



# REPORT TO THE FULL BENCH

*Fair Work Act 2009*  
s.156 - 4 yearly review of modern awards

## **COAL EXPORT TERMINALS AWARD 2010**

(ODN AM2008/49) [MA000045]

(AM2014/220)

SENIOR DEPUTY PRESIDENT HAMBERGER

SYDNEY, 26 MAY 2016

*Coal Export Terminals Award 2010*

[1] A conference was held in Sydney on 11 May 2016 attended by representatives of:

- The Construction, Forestry, Mining and Energy Union (CFMEU); and
- The Coal Terminals Group (CTG), consisting of:
  - (a) Hay Point Services Pty Limited
  - (b) Port Kembla Coal Terminal Limited; and
  - (c) Abbot Point Bulkcoal Pty Ltd

[2] The parties discussed the exposure draft of the *Coal Export Terminals Award 2016* as published on 15 January 2016. Proposed variations to the exposure draft that were agreed by the parties, or which are sought by the CFMEU and for which the CTG has no submission to make, are summarised in Attachment A. Any drafting note contained within the exposure draft which the parties agree do not require any variations to the exposure draft, are summarised in Attachment B. Proposed variations that are not agreed are summarised at Attachment C.

[3] The CFMEU and the CTG also agreed that the CFMEU would particularise its proposals with respect to those variations referred to in Attachment C and that further without prejudice discussions would take place between the parties.



SENIOR DEPUTY PRESIDENT

## **Attachment A**

1. Clause 6.4(f) - replace the word 'entitlements' with the word 'attributes';
2. Clause 5.1 - add the word 'affected' before the word 'employees (one each of the two occasions it occurs);
3. Clause 5.2 - add the word 'affected' before the word 'employees' (on each of the three occasions it occurs) and the word 'individual';
4. Clause 10.2(b) - replace the words 'applicable adult weekly wage for their classification' with the words 'Maintenance Trades - Competent Rate'.

## **Attachment B**

1. Clauses 8.3(b) and 13.1 - the clauses deal with different matters and do not interact;
2. Clauses 10.3 (c) and (e) - the 'lowest adult classification' is the "Entry Level - Introductory" as a matter of construction.

## **Attachment C**

1. Clause 8 - apply Saturday and Sunday penalty rates to shiftworkers; apply public holiday penalty rates to all employees for ordinary hours at the rate of double time and a half;
2. Clause 13 – provide that continuous shift workers receive overtime at a rate of double time and a half on a public holiday;
3. Clause 14.4(b) – vary 200% to 250%;
4. Clause 18 - apply public holiday penalty rates to shiftworkers.