



Chairman: Peter Parkinson
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**PLUMBING AND PIPE TRADES EMPLOYEES UNION/ CEPU PLUMBING
DIVISION VIC BRANCH (PPTEU)**

and

PRECISION FIRE PTY LTD (PRECISION)

RE: ALLEGED UNDERPAYMENT OF SUPERANNUATION FUNDS

29 AUGUST 2018

020-2018

STATEMENT

[1] The PPTEU notified a dispute on 22 August 2018 concerning the alleged underpayment of Superannuation Funds by Precision in accordance with the applicable Enterprise Agreement [*Precision Fire Protection Pty Ltd Enterprise Agreement 2015-2019*].

[2] The Panel convened a Conference of the parties on 29 August 2018.

[3] From the discussion it emerged that the issue was in relation to whether or not travel time allowance payments are to be included as ordinary time earnings for superannuation purposes pursuant to the Agreement at Clause 24.

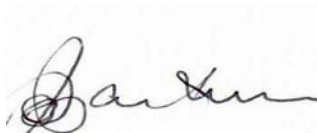
[4] The Panel notes that whilst not determinative, sub-clause 24.1 of the Agreement provides a definition of ‘ordinary time earnings’ that does not contain a specific reference to travel time allowance:

“Ordinary time earnings will mean the ordinary rate of pay the employee receives for ordinary hours of work including industry allowance, registration allowance, shift loading, service/testing/site allowances, leading hand allowances, in charge or supervisory allowances where applicable. The term includes any regular over agreement pay as well as casual rates received for ordinary hours of work.”

[5] Precision has received advice from the ATO as to how it calculated superannuation contributions under the Agreement. The advice indicates that the fares and travel time allowances do not form part of ordinary time earnings for superannuation purposes. There appears to be no question that Precision is in compliance with the advice. However, it is not apparent to the Panel that the ATO advice has given due consideration to the differentiation between fares and travel time allowance components under the Agreement. It was noted that historically the question was essentially academic, having regard to the minimum contributions set out in the Agreements, and also that other plumbing industry agreements were constructed with some greater clarity on to the matter.

[6] The PPTEU undertook to seek confirmation of the advice it had received from CBUS and to obtain the similar advice apparently generally provided by the National Fire Industry Association to its members and to share this with Precision, in order for there to be further dialogue between the parties. The Panel encouraged the parties to meet as soon as possible for this purpose.

[7] The Panel directs that it be advised no later than 5.00pm on Wednesday 12 September 2018 as to the status of the matter and whether or not the either party seeks further assistance from the Panel.



Peter Parkinson
Chairman



Daniel Hodges
Panel Member



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DIVISION VIC BRANCH (PPTEU)**

and

PRECISION FIRE PTY LTD (PRECISION)

RE: ALLEGED UNDERPAYMENT OF SUPERANNUATION FUNDS

27 FEBRUARY 2019

020-2018

STATEMENT NO. 2

[1] The PPTEU notified a dispute on 22 August 2018 concerning the alleged underpayment of Superannuation Funds by Precision in accordance with the applicable Enterprise Agreement [*Precision Fire Protection Pty Ltd Enterprise Agreement 2015-2019*].


[2] The Panel held a Conference of the parties and issued a Statement on 29 August 2018. This Statement is to be read in conjunction with the previous Statement.

[3] A further Conference of the parties was held on 27 February 2019.

[4] Having heard further from the parties the Panel encouraged the parties to reach a final settlement on appropriate terms. The PPTEU indicated it was prepared to settle the matter and requested the opportunity to consult with its members in the first instance.

[5] It was agreed that the matter be adjourned to establish if a settlement could be reached.

[6] Either party is to inform the Panel of the status of the matter no later than 5.00pm Friday 15 March 2019. In absence of settlement at that time, the Panel will set the matter down for Hearing at a date to be fixed in order for it to make a final Decision on the remaining matters in dispute.



Peter Parkinson
Chairman



Daniel Hodges
Panel Member



Tony Cordier
Panel Member



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PRECISION FIRE PTY LTD (PRECISION)

RE: ALLEGED UNDERPAYMENT OF SUPERANNUATION FUNDS

22 MARCH 2019

020-2018

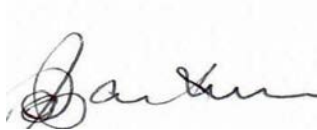
STATEMENT NO. 3

[1] The PPTEU notified a dispute on 22 August 2018 concerning the alleged underpayment of Superannuation Funds by Precision in accordance with the applicable Enterprise Agreement [*Precision Fire Protection Pty Ltd Enterprise Agreement 2015-2019*].

[2] The Panel issued Statements on 29 August 2018 and 27 February 2019. This Statement is to be read in conjunction with the previous Statements.

[3] The parties have confirmed that the matter has been settled on the terms proposed at the previous Conference before the Panel with effect from 1 March 2018.

[4] The Panel considers this a fair and reasonable settlement having regard to all the circumstances.



Peter Parkinson
Chairman



Daniel Hodges
Panel Member



Tony Cordier
Panel Member