

Meeting record

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

Meeting agenda				
Date	Friday, 14 March 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	
	Brent Ferguson	Ai Group	Head of National Workplace Relations Policy	
	Peter Willink	Ai Group	Senior Advisor – Workplace Relations Policy	
	Zoe Adams-He	Amazon	Senior Corporate Counsel, Labour & Employment	
	Margarita Varigos	Amazon	Senior Corporate Counsel	
	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	
	Katie Sweatman*	Menulog	Kingston Reid	
	Ben Nowlan	Sherpa/Drive Yello		
	Jack Boutros	TWU	National Campaign Lead	
	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	
	Dr Michael Rawling	University of Technology, Sydney	Associate Professor, Faculty of Law	

Meeting agenda			
Apologies	Kristie Walker	Amazon	Senior Manager Employee Relations
	Michelle Harwood	ARTIO	Vice President
	Paul McElroy	Menulog	Legal Counsel
Secretariat	Daniel Yacoub*	Fair Work Commission	
	Ailsa Carruthers*	Fair Work Commission	

Topic		Lead
Welcome and apologies	The Chair opened the meeting and welcomed participants.	Chair
Confirmation of record of previous meeting	The meeting confirmed the meeting record of 21 February 2025. Moved: Cameron Loughlin Seconded: Nigel Ward	Chair
Scope and Coverage	<p>The participants agreed that the subcommittee could usefully continue to discuss scope and coverage.</p> <p>Participants continued a discussion of the best way to capture the intent of scope and coverage, which may be to include business models, workforces and items carried.</p> <p>Some participants provided information about the specifics of their business models.</p> <p>A draft scope and coverage clause prepared by a participant was circulated and discussed.</p> <p>The TWU agreed to prepare and circulate a draft scope and coverage clause by 27 March 2025 (one week prior to next meeting) to allow for review and internal consultation to inform further discussion.</p> <ul style="list-style-type: none"> - The TWU invited other meeting participants to continue discussions outside RTAG subcommittee meetings. <p>Uber offered to share its research report about platform business models.</p> <p>The participants noted some difficulty in discussing other topics without resolution on scope and coverage.</p>	All
Dispute Resolution Procedure	<p>The facilitator confirmed that the <i>Fair Work Act 2009</i> requires a minimum standards order to include a dispute resolution term.</p> <p>The facilitator circulated a model dispute resolution term for agreements and clause 32 of the Road Transport and Distribution Award 2020 for discussion.</p> <p>Participants discussed:</p> <ul style="list-style-type: none"> • The types of matters to which a dispute resolution term might apply • The principle of dealing with disputes at a workplace level • Unfair Deactivation Code, including its interaction with a minimum standards order dispute resolution term 	All

Topic		Lead
	<ul style="list-style-type: none"> Whether to include referral to arbitration in a dispute resolution term. 	
Discussion topics for future meetings	<p>Participants agreed to broadly group the following topics for future discussion:</p> <ul style="list-style-type: none"> Consultation, Dispute Resolution, Information Statement, Delegates rights and Union related matters Terms relating to rates/payments (including superannuation and records) Requirements on Workers Leave and Breaks. 	Tran C
Dates for future meetings	It was noted that neither the applicant nor the meeting Chair can attend a meeting on 23 May 2025. This meeting will be rescheduled.	Tran C
Next steps	<p>TWU to provide a draft Scope and Coverage clause by 27 March 2025. If possible, TWU to also circulate Dispute Resolution term. Uber to share research report at meeting on 4 April 2025.</p>	Tran C

Meeting schedule

Time: 10am – 1pm

Location: Conference Room 16

Dates: Friday, 4 April 2025

Friday, 2 May 2025

Friday, 23 May 2025 – to be changed

Friday, 13 June 2025

Friday 4 July 2025

Friday, 25 July 2025

Friday, 15 August 2025