

## **Applications to vary Vehicle Allowances in modern awards**

**AM2026/10**

Submissions of

**THE AUSTRALIAN WORKERS' UNION**

25 April 2026

## **About the Australian Workers' Union**

The Australian Workers' Union (**AWU**) is the nation's oldest union, and also one of its largest.

The AWU has broad constitutional coverage in a wide variety of industries including construction, steel, manufacturing, mining, agriculture, pastoral, funerals and cemeteries, horticulture, hair and beauty, aviation, and oil and gas.

## **AWU Applications**

The AWU has filed applications to vary the following modern awards (**Applications**):

- *Amusement, Events and Recreation Award 2020*;
- *Cemetery Industry Award 2020*;
- *Funeral Industry Award 2020*;
- *Gardening and Landscaping Industry Award*; and
- *Pastoral Award 2020*

The AWU has coverage of and therefore an interest in a significant number of other modern awards that contain provision for a vehicle allowance, and it is the position of the AWU that all these awards should be varied in the manner sought in the Applications.

For clarity, it is the submission of the AWU that any determination made by the Fair Work Commission (**Commission**) in this matter should have application beyond the modern awards for which an application has been filed. Accordingly, the AWU encourages the Commission to consider moving of its own motion to vary any such modern award in the same terms.

## **Submissions of the Australian Council of Trade Unions**

The AWU has had the opportunity to review the submissions by the Australian Council of Trade Unions dated 24 April 2026.

The AWU supports and adopts those submissions.

## **Witness Statements**

The AWU seeks to file and rely upon the two witness statements filed with these submissions.

**THE AUSTRALIAN WORKERS' UNION**

**From:** Zach Duncalfe [REDACTED]  
**Sent:** Saturday, 25 April 2026 1:11 PM  
**To:** Awards <Awards@fwc.gov.au>  
**Cc:** Simon Miller [REDACTED]  
**Subject:** AM2026/10 - Applications to vary the Vehicle Allowance in multiple awards

Good Afternoon,

Please find attached for filing on behalf of The Australian Workers' Union:

- an outline of submissions;
- a witness statement of Steven Bonica (unsigned); and
- a witness statement of Tom Williams (unsigned).

The AWU will seek to file signed statements at the earliest opportunity.

Yours Sincerely,

**Zach Duncalfe**  
National Vice President  
Senior National Legal Officer  
**The Australian Workers' Union National Office**  
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**IN THE FAIR WORK COMMISSION**

**Matter No:** AM2026/10

**Applicant:** The Australian Workers' Union

**Application to Vary Modern Awards – Vehicle Allowances**

**WITNESS STATEMENT – STEVEN BONICA**

I, **Steven Bonica**, Union Organiser, of [REDACTED] VIC 3003, state:

**Introduction**

1. I make this statement for the purposes of the Fair Work Commission determining, pursuant to section 157(1) of the *Fair Work Act 2009 (Cth)* ("**Act**"), whether to vary the *Cemetery Industry Award 2020* ("**Cemetery Award**") and *Funeral Industry Award 2020* ("**Funerals Award**") regarding vehicle allowances.
2. I make this statement from my own knowledge.
3. I am employed as an Organiser with the Australian Workers' Union – Victorian Branch (**AWU**).

**My duties**

4. My duties as an Organiser involve:
  - (a) Developing, maintaining and strengthening existing AWU membership levels;
  - (b) Identifying potential new membership and growth areas;
  - (c) Developing and implementing workplace plans to grow union membership and activism;
  - (d) Negotiating enterprise agreements to ensure improved wages and conditions for members;
  - (e) Working with delegates, activists and other AWU officials and organisers to implement industry and union-wide campaigns;
  - (f) Identifying issues within workplaces and sectors that impact workers in the cohort as a whole and working to resolve those issues; and
  - (g) Representing members in the workplace and in the Fair Work Commission on matters of pay and conditions, workers' compensation, occupational health & safety, redundancy and termination of employment.

5. From the commencement of my employment, a key aspect of my responsibilities has involved assisting, representing and advocating for members in the cemetery and funerals industries.
6. Within these responsibilities, I represent AWU members in the cemetery and funeral industries by:
  - (a) Negotiating enterprise agreements on behalf of groups of employees;
  - (b) Interacting with members to identify issues within these sectors that members seek to have remedied; and
  - (c) Raising and pursuing with management underpayment and non-payment of entitlements on behalf of individual members.

### **Applicable Industrial Instruments**

7. In my experience of assisting members within the funeral industry, most operators apply the minimum standards contained in the Funerals Award to the employment of funeral workers, without an enterprise agreement in place.
8. Whilst larger entities within the funeral industry might have enterprise agreements in place for their funeral workers, there are many medium to smaller-sized operators that do not.
9. Reliance on the Cemetery Award for terms and conditions of employment is also widespread in the cemetery industry, especially in regional areas where operators, unlike in Melbourne metropolitan areas, are not owned and operated by the Victorian Government.
10. Even where enterprise agreements are in place at larger operators, generally speaking, these enterprise agreements do not improve upon the entitlement in the relevant award, and indeed contain an entitlement to a vehicle allowance based on minimum rates calculated by the Australian Taxation Office.

### **Award Classifications**

11. In the funerals industry, Funeral Directors Assistants are employed by funeral operators. These employees perform duties involving attending sites to assist the conduct of funerals, errands or arranging a funeral conductor, travelling between funeral branches and performing administrative

duties such as banking money. In that regard, these employees are employed pursuant to Level 2 of the Funerals Award.

12. Arranger-Conductors are also employed by funeral operators within the funerals industry. These workers act as the primary point of contact for those requesting a funeral, arrange details, handle documents and lead ceremonies. To that extent, these employees are employed consistent with Level 3 of the Funerals Award.
13. It is common for these employees to be required to use their personal vehicle in the course of their employment to perform the above tasks.

### **Payment of the Vehicle Allowance**

14. Cemetery and funeral workers are paid a vehicle allowance when they use their own vehicle to perform duties requested of them by their employer.
15. The allowance is intended to compensate employees for the use of, and wear and tear caused to their own personal vehicle in performance of their duties.
16. I don't see any foreseeable change in the future to the need for these workers to use their own vehicles as required by their employers.

### **Use of Private Vehicles in the Funerals Industry**

17. At the time the AWU made the application to vary the Funeral Award, I contacted some members in the funeral industry to seek further information in relation to the use of their personal vehicles.
18. I contacted members in the classification of Funeral Director and Funeral Director Assistant and sought specific information on the extent of the use of their personal vehicles in the performance of their work duties.
19. For one member, it was not uncommon for them to drive almost 300km in their personal vehicle per month just in moving between work sites.
20. For another, although they were not required to use their personal vehicle for work purposes as often as the member above, it was not uncommon for them to drive between 50km and 100km in a single day in the performance of their work duties when they were so required.
21. Where they are entitled to a vehicle allowance under the Cemetery and Funeral Awards, these workers are consistently saying that, because of the exponential increase in the cost of fuel in recent

months, they do not consider that the vehicle allowance is appropriately compensating them for the use of their private vehicle during working hours.

22. Further, it was also noted by members that additional use of their vehicles can increase the insurance premium payable by them.

#### **Impact of the Increase in Fuel Costs**

23. From around the time that the current conflict in the Middle East commenced, many cemetery and funeral workers have raised with me the impact of increasing fuel prices on them.
24. Where they are entitled to a vehicle allowance under the Cemetery and Funeral Awards, these workers are consistently saying that, because of the exponential increase in the cost of fuel in recent months, they do not consider that the vehicle allowance is appropriately compensating them for the use of their private vehicle during working hours.

**Steven Bonica**

24 April 2026

## IN THE FAIR WORK COMMISSION

**Matter No:** AM2026/10

**Applicant:** The Australian Workers' Union

### Application to Vary Modern Awards – Vehicle Allowances

#### WITNESS STATEMENT – TOM WILLIAMS

I, **Tom Williams**, Union Organiser, of [REDACTED] NSW [REDACTED] state:

#### Introduction

1. I make this statement for the purposes of the Fair Work Commission determining, pursuant to section 157(1) of the *Fair Work Act 2009 (Cth)* (“**Act**”), whether to vary the *Cemetery Industry Award 2020* (**Cemetery Award**), *Funeral Industry Award 2020* (**Funeral Award**) and *Gardening & Landscaping Award 2020* (**Gardening & Landscaping Award**) regarding vehicle allowances.
2. I make this statement from my own knowledge.
3. I am employed as an Organiser with the Australian Workers' Union – New South Wales Branch (**AWU**).

#### My duties

4. My duties as an Organiser involve:
  - (a) Developing, maintaining and strengthening existing AWU membership levels;
  - (b) Identifying potential new membership and growth areas;
  - (c) Developing and implementing workplace plans to grow union membership and activism;
  - (d) Negotiating enterprise agreements to ensure improved wages and conditions for members;
  - (e) Working with delegates, activists and other AWU officials and organisers to implement industry and union-wide campaigns;
  - (f) Identifying issues within workplaces and sectors that impact workers in the cohort as a whole and working to resolve those issues; and

- (g) Representing members in the workplace and in the Fair Work Commission on matters of pay and conditions, workers' compensation, occupational health & safety, redundancy and termination of employment.
5. From the commencement of my employment, my responsibilities have largely involved assisting, representing and advocating for members in the cemetery and funerals industries.
  6. In particular, I represent AWU members in the cemetery, funeral, and landscaping and gardening industries by:
    - (a) Negotiating enterprise agreements on behalf of groups of employees;
    - (b) Interacting with members to identify issues within these sectors that members seek to have remedied; and
    - (c) Raising and pursuing with management underpayment and non-payment of entitlements on behalf of individual members.

### **Applicable Industrial Instruments**

7. In my experience of assisting members within the funeral industry, around half of our members are covered by the Funeral Award, with the other half covered by enterprise agreements underpinned by the Award.
8. Concerning members in the cemetery industry, there are likely more that are covered by enterprise agreements than purely the Cemetery Award, largely because the three major employers in the industry, being Invocare, Metropolitan Memorial Parks and Catholic Cemeteries have enterprise agreements in place covering these workers.

### **Award Classifications**

9. In the funeral industry, I assist workers employed as arrangers under the Funerals Award.
10. These workers arrange funerals for those who walk in to a funeral operator. Under the Funeral Award, these workers are entitled to a vehicle allowance when they use their vehicle in the performance of their duties.

11. There are multiple ways in which this allowance is paid to these workers. A worker may be entitled to the allowance when they go to a funeral service or store front, and when transporting items between places.
12. In the cemetery industry, workers employed as General Hands under the Cemetery Award would be entitled to claim the vehicle allowance and would claim it when they travel between cemetery and crematorium parks in the performance of their duties.

### **Payment of the Vehicle Allowance**

13. Consistent with the Cemetery and Funeral Awards, cemetery and funeral workers employed under these awards are entitled to a vehicle allowance at any time they are required to use their vehicle for work purposes.
14. This is also the case for workers employed within the Gardening and Landscaping industry.
15. It is not uncommon for workers in all these industries to use their personal vehicle in the performance of their duties.
16. I generally advise members employed under these awards to claim a vehicle allowance if they, in the course of their work, have been asked by their employer to attend a site that isn't their usual one.

### **Anticipated Future Use of Private Vehicles**

17. I have observed a trend within the cemetery and funeral industries that employees are increasingly seeking greater flexibility from their employers.
18. For instance, it's often the case that employers in these industries are wanting conductors to perform the duties of arrangers, and vice versa.
19. Members often report these requests to me, and their discomfort with these requests.
20. I consider that the greater demand for flexibility from employees is likely to increase private vehicle use in the cemetery and funeral industries, as more flexibility from employees will require the performance of a broader range of duties, often involving their own personal vehicle.

### **Impact of the Increase in Fuel Costs**

21. Recently, many members have mentioned to me the impact on them of increasing fuel prices.

22. Through my work in representing members in the gardening and landscaping industry, I have assisted a member receiving a vehicle allowance when using his personal vehicle for work reasons. He expressed to me that the allowance didn't really compensate him for the use of his vehicle, particularly expressing the increased cost of fuel and tolls.
  
23. It is my understanding that workers generally would prefer to be issued with or provided access to a work vehicle for travel purposes as the vehicle allowance does not adequately compensate workers for the use of their personal vehicle.

**Tom Williams**

24 April 2026