# Fact Sheet - Minimum rates of pay for tip truck owner drivers

The Tip Truck Policy delivers on the Government’s commitment to introduce minimum rates of pay for tip truck owner drivers working on Victorian Government funded construction projects (building, infrastructure, civil engineering or other capital works projects).

The policy applies to tip truck owner drivers engaged in the removal of soil or rock from excavation work on Victorian Government funded construction projects.

The policy was introduced to improve economic certainty for tip truck owner drivers and remove the economic factors that can act as an incentive for drivers to engage in unsafe practices to secure work, such as not maintaining their vehicles.

It is expected that tip truck owner drivers working on Victorian Government funded construction projects will be paid a rate that will at least cover their operating costs, provide a return for their own labour and a return on their business investment. The Tip Truck Policy will result in better safety outcomes for all road users.

## **Mandatory application of the Tip Truck Policy**

The Tip Truck Policy must be applied to all publicly funded construction contracts awarded on or after 27 August 2018.

The Tip Truck Policy applies to tip truck owner drivers that are engaged:

* directly by the principal contractor; or
* indirectly through one or more subcontractors.

Principal contractors have a contractual obligation to ensure through the sub-contracting supply chain that tip truck owner drivers are paid at least the applicable minimum rates of pay specified in the Tip Truck Policy.

## **August 2022 update to April 2022 interim minimum rates**

The mandated rates are based on the per hour advisory rate identified in relevant rates and costs schedules developed under the *Owner Driver and Forestry Contractors Act 2005*. These rates are reviewed periodically with input from the Transport Industry Council and approved by the relevant Minister.

(Other than for Government construction projects, the *Owner Driver and Forestry Contractors Act 2005* rates are advisory only and not mandated.)

Revised 2022-23 rates for tip trucks were published in the Victorian Government Gazette on 18 August 2022. From 18 August 2022 the rates are available on the [Business Victoria website](https://business.vic.gov.au/business-information/transport-and-forestry/owner-drivers/tip-truck-owner-drivers) and set out below.

The rates and costs schedules have been updated to account for variations in fuel, labour and other input costs for owner drivers, in accordance with the *Owner Driver and Forestry Contractors Act 2005*.

The Policy requires that the rates set under the *Owner Driver and Forestry Contractors Act 2005* from time to time are applied as mandatory minimum rates of pay on Government projects. Tip truck owner drivers working on construction projects funded by the Victorian Government must be paid minimum rates of pay based on these rates and costs schedules from the date that the rates are published in the Gazette.

## **Updated rates must be paid on all public construction projects from 18 August 2022**

Tip truck owner drivers working on construction projects funded by the Victorian Government must be paid the updated rates approved from time to time, from the date that the rates are published in the Victorian Government Gazette. This includes contracts entered into prior to this gazettal date.

This is to provide for increases in rates paid to owner drivers during the life of a project.

## **Calculating minimum rates of pay for tip truck owner drivers**

To maintain flexibility in contracting arrangements tip truck owner drivers can be paid either a minimum hourly rate or minimum per load daily rates.

The minimum hourly rates set out below are based on the advisory [Rates and Cost Schedules for Tip Truck Owner Drivers](https://business.vic.gov.au/business-information/transport-and-forestry/owner-drivers/tip-truck-owner-drivers) for tip trucks, developed by the Transport Industry Council.

The Tip Truck Schedules can be accessed from the following link:

www.business.vic.gov.au/business-information/transport-and-forestry/owner-drivers/tip-truck-owner-drivers

Tip truck owner drivers are generally engaged through a hiring firm, where the hiring firm adds an agency fee to the tip truck charge. It is important that this agency fee is not deducted from the required minimum payment to tip truck owner drivers.

### **How to calculate minimum hourly rates**

Where an owner driver is paid an hourly rate, the owner driver must be paid in accordance with the applicable rate listed in the [Rates and Cost Schedules for Tip Truck Owner Drivers](https://business.vic.gov.au/business-information/transport-and-forestry/owner-drivers/tip-truck-owner-drivers), plus any freight broker fees and road tolls reasonably incurred.

The minimum hourly rates published in the Schedule (as Gazetted on 18 August 2022) are:

| Vehicle type | Minimum hourly rate |
| --- | --- |
| Tandem GVM 22.5 | $102.26 |
| Truck and Quad Axle Dog Trailer GCM 42.5 | $148.03 |
| Truck and Quad Axle Dog Trailer GCM 50 | $161.13 |

### **How to calculate minimum per load daily rates**

The minimum per load daily rate is calculated by:

* the hirer estimating the time it is likely to take to complete the job, multiplied by the applicable minimum rate in the [Rates and Cost Schedules for Tip Truck Owner Drivers](https://business.vic.gov.au/business-information/transport-and-forestry/owner-drivers/tip-truck-owner-drivers). This will create a daily rate; and
* the tip truck owner driver and hirer then agreeing on a daily incentive payment that will be paid if the tip truck owner driver delivers the agreed number of loads per day. The hirer can reduce the incentive payment proportionately if the tip truck owner driver does not meet the agreed number of loads per day.

When estimating the time it is likely to take to complete the job, principal contractors need to consider a range of factors including:

* the volume or weight of the load;
* distance to be travelled;
* local traffic conditions and time of day; and
* site specific conditions.

Example – to determine a per load daily rate (rates as Gazetted on 18 August 2022):

| Rates | Calculations | Values | Comment |
| --- | --- | --- | --- |
| Minimum hourly rate | NA | $148.03 | Truck and Quad Axle Dog Trailer GCM 42.5, determined from [Rates and Cost Schedules for Tip Truck Owner Drivers](https://business.vic.gov.au/business-information/transport-and-forestry/owner-drivers/tip-truck-owner-drivers) |
| Per load hourly rate | $148.03 x 1.20 | $177.64 | Adjust the hourly rate to determine per load hourly rate, in this example by increasing the hourly rate by an incentive component of 20 per cent |
| Per load daily rate | $177.64 x 9.0 | $1,598.72 | Multiply the load hourly rate by the number of work hours per day, in this example 9 hours |
| Payment including hiring agency fee | $1,598.72 x 1.10 | $1,758.60 | Increase the per load daily rate by the value of the hiring agency fee, in this example 10 per cent |

## **Managerial responsibility and compliance**

Agencies must ensure that their contracts require the contractor to ensure that any tip truck owner driver engaged in connection with excavation work, directly or indirectly, through one or more subcontractors is paid according to the Tip Truck Policy.

The Victorian Government reserves the right to inspect contractors’ records to verify and manage compliance with the Tip Truck Policy. Failure to comply with the requirements of the Tip Truck Policy will constitute a breach of contract.

## **Application to contracts awarded before 27 August 2018**

The Tip Truck Policy does not apply to Victorian Government contracts awarded before 27 August 2018, but principal contractors can voluntarily increase rates paid to owner drivers engaged under existing contracts.

Principal contractors awarded contracts before 27 August 2018 are encouraged to review payments made to tip truck owner drivers to ensure owner drivers are receiving at least the applicable minimum rates. This will ensure owner drivers are paid rates that will cover their operating costs and provide a return for their labour and their business investment.

Principal contractors currently paying above the Tip Truck Policy rates, should not reduce the owner driver’s rates to mirror the minimum rates. This is inconsistent with the intent of the Victorian Government commitment set out in the Tip Truck Policy.

## **The Policy no longer requires the payment of different rates depending on tip truck age**

Separate rates and costs schedules for three truck types were previously published under the *Owner Driver and Forestry Contractors Act 2005* for trucks that are less than five years old and for trucks that are more than five years old. The result of this is that prior to 21 April 2022 the Tip Truck Policy required the payment of different rates depending on truck age.

From 21 April 2022 the tip truck rates and costs schedules were consolidated from six to three, creating one rate per tip truck vehicle type irrespective of age.

## **Tip trucks performing work in the private sector**

The Victorian Government encourages all contractors and plant hirers engaging tip truck owner drivers in the construction sector to adopt and adhere to the Tip Truck Policy as an industry benchmark.

## **Help and support**

**Tip truck owner drivers and contractors**: further information and assistance about the application of the Tip Truck Policy, including compliance matters, contact:

Industrial Relations Victoria: Contact email: [irv.info@dpc.vic.gov.au](mailto:irv.info@dpc.vic.gov.au)

Transport Workers Union – Vic Branch: Contact email: [info@twu.asn.au](mailto:info@twu.asn.au)

Victorian Transport Association: Contactemail: [reception@vta.com.au](mailto:reception@vta.com.au)

**Agencies**: contact Construction Policy for information about the application of the Tip Truck Policy.

Contact email: [construction.procurement@dtf.vic.gov.au](mailto:construction.procurement@dtf.vic.gov.au)

| **Revision** | **Date** | **Reference** | **Details** |
| --- | --- | --- | --- |
| NA | 26/09/2018 | Minimum rates of pay for tip truck owner drivers | First release |
| 1 | 18/10/2018 | Minimum rates of pay for tip truck owner drivers | For vehicles over 5 years old, the minimum hourly rates published in the Schedule updated to reflect the rates gazetted in October 2018  Example to determine a per load daily rate updated to reflect the minimum hourly rate gazetted in October 2018. |
| 2 | 25/05/2021 | Minimum rates of pay for tip truck owner drivers | For vehicles over 5 years old, the minimum hourly rates published in the Schedule updated to reflect the rates gazetted in April 2021.  Example to determine a per load daily rate updated to reflect the minimum hourly rate gazetted in April 2021. |
| 3 | 21/4/2022 | Minimum rates of pay for tip truck owner drivers | The minimum hourly rates updated to reflect the rates gazetted on 21 April 2022. Additional guidance included on interim update to minimum rates, application of updates to the rates and costs schedules and payment of different rates depending on truck age. |
| 4 | 18/08/2022 | Minimum rates of pay for tip truck owner drivers | The minimum hourly rates updated to reflect the 2022-23 rates gazetted on 18 August 2022. |