

## **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**

(T14838 of 2021)

### **FACILITY ATTENDANTS (TASMANIAN STATE SERVICE) AWARD TASTAFE TEACHING STAFF AWARD TEACHING SERVICE (TASMANIAN PUBLIC SECTOR) AWARD**

DEPUTY PRESIDENT N ELLIS

HOBART, 23 MARCH 2021

**Award variation – travel, meal, camping and private 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 Facility Attendants (Tasmanian State Service) Award, the TasTAFE Teaching Staff Award, and the Teaching Service (Tasmanian Public Sector) Award.

**[2]** At the hearing on 19 March 2021, Ms Alice van Galen appeared on behalf of MASSA, and Mr Steven Smith appeared on behalf of the Australian Education Union, Tasmanian Branch (AEU).

**[3]** The variations to the Facility Attendants (Tasmanian State Service) Award are to adjust the allowances at Part V, clause 5 'Overtime Meal Allowance', and at Part IV, clause 2 'Travel Allowance – Meals' and Incidental 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).

**[4]** The variations to the TasTAFE Teaching Award are to adjust the allowances at Part IV, clause 4 'Meal Allowance', Part IV, clause 8 'Travel Allowance – Meals' and Incidental, and Part IV, clause 3 'Camping Allowance' 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 6, 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 variations to the Teaching Service (Tasmanian State Service) Award are to adjust the allowances at Part IV, clause 4 'Meal Allowance', Part IV, clause 10 'Travel Allowance – Meals' and Incidental, and Part IV, clause 5 'Camping Allowance' 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).

[7] Further, the variations to Part IV, clause 8 'Use of Employee's Motor Vehicle' 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.

[8] The United Workers' Union, Tasmanian Branch (UWU) and AEU filed written submissions supporting the approval of the variation of the respective Awards. On that basis it is in the public interest to make the variation.

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

[10] 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.

[11] An order reflecting this decision will follow.



**Appearances:**

Ms Alice van Galen for MASSA  
Mr Steven Smith for the AEU

**Date and place of hearing:**

2021  
19 March  
HOBART