



AM2026/10 and ors: Applications to vary Vehicle Allowances in modern awards

Submission of the Australian Council of Trade Unions

ACTU Submission, 24 April 2026
ACTU D. No 30/2026

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About the ACTU

1. Since its formation in 1927, the Australian Council of Trade Unions (**ACTU**) has been the peak trade union body in Australia. There is no other national confederation representing unions. For 90 years, the ACTU has played the leading role in advocating in the Fair Work Commission, and its statutory predecessors, for the improvement of employment conditions of employees. It has consulted with governments in the development of almost every legislative measure concerning employment conditions and trade union regulation over that period.
2. The ACTU consists of affiliated unions and State and regional trades and labour councils. There are currently 37 ACTU affiliates. They have approximately 2 million members who are engaged across a broad spectrum of industries and occupations in the public and private sector.

Vehicle Allowance Case: Introduction and Background

Introduction

3. The ACTU makes these submissions pursuant to the directions made by His Honour Justice Hatcher on 20 April 2026 in the matters of AM2026/10, AM2026/11, AM2026/12 and AM2026/13.
4. The ACTU also refers to and relies on the witness statements filed by its affiliates in these proceedings.

Background to proceedings

5. On 14 April 2026 five unions affiliated to the ACTU filed applications to vary 27 modern awards as follows:
 - (1) the Australian Nursing and Midwifery Federation (**ANMF**) filed an application to vary the *Nurses Award 2020*
 - (2) the Australian Services Union (**ASU**) filed applications to vary the:
 - a. *Airline Operations Ground Staff Award 2020*
 - b. *Business Equipment Award 2020*
 - c. *Clerks Private Sector Award 2020*
 - d. *Fitness Industry Award 2020*

- e. *Gardening and Landscaping Award 2020*¹
 - f. *Social, Community, Home Care and Disability Services Industry Award 2020*²
 - g. *Victorian Government (Early Childhood Education Employees) Award 2016*
 - h. *Water Industry Award 2020.*
- (3) The Australian Workers Union (**AWU**) filed applications to vary the:
- a. *Amusement, Events and Recreation Award 2020*
 - b. *Cemetery Industry Award 2020*
 - c. *Funeral Industry Award 2020*
 - d. *Gardening and Landscaping Industry Award 2020*³
 - e. *Pastoral Award 2020.*
- (4) the Health Services Union (**HSU**) filed applications to vary the:
- a. *Aboriginal and Torres Strait Islander Health Workers Award Controlled Health Services Award 2020*
 - b. *Aged Care Award 2020*
 - c. *Ambulance and Patient Transport Industry Award 2020*
 - d. *Health Professionals and Support Services Award 2020*
 - e. *Nurses Award 2020*
- (5) the Shop Distributive and Allied Employees Association (**SDA**) filed applications seeking to vary the following modern awards:
- a. *Fast Food Industry Award 2020*
 - b. *General Retail Award 2020*
 - c. *Hair and Beauty Award 2020*
 - d. *Miscellaneous Award 2020*
 - e. *Pharmacy Award 2020*
 - f. *Vehicle Repair, Service and Retail Award 2020*

¹ Jointly with the AWU.

² Jointly with the HSU and UWU.

³ Jointly with the ASU.

(6) The Transport Workers Union (**TWU**) filed an application to vary the:

- a. *Air Pilots Award 2020*
- b. *Aircraft Cabin Crew Award 2020*
- c. *Airline Operations Ground Staff Award 2020*
- d. *Passenger Vehicle Transportation Award 2020.*

6. On 15 April 2026 the United Firefighters Union (**UFU**) filed an application to vary the *Firefighters Award 2020* and the United Workers Union (**UWU**) filed applications to vary the:

- a. *Animal Care and Veterinary Services Award 2020*
- b. *Children's Services Award 2010*
- c. *Cleaning Services Award 2020*
- d. *Corrections and Detention (Private Sector) Award 2020*
- e. *Food, Beverage and Tobacco Manufacturing Award 2020*
- f. *Hospitality Industry (General) Award 2020*
- g. *Live Performance Award 2020*
- h. *Pest Control Industry Award 2020*
- i. *Registered and Licensed Clubs Award 2020*
- j. *Security Services Industry Award 2020*
- k. *Social, Community, Home Care and Disability Services Award 2020⁴*
- l. *Supported Employment Services Award 2020*
- m. *Wine Industry Award 2020.*

7. On 16 April 2026 the Australian Manufacturing Workers' Union (**AMWU**) filed applications seeking to vary the *Manufacturing and Associated Industries and Occupations Award 2020* and the *Vehicle Repair, Service and Retail Award 2020*.

8. The result of the above is there is currently 45 applications, expressed in the same, or substantially the same terms, to vary 41 modern awards (collectively, **the Applications**) before the Commission for determination, sought by eight unions (**Applicant Unions**).

⁴ Jointly with ASU and HSU.

9. Each of the Applications:

- a. Was made pursuant to s158 of the *Fair Work Act 2009* (Cth) (**FW Act**); and
- b. Seeks the making of a determination varying each respective award to:
 - Insert a new (and temporary) schedule into the award, with a proposed title of ‘Proposed Schedule XY Oil Shock Crisis’; and
 - To update expense allowances related to vehicle use (**Vehicle Allowance(s)**).

10. Each application is expressed as being directed to providing relief to employees required to use their own private vehicles in the course of their employment.

11. The ACTU supports the Applications, and, for the reasons outlined in these submissions, contends that:

- a. the variation determinations should be made as sought in respect of each award subject to application; and
- b. the Commission should consider moving of its own motion to vary the remainder of modern awards in the same terms (insofar as the remaining awards contain a relevant allowance).

Background and Context to Proceedings

12. These Applications have been made against the relevant backdrop of unprecedented geopolitical instability, a historic oil supply shock, and changes to consumer price index reporting. Each of these factors is relevant to Vehicle Allowances in modern awards, including those included in these proceedings.

Geopolitical Context

13. On 28 February 2026, the United States of America and Israel jointly launched airstrikes on Iran.⁵

14. On the same day, Iran effectively closed the Strait of Hormuz, a narrow passage of water between Oman/the UAE on the one side of the Strait, with Iran on the other. The strait links the Arabian Gulf and Gulf of Oman with the Arabian Sea. It is used by major oil and gas

⁵[Basel Hindeleh and Ahmed Yussuf “Israel and US attack Iran, sparking retaliatory strikes. Here’s what we know” Australian Broadcasting Corporation \(Online 28 February 2026\).](#)

exporters to move supplies to international markets. Importing nations rely on free movement of oil and gas through the strait.⁶

15. On 1 March 2026, Iran attacked an international tanker in the strait. International shipping companies responded by urging ships to avoid the route.⁷
16. On 8 April 2026 a ceasefire was announced between the US and Iran, including the reopening of the Strait of Hormuz.⁸ However, passage throughout the strait, even during the ceasefire was significantly slowed on pre conflict levels.⁹
17. On 13 April 2026 the USA commenced a naval blockade on Iranian ports, preventing targeted vessels entering or leaving Iranian ports.¹⁰
18. On 17 April 2026, Iran announced that the Strait of Hormuz was completely open to commercial vessels.¹¹
19. On 19 April 2026 Iran announced it had again closed the Strait of Hormuz.¹²
20. On 21 April 2026 President Trump announced that the ceasefire would be extended indefinitely, with this reportedly being undertaken at the request of Pakistan, which is mediating peace talks. The US negotiating team is also reportedly optimistic that a deal with Iran can be reached.¹³
21. The situation regarding the Strait of Hormuz is currently unclear at the time of filing. The latest news reports indicating that shipping remains at a standstill, with each of the US and Iran imposing competing blockades on the Strait.¹⁴
22. The International Energy Agency has described the conflict as ‘the largest supply disruption in the history of the global oil market.’¹⁵

⁶ [Priyanka Shankar and Reuters, "How US-Israel attacks on Iran threaten the Strait of Hormuz, oil markets" Al Jazeera \(Online, 1 March 2026\)](#)

⁷ [Ibid, see also Callum Jones and Lauren Almeida 'Gas prices soar and oil jumps as Iran war pushes down global stock markets' The Guardian \(Online, 3 March 2026\).](#)

⁸ [Usaid Siddiqui "US-Iran ceasefire deal: What are the terms and what's next?" Al Jazeera \(Online, 8 April 2026\).](#)

⁹ [Julia Ingram, "Strait of Hormuz still seeing significantly lower traffic despite Iran war ceasefire" CBS News \(Online, 9 April 2026\).](#)

¹⁰ [Heather Mongilio, "Strait of Hormuz Traffic Down as US Blockade Appears to Deter some Ships" USNI News \(Online, 14 April 2026\).](#)

¹¹ [Spencer Kimball, "Iran declares Strait of Hormuz open to shipping but Trump says U.S. blockade still active" CNBC News \(Online, 17 April 2026\).](#)

¹² [Al Jazeera "What to know about US-Iran standoff over the Strait of Hormuz" \(Online 19 April 2026\).](#)

¹³ [Trump extends US-Iran ceasefire indefinitely at request of Pakistan | US-Israel war on Iran | The Guardian](#)

¹⁴ [Julian Borger, "Trump claims US has total control over strait of Hormuz after Iran seizes two container ships" The Guardian \(Online, 24 April 2026\).](#) See also, [John Power "Oil rises above \\$106 per barrel as US, Iran deadlocked in Strait of Hormuz Al Jazeera \(Online, 24 April 2026\).](#)

¹⁵ [International Energy Agency, "Sheltering from Oil Shocks: Measures to reduce impacts on households and businesses" \(see p343 of ACTU Bundle of Documents relied on\).](#)

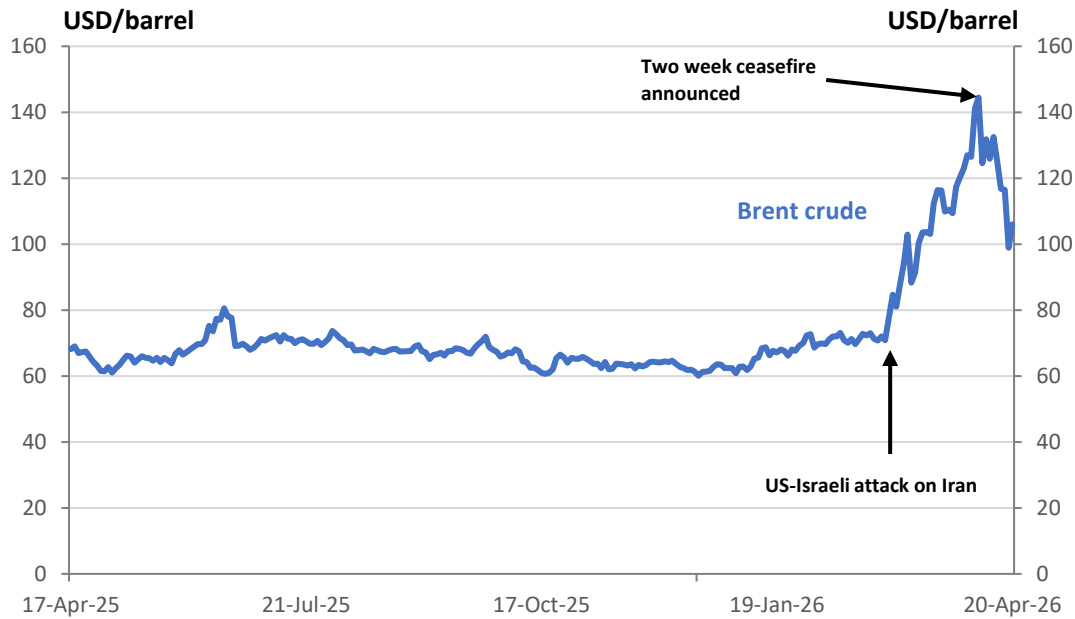
International Oil Prices

23. Prior to the eruption of conflict in the Middle East, oil prices had been broadly stable, at around US\$70 a barrel for much of 2025 through to 27 February 2026.
24. After the commencement of the conflict in the Middle East, Brent crude benchmark oil prices rose from US\$71 to US\$78 a barrel on 2 March 2026, spiking further as the conflict escalated and as Iran closed the Strait of Hormuz early in the conflict. Thereafter, oil prices have increased rapidly, although with considerable volatility.
25. The volatility in oil prices can be directly tracked against developments in the Middle East as market participants attempt to decipher the conflict's duration. For example, on 7 March 2026 President of the United States, Donald Trump, stated that the war would continue 'for a little while'.¹⁶ Thereafter the price of Brent crude rose from US\$94 to US\$103 a barrel.
26. On 9 March 2026, President Trump stated that the military objectives were 'pretty well complete'. The next day the oil price fell to US\$88 a barrel.
27. On 7 April 2026, a two week ceasefire was announced. At that time, oil price was at a high of US\$144 a barrel and has since declined to US\$106 as of 20 April.
28. The U.S. Energy Information Administration is forecasting crude oil prices to remain above pre-conflict levels in the short term.¹⁷

Chart 1: Brent crude oil price

¹⁶ [A timeline of Trump's shifting statements about how long the Iran war will last | PBS News](#)

¹⁷ U.S. Energy Information Administration Short Term Energy Outlook April 2026 p2 (see p312 of Bundle of ACTU documents relied on).



Source: Bloomberg

How and why international oil prices affect retail fuel prices in Australia

29. While Australia is a net exporter of energy, including coal and gas, Australia still imports most of the petrol and diesel it uses for vehicles. Australia imports about 80 per cent of its refined fuel, up from 30 per cent in 2011.¹⁸ This makes Australia vulnerable to fluctuations in international benchmark prices.

30. Most of the fuel used by Australia is refined in the Asia Pacific region, but the oil that is refined there comes from the Middle East, with domestically refined fuel only making up a small proportion of fuel usage.¹⁹

Impact of conflict on retail petrol prices since 28 February

31. Australia's vulnerability to international oil benchmark prices has been borne out in practice in the context of the current conflict in the Middle East and related oil shock. Price reporting by the Australian Institute of Petroleum (AIP) indicates a sudden and substantial spike in retail prices for both petrol and diesel.

¹⁸ NAB, 'Fuel in Australia – where does it come from and where is it used?' 10 April 2026, available: [Economy Watch](#); see p327 of ACTU bundle of documents relied on.

¹⁹ Ibid.

Petrol Prices

32. According to weekly AIP reports, average retail petrol prices rose from 170 cents per litre for the week ending 22 February 2026²⁰ to a high of 253.4 cents per litre for the week ending 29 March 2026²¹, representing an almost 50% increase in just a little over a month.
33. Since the high at the end of March, prices have eased somewhat to an average of 212.9 cents per litre for the week ending 19 April 2026²², representing an increase of 25% compared with pre-crisis prices.

Diesel Prices

34. Average retail diesel prices have risen from 180.2 cents per litre for the week ending 22 February 2026²³ to a high of 319 cents per litre for the week ending 12 April 2026²⁴ before dropping to 308.9 cents per litre for the week ending 19 April 2026.²⁵ This represents an increase of 77% at its peak, and a rise of 71% based on current prices.

Changes to the Fuel Excise

35. On 30 March 2026, the Federal Government announced that from 1 April 2026 it would halve the fuel excise on petrol and diesel for three months.²⁶ It also announced that the Australian Competition and Consumer Commission (**ACCC**) would continue to monitor petrol prices to ensure the fuel excise is passed on to consumers.²⁷ A bundle of ACCC petrol price reports is filed with these submissions.
36. The measure temporarily lowers the cost of fuel by 26.3 cents per litre²⁸ and likely explains, at least in part, the drop in retail prices in April 2026 outlined above.

²⁰ Australian Institute of Petroleum Weekly Petrol Prices Report Week Ending 22 February 2026 p2 (see p4 of ACTU Bundle of Documents relied on).

²¹ Australian Institute of Petroleum Weekly Petrol Prices Report Week Ending 29 March 2026 p2 (see page p44 of ACTU Bundle of Documents relied on).

²² Australian Institute of Petroleum Weekly Petrol Prices Report Week Ending 19 April 2026, p2 (see page p68 of ACTU Bundle of Documents relied on).

²³ Australian Institute of Petroleum Weekly Diesel Prices Report Week Ending 22 February 2026 p2 (see p76 of ACTU Bundle of Documents relied on).

²⁴ Australian Institute of Petroleum Weekly Diesel Prices Report Week Ending 12 2026 p2 (see p132 of ACTU Bundle of Documents relied on).

²⁵ Australian Institute of Petroleum Weekly Diesel Prices Report Week Ending 19 April 2026 p2 (see 140 of ACTU Bundle of Documents relied on).

²⁶ [Fuel excise halved for three months | Prime Minister of Australia](#)

²⁷ Ibid.

²⁸ [Media Release, Prime Minister of Australia, The Hon Anthony Albanese "Fuel excise halved for three months" 30 March 2026.](#)

Conclusions as to impact of conflict in the Middle East on Australian retail fuel prices

37. Arising from the foregoing the ACTU submits the following conclusions relevant to these applications can be drawn:

1. **Firstly**, that the situation in the Middle East, including freedom of passage in the Strait of Hormuz is, currently, volatile and unpredictable;
2. **Secondly** the international benchmark price of oil has closely tracked developments in the Middle East, and is expected to remain above pre conflict prices, at least in the short term
3. **Thirdly**, Australia is vulnerable to fluctuations in benchmark prices; and
4. **Fourthly**, that vulnerability is demonstrated by the increase in retail prices for petrol and diesel as reported by the Australian Institute of Petroleum;
5. **Finally**, elevated oil prices mean that petrol prices in Australia are likely to remain elevated in the short term, with the medium to longer term outlook dependent on the conflict in the Middle East.

Changes to CPI publication

38. A separate (but equally relevant) contextual development is the recent decision by the Australian Bureau of Statistics (**ABS**) to move from quarterly to monthly consumer price index reporting. For the reasons that follow, this change has implications for indexation of entitlements, including (relevantly for these proceedings) the Vehicle Allowances.

39. The change in reporting described above was announced on 23 July 2025²⁹ and from Wednesday 26 November 2025, the ABS commenced publishing a complete monthly measure of the Consumer Price Index (CPI) (**Monthly Series**), replacing the previous quarterly publication (**Old Quarterly Series**).

40. The complete monthly CPI is now Australia's primary measure of headline inflation.³⁰

41. The data available in the monthly series goes back to April 2024, coinciding with the point when the ABS increased the frequency of price collection.³¹

42. The final publication of the Old Quarterly Series was the September quarter 2025, published on 29 October 2025.³²

²⁹ [Australian Bureau of Statistics, Media Statement "ABS announces the Monthly CPI to start November 2025 23 July 2025.](#)

³⁰ [Evolving Australia's Consumer Price Index | Australian Bureau of Statistics](#)

³¹ [Monthly and quarterly data series | Australian Bureau of Statistics](#)

³² [Evolving Australia's Consumer Price Index | Australian Bureau of Statistics.](#)

43. The ABS continues to produce Quarterly CPI publications on the previous schedule (for the March, June, September and December quarters) but these are qualitatively different, in that quarterly data published after 26 November 2025 are the average of the three months of data collected using the current methodology, rather than a single index number being published for an entire quarter as was the case under the previous methodology (**New Quarterly Series**).³³

How the Monthly Series Differs from Old Quarterly Series

44. The Monthly Series differs to the Old Quarterly Series and the monthly CPI indicator in that it has comprehensive coverage of price changes each month by integrating new data sources, such as administrative and transactions data and automated data collection from websites.³⁴

45. The index series has also been re-referenced. While the quarter index was based to the 2011-12 financial year, the monthly CPI index is based to September 2025.

Private Motoring Sub-group

46. The Private motoring Sub-Group consists of the Expenditure classes Motor Vehicles, Spare parts and accessories, automotive fuel, maintenance and repair of vehicles, and 'other motor vehicle services'. The Private motoring Sub-Group made up 11.45 per cent of the total CPI in the 2025 weights, a slight increase from 11.42 per cent in the 2024 weights.

47. Within the sub-group:

- a. motor vehicles makes up 31.6 per cent of the sub-group;
- b. spare parts and accessories makes up 8.0 per cent;
- c. automotive fuel makes up 30.2 per cent;
- d. maintenance and repair of vehicles makes up 18.5 per cent; and
- e. other motor vehicle services makes up 11.7 per cent of the sub-group.

48. In the whole index:

- a. motor vehicles make up 3.51 per cent of the total CPI (up from 3.25 per cent in 2024);

³³ [Monthly and quarterly data series | Australian Bureau of Statistics](#)

³⁴ [Historical background and evolution to a Monthly CPI | Australian Bureau of Statistics](#)

- b. spare parts and accessories make up 0.89 per cent (up from 0.83 per cent in 2024);
- c. automotive fuel makes up 3.35 per cent (down from 3.73 per cent in 2024);
- d. maintenance and repair of vehicles make up 2.05 per cent (up from 2.00 per cent in 2024); and
- e. other motor vehicle services make up 1.30 per cent of the CPI (up from 1.27 per cent).³⁵

Implications for indexation

49. The differences between the Monthly and Old Quarterly Series outlined above makes comparisons between series difficult.
50. By way of example, if calculating the percentage change between September 2012 (the first quarter of the 2011-12 financial year, at which point the index value was 99.8), with December 2025, (the first quarterly index number published for the rebased monthly CPI and when the index was 100.3), the outcome would be a change of 0.5 per cent – a manifestly absurd outcome given the significant increase in prices from March 2022 onwards alone, a period over which inflation growth peaked at 7.9 per cent in December 2022 and continued to grow thereafter.
51. The difficulty in making comparisons between the old and new series described above is also applicable in respect of the private motoring sub group. The private motoring sub group has also had a change in methodology, leading to an additional difficulty with regards to attempted comparisons between the Old and New Series.
52. In the monthly CPI, prices for all goods and services in the transport group (of which the private motoring is a sub-group) are collected monthly, although automotive fuel prices are collected each day.³⁶
53. In the quarterly CPI publication, prices in the transport group were collected quarterly, except for motor vehicles, which were collected monthly and Automotive fuel prices, which were collected daily.³⁷

³⁵ [Annual weight update of the CPI and Living Cost Indexes, December 2024 | Australian Bureau of Statistics](#)

³⁶ [Price collection | Australian Bureau of Statistics](#)

³⁷ [Price collection | Australian Bureau of Statistics](#)

54. This means that approximately 38.2 per cent of the Private motoring sub-group has had a change in price collection frequency, giving rise to a statistical break and somewhat complicating comparisons between the Old Quarterly and Monthly indexes.
55. This is relevant to future adjustments of Vehicle Allowances, because, as examined in the following section such allowances are adjusted with reference to movement in the private motoring sub group index.

How the Modern Award System handles vehicle allowances

Approach to Vehicle Allowance setting in modern award era

56. The issue of award allowances was considered generally as part of the making of priority awards by the Australian Industrial Relations Commission (AIRC) pursuant to Part 10A of the *Workplace Relations Act 1996* (Cth) and the Award Modernisation request made by then Minister for Employment and Workplace Relations.³⁸
57. In *Re Award Modernisation* [2008] AIRCFB 1000 the AIRC determined to standardise the Vehicle Allowance, fixing the rate at 74 cents per km for motor vehicles, and 25 cents per km for a motorcycle.³⁹
58. In the same decision, the AIRC also determined to insert a standard clause providing for a means of adjusting expense related allowances with reference to the Consumer Price Index. The standard term was in the following terms:

“Adjustment of expense-related allowances

At the time of any adjustment to the standard rate, each expense-related allowance shall be increased by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted. The applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index (Cat No. 6401.0), as follows:

<i>Allowance</i>	<i>Applicable Consumer Price Index figure</i>
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³⁸ *Re Award Modernisation* [2008] AIRCFB 1000.

³⁹ *Re Award Modernisation* [2009] AIRCFB 865 [77].

Meal allowance

Take-away and fast foods sub-group

Clothing, equipment and tools allowance
Clothing and footwear group

Vehicle/travel allowance

Private motoring sub-group⁴⁰

59. After the modern awards commenced operation on 1 January 2010, Fair Work Australia (as the Commission was then known) published a Statement outlining the approach to the adjustment of expense allowances (for those awards containing such allowances) stating:

“Modern awards which contain at least one expense-related allowance also contain a provision for adjustment of the allowance at the time of any adjustment to the standard rate. Should the standard rate in modern awards be adjusted as a result of the Annual Wage Review 2009-10, a process will be required to alter the amount of expense-related allowances at the same time.”⁴¹

60. The ‘standard rate’ is defined in modern awards with reference to a rate for a particular classification, for example, in the *Manufacturing and Associated Industries and Occupations Award 2020 (the Manufacturing Award)* the standard rate is the minimum hourly rate for the C10/V5 classification.⁴²

61. Such rates are ‘modern award minimum wages’ for the purposes of s284(2) of the FW Act. Pursuant to s285 of the FW Act they must therefore be reviewed each year in the Annual Wage Review. This means where modern award minimum wages are adjusted as a result of a decision by an Expert Panel in an Annual Wage Review, there will be a consequent adjustment to the standard rate, triggering a re-evaluation of expense allowances, including Vehicle Allowances.

Standard Vehicle Allowance clauses in modern awards

62. Of the 122 modern awards (inclusive of Enterprise Awards), the ACTU’s research indicates that 100 modern awards include an allowance compensating for the use of a private vehicle at work. A full list of such awards is **annexed** to this submission as **Attachment A**.

⁴⁰ Ibid [74].

⁴¹ Re Award Modernisation – Expense Related Allowances [2010] FWA 3857 [1].

⁴² *Manufacturing and Associated Industries and Occupations Award 2020* clause 2.

63. Most such awards (including all 41 awards included in this proceeding) express the Vehicle Allowance in the following terms:

*“An employee who agrees with their employer to use their own motor vehicle on the employer’s business must be paid an allowance of [either **\$0.98 OR \$0.99**] per kilometre.”⁴³*

64. However, a small number of enterprise awards set the rate with reference to either Schedule 1 of the *Income Tax Assessment Regulations 1997* (as varied from time to time)⁴⁴ and two awards either set or adjust the allowance with reference to the Australian Tax Office Guidelines⁴⁵. Also, a small number of awards prescribe a different rate for private vehicle use but still rely on the private motoring index for the adjustment.

65. In addition, and of the awards included in these proceedings:

- a. eleven awards include an allowance for a motorcycle at a rate of 33 cents per km;⁴⁶
- b. The Business Equipment Award provides both a set rate of 786.31 or 910.46 per month (clause 17.3(b)(i) and (ii) in addition to a per km rate of 0.43 cents (17.3(b)(i)) and a 0.98 cent per km allowance in respect of use of private vehicles on a casual basis (17.3(b)(vi)).
- c. The Fast Food Award 2020 provides for a per km allowance of 0.52 cents for employees engaged to deliver employer’s products to customers and 0.98 cents per km in any other case.

66. Awards that contain per km Vehicle Allowances in the above (or substantially similar terms) also include a clause providing for an automatic adjustment based on percentage movement in the private motoring sub group index, in the terms set by the AIRC at award modernisation (**Standard Adjustment Clause**) and extracted above at paragraph [57].

67. In each case, the Standard Adjustment Clause provides that the applicable index figure for Vehicle Allowances is the private motoring sub group. The exception to this is the Air Pilots

⁴³ See for example, clause 17.3(c) *Miscellaneous Award 2020*.

⁴⁴ *Australian Broadcasting Corporation Enterprise Award 2016, Australian Bureau of Statistics (Interviewers) Enterprise Award 2016, Australian Public Service Enterprise Award 2015, Parliamentary Departments Staff Enterprise Award 2016.*

⁴⁵ *Higher Education Industry-General Staff Award 2020, Note Printing Australia Award 2016.*

⁴⁶ *The Animal Care and Veterinary Services Award 2020, the Children’s Services Award 2010, the Cleaning Services Award 2020, the Clerks Private Sector Award 2020, Corrections and Detention (Private Sector) Award 2020, the Fire Fighting Industry Award 2020, Fitness Industry Award 2020, Security Services Industry Award 2020, Victorian Local Government (Early Childhood Education Employees) Award 2016, Victorian Local Government Award 2015 and the Water Industry Award 2020.*

Award 2020 which does not appear to disaggregate Vehicle Allowances from other travel related allowances, which are adjusted with reference to the Transport Group.⁴⁷

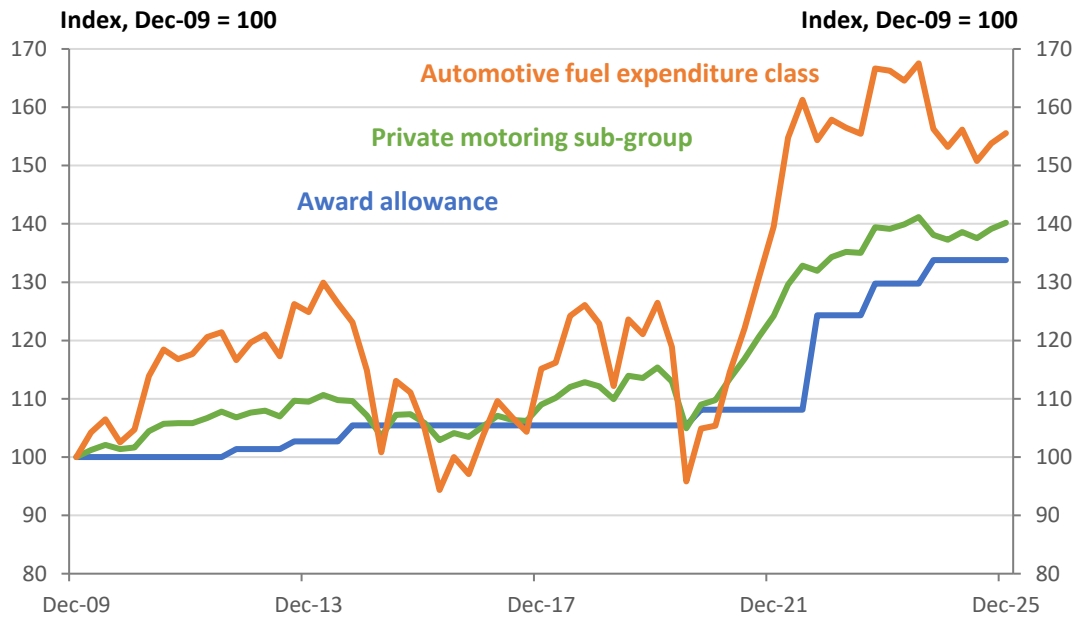
68. The approach of adjusting expense allowances at the same time as an adjustment to the standard rate had produced the following outcomes with respect to Vehicle Allowances:
- a. **In July 2012**, Vehicle Allowances in modern awards were adjusted for the first time, with the allowance (for a motor vehicle) increasing from 74 to 75 cents.
 - b. **In July 2013** Vehicle Allowances (for motor vehicles) were increased to 76 cents.
 - c. **In July 2014** the Vehicle Allowances were increased to 78 cents.
69. Each of these adjustments was made following the Annual Wage Review timed adjustment to modern award minimum rates, and, consequently, the 'Standard Rate' triggering the operation of the standard expense allowance adjustment term.
70. The allowance was not adjusted between July 2014 and the Covid-19 era (during which some Vehicle Allowances were adjusted in 2020, others were not adjusted until 2021).
71. This was because the private motoring index did not increase in this time; the Standard Adjustment Clause only provides for increases to expense allowances; in other words it does not permit the allowance to be adjusted backward when the allowance indicates a negative figure.
72. During the Covid-19 era, expense allowance adjustments occurred at different times for different groups of modern awards, a result of the Decision by the 2019/20 Annual Wage Review Expert Panel and subsequent AWR Expert Panels to stagger the increases awarded to modern award minimum wages for each of 2019/2020, 2020/2021 and 2021/2022.
73. Suffice to say the adjustments awarded as a result of the operation of the Standard Adjustment Clause have resulted in Vehicle Allowances being set at either 98 or 99 cents per km (for a motor vehicle) and 33 cents for a motorcycle, with the most recent adjustment occurring via determinations made in June 2024 to take effect from the first full pay period on or after 1 July 2024.
74. When taking a long view of the allowance (from the point at which the modern awards commenced in January 2010), increases in the private motoring sub-group have mostly outstripped increases in the allowance provided for in the awards.

⁴⁷ *Air Pilots Award 2020* clause G.3.2.

75. Chart 2 below plots an index of the allowance provided for by the award against an index of the Private motoring sub-group and an index of the Automotive fuel component. The approach mirrors that taken by the Commission in Chart 3 of the ‘C12 and C13 classification rates in modern awards’ research note, though with reference to the relevant components of the CPI for the award allowance.⁴⁸
76. Over the period between December 2009 (the last quarter before the allowance commenced), and December 2025, the allowance provided for in the awards has increased by 33.8 per cent, while the Private motoring sub-group index has risen 40.2 per cent and the Automotive fuel expenditure class index has risen 55.6 per cent. This is a difference of 6.4 percentage points with growth in the private motoring sub-group and a difference of 21.8 percentage points with the increase in the automotive fuel expenditure class index.
77. The approach taken to determining the allowance did appear to be functioning as intended from March 2021 onwards (that being the last quarter before annual inflation growth left the target band). Between March 2021 and December 2025, the allowance increased 23.8 per cent while the Private motoring sub-group index increased 23.6 per cent, a marginal difference of 0.2 percentage points. Nevertheless, the Automotive fuel expenditure class index increased by 35.7 percent over the same period, a larger difference of 12.0 percentage points.

Chart 2: Index of award allowances, Private motoring sub-group and Automotive fuel expenditure class

⁴⁸ [c20261-c12-and-c13-classification-rates-in-modern-awards.pdf](#)



Source: ABS Consumer Price Index, Australia, various Modern awards & ACTU calculations

Reasons the Determinations Varying Modern Awards Sought by Applicant Unions Should be Made

Relevant Legislative Provisions

78. Section 157(a) provides that the FWC may make a determination varying a modern award if satisfied that making the determination is necessary to achieve the modern awards objective.

79. The modern awards objective is set out at s134 and requires the FWC to ensure that modern awards, together with the National Employment Standards, provides a fair and relevant minimum safety net of terms and conditions, taking into account the considerations listed at subsections (a)-(h).

80. Section 160 of the FW Act provides that the FWC may make a determination varying a modern award to remove an ambiguity or uncertainty or to correct an error.

Explanation of variations

81. Each Application seeks the insertion of a temporary schedule into each respective modern award.

82. Conceptually, the insertion of a temporary emergency award schedule calls back to the decision of the Fair Work Commission to insert a temporary schedule (titled "Schedule X:

Additional measures during the COVID-19 pandemic”) allowing employees to take unpaid pandemic leave and annual leave at half pay into modern awards.⁴⁹

83. The ACTU accepts that the current oil shock crisis and geopolitical instability is materially different to the Covid-19 pandemic. Equally the temporary ‘Schedule X’ inserted into awards in response to the Covid-19 pandemic dealt with substantively different award terms and was directed at a different purpose to the proposed ‘Schedule XY’ that is being sought in these proceedings.

84. Nonetheless, the ACTU raises the modern award response to the Covid-19 pandemic as an example of the capacity of the safety net to be adjusted quickly (and on a temporary/emergency basis) in response to extraordinary circumstances. The ACTU says this aspect is apposite, in that the Applications are seeking an emergency temporary schedule in response to extraordinary circumstances.

85. The temporary schedule is intended to operate as follows:

- **Firstly**, by rebasing the Vehicle Allowance(s) to December 2025 (see clause XY.4 and XY.5). The purpose of this is to adjust the allowance from March 2024 (the point at which Vehicle Allowances were last adjusted) to a point in time at which there is monthly index series available for the private motoring sub group, so that the allowance can in future be adjusted using the Monthly Series. This is proposed in the emergency schedule to be achieved using the New Quarterly Series, which is available with reference to the data download, “6401.0 Consumer Price Index, Australia Table 18. CPI: Quarterly Group, Sub-group and Expenditure Class, Weighted Average of Eight Capital Cities”. In this series, the index for March Quarter 2024 was 100.39, and for December Quarter 2025 the index was 100.57, representing a percentage increase of 0.18%. This increase is not enough to move the allowance on its own but means the allowance can properly be based to December 2025, a point in time at which there is monthly indexes available for private motoring, intended to be used to adjust the Vehicle Allowances during the operation of the temporary schedule and beyond.
- **Secondly**, by adjusting the Vehicle Allowance based on the percentage increase indicated by the movement in the Monthly Series available via the ABS website via the data download for “6401.0 Consumer Price Index, Australia, Table 3.CPI: Group, Sub-group and Expenditure Class, Weighted Average of Eight Capital Cities

⁴⁹ Re Variation of awards on the initiative of the Commission [2020] FWCFB 1837.

(see proposed clause XY.6). At the time of filing, the March 2026 monthly index figure for Private Motoring has not been published but is due to be published on 29 April 2026.⁵⁰

- **Thirdly**, by increasing the allowance each month by the corresponding increase in the monthly index for the private motoring sub group with reference to the Monthly Series (see clause XY.8). Consistent with historic practice regarding adjustment of expense allowances, the schedule makes clear (see sub clauses XY.3.3 and XY.8.2) that the allowance is not reduced where the percentage difference between monthly indexes indicates a negative figure.

86. The proposed schedule has a proposed sunset date of 5 May 2027, after which it is intended (absent any application by an interested party for an extension to the schedule) the schedule would lapse with each award reverting to the usual once yearly adjustment timed with reference to adjustments to the standard rate.

87. For the reasons that follow, the ACTU submits that it would be open to the FWC to make the variations sought by the Applicant Unions on the basis of either or both of ss157 and 160, and that, determinations varying the awards should be made in the terms sought.

Application of section 157 FW Act: variations are necessary to achieve modern awards objective

88. There are three elements to the variation sought by each Applicant Union to the respective awards in that the variation determinations:

- a. Seeks to adjust vehicle allowances outside of the usual cycle linked to the adjustment of the 'standard rate';
- b. Seek to use a different index for the purposes of adjusting the allowance; and
- c. Seek the allowance be re-evaluated monthly for a period of twelve months.

89. Each of these elements is addressed below.

90. The overarching principle behind the variations sought is that workers should not be worse off, out of pocket or subsidising their employers in the performance of their work in the context of surging oil and fuel prices. The ACTU and Applicant Unions have put forward a particular proposal to that seeks to achieve this principle. However, there are likely to be different ways to do so, and the union parties are not opposed to exploring different options during the course of these proceedings.

⁵⁰ [Australian Bureau of Statistics Consumer Price Index, Australia Future Releases](#) accessed 23 April 2026.

Out of cycle adjustment

91. The ACTU submits that an out of cycle adjustment to Vehicle Allowance is necessary to maintain the safety net insofar as it compensates employees for expenses incurred when using their own private vehicles in the service of their employer.
92. In the ACTU's submission workers that are required to use their own vehicle cannot wait until a 'standard rate' timed adjustment to this allowance, nor should they be required to.
93. The ACTU contends the urgency and necessity of an out of cycle adjustment is evident on the publicly available evidence as outlined and summarised in paragraphs [29]-[36] above. This evidence establishes that insofar as at least part of the allowance is compensating for fuel, that aspect of the allowance has been devalued by anywhere between 25% and 71% although the ACTU accepts the extent of the devaluation will depend on factors including location and whether the vehicle in question uses unleaded petrol or diesel.
94. The case for an urgent adjustment is supplemented by witness statements filed by affiliate unions, including the following witness evidence:
- a. Statement of Ms Candice Gorman, filed by the HSU. Ms Gorman is a pathology collector covered by the Health Professionals and Support Services Award 2020. At paragraphs [18]-[21] Ms Gorman gives evidence regarding the need to regularly travel to collection centres across the Hunter Valley region and Newcastle, and that the cost of fuel has required Ms Gorman to decline work in some locations.
 - b. Statement of Mr Lachlan Timms, filed by the Australian Nursing and Midwifery Federation. Mr Timms is a Care Manager at Bolton Clarke Home and Community Support, managing a team of RNs and ENs providing nursing care in the home. Mr Timms' evidence is that he will often drive 140km per week, with the nurses within his supervision driving up to 500km per fortnight for work. Mr Timms also gives the following evidence:
 - that since the commencement of the fuel crisis, the allowance is only covering the cost of fuel, with no money left over for other running costs;
 - that has caused problems when faced with immediate repair costs (with reference to an example of needing to replace a tyre)
 - that insurance premiums have also doubled since 2025, putting additional pressure on vehicle ownership costs;
 - many clients are very vulnerable and are unable to attend a clinic to receive care.

- c. Statement of Ms Melissa Coad, filed by the UWU. Ms Coad has been an official with the UWU and its predecessor unions since 2008. Ms Coad gives evidence that:
- To understand the impact of increasing fuel prices on workers in the disability support sector, the UWU undertook a snap survey of members.
 - Based on the results of the survey, the UWU is concerned that disability support workers will stop accepting short shifts and shifts further away from home and will seek to limit the number and/or distance of activities and appointments they would otherwise take people with disability to and will themselves go without basic essentials to meet increased fuel costs.
 - That some employers in the disability support sector have already started to offer an increased vehicle allowance.

95. The determinations varying modern awards sought by Applicant Unions are intended to restore the recent erosion to the real value of the value of Vehicle Allowances. As outlined above at paragraph [85] this is intended to be achieved with reference to the monthly index for the Private Motoring Sub Group for the month of March 2026. Although this index figure is not currently available at the time of filing these submissions, the best available forecasts are that the fuel component will rise by approximately 30%, which is roughly in alignment with the best estimates as to the devaluation of the Vehicle outlined at paragraph [90] above.⁵¹

Use of different CPI index series for the purpose of adjusting Vehicle Allowances

96. The variations are also necessary (in the s157 sense) because the usual practice of adjusting allowances automatically (following an adjustment to the standard rate, and with reference to the operation of the standard adjustment clause) is uncertain due to the changes in CPI publishing described above at paragraphs [37]-[54].

97. As the Awards currently stand, the Standard Adjustment Clause requires a comparison to be made between the Old Quarterly Series and the New Monthly Series.

98. This is because the standard adjustment clause in the awards calls for allowances to be increased based on the percentage increase in the ‘relevant adjustment figure’ which is the “percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.”

⁵¹ Commonwealth Bank of Australia Headwinds Strengthening for the Australian Economy 27 March 2026 (see p331 of Bundle of ACTU documents relied on).

99. Vehicle Allowances in awards were last adjusted in June 2024, to take effect from the first full pay period on or after 1 July 2024 based on the March 2024 quarterly index for the private motoring sub group.
100. The index used at that time would have been the Old Quarterly Series, which, for the private motoring sub group was 131.40.⁵²
101. For the reasons expressed above at [48]-[54], the ACTU contends that this index cannot be usefully compared with either the index for the New Quarterly Series, nor the index for the Monthly Series.
102. This uncertainty gives rise to at least the possibility that, for the first time since the modern awards took effect sixteen years ago there is no extant mechanism for an automatic adjustment within the awards. Such a situation is unsatisfactory and should be addressed.
103. The variations sought by the Applicant Unions squarely address this issue by intervening to provide for monthly adjustments based on the New Monthly index series for the private motoring sub group.

Monthly Re-evaluation of Vehicle Allowances

104. The final element of the proposed variations is the proposal that the allowances be reassessed on a monthly basis based on percentage movement in the Monthly Series for the Private Motoring Sub Group.
105. The ACTU contends this is necessary to ensure Vehicle Allowances are responsive to the rapid increases in fuel prices, such as the rapid price increase that occurred between 28 February and early April 2026.
106. There is a real risk of future price spikes because Australia's domestic fuel prices are strongly influenced by the price of oil which in turn has fluctuated significantly based developments and announcements regarding the conflict in the Middle East, a situation which remains, at the time of writing, extremely volatile.
107. It is also worth acknowledging that future price rises in fuel can be expected in circumstances where the fuel excise discount is due to expire on 30 June 2026.
108. Furthermore, the cost of fuel is but one aspect compensated for by way of the Vehicle Allowances. Even if the cost of fuel stabilises, the other components of the allowance may cause the index to rise. For example, maintenance, repair and other related services such

⁵² TABLE 7. CPI: Group, Sub-group and Expenditure Class, Weighted Average of Eight Capital Cities

as registration, parking fees, driver licence fees and roadworthiness tests can reasonably be expected to rise, although the by how much is as yet uncertain. Allowing for monthly reassessments insulates against further price rises in non fuel costs of vehicle use and ownership.

Section 160 FW Act: Variations are necessary to remove an uncertainty

109. In addition to being necessary to achieve the modern awards objective, the ACTU contends the determinations varying awards sought by the Applicant unions may also be made pursuant to s160 on the basis that they would resolve the uncertain operation of the standard adjustment clause identified at paragraphs [95]-[102] above.

110. If made, the variations sought would have the effect of successfully transitioning the adjustment of the allowance with reference to the Old Quarterly Series for the private motoring subgroup to the new Monthly Series.

111. At the proposed sunset date of 5 May 2027, the allowance will have last been adjusted with reference to a monthly index (either for March 2026 or later, depending on what the index does).

112. This means at the time the schedule lapses, the Vehicle Allowance(s) will have last been adjusted with reference to a monthly index figure. This means there will be no difficulty in reverting to the usual practice of Vehicle Allowance adjustments that are timed with reference to the adjustment of the standard rate.

Application of s134 considerations

113. In applying the s134 considerations in the context of these proceedings, it must be borne in mind that the Vehicle Allowance is an expense allowance. It is directed at reimbursing employees for costs associated vehicle ownership and use rather than as remuneration for work value.

114. In that context, it must also be borne in mind that the variations sought in each of the Applications seek to do no more than ensure the allowances maintain their value and properly compensate employees for expenses incurred in the service of their employer

115. Moreover, the applications seek to achieve this with reference to the private motoring sub group. The use of this index to adjust Vehicle Allowances has been uncontroversial for at least the last sixteen years.

116. In other words, the variations do not seek a new award standard, rather the proper maintenance of an existing one. The ACTU submits this context should inform the Commission's approach to the application of ss134 and 157.

Relative living standards and the needs of the low paid

117. The FWC has consistently approached the reference to ‘low paid’ in s134(1)(a) as persons whose ordinary-time earnings are below two thirds of median (adult) ordinary-time earnings of all full time employees.⁵³
118. The FWC has also previously acknowledged that the proportion of low paid employees among modern award reliant employees is higher than among other employees, with 36.1% of modern award reliant employees low paid compared with 6.8% of employees not reliant on modern awards,⁵⁴ and of all low paid employees, 56.2% are modern award reliant.
119. As acknowledged in the 2025 Annual Wage Review Decision, the main factor affecting the capacity of the low paid to meet their needs has been the “elevated inflation rate which has persisted over the last four years.... And led to a significant erosion in the real value of wages across all pay setting methods.”⁵⁵ In that Decision, the Expert Panel acknowledged that *“for the vast majority of modern award reliant employees the inflationary spike has resulted in a reduction in their real wages, which has undoubtedly made it more difficult for the low paid to meet their needs.”*⁵⁶
120. The ACTU submits this is a relevant consideration in the context of this case. In circumstances where it is accepted that low paid employees face difficulties meeting their needs due to higher inflation, the FWC can safely conclude that such employees have limited capacity to absorb surging fuel costs.
121. Nor should such employees have to absorb such costs. Allowing employees to use their own vehicles provides a benefit to employers, as it avoids the need for large up front costs, such as car purchases.
122. This factor weighs strongly in favour of making the variations.

The need to improve access to secure work across the economy

123. The ACTU submits this consideration is neutral in the context of these proceedings.

⁵³ Re Annual Wage Review 2025 [2025] FWCFB 3500 [91].

⁵⁴ Re Annual Wage Review 2023 [2023] FWCFB 3500 [91].

⁵⁵ Ibid [101].

⁵⁶ Ibid [107].

The need to achieve gender equality in the workplace by ensuring equal remuneration for work of equal or comparable value, eliminating gender based undervaluation of work and providing workplace conditions that facilitate women’s full economic participation

124. A significant proportion of awards the subject of these proceedings are either in the care and community sector or in other highly feminised industries and occupations.

125. Furthermore, women comprise 58.6 per cent of modern award-reliant employees (or almost 3 in 5), compared to men who comprise 41.4 per cent.⁵⁷ Women account for 52% of award reliant employees in the bottom half of the income distribution, with an even higher proportion of women (58 per cent) among low-paid award reliant employees relative to all award-reliant employees.⁵⁸ It has long been accepted by the FWC that women are disproportionately award reliant, and that “any increase to modern award minimum wage rates will provide a disproportionate benefit to female workers, and may contribute to narrowing the aggregate gender pay gap across the entire employee workforce”.⁵⁹

126. The evidence demonstrates that rising fuel costs are impacting the ability of some workers to accept shifts, call out visits or work in locations that are no longer financially viable,⁶⁰ and therefore impacting women’s full economic participation.

127. Given the above, the variations will have a disproportionate positive impact on female workers and help to ensure that an undervalued allowance is not contributing to gender-based undervaluation, and that workplace conditions are not hindering the full economic participation of women. The variations are likely to encourage women’s economic participation by ensuring that workers are not out of pocket when performing work.

128. This factor weighs strongly in favour of making the variations.

The need to encourage collective bargaining

129. The ACTU contends that an adjustment to an expense allowance to reflect rises in costs as measured by CPI data is unlikely to have an effect on collective bargaining one way or another and is therefore neutral.

⁵⁷ Strong J, Rozenbes D & Tomlinson J (2025), A profile of employee characteristics of modern awards – 2023, Fair Work Commission Research Report 1/2025, at pages 27, 65.

⁵⁸ van Netten J and Lipp J (2025), Award-reliant employees in the household income distribution of employees: an update, Fair Work Commission Research Report 2/2025, February, Table 2.

⁵⁹ *Annual Wage Review 2022–2023* [2023] FWCFB 3500 at [9], [114]–[115], [117].

⁶⁰ Statement of Melissa Coad at [22] and [24]; Statement of Lachlan Timms at [37]; Statement of Candice Gorman at [19].

The need to promote social inclusion through increased workforce participation

130. The evidence demonstrates that rising fuel costs are impacting the ability of some workers to accept shifts, call out visits or work in locations that are no longer financially viable,⁶¹ and therefore impacting women's full economic participation.

131. Further, there are national shortages of many occupations included in these proceedings. For example, there are national shortages and strong expectations of future demand for aged and disabled carers, childcare workers, registered nurses, enrolled nurses, veterinary nurses, and beauty therapists. There are national shortages and moderate expectations of future demand for personal care assistants, hairdressers, retail managers, and psychologists.⁶²

132. The variations will help to ensure that workplace conditions are not hindering the full economic participation of women. The variations are likely to encourage women's economic participation by ensuring that workers are not out of pocket when performing work.

133. This factor weighs strongly in favour of making the variations.

The need to promote flexible modern work practices and the efficient and productive performance of work

134. The ACTU submits that agreements between employers and employees to use private vehicles is a 'flexible modern work practice'.

135. It is also an efficient and productive work practice as it makes efficient use of existing resources (i.e. use of an employee's own private vehicle) relieving employers of the need to bear the large up front cost associated with vehicle purchasing.

136. The ACTU submits that an allowance that properly compensates employees for using their own vehicles can be seen as promoting this flexible work practice.

The need to provide additional remuneration for employees working overtime; unsocial, irregular or unpredictable hours; shifts

137. The ACTU submits this consideration is not relevant in the context of these proceedings.

⁶¹ Statement of Melissa Coad at [22] and [24]; Statement of Lachlan Timms at [37]; Statement of Candice Gorman at [19].

⁶² Cortis, N., Naidoo, Y., Wong, M. and Bradbury, B. (2023). Gender-based Occupational Segregation: A National Data Profile. Sydney: UNSW Social Policy Research Centre (**Stage 1 Report**) Table E.1, p. 104.

Likely impact of any exercise of modern award powers on business, including on productivity, employment costs and the regulatory burden;

138. It can be expected that if the variation determinations are made in the terms sought, there will be an effect on employment costs.
139. However, in the ACTU's submission this should nonetheless be a neutral, or at the very least limited, consideration in the context of this case.
140. This is because the variation determinations only seek to increase the allowance with reference to increases to the cost of private vehicle ownership and usage as measured by the ABS in the Private motoring sub group.
141. In that sense, the variation determinations do not seek to impose a new cost on to employers, rather, they seek the transfer of an existing cost from employees and on to employers, where such costs are being incurred in the service of their employer.
142. Likewise the ACTU accepts the variation determinations as sought would have the effect of increasing the regulatory burden insofar as they seek monthly reassessments of the Vehicle Allowance(s).
143. However, the ACTU contends the imposition of such a burden is justified by the need to avoid a situation whereby employees are required to absorb sudden increases in fuel prices, as they have done since February 2026.
144. It is worth also acknowledging that the increase in the regulatory burden is not significant, in that, the monthly reassessments are intended to only operate for a period of twelve months, and concern only one allowance.
145. Further, the allowance would only be adjusted where there is a positive percentage movement in the private motoring sub group, which may not occur each month (or indeed at all for the duration of the twelve month schedule).

The need to ensure a simple, easy to understand, stable and sustainable modern award system that avoids unnecessary overlap of modern awards

146. The ACTU submits that the addition of a schedule that concerns one allowance would not have the effect of making awards complex or difficult to understand. Alternatively, if the FWC finds that it may add complexity over the short term, this should not be determinative of the applications, when reference is had to the other s134 considerations.
147. Furthermore, uncertainty currently exists regarding the operation of the standard adjustment clause identified at paragraphs [96]-[103] above. If made, the variations would deal with that uncertainty, by transitioning the adjustment of the allowance with reference to the Old Quarterly Series for the private motoring sub group to the new Monthly Series, and would

therefore contribute to ensuring a simple, easy to understand, stable and sustainable modern award system.

148. Therefore, this factor weighs in favour of making the variations.

The likely impact of any exercise of modern award powers on employment growth, inflation and the sustainability, performance and competitiveness of the national economy.

149. The ACTU submits that the variations sought, if made, are highly unlikely to have a marked effect on these considerations, in that, the allowance is relatively small, and in the absence of relevant probative evidence to the contrary, should be treated as a neutral consideration.

Implications for remaining modern awards

150. Fundamentally, this is a case about the rise in fuel costs caused by the conflict in the Middle East and its implications for proper reimbursement of private vehicle costs for employees required to use their own vehicle in the course of duty.

151. In the ACTU's submission this is an issue relevant to the modern award system generally and is not limited to the awards included in these proceedings. This is particularly so when the Vehicle Allowance is (with a few notable exceptions) standardised, in terms of the circumstances in which it is paid, the amount, and the method by which it is adjusted, and has been thus throughout the modern award era.

152. Moreover, the ACTU submits the awards included in these proceedings, are, considered as a whole, properly representative of all modern awards containing a Vehicle Allowance.

153. In these circumstances the ACTU contends that the FWC should consider moving of its own motion to include consideration of all modern awards in these proceedings, or alternatively 'flow on' the outcome of these proceedings to all other modern awards.

Conclusion

154. For all of the reasons expressed in these submissions, the variation determinations sought by the Applicant Unions should be made.

155. The balance of modern awards containing Vehicle Allowances (those that are expense allowances specifying a monetary value and adjusted with reference to CPI) should be varied in the same terms.

**AUSTRALIAN COUNCIL OF TRADE UNIONS
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SCHEDULE A Vehicle Allowances in Modern Awards

NB: Blue shading represents awards included in these proceedings, orange shading for awards not presently included.

No.	Name of Award	Clause No.	Extract
1.	<i>Aboriginal and Torres Strait Islander Health Workers and Practitioners and Aboriginal Community Controlled Health Services Award 2020</i>	18(b)(i)	An employee required and authorised to use their own motor vehicle in the course of their duties will be paid an allowance of not less than \$0.99 per kilometre.
2.	<i>Aged Care Award 2010</i>	15.7(a)	An employee required and authorised to use their own motor vehicle in the course of their duties will be paid an allowance of not less than \$0.99 per kilometre.
3.	<i>Air Pilots Award 2020</i>	20.3(b)(v) D.4.2(d)(i)	(v) Where an employee has their employer's prior approval to use their own car in the performance of their duties the employee will be paid at the rate of \$0.98 per kilometre. Where a pilot will be away from home base for more than 48 hours, the employer will, upon request by the pilot, provide suitable transport or the reimbursement of the cost of transport between the pilot's home and their base airport irrespective of time of departure or return, provided that the employer may elect to pay the pilot an allowance of \$0.98 per kilometre instead of provision of transport. Provided further that this will be for a maximum of 100 kilometres return.

		D.4.2(d)(iii)	No pilot will be required to use their private vehicle on the employer's business unless the pilot so agrees. Where a pilot agrees to use their private vehicle for the employer's purposes, the pilot will be paid an allowance of \$0.98 per kilometre.
		D.6.4(d)(i)	Where a pilot will be away from home base for more than 48 hours, the employer will, upon request by the pilot, provide suitable transport or the cost thereof between the pilot's home and their base airport, irrespective of time of departure or return, provided that the employer may elect to pay the pilot an allowance of \$0.98 per kilometre instead of provision of transport, provided further that this will be for a maximum of 100 kilometres return.
		D.6.4(iv)	Where a pilot agrees to use their private vehicle for the employer's purposes, then the pilot will be paid an allowance of \$0.98 per kilometre
4.	<i>Aircraft Cabin Crew Award 2020</i>	B.1.4(a)(ii)	<p>a) Where a regional cabin crew member will be away from home base for more than 48 hours the employer must, upon request by the regional cabin crew member, either:</p> <ul style="list-style-type: none"> (i) provide suitable transport, or reimburse the cost of suitable transport, between the regional cabin crew member's home and their base airport irrespective of time of departure or return; or (ii) pay the regional cabin crew member an allowance of \$0.99 per kilometre up to a maximum of 30 kilometres each way.

5.	<i>Airline Operations-Ground Staff Award 2020</i>	20.3(d)	An employee who reaches agreement with their employer to use their own motor vehicle on the employer's business, must be paid an allowance of \$0.99 per kilometre.
6.	<i>Airservices Australia Enterprise Award 2016</i>	12.5	An employee who is required on a casual basis to use the employee's motor vehicle to carry out Airservices' business must be paid an allowance as follows: (a) 800cc or less: \$0.78 per km; (b) between 800cc and 1300cc: \$0.87 per km; (c) greater than 1300cc: \$0.93 per km.
7.	<i>Ambulance and Patient Transport Industry Award</i>	18.3(b)(ii)	An employee required to report for duty to a workplace, other than that to which the employee is normally rostered or posted: · is entitled to travel to and from such workplace in the employer's time and fares and incidental expenses will be paid by the employer; or · if required to use their own motor vehicle in connection with the employer's business, the employee is entitled to be reimbursed at the rate of \$0.99 per kilometre.
8.	<i>Amusement, Events and Recreation Award 2020</i>	18.3(f)	Where, on request from their employer, an employee agrees to use the employee's own motor vehicle for the purpose of travelling on the employer's business, the employer will pay the employee an allowance of \$0.98 per kilometre travelled.
9.	<i>Animal Care and Veterinary Services Award 2020</i>	16.4(b)	(i) The employer must meet all reasonable expenses of travel where it is required in the performance of duties.

			(ii) An employee required by the employer to use their motor vehicle in the performance of duties must be paid the following allowances: <ul style="list-style-type: none"> · motor vehicle—\$0.98 per kilometre; or · motorcycle—\$0.33 per kilometre.
10.	<i>Aquaculture Industry Award 2020</i>	18.3(d)(vi)	Where an employee, with the approval of the employer, is required to use a private motor vehicle, the employee will be paid \$0.98 per kilometre travelled.
11.	<i>Architects Award 2020</i>	15.2	An employee must be reimbursed at a rate not less than \$0.98 per kilometre travelled when it is required or necessary to use their own private vehicle for work purposes.
12.	<i>Australia Post Enterprise Award 2015</i>	26.7	An employee is entitled to be reimbursed for reasonable expenses incurred in the use of a private motor vehicle if the employee is authorised by Australia Post to use the vehicle: <ul style="list-style-type: none"> (a) for the performance of work; or (b) in circumstances where Australia Post would otherwise meet the costs of the employee's journey.
13.	<i>Australian Broadcasting Corporation Enterprise Award 2016</i>	54.19(e)	The ABC may grant permission to an employee to travel by his or her own private vehicle and grant a mileage allowance in accordance with the rate applicable to the commonwealth public service. The amount paid shall not exceed the amount which would have been reimbursed under this subclause had he or she travelled by regular means of transport. Travelling time granted in these circumstances shall not exceed that to which the employee would have been entitled had he or she travelled by normal surface transport.

		68.8	<p>Where the ABC requires an employee to use their own vehicle in or in connection with the performance of their duties, the employee will be paid an allowance for each kilometre of authorised travel as stated in Schedule 1 to the <i>Income Tax Assessment Regulations 1997</i> as varied from time to time.</p> <p>(a) The payment of vehicle allowance to an employee based at home will be calculated from the employee's office based site.</p> <p>(b) This subclause does not apply where the ABC provides transport for the artist.</p> <p>(c) Where the ABC requires an artist to be away overnight from the artist's place of residence, travel and accommodation must be provided at no cost to the artist.</p>
14.	<i>Australian Bureau of Statistics (Interviewers) Enterprise Award 2016</i>	9.1	Where the Australian Statistician requires an Interviewer to use their own vehicle in or in connection with the performance of their duties (including for attendance at training courses), the employee will be paid an allowance for each kilometre of authorised travel as stated in Schedule 1 to the <i>Income Tax Assessment Regulations 1997</i> as varied from time to time.
15.	<i>ACT Public Sector Enterprise Award 2016</i>	12.8	Where an employee is requested or authorised to use their own vehicle for travelling from job to job during their working day for purposes of their employer's business, the employee will be reimbursed for the reasonable

			expenses associated with this use. Where paragraph 12.6(d)(ii) applies, travel time at the beginning or end of work on any day will not count as time worked.
16.	Australian Government Industry Award 2016	13.1	<p>(a) Where an employer requires an employee to use their own vehicle in the performance of their duties, the employee will be paid an allowance for each kilometre of authorised travel.</p> <p>(b) The allowance will be \$0.84 per kilometre. This rate will be adjusted in line with the Private motoring sub-group.</p>
17.	Australian Government Industry Award 2016	13.1	<p>(a) Where an employer requires an employee to use their own vehicle in the performance of their duties, the employee will be paid an allowance for each kilometre of authorised travel.</p> <p>(b) The allowance will be \$0.84 per kilometre. This rate will be adjusted in line with the Private motoring sub-group.</p>
18.	Australian Public Service Enterprise Award 2015	11.7	<p>(a) Where an Agency Head requires an employee to use their own vehicle in or in connection with the performance of their duties, the employee will be paid an allowance for each kilometre of authorised travel as stated in Schedule 1 to the <i>Income Tax Assessment Regulations 1997</i> as varied from time to time.</p> <p>(b) The payment of vehicle allowance to an employee based at home will be calculated from the employee's office based site.</p> <p>(c) Carriage of goods or passengers</p> <p>Where an employee is authorised to use a private motor vehicle for the transport or haulage of goods or materials weighing 100 kilograms or more and/or the conveyance of passengers, the costs of which would otherwise be</p>

			met by the Agency Head, the employee will be paid an additional allowance of \$0.0127 per kilometre.						
19.	<i>Banking, Finance and Insurance Award 2020</i>	18.4(b)	<p>(iii) Motor vehicle allowance</p> <p>Any employee required to provide a motor vehicle as a condition of their employment must be paid an allowance of:</p> <table border="1" data-bbox="1095 518 1928 703"> <thead> <tr> <th></th> <th>Per week \$</th> </tr> </thead> <tbody> <tr> <td>For a vehicle 1500cc and under</td> <td>128.95</td> </tr> <tr> <td>For a vehicle over 1500cc</td> <td>159.07</td> </tr> </tbody> </table> <p>(iv) Where an employer approves the use by any other employee of a private motor vehicle on a casual or incidental basis, they must be paid an allowance of \$0.99 per kilometre travelled.</p>		Per week \$	For a vehicle 1500cc and under	128.95	For a vehicle over 1500cc	159.07
	Per week \$								
For a vehicle 1500cc and under	128.95								
For a vehicle over 1500cc	159.07								
20.	<i>Broadcasting, Recorded Entertainment and Cinemas Award 2020</i>	15.3(a)	<p>(i) Where the employer requires an employee to use their own vehicle in the course of their employment the employer must pay the employee an allowance of \$0.98 per kilometre.</p> <p>(ii) Where the employer requires an employee to use their own motorcycle in the course of their employment the employer must pay the employee an allowance of \$0.51 per kilometre.</p>						
21.	<i>Building and Construction General On-Site Award 2020</i>	26.2(ii)	where the employee uses their own vehicle the employee must be paid an allowance at the rate of \$0.98 per kilometre.						

		26.4(b)(ii)	any expenses necessarily and reasonably incurred in such travel, which will be \$0.59 per kilometre where the employee uses their own vehicle.
22.	<i>Business Equipment Award 2020</i>	17.3(b)	<p>Where an employee, by arrangement with the employer, provides a motor vehicle for use in connection with the employer's business, the employee must be paid for the use of the vehicle on the following basis:</p> <p>(i) If it is necessary for an employee to provide and/or use their own motor vehicle for each day to carry out assigned duties, the employee must be paid an allowance of \$786.31 per month. However, in the case of an employee who is assigned duties in a country territory, the employee must be paid an allowance of \$910.46 per month.</p> <p>(ii) An additional allowance of \$0.43 must be paid per kilometre travelled during the course of business.</p> <p>(iii) The allowance in clause 17.3(b)(ii) is not payable in respect of the distance travelled to:</p> <ul style="list-style-type: none"> · the employee's normal place of employment; or · the place at which work is to commence, <p>unless the employee is required to transport tools or equipment, parts or reference material to perform required work, in which case the allowance will apply in respect of the lesser of the distances specified.</p> <p>(v) An employer must give one month's notice to an employee that the employee will not be required to use the employee's motor vehicle to carry out assigned duties. Notice must not be given by the employer to avoid payment of</p>

			<p>the motor vehicle allowance while the employee is on annual or personal/carer's leave or attending a training school.</p> <p>(vi) An employee who is required to use their own motor vehicle to carry out the employer's business on a casual basis must be paid an allowance of \$0.98 per kilometre.</p>
23.	<i>Cement, Lime and Quarrying Award 2020</i>	18.3(a)	Employees directed by their employer, during work hours, to use their private vehicle for any purpose must be paid an allowance of \$0.98 per kilometre travelled.
24.	<i>Cemetery Industry Award 2020</i>	16.3(b)	<p>(b) Vehicle allowance</p> <p>An employee who reaches agreement with their employer to use their own motor vehicle on the employer's business will be paid an allowance of \$0.99 per kilometre travelled.</p>
25.	<i>Children's Services Award 2010</i>	15.6	Where an employer requests an employee to use their own motor vehicle in the performance of their duties the employee will be paid an allowance of \$0.99 per kilometre in the case of a motor car or \$0.33 per kilometre in the case of a motorcycle.
26.	<i>Cleaning Services Award 2020</i>	17.11	<p>An employer must pay an employee who, by agreement with the employer, uses their own motor vehicle in performing their duties an allowance of:</p> <p>(a) for a motor car, \$0.99 cents per kilometre; and</p> <p>(b) for a motorcycle, \$0.33 cents per kilometre.</p>

27.	<i>Clerks Private Sector Award 2020</i>	19.6	(a) An employer who requires an employee to use their own motor vehicle in performing their duties must pay the employee an allowance of: (i) for a motor car, \$0.98 per kilometre; and (ii) for a motor cycle, \$0.33 per kilometre.
28.	<i>Commercial Sales Award 2020</i>	17.2(c)	(c) Vehicle allowance An employee required by the employer to use the employee's motor vehicle in the performance of the employee's duties will be paid an allowance of: (i) \$0.98 per kilometre, for use of the employee's own motor car; and (ii) \$0.33 per kilometre for use of the employee's own motorcycle.
29.	<i>Contract Call Centres Award 2020</i>	18.3(a)	An employee must be paid an allowance of \$0.98 per kilometre when required to use their own motor vehicle on a casual basis to carry out the employer's business.
30.	<i>Corrections and Detention (Private Sector) Award 2020</i>	17.3(c)(iii)	An employee required to use their own vehicle will be paid a vehicle allowance for all excess travelling at the rate of: · \$0.99 per kilometre in the case of a motor vehicle; and · \$0.33 per kilometre in the case of a motor cycle.
31.	<i>Educational Services (Post Secondary Education) Award 2020</i>	18.3(g)	An employee who by agreement with the employer uses their own motor vehicle in the course of their work will be paid the following allowances: (i) Motor cars

			<p>\$0.98 per kilometre with a maximum payment up to 400 kilometres per week.</p> <p>(ii) Motorcycles</p> <p>\$0.33 per kilometre with a maximum payment up to 400 kilometres per week.</p>						
32.	<i>Educational Services (Schools) General Staff Award 2020</i>	19.3(d)(i)	<p>An employee required by the employer to use the employee’s motor vehicle in the performance of duties must be paid the following allowances:</p> <ul style="list-style-type: none"> · Motor car—\$0.99 per kilometre with a maximum payment as for 400 kilometres per week. · Motorcycle—\$0.33 per kilometre with a maximum payment as for 400 kilometres per week. 						
33.	<i>Educational Services (Teachers) Award 2020</i>	19.5	<p>An employee required by the employer to use the employee’s motor vehicle in the performance of duties must be paid the following allowances:</p> <table border="1" data-bbox="1093 850 1709 1126"> <thead> <tr> <th>Vehicle</th> <th>\$ per kilometer (km)</th> </tr> </thead> <tbody> <tr> <td>Motor car</td> <td>0.99 per km with a maximum payment up to 400 km per week</td> </tr> <tr> <td>Motorcycle</td> <td>0.33 per km with a maximum payment up to 400 km per week</td> </tr> </tbody> </table>	Vehicle	\$ per kilometer (km)	Motor car	0.99 per km with a maximum payment up to 400 km per week	Motorcycle	0.33 per km with a maximum payment up to 400 km per week
Vehicle	\$ per kilometer (km)								
Motor car	0.99 per km with a maximum payment up to 400 km per week								
Motorcycle	0.33 per km with a maximum payment up to 400 km per week								
34.	<i>Electrical Power Industry Award 2020</i>	17.3(b)	<p>An employee who, by prior agreement with the employer, uses a private motor vehicle for work purposes where no company vehicle is provided or available will be paid as follows:</p> <ul style="list-style-type: none"> (i) motor vehicle—\$0.99 per kilometre; and (ii) motorcycle—\$0.33 per kilometre. 						

35.	<i>Electrical, Electronic and Communications Contracting Award 2020</i>	18.6(b)	<p>An employer must pay an employee a motor vehicle allowance of \$0.98 per kilometre as compensation for expenses where the employee, by agreement with their employer, uses their own motor vehicle in the following cases:</p> <p>(i) for the distance of the employee’s journey which is in excess of the distance of the journey between the employee’s home and their workshop or depot where the employee starts or finishes work at a job away from their workshop or depot; or</p> <p>(ii) for the distance of the employee’s journey where the employee is recalled to work overtime after leaving their employer’s business; or</p> <p>(iii) for the distance of the employee’s journey in travelling between their workshop or depot and a job or between jobs; or</p> <p>(iv) for the distance of the employee’s journey in travelling to or from distant work.</p>
36.	<i>Fast Food Industry Award 2020</i>	17.8	<p>If an employer requests an employee to use their own motor vehicle in performing their duties, then the employer must pay the employee an allowance for each kilometre travelled in performing their duties as follows:</p> <p>(a) \$0.52 per kilometre if the employee is engaged primarily to deliver the employer’s products to customers using their own motor vehicle; or</p> <p>(b) \$0.98 per kilometre in any other case.</p>

37.	<i>Fire Fighting Industry Award 2020</i>	20.4(a)	Any employee who is required by the employer to use their own motor vehicle on the employer's business, and is not otherwise entitled to an allowance in respect of the cost of travel, will be entitled to receive an allowance of: (i) \$0.99 per kilometre in the case of a motor vehicle; and (ii) \$0.33 per kilometre in the case of a motorcycle.
38.	<i>Fitness Industry Award 2020</i>	17.3(b)	(i) An employee who, by agreement with their employer, uses their own motor vehicle in the performance of duties must be paid \$0.98 per kilometre travelled. (ii) An employee who, by agreement with their employer, uses their own motorcycle in the performance of duties must be paid \$0.32 per kilometre travelled.
39.	<i>Food, Beverage and Tobacco Manufacturing Award 2020</i>	20.3(c)	An employee who reaches agreement with their employer to use their own motor vehicle on the employer's business, must be paid \$0.98 per kilometre travelled.
40.	<i>Funeral Industry Award 2020</i>	17.3(e)(iii)	Employees required by their employer to use their own motor vehicle in the performance of their duties will be paid \$0.99 per kilometre.
41.	<i>Gardening and Landscaping Services Award 2020</i>	17.4(b)	An employee will be paid an allowance of \$0.98 per kilometre travelled when directed by the employer to use the employee's motor vehicle for any purpose. The time spent travelling will be paid for at ordinary rates provided that an employee will not be paid more than an ordinary day's wages for any time not exceeding 24 hours spent in travelling.

42.	<i>General Retail Industry Award 2020</i>	19.7	If an employer requests an employee to use their own motor vehicle in performing their duties, the employer must pay the employee an allowance of \$0.98 for each kilometre travelled.
43.	<i>GrainCorp Country Operations Award 2015</i>	15.3	Employees authorised and required to use their own vehicle for work purposes will receive an allowance of \$0.98 per kilometre for the distance actually covered on GrainCorp's business.
44.	<i>Hair and Beauty Industry Award 2020</i>	20.6	If an employer requests an employee to use their own motor vehicle in performing their duties, then the employer must pay the employee an allowance of \$0.98 for each kilometre travelled in performing duties.
45.	<i>Health Professionals and Support Services Award 2020</i>	23.3(h)(i)	An employee required and authorised to use their own motor vehicle in the course of their duties will be paid an allowance of not less than \$0.99 per kilometre.
46.	<i>Health Professionals, Medical Scientists and Support Services (Victoria) State Reference Public Sector Award 2018</i>	13.14 (a)	An employee required and authorised to use their own motor vehicle in the course of their duties will be paid an allowance of not less than \$0.99 per kilometre.
47.	<i>Higher Education Industry-General Staff Award 2020</i>	See table at Schedule C	Vehicle - Where an employee is authorised to use his/her own motor vehicle in the performance of his/her duties - Allowance in accordance with the Australian Taxation Office guidelines as at 1 July each year

48.	<i>Horse and Greyhound Training Award 2020</i>	15.2(a)	<p>(a) Racecourse attendance allowance</p> <p>Every employee who is required to attend a race meeting must be paid a racecourse attendance allowance calculated as follows:</p> <p>(i) where the racecourse is situated within 75 kilometres of the employee's place of employment: \$30.01;</p> <p>(ii) where the racecourse is more than 75 kilometres from the employee's place of employment, the allowance in clause 15.2(a)(i) plus \$7.07 for each additional 50 kilometres or part thereof that the racecourse is situated from the place of employment.</p>
49.	<i>Hospitality Industry (General) Award 2020</i>	26.7	<p>(a) Clause 26.7 applies to an employee within the Managerial Staff (Hotels) classification level in Schedule A—Classification Structure and Definitions who is required to use their own motor vehicle in performing their duties.</p> <p>(b) The employer must pay the employee an allowance of \$0.99 for each kilometre authorised to be travelled in performing duties.</p>
50.	<i>Joinery and Building Trades Award 2020</i>	21.4(f)	<p>An employee engaged on glass and glazing work who reaches agreement with their employer to use their own motor vehicle on the employer's business must be paid an allowance of \$0.98 per kilometre travelled.</p>

51.	<i>Labour Market Assistance Industry Award 2020</i>	18.3(b)(i)	Where an employee is required to use their own motor vehicle in connection with their work, the employee is entitled to be reimbursed at the rate of \$0.98 per kilometre.
52.	<i>Legal Services Award 2020</i>	18.4 (a)	Where an employer requires an employee to use the employee's own motor vehicle in the performance of their duties the employee must be paid: (i) \$0.98 per kilometre for a motor car; and (ii) \$0.33 per kilometre for a motorcycle on any day when the employee is so required to use their vehicle.
53.	<i>Live Performance Award 2020</i>	14.2(b)	An allowance of \$0.98 per kilometre will be paid to an employee who is requested by the employer to use their own motor vehicle in the performance of their duties.
54.	<i>Local Government Industry Award 2020</i>	19.3(c)(i)	An employee required by their employer to use their own vehicle in or in connection with the performance of their duties will be paid an allowance for each kilometre of authorised travel as follows: · motor vehicle— \$0.98 per kilometre; and · motorcycle— \$0.33 per kilometre.
55.	<i>Mannequins and Models Award 2020</i>	17.4(b)(v)	Where it is mutually agreed that a model will use their own vehicle, the model will be paid a motor vehicle allowance of \$0.98 per kilometre for the actual distance travelled by the vehicle in connection with the engagement between the model's place of residence and the assignment.

56.	<i>Manufacturing and Associated Industries and Occupations Award 2020</i>	30.3(a)	A vehicle allowance of \$0.98 per kilometre travelled must be paid to an employee who reaches an agreement with their employer to use their own vehicle for the employer's business.
57.	<i>Market and Social Research Award 2020</i>	16.2	An employee who is required by their employer to use their own motor vehicle in the performance of their duties will be paid an allowance of not less than \$0.98 per kilometre subject to the following: (a) the travel will be restricted to on-the-job motor vehicle usage; and (b) where an employee is required to commence work at a location away from the employee's usual work location, the distance for motor vehicle allowance purposes will be the total distance travelled from the employee's home and return, including on-the-job motor vehicle usage. A deduction of 22 kilometres will be made from the distance travelled in respect of employees who are paid for at least 3 hours in that day.
58.	<i>Medical Practitioners Award 2020</i>	18.3(c)(i)	An employee required and authorised to use their own motor vehicle in the course of their duties will be paid an allowance of not less than \$0.99 per kilometre.
59.	<i>Miscellaneous Award 2020</i>	17.3(b)(ii)	An employee who agrees with their employer to use their own motor vehicle on the employer's business must be paid an allowance of \$0.98 per kilometre.
60.	<i>Mobile Crane Hiring Award 2020</i>	18.3(d)(i)	\An employee directed by an employer to use a private vehicle during working time will be paid \$0.98 per kilometre measured to and from respective sites,

			in addition to payment for the time travelling at the appropriate ordinary time or overtime rate.								
61.	Note Printing Australia Award 2016	21.1	<p>(a) Car allowance is paid to employees who use their car on NPA business with official approval.</p> <p>(b) Full cost car allowance The rate at which the car allowance is payable is determined by engine capacity.</p> <table border="1" data-bbox="1189 596 1749 804"> <tr> <td>2000cc & below</td> <td>109.24 cents per kilometre with a minimum payment of \$8.93</td> </tr> <tr> <td>Over 2000cc</td> <td>\$1.39 per kilometre with a minimum payment of \$10.88</td> </tr> </table> <p>(c) Variable cost car allowance Where an employee is entitled to payment of the variable cost car allowance they shall be paid:</p> <table border="1" data-bbox="1196 1007 1765 1160"> <tr> <td>Up to 2000cc</td> <td>21.72 cents per kilometre</td> </tr> <tr> <td>Over 2000cc</td> <td>26.33 cents per kilometre</td> </tr> </table> <p>(d) Car allowance rates are to be maintained at current level until the Australian Taxation Office Motoring Cost Schedule exceeds those rates. The</p>	2000cc & below	109.24 cents per kilometre with a minimum payment of \$8.93	Over 2000cc	\$1.39 per kilometre with a minimum payment of \$10.88	Up to 2000cc	21.72 cents per kilometre	Over 2000cc	26.33 cents per kilometre
2000cc & below	109.24 cents per kilometre with a minimum payment of \$8.93										
Over 2000cc	\$1.39 per kilometre with a minimum payment of \$10.88										
Up to 2000cc	21.72 cents per kilometre										
Over 2000cc	26.33 cents per kilometre										

			rates applicable for this purpose will be those specified for up to 2000cc and over 3000cc as per the schedule.
62.	<i>Nurses (ANMF - Victorian Local Government) Award 2015</i>	17.4(a)	An employee required and authorised to use their own motor vehicle in the course of their duties will be paid an allowance of not less than \$0.99 per kilometre.
63.	<i>Nurses Award 2020</i>	17.3(c)(i)	An employee required and authorised to use their own motor vehicle in the course of their duties will be paid an allowance of not less than \$0.99 per kilometre.
64.	<i>Nurses and Midwives (Victoria) State Reference Public Sector Award 2015</i>	14.7(a)	(a) An employee required and authorised to use their own motor vehicle in the course of their duties will be paid an allowance of not less than \$0.99 per kilometre.
65.	<i>Oil Refining and Manufacturing Award 2020</i>	19.3(c)	An employee who, with the prior approval of their employer, uses the employee's own motor vehicle on the employer's business, must be paid \$0.98 per kilometre travelled.
66.	<i>Parliamentary Departments Staff Enterprise Award 2016</i>	11.7	<p>11.7 Vehicle allowance</p> <p>(a) Where a Secretary requires an employee to use their own vehicle in or in connection with the performance of their duties, the employee will be paid an allowance for each kilometre of authorised travel as stated in Schedule 1 to the <i>Income Tax Assessment Regulations 1997</i> as varied from time to time.</p> <p>(b) The payment of vehicle allowance to an employee based at home will be calculated from the employee's office based site.</p>

67.	<i>Passenger Vehicle Transportation Award 2020</i>	17.3(f)	<p>(i) An employee will be paid an allowance of \$0.98 per kilometre where no form of public transport is available and the employee is required to use a personal vehicle for transportation between:</p> <ul style="list-style-type: none"> · the ordinary starting and finishing place; and · any other place of work decided by the employer. <p>(ii) An allowance of \$0.98 per kilometre will be paid to an employee who by agreement with their employer uses the employee's own vehicle in the course of their work.</p>
68.	<i>Pastoral Award 2020</i>	18.3(c)	An employee will be paid an allowance of \$0.98 per kilometre when instructed by the employer to use their own vehicle during working hours to relocate materials, equipment, or personnel either within the normal work location or on public thoroughfares.
69.	<i>Pest Control Industry Award 2020</i>	18.3(b)	An employee who by agreement with the employer uses the employee's own motor vehicle in the course of the employer's business will be paid an allowance of \$0.98 per kilometre travelled.
70.	<i>Pharmacy Industry Award 2020</i>	19.7	If an employer requests an employee to use their own motor vehicle in performing their duties, the employer must pay the employee an allowance of \$0.99 for each kilometre travelled.

71.	<i>Plumbing and Fire Sprinklers Award 2020</i>	21.9(f)	An employee entitled to the additional travelling time allowance beyond the defined radius under clause 21.9(e) and who uses their own vehicle for such travel is to be paid an amount equivalent to \$0.54 per kilometre as reimbursement for the additional fuel costs incurred covering the combined distance from the defined radius to the job site and return to the defined radius.
72.	<i>Port Authorities Award 2020</i>	17.3(a)	<p>Motor vehicle/motorcycle reimbursement rate</p> <p>(i) Where approval has been given for the use of the private motor vehicle/motorcycle by the employer, employees will be paid an allowance of \$0.98 per kilometre.</p> <p>(ii) Reimbursement for the use of a private motor vehicle/motorcycle will only occur where the employer has given approval prior to the actual use of the private motor vehicle/motorcycle by the employee.</p>
73.	<i>Ports, Harbours and Enclosed Water Vessels Award 2020</i>	16.3(g)	<p>(i) Where an employee commences or finishes work or is required for call-out between the hours of 11.00 pm and 6.00 am the employer will:</p> <ul style="list-style-type: none"> · supply them with a conveyance to or from their home whichever is appropriate; · pay them for time spent in reaching their home or travelling there from at the employee's ordinary weekly rate with a minimum of half an hour and a maximum of one hour; or

			<ul style="list-style-type: none"> · if by arrangement with their employer the employee uses their own motor vehicle they will receive an allowance of not less than \$0.98 per kilometre. <p>(ii) An employee required to use their own vehicle to travel to or from a starting or finishing point other than their regular starting or finishing point:</p> <ul style="list-style-type: none"> · will be paid \$0.98 per kilometre for the distance in excess of the distance involved in getting to their normal starting or finishing point; and · will be paid at their ordinary hourly rate for the time in excess of the time involved in getting to their normal starting or finishing point, with a minimum of payment of half an hour and a maximum of one hour.
74.	<i>Poultry Processing Award 2020</i>	17.3(b)	A vehicle allowance of \$0.98 per kilometre is payable to an employee who is required to use their own vehicle to travel from one place to another during working time.
75.	<i>Premixed Concrete Award 2020</i>	18.3(b)	A vehicle allowance of \$0.98 per km is payable to an employee who is directed by the employer to use the employee's own private vehicle for any purpose during working hours.
76.	<i>Professional Diving Industry (Industrial) Award 2020</i>	29.3(c)(viii)	Employees who consent to use their own vehicle in the course of their employment will be paid an allowance of \$0.98 per kilometre. This allowance

			is for the use of the vehicle by the employee for transporting the employee and the employee's personal diving equipment.
77.	<i>Professional Diving Industry (Recreational) Award 2020</i>	17.3(b)	A vehicle allowance of \$0.98 per kilometre is payable to an employee who consents to use the employee's own vehicle for the transportation of themselves and their personal diving equipment for work purposes.
78.	<i>Professional Employees Award 2020</i>	16.3	The employer must pay an employee required to use their private vehicle on the employer's business at least \$0.98 per kilometre travelled.
79.	<i>Real Estate Industry Award 2020</i>	17.2	<p>(a) If the employer requires the employee to use the employee's own motor vehicle in the course of their employment, including to undertake excess travelling as described in clause 17.11, the employee must be reimbursed for the use of their motor vehicle in accordance with clause 17.2(b), 17.2(c) or 17.3. Clause 17.2 does not apply to the use of a motor scooter or motorcycle.</p> <p>(b) Calculation of allowance</p> <p>(i) An employee must be paid a weekly standing charge allowance plus the amount per kilometre for the distance travelled in performing duties under this award as set out in the table at clause 17.2(b)(iii), calculated by reference to the age and engine capacity of the vehicle.</p>

(ii) If the employer and employee expressly agree in writing, a weekly lump sum payment as set out in the table calculated by reference to the engine capacity of the vehicle, may be applied instead of the standing charge and per kilometre rate.

(iii) Allowance rates

Engine capacity	Allowance	Rate \$
Up to 5 years old		
Up to and including 1600cc	Standing charge	100.76
Up to and including 1600cc	Per kilometre	0.17
Up to and including 1600cc	Lump sum	185.01
1601cc up to and including 2600cc	Standing charge	138.11
1601cc up to and including 2600cc	Per kilometre	0.20
1601cc up to and including 2600cc	Lump sum	237.88
Over 2600cc	Standing charge	143.70
Over 2600cc	Per kilometre	0.22
Over 2600cc	Lump sum	257.70
Over 5 years old		
Up to and including 1600cc	Standing charge	51.20
Up to and including 1600cc	Per kilometre	0.17
Up to and including 1600cc	Lump sum	138.76
1601cc up to and including 2600cc	Standing charge	76.66
1601cc up to and including 2600cc	Per kilometre	0.20

1601cc up to and including 2600cc	Lump sum	178.40
Over 2600cc	Standing charge	83.59
Over 2600cc	Per kilometre	0.24
Over 2600cc	Lump sum	211.44

(a) Instead of the provisions contained in clause 17.2, the employer may elect to pay the employee a **\$0.98** per kilometre allowance for all use of the employee's own motor vehicle in the course of employment, to a maximum of 400 km per week.

1.

(b) If the employee claims the motor vehicle allowance under clause 17.3, the employee must keep a record of all such usage which will show:

2.

- (i) *the date and odometer reading of the first such usage of the motor vehicle at the commencement of the log book;*
- (ii) *the date and commencement and final odometer reading for each day on which the allowance is claimed;*
- (iii) *total business kilometres each day;*
- (iv) *the purpose of each usage; and*
- (v) *the signature of the employee, certifying the usage.*

		17.3	(a) Where the employer requires the employee to use the employee's own motor scooter or motor cycle in the course of employment, the employee will be entitled to be reimbursed for the use of the motor scooter or motor cycle at a rate of \$0.33 per kilometre for its use in the course of employment with a maximum payment as for 400 kilometres per week.
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		17.5	
80.	<i>Registered and Licensed Clubs Award 2020</i>	19.3(e)	An employee who is required by their employer to use their own vehicle in or in connection with the official business of the employer must be paid an allowance of \$0.99 each kilometre of authorised travel. An employer may require an employee to record full details of all such official travel requirements in a logbook as a pre-condition for the employee qualifying for the allowance.
81.	<i>Road Transport (Long Distance Operations) Award 2020</i>	19.5	An employee engaged in travelling on duty, or on work on which the employee is unable to return home at night must be paid personal expenses reasonably incurred in travelling, of at least \$40.08 per day. Where an employer provides suitable accommodation and meals such allowance shall not be payable.
82.	<i>Salt Industry Award 2020</i>	19.4(b)	A vehicle allowance of \$0.98 per kilometre is payable to an employee who uses their own motor vehicle by agreement with the employer.
83.	<i>Security Services Industry Award 2020</i>	17.9	(a) Clause 17.9 applies if an employer requires an employee to use their own motor vehicle or motor cycle in performing their duties.

			<p>(b) The employer must pay the employee a vehicle allowance for each kilometre travelled as follows:</p> <p>(i) motor vehicle—\$0.98;</p> <p>(ii) motor cycle—\$0.33.</p>
84.	<i>Silviculture Award 2020</i>	17.5(d)	<p>Where an employee travels daily from inside any radial area mentioned in clauses 17.5(a) to 17.5(c), to a job outside that radial area, they must be paid the relevant allowance prescribed by clauses 17.5(a) to 17.5(c) and, in respect of the travel to and from the designated radius and the job:</p> <p>(i) the time outside ordinary working hours reasonably spent in such travel, calculated at the ordinary hourly rate to the next quarter of an hour with a minimum payment of one half an hour per day for each return journey; and</p> <p>(ii) any expenses necessarily and reasonably incurred in such travel, which must be \$0.98 per kilometre where the employee uses their own vehicle.</p> <p>(e) Travelling between radial areas The provisions of clause 17.5(d) will also apply to an employee who is required to travel daily from one of the areas mentioned in clauses 17.5(a) and 17.5(c) to an area or another area mentioned in clauses 17.5(a) and 17.5(c).</p>
85.	<i>Social, Community, Home Care and Disability Services Industry Award 2010</i>	20.7(a)	<p>Where an employee is required and authorised by their employer to use their motor vehicle in the course of their duties, the employee is entitled to be reimbursed at the rate of \$0.99 per kilometre.</p>

86.	<i>Sporting Organisations Award 2020</i>	17.3	An employee required and authorised to use their own motor vehicle in the course of their duties will be paid an allowance of \$0.98 per kilometre.
87.	<i>State Government Agencies Award 2020</i>	18.3(c)	(i) An allowance of \$0.99 cents per kilometre must be paid to an employee who, by agreement with the employer, uses their own private motor vehicle in the course of their duties. (ii) An allowance will not be payable in respect of travelling in excess of 16,000 km in any financial year unless the prior approval of the employer has been obtained for the travelling.
88.	<i>Stevedoring Industry Award 2020</i>	18.3(b)	Where an employee is required by the employer to use their own vehicle on the employer's business, the employer will pay the employee \$0.98 per kilometre travelled.
89.	<i>Supported Employment Services Award 2020</i>	18.3(a)	An employee who reaches agreement with their employer to use their own motor vehicle on the employer's business, must be paid \$0.98 per kilometre travelled.
90.	<i>Surveying Award 2020</i>	19.7	In cases where it is mutually agreed that an employee will be required to use their private vehicle during the course of employer's business, an employee must be paid reasonable compensation, but in no case will they receive payment at a rate less than the equivalent of \$0.98 per kilometre so travelled.
91.	<i>Telecommunications Services Award 2020</i>	18.4(a)	18.4 Expense-related allowances—all streams

			An allowance of \$0.98 per kilometre will be paid to an employee who is required on a casual basis to use the employee's motor vehicle to carry out the employer's business.
92.	<i>Timber Industry Award 2020</i>	23.2	(a) A vehicle allowance of \$0.98 per kilometre is payable to an employee who, by agreement with the employer, uses the employee's own motor vehicle for work purposes. (b) Where an employee uses the employee's own motor vehicle with the approval of the employer for travelling to and from a job away from the usual place of work, the vehicle allowance is payable to the employee for the distance by which the trip exceeds the distance that the employee normally travels in going to and from the usual place of work.
93.	<i>Travelling Shows Award 2020</i>	18.3(c)	(i) Where an employee is directed and complies with the direction to travel between show destinations in the employee's own vehicle, the employer will pay the employee an allowance of \$0.98 per kilometre travelled.
94.	<i>Vehicle Repair, Services and Retail Award 2020</i>	19.3(b)(iv)	(iv) if required by an employer to use their own vehicle on the employer's business, be paid an allowance of \$0.98 per kilometre travelled.
95.	<i>Victorian Local Government (Early Childhood Education Employees) Award 2016</i>	15.1	Where an employer requests an employee to use their own motor vehicle in the performance of their duties the employee will be paid an allowance of \$0.99 per kilometre in the case of a motor vehicle or \$0.33 per kilometre in the case of a motorcycle.

96.	<i>Victorian Local Government Award 2015</i>	15.2	<p>(a) Where an employer requires an employee to use their own vehicle in or in connection with the performance of their duties, such employee will be paid an allowance for each kilometre of authorised travel as follows:</p> <p>(i) motor vehicle—\$0.98 per kilometre; and</p> <p>(ii) motorcycle—\$0.33 per kilometre.</p>									
97.	<i>Victorian Public Service Award 2016</i>	12.1(b)	<table border="1" data-bbox="1111 547 2094 842"> <thead> <tr> <th>Allowance</th> <th>Payable</th> <th>\$</th> </tr> </thead> <tbody> <tr> <td>Vehicle</td> <td>If employee is required to use their own vehicle for work purposes</td> <td>0.98 per km</td> </tr> </tbody> </table>	Allowance	Payable	\$	Vehicle	If employee is required to use their own vehicle for work purposes	0.98 per km			
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98.	<i>Victorian State Government Agencies Award 2015</i>	15.1(b)	<p>(b) Expense related allowances</p> <table border="1" data-bbox="1111 1198 1861 1335"> <thead> <tr> <th>Allowance</th> <th>Payable</th> <th>\$</th> </tr> </thead> <tbody> <tr> <td>Overtime meal</td> <td>per occasion</td> <td>22.67</td> </tr> <tr> <td>Motor vehicle</td> <td>if employee is required to use own vehicle for work</td> <td>0.99 per km</td> </tr> </tbody> </table>	Allowance	Payable	\$	Overtime meal	per occasion	22.67	Motor vehicle	if employee is required to use own vehicle for work	0.99 per km
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99.	<i>Water Industry Award 2020</i>	18.3(b)(i)	<p>Where an employer requires an employee to use their own vehicle in or in connection with the performance of their duties, the employee will be paid an allowance for each kilometre of authorised travel as follows:</p> <ul style="list-style-type: none"> · motor vehicle—\$0.99 per kilometre; or · motorcycle—\$0.33 per kilometre.
100.	<i>Wine Industry Award 2020</i>	19.3(b)	<p>An employee who agrees with their employer to use their own motor vehicle on the employer’s business, must be paid \$0.98 per kilometre travelled.</p>