

[REDACTED]

From: [REDACTED]
Sent: Friday, 16 May 2014 12:59 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: FWO app project - draft podcast content for review.
Attachments: RSRT_SEG1.docx; RSRT_SEG2.docx; RSRT_SEG3.docx; RSRT_SEG4.docx
Categories: Saved to SharePoint

Dear [REDACTED]

As you know the Fair Work Ombudsman app project will contain a series of podcasts featuring interviews with those involved in road transport, and information on the RSRT and the recent RSRO.

Our consultant, Cutting Edge, has today forwarded the attached proposed scripts for the first four podcasts.

A fifth podcast is pending an interview with a representative of a trucking firm.

If convenient, it would be appreciated if your office could review this material and pass on any changes or suggestions.

Minor changes can simply be forwarded back to me for immediate inclusion.

However if your office has significant changes, I would like to propose a short teleconference between a representative of your office, the [REDACTED] of Cutting Edge [REDACTED] and myself, so we can finalise these to your satisfaction and upload to the app

Please don't hesitate to contact me at any time.

Regards,

[REDACTED]

[REDACTED]

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STUDIO HOST	GUEST INTERVIEW
<p>1. ANNOUNCER: INTRO: Welcome to this episode of <i>Road Runner</i> the podcast that looks at making the roads safer and levelling the playing field in Australia's supply chain.</p>	
<p>2.</p>	<p>██████████ GRAB 6 I'd like to just offer my support via my ██████████ to truckies because the vast majority of truck drivers are hard working decent people who have a bugger of a job, it a very difficult assignment and that support of them will continue and we need to set the few dopes our of the industry so the hard working decent people who have made trucking what it is in Australia in 2014 can continue with a viable business and we need to get make sure that they get paid commensurate with their efforts</p>
<p>3. HOST: That was ██████████ Hi...I'm ██████████ Welcome to this first of a series of programs looking at the who, what and why of the Road Safety Remuneration Tribunal.</p> <p>4. Along the way e way we'll be hearing comments from several people including ...</p> <p>5. Brisbane based long haul owner operator ██████████</p> <p>6. ██████████ who owns and operates a road train in West Australia's North west mining areas</p> <p>7. ██████████ truck driver and now ██████████ ██████████ and</p> <p>8. ██████████ ver ██████████</p>	

STUDIO HOST	GUEST INTERVIEW
	<p>TAKE [REDACTED] GRAB 1</p> <p>My name's [REDACTED] I've been involved in transport for about 20 years. I do local at the moment, driving a semi trailer, and I've been involved in the safe rates with the union for about 10 years now.</p>
<p>9. The Safe Rates campaign....the response to the carnage that makes road transport the most dangerous industry in Australian claiming hundreds of lives each year.</p> <p>10. The campaign aimed to have unsafe practices outlawed throughout the industry and everyone knew one of the main problems was unfair pay rates that often forced drivers to take risks and bend rules just to make a living.</p> <p>11. And Safe Rates brought a response in 2012 with the passing of the federal Road Safety Remuneration Act.</p>	
<p>12. That act established the Road Safety Remuneration Tribunal, which began operation on July 1st of 2012.</p> <p>13. Importantly, the tribunal is an independent national body with the support of the Fair Work Commission and the Department of Employment.</p>	

STUDIO HOST	GUEST INTERVIEW
<p>14. It is not part of any Department of Transport.</p> <p>15. Brisbane based owner-driver [REDACTED] has been hauling freight up and down the east coast for 30 years and for almost as long has been campaigning for industry reform.</p> <p>He believes that to work the Tribunal had to be independent.</p>	
	<p>[REDACTED] GRAB 6</p> <p>Well, I think that's good. Because the tribunal is there not to take sides but to have a look at what's fair, and who's doing what. If I have nothing to fear as a transport operator, or as a driver I shouldn't fear the tribunal. If an employer or a major company is doing the right thing, they've got nothing to fear from the tribunal. The tribunal as I say is not there to take sides, it's there to make sure that everyone does the right thing, everyone operates properly, everyone operates safely and keeps our roads safe, keeps our people safe. You know, whether they're drivers, other road users, whatever. Everyone operates properly and safely.</p>
	<p>[REDACTED] GRAB 8</p> <p>Do you think the industry would have rebelled if it was another Department of Transport undertaking?</p> <p>Well I think there would have been a lot of suspicion, apprehension, whether it was right and how good it was going to be, how thorough it was going to be and how independent it was going to be. You know. Because I think that's the biggest thing, that it's independent, without taking one side. It's just looking at all the cold hard facts and saying that's where it is, that's what going down.</p>

STUDIO HOST	GUEST INTERVIEW
<p>16. The Road Safety Remuneration Tribunal has two types of members.</p> <p>17. There are those appointed from the Fair Work Commission who have expertise in the law, workplace relations or other relevant fields.</p> <p>18. And then there's a panel of industry members... people who have a background in transport and logistics, business, work health and safety in the road transport industry or as drivers.</p> <p>19. The appointed members look after the shop on a day-to-day basis and the industry members are summoned to sit on a tribunal full bench when their industry experience and skills are needed.</p> <p>20. One thing is for sure... the tribunal is not a bunch of dills.</p> <p>21. They have a fairly wide brief and some very specific powers.</p> <p>22. The tribunal's functions include</p> <p>23. Making road safety remuneration orders...and we'll come back to that</p> <p>24. But first, they approve road transport collective agreements</p> <p>25. They deal with certain disputes relating to drivers, their employers or hirers, and what are called "participants in the supply chain".</p> <p>26. A participants in the supply chain could be a consignor or consignee...like a supermarket chain,</p> <p>27. An intermediary. Like a transport company subcontracting loads..</p> <p>28. Or an operator of premises for loading and unloading.</p>	

STUDIO HOST	GUEST INTERVIEW
<p>29. ██████████ in West Australia has had experience with the Tribunal's dispute resolution function.</p> <p>30. Twice recognised as ██████████ businesswoman of the year, ██████████ left a secretary's desk to drive big rigs and at one time was running 20 trucks and 16 drivers.</p> <p>31. Today she has dropped back to driving her own three-part road train serving the northwest mining industry.</p>	
<p>32.</p>	<p>TAKE ██████████ GRAB H8</p> <p>I've had a very positive experience interacting with the tribunal. I've only had to use them once and the client owed me a lot of money and they ended up paying 90% of the money that I was owed whereas 6 months previously, with previous discussions and negotiating they were not prepared to pay any of the money they owed me. But it was only the fact the tribunal contacted them and told them it must be paid or else that they paid me.</p>
<p>33. ██████████ believes that in fact the tribunal can effectively resolve many industry disputes.</p>	

Comment [PL1]: Grab to be replaced. ██████████ is speaking about the WA Tribunal. A new grab to be recorded regarding RSRT.

STUDIO HOST	GUEST INTERVIEW
	<p>Take [REDACTED] Grab F15</p> <p>I do, I do see it being very effective there because there's the capacity there, if I have a dispute, take it to that tribunal, if someone else has a dispute take it to the tribunal, it's not just about money though. I think the tribunal can handle a lot of different... what's the word I'm looking for, a lot of different scenarios, like timeframes, you know, how much time I'm given to do the trip and so on. So it's not all the money, money is an important issues but there's also other scenarios they can handle and as I understand they will handle.</p>
<p>34. If you have a dispute you want to refer to the Road Safety Remuneration Tribunal, you can find the necessary forms on their website at RSRT-dot-gov-dot-au.</p> <p>35. That's RSRT...dot...GOV..dot..AU</p> <p>36. Importantly, the Road Safety Remuneration Tribunal is not just reactive.</p> <p>37. It's also conducting research into pay, work conditions and related matters that could be affecting safety in the road transport industry then identifying and initiating the steps to fix them.</p> <p>38. That's a broad brief.</p> <p>39. But let's get back to that remuneration order business....</p> <p>40. The tribunal is empowered to make an order in response to an application or on its own initiative to set minimum requirements of remuneration and conditions for transport</p>	

<p>drivers.</p>	
<p>STUDIO HOST</p>	<p>GUEST INTERVIEW</p>
<p>41. That can include pay rates for staff drivers or independent contractors, which may be in addition to any existing award. 42. It may be about loading and unloading vehicles, waiting times, work hours, load limits and payment methods 43. Or it could be about ways of reducing or removing pressures and practices that contribute to unsafe work practices. 44. A Road Safety Remuneration Order is a formal, legally enforceable instrument and the Fair Work ombudsman monitors compliance with orders. 45. There are real penalties for those w on't comply. 46. Sydney [REDACTED] [REDACTED] 47. Who ha iven trucks for a living in the past, believes the tribunal will be judged on how effectively its remuneration orders are enforced.</p>	
	<p>Take [REDACTED] Grab R3 and I can't imagine, you know, truckies spending their lives you know, being bogged down by bureaucrats and paperwork, dealing with complaints and all the rest of it, they have to be, they have to be enforceable and they have to be enforceable without people spending a whole lot of money and more importantly time, to get those orders enforced</p>

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<p>48. In our next program we'll look at the Road Safety Remuneration Tribunal's first remuneration order, which came into force on May 1st, 2014.</p> <p>49. It really has something to say.</p> <p>50. If you want to know more about the Road Safety Remuneration Tribunal, its structure and role, go to the Tribunal's website.</p> <p>51. Again, that's RSRT..dot GOV..dot AU</p> <p>52. I'm [REDACTED] see you next time.</p>	

END

STUDIO HOST	GUEST INTERVIEW
<p>1. ANNOUNCER: INTRO: Welcome to this episode of <i>Road Runner</i> the podcast that looks at making the roads safer and levelling the playing field in Australia's supply chain.</p>	
<p>2. Hi and welcome to the second of our programs looking at the Road Safety Remuneration Tribunal and what it means for the road transport industry.</p> <p>3. So far we've seen how the Tribunal is a national independent body set up under the Fair Work banner in response to the appalling death and injury rate amongst road transport drivers.</p> <p>4. It's charged with establishing a fairer and safer work environment for drivers and, along the way, making the roads safer for ALL motorists.</p> <p>5. So, what's the industry attitude to the tribunal so far?</p> <p>6. First, staff driver [REDACTED]</p>	
<p>7.</p>	<p>[REDACTED] Grab M9</p> <p>7:21 What's the attitude of the industry to the tribunal overall do you think?</p> <p>The ones that understand it, fully support it. There's a lot people you can't get to speak to because they're always out on the road, they don't really understand it. They may fear it. Once you get an understanding of it, you understand why we fought so long so hard for it.</p>
<p>8. Brisbane owner driver [REDACTED] is urging the industry to get behind the Tribunal</p>	

STUDIO HOST	GUEST INTERVIEW
	<p data-bbox="916 309 1106 338">[REDACTED] Grab F16</p> <p data-bbox="823 360 1331 577">Look overall, I think people are a bit sceptical. They agree that this is what we need, they agree that it sounds good but they haven't seen anything, ... But they do believe that it is a good thing if it's given time to work.</p> <p data-bbox="823 607 1270 636">What would you say to those people?</p> <p data-bbox="823 665 1326 763">I'd say get in behind people stand up for the tribunal, ... and let the tribunal have a chance to work.</p> <p data-bbox="823 792 1334 857">You think the tribunal is going to make the industry safer</p> <p data-bbox="823 887 1337 1104">I think given the time it will you know, it's the same as everything even laws and that. When they put in new laws they've got to be given time to work and take effect. And I think the tribunal is no different. It's got to be given time to take effect and work.</p>

STUDIO HOST	GUEST INTERVIEW
<p>9. Well the Road Safety Remuneration Tribunal has been at work establishing ways to make the industry safer and deliver a better deal for drivers.</p> <p>10. On May 1st, 2014, the Road Safety Remuneration Tribunal's first major order came into force.</p>	
<p>11. The Road Transport and Distribution and Long Distance Operations Road Safety Remuneration Order 2014</p> <p>12. It's the result of extensive consultation with industry bodies and individuals as well as studying submissions made to the Tribunal and visiting worksites to get a firsthand understanding of the conditions and industry operations.</p>	
<p>13. The resulting Remuneration Order is a major leap forward.</p> <p>14. First, it sets out minimum entitlements and requirements for drivers in the road transport distribution industry, carrying goods for sale or hire.</p> <p>15. Work contracts now must be in writing, and drivers must have a safe driving plan for each trip.</p> <p>16. There are orders preventing employers or clients from pressuring drivers to break the law, and new rules for the cost of uniforms where employers require their drivers to wear one.</p>	

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<p>17. This order doesn't deal with rates of pay for drivers...that will come later.... but it does make major changes which will improve safety and certainty for drivers around Australia.</p> <p>18. Remember in the last program West Australian road train owner operator [REDACTED] spoke of her experience:</p>	
<p>19. The first item in the Tribunal's first remuneration order addresses that payment issue.</p> <p>20. It rules that contractor drivers must be paid within 30 days of submitting an invoice and there are stringent requirements relating to any deductions a hirer may seek to make against an invoice amount.</p>	
<p>21. Timely payment will make life easier for many.</p> <p>22. The second part of the order specifies that there must be written contracts for road transport drivers whether that's on paper or electronic in form</p>	

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<p>23. The contracts will describe in detail the work or service to be provided and the wage rate or kilometre rate or piece rate to apply.</p> <p>24. Or it will set out any guaranteed minimum income level for the driver.</p> <p>25. And there has to be a contract review at least annually.</p>	
<p>26. Also, part of the contract states the hirer will not try to direct the driver to break any laws or perform unsafe practices. ...</p> <p>27. Some thing that drivers say is not uncommon in the industry.</p>	
<p>28.</p>	<p>Take [REDACTED] Grab 4</p> <p>Absolutely not. I've worked for companies that the pressure is unbelievable to break the rules, and if you don't break the rules then you don't get another job. So it might only be a couple of hours they want you to drive, or throw on a couple of extra tonne, but if you're known as a person who won't do it then you won't get that job.</p>
<p>29. That was [REDACTED] and Staff driver [REDACTED] says those demands jeopardise the safety of road transport drivers and all other road users.</p>	

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	<p>Take [REDACTED] Grab 4</p> <p>There's a lot of companies out there that will do long haul distance, say from Brisbane to Sydney and that same driver has to do all his deliveries and all his pick ups and then go back to Brisbane that afternoon or that night. All that time is not only unpaid time, but it's also in his log books as downtime, as he's resting.</p> <p>04:00 so he's exhausted from running around delivering or picking up goods,</p> <p>Exactly, Throughout the day he might get 2 hours sleep here or an hours sleep there. Nowhere near the continuous 7 hour break that he has to have that everyone from his boss to the client just turn a blind eye and when something happens, everyone focus back on the driver.</p>
<p>30. For [REDACTED] this first Remuneration Order goes some way towards correcting unfair practices in the industry</p>	

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	<p>Take [REDACTED] Grab F9</p> <p>It gives me the security of being able to operate and do my job without having threat hanging over me that if I don't do this job for that amount of money in that amount of time that I'm going to be penalized in some way. And the way the system's been now and the way it's been for the last 30 years, there's been a lot of penalties, if you can call them penalties, that are put on drivers but not straight out if you know what I mean. You know they're like a, you didn't get in on time or we wanted you here at 7 o'clock this morning and you didn't get in at 7 o'clock this morning and therefore we're not loading you out this afternoon, you know. Regardless of what the reasoning was, why you didn't get in, you know. You might have been able to get in, instead of being at 7, get in at 10, have a break and still be loaded out this afternoon, but because you haven't complied with what they wanted, being right or wrong, there's that penalty. So that's once aspect that this tribunal would be able to smoothen than out. There won't be any of that sort of behavior. Secondly, when I do a load, I can be assured that I will be paid properly. And that I'm not slowly going backwards and I've got money to maintain my vehicle, change my tyres. My tyres need changing now, well they can get changed now, I don't need to wait a month or 2 and hope to get the money together to be able to change my tyres. It just improves, it will improve the way I can operate, which will improve the safety of the way I'm operating and in turn improve everyone's safety around me.</p>

STUDIO HOST	GUEST INTERVIEW
31. Guaranteed prompt payments and written contracts will make a significant difference for many road transport drivers.	
<p>32. But next program we'll look at other provisions in the Road Safety Remuneration Tribunal's first order, including Safe Driving Plans, work health and Safety training and adverse conduct protection.</p> <p>33. That's next time.</p> <p>34. Meanwhile, you can go to the Tribunal's website at RSRT-dot-gov-dot-au to find out more about written contracts and payment requirements.</p> <p>35. See you again on...road runner.</p>	

END

ROAD SAFETY REMUNERATION TRIBUNAL SEG 3

15/05/2014

STUDIO HOST	GUEST INTERVIEW
<p>1. ANNOUNCER: INTRO: Welcome to this episode of <i>Road Runner</i> the podcast that looks at making the roads safer and levelling the playing field in Australia's supply chain.</p>	
<p>2. Hi, I'm [REDACTED] Welcome to another edition of <i>Road Runner</i>, looking at the work of the Road Safety Remuneration Tribunal.</p> <p>3. Last episode we started to talk about the Tribunal's first major order which came into effect on 1st of May 2014...the Road Transport and Distribution and Long Distance Operations Road Safety Remuneration Order 2014.</p> <p>4. It applies particularly to long distance drivers and to those involved in the distribution of goods for sale or hire in supermarket chains.</p> <p>5. We focused on how the order established that contract drivers had to be paid within 30 days of invoicing for their services.</p> <p>6.</p>	

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<p>7. And we spent some time looking at the requirement for drivers to be given written contracts stating the services being contracted and the payment rates that would apply.</p> <p>8. But there are other significant changes demanded by the same order.</p>	
<p>9. Hand in hand with the written contracts is the mandatory safe driving plan that must be prepared for drivers on a long distance operation involving a motor vehicle with a mass of more than four and a half tonnes.</p> <p>10. The plan, to be prepared in consultation with the driver, sets out all pick up and delivery locations, and the time frames and distances for each leg or stage and includes when meal and rest breaks will be taken.</p> <p>11. Under allowances for fatigue management, a driver can vary the plan whenever they feel the need for an extra break.</p>	
<p>12. At the end of each trip, the hirer or employer gets a copy of the completed plan.</p>	

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<p>13. It's a development that can become a part solution to a number of driver gripes.</p> <p>14. For example, staff driver [REDACTED] says if the plan is formulated in detail, it will become obvious when unrealistic demands are being placed on a driver and safety is jeopardised.</p>	
<p>15.</p>	<p>Take [REDACTED] Grab M6</p> <p>at the moment owner drivers and all that are just stretched to the absolute minimum and something's got to give. There's got to be corners cut and if its working longer hours or not services, running tyres to the absolute bare minimum something has to give. The money is just not there to do everything properly and safely.</p>
<p>16. West Australian road train owner-driver [REDACTED] says high tech monitoring is being used by some in the industry but it's not the whole answer for drivers.</p>	

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	<p>Take [REDACTED] Grab H3</p> <p>a couple of the big companies have implemented black boxes and GPS tracking so they know where their drivers are at all times. They know when they're making their break and stipulate when they do. Sometimes I find that even that is a little bit difficult..... I don't think that sitting in your truck at 5000 degrees is having a break. I think travelling another 20 minutes and pulling up in an air-conditioned road house and having a shower and having something to eat is a safer break. Those little issues need a bit of tweaking I think</p>
<p>17. Safe driving plans, when properly used, are going to highlight another issue for owner-drivers....time wasted waiting at load and unload points,, often without being paid while you and your rig are tied up.</p>	
	<p>Take [REDACTED] Grab M7</p> <p>The amount of people that don't get paid while they're waiting. Turned around if they miss a window, they're too early they're told to come back, They're too late they get told to come back, so the deadlines are so strict some are near impossible to make.</p>

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<p>18. A proper safe driving plan should set out timings and indicate potential times at each location, culminating in the proposed duration of each trip.</p> <p>19. To be fair, the written contracts for drivers will have to reflect waiting times as well as actual travel times</p>	
	<p>Take [REDACTED] Grab F12</p> <p>Well if I'm required to be somewhere at a certain hour, I should be paid for being there. Now of course there will have to be some sort of calculation made on what the amount would be but I Need to be paid for being there. At the moment you could go there, and they could say well you're here at 10 o'clock in the morning. So you arrive at 10 o'clock in the morning and you could sit outside their gate all day in some cases and they don't start loading you until 4 o'clock the afternoon. And there's no compensation for that. I think we would have to be one of the only industries where we go to work and we sit there for hours and hours on end, sometimes taking our own tools, truck and that. Sit there for hours and hours on end with no compensation at all.</p>

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STUDIO HOST	GUEST INTERVIEW
<p>20. The Road Safety Remuneration Tribunal's Remuneration Order requires hirers or employers to identify relevant work health and safety training for the staff or contract drivers and to either provide it or reimburse the driver for any expenses incurred in undertaking it themselves.</p> <p>21. It also requires that employers or hirers implement a drug and alcohol policy in consultation with the drivers</p> <p>22. The order covers dispute resolution, and sets out an Adverse Conduct Protection.....</p> <p>23. ██████████ said it in our last program..</p>	
	<p>Take ██████████ Grab 4 (late in)</p> <p>. I've worked for companies that the pressure is unbelievable to break the rules, and if you don't break the rules then you don't get another job. So it might only be a couple of hours they want you to drive, or throw on a couple of extra tonne, but if you're known as a person who won't do it then you won't get that job.</p>

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STUDIO HOST	GUEST INTERVIEW
<p>24. Okay, so the written contracts now required for drivers ban any requirement on the driver to break a law, but this adverse conduct protection takes it a bit further.</p> <p>25. It states that the employer or hirer of a road transport driver cannot take adverse conduct against a driver because he or she has a workplace entitlement that may be exercised.</p> <p>26. It's adverse conduct if it injures the driver in relation to their employment or the terms and conditions of their contract.</p> <p>27. A hirer, for example, cannot refuse to make use of a driver's services, or provide goods or services to that driver, discriminate against the driver in terms of employment or hire.</p> <p>28. It will go toward stamping out intimidation and unfair pressure on drivers who have felt vulnerable in the past.</p> <p>29. If you want to know more about the Road Safety Remuneration Tribunal's order...the Road Transport and Distribution and Long Distance Operations oad Safety Remuneration Order of 2014, go to the Tribunal's website at RSRT.gov.au. RSRT.gov.au</p>	

ROAD SAFETY REMUNERATION TRIBUNAL SEG 3

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<p>30. Arriving at the contents of that order, the Tribunal went through a prolonged process of industry consultation.</p> <p>31. In future the Tribunal will again seek industry participation as it talks what for many is the most critical question in road transport today..... establishing safe rates.</p>	
<p>32. It's about putting a floor on road freight rates that no-one can charge or pay below</p>	
	<p>Take [REDACTED] Grab 7</p> <p>. Because all our costs are not the same. If you've got a 20 year old truck and if you've got a 2month old truck obviously your repayments are hugely different.</p> <p>11:54 So is it impossible to come up with industry standard rates.</p> <p>No, it's not impossible It is very possible to have a base rate. A bit like wage line stipulating the basic or minimum wage that a person can work for. And that's enforceable. Obviously every person's circumstances vary and that wage that their given has to have a lot of different things and it's just the same with an owner driver. It's a base wage and then if you can prove that you need more than that then the company that's contracting you then that's the rate that you work for for them</p>
<p>33. [REDACTED] agrees</p>	

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STUDIO HOST	GUEST INTERVIEW
	<p>Take [REDACTED] Grab F10</p> <p>Well, what we're saying is it has to be a minimum rate which is a viable rate. It doesn't mean everyone gets paid the same rate. If someone was to pay you for instance and extra \$50, or offer you an extra \$50 to do the job or an extra \$100 to do the job whatever, they quite allowed to, quite open to. You know. But they can't come under that minimum. And that minimum would be determined hopefully by a cross model which will say, to operate that type of vehicle, because there's different combinations of vehicles, this is the minimum rate you need to have. We'll call is \$3 a kilometer. But if that someone was to pay \$3.50 a kilometer they're quite welcome to pay \$3.50 a kilometer or \$4 a kilometer but you can't come under the \$3.</p>
<p>34. Staff driver [REDACTED] who also sees other benefits coming from safe rates</p>	
	<p>Take [REDACTED] Grab M2</p> <p>Job security for one. So I'm fortunate enough to be with a company that I believe does pay safe rates but the downside of that is there's, we're losing contracts after contracts because a lot of people aren't paying safe rates of pay and when you go for tenders the cost of those tenders are just blown out of the water.</p>

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STUDIO HOST	GUEST INTERVIEW
<p>35. The work of the Road Safety Remuneration Tribunal is important to everyone in the Road Transport industry.</p> <p>36. The decisions the tribunal takes can directly affect you and your livelihood, so you need to be aware of what the Tribunal is doing and to get involved in ensuring they are properly informed .</p> <p>37. We'll talk more about that in our next program.</p> <p>38. I'm [REDACTED] see you next time.</p>	

END

ROAD SAFETY REMUNERATION TRIBUNAL SEG 4

15/05/2014

STUDIO HOST	GUEST INTERVIEW
<p>1. ANNOUNCER: INTRO: Welcome to this episode of <i>Road Runner</i> the podcast that looks at making the roads safer and levelling the playing field in Australia's supply chain.</p>	
	<p>Take [REDACTED] Grab R4</p> <p>, look they'll be people with degrees after their names who have a great understanding of the legalese of it and all the rest of it but they haven't actually spoken to a truck driver who's had to get from Brisbane to Melbourne and then back to Tamworth via the Newman Highway at a set time for very little amount of money, I mean, they're the people they need to talk to and they're the people that need to be heard.</p> <p>, look they'll be people with degrees after their names who have a great understanding of the legalese of it and all the rest of it but they haven't actually spoken to a truck driver who's had to get from Brisbane to Melbourne and then back to Tamworth via the Newman Highway at a set time for very little amount of money, I mean, they're the people they need to talk to and they're the people that need to be heard.</p>

ROAD SAFETY REMUNERATION TRIBUNAL SEG 4

15/05/2014

STUDIO HOST	GUEST INTERVIEW
<p>2. That was [REDACTED] [REDACTED] himself a driver, talking about one of the major challenges facing the Road Safety</p> <p>3. Remuneration Tribunal.</p> <p>4. That's getting to hear from the people who can benefit most from the Tribunal's work....the road transport drivers.</p>	
	<p>Take [REDACTED] Grab R5</p> <p>Despite what I have said earlier I'd like to see it in operation I would like to see it given an opportunity to make sure it comes up with the right decisions and gives truckies the opportunities to participate in the process.</p>
<p>5. And that's what this program is about.</p> <p>6. Hi...I'm [REDACTED] Welcome to another edition of Road Runner (/)</p> <p>7. So far in this series we've looked at the beginnings of the Road safety Remuneration Tribunal, how it's structured and works, and we've examined the content of its first Remuneration order which came into force on May 1st.</p>	

ROAD SAFETY REMUNERATION TRIBUNAL SEG 4

15/05/2014

STUDIO HOST	GUEST INTERVIEW
<p>8. It made written contracts and safe driving plans and prompt payment for contractor drivers mandatory, among other things, for rivers in the Distribution and long distance sectors of the road transport industry.</p> <p>9. It showed the Tribunal would listen to the needs of drivers.</p> <p>10. Owner-driver and longtime campaigner for a better deal for drivers, [REDACTED] has faith that given the chance the Tribunal can make a real difference.</p>	
	<p>Take [REDACTED] Grab F14</p> <p>I think given the time, it will. I think the tribunal's only young, there is a lot of input it has to go through, and a lot of things it has to consider, but I'm quite confident that given the time, this tribunal will fix a lot of problems that a lot of other laws and things haven't been able to fix and will never fix. Because this tribunal starts hitting at the cause, and the root cause of the problems.</p>
<p>11. To provide meaningful outcomes for the industry and road transport drivers, the tribunal must have input from the people in the trenches who know what's needed.</p> <p>12. And that's a problem</p> <p>13. [REDACTED]</p>	

ROAD SAFETY REMUNERATION TRIBUNAL SEG 4

15/05/2014

STUDIO HOST	GUEST INTERVIEW
	<p>Take [REDACTED] Grab H12</p> <p>One of the issues that we have is that we're all in a different place at a different time, you can't get everyone together to give them the information or tell them what needs to be done so that's a huge issue because none of us are ever in one place at one time.</p> <p>One of the issues that we have is that we're all in a different place at a different time, you can't get everyone together to give them the information or tell them what needs to be done so that's a huge issue because none of us are ever in one place at one time.</p> <p>Take [REDACTED] Grab H10</p> <p>17:40 DO you think the work of the tribunal is well enough recognized by the industry itself, by the owner operators for example.</p> <p>I don't think so. I don't think it's been advertised enough. A lot of owner operators don't even know of its existence. I think there needs to be a lot more advertising of the fact that it's here to be used and what their role is.</p>
<p>14. As a profession communicator, [REDACTED] agrees</p>	

ROAD SAFETY REMUNERATION TRIBUNAL SEG 4

15/05/2014

STUDIO HOST	GUEST INTERVIEW
	<p>Take [REDACTED] Grab R2</p> <p>: I think there hasn't been a big enough process about telling truckies, I mean you've got to understand I think or road safety remuneration people have got to understand, the tribunal have got to understand that, I mean these are men and women who are on the road for much, much of the week. I mean, they don't have time to you know, check computers and come back home and have a look at things I mean, ah there needs to be some sort of awareness campaign, they get most of their in the truck these days from um their phone apps and from radio stations and from, whenever they stop to have a feed they might just pick up the newspaper and have a quick read of it when they're you know jumping back into the truck and moving on their way. Um, so I don't think that you know the form of informing um, has been quite as successful as they would've hoped.</p>
<p>15. And as the former truckie that he is, [REDACTED] wants to help ensure the Road Safety Remuneration Tribunal is able to work for the men and women on the road.</p>	

ROAD SAFETY REMUNERATION TRIBUNAL SEG 4

15/05/2014

STUDIO HOST	GUEST INTERVIEW
	<p>Take [REDACTED] Grab R6</p> <p>, I'd like to just offer my support [REDACTED] [REDACTED] to truckies um because the vast majority of truck drivers are hard working decent people who have a bugger of a job, it's a very difficult assignment and that support of them will continue and ah we need to get the few dopes out of the industry so the hard working decent people who have made trucking what it is in Australia in 2014 can continue with a viable business and we need to make sure you know, that they get paid in commensurate with their efforts and any tribunal that's set up that doesn't do that is not a tribunal that we should be supporting.</p> <p>09:50 [REDACTED] And there's always the chance you can get behind the wheel again mate?</p> <p>09:53 Ray: Well you never know [REDACTED], you never know. [REDACTED] we work is a fairly tenuous one, you never know.</p>
<p>16. Well, that's not likely to happen, but I'm sure [REDACTED] [REDACTED] will be keeping an eye on the Road Safety Remuneration Tribunal and passing on any news.</p> <p>17. And we can all keep abreast of tribunal activities by visiting their website at rsrt.gov.au.</p> <p>18. Everyone who can, needs to contribute to the Tribunal's planned reviews.</p> <p>19. Maybe making submissions when you can.</p>	

ROAD SAFETY REMUNERATION TRIBUNAL SEG 4

15/05/2014

STUDIO HOST	GUEST INTERVIEW
<p>20. Or maybe drawing the Tribunal's attention to other actions they could take to improve road safety.</p> <p>21. For example, [REDACTED] believes driver training and licensing needs reviewing.</p> <p>22. [REDACTED] is a licensed pilot as well as road train driver and says there's no question which is the most demanding....flying or driving</p>	
	<p>Take [REDACTED] Grab H1</p> <p>. In the air, you've got control towers, you've got a radar, you've got a co-pilot, you've got all these back up systems to help you make a decision, and on the road you've got 100tonne of road train that if you make a slight indecision that could cost the life of not just yourself, but other motorists on the road. So I feel that we need to have more education for drivers,</p>
<p>23. A recent survey of Australian truck drivers showed almost half were over 50 years of age while only 5% were under 30.</p> <p>24. The industry's future as well as the safety of our roads may depend on better driver training and professional licensing.</p>	

ROAD SAFETY REMUNERATION TRIBUNAL SEG 4

15/05/2014

STUDIO HOST	GUEST INTERVIEW
	<p>Take [REDACTED] Grab H6</p> <p>I'd like to see training of new drivers, in Australia as a priority. There's a lot of newly licenced drivers, because they don't have the 3 to 4 years experience on the road, companies won't put them on and I have a huge problem with that because we've got local driver who understand our meaning of life and our value of life and our road safety and our lingo and the things that we say not being given a chance where as if you've had Mr Jolly Wally working for Backyard Bob's transport company that's been breaking the rules for 4 years, then he gets the leg in first over a new driver who can be trained the correct way. I have a huge issue with that.</p>
<p>25. There is much that an active Road Safety Remunerations Tribunal can accomplish for the industry and especially for the drivers.</p> <p>26. The tribunal represents the best opportunity to bring in minimum freight rates....those "safe rates" people have been talking about for years.</p> <p>27. But there is a move to disband the tribunal and it's getting down to the old adage of "use it, or lose it".</p> <p>28. You need to become involved in the Road Safety Remuneration Tribunal's considerations and contribute your thoughts and opinions to the process.</p>	

ROAD SAFETY REMUNERATION TRIBUNAL SEG 4

15/05/2014

STUDIO HOST	GUEST INTERVIEW
29. You can find out what the Tribunal is focused on in its present work program by going to their website at rsrt.gov.au . 30. We'll talk more about how you can become involved in the next edition - 31. I'm [REDACTED] see you then	

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 21 May 2014 11:48 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: FWO app project - draft podcast content for review. [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good morning [REDACTED]

Thanks very much for sending through the proposed podcast scripts.

We are currently in the process of compiling our feedback, which we will send through to you shortly. However, we would also like to arrange a teleconference in the coming week or so to gain an understanding of the design process behind the scripts. Could you please let us know some times when you would be available to speak with us?

Thanks very much and kind regards

[REDACTED]

[REDACTED]

Operations Group
 Fair Work Ombudsman

A: GPO Box 9887, Melbourne, VIC 3000 | [REDACTED] 414 Latrobe Street, Melbourne, VIC 3000
 E: [REDACTED]

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~Please consider the environment before printing this message~

From: [REDACTED]
Sent: Friday, 16 May 2014 12:59 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: FWO app project - draft podcast content for review.

Dear [REDACTED]

As you know the Fair Work Ombudsman app project will contain a series of podcasts featuring interviews with those involved in road transport, and information on the RSRT and the recent RSRO.

Our consultant, Cutting Edge, has today forwarded the attached proposed scripts for the first four podcasts.

A fifth podcast is pending an interview with a representative of a trucking firm.

If convenient, it would be appreciated if your office could review this material and pass on any changes or suggestions.

Minor changes can simply be forwarded back to me for immediate inclusion.

However if your office has significant changes, I would like to propose a short teleconference between a representative of your office, the [REDACTED] and myself, so we can finalise these to your satisfaction and upload to the app

Please don't hesitate to contact me at any time.

Regards,

[REDACTED]

[REDACTED]

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[REDACTED]

From: [REDACTED]
Sent: Friday, 23 May 2014 5:13 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Feedback on proposed podcast scripts [SEC=UNCLASSIFIED]
Attachments: Feedback-on-proposed-podcast-scripts.docx

UNCLASSIFIED

Dear [REDACTED]

Further to my email of 21 May, please find attached our feedback on the proposed podcast scripts for your review and action. If you have any questions, please let [REDACTED] or I know. Alternatively, we can discuss this feedback in the teleconference that we've proposed – if you could please suggest some possible times that would be great. We would also appreciate the opportunity to review the remaining content of the app when it's available.

Also, in [REDACTED] email of 12 May, he noted that 'the Fair Work Ombudsman fact-sheet' would be included 'in the bundle of materials (also including the poster and supporting materials) which would be distributed to workplaces and promoted by representatives of the union in communications with drivers and employers.' Could you please confirm which fact sheet [REDACTED] was referring to. While the Fair Work Ombudsman has a number of fact sheets available, our information about the road safety remuneration system is in html format only, and is available at <http://www.fairwork.gov.au/roadtransport>.

Kind regards

[REDACTED]

[REDACTED]

Operations Group
Fair Work Ombudsman

T: [REDACTED]
A: GPO Box 9887, Melbourne, VIC 3000 | [REDACTED] 414 Latrobe Street, Melbourne, VIC 3000
E: [REDACTED]

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Script	Reference	Feedback
RSRT_SEG1	'11. And Safe Rates brought a response in 2012 with the passing of the federal Road Safety Remuneration Act.'	Please amend this section to 'In 2012, the Road Safety Remuneration Act came into effect.'
RSRT_SEG1	<p>██████████ 8</p> <p>'Do you think the industry would have rebelled if it was another Department of Transport undertaking?'</p> <p>'Well I think there would have been a lot of suspicion, apprehension, whether it was right and how good it was going to be, how thorough it was going to be and how independent it was going to be.'</p>	Please either remove this section, or, if you would like to retain some of this information, amend it to focus on the independence of the Road Safety Remuneration Tribunal. Commentary about the role of other government departments, such as the Department of Transport, is not relevant for the purposes of this contract, which are solely educative.
RSRT_SEG1	<p>Take ██████████ Grab R3</p> <p>'and I can't imagine, you know, truckies spending their lives, you know, being bogged down by bureaucrats and paperwork, dealing with complaints and all the rest of it, they have to be, they have to be enforceable and they have to be enforceable without people spending a whole lot of money and more importantly time, to get those orders enforced.'</p>	Please remove this section. This commentary does not relate to the Road Transport and Distribution and Long Distance Operations Road Safety Remuneration Order 2014, the role of the Road Safety Remuneration Tribunal or the Road Safety Remuneration System more generally.
RSRT_SEG2	<p>'7. ██████████ Grab M9</p> <p>7:21 What's the attitude of the industry to the tribunal overall do you think?</p> <p>The ones that understand it, fully support it. There's a lot people you can't get to speak to because they're always out on the road, they don't really understand it. They may fear it. Once you get an understanding of it, you understand why we fought so long so hard for it.'</p>	Please remove the last sentence of this section.
RSRT_SEG2	<p>██████████ Grab F16</p> <p>'Look overall, I think people are a bit sceptical. They agree that this is what we need, they agree that it sounds good but they haven't seen</p>	Please remove this section.

	<p>anything, ... But they do believe that it is a good thing if it's given time to work.</p> <p>What would you say to those people?</p> <p>I'd say get in behind people stand up for the tribunal, ... and let the tribunal have a chance to work.</p> <p>You think the tribunal is going to make the industry safer</p> <p>I think given the time it will you know, it's the same as everything even laws and that. When they put in new laws they've got to be given time to work and take effect. And I think the tribunal is no different. It's got to be given time to take effect and work.'</p>	
RSRT_SEG2	'14. First. [the Order] sets out minimum entitlements for drivers in the road transport distribution industry, carrying goods for sale or hire.'	RSRT_SEG3 is more specific about who the Order covers, noting that '4. It applies particularly to long distance drivers and those involved in the distribution of goods for sale or hire in supermarket chains.' Could you please add a sentence to this effect to RSRT_SEG2.
RSRT_SEG2	'16. There are ... new rules for the cost of uniforms where employers require their drivers to wear one.'	The Order does not expressly refer to uniforms like the draft Order did. Please remove this section, or focus on the more general requirements about not making drivers pay an amount and deductions in clause 9.
RSRT_SEG3	'19. To be fair, the written contracts for drivers will have to reflect waiting times as well as actual travel times.'	Sub-clause 7.3 of the Order does not appear to require this. Please explain your reasoning here, or remove this section.
RSRT_SEG3	<p>Take [REDACTED] Grab F12</p> <p>'Well if I'm required to be somewhere at a certain hour, I should be paid for being there. Now of course there will have to be some sort of calculation made on what the amount would be but I Need to be paid for being there. At the moment you could go there, and they could say well you're here at 10 o'clock in the morning. So you arrive at 10 o'clock in the morning and you could sit outside their gate all day in some cases and they don't start loading you until 4 o'clock the afternoon.</p>	Please remove this section, or amend it so that it focuses on requirements under the Order as it stands, which to our understanding is that safe driving plans must include a travel plan detailing the anticipated timeframes and distances for each leg or stage involved in the provision of the road transport service. While we appreciate that the issue of payment for waiting times, loading and unloading etc is an issue of significant interest to the road transport industry, this issue has not yet been settled. Because the Order does not currently deal with payments for drivers, and also does not contain the broad definition of 'work' contained in the draft Order, this commentary may give the false impression that drivers are

	<p>And there's no compensation for that. I think we would have to be one of the only industries where we go to work and we sit there for hours and hours on end, sometimes taking our own tools, truck and that. Sit there for hours and hours on end with no compensation at all.'</p>	<p>already entitled to be paid for waiting times, loading and unloading etc under the Order.</p>
<p>RSRT_SEG3</p>	<p>'34. Meanwhile you can go to the Tribunal's website at RSRT-dot-gov-dot-au to find out more about written contracts and payment requirements.'</p>	<p>While rsrt.gov.au contains summaries of the Order, more information is available at fairwork.gov.au/roadtransport, as noted above.</p>
<p>RSRT_SEG4</p>	<p>Take [REDACTED] Grab H10</p> <p>'17:40 Do you think the work of the tribunal is well enough recognized by the industry itself, by the owner operators for example.</p> <p>I don't think so. I don't think it's been advertised enough. A lot of owner operators don't even know of its existence. I think there needs to be a lot more advertising of the fact that it's here to be used and what their role is.'</p> <p>Take [REDACTED] Grab R2</p> <p>'I think there hasn't been a big enough process about telling truckies, I mean you've got to understand I think or road safety remuneration people have got to understand, the tribunal have got to understand that, I mean these are men and women who are on the road for much, much of the week. I mean, they don't have time to you know, check computers and come back home and have a look at things I mean, ah there needs to be some sort of awareness campaign, they get most of their in the truck these days from um their phone apps and from radio stations and from, whenever they stop to have a feed they might just pick up the newspaper and have a quick read of it when they're you know jumping</p>	<p>Please remove these sections. This commentary does not relate to the Order, the role of the Tribunal or the System more generally.</p>

	back into the truck and moving on their way. Um, so I don't think that you know the form of informing um, has been quite as successful as they would've hoped.'	
RSRT_SEG4	'27. But there is a move to disband the tribunal and it's getting down to the old adage of "use it or lose it".'	Please amend this section to 'The Government is currently reviewing the Road Safety Remuneration System.'

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 28 May 2014 5:43 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: FWO app teleconference - suggested times. [SEC=UNCLASSIFIED]

UNCLASSIFIED

Thanks very much [REDACTED], we'll look forward to speaking with you then.

Kind regards

[REDACTED]

[REDACTED]
Operations Group
Fair Work Ombudsman

T: [REDACTED]
A: GPO Box 9887, Melbourne, VIC 3000 | [REDACTED] 414 Latrobe Street, Melbourne, VIC 3000
E: [REDACTED]

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From: [REDACTED]
Sent: Wednesday, 28 May 2014 4:54 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: FWO app teleconference - suggested times. [SEC=UNCLASSIFIED]

That's great.

Assuming all good for Friday, we're happy to host the conference call.

The number would be

Dial In: [REDACTED]
Participant: [REDACTED]

From the TWU it would be myself only, as our [REDACTED] is on leave this week.

From the consultant Cutting Edge it would be [REDACTED]
[REDACTED]

[REDACTED]

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From: [REDACTED]
Date: Wednesday, 28 May 2014 10:55 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: FWO app teleconference - suggested times. [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi [REDACTED]

Thanks very much for letting me know – I believe both [REDACTED] and I are available at 11 am on Friday so let's reschedule to that time for now. [REDACTED] is currently out of the office though, so if upon his return tomorrow he advises that that time is not suitable, I will let you know.

Kind regards

[REDACTED]

[REDACTED]
 Operations Group
 Fair Work Ombudsman

A: GPO Box 9887, Melbourne, VIC 3000 | [REDACTED] 414 Latrobe Street, Melbourne, VIC 3000
 E [REDACTED]

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~Please consider the environment before printing this message~

From: [REDACTED]
Sent: Tuesday, 27 May 2014 11:51 PM
To: [REDACTED]
Subject: FWO app teleconference - suggested times.

Dear [REDACTED]

The FWO app technical consultant Cutting Edge has suggested that Friday at 11am is easier for them for a teleconference.

If this is not convenient at your end however, they will make some arrangements for Thursday at 11am as originally proposed.

Either time is fine by me, so please let me know what is best for you and I will forward contact details.

Regards,

[REDACTED]



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Please consider the environment before printing this email.

From: [REDACTED]
 Sent: Monday, 2 June 2014 10:46 AM
 To: [REDACTED]
 Cc: [REDACTED]
 Subject: Follow-up to last Friday's teleconference [SEC=UNCLASSIFIED]
 Categories: Printing and filing required, Saved to SharePoint

UNCLASSIFIED

Good morning [REDACTED]

Thank you for your time on Friday.

Further to the question posed in Friday's teleconference, we've considered what we would like the podcast scripts to cover in relation to rates of payment. In answer to this question, we are happy with what is currently proposed, with the following minor changes:

<p>31. In future The Tribunal will again is currently seek working with industry participation as it talks on what for many is the most critical question in road transport today..... establishing safe rates.</p>	
---	--

We will get back to you on the question of whether it would be appropriate to have a TWU representative speak on the podcasts, if this is necessary.

As discussed, could you please provide us with the following documents for our review at your earliest convenience:

- The current app structure
- The proposed video, transcript, and accompanying images, and
- Any proposed other app content.

Please contact me if you have any questions. We look forward to speaking with you again at 11.00 am on Thursday. If you could please send me the conference pin when you have a moment that would be great.

Thanks and kind regards

[REDACTED]
 [REDACTED]
 Operations Group
 Fair Work Ombudsman

T: [REDACTED]
 A: GPO Box 9887, Melbourne, VIC 3000 | [REDACTED] 414 Latrobe Street, Melbourne, VIC 3000
 E: [REDACTED]

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