

From: Andrew Thomas [mailto:athomas@cfmeu.com.au]
Sent: Wednesday, 8 November 2017 9:22 AM
To: AMOD
Subject: Draft Determination - Shut Down Clause - Black Coal Mining Award 2017

Dear Sir/Madam;

We refer to the statement and attached draft directions ([2017] FWCFB 5649) issued by the Full Bench on 30 October.

We advise that the CFMEU does not have any objection to the draft determination.

However it is felt advisable to bring to your attention that the stand down issue in the Black Coal Mining Industry Award 2017 grew largely out of differences between the CFMEU and the Coal Mining Industry Employers Group (CMIEG) over a draft determination to insert the excessive leave model provisions in the Black Coal Mining Industry Award 2017. That determination was not finalised pending the outcome of the shut down issue.

Accordingly we would request that the Full Bench revisit the draft determination on the excessive leave model clause in light of recent developments. In that context it is noted that the CMIEG made some proposed amendments on the initial draft excessive leave determination on 21 October 2016 and the CFMEU responded to those comments on 25 October 2016. It will be seen from that correspondence that the CFMEU objected to some of the proposed amendments (namely on the shut down provisions) but not on others (going to expression and on the basis that it was consistent with the existing award provision). There may be amendments required as a consequence of the shut down decision. Presumably, in line with past practice, the Commission will issue a revised draft determination for comment.

I would be grateful if you could bring this to the attention of the members of the Full Bench and post it on the relevant web page.

Yours Sincerely

Andrew Thomas

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