

IN THE FAIR WORK COMMISSION

AM2014/211

June 2017 Exposure draft – *Road Transport (Long Distance Operations) Award 2015* (the Draft)

Submissions of the National Road Transport Association (NatRoad)

Background

1. These submissions are filed on behalf of the National Road Transport Association (**NatRoad**) in response to the release of the revised Exposure Draft of the *Road Transport (Long Distance Operations) Award 2015 (the Draft)* on 13 June 2017. We respond to the publication of the Draft by making comments on individual clauses, inclusive of elements of the commentary.
2. We also note that the President issued a Statement dated 9 June 2017 (**the Statement**) where in a schedule at Attachment B to the Statement (**the Schedule**) there is a list of items yet to be resolved in relation to Group 2 awards. In this submission, we respond to the four issues that are set out in the Schedule which relate to the *Road Transport (Long Distance Operations) Award 2015*. Where those issues appear in the text, we have bolded the words “In the Schedule.”
3. We note that the monetary amounts set out in the Draft relate to the period ending 30 June 2017.
4. NatRoad is a not-for-profit industry association. It represents the interests of more than 1000 contract carriers, operators and owner-drivers working within the road transport industry throughout Australia. Most of NatRoad’s members are small business owners and operators.

Response to Specific Clauses in the Draft

5. **Clause 1.1** – the word “Award” is missing from the title. The use of the date 2015 should be re-considered and 2017 substituted.
6. **Clause 3.1** – the reference in the commentary to the definition of “long distance operation” being referred to a separately constituted Full Bench is inaccurate. The TWU did not press this claim.
7. **Clause 6.3** – we note that **in the Schedule** there is a reference to the matter of part-time employment having been referred to the Part Time Full Bench. Perhaps that should be mentioned in the Draft so as to inform readers of that potentiality, as appears to be the intention with the commentary referred to in the prior paragraph of this submission.
8. **Clause 7** contains the redrafted classification grades amended so as to be consistent with the *Road Transport and Distribution Award 2010*. In the prior exposure draft,

Filed By:	The National Road Transport Association
Address:	Level 3, Minter Ellison Building, 25 National Circuit, Forrest, ACT, 2603
Email :	richard.calver@natroad.com.au
Telephone:	(02) 6295 3000

instead of a description for grades 1 and 2 there appeared the abbreviation “N/A.” That abbreviation has now been deleted. We therefore reinforce the comment made in the NatRoad submission dated 29 November 2016 that it would assist those unfamiliar with the connection between the grades in the two awards if a note indicating that linkage appeared at the end of the table in clause 7. That suggestion was not taken up in the Draft.

9. **Clause 8.5-** as mentioned in the submission dated 29 November 2016 this provision has a second substantive paragraph that is not numbered. Its terms are currently reflected in clause 20.5(b) of the *Road Transport (Long Distance Operations) Award 2010*. It should be re-numbered 8.5(b) with consequent re-numbering of subsequent sub-clauses. Having unnumbered paragraphs in a document where others are numbered sequentially is confusing for the reader.
10. **Clause 11.2(a)** contains a new provision. This provision was added as a result of the recorded agreement of the parties about the need to clarify how the “fortnightly period is derived.” We provided NatRoad’s stance in relation to this matter in the submission dated 29 November 2016. **In the Schedule**, the AiG’s proposed amendment to deal with our earlier concerns is set out. We agree that the words proposed by AiG and set out in the Schedule would be much clearer than the current final sentence of this provision as set out in the Draft. This comment deals with two issues raised **in the Schedule** about this matter.
11. **Clause 11.5(a)-** the note should refer to 11.5(a)(iii) not 11.5(iii).
12. **Clause 14.2(b):** the word “in” remains in the wrong place in the first line despite that word now being highlighted in red.

One Remaining Matter in the Schedule

13. **Minimum Wages/Schedule A:** we note that the rates are correct up to 30 June 2017 in our calculation. We agree with the comment made that the details of any allegation relating to incorrect rates should be made clear by ARTIA.

Richard Calver
National Road Transport Association

28 June 2017