

Tony Sheldon National Secretary

27 January 2017

Senior Deputy President Hamberger
Fair Work Commission
80 William Street
SYDNEY NSW 2000

BY EMAIL: amod@fwc.gov.au

Dear Senior Deputy President Hamberger,

Re: AM2016/32 – TRANSPORT INDUSTRY AWARDS

AM2014/216 – *Waste Management Award 2010*
AM2012/212 – *Road Transport and Distribution Award 2010*
AM2014/211 – *Road Transport (Long Distance Operations) Award 2010*

We refer to the draft determinations filed by the TWU on 21 December 2016 in relation to the above matters. We advise that, as part of the 4 yearly review, the TWU does not press all of the variations filed.

The TWU will however make application under section 157 of the *Fair Work Act* at a future date to vary the above awards in relation to those draft determinations not pressed under the 4 yearly review.

We can advise that none of the draft determinations filed on 21 December 2016 in relation to the *Waste Management Award 2010* will be pressed at this stage. We also advise that the attached draft determinations will not be pressed at this stage.

Yours sincerely,



Wendy Carr
Director of Legal

Transport Workers' Union of Australia

DRAFT DETERMINATION

Fair Work Act 2009
Part 2-3, Div 4 – 4 Yearly reviews of modern awards

Road Transport (Long Distance Operations) Award 2010 (AM2016/32 & AM2014/212) MA000039

Road transport industry

SENIOR DEPUTY PRESIDENT HAMBERGER

DEPUTY PRESIDENT SAMS

COMMISSIONER LEE SYDNEY, XX YYY 2017

Review of modern awards to be conducted.

- [1] Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Road Transport (Long Distance Operations) Award 2010* be varied as follows.
- [2] Delete the existing clause 13.6 Loading and unloading and insert the following:
- “13.7 Loading or unloading and excessive waiting time
- (a) Where an employee is engaged on loading or unloading duties, that employee must be paid for such duties at an hourly rate calculated by dividing the weekly award rate prescribed by clause 13.1 by 40 and multiplying by 1.3 (industry disability allowance).”
 - (b) Where an employee is required to spend in excess of one hour waiting to effect the pick-up or delivery of a load and are not engaged in loading or unloading duties that employee must be paid for such duties at an hourly rate calculated by dividing the weekly award rate prescribed by clause 13.1 by 40 and multiplying by 1.3 (industry disability allowance).

- (c) As an alternative to 13.6(a) and 13.6(b), where there is a written agreement between the employer and the employee a fixed allowance based on the hourly rate in clause 13.6(a) and 13.6(b) may be paid to cover loading and unloading duties and excessive waiting time, provided that such written agreement is attached to the time and wages record.
- (d) A casual employee attending to the loading or unloading of the vehicles must be paid a loading of 25% in addition to the rates prescribed by this clause.”

[3] The determination shall operate on and from XX YYY 2017.

SENIOR DEPUTY PRESIDENT

DRAFT

DRAFT DETERMINATION

Fair Work Act 2009
Part 2-3, Div 4 – 4 Yearly reviews of modern awards

Road Transport (Long Distance Operations) Award 2010 (AM2016/32 & AM2014/212) MA000039

Road transport industry

SENIOR DEPUTY PRESIDENT HAMBERGER

DEPUTY PRESIDENT SAMS

COMMISSIONER LEE SYDNEY, XX YYY 2017

Review of modern awards to be conducted.

- [1] Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Road Transport (Long Distance Operations) Award 2010* be varied as follows.
- [2] Insert a new sub-clause 13.8 as follows:
- “13.7 Where an employee is required by their employer to travel by road as a passenger either to or from a location other than their usual commencement place of employment or the employers depot in order to perform driving duties must be paid for such duties at an hourly rate for all hours worked calculated by dividing the weekly award rate prescribed by clause 13.1 by 40 and multiplying by 1.3 (industry disability allowance).”
- [3] Consequential renumbering of remainder of clause 13.
- [4] The determination shall operate on and from XX YYY 2017.

SENIOR DEPUTY PRESIDENT

DRAFT DETERMINATION

Fair Work Act 2009
Part 2-3, Div 4 – 4 Yearly reviews of modern awards

Road Transport and Distribution Award 2010
(AM2016/32 & AM2014/112) MA000038

Road transport industry

SENIOR DEPUTY PRESIDENT HAMBERGER

DEPUTY PRESIDENT SAMS

COMMISSIONER LEE SYDNEY, XX YYY 2017

Review of modern awards to be conducted.

- [1] Further to the Decision and Reasons for Decision <<DecisionRef>> in <<FileNo>>, it is determined pursuant to section 156(2)(b)(i) of the *Fair Work Act 2009*, that the *Road Transport and Distribution Award 2010* be varied as follows.
- [2] Delete existing Schedule C – Classifications Structure and Minimum Rates of Pay and replace with the following:

***Transport
worker
grade***

Classification

1

*General hand:
greaser and cleaner, yardperson, vehicle washer and
detailer, motor driver's assistant/furniture removers' assistant*

*Loader—other than freight forwarder
Courier—foot or bicycle*

**Transport
worker
grade**

Classification

- 2 *Loader—freight forwarder*
Tow motor driver
Driver of a rigid vehicle (including a motor cycle) not exceeding 4.5 tonnes gross vehicle mass (GVM)
- 3 *Driver of a fork-lift up to and including five tonnes lifting capacity*

Driver of a two—axle rigid vehicle on any other rigid vehicle exceeding 4.5 tonnes, but not exceeding 13.9 tonnes gross vehicle mass (GVM) unless by special permit or registration such vehicle may be up to 15 tonnes gross vehicle mass (GVM)

Driver of a concrete mixer up to and including two cubic metre bowl

Distribution facility employee level 1
- 4 *Driver of a 2/3 axle rigid vehicle exceeding 13.9 tonne gross vehicle mass (GVM).*

Driver oil tractor

Radio operator

Driver of fork-lift with a lifting capacity in excess of five tonnes and up to and including 10 tonnes

Weighbridge attendant

Driver of a straddle truck

Driver of a concrete mixer over two cubic metre bowl and up to 4.9 cubic metre bowl

Crane chaser/dogger

Distribution facility employee level 2
- 5 *Driver of a fork-lift with a lifting capacity in excess of 10 tonnes and up*

**Transport
worker
grade**

Classification

to 34 tonnes

Driver of a rigid vehicle with four or more axles and a GVM exceeding 13.9 tonnes

Driver of a rigid vehicle and heavy trailer combination with three axles and a GCM of 22.4 tonnes or less

Driver of an articulated vehicle with three axles and a GCM of 22.4 tonnes or less

Driver of a concrete mixer with five cubic metre bowl and over

6

Driver of a rigid vehicle and a heavy trailer combination with more than three axles and a GCM greater than 22.4 tonnes up to and including 53.4 tonnes

Driver of a mobile crane lifting up to and including 25 tonnes

Driver of an articulated vehicle with more than three axles and a GCM greater than 22.4 tonnes

Driver of a low loader with a GCM up to and including 43 tonnes

Driver of a fork-lift with a lifting capacity over 34 tonnes

Driver of a concrete mixer with 4 axles and with a seven cubic metre bowl and over.

Transport rigger

7

Driver of a double articulated vehicle up to and including 53.4 tonnes GCM—including B—Doubles

Driver of a concrete mixer with 5 axles and eight cubic metre bowl and over.

Driver of a low loader with a GCM exceeding 43 tonnes

When driving a low loader for each additional complete tonne over 43 tonnes GCM an extra 0.18% of the [standard rate](#) (as part of the

**Transport
worker
grade**

Classification

weekly rate for all purposes) will be payable

Provide that no load will exceed the limit prescribed by or under any State or Territory Act

Distribution facility employee level 3

8 *Driver of a mobile crane with a lifting capacity in excess of 25 tonnes and up to 50 tonnes*

Driver of a rigid vehicle and trailer(s) or double articulated vehicle exceeding 53.4 tonnes GCM including B—Doubles

Driver of multi-axle platform trailing equipment with a carrying capacity up to and including 70 tonnes capacity

Driver of an articulated concrete mixer with more than 3 axles and with a nine cubic metre bowl and over.

9 *Driver of a mobile crane with a lifting capacity in excess of 50 tonnes*

Driver of a gantry crane

Driver of a rigid vehicle with trailer combinations or articulated vehicle with trailer combinations exceeding 94 tonnes GCM

Distribution facility employee level 4

Aerodrome attendant

10 *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*

Driver of a mobile slewing crane with gross combination mass in excess of 100 tonnes (CGM)

Driver of a rigid vehicle with trailer combinations or articulated vehicle

**Transport
worker
grade**

Classification

with trailer combinations exceeding 103 tonnes GCM.

For each additional 10 tonnes or part thereof in excess of 150 tonnes an extra 2.09% of the standard rate (as part of the weekly wage rate for all purposes) up to 200 tonnes will be payable

For work performed in excess of 200 tonnes and up to 300 tonnes an additional payment of 2.04% of the standard rate (as part of the weekly wage rate for all purposes) to be added to the 200 tonnes rate

[3] The determination shall operate on and from XX YYY 2017.

SENIOR DEPUTY PRESIDENT