



ORDER

Fair Work Act 2009
s.437—Protected action

Australian Rail, Tram and Bus Industry Union

v

Aurizon Operations Ltd and Interail Australia Pty Ltd
(B2018/591)

SENIOR DEPUTY PRESIDENT HAMBERGER

SYDNEY, 16 JULY 2018

Protected action ballot of employees of Aurizon Operations Ltd and Interail Australia Pty Ltd.

Pursuant to s.443 of the *Fair Work Act 2009* (Cth) (the Act), the Fair Work Commission orders:

1. PROTECTED ACTION BALLOT TO BE HELD

The Australian Rail, Tram and Bus Industry Union (ARTBIU) is to hold a protected action ballot of employees of Aurizon Operations Ltd and Interail Australia Pty Ltd (the Respondents) described in clause 3 of this order.

2. NAME OF PERSON AUTHORISED TO CONDUCT THE BALLOT

The ballot is to be conducted by the Australian Electoral Commission.

3. GROUP OR GROUPS OF EMPLOYEES TO BE BALLOTTED

In accordance with s.437(5) of the Act, the employees to be balloted are those employees of Aurizon Operations Ltd and Interail Australia Pty Ltd who are members of the ARTBIU who are to be covered by the proposed Agreement (the *Aurizon NSW Coal Operations Enterprise Agreement 2018*) for whom the ARTBIU is a bargaining representative.

4. DATE BY WHICH BALLOT CLOSES

The date by which voting in the protected action ballot is to close is no later than 20 working days from the date of this order.

5. QUESTIONS

The questions to be put to voters in the ballot are:

Do you, in support of reaching an agreement on the *Aurizon NSW Coal Operations*

Enterprise Agreement 2018 with your employer, endorse the taking of protected industrial action, which is authorised by this ballot and which may involve taking separately, concurrently and/or consecutively, one or more of the following actions as set out below?

- 1) An unlimited number of periodic bans or an indefinite ban on overtime?
Yes [] No []
- 2) An unlimited number of periodic or indefinite bans on lift-up or lay-back working?
Yes [] No []
- 3) An unlimited number of 4 hour work stoppages?
Yes [] No []
- 4) An unlimited number of 24 hour work stoppages?
Yes [] No []
- 5) An unlimited number of 48 hour work stoppages?
Yes [] No []
- 6) An unlimited number of 72 hour work stoppages?
Yes [] No []

6. NOTICE REQUIREMENTS

Pursuant to section 443(5) of the Fair Work Act 2009 (Cth), the period of written notice the ARTBIU must give the Respondents prior to any person engaging in any employee claim action is:

- (a) In respect of the type of industrial action proposed in question 2) of item 5 above – three (3) working days;
- (b) In respect of the types of industrial action proposed in questions 1), 3) and 4) of item 5 above – four (4) working days; and
- (c) In respect of the remaining types of industrial action proposed in questions 5) and 6) of item 5 above – five (5) working days.



SENIOR DEPUTY PRESIDENT

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