

Fair Work Commission

Award Review 2014

Vehicle Manufacturing, Repair Services and Retail Award 2010

AM2014/93

Shop Distributive and Allied Employees' Association

Further Submission

Casual Console Operator Rate and Casual Roadhouse Attendant (Level 4)

7 June 2016

1. The SDA makes these submissions regarding the casual rates that apply to the level classifications of console operator and roadhouse attendant as per the FWC Directions¹
2. The SDA has made submissions regarding the accuracy of the rates and percentages contained in the Exposure Draft of April 2016 (**ED April 2016**), which apply to casual service station employees. The SDA will not transverse that subject here again in relation to those actual rates or percentages. The SDA relies on those previous submissions to respond to the various issues that have arisen concerning the translation of the existing rates into the ED April 2016.
3. In this submission where the term **Level 4 console/roadhouse** is used it will refer to a roadhouse attendant primarily required to cook other than take away meals and a console operator.

The variation sought

4. The SDA has sought to vary the casual rates paid to console operators and casual roadhouse attendants required to cook other than take away meals in line with the application it filed in October 2015 which has been referred as part of the matters before the Full Bench dealing with the Award Review².
5. This application was filed under Section 160 of the Fair Work Act. This section states:

Division 5

Section 160 Variation of a Modern Award to remove Ambiguity or uncertainty or correct an error.

160(1) The FWC may make a determination varying a modern award to remove an ambiguity or uncertainty or an error.

160(2) The FWC may make the determination :

- (a) On its own initiative; or
- (b) ...
- (c) On application by an organisation that is entitled to represent the industrial interests of one or more employers or employees that are covered by the modern award;

¹ FWC PR552589 and arising in transcript of the matter dated 23 May 2016.

² It was foreshadowed in proceeding 23rd May that there was a change in respect to the overtime rate sought

6. For the FWC to make a determination under Sn 160 there needs to be an identification of an error.
7. 'Error' is not defined in the FWA nor is there any limitation or conditions placed on defining an error. So this provides a very broad base for identifying errors and having rectification of the errors. An error could include errors in a term, condition or wording of an award. It could be an error that leads to ambiguity, inequity or unfairness.
8. The SDA will in this submission identify the error that has occurred in respect of the casual Level 4 console/roadhouse rate.
9. The SDA will provide the mathematical reasoning for the discrepancy in the rate that has resulted in an error, the historical setting where the rate erroneously began, the long history of the award rates covering these employees and previous AIRC rectifications of past errors or anomalies that have affected these rates. In doing this, it is evident that there is something anomalous or erroneous in the formulation as it is not logical or consistent that the Level 4 rate for these casuals is not aligned with the Level 1 or Level 2 rates.
10. There is no evidence to show that it was a deliberate or calculated step of any party including the AIRC to have this result occur.
11. The SDA is seeking the FWC to correct an error which has occurred in the past that has resulted in Casual Level 4 console/roadhouse, being paid at a lower rate than comparable driveway attendants and level 2 roadhouse attendants.
12. The SDA is seeking to realign the loading applying to casual Level 4 console/roadhouse rate to be the same 'loading' as that paid to casual driveway attendants or casual roadhouse attendants Level 2.
13. This variation to correct an error under Division 5 Section 160 does sit outside the powers and procedures of the 4 yearly review of modern awards (Division 4, Section 156). It also is not contained within the subdivision where variations need to be necessary to achieve the Modern Awards Objective. (Division 5 , subdivision A Section 157-158) This variation to remove an error falls within subdivision B 'Other situations'

14. The current Award in clause 36 now provides casual wage tables for classifications:

- Level 1 – Driveway Attendant
- Level 2 – Roadhouse Attendant
- Level 4 – Console Operator/Roadhouse attendant required to cook other than takeaway food

These are in 3 separate wage tables in clause 36.

15. The current award rates in the tables, when analysed show that the Level 4 rates table do not provide the same 'loading' over the base classification rate when compared to the Driveway casual rate (level 1) and Roadhouse Attendant casual rate (level 2). This has also been illustrated in the exposure draft of the Award issued in April 2016 at clause 23.2(a).

16. His Honour, Vice President Hatcher also raised this difference that appeared in the ED April 2016 in the hearing on the 23rd May 2016.

PN255 VICE PRESIDENT HATCHER: You'll see there, and again this is a change which is meant to put the award in a somewhat more contemporary structure, where the amounts of the loadings for console operators have been expressed as loadings on the ordinary time rate, rather than as monetary amounts. Do you see that?

PN256 MR FORBES: Yes.

PN257 VICE PRESIDENT HATCHER: Once that's done, the anomaly which the SDA complains about merges quite starkly, doesn't it? That is you have a driveway attendant with loadings which have a certain rounding quality to them, although I don't understand where they come from. Then you have the roadhouse attendance, and then the console operator has a different rate.

PN258 MR FORBES: Yes.

PN259 VICE PRESIDENT HATCHER: What's the rationale for that?

17. The current provision setting these wage rates for the casuals Level 4 console/roadhouse rate can be found in the VM RSR Award at clause 36.3 (as at June 2016):

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	19 years	18 years	17 years	16 years & under
	(adult rate)	(75%)	(62.5%)	(50%)	(47.5%)

	\$	\$	\$	\$	\$
Monday to Friday	25.05	18.79	15.66	12.53	11.90
Saturdays, Sundays and public holidays	32.56	24.42	20.35	16.28	15.47
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	14.21	10.66	8.88	7.11	6.75

18. The SDA proposal is as follows:

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	19 years	18 years	17 years	16 years & under
	(adult rate)	(75%)	(62.5%)	(50%)	(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	14.02	10.52	8.76	7.02	6.66

19. This realignment will change the rates paid to casual Level 4 console/roadhouse for working:

- a. Monday to Friday from \$25.05/hr to 25.17/hr.
- b. Saturday/Sunday/Public Holiday from 32.56/hr to 32.83/hr.
- c. Overtime is a slight decrease from \$14.21/hr to \$14.02/hr. The actual 'decrease' in take home pay would only occur on Monday to Friday but by only 7 cents an hour (as the overtime is added to either the Mon-Fri rate or the Sat/Sun/Pub Hol rate).

20. These realigned rates will result in the casual Level 4 rate being aligned with the % loading applying to the casual driveway attendant and the roadhouse attendant Level 2.

21. For ease of reference and reading the combined three classifications of driveway attendant, roadhouse attendant and console operator employees may be referred to as 'service station employees'.

Vehicle Manufacturing, Repair Service and Retail Award Background

22. The modern Vehicle Manufacturing, Repair Service and Retail Award (VMRSR) was created by the AIRC during the Award Modernisation process. It was based on combining the 2 previous Federal Awards namely the Vehicle Industry Award (VIA) and the Vehicle Industry Repair Service and Retail Award (RS&R Award).

23. The Full Bench stated in 2009³:

[270] There has been widespread support for an integrated vehicle industry award to apply as reflected in the exposure draft – the Vehicle Manufacturing, Repair, Services and Retail Award 2010 (the Modern Vehicle Award). In adopting that course we have accepted a number of changes in the exposure drafting arising from the parties' submissions, so that the modern award generally accords with the structure and content of the antecedent awards.

[271] Consistent with unification of the vehicle awards, and notwithstanding the representations of the Shop, Distributive and Allied Employees Association, we have preserved the existing classification structures, including provisions as to the retailing of fuel and other commodities through the console operations which characterise modern service/petrol stations and which have been the subject of review in several earlier Commission proceedings. Similarly, we have accepted the need, given the specialised functions of the award requiring driving, for the retention of current driving classifications. An appropriate exclusion will appear in the RT&D Modern award.

24. In creating the modern award there was some realignment of coverage. One particular area was some petrol sellers who had previously been covered by state retail awards.

Woolworths Petrol is one such example. The SDA strongly argued for the Retail component including fuel retail to be covered by the General Retail Industry Award or a separate award.

25. In making this modern award the Full Bench elected to essentially use the 2 pre-existing Federal Awards; the Vehicle Industry Award (VIA) and the Vehicle Industry Repair Service and Retail Award (RS&R Award) for the terms and conditions.

26. The rates set for casual console operators, roadhouse attendants and driveway attendants directly arose out of the predecessor RS&R Award.

³ [2009] AIRC FB 826

27. The RS&R Award had at clause 6(f)(iv) the rates for these casuals. These were in wage tables for each classification. These classifications were:

- Level 1: Driveway attendants
- Level 2: Roadhouse attendants
- Level 4: Console operator and Roadhouse attendant.

28. These wage tables provided two 24-hour rates on the basis of the days Monday to Friday, a separate rate encompassing weekends and public holidays and then an additional amount to be added if overtime was worked.

29. The only change the Full Bench made in adopting the previous wage table award provisions from the RS&R Award was to remove the lower State Differential Rate that applied to Queensland employees.

30. There is a long history to the inclusion of these wage tables and method of calculating these rates. This has been an area of great disputation in the recent past that is since 1990.

31. The development and inclusion of these casual wage tables has its genesis in the 1970 as noted by a Full Bench of the AIRC:

The special provisions in relation to driveway and roadhouse attendants and console operators – with hourly rates directly prescribed – have their origin in 1970 proceedings before Senior Commissioner Taylor⁴

32. The method for increasing the rates in these wage tables have been made by using what is called the 'traditional formula'⁵ The formula was

$$\text{Old casual hourly rate/old weekly rate} \times \text{New weekly rate} = \text{New casual Hourly Rate}^6$$

33. The chronological history of the 3 casual wage tables in clause 36 is

- a) The casual driveway rate table was the first and only rate table in the various predecessor awards. It applied to both driveway and the two levels of roadhouse attendants.

⁴ AIRC Print M9796 7 March 1996 pg 2

⁵ AIRC Print L2895 18 April 1994, Watson DP pg 2

⁶ AIRC Print M9796 7 March 1996 pg 2

- b) After 1977 a 'casual driveway attendant who operated a console' table was inserted into the award, that added a flat hourly rate allowance for a casual driveway attendant operating a console
- c) In 1994 the interim casual console rate table was inserted based on the driveway attendant table but reflecting the movement of a driveway attendant operating a console to the new classification of a console operator at level 4 (replacing the allowance table rate)
- d) In 1998 the roadhouse attendant rate was inserted as a separate table for the level 2 employee, and the level 4 roadhouse attendant moved into the casual console rate table.

34. The driveway attendant rate table was the basis and key for the insertion of the other 2 rates tables. That is through various applications of the SDA the level 2 and level 4 rate tables were inserted based on the level 1 driveway attendant formulation. This can be seen as the intent relating to the 1994 insertion of casual console rate by Deputy President Watson:

...my immediate inclination would be that an appropriate interim arrangement would be in terms of application of the traditional formula ...⁷

History of RSR Award

35. It is not a secret that the SDA has agitated repeatedly on the issue of service station conditions and especially on rates of pay over the 1990's.

36. In 1991 the RSR Award was very different:

- Retail Classifications were at level 3 not 4;
- A level 1 driveway attendant was paid a weekly or hourly allowance for console operation (about \$7 week /20cents and hour);
- There was a single wage table covering Casual Driveway attendants and Roadhouse attendants (level 1 and 4) which had 24 hour rates for Monday to Friday work and Saturday, Sunday and public holiday work. This wage table included a lower State Differential for Queensland;

⁷ AIRC Print L2895 , Watson DP, 18 April 1994

- This wage table when compared to the driveway attendant provided Casual driveway attendants a 17.5% casual loading and penalty loading paid for any hours Monday to Friday. Almost a 50% loading applied for Saturday, Sunday or public holidays. (The wage table provided much lower penalties and loadings for the Roadhouse attendants) The casual loading generally applying to other casuals in the award was 20% plus penalty loadings.

37. Without the SDA's agitation and persistence during the 1990's:

- All retail work would be at a grade lower than present⁸;
- Console operators would not be a separate classification (this separation gave them a \$53 week increase for full-timers);
- The 38 hour week increase (an increase of about 8%) would not have been applied to casual service station employees⁹;
- Casual Roadhouse Attendants would not have had their skills recognised and remunerated on an equity and fairness basis with increases of between 8 and 20%¹⁰.

38. The SDA also ran an unsuccessful case attempting in 1994 and 1995 to establish a separate convenience store award¹¹

39. The SDA also sought arising out of the Commissioner Frawley decision, to align the casual rate of the new classification console operator to the other casual wage structure¹² that applied in a more standard method to most other casuals covered by the award ie 20% loading 6am- 6pm Mon-Fri etc. The SDA was unsuccessful in this application.

40. This application which eventually ended up before Commission Foggo , began before Watson DP in 1994 and had a 4 year life of litigation in the AIRC. As discussed earlier the interim casual console rates were inserted in 1994. The matter proceeded with various conferences and submissions before Watson DP until October 2nd 1995 when the employers made application under s 105(1) of the WR Act to prevent Watson DP continuing in the matter. Various appeals and applications ensued until the matter was eventually determined by Foggo C on the 9 September 1997. The decision of Foggo C does over 3 pages provide the

⁸ Cmr Frwley Decision 1993 Print K8409

⁹ AIRC Print M9796 , 7 March 1996

¹⁰ AIRC Print Q5726, 4 September 1998

¹¹ C. No. 39808 of 1995

¹² AIRC Print P4839 , 9 September 1997 Cmr Foggo

broad timeline of the various proceedings, appeals and conferences that occurred over 1993 – 1997 in this matter.¹³

41. Each and every one of these cases was vigorously opposed by the employer associations. Each case resulted in many hurdles needing to be jumped including: challenging the legal basis of whether the Commission could deal with such matters, appeals on proceedings and decisions, whether the matters could be examined by the Commission and extensive conferences. No case was ever straight forward.
42. Each and every one of these cases the SDA conducted, was run in an attempt to improve what appeared on the face of it to be substandard conditions in the award, but 'historically' it was claimed the conditions by employers had all been set appropriately. "History was paramount" was the ongoing mantra from the employers. Unfortunately, the SDA did not know the full extent of the substandard conditions applying when it first started to investigate and question matters. As each issue was discovered and realised it was acted upon. If the SDA had discovered all the issues at once it could have run a single case to have the rate structure for casual service station employees set aside on the basis it was derelict and error-ridden. It was, however, a discovery process that peeled back layers of the onion one at a time.

Inequity, Ambiguity, Error : Past Cases

43. In two previous matters in the RS&R Award, the issue of inequity, error and/or unfairness was discovered. In both of these matters the AIRC resolved and determined to correct these as proposed by the SDA.
44. The first anomalous and inequitable issue arose with the SDA making an application in 1995 to apply the 38 hour week to casual service station employees (**38 Hour week case**)¹⁴. All other employees had received this benefit some 7 years earlier.
45. The Full Bench determined¹⁵ in in the **38 Hour week case**:

¹³ See AIRC Print P4839, Foggo C, pgs 1-3

¹⁴ AIRC Full Bench Print M9796, 7 March 1996

¹⁵ Ibid pgs 4 and 6

...we have decided that we will give effect to a 38 hour week in respect of a casual driveway and roadhouse attendants and console operators by varying the hourly rates in paragraph 6(f) (iv) to the levels reflected in the draft order in exhibit SDA 7.

and

In any case, given the general application of a 38 hour week within the work-force and the inequity reflected in the denial of its benefits to limited group of employees covered by the award now before us, we are not persuaded to refuse the application...

and

We have decided to adopt and apply the hourly rates set out in exhibit SDA 7 in order to give effect to the applications. Whilst, in the event the applications were approved, the employers favoured restoring the 1970 ratio off casual to hourly rates, it is our view that the methodology adopted by the SDA in producing exhibit SDA 7 of recalculating casual rates on the basis of the traditional formula but with an adjustment to give effect to a 38 hour week, more appropriately reflects the application of a 38 hour week to the relevant casual employees. The purpose of the variation is to apply the 38 hour week to relevant casual rates, not to restore previously existing relativities.

46. The second such inequity and unfairness matter related to rates paid to casual roadhouse attendants in 1997 (**Casual Roadhouse case**)¹⁶. In the **Casual Roadhouse case** the SDA was successful in having the casual rate for roadhouse attendants increased dramatically. Prior to this case, level 2 and level 4 casual roadhouse attendants were paid the same rate as a casual driveway attendant. i.e. paid as a level 1 employee.
47. Examining the rates in that case revealed a gross inequity which needed to be redressed to correct a long-standing erroneous alignment that had applied since the 1970's. Whilst there was a notable differential between full time rates for these classifications, (either 4% for level 2 or 14% for level 4 approx when compared to a driveway attendant.) Casuals at that time received precisely the same hourly all up rate as a driveway attendant. This created a reduction of the roadhouse skills rate, causing an inequity.

¹⁶ C No 30600/97 and AIRC Print Q5726

48. The Full Bench in its decision¹⁷ stated:

Essentially the SDA's case was one based upon fairness and equity. There appears to us to be no logical reason for denying to casual roadhouse attendants a rate of pay based upon the rate payable to the equivalent permanent roadhouse attendant. Whether employed as permanent or casual employee, a roadhouse attendant is expected to exercise the level of skill and responsibility required of the appropriate classification. In our view, unless there exist strong reasons for not doing so, it would be unfair and inequitable to refuse the claim.

49. So in two very different cases the AIRC recognised inequities and errors which had been long standing award conditions. Not only were they recognised but they were corrected. This precedent of correcting inequities, errors, anomalies and unfairness are principles that apply equally to the variations the SDA is currently seeking in this matter.

50. The SDA would say that the *Fair Work Act 2009* has in fact strengthened the obligation of FWC to ensure that modern award provisions are fair and equitable. FWC must ensure through the Objects of the Act that there is a guaranteed safety net of fair and relevant conditions in awards.

51. Allowing inequities to continue is not desirable and is at odds with the current legislative framework.

Rate Discrepancy: Casual Console Operator

52. The rates the SDA is seeking to vary is the casual Level 4 console/roadhouse rate.

53. An analysis of the casual Level 4 console/roadhouse rate has been done. This shows that the casual level 4 rate does not align with either level 1 or level 2 rates. The **ED April 2016** has also revealed this discrepancy.

54. In the attached tables, the movement in rates of the three casual wage tables of clause 36 are shown. This tracks the history for a driveway attendant from 1976 to the current day, roadhouse attendants from 1976 and console operators from 1994.

¹⁷ AIRC Full bench Print Q5726 4 Sept 1998, pg 6-7

55. These tables are based upon the method and exhibits the SDA used in and were quoted in the decision as exhibit SDA7 in the **38 hour week case**¹⁸

56. Each table has the following components

- Identification of the order/print/decision;
- The full time rate;
- Then the hourly rate - either based on 38hours, 39hours or 40 hours;
- The casual rates for Monday-Friday and weekends are then provided.
- The final 2 columns provide the percent above the hourly rate for the Mon –Fri or weekend rates.

57. For example, the first table shows the history of the driveway rate. In the first row the Print No C4393 shows where the rates are sourced. It then shows the fulltime rate as \$95.10 with an hourly rate of \$2.38. The casual Monday – Friday rate is shown as \$3.02. The column 'percentage above' has the calculation which provides the percentage of the hourly rate multiplied by the number to get the casual rate: $\$2.38 \times 27.02\% = \3.02 . The same applies for the final column in relation to Saturday/Sunday/Public Holiday casual rate: $\$2.38 \times 64.46\% = \3.91

58. These last two columns in these tables can be described as ratio calculations, comparing the hourly rate and the casual rates. It is through the examination of these ratio columns that past errors or inequities have been detected. For example, 39 hour week order in H8307 shows the Monday – Friday ratio as 23.72% but the previous row had the ratio as 26.88%. The next row has the increase for the 38 hour week in order J3283 and shows a further decrease in the ratio to 17.83%. In looking at these 3 rows, the actual hourly rates increased.

59. The use of the ratio highlights a discrepancy which remains undetected when on the face of it the casual rates have increased. The ratio demonstrates where the increase has been inadequate.

¹⁸ AIRC Print M9796, 7 March 1996, pg 4

60. At no time have the ratios shown the employees have benefitted from an increase that is “too large”. It has always been the other way.
61. In looking at the SDA tables and the ratios for the three levels as they sit today, it can be seen that casual roadhouse level 2 reflects closely the same ratio as casual driveway attendants that is 71.92% vs 71.86%.
62. The casual Level 4 console/roadhouse, however, is below both of these at 70.47%. It was placed in the award in 1994, prior to the new Roadhouse level 2 table.
63. A similar issue appears in the Monday to Friday rate. The Level 4 console/roadhouse ratio/loading of 31.13% is below that of the driveway attendant (31.72%) and roadhouse level 2 (31.78%).
64. The driveway attendant rate was the originating rate in the award as detailed previously.
65. The SDA, in looking between the rates in the casual Driveway, Roadhouse and Console rate tables, found that two tables contained rates with almost identical % loading paid but one rate was markedly below. The one below was the Level 4 console/roadhouse rate and hence the SDA’s application to realign it with the driveway level 1 rate and the roadhouse level 2 rate.

The formulation of the casual console rate in June 1994

66. For many years the award had a ‘use of a console allowance’ for Driveway attendants. This allowance had been in the award prior to Commissioner Frawley’s decision to insert a proper classification of console operator.
67. Then the casual console rate was a major issue of debate between the parties. As an initial step an interim rate was introduced into the award (the proceedings before Watson DP over 1993/94).

The award rates at that time were¹⁹:

Casual M-F hr *	Casual Wend/PHol hr*	Fulltime weekly	console allowance
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¹⁹ Driveway rates: (Print L3450 7 June 1994 Watson DP.....reflecting Print L0522 21 Jan 1994))

\$10.34	\$13.34	\$333.40	\$6.85 (or 18 cents/hr)
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**these rates were also paid to casual Level 2 and 4 Roadhouse attendants*

These casual rates for driveway attendants then had a loading of 17.85% above the hourly rate for Mon-Fri work, and a loading of 52.05% for Wend/Pub Hol work.

68. In undertaking the task of calculating the 'interim' position the traditional formula was used. The new Fulltime console operator rate was used: \$354.35²⁰. Also the previous rates that had applied to driveway attendant using a console were used:

Casual : M-F \$10.34 + \$0.18 = \$10.52 Wend/Phol \$13.34+ \$0.18 = \$13.52

Fulltime: \$333.40 + \$6.85 = \$340.25

69. The traditional formula was applied, using the rates that had applied to a driveway attendant using a console with the new FT console classification rate:

M-F 10.52/340.25 x 354.35 = \$10.95 (rate in the order)

Wend/Phol 13.52/340.25 x 354.35 = \$14.08 (\$14.07 is the order)

70. This application of the traditional formula with these wage rates however caused an error with the 'new' rate having a reduced loading when compared to the casual driveway attendant. The casual rate of a console operator had a 'loading' above the hourly rate of 17.48% for Mon-Fri work and a loading of 50.88% for Wend/PHol work. (17.85% and 52.05% were the loadings for a driveway attendant)

71. A mathematical reason for this decrease in loadings is that the 'console allowance' of 18 cents was included in the formula. This 18 cents did not have any factors of casual loading or penalty loading included but was applied to a rate that did have these factors in it. Eg \$10.34 was the casual driveway rate which including some loading for casual loading and for working any hour Monday to Friday. This reduction in the loading/ratio was an error.

72. This factor of the missing loadings in the 18 cents results in a larger reduction in value to the weekend loading. This is because there is a higher penalty loading not in the 18 cents when used with the \$13.34 rate (13.34 is higher than 10.34 as it has higher penalty loadings

²⁰ (7 June 1994, Print L3450)

included). So there is a more pronounced error in the Sat/Sun/Weekend rate than the Monday-Friday rate.

73. The numbers in the formula needed to be on the same basis and not of 'mixed' factors. The numbers needed to have the same base (or factors included). It is simply not mathematically possible to add apples and oranges successfully simply.

74. If the interim rate for a console operator using the traditional formula had been based on the casual driveway rate only, the error or mistake would not have occurred. :

M-F	$10.34/333.40 \times 354.35 = \10.99
Wend/Phol	$13.34/333.40 \times 354.35 = \14.18

75. These two rates \$10.99 and \$14.18 have a ratio/loading over the fulltime rate (\$9.35) of 17.855% and 52.064%. This method would have provided the same % above the new base console rate as the driveway vs casual driveway rate at that time. (cf 17.85% and 52.05%)

76. This error in the rates was not an intention of the parties. At that time no examination of the 'ratio' or 'loadings' had been done. The understanding of the 'traditional' formula underpinnings was minimal and lacking mathematical understanding. The 38 hour week error had not been noticed (in *the 38 hr week case* it was the first time a review based on the 'ratio' calculations was undertaken and found there was a problem in using the traditional formula).

77. Interestingly in hindsight the employers did not argue that the existing table of casual rates already covered level 4 employees which was where the new console operator classification sat. The existing table at that time also covered a casual 'roadhouse attendant primarily required to cook other than take away foods' which was a level 4 classification!

78. Given the issues that have been demonstrated in the past and again currently with the 24 hour casual rates for driveway, roadhouse and console employees, the SDA believes relying on the "traditional formula" is problematic. If there is a variable that is extraneous to the formula, an error can occur, i.e. 38 hour week.

79. Secondly if an error is made in calculations it is perpetuated. This is demonstrated again by the 38 hour week issue (7 years till discovered and corrected) and the current one that goes back to 1996 (19 years ago).

80. Having such issues-on the critical and substantial matter of setting wage rates is not appropriate. It is unfair for this real risk to continue.
81. To overcome this, the SDA proposes the “ratio” be used instead. The ratio should be included in the award as the loading above the base hourly rate. The SDA notes this is what proposed in the ED April 2016 (*the SDA does rely on separate submissions concerning the % in the ED April 2016*)
82. The SDA proposes the tables of casual rates remain with the wage rates but the percentages are noted. Having the percentage means the error cannot occur, and if an error occurs one year, it is not carried into the following years. The use of a percentage overcomes the error of perpetuating an incorrect calculation which erodes the rate in an instant.
83. In electing to retain the existing RS&R structure, the AIRC did not look behind the rate in any way as to its construction, fairness and appropriateness except to say it currently applied so therefore it could continue.
84. The rate currently set for casual Level 4 console/roadhouse has been problematic in the past and at present. Such problems clearly demonstrate that if relying solely on the traditional formula errors can occur. Such a system cannot be construed to provide a “stable” safety net. It also cannot be shown that this rate in its current form is a fair and relevant safety net.
85. The rates the SDA has proposed to be placed in the award to overcome the error have been developed by correcting the error made in 1994 when the Level 4 casual rate was inserted. The correction reflects the rates as explained in paragraphs 74 and 75. That is \$10.99 and \$14.18 are used. These figures were then applied as the starting point for the casual rate of console operators and then the traditional formula applied for each subsequent variations. This results in the ‘current’ rates being \$25.17 and \$32.83.
86. This is the method that is used to obtain the revised rates in the tables attached for Console or Roadhouse Level 4 rates, and appears under the row heading ‘*Correcting for error and recalculating using the traditional formula*’. The SDA also checked for ‘*rounding*’ (*ie rounding to the nearest cent for each increase*) and these calculations appear at the end of the table. No difference in the end result is found.

Other Considerations

87. In considering correcting the error as identified by the SDA in this submission, one must look at s.134 of the Act, the Modern Awards Objective (MAO):

Section 134 The Modern Awards Objective

- (a) relative living standards and the needs of the low paid; and
- (b) the need to encourage collective bargaining; and
- (c) the need to promote social inclusion through increased workforce participation; and
- (d) the need to promote flexible modern work practices and the efficient and productive performance of work; and
- (da) the need to provide additional remuneration for:
 - (i) employees working overtime; or
 - (ii) employees working unsocial, irregular or unpredictable hours; or
 - (iii) employees working on weekends or public holidays; or
 - (iv) employees working shifts; and

88. Employees in the service station industry are considered low paid. They are paid no more than retail workers or fast food workers. Both of these categories of employees were found to be low paid.²¹
89. The rate as currently provided in the award cannot satisfy s. 134(a) where the needs of the low paid can unfortunately have their rate of pay subjected to errors that are perpetuated long term. Without having a method that is sound and can guarantee to be free of errors or be perpetuated without an immediate safety check, the VMRS&R in respect to the methodology currently used for calculating the special 24 hour rate for casuals in service stations, is failing the Modern Awards Objective of the Act (MAO). The MOA at s. 134 (1) states that FWC must ensure that modern awards together with the NES, provide a fair and relevant minimum safety net of terms and conditions. Very few items can be as critical to a minimum safety net as the wage rate.
90. Having this lower rate for this subgroup of casuals does not assist this low paid workforce. It disadvantages them by making their rates attractive to employers by undercutting standards set elsewhere in the award and is in conflict with s.134(a).
91. S.134(d) also provides that there is a 'need to promote flexible modern work practices and the efficient and productive performance of work'. This does not enable an award to

²¹ FWC [2013] FWCFB 1635 para 212

disadvantage a group of employees. Disadvantaging a group of employees is not a modern work practice. It is also not efficient or productive.

Is the variation necessary?

92. The variation is necessary as without any change the award provision fails to “provide” a “relevant” minimum safety net. The Commission must ensure that the critical issue of minimum wage rates is maintained as a “relevant” minimum safety net. A rate that is prone to error or misapplication, through a method of calculation vulnerable to extraneous variable affecting its results and simple errors cannot be a method relied upon by FWC to provide a relevant safety net.
93. Further the objects of the Act are also not being fulfilled as it does not provide “fairness to working Australians”. These casual workers are receiving what they believe to be the correct rate as that is the rate in the modern Award. It is not fair that they are deprived of earnings because of some ‘traditional’ formula which has been applied erroneously.
94. The overarching Principles in the Objects of the Act are also a relevant consideration:

3 Object of this Act

The object of this Act is to provide a balanced framework for cooperative and productive workplace relations that promotes national economic prosperity and social inclusion for all Australians by:

(a) providing workplace relations laws that are fair to working Australians, are flexible for businesses, promote productivity and economic growth for Australia’s future economic prosperity and take into account Australia’s international labour obligations; and

(b) ensuring a guaranteed safety net of fair, relevant and enforceable minimum terms and conditions through the National Employment Standards, modern awards and national minimum wage orders; and

95. Object 3(a) is not being met as there is no fairness to working Australians in an award which has a rate that is set and it can be demonstrated to have a fundamental flaw in the inception of that rate.

96. Object 3(b) is not being met as the methodology for setting the rate does not provide a guaranteed safety net of fair or relevant minimum terms. A rate that is based on an error does not provide a fair or relevant safety net. A rate that is also prone to error or extraneous factors which can remain undetected for lengthy periods of time cannot give a guarantee to reflect an appropriate safety net.

97. Further FWC is obliged to perform its functions and exercise its powers in a manner that is fair, just, open and transparent. This is the obligation set by s.577:

577 The FWC must perform its functions and exercise its powers in a manner that:

(a) is fair and just; and

(b) is quick, informal and avoids unnecessary technicalities; and

(c) is open and transparent; and

(d) promotes harmonious and cooperative workplace relations.

98. The use of the 'traditional' formula , its setting, and its application can be demonstrated not to be fair transparent or open. If the formula fails this test then the Commission cannot meet its obligation to exercise its powers and perform its functions in a way that is open and transparent and fair.

99. In accordance with S.578(b) the FWC must consider 'equity, good conscience and the merits of the matter' when assessing a matter.

100. Not examining the history of casual service station rates of the award would not be in good conscience. Assessing the fairness and equity of the application of the casual Level 4 console/roadhouse rate is needed and required to satisfy S 578(b). This examination and assessment shows clearly the error that is in the Level 4 console/roadhouse rate

101. The use of the 'traditional' formula likewise is not fair and just due to the error it produces and the basis for its foundation. Again if the formula fails this test then the Commission cannot ignore such a proposition. To do so would mean failing to meet its obligation to exercise its powers and perform its functions in a way that is fair and just.

102. The VMRS&R provides the underpinning conditions for bargaining. The convenience/petrol sites covered by the Award, have entered into bargaining either through previous AWA's, individual site agreements, or all encompassing company agreements. The major players such as Coles Express and Woolworths petrol fall into the latter group.
103. Both of these companies maintain the method/tables for casual console operators which the Award sets. So the award is of high relevance to agreement making.
104. The current environment has a lesser number of small and independent service station owner operators. They are not the norm as they were in the 1970's. The market is dominated by two large corporate players, namely Woolworths Petrol and Coles Express. Between these two, they have 21.2% and 22.3% market share respectively²², which is almost half of the market.

Costs

105. The industry has faced many large increases in the past. These have been successfully handled and the industry continues today. The SDA contends that the proposed variations sought are ones that are lower than past increases awarded.
106. As the cost of employers is less than previous increases, the industry can adjust and adapt. Various arrangements by the AIRC of either giving notice or phasing the increases, provided a proper mechanism for employers to pay the increases in wages. This shows that this practice can address s. 134(f) of the MAO. Two examples directly relevant on this issue are:

The **38 hour week case** which resulted in increases to the casual service station employees, of approximately 8%, was implemented with three months' notice. This was to provide some further cost relief to employers.²³

The introduction of the new console operator classification into Level 4 (approximately \$60 per week increase on \$317 base, close to a 20% increase) was phased in during the mid 1990's. (Cmr Frawley decision)

²² IBIS World.com.au

²³ AIRC Print M9796 , 7 March 1996 pg 5

107. The industry has demonstrated a capacity to implement wage increases in the service station area and continue operating. There is no likelihood or evidence that petrol stations would disappear or close if they were required to pay their casual Level 4 console/roadhouse employees equitably and fairly.

Conclusion

108. The rates as presently provided in the Modern Award for Casual Level 4 console/roadhouse are based upon a mathematical error. It is inappropriate that this continues.

109. The rates as presently provided in the Modern Award for Casual Level 4 console/roadhouse are not appropriate.

110. The rates are iniquitous. The rates are unfair. The rates are based upon an historical error.

111. The rates rely upon a formulation which has been shown in this submission to be erroneous.

112. As in previous cases mentioned in this submission namely the 38 hour week case, and the roadhouse attendant case, the AIRC was prepared to rectify an error in either the establishment of a new casual rate table (eg Roadhouse attendant level 2) or in applying a method of calculation that overcame the cause of the error (38 hour week case).

113. With these issues identified, the rates cannot be providing a fair safety net to employees. This means the rates for casual Level 4 console/roadhouse employees on examination do not meet s.134 or s.3 of the Act.

114. The SDA has undertaken the recalculation of the casual Level 4 console/roadhouse rate, after correcting the error, using the traditional formula to obtain the corrected rates.

115. Therefore, the SDA respectfully requests that the FWC should amend the rates in the manner the SDA has submitted is fair and appropriate to correct an error. That is:

- a. Monday to Friday casual Console operators and Roadhouse attendants (level 4) rate should reflect a 31.76% loading above the ordinary hourly rate.
- b. Saturday/Sunday Casual Console operators and Roadhouse attendants (level 4) rate should reflect a leading of 71.9% above the ordinary hourly rate.
- c. The overtime Casual Console operators and Roadhouse attendants (level 4) rate should be 78.88% of the ordinary hourly rate.

- d. These casual wage tables should include a reference to the percentage loading so that errors in the future are avoided.

HISTORY DRIVEWAY WAGE RATE

Date of Order	Case No.	Print No.	Full-time Driveway Attendant rate	Hourly Rate	Casual Driveway Rate Monday-Friday	Casual Driveway Rate Saturday/Sunday	% above the hourly rate M-F	% above the hourly rate Sat/Sun
25/03/1976	1925+3238/75	C4393	95.10	2.38	3.02	3.91	27.02	64.46
8/11/1976	2149/76	D589	101.40	2.54	3.21	4.16	26.63	64.10
18/10/1976	1624/76	D1378	107.25	2.68	3.39	4.39	26.43	63.73
24/02/1978	1554/77	D5406	115.30	2.88	3.65	4.72	26.63	63.75
19/07/1978	1554/77	D6331	121.68	3.04	3.86	4.98	26.89	63.71
14/08/1978	1554/77	D7757	125.08	3.13	3.97	5.12	26.96	63.74
16/07/1979	2046/78	E193	130.10	3.25	4.13	5.33	26.98	63.87
17/10/1980	2997/79	E3784	147.80	3.70	4.68	6.05	26.66	63.73
15/05/1981	250/81	E5885	159.30	3.98	5.06	6.53	27.06	63.97
11/09/1981	250/81	E7018	165.00	4.13	5.24	6.77	27.03	64.12
15/06/1982	140/82	E9792	186.05	4.65	5.91	7.63	27.06	64.04
19/08/1982	1384, 1690, 4822 of 1981634/92	F0314	198.35	4.96	6.28	8.11	26.64	63.55
2/11/1983	1066/83	F3269	206.35	5.16	No Increase	No Increase		
1/06/1984	230/84 2675/84	F5576	214.85	5.37	6.82	8.81	26.97	64.02
6/12/1985	2467/85	G0935	229.38	5.73	7.27	9.38	26.78	63.57
25/08/1986	1267/86 4391/86	G4285	234.68	5.87	7.44	9.60	26.81	63.63
24/05/1988	30389/88	H2297	250.10	6.25	7.91	10.16	26.51	62.50
13/10/1989	1479/87	H8306	255.68	6.39	8.11	10.45	26.88	63.49
13/10/1989	1479/87 (39 hr Week)	H8307	260.70	6.68	8.27	10.66	23.72	59.47
25/07/1990	37640/89 (38 hr week)	J3283	295.40	7.77	9.16	11.81	17.83	51.92
16/10/1990	31892/90	J4933	305.40	8.04	9.47	12.21	17.83	51.93
7/08/1991	33023/90	J8882	309.30	8.14	-	-		
2/12/1991	32410/91	K0703	317.00	8.34	9.83	12.68	17.84	52.00
15/09/1993	32217/92	K9207	325.40	8.56	10.09	13.02	17.83	52.05
21/01/1994	21866/93	L0522	333.40	8.77	10.34	13.34	17.85	52.05
7/06/1994	30420/94 (cas console interim rate intro)	L3450	333.40		No increase	No increase		
20/07/1995	30514/95	M1917	341.40	8.98	10.59	13.66	17.87	52.04
30/04/1996	30604/94	N0957	349.40	9.19	10.84	13.98	17.89	52.04
24/05/1996	10461/95 (38 Hr wk casual introduced)	N1895	No increase	No increase	11.66	15.01	26.81	63.25
27/05/1997	33901/96	P1338	359.50	9.46	11.99	15.44	26.74	63.20
15/06/1998	32126/98	Q1225	373.40	9.83	12.46	16.04	26.75	63.17
14/10/1998	30600/97 (Casual Roadhouse increase)	Q7613	373.40	9.83	12.46	16.04	26.75	63.17
29/06/1999	33505/00	R6460	385.40	10.14	12.86	16.56	26.82	63.31

HISTORY DRIVEWAY WAGE RATE

13/06/2000	32637/00	S6809	400.40	10.54	13.36	17.20	26.76	63.19
29/05/2001	39214/00	904771	413.40	10.88	13.79	17.76	26.75	63.24
24/05/2002	2001/5810	918114	431.40	11.35	14.39	18.53	26.78	63.26
30/05/2003	2002/5693	932254	448.40	11.80	14.96	19.26	26.78	63.22
2/06/2004	2003/6563	947382	467.40	12.30	15.59	20.08	26.75	63.25
4/07/2005	2004/6257	959636	484.40	12.75	16.16	20.81	26.75	63.22
8/12/2005	2004/1987 (cas loading increase and Phol)	965910	484.40	12.75	16.80	21.91	31.76	71.84
2006								
2007								
2008								
2009								
1/01/2010	Modern Award Starts 1/1/10		543.90	14.31	18.86	24.60	31.77	71.87
22/06/2010	2010/1	997994	569.90	15.00	19.76	25.78	31.76	71.90
20/06/2011	2011/1	509120	589.30	15.51	20.43	26.66	31.74	71.91
18/06/2012	2012/1	522951	606.40	15.96	21.02	27.43	31.72	71.89
19/06/2013	2013/1	536754	622.20	16.37	21.57	28.14	31.74	71.86
1/07/2014	2014/1	551677	640.90	16.87	22.22	28.99	31.75	71.89
1/07/2015		566768	656.90	17.29	22.77	29.71	31.72	71.86

Roadhouse level 2

Date of Order	Case No.	Print No.	Full-time Roadhouse Attendant rate	Hourly Rate	Casual Roadhouse Rate Monday-Friday	Casual Rhouse Rate Saturday/Sunday	% above the hourly rate M-F	% above the hourly rate Sat/Sun
25/03/1976	1925+3238/75	C4393	99.38	2.48	3.02	3.91	21.55	57.38
8/11/1976	2149/76	D589	105.92	2.65	3.21	4.16	21.22	57.10
18/10/1976	1624/76	D1378	111.96	2.80	3.39	4.39	21.11	56.84
24/02/1978	1554/77	D5406	120.15	3.00	3.65	4.72	21.51	57.14
19/07/1978	1554/77	D6331	126.80	3.17	3.86	4.98	21.77	57.10
14/08/1978	1554/77	D7757	130.40	3.26	3.97	5.12	21.78	57.06
16/07/1979	2046/78	E193	135.60	3.39	4.13	5.33	21.83	57.23
17/10/1980	2997/79	E3784	154.65	3.87	4.68	6.05	21.05	56.48
15/05/1981	250/81	E5885	167.12	4.18	5.06	6.53	21.11	56.29
11/09/1981	250/81	E7018	173.12	4.33	5.24	6.77	21.07	56.42
15/06/1982	140/82	E9792	195.19	4.88	5.91	7.63	21.11	56.36
19/08/1982	1384, 1690, 4822 of 1981634/92	F0314	207.59	5.19	6.28	8.11	21.01	56.27
2/11/1983	1066/83	F3269	216.53	5.41	No increase	No increase		
1/06/1984	230/84 2675/84	F5576	225.41	5.64	6.82	8.81	21.02	56.34
6/12/1985	2467/85	G0935	238.50	5.96	7.27	9.38	21.93	57.32
25/08/1986	1267/86 4391/86	G4285	245.56	6.14	7.44	9.60	21.19	56.38
24/05/1988	30389/88	H2297	261.56	6.54	7.91	10.16	20.97	55.38
13/10/1989	1479/87	H8306	267.05	6.68	8.11	10.45	21.48	56.52
13/10/1989	1479/87	H8307	272.02	6.80	8.27	10.66	21.61	56.75
25/07/1990	37640/89	J3283	303.70	7.59	9.16	11.81	20.65	55.55
16/10/1990	31892/90	J4933	316.20	7.91	9.47	12.21	19.80	54.46
7/08/1991	33023/90	J8882	323.90	8.10	-	-		
2/12/1991	32410/91	K0703	332.00	8.30	9.83	12.68	18.43	52.77
15/09/1993	32217/92	K9207	342.10	8.55	10.09	13.02	17.98	52.24
21/01/1994	21866/93	L0522	350.10	9.21	10.34	13.34	12.23	44.79
7/06/1994	30420/94	L3450	350.10		No increase	No increase		
20/07/1995	30514/95	M1917	358.10	9.42	10.59	13.66	12.38	44.95
30/04/1996	30604/94		366.10	9.63	10.84	13.98	12.52	45.11
24/05/1996	10461/95 (38 Hr wk introduced)	N1895	No increase	No increase	11.66	15.01	21.03	55.80
27/05/1997	33901/96	P1338	376.10	9.90	11.99	15.44	21.14	56.00
15/06/1998	32126/98	Q1225	390.10	10.27	12.46	16.04	21.37	56.25
14/10/1998	30600/97 (cas Roadhouse increase)	Q7613	390.10	10.27	13.02	16.76	26.83	63.26
29/06/1999	33505/00	R6460	402.10	10.58	13.42	17.28	26.84	63.33
13/06/2000	32637/00	S6809	417.10	10.98	13.92	17.92	26.78	63.21

Roadhouse level 2

29/05/2001	39214/00	904771	430.10	11.32	14.35	18.48	26.78	63.27
24/05/2002	2001/5810	918114	448.10	11.79	14.95	19.25	26.78	63.24
30/05/2003	2002/5693	932254	465.10	12.24	15.52	19.98	26.80	63.24
2/06/2004	2003/6563	947382	484.10	12.74	16.15	20.80	26.77	63.27
4/07/2005	2004/6257	959636	501.10	13.19	16.72	21.53	26.79	63.27
8/12/2005	2004/1987 (cas loading increase and P	965910	501.10	13.19	17.38	22.66	31.80	71.84
2006								
2007								
2008								
2009								
1/01/2010	Modern Award Starts 1/1/10		560.50	14.75	19.44	25.35	31.80	71.86
22/06/2010	2010/1	997994	586.50	15.43	20.34	26.53	31.79	71.89
20/06/2011	2011/1	509120	606.40	15.96	21.03	27.43	31.78	71.89
18/06/2012	2012/1	522951	624.00	16.42	21.64	28.23	31.78	71.91
19/06/2013	2013/1	536754	640.20	16.85	22.20	28.96	31.77	71.90
1/07/2014	2014/1	551677	659.40	17.35	22.87	29.83	31.80	71.90
1/07/2015		566768	675.90	17.79	23.44	30.58	31.78	71.92



Console or Roadhouse L4

Date of Order	Case No.	Print No.	Full-time Console Operator rate	Hourly Rate	Casual Console Rate Monday-Friday	Casual Console Rate Saturday/Sunday	% above the hourly rate M-F	% above the hourly rate Sat/Sun
21/01/1994	21866/93 (driveway rate)	L0522	333.40	8.77	10.34	13.34	17.85	52.05
7/06/1994	30420/94 (interim console rate inserted)	L3450	333.40	8.77	10.34	13.34	17.85	52.05

Orders with Casual Console rate

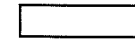
7/06/1994	30420/94 (interim cas console rate inserted)#	L3450	354.35	9.33	10.95	14.07	17.43	50.88
as above	as above		367.40	9.67	11.35	14.59	17.39	50.90
30/04/1996	30604/96	N0957	409.50	10.78	12.65	16.27	17.39	50.98
as above	as above		409.50	10.78	13.6	17.46	26.20	62.02
7/05/1996	10461/95 (38 hr wk casual introduced)	N1450	409.50	10.78	13.33	17.12	23.70	58.87
24/05/1996	as above (correction order) (38 hr wk casual)	N1895	409.50	10.78	13.6	17.46	26.20	62.02
27/05/1997	33901/96	P1338	419.50	11.04	13.93	17.89	26.18	62.05
15/06/1998	32126/98	Q1225	433.50	11.41	14.39	18.49	26.14	62.08
14/10/1998	30600/97 (Roadhouse increase)*	Q7613	433.50	11.41	14.39	18.49	26.14	62.08
29/06/1999	33505/00	R6460	445.50	11.72	14.79	19.00	26.15	62.07
13/06/2000	32637/00	S6809	460.50	12.12	15.29	19.64	26.17	62.07
29/05/2001	39214/00	904771	473.50	12.46	15.72	20.19	26.16	62.04
24/05/2002	2001/5810	918114	491.50	12.93	16.32	20.96	26.18	62.05
30/05/2003	2002/5693	932254	508.50	13.38	16.88	21.68	26.14	62.01
2/06/2004	2003/6563	947382	527.50	13.88	17.51	22.49	26.14	62.01
4/07/2005	2004/6257	959636	544.50	14.33	18.07	23.21	26.11	61.98
8/12/2005	2004/1987 (cas loading increase and Phol)	965910	544.50	14.33	18.79	24.43	31.13	70.49
2006								
2007								
2008								
2009								
1/01/2010	Modern Award Starts 1/1/10		603.90	15.89	20.84	27.09	31.13	70.462
22/06/2010	2010/1	997994	629.90	16.58	21.74	28.26	31.15	70.48
20/06/2011	2011/1	509120	651.30	17.14	22.48	29.22	31.16	70.48
18/06/2012	2012/1	522951	670.20	17.64	23.13	30.07	31.15	70.50
19/06/2013	2013/1	536754	687.60	18.09	23.73	30.85	31.14	70.49
1/07/2014	2014/1	551677	708.20	18.64	24.44	31.77	31.14	70.47
1/07/2015		566768	725.90	19.10	25.05	32.56	31.13	70.45

* roadhouse level 4 increased from the driveway rate

An interim position for cas console operators was introduced DP Watson proceedings

Correcting for error and re calculating using the traditional formula

Date of Order	Case No.	Print No.	Full-time Console Operator rate	Hourly Rate	Casual Console Rate Monday-Friday	Casual Console Rate Saturday/Sunday	% above the hourly rate M-F	% above the hourly rate Sat/Sun
7/06/1994	30420/94 (interim cas console rate inserted)#	L3450	354.35	9.33	10.99	14.18	17.85	52.05
as above	as above		367.40	9.67	11.39447	14.70	17.85	52.05
30/04/1996	30604/96	N0957	409.50	10.78	12.70015	16.38	17.85	52.05
as above	as above		409.50	10.78	12.70015	16.38	17.85	52.05
7/05/1996	10461/95	N1450	409.50	10.78			-100.00	-100.00
24/05/1996	as above (correction order) 38 hr intro	N1895	409.50	10.78	13.66	17.59	26.76	63.23
27/05/1997	33901/96	P1338	419.50	11.04	13.99358	18.02	26.76	63.23
15/06/1998	32126/98	Q1225	433.50	11.41	14.46325	18.62	26.76	63.20
14/10/1998	30600/97 (Roadhouse increase)*	Q7613	433.50	11.41	14.46059	18.62	26.76	63.23
29/06/1999	33505/00	R6460	445.50	11.72	14.86088	19.14	26.76	63.23
13/06/2000	32637/00	S6809	460.50	12.12	15.36125	19.78	26.76	63.23
29/05/2001	39214/00	904771	473.50	12.46	15.79423	20.34	26.76	63.24
24/05/2002	2001/5810	918114	491.50	12.93	16.39534	21.11	26.76	63.23
30/05/2003	2002/5693	932254	508.50	13.38	16.96242	21.84	26.76	63.23
2/06/2004	2003/6563	947382	527.50	13.88	17.59621	22.66	26.76	63.23
4/07/2005	2004/6257	959636	544.50	14.33	18.1633	23.39	26.76	63.23
8/12/2005	2004/1987 (cas loading increase and Phol)	965910	544.50	14.33	18.87974	24.63	31.76	71.88
22/06/2010	2010/1	997994	629.90	16.58	21.84	28.49	31.76	71.88
20/06/2011	2011/1	509120	651.30	17.14	22.58	29.46	31.76	71.88
18/06/2012	2012/1	522951	670.20	17.64	23.24	30.31	31.76	71.88
19/06/2013	2013/1	536754	687.60	18.09	23.84	31.10	31.76	71.88
1/07/2014	2014/1	551677	708.20	18.64	24.56	32.03	31.76	71.88
1/07/2015		566768	725.90	19.10	25.17	32.83	31.76	71.88



Rounding

7/06/1994	30420/94 (interim cas console rate inserted)#	L3450	354.35	9.33	10.99	14.18	17.86	52.06
as above	as above		367.40	9.67	11.39474	14.70	17.86	52.06
30/04/1996	30604/96	N0957	409.50	10.78	12.70045	16.39	17.86	52.06
as above	as above		409.50	10.78	12.70045	16.39	17.86	52.06
7/05/1996	10461/95	N1450	409.50	10.78			-100.00	-100.00
24/05/1996	as above (correction order) 38 hr intro	N1895	409.50	10.78	13.66	17.59	26.76	63.23
27/05/1997	33901/96	P1338	419.50	11.04	13.99358	18.02	26.76	63.23

Console or Roadhouse L4

15/06/1998	32126/98	Q1225	433.50	11.41	14.46325	18.62	26.76	63.20
14/10/1998	30600/97 (Roadhouse increase)*	Q7613	433.50	11.41	14.46059	18.62	26.76	63.23
29/06/1999	33505/00	R6460	445.50	11.72	14.86088	19.14	26.76	63.23
13/06/2000	32637/00	S6809	460.50	12.12	15.36125	19.78	26.76	63.23
29/05/2001	39214/00	904771	473.50	12.46	15.8	20.34	26.81	63.24
24/05/2002	2001/5810	918114	491.50	12.93	16.40133	21.11	26.81	63.23
30/05/2003	2002/5693	932254	508.50	13.38	16.97	21.84	26.82	63.23
2/06/2004	2003/6563	947382	527.50	13.88	17.60408	22.66	26.82	63.23
4/07/2005	2004/6257	959636	544.50	14.33	18.17142	23.39	26.82	63.23
8/12/2005	2004/1987 (cas loading increase and Phol)	965910	544.50	14.33	18.88	24.63	31.76	71.88



22/06/2010	2010/1	997994	629.90	16.58	21.84	28.49	31.76	71.88
20/06/2011	2011/1	509120	651.30	17.14	22.58	29.46	31.76	71.88
18/06/2012	2012/1	522951	670.20	17.64	23.24	30.31	31.76	71.88
19/06/2013	2013/1	536754	687.60	18.09	23.84	31.10	31.76	71.88
1/07/2014	2014/1	551677	708.20	18.64	24.56	32.03	31.76	71.88
1/07/2015		566768	725.90	19.10	25.17	32.83	31.76	71.88