

Reference: 2025/17109

The General Manager  
 Fair Work Commission  
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**Declaration of results - PAB Order: B2025/1249**

Pursuant to the Protected Action Ballot Order B2025/1249 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)	277
Postal votes returned by voters	255
Postal votes rejected at the preliminary scrutiny	6
Postal votes admitted to further scrutiny	249
Percentage of postal votes returned*	89.89

\*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.

In support of reaching an enterprise agreement with your employer, do you authorise the taking of protected industrial action against your employer separately, concurrently and/or consecutively, in the form of:

	Question	Yes	No	Informal
1	Do you, for the purpose of advancing claims in the negotiation of an Enterprise Agreement with Rix's Creek Pty Limited, authorise industrial action in the form of an unlimited number of stoppages of work, including consecutive stoppages of two (2) hours in duration?	247	2	0
2	Do you, for the purpose of advancing claims in the negotiation of an Enterprise Agreement with Rix's Creek Pty Limited, authorise industrial action in the form of an unlimited number of stoppages of work, including consecutive stoppages of four (4) hours and five (5) minutes in duration?	246	3	0
3	Do you, for the purpose of advancing claims in the negotiation of an Enterprise Agreement with Rix's Creek Pty Limited, authorise industrial action in the form of an unlimited number of stoppages of work, including consecutive stoppages of work of twenty four (24) hours in duration?	247	2	0
4	Do you, for the purpose of advancing claims in the negotiation of an Enterprise Agreement with Rix's Creek Pty Limited, authorise	247	2	0

industrial action in the form of an unlimited number of bans on the working of non-rostered overtime?

5	Do you, for the purpose of advancing claims in the negotiation of an Enterprise Agreement with Rix's Creek Pty Limited, authorise industrial action in the form of an unlimited number of stoppages of work, including consecutive stoppages of work, of a shift length in duration for day shift, afternoon shift or night shift?	248	1	0
6	Do you, for the purpose of advancing claims in the negotiation of an Enterprise Agreement with Rix's Creek Pty Limited, authorise industrial action in the form of an unlimited number of bans on the performance of work in step up roles?	248	1	0
7	Do you, for the purpose of advancing claims in the negotiation of an Enterprise Agreement with Rix's Creek Pty Limited, authorise industrial action in the form of an unlimited number of bans or stoppages including consecutive bans and stoppages of four (4) hours and five (5) minutes in duration on the operation of excavators, train loadouts and the washing of coal?	248	1	0
8	Do you, for the purpose of advancing claims in the negotiation of an Enterprise Agreement with Rix's Creek Pty Limited, authorise industrial action in the form of bans or stoppages including consecutive bans and stoppages of four (4) hours in duration on the maintenance of excavators?	248	1	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.
- The majority of voters who cast a valid vote were against the action set out in question(s) N/A.

Delegate of the Ballot Agent  
Australian Electoral Commission

19/09/2025

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