

W G McNALLY JONES STAFF

LAWYERS



TATTERSALLS BUILDING
LEVEL 10, 179 ELIZABETH STREET, SYDNEY, N.S.W. 2000

TELEPHONE: 9233 4744 FACSIMILE: 9223 7859 DX: 283 EMAIL: law@mcnally.com.au WEB: www.mcnally.com.au

6 June 2016

Our Ref: NK:TM:1409017

Associate to the Hon Justice Ross AO

Fair Work Commission
11 Exhibition Street
MELBOURNE VIC 3000

By email: chambers.ross.j@fwc.com.au; amod@fwc.gov.au

Dear Associate,

**RE: 4 YEARLY REVIEW – DREDGING AWARD 2010
AM2014/223**

We are the solicitors for the Maritime Union of Australia (**MUA**).

We refer to the directions hearing for this matter before his Honour on 6 June 2016. During those directions we agreed to provide a written response to the FWC in relation to items 4, 11 and 19 of the summary of submissions published by the FWC on 26 May 2016.

We provide the following response:

Item 4 – clause 6.5(a)(ii)

We understand the submissions of the AWU to seek that clause 6.5(a)(ii) be deleted. We support that position noting that the NES applies in relation to casuals who were previously full time or part time employees.

Item 11 - clause 9.3

We note that the AWU agrees that the matters contained in clauses 9.2(c) and (e) are exceptions to clause 9.3 and that the AWU supports our proposed wording over that proposed by the exposure draft. The MUA does not support the AWU's request for the

deletion of these provisions. The MUA considers its proposed wording (as contained in its letter to the FWC dated 14 April 2016) should be adopted by the FWC.

Item 19 – clause 13.3

In light of the terms of the pre-reform awards referred to in footnote 13 of the submissions of the AWU dated 18 April 2016 the MUA supports the AWU preference that the shift work penalties be based on an employee's ordinary hourly rate.

Yours faithfully,

W G McNALLY JONES STAFF



NATHAN KEATS

Email: nathan@mcnally.com.au