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TASMANIAN INDUSTRIAL COMMISSION

Industrial Relations Act 1984
s.23 application for award or award variation

Health Services Union of Australia, Tasmania No. 1 Branch
(T9410 of 2001)

The Community and Public Sector Union
(State Public Services Federation Tasmania)
(T9413 of 2001)

COMMUNITY AND HEALTH SERVICES (PUBLIC SECTOR) AWARD

Award variation - kilometreage allowance - consent applications - applications approved - award varied - operative date 24 January 2001

ORDER BY CONSENT -

No. 3 of 2001

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AMEND THE **COMMUNITY AND HEALTH SERVICES (PUBLIC SECTOR) AWARD** IN THE FOLLOWING MANNER:

By deleting Clause 11 - Allowances, and inserting in lieu thereof the following:

"11. ALLOWANCES

(a) Annual Leave Allowance

During a period of annual leave an employee shall be paid an allowance by way of additional salary, calculated at the rate of salary prescribed for the relevant classification in Clause 8 - Salaries of this award, as follows:

(i) Day Worker

A day worker (excluding employees who receive the 20 per cent loading in lieu of annual leave, sick leave and holidays with pay) who proceeds on annual leave for a period of 10 or more days shall be paid an allowance calculated at the rate of 17.5 per cent of the employee's normal salary, including any higher and more responsible duties allowance or all-purpose payments payable to the employee concerned.

(ii) Shiftworker

An employee who, but for the period of annual leave, would have worked shiftwork, shall receive an allowance calculated at the rate of 17.5 per cent of the employee's normal salary including any higher duties allowance.

PROVIDED that an employee who would have received shift payments as prescribed by Clause 33 - Shift Work of this award had the employee not been on annual leave during the relevant period, and where such shift payments would have entitled to the employee a greater monetary amount than an allowance of 17.5 per cent of the employee's normal salary, the employee's annual leave allowance shall be calculated as an amount equivalent to the shift payment the employee would have received in accordance with his/her projected shift roster.

PROVIDED FURTHER that such allowance shall:

- (1) be calculated on the basis of a maximum period in any one leave year as follows:
 - (A) in the case of a shiftworker a period of five weeks' annual leave; and
 - (B) in all other cases a period of four weeks' annual leave.

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Where, in the case of a shiftworker, more than five weeks' annual leave accrues per annum the excess above five weeks shall be paid only as per projected shift roster;

- (2) in no case where the allowance is calculated on the basis of 17.5 per cent of normal salary, shall it exceed the allowance which would be payable in respect of the classification of Administrative and Clerical Employee, Level 7, first year of service of this award, on and from the employees anniversary date, in respect of all annual leave accrued during the previous 12 months;
- (3) not apply to proportionate annual leave accrued by an employee in the leave year of the year of termination of service where such employee voluntarily resigns or whose services are terminated for disciplinary or other good reason;
- (4) be calculated in the case of:
 - (A) a non-shiftworker, at the salary rate applicable to the employee concerned, on the day of annual leave accrual in the year in which the annual leave is credited; and
 - (B) a shiftworker, where the allowance is calculated as to projected shift roster, at the salary rate applicable to the employee concerned as at the date of commencement of annual leave; or
 - (C) a shiftworker, where the allowance is calculated at 17.5 per cent of the employee's normal salary, at the salary rate applicable to the employee concerned on the day of annual leave accrual in the year in which the annual leave is credited;
- (5) not be cumulative. Any balance of such allowance due to an employee at the expiration of a period of one year following the date upon which the annual leave was credited shall be paid to such employee as soon as is practicable after the date of the expiration of such period.

(b) District Allowance

- (i) The purpose of this general allowance is to compensate for excess costs necessarily incurred by an employee living in an isolated area and without limiting the foregoing includes partial reimbursement for STD, freight, fuel and depreciation costs.
- (ii) Where a person is stationed permanently in one or the other of the following districts the employee may, on the determination of the employer, be paid an allowance in accordance with the following rates:
 - (1) Category R - Remote locations approved as such by the Tasmanian Industrial Commission including Bass Strait Islands, Maria Island and Bruny Island:

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	Rate per Annum
	\$
(A) Person with dependant relatives residing with the employee	2596
(B) Other (no dependents)	1296
(2) Category B - Location under the Commonwealth Taxation Zone B prescription:	
	Rate per Annum
	\$
(A) Person with dependent relatives residing with the employee	1296
(B) Other (no dependents)	650
(3) Category S - Special locations as may be approved by the Tasmanian Industrial Commission:	
	Rate Per Annum
	\$
(A) Person with dependent relatives residing with the employee	650
(B) Other (no dependents)	329

PROVIDED that an employee with dependants residing with the employee shall be regarded as an employee without dependants if the employee's spouse, of entitlement arising from employment, is in receipt of a district allowance.

(c) First Aid Allowance

- (i) An employee nominated by the employer to perform first aid duties and who is the current holder of a St John Ambulance First Aid Certificate, or an equivalent certificate, shall be paid an allowance of \$400 per annum
- (ii) Where the employer requires an employee to obtain a first aid qualification, the employer shall pay all associated costs, and where necessary, shall provide paid time off for the purpose of undertaking first aid training leading to an appropriate first aid qualification such as a certificate from St John Ambulance.
- (iii) An employee nominated to perform first aid duties shall be allowed to undertake refresher courses as in paragraph (ii) of this subclause providing the employer still requires the employee to perform such duties.

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(d) Higher Duties, More Responsible Duties and Mixed Functions Allowances

(i) Higher Duties Allowance

- (1) Where an employee is directed by the employer to temporarily perform the duties of an employee with a higher classification for a period of five days or more, that employee shall be paid an allowance equal to the difference between the employee's own salary and the minimum salary of the higher position.
- (2) Where an employee is directed by the employer to perform temporarily a part of the duties of an employee with a higher classification for a period of five days or more, that employee will receive an allowance established by reference to the proportion that the duties assumed bear to the whole of the duties of the higher position and the difference between the employee's substantive salary and the minimum salary of the higher position.
- (3) Where an employee is promoted to a higher position in which that employee has previously been performing the duties in a temporary capacity, that employee will receive the increment to which the employee would normally have been entitled had the employee been promoted to the position at the commencement of the period of acting duty.
- (4) Where an employee continues to perform the higher duties as provided for in subparagraph (i)(1) hereof for a period of more than 12 months an increment if provided for in the higher classified position shall be paid.
- (5) Where an employee receiving an allowance under subparagraphs (1) or (2) of this paragraph, proceeds on approved paid leave, the employee will continue to receive that allowance provided that the duties continue after the period of such leave.

PROVIDED that no employee shall be entitled to receive any increase in salary by virtue of subparagraph (i)(4) hereof unless, in the opinion of the employer, the employee's conduct, diligence and efficiency during the 12 months immediately prior to the date from which such increase would be payable shall have been satisfactory.

- (5) For the purposes of subparagraph (i)(4) reference to employee does not include temporary employee or casual employee.

(ii) More Responsible Duties Allowance

- (1) Where, for a period of five days or more an employee is required to perform more responsible duties which are not capable of being paid for in subparagraphs (i)(1) and (i)(2) of this subclause, the employer shall authorise a more responsible duties allowance.

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The allowance shall be established by reference to the value of the more responsible duties involved.

- (2) Where an employee receiving an allowance under subparagraphs (1) or (2) of this paragraph, proceeds on approved paid leave, the employee will continue to receive that allowance provided that the duties continue after the period of such leave.
- (3) Payment for overtime shall be at the classification rate inclusive of the allowance provided in paragraphs (i) or (ii) of this subclause.
- (2) For the purposes of subparagraphs (1), (2) and (3) of this paragraph reference to employee does not include temporary employee or casual employee.

(iii) Mixed Functions

Notwithstanding paragraphs (i) or (ii) of this subclause, an operational employee engaged continuously for two hours or more on duties carrying a higher rate than that employee's ordinary classification, shall be paid the higher rate for such day or shift. If for less than two hours the employee shall be paid the higher rate for the time worked.

PROVIDED that where an employee is required to work to relieve a person occupying a supervisory position where that person is absent on his/her nominated day off or a day in lieu thereof, this allowance shall not apply.

(e) Kilometrage

(i) Required User Category

Where an employee is required in writing by the employer to have available on a regular basis a private motor vehicle which the employee will be required to use for official purposes, and the employee agrees in writing to do so an allowance shall be paid for such use in accordance with the following rates:

Annual Kilometrage Travelled on Duty in a Financial Year	Cents per Kilometre	
	Rate 1 2 litres and above	Rate 2 Less than 2 litres
First 10,000 kilometres	60.35 (100%)	51.90 (86%)
Any additional kilometres	31.99 (53%)	27.76 (46%)

PROVIDED that where the employer wishes to withdraw the requirement to provide a private motor vehicle then, except where special circumstances exist, at least one year's notice in writing shall be given, and the notice period shall specified to end on 30 June.

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(ii) Occasional User Category

Where an employee is not required to provide a private motor vehicle for official use as prescribed in subclause (e) - Kilometreage, paragraph (i) - Required User Category but otherwise receives approval from the employer to use a private motor vehicle for official purposes on an occasional basis, an allowance shall be paid in accordance with the following rates:

Annual Kilometreage Travelled on Duty in a Financial Year	Cents per Kilometre	
	Rate 3 2 litres and above	Rate 4 Less than 2 litres
First 10,000 kilometres	40.24 (100%)	34.61 (86%)
Any additional kilometres	21.33 (53%)	18.51 (46%)

(iii) For the purpose of subclause (e) - Kilometreage, paragraphs (i) - Required User Category and (ii) - Occasional User Category, the rates specified therein shall apply as follows:

RATES 1 and 3 Apply to motor vehicles generally recognised as having an engine capacity of 2:0 litres or more and include rotary engines.

RATES 2 and 4 Apply to motor vehicles generally recognised as having an engine capacity of less than 2:0 litres.

(iv) The rates specified in subclause (e) - Kilometreage, paragraph (i) - Required User Category and (ii) - Occasional User Category, shall not be varied as a consequence of National Wage Case decisions. The rates shall be 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. The Rate 1 and Rate 3 variations for the first 10,000 kilometres travelled shall 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 in subclause (e) - Kilometreage, paragraphs (i) - Required User Category and (ii) - Occasional User Category, shall be calculated by applying the percentage shown in brackets to the relevant first 10,000 kilometres rate (as varied) shown as 100 per cent.

(v) An employee shall not receive an allowance for kilometres travelled in excess of 16,000 kilometres in any one financial year unless authorised by the employer concerned on the recommendation of the Head of Agency, to travel a greater distance in that year.

(vi) In addition the following allowances shall be paid to employees:

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- (1) Where stationed in Category R as provided in subclause (b) - District Allowances, paragraph (ii), subparagraph (1) of this clause, \$24.70 per month plus \$9.90 per 1,600 kms travelled on duty.
 - (2) Where stationed in Category B as provided in subclause (b) - District Allowance, paragraph (ii), subparagraph (2) of this clause, \$16.40 per month plus \$9.90 per 1,600 kms travelled on duty.
 - (3) Where authorised to use a utility, four-wheel drive motor vehicle or any other special type of motor vehicle approved by the employer concerned - \$9.90 per month.
 - (4) Where authorised to use a trailer attached to the motor vehicle 2.97 cents for each kilometre travelled on duty with the trailer attached.
 - (5) Where authorised to use a motor vehicle on work involving the regular carrying of heavy equipment - \$9.90 per month.
 - (6) Where authorised to use a motor cycle - 9.67 cents for each kilometre travelled on duty.
- (vii) Where an employee is required to provide a private motor vehicle in accordance with paragraph (i) - Required User Category of this clause and the distance travelled on duty in any financial year does not exceed 4,000 kilometres, the employee shall be paid an allowance calculated by multiplying the appropriate rate per kilometre by the difference between the actual number of kilometres travelled on duty during that year and 4,000 kilometres.
- (viii) Where a part-time employee is eligible for any payment under subclause (e) - Kilometrage, paragraph (vii) of this clause, such allowance shall be calculated on the proportion of the total hours worked in that year by the part-time employee to the annual standard hours for a full-time employee of the same classification.
- (ix) Unless otherwise directed by the employer, kilometrage on duty shall be the distance travelled from an employee's place of employment to his or her destination and return to his or her place of employment.
- (x) A kilometrage allowance in excess of or at variance with the rates set forth in paragraphs (i) - Required User Category and (ii) - Occasional User Category of this subclause may be paid if, on the determination of the employer concerned, special circumstances exist which justify such excess or variation.
- (f) Meal Allowance
- (i) Where an employee is required to commence duty at their headquarters not less than one and a half hours before, or to remain on duty for not less than one and a half hours after, the normal hours of duty, and that requirement necessitates the employee obtaining a meal away from home, that employee

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shall, subject to this paragraph, be paid a meal allowance at the following rate:

Meal	Rate of Allowance \$
Breakfast	7.65
Lunch (or midday meal)	8.45
Dinner (or evening meal)	14.90

PROVIDED that where an employee who is required to work overtime on a Saturday, Sunday or holiday with pay, has been given prior notice the previous day or earlier, the employee shall not be entitled to the meal allowance BUT where such prior notice has not been given the employee shall attract such payment.

(ii) Where the duties of an employee require the employee to travel from that employee's headquarters and the employee is more than 60 kilometres at the normal meal break, that employee shall, subject to this paragraph, be paid:

(1) in the case of a meal purchased by the employee at any hotel, boarding house, or public eating house, a meal allowance at the following rate:

Meal	Rate of Allowance \$
Breakfast	7.65
Lunch (or midday meal)	8.45
Dinner (or evening meal)	14.90

(2) in the case of a meal provided by the employee, a meal allowance of \$2.55 for each meal so provided.

(g) Training Courses and Conferences Allowance

An employee who is required or is authorised to attend either a training course, conference or other similar function where full accommodation (including meals) is provided at no extra cost to such employee, he/she shall be paid an allowance for incidental expenses for each day of such attendance at the rate of:

	Rate per Day \$
(i) Within this State	8.45
(ii) Outside this State	19.05

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(h) Travelling Allowance

- (i) Employees travelling on duty who are required to remain away from their normal place of residence overnight shall be paid an allowance calculated in accordance with the following components:

Component	Within Tasmania \$	Outside Tasmania \$	Sydney \$
Overnight absence from normal place of residence	75.50	105.55	123.25
Breakfast (preceding or following an overnight absence) applicable hours 7.00am - 8.30am	12.30	12.30	12.30
Lunch (preceding or following an overnight absence) applicable hours 12.30pm - 2.00pm	11.00	11.00	11.00
Dinner (preceding or following an overnight absence) applicable hours 6.00pm - 7.30pm	23.40	23.40	23.40

PROVIDED that if the employee so wishes, that employee shall be allowed advance payment of the estimated allowance payable for the period of travel in question.

- (ii) In addition to the allowance available in accordance with paragraph (i) of this subclause and provided the employer is satisfied that the employee did incur the expense claimed, an employee shall be entitled to reimbursement of reasonable expense incurred, as a result of his or her absence from the normal place of residence, for the following purposes:
- (1) a telephone call to the employee's spouse or children each 24 hours;
 - (2) dry cleaning or laundry required as the result of an extended absence.
- (iii) Notwithstanding paragraph (i) of this subclause where the employer is satisfied that no reasonable alternative accommodation is available, the employee may be reimbursed for actual expenses incurred.
- (iv) Where an employee travels with a Minister or in a representative capacity for the State, or on special duties as determined by the employer, and thereby incurs additional expense, the employee may be paid such travelling allowance as may be determined by the employer.
- (v) Where public transport is not conveniently available and employees in the performance of their duties find it necessary to hire other forms of transport,

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they shall, subject to the approval of the employer, be reimbursed the actual costs incurred in the hiring of such transport.

- (vi) Where employees in the performance of their duties are required to be stationed temporarily at any place other than their usual headquarters for a period exceeding three weeks, and are absent from their normal place of residence, and have to procure board and lodging whilst so stationed, they shall be paid a travelling allowance at the following rates:
- (1) for the first three weeks in accordance with the rates set forth in paragraph (i) of this subclause; and
 - (2) thereafter, at such rate as the employer concerned may determine.
- (vii) Where the employer certifies that the duties of an employee involve systematic travelling, the employer shall determine the rate to be paid to such employee within the limits of the rates set forth in paragraph (i) of this subclause.
- (viii) Where an employee in the performance of their duties is required to travel:
- (1) Within Australia (including Papua New Guinea and New Zealand - by ship, aircraft, railway train, or other means of conveyance, where the employee is provided meals and sleeping quarters, that employee, while so travelling, shall be paid a travelling allowance at the rate of:

	Rate per day
	\$
Within this State	11.75
Outside this State	16.50
 - (2) Outside Australia, Papua New Guinea and New Zealand - that employee, while so travelling, shall be paid a travelling allowance at such a rate as the employer may approve."

OPERATIVE DATE

This variation shall come into operation on and from 24 January 2001.

Tim Abey
COMMISSIONER

2 March 2001