



**TRANSPORT WORKERS UNION OF AUSTRALIA**  
**VICTORIAN/TASMANIAN BRANCH**

ABN 47 634 608 538

52-56 Rouse Street, Port Melbourne  
P.O. Box 203, Port Melbourne, Vic. 3207  
Tel: 1300 727 614 Fax: (03) 9646 1792  
Email: info@twu.asn.au  
Website: www.twu.asn.au

President: Allan Taylor  
Vice President: James Hughes  
Branch Secretary: Wayne Mader  
Branch Assistant Secretary: John Berger  
Trustees: Chris Fennell, Kevin Whelan

4 February 2015

Our Ref: SM

The Registry  
Road Safety Remuneration Tribunal  
11 Exhibition Street  
Melbourne, Victoria 3001

By facsimile: 9655 0401

**RE: Application for the Road Safety Remuneration Tribunal to Deal with a Dispute**

We file herein our Application for the Road Safety Remuneration Tribunal to Deal with a Dispute.

Any questions in relation to this facsimile or the attached Application should be directed to Luke McCrone on 0424 026 637.

Yours Sincerely,

John Berger  
Branch Assistant Secretary



**Form F6 Application for the Road Safety Remuneration Tribunal to Deal with a Dispute**

(Section 40, Road Safety Remuneration Act 2012 and section 6.1, Road Safety Remuneration Regulation 2012)

[If you require information about completing and lodging this form, go to [www.rsrt.gov.au](http://www.rsrt.gov.au) or telephone 1300 778 954]

**IN THE ROAD SAFETY REMUNERATION TRIBUNAL**

*RSRT use only*

RSRT Matter No.:

**Applicant**

<b>Name:</b>	Transport Workers Union of Australia Vic/Tas Branch		
<b>Title</b>	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Address:</b>	52-56 Rouse Street		
<b>Suburb:</b>	Port Melbourne	<b>State:</b>	VIC <b>Postcode:</b> 3207
If the Applicant is a company or organisation:			
<b>Contact person:</b>	Wayne Mader / Luke McCrone	<b>ABN:</b>	47 634 608 538
Contact details for the Applicant or contact person (if one is specified):			
<b>Telephone:</b>	1300 727 614	<b>Mobile:</b>	0424 026 637
<b>Fax:</b>	(03) 9646 1792	<b>Email:</b>	<a href="mailto:info@twu.asn.au">info@twu.asn.au</a> <a href="mailto:luke.mccrone@twu.asn.au">luke.mccrone@twu.asn.au</a>

**Applicant's representative (if any)**

<b>Name:</b>			
<b>Title</b> <i>[if applicable]</i>	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Address:</b>			
<b>Suburb:</b>		<b>State:</b>	<b>Postcode:</b>
If the representative is a company, organisation or law firm:			
<b>Contact person:</b>		<b>ABN:</b>	
Contact details for the representative or contact person (if one is specified):			
<b>Telephone:</b>		<b>Mobile:</b>	
<b>Fax:</b>		<b>Email:</b>	

**Respondent(s)**

<b>Name:</b>	Lantrak – Plant Hire & Earth Moving Solutions		
<b>Title</b>	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Address:</b>	Level 1, 6 Wedgewood Road		
<b>Suburb:</b>	Hallam	<b>State:</b>	Vic <b>Postcode:</b> 3803
If the Respondent is a company or organisation:			
<b>Contact person:</b>	Lindsay Webb	<b>ABN:</b>	
Contact details for the respondent or contact person (if one is specified):			
<b>Telephone:</b>	03 98796 9666	<b>Mobile:</b>	0417 628 358
<b>Fax:</b>	03 98796 9600	<b>Email:</b>	<a href="mailto:lindsay.webb@lantrak.com.au">lindsay.webb@lantrak.com.au</a>

<b>Name:</b>	Eastern Plant Hire		
<b>Title</b>	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Address:</b>	358 Whitehorse Rd		
<b>Suburb:</b>	Nunawading	<b>State:</b>	Vic <b>Postcode:</b> 3131
If the Respondent is a company or organisation:			
<b>Contact person:</b>	Thom Chrystiuk	<b>ABN:</b>	
Contact details for the respondent or contact person (if one is specified):			
<b>Telephone:</b>	(03) 8878 9111	<b>Mobile:</b>	0408 699 027
<b>Fax:</b>	(03) 8878 9100	<b>Email:</b>	thom@ephgroup.com.au

<b>Name:</b>	Kingston Plant Hire		
<b>Title</b>	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Address:</b>	4 Corporate Avenue		
<b>Suburb:</b>	Rowville	<b>State:</b>	Vic <b>Postcode:</b> 3178
If the Respondent is a company or organisation:			
<b>Contact person:</b>	Steve White	<b>ABN:</b>	
Contact details for the respondent or contact person (if one is specified):			
<b>Telephone:</b>	1300 662 056	<b>Mobile:</b>	0412 045 566
<b>Fax:</b>	1300 662 057	<b>Email:</b>	swhite@kingston.com.au

<b>Name:</b>	Fleet Plant Hire		
<b>Title</b>	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Address:</b>	19 – 23 Geddes Street		
<b>Suburb:</b>	Mulgrave	<b>State:</b>	Vic <b>Postcode:</b> 3170
If the Respondent is a company or organisation:			
<b>Contact person:</b>	Chris West	<b>ABN:</b>	
Contact details for the respondent or contact person (if one is specified):			
<b>Telephone:</b>	(03) 9561 3988	<b>Mobile:</b>	0419 340 312
<b>Fax:</b>	(03) 9561 4988	<b>Email:</b>	cwest@fph.com.au

<b>Name:</b>	Go Green Plant Hire		
<b>Title</b>	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Address:</b>	Suite 21, 1 East Ridge Drive		
<b>Suburb:</b>	Chirnside Park	<b>State:</b>	Vic <b>Postcode:</b> 3116
If the Respondent is a company or organisation:			
<b>Contact person:</b>	Rachel Canale	<b>ABN:</b>	
Contact details for the respondent or contact person (if one is specified):			
<b>Telephone:</b>	(03) 9736 9966	<b>Mobile:</b>	0466 182 607
<b>Fax:</b>	(03) 8692 6264	<b>Email:</b>	rachel@gogreenplanthire.com.au

<b>Name:</b>	Mad Brothers Earth Moving		
<b>Title</b>	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Address:</b>	33 Graham Court		
<b>Suburb:</b>	Hoppers Crossing	<b>State:</b>	Vic <b>Postcode:</b> 3029
If the Respondent is a company or organisation:			
<b>Contact person:</b>	Matt Donato	<b>ABN:</b>	
Contact details for the respondent or contact person (if one is specified):			
<b>Telephone:</b>	(03) 8360 3681	<b>Mobile:</b>	0488 314 699
<b>Fax:</b>	(03) 8360 3649	<b>Email:</b>	matt@madbrosearthmoving.com

<b>Name:</b>	ResourceCo Logistics		
<b>Title</b>	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Address:</b>	Building 2, Suite 46, 1 Ricketts Rd		
<b>Suburb:</b>	Mt Waverley	<b>State:</b>	Vic <b>Postcode:</b> 3149
If the Respondent is a company or organisation:			
<b>Contact person:</b>	Steve Harrison	<b>ABN:</b>	
Contact details for the respondent or contact person (if one is specified):			
<b>Telephone:</b>	(03) 8787 8805	<b>Mobile:</b>	0413 314 624
<b>Fax:</b>	(03) 9554 4556	<b>Email:</b>	SteveH@resourceco.com.au

<b>Name:</b>	Southern Plant Hire		
<b>Title</b>	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Address:</b>	Level-1/ 420 High St		
<b>Suburb:</b>	Kew	<b>State:</b>	Vic <b>Postcode:</b> 3101
If the Respondent is a company or organisation:			
<b>Contact person:</b>	Peter Emmett	<b>ABN:</b>	
Contact details for the respondent or contact person (if one is specified):			
<b>Telephone:</b>	(03) 9769 0022	<b>Mobile:</b>	
<b>Fax:</b>	(03) 9769 0222	<b>Email</b>	pemmett@southernplanthire.com.au

<b>Name:</b>	Calleja Nominees Pty Ltd		
<b>Title</b>	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Address:</b>	20 – 30 Baldwin Road		
<b>Suburb:</b>	Altona North	<b>State:</b>	Vic <b>Postcode:</b> 3025
If the Respondent is a company or organisation:			
<b>Contact person:</b>	Brian Calleja	<b>ABN:</b>	
Contact details for the respondent or contact person (if one is specified):			
<b>Telephone:</b>	(03) 9369 6222	<b>Mobile:</b>	
<b>Fax:</b>	(03) 9360 0199	<b>Email:</b>	briancalleja@callejatransport.com.au

<b>Name:</b>	Luka Tippers & Excavation		
<b>Title</b>	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Address:</b>	26 Dunlop Avenue		
<b>Suburb:</b>	Hoppers Crossing	<b>State:</b>	Vic <b>Postcode:</b> 3029
If the Respondent is a company or organisation:			
<b>Contact person:</b>		<b>ABN:</b>	
Contact details for the respondent or contact person (if one is specified):			
<b>Telephone:</b>	(03) 9369 6601	<b>Mobile:</b>	
<b>Fax:</b>	(03) 8307 8135	<b>Email:</b>	<a href="mailto:nick@lukatippers.com.au">nick@lukatippers.com.au</a>

<b>Name:</b>	B&R Transport		
<b>Title</b>	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Address:</b>	310 Queens Parade		
<b>Suburb:</b>	Fitzroy North	<b>State:</b>	Vic <b>Postcode:</b> 3068
If the Respondent is a company or organisation:			
<b>Contact person:</b>	Rami	<b>ABN:</b>	
Contact details for the respondent or contact person (if one is specified):			
<b>Telephone:</b>	(03) 9459 1447	<b>Mobile:</b>	0407 358 157
<b>Fax:</b>	(03) 9486 5458	<b>Email:</b>	<a href="mailto:bandrtrans@yahoo.com.au">bandrtrans@yahoo.com.au</a>

<b>Name:</b>	Envirohaul		
<b>Title</b>	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Address:</b>	31b/80 Keilor Road		
<b>Suburb:</b>	Essendon North	<b>State:</b>	Vic <b>Postcode:</b> 3041
If the Respondent is a company or organisation:			
<b>Contact person:</b>		<b>ABN:</b>	
Contact details for the respondent or contact person (if one is specified):			
<b>Telephone:</b>	(03) 9374 4215	<b>Mobile:</b>	0408 321 444
<b>Fax:</b>	(03) 9374 3218	<b>Email:</b>	<a href="mailto:envirohaul@bigpond.com">envirohaul@bigpond.com</a>

**1. Type of Applicant(s):**

*[Identify the Applicant/Applicants as one or more of the following and enter their name in the space Provided.]*

an employee road transport driver

Name .....

a contractor driver

Name .....

an employer of road transport drivers

Name .....

a hirer of contractor drivers

Name:

a participant in the supply chain

Name .....

**an industrial association (under s.40(1)(b)(ii) Road Safety Remuneration Act 2012)**

**Party name: Applicant**

**Industrial Association Name:**

**Transport Workers Union of Australia Victorian/Tasmanian Branch**

a bargaining representative (in relation to a dispute under s.6.1 of the *Road Safety Remuneration Regulation 2012*)

Bargaining representative name .....

Name of party/parties represented.....

Other *[Describe the type of Applicant.]*

Name .....

**2. Type of Respondent(s):**

*[Identify the Respondent(s) to the dispute as one or more of the following and enter their name in the space provided.]*

an employee road transport driver

Name .....

a contractor driver

Name .....

an employer of road transport drivers

Name .....

a hirer of contractor drivers

Name: Lantrak, Eastern Plant Hire, Kingston Plant Hire, Fleet Plant Hire, Go Green Plant Hire, Mad Brothers Earth Moving, ResourceCo Logistics, Southern Plant Hire, Calleja Nominees Pty Ltd and Luka Tippers and Excavation, B&R Transport, Envirohaul

a participant in the supply chain

Name:

a bargaining representative (in relation to a dispute under s.6.1 of the *Road Safety Remuneration Regulation 2012*)

Bargaining representative name.....

Name of party/parties represented.....

Other

[Describe the type of Respondent.]

Name .....

3. Have you made an application or complaint in relation to this matter under the *Fair Work Act 2009*, which has not been withdrawn or failed for want of jurisdiction?

Yes

No

If "Yes", provide the Matter No. ....

4. Dismissal or termination of a contract

4.1 Is the dispute about a dismissal or the termination of a contract?

Yes

No (Go to Q5)

If "Yes" complete the rest of question 4 below.

4.2 What was the period of employment or engagement?

Date employed/engaged:

Date notified of dismissal/termination of contract:

Date dismissal/termination of contract took effect:

4.3 If you are an employee road transport driver and this application is made more than 14 days after the dismissal took effect are you seeking a further period to allow the application to be made?

- Yes (Go to Q4.5)
- No

4.4 If you are a contractor driver and this application is made more than 28 days after the termination of the contract took effect are you seeking a further period to allow the application to be made?

- Yes (Go to Q4.5)
- No

4.5 Grounds of application for further period:  
*[Using numbered paragraphs, briefly specify:*  
*(a) the reason(s) for the delay in making the application*  
*(b) when you first became aware of the dismissal/termination*  
*(c) any action taken by you to dispute the dismissal/termination*  
*(d) anything else you consider relevant.]*

4.6 Why do you contend the dismissal/termination of the contract was mainly because you refused to work in an unsafe manner?  
*[Using numbered paragraphs, briefly specify:*  
*(a) relevant events leading up to the dismissal/termination*  
*(b) details of any refusal by you to work in an unsafe manner*  
*(c) any reasons given by your employer or hirer for the dismissal/termination*  
*(d) why you contend the dismissal/termination was mainly because you refused to work in an unsafe manner*  
*(e) anything else you consider relevant.]*

**5. Approved road transport collective agreement**

5.1 Is the dispute about an approved road transport collective agreement?

- Yes
- No** (Go to Q6)

If "Yes" complete the rest of question 5 below.

5.2 Provide the name of the road transport collective agreement.....

5.3 Why do you contend that the remuneration and related conditions in the agreement could affect whether a contractor driver works in an unsafe way?  
*[Using numbered paragraphs, briefly specify:*  
*(a) relevant remuneration and related conditions*  
*(b) details of how the items in (a) could affect whether a driver works in an unsafe way*  
*(c) anything else you consider relevant.]*

**6. Negotiation of a road transport collective agreement**

6.1 Is the dispute about whether a party negotiating a road transport collective agreement has conducted itself in accordance with the *Code of conduct for collective bargaining for road transport collective agreements (Code of Conduct)*?



- Yes  
 No (Go to Q7)

[Note: the Code of Conduct can be found at Schedule 1 to the Road Safety Remuneration Regulation 2012]

6.2 Why do you contend that a party has not conducted itself in accordance with the Code of Conduct?

[Using numbered paragraphs, briefly specify:

(a) details of the negotiation of the road transport collective agreement

(b) details of conduct that is not in accordance with the Code of Conduct

(c) anything else you consider relevant.]

## 7. Remuneration and related conditions proposed for a road transport collective agreement

7.1 Is the dispute about the remuneration and related conditions proposed to be included in a road transport collective agreement currently under negotiation?

- Yes  
 No (Go to Q8)

7.2 Why do you contend that the remuneration and related conditions proposed to be included in the agreement could affect whether a contractor driver works in an unsafe way?

[Using numbered paragraphs, briefly specify:

(a) relevant remuneration and related conditions

(b) details of how the items in (a) could affect whether a driver works in an unsafe way

(c) anything else you consider relevant.]

## 8. Other disputes

8.1 What is the dispute about?


**The Plant Hire Companies are failing to pay Tip Truck Owner Drivers a rate of pay that will enable them to safely operate their trucks with having regard to maintenance, fatigue management etc..**

9. Remedy sought:

**That the Plant Hire Companies pay Owner Operators a rate that will allow them to recover costs reasonably incurred in the operation of their vehicles and a rate for their labour that will not encourage the drivers to operate in breach of the fatigue laws**

10. For the purposes of participating in any tribunal processes do you think you need an interpreter other than a family member or friend?

- Yes — language: [insert your first language]  
 No

<b>Date:</b>	4 February 2015
<b>Signature:</b>	
<b>Name:</b>	John Berger
<b>Capacity/Position:</b>	Branch Assistant Secretary

**Service requirements**

This application must be served on other persons as directed by the RSRT if and when such direction(s) are given.

Note: Rules 9 and 11 deal with service.

**Notice to the Respondent**

A respondent must lodge with the RSRT *and serve on the Applicant* a response to this application within 14 days of being served with it. A copy of the response Form F7 can be downloaded at [www.rsrt.gov.au](http://www.rsrt.gov.au)

\* \* \* Communication Result Report ( 4. Feb. 2015 14:47 ) \* \* \*

1)  
2)

Date/Time: 4. Feb. 2015 14:44

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
4210	Memory TX	96550401	P. 10	OK	

Reason for error

- E. 1) Hang up or line fail
- E. 3) No answer
- E. 5) Exceeded max. E-mail size

- E. 2) Busy
- E. 4) No facsimile connection



President: Allan Taylor  
 Vice President: James Hughes  
 Branch Secretary: Wayne Mader  
 Branch Assistant Secretary: John Berger  
 Trustees: Chris Fennell, Kevin Whelan

**TRANSPORT WORKERS UNION OF AUSTRALIA**  
 VICTORIAN/TASMANIAN BRANCH

ABN 47 634 628 538  
 52-56 Rouse Street, Port Melbourne  
 P.O. Box 204, Port Melbourne, Vic. 3207  
 Tel: 1300 227 614 Fax: (03) 9646 1792  
 Email: info@twu.asn.au  
 Website: www.twu.asn.au

4 February 2015

Our Ref: SM

The Registry  
 Road Safety Remuneration Tribunal  
 11 Exhibition Street  
 Melbourne, Victoria 3001

By facsimile: 9655 0401

**RE: Application for the Road Safety Remuneration Tribunal to Deal with a Dispute**

We file herein our Application for the Road Safety Remuneration Tribunal to Deal with a Dispute.

Any questions in relation to this facsimile or the attached Application should be directed to Luke McCrone on 0424 026 637.

Yours Sincerely,

*John Berger*  
 John Berger  
 Branch Assistant Secretary

