

[2026] FWCFB 99

The attached document replaces the document previously issued with the above code on 28 April 2026.

Decision reference in paragraph [2] has been corrected.

Edrea Venal
Associate to Justice Hatcher, President

Dated 28 April 2026



STATEMENT

Fair Work Act 2009

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

Application by Transport Workers’ Union of Australia and Australian Road Transport Industrial Organization (MS2026/1)

JUSTICE HATCHER, PRESIDENT
VICE PRESIDENT ASBURY
VICE PRESIDENT GIBIAN

SYDNEY, 28 APRIL 2026

Road transport contractual chain order made under Part 3B-2 of the Fair Work Act 2009 (Cth)
– *Process of review of order.*

[1] On 20 April 2026, we made the *Road Transport Contractual Chain Order – Fuel Cost Recovery – 2026* [MS900102] [PR798817](#) (**Order**). The Order took effect on 21 April 2026. Clause 5.4 of the Order provides:

5.4 This Order will be the subject of a review by the Fair Work Commission after the first month of its operation and then every three months thereafter.

[2] In our decision issued on 20 April 2026 ([\[2026\] FWCFB 95](#)), in which we gave our reasons for making the Order, we explained the purpose of clause 5.4 as follows:

[75] Clause 5.4 provides for the Commission to conduct a first review of the proposed RTCCO at an early stage and regular reviews thereafter. This recognises two things. The first is that the circumstances of the current Middle East conflict and the disruption to the supply of oil are evolving in a rapid and unpredictable way. The second is that the proposed RTCCO will represent the first time that the new powers in Part 3B-2 have been exercised, and the novelty of the RTCCO and the urgency with which it has been developed makes it possible, if not likely, that there will be unintended consequences which will need to be addressed on an expedited basis.

[3] We consider it appropriate to identify the process by which the first review of the Order will be undertaken and how any implementation or interpretation problems may be addressed in the interim.

[4] We will conduct the review by way of a hearing before us at **10:00 am (AEST) on Monday, 25 May 2026 in Sydney**. Parties who wish to participate in this hearing should notify the chambers of the presiding member by email to chambers.hatcher.j@fwc.gov.au by **4:00 pm (AEST) on Thursday, 21 May 2026**. Video links using Microsoft Teams will be provided on request for parties not located in Sydney. Any party which wishes to file witness statements,

other evidentiary material or written submissions for the purpose of the review may also do so by **4:00 pm (AEST) on Thursday, 21 May 2026**, but this is not a precondition for participation in the review hearing.

[5] In addition, to allow for the consideration of any urgent implementation or interpretation problems which may have already arisen, on **Friday, 1 May 2026 commencing at 10:00 am (AEST) in Sydney**, Vice President Asbury will conduct a further engagement conference with any party covered or otherwise affected by the Order that wishes to participate. Participants may attend in person or by video link using Microsoft Teams. At this conference, any party may identify any implementation or interpretation problems they have experienced and express any views about how these might be addressed, including by the exercise of power under ss 536PT, 536QB or 536QK of the *Fair Work Act 2009* (Cth).

[6] Any party wishing to participate in this engagement conference should advise of their intention to do so and, if necessary, request the Microsoft Teams meeting details, by **12:00 pm (AEST) on Thursday, 30 April 2026**. Depending on the number of parties wishing to participate, the Commission may assign time markings for attendance by particular participants.



PRESIDENT

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