



Reference: 2022/773

The General Manager
Fair Work Commission
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Declaration of results - PAB Order: B2022/28

Pursuant to the Protected Action Ballot Order B2022/28 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)	176
Postal votes returned by voters	114
Postal votes rejected at the preliminary scrutiny	1
Postal votes admitted to further scrutiny	113
Percentage of postal votes returned*	64.20

*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 Tahmoor Coal 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?	105	8	0
2	An indefinite or unlimited number of bans on the performance of non-rostered overtime?	103	10	0
3	An indefinite or unlimited number of bans on the training of any other person?	109	4	0
4	An indefinite or unlimited number of bans on the operation of mobile plant?	109	4	0
5	An indefinite or unlimited number of bans on being transported by underground transport vehicles?	107	6	0
6	An indefinite or unlimited number of bans on development metres cut per shift?	110	3	0
7	An indefinite or unlimited number of bans on the amount of long wall retreat, sheers / metres per shift?	108	5	0
8	An indefinite or unlimited number of bans limiting the throughput through the coal preparation plant, but not less than 100 tonnes per hour?	110	3	0
9	An indefinite or unlimited number of bans on working with contractors and/or labour hire personnel?	104	9	0
10	The wearing of stickers on work clothes that promote, or represent the views of, the Construction, Forestry, Maritime, Mining and Energy Union?	107	6	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.
 - 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

09/03/2022

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