

**AM2014/67 - MODERN AWARD REVIEW OF THE
BLACK COAL MINING INDUSTRY AWARD 2010
REDUNDANCY PAY CAP**

CMIEG revised summary of evidence of employee witnesses for the CFMEU and APESMA

Exhibit number	Witness	Length of service	Did they find a new job (and in what industry)	Details of redundancy	Notes
Exhibit 20	Anthony Fardell	21 years' service with most recent former employer	Yes. He is now working for a company that inspects and installs fire dampers and undertakes air conditioning duct work.	He was made redundant in September 1992. It appears he would have been paid out for approximately three years' service, which would have been nine weeks' pay . He nominated for voluntary redundancy in July/August 2014. He received 63 weeks' pay .	<ul style="list-style-type: none"> • Mr Fardell commenced in the black coal mining industry in 1989 at Charbon Colliery. • He worked for three years at Charbon Colliery until he was made redundant in September 1992. • He then commenced work in November 1992 with Clutha Coal at Springvale Colliery. • He then transferred to another Centennial colliery in Mannering in 2008 (and his entitlements were maintained). • He transferred to Newstan mine in 2013. • In July/August 2014, there was a call for voluntary redundancy which Mr Fardell volunteered for. • He is now working for a company that inspects and installs fire dampers and undertakes air conditioning duct work. • Mr Fardell was covered by an enterprise agreement at the Newstan mine.

Exhibit number	Witness	Length of service	Did they find a new job (and in what industry)	Details of redundancy	Notes
Exhibit 21	Barry Elliott	14 years' service with current employer	Yes. All of his subsequent jobs have been within the industry.	He was made redundant in 1996. He stated he had 24 years of service at the time of his redundancy payout; however, the dates listed relate to 21 years' service. Amount of redundancy payment in 1996 not set out.	<ul style="list-style-type: none"> • Mr Elliott commenced work in the black coal mining industry in 1975, as a motor mechanic apprentice at Davis Contractors open cut coal mine at Collinsville. • In approximately 1979, the mine was bought by MIM and operated by Collinsville Coal. At this time, he was transferred to an underground coal mine in the vicinity called Dacon Colliery. He was later transferred to another Collinsville mine. During this time his employment remained the same. After finishing his apprenticeship he became a permanent fitter. • He worked with Collinsville Coal until 1996 when made redundant. • From approximately 1997 to approximately 1998 he worked in a position as a contractor at Coalroc. • From approximately 1998 to approximately 2001, he worked various jobs for short amounts of time, including as a temporary employee on sequential contracts of employment. • In early 2002, he was offered position at North Goonyella underground mine. • In August 2013, he was terminated on the grounds of alleged redundancy, but the selection was challenged and Mr Elliot was reinstated (with service and accruals restored as if there was no break in service). • He is still employed at North Goonyella mine. • He is currently covered by an enterprise agreement.

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Exhibit 22	Craig Trusty	23 years' service with current employer	N/A He has never been made redundant.	He has never been made redundant.	<ul style="list-style-type: none"> • Mr Trusty is an electrician by trade that previously worked in the construction industry (in the early 1980s). • After working several months at North Goonyella mine in the early 1980s, he was offered employment. As such, he commenced work in the black coal mining industry sometime in the early 1980s at North Goonyella. • He worked in underground operations at North Goonyella for eight years. • He then transferred to the coal handing and preparation plant at North Goonyella, where he has remained since. • He is currently covered by an enterprise agreement.
Exhibit 23	Daniel Watson	30 years' service with current employer	N/A He has never been made redundant.	He has never been made redundant.	<ul style="list-style-type: none"> • He commenced in the black coal mining industry in approximately 1986 at Tahmoor Colliery (this date is based on his years of service). • Although this colliery has been owned and operated by different mining operators, Mr Watson's service and accruals have always been transferred. • He has never been made redundant. • He is currently covered by an enterprise agreement.

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Exhibit 24	Dennis Edwards	1.5 years' service with current employer	Yes. He has found work both back in the industry and in the construction industry after both redundancies.	He took a voluntary redundancy in approximately 1998/1999 and would have received 39 weeks' pay for 13 years' service. He was made redundant in 2014 and would have received 21 weeks' pay for seven years' service.	<ul style="list-style-type: none"> • He commenced work in the black coal mining industry in 1985 at Mt Thorley mine. Eventually he moved into a role as an operator, and worked as one for 13.5 years. • He took a voluntary redundancy in approximately 1998/1999. He took this opportunity to work as a full time parent. • After the redundancy, he did a workplace trainer and assessor course and was offered work by Carling and Associates for one year. • He then took up casual work in the construction industry. • He then eventually received a role as a production operator with Camberwell Coal. He worked there for 7.5 years until 2014 when he was made redundant. • He commenced work as a contractor at Boggabri Coal mine and was eventually offered permanent employment at the mine. He is still working at the mine. • It is unclear whether he is currently covered by an enterprise agreement.
Exhibit 25	Geordie Estatheo	5 years' service with most recent former employer	Yes. He is still working within the industry for a labour hire company.	Mr Estatheo was made redundant in 2005. For five years' service, he would have received paid 15 weeks' redundancy pay .	<ul style="list-style-type: none"> • Mr Estatheo commenced work in the coal mining industry in 2005. • He was made redundant in 2010. He was under an enterprise agreement at the time he was made redundant. • He is now working at Ravensworth mine for a labour hire company.

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Exhibit 26	Mark Wallace	17 years' service with current employer	Yes. In black coal mining industry and in labour hire.	<p>He was made redundant from Metropolitan Colliery on 29 October 1993. His redundancy pay is not set out. He likely received nine weeks' pay for three years' service.</p> <p>He was made redundant from Metropolitan Colliery on 13 November 1996. His redundancy pay is not set out. He likely received six weeks' pay for two years' service.</p> <p>He was made redundant from Allied Meridian P/L on 11 August 1998. He received three weeks' pay for one year's service.</p> <p>He was made redundant from Walter Constructions on 11 March 1999. He would not have received any redundancy pay as he did not have a full year of service.</p>	<ul style="list-style-type: none"> • Mr Wallace commenced in coal mining industry on 12 February 1990. • He worked at Metropolitan Colliery from 12 February 1990 to 29 October 1993 (when he was made redundant). • He worked at Avon Colliery from 6 December 1993 to 23 April 1994 (when he resigned). • He worked at Metropolitan Colliery from 26 April 1994 to 13 November 1996 (when he was made redundant). • He worked at Allied Meridian P/L from 10 February 1997 to 11 August 1998 (when he was made redundant). • He worked at Walter Constructions from 7 January 1999 to 11 March 1999 (when he was made redundant). • He worked at Walter Constructions from 25 March 1999 to 27 October 1999 (when he resigned). • He has worked at Helensburgh Coal from 28 October 1999 until present. • He is currently covered by an enterprise agreement.
Exhibit 27	Paul Byron	3 years' service with a former employer (from 2008 to 2011)	Yes. He was working as a casual in the industry, then as a civil	He has never been made redundant as he was a casual employee.	<ul style="list-style-type: none"> • He commenced in the black coal mining industry in 2008 when he joined Vale Mining at the Berrima Colliery. He stayed with Berrima Colliery until 2011. • He then voluntarily moved job to Moranbah North coal mine in Queensland, where he worked from 2011 until 2013 as a casual until the role was no longer required (but he did not receive any

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			construction worker.		<p>redundancy pay due to his casual status).</p> <ul style="list-style-type: none"> • He worked as a casual operator for Trans-Tasman Mining from 2014 until they went into liquidation in March 2016 (and he did not receive redundancy pay as he was a casual). • At the time of making the statement, Mr Byron was working as a civil construction worker at HMAS Albatross in Nowra.
Exhibit 28	Robert Bennett	19 years' service with the most recent former employer	Yes. All jobs (between redundancies) were within the industry.	<p>He was made redundant in mid-1997 . He would have received 24 weeks' pay for eight years' service.</p> <p>His employment was terminated due to voluntary redundancy on 19 April 2016. The redundancy payment for 19 years' service was 57 weeks' pay.</p>	<ul style="list-style-type: none"> • Mr Bennett commenced in the black coal mining industry as an employee on 28 January 1986 where he worked in the role as a coalminer for 2.5 years. • He then transferred to Liddell Underground Colliery and worked there for approximately 6 months. • He moved job to Ellalong mine in approximately early 1989 and worked there until mid-1997. He was made redundant after 8.5 years. • From mid-1997 to 2004 he worked at Stratford Open Cut mine. • He transferred to Duralie mine in 2004 and worked there until 19 April 2016 when he took a voluntary redundancy. • He was covered by an enterprise agreement when working at Duralie Mine.

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Exhibit 29	Wayne Saunders	24 years' service with current employer	N/A He has never been made redundant.	He has never been made redundant.	<ul style="list-style-type: none"> • It is unclear from his evidence when Mr Saunders commenced in the black coal mining industry. It was sometime prior to 1992. This work was as a contractor at the Yarrabee Mine. • He commenced as an employee with Jellinbah Mine on 9 May 1992 and has never been made redundant. He is still currently working at Jellinbah Mine. • He is currently covered by an enterprise agreement.
Exhibit 30	Wilf O'Donnell	4 years' service with most recent, former employer	Yes. He is currently working at the Canberra airport.	He was made redundant in 2014. His redundancy pay is not set out. He likely received 12 weeks' pay for four years' service.	<ul style="list-style-type: none"> • It is unclear from his evidence when Mr O'Donnell commenced in the black coal mining industry. He worked for various contracting and labour hire companies (including Allied Plant Services, Advance Mining Services, Walter Mining Services). • His only permanent position in the industry was at the Russell Vale Colliery (with Wollongong Coal) from 2010 to 2014. He was made redundant in 2014.

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Exhibit 31	Geoff Wright	46 years' service with most recent former employer	No.	<p>He was made redundant in 2015. He was initially paid 12 weeks' severance pay and no retrenchment as he was over 60 years of age. He had previously received severance pay when Centennial purchased Angus Colliery from Powercoal (which was presumably for 38 weeks' pay for 38 years services).</p> <p>He was ultimately paid 92 weeks' retrenchment pay (in addition to severance pay already paid) (following the decision of the Commission to remove the age cap on redundancy pay).</p>	<ul style="list-style-type: none"> • Mr Wright commenced in the black coal mining industry on 17 June 1968 and worked as Deputy until he was made redundant on 27 March 2015. • Mr Wright has not found any subsequent work since being made redundant.
Exhibit 32	Greg Davey	42 years' service with most recent, former employer	Yes. He now works at the University of Newcastle as an exam supervisor.	<p>He was made redundant in 2013. He was initially paid severance for one week for each year of service (presumably 42 weeks' pay, unless already paid in part due to the purchase of Myuna Colliery from Powercoal) and no retrenchment pay as he was over 60 years of age.</p> <p>He was ultimately paid 84 weeks' retrenchment pay (in addition to severance pay already paid) (following the decision of the Commission to remove the age cap on redundancy pay)..</p>	<ul style="list-style-type: none"> • Mr Davey commenced in black coal mining industry in 1971 (as a fitter) and eventually became an Undermanager. • Mr Davey was made redundant on 25 October 2013.

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Exhibit 33	Jayne Farrey	9 years' service with most recent former employer	Yes. She is working in the black coal mining industry.	She was made redundant in 2015. Her redundancy pay is not set out. She likely received 27 weeks' pay for 9 years' service.	<ul style="list-style-type: none"> Ms Farrey commenced work in the black coal mining industry in March 2006 until she was made redundant on 25 June 2015. She was out of work between June and December 2015, but is now working for small geo-technical consultancy company called Mine Advice.
Exhibit 34	Justin Smith	13 years' service with most recent former employer	Yes (after 1987) and no (after 2014). When he was made redundant in 1987 he got work in gold mining. When he was made redundant in 2014 he re-trained.	<p>He was made redundant in 1987. His redundancy pay is not set out. He likely received six weeks' pay for two years' service.</p> <p>He was made redundant in 2014. His redundancy pay is not set out. He likely received 36 weeks' pay for 13 years' service.</p>	<ul style="list-style-type: none"> Mr Smith commenced work in the black coal mining industry on January 1980. From 1980 to 1984 he worked at Valley 3 Colliery and then Nattai North Colliery (on cadetship rotations). He had no job after completing his cadetship. From January 1985 to October 1987 he worked as an Assistant Surveyor at Foybrook Colliery. He was made redundant in October 1987. From late 1987 (or early January 1988) to July 1989 he worked in Gold mine in WA. From mid-1989 to mid-1991 he went travelling. From May 1991 to 2001 he conducted casual contract work with Peter Eason Survey and Mining Services until he was able to secure a full time position in 2001. From 2001 to July 2014 he worked, on contract through Peter Eason Survey and Mining Services, as a statutory mine surveyor at Glennies Creek Colliery. He was made redundant in July 2014 when Glennies Creek

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					<p>Colliery was place into care and maintenance.</p> <ul style="list-style-type: none"> When he was made redundant in 2014, he retrained and attained a Master of Employment Relations. He currently does not have a job.
Exhibit 35	Steve Bartlett	33 years' service with current employer	Yes. He was re-engaged at same mine.	He was made redundant on 22 April 1983. His redundancy pay is not set out. He likely received 27 weeks' pay for 9 years' service.	<ul style="list-style-type: none"> Mr Bartlett commenced work in black coal mining industry in 1974 at the Old Bulli Colliery. He was made redundant on 22 April 1983. He was then re-engaged as Deputy on 5 September 1983 at the same mine. In 1985, he was transferred from Old Bulli Colliery to East Appin Mine. In 2015, BHP demerged and he is now employed by South32. He is currently covered by an enterprise agreement.

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Exhibit 36	Stephen Took	24 years' service with current employer	Yes. All of the jobs he was worked in were within the industry.	He was made redundant on 24 December 1982. He received one weeks' pay per year of service (as was the entitlement to severance pay at the time, prior to the 1983 decision of the Coal Industry Tribunal). His severance pay is not set out. He likely received 3 weeks' pay for 3 years' service.	<ul style="list-style-type: none"> • Mr Took started in the black coal mining industry in 1979, at Kemira Colliery, and transferred to Avondale Colliery in 1981. • He was made redundant on 24 December 1982. • He was unemployed until August 1983 when he got a job as an operator in Fernbrook Colliery. He worked there until he later found a job back in the Wollongong area in 1986 at Coalcliff Colliery. • In April 1991 he got a job at Ivanhoe Colliery near Lithgow. In December 1991 he moved to Tahmoor Colliery near Picton, where he still works. • He is currently covered by an enterprise agreement.