

From: Chambers - Clancy DP <Chambers.Clancy.DP@fwc.gov.au>
Sent: Tuesday, 26 May 2026 1:39 PM
To: Gabriel Miller <gmiller@actu.org.au>; Ruchi Bhatt <Ruchi.Bhatt@australianindustrygroup.com.au>
Cc: Sascha Peldova-McClelland <sascha@actu.org.au>; Tamsin Lawrence <tamsin.lawrence@ablawyers.com.au>
Subject: RE: AM2026/10 and others - Applications to vary vehicle allowances - Australian Industry Group correspondence

Dear parties

Having considered the Ai Group letter dated 23 May 2026 and the ACTU response dated 25 May 2026, the Members of the Expert Panel have conferred and have determined that any interested party will have **until 5.00pm on Friday 29 May 2026** to file any final submissions. Such submissions are to be no longer than 4 x A4 pages in 12-point font.

If you have any questions, please contact me on the details below.

Kind regards

Tom Thistlewaite
Associate



Fair Work Commission
Australia's national workplace relations tribunal

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From: Gabriel Miller <gmillier@actu.org.au>

Sent: Monday, 25 May 2026 12:18 PM

To: Ruchi Bhatt <Ruchi.Bhatt@australianindustrygroup.com.au>; Chambers - Clancy DP <Chambers.Clancy.DP@fwc.gov.au>

Cc: Sascha Peldova-McClelland <sascha@actu.org.au>; Tamsin Lawrence <tamsin.lawrence@ablawyers.com.au>

Subject: RE: AM2026/10 and others - Applications to vary vehicle allowances - Australian Industry Group correspondence

Dear Associate,

I refer to the above matter and to the correspondence from the Australian Industry Group (**AiG**) dated 23 May 2026.

In that correspondence, AiG seeks an opportunity to file written submissions in response to the Draft Determinations filed by the ACTU on behalf of the applicant unions.

The ACTU and the applicant unions (collectively, **the Unions**) **oppose** this request.

The materials to which AiG seeks to respond comprise:

1. Draft Determinations reflecting the narrowed union position;
2. A covering letter, including a note clarifying the mathematical basis used to adjust allowances; and
3. A spreadsheet setting out the calculations used to inform the Draft Determinations.

These materials reflect the narrowed union position as articulated in the ACTU's submissions filed on 17 May 2026.

In its correspondence, AiG claims:

“As a consequence of the timing of the filing of that material, the Australian Industry Group had very limited opportunity to consider the Unions’ Amended Claim before making oral submissions, and was not able to consult members in relation to it.”

However, this is not entirely correct. What AiG describes as an “Amended Claim” is more accurately characterised as a narrowing of the original claim, in that:

1. The original claim sought to adjust vehicle allowances based on the movement in the private motoring CPI subgroup between December 2025 and March 2026, with monthly reassessments thereafter; and
2. The narrowed position seeks **only** to adjust allowances based on the movement in the private motoring CPI subgroup between December 2025 and March 2026. That is, the claim for monthly reassessments is no longer pursued.

AiG and the employer parties have been on notice of the claim to adjust allowances based on the private motoring CPI subgroup between December 2025 and March 2026 since the Unions filed their applications in the week commencing 14 April 2026.

Accordingly, AiG and the employer parties have had ample opportunity to make submissions on this aspect of the proposal, and have in fact done so, both in writing and at the hearing.

New issues raised on 17 May 2026

The Unions accept that the submissions filed on 17 May 2026 did raise one new issue, namely the reasons for divergence in vehicle allowance rates, with some set at \$0.98 and others at \$0.99.

Similarly, Ageing Australia, Australian Business Industrial, and Business New South Wales filed submissions on 17 May 2026 raising a new proposal to which the Unions have had limited opportunity to respond.

The ACTU contends that these are the only two issues on which parties have not had a fulsome opportunity to respond.

In these circumstances, the ACTU submits that the most efficient course is:

- a. For the Expert Panel to determine the matter by reference to the existing material and the oral submissions made at the hearing; and
- b. To the extent that the Expert Panel is persuaded by either:
 - i. the ACTU's submissions regarding the divergence in vehicle allowance rates (at [12]–[26] of the supplementary submissions filed 17 May 2026); or
 - ii. the proposals outlined in the supplementary submissions filed on behalf of Ageing Australia, Australian Business Industrial, and Business New South Wales.
- c. That parties be afforded an opportunity to make submissions on those issues and on any provisional view expressed at the relevant time.

Alternatively, if the Expert Panel is minded to grant AiG's request to file further submissions by 29 May 2026, the Unions submit that:

- a. Any reply submissions should be confined to the divergence issue, the ACTU calculations, or technical matters arising from the Draft Determinations (as opposed to matters of substance); and
- b. The Unions should be afforded the same opportunity to respond more fully to the proposal advanced by Ageing Australia, Australian Business Industrial, and Business New South Wales, as articulated in the submissions filed by Australian Business Lawyers on 17 May 2026.

Yours sincerely

Gabriel Miller

Legal & Industrial Officer

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We acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past and present.