



ORDER

Workplace Relations Act 1996
s.451(1)—Protected action

National Union of Workers

v

Qantas Airways Limited
(BP2008/3773)

SENIOR DEPUTY PRESIDENT KAUFMAN MELBOURNE, 5 SEPTEMBER 2008

Pursuant to s.459, s.462 and s.463 of the *Workplace Relations Act 1996* (“the Act”) the Commission orders:

A. The order made on 3 September 2008 in this matter is hereby revoked and replaced by the following:

B. ORDER

1. PROTECTED ACTION BALLOT TO BE HELD

The National Union of Workers (“Union”) is to hold a protected action ballot of employees of Qantas Airways Limited (“Employer”) described in clause 3 of this order (“Eligible Employees”).

2. NAME OF PERSON AUTHORISED TO CONDUCT THE BALLOT

The ballot is to be conducted by Australian Electoral Commission (“Authorised Ballot Agent”).

3. EMPLOYEES TO BE BALLOTTED

3.1 Subject to clause 3.2, the types of employees to be balloted are those employees (including regular casuals) employed by the Employer as storeworkers at the worksites identified at Schedule A on the date of this order who were members of the Union on the date of this order and who would be subject to the proposed collective agreement dealt with in the bargaining period BP2008/3371.

3.2 Any employee who is bound by an Australian Workplace Agreement or an Individual Transitional Employment Agreement that has not passed its nominal expiry date on the day this ballot order is made shall not be balloted.

4. VOTING METHOD

The ballot is to be a postal ballot and voting must take place by way of declaration voting as described in the Act and the *Workplace Relations Regulations 2006* (“Regulations”).

5. EMPLOYER TO PROVIDE LIST

The Employer is to provide to the Authorised Ballot Agent by 4.00 p.m. on Wednesday 10 September 2008 a list of its employees (as at the date of this order), being a list that *includes* all of the Eligible Employees, as follows:

5.1 The list is to be provided in the form of a Microsoft Excel compatible spreadsheet (in a file named according to the format “BP2008/3773 - Employee List”), or in such other form agreed with the Authorised Ballot Agent, and is to contain columns with the following names and information (if known) as indicated by those column names for each employee in the list:

- Surname
- Given Name(s)
- Address Line 1
- Address Line 2
- Postcode
- Home, mobile and work telephone numbers (if available)
- Date of Birth

[Note: Address information may be provided with different column names if this is more convenient provided that there is a separate column for postcode]

5.2 The list is to be provided by email to the Authorised Ballot Agent at the address ballot.lists@aec.gov.au

5.3 The list must be accompanied by a declaration in accordance with Regulation 9.9(2) of Chapter 2 of the *Workplace Relations Regulations*.

6. UNION TO PROVIDE LIST

The Union is to provide to the Authorised Ballot Agent by 4.00 p.m. on Wednesday 10 September 2008 a list of its members (as at the date of this order), employed by the Employer, as follows:

6.1 The list is to be provided in the form of a Microsoft Excel compatible spreadsheet (in a file named according to the format “BP2008/3773 - Member List”), or in such other form agreed with the Authorised Ballot Agent, and is to contain columns with the following names, and information (if known) as indicated by those column names for each member in the list:

- Surname
- Given name(s)
- Address line 1
- Address line 2
- Postcode
- Home, mobile and work telephone numbers (if available)

- Date of birth
- Membership number

[Note: address information may be provided with different column names if this is more convenient provided that there is a separate column for postcode]

- 6.2** The list is to be provided by email to the Authorised Ballot Agent at the address ballot.lists@aec.gov.au
- 6.3** The list must be accompanied by a declaration in accordance with Regulation 9.9(3) of Chapter 2 of the *Workplace Relations Regulations*.

7. TIMETABLE FOR BALLOT

The timetable for the ballot is to be as follows:

- 7.1** The roll of voters is to close at 5.00 pm on Friday 12 September 2008.
- 7.2** The ballot is to open on Wednesday 17 September 2008 - AEC posts ballot material to eligible voters by 5:00 pm.
- 7.3** Voting is to close on Wednesday 24 September 2008 and votes must be received by 10:00 am on that day.
- 7.4** Ballot papers are to be posted to the addresses specified in the list of members provided by the Employer.

[Note: the Authorised Ballot Agent will discharge its obligations under s.476 of the Act to declare the results and inform the parties and Industrial Registrar of the result as soon as reasonably practicable after the close of voting.]

8. QUESTIONS

The question(s) to be put to voters in the ballot are:

1. *“In support of advancing claims with respect to a union collective agreement with your employer, do you support the taking of protected industrial action against your employer in the form of four hour stoppages by storeworkers who are members of the National Union of Workers?”*
2. *“In support of advancing claims with respect to a union collective agreement with your employer, do you support the taking of protected industrial action against your employer in the form of a twenty four hour stoppage by storeworkers who are members of the National Union of Workers?”*
3. *“In support of advancing claims with respect to a union collective agreement with your employer, do you support the taking of protected industrial action against your employer in the form of an indefinite strike by storeworkers who are members of the National Union of Workers?”*

9. DISPLAY OF INFORMATION

9.1 The Employer is to display or distribute any information sheet (including attachments) prepared by the Authorised Ballot Agent in accordance with any directions given by the Authorised Ballot Agent.

9.2 The Authorised Ballot Agent is to attempt to consult with the Employer as to the most efficient and effective way for the employer to comply with any directions before giving such directions pursuant to clause 9.1 of this order.

10. PROVISION OF INFORMATION AND ASSISTANCE TO AUTHORISED BALLOT AGENT

The Union and the Employer are to comply, as quickly as is reasonably practicable, with any reasonable request for information or assistance made by the Authorised Ballot Agent.

11. SCRUTINEERS

The Union and the Employer are to notify the Authorised Ballot Agent of the names of any scrutineer(s) that they propose to authorise at least two days before voting commences.

BY THE COMMISSION:

SENIOR DEPUTY PRESIDENT

SCHEDULE A

Melbourne Engineering Base

Tullamarine

Adelaide Line Maintenance Store

Adelaide Airport

Brisbane Line Maintenance Stores

Brisbane Airport

Brisbane Heavy Maintenance Hanger

Pinkenba

Perth Line Maintenance Store

Perth Airport

Sydney Engineering Distribution Centre

Mascot

Sydney Stationery (Corporate) Store

Mascot

Sydney Freight Terminal

Mascot