



# State Road Traffic Management Company Registration Scheme: Guidance on travelling time for traffic management workers

## Purpose

The scenarios in this advice are to assist Registered Traffic Management Companies (the Company) understand their obligations as it relates to Question 28 of the [Frequently Asked Questions: Changes to the State Road Traffic Management Company Registration Scheme](#) (below):

### 28. When does travel time apply?

A traffic management worker's shift begins when they report for duty at the Company's depot or report directly to the site where the TMCRS work will be undertaken, however the minimum rates of pay under the Scheme do not need to apply when a worker is travelling from a depot to the site where the TMCRS work will be undertaken (and the reverse). The Scheme rates similarly do not apply for pre-starts offsite or time spent at the depot the beginning and / or end of a shift. Workers may be paid in accordance with the BCGOA or other relevant industrial instrument for time worked at a yard, and travel time between the yard and the site. Please note, workers are paid for travel time at Scheme rates when travelling between sites when undertaking work covered by the TMCRS.

## Definitions and scope

Clause references made relate to the [Building and Construction General On-site Award 2020 \[MA000020\]](#) (the Award). Other references made relate to the [State Road Traffic Management Company Registration Scheme Conditions of Registration](#) (the Scheme).

The scenarios assume work is undertaken by 'day workers', engaged to work Monday to Friday, engaged in Scheme-related work for all hours while on site.

- (i) 'Scheme rates of pay' means, the minimum rates of pay that must be paid to an Employee in accordance with the Scheme Pay Summary Tables.
- (ii) 'Company rates of pay' means, the rates of pay that ordinarily apply in the employment contract between the Company and the Employee.

These scenarios do not deal with overnight stays or other situations where clause 25 – Living away from home of the Award might apply.

## Disclaimer

*The information in this guidance note is not to be taken as legal advice and is intended for general information purposes only. Variations may occur depending on the circumstances. Main Roads recommends you discuss your employment obligations with a suitably qualified practitioner.*

## All scenarios: Meals and breaks

Clause 29.6 – Work during meal break—day workers of the Award applies if the Company requires an Employee to work and a meal break is consequently not taken in accordance with clause 18.1 – Meal break—day workers of the Award.

Care should be taken to ensure that breaks are also taken as detailed under clause 18.3 – Rest periods and crib time of the Award. Both paid and unpaid breaks should be recorded on timesheets.

If overtime is worked, the meal allowance provided under clause 21.2 – Meal allowance of the Award could apply.

## Scenario 1: Residence to nearby site

The Employee travels a distance up to 50km in their own car from their residence directly to the site.

Example	Payment Details
0630 – 0700hrs: Employee travels from home to site in their own car.	<p>Clause 26.1 – Fares and travel pattern allowance of the Award provides for an allowance to be paid each day when the Employee travels a distance up to 50km and starts and finishes work on site.</p> <p>The travel time between the Employee’s residence and site is not included as hours of work.</p> <p>The Scheme rates of pay apply for all hours worked in this scenario as all work is on site.</p> <p>As the workday does not exceed 8 ordinary hours, overtime is not paid.</p>
0700 – 1530: Employee undertakes work on site, inclusive of:	
<ul style="list-style-type: none"> <li>(i) A rest break in accordance with clause 18.3 – Rest periods and crib time of the Award, and</li> <li>(ii) An unpaid meal break in accordance with clause 18.1 – Meal break - ay workers of the Award.</li> </ul>	
1530 – 1600: Employee travels home from site.	

## What if the Company provides a car for the Employee to travel a distance up to 50km from their residence and directly to the site?

The fares and travel pattern allowance is contained in clause 26.1(a) of the Award. If a company car is provided, clause 26.1(b) of the Award clarifies the Employee will not be entitled to the allowance in clause 26.1(a) on any day where the Company:

- (i) provides or offers to provide transport free of charge from the Employee’s home to the place of work and return; or
- (ii) provides a fully maintained vehicle free of charge to the Employee.

However, the journey time would be paid if that Employee is asked by the Company to pick up and drop off other Employees along the way, in accordance with clause 26.3 - Travelling outside ordinary hours of the Award.

## Scenario 2: Residence to distant site

The Employee's travels a distance greater than 50km by road in their own car from their residence directly to the site **and** the site is not within the same 'metropolitan radial area' as the Employee's residence.

Clause 26.4(d) – Distant work payment of the Award defines the "metropolitan radial area" as the area within a radius of 50 kilometres of:

- (i) the GPO of a capital city of a State or Territory; or
- (ii) the principal post office in a regional city or town in a State or Territory.

Example	Payment Details
0600 – 0700hrs: Employee travels from home to site in their own car.	The fares and travel pattern allowance in accordance with clause 26.1 of the Award does <b>not</b> apply.
0700 – 1530hrs: Employee undertakes work on site, inclusive of: (iii) A rest break in accordance with clause 18.3 – Rest periods and crib time of the Award, and (iv) An unpaid meal break in accordance with clause 18.1 – Meal break - day workers of the Award.	The distant work payment in accordance with clause 26.4 of the Award provides for the travel time between the Employee's residence and site to be paid at the ordinary time hourly rate, calculated to the next quarter of an hour, and with a minimum payment of one half an hour per day for each return journey; and any expenses necessarily and reasonably incurred in such travel, which is a rate per kilometre where the Employee uses their own vehicle. In this scenario the Employee receives two hours of ordinary pay as return travel time for the day (in addition to their vehicle mileage claim). This travel time may be paid at the Company rates of pay.  The travel time between the Employee's residence and site is paid but it is not considered hours of work for the purpose of calculating ordinary and overtime hours.
1530 – 1630hrs: Employee travels home from site.	The Scheme rates of pay apply for all hours worked in this scenario as all work is on site.  As the workday does not exceed 8 ordinary hours, overtime is not paid.

### What if the Company provides a car for the Employee to travel a distance greater than 50km by road from their residence and directly to the site and the site is not within the same 'metropolitan radial area' as the Employee's residence?

If a car is provided by the Company to get to the site, in the scenario above, clause 26.4(b)(i) - Distant work payment of the Award still applies, and the Employee is paid travelling time at the ordinary hourly rate. The travel time between the Employee's residence and site is paid but it is not considered hours of work for the purpose of calculating ordinary and overtime hours.

The difference, when the Company provides a car, is that the Employee no longer incurs an expense using their own vehicle, therefore the mileage claim provided under clause 26.4(b)(ii) is no longer applicable.

### Scenario 3: Residence to Company depot

The Employee travels in their own car from their residence to the Company's depot (yard, base location, or HQ) before travelling to site in transport provided by the Company.

Example	Payment Details
0630 – 0700hrs: Employee travels from home to depot in their own car.	Regardless of the distance from the Employee's residence to the Company's depot:
0700 – 0730hrs: Employee reports to the Company's depot as scheduled and undertakes prestart duties.	<ul style="list-style-type: none"> <li>The allowance in accordance with clause 26.1 – Fares and travel pattern allowance of the Award does <b>not</b> apply as the allowance is applicable to travel from residence to site only.</li> <li>The payment in accordance with clause 26.4 – Distant work of the Award does <b>not</b> apply as the payment is applicable to travel from residence to site only.</li> </ul>
0730 – 0900hrs: Employee travels from depot to site in Company transport.	Work commences at 0700hrs when the Employee reports for duty at the depot. Overtime penalty rates are paid on hours worked beyond the initial 8 ordinary hours of work in the day. In this case, overtime penalties will apply on hours worked from 1530hrs until work ends at 1900hrs.
0900 – 1730hrs: Employee undertakes work on site, inclusive of:	Time at the Company's depot, and travel time between the depot and the site, are hours of work for the purpose of calculating ordinary and overtime hours but these hours may be paid at Company rates of pay.
(i) A rest break in accordance with clause 18.3 – Rest periods and crib time of the Award, and	All hours worked on site are paid at Scheme rates of pay.
(ii) An unpaid meal break in accordance with clause 18.1 – Meal break - day workers of the Award.	At 1530hrs, when 8 ordinary hours has been worked, the Employee must be allowed to take a paid crib break of 20 minutes' duration in accordance with clause 18.3 – Rest periods and crib time of the Award because the Employee is required to work overtime for 3.5 hours in this scenario.
1730 – 1900hrs: Employee returns to depot in Company transport and concludes work.	The allowance provided under clause 21.2 – Meal allowance of the Award must also be paid because the Employee is required to work overtime for 3.5 hours.
1900 – 1930hrs: Employee travels home from depot.	Clause 29 – Overtime of the Award applies to the Scheme rates of pay between 1530 – 1730hrs.
	Clause 29 – Overtime of the Award also applies to the 90 minutes travel time from site back to depot and until work concludes (1730 – 1900hrs), however this component of the overtime may be calculated on the Company rates of pay.

### What if the Company provides the Employee a car to travel from their residence to the Company's depot (yard, base location, or HQ) before travelling to site in transport provided by the Company?

Clause 26.3 - Travelling outside ordinary hours of the Award states that time spent travelling from an Employee's home to their job and return outside ordinary working hours will be unpaid unless the Company directs the Employee to pick up and return other Employees to their homes.