

## **TASMANIAN INDUSTRIAL COMMISSION**

*Industrial Relations Act 1984*

s 23(1) application for award or variation of award

**The Minister administering the State Service Act 2000**

(T14837 of 2021)

### **AWU (TASMANIAN STATE SECTOR) AWARD PORT ARTHUR HISTORIC SITE MANAGEMENT AUTHORITY AWARD**

DEPUTY PRESIDENT N ELLIS

HOBART, 23 MARCH 2021

**Award variation – meal travel and private motor vehicle allowances - operative date from first full pay period on or after date of approval.**

#### **DECISION**

**[1]** On 1 March 2021, the Minister administering *the State Service Act 2000* (MASSA) lodged with the Registrar, pursuant to section 23(1) of the *Industrial Relations Act 1984*, an application to vary the AWU (Tasmanian State Sector) Award and the Port Arthur Historic Site Management Authority Award.

**[2]** At the hearing on 19 March 2021, Ms Alice van Galen appeared on behalf of MASSA, and Mr Matthew Gough appeared on behalf of the Community and Public Sector Union (State Public Services Federation) Inc (CPSU).

**[3]** The variations to the Port Arthur Historic Site Management Authority Award are to adjust the following allowances in line with the relevant mechanism contained in the Award. The relevant ATO determination for the first two adjustments is the Taxation Determination 2020/5 (TD 2020/5):

- a) The allowances at Part V, clause 1(d) 'Meal Allowance';
- b) The allowances at Part V, clause 2(a)(i)(1) Travel Allowance – Meals and Incidental; and
- c) The private motor vehicle use allowance at Part V, clause 2 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 September 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.

[4] The variations to the Australian Workers Union (Tasmanian State Service) Award are to adjust the allowances at Part IV, clause 2(d) 'Meal Allowance', and Part IV, clause 3(a)(i) Travel Allowance - Meals and Incidental, and Part IV, clause 1 'District Allowances' in line with the relevant mechanism contained in the Award. The relevant ATO determination for the first two adjustments is the Taxation Determination 2020/5 (TD 2020/5).

[5] Further, the variations to Part IV, clause 4, private motor vehicle use allowance is 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 September 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.

[6] The Australian Workers' Union, Tasmania Branch and CPSU filed written submissions supporting the approval of the variation of the respective Awards. All parties submitted the variation sought does not offend the public interest. On that basis it is in the public interest to make the variation.

[7] I am satisfied that the variation is with the genuine consent of the parties, in the public interest and that no employees are disadvantaged.

[8] The application is granted and pursuant to ss 24 and 36 of the Act the Award is varied in accordance with the application. The variations effected are operative from the first full pay period on or after the date of approval.

[9] An order reflecting this decision will follow.



**Appearances:**

Ms Alice van Galen for MASSA

Mr Matthew Gough for CPSU

**Date and place of hearing:**

2021

19 March

HOBART