



# REPORT TO THE FULL BENCH

*Fair Work Act 2009*  
s.156 - 4 yearly review of modern awards

(AM2014/208)

SENIOR DEPUTY PRESIDENT HAMBERGER

SYDNEY, 30 NOVEMBER 2015

*4 Yearly Review of Modern Awards – Passenger Vehicle Transportation Award 2010.*

[1] A conference was held on 28 October 2015 attended by representatives from the following organisations:

- The Transport Workers' Union of Australia (TWU);
- The Australian Workers' Union (AWU);
- The Australian Federation of Employers and Industries (AFEI);
- The Australian Industry Group (AIG);
- Australian Business Industrial (ABI) and NSW Business Chamber (NSWBCL);
- The Australian Public Transport Industrial Association (APTIA); and
- South Australia's Chamber of Commerce and Industry (Business SA)

[2] The parties discussed the exposure draft of the *Passenger Vehicle Transportation Award 2010*<sup>1</sup> (the Award) published on 18 December 2014. Changes to the exposure draft that had the general support of the parties are summarised in Attachment A. Changes which did not have general support, and may therefore need to be considered by a separate Full Bench are summarised in Attachment B. Matters in dispute that have already been referred to other Full Benches are summarised at Attachment C.



SENIOR DEPUTY PRESIDENT

## Attachment A

- The reference in clause 3.5(a) should be to ‘the Act’ (not the Fair Work Act (2009));
- The reference in clause 5.2 to clause 6.4(c) should be deleted;
- The reference in clause 5.2 to 8.1 (c)(i) should refer to ‘accumulation of rostered days off’ (rather than ‘Ordinary hours of work and rostering-hours of work);
- Replace 6.4 (a) (iii) with the wording from 10.4 (h) in the current award;
- Change reference in clause 6.4(e) from ‘6.4(b)(i)’ to 6.4(b)(i)-(iii);
- Change ‘for employee’s the classification’ (sic) in clause 6.4(f) to ‘the employee’s classification’;
- Change reference in clause 6.4(f) to ‘clause 6.4(b)(i)’ to ‘clause 6.4(b)(i)-(iii);
- Change reference in clause 6.4(h) to ‘clause 6.4(b)(i)’ to clause 6.4 (b) (i)-(iii);
- Delete ‘for a full-time employee’ from clause 8.1(a);
- Change clause 8.1(c)(i) to insert word ‘the’ before employer;
- Heading to clause 9 should be ‘Breaks’ (not ‘Unpaid Meal Breaks’);
- Reference in clause 10.2 should be to ‘under 19 years’ not ‘18 years and under’;
- Reference in Clause 10.5(a) to ‘pay week’ should be replaced with ‘pay period’;
- Add the following words at the end of clause 11.3 (g) (i): ‘provided that the medical is limited to ensuring that the employee is capable of performing the inherent requirements of the job’;
- In Clause 11.3(g) (ii) add the words ‘limited to ensuring that the employee is capable of performing the inherent requirements of the job’ after ‘medical evidence’ and before ‘will be made available’;
- Reference in clause 14.1 (a) (i) to clause 8.1(b) should be to ‘clauses 8.1 (a) and (b)’;
- Reference in clause 15.2 to ‘clause 15.1’ should be replaced with reference to s.87(1)(b) of the Act;
- Clause A.6 (b) (iii) to (iv) should be replaced with: ‘(iii) is required:
  - to have a customer service focus; and

- to provide support to operations officers at special events including supervision and co-ordination of transport movements; and is responsible for routine probationary service monitoring and assessment of new drivers’;
- Remove definition of ‘shift worker’ from Schedule G.

## **Attachment B**

- The award flexibility clause should specify that it applies to ‘hours of work’ and ‘breaks’;
- Insert the word ‘up to’ in clause 8.1 (a) such that it reads ‘The ordinary hours of work will be an average of up to 38 hours per week’;
- A span of hours clause should be introduced;
- The living away from home allowance at clause 11.3(d)(i) should be replaced with the current clause 15.2(c)(i);
- The provisions in the current award governing two driver operations should be retained.

## **Attachment C**

- Minimum engagement for casuals (to be referred to part-time/casuals Full Bench);
- Payment of annual leave loading on termination (to be dealt with by annual leave Full Bench)
- Insert accident pay provisions (to be referred to transitional provisions Full Bench).

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<sup>1</sup> MA000063.