



Australian Road Transport  
Industrial Organisation

ABN: 63 734 697 902

# AUSTRALIAN ROAD TRANSPORT INDUSTRIAL ORGANISATION

*Respect, Respond and Represent*

## FAIR WORK COMMISSION

Award Modernisation - AM2014/211

**Award Modernisation Road Transport (Long Distance Operations) Award 2010**

**Exposure Draft**

### ARTIO SUBMISSION

1. The Australian Road Transport Industrial Organisation (ARTIO) makes the following comments concerning the Exposure Draft (ED) on the Road Transport (Long Distance Operations) Award 2014.

#### **General Comments**

2. ARTIO makes these comments/observations from an overarching perspective. It has not examined the calculations contained in the various schedules.
3. It is imperative to understand that the Road Transport (Long Distance Operations) Award 2010 (LDO Award) is a unique award and 'normal and accepted' industrial principles need to be carefully and cautiously applied to its complex provisions.
4. The current award has been developed over a 35 year period to meet the exigencies around the task of moving freight over a long distance often overnight and involving trips that take at least 10 hours. The only trip listed in the LDO Award which can be done in less than 10 hours is the 8.9 hours for Melbourne to Adelaide.
5. This is essentially why the 20% overtime (2 hours in ten) is part of the payment for drivers who drive on either the 'cents per kilometre' system or are paid on the hourly driving rate.

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## ***Hours of Work & RDOs***

6. So on page 12 of the ED where a question is asked about ‘calculating payments for an employee working less than eight hours’, ARTIO would submit that this is hypothetical because the minimum engagement under the LDO Award for a casual employee is 500ks or eight hours – clause 10.3(d) of that Award.
7. It is most improbable that any ‘long distance operation’ can be done in less than eight hours.
8. ARTIO notes that ‘rostered days off’ (RDOs) do not accrue as they do in all other awards but clause 20.5(a) provides an entitlement to an employee when not on leave. This is because the hourly divisor is based on 40 hours and not 38 in every other award. This should not be interfered with in the ED.
9. Acknowledging that many long distance trips are made during the night, it is not conducive to taking RDOs. Generally, RDOs are paid out to an employee when that employee accesses their annual leave entitlements.
10. Clause 8.2 of the ED does not reflect the current provisions of the LDO Award which are contained in Clause 20.2. The ED has been drafted so that 8.2 (c), (d) and (e) are not subject to sub-clause (a) as the LDO Award provides.

## ***Other matters***

11. Page 11 of the ED - Clause 8.6 fits with the minimum guarantee of payment of twice the weekly rate. This is specified in clause 11.2 of the ED.
12. Page 21 – 12.3(d) (ii) – the Housing Payment is paid weekly.
13. Page 3 – Schedule A1 and A2 – the footnote is incorrect as the amount is only payable in addition to the hourly or cents per kilometre rate, not the weekly rate.
14. Schedule F defines ‘accredited fatigue management plan’ but it is seldom used in the ED. Rather, the term ‘fatigue management rules/regulations’ seems to have been adopted. This is somewhat confusing as that term is not defined.

15. There is already a de facto 'daily rate' in both the annual leave and public holiday clauses of the LDO Award. Clauses 23.2 and 26.3 respectively cover this point.
16. A daily rate clause would simply be 20 per cent of the applicable weekly rate.
17. ARTIO is still seeking feedback from its members on the usefulness of a formal 'daily rate' being inserted into the ED.

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ARTIO

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