



# DETERMINATION

*Fair Work Act 2009*

s.158—Application to vary or revoke a modern award

**Mr Narangoda Amayuru Paranehewa**

(AM2022/32)

**REAL ESTATE INDUSTRY AWARD 2020**

[MA000106]

Real estate industry

VICE PRESIDENT ASBURY

BRISBANE, 28 FEBRUARY 2024

*Application to vary a modern award – Real Estate Industry Award 2020 – travel allowance – start and finish times – excess travel – variation must be necessary to meet modern awards objective.*

A. Further to the decision issued by the Fair Work Commission on 28 February 2024 [\[2024\] FWC 314](#) the above award is varied as follows:

1. By renumbering clauses 16.7(e)(v) to (vii) as clauses 16.7(e)(vi) to (viii).
2. By inserting a new clause 16.7(e)(v) as follows:
  - (v) Clause 17.11—Excess travelling
3. By deleting clause 17.2(a) and inserting the following:
  - (a) If the employer requires the employee to use the employee’s own motor vehicle in the course of their employment, including to undertake excess travelling as described in clause 17.11, the employee must be reimbursed for the use of their motor vehicle in accordance with clause 17.2(b), 17.2(c) or clause 17.3. Clause 17.2 does not apply to the use of a motor scooter or motorcycle.
4. By inserting clause 17.11 as follows:

**17.11 Excess travelling**

- (a) If the employer requires the employee to start or finish work at a location away from the employer’s business or office premises, the employee must be paid for time reasonably spent by the employee travelling to or from the location which is in excess of the time normally spent by the employee in travelling between the

employee's usual residence and the employer's business or office premises, on each occasions such excess travel is undertaken.

- (b) Such excess time is to be treated as working time under clause 13—Ordinary hours of work and rostering, clause 19—Overtime and is counted for the purposes of the minimum engagement for casual employees in clause 11.1 and paid at the ordinary rates prescribed in clause 14—Minimum rates or the overtime rates in clause 19, as appropriate.
- (c) In addition to the payment for excess time spent travelling as provided in clause 17.11(a), if the employer requires the employee to use the employee's own motor vehicle in the course of employment, the employee will be paid the applicable motor vehicle allowance in accordance with clause 17.2(b), 17.2(c) or clause 17.3 as agreed between the employer and the employee.

5. By updating the cross-references accordingly.

B. This determination comes into operation on 1 March 2024. In accordance with s.165(3) of the *Fair Work Act 2009* (Cth) this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 1 March 2024.



VICE PRESIDENT

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