

**From:** Legal [<mailto:legal@twu.com.au>]  
**Sent:** Wednesday, 24 January 2018 5:50 PM  
**To:** Brent Ferguson; [therese.walton@twu.com.au](mailto:therese.walton@twu.com.au); Paul Ryan; Richard Calver  
**Cc:** Chambers - Hamberger SDP  
**Subject:** Re: Road Transport (Long Distance Operations) Award 2010 - part-time employment

Dear all,

We agree that the words to be removed as proposed by Brent should be removed but do not agree with the reference to the applicable minimum weekly rate being 13.1.

The TWU submits that the reference should be to 13.1 (a) which is the applicable minimum weekly rate.

If 13.1(b) were to apply for part-time employees, they would receive payment for working on a public holiday which was less than a full-time employee. The 30% and 20% is the penalty for working on a public holiday and is not linked to the employment status of an employee.

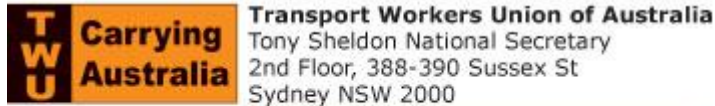
This is supported by 26.5 of the Award which provides the same penalty provisions for casual employees and full-time employees. Casual employees could conceivably work less hours than a part-time employee and yet be afforded the benefit of 30% and 20% as for full-time employees.

The draft determination should also amend clause 26.5 so that the reference is to 13.1(a).

Regards,

Wendy

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