

## Meeting record

**Subcommittee for consultation about an application by  
Mr Lawrence Hines to vary the  
*Road Transport (Long Distance Operations) Award 2020 – AM2024/35***

Meeting agenda			
<b>Date</b>	Friday, 9 May 2025		<b>Time</b> 10 am AEST
<b>Location</b>	Fair Work Commission 80 William Street EAST SYDNEY NSW 2011 Conference Room 16 Level 16, Terrace Towers * indicates attendance by MS Teams		
<b>Chair</b>	Peter Anderson		RTAG Member
<b>Facilitator</b>	Vice President Ingrid Asbury		Fair Work Commission
<b>Attendees</b>	Alan Taylor*		Proxy for Mr Hines for this meeting
	Trevor Warner*		
	Shaun Kelleher	Australian Industry Group	Workplace Relations Practice Leader
	Glyn Castanelli*	National Road Freighters Assoc'n	President
	Therese Walton	Transport Workers' Union of Australia	National Industrial Officer
<b>Apologies</b>	Lawrence Hines	Applicant	
	Brent Ferguson	Australian Industry Group	Head of National Workplace Relations Policy
<b>Secretariat</b>	Jessica Ogden	Fair Work Commission	

Topic		Lead
<b>Welcome and apologies</b>	The Chair opened the meeting and welcomed participants. The Chair confirmed meeting participants attending in person and online.	Chair
<b>Purpose</b>	The Vice President advised purpose of meeting and asked Mr Taylor to explain, on behalf of Mr Hines, what the application is seeking to resolve, and to talk through the items in the application.	Vice President
<b>Minimum payments for casual workers paid via the cents per kilometre method</b>	Mr Hines is seeking an amendment to the award provision that provides a casual worker paid by the cents per kilometre method of clause 16.4 must receive a minimum payment per day for 500km, to increase the minimum payment per day to 600km. Mr Hines contends that as the award also provides that where the employee is paid by the hourly driving rate method the minimum payment must	Mr Taylor

Topic		Lead
	be for 8 hours per day, and a driver is assumed to cover 75km per hour on average, so increasing the threshold to 600km per hour would resolve the inconsistency between the two payment methods.	
<b>Interaction between Long Distance and Road Transport awards</b>	Some road transport businesses have arrangements whereby Drivers may be engaged under one employment contract but paid under two different awards dependent on rostered shifts or allocated routes. Creates uncertainty for drivers in the method by which, and the amount, they are being paid for their work. Concerns around employers paying drivers according to the award most favourable to the employer. Some employers engage casuals for the maximum hours under each of the awards in the same week.	Ms Walton
<b>Loading/unloading payment</b>	Employees are only paid for loading or unloading duties when physically engaged in the loading or unloading of the truck, exposing drivers to periods where they are not released from duties, but are not paid for their time. A change to the definition of loading and unloading could resolve the problem. Discussion of issues around how drivers are compensated for non-driving activities.	Mr Taylor
<b>Pre-departure preparation</b>	Drivers are often required to attend approximately one hour prior to scheduled departure time but are not paid. If their allocated truck is not ready by the scheduled departure time, they are not paid for the delay. Forms part of general issues around how drivers are compensated for non-driving activities. Introduction of a minimum safety net payment for non-driving activities may resolve the problem. General discussion of rostering practices in the industry, and how delays to start times are communicated by employers to employees. This can also occur at the end of a trip.	General discussion
<b>Unpaid delays</b>	Drivers being paid by the cents per kilometre method, who are tasked with meeting another truck to exchange trailers, are not paid for time spent waiting for the other driver to arrive at the meeting point. Forms part of general issues around how drivers are compensated for non-driving activities. Introduction of a minimum safety net payment for non-driving activities may resolve the problem.	Mr Taylor
<b>Unpaid meal breaks</b>	Is the application seeking that paid meal breaks are confined to day workers, as drivers on long haul routes are unable to leave their truck, therefore are not completely released from duty whilst on a meal break and should be treated as shift workers?	Vice President Asbury
<b>Features of shift work in long distance driving</b>	The <i>Road Transport (Long Distance Operations) Award</i> recognises there are features of shift work in long distance driving, but most drivers do not work rotating shifts or otherwise meet the 'standard' definition of shift workers in other modern awards. Discussion of concerns around drivers not being compensated fairly for the variety of 'shifts' worked and the complexities of fatigue management in	General discussion

Topic		Lead
	long haul operations. Mr Hines is claiming that long distance drivers should be considered to be shift workers.	

#### Next Meeting

**Time:** 10:00AM

**Location:** Conference Room 16

**Dates:** Friday 23 May 2025