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National Secretary
Michael Kaine

IN THE FAIR WORK COMMISSION

AM2021/71: Application by Menulog for a new modern award to cover on demand delivery services

Transport Workers' Union of Australia Response to Menulog Pty Ltd's Discussion Paper dated 31 August 2023

1. The Transport Workers' Union of Australia (**TWU**) refers to the Discussion paper prepared by Menulog Pty Ltd (**Menulog**) dated 31 August 2023. The Discussion Paper includes a timeline of events arising from the commencement of this application for a proposed On Demand Delivery Services Award (**Proposed Award**) to the current date. The Discussion Paper invites comment on the matters set out therein and otherwise proposes that the matter be listed for conciliation conference.
2. The TWU has reviewed Menulog's Discussion Paper, the timeline of events set out therein and has considered other relevant matters including the introduction to Parliament of the *Fair Work Legislative Amendment (Closing Loopholes) Bill 2023* (**Closing Loopholes Bill**).
3. The Closing Loopholes Bill would establish a legislative regime covering workers engaged in the on demand sector who would be described as "employee-like" and would be regulated by the *Fair Work Act 2009* (Cth). While it is not known what any legislative amendment might ultimately include, it is likely that certain provisions of the Closing the

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Loopholes Bill will interact with Menulog's application and the terms of the Proposed Award.

4. Noting the potential interaction between the Bill and various other matters set out in the timeline, the TWU is otherwise willing to participate in any conference or ongoing discussion with respect to the Proposed Award. On that basis, the TWU does not oppose resuming discussions in respect of the matters proposed by Menulog in its Discussion Paper including the scope of the industry.

Transport Workers' Union of Australia

28 September 2023

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