



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Variation of the Nurses and Midwives (Tasmanian State Service) Award, the Ambulance Tasmania Award and the Medical Practitioners (Tasmanian State Service) Award [2023] TASIC 48

PARTIES:

Minister administering the *State Service Act 2000*

Health Services Union, Tasmanian Branch

Australian Nursing and Midwifery Federation (Tasmanian Branch)

Tasmanian Salaried Medical Practitioners' Society

Tasmanian Trades and Labor Council

SUBJECT: *Industrial Relations Act 1984*, s 23(1) application for variation of Award

FILE NO: T15061 of 2023

HEARING DATE(S): 6 September 2023

HEARING LOCATION: Tasmanian Industrial Commission, Hobart

DATE REASONS ISSUED: 13 September 2023

COMMISSIONER: Deputy President N M Ellis

CATCHWORDS: Award variations – meal allowance, travel allowance and kilometre allowance - effective from the first full pay period commencing on or after 1 July 2022 – private vehicle related allowances effective from the first full pay period on or after 6 September 2023.

REPRESENTATION:

D Appleyard and E Reale for the Minister administering the *State Service Act 2000*

J Milligan for the Health Services Union, Tasmanian Branch

C Saint for the Australian Nursing and Midwifery Federation (Tasmanian Branch)

VARIATION OF NURSES AND MIDWIVES (TASMANIAN STATE SERVICE) AWARD, THE AMBULANCE TASMANIA AWARD AND THE MEDICAL PRACTITIONERS (TASMANIAN STATE SERVICE) AWARD [2023] TASIC 48

REASONS FOR DECISION

13 SEPTEMBER 2023

[1] On 18 August 2023, the Minister administering the *State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to section 23 of the *Industrial Relations Act 1984* (the Act), an application to vary the Nurses and Midwives (Tasmanian State Service) Award, the Ambulance Tasmania Award and the Medical Practitioners (Tasmanian State Service) Award with respect to adjustments to Expense related allowances, Kilometrage and Private Vehicle Use amendments.

[2] The application relates to award variations as set out in the applicant's submissions. Specifically, this application seeks to apply the adjustment mechanism for the 2022 year, applying the relevant ATO determination, TD 2022/10, which replaces any reference to TD 2021/6 or the relevant stated adjustment mechanism. The affected provisions are:

- a) Nurses and Midwives (Tasmanian State Service) Award
 - i. Part IV, Clause 7(d) – Meal Allowance - Rates
 - ii. Part IV, Clause 8 – Kilometrage Allowance
 - iii. Part IV, Clause 9 – Travel Allowances – Meal Allowances and Incidental Expenses
- b) Ambulance Tasmania Award
 - i. Part V, Clause 1(a) – Travel Allowances – Meal Allowances and Incidental Expenses
 - ii. Part V, Clause 1(c) – Private Vehicle Use Allowance
- c) Medical Practitioners (Tasmanian State Service) Award
 - i. Part IV, Clause 21(d) – Meal Allowance - Rates
 - ii. Part IV, Clause 22(b) – Travel Allowances – Meal Allowances and Incidental Expenses
 - iii. Part IV, Clause 22(m) – Private Vehicle Use Allowance

[3] The operative dates for the variations are as follows:

The variations to allowances and Tax Determination references in the following Parts are sought to be operative from the first full pay period commencing on or after 1 July 2022:

- a) Nurses and Midwives (Tasmanian State Service) Award:

- i. Part IV, Clause 7(d);
- ii. Part IV, Clause 9;
- b) Ambulance Tasmania Award:
 - i. Part V, Clause 1(a)
- c) Medical Practitioners (Tasmanian State Service) Award:
 - i. Part IV, Clause 21(d);
 - ii. Part IV, Clause 22(b).

The variations to the Kilometrage Allowance and Private Vehicle Use Allowance in the following Parts are sought to be operative from the first full pay period commencing on or after the date of approval of the variation:

- a) Nurses and Midwives (Tasmanian State Service) Award:
 - i. Part IV, Clause 8;
- b) Ambulance Tasmania Award:
 - ii. Part V, Clause 1(c)
- c) Medical Practitioners (Tasmanian State Service) Award:
 - iii. Part IV, Clause 22(m).

[4] All parties submitted the variations did not disadvantage employees covered, are in the public interest and are with the consent of the parties. The Tasmanian Salaried Medical Practitioners' Society provided consent through email correspondence.

[5] I am satisfied that the application is consistent with the public interest requirements in line with s 36 of the Act, it does not disadvantage the Award-covered employees and is with the consent of the parties.

[6] The application for variation is granted pursuant to s 24 of the Act, with the variations operative from the first full pay period commencing on or after 1 July 2022, except for the private vehicle allowance the dates, which will take effect from the first full pay period commencing on or the date of variation, being 6 September 2023.

[7] Orders reflecting this decision will follow.

