

Moore, Simon James 63368

From: Moore, Simon James 63368
Sent: Monday, 13 April 2026 5:05 PM
To: Chambers - Hatcher J
Cc: McLeod, Giselle; Lovell, Jon; Lorraine Biviano; Grant Ferreira; peter@vta.com.au
Subject: MS2026/1 - Proposed amendments to "Attachment A" draft [ASH-AUS_ONPREM.FID30341093]

Dear Associate

MS2026/1 – Application by TWU and ARTIO

Further to the oral submissions made by Mr Simon Meehan SC, we write to set out the amendments our clients propose to the draft contractual chain order set out as Attachment A to the TWU's submissions dated 13 April 2026:

- If the Commission decides that there should be no carve-out for on-demand delivery work, then clause 3.3(a) and the associated definition be deleted.
- Clause 4.2 be amended as follows:

Primary parties in a road transport contractual chain must take all reasonable steps to ensure that secondary parties engaging other secondary parties, regulated road transport contractors or road transport employee-like workers in the same road transport contractual chain adjust the rate they pay to such other secondary parties, regulated road transport contractors or road transport employee-like workers for the performance of work in the road transport industry by the amount necessary to ensure that the other secondary party, regulated road transport contractor or road transport employee-like worker fully recovers the increased cost of fuel.

- We also submit that a similar grammatical change should be made in respect of clause 4.3, as follows:

Secondary parties must, within each fortnight or twice per calendar month, from the date of commencement of this Order, adjust the rate they pay to any other secondary party, regulated road transport contractor or road transport employee-like worker for the performance of work in the road transport industry by the amount necessary by the amount necessary to ensure that the other secondary party, regulated road transport contractor or road transport employee-like worker fully recovers the increased cost of fuel.

- Clause 4.5 be amended as follows:

In respect of contractual relationships governed by State or Territory industrial instruments, collective agreements, or individual contracts or arrangements, the adjustment of rates pursuant to any "rise and fall" rate adjustment mechanism for which any such instrument, agreement, or contract or arrangement provides will satisfy the obligations in clauses 4.1, 4.2 or 4.3 provided that this takes into account the increased cost of fuel and provides for cost recovery of this.

Kind regards

Simon James Moore

Senior Associate

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