

David Berlusconi

From: David Berlusconi
Sent: Tuesday, 27 October 2020 2:42 PM
To: Dragan Dragas
Subject: RE: Truck Driver Classification

Hi Dragan

Lidia called back from the advice line after speaking to her colleagues.

They agreed that the correct award that would apply to our drivers that delivery both to our retail and commercial clients is the Road Transport and Distribution Award 2020.

http://awardviewer.fwo.gov.au/award/show/MA000038#P1068_102148. The award coverage

The coverage clause is 4.2 (a) which reads:

4.2 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;

In terms of the level the driver would be under, we believe level 2 is the correct one. Basically a ridged vehicle not exceeding 4.5 tonnes GVM. NOTE there are other classification there.

Schedule B—Classification Structure

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 5 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 2 cubic metre bowl
	Distribution facility employee level 1
4	Driver of a 3-axle rigid vehicle exceeding 13.9 tonnes GVM
	Driver oil tractor
	Radio operator
	Driver of fork-lift with a lifting capacity in excess of 5 tonnes and up to and including 10 tonnes
	Weighbridge attendant
	Driver of a straddle truck
	Driver of a concrete mixer over 2 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 4 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
	Driver of a concrete mixer with a 5 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
	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.

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From: David Berlusconi <David.Berlusconi@apollokitchens.com.au>

Sent: Tuesday, 27 October 2020 12:50 PM

To: Dragan Dragas <dragan@apollokitchens.com.au>

Subject: Truck Driver Classification

http://awardviewer.fwo.gov.au/award/show/MA000084#P762_75692

Hey Dragan,

I just got off the phone with a lady on the advice hotline at ACFA (02 4340 2000) to try and find out where drivers fall under. I was unable to find them in Timber. I think we agreed in the end that drivers who are engaged ONLY as drivers are level 1 under the Storage Services and Wholesale Award 2020. The coverage clause as well as classification is below.

4. Coverage

4.1 This industry award covers employers throughout Australia in the storage services and wholesale industry and their employees in the classifications listed in clause 12—Classifications.

4.2 In this award the **storage services and wholesale industry** means the receiving, handling, storing, freezing, refrigerating, bottling, packing, preparation for sale, sorting,

loading, dispatch, delivery, or sale by wholesale, of produce, goods or merchandise as well as activities and processes connected, incidental or ancillary.

4.3 This award does not cover employees to the extent that the employer is covered by:

- (a) another modern award that contains classifications relating to functions included within the definition of the storage services and wholesale industry with respect to any employee who is covered by that award;or
- (b) the *Road Transport and Distribution Award 2020*.

4.4 This award covers any employer which supplies labour on an on-hire basis in the storage services and wholesale industry 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. Clause 4.4 operates subject to the exclusions from coverage in this award.

4.5 This award covers employers which provide group training services for trainees engaged in the storage services and wholesale industry and/or parts of that industry and those trainees engaged by a group training service hosted by a company to perform work at a location where the activities described in clause 4.1 are being performed. Clause 4.5 operates subject to the exclusions from coverage in this award.

4.6 This award does not cover:

- (a) employees excluded from award coverage by the Act;
- (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;

4.7 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.

A.5 Wholesale employee level 1

A.5.1 An employee performing one or more of the following functions at a wholesale establishment:

- (a) the receiving and preparation for sale and/or display of goods;
- (b) the pre-packing or packing, weighing, assembling, pricing or preparing of goods or provisions or produce for sale;
- (c) the display, shelf filling, replenishing or any other method of exposure or presentation for sale of goods;
- (d) the sale or hire of goods by any means;
- (e) the receiving, arranging or making payment by any means;
- (f) the recording by any means of a sale or sales;
- (g) the wrapping or packing of goods for dispatch and the dispatch of goods;
- (h) the delivery of goods;
- (i) loss prevention;
- (j) demonstration of goods for sale;
- (k) the provision of information, advice and assistance to customers;
- (l) the receipt, preparation, packing of goods for repair or replacement and the minor repair of goods; and/or
- (m) work which is incidental to or in connection with any of the above.

15.1 Minimum rates

The minimum rates of pay for an adult employee are set out below:

Classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
Storeworker grade 1—on commencement	791.30	20.82
Storeworker grade 1—after 3 months	801.30	21.09
Storeworker grade 1—after 12 months	810.90	21.34
Storeworker grade 2	818.40	21.54
Storeworker grade 3	842.50	22.17
Storeworker grade 4	867.20	22.82
Wholesale employee level 1—on commencement	791.30	20.82
Wholesale employee level 1—after 3 months	801.30	21.09

Wholesale employee level 1—after 12 months	810.90	21.34
Wholesale employee level 2	818.40	21.54
Wholesale employee level 3	842.50	22.17
Wholesale employee level 4	867.20	22.82

NOTE: See Schedule B—Summary of Hourly Rates of Pay for a summary of hourly rates of pay including overtime and penalty rates.

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