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STRICTLY CONFIDENTIAL

Ms Helen Hamberger
Associate to Vice President Hatcher
Fair Work Commission
Tower Terrace, Level 10
80 William Street
EAST SYDNEY NSW 2011

ashurst

Dear Associate

AM 2014/67 -Black Coal Mining Industry Award - Redundancy Issue

We act for the Coal Mining Industry employer group (CMIEG).

We advise that, in the hearing before the Full Bench commencing next Monday 7 November, our clients will be advancing as part of the CMIEG case a proposal for a "grandfathering" provision to apply in relation to the limit or "cap" for which they are contending in this case. The cap is sought in a new sub clause 14.5.

The provision which is proposed is for a sub clause in or to the effect of the following:

"Despite sub clause 14.5 an employee who had at [the date a variation to include the cap takes effect] (the operative date) more than nine years' service with an employer and after the operative date is retrenched by that employer will be entitled to severance and retrenchment payments based on the employee's number of years of continuous service with that employer at the operative date."

We wrote yesterday to the other parties' representatives, in relation to this proposal.

A copy of this letter is being sent to each of the other parties' represented in the proceedings.

Yours faithfully



Adrian Morris
Senior Consultant
Ashurst Australia