

IN THE FAIR WORK COMMISSION

AM2014/212

February 2019 Exposure draft – *Road Transport and Distribution Award (the Draft)*

Submissions of the National Road Transport Association (NatRoad)

Background

1. These submissions are filed on behalf of the National Road Transport Association (**NatRoad**) in response to the release of a revised Exposure Draft of the *Road Transport (Long Distance Operations) Award (the Draft)* on 15 February 2019.
2. We note that the monetary amounts set out in the Draft relate to the period ending 30 June 2019.
3. NatRoad is a not-for-profit industry association. It represents the interests of more than 1000 contract carriers, operators and owner-drivers working within the road transport industry throughout Australia. Most of NatRoad's members are small business owners and operators.
4. We submit that in the next iteration of the Draft all clauses should be sequentially numbered without the use of alphanumerics.

Response to Specific Clauses in the Draft

5. **Clause 13.3(b)(ii)** – we note that the additional monies payable to a grade 10 worker that are currently set out in the detail of the classification structure at Schedule C of the Award have been placed at this paragraph as a separately articulated allowance. In this transition, it appears that the current typographical error in the first line of the classification definition has caused an error in this clause. The following is the current definition which contains the error shown in bold – in short the first “or” in the second line should be “for:

Driver of a multi-axle platform trailing equipment with a carrying capacity in excess of 70 tonnes and up to and including 100 tonnes or each additional 10 tonnes or part thereof in excess of 100 tonnes an extra 2.18% of the standard rate(as part of the weekly wage rate for all purposes) up to 150 tonnes will be payable.

Accordingly, the first dot point of 13.3(b)(ii) should be deleted as there is no additional amount payable for operating a vehicle between 70-100 tonnes.

6. **Clause 13.3(d)**- “handling money” is not defined albeit the heading says it is. NatRoad suggests the following definition: “handling money” refers to the process of receiving and giving cash in an enterprise covered by this Award in a weekly period.”

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7. **Clause 13.3(f)**- we note that the “Australian Dangerous Goods Code” is short hand for the full title which is “Australian Code for the Transport of Dangerous Goods by Road & Rail”.¹

Schedules

8. **Schedule C** — we submit that the note should be deleted as it is too general a statement. Meeting the obligations under Schedule A is not equivalent to meeting all obligations under the Award.

Matters Before Full Benches

9. At clause 12.2 and at Schedule C there is a Commission note that the hourly rates for oil distribution workers are to be considered by a Full Bench in AM2016/32. This is not NatRoad’s understanding. We believe that the matter is no longer pressed by the TWU, and there were no submissions made by the TWU on this issue in its main substantive submission in proceedings in relation to this Award.² This is substantiated in an email from Ms Carr of the TWU dated 27 January 2017³ where she says: “The TWU initially sought to make 8 variations to the two Road Transport Awards. We now only press 5 of the 8 variations as just advised to the FWC.”⁴
10. We do not believe that the ordinary hours or the hourly rates for oil distribution workers remain in contention and we would ask the Commission to delete these notes.

Richard Calver
National Road Transport Association

4 March 2019

¹ [https://www.ntc.gov.au/Media/Reports/\(A890348C-BEE7-3C64-A770-E98CFD8DDEFA\).pdf](https://www.ntc.gov.au/Media/Reports/(A890348C-BEE7-3C64-A770-E98CFD8DDEFA).pdf)

² <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am201632-sub-twu-180117.pdf>

³ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am201632-sub-dirretwu-twu-270117.pdf>

⁴ Ibid