with the knowledge and approval of the controlling authority, is required for short periods to attend work at a location other than his regular place of employment shall be paid such reasonable additional fares necessarily incurred.

PROVIDED that no employee shall be entitled to the benefits of this subclause for more than three months in any one continuous period.

(b) Kilometrage

(i) Required User

Where an employee is required in writing by the controlling authority to have available on a regular basis a private motor vehicle which the employee will be required to use for official purposes, and the employee agrees in writing so to do an allowance shall be paid for such use in accordance with the following rates:

Annual Kilometrage Travelled On Duty in a Financial Year	Cents per Kilometre	
	Rate 1 2 litres and above	Rate 2 Less than 2 litres
First 10,000 kilometres	71.81 (100%)	61.76 (86%)
Any additional kilometres	38.06 (53%)	33.03 (46%)

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PROVIDED that where the controlling authority wishes to withdraw the requirement to provide a private motor vehicle then, except where special circumstances exist, at least one year's notice in writing shall be given, and the notice period shall be specified to end on 30 June.

(ii) Occasional User

Where an employee is not required to provide a private motor vehicle for official use as prescribed in subclause (b)(i) of this clause, but otherwise receives approval from the controlling authority to use a private motor vehicle for official purposes on an occasional basis, an allowance shall be paid in accordance with the following rates:

Annual Kilometrage Travelled on Duty in a Financial Year	Cents per Kilometre	
	Rate 3 2 litres and above	Rate 4 Less than 2 litres
First 10,000 kilometres	47.87 (100%)	41.17 (86%)
Any additional kilometres	25.37 (53%)	22.02 (46%)

(iii) For the purposes of subclauses (b)(i) and (b)(ii) of this clause, the rates specified therein shall apply as follows:

RATES 1 and 3 Apply to motor vehicles generally recognised as having an engine capacity of 2:0 litres or more and include rotary engines.

RATES 2 and 4 Apply to motor vehicles generally recognised as having an engine capacity of less than 2:0 litres.

(iv) The rates specified in subclauses (b)(i) and (b)(ii) of this clause, shall not be varied as a consequence of National Wage Case decisions. The rates shall be varied upon application subsequent to 30 March and 30 September of each year after the Hobart Transportation, Private Motoring subgroup, Consumer Price Index Numbers for the quarters ending 30 March and 30 September respectively, become available. The Rate 1 and Rate 3 variations for the first 10,000 kilometres travelled shall be calculated in accordance with the formula specified in decision T.33 of 1985 dated 13 June 1985.

Variations to the other rates specified in the tables in subclauses (b)(i) and (b)(ii) of this clause, shall be calculated by applying the percentage shown in brackets to the relevant first 10,000 kilometres rate (as varied) shown as 100 percent.

(v) An employee shall not receive an allowance for kilometres travelled in excess of 16,000 kilometres in any one financial year unless authorised by the controlling authority concerned on the recommendation of the Head of Agency, to travel a greater distance in that year.

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- (vi) In addition the following allowances shall be paid to employees:
 - (1) Where stationed in Category R as provided in Part IV Clause 7 - Location Allowances, subclause (b)(ii)(1) thereof - \$24.70 per month plus \$9.90 per 1,600 kms travelled on duty.
 - (2) Where stationed in Category B as provided in Part IV Clause 7 - Location Allowances,, subclause (b)(ii)(2) thereof - \$16.40 per month plus \$9.90 per 1,600 kms travelled on duty.
 - (3) Where authorised to use a utility, four-wheel drive motor vehicle or any other special type of motor vehicle approved by the controlling authority concerned - \$9.90 per month.
 - (4) Where authorised to use a trailer attached to the motor vehicle 2.97 cents for each kilometre travelled on duty with the trailer attached.
 - (5) Where authorised to use a motor vehicle on work involving the regular carrying of heavy equipment - \$9.90 per month.
 - (6) Where authorised to use a motor cycle - 9.67 cents for each kilometre travelled on duty.
- (vii) Where an employee is required to provide a private motor vehicle in accordance with subclause (b)(i) of this clause, and the distance travelled on duty in any financial year does not exceed 4,000 kilometres, the employee shall be paid an allowance calculated by multiplying the appropriate rate per kilometre by the difference between the actual number of kilometres travelled on duty during that year and 4,000 kilometres.
- (viii) Where a part-time employee is eligible for any payment under subclause (b)(vii) of this clause, such allowance shall be calculated on the proportion of the total hours worked in that year by the part time employee to the annual standard hours for a full time employee of the same classification.
- (ix) Unless otherwise directed by the controlling authority, kilometreage on duty shall be the distance travelled from an employee's place of employment to his or her destination and return to his or her place of employment.
- (x) A kilometreage allowance in excess of or at variance with the rates set forth in subclauses (b)(i) and (b)(ii) of this clause, may be paid if, on the determination of the controlling authority concerned, special circumstances exist which justify such excess or variation.

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(c) Travelling

(i) Employees travelling on duty who are required to remain away from their normal place of residence overnight shall be paid an allowance calculated in accordance with the following components:

Component	Within Tasmania \$	Outside Tasmania \$	Sydney \$	Melbourne \$
Overnight absence from normal place of residence	97.90	136.80	159.75	136.80
Breakfast (preceding or following an overnight absence) applicable hours 7.00 am- 8.30 am	16.00	16.00	16.00	16.00
Lunch (preceding or following an overnight absence) applicable hours 12.30 pm – 2.00 pm	14.25	14.25	14.25	14.25
Dinner (preceding or following an overnight absence) applicable hours 6.00 pm – 7.30 pm	30.35	30.35	30.35	30.35

PROVIDED that if the employee so wishes, he or she shall be allowed advance payment of the estimated allowance payable for the period of travel in question.

(ii) In addition to the allowance available in accordance with subclause (c)(i) of this clause and provided the controlling authority is satisfied that the employee did incur the expense claimed, an employee shall be entitled to reimbursement of reasonable expenses incurred, as a result of his or her absence from the normal place of residence, for the following purposes:

- (1) a telephone call to the employee's spouse or children each 24 hours;
- (2) dry cleaning or laundry required as the result of an extended absence.

(iii) Notwithstanding subclause (c)(i) of this clause, where the controlling authority is satisfied that no reasonable alternative accommodation is available, the employee may be reimbursed for actual expenses incurred.

(iv) Where an employee travels with a Judge or a Minister or in a representative capacity for the State, or on special duties as determined by the controlling authority, and thereby incurs additional expense, the employee may be paid such travelling allowance as may be determined by the controlling authority.

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- (v) Where public transport is not conveniently available and employees in the performance of their duties find it necessary to hire other forms of transport, they shall, subject to the approval of the controlling authority, be reimbursed the actual costs incurred in the hiring of such transport.
- (vi) Where employees in the performance of their duties are required to be stationed temporarily at any place other than their usual headquarters for a period exceeding three weeks, and are absent from their normal place of residence, and have to procure board and lodging whilst so stationed, they shall be paid a travelling allowance at the following rates:
 - (1) for the first three weeks in accordance with the rates set forth in subclause (c)(i) of this clause; and
 - (2) thereafter, at such rate as the controlling authority concerned may determine.
- (vii) Where the controlling authority certifies that the duties of an employee involve systematic travelling, the controlling authority shall determine the rate to be paid to such employee within the limits of the rates set forth in subclause (c)(i) of this clause.
- (viii) Where an employee in the performance of his duties is required to travel:
 - (1) Within Australia (including Papua New Guinea and New Zealand) - by ship, aircraft, railway train, or other means of conveyance, where he is provided with meals and sleeping quarters, that employee, while so travelling, shall be paid a travelling allowance at the rate of:

	Rates per day
	\$
Within this State	16.80
Outside this State	23.60

- (2) Outside Australia, Papua New Guinea and New Zealand - that employee, while so travelling, shall be paid a travelling allowance at such rate as the controlling authority may approve.
- (ix) Where an employee is stationed on the Bass Strait Islands and enters upon leave of absence the employee shall, three times in every year, be paid the return fare reasonably incurred by the employee for themselves or for any dependent member of their family resident on the Bass Strait Islands, travelling from their station to the nearest seaport or airport on the mainland of this State. Such travel shall include travel via Melbourne when such indirect travel is the most expedient means of travelling to or returning from the nearest seaport or airport on the mainland of this State.

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PROVIDED that:

- (1) an employee may in substitution for travel to the nearest seaport or airport in this State, travel to any other seaport or airport in this State or to Melbourne;
 - (2) for the purpose of obtaining emergency medical or dental treatment for an employee or dependent member of their family resident on the Bass Strait Islands an employee shall by way of reimbursement be paid the return fare reasonably incurred for travel from the employee's station to the nearest centre in this State, or to Melbourne, whereat such treatment can be obtained. Such reimbursement shall be in substitution for one or both of the return fares for the person concerned, more particularly set forth in this paragraph;
 - (3) the above entitlement is not cumulative, each year standing alone;
 - (4) no employee shall be eligible to receive payment for the return fares as set forth above unless such employee has first completed three months continuous service on one or other of the Bass Strait Islands.
- (x) (1) Where an employee is required in the performance of his duties, either on appointment or transfer, to move from his place of residence to another district, and:
- (A) he is unable to obtain accommodation for his family in that district and thereby incurs additional expense;
 - (B) there is available in that district for the employee's family only such accommodation as will involve the employee in excessive expenditure;

the controlling authority concerned may, on the recommendation of the Head of Agency, grant to such employee a special allowance at such rate as the controlling authority concerned may determine.

- (2) Such allowance shall be payable in the first instance for a period not exceeding three months as the controlling authority concerned may, as he deems necessary, extend such period for any number of additional periods not exceeding three months at any one time.
- (3) The controlling authority concerned may, at any time, increase, reduce or revoke any allowance granted under this paragraph.

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- (4) An employee who receives an allowance under this paragraph shall immediately report to the controlling authority concerned any alteration of the circumstances in consideration of which such allowance was granted or renewed."

OPERATIVE DATE

These variations shall come into operation from the first full pay period to commence on or after 5 June 2008.

P C Shelley
DEPUTY PRESIDENT

12 June 2008