



STATEMENT

Fair Work Act 2009

s.536PD—Commission may make a road transport contractual chain order

Application by Transport Workers’ Union of Australia

(MS2025/1)

JUSTICE HATCHER, PRESIDENT

SYDNEY, 2 MARCH 2026

Application for a road transport contractual chain order in respect of the cash-in-transit industry – referral to the Road Transport Advisory Group.

[1] On 17 February 2025, the Transport Workers’ Union of Australia (**TWU**) filed an application pursuant to s 536PD of the *Fair Work Act 2009* (Cth) (**FW Act**) for a road transport contractual chain order. The proposed order would cover the transport of cash and other valuables and the performance of automatic teller machine work. The persons proposed to be covered by the order are:

- parties, within the meaning of s 15RA(2)(a) of the FW Act, to the first contract or arrangement in the road transport contractual chain the subject of this order, including the client (which may be a bank); and
- parties to subsequent contracts or arrangements in the road transport contractual chain the subject of this order for the purposes of s 15RA(2)(b) of the FW Act, being contracts or arrangements under which work is performed by regulated road transport contractors under services contracts, or employees;
- regulated road transport contractors who perform work under a services contract in the contractual chains the subject of this order for the purposes of s 15A(2)(c) of the FW Act; and
- regulated road transport businesses.

[2] The application was accompanied by a letter requesting the Commission to direct ‘relevant entities’ to participate in urgent consultation.

[3] On 19 February 2025, Deputy President Slevin held a directions hearing in relation to the application. The Deputy President subsequently issued a statement ([2025] FWC 521) and directions, and listed the application for conference on 11 March 2025.

[4] On 13 March 2025, following that conference, the Deputy President issued another statement ([2025] FWC 721), including further directions to parties to identify their preferred course for the progress of the application. The application was also set down for a further conference on 19 March 2025.

[5] On 19 March 2025, the Deputy President issued a further statement ([2025] FWC 781) setting out the matters canvassed at the conference held earlier that day and indicating that a

further statement would issue once other parties had responded to the TWU's proposed course for progressing the application.

[6] On 4 April 2025, the Deputy President issued a fourth statement ([2025] FWC 954) advising that no further conferences would be conducted and the matter would be referred to me to constitute an Expert Panel to determine the application.

[7] On 3 September 2025, the TWU requested the application be listed for an urgent conference on the basis that the funding agreement between Linfox Armaguard Pty Ltd and the major banks and retailers was due to expire in December 2025.

[8] On 23 October 2025, I convened a mention and directions hearing in relation to the application. In that proceeding, the TWU submitted that I should refer the application to the Road Transport Advisory Group (RTAG) specifying that it provide its advice within a three-month period. The Australian Banking Association, various banking entities and Coles submitted that six months would be more appropriate. Australia Post also supported a six-month period.

[9] Section 536PF(2)(b) of the FW Act relevantly requires that the Commission not make a road transport contractual chain order unless the RTAG has been consulted. Additionally, there must be genuine engagement with the parties to be covered by any road transport contractual chain order (s 536PF(2)(a)).

[10] Having regard to the above, I refer the TWU's application to the RTAG for the purpose of:

- (1) consultation with potentially affected parties;
- (2) the provision of advice concerning the priority to be afforded to matter MS2025/1 for the work of the Commission in relation to matters affecting the road transport industry; and
- (3) the provision of advice concerning the views of parties as to the disposition of the TWU's application, including any consensus or partial-consensus position that may be reached as a result of the consultation process.

[11] Pursuant to s 40F(5), I direct the RTAG to establish a subcommittee under s 40G consisting of representatives of a broad cross-section of the sector affected by the TWU's application to facilitate undertaking the functions identified in [10]. I further direct the RTAG to provide the advice referred to in [10(2) and (3)] by 1 July 2026.



PRESIDENT

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