



DECISION

Fair Work Act 2009

s.160—Variation of modern award to remove ambiguity or uncertainty or correct error

Variation on the Commission’s own motion – junior rates

(AM2023/23)

JUSTICE HATCHER, PRESIDENT

SYDNEY, 30 OCTOBER 2023

Section 160 of the Fair Work Act 2009 (Cth) – variation on the Commission’s own motion – junior rates – Miscellaneous Award 2020 – Black Coal Mining Industry Award 2020.

[1] This matter was commenced on the Commission’s own motion to deal with the correction of errors and removal of uncertainties in the following awards:

- *Miscellaneous Award 2020*¹
- *Black Coal Mining Industry Award 2020*²

[2] On 11 October 2023, I issued a statement³ (the Statement) expressing provisional views on the errors and uncertainties identified and how to address them. Draft determinations giving effect to my provisional views were published concurrently with the Statement. Interested parties were invited to file submissions in response to my provisional views by 4:00 pm (AEDT) on Wednesday, 25 October 2023.

[3] One submission was received from the Construction, Forestry, Maritime, Mining and Energy Union—Mining and Energy Division, supporting my provisional views relating to the *Black Coal Mining Industry Award 2020*. No submissions were received opposing my provisional views.

[4] I confirm my provisional views at paragraphs [8]–[9] and [12]–[14] of the Statement. I consider that the variations are necessary pursuant to s 160 of the *Fair Work Act 2009* (Cth) to remove errors and uncertainties.

[5] Determinations will be issued with this decision in the same terms proposed by the draft determinations. The determinations will operate from today, 30 October 2023.



PRESIDENT

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¹ MA000104.

² MA000001.

³ [\[2023\] FWC 2626](#).