

**IN THE FAIR WORK COMMISSION**  
**CASUAL TERMS AWARD REVIEW 2021 (AM2021/54)**  
**BLACK COAL MINING INDUSTRY AWARD 2010**  
**Statement of the Full Bench issued 11 August 2021**

**SUBMISSION BY THE ASSOCIATION OF PROFESSIONAL ENGINEERS, SCIENTISTS AND MANAGERS AUSTRALIA (COLLIERIES STAFF DIVISION)**

1. This submission is made by the Association of Professional Engineers, Scientists and Managers Australia (Collieries Staff Division) in relation to the Statement of the Full Bench issued 11 August 2021 ("**the Statement**") as part of the Casual Terms Award Review 2021 ([2021] FWCFB 4928).
2. The Collieries Staff Division is a Division of the Association of Professional Engineers, Scientists and Managers Australia, which trades as the Collieries' Staff and Officials Association ("**the Association**").
3. The Association represents and is entitled to represent "staff employees" working in the black coal mining industry. This coverage includes employees occupying statutory positions, such as Deputies, Undermanagers, Surveyors, Electrical and Mechanical Engineers, Mining, Mechanical and Electrical Engineering Managers, Ventilation Officers, Open Cut Examiners and others including the classifications covered by Schedule B of the *Black Coal Mining Industry Award 2010* ("**the BCMI Award**").
4. On 16 July 2021, the Full Bench issued a decision in relation to Stage 1 of the Casual Terms Award Review 2021 ([2021] FWCFB 4144) ("**the Stage 1 Decision**").
5. At [22] of the Statement, the Full Bench proposes a provisional view that the BCMI Award be varied by the addition of a new clause 10.5 referring to the National Employment Standards casual conversion process. The Association notes that in the table annexed to the Statement at Attachment A, there appears to be a minor typographical error where this new clause is referred to as 11.5 instead of 10.5.
6. In the table annexed to the Statement at Attachment A, the Full Bench further proposes amendments to clauses 10.4(a) and clause 3 to insert the new definition of a casual employee as contained in section 15A of the *Fair Work Act 2009 (Cth)*. It also proposes to amend Schedule A.6.8 of the BCMI Award by deleting the term "*regular and systematic casual employee*" and replacing it with "*regular casual employee*".
7. The Full Bench invited interested parties to make submissions with regards to this approach by Wednesday 18 August 2021.

8. As a result of the findings of the Full Bench in the Stage 1 Decision, the Association does not oppose the provisional view proposed by the Full Bench and the resulting variations to the BCMI Award.

Association of Professional Engineers, Scientists and Managers Australia  
Collieries' Staff and Officials Association

18 August 2021