

Road Transport Advisory Group — Meeting record

Date	25 October 2024	
Location	MS Teams	
Time	3.00 pm – 4.00 pm AEDST	
Attendees	Ingrid Asbury	Chair Vice President Fair Work Commission
	Richard Olsen (RO)	RTAG Member National Vice President Transport Workers' Union of Australia
	Peter Anderson (PA)	RTAG Member National Secretary Australian Road Transport Industrial Organization

Agenda item	Details	Actions arising
Welcome	The Chair welcomed members of the Road Transport Advisory Group (RTAG) to the first formal meeting of the RTAG, noting an informal introductory meeting was held on 26 September 2024.	
Terms of Reference	At the 26 September 2024 introductory meeting, RTAG adopted draft Terms of Reference and agreed they would be published on the RTAG page of the FWC website. The meeting agreed to review the published Terms of Reference, in light of the Direction to RTAG from the FWC President given on 24 October 2024.	Review Terms of Reference
Applications on foot, including formation of subcommittees	The meeting discussed current applications: <ul style="list-style-type: none"> MS2024/1 and MS2024/2 – ‘last mile delivery’ applications for employee-like minimum standards order and road transport minimum standards (application lodged and posted to the FWC website on 28 August 2024) MS2024/3 – ‘food and beverages’ application for an employee-like minimum standards order 	

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	<p>(application lodged and posted to the FWC website on 28 August 2024)</p> <ul style="list-style-type: none"> • MS2024/4 – application for a road transport contractual chain order (application lodged and posted to the FWC website on 26 September 2024). <p>Members noted that, on 18 October 2024, the FWC President issued a Statement ([2024] FWC 2895) confirming that an Expert Panel for the Road Transport Industry has been established for the purpose of consulting in relation to MS2024/1, MS2024/2 and MS2024/3. RTAG Members also noted the President’s <i>provisional view</i> that the same step would be taken with respect to MS2024/4.</p> <p>Further, Members noted that the FWC President has given a Direction (PR780569) to the RTAG that it provide the following advice by 12:00 pm AEDT on Friday, 6 December, 2024:</p> <p><i>Prioritisation and process for providing advice</i></p> <ol style="list-style-type: none"> 1. Advice concerning how the President should determine the priorities for the work of the Commission in relation to matters MS2024/1, MS2024/2 and MS2024/3. 2. A proposed process for the RTAG to provide advice in relation to the matter or matters it identifies as priorities, including: <ol style="list-style-type: none"> a. a timeframe for when consultation will occur; b. whether any additional entities should be served each application; c. whether subcommittees will be formed; and d. if so, how those subcommittees will be composed and operated. The President directed RTAG to take an inclusive and broadly-representative approach in 	

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	<p>determining the membership of any subcommittee.</p> <p><i>Conduct of RTAG</i></p> <p>3. Advice on how the RTAG proposes to conduct itself more generally, including any proposed terms of reference or similar document that could form the basis for a written direction the President may make pursuant to s.40F(5) of the Fair Work Act 2009, taking into account the need for RTAG to be open and transparent in the way it conducts itself.</p> <p>The meeting agreed that:</p> <ul style="list-style-type: none"> • The RTAG will form subcommittees for all four applications, subject to the FWC President confirming his provisional view that MS2024/4 would also be referred to the Expert Panel for Consultation dealing with MS2024/1 - 3, to commence consultation as soon as possible. • Subcommittees will be formed for each application. • The RTAG also decided, on a <i>provisional</i> basis, that a single subcommittee will be formed for the purpose of consulting in relation to the ‘last mile delivery’ applications and that this may later be divided into two subcommittees or separate working groups to look at issues specific to road transport contractors or employee-like workers. • RTAG’s objective in establishing subcommittees is to undertake genuine engagement with a broad cross-section of the road transport industry relevant to each application, to attempt to reach consensus where possible, and to identify areas where consensus cannot be reached. • A Member of FWC with relevant experience will be requested to attend meetings of each subcommittee to assist in facilitating consensus. 	

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	<ul style="list-style-type: none"> • Subcommittees may operate concurrently. • Sub-committees may also establish working groups that include persons who are not members of the sub-committee to examine particular issues. • Each member of the RTAG will identify key individuals, companies and organisations for each application, and seek their interest in participating in a subcommittee. • Notification of applications through the FWC website and subscriber service is sufficient notice of applications to interested parties. The RTAG does not consider it necessary to serve applications on specified parties or to advertise applications elsewhere (such as in trade journals or publications). <p>The <i>provisional</i> view of the RTAG in relation to the order of priority for current applications is as follows:</p> <ol style="list-style-type: none"> 1. MS2024/3 application for an employee-like minimum standards order (food and beverages) – <i>RO to chair the subcommittee.</i> 2. MS2024/4—application for a contractual chain order – <i>PA to chair the subcommittee.</i> 3. MS2024/1 and MS2024/2—‘last mile delivery’ applications for employee-like minimum standards order and road transport minimum standards order – <i>RO and PA to jointly chair the subcommittee.</i> <p>Members agreed that subcommittees will commence work as soon as possible and will be the means for consultation about the RTAG’s provisional views on prioritisation and the substantive matters involved in the applications.</p>	
	<p>It was also agreed that, as a starting point, RO and PA will identify an initial group of persons and organisations to form subcommittees, and the RTAG will correspond directly with those persons and organisations.</p>	<p>RO and PA to provide a list of proposed initial subcommittee members, including</p>

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		<p>contact details, for each subcommittee.</p> <p>Chair to draft and circulate proposed correspondence to potential subcommittee members.</p>
	<p>Once proposed people and organisations have confirmed their willingness to participate in a subcommittee, the RTAG will publish proposed subcommittee participants for the purpose of receiving feedback before finalising the subcommittees.</p> <p>It was noted that a wider range of persons may also be involved if subcommittees decide to form working groups to deal with particular questions or issues.</p>	<p>After confirmation is received, FWC to publish on RTAG page of FWC website.</p>
	<p>The meeting agreed on the need to identify the best methods of communication with industry participants, noting that participants may prefer methods other than emails and website communication.</p>	<p>RTAG members to consider how RTAG can engage with workers including employee like workers.</p>

The meeting closed at 3.55pm.