

## 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, 23 May 2025   | <b>Time</b>  | 10:30 am AEST (rescheduled)         |
| <b>Location</b>    | Fair Work Commission<br>80 William Street<br>EAST SYDNEY NSW 2011 | Conference Room 16<br>Level 16, Terrace Towers<br>* 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>   | Lawrence Hines*   | Applicant  |                                     |
|                    | Alan Taylor   |  |                                     |
|                    | Shaun Kelleher  | Australian Industry Group  | Workplace Relations Practice Leader |
|                    | Warren Clark  | National Road Transport Assoc  | Chief Executive Officer             |
|                    | Therese Walton*   | Transport Workers' Union of Australia  | National Industrial Officer         |
|                    | Warren Clarke   | National Road Transport Association  |                                     |
| <b>Apologies</b>   | Trevor Warner   | Drivers Advocate Alliance  | National Secretary                  |
|                    | Glyn Castanelli   | National Road Freighters Assoc   | President                           |
|                    | Brent Ferguson  | Head of National Workplace Relations Policy  | Australian Industry Group           |
| <b>Secretariat</b> | Jessica Ogden*  | Fair Work  |                                     |
|                    | Isabelle Thwaites*  | Commission   |                                     |

| Subject                      |   | Lead         |
|------------------------------|---|--------------|
| <b>Welcome and apologies</b> | The Chair opened the meeting and welcomed participants.<br>The Chair confirmed meeting participants attending in person and online. | <b>Chair</b> |

| Subject   |   | Lead                          |
|---|---|-------------------------------|
| <b>Confirmation of record of previous meeting</b>               | Mr Taylor on behalf of Mr Hines sought amendments to the draft 9 May 2025 meeting record to clarify items that were raised by Mr Hines and other parties. Proposed amendments were agreed.  | <b>Chair</b>                  |
| <b>Continuation of discussion about variations to the Award</b> | <p>Discussion of definition of shift work at clause 22(1)(e). Discussion of whether long haul drivers are caught by the definition. Concern that drivers do not meet the definition of shift workers so are not adequately compensated for the features of shift work in their work hours. Discussion of the disability allowance and whether it could be adjusted to ensure adequate compensation.</p> <p>Discussion about the maximum payment of 14 hours and whether it adequately compensates in break downs where drivers are required to stay in close proximity to truck. Discussion about the interaction with the seven-hour rest break. Discussion of provision in Northern Territory and Western Australia for drivers to be paid for a maximum of 17 hours compared to 14 hours elsewhere. Discussion of comparison to inclement weather clauses. Discussion about whether changes to the disability allowance and overtime formula could resolve issue.</p> <p>Discussion of rostered day off accrual and whether 40-hour divisor is fair. Discussion of relationship between National Employment Standards and awards containing disability allowances.</p> <p>Discussion of the trip matrix. Discussion about schedule of agreed distances. Some parties agreed that schedule of agreed distances is accurate but concern the 75km/hour assumption no longer accurate. Attendees interested in reviewing the history of the 75km/hour assumption to determine if still appropriate.</p> <p>Discussion of potential amendments to clause 16.6 to incorporate loading, unloading and other non-driving work. Proposal of introduction of rule that a driver cannot be worse off because of the method by which they are paid. Discussion about the reconciliation and compliance steps that would be required. Discussion about whether a reconciliation model is compatible with the modern award objectives.</p> | <b>VP Asbury and Mr Hines</b> |
| <b>Next steps</b>   | Discussion of research capabilities of the Fair Work Commission (Commission). Proposal that the Commission's research staff begin drafting questions to guide application and further research. Agreement by most attendees that research into the history of the award would be useful, as well as historic analysis of award variation proceedings.   | <b>VP Asbury</b>              |
| <b>Next meeting</b>   | Next meeting will be held at 10am AEST on Friday, 13 June 2025 via Microsoft Teams.   | <b>VP Asbury</b>              |