

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: <i>[If applicable]</i>			
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:

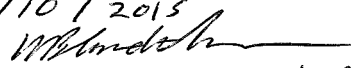
To amend the rates in clause to the following by deleting subclause 36.3 and inserting the following:

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



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