

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	Friday, 4 April 2025	Time	10.00am AEDT
Location	Fair Work Commission 80 William Street EAST SYDNEY NSW 2011	Conference Room 16 Level 16, Terrace Towers * indicates attendance by MS Teams	
Chair	Richard Olsen	RTAG Member	
Facilitator	Commissioner Oanh Thi Tran	Fair Work Commission	
Attendees	Ashlea Cameron*	ACCI	Senior Policy Advisor, Workplace Relations
	Zoe Adams-He	Amazon	Senior Corporate Counsel, Labour & Employment
	Kristie Walker	Amazon	Senior Manager Employee Relations
	Brent Ferguson	Ai Group	Head of National Workplace Relations Policy
	Peter Willink	Ai Group	Senior Advisor – Workplace Relations Policy
	Michelle Harwood*	ARTIO	Vice President
	Nigel Ward	Business NSW Australian Business Industrial (ABI)	CEO + Director, Australian Business Lawyers & Advisors
	Julian Arndt	Business NSW ABI	Director, Australian Business Lawyers & Advisors
	Vikki Sultana	DoorDash	Senior Counsel Industrial Relations
	Emma Dowsett	DoorDash	Head of Policy and Government Relations, Australia and New Zealand
	Paul McElroy*	Menulog	Legal Counsel
	Katie Sweatman*	Menulog	Kingston Reid
	Ben Nowlan	Sherpa/Drive Yello	
	Ama Somaratna	TWU	National Legal Officer
	Davis Clayton	TWU	Delivery worker
	Utsav Bhattarai*	Food delivery worker	
	Pia Brunner	Uber	Director of Public Policy and Government Affairs, Australia and New Zealand
	Cameron Loughlin	Uber	Legal Director - Australia and New Zealand

Meeting details and participants			
	Dr Michael Rawling	University of Technology, Sydney	Associate Professor, Faculty of Law
Apologies	Jack Boutros	TWU	National Campaign Lead
Secretariat	Ailsa Carruthers*	Fair Work Commission	

Topic		Lead
Welcome and apologies	The Chair opened the meeting and welcomed participants. The Chair noted apologies and confirmed meeting participants attending in person and online.	Chair
Confirmation of record of previous meeting	Participants confirmed the meeting record of 14 March 2025. Moved: Cameron Loughlin Seconded: Brent Ferguson The subcommittee Chair will consider a request to circulate the draft meeting record within one to two business days of the meeting, instead of when the agenda for the next meeting is sent out.	Chair
Letter from RTAG Chair to subcommittee Chair – discussion of procedural issues	The subcommittee Chair tabled a letter from the Chair of the Road Transport Advisory Group (RTAG) asking the subcommittee to provide specified advice to the RTAG by no later than 7 August 2025, being six months from the first subcommittee meeting. Uber requested confirmation that the letter from the RTAG Chair dated 28 March 2025 had not been shared with anyone else prior to its circulation on 3 April 2025. The subcommittee Chair confirmed that it had not.	Chair
	Participants discussed the legislative role of the RTAG and its subcommittees, whether the subcommittee is informing the RTAG's advice to the Fair Work Commission (FWC) about both prioritisation and the substantive application, or whether discussions about the substantive application are simply informing advice about prioritisation. Commissioner Tran confirmed that the subcommittee is consulting about both the substantive application and prioritisation, and that, while the RTAG is informed by advice from the subcommittee, the subcommittee itself is not advising the FWC. Commissioner Tran confirmed that, unless participants agree to the contrary, any report or advice to the RTAG from the subcommittee will not identify positions taken by named participants. The subcommittee's purpose is to identify where consensus can and cannot be reached. Without prejudice discussions in subcommittees are intended to ensure discussions are as candid as possible.	
	Participants discussed whether a six-month subcommittee consultation timeframe is sufficient. Uber tabled and circulated a proposed timetable for consultation, which would (if adopted) extend beyond 7 August 2025.	

Topic		Lead
	<p>Participants discussed the process of making minimum standards orders (MSOs) under the Fair Work Act 2009, including whether the urgency of alleged safety concerns in the road transport industry makes it preferable to form a consensus view about a 'bare bones' MSO which can subsequently be varied and/or supplemented by additional MSOs. The alternative is a longer timeframe to potentially reach consensus on a more comprehensive MSO.</p> <p>Participants discussed whether the subcommittee needs the RTAG to provide further information about the subcommittee's purpose and the matters about which it is providing advice to the RTAG.</p> <p>The subcommittee Chair agreed to discuss this issue with Mr Peter Anderson (being the other member appointed to the RTAG by the Minister for Employment and Workplace Relations) and the RTAG Chair.</p>	
Draft coverage clause	<p>The Transport Workers' Union of Australia (TWU) led a discussion amongst participants about the draft coverage clause circulated by the TWU on 1 April 2025.</p> <p>TWU will provide additional information in response to questions about the safety net.</p> <p>Where relevant, participants will provide the TWU with information before the next meeting about their positions and practical pain points.</p>	Ama Somaratna
Competition law	<p>Participants discussed the interaction of MSOs covering employee-like workers with the Australian Consumer Law, including the lack of protection of independent contractors from boycotting provisions and the desire to avoid creating cartels.</p> <p>Uber agreed to share advice it will seek about competition law with subcommittee participants. The TWU will also seek and share advice.</p>	Cameron Loughlin
Dispute resolution clause	Participants discussed the draft dispute resolution clause circulated by the TWU on 1 April 2025.	Ama Somaratna
23 May 2025 meeting	Participants agreed to cancel the meeting scheduled for 23 May 2025.	Chair
Future meetings	<p>Participants agreed to meet at the next scheduled meeting on 2 May 2025, with the next meeting after that date to be a longer (day-long) meeting.</p> <p>At the 2 May 2025 meeting, participants should be prepared to discuss the following about the day-long meeting:</p> <ul style="list-style-type: none"> • Availability in June or early July, with a preference for 13 June 2025 subject to the last mile delivery subcommittee of the RTAG being able to reschedule its meeting on that date • Topics to include in the agenda • Protocols, including for circulating questions on notice prior to the meeting and an agreed understanding that participants will not necessarily reach a final position on the day. 	Tran C

Topic		Lead
Research	<p>While Uber is not able to share research at today's meeting, it will consider what research and information it can prepare for consideration and then discussion at a longer meeting (potentially 13 June 2025).</p> <p>Uber will consider whether it will ask participants to sign confidentiality agreements concerning the information to be shared.</p>	Cameron Loughlin

Meeting schedule

Time: 10am – 1pm

Location: Conference Room 16

Dates: Friday, 2 May 2025
~~Friday, 23 May 2025~~
Friday, 13 June 2025
Friday 4 July 2025
Friday, 25 July 2025
Friday, 15 August 2025