

Meeting record

Subcommittee for consultation about an application for an employee-like minimum standards order Food and beverage delivery – MS2024/3

Meeting details and participants				
Date	7 February 2025		Time	10.00am AEDT
Location	Fair Work Commission 80 William Street EAST SYDNEY NSW 2011		Conference Room 14AB Level 14, Terrace Towers * indicates attendance by MS Teams	
Chair	Richard Olsen		RTAG Member	
Facilitator	Commissioner Oanh Thi Tran		Fair Work Commission	
Attendees	Pia Brunner*	Uber	Director of Public Policy and Government Affairs, Australia and New Zealand	
	Cameron Loughlin*	Uber	Legal Director - Australia and New Zealand	
	Vikki Sultana	DoorDash	Senior Counsel Industrial Relations	
	Kelsey Desloover*	DoorDash		
	Paul McElroy*	Menulog	Legal Counsel	
	Katie Sweatman*	Menulog	Kingston Reid	
	Asheesh Chacko*	Drive Yello	Chief Executive Officer	
	Jack Boutros	TWU	National Campaign Lead	
	Ama Somaratna	TWU	National Legal Officer	
	Davis Clayton	TWU	Delivery worker	
	Michelle Harwood*	ARTIO	Vice President	
	Peter Willink	Ai Group	Senior Advisor – Workplace Relations Policy	
	Jessica Tinsley	ACCI	Consultant	
	Ashlea Cameron*	ACCI		
	Nigel Ward	Business NSW Australian Business Industrial (ABI)	CEO+ Director, Australian Business Lawyers & Advisors	
Julian Arndt	Business NSW ABI	Director, Australian Business Lawyers & Advisors		
Utsav Bhattarai	Food delivery worker			
Observers	Zoe Adams-He	Amazon	Senior Corporate Counsel, Labour & Employment	
	Kristie Walker	Amazon	Senior Manager Employee Relations	

Meeting details and participants			
Apologies	Emma Dowsett	DoorDash	Head of Policy and Government Relations, Australia and New Zealand
	Brent Ferguson	Ai Group	Head of National Workplace Relations Policy
	Dr Michael Rawling	University of Technology, Sydney	Associate Professor, Faculty of Law
Secretariat and meeting support	Ailsa Carruthers* Daniel Yacoub*	Fair Work Commission	

Topic		Lead
Welcome and introductions	<p>The Chair opened the meeting and welcomed participants.</p> <p>The Chair noted apologies and confirmed meeting participants attending in person and online.</p>	Chair
Guiding Principles for Subcommittees	<p>The Chair noted that Commissioner Tran from the Consultation Expert Panel is facilitating the subcommittee meeting, as provided in the draft Guiding Principles for Subcommittees.</p> <p>The meeting briefly discussed the functions of the Road Transport Advisory Group (RTAG) and its subcommittees in providing advice to the Fair Work Commission.</p> <p>The facilitator confirmed that the subcommittee will advise the RTAG on the substance of the TWU's application in MS2024/3. Its role is not limited to advice about prioritisation of applications referred to the RTAG by the President of the Fair Work Commission under s.40E(2)(c) of the Fair Work Act 2009.</p>	Chair
Nature of discussions – matters on the record – without prejudice discussions	<p>Matters on the record:</p> <ul style="list-style-type: none"> • Subcommittee meetings are not electronically recorded. • Subcommittee discussions are not consultation for the purpose of s.536KAB of the Fair Work Act 2009. Consultation through subcommittees will inform the RTAG as part of the RTAG's role of advising the Fair Work Commission under s.40E(2) of the Fair Work Act. • Further consultation will occur when applications are before a Full Bench or Expert Panel, including public notification of hearings and opportunities for all interested parties to provide submissions. This further consultation will include a broader group of interested parties, as well as subcommittee participants. • Subcommittee participants themselves will identify whether consensus can be reached, although participants will not be held to any consensus positions, including at the deliberative stage before a Full Bench or Expert Panel. 	Tran C

Topic		Lead
	<ul style="list-style-type: none"> The Secretariat will circulate a draft meeting record, which will be confirmed at the next subcommittee meeting prior to publication on the RTAG page of the Fair Work Commission website. <p>Without prejudice discussions</p> <ul style="list-style-type: none"> Meeting records will set out topics discussed but will not identify positions taken by particular participants. Publishing meeting records provides transparency about the operation of RTAG subcommittees, consistent with the RTAG Terms of Reference and Guiding Principles for Subcommittees. 	
Application overview by TWU	TWU representatives gave a high level overview of the TWU application for a minimum standards order covering employee-like workers delivering food and beverages (MS2024/3), including providing background information, rationale and intended coverage of the orders being sought.	Jack Boutros, TWU
Response from other participants	Participants discussed the application and provided perspectives on particular issues raised or covered by the proposed terms of the order being sought by the TWU.	Tran C
Next steps	<p>Participants discussed the frequency of meetings, timing of distribution of meeting agendas, order and grouping of topics for discussion at future meetings, whether additional participants may need to be involved in future subcommittee meetings, and the need to maintain flexibility.</p> <p>It was agreed that:</p> <ul style="list-style-type: none"> The next meeting will focus on scope and coverage of the orders being sought by the TWU. Participants will consider which topics are most likely to attract consensus. 	Tran C

Next meeting:

Date: 21 February 2025

Time: 10.00am AEDT

Location: Conference Room 16
Level 16, Terrace Towers
Fair Work Commission
80 William Street
EAST SYDNEY 2011

Online by MS Teams