

16 May 2022

NAT 080/22

## Variation to the NSW Transport Industry – General Carriers Contract Determination 2017

### Amendment to the temporary fuel surcharge

In Compliance Advice [NAT 068/22 – Variation to the NSW Transport Industry – General Carriers Contract Determination 2017 – Introduction of a temporary fuel surcharge](#), Ai Group advised members of the New South Wales Industrial Relations Commission (IRC) decision to introduce a new requirement that Principal Contractors pay Contract Carriers a temporary fuel surcharge (**Surcharge**) under the General Carriers Contract Determination 2017 (**Contract Determination**).

The IRC has completed the first of its monthly reviews of the Surcharge and decided that it will be reduced. On Friday, 13 May 2022, the IRC decided to amend Schedule I of the Contract Determination to reduce the Surcharge for pay periods commencing between 16 May 2022 and 19 June 2022.

The variations to the Contract Determination are set out in Appendix A.

#### How much is the surcharge?

The quantum of the Surcharge varies depending upon the carrying capacity of the vehicle operated by a Contract Carrier.

#### When will the Surcharge commence and how long will it apply for?

The initial Surcharge is applicable to pay periods commencing between **18 April 2022** and **15 May 2022**. The updated Surcharge applies to pay periods commencing between **16 May 2022** and **19 June 2022**.

The variation provides for monthly reviews to determine whether the quantum of the Surcharge should be increased or decreased depending upon the average price of diesel fuel in the preceding month. It is envisaged that the IRC will continue to convene proceedings on the second Monday of each month for this purpose.

Any subsequent change to the quantum of the Surcharge will be effective from the third Monday of each month.

#### Do you require further advice?

For further information or assistance, please contact Daniel Murray, Principal Adviser of Ai Group on 0409 602 627 or contact Ai Group's Workplace Advice Line on 1300 55 66 77.



**Stephen Smith**  
**HEAD OF NATIONAL WORKPLACE RELATIONS POLICY**

**FILED**

**13 MAY 2022**

OFFICE OF THE INDUSTRIAL  
REGISTRAR

Form 43 (version 3)  
UCPR 36.11

**SHORT MINUTES OF ORDER**

**COMMISSION DETAILS**

Industrial Relations Commission of New South Wales

Case number 2022/00077087

**TITLE OF PROCEEDINGS**

**Application for Variations to Transport Industry – General Carriers Contract  
Determination 2017**

**DATE OF ORDER**

Date made or given 13 May 2022

Date entered

**TERMS OF ORDER MADE BY THE COMMISSION**

The Commission orders that, pursuant to s 320 of the *Industrial Relations Act 1996*:

- 1 The Transport Industry - General Carriers Contract Determination 2017 be varied in accordance with Appendix A.

These orders take effect on 16 May 2022.

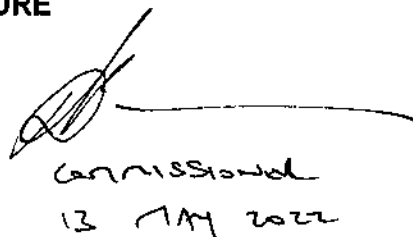
**SEAL AND SIGNATURE**

Commission seal

Signature

Capacity

Date



Commissioner  
13 May 2022

**NOTICE**

Subject to limited exceptions, no variation of a judgment or order can occur except on application made within 14 days after entry of the judgment or order.

**PERSON PROVIDING DOCUMENT FOR SEALING UNDER UCPR 36.12**

Name	<b>NSW Business Chamber Limited</b>
Legal representative	Rhys Kingston Australian Business Lawyers and Advisors
Contact name and telephone	Rhys Kingston Tel: 0417 900 457
Contact email	rhys.kingston@ablawyers.com.au

**PARTY DETAILS**

Australian Federation of Employers and Industries

Australian Road Transport Industrial Organization New South Wales

Courier and Taxi Truck Association

National Road Transport Association

NSW Business Chamber Limited

The Australian Industry Group New South Wales Branch

The Master Builders' Association of New South Wales

TNT Australia Pty Limited

Transport Workers' Union of New South Wales

1. By deleting clause 3.2 of Schedule I and by inserting in its place:

3.2

For pay periods commencing between 16 May 2022 and 19 June 2022, the Temporary Fuel Surcharge shall be:

<b>Vehicle Carrying Capacity</b>	<b>Surcharge (per km)</b>
Rigid-carrying capacity over 3 and including 5 tonnes	\$0.10
Rigid-carrying capacity over 5 and including 8 tonnes	\$0.17
Rigid-carrying capacity over 8 and including 10 tonnes	\$0.25
Rigid-carrying capacity over 10 and including 12 tonnes	\$0.25
Rigid-carrying capacity over 12 and including 14 tonnes	\$0.25
Rigid-carrying capacity over 14 tonnes or more	\$0.32
Single Axle Prime Mover	\$0.32
Bogie Axle Prime Mover	\$0.39

For pay periods commencing between 18 April 2022 and 15 May 2022, the Temporary Fuel Surcharge shall be:

<b>Vehicle Carrying Capacity</b>	<b>Surcharge (per km)</b>
Rigid-carrying capacity over 3 and including 5 tonnes	\$0.11
Rigid-carrying capacity over 5 and including 8 tonnes	\$0.18
Rigid-carrying capacity over 8 and including 10 tonnes	\$0.27
Rigid-carrying capacity over 10 and including 12 tonnes	\$0.27
Rigid-carrying capacity over 12 and including 14 tonnes	\$0.27
Rigid-carrying capacity over 14 tonnes or more	\$0.34
Single Axle Prime Mover	\$0.34
Bogie Axle Prime Mover	\$0.42

2. By deleting the table in clause 3.3 of Schedule I and by inserting in its place:

For pay periods commencing between 16 May 2022 and 19 June 2022:

<b>Vehicle Carrying Capacity</b>	<b>Surcharge (per hour)</b>
Rigid-carrying capacity over 8 and including 10 tonnes	\$3.45
Rigid-carrying capacity over 10 and including 12 tonnes	\$3.45
Rigid-carrying capacity over 12 and including 14 tonnes	\$3.45
Rigid-carrying capacity over 14 tonnes or more	\$4.42
Single Axle Prime Mover	\$4.44
Bogie Axle Prime Mover	\$5.39

For pay periods commencing between 18 April 2022 and 15 May 2022:

<b>Vehicle Carrying Capacity</b>	<b>Surcharge (per hour)</b>
Rigid-carrying capacity over 8 and including 10 tonnes	\$3.72
Rigid-carrying capacity over 10 and including 12 tonnes	\$3.72
Rigid-carrying capacity over 12 and including 14 tonnes	\$3.72
Rigid-carrying capacity over 14 tonnes or more	\$4.77
Single Axle Prime Mover	\$4.79
Bogie Axle Prime Mover	\$5.81