

10 February 2017

Associate to Vice President Hatcher  
Fair Work Commission  
80 William Street  
EAST SYDNEY NSW 2011

By email: [chambers.hatcher.vp@fwc.gov.au](mailto:chambers.hatcher.vp@fwc.gov.au)

Dear Associate

**RE: AM2014/67 – Black Coal Industry Mining Award 2014**

I write on behalf of the Association of Professional Engineers, Scientists and Managers, Australia and the Construction, Forestry, Energy and Mining Union, Mining and Energy Division (**the Unions**) in relation to the decision of the Full Bench in this matter dated 27 January 2017 (**Decision**).

At paragraph [68] of the Decision the Full Bench invited the parties to file written submissions in relation to the form of the clause proposed in the Decision. Save for the question of effective date addressed below, the Unions do not wish to be heard in relation to the form of the clause. If submissions are made in relation to that matter, the Unions request the opportunity to respond.

As to the effective date of the variation, the Unions intend to make an application for the judicial review of the Decision and may ask the Federal Court to stay the Decision. On that basis, the Unions respectfully request that the effective date of the variation be deferred for at least 30 days to preserve the status quo pending any application for a stay.

Yours faithfully



**Catherine Bolger**  
**Director**

**P:** (02) 9269 0688

**E:** [cbolger@professionalsaustralia.org.au](mailto:cbolger@professionalsaustralia.org.au)

**CC:** Mr Adrian Morris, Senior Consultant, Ashurst Australia  
Mr Alex Bukarica, National Legal Director, CFMEU Mining and Energy Division