

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23(1) application for award or variation of award

Minister administering the State Service Act 2000

(T14564 of 2017)

PORT ARTHUR HISTORIC SITE MANAGEMENT AUTHORITY AWARD

AWU (TASMANIAN STATE SECTOR) AWARD

DEPUTY PRESIDENT ELLIS

HOBART, 15 NOVEMBER 2017

Award variation -meal allowance-camping allowance -travel allowance-kilometreage allowance -consent application - consent order issued - operative from ffppoa date of this decision.

DECISION

- [1]** On 13 October 2017, the Minister administering *the State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to Section 23(1) of the *Industrial Relations Act 1984* (the Act), an application to vary the *Port Arthur Historic Site Management Authority Award* (the PAHSMA Award) and the *AWU (Tasmanian State Sector) Award* (the AWU Award).
- [2]** At the hearing in Hobart on 15 November 2017, Mr Tim Witt and Mr Joshua Munting appeared on behalf of MASSA and Ms Natalie Jones appeared on behalf of the Community and Public Service Union (State Public Services Federation Tasmania) Inc (CPSU).
- [4]** Ms Jones endorsed the submissions of the employer and submitted that the sought variation was in the public interest, no employees were disadvantaged and that there was genuine consent to the application in respect to the PAHSMA Award. Additionally, Mr Robert Flanagan, the Australian Workers Union forwarded an email, dated 15 November 2017, consenting to the variations.
- [5]** Mr Witt advised the variation of the Awards reflected the agreed methodology for annual increases to the nominated expense related allowances.
- [6]** For the AWU Award, increases to the Meal Allowance Rates, the Travel Allowance Expense for Overnight Accommodation, Meal Allowances and Incidental Expenses are derived from the Australian Taxation Office (ATO) Taxation determination TD2017/19. The Camping allowance increase is in accordance with the method provided in Part IV-Expenses and Other Allowances, Clause 1-District Allowances, however it was noted that the Award reference to the adjustment benchmark has a typographical error and refers to Clause 3(d) Meal Allowances, which should read Clause 2(d) Meal Allowances. The methodology remains accurate and the parties will remedy this issue at a later stage. The Kilometreage Allowance is varied in accordance with the method provided in Part IV Expense and Other Allowances-Clause 4 (iv) Kilometreage Allowance.

- [7] For the PAHSMA, increases to the Meal Allowance Rates and Travel Allowance Expense for Overnight Accommodation, Meal Allowances and Incidental Expenses are derived from the Australian Taxation Office (ATO) Taxation determination TD2017/19. The Kilometrage Allowance is varied in accordance with the method provided in Part V Expense and Other Allowances-Clause 2 (c) (iv) Travel Allowance.
- [8] Mr Witt submitted that the operative date for the variation to the Awards was to be the first full pay period on or after the 15 November 2017.
- [9] I am satisfied that the application is consistent with the public interest requirements of the Act and does not disadvantage the Award covered employees.
- [10] The application is granted and pursuant to s24 and 36 of the Act. The Awards are varied in accordance with the application. The variations to the Awards are operative from the first full pay period on or after 15 November 2017.
- [11] An order reflecting this decision is to follow.



N M Ellis
Deputy President

Appearances:

Mr Timothy Witt and Josh Munting for MASSA

Ms Natalie Jones for CPSU

Hobart
15 November 2017