

MEA Submissions – Outline of substantive claims

In reference to the Statement and Directions [2016] FWC 6062 issued by the Commission on 26 August 2016 this submission provides an outline of the substantive claims MEA are pursuing.

Amendment to Clause 17.6 – Living away on distant work

Nature of the change sought;

Insert a provision to address a deficiency in the award regarding payment for travel to and from distance work.

Draft variation determination;

MEA proposes to Insert a subclause titled “Payment for travel time to distance work” following subclause (a) in existing clause 17.6 and renumber other subclauses accordingly.

“17.6 Living away on distant work

(a) Board and lodging

...

(b) Payment for travel time to distant work

(i) Travelling time calculations – For the purpose of this clause, travelling time will be calculated as the time taken for the journey from the central or regional rail, bus or air terminal nearest the employee’s usual place of residence to the locality of the work (or the return journey, as the case may be) and is paid at ordinary time rates.

(ii) The maximum travelling time to be paid for is 12 hours out of every 24 hours or, when a sleeping berth is provided by the employer for all-night travel, eight hours out of every 24 hours.

(c) Regular return home

...”

Type of case to be run

Merit based.

Witnesses

Nil.

Substantive claims no longer pursued

In reference to the previous outline of issues filed by MEA on 2 March 2015 and notwithstanding the changes pursued regarding technical and drafting issues, MEA is no longer pursuing substantive claims in relation to;

- Clause 12.2 – Operation of State laws,
- Clause 17.5 – Travel and expenses,
- Clause 24.9 – Rest break and
- Clause 16.4 – Apprentice minimum wages.

Yours faithfully



Jason O'Dwyer

Manager – Advisory Services