

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

28 September 2016

Our Ref: NK:TM:1403007

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: AM 2014/243 – SEAGOING INDUSTRY AWARD 2010

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

We refer to the conference before Justice Ross on 4 August 2016.

At paragraphs PN682 to 684 of the transcript we agreed to provide a redrafted version of clause 8.5 of the above award.

We are instructed to seek that clause 8.5 read:

8.5 Minimum hours of rest.

- (a) An employer shall comply with the requirements of Marine Order 28 that states that unless AMSA has granted an exemption under section 6 or emergency or drill or other overriding operational conditions as defined in section 13 exist:
- (1) The minimum hours of rest for a seafarer must be:
- (a) 10 hours in any 24 hours; and
- (b) 77 hours in any 7 days.

PRINCIPALS: • W.G. McNALLY Acc. Spec. (Employment & Industrial Law)

• D. T. TRAINOR Acc. Spec. (Personal Injury.) • R. F. BRENNAN

• M. E. JALOUSSIS LLB, B.Com. (Industrial Relations), • N. KEATS LLB, BSc, Acc. Spec. (Employment & Industrial Law)

CONSULTANTS: • THE HON. LANCE WRIGHT QC • M.R. TURNER • THE HON. CONRAD STAFF

SENIOR ASSOCIATES: • D. HILL LLB, BBus • M. BURNS LLM, BSc, Acc. Spec. (Employment & Industrial Law)

ABN 71 011 954 118

Liability limited by a scheme approved under Professional Standards Legislation.

- (2) The minimum hours of rest may be divided into 2 periods, of which 1 period must be at least 6 hours.
- (3) The interval between consecutive periods of rest must not exceed 14 hours.

(b) **Joining a vessel overseas**

An employee required to travel overseas to join a vessel will be provided with adequate rest before commencing duties.

Yours faithfully,
W G McNALLY JONES STAFF



NATHAN KEATS
Email: nathan@mcnally.com.au