

Member Update

Title: **Federal Government Road Safety Remuneration Order**

Update No.: **18 of 14**

Date of Issue: **4 July 2014**

1 Issue

The Federal Government Road Safety Remuneration Tribunal has introduced the Road Safety Remuneration Order (Order), effective from 1 May 2014.

The Order has implications for transport operators and those engaging transport operators, including the grain supply chain.

2 The Road Safety Remuneration Tribunal

The Road Safety Remuneration Tribunal (RSRT) is an independent national tribunal that has functions relating to the road transport industry. The work of the RSRT can affect:

- Road transport drivers (both employees and contractor drivers)
- Employers or hirers of road transport drivers
- Participants in the supply chain in relation to road transport drivers.

The RSRT's functions include:

- Making road safety remuneration orders
- Approving and assisting with negotiations for road transport collective agreements
- Dealing with certain disputes relating to road transport drivers, their employers or hirers, and participants in the supply chain
- Conducting research into pay, conditions and related matters that could affect safety in the road transport industry.

3 The Road Safety Remuneration Order

The RSRT has made its first road safety remuneration order. The Order will affect the operation of drivers, their employers and hirers, and participants in the supply chain across the Australian road transport industry.

As indicated, the Order takes effect from 1 May 2014 and it sets out minimum entitlements and requirements for road transport drivers and their employers or hirers, as well as for participants in the supply chain.

The attached presentation was delivered to the Grain NSW Meeting in April 2014 which summarises key areas of the Order as they relate to the grain industry.

4 Further Information


Further information about the Order can be found at <http://www.rsrt.gov.au/>

The Order is also referenced in the revised GTA Grain Transport Code of Practice, released on 2 July 2014 as available on the website <http://www.graintrade.org.au/grain-industry-codes>



Cth Road Safety Remuneration Order

Unlocking the compliance mystery



First of its kind

The Road Safety Remuneration Tribunal (RSRT) has made its first road safety remuneration order (RSRO).

Affecting drivers, their employers and hirers, and participants in the supply chain across the Australian road transport industry, this order is the first of its kind.

The RSRO takes effect from 1 May 2014. It sets out minimum entitlements and requirements for road transport drivers and their employers or hirers, as well as for participants in the supply chain.

(Source: RSRT Website <http://www.rsrt.gov.au/index.cfm/news-events/rsrt-news/first-rsro-made/>)



Technical Information

The Order is officially known as the *Road Transport and Distribution and Long Distance Operations Road Safety Remuneration Order 2014*.

The Road Safety Remuneration Tribunal gets its authority from the Road Safety Remuneration Act 2012 (Cth)

The order is an enforceable instrument and compliance issues fall within the auspices of the Fair Work Act 2009 (Cth) and the Fair Work Ombudsman.

Example:

ROAD SAFETY REMUNERATION ACT 2012 - SECT 78

Right of entry for suspected contravention of this Act or enforceable instrument

The reference in subsection 481(1) of the Fair Work Act 2009 to a suspected contravention of that Act or a term of a fair work instrument is taken to include a reference to a suspected contravention of this Act or an enforceable instrument.



What does the Order cover?

Briefly, the Order sets out requirements regarding:

1. Payment time within 30 days of a received invoice for contractor drivers
2. Written contracts for road transport drivers (which may be in an electronic format)
3. Contracts between supply chain participants
4. Safe driving plans for drivers undertaking long distance operations using a motor vehicle with a gross vehicle mass (GVM) of more than 4.5 tonnes
5. Training in work health and safety
6. Drug and alcohol policies
7. Dispute resolution and adverse conduct protection.

But I don't operate trucks – how does this affect me?

- Clause 8 of the Order captures “other contracts”
 - A participant in the supply chain in relation to a road transport driver must take all reasonable measures to ensure that any contract it has with another participant in the supply chain contains provisions which are relevantly consistent with the requirements of this order.
 - *Definition:* A participant in the supply chain in relation to a road transport driver means a consignor or consignee, intermediary or operator of premises for loading and unloading.

For those that operate trucks

Yet another layer of compliance



Written contracts for road transport drivers – Clause 7 (and must contain the information prescribed in it's many sub clauses). Must keep copies for 7 years!



Safe driving plans – Clause 10 (and must contain the information prescribed in it's many sub clauses). Must keep copies for 7 years!



What can we expect next?

The Full Bench stated in its decision:

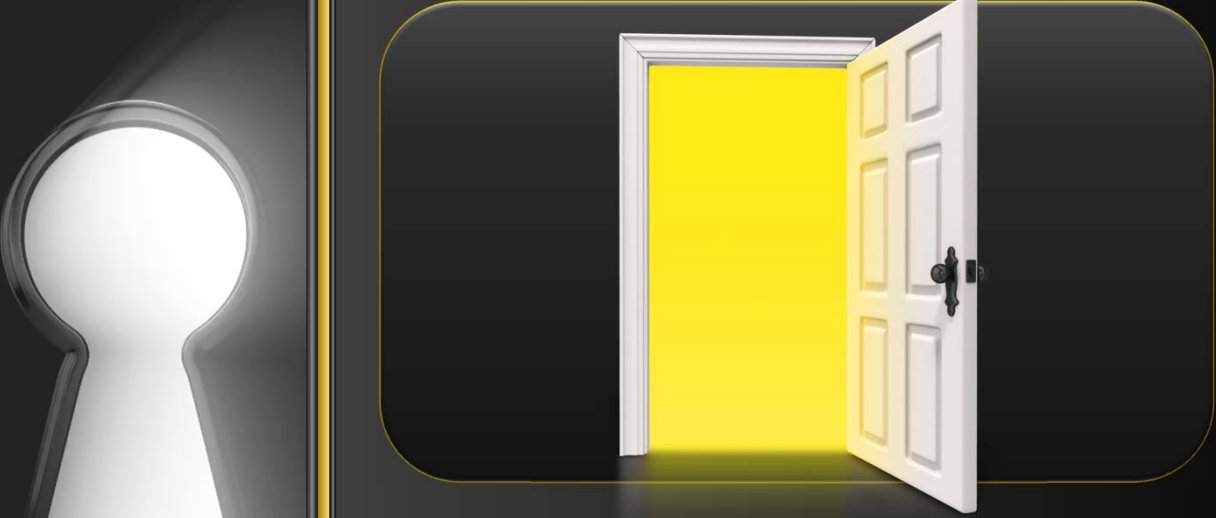
In accordance with the Tribunal's statement of 12 July 2013, the issue of rates of payment for road transport drivers is to be the subject of future proceedings of the Tribunal and so is not dealt with in this decision. Those future proceedings will also consider associated issues, such as methods for dealing with the issue, the different forms of payment and what constitutes work.



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Brave New World

All employers, hirers and participants in the supply chain need to comply with the Order from the 1st May 2014.



Questions?

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