



Reference: 2022/13656

The General Manager
Fair Work Commission
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Declaration of results - PAB Order: B2022/1787

Pursuant to the Protected Action Ballot Order B2022/1787 issued by the Fair Work Commission, the AEC has conducted the protected action ballot and the declaration of the result is provided below.

Preliminary scrutiny	
Number of employees on the Roll of Voters (Voters)	194
Postal votes returned by voters	107
Postal votes rejected at the preliminary scrutiny	6
Postal votes admitted to further scrutiny	101
Percentage of postal votes returned*	52.06

*This is the number of postal votes admitted to further scrutiny as a percentage of the number of employees on the Roll of Voters (the number of voters who voted).

The further scrutiny has been conducted. The table below provides the results for each question.

For the purpose of supporting or advancing claims in support of the proposed enterprise agreement with your employer Clarence Coal Pty Limited (employer), do you authorise the following forms of industrial action to be taken against your employer, which may involve you and/or your fellow employees engaging in any and all of the following forms of industrial action separately, concurrently and/or consecutively:

	Question	Yes	No	Informal
1	An unlimited number of stoppages of work of between one (1) minute and twenty-four (24) hours duration?	100	1	0
2	An indefinite or unlimited number of bans on the performance of non-rostered overtime?	99	2	0
3	An indefinite or unlimited number of bans on the training of any other person?	97	4	0
4	An indefinite or unlimited number of bans on operating mobile plant?	99	2	0
5	An indefinite or unlimited number of bans on being transported by underground transport vehicles?	99	2	0
6	An indefinite or unlimited number of bans on the performance of work in a development panel, unless all production and engineering employees performing work in the development panel are employees of the employer?	99	2	0
7	An indefinite or unlimited number of bans on the performance of work on the surface, unless all production and engineering employees who are performing work on the surface are employees of the employer?	99	2	0
8	An indefinite or unlimited number of bans on the performance of work in the outbye area, unless all production and engineering employees who are performing work in the outbye area are employees of the employer?	98	3	0
9	Working in a manner which limits or restricts the number of development sequences cut per shift to two (2) sequences?	99	2	0
10	Working in a manner which limits or restricts the number of extraction lifts performed per shift to five (5) lifts?	99	2	0
11	The wearing of stickers on work clothes that promote, or represent the views of, the Mining and Energy Union?	99	2	0

I declare that:

- The requisite number of voters (at least 50%) voting in the protected action ballot was achieved.
- The majority of voters who cast a valid vote were in favour of the action set out in question(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11.
- The majority of voters who cast a valid vote were against the action set out in question(s) N/A.

Kaye Bartlett
Returning Officer
Delegate of the Ballot Agent
Australian Electoral Commission

25/01/2023

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