

TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984

s23(1) application for award or variation of award

The Minister administering the State Service Act 2000

(T14934 of 2022)

TASMANIAN STATE SERVICE AWARD HEALTH AND HUMAN SERVICES (TASMANIAN STATE SERVICE) AWARD

PRESIDENT D J BARCLAY

HOBART, 25 MAY 2022

**Award variation – expense and wage related allowances - consent application -
consent order issued – operative date from 25 May 2022**

DECISION

[1] On 13 May 2022, the Minister administering *the State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to section 23(1) of the *Industrial Relations Act 1984* (Tas), an application to vary the Health and Human Services (Tasmanian State Service) Award.

[1] At the hearing in Hobart on 25 May 2022, Ms Alice Van Galen and Mr Oliver Clark appeared on behalf of MASSA, Mr James Milligan appeared on behalf of the Health Services Union, Tasmania Branch (HSU) and Ms Natalie Jones appeared on behalf of The Community and Public Sector Union, (SPSFT) Inc (CPSU). The Australian Nursing and Midwifery Federation (Tasmanian Branch) (ANMF) advised that it would be unable to appear but endorsed the submissions of the Parties and consented to the variation of the Award. Mr James Katarzynski from the United Workers' Union (UWU) sent an email to the commission advising that they consent to the application.

[2] The matter proceeded by written submission with the Parties' representatives appearing to speak to their submissions. The representatives relied on their written submissions. The Applicant filled submissions in the following Terms:

"Tasmanian State Service Award:

The adjustments sought to meal allowances at Part IV, cl 2(d) of this Award are in accordance with the mechanism contained in this part, which states that the rates are to be adjusted from 1 July each year by taking 50% of the appropriate ATO determination for meals in Table 1 of that determination, rounded to the nearest 5 cents. The relevant ATO determination for these adjustments is the Taxation Determination 2021/6 (TD 2021/6).

The adjustments sought to travel allowances at Part IV, cl 3(a)(i) of this Award are in accordance with the mechanism contained in this part, which states that the rates are to be adjusted from 1 July each year in accordance with the appropriate ATO

determination. The relevant ATO determination for these adjustments is the Taxation Determination 2021/6 (TD 2021/6).

The adjustments to private motor vehicle use allowance at Part IV, cl 3 are varied in accordance with the relevant mechanism in this part which provides that the rates are 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. It is noted that these adjustments are based on 30 March 2022 numbers. Rate 1 and Rate 3 variations for the first 10,000 kilometres travelled are to 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 are calculated by applying the percentage shown in the brackets to the relevant first 10,000 kilometres rate (as varied) shown as 100 per cent.

The adjustment to camp allowance at Part IV, cl 3(b) of this Award are drawn from other rates in Part IV as specified.

Health and Human Services (Tasmanian State Service) Award:

The adjustments sought to meal allowances at Part V, cl 2(d) of this Award are in accordance with the mechanism contained in this part, which states that the rates are to be adjusted from 1 July each year by taking 50% of the appropriate ATO determination for meals in Table 1 of that determination, rounded to the nearest 5 cents. The relevant ATO determination for these adjustments is the Taxation Determination 2021/6 (TD 2021/6).

The adjustments sought to travel allowances at Part V, cl 3(a)(i) of this Award are in accordance with the mechanism contained in this part, which states that the rates are to be adjusted from 1 July each year in accordance with the appropriate ATO determination. The relevant ATO determination for these adjustments is the Taxation Determination 2021/6 (TD 2021/6).

The adjustments to private motor vehicle use allowance at Part V, cl 3(c) are varied in accordance with the relevant mechanism in this part which provides that the rates are 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. It is noted that these adjustments are based on 30 March 2022 numbers. Rate 1 and Rate 3 variations for the first 10,000 kilometres travelled are to 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 are calculated by applying the percentage shown in the brackets to the relevant first 10,000 kilometres rate (as varied) shown as 100 per cent."

[3] All parties submitted the variations sought do not offend the public interest, do not disadvantage those employees covered by the Awards and recommended the variations to the Commission. I note that the increases to the allowances are modest and in line with the relevant Award provisions.

[4] All parties submitted the variations sought do not offend the public interest, do not disadvantage those employees covered by the Awards and recommended the variations to the Commission. I note that the increases to the allowances are modest an in line with the relevant Award provisions.

[5] The application is granted and pursuant to ss 24 and 36 of the Act and the Award is varied in accordance with the application. The variations to the award are operative from 25 May 2022.

[6] An order reflecting this decision will follow.



David Barclay
President

Appearances:

Ms A Van Galen and Mr O Clark for MASSA
Ms N Jones for CPSU
Mr J Milligan for HSU
ANMF Submissions in writing
Written consent from UWU

Date and place of hearing:

2022
25 May
Hobart