

The Exposure Draft was first published on 18 December 2014. Subsequent amendments to the draft are as follows:

Publication date	Reason for amendments	Clauses affected
22 December 2014	Corrected casual wage rates	C.4.2, C.4.4 and C.4.6
7 November 2016	Incorporate changes resulting from PR567246	18.1
	Incorporate changes resulting from [2015] FWCFB 3500 , PR566709 , PR566848 and PR568050	13.5(d), 12, 13, Schedule B, Schedule C, Schedule D, E.1
	Incorporating changes resulting from [2014] FWCFB 9412	1, 2, 3, 6., 12, 19, 20, 21, 22, 23, 24, Schedule E, Schedule G, Schedule H
	Incorporating changes resulting from [2015] FWCFB 4658	12, 18, Schedule C
	Incorporate changes resulting from [2015] FWCFB 6656	1
	Correct error	23.2, C.1.1
	Incorporate changes resulting from PR580863	Schedule G
	Incorporate changes resulting from [2016] FWCFB 3500 , PR579803 , PR579543 and PR581528	12, 13, Schedule C, Schedule D, Schedule F
	Incorporate changes resulting from [2016] FWCFB 3953 , PR583070	5.2(a)(vi), 5.2(a)(vii), 18, Schedule I, Schedule J
	Incorporating changes resulting from [2016] FWCFB 7254	5.2,5.3, 6.4, 6.5, 8, 9, 11.1, 11.2, 12.3, 13, 15.1, 15.10, 16.2, 17, 18, 19, Schedule B, C.2, D.1
Changes agreed to by parties appear in red text. Underlined text indicates new text that is to be included. Strikethrough text indicates existing text that is to be deleted.		

EXPOSURE DRAFT

Road Transport and Distribution Award 2015

This exposure draft has been prepared by staff of the Fair Work Commission based on the **Road Transport and Distribution Award 2014** (the RTD Award) as at 18 December 2014. This exposure draft does not seek to amend any entitlements under the RTD Award but has been prepared to address some of the structural issues identified in modern awards.

The review of this award in accordance with s.156 of the *Fair Work Act 2009* is being dealt with in matter [AM2014/212](#). Additionally a number of common issues are being dealt with by

the Commission which may affect this award. Transitional provisions have not been included in this exposure draft pending the outcome of the review.

This draft does not represent the concluded view of the Commission in this matter.

Table of Contents

	Page
Part 1— Application and Operation	4
1. Title and commencement	4
2. The National Employment Standards and this award	4
3. Coverage	4
4. Award flexibility	6
5. Facilitative provisions	8
Part 2— Types of Employment and Classifications.....	9
6. Types of employment.....	9
7. Classifications	12
Part 3— Hours of Work	12
8. Ordinary hours of work and roster cycles—employees other than oil distribution workers	12
9. Ordinary hours of work and roster cycles—oil distribution workers	15
10. Start times	16
11. Breaks.....	16
Part 4— Wages and Allowances	17
12. Minimum wages.....	17
13. Allowances.....	20
14. Superannuation.....	24
Part 5— Penalties and Overtime	26
15. Shiftwork.....	26
16. Penalty rates	29
17. Overtime.....	30
Part 6— Leave, Public Holidays and Other NES Entitlements.....	31
18. Annual leave	31
19. Personal/carer’s leave and compassionate leave.....	36
20. Parental leave and related entitlements	36
21. Public holidays	36
22. Community service leave.....	37

23.	Termination of employment.....	37
24.	Redundancy.....	37
Part 7— Consultation and Dispute Resolution.....		38
25.	Consultation	38
26.	Dispute resolution	39
27.	Dispute resolution training leave	40
Schedule A —Classification Definitions for Distribution Facility Employees.....		42
Schedule B —Classification Structure and Minimum Rates of Pay		45
Schedule C —Summary of Hourly Rates of Pay		48
Schedule D —Summary of Monetary Allowances		60
Schedule E —National Training Wage		63
Schedule F —Supported Wage System		73
Schedule G —2016 Part-day public holidays		76
Schedule H —Definitions.....		78
Schedule I —Agreement to Take Annual Leave in Advance.....		83
Schedule J —Agreement to Cash Out Annual Leave		84

Part 1—Application and Operation

1. Title and commencement

- 1.1 This award is the *Road Transport and Distribution Award 2015*.
- 1.2 This modern award, as varied, commenced operation on 1 January 2010. A variation to this award does not affect any right, privilege, obligation or liability that a person acquired, accrued or incurred under the award as it existed prior to that variation.
- 1.3 Schedule H—Definitions sets out definitions that apply in this award.
- 1.4 Neither the making of this award nor the operation of any transitional arrangements is intended to result in a reduction in the take-home pay of employees covered by the award. On application by or on behalf of an employee who suffers a reduction in take-home pay as a result of the making of this award or the operation of any transitional arrangements, the Fair Work Commission may make any order it considers appropriate to remedy the situation.

2. The National Employment Standards and this award

- 2.1 The [National Employment Standards](#) (NES) and this award contain the minimum conditions of employment for employees covered by this award.
- 2.2 Where this award refers to a condition of employment provided for in the NES, the NES definition applies.
- 2.3 The employer must ensure that copies of this award and the NES are available to all employees to whom they apply, either on a notice board which is conveniently located at or near the workplace or through accessible electronic means.

3. Coverage

- 3.1 This industry award covers employers throughout Australia in the road transport and distribution industry and their employees in the classifications listed in Schedule A and Schedule B to the exclusion of any other modern award.
- 3.2 The **road transport and distribution industry** means:
- (a) the transport by road of goods, wares, merchandise, material or anything whatsoever whether in its raw state or natural state, wholly or partly manufactured state or of a solid or liquid or gaseous nature or otherwise, and/or livestock, including where the work performed is ancillary to the principal business, undertaking or industry of the employer;
 - (b) the receiving, handling or storing of goods, wares, merchandise, material or anything whatsoever whether in its raw state or natural state, wholly or partly

Exposure draft – Road Transport and Distribution Award 2015

manufactured state or of a solid or liquid or gaseous nature or otherwise in a distribution facility;

- (c) the storage and distribution of goods, wares, merchandise, materials or anything whatsoever whether in its raw state or natural state, wholly or partly manufactured state or of a solid or liquid or gaseous nature or otherwise, and/or livestock where the storage and distribution activities are carried out in connection with air freight forwarding and customs clearance;
- (d) the wholesale transport and delivery by road of meat from abattoirs, slaughterhouses, and wholesale meat depots;
- (e) mobile food vending;
- (f) the cartage and/or distribution, in tankers, of petrol or bulk petroleum products (in the raw or manufactured state) from refineries, terminals or depots of oil companies and/or distributors; the cartage and/or distribution on road vehicles of packaged petroleum products (in the raw or manufactured state) from refineries, terminals or depots of oil companies and/or distributors and the transport and/or distribution of petrol and petroleum products (in the raw or manufactured state) for distributors of oil companies or for contractors or sub-contractors to such distributors;
- (g) the road transport of crude oil or gas condensate;
- (h) the transport on public roads of milk and cream in bulk, and the transport, vending and distribution of milk, cream, butter, cheese and their derivatives (including fruit juices, yoghurt and custard); and/or
- (i) the cartage by road of quarried materials.

3.3 This award does not cover employers and employees covered by the following awards:

- *Mining Industry Award 2015*;
- *Road Transport (Long Distance Operations) Award 2015* whilst undertaking long distance operations;
- *Transport (Cash in Transit) Award 2015*; and
- *Waste Management Award 2015*.

3.4 This award covers any employer which supplies labour on an on-hire basis in the industry set out in clauses 3.1 and 3.2 in respect of on-hire employees in classifications covered by this award, and those on-hire employees, while engaged in the performance of work for a business in that industry. This subclause operates subject to the exclusions from coverage in this award.

3.5 This award covers employers which provide group training services for trainees engaged in the industry and/or parts of industry set out at clauses 3.1 and 3.2 and those trainees engaged by a group training service hosted by a company to perform work at a location where the activities described in clauses 3.1 and 3.2 are being performed. This subclause operates subject to the exclusions from coverage in this award.

3.6 This award does not cover:

- (a) employees excluded from award coverage by the *Fair Work Act 2009*;
- (b) employees who are covered by a modern enterprise award, or an enterprise instrument (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees; or
- (c) employees who are covered by a State reference public sector modern award, or a State reference public sector transitional award (within the meaning of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth)), or employers in relation to those employees.

3.7 Where an employer is covered by more than one award, an employee of that employer is covered by the award classification which is most appropriate to the work performed by the employee and to the environment in which the employee normally performs the work.

NOTE: Where there is no classification for a particular employee in this award it is possible that the employer and that employee are covered by an award with occupational coverage.

4. Award flexibility

4.1 Notwithstanding any other provision of this award, an employer and an individual employee may agree to vary the application of certain terms of this award to meet the genuine individual needs of the employer and the individual employee. The terms the employer and the individual employee may agree to vary the application of, are those concerning:

- (a) arrangements for when work is performed;
- (b) overtime rates;
- (c) penalty rates;
- (d) allowances; and
- (e) leave loading.

4.2 The employer and the individual employee must have genuinely made the agreement without coercion or duress. An agreement under this clause can only be entered into after the individual employee has commenced employment with the employer.

4.3 The agreement between the employer and the individual employee must:

- (a) be confined to a variation in the application of one or more of the terms listed in clause 4.1; and
- (b) result in the employee being better off overall at the time the agreement is made than the employee would have been if no individual flexibility agreement had been agreed to.

- 4.4** The agreement between the employer and the individual employee must also:
- (a) be in writing, name the parties to the agreement and be signed by the employer and the individual employee and, if the employee is under 18 years of age, the employee's parent or guardian;
 - (b) state each term of this award that the employer and the individual employee have agreed to vary;
 - (c) detail how the application of each term has been varied by agreement between the employer and the individual employee;
 - (d) detail how the agreement results in the individual employee being better off overall in relation to the individual employee's terms and conditions of employment; and
 - (e) state the date the agreement commences to operate.
- 4.5** The employer must give the individual employee a copy of the agreement and keep the agreement as a time and wages record.
- 4.6** Except as provided in clause 4.4(a) the agreement must not require the approval or consent of a person other than the employer and the individual employee.
- 4.7** An employer seeking to enter into an agreement must provide a written proposal to the employee. Where the employee's understanding of written English is limited the employer must take measures, including translation into an appropriate language, to ensure the employee understands the proposal.
- 4.8** The agreement may be terminated:
- (a) by the employer or the individual employee giving 13 weeks' notice of termination, in writing, to the other party and the agreement ceasing to operate at the end of the notice period; or
 - (b) at any time, by written agreement between the employer and the individual employee.
- NOTE: If any of the requirements of [s.144\(4\)](#), which are reflected in the requirements of this clause, are not met then the agreement may be terminated by either the employee or the employer, giving written notice of not more than 28 days (see [s.145](#) of the Act).
- 4.9** The notice provisions in clause 4.8(a) only apply to an agreement entered into from the first full pay period commencing on or after 4 December 2013. An agreement entered into before that date may be terminated in accordance with clause 4.8(a), subject to four weeks' notice of termination.
- 4.10** The right to make an agreement pursuant to this clause is in addition to, and is not intended to otherwise affect, any provision for an agreement between an employer and an individual employee contained in any other term of this award.

5. Facilitative provisions

5.1 Agreement to vary award provisions

- (a) This award contains facilitative provisions that allow agreement between an employer and employees on how specific award provisions are to apply at the workplace or enterprise level.
- (b) The specific award provisions establish both the standard award conditions and the framework within which agreement can be reached as to how the particular provisions should be applied in practice. Facilitative provisions are not to be used as a device to avoid award obligations nor should they result in unfairness to an employee or employees covered by this award.

5.2 Facilitation by individual agreement

5.2 amended in accordance with PR583070, and, para [174] of [2016] FWCFB 7254

- (a) The following facilitative provisions can be utilised upon agreement between an employer and an employee:
 - (i) clause 8.4—Hours of work—ordinary hours, days of the week;
 - (ii) clause ~~8.5~~ 8.6(b)—Hours of work—spread of hours;
 - (iii) clause 8.7—Hours of work—normal rostered day off;
 - ~~(iv) Clause 9.5—Hours of work—rostered days off;~~
 - (iv) clause 9.6(a)—Hours of work—rostered days off;
 - ~~(vi) clause 13.5(a)—Travelling allowance; and~~
 - (v) clause ~~15.7~~ 15.7(a)—Shiftwork—transfer to or from shiftwork;
 - (vi) clause 18.5—Agreement to take annual leave in advance; and
 - (vii) clause 18.10—Agreement to cash out annual leave.
- (b) The agreement reached must be recorded in writing and kept as a time and wages record.

5.3 Facilitation by majority agreement

5.3(a) amended in accordance with para [174] of [2016] FWCFB 7254

- (a) The following facilitative provisions can be utilised upon agreement between the employer and the majority of employees in the workplace or part of the workplace. Once such an agreement has been reached the particular form of flexibility agreed upon may be utilised by agreement between the employer and an individual employee without the need for the majority to be consulted:
 - (i) clause 8.4—Hours of work—ordinary hours, days of week;
 - (ii) clause ~~8.5~~ 8.6(b)—Hours of work—maximum number of hours, spread of hours;

(iii) clause 9.5—Hours of work—rural distribution operations; and

~~(iv) clause 9.6(a)—Hours of work—rostered days off; and~~

(iv) clause 15.2(b)—Shiftwork—shiftwork hours and rosters.

(b) The agreement reached must be recorded in writing and kept as a time and wages record.

Part 2—Types of Employment and Classifications

6. Types of employment

6.1 Employees will be employed in one of the following categories:

(a) full-time;

(b) part-time; or

(c) casual.

6.2 At the time of engagement, an employer will inform each employee of the terms of their engagement and, in particular, whether they are to be full-time, part-time or casual. This decision will then be recorded in a time and wages record.

6.3 Full-time employment

A full-time employee is engaged to work an average of 38 ordinary hours per week.

6.4 Part-time employment

6.4 amended in accordance with para [174] of [2016] FWCFB 7254

(a) A part-time employee is engaged to work less than 38 ordinary hours per week.:

~~(i) is engaged to work less than 38 ordinary hours per week; and~~

~~(ii) receives, on a pro rata basis, pay and conditions equivalent to those of full-time employees working 38 hours who do the same kind of work.~~

(b) Before commencing part-time employment, the employee and employer must agree upon:

(i) the hours to be worked by the employee;

(ii) the days upon which they will be worked;

(iii) the starting and finishing times for the work; and

(iv) the classification applying to the work to be performed.

(c) The terms of the agreement in clause 6.4(b) may be varied by consent.

- (d) The terms of the agreement or any variation to it must be in writing and retained by the employer. The employer must provide a copy of the agreement, and any variation to it, to the employee.
- (e) A part-time employee must be paid per hour the minimum hourly rate prescribed by clause 12—Minimum wages for the classification in which the employee is engaged.
- (f) Except as otherwise provided in this award, a part-time employee is entitled to be paid for the hours agreed upon in accordance with clause 6.4(b)(i) – (iii).
- (g) A part-time employee must receive a minimum payment of four hours for each day they are engaged.
- (h) All time worked in excess of the agreed hours referred to in clause 6.4(b)(i) – (iii) will be paid at the appropriate overtime rate.
- (i) The terms of this award apply pro rata to part-time employees on the basis that ordinary weekly hours for full-time employees are 38.

6.5 Casual employment

6.5 amended in accordance of para [174] of [2016] FWCFB 7254

- (a) A casual employee is engaged as a casual employee and paid by the hour.
- (b) An employer must wherever practicable, notify a casual employee if their services are not required the next working day.
- (c) **Casual loading**
For each ordinary hour worked, a casual employee must be paid:
 - (i) the minimum hourly rate; and
 - (ii) a loading of 25% of the minimum hourly rate,for their classification, ~~in which they are employed.~~ A minimum payment of four hours per engagement is to be paid.
~~(d) A minimum payment of four hours per engagement is to be paid.~~
- (d) A casual employee must be paid for all overtime worked at the overtime rates specified in clause 17.1. For each hour of overtime worked a casual employee must also be paid 10% of the minimum hourly rate specified for their classification in clause 12—Minimum wages. A casual employee will not receive the 25% casual loading referred to in clause 6.5(c) whilst working overtime.

Example: Assuming the rate is \$20 per hour, a casual employee would be paid \$25 per hour for ordinary hours of work and would be paid according to the following methodology when working overtime:

- Time and a half—a payment of \$30 plus 10% of \$20, as the hourly rate, giving a total payment of \$32.

- Double time—a payment of \$40 plus 10% of \$20, as the hourly rate, giving a total payment of \$42.

6.6 Conversion of casual employment

(a) Eligible casual employee

- (i) An **eligible casual employee** is a casual employee:
- who works on a regular and systematic basis;
 - who is employed under this award for a sequence of periods over 12 months; and
 - whose employment is to continue beyond the period of 12 months.
- (ii) An eligible casual employee has the right, after 12 months, to elect to have their contract of employment converted to full-time or part-time employment.

(b) Notice and election of casual conversion

- (i) An employer of an eligible casual employee must give the employee notice in writing of the provisions of clause 6.6(a)(ii) within four weeks of the employee having reached the 12 month period.
- (ii) The employee retains their right of election under clause 6.6(b) if the employer fails to comply with clause 6.6(b)(i).
- (iii) An eligible casual employee may give four weeks' notice in writing to the employer that they seek to elect to convert their contract of employment to full-time or part-time employment either:
- upon receiving notice under clause 6.6(b)(i); or
 - after the expiry of the time for giving notice.
- (iv) An eligible casual employee who does not elect to convert their contract of employment to full-time or part-time employment within four weeks of receiving written notice is deemed to have elected against any conversion.

(c) Full-time or part-time conversion

- (i) An eligible casual employee who has worked on a full-time basis throughout their period of employment has the right to elect to convert their contract of employment to full-time employment.
- (ii) An eligible casual employee who has worked on a part-time basis during the period of casual employment has the right to elect to convert their contract of employment to part-time employment, on the basis of the same number of hours and times of work as previously worked.
- (iii) However, the employer and the employee may agree on an alternative arrangement.

- (iv) If an eligible casual employee has elected to have their contract of employment converted to full-time or part-time employment in accordance with clause 6.6(b)(iii), the employer and employee must, subject to clause 6.6(b)(iii), discuss and agree on:
- whether the employee will be full-time or part-time; and
 - if the employee will become a part-time employee, the number of hours and the pattern of hours that will be worked, as set out in clause 6.4(b)—Part-time employment.
- (v) Following agreement being reached, the employee converts to full-time or part-time employment.
- (d) Employer consent or refusal to casual conversion**
- (i) The employer must consent to or refuse the election within four weeks of receiving notice of the eligible casual employee’s election. The employer must not unreasonably refuse consent to the election.
- (ii) Where an employer refuses an election to convert, the reasons for doing so must be fully stated and discussed with the employee concerned and a genuine attempt made to reach agreement.
- (iii) After an employee has converted to a full-time or part-time employee, they may only revert to casual employment by written agreement with the employer.
- (e) An employee must not be engaged and re-engaged to avoid any obligation under this award.

7. Classifications

The classifications under this award are set out in Schedule A—Classification Definitions for Distribution Facility Employees and Schedule B—Classification Structure and Minimum Rates of Pay.

Part 3—Hours of Work

8. Ordinary hours of work and roster cycles—employees other than oil distribution workers

- 8.1** The ordinary hours of work for a full-time employee are an average of 38 per week to be worked on one of the following bases:
- (a) 38 hours within a work cycle not exceeding seven consecutive days;
 - (b) 76 hours within a work cycle not exceeding 14 consecutive days;
 - (c) 114 hours within a work cycle not exceeding 21 consecutive days; or
 - (d) 152 hours within a work cycle not exceeding 28 consecutive days.

New clause 8.2 and 8.3 inserted in accordance with paras [170-171] of [2016] FWCFB 7254, old 8.2 to 8.5 renumbered as 8.4 and 8.7.

8.2 The ordinary hours of work for a part-time employee shall be determined in accordance with clause 6.4(a)(i), (b) and (c).

8.3 The ordinary hours of work for a casual employee will be up to 38 hours per week.

8.4 The ordinary hours of work may be worked on any day Monday to Friday. The days on which ordinary hours are worked may include Saturday and Sunday by agreement between the employer and the majority of employees concerned. Agreement may also be reached between the employer and an individual employee.

8.5 The ordinary hours of work must not exceed eight hours per day and must be worked continuously (except for meal breaks or any breaks taken for the purpose of complying with fatigue management rules/regulations).

8.6 Spread of hours

(a) The ordinary hours of work are to be worked between 5.30 am and 6.30 pm.

8.6(b) amended in accordance with para [174] of [2016] FWCFB 7254

(b) The spread of ordinary hours may be altered in any depot, yard or garage by one hour at each end by agreement between the employer and the majority of employees concerned or between the employer and an individual employee. ~~Agreement may be reached between the employer and an individual employee thereafter.~~

(c) The times within which ordinary hours of work may be performed will not apply to:

(i) newspaper deliveries, where for the sole purpose of transport and delivery of daily newspapers;

(ii) meat deliveries, where for the sole purpose of loading, transport and delivery of butcher's meat from abattoirs or meat works and where such meat is to be used for human consumption;

(iii) live poultry, where for the sole purpose of loading, transport and delivery of live poultry from poultry farms to poultry processing plants;
or

(iv) a driver employed at a fish, fruit or vegetable store.

Provided that instead of the times in clauses 8.6(a) and (b), an employer may require an employee to commence ordinary hours of work between 12.01 am and 6.00 am (Monday to Friday inclusive) but not otherwise and, in which case, the weekly wage rate of the employee must be increased by 30% of the ordinary hourly rate for each ordinary hour worked.

(c) ~~The ordinary hours of work may commence between 12.01 am and 6.00 am Monday to Friday for employees employed in:~~

- ~~(i) newspaper deliveries, where for the sole purpose of transport and delivery of daily newspapers;~~
 - ~~(ii) meat deliveries, where for the sole purpose of loading, transport and delivery of butcher's meat from abattoirs or meat works and where such meat is to be used for human consumption;~~
 - ~~(iii) live poultry, where for the sole purpose of loading, transport and delivery of live poultry from poultry farms to poultry processing plants; or~~
 - ~~(iv) a driver employed at a fish, fruit or vegetable store.~~
- (d) ~~Employees working ordinary hours in accordance with clause 8.6(b) must receive the ordinary hourly rate plus a loading of 30% of the ordinary hourly rate for each ordinary hour worked.~~

8.7 Method of working ordinary hours

Ordinary hours of work may be worked by either of the following methods:

(a) Providing for rostered days off (RDOs)

A roster implementing the work cycle at the depot, yard or garage will provide for RDOs, which may be either taken in accordance with the roster or accumulated.

- (i) A scheduled normal RDO may be changed by agreement between the employer and employee. In the absence of agreement, 48 hours' notice of such alteration must be given to the employee.
- (ii) RDOs may be accumulated to a maximum of 10 days and taken or paid out at the applicable ordinary hourly rate in any combination agreed in writing between the employer and employee.

(b) Providing for other than a rostered day off

8.7(b) amended in accordance with para [174] of [2016] FWCFB 7254

Ordinary hours may be worked over five days, Monday to Friday inclusive, of not more than seven hours and 36 minutes continuously (except for meal breaks or any breaks taken for the purpose of complying with fatigue management rules/regulations) in the following circumstances:

- (i) where an employer either engages 20 employees or less or operates 15 vehicles or less pursuant to the provisions of this award at a particular yard, depot or garage;
- (ii) where an employer has entered into arrangements with a client for the provision of transport services on a permanent basis extending over each of the five days of each week Monday to Friday inclusive and where these arrangements would be prejudiced by the requirement that rostered days off be taken on any day or all such days of the week;

- (iii) where the operations being performed by the employer require particular employees to work five days of each week Monday to Friday inclusive and where these operations would be prejudiced by the requirement that rostered days off be taken on any or all days; or
- (iv) where written agreement has been reached between the employer and the majority of employees. Written agreement under this clause must not be unreasonably withheld by the employees and must not be unreasonably requested by the employer.

9. Ordinary hours of work and roster cycles—oil distribution workers

9.1 This clause applies to employees engaged in the transport and/or distribution of raw or manufactured petroleum products.

9.2 The ordinary hours of work are:

- (a) 35 hours per week; or
- (b) 70 hours per two-week period.

9.3 Ordinary hours are worked between 6.30 am and 5.30 pm, Monday to Friday.

9.4 Ordinary hours of work must not exceed eight hours per day.

9.5 By agreement between an employer and the majority of affected employees, the ordinary working hours for employees engaged in rural distribution operations may be rostered over any three consecutive days, Monday to Saturday inclusive unless some other mutually satisfactory arrangement is made between the employer and employees concerned. All work performed in excess of 35 hours in any such three days must be paid at 150% of the ordinary hourly rate for the first two hours and 200% of the ordinary hourly rate thereafter.

~~9.5 If the employer and the majority of affected employees agree, the ordinary working hours for employees engaged in rural distribution operations may be rostered over any three consecutive days, Monday to Saturday inclusive, unless some other mutually satisfactory arrangement is made between the employer and employees concerned.~~

~~9.6 All work performed in excess of 35 hours in any three days must be paid at 150% of the ordinary hourly rate for the first two hours and 200% of the ordinary hourly rate after two hours.~~

9.6 Method of working ordinary hours

Ordinary hours of work may be worked by either of the following methods:

- (a) **Providing for rostered days off (RDOs)**
 - (i) Rostered days off must be provided by a roster drawn up in each workplace providing for nine days each of seven hours and 47 minutes, and one rostered day off over a continuous two-week period.
 - (ii) Where an employee's rostered day off falls on a public holiday, the employee is entitled, at the discretion of the employer, to either:

- seven hours of pay at the ordinary time rate; or
- seven hours extra annual leave; or
- a substitute day off on an alternative week day.

(b) Providing for other than a rostered day off

Ordinary hours may be worked over five days each of seven hours, but only where:

- (i) the employer either engages 20 employees or less or operates 15 vehicles or less pursuant to the provisions of this award at a particular yard, depot or garage;
- (ii) the employer has entered into arrangements with a client for the provision of transport services on a permanent basis extending over five days of each week, Monday to Friday inclusive, and where these arrangements would be prejudiced by the requirement that rostered days off be taken on any day or all such days of the week; or
- (iii) the operations being performed by the employer require particular employees to work five days of each week, Monday to Friday inclusive, and where these operations would be prejudiced by the requirement that rostered days off be taken on any or all days.

10. Start times

10.1 A regular starting time for each employee is to be fixed by the employer.

10.2 Where an employer varies or changes the regular starting time of an employee the employer must give one week's notice of such variation or change to the employee concerned.

11. Breaks

Provisions to be further considered by Full Bench see para [174] of [2016] FWCFB 7254

11.1 Regular meal break

- (a) An employee must be allowed a regular unpaid meal break during the ordinary hours of work except where unforeseen extraordinary circumstances arise.
- (b) The meal break must:
 - (i) be of a regular duration of not more than one hour or less than 30 minutes; and
 - (ii) start no earlier than three and a half hours and no later than five and a half hours after the fixed starting time of the employee's ordinary hours of work; and

- (iii) where reasonable and practical, be taken at a time to coincide with any requirement to take a break under fatigue management rules/regulations, or as otherwise required by the employer.

11.1(c) amended in accordance with para [174] of [2016] FWCFB 7254

- (c) If the meal break is not allowed, all time worked after the starting time of the regular meal break until a break without pay for a meal time is allowed must be paid for at **200%** of the applicable minimum hourly rate ~~ordinary hourly rate~~ in clause 12.1.

11.2 Meal and rest breaks after ordinary hours and before overtime hours

11.2 including heading amended in accordance with para [174] of [2016] FWCFB 7254

- (a) An employee required to work overtime for two hours or more after working ordinary hours must be allowed a paid break of 20 minutes before commencing overtime work or as soon as practicable after commencing overtime work.
- (b) A further rest break must be allowed after completing each four hour period until the overtime work is finished. Any rest breaks will be paid for at the applicable minimum hourly rate ~~ordinary hourly rate~~.
- (c) Wherever reasonable and practical, the rest break must be taken at a time to coincide with any requirement to take a break under fatigue management rules/regulations.
- (d) An employer and employee may agree to apply any variation of this provision in order to meet the circumstances of the work in hand.
- (e) An employee required to work overtime for two or more hours will be entitled to a meal allowance in accordance with clause 13.5(f)(i).

- 11.3 Notwithstanding anything contained in this clause an employee will not be required or permitted to work longer than five and a half hours without a break for a meal.

Part 4—Wages and Allowances

12. Minimum wages

Rates updated as a result of AWR 2016.

12.1 Minimum wage rates—employees other than oil distribution workers

An employer must pay adult employees the following minimum wages for ordinary hours worked by the employee:

Employee classification	Minimum weekly rate \$	Minimum hourly rate \$
Transport Worker Grade 1	712.40	18.75
Transport Worker Grade 2	730.40	19.22

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Employee classification	Minimum weekly rate \$	Minimum hourly rate \$
Transport Worker Grade 3	739.40	19.46
Distribution facility employee level 1		
Transport Worker Grade 4	753.00	19.82
Distribution facility employee level 2		
Transport Worker Grade 5	762.30	20.06
Transport Worker Grade 6	771.20	20.29
Transport Worker Grade 7	782.40	20.59
Distribution facility employee level 3		
Transport Worker Grade 8	805.10	21.19
Transport Worker Grade 9	818.60	21.54
Distribution facility employee level 4		
Transport Worker Grade 10	838.90	22.08

12.2 Minimum wage rates—oil distribution workers

Clause to be further considered by Full Bench see para [174] of [2016] FWCFB 7254

An employer must pay adult employees the following minimum wages for ordinary hours worked by the employee:

Employee classification	Minimum weekly rate \$	Minimum hourly rate¹ \$
Transport Worker Grade 1	712.40	20.35
Transport Worker Grade 2	730.40	20.87
Transport Worker Grade 3	739.40	21.13
Transport Worker Grade 4	753.00	21.51
Transport Worker Grade 5	762.30	21.78
Transport Worker Grade 6	771.20	22.03
Transport Worker Grade 7	782.40	22.35
Transport Worker Grade 8	805.10	23.00
Transport Worker Grade 9	818.60	23.39
Transport Worker Grade 10	838.90	23.97

See Schedule C for a summary of hourly rates of pay including overtime and penalties.

12.3 Junior employees

12.3 amended in accordance with para [174] of [2016] FWCFB 7254

- (a) Junior employees will be entitled to a percentage of the applicable adult rate for their classification as follows:

Age	% of applicable adult <u>minimum hourly rate</u>
18 years and under	70
19 years	80
20 years	100

- (b) Where a junior employee aged 18 years or more is required to drive a motor vehicle and is in sole charge of that vehicle, the employee must be paid the adult rate assigned to the class of driving work that the employee is required to perform.

12.4 National training wage

For employees undertaking a traineeship, see Schedule E—National Training Wage.

12.5 Supported wage system

For employees who because of the effects of a disability are eligible for a supported wage see Schedule F – Supported Wage System.

12.6 Higher duties

Clause to be further considered by Full Bench see para [174] of [2016] FWCFB 7254

Where an employee is required to perform two or more grades of work on any one day, the employee is to be paid the minimum wage for the highest grade for the whole day.

12.7 Payment of wages

- (a) All earnings, including overtime, must be paid weekly in the employer’s time on a day to be fixed by the employer. Payment will be no later than Thursday.
- (b) Once fixed, the day must not be altered more than once in three months.

Payment within a specific period after pay cycle is being considered in matter [AM2016/6](#)

- (c) All earnings, including overtime, must be paid within four business days of the expiration of the week in which they accrue.

Payment of wages on termination is being considered in matter [AM2016/8](#).

- (d) Notwithstanding anything contained in this clause, the employer must pay to an employee who leaves or is dismissed all money due to the employee as soon as possible.

- (e) The employer may pay an employee by electronic funds transfer (EFT) to a bank account nominated by the employee.

NOTE: Regulations 3.33(3) and 3.46(1)(g) of *Fair Work Regulations 2009* set out the requirements for pay records and the content of payslips including the requirement to separately identify any allowance paid.

13. Allowances

Monetary amounts in this clause adjusted as a result of AWR 2016

- 13.1** Employers must pay to an employee the allowances the employee is entitled to under this clause. See Schedule D—Summary of Monetary Allowances and method of adjustment.

13.2 inserted in accordance with para [174] of [2016] FWCFB 7254

- 13.2** The allowances at clauses 13.3(c)–13.3(b) are payable to full-time, part-time and casual employees. In the case of part-time and casual employees, they will be calculated as follows:

(a) For weekly allowances, 1/38th of the specified amount per hour worked up to a maximum of 38 hours in any one week.

(b) For daily allowances, the relevant amount prescribed in clauses 13.3(c)–13.3(b).

(c) For hourly allowances, payment for each hour worked up to a maximum of 38 hours in any one week.

13.3 Wage related allowances

13.3(a) amended in accordance with para [174] of [2016] FWCFB 7254

(a) All purpose allowances

Allowances paid for **all purposes** means the payment will be included in the rate of pay of an employee who is entitled to the allowance, when calculating any penalties or loadings or payment while they are on annual leave. The following allowances are paid for all purposes under this award:

~~(i) Industry Special vehicle allowances. (clause 13.3(b) Schedule B—Classification Structure and Minimum Rates of Pay); and~~

~~(ii) Leading hand allowance (clause 13.3(c)).~~

(b) Special vehicle allowances

(i) A Transport Worker Grade 7, when driving a low loader for each additional complete tonne over 43 tonnes GCM, will be paid an extra \$1.33 per week as part of the weekly rate for all purposes.

(ii) A Transport Worker Grade 10, when driving a multi-axle platform trailing equipment with a carrying capacity:

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- in excess of 70 tonnes and up to and including 100 tonnes; or
- each additional 10 tonnes or part thereof in excess of 100 tonnes up to 150 tonnes

will be paid an extra \$16.12 per week, as part of the weekly wage rate for all purposes.

(iii) In addition to the rates specified in clause 13.3(b)(ii):

- for each additional 10 tonnes or part thereof in excess of 150 tonnes and up to 200 tonnes, a Transport Worker Grade 10 will be paid an extra \$15.45 per week as part of the weekly wage rate for all purposes; and
- for work performed in excess of 200 tonnes and up to 300 tonnes an additional payment of \$15.08 per week will be added to the 200 tonne rate as part of the weekly wage rate for all purposes.

(c) Leading hand allowance

An employee appointed as a leading hand in charge of:	\$ per week
3–10 employees	34.90
11–20 employees	51.98
More than 20 employees	66.03

These allowances do not apply to leading loader.

(d) Miscellaneous driving allowances

- (i)** Any employee required to drive a motor vehicle in excess of the limit in length prescribed by or under any State or Commonwealth legislation—**\$3.40** per day.
- (ii)** Any employee required to drive a motor vehicle with a truck loading crane mounted on the vehicle—**\$3.40** per day.
- (iii)** Any employee required to drive a motor vehicle with a side-lifter crane mounted on the vehicle—**\$3.40** per day.
- (iv)** Any employee required to drive a motor vehicle in excess of 3.5 metres in width or transport a load in excess of that width—**\$3.40** per day.
- (v)** Any employee who is a recognised furniture carter engaged in removing and/or delivering furniture—**\$19.15** per week.
- (vi)** Any employee who is a recognised livestock carter carting livestock—**\$19.15** per week.
- (vii)** Any employee driving a sanitary vehicle—**\$21.59** per week.
- (viii)** Any employee driving a vehicle collecting garbage—**\$17.67** per week.
- (ix)** Any employee who is a driver-salesperson—**\$16.19** per week.

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- (x) Any employee carting loading and/or unloading carbon black except when packed in sealed metal containers—**\$2.07** per day.
- (xi) Any employee carting, loading and/or unloading offensive material—**\$2.66** per day.
- (xii) Any employee carting, loading and/or unloading dirty material—**\$0.44** per hour.
- (xiii) Any employee who is required to cart:
 - tar (other than in sealed containers) for immediate spreading upon streets;
 - tar in unsealed containers; or
 - tarred material for spreading upon streets;
 and/or who spreads any of these upon streets—**\$3.33** per week.
- (xiv) Any employee required to handle coffins containing human remains—**\$2.81** for each coffin handled.

(e) Employee handling money as defined

For any amount handled:	\$ per week
Up to \$20	1.70
Over \$20 but not exceeding \$200	3.33
Over \$200 but not exceeding \$600	5.69
Over \$600 but not exceeding \$1000	7.39
Over \$1000 but not exceeding \$1200	10.43
Over \$1200 but not exceeding \$1600	16.12
Over \$1600 but not exceeding \$2000	17.82
Over \$2000	20.26

(f) Dangerous goods

- (i) A driver engaged in the transport of bulk dangerous goods or carting explosives by public road, in conformity with the Australian Code for the Transport of Explosives by Road and Rail, must receive an allowance of **\$17.52** per day. Bulk dangerous goods are those goods defined as such in the Australian Dangerous Goods Code as amended from time to time.
- (ii) A driver engaged in the transport by public road of packaged dangerous goods, which requires placarding, must receive an allowance of **\$7.32** per day. Packaged goods which require placarding are those goods defined as such in the Australian Dangerous Goods Code as amended from time to time.
- (iii) Where a weekly employee is required to possess a licence to operate a vehicle carrying dangerous goods (as defined in the Australian

Dangerous Goods Code), training and medical costs must be reimbursed by the employer.

(g) First aid allowance

An employee holding a current first aid qualification from St John Ambulance or similar body, who is appointed by the employer to perform first aid duty must be paid **\$11.83** in addition to wages for any week so appointed. The employer will reimburse the cost of fees for any courses necessary for any employee covered by this clause to obtain and maintain the appropriate first aid qualification.

13.4 Where a higher allowance amount becomes payable under clauses 13.3(d)(vi), (vii), (viii), (x), (xi), (xii) or (xiii) it will supersede any lesser allowance contained in these items which otherwise would have been payable.

13.5 Expense related allowances

(a) Travelling allowance

An employee engaged in travelling on duty, or on work on which the employee is unable to return home at night must be paid personal expenses reasonably incurred in travelling, of at least \$31.66 per day. Where an employer provides suitable accommodation and meals such allowance shall not be payable.

~~An employee required to travel on duty, or where the employee is unable to return home at night must be paid personal expenses reasonably incurred in travelling, of at least \$31.66 per day. Where an employer provides suitable accommodation and meals the travelling allowance will not be payable.~~

(b) Work diary

Where an employee is required to possess a work diary, the cost of such diary must be reimbursed by the employer.

~~A weekly employee required to purchase a work diary must be reimbursed by the employer for the cost of the work diary.~~

(c) Articles of clothing

(i) Where the employer requires an employee to wear any special clothing such as any special uniform, cap, overall or other article, the employer must reimburse the employee for the cost of purchasing such special clothing. ~~Clause 13.5(e)(i) does~~ The provisions of this clause do not apply where the employer provides the special clothing.

(ii) Where the employer requires an employee to work continuously in conditions in which, because of their nature, the employee's clothing would otherwise become saturated, the employer must reimburse the employee for the cost of purchasing protective clothing. The provisions of this clause do not apply where the employer provides the protective clothing.

- (iii) Where an employee is employed as a greaser and cleaner, or is normally required to service vehicles, the employer must reimburse the employee for the cost of purchasing overalls. The provisions of this clause do not apply where the employer provides the overalls.
- (iv) This clause does not apply to employees who are required as an adjunct to their normal duties to check such things as vehicles, oil, water and tyres.
- (v) Protective clothing will remain the property of the employer, and the employee will be liable for the cost of replacement of any article of protective clothing which is lost, destroyed or damaged through the negligence of the employee.

(d) Housing

13.5(d) amended in accordance with AWR 2015 [[PR566848](#)]

- (i) Any employee required by the employer to live at a depot, yard or garage must be paid an allowance equal to the amount of the rent charged by the employer for the accommodation at the depot, yard or garage.
- (ii) If an employer provides housing accommodation for an employee and the employee's family, and requires the employee to live there and charges rent, the employer must pay the employee an allowance of **\$3.00** less than the amount of rent charged.

(e) Medical checks

An employer requiring employees to undertake medical checks during a term of employment, or requiring persons seeking employment to undertake a medical check as part of an interview process, must reimburse all medical costs not recoverable from a health fund by the employee or persons seeking employment.

(f) Meal allowance

- (i) An employee required to work overtime for two continuous hours or more must either be supplied with a meal by the employer or paid the amount specified for a meal allowance of **\$15.26** for each meal required to be taken.
- (ii) An employee required to start work two hours or more prior to their normal starting time must be paid the amount specified for a meal allowance in clause 13.5(f)(i).

14. Superannuation

14.1 Superannuation legislation

- (a) Superannuation legislation, including the *Superannuation Guarantee (Administration) Act 1992* (Cth), the *Superannuation Guarantee Charge Act 1992* (Cth), the *Superannuation Industry (Supervision) Act 1993* (Cth) and the *Superannuation (Resolution of Complaints) Act 1993* (Cth), deals with the

superannuation rights and obligations of employers and employees. Under superannuation legislation individual employees generally have the opportunity to choose their own superannuation fund. If an employee does not choose a superannuation fund, any superannuation fund nominated in the award covering the employee applies.

- (b) The rights and obligations in these clauses supplement those in superannuation legislation.

14.2 Employer contributions

An employer must make such superannuation contributions to a superannuation fund for the benefit of an employee as will avoid the employer being required to pay the superannuation guarantee charge under superannuation legislation with respect to that employee.

14.3 Voluntary employee contributions

- (a) Subject to the governing rules of the relevant superannuation fund, an employee may, in writing, authorise their employer to pay on behalf of the employee a specified amount from the post-taxation wages of the employee into the same superannuation fund as the employer makes the superannuation contributions provided for in clause 14.2.
- (b) An employee may adjust the amount the employee has authorised their employer to pay from the wages of the employee from the first of the month following the giving of three months' written notice to their employer.
- (c) The employer must pay the amount authorised under clauses 14.3(a) or (b) no later than 28 days after the end of the month in which the deduction authorised under clauses 14.3(a) or (b) was made.

14.4 Superannuation fund

Unless, to comply with superannuation legislation, the employer is required to make the superannuation contributions provided for in clause 14.2 to another superannuation fund that is chosen by the employee, the employer must make the superannuation contributions provided for in clause 14.2 and pay the amount authorised under clauses 14.3(a) or (b) to one of the following superannuation funds or its successor:

- (a) TWUSUPER;
- (b) Tasplan;
- (c) SunSuper;
- (d) AustSafe Super;
- (e) LUCRF Super;
- (f) any superannuation fund to which the employer was making superannuation contributions for the benefit of its employees before 12 September 2008, provided the superannuation fund is an eligible choice fund and is a fund that offers a MySuper product or is an exempt public sector superannuation scheme; or

- (g) a superannuation fund or scheme which the employee is a defined benefit member of.

14.5 Absence from work

Subject to the governing rules of the relevant superannuation fund, the employer must also make the superannuation contributions provided for in clause 14.2 and pay the amount authorised under clauses 14.3(a) and (b):

- (a) **Paid leave**—while the employee is on any paid leave;
- (b) **Work-related injury or illness**—for the period of absence from work (subject to a maximum of 52 weeks) of the employee due to work-related injury or work-related illness provided that:
 - (i) the employee is receiving workers compensation payments or is receiving regular payments directly from the employer in accordance with the statutory requirements; and
 - (ii) the employee remains employed by the employer.

Part 5—Penalties and Overtime

15. Shiftwork

15.1 Definitions

15.1 amended in accordance with para [174] of [2016] FWCFB 7254

For the purposes of this clause:

- (a) **Afternoon shift** means a shift finishing after 6.30 pm but not later than 12.30 am.
- (b) **Day shift** means a shift starting at 5.30 am or later, but finishing at or before 6.30 pm.
- (c) **Night shift** means a shift finishing after 12.30 am but not later than 8.30 am.
- ~~(d) **Non-continuous afternoon or night shift** means work on any afternoon or night shift which does not continue for at least five consecutive afternoons or nights.~~
- (d) **Rostered shift** means a shift for which the employee concerned has received at least 48 hours' notice.
- (e) **Shiftwork** means work extending for at least two weeks and performed either in daily recurrent periods, wholly or partly between the hours of 6.30 pm and 8.30 am or in regular rotating periods but does not include work performed by day workers employed under clause 8.

15.2 Shiftwork hours and shift rosters

- (a) The hours of work of employees performing shiftwork must be an average of 38 per week. The ordinary hours of work must not exceed eight continuous hours per day (inclusive of meal breaks) on one of the following bases:
 - (i) 38 hours within a work cycle not exceeding seven consecutive days;
 - (ii) 76 hours within a work cycle not exceeding 14 consecutive days;
 - (iii) 114 hours within a work cycle not exceeding 21 consecutive days; or
 - (iv) 152 hours within a work cycle not exceeding 28 consecutive days.
- (b) There must be a shift roster which provides for rotation unless it is agreed otherwise by the employer and majority of employees or the employer and an individual employee.
- (c) Shift rosters must be posted in a prominent place in the workplace. Shift rosters must specify the starting and finishing times of ordinary hours of respective shifts.
- (d) Shift rosters must not be altered unless 48 hours’ notice is given.

15.3 Shift allowances

For ordinary hours shiftworkers must be paid as follows:

Shift	% of the ordinary hourly rate
Afternoon shift	117.5%
Night shift	130%

15.4 Shiftwork—casual employees

Casual employees engaged on shiftwork must be paid the casual loading of **25%** in addition to the shift loading specified at clause 15.3 above.

15.5 Shiftwork—overtime

For all time worked:

- (a) outside or in excess of the ordinary shift hours; or
- (b) on a shift other than a rostered shift,

shiftworkers will be paid at **150%** of the ordinary hourly rate for the first two hours and **200%** after two hours.

15.6 Transfer to existing shift rosters

An employer must give an employee 48 hours’ notice of any change of shift. If notice is not given, overtime rates must be paid for work done outside the ordinary shift hours within 48 hours of being notified of the change.

15.7 Transfer of day worker to or from shiftwork

- (a) Unless otherwise agreed between an employer and an employee, day workers must be given at least 10 hours off duty immediately before commencing, or after ceasing shiftwork.
- (b) Day workers may be transferred to or from shiftwork with 48 hours’ notice. If notice is not given, an employee must be paid overtime rates for all work done outside previous ordinary working hours within 48 hours of being notified of the change.

15.8 Work on Saturdays, Sundays or public holidays

- (a) For work on a rostered shift, the major portion of which is performed on a Saturday, Sunday or public holiday, shiftworkers will be paid as follows:

Shift	Penalty rate	Casual penalty rate
	% of ordinary hourly rate	
Saturday	150%	175%
Sunday	200%	225%
Public holidays	250%	275%

- (b) The penalty rates prescribed by this clause for work on a Saturday, Sunday or public holiday will be payable instead of the shift allowance prescribed in clause 15.3.

15.9 Shiftworkers’ meal breaks

While working on day, afternoon or night shift, shiftworkers will be entitled to a paid meal break of 20 minutes. An employee must not be required to work more than five hours without a meal break.

15.10 Rate for non-continuous afternoon or night shift

15.10 amended in accordance with para [174] of [2016] FWCFB 7254

Shiftworkers who work on any afternoon or night shift which does not continue for at least five consecutive afternoons or nights must be paid at the rate of 150% of the ordinary hourly rate for the first three hours and 200% of the ordinary hourly rate thereafter for each shift.

~~Shiftworkers who work on any afternoon or night shift must be paid at 150% of the ordinary hourly rate for the first three hours and 200% of the ordinary hourly rate after three hours.~~

15.11 Rate when shift extends beyond midnight

Despite any other provision of this clause, each shift must be paid for at the rate applicable to the day on which the major portion of the shift is worked.

15.12 Holiday shifts

Where the major portion of a shift falls on a public holiday, the whole of the shift will be regarded as a public holiday shift.

16. Penalty rates

16.1 Weekend work

- (a) For any ordinary time hours worked between midnight on Friday and midnight on Saturday an employee must be paid at **150%** of the ordinary hourly rate.
- (b) For any ordinary time hours worked between midnight on Saturday and midnight on Sunday an employee must be paid at **200%** of the ordinary hourly rate.
- (c) An employee required to work on a Saturday or Sunday will be paid for a minimum of four hours' work.
- (d) All time worked on Sunday will stand alone.

16.2 Work on public holidays

16.2 amended in accordance with para [174] of [2016] FWCFB 7254

- (a) All time worked by an employee on a public holiday must be paid for at the following rates with a minimum payment of four hours:

Public holiday	% of the ordinary hourly rate	
	Weekly employee	Casual employee
Good Friday and Christmas Day	300%	325%
Public holiday other than Good Friday and Christmas Day	250%	275%

- (b) An employee required to work on a public holiday during hours which, if the day were not a public holiday, would be outside the range of ordinary working time as mentioned in clause 8, will be paid for all work at the following rates:

Public holiday	% of the ordinary hourly rate
Good Friday and Christmas Day	400%
Public holiday other than Good Friday and Christmas Day	350%

- (c) If Christmas Day falls on a Saturday or Sunday and another day is observed as a public holiday in accordance with [ss.114–116](#) of the Act, a full-time or part-time employee who is regularly rostered to work ordinary hours on a Saturday or Sunday will be paid:

- a loading of **50%** of a normal day's wage for a full day's work; and
- the Saturday/Sunday rate,

for all ordinary hours worked on 25 December with a minimum of four hours' pay.

- (d) The employee will also be entitled to the benefit of the substituted public holiday.
- ~~(e) An employee who, without the consent of their employer or without reasonable cause, is absent from work on the day before or the day after a public holiday is not entitled to any payment for such public holiday.~~

17. Overtime

17 amended in accordance with para [174] of [2016] FWCFB 7254

17.1 For all work done outside ordinary hours the rate of pay will be **150%** of the ordinary hourly rate for the first two hours and **200%** of the ordinary hourly rate after two hours.

17.2 In computing overtime each day's work will stand alone.

~~17.3 Overtime for oil distribution workers is payable for hours in excess of 35 per week in accordance with clause 15.5.~~

17.3 Overtime for shiftworkers is provided for in clause 15.5.

17.4 Rest period after overtime

- (a) When overtime work is necessary it must, wherever reasonably practicable, be arranged so that employees have at least 10 consecutive hours off duty between the work of successive days.
- (b) If an employee (other than a casual employee) works so much overtime between the termination of ordinary work on one day and the commencement of ordinary work on the next day that the employee has not had at least 10 consecutive hours off duty between those times, the employee must, subject to this clause, be released after completion of the overtime until the employee has had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during the absence.
- (c) If, on the instruction of the employer, an employee resumes or continues work without having had 10 consecutive hours off duty the employee is entitled to:
 - (i) be paid the rate of **200%** of the ordinary hourly rate until released from duty; and
 - (ii) upon being released from duty, to be absent until the employee has had 10 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence ~~ordinary hours~~.

17.5 Time off instead of payment for overtime

This provision may be affected by [AM2014/300](#) – see [draft determination](#)

- (a) Despite clause 17.1 an employee may choose, with the consent of the employer, to take time off instead of payment for overtime at a time or times agreed with the employer. This agreement must be in writing. The employee must take the time off within four weeks of working overtime.
- (b) If an employee takes time off instead of payment for overtime then the amount of time is taken to be equivalent to the pay the employee would otherwise have received for working overtime. i.e. 1.5 hours off for one hour of overtime worked for the first two hours and two hours off for each one hour of overtime worked for overtime worked after two hours.
- (c) The employer must pay the employee for any overtime worked within one week of receiving a request from the employee. The employee must be paid at overtime rates.

17.6 Call-back

- (a) An employee recalled to work overtime after leaving the workplace (whether notified before or after leaving the workplace) must be paid for a minimum of four hours' work.
- (b) This clause does not apply in cases where it is customary for an employee to return to the workplace to perform a specific job outside ordinary working hours or where the overtime is continuous (subject to a reasonable meal break) with the completion or commencement of ordinary working time.
- (c) Overtime worked in circumstances specified in this clause will not be regarded as overtime for the purposes of clause 17.4 where the actual time worked is less than four hours on such recall or on each of such recalls.

17.7 Standing-by

Subject to any prevailing custom under which an employee is regularly required to be available for a call-back, an employee required to be available for work after ordinary hours must be paid standing-by time at ordinary rates from the time from which the employee is told to be available until released.

17.8 Transport of employees

When an employee, after having worked overtime, finishes work at a time when reasonable means of transport are not available, the employer must reimburse the employee for the cost of obtaining transport home. Alternatively, the employer must provide the employee with transport to the employee's home, or pay the employee the current wage for the time reasonably occupied in getting home.

Part 6—Leave, Public Holidays and Other NES Entitlements

18. Annual leave

18 amended in accordance with [PR583070](#) (18.5 and 18.6 renamed and substituted, 18.7 renumbered as 18.9; new 18.7 inserted; 18.8 and 18.10 inserted).

- 18.1** Annual leave is provided for in the NES. Annual leave does not apply to casual employees.

18.2 inserted in accordance with para [174] of [2016] FWCFB 7254

18.2 Payment for annual leave must be made at the applicable minimum rate in clause 12 for the classification in which the employee would have worked had they not taken the period of leave.

18.3 Additional leave for certain shiftworkers

18.3 amended in accordance with para [174] of [2016] FWCFB 7254

A **shiftworker**, for the purposes of the additional week's leave referred to in s.87(1)(b) of the Act ~~clause 18.4~~, is a seven day shiftworker who is regularly rostered to work on Sundays and public holidays.

18.4 Annual leave loading

(a) During a period of annual leave an employee will receive a loading calculated on the minimum wage rate in clause 12—Minimum wages. Annual leave loading is payable on annual leave accrued and taken and on annual leave paid out on termination.

(b) The loading is as follows:

(i) **Day work**

Employees who would have worked on day work only had they not been on annual leave—17.5% or the relevant weekend penalty rates, whichever is the greater, but not both.

(ii) **Shiftwork**

Employees who would have worked on shiftwork had they not been on annual leave—a loading of 17.5% or the shift loading (including relevant weekend penalty rates), whichever is the greater, but not both.

NOTE: Where an employee is receiving overaward payments such that the employee's base rate of pay is higher than the rate specified under this award, the employee is entitled to receive the higher rate while on a period of paid annual leave (see ss.16 and 90 of the Act).

18.5 Annual leave in advance

(a) An employer and employee may agree in writing to the employee taking a period of paid annual leave before the employee has accrued an entitlement to the leave.

(b) An agreement must:

(i) state the amount of leave to be taken in advance and the date on which leave is to commence; and

(ii) be signed by the employer and employee and, if the employee is under 18 years of age, by the employee's parent or guardian.

Note: An example of the type of agreement required by clause 18.5 is set out at Schedule I. There is no requirement to use the form of agreement set out at Schedule I.

- (c) The employer must keep a copy of any agreement under clause 18.5 as an employee record.
- (d) If, on the termination of the employee's employment, the employee has not accrued an entitlement to all of a period of paid annual leave already taken in accordance with an agreement under clause 18.5, the employer may deduct from any money due to the employee on termination an amount equal to the amount that was paid to the employee in respect of any part of the period of annual leave taken in advance to which an entitlement has not been accrued.

18.6 Excessive leave accruals: general provision

Note: Clauses 18.6 to 18.8 contain provisions, additional to the National Employment Standards, about the taking of paid annual leave as a way of dealing with the accrual of excessive paid annual leave. See Part 2.2, Division 6 of the Fair Work Act.

- (a) An employee has an **excessive leave accrual** if the employee has accrued more than 8 weeks' paid annual leave (or 10 weeks' paid annual leave for a shiftworker, as defined by clause 18.3).
- (b) If an employee has an excessive leave accrual, the employer or the employee may seek to confer with the other and genuinely try to reach agreement on how to reduce or eliminate the excessive leave accrual.
- (c) Clause 18.7 sets out how an employer may direct an employee who has an excessive leave accrual to take paid annual leave.
- (d) Clause 18.8 sets out how an employee who has an excessive leave accrual may require an employer to grant paid annual leave requested by the employee.

18.7 Excessive leave accruals: direction by employer that leave be taken

- (a) If an employer has genuinely tried to reach agreement with an employee under clause 18.6(b) but agreement is not reached (including because the employee refuses to confer), the employer may direct the employee in writing to take one or more periods of paid annual leave.
- (b) However, a direction by the employer under paragraph (a):
 - (i) is of no effect if it would result at any time in the employee's remaining accrued entitlement to paid annual leave being less than 6 weeks when any other paid annual leave arrangements (whether made under clause 18.6, 18.7 or 18.8 or otherwise agreed by the employer and employee) are taken into account; and
 - (ii) must not require the employee to take any period of paid annual leave of less than one week; and
 - (iii) must not require the employee to take a period of paid annual leave beginning less than 8 weeks, or more than 12 months, after the direction is given; and

- (iv) must not be inconsistent with any leave arrangement agreed by the employer and employee.
- (c) The employee must take paid annual leave in accordance with a direction under paragraph (a) that is in effect.
- (d) An employee to whom a direction has been given under paragraph (a) may request to take a period of paid annual leave as if the direction had not been given.

Note 1: Paid annual leave arising from a request mentioned in paragraph (d) may result in the direction ceasing to have effect. See clause 18.7(b)(i).

Note 2: Under section 88(2) of the Fair Work Act, the employer must not unreasonably refuse to agree to a request by the employee to take paid annual leave.

18.8 Excessive leave accruals: request by employee for leave

- (a) Clause 18.8 comes into operation from 29 July 2017.
- (b) If an employee has genuinely tried to reach agreement with an employer under clause 18.6(b) but agreement is not reached (including because the employer refuses to confer), the employee may give a written notice to the employer requesting to take one or more periods of paid annual leave.
- (c) However, an employee may only give a notice to the employer under paragraph (b) if:
 - (i) the employee has had an excessive leave accrual for more than 6 months at the time of giving the notice; and
 - (ii) the employee has not been given a direction under clause 18.7(a) that, when any other paid annual leave arrangements (whether made under clause 18.6, 18.7 or 18.8 or otherwise agreed by the employer and employee) are taken into account, would eliminate the employee's excessive leave accrual.
- (d) A notice given by an employee under paragraph (b) must not:
 - (i) if granted, result in the employee's remaining accrued entitlement to paid annual leave being at any time less than 6 weeks when any other paid annual leave arrangements (whether made under clause 18.6, 18.7 or 18.8 or otherwise agreed by the employer and employee) are taken into account; or
 - (ii) provide for the employee to take any period of paid annual leave of less than one week; or
 - (iii) provide for the employee to take a period of paid annual leave beginning less than 8 weeks, or more than 12 months, after the notice is given; or
 - (iv) be inconsistent with any leave arrangement agreed by the employer and employee.

- (e) An employee is not entitled to request by a notice under paragraph (b) more than 4 weeks' paid annual leave (or 5 weeks' paid annual leave for a shiftworker, as defined by clause 18.3) in any period of 12 months.
- (f) The employer must grant paid annual leave requested by a notice under paragraph (b).

18.9 Annual close-down

An employer may close down an enterprise or part of the enterprise for the purpose of allowing annual leave to all or the majority of the employees in the enterprise or part concerned, provided that:

- (a) the employer gives not less than one month's notice of its intention to do so;
- (b) an employee who has accrued sufficient leave to cover the period of the close down is allowed leave, and is paid for that leave at the appropriate rate;
- (c) an employee who has not accrued sufficient leave to cover part or all of the close down is allowed paid leave for the period for which they have accrued sufficient leave, and given unpaid leave for the remainder of the close-down; and
- (d) any leave taken by an employee as a result of a close down pursuant to this clause also counts as service by the employee with their employer.

18.10 Cashing out of annual leave

- (a) Paid annual leave must not be cashed out except in accordance with an agreement under clause 18.10.
- (b) Each cashing out of a particular amount of paid annual leave must be the subject of a separate agreement under clause 18.10.
- (c) An employer and an employee may agree in writing to the cashing out of a particular amount of accrued paid annual leave by the employee.
- (d) An agreement under clause 18.10 must state:
 - (i) the amount of leave to be cashed out and the payment to be made to the employee for it; and
 - (ii) the date on which the payment is to be made.
- (e) An agreement under clause 18.10 must be signed by the employer and employee and, if the employee is under 18 years of age, by the employee's parent or guardian.
- (f) The payment must not be less than the amount that would have been payable had the employee taken the leave at the time the payment is made.
- (g) An agreement must not result in the employee's remaining accrued entitlement to paid annual leave being less than 4 weeks.
- (h) The maximum amount of accrued paid annual leave that may be cashed out in any period of 12 months is 2 weeks.

- (i) The employer must keep a copy of any agreement under clause 18.10 as an employee record.

Note 1: Under section 344 of the Fair Work Act, an employer must not exert undue influence or undue pressure on an employee to make, or not make, an agreement under clause 18.10.

Note 2: Under section 345(1) of the Fair Work Act, a person must not knowingly or recklessly make a false or misleading representation about the workplace rights of another person under clause 18.10.

Note 3: An example of the type of agreement required by clause 18.10 is set out at Schedule J. There is no requirement to use the form of agreement set out at Schedule J.

19. Personal/carer’s leave and compassionate leave

19.1 Personal/carer’s leave and compassionate leave are provided for in the NES.

19.2 inserted in accordance with para [174] of [2016] FWCFB 7254

19.2 Payment for paid personal/carer’s leave must be made at the applicable minimum rate in clause 12 for the classification in which the employee would have worked had they not taken the period of leave.

20. Parental leave and related entitlements

Parental leave and related entitlements are provided for in the NES.

21. Public holidays

21.1 Public holidays are provided for in the NES.

21.2 Where an employee works on a public holiday, the employee will be paid in accordance with clause 16.2.

21.3 Substitution of certain public holidays by agreement at the enterprise

(a) An employer and its employees may agree to substitute another day for any prescribed in the NES. For this purpose, the consent of the majority of affected employees will constitute agreement.

(b) An agreement pursuant to clause 21.3 must be recorded in writing and be available to every affected employee.

21.4 Part-day public holidays

For provisions relating to part-day public holidays see Schedule G—2016 Part-day public holidays.

22. Community service leave

Community service leave is provided for in the NES.

23. Termination of employment

23.1 Notice of termination is provided for in the NES.

23.2 Notice of termination by an employee

The notice of termination required to be given by an employee is the same as that required of an employer, except that there is no requirement on the employee to give additional notice based on the age of the employee concerned. If an employee fails to give the required notice, the employer may withhold from any ~~money~~ monies due to the employee on termination under this award or the NES, an amount not exceeding the amount the employee would have been paid under this award in respect of the period of notice required by this clause, less any period of notice actually given by the employee.

23.3 Job search entitlement

Where an employer has given notice of termination to an employee, an employee must be allowed up to one day's time off without loss of pay for the purpose of seeking other employment. The time off is to be taken at times that are convenient to the employee after consultation with the employer.

24. Redundancy

24.1 Redundancy pay is provided for in the NES.

24.2 Transfer to lower paid duties

Where an employee is transferred to lower paid duties by reason of redundancy, the same period of notice must be given as if the employment had been terminated and the employer may, at the employer's option, make payment instead. The payment will be equal to the difference between the former ordinary time rate of pay and the ordinary time rate of pay for the number of weeks of notice still owing.

24.3 Employee leaving during notice period

An employee given notice of termination in circumstances of redundancy may terminate their employment during the period of notice. The employee is entitled to receive the benefits and payments they would have received under this clause had they remained in employment until the expiry of the notice, but is not entitled to payment instead of notice.

24.4 Job search entitlement

(a) An employee given notice of termination in circumstances of redundancy must be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.

- (b) If the employee has been allowed paid leave for more than one day during the notice period for the purpose of seeking other employment, the employee must, at the request of the employer, produce proof of attendance at an interview or they will not be entitled to payment for the time absent. For this purpose a statutory declaration is sufficient.
- (c) This entitlement applies instead of clause 23.3.

Part 7—Consultation and Dispute Resolution

25. Consultation

25.1 Consultation regarding major workplace change

(a) Employers to notify

- (i) Where an employer has made a definite decision to introduce major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer must notify the employees who may be affected by the proposed changes and their representatives, if any.
- (ii) **Significant effects** include termination of employment; major changes in the composition, operation or size of the employer's workforce or in the skills required; the elimination or diminution of job opportunities, promotion opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work or locations; and the restructuring of jobs. Provided that where this award makes provision for alteration of any of these matters an alteration is deemed not to have significant effect.

(b) Employers to discuss change

- (i) The employer must discuss with the employees affected and their representatives, if any, the introduction of the changes referred to in clause 25.1(a), the effects the changes are likely to have on employees and measures to avert or mitigate the adverse effects of such changes on employees and must give prompt consideration to matters raised by the employees and/or their representatives in relation to the changes.
- (ii) The discussions must commence as early as practicable after a definite decision has been made by the employer to make the changes referred to in clause 25.1(a).
- (iii) For the purposes of such discussion, the employer must provide in writing to the employees concerned and their representatives, if any, all relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on employees and any other matters likely to affect employees provided that no employer is required to disclose confidential information the disclosure of which would be contrary to the employer's interests.

25.2 Consultation about changes to rosters or hours of work

- (a) Where an employer proposes to change an employee's regular roster or ordinary hours of work, the employer must consult with the employee or employees affected and their representatives, if any, about the proposed change.
- (b) The employer must:
 - (i) provide to the employee or employees affected and their representatives, if any, information about the proposed change (for example, information about the nature of the change to the employee's regular roster or ordinary hours of work and when that change is proposed to commence);
 - (ii) invite the employee or employees affected and their representatives, if any, to give their views about the impact of the proposed change (including any impact in relation to their family or caring responsibilities); and
 - (iii) give consideration to any views about the impact of the proposed change that are given by the employee or employees concerned and/or their representatives.
- (c) The requirement to consult under this clause does not apply where an employee has irregular, sporadic or unpredictable working hours.
- (d) These provisions are to be read in conjunction with other award provisions concerning the scheduling of work and notice requirements.

26. Dispute resolution

- 26.1** In the event of a dispute about a matter under this award, or a dispute in relation to the NES, in the first instance the parties must attempt to resolve the matter at the workplace by discussions between the employee or employees concerned and the relevant supervisor. If such discussions do not resolve the dispute, the parties will endeavour to resolve the dispute in a timely manner by discussions between the employee or employees concerned and more senior levels of management as appropriate.
- 26.2** If a dispute about a matter arising under this award or a dispute in relation to the NES is unable to be resolved at the workplace, and all appropriate steps under clause 26.1 have been taken, a party to the dispute may refer the dispute to the Fair Work Commission.
- 26.3** The parties may agree on the process to be utilised by the Fair Work Commission including mediation, conciliation and consent arbitration.
- 26.4** Where the matter in dispute remains unresolved, the Fair Work Commission may exercise any method of dispute resolution permitted by the Act that it considers appropriate to ensure the settlement of the dispute.
- 26.5** An employer or employee may appoint another person, organisation or association to accompany and/or represent them for the purposes of this clause.

26.6 While the dispute resolution procedure is being conducted, work must continue in accordance with this award and the Act. Subject to applicable occupational health and safety legislation, an employee must not unreasonably fail to comply with a direction by the employer to perform work, whether at the same or another workplace, that is safe and appropriate for the employee to perform.

27. Dispute resolution training leave

27.1 An eligible employee representative is entitled to, and must be granted, up to five days' leave with pay each calendar year, non-cumulative, to attend courses which are specifically directed towards effective resolution of disputes regarding industrial matters under this award and/or industrial issues which arise at the workplace. A shop steward, delegate or employee representative will only be entitled to leave in accordance with this clause for bona fide courses.

27.2 For the purpose of this clause, a **bona fide course** means a Dispute Resolution Training Leave Course conducted under the auspices of a registered training organisation whose scope of registration includes industrial relations training.

27.3 An employee representative must give the employer six weeks' notice of intention to attend such courses and the leave to be taken, or such shorter period of notice as the employer may agree to accept.

27.4 The notice to the employer must include details of the type, content and duration of the course to be attended. Upon request, the course curriculum will be provided to the employer.

27.5 Leave must be available according to the following scale for each yard, depot or garage of an employer:

No. of full-time and part-time employees covered by this award	Max. no. of employee representatives eligible to attend per year	Max. no. of days permitted per year
5–15	1	5
16–30	2	10
31–50	3	15
51–100	4	20
101 and over	5	25

27.6 An employer is not liable for any additional expenses associated with an employee's attendance at a course other than the payment of ordinary time earnings for such absence. For the purpose of this clause ordinary time earnings are the relevant minimum wage rate and shiftwork loadings, where relevant, plus overaward payment where applicable.

27.7 Leave of absence on training leave must be counted as service.

27.8 The employee must provide the employer with proof of attendance.

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- 27.9** The granting of leave pursuant to this clause is subject to the employer being able to make adequate staffing arrangements among current employees during the period of such leave.
- 27.10** An employee will not be eligible to attend such courses until six months' continuous service has been served with the employer.

Schedule A—Classification Definitions for Distribution Facility Employees

A.1 Distribution facility employee level 1

A.1.1 Skills/Duties

- (a) Responsible for the quality of their own work subject to detailed direction.
- (b) Works in a team environment and/or under routine supervision.
- (c) Undertakes duties in a safe and responsible manner.
- (d) Exercises discretion within their level of skills and training.
- (e) Possesses basic interpersonal and communication skills.
- (f) Must be competent to perform one or more of the following tasks/duties:
 - (i) storing and packing of goods and materials in accordance with appropriate procedures and/or regulations;
 - (ii) preparation and receipt of appropriate documentation including liaison with suppliers;
 - (iii) allocating and retrieving goods from specific warehouse areas;
 - (iv) basic visual display unit (VDU) operation;
 - (v) periodic housekeeping and stock-checks; or
 - (vi) operating company small delivery vehicle.

A.2 Distribution facility employee level 2

A.2.1 Skills/Duties

- (a) Able to work from complex instructions and procedures.
- (b) Able to co-ordinate work in a team environment under limited supervision.
- (c) Responsible for the quality of their own work.
- (d) Possesses sound interpersonal and communication skills.
- (e) Must be competent to perform one or more of the following tasks/duties:
 - (i) inventory and distribution facility control, including:
 - licensed operation of all appropriate materials handling equipment;
 - use of tools and equipment within the warehouse (basic non-trades maintenance);

- (ii) VDU operation; or
- (iii) Operation of three to six tonne truck.

(f) In addition to the above, may possess a duly recognised first aid certificate.

A.3 Distribution facility employee level 3

A.3.1 Skills/Duties

- (a) Understands and is responsible for quality control standards.
- (b) Possesses an advanced level of interpersonal and communication skills.
- (c) Has competent keyboard skills.
- (d) Has sound working knowledge of all distribution facility duties performed at levels below this grade, exercises discretion within scope of this grade.
- (e) May perform work requiring minimal supervision either individually or in a team environment.
- (f) Must be competent to perform one or more of the following tasks/duties:
 - (i) use of a VDU for purposes such as the maintenance of a deposit storage system, information input/retrieval, etc;
 - (ii) operation of all materials handling equipment under license, where required;
 - (iii) development and refinement of a distribution facility layout including proper location of goods and their receipt and dispatch; or
 - (iv) operation of a truck with a capacity in excess of six tonnes up to and including 13.9 tonnes GVM.
- (g) In addition to the above, may be responsible for the proper application and maintenance of appropriate occupational health and safety standards.

A.4 Distribution facility employee level 4

A.4.1 Skills/Duties

- (a) Implements quality control techniques and procedures.
- (b) Understands and is responsible for a distribution facility or a large section of a distribution facility.
- (c) Possesses a highly developed level of interpersonal and communication skills.
- (d) Ability to supervise and provide direction and guidance to other employees including the ability to assist in the provision of on-the-job training and induction.
- (e) Exercises discretion within the scope of this level.
- (f) Exercises skills attained through the successful completion of an appropriate certificate and must be competent to perform one or more of the following tasks or combination of tasks:

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- (i) liaising with management, suppliers and customers with respect to distribution facility operations;
- (ii) detailing and co-ordinating activities of other distribution facility workers; or
- (iii) maintaining control registers including inventory control and being responsible for the preparation and reconciliation of regular reports or stock movement, dispatches, etc.

Schedule B—Classification Structure and Minimum Rates of Pay

Monetary amounts in this clause adjusted as a result of AWR 2016

Transport worker grade Classification

- 1 General hand: greaser and cleaner, yardperson, vehicle washer and detailer, motor driver's assistant/furniture remover's assistant
Loader—other than freight forwarder
Courier—foot or bicycle
- 2 Loader—freight forwarder
Tow motor driver
Driver of a rigid vehicle (including a motorcycle) not exceeding 4.5 tonnes GVM
- 3 Driver of a fork-lift up to and including five tonnes lifting capacity
Driver of a two-axle rigid vehicle on any other rigid vehicle exceeding 4.5 tonnes, but not exceeding 13.9 tonnes GVM unless by special permit or registration such vehicle may be up to 15 tonnes GVM
Driver of a concrete mixer up to and including two cubic metre bowl
Distribution facility employee level 1
- 4 Driver of a three-axle rigid vehicle exceeding 13.9 tonnes GVM
Driver oil tractor
Radio operator
Driver of fork-lift with a lifting capacity in excess of five tonnes and up to and including 10 tonnes
Weighbridge attendant
Driver of a straddle truck
Driver of a concrete mixer over two cubic metre bowl and up to 4.9 cubic metre bowl
Crane chaser/dogger
Distribution facility employee level 2
- 5 Driver of a fork-lift with a lifting capacity in excess of 10 tonnes and up to 34 tonnes
Driver of a rigid vehicle with four or more axles and a GVM exceeding 13.9 tonnes
Driver of a rigid vehicle and heavy trailer combination with three axles and a GCM of 22.4 tonnes or less
Driver of an articulated vehicle with three axles and a GCM of 22.4 tonnes or less

Transport worker grade Classification

- Driver of a concrete mixer with a five cubic metre bowl and over
- 6 Driver of a rigid vehicle and a heavy trailer combination with more than three axles and a GCM greater than 22.4 tonnes up to and including 53.4 tonnes
Driver of a mobile crane lifting up to and including 25 tonnes
Driver of an articulated vehicle with more than three axles and a GCM greater than 22.4 tonnes
Driver of a low loader with a GCM up to and including 43 tonnes
Driver of a forklift with a lifting capacity over 34 tonnes
Transport rigger
- 7 Driver of a double articulated vehicle up to and including 53.4 tonnes GCM— including B-Doubles
Driver of a low loader with a GCM exceeding 43 tonnes
~~When driving a low loader, for each additional complete tonne over 43 tonnes GCM an extra 0.18% of the standard rate (as part of the weekly rate for all purposes) will be payable~~
Provided that no load will exceed the limit prescribed by or under any State or Territory legislation
Distribution facility employee level 3
- 8 Driver of a mobile crane with a lifting capacity over 25 tonnes and up to 50 tonnes
Driver of a rigid vehicle and trailer(s) or double articulated vehicle exceeding 53.4 tonnes GCM including B-Doubles
Driver of a multi-axle platform trailing equipment with a carrying capacity up to and including 70 tonnes
- 9 Driver of a mobile crane with a lifting capacity over 50 tonnes
Driver of a gantry crane
Driver of a rigid vehicle with trailer combinations or articulated vehicle with trailer combinations exceeding 94 tonnes GCM
Distribution facility employee level 4
Aerodrome attendant
- 10 Driver of a multi-axle platform trailing equipment with a carrying capacity over 70 tonnes and up to and including 100 tonnes

~~For each additional 10 tonnes or part thereof in excess of 100 tonnes and up to 150 tonnes, an extra 2.18% of the standard rate (as part of the weekly rate for all purposes) will be payable~~

Transport worker grade Classification

~~For each additional 10 tonnes or part thereof in excess of 150 tonnes and up to 200 tonnes, an 2.09% of the standard rate (as part of the weekly rate for all purposes) will be payable~~

~~For work performed in excess of 200 tonnes and up to 300 tonnes an additional payment of 2.04% of the standard rate (as part of the weekly rate for all purposes) will be added to the 200 tonnes rate~~

Schedule C—Summary of Hourly Rates of Pay

Rates updated as a result of AWR 2016

NOTE: Employers who meet their obligations under this schedule are meeting their obligations under the award.

C.1 Ordinary hourly rate

C.1.1 Ordinary hourly rate means the hourly rate for the employee’s classification ~~specified in clause 13.3(a)~~, plus any allowances specified as being included in the employee’s ordinary hourly rate or payable for all purposes as specified in clause 13.3(a).

C.1.2 The rates in the tables below are based on the **minimum hourly rates** in accordance with clause 12—Minimum wages.

C.2 Full-time and part-time employees—ordinary and penalty rates

C.2 amended in accordance with para [174] of [2016] FWCFB 7254

C.2.1 Full-time and part-time transport employees—other than shiftworkers

	Ordinary hours	Early morning ¹	Saturday	Sunday	Public holiday	
					Good Friday & Christmas Day	Any other public holiday
% of ordinary hourly rate						
	100%	130%	150%	200%	300%	250%
	\$	\$	\$	\$	\$	\$
Transport Worker Grade 1	18.75	24.38	28.13	37.50	56.25	46.88
Transport Worker Grade 2	19.22	24.99	28.83	38.44	57.66	48.05
Transport Worker Grade 3	19.46	25.30	29.19	38.92	58.38	48.65
Transport Worker Grade 4	19.82	25.77	29.73	39.64	59.46	49.55
Transport Worker Grade 5	20.06	26.08	30.09	40.12	60.18	50.15
Transport Worker Grade 6	20.29	26.38	30.44	40.58	60.87	50.73
Transport Worker Grade 7	20.59	26.77	30.89	41.18	61.77	51.48
Transport Worker Grade 8	21.19	27.55	31.79	42.38	63.57	52.98
Transport Worker Grade 9	21.54	28.00	32.31	43.08	64.62	53.85
Transport Worker Grade 10	22.08	28.70	33.12	44.16	66.24	55.20

¹Newspaper, meat, live poultry delivery employees or drivers employed at a fish, fruit or vegetable store - where ordinary hours commence between 12.01 am and 6.00 am, Monday to Friday.

C.2.2 Full-time and part-time transport employees—shiftworkers

	Day	Afternoon	Night	Non continuous afternoon or night ¹		Saturday	Sunday	Public holiday
				First 3 hours	After 3 hours			
% of ordinary hourly rate								
	100%	117.5%	130%	150%	200%	150%	200%	250%
	\$	\$	\$	\$	\$	\$	\$	\$
Transport Worker Grade 1	18.75	22.03	24.38	28.13	37.50	28.13	37.50	46.88
Transport Worker Grade 2	19.22	22.58	24.99	28.83	38.44	28.83	38.44	48.05
Transport Worker Grade 3	19.46	22.87	25.30	29.19	38.92	29.19	38.92	48.65
Transport Worker Grade 4	19.82	23.29	25.77	29.73	39.64	29.73	39.64	49.55
Transport Worker Grade 5	20.06	23.57	26.08	30.09	40.12	30.09	40.12	50.15
Transport Worker Grade 6	20.29	23.84	26.38	30.44	40.58	30.44	40.58	50.73
Transport Worker Grade 7	20.59	24.19	26.77	30.89	41.18	30.89	41.18	51.48
Transport Worker Grade 8	21.19	24.90	27.55	31.79	42.38	31.79	42.38	52.98
Transport Worker Grade 9	21.54	25.31	28.00	32.31	43.08	32.31	43.08	53.85
Transport Worker Grade 10	22.08	25.94	28.70	33.12	44.16	33.12	44.16	55.20

¹**Non continuous afternoon or night** means work on any afternoon or night shift which does not continue for at least five consecutive afternoons or nights in accordance with clause 15.100

C.2.3 Full-time and part-time oil distribution employees—other than shiftworkers

	Ordinary hours	Saturday	Sunday	Public holiday	
				Good Friday & Christmas Day	Any other public holiday
% of ordinary hourly rate					
	100%	150%	200%	300%	250%
	\$	\$	\$	\$	\$
Transport Worker Grade 1	20.35	30.53	40.70	61.05	50.88
Transport Worker Grade 2	20.87	31.31	41.74	62.61	52.18
Transport Worker Grade 3	21.13	31.70	42.26	63.39	52.83

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	Ordinary hours	Saturday	Sunday	Public holiday	
				Good Friday & Christmas Day	Any other public holiday
% of ordinary hourly rate					
	100%	150%	200%	300%	250%
	\$	\$	\$	\$	\$
Transport Worker Grade 4	21.51	32.27	43.02	64.53	53.78
Transport Worker Grade 5	21.78	32.67	43.56	65.34	54.45
Transport Worker Grade 6	22.03	33.05	44.06	66.09	55.08
Transport Worker Grade 7	22.35	33.53	44.70	67.05	55.88
Transport Worker Grade 8	23.00	34.50	46.00	69.00	57.50
Transport Worker Grade 9	23.39	35.09	46.78	70.17	58.48
Transport Worker Grade 10	23.97	35.96	47.94	71.91	59.93

C.2.4 Full-time and part-time oil distribution employees—shiftworkers

	Day	Afternoon	Night	Non continuous afternoon or night ¹		Saturday	Sunday	Public holiday
				First 3 hours	After 3 hours			
% of ordinary hourly rate								
	100%	117.5%	130%	150%	200%	150%	200%	250%
	\$	\$	\$	\$	\$	\$	\$	\$
Transport Worker Grade 1	20.35	23.91	26.46	30.53	40.70	30.53	40.70	50.88
Transport Worker Grade 2	20.87	24.52	27.13	31.31	41.74	31.31	41.74	52.18
Transport Worker Grade 3	21.13	24.83	27.47	31.70	42.26	31.70	42.26	52.83
Transport Worker Grade 4	21.51	25.27	27.96	32.27	43.02	32.27	43.02	53.78
Transport Worker Grade 5	21.78	25.59	28.31	32.67	43.56	32.67	43.56	54.45
Transport Worker Grade 6	22.03	25.89	28.64	33.05	44.06	33.05	44.06	55.08
Transport Worker Grade 7	22.35	26.26	29.06	33.53	44.70	33.53	44.70	55.88
Transport Worker Grade 8	23.00	27.03	29.90	34.50	46.00	34.50	46.00	57.50

Exposure draft – Road Transport and Distribution Award 2015

Transport Worker Grade 9	23.39	27.48	30.41	35.09	46.78	35.09	46.78	58.48
Transport Worker Grade 10	23.97	28.16	31.16	35.96	47.94	35.96	47.94	59.93

¹**Non continuous afternoon or night** means work on any afternoon or night shift which does not continue for at least five consecutive afternoons or nights in accordance with clause 15.100

C.2.5 Full-time and part-time distribution facility employees—other than shiftworkers

	Ordinary hours	Saturday	Sunday	Public holiday	
				Good Friday & Christmas Day	Any other public holiday
	% of ordinary hourly rate				
	100%	150%	200%	300%	250%
	\$	\$	\$	\$	\$
Distribution facility employee level 1	19.46	29.19	38.92	58.38	48.65
Distribution facility employee level 2	19.82	29.73	39.64	59.46	49.55
Distribution facility employee level 3	20.59	30.89	41.18	61.77	51.48
Distribution facility employee level 4	21.54	32.31	43.08	64.62	53.85

C.2.6 Full-time and part-time distribution employees—shiftworkers

	Day	Afternoon	Night	Non continuous afternoon or night ¹		Saturday	Sunday	Public holiday
				First 3 hours	After 3 hours			
	% of ordinary hourly rate							
	100%	117.5%	130%	150%	200%	150%	200%	250%
	\$	\$	\$	\$	\$	\$	\$	\$
Distribution facility employee level 1	19.46	22.87	25.30	29.19	38.92	29.19	38.92	48.65
Distribution facility employee level 2	19.82	23.29	25.77	29.73	39.64	29.73	39.64	49.55
Distribution facility employee level 3	20.59	24.19	26.77	30.89	41.18	30.89	41.18	51.48
Distribution facility employee level 4	21.54	25.31	28.00	32.31	43.08	32.31	43.08	53.85

¹**Non continuous afternoon or night** means work on any afternoon or night shift which does not continue for at least five consecutive afternoons or nights in accordance with clause 15.100

C.3 Full-time and part-time employees—overtime

C.3.1 Full-time and part-time transport employees—other than shiftworkers

	First 2 hours ¹	After 2 hours ¹	Public Holiday ²	Good Friday & Christmas Day ³
	% of ordinary hourly rate			
	150%	200%	250%	300%
	\$	\$	\$	\$
Transport Worker Grade 1	28.13	37.50	46.88	56.25
Transport Worker Grade 2	28.83	38.44	48.05	57.66
Transport Worker Grade 3	29.19	38.92	48.65	58.38
Transport Worker Grade 4	29.73	39.64	49.55	59.46
Transport Worker Grade 5	30.09	40.12	50.15	60.18
Transport Worker Grade 6	30.44	40.58	50.73	60.87
Transport Worker Grade 7	30.89	41.18	51.48	61.77
Transport Worker Grade 8	31.79	42.38	52.98	63.57
Transport Worker Grade 9	32.31	43.08	53.85	64.62
Transport Worker Grade 10	33.12	44.16	55.20	66.24
¹ Outside ordinary hours				
² Outside the range of ordinary working time				
³ Outside or in excess of ordinary hours				

C.3.2 Full-time and part-time transport employees—shiftworkers

	First 2 hours ¹	After 2 hours ¹
	% of ordinary hourly rate	
	150%	200%
	\$	\$
Transport Worker Grade 1	28.13	37.50
Transport Worker Grade 2	28.83	38.44
Transport Worker Grade 3	29.19	38.92
Transport Worker Grade 4	29.73	39.64
Transport Worker Grade 5	30.09	40.12
Transport Worker Grade 6	30.44	40.58

Exposure draft – Road Transport and Distribution Award 2015

	First 2 hours¹	After 2 hours¹
	% of ordinary hourly rate	
	150%	200%
	\$	\$
Transport Worker Grade 7	30.89	41.18
Transport Worker Grade 8	31.79	42.38
Transport Worker Grade 9	32.31	43.08
Transport Worker Grade 10	33.12	44.16
¹ Time worked outside or in excess of the ordinary shift hours or on a shift other than a rostered shift		

C.3.3 Full-time and part-time oil distribution employees—other than shiftworkers

	First 2 hours¹	After 2 hours¹	Public Holiday²	Good Friday & Christmas Day³
	% of ordinary hourly rate			
	150%	200%	250%	300%
	\$	\$	\$	\$
Transport Worker Grade 1	30.53	40.70	50.88	61.05
Transport Worker Grade 2	31.31	41.74	52.18	62.61
Transport Worker Grade 3	31.70	42.26	52.83	63.39
Transport Worker Grade 4	32.27	43.02	53.78	64.53
Transport Worker Grade 5	32.67	43.56	54.45	65.34
Transport Worker Grade 6	33.05	44.06	55.08	66.09
Transport Worker Grade 7	33.53	44.70	55.88	67.05
Transport Worker Grade 8	34.50	46.00	57.50	69.00
Transport Worker Grade 9	35.09	46.78	58.48	70.17
Transport Worker Grade 10	35.96	47.94	59.93	71.91
¹ Outside ordinary hours				
² Outside the range of ordinary working time				
³ Outside or in excess of ordinary hours				

C.3.4 Full-time and part-time oil distribution employees—shiftworkers

	First 2 hours ¹	After 2 hours ¹
	% of ordinary hourly rate	
	150%	200%
	\$	\$
Transport Worker Grade 1	30.53	40.70
Transport Worker Grade 2	31.31	41.74
Transport Worker Grade 3	31.70	42.26
Transport Worker Grade 4	32.27	43.02
Transport Worker Grade 5	32.67	43.56
Transport Worker Grade 6	33.05	44.06
Transport Worker Grade 7	33.53	44.70
Transport Worker Grade 8	34.50	46.00
Transport Worker Grade 9	35.09	46.78
Transport Worker Grade 10	35.96	47.94
¹ Time worked outside or in excess of the ordinary shift hours or on a shift other than a rostered shift		

C.3.5 Full-time and part-time distribution facility employees—other than shiftworkers

	First 2 hours ¹	After 2 hours ¹	Public Holiday ²	Good Friday & Christmas Day ³
	% of ordinary hourly rate			
	150%	200%	250%	300%
	\$	\$	\$	
Distribution facility employee level 1	29.19	38.92	48.65	58.38
Distribution facility employee level 2	29.73	39.64	49.55	59.46
Distribution facility employee level 3	30.89	41.18	51.48	61.77
Distribution facility employee level 4	32.31	43.08	53.85	64.62
¹ Outside ordinary hours				
² Outside the range of ordinary working time				
³ Outside or in excess of ordinary hours				

C.3.6 Full-time and part-time distribution facility employees—shiftworkers

	First 2 hours	After 2 hours
	% of ordinary hourly rate	
	150%	200%
	\$	\$
Distribution facility employee level 1	29.19	38.92
Distribution facility employee level 2	29.73	39.64
Distribution facility employee level 3	30.89	41.18
Distribution facility employee level 4	32.31	43.08

C.4 Casual employees—ordinary and penalty rates

C.4.1 Casual transport employees—other than shiftworkers

	Ordinary hours	Early morning ¹	Saturday	Sunday	Public holiday	
					Good Friday & Christmas Day	Any other public holiday
	% of ordinary hourly rate					
	125%	155%	175%	225%	325%	275%
	\$	\$	\$	\$	\$	\$
Transport Worker Grade 1	23.44	29.06	32.81	42.19	60.94	51.56
Transport Worker Grade 2	24.03	29.79	33.64	43.25	62.47	52.86
Transport Worker Grade 3	24.33	30.16	34.06	43.79	63.25	53.52
Transport Worker Grade 4	24.78	30.72	34.69	44.60	64.42	54.51
Transport Worker Grade 5	25.08	31.09	35.11	45.14	65.20	55.17
Transport Worker Grade 6	25.36	31.45	35.51	45.65	65.94	55.80
Transport Worker Grade 7	25.74	31.91	36.03	46.33	66.92	56.62
Transport Worker Grade 8	26.49	32.84	37.08	47.68	68.87	58.27
Transport Worker Grade 9	26.93	33.39	37.70	48.47	70.01	59.24
Transport Worker Grade 10	27.60	34.22	38.64	49.68	71.76	60.72

¹Newspaper, meat, live poultry delivery employees or drivers employed at a fish, fruit or vegetable store - where ordinary hours commence between 12.01 am and 6.00 am, Monday to Friday.

C.4.2 Casual transport employees—shiftworkers

	Day	Afternoon	Night	Non continuous afternoon or night ¹		Saturday	Sunday	Public holiday
				First 3 hours	After 3 hours			
% of ordinary hourly rate								
	125%	142.5%	155%	175%	225%	175%	225%	275%
	\$	\$	\$	\$	\$	\$	\$	\$
Transport Worker Grade 1	23.44	26.72	29.06	32.81	42.19	32.81	42.19	51.56
Transport Worker Grade 2	24.03	27.39	29.79	33.64	43.25	33.64	43.25	52.86
Transport Worker Grade 3	24.33	27.73	30.16	34.06	43.79	34.06	43.79	53.52
Transport Worker Grade 4	24.78	28.24	30.72	34.69	44.60	34.69	44.60	54.51
Transport Worker Grade 5	25.08	28.59	31.09	35.11	45.14	35.11	45.14	55.17
Transport Worker Grade 6	25.36	28.91	31.45	35.51	45.65	35.51	45.65	55.80
Transport Worker Grade 7	25.74	29.34	31.91	36.03	46.33	36.03	46.33	56.62
Transport Worker Grade 8	26.49	30.20	32.84	37.08	47.68	37.08	47.68	58.27
Transport Worker Grade 9	26.93	30.69	33.39	37.70	48.47	37.70	48.47	59.24
Transport Worker Grade 10	27.60	31.46	34.22	38.64	49.68	38.64	49.68	60.72

¹**Non continuous afternoon or night** means work on any afternoon or night shift which does not continue for at least five consecutive afternoons or nights in accordance with clause 15.100

C.4.3 Casual oil distribution employees—other than shiftworkers

	Ordinary hours	Saturday	Sunday	Public holiday	
				Good Friday & Christmas Day	Any other public holiday
% of ordinary hourly rate					
	125%	175%	225%	325%	275%
	\$	\$	\$	\$	\$
Transport Worker Grade 1	25.44	35.61	45.79	66.14	55.96
Transport Worker Grade 2	26.09	36.52	46.96	67.83	57.39
Transport Worker Grade 3	26.41	36.98	47.54	68.67	58.11
Transport Worker Grade 4	26.89	37.64	48.40	69.91	59.15
Transport Worker Grade 5	27.23	38.12	49.01	70.79	59.90
Transport Worker Grade 6	27.54	38.55	49.57	71.60	60.58
Transport Worker Grade 7	27.94	39.11	50.29	72.64	61.46
Transport Worker Grade 8	28.75	40.25	51.75	74.75	63.25
Transport Worker Grade 9	29.24	40.93	52.63	76.02	64.32
Transport Worker Grade 10	29.96	41.95	53.93	77.90	65.92

C.4.4 Casual oil distribution employees—shiftworkers

	Day	Afternoon	Night	Non continuous afternoon or night ¹		Saturday	Sunday	Public holiday
				First 3 hours	After 3 hours			
% of ordinary hourly rate								
	125%	142.5%	155%	175%	225%	175%	225%	275%
	\$	\$	\$	\$	\$	\$	\$	\$
Transport Worker Grade 1	29.00	29.00	31.54	35.61	45.79	35.61	45.79	55.96
Transport Worker Grade 2	29.74	29.74	32.35	36.52	46.96	36.52	46.96	57.39
Transport Worker Grade 3	30.11	30.11	32.75	36.98	47.54	36.98	47.54	58.11
Transport Worker Grade 4	30.65	30.65	33.34	37.64	48.40	37.64	48.40	59.15
Transport Worker Grade 5	31.04	31.04	33.76	38.12	49.01	38.12	49.01	59.90
Transport Worker Grade 6	31.39	31.39	34.15	38.55	49.57	38.55	49.57	60.58
Transport Worker	31.85	31.85	34.64	39.11	50.29	39.11	50.29	61.46

Exposure draft – Road Transport and Distribution Award 2015

	Day	Afternoon	Night	Non continuous afternoon or night ¹		Saturday	Sunday	Public holiday
				First 3 hours	After 3 hours			
	% of ordinary hourly rate							
	125%	142.5%	155%	175%	225%	175%	225%	275%
	\$	\$	\$	\$	\$	\$	\$	\$
Grade 7								
Transport Worker Grade 8	32.78	32.78	35.65	40.25	51.75	40.25	51.75	63.25
Transport Worker Grade 9	33.33	33.33	36.25	40.93	52.63	40.93	52.63	64.32
Transport Worker Grade 10	34.16	34.16	37.15	41.95	53.93	41.95	53.93	65.92

¹**Non continuous afternoon or night** means work on any afternoon or night shift which does not continue for at least five consecutive afternoons or nights in accordance with clause 15.100

C.4.5 Casual distribution facility employees—other than shiftworkers

	Ordinary hours	Saturday	Sunday	Public holiday	
				Good Friday & Christmas Day	Any other public holiday
	% of ordinary hourly rate				
	125%	175%	225%	325%	275%
	\$	\$	\$	\$	\$
Distribution facility employee level 1	24.33	34.06	43.79	63.25	53.52
Distribution facility employee level 2	24.78	34.69	44.60	64.42	54.51
Distribution facility employee level 3	25.74	36.03	46.33	66.92	56.62
Distribution facility employee level 4	26.93	37.70	48.47	70.01	59.24

C.4.6 Casual distribution facility employees—shiftworkers

	Day	Afternoon	Night	Non continuous afternoon or night ¹		Saturday	Sunday	Public holiday
				First 3 hours	After 3 hours			
	% of ordinary hourly rate							
	125%	142.5%	155%	175%	225%	175%	225%	275%
	\$	\$	\$	\$	\$	\$	\$	\$
Distribution facility employee level 1	24.33	27.73	30.16	34.06	43.79	34.06	43.79	53.52
Distribution facility employee level 2	24.78	28.24	30.72	34.69	44.60	34.69	44.60	54.51
Distribution facility employee level 3	25.74	29.34	31.91	36.03	46.33	36.03	46.33	56.62
Distribution facility employee level 4	26.93	30.69	33.39	37.70	48.47	37.70	48.47	59.24
<p>¹Non continuous afternoon or night means work on any afternoon or night shift which does not continue for at least five consecutive afternoons or nights in accordance with clause <u>15.10</u></p>								

Schedule D—Summary of Monetary Allowances

Monetary amounts in this clause adjusted as a result of AWR 2016

See clause 13 for full details of allowances payable under this award.

D.1 Wage-related allowances

The wage-related allowances in this award are based on the standard rate as defined in clause Schedule H as the minimum weekly wage rate for a Transport worker grade 3 in clause 12 = **\$722.10**

Allowance	Clause	% of standard rate \$722.10 per week unless stated otherwise	\$ per week unless stated otherwise
Driver of low loader with GCM over 43 tonnes—for each extra tonne ¹	Schedule B 13.3(b)(i)	0.18	1.33
Driver of multi-axle platform trailing equipment of between 70 and 100 tonnes, etc. ¹	Schedule B <u>13.3(b)(ii)</u>	2.18	16.12
For each extra 10 tonnes in excess of 150 tonnes ¹	Schedule B <u>13.3(b)(iii)</u>	2.09	15.45
For work of between 200 and 300 tonnes ¹	Schedule B <u>13.3(b)(iii)</u>	2.04	15.08
Leading hand (except leading loader) in charge of:	13.3(c)		
3-10 employees		4.72	34.90
11-to 20 employees		7.03	51.98
More than 20 employees		8.93	66.03
Motor vehicle—length in excess of legislated limit	13.3(d)	0.46	3.40 per day
Motor vehicle—truck loading crane mounted on vehicle	13.3(d)(ii)	0.46	3.40 per day
Motor vehicle—side-lifter crane mounted on vehicle	13.3(d)(iii)	0.46	3.40 per day
Motor vehicle—width (and/or load) in excess of 3.5m	13.3(d)(iv)	0.46	3.40 per day
Furniture carter allowance	13.3(d)(v)	2.59	19.15

Exposure draft – Road Transport and Distribution Award 2015

Allowance	Clause	% of standard rate \$722.10 per week unless stated otherwise	\$ per week unless stated otherwise
Livestock carter allowance	13.3(d)(vi)	2.59	19.15
Sanitary vehicle allowance	13.3(d)(vii)	2.92	21.59
Garbage collection allowance	13.3(d)(viii)	2.39	17.67
Driver-salesperson allowance	13.3(d)(ix)	2.19	16.19
Carbon black allowance	13.3(d)(x)	0.28	2.07 per day
Offensive material allowance	13.3(d)(xi)	0.36	2.66 per day
Dirty material allowance	13.3(d)(xii)	0.06	0.44 per hour
Tar handling allowance	13.3(d)(xiii)	0.45	3.33
Coffin handling allowance	13.3(d)(xiv)	0.38	2.81 per coffin
Money handling allowance:	13.3(e)		
Up to \$20		0.23	1.70
\$20 but not exceeding \$200		0.45	3.33
Over \$200 but not exceeding \$600		0.77	5.69
Over \$600 but not exceeding \$1000		1.00	7.39
Over \$1000 but not exceeding \$1200		1.41	10.43
Over \$1200 but not exceeding \$1600		2.18	16.12
Over \$1600 but not exceeding \$2000		2.41	17.82
Over \$2000		2.74	20.26
Bulk dangerous goods allowance	13.3(f)(i)	2.37	17.52 per day
Packaged dangerous goods allowance	13.3(f)(ii)	0.99	7.82 per day
First aid allowance	13.3(g)	1.60	11.83
¹ This allowance applies for all purposes			

D.1.1 Adjustment of wage related allowances

Wage-related allowances are adjusted in accordance with increases to wages and are based on a percentage of the standard rate as specified.

D.2 Expense related allowances

The expense related allowances in this award will be adjusted by reference to the Consumer Price Index (CPI) as per the following:

Allowance	Clause	\$
Travelling allowance	13.5(a)	31.66 per day
Housing allowance	13.5(d)	Rent less \$2.85
Meal allowance	13.5(f)	15.26 per meal

D.2.1 Adjustment of expense related allowances

- (a) At the time of any adjustment to the [standard rate](#), each expense related allowance will be increased by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.
- (b) The applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index (Cat No. 6401.0), as follows:

Allowance	Applicable Consumer Price Index figure
Meal allowance	Take away and fast foods sub-group
Travelling allowance	Private motoring sub-group
Housing	Domestic holiday travel and accommodation sub-group

Parties are asked to consider whether the following CPI groups would be more relevant to these allowances:

Allowance	Applicable Consumer Price Index figure
Travelling allowance	Domestic holiday travel and accommodation subgroup
Housing	Rents subgroup

Schedule E—National Training Wage

E.1 Title

This is the *National Training Wage Schedule*.

E.2 Definitions

In this schedule:

adult trainee is a trainee who would qualify for the highest minimum wage in Wage Level A, B or C if covered by that wage level

approved training means the training specified in the training contract

Australian Qualifications Framework (AQF) is a national framework for qualifications in post-compulsory education and training

out of school refers only to periods out of school beyond Year 10 as at the first of January in each year and is deemed to:

- (a) include any period of schooling beyond Year 10 which was not part of or did not contribute to a completed year of schooling;
- (b) include any period during which a trainee repeats in whole or part a year of schooling beyond Year 10; and
- (c) not include any period during a calendar year in which a year of schooling is completed

relevant State or Territory training authority means the bodies in the relevant State or Territory which exercise approval powers in relation to traineeships and register training contracts under the relevant State or Territory vocational education and training legislation

relevant State or Territory vocational education and training legislation means the following or any successor legislation:

Australian Capital Territory: *Training and Tertiary Education Act 2003*;

New South Wales: *Apprenticeship and Traineeship Act 2001*;

Northern Territory: *Northern Territory Employment and Training Act 1991*;

Queensland: *Vocational Education, Training and Employment Act 2000*;

South Australia: *Training and Skills Development Act 2008*;

Tasmania: *Vocational Education and Training Act 1994*;

Victoria: *Education and Training Reform Act 2006*; or

Western Australia: *Vocational Education and Training Act 1996*

trainee is an employee undertaking a traineeship under a training contract

traineeship means a system of training which has been approved by the relevant State or Territory training authority, which meets the requirements of a training package developed by the relevant Industry Skills Council and endorsed by the National Quality Council, and which leads to an AQF certificate level qualification

training contract means an agreement for a traineeship made between an employer and an employee which is registered with the relevant State or Territory training authority

training package means the competency standards and associated assessment guidelines for an AQF certificate level qualification which have been endorsed for an industry or enterprise by the National Quality Council and placed on the National Training Information Service with the approval of the Commonwealth, State and Territory Ministers responsible for vocational education and training, and includes any relevant replacement training package

year 10 includes any year before Year 10

E.3 Coverage

E.3.1 Subject to clauses E.3.2 to E.3.6 of this schedule, this schedule applies in respect of an employee covered by this award who is undertaking a traineeship whose training package and AQF certificate level is allocated to a wage level by clause E.7 to this schedule or by clause E.5.4 of this schedule.

E.3.2 This schedule only applies to AQF Certificate Level IV traineeships for which a relevant AQF Certificate Level III traineeship is listed in clause E.7 to this schedule.

E.3.3 This schedule does not apply to:

- (a) the apprenticeship system;
- (b) qualifications not identified in training packages; or
- (c) qualifications in training packages which are not identified as appropriate for a traineeship.

E.3.4 This schedule does not apply to qualifications not identified in training packages or to qualifications in training packages which are not identified as appropriate for a traineeship.

E.3.5 Where the terms and conditions of this schedule conflict with other terms and conditions of this award dealing with traineeships, the other terms and conditions of this award prevail.

E.3.6 At the conclusion of the traineeship, this schedule ceases to apply to the employee.

E.4 Types of Traineeship

The following types of traineeship are available under this schedule:

E.4.1 a full-time traineeship based on 38 ordinary hours per week, with 20% of ordinary hours being approved training; and

E.4.2 a part-time traineeship based on less than 38 ordinary hours per week, with 20% of ordinary hours being approved training solely on-the-job or partly on-the-job and partly off-the-job, or where training is fully off-the-job.

E.5 Minimum Wages

E.5.1 Minimum wages for full-time traineeships

(a) Wage Level A

Subject to clause E.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by clause E.7.1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	302.20	332.80	396.50
Plus 1 year out of school	332.80	396.50	461.40
Plus 2 years out of school	396.50	461.40	537.00
Plus 3 years out of school	461.40	537.00	614.80
Plus 4 years out of school	537.00	614.80	
Plus 5 or more years out of school	614.80		

(b) Wage Level B

Subject to clause E.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by clause E.7.2 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	Per week	per week
	\$	\$	\$
School leaver	302.20	332.80	385.80
Plus 1 year out of school	332.80	385.80	443.80
Plus 2 years out of school	385.80	443.80	520.40
Plus 3 years out of school	443.80	520.40	593.60
Plus 4 years out of school	520.40	593.60	
Plus 5 or more years out of school	593.60		

(c) Wage Level C

Subject to clause E.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by clause E.7.3 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per week	per week	per week
	\$	\$	\$
School leaver	302.20	332.80	385.80
Plus 1 year out of school	332.80	385.80	434.30
Plus 2 years out of school	385.80	434.30	485.20
Plus 3 years out of school	434.30	485.20	540.60
Plus 4 years out of school	485.20	540.60	
Plus 5 or more years out of school	540.60		

(d) AQF Certificate Level IV traineeships

- (i) Subject to clause E.5.3 of this schedule, the minimum wages for a trainee undertaking a full-time AQF Certificate Level IV traineeship are the minimum wages for the relevant full-time AQF Certificate Level III traineeship with the addition of 3.8% to those minimum wages.
- (ii) Subject to clause E.5.3 of this schedule, the minimum wages for an adult trainee undertaking a full-time AQF Certificate Level IV traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

Wage level	First year of traineeship	Second and subsequent years of traineeship
	per week	per week
	\$	\$
Wage Level A	638.50	663.20
Wage Level B	616.00	639.70
Wage Level C	560.60	581.80

E.5.2 Minimum wages for part-time traineeships

(a) Wage Level A

Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level A by clause E.7.1 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	9.94	10.96	13.05
Plus 1 year out of school	10.96	13.05	15.19
Plus 2 years out of school	13.05	15.19	17.66
Plus 3 years out of school	15.19	17.66	20.21
Plus 4 years out of school	17.66	20.21	
Plus 5 or more years out of school	20.21		

(b) Wage Level B

Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level B by clause E.7.2 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	9.94	10.96	12.70
Plus 1 year out of school	10.96	12.70	14.60
Plus 2 years out of school	12.70	14.60	17.13
Plus 3 years out of school	14.60	17.13	19.54
Plus 4 years out of school	17.13	19.54	
Plus 5 or more years out of school	19.54		

(c) Wage Level C

Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Level C by clause E.7.3 are:

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
School leaver	9.94	10.96	12.70
Plus 1 year out of school	10.96	12.70	14.28
Plus 2 years out of school	12.70	14.28	15.95
Plus 3 years out of school	14.28	15.95	17.78

	Highest year of schooling completed		
	Year 10	Year 11	Year 12
	per hour	per hour	per hour
	\$	\$	\$
Plus 4 years out of school	15.95	17.78	
Plus 5 or more years out of school	17.78		

(d) School-based traineeships

Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for a trainee undertaking a school-based AQF Certificate Level I–III traineeship whose training package and AQF certificate levels are allocated to Wage Levels A, B or C by clause E.7 are as follows when the trainee works ordinary hours:

Year of schooling	
Year 11 or lower	Year 12
per hour	per hour
\$	\$
9.94	10.96

(e) AQF Certificate Level IV traineeships

(i) Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for a trainee undertaking a part-time AQF Certificate Level IV traineeship are the minimum wages for the relevant part-time AQF Certificate Level III traineeship with the addition of 3.8% to those minimum wages.

(ii) Subject to clauses E.5.2(f) and E.5.3 of this schedule, the minimum wages for an adult trainee undertaking a part-time AQF Certificate Level IV traineeship are as follows, provided that the relevant wage level is that for the relevant AQF Certificate Level III traineeship:

Wage level	First year of traineeship	Second and subsequent years of traineeship
	per hour	per hour
	\$	\$
Wage Level A	21.00	21.82
Wage Level B	20.24	21.03
Wage Level C	18.44	19.15

(f) Calculating the actual minimum wage

(i) Where the full-time ordinary hours of work are not 38 or an average of 38 per week, the appropriate hourly minimum wage is obtained by multiplying the relevant minimum wage in clauses E.5.2(a)–(e) of this

schedule by 38 and then dividing the figure obtained by the full-time ordinary hours of work per week.

- (ii) Where the approved training for a part-time traineeship is provided fully off-the-job by a registered training organisation, for example at school or at TAFE, the relevant minimum wage in clauses E.5.2(a)–(e) of this schedule applies to each ordinary hour worked by the trainee.
- (iii) Where the approved training for a part-time traineeship is undertaken solely on-the-job or partly on-the-job and partly off-the-job, the relevant minimum wage in clauses E.5.2(a)–(e) of this schedule minus 20% applies to each ordinary hour worked by the trainee.

E.5.3 Other minimum wage provisions

- (a) An employee who was employed by an employer immediately prior to becoming a trainee with that employer must not suffer a reduction in their minimum wage per week or per hour by virtue of becoming a trainee. Casual loadings will be disregarded when determining whether the employee has suffered a reduction in their minimum wage.
- (b) If a qualification is converted from an AQF Certificate Level II to an AQF Certificate Level III traineeship, or from an AQF Certificate Level III to an AQF Certificate Level IV traineeship, then the trainee must be paid the next highest minimum wage provided in this schedule, where a higher minimum wage is provided for the new AQF certificate level.

E.5.4 Default wage rate

The minimum wage for a trainee undertaking an AQF Certificate Level I–III traineeship whose training package and AQF certificate level are not allocated to a wage level by clause E.7 is the relevant minimum wage under this schedule for a trainee undertaking an AQF Certificate to Level I–III traineeship whose training package and AQF certificate level are allocated to Wage Level B.

E.6 Employment conditions

- E.6.1** A trainee undertaking a school-based traineeship may, with the agreement of the trainee, be paid an additional loading of 25% on all ordinary hours worked instead of paid annual leave, paid personal/carer's leave and paid absence on public holidays, provided that where the trainee works on a public holiday then the public holiday provisions of this award apply.
- E.6.2** A trainee is entitled to be released from work without loss of continuity of employment and to payment of the appropriate wages to attend any training and assessment specified in, or associated with, the training contract.
- E.6.3** Time spent by a trainee, other than a trainee undertaking a school-based traineeship, in attending any training and assessment specified in, or associated with, the training contract is to be regarded as time worked for the employer for the purposes of calculating the trainee's wages and determining the trainee's employment conditions.

Note: The time to be included for the purpose of calculating the wages for part-time trainees whose approved training is fully off-the-job is determined by clause E.5.2(f)(ii) and not by this clause.

E.6.4 Subject to clause E.3.5 of this schedule, all other terms and conditions of this award apply to a trainee unless specifically varied by this schedule.

E.7 Allocation of Traineeships to Wage Levels

The wage levels applying to training packages and their AQF certificate levels are:

E.7.1 Wage Level A

Training package	AQF certificate level
Aeroskills	II
Aviation	I, II, III
Beauty	III
Business Services	I, II, III
Chemical, Hydrocarbons and Refining	I, II, III
Civil Construction	III
Coal Training Package	II, III
Community Services	II, III
Construction, Plumbing and Services Integrated Framework	I, II, III
Correctional Services	II, III
Drilling	II, III
Electricity Supply Industry—Generation Sector	II, III (III in Western Australia only)
Electricity Supply Industry—Transmission, Distribution and Rail Sector	II
Electrotechnology	I, II, III (III in Western Australia only)
Financial Services	I, II, III
Floristry	III
Food Processing Industry	III
Gas Industry	III
Information and Communications Technology	I, II, III
Laboratory Operations	II, III
Local Government (other than Operational Works Cert I and II)	I, II, III
Manufactured Mineral Products	III
Manufacturing	I, II, III
Maritime	I, II, III
Metal and Engineering (Technical)	II, III

Training package	AQF certificate level
Metalliferous Mining	II, III
Museum, Library and Library/Information Services	II, III
Plastics, Rubber and Cablemaking	III
Public Safety	III
Public Sector	II, III
Pulp and Paper Manufacturing Industries	III
Retail Services (including wholesale and Community pharmacy)	III
Telecommunications	II, III
Textiles, Clothing and Footwear	III
Tourism, Hospitality and Events	I, II, III
Training and Assessment	III
Transport and Distribution	III
Water Industry (Utilities)	III

E.7.2 Wage Level B

Training package	AQF certificate level
Animal Care and Management	I, II, III
Asset Maintenance	I, II, III
Australian Meat Industry	I, II, III
Automotive Industry Manufacturing	II, III
Automotive Industry Retail, Service and Repair	I, II, III
Beauty	II
Caravan Industry	II, III
Civil Construction	I
Community Recreation Industry	III
Entertainment	I, II, III
Extractive Industries	II, III
Fitness Industry	III
Floristry	II
Food Processing Industry	I, II
Forest and Forest Products Industry	I, II, III
Furnishing	I, II, III
Gas Industry	I, II
Health	II, III

Exposure draft – Road Transport and Distribution Award 2015

Training package	AQF certificate level
Local Government (Operational Works)	I, II
Manufactured Mineral Products	I, II
Metal and Engineering (Production)	II, III
Outdoor Recreation Industry	I, II, III
Plastics, Rubber and Cablemaking	II
Printing and Graphic Arts	II, III
Property Services	I, II, III
Public Safety	I, II
Pulp and Paper Manufacturing Industries	I, II
Retail Services	I, II
Screen and Media	I, II, III
Sport Industry	II, III
Sugar Milling	I, II, III
Textiles, Clothing and Footwear	I, II
Transport and Logistics	I, II
Visual Arts, Craft and Design	I, II, III
Water Industry	I, II

E.7.3 Wage Level C

Training package	AQF certificate level
Agri-Food	I
Amenity Horticulture	I, II, III
Conservation and Land Management	I, II, III
Funeral Services	I, II, III
Music	I, II, III
Racing Industry	I, II, III
Rural Production	I, II, III
Seafood Industry	I, II, III

Schedule F—Supported Wage System

Schedule F updated in accordance with [PR581528](#)

- F.1** This schedule defines the conditions which will apply to employees who because of the effects of a disability are eligible for a supported wage under the terms of this award.
- F.2** In this schedule:
- approved assessor** means a person accredited by the management unit established by the Commonwealth under the supported wage system to perform assessments of an individual’s productive capacity within the supported wage system
- assessment instrument** means the tool provided for under the supported wage system that records the assessment of the productive capacity of the person to be employed under the supported wage system
- disability support pension** means the Commonwealth pension scheme to provide income security for persons with a disability as provided under the *Social Security Act 1991* (Cth), as amended from time to time, or any successor to that scheme
- relevant minimum wage** means the minimum wage prescribed in this award for the class of work for which an employee is engaged
- supported wage system** (SWS) means the Commonwealth Government system to promote employment for people who cannot work at full award wages because of a disability, as documented in the Supported Wage System Handbook. The Handbook is available from the following website: www.jobaccess.gov.au
- SWS wage assessment agreement** means the document in the form required by the Department of Social Services that records the employee’s productive capacity and agreed wage rate
- F.3 Eligibility criteria**
- F.3.1** Employees covered by this schedule will be those who are unable to perform the range of duties to the competence level required within the class of work for which the employee is engaged under this award, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a disability support pension.
- F.3.2** This schedule does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their employment.
- F.4 Supported wage rates**
- F.4.1** Employees to whom this schedule applies will be paid the applicable percentage of the relevant minimum wage according to the following schedule:

Assessed capacity (clause F.5)	Relevant minimum wage
%	%
10	10
20	20
30	30
40	40
50	50
60	60
70	70
80	80
90	90

F.4.2 Provided that the minimum amount payable must be not less than \$82 per week.

F.4.3 Where an employee’s assessed capacity is 10%, they must receive a high degree of assistance and support.

F.5 Assessment of capacity

F.5.1 For the purpose of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the Supported Wage System by an approved assessor, having consulted the employer and employee and, if the employee so desires, a union which the employee is eligible to join.

F.5.2 All assessments made under this schedule must be documented in an SWS wage assessment agreement, and retained by the employer as a time and wages record in accordance with the Act.

F.6 Lodgement of SWS wage assessment agreement

F.6.1 All SWS wage assessment agreements under the conditions of this schedule, including the appropriate percentage of the relevant minimum wage to be paid to the employee, must be lodged by the employer with the Fair Work Commission.

F.6.2 All SWS wage assessment agreements must be agreed and signed by the employee and employer parties to the assessment. Where a union which has an interest in the award is not a party to the assessment, the assessment will be referred by the Fair Work Commission to the union by certified mail and the agreement will take effect unless an objection is notified to the Fair Work Commission within 10 working days.

F.7 Review of assessment

The assessment of the applicable percentage should be subject to annual or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the supported wage system.

F.8 Other terms and conditions of employment

Where an assessment has been made, the applicable percentage will apply to the relevant minimum wage only. Employees covered by the provisions of this schedule will be entitled to the same terms and conditions of employment as other workers covered by this award on a pro rata basis.

F.9 Workplace adjustment

An employer wishing to employ a person under the provisions of this schedule must take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of job duties, working time arrangements and work organisation in consultation with other workers in the area.

F.10 Trial period

F.10.1 In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this schedule for a trial period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.

F.10.2 During that trial period the assessment of capacity will be undertaken and the percentage of the relevant minimum wage for a continuing employment relationship will be determined.

F.10.3 The minimum amount payable to the employee during the trial period must be no less than \$82 per week.

F.10.4 Work trials should include induction or training as appropriate to the job being trialled.

F.10.5 Where the employer and employee wish to establish a continuing employment relationship following the completion of the trial period, a further contract of employment will be entered into based on the outcome of assessment under clause F.5.

Schedule G—2016 Part-day public holidays

This provision is being reviewed in [AM2014/301](#)

Schedule G amended in accordance with [PR580863](#)

This schedule operates where this award otherwise contains provisions dealing with public holidays that supplement the NES.

G.1 Where a part-day public holiday is declared or prescribed between 7.00pm and midnight on Christmas Eve (24 December 2016) or New Year’s Eve (31 December 2016) the following will apply on Christmas Eve and New Year’s Eve and will override any provision in this award relating to public holidays to the extent of the inconsistency:

- (a) All employees will have the right to refuse to work on the part-day public holiday if the request to work is not reasonable or the refusal is reasonable as provided for in the NES.
- (b) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00pm and midnight but as a result of exercising their right under the NES does not work, they will be paid their ordinary rate of pay for such hours not worked.
- (c) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00pm and midnight but as a result of being on annual leave does not work, they will be taken not to be on annual leave between those hours of 7.00pm and midnight that they would have usually been rostered to work and will be paid their ordinary rate of pay for such hours.
- (d) Where a part-time or full-time employee is usually rostered to work ordinary hours between 7.00pm and midnight, but as a result of having a rostered day off (RDO) provided under this award, does not work, the employee will be taken to be on a public holiday for such hours and paid their ordinary rate of pay for those hours.
- (e) Excluding annualised salaried employees to whom clause G.1(f) applies, where an employee works any hours between 7.00pm and midnight they will be entitled to the appropriate public holiday penalty rate (if any) in this award for those hours worked.
- (f) Where an employee is paid an annualised salary under the provisions of this award and is entitled under this award to time off in lieu or additional annual leave for work on a public holiday, they will be entitled to time off in lieu or pro-rata annual leave equivalent to the time worked between 7.00pm and midnight.
- (g) An employee not rostered to work between 7.00pm and midnight, other than an employee who has exercised their right in accordance with clause G.1(a), will not be entitled to another day off, another day’s pay or another day of annual leave as a result of the part-day public holiday.

Exposure draft – Road Transport and Distribution Award 2015

This schedule is not intended to detract from or supplement the NES.

This schedule is an interim provision and subject to further review.

Schedule H—Definitions

Definitions to be further considered by Full Bench see para [174] of [2016] FWCFB 7254

In this award, unless the contrary intention appears:

Act means the *Fair Work Act 2009* (Cth)

aerodrome attendant means an employee who is employed principally in driving and/or operating any aviation refuelling or servicing unit or equipment or hydrant dispensing system at an aerodrome to deliver aviation fuels, lubricants and/or other aviation products to aircraft and in receiving, storing and distributing such fuels, lubricants and other products at an aerodrome depot, including the performance as required of all tasks ancillary to such receipt, storage, distribution and delivery. Provided that this definition does not exclude allocation by the employer of other duties connected with the safe and efficient operation of vehicles, plant and equipment, the general tidiness of facilities at an airport depot, and the safety of personnel, or the bridging of stocks from terminals or depots to airports by an aerodrome attendant. This definition does not include coxswains or motorboat drivers operating refuelling units at a flying-boat base

all purposes means the payment will be included in the rate of pay of an employee who is entitled to the allowance, when calculating any penalties or loadings or payment while they are on annual leave

ancillary vehicles and/or equipment means mechanically powered vehicles and/or equipment (other than trucks) used by employers in the loading, unloading, stacking, moving, sorting or handling of goods and/or materials in connection with work which is part of, or ancillary to, the business of the employer

articulated vehicle means a vehicle with three or more axles, comprising a power unit (called a prime mover, tractor truck etc.) and a semi-trailer which is superimposed on the power unit and coupled together by means of a king-pin and revolving on a turn-table and is articulated whether automatically detachable or permanently coupled

courier means an employee who is engaged as a courier and who uses a passenger car or station wagon, light commercial van, motorcycle or bicycle or who delivers on foot, in the course of such employment

crane chaser/dogger means a person who holds a certificate of competency as a crane chaser from an appropriate authority

crane offsider means an employee who has the responsibility to supervise the setting up of a mobile crane and/or carry out the work of slinging loads and to control the movement of loads when handled by lifting appliances

defined benefit member has the meaning given by the *Superannuation Guarantee (Administration) Act 1992* (Cth)

dirty material means bituminous products, black lead, briquettes, charcoal, coal, coke, plumbago, graphite, manganese, lime, tallite, limil, plaster, plaster of paris, red oxide, zinc oxide, Quickardo cement, superphosphate, rock phosphate, dicalcic

phosphate, yellow ochre, red ochre, empty flour-bags, supercel in jute bags, stone dust, garbage, street sweepings, tar, sludge, used oil, liquid petroleum gas, shives of flax when carted as a full load

distribution facility means a facility from which goods are distributed by road (and at which such goods may be stored for the purposes of subsequent distribution) which is operated by an employer as part of or in connection with a road transport business of that employer

distribution facility employee means an employee defined in Schedule A—Classification Definitions for Distribution Facility Employees of this award

double-articulated vehicle means a vehicle with four or more axles, comprising a power unit (called tractor truck, prime mover, etc.) and semi-trailer (called dolly trailer) which is superimposed on the power unit, which in turn has a load-carrying semi-trailer superimposed upon the dolly trailer, both semi-trailers and the power unit being coupled together by means of king-pins and revolving on turn-tables and are articulated whether automatically detachable or permanently coupled

driver-salesperson means an employee who is entrusted by the employer with goods or articles for sale and is required to exercise sales skills in competition with other salespeople in respect of such goods or articles in the normal course of duty, and who is not in receipt of a commission upon goods or articles sold. The term ‘driver-salesperson’ does not include a driver who is entrusted with goods or articles for delivery to customers in such quantities as such customers require

employee means national system employee within the meaning of the Act

employee handling money means an employee who collects or pays out money, excluding non-negotiable cheques, and who is responsible for the safe custody of the amounts so collected to be paid out

employer means national system employer within the meaning of the Act

exempt public sector superannuation scheme has the meaning given by the *Superannuation Industry (Supervision) Act 1993* (Cth)

fatigue management rules/regulations means Commonwealth, State or Territory laws controlling driving and working hours of heavy vehicle operators or fatigue management

furniture means any article of household and/or office furniture or whitegoods which are completely manufactured and ready for use, and includes furniture being transported from a manufacturer to a retail store unless such furniture is crated, in cartons or otherwise covered

greaser and cleaner includes a person required to refuel motor vehicles at a depot, yard or garage

gross combination mass or GCM means the maximum permissible mass (whether described as the gross train mass or otherwise) for the motor vehicle and the trailer(s) or semi-trailer(s) attached to it, together with the load carried on each, as stated in any certificate of registration or other certificate that is issued in respect of the motor vehicle by the relevant authority or by the corresponding authority of another State or Territory or that is required by law to be painted or displayed on the motor vehicle

gross vehicle mass or GVM means the maximum permissible mass (whether described as the gross train vehicle mass or otherwise) for the motor vehicle and its load (but excluding any trailer and its load) as stated in a certificate of registration or other certificate that is issued in respect of the motor vehicle by the relevant authority or by the corresponding authority of another State or Territory or that is required by the law to be painted or displayed on the motor vehicle

interstate operation means an operation involving a vehicle moving livestock or materials whether in a raw or manufactured state from a principal point of commencement in one State or Territory to a principal point of destination in another State or Territory. Provided that to be an interstate operation the distance involved must exceed 200 kilometres, for any single journey. An area within a radius of 32 kilometres from the GPO of a capital city will be deemed to be the capital city.

livestock means horses, cattle, sheep, pigs, goats or poultry

loader means an employee engaged in loading or unloading any goods, wares, merchandise or materials onto or from any vehicle and in work incidental to such loading or unloading; and a person engaged as a motor driver's assistant but who performs work on the waterfront of the nature usually performed by a loader will be deemed to be a loader whilst performing such work

long distance operation means any interstate operation, or any return journey where the distance travelled exceeds 500 kilometres and the operation involves a vehicle moving livestock or materials whether in a raw or manufactured state from a principal point of commencement to a principal point of destination. An area within a radius of 32 kilometres from the GPO of a capital city will be deemed to be the capital city

low loader means a vehicle consisting of a tandem drive prime mover and a gooseneck semi-trailer (not being a drop deck semi-trailer) with a loading area of the semi-trailer a maximum of one metre off the ground. The prime mover and gooseneck semi-trailer being designed and manufactured and plated to operate at the required mass limits

motor driver's assistant means any employee who accompanies the driver to assist in loading or unloading or delivering

MySuper product has the meaning given by the *Superannuation Industry (Supervision) Act 1993* (Cth)

NES means the National Employment Standards as contained in [sections 59 to 131](#) of the *Fair Work Act 2009* (Cth)

Non-continuous afternoon or night means work on any afternoon or night shift which does not continue for at least five consecutive afternoons or nights

offensive material means bone-dust, bones, blood, manure, dead animals, offal, fat including that which is carted from hotels and restaurants or other places in kerosene tins, tallow in second-hand casks or in second-hand iron or steel drums, green skins, raw hides and sheep-skins when fly-blown or maggoty, sausage skin casings (except when packed in non-leaky containers for consumption), salt-cake, spent oxide, hair and fleshings, soda ash, muriate of potash, sulphur ex-wharf, sheep's trotters (known as pie), sulphuric acid of a strength of 96% or 98% in cases in which the carter is

required to handle individual jars, horse, cow or pig manure, meat-meal, liver meal, blood meal and TNT

on-hire means the on-hire of an employee by their employer to a client, where such employee works under the general guidance and instruction of the client or a representative of the client

ordinary hourly rate means the hourly rate for the employee's classification specified in clause X, plus any allowances specified as being included in the employee's ordinary hourly rate or payable for all purposes

quarried materials means any material and/or by-product of any material, excluding coal and coal-related products, which has been removed from a quarry, sand pit, or a mine, provided that such material is for use in manufacturing or construction purposes. Quarried materials also means slag and slag by-products, excluding coal-slag products

radio operator means an employee whose major duties are staffing of a mobile two-way radio system, data entry dispatch system, voice dispatch system and/or any other form of dispatch system and include all instruction relating to the movement of goods and/or freight

road-train vehicle means a rigid vehicle to which are coupled two or more trailers, or an articulated vehicle to which is coupled one or more trailer(s)

Definition 'road transport and distribution industry' to be considered by Full Bench see para [174] of [2016] FWCFB 7254

road transport and distribution industry means:

- (a) the transport by road of goods, wares, merchandise, material or anything whatsoever whether in its raw state or natural state, wholly or partly manufactured state or of a solid or liquid or gaseous nature or otherwise, and/or livestock, including where the work performed is ancillary to the principal business, undertaking or industry of the employer;
- (b) the receiving, handling or storing of goods, wares, merchandise, material or anything whatsoever whether in its raw state or natural state, wholly or partly manufactured state or of a solid or liquid or gaseous nature or otherwise in a distribution facility;
- (c) the storage and distribution of goods, wares, merchandise, materials or anything whatsoever whether in its raw state or natural state, wholly or partly manufactured state or of a solid or liquid or gaseous nature or otherwise, and/or livestock where the storage and distribution activities are carried out in connection with air freight forwarding and customs clearance;
- (d) the wholesale transport and delivery by road of meat from abattoirs, slaughterhouses, and wholesale meat depots;
- (e) mobile food vending;
- (f) the cartage and/or distribution, in tankers, of petrol or bulk petroleum products (in the raw or manufactured state) from refineries, terminals or depots of oil companies and/or distributors; the cartage and/or distribution on road vehicles of packaged petroleum products (in the raw or manufactured state) from

Exposure draft – Road Transport and Distribution Award 2015

refineries, terminals or depots of oil companies and/or distributors and the transport and/or distribution of petrol and petroleum products (in the raw or manufactured state) for distributors of oil companies or for contractors or sub-contractors to such distributors;

- (g) the road transport of crude oil or gas condensate;
- (h) the transport on public roads of milk and cream in bulk, and the transport, vending and distribution of milk, cream, butter, cheese and their derivatives (including fruit juices, yoghurt and custard); and/or
- (i) the cartage by road of quarried materials

standard rate means the minimum weekly wage for a Transport worker grade 3 in clause 12—Minimum wages

transport rigger means a person engaged in the movement of plant or equipment as part of the transport task who holds a certificate of competency from an appropriate authority

truck loading crane means a crane which is mounted on a truck or trailer and which is used for the purpose of loading or unloading loads from the truck or trailer on which the crane is mounted

yardperson means an employee not otherwise specified, employed in, or in connection with a depot, yard or garage, but does not include any person exclusively employed as a skilled tradesperson

Schedule I—Agreement to Take Annual Leave in Advance

Schedule I—Agreement to Take Annual Leave in Advance inserted in accordance with [PR583070](#)

Name of employee: _____

Name of employer: _____

The employer and employee agree that the employee will take a period of paid annual leave before the employee has accrued an entitlement to the leave:

The amount of leave to be taken in advance is: ____ hours/days

The leave in advance will commence on: ____/____/20____

Signature of employee: _____

Date signed: ____/____/20____

Name of employer representative: _____

Signature of employer representative: _____

Date signed: ____/____/20____

[If the employee is under 18 years of age - include:]

I agree that:

if, on termination of the employee’s employment, the employee has not accrued an entitlement to all of a period of paid annual leave already taken under this agreement, then the employer may deduct from any money due to the employee on termination an amount equal to the amount that was paid to the employee in respect of any part of the period of annual leave taken in advance to which an entitlement has not been accrued.

Name of parent/guardian: _____

Signature of parent/guardian: _____

Date signed: ____/____/20____

Schedule J—Agreement to Cash Out Annual Leave

Schedule J—Agreement to Cash Out Annual Leave inserted in accordance with [PR583070](#).

Name of employee: _____

Name of employer: _____

The employer and employee agree to the employee cashing out a particular amount of the employee's accrued paid annual leave:

The amount of leave to be cashed out is: ____ hours/days

The payment to be made to the employee for the leave is: \$_____ subject to deduction of income tax/after deduction of income tax (strike out where not applicable)

The payment will be made to the employee on: ____/____/20____

Signature of employee: _____

Date signed: ____/____/20____

Name of employer representative: _____

Signature of employer representative: _____

Date signed: ____/____/20____

Include if the employee is under 18 years of age:

Name of parent/guardian: _____

Signature of parent/guardian: _____

Date signed: ____/____/20____