

IN THE FAIR WORK COMMISSION

AM2014/212

Exposure draft – *Road Transport and Distribution Award 2015 (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 the Exposure Draft of the *Road Transport and Distribution Award 2015 (the Draft)* on 7 November 2016.¹ We respond to the publication of the Draft by making comments on certain individual clauses.
2. We note that we will be participating in the proceedings relating to this matter.
3. NatRoad is a not-for-profit industry association. It represents the interests of more than 1000 contract carriers, employing contractors, and owner-drivers, working within the road transport industry throughout Australia. Most of NatRoad's members are small business owners and operators.

Response to Specific Clauses in the Draft

4. **Clause 5.2(a)(ii)**, the reference should be to clause 8.6(a) and (b) per the third dot point of Attachment A of the report to the Full Bench by Senior Deputy President Hamberger dated 30 November 2015 (**the First Report**).
5. **Clause 8.2** contains a reference to “clause 6.4(a)(i),(b) and (c)” in accordance with paragraph 170 of the decision in [2016] FWCFB 7254. However, given the re-writing of the Draft, 6.4(a)(i) and (ii) have been deleted and the reference in clause 8.2 should be to 6.4(a) and (b).
6. **Clause 13.2(b)** contains a misreference. The references should be to 13.3(d) and (f).
7. **Schedule C** as it relates to Oil Distribution Workers: the rates are questioned. This is an issue in contest per paragraphs 172-173 of [2016] FWCFB 7254.
8. **Schedule D2**: the phrase “rent less \$2.85” should be “rent less \$3.00.”
9. **Schedule D2.1:in a note at page 62 of the Draft** the parties are asked to consider if the allowance adjustment category should be changed. In adjusting the travelling allowance it is suggested by the drafters that a “more relevant” CPI subgroup for adjustment would be the domestic holiday travel and accommodation sub-group. In adjusting the housing allowance it is suggested that the rents subgroup should be used. NatRoad notes that following the making of the Full Bench Statement in [2009] AIRCFB 980 relating to residual variations to modern awards, PR 994481 dated 16

¹ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/exposure-draft-road-transport-distribution-revised-071116.pdf>

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March 2010 was issued. Paragraph 14 of that Order inserted the relevant current subgroups for assessing changes in the value of the three expense related allowances shown in the Draft at D.2.1. From the NatRoad's perspective no questioning of the relevance of those subgroups has arisen. The utility of not breaking a time series is also a factor in indicating that no change is necessary as suggested in the relevant note. The current CPI subgroups should be maintained.

National Road Transport Association

29 November 2016