



## About the F87E application form

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### Application for a road transport contractual chain order

#### About road transport contractual chain orders

The [Fair Work Act 2009](#) (Fair Work Act) allows the Fair Work Commission (Commission) to set minimum standards for road transport employee-like workers, regulated road transport contractors and other persons in a road transport contractual chain. The Commission may set minimum standards for the road transport industry on application or on its own initiative. Minimum standards for persons in a road transport contractual chain can be in the form of mandatory road transport contractual chain orders or non-binding road transport contractual chain guidelines.

A road transport contractual chain order can contain terms about a range of matters, including fuel levies, rate reviews and cost recovery. There are also several matters that must not be included in a road transport contractual chain order, including overtime rates, rostering arrangements, and certain matters (including matters relating to work health and safety) that are dealt with comprehensively by other laws.

When considering an application for a road transport contractual chain order, the Commission must have regard to the minimum standards objective and the road transport objective at section 536JX and section 40D of the Fair Work Act respectively.

The Commission must also take into account particular matters in making a decision about a road transport contractual chain order (see section 536PF).

The Commission may also make minimum standards orders and minimum standards guidelines. For more information about road transport contractual chain orders, road transport contractual chain guidelines, minimum standards orders and minimum standards guidelines see the [Regulated worker minimum standards](#) page on the Commission website.

#### When to use this form

Use this form to apply for the Commission to make a road transport contractual chain order.

This form can be used by:

- an organisation that is entitled to represent the industrial interests of one or more persons in a road transport contractual chain
- a regulated business in a road transport contractual chain
- a person who is a primary party to the first contract or arrangement in a road transport contractual chain, or
- the Minister.

If you instead want to apply for:

- non-binding road transport contractual chain guidelines – use form F87G
- a minimum standards order – use form F87A
- non-binding minimum standards guidelines – use form F87C.

## **How the Commission deals with applications for road transport contractual chain orders**

Road transport contractual chain proceedings will be held in public. Applications and supporting documents will be published on the Commission’s website for consideration by other interested parties.

In determining an application, the Commission may inform itself as it considers appropriate. This may include asking for submissions and supporting evidence from the applicant or other interested parties.

The Commission must consult with the Road Transport Advisory Group, ensure there has been genuine engagement with the parties to be covered by the order, and follow the consultation process set out in Subdivision C—Consultation process for road transport contractual chain orders in Division 2 of Part 3B-2 of the Fair Work Act. The Commission must prepare and publish a notice of intent and draft of the proposed order, give affected entities a reasonable opportunity to make written submissions in relation to the draft order, and publish those submissions.

Interested persons can be alerted to new applications and updated on existing minimum standards matters through the Commission’s [subscription service](#). You can sign up to the subscription service through the Commission’s website.

Applications for road transport contractual chain orders will be determined by an Expert Panel for the road transport industry. See sections 617 and 620 of the Fair Work Act for information on the constitution of Expert Panels.

## **Lodging and serving your completed form**

Lodge this form and any supporting documents by email, post or in person at the [Commission’s office](#) in your state or territory.

Applications will be published on the Commission’s website.

The Commission will issue directions if it requires you to serve this form and any supporting documents on other persons.

## **Where to get help**

### **Commission staff & resources**

Commission staff cannot provide legal advice. However, staff can give you information on:

- processes in the Commission
- how to make an application to the Commission

- how to fill out forms
- where to find useful documents such as legislation and decisions
- other organisations that may be able to assist you.

The Commission's website [www.fwc.gov.au](http://www.fwc.gov.au) also contains a range of information that may assist.

## Throughout this form



This icon appears throughout the form. It indicates information to help you complete the form.

## Legal or other representation

Representation is where another person speaks or acts on a person's behalf, or assists a person in certain other ways in relation to a Commission case. A representative could be a lawyer, paid agent, employee organisation, employer organisation, or a not-for-profit association or body that provides support, advice or advocacy in relation to the kind of application or case concerned.

A person does not need to be represented in a case at the Commission.

A person must ask permission of the Commission to be represented in a case by a lawyer or paid agent participating in a conference or hearing, unless the lawyer or paid agent is an employee or officer of the person or of an organisation representing the person. A person may otherwise be represented in the case without asking permission unless a Commission Member directs otherwise (see rule 13(1) of the [Fair Work Commission Rules 2024](#)).

For more information about representation by lawyers and paid agents, see section 596 of the [Fair Work Act 2009](#), rules 11, 12, 13 and 14 of the [Fair Work Commission Rules 2024](#) and the Commission's [practice note on representation by lawyers and paid agents](#).

## Glossary of common terms

**Lawyer** – a person who is admitted to the legal profession by a Supreme Court of a state or territory.

**Paid agent** – in relation to a matter before the Commission, an agent (other than a bargaining representative) who charges or receives a fee to represent a person in the matter.

**Party** – a person involved in a matter or case that is brought to the Commission.

**Person** – includes an individual and a body corporate.

**Service** – serving a document means giving a copy of the document to a person, usually to the other party to the matter. You can serve a document in a number of ways, including by email, express or registered post, or in person. Part 5 of Chapter 1 and Schedule 1 of the [Fair Work Commission Rules 2024](#) deal with service.

Refer to the [Fair Work Act](#), Part 1-2 of *Division 3A – Definitions relating to regulated workers and persons in a road transport contractual chain* for definitions of other relevant terms in this form, including:

**Digital labour platform** – section 15L

**Digital labour platform operator** – section 15M

**Digital platform work** – section 15N

**Employee-like worker** – section 15P

**Regulated business** – section 15F

**Regulated road transport contractor** – section 15Q

**Regulated worker** – section 15G

**Road transport business** – section 15R

**Road transport contractual chain and in a road transport contractual chain** – section 15RA

**Road transport employee-like worker** – section 15RB

**Road transport industry** – section 15S. This definition refers to point-in-time definitions in 5 modern awards, which can be found on the [Fair Work Ombudsman website](#).

**Services contract** – section 15H

## Privacy

The Commission collects the information (including personal information) provided to it in this form for inclusion on the case file, and may disclose this information to the other parties to this matter and to other persons. For more details of the Commission’s collection, use and disclosure of this information, please see the [Privacy notice](#) for this form, or ask for a hard copy to be provided to you.



**Remove this cover sheet** and keep it for future reference – it contains useful information.

# Form F87E – Application for a road transport contractual chain order

[Fair Work Act 2009](#) (Fair Work Act), section 536PE

This is an application to the Fair Work Commission to make a road transport contractual chain order in accordance with Part 3B-2 of the [Fair Work Act](#).

## The Applicant



Choose one of the following.

### The person making this application (Applicant) is:

- an organisation that is entitled to represent the industrial interests of one or more persons in a road transport contractual chain
- a regulated business in a road transport contractual chain
- a person who is a primary party to the first contract or arrangement in a road transport contractual chain
- the Minister

### Provide the following information about the Applicant:

Legal name of Applicant			
Applicant's ACN (if a company)			
Applicant's trading name or registered business name (if applicable)			
Applicant's ABN (if applicable)			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	

Phone number	
Email address	

### Does the Applicant need an interpreter?



If the Applicant has trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help in your language](#) on our website.

Yes – Specify language

No

### Does the Applicant require any special assistance at the hearing or conference (for example a hearing loop)?

Yes – Please specify the assistance required

No

### Does the Applicant have a representative?



A **representative** is a person that is representing the Applicant. This might be a lawyer or paid agent, a union or employer organisation, or a not-for-profit association or body that provides support, advice or advocacy in relation to this kind of application or case. The Applicant does not need to have a representative.

Yes – Provide representative's details below


No

### Representative's details



These are the details of the person that is representing the Applicant (if any).

Name of person	
Firm, company or organisation	
Email address	
Phone number	

Postal address			
Suburb			
State or territory	Postcode		
<b>Is the representative a lawyer or paid agent?</b>			
	<p>The Applicant will need permission to be represented by a lawyer or paid agent in a conference or hearing that is conducted by a Commission Member. Our <a href="#">lawyers and paid agents practice note</a> explains when you need to ask for permission to be represented.</p>		
<input type="checkbox"/> Yes – please select:	<input type="checkbox"/> Lawyer  <input type="checkbox"/> Paid agent		
<input type="checkbox"/> No			

## 1. Classes of persons to be covered

### 1.1 Describe the classes of persons in a road transport contractual chain to be covered by the proposed road transport contractual chain order.



See sections 536PE(2), 536PE(3) and 536PM(3) of the Fair Work Act. A class may be described by reference to a particular industry or sector, part of an industry or sector, or particular kinds of work. Persons other than regulated road transport contractors and road transport employee-like workers may be described by name or by class. In your answer, consider describing how the persons to be covered meet the definition of ‘in a road transport contractual chain’ in section 15RA of the Fair Work Act. The classes of persons to be covered will include primary parties, secondary parties, and regulated road transport contractors and/or road transport employee-like workers (see section 15RA(2)).

## 2. Work to be covered

### 2.1 Describe the work to be covered by the proposed road transport contractual chain order.



See section 536PM(1)(a) of the Fair Work Act. The coverage terms of the order must include the work in the road transport industry covered by the order.

## 3. Content of order

### 3.1 Describe the content of the proposed road transport contractual chain order.



See sections 536PM–536PP of the Fair Work Act for terms that must be included in a road transport contractual chain order. Section 536PQ gives a non-exhaustive list of terms that may be included in a road transport contractual chain order. Section 536PR lists terms that must not be included in a road transport contractual chain order.

Attach additional pages if necessary (which may include a draft of the proposed order).

### 3.2 Does the proposed road transport contractual chain order overlap with an existing minimum standards order? If so, identify the order.



Section 536PN of the Fair Work Act provides that a road transport contractual chain order must include a provision for how it interacts with a minimum standards order.



**3.3 Does the proposed road transport contractual chain order overlap with existing road transport contractual chain guidelines? If so, identify the guidelines.**



Sections 536QW(5) and 536QW(6) of the Fair Work Act provide that if the Commission makes a road transport contractual chain order that overlaps with road transport contractual chain guidelines, the Commission must revoke or vary the guidelines with effect from the day the order comes into operation.

**4. Minimum standards objective and road transport objective**

**4.1 Explain why the proposed road transport contractual chain order is consistent with the minimum standards objective.**



See the minimum standards objective in section 536JX of the Fair Work Act. The Commission must have regard to the minimum standards objective in deciding whether to make a road transport contractual chain order.

**4.2 Explain why the proposed road transport contractual chain order is consistent with the road transport objective.**



See the road transport objective in section 40D of the Fair Work Act. The Commission must have regard to the road transport objective in deciding whether to make a road transport contractual chain order.

## 5. Road transport contractual chain order – particular matters to take into account

**5.1 Explain how the proposed order takes into account the commercial realities of the road transport industry, including commercial practices in relation to part load, mixed load, no load, multi-leg and return trips.**



Section 536PF(2)(d) of the Fair Work Act provides that in deciding whether to make a road transport contractual chain order, the Commission must have regard to the commercial realities of the road transport industry, including commercial practices in relation to part load, mixed load, no load, multi-leg and return trips.

**5.2 Explain how the proposed order will not unduly affect the viability and competitiveness of road transport businesses, owner drivers or other similar persons.**



Section 536PF(2)(e) of the Fair Work Act provides that the Commission must not make the road transport contractual chain order unless the Commission is satisfied that the order will not unduly affect the viability and competitiveness of road transport businesses, owner drivers or other similar persons.

**5.3 Explain how any other current or proposed road transport contractual chain orders and any current or proposed minimum standards orders should be taken into account.**



Section 536PF(2)(f) of the Fair Work Act provides that the Commission must take into account any current or proposed road transport contractual chain orders and any current or proposed minimum standards orders in deciding whether to make a road transport contractual chain order.

**5.4 Explain how the coverage of the proposed order is clear.**



Section 536PF(2)(g) of the Fair Work Act provides that the Commission must take reasonable steps to ensure that the coverage of the road transport contractual chain order is clear.

**5.5 If the proposed order would cover road transport employee-like workers, explain why it is appropriate for the proposed order to cover those workers.**



Section 536PD(4) of the Fair Work Act provides that the Commission must not make a road transport contractual chain order that covers road transport employee-like workers unless the Commission considers it appropriate.

**Authority to sign and signature**



For 'Authority to sign':

- If you are the Applicant—insert 'Applicant'
- If you are an employee of a company or organisation that is the Applicant – insert your position title
- If you are an officer or authorised employee of a registered organisation – insert your position title
- If you are the Applicant's representative and have provided your details in this form – insert 'Representative'.

Authority to sign	
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Insert your signature, name and the date. If you are completing this form electronically and do not have an electronic signature, type your name in the signature field.

Signature	
Name	
Date	

**PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS**