

## FAIR WORK COMMISSION

**Matter No:** AM2021/54

**Matter Name:** Casual Terms Award Review 2021

### OUTLINE OF SUBMISSIONS ON BEHALF OF THE CONSTRUCTION FORESTRY MARITIME MINING AND ENERGY UNION (MINING AND ENERGY DIVISION)

1. The Mining and Energy Division of the Construction, Forestry, Maritime, Mining and Energy Union (**Union**) makes this submission concerning the Statement of the Full Bench issued 11 August 2021<sup>1</sup> (**Statement**) as part of the Casual Terms Award Review 2021.
2. The Union notes that in the Statement, the Full Bench states that the Black Coal Mining Industry Award 2010 (**Award**) “*makes no provision for casual employment in respect of Schedule A – Production and Engineering Employee.*”<sup>2</sup>
3. Further, the Union notes that the newly inserted Division 4A of Part 2-2 of the *Fair Work Act 2009 (Cth)* only applies to casual employees.<sup>3</sup> As acknowledged by the Full Bench, casual employees cannot be engaged in Schedule A – Production and Engineering classifications.<sup>4</sup>
4. Consistent with the Full Bench’s observations noted above, the Union submits that the proposed amendments have no bearing on employees engaged in Schedule A – Production and Engineering Employee classifications.
5. On this basis, the Union does not oppose the provisional view proposed by the Full Bench at [21] – [22] of the Statement.

Mining and Energy Division

18 August 2021

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<sup>1</sup> *Casual terms award review 2021*[2021] FWCFB 4928

<sup>2</sup> *Ibid*, [21].

<sup>3</sup> *Fair Work Act 2009 (Cth)*, 66A.

<sup>4</sup> Above n1, [22].

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