



REPORT TO THE FULL BENCH

Fair Work Act 2009

s.156 - 4 yearly review of modern awards

PASSENGER VEHICLE TRANSPORTATION AWARD 2010

[MA000063]

(AM2014/208)

ROAD TRANSPORT (LONG DISTANCE OPERATIONS) AWARD 2010

[MA000039]

(AM2014/211)

ROAD TRANSPORT AND DISTRIBUTION AWARD 2010

[MA000038]

(AM2014/212)

TRANSPORT (CASH IN TRANSIT) AWARD 2010

[MA000042]

(AM2014/215)

WASTE MANAGEMENT AWARD 2010

[MA000043]

(AM2014/216)

SENIOR DEPUTY PRESIDENT HAMBERGER

SYDNEY, 11 AUGUST 2016

[1] A conference was held in Sydney on 28 July 2016 attended by representatives of:

- The Australian Workers' Union (AWU);
- The Australian Public Transport Industrial Association (APTIA);
- The Transport Workers' Union (TWU);
- The Construction Forestry Mining and Energy Union (CFMEU);
- The NSW Business Chamber & Australian Business industrial (ABI);
- The Australian Road Transport Industrial Organisation (ARTIO);
- The Waste Contractors & Recyclers Association (WCRA); and
- The Australian Industry Group (AIG).

[2] The conference was to deal with outstanding technical and drafting issues concerning the four yearly review of the above five transport awards. These issues are those identified as technical/drafting issues in AIG's letter to Vice President Hatcher of 7 July 2016.

[3] Proposed variations to the latest exposure draft (ED) that were supported by all the parties represented at the conference are summarised at Attachment A. Proposed variations that were not agreed to but which are still pressed by one of the parties are summarised at Attachment B. Proposed variations that are no longer pressed are summarised at Attachment C. There are no outstanding technical/drafting issues in the *Road Transport (Long Distance Operations) Award 2010*. This report does not refer to technical/drafting issues that have already been resolved in earlier conferences or at the mention before the Vice President.



SENIOR DEPUTY PRESIDENT

ATTACHMENT A – AGREED VARIATIONS

Passenger Vehicle Transportation Award 2010 [MA000063] (AM2014/208)

- In clause 13.2 amend the percentage figure in the third column (i.e. that for casuals) in the box concerning public holidays, other than Good Friday and Christmas Day, to 125% (rather than 100%).

Waste Management Award 2010 [MA000043] (AM2014/216)

- Replace clause 6.5(h) in ED with the following: ‘In addition to normal overtime rates, a casual employee, while working overtime or outside ordinary hours, shall be paid on an hourly basis one thirty-eighth of the relevant minimum wage prescribed by the award, plus 10% of the ordinary hourly rate for the work performed.’

Transport (Cash in Transit) Award 2010 [MA000042] (AM2014/215)

- In cause 14.8 heading should be amended to read ‘Shiftwork allowances’ and preamble to table should be amended by deleting words ‘penalty rates’ with ‘shift allowances’.

ATTACHMENT B – NON-AGREED VARIATIONS

Passenger Vehicle Transportation Award 2010 [MA000063] (AM2014/208)

- Insert the words ‘up to’ in clause 8.1(a) of ED such that it reads ‘The ordinary hours of work will be an average of up to 38 hours per week’.

Road Transport and Distribution Award 2010 [MA000038] (AM2014/212)

- Delete the words ‘for a full-time employee’ in clause 8.1 of ED and insert the words ‘up to’ before ‘38 hours’ such that it reads ‘The ordinary hours of work are an average of up to 38 per week to be worked on one of the following bases.’

ATTACHMENT C – VARIATIONS NO LONGER PRESSED

Road Transport and Distribution Award 2010 [MA000038] (AM2014/212)

- The proposed variation to Schedule C.4 A of the ED.

Transport (Cash in Transit) Award 2010 [MA000042] (AM2014/215)

- Amend clause 9.1(a) by inserting the words ‘up to 38 hours per week’;
- Footnote to Schedules A2.2 and A3.2 should make clear that rates prescribed for non-continuous afternoon or night shifts only apply to work on Saturday, Sunday or a public holiday;
- The public holiday column in Schedule A2.3 should be removed.