

From: Chambers - Sams DP <Chambers.Sams.DP@fwc.gov.au>
Sent: Wednesday, 23 December 2020 2:46 PM
To: David Johns <david.johns@natroad.com.au>
Cc: AMOD <AMOD@fwc.gov.au>
Subject: RE: Error in Decision [2020] FWCFB 6130

OFFICIAL

Dear Mr Johns,

I refer to your below email. I have raised this matter with the Deputy President who is content to make a correction to the decision in the manner requested. A correction to the decision will be published on the website in due course.

Kind regards,

Daniel McNamara
Associate to the Hon. Deputy President P Sams AM

Fair Work Commission

Tel: 02 9395 6724

Chambers Email: chambers.sams.dp@fwc.gov.au

Level 16, 80 William St
East Sydney NSW 2011

From: David Johns <david.johns@natroad.com.au>
Sent: Tuesday, 22 December 2020 11:09 AM
To: Chambers - Sams DP <Chambers.Sams.DP@fwc.gov.au>
Subject: Error in Decision [2020] FWCFB 6130
Importance: High

Dear Associate,

We write to you as the associate of the presiding member of the Full Bench in the Decision found at [2020] FWCFB 6130, dated 20 November 2020. We believe that there is an error in the Decision

The error is in paragraph [55] of the Decision highlighted below.

[55] We would agree with the proposition that the words ‘loading or unloading’ in Cl 3 – Definitions – means ‘physically engaged’ in loading or unloading. It does not comprehend activities such as:

- complying with entrance and departure procedures at load or unload location;
- applying or releasing all load restraint devices, ***including gates and tarps***; [our emphasis added]
- operation of trailer curtains;
- waiting time or queuing time;
- processing of freight documentation; and/or
- checking vehicle weights on weighbridges.

Loading or unloading is defined in clause 2 of the *Road Transport (Long Distance Operations) Award 2020* as ‘being physically engaged in the loading or unloading of the vehicle and includes tarping, installing and removing gates and operation of on board cranes’. The second dot point in paragraph [55] of the Decision includes “gates and tarps” as being activities not comprehended under the loading or unloading provision, whereas the definition in the Award does include tarping and installing and removing gates. We believe that a correction to the decision should remove the relevant reference,

Regards

David

David Johns

Advisor, Workplace Relations

T | (02) 6295 3000

A | PO Box 3656, Manuka ACT 2603

E | david.johns@natroad.com.au



Love Us? Share Us!

Get \$100 off your next renewal for every new member you send our way.

Refer Someone Today!

