



Regulated Worker User Group Quarterly Update – July 2025

The Quarterly Update provides news relevant to the Regulated Worker User Group. This edition includes information on regulated worker minimum standards cases before the Commission and the Road Transport Advisory Group consultation processes. It also discusses some recent matters in the modern awards and unfair deactivation, termination and contract terms jurisdictions and provides information on new Commission resources.



Update on regulated worker minimum standards cases

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

These matters are:

- **Last mile delivery applications**
 - **MS2024/1** – Application for an employee-like worker minimum standards order covering ‘last mile’ delivery
 - **MS2024/2** – Application for a road transport minimum standards order covering ‘last mile’ delivery
- **Food and beverage delivery application – MS2024/3** – Application for an employee-like worker minimum standards order covering the delivery of food, beverages, and other like items
- **Road transport contractual chains application – MS2024/4** – Application for a road transport contractual chain order.

The President issued a [statement](#) on 22 January 2025 directing the [Road Transport Advisory Group](#) (RTAG) to commence a consultation process for matters MS2024/1-4. The RTAG is currently consulting on these matters.

Research to inform MS2024/1-4 matters

On 19 March 2025 the Expert Panel for the road transport industry that is facilitating consultation for the MS2024/1-4 matters issued a [statement](#) indicating research projects that should proceed to inform the consultation process and the regulated workers jurisdiction generally.

On 12 May 2025 an [Information note](#) prepared by Fair Work Commission (Commission) staff was published outlining publicly available data on digital platform and road transport workers.

On 3 June 2025 a [Research reference list](#) was also published. The purpose of the list is to assist interested parties to identify research relevant to matters MS2024/1-4.

The Commission has also engaged external suppliers to conduct two more research projects:

- An analysis of data on digital platform workers in the 'last mile' and food delivery sectors in Australia, and
- a data profile and mapping of road transport contractual chains in Australia.

This research is currently underway.

Next steps in MS2024/1-4 matters

The RTAG is expected to provide advice to the President of the Commission in August or September about the progress of its consultations and how the matters might be prioritised. Following this, the President may form Expert panels to further deal with the matters. Further consultation will be sought with those affected before any orders are made.

Go to the [Regulated worker minimum standards applications](#) page to find the applications, statements, research and other documents.



Road Transport Advisory Group consultations

The RTAG's function is to advise the Commission on matters related to the road transport industry.

The RTAG has formed subcommittees of workers, businesses and representatives to consult and advise on the following cases:

- Last mile delivery applications (MS2024/1 and MS2024/2)
- Food and drink delivery application (MS2024/3)
- Road transport contractual chains order application (MS2024/4)
- *Road Transport (Long Distance Operations) Award* variation case (AM2024/35).

The subcommittees for MS2024/1-4 have been meeting since February 2025 with over 20 meetings held across the subcommittees. The RTAG has requested the subcommittees report back in August 2025.

The [Road Transport Advisory Group](#) page contains information about the RTAG and its subcommittees, including subcommittee participants, meeting dates and records, and any advice provided by the RTAG to the Commission.



Eligibility to make applications for minimum standards orders

On 10 July 2025 Vice President Asbury issued a [statement](#) in relation to the [MS2025/2](#) matter which sets out the rules about eligibility to make applications for minimum standards orders.

The statement notes that, under the *Fair Work Act 2009*, to apply for a minimum standards order or guidelines you must be:

- a registered organisation entitled to represent the industrial interests of the regulated workers who would be covered by the proposed order or guideline, or
- a registered organisation entitled to represent the industrial interests of the regulated businesses that would be covered by the proposed order or guideline, or
- a regulated business included in a class of regulated businesses that would be covered by the proposed order or guideline, or
- the Minister for Employment and Workplace Relations.

The statement related to an application form lodged with the Commission on 5 May 2025 to make a minimum standards order to cover employee-like workers who provide passenger transportation services through digital rideshare platforms.

On 29 May 2025 Vice President Asbury held a case management hearing to deal with whether the applicant, Strategetic Pty Ltd, was eligible to make the application. At the case management hearing Strategetic Pty Ltd withdrew the application.

Go to the [MS2025/2](#) case page to view the case documents.



AM2021/72 – Menulog application withdrawn

On 24 June 2021 Menulog applied to the Commission for a new modern award that would cover ‘on demand delivery services’ (AM2021/72). On 22 January 2025 the President issued a [statement](#) directing the RTAG to consult with industry about the matter.

On 3 June 2025 Menulog withdrew the application. The case is now closed.

To view the [withdrawal letter](#) and other documents, go to the [Proposed On Demand Delivery Services Award \(Menulog\)](#) case page.



Unfair deactivation or termination applications

Since 26 February 2025 the Commission has been able to receive applications from eligible regulated workers about unfair deactivation from a digital labour platform or unfair termination of a services contract in the road transport industry.

Recent Decisions

The below summaries of recent Commission decisions are not a substitute for the published reasons in the decisions themselves nor are they to be used in any later consideration of the Commission's reasons.

[\[2025\] FWC 2062](#) – Derow v Raiser Pacific Pty Ltd (UDE2025/37) – 18 July 2025

The applicant was a digital platform worker who was deactivated from the Uber Driver app on 6 March 2025. He applied to the Commission for an unfair deactivation remedy 12 days after the 21-calendar day period to make an application had ended. The respondent said that the application was lodged out of time.

The Commission decided even though the respondent took 19 days to confirm to the applicant that a review of the deactivation would occur, there were no exceptional circumstances that would allow for an extension of time to be granted. The application was dismissed.

[\[2025\] FWC 1874](#) – Bakar v Rasier Pacific Pty Ltd (UDE2025/59) – 2 July 2025

A digital platform worker performed Uber Eats delivery work through the Uber App from July 2023 to 12 March 2025, and then performed work as an Uber rideshare driver through the Uber App from 12 March 2025 until he was deactivated on 2 May 2025. The delivery work and rideshare work were separate contracts with separate companies.

The respondent said that the applicant was not protected from unfair deactivation because, at the time of his deactivation, he had not performed work through the digital labour platform regularly for a period of at least 6 months.

The Commission decided that the 6-month minimum requirement was satisfied because the work was performed through or by means of the Uber App.

[\[2025\] FWC 1701](#) – Wong v Sal National Ltd (UTE2025/3) – 18 June 2025

The applicant was the director of a delivery services company. He entered into a contract with the respondent to deliver goods to the respondent's customers. While the applicant performed some deliveries and was responsible for managing work performance, the majority of the delivery work under the contract was performed by his employees. The applicant claimed that the respondent's termination of the contract was unfair.

The Commission decided the applicant was not protected from unfair termination because he was not a regulated road transport contractor because he had not been performing all, or a significant majority, of the contracted work. The application was dismissed.

The applicant worked through a digital labour platform from 2017 to 2019 and more recently for a period of 3 and a half months. The Commission decided the applicant was not a person protected from unfair deactivation because he had not performed work through a digital labour platform regularly for a period of at least 6 months.

The earlier period of work was not counted because the requirement is 'concerned with the person's most recent period of work which ended with deactivation.' The application was dismissed.

More information

For more information about unfair deactivation or termination, including who is eligible to apply, go to the [Unfair deactivation or termination for regulated workers](#) page.



Unfair contract terms for independent contractor applications

Since 26 August 2024, the Commission has been able to deal with applications by eligible independent contractors claiming their services contract contains an unfair contract term. The unfair term needs to be a term that, if the independent contractor were an employee, would relate to a workplace relations matter.

New major case – Application for an unfair contract term remedy (UC2025/1)

On 5 January 2025 the applicant lodged a *Form F91 – Application for an unfair contract term remedy* with the Commission. The application form indicates the applicant is a rideshare driver and identifies 'Uber Australia Pty Ltd' as the respondent. Rasier Pacific Pty Ltd subsequently identified itself as the proper respondent.

Following a directions hearing on 4 July 2025, the Commission directed the parties, and any who wish to intervene, to make submissions about:

- a. To the extent that the applicant contends that his services contract with the respondent is unfair because it does not include terms providing for particular matters, is the application within the jurisdiction of the Fair Work Commission under Part 3A-5 of the *Fair Work Act 2009*?
- b. As to the unfair contract terms contended for by the applicant, would they, in an employment relationship, relate to workplace relations matters within the meaning of s 536JQ of the *Fair Work Act 2009*?

The matter has been designated as a Major Case and is listed for a hearing before a Full Bench of the Commission on 1 September 2025.

Go to the [Application for an unfair contract term remedy \(UC2025/1\)](#) major case page to view the application and other documents. You can also [subscribe](#) to receive updates on this major case.

Our website has more information about [Independent contractor disputes about unfair contract terms](#), including who is eligible to apply and what workplace relations matters are.



New information resources

Delivery workers flyer

We have partnered with the Fair Work Ombudsman to release a new [flyer](#) for employee-like workers who perform food and beverage or last mile delivery work. The flyer explains the different roles of the Fair Work Commission and the Fair Work Ombudsman in relation to these workers.

It has been translated into simplified Chinese, traditional Chinese, Arabic, French, Spanish and Hindi to assist culturally and linguistically diverse users. The flyer can be accessed from the [Regulated workers and businesses hub](#). If you or your organisation engages with these workers, we invite you to distribute the flyer through your networks.

New animation about unfair termination for regulated road transport contractors

We have made a [short video about unfair termination](#) to help everyone understand their rights.

The video explains what termination is, who may be eligible to make an unfair termination application, and what happens if they do.

Stay up to date

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