

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



These are the details of the person who is making the application.

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	133 Parramatta Road		
Suburb	Granville		
State or territory	NSW	Postcode	2142
Phone number	[REDACTED]		
Email address	[REDACTED]nrc@amwu.org.au		

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

Applicant's legal name	"Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers Union
Applicant's trading name	Australian Manufacturing Workers Union (AMWU)
Applicant's ABN/ACN	59 459 725 116
Contact person	Kathryn Presdee

Does the Applicant need an interpreter?



If the Applicant has trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help in your language](#) on our website.

Yes – Specify language

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?



A representative is a person or organisation who is representing the applicant. This might be a lawyer or paid agent, a union or employer organisation, an association of employers, a peak council, or a not-for-profit association or body that provides support, advice or advocacy in relation to workplace relations matters. You do not need to have a representative.

Yes – Provide representative’s details below

No

Applicant’s representative



These are the details of the person or organisation who is representing the Applicant (if any).

Name of person			
Firm, organisation or company			
Representative’s ABN (if applicable)			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

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

<input type="checkbox"/> Yes – please select:	<input 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?



Include the Award ID/Code No. of the modern award.

Manufacturing and Associated Industries and Occupations Award 2020, MA00010

1.2 What industry is the employer in?

Manufacturing and Associated Industries

1.3 Does the application relate to the Care and Community Sector?



The Care and Community Sector includes, but is not limited to, the aged care, early childhood education and care and disability care sectors. Applications to make, vary or revoke awards that relate to the Care and Community Sector are decided by Care and Community Sector Expert Panels. See sections 617(8) and (9) of the Fair Work Act.

Yes

No

Unsure

1.4 Does the application relate to the Road Transport Industry?



The Road Transport Industry includes, but is not limited to, the road transport and distribution, long distance operations in private road transport, waste management, cash in transit and passenger vehicle transportation industries. Applications to make, vary or revoke awards that relate to the Road Transport Industry are decided by Road Transport Industry Expert Panels. See sections 15S and 617(10B)(b) of the Fair Work Act.

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?



Variations to awards relating to substantive gender pay equity matters are decided by pay equity Expert Panels. See sections 617(6) and (9) of the Fair Work Act. See also work value reasons in s.157(2A) and (2B).

 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 *Manufacturing and Associated Industries 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.



You must outline how the proposed variation etc is necessary in order to achieve the modern awards objective, and the minimum wages objective if it applies, as well as any additional requirements set out in the Fair Work Act.

Introduction

1. The AMWU (**Applicant**) applies to the FWC to vary the *Manufacturing and Associated Industries and Occupations 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 224.5 cents per litre for petrol and 319 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 30.3(a) 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 98 cents (**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 clause Schedule D2.2 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 clause D2.2 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.

Explanation of Proposed Variation

24. The determination seeks the Award to be varied by means of the insertion of a temporary schedule (proposed titled 'Schedule XY Additional Vehicle Allowance adjustments during the 2026 Oil Shock Crisis').
25. 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.
26. 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.
27. 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

28. The variation sought is necessary to meet the modern awards objective for the following reasons:
 - a. The extant Vehicle Allowance of 98 cents delete that which is inapplicable 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]-[23] above, the award at present does not contain an effective mechanism for the Allowance to be adjusted;
29. 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

30. 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



For ‘Authority to sign’:

- If you are the Applicant – insert ‘Applicant’
- If you are an employee of a company or organisation that is the Applicant – insert your position title
- If you are an officer or authorised employee of a registered organisation – insert your position title
- If you are the Applicant’s representative and have provided your details in this form – insert ‘Representative’.

Authority to sign	Senior National Legal Officer, Applicant
--------------------------	--



Insert your signature, name and the date. If you are completing this form electronically and do not have an electronic signature, type your name in the signature field.

Signature	[Redacted Signature]
Name	Kathryn Presdee
Date	16 April 2026

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS

ANNEXURE A

Fair Work Act 2009

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

MANUFACTURING AND ASSOCIATED INDUSTRIES AND OCCUPATIONS AWARD 2020

MA00010

Manufacturing and Associated Industries

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 XY as follows:

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

XY.1 Subject matter of this Schedule

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

XY.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.

XY.3 Time-limited monthly adjustment

XY.3.1 Subject to clauses XY.4–XY.9, and subclause XY.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).

XY.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.

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

XY.4 Quarterly re-base of allowance

For the purposes of the first adjustment under clause XY.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.

XY.5 Base amount

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

XY.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).

XY.7 No retrospective application

The cumulative adjustment made under clause XY.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.

XY.8 Ongoing monthly operation

XY.8.1 After the application of clause XY.6 the Vehicle Allowance(s) will continue to be adjusted monthly during the 12-month period specified in clause XY.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.

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

XY.9. Sunset

XY.9.1 This schedule operates on a temporary basis only, and absent any application for an extension of the schedule, will lapse on 5 May 2027.

XY.9.2 By updating the monetary value of the allowance specified in 19.3(b)(iv) in accordance with the resultant number produced by the operation of clauses XY.4, XY.5 and XY.6.



About the F46 application form

Application to make, vary or revoke a modern award

Who can use this form

Use this form if you want to make an application for the Fair Work Commission (the Commission) to make:

- a modern award
- a determination varying a modern award, or
- a determination revoking a modern award.

You should only use this form to make an application outside of the system of annual wage reviews.

To be eligible to make an application, you must be:

- an employer, employee, organisation or outworker entity that is, or would become, covered by the modern award, or
- an organisation that is entitled to represent the industrial interests of the person(s) or organisation(s) that are, or would become, covered by the modern award.

You may make applications for 2 or more related things at the same time, depending on the kind of application you want to make. See section 158 of the [Fair Work Act 2009](#) (the Fair Work Act) for more information about who may apply to make a modern award or for a determination varying or revoking a modern award.

About making, varying or revoking modern awards

The Commission must ensure that modern awards, together with the National Employment Standards, provide a fair and relevant minimum safety net of terms and conditions. In order to achieve the modern awards objective, the Commission must take into account the matters set out in section 134 of the Fair Work Act, such as relative living standards and the needs of the low paid.

The Fair Work Act allows the Commission to make a modern award, or make a determination varying or revoking a modern award (other than varying modern award minimum wages or default fund terms) if the Commission is satisfied that to do so is necessary to achieve the modern awards objective (s.157(1)).

The Commission may also make a determination varying modern award minimum wages **outside** the system of annual wage reviews if the Commission is satisfied that to do so is:

- justified by work value reasons (s.157(2)(a))
- necessary to achieve the modern awards objective (s.157(2)(b)), and
- necessary to achieve the minimum wages objective (s.284(2)(b)).

Sections 159 to 161 of the Fair Work Act set out other situations where the Commission may vary a modern award.

How the Commission deals with applications to make, vary or revoke modern awards

Modern award proceedings are generally held in public. Applications and any supporting documents are usually published on the Commission's website for consideration by other interested parties.

In determining an application, the Commission may inform itself as it considers appropriate. This may include asking for formal submissions and supporting evidence from the applicant or other interested parties.

Interested parties can be alerted to new applications and updated on existing award matters through the Commission's [subscription service](#). The Commission's website contains information on how to [subscribe to the service](#).

Expert Panels determine applications to make, vary or revoke awards that relate to or involve:

- the Care and Community Sector
- the Road Transport Industry, or
- gender pay equity.

See sections 617 and 620 of the Fair Work Act for information on the constitution of Expert Panels.

Lodging your completed forms

When you lodge this form, the Commission also requires you to lodge a Form F48 to ask for directions about the procedure you must follow (if any) for serving copies of this application (see rule 31 of the [Fair Work Commission Rules 2024](#)). The Commission may then direct you to serve a copy of your application and any supporting documents on another party or parties.

1. Lodge with the Commission:

- this **application** and any supporting documents, and
- a [Form F48 – Application for directions on procedure](#).

You can lodge:

- by email to lodge@fwc.gov.au, or
- by post or in person at the [Commission's office](#) in your state or territory.

2. **Where applicable, serve** the application and any supporting documents **as directed** by the Commission. The Commission will tell you the timeframe for serving the documents.

You can serve documents several ways, including by email, express post or registered post.

Where to get help

Commission staff & resources

Commission staff cannot provide legal advice. However, staff can give you information on:

- processes in the Commission
- how to make an application to the Commission
- how to fill out forms
- where to find useful documents such as legislation and decisions
- other organisations that may be able to assist you.

The Commission's website www.fwc.gov.au also contains a range of information that may assist.

Throughout this form



This icon appears throughout the form. It indicates information to help you complete the form.

Legal or other representation

Representation is where another person speaks or acts on your behalf, or assists you in certain other ways in relation to a Commission case. A representative could be a lawyer, paid agent, officer or employee of a union, employer organisation or an association of employers, a peak council, or a not-for-profit association or body that provides support, advice or advocacy in relation to employment or workplace relations matters.

You do not need to be represented in a case at the Commission.

Unless a Commission Member directs otherwise, you do not need to ask permission to be represented by a lawyer or paid agent in a conference or hearing about applications to make, vary or revoke a modern award (see rule 13(2) of the [Fair Work Commission Rules 2024](#)).

For more information about representation by lawyers and paid agents, see section 596 of the [Fair Work Act 2009](#), rules 11, 12, 13 and 14 of the [Fair Work Commission Rules 2024](#) and the Commission's [practice note on representation by lawyers and paid agents](#).

Glossary of common terms

Applicant – This is the person or organisation that is making an application.

Lawyer – This is a person who is admitted to the legal profession by a Supreme Court of a State or Territory.

Paid agent – In relation to a matter before the Commission, is an agent (other than a bargaining representative) who charges or receives a fee to represent a person in the matter.

Party – A party is a person or organisation involved in a matter or case that is brought to the Commission.

Respondent – The person or business responding to an application made by an Applicant.

Service – Serving a document means giving a copy of the document to a person or organisation, usually to the other party to the matter. You can serve a document in a number of ways, including by email, express or registered post, or in person. Part 5 of Chapter 1 and Schedule 1 of the [Fair Work Commission Rules 2024](#) deal with service.

Privacy

The Commission collects the information (including personal information) provided to it in this form for inclusion on the case file, and may disclose this information to the other parties to this matter and to other persons. For more details of the Commission’s collection, use and disclosure of this information, please see the [Privacy notice](#) for this form, or ask for a hard copy to be provided to you.



Remove this cover sheet and keep it for future reference – it contains useful information.

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



These are the details of the person who is making the application.

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	133 Parramatta Road		
Suburb	Granville		
State or territory	NSW	Postcode	2142
Phone number	[REDACTED]		
Email address	[REDACTED] nrc@amwu.org.au		

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

Applicant's legal name	"Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers Union
Applicant's trading name	Australian Manufacturing Workers Union (AMWU)
Applicant's ABN/ACN	59 459 725 116
Contact person	Kathryn Presdee

Does the Applicant need an interpreter?



If the Applicant has trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help in your language](#) on our website.

Yes – Specify language

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?



A representative is a person or organisation who is representing the applicant. This might be a lawyer or paid agent, a union or employer organisation, an association of employers, a peak council, or a not-for-profit association or body that provides support, advice or advocacy in relation to workplace relations matters. You do not need to have a representative.

Yes – Provide representative’s details below

No

Applicant’s representative



These are the details of the person or organisation who is representing the Applicant (if any).

Name of person			
Firm, organisation or company			
Representative’s ABN (if applicable)			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

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

<input type="checkbox"/> Yes – please select:	<input 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?



Include the Award ID/Code No. of the modern award.

Vehicle Repair, Services and Retail Award 2020, MA00089

1.2 What industry is the employer in?

Vehicle Retail, Service and Repair

1.3 Does the application relate to the Care and Community Sector?



The Care and Community Sector includes, but is not limited to, the aged care, early childhood education and care and disability care sectors. Applications to make, vary or revoke awards that relate to the Care and Community Sector are decided by Care and Community Sector Expert Panels. See sections 617(8) and (9) of the Fair Work Act.

Yes

No

Unsure

1.4 Does the application relate to the Road Transport Industry?



The Road Transport Industry includes, but is not limited to, the road transport and distribution, long distance operations in private road transport, waste management, cash in transit and passenger vehicle transportation industries. Applications to make, vary or revoke awards that relate to the Road Transport Industry are decided by Road Transport Industry Expert Panels. See sections 15S and 617(10B)(b) of the Fair Work Act.

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?



Variations to awards relating to substantive gender pay equity matters are decided by pay equity Expert Panels. See sections 617(6) and (9) of the Fair Work Act. See also work value reasons in s.157(2A) and (2B).

 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 *Manufacturing and Associated Industries 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.



You must outline how the proposed variation etc is necessary in order to achieve the modern awards objective, and the minimum wages objective if it applies, as well as any additional requirements set out in the Fair Work Act.

Introduction

1. The AMWU (**Applicant**) applies to the FWC to vary the *Vehicle Repair, Services and Retail 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.
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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 224.5 cents per litre for petrol and 319 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 19.3(b)(iv) 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 98 cents (**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

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 - a. At the time of any adjustment to the “standard rate”; and
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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.

Explanation of Proposed Variation

24. The determination seeks the Award to be varied by means of the insertion of a temporary schedule (proposed titled 'Schedule XY Additional Vehicle Allowance adjustments during the 2026 Oil Shock Crisis').
25. 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.
26. 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.
27. 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

28. The variation sought is necessary to meet the modern awards objective for the following reasons:
- a. The extant Vehicle Allowance of 98 cents delete that which is inapplicable 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]-[23] above, the award at present does not contain an effective mechanism for the Allowance to be adjusted;
29. 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

30. 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



For ‘Authority to sign’:

- If you are the Applicant – insert ‘Applicant’
- If you are an employee of a company or organisation that is the Applicant – insert your position title
- If you are an officer or authorised employee of a registered organisation – insert your position title
- If you are the Applicant’s representative and have provided your details in this form – insert ‘Representative’.

Authority to sign	Senior National Legal Officer, Applicant
--------------------------	--



Insert your signature, name and the date. If you are completing this form electronically and do not have an electronic signature, type your name in the signature field.

Signature	[Redacted Signature]
Name	Kathryn Presdee
Date	16 April 2026

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS

ANNEXURE A

Fair Work Act 2009

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

VEHICLE REPAIR, SERVICES AND RETAIL AWARD 2020

MA00089

Vehicle Repair, Services and Retail Industries

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 XY as follows:

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

XY.1 Subject matter of this Schedule

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

XY.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.

XY.3 Time-limited monthly adjustment

XY.3.1 Subject to clauses XY.4–XY.9, and subclause XY.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).

XY.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.

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

XY.4 Quarterly re-base of allowance

For the purposes of the first adjustment under clause XY.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.

XY.5 Base amount

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

XY.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).

XY.7 No retrospective application

The cumulative adjustment made under clause XY.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.

XY.8 Ongoing monthly operation

XY.8.1 After the application of clause XY.6 the Vehicle Allowance(s) will continue to be adjusted monthly during the 12-month period specified in clause XY.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.

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

XY.9. Sunset

XY.9.1 This schedule operates on a temporary basis only, and absent any application for an extension of the schedule, will lapse on 5 May 2027.

XY.9.2 By updating the monetary value of the allowance specified in 19.3(b)(iv) in accordance with the resultant number produced by the operation of clauses XY.4, XY.5 and XY.6.



About the F48 application form

Application for directions on procedure

Who can use this form

Use this form if you want to make an application for directions about the procedure to be followed and:

- you are a party to the matter, or
- you want to initiate a matter, and
 - the procedure is not set out in the [Fair Work Act 2009](#), the [Fair Work Commission Rules 2024](#), the [Fair Work Regulations 2009](#), or any other Act or regulations, or
 - there is doubt about the proper procedure to follow.

Lodging and serving your completed form

1. **Lodge this application** and any supporting documents with the Commission.

You can lodge:

- by email to lodge@fwc.gov.au, or
 - by post or in person at the [Commission's office](#) in your state or territory.
2. If the application is about a case that has commenced, **serve a copy** of your application and any supporting documents on each party in the matter **as soon as practicable** after lodging with the Commission.

You can serve documents several ways, including by email, express post or registered post. An easy way to serve documents is to copy the other parties into the email you send to the Commission when you lodge this application.

Where to get help

Commission staff & resources

Commission staff cannot provide legal advice. However, staff can give you information on:

- processes in the Commission
- how to make an application to the Commission
- how to fill out forms
- where to find useful documents such as legislation and decisions
- other organisations that may be able to assist you.

The Commission's website www.fwc.gov.au also contains a range of information that may assist.

Throughout this form



This icon appears throughout the form. It indicates information to help you answer the question following.

Legal or other representation

Representation is where another person speaks or acts on your behalf, or assists you in certain other ways in relation to a matter before the Commission. A representative could be a lawyer, paid agent, union, employer organisation, association of employers, peak council, or a not-for-profit association or body that provides support, advice or advocacy in relation to employment or workplace relations matters.

You do not have to be represented in a case at the Commission.

There are some rules about when a lawyer or paid agent can represent you.

Unless the Commission decides otherwise in a particular case, you do not need permission for a lawyer or paid agent to:

- prepare and lodge this form
- prepare and lodge submissions about your case, or
- write to the Commission and other people involved in the case on your behalf.

Generally, you must give notice to the Commission and ask permission from the Commission Member dealing with your case if you wish to have a **lawyer or paid agent** represent you in a **conference** or a **hearing**. You do not, however, need to give notice or ask permission if the lawyer or paid agent is:

- your employee or officer (for a business), or
- a bargaining representative that is representing you, or
- an employee or officer of a union, employer organisation, association of employers, or peak council that is representing you.

If you need to notify the Commission that you have a lawyer or paid agent and have not already done so when completing your application or response, or if you need to ask permission for your lawyer or paid agent to take part in a **conference or hearing**, use [Form F53](#).

Rule 13(2) of the [Fair Work Commission Rules 2024](#) sets out further exceptions to the requirement to give notice and seek permission.

For more information about representation by lawyers and paid agents, see section 596 of the [Fair Work Act 2009](#), rules 11, 12, 13 and 14 of the [Fair Work Commission Rules 2024](#) and the Commission's [practice note on representation by lawyers and paid agents](#).

Glossary of common terms

Applicant – This is the person or organisation that is making an application.

Lawyer – This is a person who is admitted to the legal profession by a Supreme Court of a State or Territory.

Paid agent – In relation to a matter before the Commission, is an agent (other than a bargaining representative) who charges or receives a fee to represent a person in the matter.

Party – A party is a person or organisation involved in a matter or case that is brought to the Commission.

Respondent – The person or business responding to an application made by an Applicant.

Service – Serving a document means giving a copy of the document to a person or organisation, usually to the other party to the matter. You can serve a document in a number of ways, including by email, express or registered post, or in person. Part 5 of Chapter 1 and Schedule 1 of the [Fair Work Commission Rules 2024](#) deal with service.

Privacy

The Commission collects the information (including personal information) provided to it in this form for inclusion on the case file, and may disclose this information to the other parties to this matter and to other persons. For more details of the Commission's collection, use and disclosure of this information, please see the [Privacy notice](#) for this form, or ask for a hard copy to be provided to you.



Remove this cover sheet and keep it for future reference – it contains useful information.

Form F48 – Application for directions on procedure

[Fair Work Commission Rules 2024](#), Rules 8, 21, 31 and 125 and Schedule 1

This is an application to the Fair Work Commission for directions about procedure in relation to a matter in accordance with the [Fair Work Act 2009](#).

The Applicant



These are the details of the person who is making this application. The applicant for directions on procedure may be different from the applicant in the matter before the Commission.

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	133 Parramatta Road		
Suburb	Granville		
State or territory	NSW	Postcode	2142
Phone number	[REDACTED]		
Email address	[REDACTED] nrc@amwu.org.au		

If the Applicant is a company or organisation please also provide the following details:

Legal name of Applicant	“Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers Union
Applicant’s trading name or registered business name	Australian Manufacturing Workers Union (AMWU)
Applicant’s ACN (if a company)	
Applicant’s ABN (if applicable)	59 459 725 116
Contact person	Kathryn Presdee

Does the Applicant need an interpreter?



If you have trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help for non-English speakers](#) on our website.

Yes – Specify language

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?



A representative is a person or organisation who is representing the Applicant. This might be a lawyer or paid agent, union, employer organisation, association of employers, peak council, or a not-for-profit association or body that provides support, advice or advocacy in relation to employment or workplace relations matters. You do not need to have a representative.

Yes – Provide representative’s details below

No

Applicant’s representative



These are the details of the person or organisation who is representing the Applicant (if any).

Name of person			
Firm, organisation or company			
Representative’s ABN (if applicable)			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

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

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

The other party



These are the details of the other party in the matter.

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 other party is an organisation, please also provide the following details:

Legal name of organisation	
Trading name of organisation	
ABN/ACN	
Contact person	

1. Preliminary

1.1 Are you seeking directions for an existing matter?

Yes – Go to 1.2

No – Go to 1.3

1.2 What is the name and matter number for the matter?

--

1.3 What is the type of matter that you want to initiate?

Briefly, provide the details of the type of matter.

The AMWU is making applications to vary the following award:

1. Manufacturing and Associated Industries and Occupations Award 2020 (MA00010)
2. Vehicle Repair, Services and Retail Award 2020 (MA00089)

2. Reasons for seeking directions

2.1 Why are you applying to the Commission for directions?

The procedure is not prescribed by the Fair Work Act, the Fair Work Commission Rules, the regulations or any other Act or regulations. Provide details below.

You are in doubt about the proper procedure to follow. Provide details below.

Rule 31 of the Fair Work Commission Rules 2024 requires the Applicant to lodge a Form 48 for direction about procedure in relation to service of the applications.

3. Proposed directions

Set out your proposed directions you are seeking, if any (optional).

1. That the applications to vary modern awards by the AMWU included referred to in in response to question 1.3 be published on the Fair Work Commission's (FWC) website at a location deemed appropriate to the Commission.
2. That, upon such publication, the applications be deemed served.
3. That notice of the applications be given by the FWC to subscribers to the FWC's "Awards – all matters" service in the usual way.
4. That the applications referred to in Question 1.3 above be joined to existing Matter AM2026/10 – Application to vary 27 Modern Awards with respect to vehicle allowances.

Authority to sign and signature



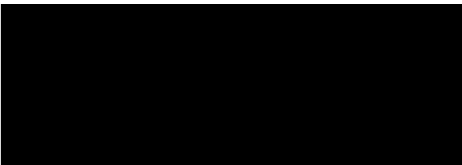
For 'Authority to sign':

- If you are the Applicant (the person applying for directions)–insert 'Applicant'
- If you are an employee of a company or organisation that is the Applicant–insert your position title
- If you are the Applicant's representative and have provided your details in this form–insert 'Representative'.

Authority to sign	Senior National Legal Officer, Applicant
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Insert your signature, name and the date. If you are completing this form electronically and do not have an electronic signature, type your name in the signature field.

Signature	
Name	Kathryn Presdee
Date	16 April 2026

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