



DETERMINATION

Fair Work Act 2009

s.158—Application to vary or revoke a modern award

Application by Craig Allen Mallett

(AM2023/7)

ROAD TRANSPORT AND DISTRIBUTION AWARD 2020

[MA000038]

Road transport industry

JUSTICE HATCHER, PRESIDENT
VICE PRESIDENT CATANZARITI
VICE PRESIDENT ASBURY

SYDNEY, 30 MAY 2023

Road Transport and Distribution Award 2020 – hours of work – application to vary clause 13.6.

A. Further to the decision issued by the Fair Work Commission today, 30 May 2023 [[2023] FWCFB 99], the above award is varied as follows:

1. By deleting clause 13.6(c) and inserting the following:

(c) Clause 13.6(d) applies to employees engaged in any of the following:

- (i) newspaper deliveries, where for the sole purpose of transport and delivery of daily newspapers;
- (ii) meat deliveries, where for the sole purpose of loading, transport and delivery of butcher's meat from abattoirs or meat works and where such meat is to be used for human consumption;
- (iii) live poultry, where for the sole purpose of loading, transport and delivery of live poultry from poultry farms to poultry processing plants; or
- (iv) a driver employed at a fish, fruit or vegetable store.

2. By inserting clause 13.6(d) as follows:

- (d) An employer may require an employee mentioned in clause 13.6(c) to commence ordinary hours of work between 12.01 am and 6.00 am (Monday to Friday inclusive) but not otherwise, in which case:

- (i) the ordinary hours of work in clauses 13.6(a) and 13.6(b) will not apply to the employee; and
- (ii) the weekly rate of the employee must be increased by **30%** of the ordinary hourly rate for each ordinary hour worked.

B. This determination comes into operation on 15 June 2023. In accordance with s 165(3) of the *Fair Work Act 2009* (Cth) this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period that starts on or after 15 June 2023.



PRESIDENT

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