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National Secretary
Tony Sheldon

2 September 2016

Vice President Hatcher
Fair Work Commission
80 William Street
EAST SYDNEY NSW 2011

Dear Vice President Hatcher,

Re: AM2014/212 – *Road Transport and Distribution Award (2010)* (the Award)

The question of whether oil distribution workers should receive higher hourly rates has been raised in reference to Schedule C of the exposure draft.

Under the Award the ordinary hours of work are 38 hours per week except for oil distribution workers whose ordinary hours of work are 35 hours per week. In Schedule C of the exposure draft the hourly rate for oil distribution workers is divisible by 35. The TWU submits this is correct and the tables should be retained.

The historical approach taken to determine the hourly rate for oil distribution workers has been to divide the weekly minimum rate by 35. Any departure from this is a departure from a proper interpretation of the relevant provisions of the Award. If the hourly rate for oil distribution workers were the same as those employees on a 38-hour week, they would receive less than the minimum wage rate.

Yours sincerely,

A handwritten signature in cursive script that reads 'Wendy Carr'.

Wendy Carr
Director of Legal
Transport Workers' Union of Australia