



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Variation of the Tasmanian State Service Award and the Health and Human Services Award [2023] TASIC 50

PARTIES:

Minister administering the *State Service Act 2000*

The Association of Professional Engineers, Scientists and Managers, Australia

Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union

Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia

Construction, Forestry, Mining and Energy Union, Tasmanian Branch

Health Services Union, Tasmania Branch

Transport Workers' Union of Australia (Victorian/Tasmanian Branch)

Australian Education Union, Tasmanian Branch

Australian Nurses and Midwifery Federation (Tasmanian Branch)

Community and Public Sector Union (State Public Services Federation Tasmania) Inc.

Australian Workers' Union, Tasmania Branch

United Workers' Union, Tasmanian Branch

Tasmanian Trades and Labor Council

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

FILE NO: T15063 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 allowances, travel allowance and camp 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 commencing on or after 6 September 2023.

REPRESENTATION:

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

S Smith for the Australian Education Union, Tasmanian Branch

J Milligan for the Health Service Union, Tasmania Branch

L Midgley for the Community and Public Sector Union (State Public Services Federation) Inc.

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

VARIATION OF THE TASMANIAN STATE SERVICE AWARD AND THE HEALTH AND HUMAN SERVICES AWARD [2023] TASIC 50

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 Tasmanian State Service Award and Health and Human Services (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 of the Awards in question are:

- a) Tasmanian State Service Award
 - i. Part IV, Clause 2(d) – Meal Allowance – Rates
 - ii. Part IV, Clause 3(a) – Travel Allowances – Meal Allowances and Incidental Expenses
 - iii. Part IV, Clause 3(b) – Camping Allowance
 - iv. In addition, an amendment to the clause numbering convention presently applied at Part IV, Clause 3(b)(1)–(10). This application seeks to apply Roman numeral numbering convention so as the referenced subclauses instead read 'Part IV, Clause 3(b)(i)–(x).
- a) Health and Human Services (Tasmanian State Service) Award
 - i. Part V, Clause 2(d) – Meal Allowance – Rates
 - ii. Part V, Clause 3(a) – Travel Allowances – Meal Allowances and Incidental Expenses
 - iii. Part V, Clause 3(c) – 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) Tasmanian State Service Award:
 - i. Part IV, Clause 2(d);

- ii. Part IV, Clause 3(a);
 - iii. Part IV, Clause 3(b) (including amending clause numbering convention);
- b) Health and Human Services Award:
- i. Part V, Clause 2(d);
 - ii. Part V, Clause 3(a).

The variations to the 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. Those provisions are:

- a) Tasmanian State Service Award:
- i. Part IV, Clause 3(d)
- b) Health and Human Services Award:
- i. Part V, Clause 3(c)

[4] All parties submitted the variations did not disadvantage employees covered, are in the public interest and with the consent of the parties.

[5] I am satisfied that the application is consistent with the public interest requirements in line with s 36 of the Act, 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 being operative from the first full pay period commencing on or after 1 July 2022, except for the variations to private vehicle related allowances, which will be operative from the first full pay period commencing on or after 6 September 2023.

[7] Orders reflecting this decision is to follow.

