**TASMANIAN INDUSTRIAL COMMISSION**

*Industrial Relations Act* 1984

s23 (1) application for award or variation of award

**Minister administering the State Service Act 2000**

(T14563 of 2017)

**HEALTH AND HUMAN SERVICES (TASMANIAN STATE SERVICE) AWARD**

**TASMANIAN STATE SERVICE AWARD**

DEPUTY PRESIDENT ELLIS HOBART, 15 NOVEMBER 2017

**Award variation -meal allowance-camp allowance -travel allowance-consent application - consent order issued - operative from ffppoa date of this decision.**

**DECISION**

**[1]** On 13 October 2017, the Minister administering *the State Service Act* 2000 (MASSA) lodged with the Registrar, pursuant to Section 23(1) of the *Industrial Relations Act* 1984 (the Act), an application to vary the *Tasmanian State Service Award* (the TSS Award) and the *Health and Human Services (Tasmanian State Service) Award* (the HAHS Award).

**[2]** At the hearing in Hobart on 15 November 2017, Mr Tim Witt and Mr Josh Munting appeared on behalf of MASSA and Ms Natalie Jones appeared on behalf of the Community and Public Service Union (State Public Services Federation Tasmania) Inc (CPSU), Mr Chris Kennedy appeared on behalf of the Health Services Union, Tasmania Branch (HSU) and Mr Stephen McCallum appeared on behalf of the United Voice, Tasmanian Branch (UV).

**[4]** Mr Witt advised the variation of the Awards reflected the agreed methodology for annual increases to the nominated expense related allowances.

1. For the TSS Award, increases to the Meal Allowance Rates, the Travel Allowance Expense for Overnight Accommodation, Meal Allowances and Incidental Expenses are derived from the Australian Taxation Office (ATO) Taxation determination TD2017/19. The Camp allowance increase is in accordance with the method provided in Part IV- Expense and Other Allowances, Clause 3-Travel Allowances. The Travel Allowances, Private Vehicle Use are varied in accordance with the method provided in Part IV Expense and Other Allowances-Clause 3(d).
2. For the HAHS Award, increases to the Meal Allowance Rates and Travel Allowance Expense for Overnight Accommodation, Meal Allowances and Incidental Expenses are derived from the Australian Taxation Office (ATO) Taxation determination TD2017/19. The Travel Allowances, Private Vehicle Use are varied in accordance with the method provided in Part V Expense and Other Allowances-Clause 3(c) Travel Allowances.
3. Ms Jones, Mr Kennedy and Mr McCallum endorsed the submissions of the employer and submitted that the sought variation was in the public interest, no employees were disadvantaged and that there was genuine consent to the application in respect to the relevant Awards. Mr Micheal Anderson, Communications, Electrical and Plumbing Union, Tasmania (CEPU) forwarded an email, dated 15 November 2017, consenting to the variations. Additionally, Ms Kirsten Siejka from the Australian Education Union Tasmanian Branch (AEU) forwarded an email, dated 14 November 2017, consenting to the variations.
4. Mr Witt submitted that the operative date for the variation to the Awards was to be the first full pay period on or after the 15 November 2017.
5. I am satisfied that the application is consistent with the public interest requirements of the Act and does not disadvantage the Award covered employees.
6. The application is granted and pursuant to s24 and 36 of the Act, the Awards are varied in accordance with the application. The variations to the Awards are operative from the first full pay period on or after 15 November 2017.
7. An order reflecting this decision is to follow.

N M Ellis

**Deputy President**

**Appearances:**

Mr Tim Witt on behalf of the Minister Administering the State Service Act

Mr Josh Munting on behalf of the Minister Administering the State Service Act

Ms Natalie Jones on behalf of the Community and Public Service Union

Mr Chris Kennedy on behalf of Health Services Union

Mr Stephen McCallum on behalf of United Voice

**Hobart 15 November 2017**