

From: Paul Ryan [<mailto:paulryan@bigpond.net.au>]
Sent: Friday, 22 December 2017 11:22 AM
To: Chambers - Hamberger SDP; 'James Mattson'; 'Wendy Carr'; 'Richard Calver'
Subject: RE: Truck Moves and others' draft determination - AM2016/32 - AMOD Group 2C (road transport) [BP-BPWSDB.FID688329]

Dear Associate,

In accordance with the amended directions of SDP Hamberger, please find attached ARTIO's submission in this matter.

I will be overseas from 5-19 January 2018 inclusive and would therefore be unavailable for any scheduling/directions conference during that period.

I would also like to wish each of you a Happy Christmas and Safe New Year and look forward to a productive 2018.

Kind Regards

Paul Ryan
National Industrial Advisor
ARTIO
0415331031

From: Chambers - Hamberger SDP [<mailto:Chambers.Hamberger.sdp@fwc.gov.au>]
Sent: Thursday, 30 November 2017 10:51 AM
To: James Mattson <JMattson@bartier.com.au>; Wendy Carr <wendy.carr@twu.com.au>; Paul Ryan <paulryan@bigpond.net.au>; Richard Calver <richard.calver@natroad.com.au>
Subject: RE: Truck Moves and others' draft determination - AM2016/32 - AMOD Group 2C (road transport) [BP-BPWSDB.FID688329]

Dear parties,

Please find attached a confidentiality order issued by Deputy President Sams today in relation to the second statement of Mr Bradac.

Edrea Venal
Associate to Senior Deputy President Hamberger

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From: Chambers - Hamberger SDP
Sent: Friday, 24 November 2017 4:46 PM
To: James Mattson
Cc: Wendy Carr; Paul Ryan; Richard Calver
Subject: RE: Truck Moves and others' draft determination - AM2016/32 - AMOD Group 2C (road transport) [BP-BPWSDB.FID688329]

Thank you, Mr Mattson; I will bring this evidence to the Full Bench's attention as well. Senior Deputy President Hamberger is currently on leave, so I will take instructions from Deputy President Sams in relation to the confidentiality order sought.

Edrea Venal

Associate to Senior Deputy President Hamberger

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From: James Mattson [<mailto:JMattson@bartier.com.au>]

Sent: Friday, 24 November 2017 4:41 PM

To: Chambers - Hamberger SDP

Cc: Wendy Carr; Paul Ryan; Richard Calver

Subject: Truck Moves and others' draft determination - AM2016/32 - AMOD Group 2C (road transport) [BP-BPWSD.B.FID688329]

Dear Associate to Senior Deputy President Hamberger

Confidential evidence – not to be published, including on Commission's website

We refer to our earlier separate email of today enclosing open evidence to be relied on by our clients.

As foreshadowed, attached is a confidential statement (from Mr Bradac) containing commercially confidential and sensitive financial business information. This evidence is further to some material tendered in confidence at the hearing on 7 March 2017 (see PN 548 to 553).

Our client seeks appropriate orders under section 594 of the *Fair Work Act 2009* that this evidence not be published on the Commission's website or circulated or used by the parties (copied into this email) other than in direct connection with these proceedings.

By way of clarity, on page 5 of the statement, there is in blue highlight two figures which read 51.9% and 60.5% respectively.

Best regards

JAMES MATTSON
Executive Lawyer

Workplace Relations

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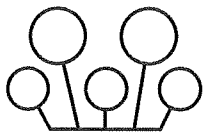
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ARTIO

Australian Road Transport
Industrial Organisation

ABN: 63 734 697 902

AUSTRALIAN ROAD TRANSPORT INDUSTRIAL ORGANISATION

Respect, Respond and Represent

FAIR WORK COMMISSION

4 yearly review of modern Awards – Road Transport & Distribution Award 2010

Matter No: AM2016/32

4 Yearly Review of Modern Awards – Application of the Road Transport & Distribution Award 2010 to Truck Moves and others in the vehicle relocation industry

ARTIO

1. The Australian Road Transport Industrial Organisation (ARTIO) is an Industrial Organisation of Employers registered under the Fair Work (Registered Organisations) Act 2009. It represents employers in the transport and logistics industry. As at 30 November 2017, it had around 400 members. These include the large multi-national transport companies down to the small family owned businesses that perform a large percentage of Australia's freight task.
2. ARTIO operates as a federation with Branches in all States except South Australia. ARTIO and its Branches operate independently and in accordance with a common set of rules applying across the Organisation.
3. ARTIO Council, which has a representative from each State, meets on a bi-monthly basis to consider and discuss IR issues impacting on the organisation and its members. Much of its day-to-day activities are carried out by the Branches, especially when dealing with operational IR issues. This submission is made on behalf of the Organisation and its Branches.

Background

1. On 6 July 2017, the full Bench handed down its decision in the Four Yearly Review of Modern Awards on the two modern transport awards, specifically:
 - a. The Road Transport & Distribution Award 2010, (RTD Award) and
 - b. The Road Transport (Long Distance Operations) Award 2010 (LDO Award).
2. The decision concerned several applications to vary the Awards pursuant to s.156 of the Fair Work Act 2009 (FWA).
3. Of particular interest in this matter was the Transport Workers' Union of Australia (TWU) application to vary the RTD Award to seek award coverage for those businesses operating in the industry sector of moving or relocating by road, new and/or used vehicles, for clients.
4. The TWU sought to vary the Award by inserting a new sub-paragraph into the definition section of the 'road transport & distribution industry' as follows:

“the distribution and/or relocation by road of new or used vehicles as described in the classifications within the award where the vehicle itself is required to be driven from one location to another for the purposes of delivery and/or relocation of the vehicle”.
5. The Full Bench accepted the thrust of the TWU's submissions and determined that the employees working in the vehicle relocation sector of the industry should be covered by the RTD Award.
6. The Full Bench also indicated that:
 - a. There is an arguable case for some provisions of the RTD Award to be modified to cater for these employees, and
 - b. There might be a case for the introduction of 'transitional provisions' if that arguable case can be made out. (underlining added)
7. It is important to observe that the Full Bench did not suggest nor provide any invitation to Truck Moves, nor any other employer, to mount a paper based 'work value case' around the tasks required to be performed by employee drivers in the vehicle relocation sector of the industry.

8. Further, it certainly did not suggest to Truck Moves, nor any other employer, that the RTD Award could effectively be re-written for a small sector of the road transport industry, to the extent contained in the Draft Determination provided by Truck Moves and others.
9. The submissions filed by Truck Moves in paragraph 9 attempt to convert the Full Bench's words of 'arguable case' in paragraph 87 of their decision to a conclusion of "observing that some of the terms and conditions of the Award may not be appropriate". (underlining added).
10. If the Full Bench intended to say that some terms and conditions of the RTD Award were not appropriate, then it would have made such views crystal clear – it did not.

Submissions

11. ARTIO will not be leading any evidence in this matter but will seek to cross-examine those who have filed witness statements, in particular Matthew Whitnall and John Bradac in respect of their further statements, including Mr Bradac's confidential statement.
12. ARTIO is concerned with protecting the integrity of the current RTD Award and the proposed introduction of a new classification, with separate rates of payment, for this small sector of the industry could lead to other sectors seeking special treatment around rates and conditions, thereby breaking down the industry award system, which is underpinned by the legislative regime of the FWA.
13. There are over 30 sectors, plus many sub-sectors, in the road transport industry, the more obvious ones are:
 - a. Livestock
 - b. Forestry
 - c. Dairy Industry
 - d. Defence Forces
 - e. Taxi Trucks, Couriers & Messengers
 - f. Over-dimensional & Heavy Haulage
 - g. Container Cartage and Storage

- h. Warehousing (Bond, Free, Contract)
 - i. Contract distribution
 - j. Long Distance Road Freight
 - i. Intrastate General
 - ii. Interstate General
 - iii. Express
 - iv. Bulk
 - k. Tip Trucks
 - l. Freight Forwarding
 - m. Car carrying
 - n. Bulk Tankers
 - i. Local
 - ii. Intrastate
 - iii. Interstate
 - o. Car Carrying
 - p. Refrigeration
 - q. Ancillary Transport
 - r. Country Carriers
 - s. Agriculture
 - t. Primary Producers
 - u. Armoured Vehicles
 - v. Waste Management
14. Apart from Waste Management and Armoured Vehicles, which have both historically and operationally worked under their own awards, all the other sectors are able to operate efficiently and productively within the RTD award.
15. More specifically, in their Draft Determination, Truck Moves and others seeks to vary the RTD Award to:
- a. Introduce a new schedule for the vehicle relocation sector of the industry;

- b. Introduce a new classification and minimum rate of pay which would be less than the current minimum rate paid to an employed driver under the Award;
 - c. Exempt Clause 19, Higher Duties, from applying to the vehicle relocation sector;
 - d. Introduce 'long distance operations' and a 'cents per kilometre' rate into the RTD Award;
 - e. Alter the 'ordinary hours of work' for both 'local' and 'long distance' drivers,
 - i. This would alter the overtime entitlements of an employed driver, and could impact on the NES entitlement to 38 ordinary hours and any request to work 'reasonable additional hours' and receive some compensation for those additional hours;
 - f. Introduce transitional arrangements that would apply to the vehicle relocation sector only over the next four years.
16. The current classification structure in the RTD Award is based around a graduated driver licencing system which allows a driver to drive a truck on a 'public road' configured around the vehicle size.
- a. In summary, the RTD Award classification structure provides pay rates for the vehicle size, based around 'gross vehicle mass' (GVM) or 'gross combination mass' (GCM) as follows:
 - i. Grade 2 – any vehicle up to 4.5 tonnes GVM – a car licence will suffice to drive this type of vehicle;
 - ii. Grade 3 – any two-axle rigid vehicle between 4.5 tonnes and 15 tonnes GVM - a light rigid (LR) or medium rigid (MR) truck licence is required to drive this type of vehicle – LR up to 8 tonnes GVM and MR between 8 and 15 tonnes GVM;
 - iii. Grade 4 – any three-axle rigid vehicle exceeding 13.9 tonnes GVM - a heavy rigid (HR) truck licence is required to drive this type of vehicle;
 - iv. Grade 5 – any four-axle rigid vehicle exceeding 13.9 tonnes GVM or an articulated vehicle with three-axes and a 'gross combination mass' (GCM) of 22.4 tonnes or less - a HR or a heavy combination (HC) truck licence is required to drive this type of vehicle;
 - v. Grade 6 – an articulated vehicle with more than three-axes and a GCM between 22.4 and 43 tonnes - a heavy combination truck licence is required to drive this type of vehicle; (underlining added)

- vi. See Attachment 1 for a diagrammatic representation of the licensing system and the truck figures which make it very simple to determine what type of vehicle can be driven on each specific licence.
 - vii. Essentially, the applicable grade of an employee driving a truck is directly related to the number of axles of that vehicle.
17. This classification structure allows any employee of Truck Moves to move/drive/relocate any vehicle to any place within Australia, including 'long distance work'.
 18. As detailed in paragraph 90 of their submission, it is conceded that there are no moves of 'combination vehicles' and only Grades 2 to 5 would be applicable.
 19. Although ARTIO can find little direct evidence on the point of classification of its drivers, it appears as though most evidence led by Truck Moves in this and earlier proceedings, in both this Commission and the Federal Court of Australia, would show that their drivers would generally be classified as either a Grade 3 or 4 under the RTD Award – that is those employee drivers would need a light, medium or heavy rigid licence.
 20. This conclusion is based around the fact that most of the vehicles required to be relocated would be either two or three axles with no body nor trailer attached.
 21. The Draft Determination filed is plainly, and very simply, an attempt to continue to operate the Truck Moves business with minimal coverage of any industrial instrument regulating the terms and conditions of its employees.
 22. There is no evidence nor other material provided to support the Truck Moves claim for a pay rate of \$18.83 per hour – this would be \$1.27 less than the minimum hourly rate set in the RTD Award for a Grade 3 driver and \$1.64 less than the Grade 4 rate.
 23. Overtime is payable under the RTD Award as specified – after completing ordinary hours, as defined, and at a rate of time and a half or double time depending on the amount of overtime to be worked and the time at which it is worked.
 24. It does not appear as though Truck Moves is prepared to pay any overtime prior to the completion of 10 hours work.

25. ARTIO submits that the RTD Award already provides a mechanism by which Truck Moves could develop mechanisms to operate productively and efficiently by using Clause 7 - Award Flexibility, of the RTD Award to develop and introduce any efficiencies or flexibilities to suit the genuine needs of the employer and the individual employee(s) in the vehicle relocation sector of the industry. The RTD Award terms that may be varied are those concerning:
- a. Arrangements for when work is performed,
 - b. Overtime rates,
 - c. Penalty rates,
 - d. Allowances, and
 - e. Leave loading.
26. ARTIO submits there is no need to introduce a new schedule to the RTD award to cater for Truck Moves and other like operators.

Long Distance Operations

27. ARTIO notes that Truck Moves seeks to introduce the concept of 'long distance operations' and a 'kilometre rate' into the RTD Award.
28. This is totally unnecessary as the Road Transport (Long Distance Operations) Award 2010 (LDO Award) already provides, through the payment of an allowance, for an employee engaged as a local driver under the terms and conditions of the RTD award to temporarily transfer to duties under the LDO Award – see sub-clause 14.1(c) (i) of the LDO Award.
29. As the evidence provided by Mr Matthew Whitnall – paragraph 14 of the Further Statement of Matthew Whitnall – shows that 75% of Truck Moves work is local then employees would be engaged under the RTD Award and could temporarily transfer to the LDO Award when 'long distance work' was available. In these situations, the LDO award simply requires the payment of an allowance, currently \$9.88 per occasion, to compensate the employee for moving between awards.

30. This would then allow any 'long distance work' or 'interstate moves' (to use the terminology of Mr Whitnall) to be paid on the cents per kilometre (cpk) formula specified in the LDO Award.
31. The LDO Award payment for a Grade 2 driver (equivalent to a Grade 4 under the RTD Award) driving on a HR licence and doing a Melbourne-Sydney trip is \$347.06 (858 kilometres multiplied by the cpk rate of 40.45), plus the \$9.88 allowance, plus a travelling allowance of \$38.43 where the major rest break is required to be taken away from home base, a total payment of \$395.37.
32. The LDO Award payment for a Grade 2 driver (equivalent to a Grade 4 under the RTD Award) driving on a HR licence and doing a Melbourne-Brisbane trip is \$680.37 (1682 kilometres multiplied by the cpk rate of 40.45), plus the \$9.88 allowance, plus a travelling allowance of \$38.43 where the major rest break is required to be taken away from home base, a total payment of \$728.68.
33. This cpk rate applies any time of the day or night and on any day of the week – as that amount includes a 20% notional component for overtime and also a 30% disability allowance.
34. The LDO Award has a full regime of trips and associated payment methodologies applicable to long distance work, including interstate operations, which Truck Moves and any other operator could use when engaged in those type of journeys.

Higher Duties

35. Clause 19 of the RTD Award provides that an employee should be paid at the highest classification rate for any work performed on a particular day.
36. This provision has been in the two Federal Awards – the Transport Workers' Award 1983 (the 83 Award) and the Transport Workers Award 1998 (the 98 Award) - that operated prior to the award modernisation exercise in 2008/09, although it used to be previously called 'Highest Function'.
37. The notion of an employee being paid at the highest rate for work performed on a particular day is very well established in the road transport industry for at least 35 years.
38. Primarily, this supports the notion of flexibility by allowing drivers to drive different vehicles but removes the unnecessary administrative tasks around calculating payments.

39. However, experience indicates that most drivers, probably above 90%, would drive a single vehicle on a public road in any particular shift.
40. The relevant clauses prescribing the 'highest function' entitlements are attached as follows:
 - a. Attachment 2 – Clause 12 of the Transport Workers Award 1983
 - b. Attachment 3 – clause 18 of the Transport Workers Award 1998
41. Accepting the submissions of Truck Moves that all their employed drivers, if permanent not casual, would be in Grades 2 to 5, they would then be entitled to be paid between a minimum of \$19.86 per hour at the Grade 2 level and up to \$20.72 per hour at the Grade 5 level – a difference of 86 cents per hour.
42. It is not clear to ARTIO from any material provided what licences are held by Truck Moves' employees and what percentages of vehicles with two, three or four axles are moved and how often, either local or long distance.
43. If Truck Moves employed all their drivers with a HR licence then this would not be an issue.
44. Given the nature of the work described by Truck Moves in their submissions and evidence it is highly likely that all their drivers do possess a HR category of licence.

Overtime

45. Currently, it appears as though Truck Moves does not pay any overtime and simply pays a flat rate for any and all hours worked.
46. The Draft Determination lodged on behalf of Truck Moves and others seeks to have ordinary hours up to a maximum of ten per day.
47. Unless there is an averaging system in place, or an FWC approved EBA, at a transport depot, yard or garage then an employee would be entitled to be paid overtime after 7.6 or 8 hours as applicable.
48. The Truck Moves' claim around ordinary hours, as detailed in the Draft Determination, does not fit with the statutory regime contained in the National Employment Standards (NES) whereby 38 hours are treated as the basis of the ordinary working week – these hours can be averaged over

specified time periods – and any requirement to work beyond 38 hours is predicated on such request being reasonable (see s.62 of the FWA).

49. An employee may refuse to work ‘unreasonable additional hours’ which is determined by the following factors:
- a. any risk to employee health and safety from working the additional hours;
 - b. the employee’s personal circumstances, including family responsibilities;
 - c. the needs of the workplace or enterprise in which the employee is employed;
 - d. whether the employee is entitled to receive overtime payments, penalty rates or other compensation for, or a level of remuneration that reflects an expectation of, working additional hours; (underling added)
 - e. any notice given by the employer of any request or requirement to work the additional hours;
 - f. any notice given by the employee of his or her intention to refuse to work the additional hours;
 - g. the usual patterns of work in the industry, or the part of an industry, in which the employee works;
 - h. the nature of the employee’s role, and the employee’s level of responsibility;
 - i. whether the additional hours are in accordance with averaging terms included under section 63 in a modern award or enterprise agreement that applies to the employee, or with an averaging arrangement agreed to by the employer and employee under section 64;
 - j. any other relevant matter.
50. The RTD Award, as well as both the 83 and 98 Awards, have mandated overtime payments after working ordinary hours or working at specified times of the day or week, including Saturdays and Sundays.
51. It is also noted that a casual employee working overtime is entitled to a reduced casual loading in those circumstances. The normal 25% loading is reduced to 10% when a casual is working overtime.

52. ARTIO notes that the NES as outlined above would have applied to the employees of Truck Moves even when the business was award free.

Transitional Provisions

53. ARTIO concedes that the Full Bench decision 'roping in' Truck Moves to the RTD Award will have an impact on their cost structure.

54. However, the actual impact on their costs is still open for debate, especially given that any 'long distance work' can be performed under the LDO Award with the payment of an allowance.

55. Further, it is noted that Truck moves have contracts in place which run through to 2019 and these appear not have a 'rise and fall' provision which would enable payments made to Truck Moves for services provided to be increased.

56. ARTIO would consider this lack of a 'rise and fall' clause most unusual as there are often extraneous circumstances, including Government legislation, that can affect price and service.

57. Nevertheless, ARTIO would support the introduction of transitional provisions to ameliorate Truck Moves immediate exposure to cost increases.

58. ARTIO considers that the four years sought by Truck Moves in its Draft Determination is too long and believes that a maximum transitional period of two years would be satisfactory in the circumstances - it is not as though the matter of award coverage was sprung on Truck Moves.

59. The transitional period should apply to increases in wages only and not to any other part of the RTD Award.

Conclusion

60. In conclusion, ARTIO makes the following key submissions:

- a. The RTD Award should apply to Truck Moves and others in its entirety, except for a two-year transitional period to help accommodate potential wage increases;
- b. There is no identified need to introduce a special driver classification for the vehicle relocation sector;

- c. The vehicle relocation sector should not be exempted from the higher duties provisions contained in the RTD Award;
 - d. The Commission should not introduce a 'long distance' component into the RTD Award, as the current LDO Award would enable Truck Moves and others to operate within its terms and provisions;
 - e. The ordinary hours and overtime provisions specified in the RTD Award should apply to the vehicle relocation sector of the industry;
 - f. The Commission should not accede to the request of Truck moves and others to introduce a special schedule for the vehicle relocation sector – it is neither required nor necessary.
61. The Commission should not vary the RTD Award as sought by Truck Moves and others in the Draft Determination filed on 22 September 2017, except for a two year transitional period around any wage increases.

PAUL RYAN

NATIONAL INDUSTRIAL ADVISOR

AUSTRALIAN ROAD TRANSPORT INDUSTRIAL ORGANISATION

21 December 2017



Downloaded from: <https://www.vicroads.vic.gov.au/licences/licence-and-permit-types/licence-categories>

Heavy vehicle licence category

To drive a truck or bus with a Gross Vehicle Mass (GVM) greater than 4.5 tonnes or a bus which seats more than 12 adults you will need a Victorian heavy vehicle licence.

Heavy vehicle licences are issued in five different categories:

- Light Rigid (LR)
- Medium Rigid (MR)
- Heavy Rigid (HR)
- Heavy Combination (HC)
- Multi Combination (MC)

These heavy vehicle licence categories have different eligibility requirements.


More information on these heavy vehicle licence categories is included below.

Heavy vehicle licence categories

Victorian heavy vehicle licences are issued in five different categories, these represent various industry requirements. The Victorian heavy vehicle licence is recognised throughout Australia. However, if you move interstate and reside there for more than three months, you will need to get a driver licence in that state.

The licence categories below display what you can drive and when you are eligible to attempt the assessments for a particular category.

Description of vehicle	What you can drive	Eligibility
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Light rigid (LR)		
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<ul style="list-style-type: none"> has a gross vehicle mass (GVM) more than 4.5 tonnes but not more than 8 tonnes seats more than 12 adults (including the driver) and has a GVM not more than 8 tonnes 	<ul style="list-style-type: none"> a car a light rigid vehicle a car or light rigid vehicle that is towing a single trailer that has a GVM not more than 9 tonnes a tractor or a tractor that is towing a trailer of any size 	<p>To apply for this category you must have held an Australian car driver licence for at least 12 months.</p>
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Medium rigid (MR)		
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<ul style="list-style-type: none"> has a gross vehicle mass (GVM) more than 8 tonnes and has no more than 2 axles 	<ul style="list-style-type: none"> any vehicle or combination of vehicles the holder of a light rigid vehicle licence is authorised to drive a medium rigid vehicle a medium rigid vehicle that is towing a single trailer (other than a semi trailer) that has a GVM not more than 9 tonnes 	<p>To apply for this category you must have held an Australian car driver licence for at least 12 months.</p>
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Heavy rigid (HR)		
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Description of vehicle	What you can drive	Eligibility
<ul style="list-style-type: none"> • a motor vehicle that has a gross vehicle mass (GVM) more than 8 tonnes and has 3 or more axles (whether or not the wheels on those axles are on the road) • a bus consisting of more than one rigid section which are connected to one another so as to allow rotary movement and passenger access between the sections 	<ul style="list-style-type: none"> • any vehicle or combination of vehicles the holder of a medium rigid vehicle licence is authorised to drive • a heavy rigid vehicle • a heavy rigid vehicle that is towing a single trailer (other than a semi trailer) that has a GVM not more than 9 tonnes 	<p>To apply for this category you must have held an Australian car driver licence for at least 24 months.</p>
<p>Heavy combination (HC)</p>		
<ul style="list-style-type: none"> • a prime mover to which is attached a single semi-trailer that has a gross vehicle mass (GVM) more than 9 tonnes plus any unladen converter dolly, or • a rigid motor vehicle to which is attached a trailer that has a GVM more than 9 tonnes plus any unladen converter dolly. 	<ul style="list-style-type: none"> • any vehicle or combination of vehicles the holder of a heavy rigid vehicle licence is authorised to drive • a heavy combination vehicle 	<p>To apply for this category you must have held an Australian car driver licence for at least 24 months, and an Australian driver licence to drive a Medium Rigid or Heavy Rigid licence for at least 12 months (includes any combination of holding a MR or HR licence, including 364 days on MR and 1 day on HR), and have completed a driver training course approved by VicRoads.</p>

Description of vehicle	What you can drive	Eligibility
<p>Multi combination (MC)</p> 		
	<p>any motor vehicle or combination of vehicles other than a motor cycle</p>	<p>To apply for this category you must have held an Australian driver licence to drive a Heavy Combination vehicle or a Heavy Rigid vehicle for a period of at least 12 months (includes any combination of holding a HR or HC licence, including 364 days on HR and 1 day on HC) and have completed a driver training course approved by VicRoads.</p>



Transport Workers Award 1983

12 - HIGHEST FUNCTION

Where an employee is called upon to perform two or more classes of work on any one day he shall, for the purpose of assessing the rate of wage to be paid, be deemed to have worked throughout the whole of his working time on that day at the class for which the highest rate of wage is prescribed.

Provided that an employee shall not be transferred to perform a class of work providing a lesser minimum rate of wage than that at which he is usually employed, unless he is given a week's notice.

Notwithstanding any other provisions of this award, on any day on which an employee covered by this award is engaged in the cartage or distribution of petrol or petroleum products from refineries, terminals or depots of oil companies which are respondents to the Transport Workers (Oil Companies) Award, 1980 [Print E6358;(1980) 248 CAR 346]] as varied from time to time, he shall be paid for each such day at the rate of pay prescribed by this award, or the rate of pay prescribed by the Transport Workers (Oil Companies) Award whichever is the higherrate.

Provided that this subclause shall also apply to the transport and/or distribution of liquified petroleum gas from producing gas plants.

13 - JUNIORS

(a) The minimum rate to be paid to junior employees is as follows:

Under 19 years of age: 70 per cent of the base wage payable to an adult for the class of work performed in the area in which it is performed as provided by clause 10.

19 years and under 20 years of age: 80 per cent of the base wage payable to an adult for the class of work performed in the area in which it is performed as provided by clause 10.

20 years of age: the full rate payable to an adult employee for the class of work performed in the area in which it is performed as provided by clause 10.

Provided that the junior base wage rates shall be increased by the appropriate percentage amount of the appropriate supplementary payment provided by clause 10A. The supplementary payment shall be for all purposes.

(b) No junior under 18 years of age shall be permitted to have sole charge of a motor vehicle.

(c) Juniors shall not be employed by any respondent in any one depot in a greater proportion than one junior to every five drivers receiving adult wages.

18. HIGHEST FUNCTION

18.1 Where an employee is called upon to perform two or more Grades of work on any one day the employee shall, for the purpose of assessing the rate of wage to be paid, be deemed to have worked throughout the whole of the working time on that day at the Grade for which the highest rate of wage is prescribed.

18.2 Provided that an employee shall not be transferred to perform a Grades of work providing a lesser minimum rate of wage than that at which the employee is usually employed, unless given a week's notice.

[18.3 substituted by PR952445 ppc 12Oct04]

18.3 Notwithstanding any other provisions of this award, on any day on which an employee covered by this award is engaged in the transport and/or distribution of petrol and/or peroleum products in their raw and/or manufactured state, he or she shall be paid for each such day at the rate of pay prescribed by this award, or the rate of pay prescribed by the Transport Workers (Oil Distribution) Award 2001 [AW813252], as varied from time to time whichever is the higher rate.

Provided also that on any day on which an employee covered by this award is engaged in the transport and/or distribution of liquefied peroleum gas, he or she shall be paid for each such day at the rate of pay prescribed by this award, or the rate of pay prescribed by the Transport Workers (LP Gas Industry) Award 2002 [AW815107CRA], as varied from time to time, whichever is the higher rate.

Any employee paid the rates of pay prescribed by the Transport Workers (Oil Distribution) Award 2001 or the Transport Workers (LP Gas Industry) Award 2002 in accordance with this clause, is not also entitled to payment of a dangerous goods allowance payable under clause 19 of this Award.

19. ALLOWANCES

[19 substituted by V019 V025 PR906569 ppc 03Jul01; varied by PR911091 PR919031; corrected by PR919199; varied by PR932167; PR944629 ppc 01May04]

An employee required to perform any work described in the table set out hereunder shall be paid in addition to the appropriate weekly wage rate the amount prescribed herein for such work:

Item Number	Classification	Rate per Week \$
	Items previously considered for adjustment on economic grounds.	
A.	Leading hands in charge of:	
	Not less than three and not more than ten employees	24.73
	More than ten and not more than twenty employees	36.86
	More than twenty employces	46.82
	Provided that this item shall not apply to leading loader	
B.	Any employee required to drive a motor vehicle in excess of the limit in length prescribed by or under any State or Commonwealth Act shall receive an additional \$2.39 per day or part thereof	