



ARTIO

Australian Road Transport
Industrial Organisation

The Courier

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New South Wales Branch

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ARTIO Responds to Road Safety Remuneration Tribunal Draft Rates Order

(Article adapted from of Queensland Trucking Association 'Industrial Relations Alert')

The Australian Road Transport Industrial Organisation has made a submission to the Road Safety Remuneration Tribunal's (RSRT) latest draft Order pertaining to Payments for 'Contractor Drivers' (Owner Drivers). This was done with the assistance of member feedback.

ARTIO has called on the Tribunal not to make an Order. Specifically, ARTIO stated that:

"ARTIO's view is that the draft Order will have an adverse impact on the industry and cannot support the making of an Order in its current form".

There was clear message from members of ARTIO Branches was that given that the minimum rates in the draft Order apply only to 'Contractor Drivers' (or 'owner drivers') and not apply to any other transport providers that many Contractor Drivers will simply be priced out of the market.

ARTIO also made a number of observations as to why the draft Order was flawed and presented difficulties in its practical application:

- No provisions for split loads where a Contractor Driver may have part load cargo from various hirers or consignors.
- It did not adequately address the industry practice of backloading which is relied upon by regional and rural businesses in particular to keep costs competitive.

- The commencement date of 1 January 2016 is not practicable for various reasons including the busy Christmas period, need to implement wholesale changes to operations and accounting systems and impact on customer contracts.
- That a 3.2% annual increase to the rates based on a one year (to March 2015) Enterprise Agreement index applied to the entirety of the cost model cannot reflect with any accuracy a representative rate projected over four years into the future.
- The proposed per hour plus per k/m rates structure represents a major deviation from current standard industry pricing practices which are usually based on weight or per pallet space.

ARTIO also outlined why the Order was potentially unsafe referring to the inclusion of 'fatigue or rest breaks required by law' as time payable. The ARTIO submission stated that:

"Contactor Drivers will be required complete tasks in the shortest possible timeframe by taking minimal breaks. This is because paying for drivers to rest increases costs to Hirers... The only way costs can be minimised under this draft Order will be to minimise rest time. Therefore, minimum rest time will become the industry standard. This will drive a move away from an environment where a driver is encouraged take breaks, including additional breaks when tired, to rest only when required to do so by law and for the minimum time required".

A full copy of ARTIO's submission can be found at:

[www.rsrt.gov.au/default/assets/File/3rd_AWP/draft-Payments-RSRO/ARTIO-draft-Payments-order-Submission=230915\(1\).pdf](http://www.rsrt.gov.au/default/assets/File/3rd_AWP/draft-Payments-RSRO/ARTIO-draft-Payments-order-Submission=230915(1).pdf).

Alternatively, contact the ARTIO NSW office, email, hughmc@hmccconsulting.com.au, tel 0412 880861.

Employers Win Right to Direct Employees to Take Accrued Annual Leave

(Adapted from article courtesy of Queensland Trucking Association 'Transporter News Brief')

Employers will have the right under 70 modern awards to direct workers to take annual leave if they have accruals exceeding eight weeks, a Fair Work Commission (FWC) full bench confirmed recently.

This ruling finalises model annual leave provisions to be inserted into modern awards after a decision by the bench in June as part of the four-yearly review of modern awards.

The excessive annual leave provision, at clause 1.2 of the model award term, outlines the process for employers to deal with excessive leave accruals and allow an employer to direct workers to take leave if they cannot reach agreement. The June decision accepted the employer groups' proposal for employers to have the right to direct an employee to take their accumulated excessive leave, but imposed limits on the employer's right to direct through the inclusion of "safeguards". Those safeguards limit the amount of leave that the employee may be directed to take, the maintenance of a six week minimum balance and that a direction is not inconsistent with any leave arrangements agreed to by the employee or employer.

The model clause also provides at subclause 1.2(c) for circumstances where an employee accrues excessive paid annual leave but the employer has not made a direction. It confirms an employee's right to issue a notice to take annual leave arises only when they have maintained an excessive leave accrual for more than six months and the employer has failed to issue a direction to reduce or eliminate it.

The right is conditional on the employee having the excessive leave accrual for more than six months, that they have sought to confer with the employer, that genuine steps to reduce leave balances have been attempted and that the employer has not issued a direction to eliminate excess leave.

The Full Bench made no changes to the model term proposed in the June 2015 decision on cashing-out of annual leave after rejecting employer organisation arguments that it was unnecessary to retain employee records.

It said that it considered it necessary to include a provision in these terms in the context of "such a substantive change to the modern award system".

Senator Michaelia Cash Appointed Employment Minister in Turnbull Government

Liberal Senator for Western Australia, Michaelia Cash, has been appointed as Minister for Employment and Minister for Women in the Malcolm Turnbull led government. Senator Cash's appointment, which took effect from 20 September, is one of a number of new appointments arising from a substantial reshuffling of ministerial responsibilities following a spill which saw Mr Turnbull replace Tony Abbott as Prime Minister on 14 September.

Senator Cash was a Senior Associate specialising in employment and industrial relations in the law firm Freehills from 1999 to 2008. She entered Federal Parliament in 2008.

Senator Cash succeeds Liberal Senator for Tasmania, Eric Abetz, as Minister for Employment.

Separation of Heavy Vehicles Training and Assessment Introduced in NSW

On 7 September, Roads and Maritime Services announced changes to the Heavy Vehicle Competency Based Assessment (HVCBA) Scheme which will see the introduction of separate training and assessment roles.

"(The) HVCBA scheme is a nationally consistent competency standard for heavy vehicle drivers and is the primary method to obtain a heavy vehicle licence in NSW," A Roads and Maritime Services spokesperson said.

"Roads and Maritime is committed to improving and strengthening the HVCBA scheme and reducing any potential conflict of interest that could arise from the training and assessment process leading to the award of Heavy Vehicle licencing.

"The introduction of separate training and assessment will ensure the assessor that conducts the learner's assessment is independent of the person delivering the training and ensure greater integrity of the HVCBA licensing system.

"The changes, which took effect this week, mean there are now clearly defined and independent responsibilities for Registered Training Organisations (RTOs) and accredited assessors.

"As part the new requirements RTOs must assure Roads and Maritime that the accredited assessor who conducts an applicant's assessment is not the same person who delivered the training course for the applicant.

"The changes been introduced following extensive consultation with training organisations and major industry bodies.

"Roads and Maritime held a series of road shows across NSW in July which were attended by industry representatives, registered training organisations and assessors at North Sydney, Wagga Wagga, Dubbo and Tamworth.

“We are also working with training providers in remote areas or with specific business needs using a limited exemption so they can also operate and train drivers.

“Roads and Maritime will continue to work with RTOs and industry to ensure a high standard of quality is maintained in the delivery of training and assessment in NSW to ensure safer roads for the community.”

Safe Work Australia to Host Free Online Work Health Safety Seminars

Safe Work Australia (SWA) will host a series of free online seminars throughout October that showcase the latest thinking, innovation, research and developments in work health and safety.

Broadcast daily as part of National Safe Work Month, the Virtual Seminar Series features business leaders, academics and work health and safety experts sharing ideas, experiences, skills and knowledge to improve the lives of Australian workers.

An initiative under the Australian Work Health and Safety Strategy, the seminars are interactive and will involve live broadcasts and online Q&A sessions. Each seminar will be accompanied by a range of work health and safety resources including case studies, research and data.

This year, SWA are focusing on the manufacturing and construction industries, **workers in supply chains**, and discussing how work can be designed so that workers are safe and businesses more productive.

To participate in the Virtual Seminar Series, visit the Safe Work Australia website, www.swa.gov.au throughout October and follow SWA social media pages. Facebook | Twitter | LinkedIn | YouTube #virtualWHS

You can also:

- View the Virtual Seminar Series program.
- Access the Virtual Seminar Series promotion pack.
- Read the Virtual Seminar Series media release
- Watch an introductory video by Ann Sherry AO, Safe Work Australia Chair

New Tow-Away Restrictions in Sydney CBD

Transport for NSW has announced new tow-away restrictions applying to illegally parked vehicles in No Parking, No Stopping and Bus Stop areas in the Sydney CBD with effect from 4 October.

The announcement, which was made on 28 September by CBD Transport Co-ordinator, Marg Prendergast, expands existing powers relating to clearways and are designed to keep the city centre moving.

Ms Prendergast said the new tow-away area is bounded by:

- Sydney harbour to the north.
- Sydney Harbour, Fig St, Wattle St and Abercrombie St to the west.
- Macquarie St, College St, Wentworth Ave and Elizabeth St to the east; and
- Cleveland St (outside the border) to the south.

Ms Prendergast said an unprecedented amount of work was also being done to review city kerbside space and to make sure it is maximized by priority vehicles such as buses, taxis, couriers and delivery/service vehicles.

Light Rail Construction: Transport for NSW Announces Changes to Access Conditions to Sydney CBD

A reminder that Transport for NSW has issued advice designed to help commercial drivers such as tradespeople, couriers, provedores and other service providers, find their way around the Sydney CBD during the upcoming light rail construction and introduction of a new bus network.

This includes the following advice relating to the Sydney CBD:

- Changes to location of loading zones.
- Proposed closure of George St between King and Market Sts from 23 October. One way access into George St will still be possible from King St but only for deliveries/pick-ups involving direct access to loading docks and other driveways.
- Preferred inbound and outbound routes.

Further information can be obtained via:

- Email: CBDFreight@transport.nsw.gov.au.
- Web: www.mysydney.nsw.gov.au.

Progressive closures of George St will also occur due to light rail network construction. To keep informed of these developments visit:

www.sydneylightrail.transport.nsw.gov.au/projects/cbd-and-south-est-light-rail/construction-schedule.

Heavy Vehicle National Law Amendment Bill 2015 Passes through Queensland Parliament

The Heavy Vehicle National Law Amendment Bill 2015, which passed through the Queensland Parliament on 16 September, allows the National Heavy Vehicle Regulator to approve the use of electronic work diaries as an alternative to the log book to record driving hours.

The passage of this legislation follows a recommendation from a Queensland parliamentary committee of the Queensland Parliament that the Parliament passes the Bill.

Following enactment, this legislation will apply in all participating jurisdictions, currently every state and territory except Western Australia and the Northern Territory.

Queensland Transport Minister, Jackie Trad, said that '(e)lectronic work diaries represent a real opportunity to improve safety within the heavy vehicle industry by providing drivers and operators with real-time information that can be used to more effectively manage driver fatigue'.

NHVR Industry Update

The National Heavy Vehicle Regulator issued their latest "Industry Update" on 7 September 2015 containing the following articles:

- Application advice.
- Rest breaks and counting time – 24-hour periods.
- NHVAS auditor training.

- New notices.
- NHVR highlight – Engagement and Partnerships

These articles plus past Industry Updates published by the NHVR can be viewed by visiting the NHVR website, www.nhvr.gov.au and looking under News & Events section and then the Industry Updates sub-section.

Members can also subscribe to receive NHVR News and Industry Updates. **For more information -** visit www.nhvr.gov.au or call 1300 MYNHVR (1300 696 487).

TWUSUPER Super News September 2015

20 or more employees? The ATO's SuperStream clock is ticking.

If your business has 20 or more employees, you are now required to meet the Government's SuperStream data standards when providing contribution data to super funds such as TWUSUPER.

This means making contributions online – emailed data and cheques are no longer permitted.

TWUSUPER has a simple solution – *EmployerAccess* – which makes it easy to pay your super online and meet the SuperStream requirements.

If you're not sure whether you meet the SuperStream requirements, visit july1.twusuper.com.au. You can also phone TWUSUPER on **1800 241 877**.

Be aware, the ATO has stated it understands some businesses may have missed the 1 July deadline, and will not take immediate compliance action if the deadline has been missed. However, employers should act now as the ATO's flexible approach comes to an end on 31 October 2015.

This information is of a general nature only and does not take into account your objectives, financial situation or needs. Before acting on this information, you should consider its appropriateness having regard to your objectives, financial situation and needs. A copy of TWUSUPER's current Product Disclosure Statement should be obtained from us (by calling 1800 222 071 or visiting twusuper.com.au) and considered carefully before you make a decision in connection with TWUSUPER. TWU Nominees Pty Ltd ABN 67 002 835 412, AFSL 239163, is the trustee of TWUSUPER ABN 77 343 563 307 and the issuer of interests in it. Transuper and TransPersonal are divisions of TWUSUPER.

Trucking Companies Needed for Research

Transport and Road Safety (TARS) Research, University of New South Wales is looking for trucking companies with fleets of approximately 10-50 trucks to participate in a study. The NSW Centre for Road Safety is participating in this project.

The study will be looking to determine the effectiveness of specific safety management practices for improving safety in trucking companies. As part of the study free assistance will be provided to companies seeking to improve their safety performance.

If you wish to participate in the study to contribute to the advancement of safety management practices please contact **Ms Lori Mooren, Senior Research Fellow** on **0412 888 290** or lori.mooren@unsw.edu.au.

Economic and Industry Indicators

Indicator/Source ¹	As at	Unit of Measure	Quantity	% Variation
GDP latest quarter (ABS)	Jun Qtr 2015	\$m	402,310	2.2
CPI (ABS)	Jun Qtr 2015	Per cent		1.5
Cash rate (RBA)	Current	Per cent	2.00	
Estimated Residential Population (ABS)	Mar Qtr 2015	Number	23,714	1.4
Retail Turnover (ABS)	Jul 2015	\$m	24,329	4.4
Actual New Capital Expenditure (ABS)	Jun 2015 quarter	\$m	34,513	-10.0
Inventories held by private business (ABS)	Jun 2015	\$m	150,853	0.8
Dwelling unit approvals (ABS)	Aug 2015	Number	18,965	13.0
Manufacturers Income (ABS)	Jun 2015	\$m	82,371	-6.4
Employed persons (ABS)	Aug 2015	Number	11,765	2.0
Unemployed persons (ABS)	Aug 2015	Percentage	6.2	0.0
Wage Price Index (ABS)	Jun 2015 quarter	Per cent		
All employees				2.3
Transport, postal and warehousing				2.2
New motor vehicle sales (ABS)	Aug 2015	Number	95,423	2.6
Cab Chassis/Prime Mover Sales (TIC)	7 months ending July 2015	Number	14525	0.3
Vans (TIC)	7 months ending July 2015	Number	3269	29.1
TEU Port Botany	Year ending March 2015	Number	1,729,628	3.1
AIP Terminal Gate Price-Diesel-Sydney	As at 30 Sept	Cents per litre	115.0	

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¹ ABS – Australian Bureau of Statistics; RBA – Reserve Bank of Australia; AIP – Australian Institute of Petroleum; TIC – Truck Industry Council/’Prime Mover’ latest issue; BITRE – Bureau of Industry, Transport and Regional Economics