



Shop Distributive and Allied Employees' Association

**THE UNION FOR WORKERS IN
RETAIL. FAST FOOD. WAREHOUSING.**

Fair Work Act 2009

s.156-4 yearly review of modern awards

**4 yearly review of modern awards-Plain language
project (AM2016/15)**

Fast Food PLED

Date Submitted:

4 May 2022

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INTRODUCTION

1. The SDA refers to the hearing of 13 April 2022 before Vice President Hatcher and his direction that parties respond by 5 April 2022 with a position regarding the Full Bench decision in *Menulog Pty Ltd* [2022] FWCFB 5.
2. The SDA makes these submissions in accordance with the Direction on Transcript of the Vice President at PN24 of the abovementioned hearing.

The Menulog Decision

3. The *Fast Food Industry Award 2010* applies to operators (employers) in the fast food industry. Such fast food operators may engage third party operators to effect the delivery to customers of fast food prepared by the fast food operator.
4. The Transport Award is to apply to any third party operator in the fast food industry whose only involvement in the fast food industry is to arrive at a food preparation site to collect, for delivery to a consumer, an order of fast food prepared and packed by others. Such coverage in respect of such persons is contingent upon those persons being in no way otherwise connected with, or involved in, the selling, preparation, cooking, or ordering of fast food, or the cleaning or other such incidental tasks associated with the operation of a Fast Food business, being tasks identified as falling within one or more of the work classifications covered by the *Fast Food Industry Award 2010*.
5. The coverage of the Transport Award may be accepted to extend to third party operators who are not engaged in any way in the Fast Food Industry but who are only providing a service to employers in the fast food industry which facilitates the delivery of fast food to their online or phone order customers.
6. The Transport Award will not cover an employee of a Fast Food operator.
7. On this basis, the SDA does not cavil with the conclusion of the Full Bench as noted above.