**TASMANIAN INDUSTRIAL COMMISSION**

*Industrial Relations Act* 1984

s23(1) application for award or variation of award

**Minister administering the State Service Act 2000**

(T14562 of 2017)

**FACILITY ATTENDANTS (TASMANIAN STATE SERVICE) AWARD**

**TASTAFE TEACHING STAFF AWARD**

**TEACHING SERVICE (TASMANIAN PUBLIC SECTOR) AWARD**

DEPUTY PRESIDENT ELLIS HOBART, 15 NOVEMBER 2017

**Award variation -meal allowance-camp allowance -travel allowance-motor vehicle 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 *Facility Attendants (Tasmanian State Service) Award* (FA Award), *TasTAFE Teaching Staff Award* (the TasTAFE Award) and the *Teaching Service (Tasmanian Public Sector) Award* (the TS 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 Sarah Ellis 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 FA Award, increases to the Overtime 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.
2. For the TasTAFE Award, Meal Allowances and 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 lV- Allowances, Clause 3-Camping Allowances (vi). The Required Use of Employee’s Motor Vehicle rates are varied in accordance with the method provided in Part lV-Allowances, Clause 6-Required Use of Employee’s Motor Vehicle, (b) (ii).
3. For the TS 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 Camping Allowance is derived from Part lV- Allowances, Clause 5-Camping Allowances (vi). The Use of Employee’s Motor Vehicle is in accordance with Part lV- Allowances, Clause 8-Use of Employee’s Motor Vehicle.
4. Ms S Ellis, on behalf of United Voice, Tasmanian Branch 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. Additionally, Ms K Siejka Australian Education Union Tasmanian Branch (AEU) forwarded an email, dated 14 November 2017, consenting to the variations.
5. 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.
6. I am satisfied that the application is consistent with the public interest requirements of the Act and does not disadvantage the Award covered employees.
7. 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.
8. An order reflecting this decision is to follow.

N M Ellis

**Deputy President**

**Appearances:**

Mr T Witt for MASSA

Mr J Munting for MASSA

Ms S Ellis Jones for CPSU

**Date and place of hearing**:

15 November 2017

Hobart