



FairWork
Commission

NOTICE OF INTENT

Fair Work Act 2009

s.536PG —FWC to prepare and publish a draft of a road transport contractual chain order

Application by the Transport Workers' Union of Australia

(MS2026/1)

VICE PRESIDENT ASBURY
VICE PRESIDENT GIBIAN
COMMISSIONER CONNOLLY

SYDNEY, 29 MAY 2026

[1] Further to our statement [2026] FWCFB 131 the Fair Work Commission proposes to vary the *Road Transport Contractual Chain Order – Fuel Cost Recovery – 2026*.

[2] The draft variation determination is attached to this Notice.



VICE PRESIDENT



DRAFT DETERMINATION

Fair Work Act 2009

s.536PT— FWC may vary or revoke road transport contractual chain orders

Transport Workers' Union of Australia, Australian Road Transport Industrial Organization

(MS2026/1)

ROAD TRANSPORT CONTRACTUAL CHAIN ORDER – FUEL COST RECOVERY – 2026

[MS900102]

Road transport industry

VICE PRESIDENT ASBURY
VICE PRESIDENT GIBIAN
COMMISSIONER CONNOLLY

BRISBANE, XX MONTH 2026

Variation – Commission's own initiative

A. Further to the decision issued by an Expert Panel for the road transport industry on XX Month 2026 [[2026] FWCFB XXX] and pursuant to s 536PT of the *Fair Work Act 2009* (Cth), the above road transport contractual chain order is varied as follows:

1. By inserting the words 'or set' after the word 'adjust' at clause 4.1.
2. By inserting the words '(or satisfy the obligations in clause 4.1 or 4.4 in one of the ways set out in clause 4.6)' after the words 'increased cost of fuel' at clause 4.2.
3. By deleting the words 'is not a road transport business' from clause 4.3 and inserting the words 'does not engage road transport contractors or road transport employee-like workers under services contracts, or employ employees to perform work in the road transport industry'.
4. By inserting the words 'or set' after the word 'adjust' at clause 4.4.
5. By deleting the words ', 4.2' from clause 4.6.
6. By inserting the words 'and at the times or intervals determined by' after the words 'in accordance with' at clause 4.6(a).

7. By inserting the words 'so long as the adjustment is implemented each fortnight or twice per calendar month' after the words 'increased cost of fuel' at clause 4.6(b).
8. At clause 5.3;
 - a. replacing the word 'apply' with the word 'operate'.
 - b. inserting the words 'for four consecutive weeks' after the words 'gate price for diesel'.
 - c. inserting the words 'The obligations in clause 4 will cease to operate following the fourth consecutive week in which the weekly average national termination gate price falls below \$2.00.' after the words '\$2.00 per litre.'
- B. This determination comes into operation on the day it is made.

VICE PRESIDENT