



Energy Industry Jobs Plan Statutory Review Mining and Energy Union Submission, September 2025

The Mining and Energy Union (MEU) is the principal union in the coal industry, including mines, power stations and ports. The MEU also covers workers in metalliferous mining, including iron ore train drivers, oil, gas, electricity and the coke industry, with over 25,000 members nationally. MEU members are significantly impacted by the energy transition and will be highly represented among workers displaced by coal closures.

The MEU has long advocated for co-ordinated national support for workers displaced by emissions reduction policies, to ensure workers and communities don't pay an unfair price for action to address climate change. This advocacy was instrumental to the eventual passage of the *Net Zero Economy Authority Act 2024* (the Act) and establishment of the Net Zero Economy Authority (NZEa) in December last year.

We welcome the Statutory Review of Part 5 of the Act as an important opportunity to reflect on early experiences with the Energy Industry Jobs Plan (EIJP) framework. However, we also note that the Statutory Review is taking place prior to the full implementation of an EIJP and before any coal- or gas-fired power station closures have occurred under the oversight of the NZEA. At the time of writing, two Community of Interest (COI) consultations have commenced (for Torrens Island and Eraring), with one proceeding to an interim decision, but neither have yet progressed to the Fair Work Commission for a COI Determination.

Accordingly, our submission is largely informed by our experiences to-date as the majority union at Eraring Power Station and Myuna Colliery, its dependent coal mine. Our submission identifies areas for clarification and improvement that have arisen during the Community of Interest consultation for Eraring, but we anticipate that progression to the Fair Work Commission and the eventual implementation of an EIJP will reveal further areas for improvement that should be addressed in a future review.

Our submission makes practical recommendations to improve the current EIJP framework in line with Parliament's intent. We also make broader recommendations about the future of the EIJP, in support of overarching goals for an orderly and positive transition for workers and communities.

LIST OF RECOMMENDATIONS

RECOMMENDATION 1: Clarify the threshold for applying for an EIJP for a closure. The threshold should be whether an EIJP would help smooth the transition. The purported adequacy of existing employer supports should not weigh against a decision to apply for an EIJP where an EIJP would help lift supports to best practice, prevent workers falling through gaps, and/or provide accountability and enforceability.

RECOMMENDATION 2: Clarify that Community of Interest Determinations include the closing employer by default. A situation where a Community of Interest is made up only of dependent employers should not be permissible under the legislation.

RECOMMENDATION 3: The legislated minimum two-year lead time for Community of Interest Applications is too short to allow for a smooth, well-planned, and coordinated transition. This should be extended to align with the minimum generator closure notice required by AEMO (currently 3.5 years), noting that there is nothing which would prevent the NZEA from making a COI Application earlier than required by the Act. The legislation should also permit the minimum lead time to be extended if AEMO requirements change subsequently.

RECOMMENDATION 4: The obligations of closing employers should extend to funding and contributing to supports for workers of dependent employers. The current formulation of Part 5 of the Act only obliges employers to provide supports to their own employees, which, if not addressed, is likely to limit the standards of support that may be delivered to employees of dependent employers.

RECOMMENDATION 5: Amend Section 57(6)(b) to refer to ‘the conclusion of decommissioning works.’ Furthermore, the length of time that a COI Determination remains in force after ‘the conclusion of decommissioning works’ should be extended to 24 months to ensure that workers continue to be supported during the most challenging periods of the transition, or a longer period if determined by the NZEA CEO.

RECOMMENDATION 6: Amend the legislation to clarify that receiving support or redeployment under an EIJP does not affect an employee’s entitlement to their full redundancy pay under the enterprise agreement or award that applies to them.

RECOMMENDATION 7: Require closing power station owners to negotiate life-of-station coal supply contracts with captured coal mines.

RECOMMENDATION 8: Part 5 of the Act must be reviewed again to enable assessment of a full EIJP implementation. This should occur within 12 months of the first Community of Interest Determination being issued by the Fair Work Commission. Regular statutory reviews of the Act should be held more frequently than required by Section 80A to ensure the Authority is equipped to navigate the dynamic nature of the energy transition.

RECOMMENDATION 9: Amend the Act to allow for the commencement of COI processes for closures in the coal industry related to the global or Australian transition to net zero.

RECOMMENDATION 10: The legislation should allow for suitable receiving employers to be compelled to participate in an EIJP.

Operation of the EIJP to date

- 1. Is the process for identifying when and where the EIJP should apply, and which employers it could be applied to, operating as intended? Are there any aspects which could be improved so the EIJP is better aligned with Parliament's intent?*

Engaging with the NZEA about the situation for workers at Earing and its dependent employers has revealed potential weaknesses in the drafting of Part 5 of the Act which may prevent the EIJP framework from ensuring comprehensive coverage of affected workers and promoting genuine best practice transition support.

There is ambiguity about the threshold for when an EIJP should be applied to a closure, in relation to the adequacy of employer programs.

For example, Origin Energy's existing 'Future Directions' program for Origin employees was a key discussion point during the consultation process for Earing. Origin has argued that it should not be included as a closing employer in a COI Application as its Future Directions program already satisfies some or all of the obligations of employers in Section 59 of the Act (e.g., access to training and financial advice).

When considering a COI Application, section 54(4)(b) of the Act requires the CEO of the NZEA to have regard to 'the existing supports that are available to facilitate transition employees of closing employers or dependent employers to find other employment, including supports provided under relevant enterprise agreements and other industrial instruments.' Similarly, Section 57(3)(b) requires the Fair Work Commission to have regard to the same when considering whether to specify an employer in a COI Determination.

However, there is nothing in the legislation that prevents an employer that has introduced its own transition programs for workers from being included in a COI Application or Determination. This is as it should be, given the intent of the EIJP framework is to bring all power station workforce transitions up to a national best practice standard, promote consistency in approach across the country, and hold employers to account by making their commitments to supporting their workers enforceable. Indeed, our advocacy for the NZEA and EIJP framework emerged from our experience of employer transition programs that were of inconsistent quality, unequally applied across the workforce, and unenforceable. A situation where employers can be 'let off the hook' on the basis of such voluntary programs would seriously undermine the credibility and efficacy of the NZEA and EIJP framework.

Part 5 of the Act should be amended to clarify that it is also reasonable in the circumstances for the CEO (and the Fair Work Commission) to name a closing or dependent employer in a COI Application (and COI Determination) if they are satisfied that an EIJP would improve the support available to employees and smooth their transition to new employment. This would promote an elevation of transition support at all closing power stations to national best practice standards, regardless of the actions previously taken or not taken by employers.

RECOMMENDATION 1: Clarify the threshold for applying for an EIJP for a closure. The threshold should be whether an EIJP would help smooth the transition. The purported adequacy of existing employer supports should not weigh against a decision to apply for an EIJP where an EIJP would help lift supports to best practice, prevent workers falling through gaps, and/or provide accountability and enforceability.

This ambiguity also raises the possibility that a COI Application or Determination could be made covering dependent employers but not the closing employer, if the CEO assesses the existing support offered by the closing employer to its employees as sufficient. The exclusion of the closing employer from its own Community of Interest would be a perverse situation and would have the effect of excluding the main cohort of affected workers from the support of an EIJP, including redeployment opportunities at receiving employers that are secured by the NZEA for the EIJP's participating employees.

Part 5 of the Act should be amended to clarify that a COI Determination for a closure must include the closing employer.

RECOMMENDATION 2: Clarify that Community of Interest Determinations include the closing employer by default. A situation where a Community of Interest is made up only of dependent employers should not be permissible under the legislation.

The provisions of Part 5 of the Act must provide a strong basis for the NZEA to apply to the Fair Work Commission for COI Determinations which cover *all* employers with workers who will be impacted by the closure. Clarification on these matters will support the NZEA to make comprehensive COI Applications with strong prospects for success in the Fair Work Commission.

2. *Given power station closure dates can change, what other feasible options could be considered to ensure the EIJP, and its subsequent consultation processes commence at the most appropriate time?*

Successful large-scale workforce transitions require planning and preparation to commence years before closure, allowing for the development of individual transition plans, assessment of workers' existing skillsets, the completion of training courses, management of workloads to facilitate training, and assessment of worker retention needs up until the final day of operation (i.e., to understand which workers could transition to new employment earlier than others while maintaining safe staffing levels).

Consequently, EIJP consultation processes and implementation should commence as early as possible before a power station closure to ensure that there is the longest possible lead-time to plan and deliver transition support.

The current requirement for COI Applications to be made at least two years prior to the scheduled closure of the power station is far too narrow a window of time to ensure a best practice transition. This is especially the case for dependent coal mines, which may cease operations earlier than the power station's scheduled closure date when the power station has sufficient coal stockpiled for the remainder of its operations.

Furthermore, we are seeing examples of power stations starting rounds of redundancies years prior to scheduled generator closure dates. These workers are being made redundant with potentially no access to transition support or an EIJP.

In an ideal situation, EIJP processes could commence a decade prior to closure, reflecting the Collie example, where transition planning and support at Synergy's power stations commenced in 2018 ahead of 2027 and 2029 closure dates. In practice, however, the earliest EIJP processes could be *legislatively* required to commence would likely be 3.5 years prior to the closure date, in line with AEMO generator closure notice requirements – though we note that the National Electricity Market Wholesale Market Settings Review Panel has floated the possibility of a five year notification requirement, and we would welcome the Act aligning with this longer timeframe should it be implemented.¹ None of this prevents the NZEA from commencing consultations much earlier than required by the Act where they have reason to expect an upcoming power station closure, and we encourage them to act early wherever possible. For example, EnergyAustralia has already publicly indicated its plans for the lead up to Mount Piper Power Station's 2040 closure, including a significant operational change to move the power station to a 'reserve role' in the mid-2030s.²

In recent years we have seen some scheduled coal generator closures delayed. Eraring is an example of this, with its previous August 2025 closure date pushed back to 2027, with the possibility to continue operating to 2029. Changing closure dates have created confusion and uncertainty for workers – but at power stations where an EIJP is already underway, extensions can provide much needed additional time to plan, prepare, and train for the future, eventually leading to a much more successful EIJP.

RECOMMENDATION 3: The legislated minimum two-year lead time for Community of Interest Applications is too short to allow for a smooth, well-planned, and coordinated transition. This should be extended to align with the minimum generator closure notice required by AEMO (currently 3.5 years), noting that there is nothing which would prevent the NZEA from making a COI Application earlier than required by the Act. The legislation should also permit the minimum lead time to be extended if AEMO requirements change subsequently.

3. What was your experience of the community of interest process? What worked well and what could be improved?

The MEU participated in extensive consultations with NZEA staff regarding the need for an EIJP for the closure of Eraring Power Station. Though we are still awaiting a decision from the NZEA CEO regarding the outcome of the consultation, the consultation process itself facilitated discussions between NZEA staff, affected workers, unions, and community stakeholders. We were provided opportunities to present our views and members' experiences and expectations through both in-person forums and written submissions.

¹ *National Electricity Market wholesale market settings review*, draft report, August 2025, pp. 147-8.

² EnergyAustralia 2023 *Climate Transition Action Plan*.

Communicating information about the process to workers was a challenge, particularly for those workers at Myuna Colliery and other supply chain employers who were less aware of the NZEA and its role. Dependent employers themselves seemed to have little awareness of the NZEA and had not realised in advance that NZEA processes would apply to them. This made consultation more challenging to organise – which was especially concerning given that non-Origin workers affected by the Eraring closure had not been eligible for *any* transition support and are therefore most at risk of falling through any gaps in support.

There should be obligations on closing employers to connect the NZEA with supply chain businesses who may become dependent employers, so they can be informed about the COI process and their potential obligations.

For the Origin workforce, engagement with the NZEA was closely managed by the employer, limiting the ability of workers to speak freely about their experiences of the Future Directions program and raise concerns to NZEA staff. An off-site meeting organised by unions allowed for workers to meet with NZEA staff without management present, but in the absence of paid time or employer support to participate, attendance was limited to those who were on a day off or could arrange time off work. Engaging with cohorts of workers who may not have active union representation is a further challenge.

Eraring was the MEU's first experience consulting with the NZEA for an EIJP, and we look forward to applying the lessons learned in the process to future EIJP consultations. Unions are in a strong position to assist the NZEA with communicating and educating workers on the EIJP process. The NZEA should also aim to engage with likely dependent employers at future power station closures, and alert them to the EIJP process and their potential involvement in it in advance of an EIJP consultation commencing.

Expected operation of the EIJP

4. What aspects of the EIJP could be clarified to support its operation in line with Parliament's intent and/or to avoid any unintended consequences?

The closing employers subject to EIJP for coal power station closures will invariably be some of Australia's largest profit-making energy companies (like Origin, AGL, and Energy Australia) *or* state government-owned entities, for those power stations which remain in public ownership. As the entities making decisions about the future of generating assets and dictating closure dates, closing employers hold the fate of all affected workers in their hands, regardless of who those workers have an official employment relationship with. Power station closures could prove financially challenging for many dependent employers who have relied on the power station for business income, limiting their capacity to provide meaningful transition support at the standard set by the closing employer.

Under the Act's current provisions, closing and dependent employers face obligations under Section 59 only in relation to their own employees. This situation is likely to lead to a two-tier

system of supports for affected workers, with employees of closing employers benefitting from significantly greater levels of support due to the greater financial capacity of their employer, and employees of dependent employers at greater risk of falling through the cracks. This is something recognised by Synergy in Collie – in response to union advocacy – leading the WA Government-owned energy company to fund the expansion of access to its transition program for employees at Muja and Collie Power Stations to embedded contractor workers on-site.

Closing employers have a responsibility to all workers impacted by their decision to close and a greater capacity to provide appropriate support. In many cases, the work carried out by dependent employers has been outsourced during the life of the power station and was once directly undertaken by the power station operator. This includes the operation of captured coal mines. For example, operation of Yallourn mine was outsourced by EnergyAustralia in 2000, and Myuna was sold to Centennial in 2002 after originally being developed by the NSW Electricity Commission to supply Eraring.

Requiring closing employers to fund support for employees of dependent employers would lift standards of support and promote consistency for impacted workers – in line with parliament’s intent in establishing the NZEA to promote a consistent national standard for workers and communities affected by the transition.

RECOMMENDATION 4: The obligations of closing employers should extend to funding and contributing to supports for workers of dependent employers. The current formulation of Part 5 of the Act only obliges employers to provide supports to their own employees, which, if not addressed, is likely to limit the standards of support that may be delivered to employees of dependent employers.

Section 57(6)(b) of the Act requires COI Determinations to ‘*remain in force until the end of the period of 6 months beginning on the day of the closure of the whole, or a part, of the power station concerned.*’ In practical terms, this means that EIJP supports for transitioning workers would cease six months after the closure.

Decommissioning works typically require around 20 power station workers to remain employed for approximately two years after the power station is disconnected from the grid. In most cases, the closing employer will decide which workers are not offered redundancies at the time of closure due to decommissioning requirements. This cohort of workers face the same challenges of job loss as their colleagues, with the only difference being the date at which the job loss occurs. Many of this cohort of workers would understandably be worried that they will miss out on redeployment opportunities open to their colleagues who transition sooner. Workers staying on at the power station to perform decommissioning works need access to retraining, career guidance, and redeployment pathways that facilitate them to transition at this later time and would, therefore, stand to miss out on crucial EIJP support if a COI Determination ceases to be in force prior to the end of their power station employment.

Section 57(6)(b) should therefore be redrafted to replace the words ‘*the day of the closure*’ with the words ‘*the day of the conclusion of decommissioning works.*’

Section 57(6)(b) would also benefit from further amendment to extend the length of time that a COI Determination must remain in force to a period of 24 months rather than six months after the 'conclusion of decommissioning works.' Though the early months after closure are a challenging time for affected workers, this is also the time where income loss is at least somewhat offset by redundancy packages and termination payments. The extent of the challenge of securing ongoing, stable work, and managing a reduction in household income is likely to come into sharper focus later on. Protecting access to EIJP supports for 24 months after closure ensures that workers continue to receive retraining support, career guidance, financial planning advice, and redeployment assistance during this critical period – and would foster a more successful EIJP overall.

The legislation should also permit the NZEA CEO to further extend an EIJP where it is appropriate in all the circumstances to do so, to avoid unintended consequences (where, for instance, decommissioning works continue to take place beyond the specified EIJP end date).

RECOMMENDATION 5: Amend Section 57(6)(b) to refer to 'the conclusion of decommissioning works.' Furthermore, the length of time that a COI Determination remains in force after 'the conclusion of decommissioning works' should be extended to 24 months to ensure that workers continue to be supported during the most challenging periods of the transition, or a longer period if determined by the NZEA CEO.

Amendments to the legislation are needed to protect the redundancy entitlements of workers receiving support through an EIJP. Redundancy pay is an essential part of the transition support architecture for workers displaced by power station closures. These payments smooth the transition for workers, assisting them to manage changes in income due to a potential move into lower-paid work and/or any initial periods of unemployment. Power station workers employed under enterprise agreements have particularly strong redundancy entitlements that were hard-won over through years of union action, however even award-minimum redundancies make a difference to workers' prospects after closure.

We are concerned that employers may attempt to avoid or reduce their redundancy obligations by arguing that redeployment opportunities secured through an EIJP count as the employer having found the employee alternative employment. It is important to remove any ambiguity from the legislation by explicitly stating that support received or redeployment secured under an EIJP does not affect an employee's entitlement to their full redundancy pay under their relevant enterprise agreement or award.

RECOMMENDATION 6: Amend the legislation to clarify that receiving support or redeployment under an EIJP does not affect an employee's entitlement to their full redundancy pay under the enterprise agreement or award that applies to them.

Closure impacts extend beyond the closing power station itself to captured coal mines. Captured coal mines supply the specific grades of coal that are optimal for their associated power station. As captured coal mines lack the infrastructure to supply coal to alternative customers, they face closure alongside the power station. The Act acknowledges this situation and the provisions of

Part 5 allow for captured coal mines to be covered by an EIJP as a dependent employer if the mine will cease operations as a direct result of the power station's eventual closure.

However, if a captured coal mine is forced to close due to the refusal of the power station to negotiate new coal supply contracts, hundreds of mine workers will fall through the gaps and face job loss without the support of an EIJP. In fact, last year Myuna Colliery risked early closure due to Origin Energy's unwillingness to renew its coal supply contract. Until a COI Determination is made for the Eraring closure, there is a risk that Myuna workers could fall outside the remit of an eventual Eraring EIJP.

To enable the architecture of the EIJP to work as intended and provide transition support to affected mine workers, there must be obligations placed on closing power station owners to negotiate life-of-station coal supply contracts with captured coal mines.

RECOMMENDATION 7: Require closing power station owners to negotiate life-of-station coal supply contracts with captured coal mines.

We also wish to draw attention to the scenarios outlined in the Lithgow City Council submission to this review about the future operation of Mount Piper Power Station, where Energy Australia has signalled an intent to move the power station to a 'reserve role' in the mid-2030s. These scenarios see the coal consumption of the power station decline substantially long before its scheduled 2040 closure year. This could lead to captured coal mines in the Lithgow area closing well-ahead of the COI consultation timeline for Mount Piper – meaning hundreds of workers in a region already navigating significant impacts from the energy transition would miss out on EIJP support.

This situation would count as a significant unintended consequence of the current drafting of the Act and must be remedied. Among other options, our proposal in Recommendation 9 would help ensure these workers receive EIJP support.

5. *What kinds of information, advice, products, or activities would assist affected employers, employees, and their representatives understand their rights and obligations under the EIJP?*

Communications plans for informing affected workers about their rights and how an Energy Industry Jobs Plan operates should be developed on a site-by-site basis, taking into account challenges including:

- Roster patterns and off-site work;
- Potential conflicting or partial information shared by other parties;
- Literacy challenges for some long-term blue-collar workers;
- High levels of stress and anxiety among workers facing the closure of their workplace; and
- The need for every employee to receive communications about the EIJP and the work and role of the NZEA.

Information activities should be multi-layered, on-going and generally include:

- Printed workplace materials for noticeboards and lunchrooms;

- Obligations on employers to provide workers with agreed information about the EIJP;
- Paid work time for briefings from the NZEA and unions that provide workers an opportunity to ask questions; and
- Avenues for having worker questions about the process answered in a timely way.

A fit-for-purpose EIJP into the future

6. *When should the EIJP be reviewed again and how should its impact be measured (for example, what metrics or outcomes should be considered)?*

This review is taking place prior to an EIJP being implemented in full. It is critically important for another review of Part 5 of the Act to be conducted again once an EIJP is in place, so that any issues and concerns with the process can be identified and addressed promptly, allowing for future EIJP processes to benefit from the lessons of the review and any amendments to the process made in response to review findings.

Additional reviews of Part 5 of the Act would be beneficial to provide oversight of the entirety of the EIJP process and apply lessons from various stages in the lead up to and after closures. The next review should occur within 12 months of the first COI Determination being issued by the Fair Work Commission.

The impact of the EIJP should be measured in terms of the practical outcomes for workers after closure. Where possible, this should involve follow-up with workers one, three, and five years after closure to understand impacts on workers' employment status, income, and location (i.e., how many have remained in the local region or relocated). Data should be analysed to identify how age, gender, skill level, education level, employment at the power station cf. a captured mine, and employment status (i.e., permanent or contractor) influences outcomes. The broader economic impacts on affected regions should also be measured, with important metrics including local unemployment and underemployment rates, changes in household income, and changes in age profile.

Section 80A of the Act requires a review of the entire Act to be conducted prior to ten years from the commencement of the Act, and at least every ten years thereafter, or at any time under the recommendation of the NZEA Board. The challenging and rapidly changing nature of the net zero transition would demand that the legislation be reviewed more frequently than required to ensure that the Act is fit for purpose.

RECOMMENDATION 8: Part 5 of the Act must be reviewed again to enable assessment of a full EIJP implementation. This should occur within 12 months of the first Community of Interest Determination being issued by the Fair Work Commission. Regular statutory reviews of the Act should be held more frequently than required by Section 80A to ensure the Authority is equipped to navigate the dynamic nature of the energy transition.

7. What could an ‘orderly and positive’ transition supported by the EIJP look like? What does best practice look like for supporting the transition of affected workers to new employment under the EIJP?

An ‘orderly and positive’ transition supported by the EIJP would see workers impacted by power station and mine closures provided with support and guidance into well-paid, secure work (or early retirement, where appropriate). In an orderly and positive transition, workers have the tools to understand their own skillsets, the future opportunities available to them, and how to connect them – with funding and flexibility to support retraining. A well-implemented EIJP provides the certainty and coordination for workers to confidently make decisions about their futures. Importantly, the broader investment facilitation work of the NZEA must deliver on its objectives, and provide enough quality jobs for workers to transition into in their local area.

A best practice transition under the EIJP begins years before closure and ensures that all workers receive support for training, career guidance, and financial planning, regardless of whether they are directly employed by the closing employer, a contractor, or work in the supply chain. They are afforded paid time and flexibility to access this training and recruitment related activities. They are genuinely consulted, directly involved in decisions about workforce planning and safe rostering as their worksite moves towards closure, have avenues to hold their employer to account on commitments, and the transition process is transparent and fair.

Further considerations

Expansion of EIJP scope

As the energy transition progresses, coal- and gas-fired power stations will not be the only facilities, operations, or sites facing closure. As global demand for coal peaks and enters decline over the coming decades, Australia’s large export coal industry will be affected, with significant impacts on the regions and communities that are reliant on the industry. This decline is expected to affect export thermal coal first, before it impacts export metallurgical coal.

Upcoming major closures, like BHP’s Mt Arthur mine in 2030, will impact thousands of workers. While the export coal industry, like all export commodities, has historically followed a cyclical ‘boom-bust’ pattern, as the industry enters structural decline export coal mines will increasingly be closing as a result of the broader energy transition – whether due to reduced coal demand stemming from the net zero goals of key export customers, difficulties obtaining environmental and planning approvals for extensions, or shareholder pressure.

Like coal power station closures, export coal mine closures impact many of the highest-paying local jobs in regional communities that rely on the mine for economic activity – but at a far greater scale. More than 80 per cent of Australian coal production is exported³ and these jobs are highly concentrated in regional areas including the Hunter Valley, Central Queensland and NSW’s Illawarra and Central West. Without transition planning for local economies impacted by export

³ 84.4 per cent in 2023, according to the IEA: <https://www.iea.org/countries/australia/coal>.

coal mine closures, regions which have underpinned Australia's economic prosperity for generations will be left behind to face economic depression, entrenched unemployment, and depopulation.

As with power station closures, displaced workers will face difficulty in finding suitable new employment and require access to support including training, career guidance, and redeployment pathways. EIJP supports should be extended beyond domestic coal and gas power stations to cover export coal mine closures as the industry comes under increasing pressure, and ensure affected workers receive coordinated EIJP support to successfully transition.

Australia's export coal industry is distinct from other industries that face significant change due to the net zero transition. The coal industry cannot transition to produce 'green' products like, for example, manufacturing industries can. The coal industry is also unique in its location-specific nature. Coal mines cannot transition to mining for commodities suited to the global net zero economy, as deposits are located in different regions and they are not bulk commodities (meaning mining operations are smaller in scale).

In order to include export coal mines as closing employers under the Act, there will need to be a more nuanced mechanism for identifying mine closures. Unlike power stations, which submit scheduled closure dates to AEMO, there is no requirement for mines to provide advance notice of closure. Meanwhile, the expiry date of planning and environmental approvals is an unreliable alternative as it would not take into account any pending extension applications, nor would it account for cases where mines close earlier than their approvals require.

We propose that there should be a mechanism to apply to the Fair Work Commission for Part 5 of the Act to cover export coal mine closures on a case-by-case basis.

Such a mechanism would also ensure that coal mines which supply a mix of domestic power stations and export customers, and whose operations may become unviable as Australian coal power stations close, do not fall through any gaps in the legislation.

In practice, this would mean that under the Act, Section 6 is amended so that:

'A closing employer can also include: An employer in the black coal industry that will, or is likely to, cease a substantial part of its business operations within the next five years for reasons that include the reason of the global transition to a net zero emissions economy.'

The following can apply to the FWC for a trigger notice to commence the COI process with that employer and any dependent employers:

- *An employee organisation entitled to represent the industrial interests of employees at the employer;*
- *The NZEA; or*
- *The employer themselves.*

The FWC may issue a trigger notice, having regard to:

- *The extent to which the closure is, or is likely to be, caused by the global or Australian transition to net zero;*
- *The extent to which the closure is, or is likely to be, caused by actions or business decisions taken by the employer in response to the global or Australian transition to net zero;*
- *The impact of the closure on employees and the local community with regard to the size and complexity of the local regional economy;*
- *Other factors considered relevant by the Fair Work Commission.'*

RECOMMENDATION 9: Amend the Act to allow for the commencement of COI processes for closures in the coal industry related to the global or Australian transition to net zero.

Compulsory participation of receiving employers

Currently, the Act allows for receiving employers to participate in an EIJP on a voluntary basis, with the NZEA offering incentives to encourage participation. There should instead be an ability for unions, the NZEA, and other parties to apply to the Fair Work Commission to compel the participation of suitable receiving employers, such as *(a) national or multinational companies*, and *(b) other enterprises which are receiving government funding, support, or subsidies*, to enable meaningful and effective redeployment schemes to be established for transitioning employees. This would reflect lessons from the Hazelwood Worker Transfer Scheme, where voluntary participation by receiving power stations in that scheme limited its effectiveness.⁴ Additionally, suitable employers receiving government support through Future Made In Australia policies and special investment vehicles like the CEFC or National Reconstruction Fund should face conditions on that support that include participation as receiving employers in EIJP implemented in their geographic region.

In a voluntary scheme for receiving employer participation, incentives would need to contribute significantly to the costs incurred by receiving employers to offer early retirement or voluntary redundancy to their employees and to onboard participating employees from the EIJP. If incentives only cover a small fraction of the costs incurred by a receiving employer, the NZEA will face difficulty in attracting receiving employers into the EIJP and setting up the redeployment pathways that form a central part of the EIJP vision.

RECOMMENDATION 10: The legislation should allow for suitable receiving employers to be compelled to participate in an EIJP.

⁴ The Hazelwood Worker Transfer Scheme, which was established in response to union advocacy after the announcement of the 2017 closure of Hazelwood Power Station, facilitated 90 Hazelwood workers to transfer to other power stations in the Latrobe Valley, far short of the modest target of 150 redeployments that power station owners had initially committed to and despite around 230 older workers expressing interest in early retirement to create vacancies.