



# DETERMINATION

*Fair Work Act 2009*

s.156 - 4 yearly review of modern awards

## **4 year review of modern awards**

(AM2014/67)

## **BLACK COAL MINING INDUSTRY AWARD 2010**

[MA000001]

Coal industry

VICE PRESIDENT HATCHER  
SENIOR DEPUTY PRESIDENT HAMBERGER  
DEPUTY PRESIDENT GOSTENCNIK  
COMMISSIONER JOHNS

SYDNEY, 20 MARCH 2017

*Four yearly review of modern awards – Black Coal Mining Industry Award 2010 – industry-specific redundancy scheme.*

A. Further to the Full Bench decision issued by the Fair Work Commission on 27 January 2017 [[\[2017\] FWCFB 584](#)], the above award is varied as follows:

1. By deleting clause 14.4(a) and inserting the following:

(a) Except where clause 14.5 applies, where redundancies occur due to:

- (i) technological change;
- (ii) market forces; or
- (iii) diminution of reserves,

the employees terminated are entitled to retrenchment pay equal to two ordinary weeks' pay for each completed year of employment up to a maximum of 30 weeks' pay. This payment is additional to the payment prescribed in clause 14.3.

2. By inserting a new clause 14.4(c) as follows:

- (c) Despite clause 14.4(a), an employee who as at 20 March 2017 (**the operative date**) had more than 15 completed years of employment and after the operative date is made redundant will be entitled to retrenchment pay equal to two ordinary weeks' pay for each completed year of employment as at the operative date. This payment is additional to the payment prescribed in clause 14.3.

B. This determination comes into operation from 20 March 2017. In accordance with s.165(3) of the *Fair Work Act 2009* this determination does not take effect until the start of the first full pay period that starts on or after 20 March 2017.



VICE PRESIDENT

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