



Protected Action Ballot of Pacific National Coal NSW Employees – Initial Ballot Results

The membership emphatically voted to take Protected Industrial Action. The breakdown below gives you an indication of the numbers for each type of action, and that each received an overwhelming yes vote.

Action	Yes	No	Informal	Yes Percentage
An indefinite number of stop work meetings of not less than 4 hours duration	313	58	26	78.84%
An indefinite number of 24 hour stoppages	345	41	11	86.90%
An indefinite number of 48 hour stoppages	312	69	16	78.59%
An indefinite number of rolling stoppages of at least 4 hours	304	67	26	76.57%
A ban on the operation of all coal trains with more than two operating locomotives	305	68	24	76.83%

This outcome is a very strong message to the company that what they have put on the table is unacceptable.

The AEC will release its official results later, but in an effort to keep members immediately informed, the above figures have been provided based on our scrutineer who was present for the count.

This is now the second time members have remained united and sent a clear message to the company that they will not be bullied or intimidated into accepting an agreement they do not want.

We will continue to campaign to ensure Pacific National gives the membership the respect they deserve.

Authorised by Robert Hayden
Locomotive Divisional Secretary NSW Branch
Level 4, 321 Pitt Street Sydney NSW 2000

Negotiation Not *Intimidation*



The General Manager
Fair Work Commission
Level 4, 11 Exhibition Street
Melbourne VIC 3000

Attention: Ms Nadia Poisson

Email: melbourne@fwc.gov.au

Protected Action Ballot

Matter Number B2012/2067

Australian Rail, Tram and Bus Industry Union
Pacific National NSW Pty Ltd

Pursuant to the ballot orders issued by Commissioner Cambridge on 4 December 2012, the ballot has now been completed and the formal Declaration of Results is attached.

A copy of the Declaration of Results has also been forwarded to the parties in accordance with Section 457 of the *Fair Work Act 2009*.

Yours sincerely

Sally Pixley
Returning Officer

18 January, 2013

Declaration of results

Protected Action Ballot

Matter Number: B2012/2067

Australian Rail, Tram and Bus Industry Union

Pacific National NSW Pty Ltd

Postal Ballot

The protected action ballot was conducted in accordance with the Order issued on 4 December 2012 by the Fair Work Commission and the provisions of the *Fair Work Act 2009*.

I declare that the result of the Protected Action Ballot is as follows:

Number of employees on the roll of voters	696
Declaration Envelopes returned by eligible voters	401
Declaration Envelopes rejected at preliminary scrutiny	4
Declaration Envelopes admitted to scrutiny	397
Declaration Envelopes admitted to scrutiny that did not contain a ballot paper	0
Ballot papers admitted to scrutiny	397
Percentage of persons on the roll who voted in the ballot	57.04%

Questions:

"In supporting or advancing claims in relation to an enterprise agreement with Pacific National, Coal Division, do you endorse the taking of any and all protected industrial action separately, concurrently and/or consecutively in the form of the following:

Question 1.

An indefinite number of stop work meetings of not less than 4 hours duration

Results

Number of voters approving the action (Yes votes)	313
Number of voters not approving the action (No votes)	58
Number of informal ballot papers	26

Question 2.

An indefinite number of 24 hour stoppages

Results

Number of voters approving the action (Yes votes)	345
Number of voters not approving the action (No votes)	41
Number of informal ballot papers	11

Question 3.

An indefinite number of 48 hour stoppages

Results

Number of voters approving the action (Yes votes)	312
Number of voters not approving the action (No votes)	69
Number of informal ballot papers	16

Question 4

An indefinite number of rolling stoppages of at least 4 hours duration

Results

Number of voters approving the action (Yes votes)	304
Number of voters not approving the action (No votes)	67
Number of informal ballot papers	26

Question 5.

A ban on the operation of all coal trains with more than 2 operating locomotives

Results

Number of voters approving the action (Yes votes)	305
Number of voters not approving the action (No votes)	68
Number of informal ballot papers	24



Sally Pixley

Returning Officer
Australian Electoral Commission
18 January, 2013