



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Variation of the Port Arthur Historic Site Management Authority Award and the AWU (Tasmanian State Sector) Award [2023] TASIC 49

PARTIES:

Minister administering the *State Service Act 2000*

Community and Public Sector Union (State Public Services Federation) 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: T15062 of 2023

HEARING DATE(S): 6 September 2023

HEARING LOCATION: Tasmanian Industrial Commission, Hobart

DATE REASONS ISSUED: 25 September 2023

COMMISSIONER: Deputy President N M Ellis

CATCHWORDS: Award variations – meal allowance and 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*

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

VARIATION OF THE PORT ARTHUR HISTORIC SITE MANAGEMENT AUTHORITY AWARD AND THE AWU (TASMANIAN STATE SECTOR) AWARD

REASONS FOR DECISION

25 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 AWU (Tasmanian State Sector) Award and the Port Arthur Historic Site Management Authority 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) Port Arthur Historic Site Management Authority Award
 - i. Part IV, Clause 1(d) – Meal Allowance - Rates
 - ii. Part IV, Clause 2(a) – Travel Allowances – Meal Allowances and Incidental Expenses
 - iii. Part IV, Clause 2(c) – Private Vehicle Use Allowance
- b) AWU (Tasmanian State Sector) Award
 - i. Part IV, Clause 1(a) – District Allowances – Camp Allowance
 - ii. Part IV, Clause 2(d) – Meal Allowance - Rates
 - iii. Part IV, Clause 3(a) – Travel Allowances – Meal Allowances and Incidental Expenses
 - iv. Part IV, Clause 4 – Kilometrage 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) Port Arthur Historic Site Management Authority Award:
 - i. Part IV, Clause 1(d);
 - ii. Part IV, Clause 2(a);
- b) AWU (Tasmanian State Sector) Award:
 - i. Part IV, Clause 1(a)

- ii. Part IV, Clause 2(d);
- iii. Part IV, Clause 3(a).

The variations to the Private Vehicle Use Allowance and Kilometrage 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) Port Arthur Historic Site Management Authority Award:

- i. Part IV, Clause 2(c)

b) AWU (Tasmanian State Sector) Award:

- ii. Part IV, Clause 4

[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 and 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, except for private vehicle related allowances, which will take effect from the first full pay period commencing on or after 6 September 2023.

[7] Orders reflecting this decision will follow.

