



TASMANIAN INDUSTRIAL COMMISSION

CITATION: Variation of the Facility Attendants (Tasmanian State Service) Award and the Teaching Service (Tasmanian Public Sector) Award [2023] TASIC 47

PARTIES:

Minister administering the *State Service Act 2000*

United Workers' Union, (Tasmanian Branch)

Australian Education Union, Tasmanian Branch

Tasmanian Trades and Labor Council

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

FILE NO: T15060 of 2023

HEARING DATE(S): 6 September 2023

HEARING LOCATION: Tasmanian Industrial Commission, Hobart

DATE REASONS ISSUED: 13 September 2023

MEMBER: Deputy President N M Ellis

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

REPRESENTATION:

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

VARIATION OF THE FACILITY ATTENDANTS (TASMANIAN STATE SERVICE) AWARD AND THE TEACHING SERVICE (TASMANIAN PUBLIC SECTOR) AWARD

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* (Tas) (the Act), an application to vary the Facility Attendants (Tasmanian State Service) Award and the Teaching Service (Tasmanian Public Sector) Award with respect to adjustments to Expense-related and Use of Employee's Motor Vehicle Allowances.
- [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. Specifically, the adjustments are to:
- a) Facility Attendants (Tasmanian State Service) Award
 - i. Part IV, Clause 2 – Travel Allowances – Meal Allowances and Incidental Expenses
 - ii. Part V, Clause 5 – Overtime Meal Allowance
 - b) Teaching Service (Tasmanian Public Sector) Award
 - i. Part IV, Clause 5 – Camping Allowance
 - ii. Part IV, Clause 6(e) – Meal Allowance – Rates
 - iii. Part IV, Clause 8 – Use of Employee's Motor Vehicle Allowance
 - iv. Part IV, Clause 10 – Travel Allowances – Meal Allowances and Incidental Expenses
- [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. Those provisions are:
- a) Facility Attendants (Tasmanian State Service) Award:
 - i. Part IV, Clause 2;
 - ii. Part V, Clause 5;

b) Teaching Service (Tasmanian Public Sector) Award:

- i. Part IV, Clause 5;
- ii. Part IV, Clause 6;
- iii. Part IV, Clause 10.
- iv. The variations to the Use of an employee's Motor Vehicle Allowance at Part IV, Clause 8 of the Teaching Service Award are sought to be operative from the first full pay period commencing on or after the date of approval of the variation.

- [4] All parties submitted the variations did not disadvantage employees covered, are in the public interest and are 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. The United Workers' Union (Tasmanian Branch) provided written correspondence, indicating that it consents to the proposed variations.
- [6] The application for variation is granted pursuant to s 24, and consistent with s 36 of the Act. The variations will be operative from the first full pay period commencing on or after 1 July 2022. The remaining variations 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.

