

Form F46 – Application to make, vary or revoke a modern award

[Fair Work Act 2009](#), ss.157–161, [Fair Work Commission Rules 2024](#), rule 31

This is an application to the Fair Work Commission to make a modern award or make a determination varying or revoking a modern award, in accordance with Part 2-3 of the [Fair Work Act 2009](#).

The Applicant

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

If the Applicant is not an individual, please also provide the following details

Applicant's legal name	UNITED FIREFIGHTERS' UNION OF AUSTRALIA
Applicant's trading name	
Applicant's ABN/ACN	51 824 544 079
Contact person	ELIJAH SMITH

Does the Applicant need an interpreter?

No

Does the Applicant require any special assistance at the hearing or conference (eg a hearing loop)?

Yes – Please specify the assistance required

No

Does the Applicant have a representative? Yes – Provide representative’s details below No**Applicant’s representative**

Name of person	Tonia Sakkas		
Firm, organisation or company	Sigma Law		
Representative’s ABN (if applicable)			
Postal address	18 Beach Road		
Suburb	Beaumaris		
State or territory	VIC	Postcode	3193
Phone number			
Email address			

Is the Applicant’s representative a lawyer or paid agent?

<input type="checkbox"/> Yes – please select:	<input checked="" type="checkbox"/> Lawyer <input type="checkbox"/> Paid agent
<input type="checkbox"/> No	

1. Coverage**1.1 What is the name of the modern award to which the application relates?**

Fire Fighting Industry Award 2020

1.2 What industry is the employer in?

Fire Fighting

1.3 Does the application relate to the Care and Community Sector? Yes No

Unsure

1.4 Does the application relate to the Road Transport Industry?

Yes

No

Unsure

2. Application

2.1 What are you seeking?

Specify which of the following you would like the Commission to make:

a determination varying a modern award

a modern award

a determination revoking a modern award

2.2 Does the application seek to vary modern award minimum wages?

Yes

No

2.3 Does the application relate to gender pay equity?

Yes

No

Unsure

2.4 What are the details of your application?

Outline the changes you are asking the Commission to make. For example - if you are asking the Commission to vary an existing award, you should set out which parts of the award you are asking the Commission to change and how you think these parts should be changed.

The Applicant seeks the ***Fire Fighting Industry Award 2020*** be varied in accordance with the draft determination annexed to this application as 'Annexure A'.

Attach additional pages, if necessary.

2.5 What are the grounds being relied on?

Using numbered paragraphs, specify the grounds on which you are seeking the proposed variations.

Introduction

1. The United Firefighters' Union of Australia (**Applicant**) applies to the FWC to vary the *Fire Fighting Industry Award 2020 (the Award)* in accordance with the draft determination set out at Annexure A.
2. The determination is being sought as a means of providing relief to workers covered by this award who are required to use a private vehicle during the course of their employment for the reasons and grounds outlined below.

Standing

3. The Applicant:
 - a. is an organisation of employees registered under the *Registered Organisations Act*; and
 - b. is entitled to represent the interests of one or more employees covered by the Award; and therefore
 - c. has the appropriate standing to bring this application.

Background

Geopolitical context

4. There has been significant and well documented geopolitical and economic disruption following the beginning of conflict in the Middle East on 28 February 2026 and the subsequent closure of the Strait of Hormuz.
5. The conflict has disrupted a significant portion of the world's oil supply, causing oil prices to surge.
6. In summary, the situation with respect to the international price of oil remains extremely volatile.

Impact of crisis on fuel prices in Australia

7. The Asia Pacific region including Australia is especially affected by the Middle East conflict as it is the destination for the majority of fuel exports from the Middle East. Australia is exposed as it imports most of its refined fuel from south east Asia.
8. Immediately prior to the crisis the average retail price of petrol was 181 cents per litre and 180.9 cents per litre for diesel according to reports from the Australian Institute of Petroleum.
9. Prices reached a high of 254.3 cents per litre for petrol for the week ending 29 March 2026.
10. At the time of filing this application the latest price information available from the Australian Petroleum Institute indicates the current average retail cost of petrol is 240.1 cents per litre for petrol and 312.7 cents per litre for diesel (the highest average retail price for diesel recorded since the conflict began).

11. These figures indicate an increase of 40% in average retail petrol prices in a little over a month when comparing the price immediately prior to the conflict to the price today. The increase in diesel prices is greater at 72.9%.

Implications of fuel increases for award covered workers

12. Australians are paying for this fuel crisis each time they fill up their vehicle at the bowser. This includes employees who use their own vehicle to perform tasks on behalf of their employer in the course of their employment.
13. Clause 20.4 of the Award contemplates the potential for employees covered by this award to be required to use their own private vehicle in the course of their employment and prescribes a per km allowance, currently \$0.99 and \$0.33 per kilometer when they have to use their motorcycle (**Vehicle Allowance**) where this occurs.
14. The volatility of the situation (as outlined above at [4]-[6]) means there is a risk of continued price rises over the short to medium term.

Adjustment mechanism

15. The Vehicle Allowance is usually adjusted with reference to Schedule B, clause B.2.3 Adjustment of expense-related allowances which requires the Vehicle Allowance to be adjusted:
- a. At the time of any adjustment to the “standard rate”; and
 - b. By the percentage movement for the Private Motoring sub group index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.
16. The Vehicle Allowance was last adjusted by a determination made in June 2024 to take effect from the first full pay period on or after 1 July 2024. This adjustment was made with reference to the Private Motoring sub group index number for March Quarter 2024. That index number was 100.39.

Change to ABS Indexing

17. On 23 July 2025 the Australian Bureau of Statistics (**ABS**) announced it would be transitioning to publishing monthly index figures from November 2025.

Implication of change in CPI publications on the adjustment of the Vehicle Allowance

18. The change in the CPI publication from quarterly to monthly indexes has implications for the operation of Schedule B, clause B.2.3 Adjustment of expense-related allowances.
19. This is because whereas at the time the standard rate is adjusted (usually in July each year following the Annual Wage Review decision by determinations made in June) the ‘applicable index figure most recently published by the ABS’ has normally been a quarterly figure (specifically the March Quarter figure).
20. The implication of monthly Index publishing is that at the time the standard rate is adjusted, (assuming it is) the ‘index figure most recently published by the ABS will likely not be a quarterly index. Instead, it will likely be the monthly index for April 2026, scheduled to be published 27 May 2026.

21. However, the new monthly indexes are not able to be usefully compared with the old quarterly series because of different base periods for the quarterly and monthly indexes, with the quarterly series indexed to the 2011-12 financial year and the monthly series indexed to September 2025, and due to differences in data collection between the previously published quarter and newly published monthly series.
22. This makes the adjustment of expense allowances, including the Vehicle Allowance difficult using the existing formula because it currently calls for a comparison with the index the last time the allowance was adjusted, which for the Vehicle Allowance, is the previously published quarterly index for March 2024.
23. The ABS does publish quarterly indexes, however these are now an average of the previous three month indexes. If the quarterly index number for March 2026 were to be used to adjust the Vehicle Allowance in 2026, it will understate the extent of the fuel price shock as the crisis only began in the third month of the quarter.

Firefighting Industry

24. As the Firefighting Industry provides emergency services, all firefighters and operational staff **must** attend their workplace to not only undertake their duties but to also undertake their compulsory and vital skills maintenance and skills acquisition.
25. In addition, when on call they are required to attend work at very short notice requiring a vehicle to do so.
26. It is evident that these employees cannot undertake their duties working from home.

Explanation of Proposed Variation

27. The determination seeks the Award to be varied by means of the insertion of a temporary schedule (proposed titled '**Schedule F Additional Vehicle Allowance adjustments during the 2026 Oil Shock Crisis**').
28. The schedule proposed to be inserted into the award by the determination sought would operate on a temporary basis for a period of 12 months with a sunset date of 3 May 2027.
29. In the terms sought, the schedule would operate to:
 - a. readjust the Vehicle allowance based on the percentage movement between the quarterly Private Motoring index figures between March 2024 and December 2025; and then
 - b. readjust the allowance thereafter based on the percentage movement between the monthly private motoring index figures for each month for a period of twelve months.
30. The ABS has scheduled the release of the **March 2026 CPI** for **29 April 2026**, and the proposed commencement date (the first full pay period on or after **5 May 2026**) seeks to provide a short, administratively workable period for implementation following that publication.

Grounds

31. The variation sought is necessary to meet the modern awards objective for the following reasons:


- a. The extant Vehicle Allowance of \$0.99 per kilometer for a motor vehicle and \$0.33 per kilometer for a motorcycle, does not adequately compensate workers for the cost of using a private vehicle in their employment in the context of the sudden rise in fuel costs and is therefore not consistent with a fair and relevant safety net of minimum terms and conditions;
 - b. For the reasons outlined at [18]-[27] above, the award at present does not contain an effective mechanism for the Allowance to be adjusted;
32. The variation sought addresses these deficiencies in the Award whilst also ensuring that any future rises in fuel prices that occur during the oil shock crisis can be addressed in accordance with an understood approach and efficiently without the need for further award variation applications in a manner similar in principle to the current Commission’s own-motion approach.

Conclusion

- 33. For all of the above reasons, and/or further reasons to be advanced in submissions in support of the application, the award currently does not meet the modern awards objective and should be varied in the manner sought.

Attach additional pages, if necessary.

Authority to sign and signature

Authority to sign	Representative
Signature	
Name	Tonia Sakkas, Sigma Law
Date	15 April 2026

ANNEXURE A

Fair Work Act 2009

s.157 – FWC may vary etc. modern awards if necessary to achieve modern awards objective

FIRE FIGHTING INDUSTRY AWARD 2020

MA000111

FIRE FIGHTING INDUSTRY

DRAFT DETERMINATION

A. Further to the Full Bench decision issued by the Fair Work Commission on [date], the above award is varied as follows:

1. By inserting Schedule F as follows:

Schedule F – Additional Vehicle Allowance adjustments during the 2026 Oil Shock Crisis

F.1 Subject matter of this Schedule

This Schedule provides for a temporary additional mechanism for adjustments to the Vehicle Allowance.

F.2 Definitions

For the purposes of this Schedule ‘Vehicle Allowance’ means any allowance provided for in this award that is usually adjusted with reference to the Private Motoring Sub Group index number.

F.3 Time-limited monthly adjustment

F.3.1 Subject to clauses F.4–F.9, and subclause F.3.3 below, for a period of 12 months commencing from the first full pay period on or after 5 May 2026, the Vehicle Allowance is will be adjusted on a monthly basis (including, but not limited to, any adjustment made at the time of an adjustment to the standard rate).

F.3.2 The relevant adjustment factor for this purpose is the percentage movement in the Private Motoring subgroup index (Weighted Average of Eight Capital Cities) published by the Australian Bureau of Statistics (ABS) for the most recently available month with reference to the index for the previous month.

F.3.3 Where the formula used in F.3.2 produces a negative result, the Vehicle Allowance(s) will not be adjusted.

F.4 Quarterly re-base of allowance

For the purposes of the first adjustment under clause F.3.1, the Vehicle Allowance is adjusted from the amount that applied at the time of the last adjustment to the allowance (being the adjustment made by reference to the March quarter 2024 CPI and commencing on 1 July 2024), by applying the percentage movement in the ABS Private Motoring subgroup quarterly index (Weighted Average of Eight Capital Cities) between the March quarter 2024 and the December quarter 2025.

F.5 Base amount

The amount resulting from clause F.4 constitutes the base amount for the application of monthly adjustments under this Schedule.

F.6 Cumulative commencement adjustment

From the first full pay period on or after 5 May 2026, the Vehicle Allowance is further adjusted by applying the percentage increase in the ABS Private Motoring subgroup index (Weighted Average of Eight Capital Cities) between the monthly index for December 2025 and March 2026 (to the extent the March 2026 index number has been published by that date).

F.7 No retrospective application

The cumulative adjustment made under clause F.4 operates prospectively only and does not give rise to any entitlement to back-payment or retrospective adjustment in respect of any period before the first full pay period commencing on or after 5 May 2026.

F.8 Ongoing monthly operation

F.8.1 After the application of clause F.6 the Vehicle Allowance(s) will continue to be adjusted monthly during the 12-month period specified in clause F.3 by reference to percentage movements in the most recently published ABS monthly Private Motoring subgroup index compared with the monthly index at the time of the last adjustment.

F.8.2 In accordance with F.3.3, where the percentage movement is a negative figure, the allowance is not adjusted.

F.9. Sunset

This schedule operates on a temporary basis only, and absent any application for an extension of the schedule, will lapse on 5 May 2027.

2. By updating the monetary value of the allowance specified in Clause 20.4 of the Award in accordance with the resultant number produced by the operation of clauses F.4, F.5 and F.6.