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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.**
(T13160 of 2008)

DEPUTY PRESIDENT P C SHELLEY

Award variation – expense related allowances - consent order issued

COMMUNITY AND HEALTH SERVICES (PUBLIC SECTOR) AWARD

ORDER BY CONSENT -

No. 3 of 2008

**THE COMMUNITY AND HEALTH SERVICES (PUBLIC SECTOR) AWARD IS AMENDED
IN THE FOLLOWING MANNER:**

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(1) By deleting from Part IV – ALLOWANCES Clause 3(b) - District Allowances and inserting in lieu thereof the following:

"(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
(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

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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."

(2) By deleting from Part IV – ALLOWANCES Clause 3(e)(i) and (ii) Kilometreage and inserting in lieu thereof the following:

"(e) Kilometreage

(i) Required User Category

Where an employee is required in writing by the employer 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 to do so an allowance shall be paid for such use in accordance with the following rates:

Annual Kilometreage 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%)

PROVIDED that where the employer 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 specified to end on 30 June.

(ii) Occasional User Category

Where an employee is not required to provide a private motor vehicle for official use as prescribed in subclause (e) - Kilometreage, paragraph (i) - Required User Category but otherwise receives approval from the employer to use a private motor vehicle for official purposes on a occasional basis, an allowance shall be paid in accordance with the following rates:

Annual Kilometreage 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%)"

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(3) By deleting from Part IV – ALLOWANCES Clause 3(f) – Meal Allowances and inserting in lieu thereof the following:

"(f) Meal Allowance

- (i) Where an employee is required to commence duty at their 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 the employee obtaining a meal away from home, that employee shall, subject to this paragraph, be paid a meal allowance at the following rate:

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 holiday with pay, has been given prior notice the previous day or earlier, the employee shall not be entitled to the meal allowance BUT where such prior notice has not been given the employee shall attract such payment.

- (ii) Where the duties of an employee require the employee to travel from that employee's headquarters and the employee is more than 60 kilometres at the normal meal break, that employee shall, subject to this paragraph, be paid:
 - (1) in the case of a meal purchased by the employee at any hotel, boarding house, or public eating house, a meal allowance at the following rate:

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

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

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(3) By deleting from Part IV – ALLOWANCES Clause 3(g) – Training Courses and Conferences Allowance and inserting in lieu thereof the following:

"(g) Training Courses and Conferences Allowance

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

	Rate per Day \$
(i) Within this State	16.80
(ii) Outside this State	23.60"

(3) By deleting from Part IV – ALLOWANCES Clause 3(h) – Travelling Allowance and inserting in lieu thereof the following:

"(h) Travelling Allowance

- (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 7.00am - 8.30am	16.00	16.00	16.00	16.00
Lunch (preceding or following an overnight absence) applicable hours 12.30pm - 2.00pm	14.25	14.25	14.25	14.25
Dinner (preceding or following an overnight absence) applicable hours 6.00pm - 7.30pm	30.35	30.35	30.35	30.35

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

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- (ii) In addition to the allowance available in accordance with paragraph (i) of this subclause and provided the employer is satisfied that the employee did incur the expense claimed, an employee shall be entitled to reimbursement of reasonable expense 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 paragraph (i) of this subclause where the employer 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 Minister or in a representative capacity for the State, or on special duties as determined by the employer, and thereby incurs additional expense, the employee may be paid such travelling allowance as may be determined by the employer.
- (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 employer, 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 paragraph (i) of this subclause; and
 - (2) thereafter, at such rate as the employer concerned may determine.
- (vii) Where the employer certifies that the duties of an employee involve systematic travelling, the employer shall determine the rate to be paid to such employee within the limits of the rates set forth in paragraph (i) of this subclause.
- (viii) Where an employee in the performance of their 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 the employee is provided meals and sleeping quarters, that employee, while so travelling, shall be paid a travelling allowance at the rate of:

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	Rate per Day \$
Within this State	15.25
Outside this State	21.35

- (2) Outside Australia, Papua New Guinea and New Zealand - that employee, while so travelling, shall be paid a travelling allowance at such a rate as the employer may approve."

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

13 June 2008