

**From:** James Mattson [mailto:JMattson@bartier.com.au]  
**Sent:** Friday, 22 September 2017 4:43 PM  
**To:** Chambers - Hamberger SDP  
**Cc:** Wendy Carr; Paul Ryan; Richard Calver  
**Subject:** RE: vehicle relocation work - AM2016/32 - AMOD Group 2C (road transport) [BP-BPWSD.B.FID688329]

Dear Associate

Further to the conference on 30 August 2017, attached is the proposed draft determination to be sought by my clients.

We have communicated with the TWU regarding the preparation of evidence and submissions, which may require some expert evidence. With the agreement of the TWU, we would propose the following timetable:

1. Truck Moves Australia Pty Ltd file and serve any evidence and submissions in support of its proposed draft determination on or before Friday, 10 November 2017.
2. The Transport Workers Union and any other parties file and serve any evidence and submissions in reply on or before Friday, 8 December 2017.
3. Truck Moves Australia Pty Ltd file and serve any evidence and submissions in response on or before Friday, 22 December 2017.

We would expect the matter would not require more than two days hearing.

Best regards

**JAMES MATTSON**  
**Executive Lawyer**

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# FAIR WORK COMMISSION

## DRAFT DETERMINATION

*Fair Work Act 2009*

Part 2 – 3, Div 4 – 4 yearly review of modern awards  
(AM 2016\32)

**Road Transport and Distribution Award 2010** [MA 000038]

Road transport industry

SENIOR DEPUTY PRESIDENT HAMBERGER  
DEPUTY PRESIDENT SAMS  
COMMISSIONER LEE

SYDNEY, 2018

- [1] Further to the Decision and Reasons for Decision in [insert reference], it is determined pursuant to section 156(2)(b)(i) the *Fair Work Act 2009*, that the *Road Transport and Distribution Award 2010* be varied as follows:
- [2] Insert a new Schedule to the *Road Transport and Distribution Award 2010* as follows:

### **Schedule [XX] - Vehicle Relocation Industry**

#### **Commencement of Award provisions**

1. The provisions in this Award (and this Schedule) commence operation for the vehicle relocation industry on and from the first full pay period on or after 1 July 2018.

#### **Definition**

2. In this Schedule:

**kilometres travelled** means the distance from suburb of departure to suburb of destination.

**long distance trip** means a trip of more than 500 km in distance.

**vehicle relocation industry** means the industry described in subclause (j) of the definition of road transport and distribution industry.

### **Classification and minimum wage rate**

3. In lieu of clauses 15.1 and 15.2 of this Award, the minimum wage rate of pay for a full-time adult employee employed to drive unladen vehicles in the vehicle relocation industry are as follows:

	<b>Minimum weekly wage</b>	<b>Minimum hourly rate</b>
	<b>\$</b>	<b>\$</b>
<b>Driver</b>	715.54	18.83

4. If, incidental to their normal employment in the vehicle relocation industry, a driver is engaged in the carriage of goods etc, then the appropriate classification and rate of pay in clauses 15.1 and 15.2 of this Award apply for that specific work undertaken by the driver.
5. For the avoidance of doubt, clause 19 of the Award, Higher Duties, does not apply to the vehicle relocation industry.

### ***Long distance operations – kilometre rate***

6. Drivers engaged in a long distance trip will be paid for the driving component of the journey by multiplying the number of kilometres travelled by a cents per kilometre rate (based on the above hourly rate divided by 82 multiplied by a 1.1 loading (paid in lieu of shift loadings, overtime etc)).
7. Travelling to or back from a long distance trip (unless engaged to drive back, in which case the above cents per kilometre rate applies) is paid at the applicable hourly rate.
8. The above kilometre rates apply to long distance driving on weekends and public holidays (without the payment of any additional amounts for work on those days).

### **Ordinary hours of work**

9. In respect of clause 22.3 of this Award, the ordinary hours of work for a driver in the vehicle relocation industry must not exceed:

9.1. ten hours per day; or

9.2. twelve hours per day for long distance trips,

and those hours must be worked continuously (except for meal breaks or any breaks taken for the purpose of complying with fatigue management rules/regulations) between the hours of 5:30 am and 6:30 pm.

### **Transitional arrangements**

10. In respect of the minimum wage obligations in clause 2 of this Schedule, the following transitional arrangements apply to employers in the vehicle relocation industry:

10.1. The difference between the minimum wage set out in clause 2 of this Schedule and the National Minimum Wage Order is referred to as the transitional amount.

10.2. From the following dates the employer must pay no less than the minimum wage set out in clause 2 of this Schedule minus the specified portion of the transitional amount:

**First full pay period on or after**

1 July 2018	80%
1 July 2019	60%
1 July 2020	40%
1 July 2021	20%

Illustration: The NMWO is presently \$18.29 an hour. The minimum wage in clause 2 is \$18.83. The transitional amount is \$0.54. Discounting the 80% portion of \$0.432, the rate payable would be \$18.398 an hour.

10.3. These transitional arrangements cease to operate from the beginning of the first full pay period on or after 1 July 2022.