



**Shaw's Darwin Transport Pty Limited**  
A.B.N. 51 074 573 087  
Head Office  
43-49 Cowpasture Road  
Wetherill Park NSW 2164  
PO Box 5  
Horsley Park NSW 2175  
Telephone (02) 9756 1877  
Facsimile (02) 9756 4164  
Web: [www.shaws.net.au](http://www.shaws.net.au)

Customer Advice effective 20<sup>th</sup> February 2016

## **Road Safety Remuneration Tribunal Contractor Driver Minimum Rates Order effective 4<sup>th</sup> April 2016**

This Order mandates a minimum rate structure for all Road Transport Operators deemed to be 'Contractor Drivers' performing either Local Distribution work or Long Distance work.

There is currently significant confusion within the Road Transport Industry as to which operators are deemed to be 'Contractor Drivers'. The confusion has not been reduced by significant changes made on 17<sup>th</sup> February 2016 with out advice or explanation to the 'Owner Driver Check List' and the 'Hirer Check List' on the Fair Work Australia website. For any business in which the truck owner or his immediate family drives any one or more of the vehicles owned by the family business it seems likely that operator will be subject to the minimum rates order to some extent.

Shaw's Darwin Transport Pty Ltd is owned by a small group of shareholders, the majority of whom are employed by the business, but none of whom normally drive company trucks. All trucks are driven by employee drivers, and it is not the practice of the company to engage outside contractors for linehaul operations. Where contractors are engaged for onforwarding operations on lanes not operated by company equipment it is our practice to engage only non Contractor Driver operators.

As a result of these practices we believe, based on current advisory information, that we are not impacted by the RSRT Minimum Rates Order, and there should be no significant alterations to our price structure or ability to negotiate suitable rates with our customers for our services following the effective date of the minimum rates order.

Whilst we believe this statement to be accurate based on the best advice available at this time, the lack of clarity surrounding the intended operation of this Order, and the apparent willingness of Fair Work Australia to revise guidance without advice means that our statement may require revision if the definition of 'Contractor Driver' is changed. Should this eventuate we will make every endeavor to advise our Customers as soon as possible.

*Allan Thornley*

Managing Director  
Shaw's Darwin Transport Pty Ltd

**SYDNEY**  
43-49 COWPASTURE ROAD  
WETHERILL PARK NSW 2164  
Phone (02) 9756 1877  
Fax (02) 9756 4164

**PERTH**  
80 BEDFORD CRESCENT  
FORRESTFIELD WA 6106  
Phone (08) 9359 1000  
Fax (08) 9453 6000

**DARWIN**  
34 O'SULLIVAN CIRCUIT  
EAST ARM NT 0828  
Phone (08) 8947 1224  
Fax (08) 8947 2991

**BRISBANE**  
33 WOLSTON ROAD  
SUMNER PARK QLD 4074  
Phone (07) 3376 0244  
Fax (07) 3376 0255

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**ALL CORRESPONDENCE TO : P.O. BOX 5 HORSLEY PARK NSW 2175**