

From: Chambers - Hatcher VP

Sent: Friday, 13 May 2016 10:55 AM

To: 'tlawrence@hwle.com.au'; 'Albert Baumgartner'; 'Ruchi Bhatt'; 'Chesterman, Bill'; 'Sue-Anne Burnley'; 'Julian Arndt'; 'Brent Ferguson'; 'Jessica.Light@afei.org.au'; 'stephen.crawford@nat.awu.net.au'; 'MSheehan@mta-sa.asn.au'; 'Ron.Ballucci@mtawa.com.au'; 'nhorvat@vacc.com.au'; 'kyle.scott@ablawyers.com.au'; Julian Arndt (Julian.Arndt@ablawyers.com.au); nigel.ward@ablawyers.com.au

Cc: AMOD

Subject: AM2014/93 - Vehicle Manufacturing, Repair, Services and Retail Award - SDA Application

Importance: High

Dear Parties,

The application filed by the SDA pursuant to s.160 of the *Fair Work Act 2009* on 5 October 2015 (see attached) has now been allocated to the same Full Bench which is conducting the 4 yearly review of the *Vehicle Manufacturing, Repair, Services and Retail Award 2010* (AM2014/93) on 23 and 24 May 2016. There was a regrettable delay in the allocation of this matter due to an administrative oversight.

The SDA's application will be listed as part of the hearing to proceed on 23 and 24 May 2016 (noting that the Commission has already received and heard submissions about the issue underlying the SDA's application at an earlier stage of the 4 yearly review into this Award).

Any party which is in a position to advance its submissions in relation to the SDA's application at the hearing on 23 and 24 May 2016 is invited to do so. However, any party which requires further time to make any further submissions will be provided with that opportunity and any directions which may be necessary to facilitate the receipt of further submissions at a later date may be sought at the hearing before the Full Bench.

Kind regards,

Katrine Huynh

Associate to Vice President Hatcher

Fair Work Commission

Tel: (02) 9308 1812

Fax: (02) 9380 6990

katrine.huynh@fwc.gov.au

Level 10 Tower Terrace

80 William Street

East Sydney NSW 2011

www.fwc.gov.au

Form F46 Application to vary a modern award

Fair Work Act 2009, ss.157–160

FAIR WORK COMMISSION

Commission use only

Commission Matter No.:

Applicant

Name:	Shop Distributive & Allied Employees' Association				
Title:					
Address:	Level 6 53 Queen Street				
Suburb:	Melbourne	State:	Vic	Postcode:	3000
Where the Applicant is a company or organisation:					
Contact person:	Sue-Anne Burnley	ABN:			
Contact details for the Applicant or contact person (if one is specified):					
Telephone:	(03) 8611 7000	Mobile:			
Facsimile:	(03) 8611 7099	Email:	Sue-anne@sda.org.au		

Applicant's representative (if any)

Name:				ABN:	[If applicable]
Address:					
Suburb:		State:		Postcode:	
Contact person:					
Telephone:		Mobile:			
Fax:		Email:			

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

Vehicle Manufacturing Repair Services and Retail Award 2010 (MA000089)

2. What is the industry of the employer?

Vehicle Industry

3. Variation(s) sought:

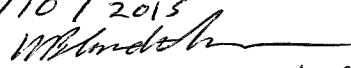
To amend the rates in clause to the following by deleting subclause 36.3 and inserting the following:

36.3 A person employed on a casual basis principally to perform duties of a console operator, or roadhouse attendant if engaged to primarily cook other than takeaway meals will be paid as follows:

	20 years & over (adult rate)	19 years (75%)	18 years (62.5%)	17 years (50%)	16 years & under (47.5%)
	\$	\$	\$	\$	\$
Monday to Friday	25.17	18.88	15.73	12.59	11.96
Saturdays, Sundays and public holidays	32.83	24.62	20.52	16.42	15.59
Overtime for any hours worked in excess of 10 hours per day or an average of 38 hours per week will be paid in addition	13.46	10.10	8.41	6.73	6.39

4. Grounds:

1. The application is made under section 160 of the Fair Work Act to remove ambiguity, error or uncertainty in the subclause.
2. A variation to include casual console operator rate was made in 1994 (Print L3450)
3. This variation was made using the traditional formula but inadvertently the amounts inserted in the award resulted in this classification of casual console operator receiving less casual loading and penalty than the other comparable classification of casual driveway attendant
4. Any other reason the Commission deems appropriate

Date: 5/10/2015
 Signature: 
 Name: IAN BLANDTHORN
 Capacity/Position: NATIONAL ASSISTANT SECRETARY

Service requirements

The Applicant must seek directions from the Commission as to service of this application.

About the F46 application form



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.