

Reference: 2022/6545

The General Manager  
 Fair Work Commission  
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**Declaration of results - PAB Order: B2022/366**

Pursuant to the Protected Action Ballot Order B2022/366 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)	410
Postal votes returned by voters	252
Postal votes rejected at the preliminary scrutiny	0
Postal votes admitted to further scrutiny	252
Percentage of postal votes returned*	61.46

\*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 Illawarra Coal Holdings Pty Ltd (the 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?	250	2	0
2	An indefinite or unlimited number of bans on the performance of non-rostered overtime?	245	7	0
3	An indefinite or unlimited number of bans on the training of any other person?	250	2	0
4	An indefinite or unlimited number of bans on the operation of mobile plant?	249	3	0
5	An indefinite or unlimited number of bans limiting the amount of coal processed through the coal preparation plant to between one hundred (100) tonnes per hour and one thousand two hundred (1200) tonnes per hour?	250	2	0
6	An indefinite or unlimited number of bans on the performance of work in a development panel, unless all production and	252	0	0

	engineering employees performing work in the development panel are employees of the employer?			
7	An indefinite or unlimited number of bans on the performance of work in a longwall, unless all production and engineering employees performing work in the longwall are employees of the employer?	252	0	0
8	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?	251	1	0
9	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?	249	3	0
10	An indefinite or unlimited number of bans on the performance of work on a gas drainage drill rig, unless all production and engineering employees who are performing work on the gas drainage drill are employees of the employer?	249	2	1
11	The wearing of stickers on work clothes that promote, or represent the views of, the Construction, Forestry, Maritime, Mining and Energy Union?	241	10	1
12	An indefinite or unlimited number of bans on being transported by underground transport vehicles?	245	6	1

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, 12.
- The majority of voters who cast a valid vote were against the action set out in question(s) N/A.

Jenna Hales  
 Returning Officer  
 Delegate of the Ballot Agent  
 Australian Electoral Commission

17/06/2022

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