

FAIR WORK COMMISSION

Matter No.: AM2026/10

Re Applications by: Health Services Union; Transport Workers' Union of Australia; Australian Municipal, Administrative, Clerical and Services Union; The Australian Workers' Union; Shop, Distributive and Allied Employees Association; Australian Nursing and Midwifery Federation; United Workers' Union

SUBMISSIONS OF THE AUSTRALIAN SERVICES UNION – VEHICLE ALLOWANCE AMENDMENT

1. INTRODUCTION

1. This case is about making sure workers are not out of pocket for performing work on behalf of their employer. This is an urgent application made in response to unique circumstances which have led to the price of fuel soaring well beyond usual fluctuations. There is no foreseeable end to the uncertainty of those circumstances. Workers, ASU members, who are required to use their own vehicles (and pay for their own fuel) are being forced to bear the cost of those unique circumstances. The Fair Work Commission is empowered to provide relief for those workers.
2. These submissions are filed on behalf of the Australian Services Union (**ASU**) in support of the applications to vary multiple awards pursuant to s.158 of the *Fair Work Act 2009* (Cth) (**FW Act**). The variation inserts a temporary schedule, directed at updating the financial component of the vehicle allowance, upon the appropriate trigger.
3. The ASU adopts and relies upon the submissions made by the Australian Council of Trade Unions (**ACTU**) in relation to the applications with matter number AM2026/10, AM2026/12 and AM2026/13.
4. These submissions supplement those submissions. The ASU further relies upon the following:
 - a. Witness Statement of Janelle Bailey, confirmed 27 April 2026; and
 - b. Witness Statement of Scott Cowen, executed 27 April 2026.

Lodged by:
The ASU

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2. THE APPLICATIONS

5. On 15 April 2026, the ASU filed applications to vary multiple awards to increase the vehicle allowance. The ASU lodged applications in relation to the following awards:
 - a. *Airline Operations – Ground Staff Award 2020 (Airlines Award)*;
 - b. *Business Equipment Award 2020 (BE Award)*;
 - c. *Clerks – Private Sector Award 2020 (Clerks Award)*;
 - d. *Fitness Industry Award 2020 (Fitness Industry)*;
 - e. *Victorian Local Government Employees Award 2015 (Vic LG Award)*;
 - f. *Victorian Local Government Early Childhood Education Employees Award 2015 (Vic LG ECEE Award)*; and
 - g. *Water Industry Award 2020 (Water Award)*.
6. The ASU also lodged a joint application with the Australian Workers' Union to vary the *Gardening and Landscaping Award 2020 (Gardening Award)*.
7. The ASU also lodged a joint application with the Health Services Union and the United Workers Union to vary the *Social, Community, Home Care and Disability Services Award 2010 (SCHADS Award)*

(collectively, **the ASU Awards**).
8. With the exception of the BE Award, all of the ASU Awards contain a clause which provides for a vehicle allowance, payable when an employer requires the employee to use their own vehicle. The BE Award contains a clause which has the same effect, but provides for a more specific and greater allowance.
9. All of the ASU Awards contain the "Standard Adjustment Clause".

3. USE OF VEHICLES FOR WORK

10. Mr Cowen details different sectors that are impacted within the sectors of the ASU Awards.¹ In her statement, Ms Bailey, a disability support worker, detailed the kind of work that she regularly performs on behalf of her clients. Her main two clients are disabled and need her support for their welfare. One of her clients had a stroke several months ago and has medical appointments that are unavoidable – she must take him to them.
11. Since February 2026, Ms Bailey has driven between 890 and 1,100 kilometres per fortnight to support her clients. She lives in regional New South Wales. She is

¹ Cowen Statement [10]-[27].

required, by her employer, to drive her own car. She pays for her own fuel. She regularly claims the vehicle allowance. This is recorded in her payslips.

12. The requirements of Ms Bailey's job are not going to change in the foreseeable future. She has experienced the increase in fuel prices. She has been forced to consider how to drive less, but still provide appropriate support to her clients.

4. MODERN AWARDS OBJECTIVE

13. The Commission can be satisfied that the variation proposed in the applications is necessary to achieve the modern awards objective for the following reasons.

Living standards and the needs of the low paid – s.134(1)(a)

14. Ms Bailey is paid less than \$30.00 per ordinary hour that she works. She works on award conditions. The FWC has acknowledged a higher proportion of low paid employees are award-reliant employees.² Mr Cowen identified other workers who are award reliant.
15. The ASU submits that this element of the modern award objective compels the Commission to make the variation to the ASU Awards as sought. To not means the Commission is embedding that the low paid (workers such as Ms Bailey) are subsidising performing work on behalf of their employers.
16. Employees should not be (further) out of pocket as a result of a change in fuel prices which are entirely beyond their control. It has an impact not only on the employees' wages (which are reduced), but in the case of some workers, it has a flow on effect to other people in the community – such as people with a disability – who will not be able to lead the lives they deserve.

Promote flexible modern work practices and the efficient and productive performance of work – s.134(1)(d)

17. Many employers require employees to use their own vehicles to perform work because it is more productive and efficient in the performance of that work. For instance, as Ms Bailey identified, it would be counterproductive to require her to travel long distances to access a single pool car, to then drive a further long distance to perform the work.
18. Employers already enjoy a level of productivity and efficiency from workers who use their own vehicles. The vehicle allowance, particularly with the high cost of fuel, is insufficient to compensate for that productivity and efficiency.
19. The Commission can be satisfied that the modern awards objective is met.

² Re Annual Wage Review 2023 [2023] FWCFB 3500 [91].

5. CONCLUSION

20. For the reasons contained herein, the Commission can be satisfied that it is necessary to vary the ASU awards, and that the variation sought meets the modern awards objective.

21. Workers need relief from the cost of fuel. The Commission can, and should, assist.

27 April 2026

Australian Services Union

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Re Applications by: Health Services Union; Transport Workers' Union of Australia; Australian Municipal, Administrative, Clerical and Services Union; The Australian Workers' Union; Shop, Distributive and Allied Employees Association; Australian Nursing and Midwifery Federation; United Workers' Union

WITNESS STATEMENT OF JANELLE BAILEY

I, Janelle Bailey, Disability Support Worker, care of [REDACTED] in the State of New South Wales, say,

1. I make this statement in support of the Australian Services Union's application to increase the vehicle allowance in the Social, Community, Home Care and Disability Services Award (**SCHADS Award**).

1. BACKGROUND

2. I am employed as a Home Care Worker / Disability Support Worker at QualityCare (my employer).
3. I have worked for my employer for five years in the same job. I have been a Disability Support Worker for approximately 7 or 8 years.
4. I am employed under the SCHADS Award. I am employed permanent part-time. I am classified as Home Care, at Level 3, paypoint 2. According to my payslip, the hourly rate is \$28.98.

2. MY ROLE

5. In my role, I support two clients all the time. I can support up to 5 or 6 clients at a time.

Client 1

6. One client is schizophrenic (**client 1**). She has a lot of issues.
7. I work with client 1 three days per week. A part of her care requirements is to ensure that she gets out of the home. This is for her mental health. Her NDIS package includes provision for driving up to 150 kilometres on Saturday, and she also gets 60 kilometres between Monday and Wednesday.

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8. A typical day with client 1 involves me arriving at her house. I check in with her, ask how she is and we talk about what she wants to do that day. Before the fuel crisis, we often went for a major drive to [REDACTED] on a weekend, and spend the day up there, or go down to [REDACTED] or somewhere like that.
9. Once a week we will go out for lunch and stuff like that. She needs to be able to get out, for her mental health.

Client 2

10. The other client has cerebral palsy, epilepsy and he is moderately intellectually disabled (**client 2**). He also had a stroke at Christmas time. I am with him three days per week as well – on Monday morning, Tuesday afternoon and Thursday. He lives in [REDACTED]
11. Client 2 can't do basic things on his own. He doesn't drive. He has no one. He has very little to no understanding of what life is about. When I arrive to work with him, we give him options about what we could do for the day, and then it's his decision, so we could end up anywhere. He has an unlimited kilometre allowance. We can go anywhere, but in saying that, he can become agitated when we're out, so we tend to stay around the local area.
12. For him, I take him to and from a lot of doctor's appointments. Because of the stroke, we're constantly backwards and forwards to doctors at the moment. We are at the doctors every week or fortnight for the stroke, or we are going to the hospital for appointments with the eye specialist, or the stroke team, or rehabilitation. I drive him somewhere every time I see him.
13. He is the kind of person who likes to stay at home, but it is good for him to get out as well. He has to go to the medical appointments, and that will continue for the foreseeable future. We have no choice about going to those.
14. At the start of each month, we will come up with a list of what we want to do each month. It helps us come up with different activities.

3. USE OF OWN VEHICLE

15. I use my own vehicle to drive client 1 and client 2. I use my own vehicle for work.
16. My employer has one car available for us, but there are 160 support workers. That car is located in [REDACTED] but I live in [REDACTED] (about 140km away), so it would be silly for me to drive all the way up there to get it. Plus, my employer also provides children's services and the car is normally out on those kinds of jobs, such as supervised contacts.
17. When I use my own vehicle, I put in the number of kilometres I drive, and we get paid for the kilometres that the clients are in the car. We get paid for the kilometres that we do, not for the kilometres the client is entitled to under their package.

18. To be paid, I put in a timesheet where I put in the start and finish kilometres, and then submit it straight to my employer. I do not have copies of these.
19. I am paid 99 cents per kilometre.
20. I buy fuel out of my own wages.
21. Attached and marked **JB-1** is a copy of the four most recent payslips I have been provided, covering the period from 23 February until 19 April 2026.
22. In the period 23 February 2026 to 8 March 2026, I claimed and was paid for driving 891 kilometres for work.
23. In the period 9 March 2026 to 22 March 2026, I claimed and was paid for driving 885 kilometres for work.
24. In the period 23 March 2026 to 5 April 2026, I claimed and was paid for driving 1,160 kilometres for work.
25. In the period 6 April 2026 to 19 April 2026, I claimed and was paid for driving 1,035 kilometres for work.

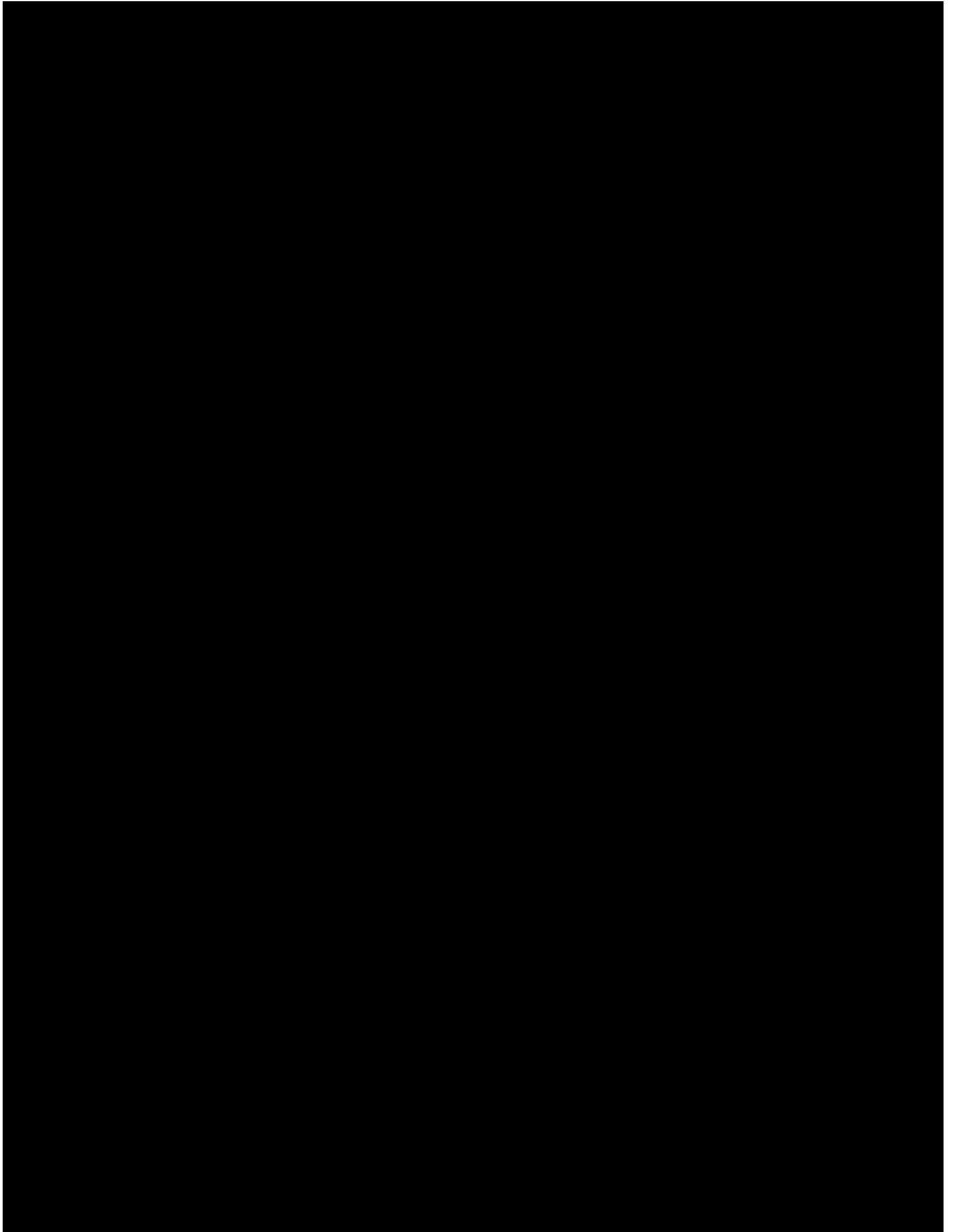
4. IMPACT OF THE FUEL CRISIS

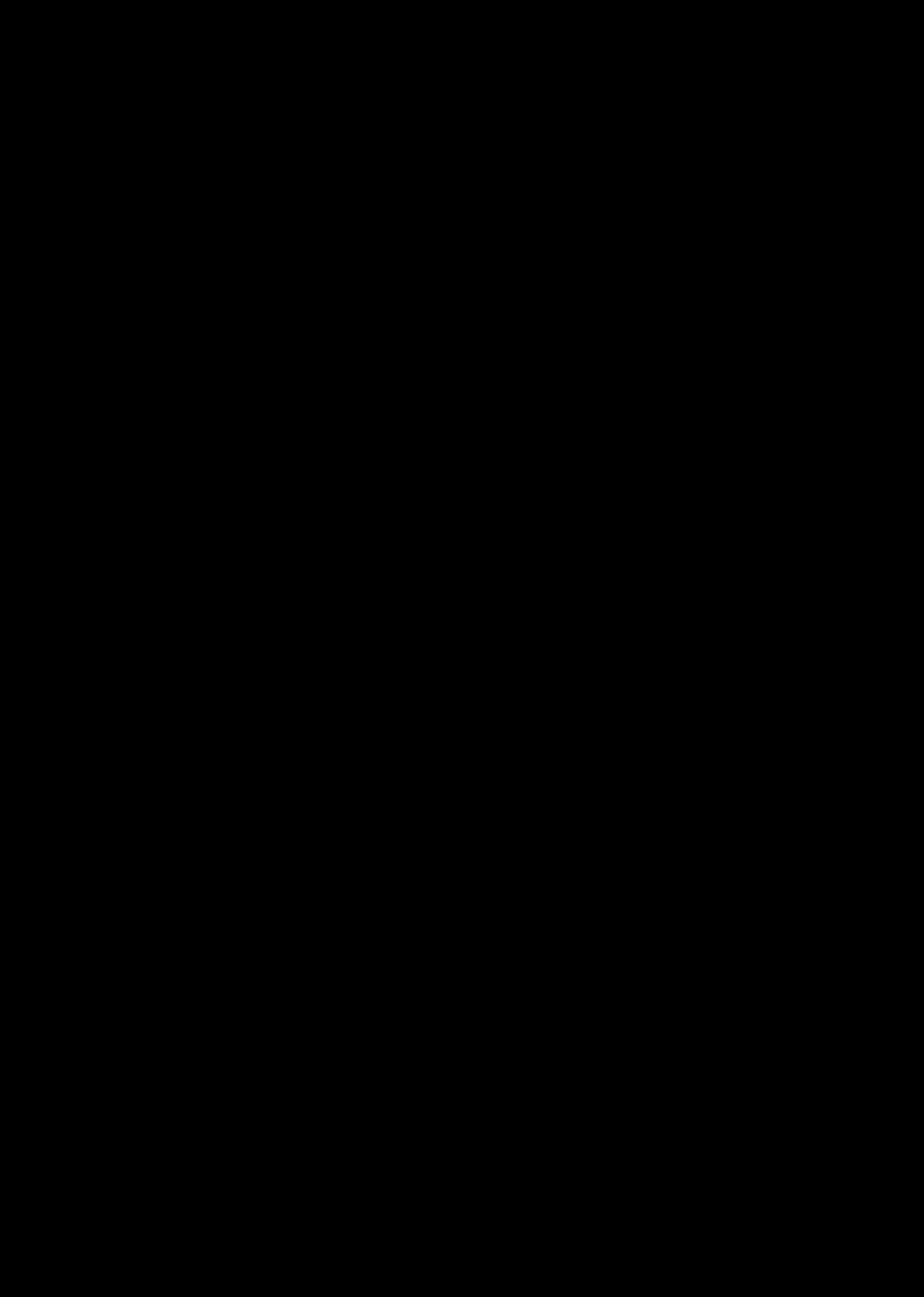
26. In late February 2026, the conflict started in the Middle East. It has caused fuel prices to increase. Before the fuel crisis, I was paying about a \$1.30 per litre for fuel. It cost me approximately \$90 to fill up my car. After the conflict hit, I have had to pay up to \$175 to fill up my car. Fuel was about \$2.96 per litre at that time.
27. I use my own vehicle for work, and have to buy fuel out of my own wages. The 99 cent allowance has not changed. The more fuel costs, the less wages I have.
28. The increased price of fuel has impacted my work. I cannot give my clients the best that they need. They are used to going out and doing stuff and being part of the community.
29. Now, we have to look at what is available and what's going on, and justify where we're going. For example, I had planned to take client 1 to Steam Fest, an event in [REDACTED] in April 2026. It's a festival with old trains and you can go and have a look at them. Client 1 wanted to go and look at the trains because she liked them. It was not a problem, it was a day out and a different thing for her to do.
30. However, I had to say to her, "hey look. I know that we said we were going to go to Steam Fest, but the price of fuel and everything like that, I'm just not able to afford to do that and still be able to come and do your services." It broke my heart because this woman has got a lot of issues going on medically, but I just didn't have the fuel to be able to go.
31. It would have been a beautiful day for her just to get away from her issues.

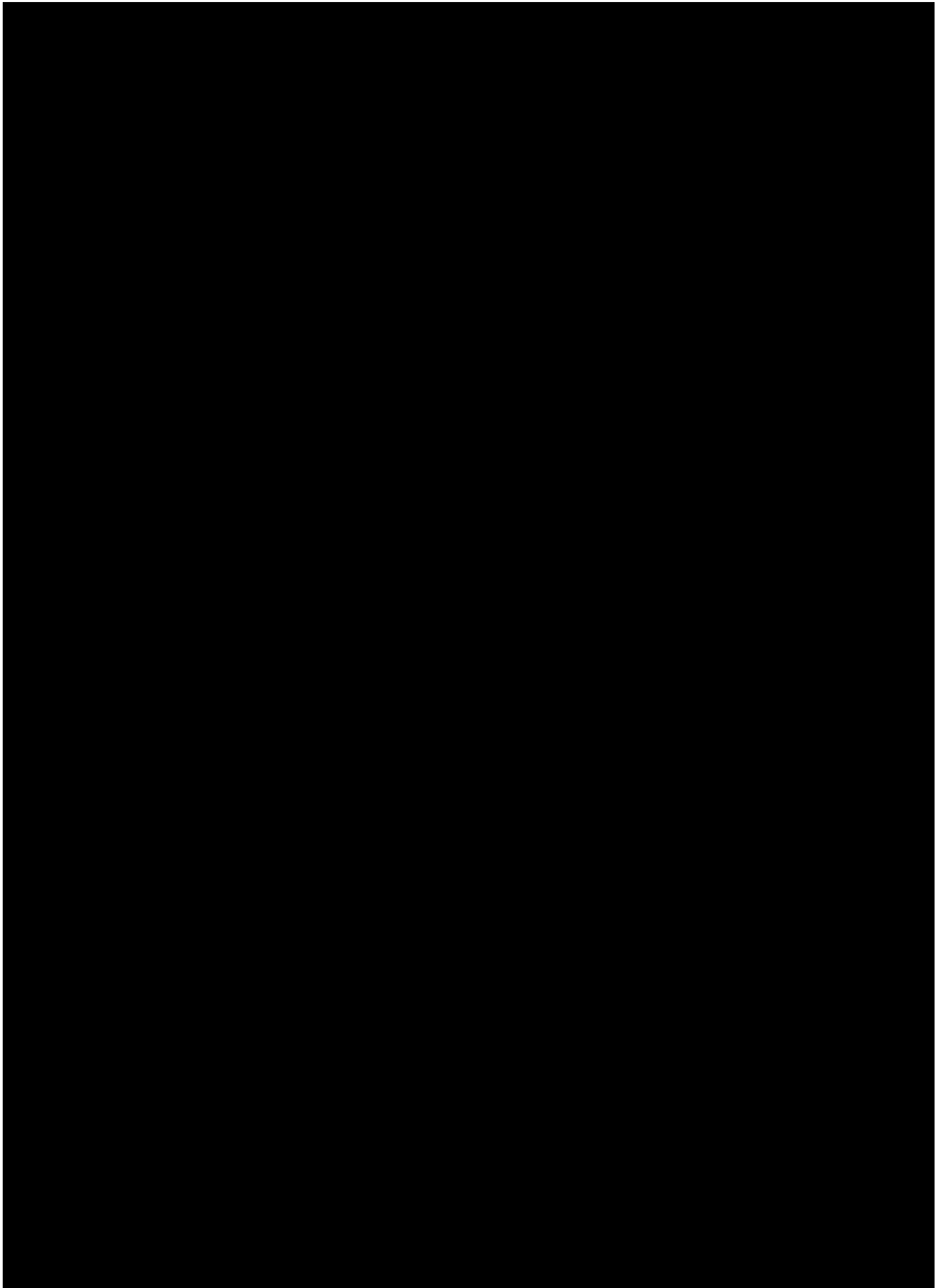
32. Another example, client 2 wanted to go down to the reptile park in [REDACTED] which is about one hour away from [REDACTED] (about 83 kilometres). It was one of our monthly activities we had on the list.
33. I had to tell him, “mate, I just can’t afford it with the cost of fuel”. That made him upset with me because I had said we would do it, and now I had to say no.
34. Because of the fuel, we are doing more things at home, or we are not going as far. I can’t afford to drive them places they want to go. I cannot care for them at the same time, or drive them at the same time because that would be a breach of privacy.
35. My employer has not increased the fuel allowance, so I am out of pocket for the kilometres I drive my clients as part of their car.

Janelle Bailey

27 April 2026







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WITNESS STATEMENT OF SCOTT COWEN

I, Scott Cowen, Assistant National Secretary, care of Ground Floor, 116 Queensberry Street, Carlton, in the State of Victoria, say,

1. I make this statement in support of the Australian Services Union's applications to increase the vehicle allowance in the modern awards identified below.

1. BACKGROUND

2. I am the Assistant National Secretary of the Australian Services Union. I have held this position since July 2025.

3. Before being elected to that position, I held the following positions at the Australian Services Union – South Australia and Northern Territory Branch:

- a. Between 2018 to 2025, SA&NT Branch Assistant Secretary; and
- b. Between 2015 to 2018, Industrial Officer.

4. In my role as Assistant National Secretary, as well as in the 11 years' experience I have with the ASU, I have worked with thousands of ASU members across a diverse range of workplaces and industries. I am familiar with the ASU's rules and understand our eligibility rules. The following statement is based on my experience and observations.

2. ASU APPLICATIONS TO INCREASE VEHICLE ALLOWANCE

5. The Australian Services Union represents more than 135,000 members across local government, social, community and disability services, public services, airlines, energy, call centres, legal, IT and administration workers in Australia.

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6. On 15 April 2026, the ASU worked with the ACTU to lodge applications to vary multiple awards to increase the vehicle allowance. The ASU lodged applications in relation to the following awards:
 - a. *Airline Operations – Ground Staff Award 2020 (Airlines Award)*;
 - b. *Business Equipment Award 2020 (BE Award)*;
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7. The ASU also lodged a joint application with the Australian Workers' Union to vary the *Gardening and Landscaping Award 2020 (Gardening Award)*.
8. The ASU also lodged a joint application with the Health Services Union and the United Workers Union to vary the *Social, Community, Home Care and Disability Services Award 2010 (SCHADS Award)*.
9. The above awards are not the only awards with classifications which the ASU has coverage and eligibility. However, they are the awards in which we have identified in the short time available as requiring most urgent need for our members.

3. USE OF OWN VEHICLE IN SELECTED INDUSTRIES

10. In the following paragraphs, I outline sectors, along with examples, where the ASU has members employed, and how those members use their own vehicle to perform work. They may be entitled to claim the vehicle allowance in the respective awards.
11. In the examples outlined below, these workers cannot perform their duties

Social and Community sector

12. The ASU has members in the social and community sector who are employed on the SCHADS Award and who are required to travel for work. These workers are employed all across Australia. Many of these workers would not be provided with a company vehicle or have access to fleet/pool cars, as they mainly work for social enterprises, charities or not-for-profits. For example,
 - a. respite carers who travel to people's homes (throughout their workday);
 - b. disability support workers, youth workers, and other carers who drive their clients to medical appointments, social activities or to other appointments;

- c. workers in youth accommodation who drive to and from various accommodations;
- d. workers in housing and homelessness who conduct inspections and appraisals and interviews at community housing sites.

13. Work in the social and community sector can be shift work, as many people require 24/7 care. Some people live in group homes, whereas others live in supported independent living arrangements.

14. Much of their work is to travel, and at odd times when public transport is not running. Also from very specific locations to other specific locations to provide appropriate assistance to the people they are supporting.

Clerical sector

15. The clerical sector is broad and includes a wide variety of roles and positions and covers many employers in different kinds of industries.

16. For example, administrative workers in the Security industry. Commonly our members are employed in the administrative team and perform work at an office. However, they are required to go out on site to assist security guards if there is an issue with a security alarm or where the guard requires assistance at a particular site. In those instances, they are required to use their own vehicles to drive to and from the site to assist on the site. The requirement to attend site occurs around once per fortnight.

17. Another example is organisers and staff of political parties. Those workers are required to drive for work to attend meetings, to deliver training, engage with and meet with stakeholders, and provide support as required.

Legal sector

18. The ASU has members employed in the legal sector, including those covered by the SCHADS Award, Clerks Award and the *Legal Services Award 2020*.

19. Where lawyers and paralegals are required to attend to court, particularly regional court locations, they are required to use their own vehicle to go to and from the Court to the office. Lawyers and paralegals can also be requested to meet with clients or other parties for conferences or mediations at locations other than their offices.

20. These workers are not provided with pool vehicles or company cars. They are required to use their own vehicle. The requirement to use their own vehicles varies, but for some workers it is several times per week.

Business Equipment

21. Employees in the business equipment sector are employed by organisations to service and maintain particular business equipment such as printers,

photocopiers, Automatic Teller Machines. These are located at client sites, and the workers are required to travel to each site throughout the work day.

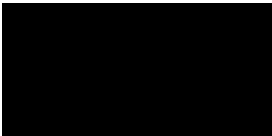
Local government

22. The ASU has coverage of local government employees. The Victorian Local Government awards and the *Local Government Award 2020* all contain classifications that fall within the ASU's eligibility rules.
23. In Victoria, enterprise agreements largely apply to the different workforces and local government councils. However, many of those enterprise agreements are being negotiated and new agreements will be subject to a better off overall test under the Fair Work Act.
24. In Victorian local government, the ASU has members who provide aged care. They do not have company cars, and are required to drive to and from every client using their own cars and pay for their own fuel. They receive allowances, but this has not increased since the conflict in the Middle East.
25. Similarly, workers at leisure centres can be required to use their own vehicles to travel from one shift to another within the municipal area (that is, between two different sites). This might include swim instructors, personal trainers or class instructors.
26. Other workers, such as parks and works employees (such as arborists, horticulturalists and Bushland Management Crews) can have access to commuter use vehicles (or specific plant to perform their work), but do not always. They occasionally need to use their own vehicles to drive to different work locations to perform those gardening and landscaping duties.
27. Similarly, occasionally, library workers can be required to use their own vehicles to drive between libraries (especially in regional areas) to help out at another library, or deliver something, when a library van is not available.

4. IMPACT OF INCREASED FUEL PRICES

28. The current fuel crisis has significantly increased the cost incurred by ASU members who are required to use private vehicles in the course of their employment and to attend work.
29. Many ASU members are required, either expressly or in practice, to use private vehicles for work-related travel, including travel between worksites, attendance on clients, or commuting to work where no reasonable alternative is available. Fuel is an unavoidable component of that work-related expense.
30. Significant and sustained increases in fuel prices mean that existing vehicle and fuel allowance rates do not adequately compensate employees for the costs they are required to incur. As a result, employees are increasingly left out of pocket when performing work-related travel.

31. In sectors such as disability and community services, the inadequacy of current allowance arrangements has affected employees' capacity to accept and perform work. Where travel costs exceed the value of allowances paid, employees experience a direct financial disincentive to undertake work requiring vehicle use.
32. The financial impact of increased fuel costs is more acute for lower-paid employees and those without access to employer-provided vehicles or alternative transport options. In these circumstances, fuel price volatility shifts an unreasonable proportion of operating cost risk from employers onto employees
33. Rising fuel costs have also significantly increased the cost of attending work for members who commute by car, particularly in outer metropolitan, regional and remote areas where alternative transport options are limited. These costs add to existing cost-of-living pressures faced by members.
34. Current award-based vehicle and fuel allowance provisions do not operate effectively to ensure that employees are reasonably compensated for work-related vehicle expenses during periods of rapid fuel price escalation, and therefore no longer meet their intended purpose as part of the minimum safety net.



Scott Cowen

27 April 2026