

22 March 2019

The Hon Justice Ross AO
President
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

BY EMAIL: amod@fwc.gov.au

Dear Justice Ross,

Re: AM2014/1 – 4 Yearly Review of Modern Awards – Group 2 Awards – Road Transport & Distribution Award 2010

We refer to the above matter and the Statement issued by the Commission on 13 February 2019 in relation to the finalisation of the exposure drafts.

We also refer to the submissions filed by the National Road Transport Association, in particular paragraph 9. We do not agree that the issue in relation to the hourly rates for oil distribution workers has been settled.

Natroad's submissions say the TWU no longer presses the issue of the hourly rate for oil distribution workers. This is not correct. The issue was never part of the Full Bench hearing in relation to the variations sought by the TWU. In those proceedings the TWU filed a number of draft determinations in relation to variations it was seeking. Subsequently a number of variations were withdrawn.

At no time did the TWU file a draft determination in relation to the hourly rates for oil distribution workers. This issue was raised by the Commission when the exposure draft was first released for the Road Transport and Distribution Award. It is our understanding that the issue was to be referred to a Full Bench, however the issue has never been considered and was at no time not pressed by the TWU. It remains a live issue.

We also refer to the correspondence filed by the AiG on 13 March 2019. The TWU is in a similar position in relation to resources and has not been in a position to carefully review each exposure draft. As a result, the TWU will, if required make further submissions throughout the year.

Yours sincerely,

Wendy Carr

Wendy Carr
Director of Legal & Operations
Transport Workers' Union of Australia