



STATEMENT AND DIRECTION

Fair Work Act 2009

s.536JY—Commission may make a minimum standards order

s.536PD—Commission may make a road transport contractual chain order

s.158—Application to make a modern award

s.40F(5)—President may give the Road Transport Advisory Group directions as to the way in which it is to carry out its functions

Applications by Transport Workers' Union of Australia

(MS2024/1, MS2024/2, MS2024/3 and MS2024/4)

Application by Menulog Pty Ltd

(AM2021/72)

JUSTICE HATCHER, PRESIDENT

MELBOURNE, 13 DECEMBER 2024

Applications from the Transport Workers' Union of Australia to make employee-like worker minimum standards orders, a road transport minimum standards order and a road transport contractual chain order – application from Menulog to make a modern award to cover the on demand delivery services industry – Road Transport Advisory Group.

[1] On 24 October 2024, pursuant to s 40F(5) of the *Fair Work Act 2009* (Cth) (FW Act), I directed the Road Transport Advisory Group (**RTAG**) to provide advice on the following matters:

1. How I 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:
 - 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 RTAG was directed to take an inclusive and broadly representative approach in determining the membership of any subcommittee.
3. 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 I may make pursuant to s 40F(5), taking into account the need for RTAG to be open and transparent in the way it conducts itself.¹

[2] I subsequently issued two further directions to the RTAG, each in the same terms as that outlined above at paragraph [1], in relation to two additional matters:

1. MS2024/4 (Application by the Transport Workers' Union of Australia);² and
2. AM2021/72 (Application by Menulog Pty Ltd).³

[3] The advice was to be provided by 6 December 2024, subject to any extension of time granted by me.

[4] On 11 December 2024, I received the RTAG's advice together with a request that I grant an extension of time to that date for the provision of the advice. I grant the extension.

[5] The RTAG advice has now been published on the Commission's website. Interested parties are invited to make submissions regarding the RTAG's advice and the further steps that should be taken in the conduct of the five applications. All submissions should be sent to rws@fwc.gov.au by no later than **4.00 pm (AEDT) on Monday, 23 December 2024**. Parties are asked to indicate in their submissions if their views are intended to be broadly applicable or directed towards particular applications.

[6] Following that process, I will issue a statement setting out the next steps in relation to the applications, including dealing with the matters outlined at paragraph [25] of my 18 October 2024 statement.⁴



PRESIDENT

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¹ Applications by the Transport Workers' Union of Australia [PR780569](#) (24 October 2024).

² Application by the Transport Workers' Union of Australia [PR781029](#) (7 November 2024).

³ Application by Menulog Pty Ltd [\[2024\] FWC 3100](#) [12].

⁴ Applications by the Transport Workers' Union of Australia [\[2024\] FWC 2895](#) [25].