

WORKPLACE RELATIONS CIRCULAR

For the information of members of Australian Business Industrial



CIRCULAR No.	CASE FILE No.	CIRCULAR DATE	IMPORTANT INFORMATION
2016/009	ALL MEMBER	07/04/2016	

URGENT: COURT RULES ON ROAD SAFETY ORDER ORDER NOW IN EFFECT

WHO MUST READ THIS?

1. Businesses that directly engage owner-drivers for long distance operations
2. Businesses that directly engage owner-drivers for deliveries to supermarket chains
3. Participants in the supply chain, including:
 - a. consignors of goods (e.g. manufacturers who transport goods);
 - b. intermediaries in the supply chain (e.g. storage warehouses);
 - c. operators of truck loading/unloading premises (e.g. a distribution centre)
 - d. consignees of goods (e.g. retail stores who receive deliveries)

IF ANY OF THE ABOVE APPLY TO YOU THEN YOU MUST READ THIS CIRCULAR!

Members were advised in [Circular 2016/008](#) of a decision by the Federal Court to grant a stay order, stopping the Contractor Minimum Payments Order (**the Order**) from commencing on Monday 4 April 2016 as intended.

The Transport Workers Union appealed against the stay order and the matter was heard yesterday by the Full Federal Court. The Court has today handed down its decision, finding in favour of the Union and lifting the stay order.

In addition to this, the Court has rejected a separate application for a stay which was lodged by a group of employers including the Australian Chamber of Commerce and Industry on behalf of its members including the NSW Business Chamber/Australian Business Industrial. This application also sought to stay the implementation of the order to allow a case about whether it was properly made.

As a result of the decision, **the Order has taken effect from 4.15pm today, 7 April 2016.**

Further information

Members can read a summary of the Order in [Circular 2016/007](#), or access the Order (including the minimum rates for drivers) by clicking [here](#).

If you require further assistance you can call Australian Business Lawyers & Advisors for more detailed information on how the Order applies to your business and what you do to prepare for its commencement date. **Call 1300 565 846.**

You can also call the Workplace Advice Unit on 13 29 59 or email advice@nswbc.com.au if you wish to discuss this circular or require further information.

NSW BUSINESS CHAMBER