

**From:** Brian Bruce [REDACTED]  
**Sent:** Wednesday, 13 June 2018 11:06 AM  
**To:** Chambers - Hamberger SDP  
**Subject:** RE: AM2018/7 - s.158 application by Bruce re: Passenger Vehicle Transportation Award 2010

Good morning Edrea Venal.

I am pleased to be able to participate in this teleconference regarding my application. Since making the application I have discovered that I omitted including another clause for consideration. I have attached a document covering this section of the matter and hope that it can be included within the scope of this matter.

Regards,

Brian Bruce

Further to my application to modify the MA000063 Passenger Vehicle Transport Award, I ask for consideration of the following circumstances.

As previously described casual drivers should not be considered as shift or rostered workers given the circumstances presented. There arises another situation that requires consideration and that relates to the Allowances for those drivers who start before 06:00AM and/or finish after 7:00 PM as set out in clause 23.5. This clause specifically states "*This additional penalty rate does not apply for any time worked where an employee has an entitlement to a higher rate, penalty or loading such as overtime, or rates for work on a public holiday, Saturday or Sunday*".

The experience here is that the employer applies the 15% regardless of the rest of the conditions as this is the less expensive option as they avoid paying overtime rates for the hours worked before or after the specified times.

This clause should be amended to clarify this and the following is suggested,

All employees who work before 6.00 am or after 7.00 pm, **when or where overtime rates of pay are not applicable** must be paid an additional 15% of their base rate of pay for each hour worked.

**Where starting and/or finishing outside these hours is outside the employees normal starting/finishing times then overtime rates of pay apply. This also applies where a charter or other work requires the employee to restart another period of work within the days scheduled work. I.E., in a day's work that starts at 7:00AM and stops at 4:30 PM and then restarts at a later time to finish sometime after 7:00PM.**

This additional penalty rate does not apply for any time worked where an employee has an entitlement to a higher rate, penalty or loading such as overtime, or rates for work on a public holiday, Saturday or Sunday.