



NTPS TEACHERS AND EDUCATORS' BULLETIN 6/2013

INFORMATION FOR AUSTRALIAN EDUCATION UNION MEMBERS ONLY

Protected Action Ballot Approved

On 27 September 2013 the Fair Work Commission issued an Order approving the conduct of a protected industrial action ballot for members of the Australian Education Union – Northern Territory Branch. Attached is a copy of the Order (**Attachment A**).

This is a formal ballot conducted by the Australian Electoral Commission which must be conducted within 25 working days of the date of the Order (refer schedule **Attachment B**). Only members of the Australian Education Union will receive ballots, and if successful, only members can take the protected industrial action proposed by their union. Employees who are not members cannot participate in taking protected industrial action.

In accordance with the *Fair Work Act 2009* (the Act), the employer must not make a payment to a union member who engages in protected industrial action, for the total duration of the industrial action taken; and in relation to partial work bans, a reduction in payment will be calculated in accordance with the Act.

Australian Electoral Commission – Important Notice to Employees

The Australian Electoral Commission has issued an *important notice to members of Australian Education Union – Northern Territory Branch* (refer **Attachment C**) who are eligible to vote in the protected industrial action ballot.

The information includes details on eligibility to vote, the ballot timetable, and questions to be put to relevant employees.

Feedback

Should you wish to express a view on the offer or make a suggestion you can provide your feedback to me directly at <http://www.enterpriseagreements.nt.gov.au/feedback/>. All feedback will be treated confidentially.

More Information

To keep you informed the OCPE has a webpage dedicated to enterprise agreement negotiations under the [Enterprise Agreement Negotiation Updates](#) page.

The website will be updated regularly with the latest information on negotiations, including bulletins, information sheets and other material.

KEN SIMPSON
30 September 2013

PR542639



ORDER

Fair Work Act 2009

s.437 - Application for a protected action ballot order

Australian Education Union - Northern Territory Branch

v

Commissioner for Public Employment

(B2013/237)

VICE PRESIDENT CATANZARITI

SYDNEY, 27 SEPTEMBER 2013

Proposed protected action ballot by employees of the Northern Territory public service.

Pursuant to s.443 of the *Fair Work Act 2009* (the Act) the Fair Work Commission orders:

1. PROTECTED ACTION BALLOT TO BE HELD

The Australian Education Union - Northern Territory Branch is to hold a protected action ballot of employees of the Commissioner for Public Employment described in clause 3 of this order.

2. NAME OF PERSON AUTHORISED TO CONDUCT THE BALLOT

The ballot is to be conducted by the Australian Electoral Commission.

3. GROUP OR GROUPS OF EMPLOYEES TO BE BALLOTTED

In accordance with s.437(5) of the Act, the employees to be balloted are those who will be covered by the proposed enterprise agreement and are financial members of the Australian Education Union - Northern Territory Branch.

4. DATE BY WHICH BALLOT CLOSES

The date by which voting in the protected action ballot is to close is no later than 25 working days from the date of this order.

5. QUESTION

The question to be put to voters in the ballot is:

In support of reaching an enterprise agreement do you endorse taking protected industrial action in the form of an unlimited number of Territory wide, Regional or Sub Branch stoppages of work of 1 hour to one whole working day in duration or bans or limitations on the manner in which work is undertaken, which may be taken separately, concurrently or consecutively?



VICE PRESIDENT

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Protected Action Ballot

Matter Number: B2013/237

Australian Education Union

Commissioner for Public Employment

Method of Voting – Postal Ballot

Timetable

Day 0	Fri 27/9/13	FWC hearing and making of ballot orders
Days 1 & 2		Weekend
Day 3	Mon 30/9/13	AEC arranges with employer to place Notice to Employees in prominent locations at workplaces
Day 4	Tues 1/10/13	Applicant & employer to provide lists and covering declarations to AEC by 4:00 pm (CST)
Day 5	Wed 2/10/13	Roll of Voters closes at 5:00 pm (CST)
Day 6	Thurs 3/10/13	Ballot Preparation
Day 7	Fri 4/10/13	Ballot opens – AEC posts ballot material to eligible voters by 5:00 pm (CST)
Days 8 & 9		Weekend
Day 10	Mon 7/10/13	Ballot material in transit
Day 11	Tues 8/10/13	Ballot material in transit
Day 12	Wed 9/10/13	Ballot material in transit
Day 13	Thurs 10/10/13	Ballot material in transit
Day 14	Fri 11/10/13	Ballot material in transit
Day 15 & 16		Weekend
Day 17	Mon 14/10/13	Eligible voters receive ballot material

Day 18	Tues 15/10/13	Eligible voters consider ballot material
Day 19	Wed 16/10/13	Eligible voters consider ballot material
Day 20	Thurs 17/10/13	Eligible voters return ballot material
Day 21	Fri 18/10/13	Eligible voters return ballot material
Days 22 & 23		Weekend
Day 24	Mon 21/10/13	Ballot material in transit
Day 25	Tues 22/10/13	Ballot material in transit
Day 26	Wed 23/10/13	Ballot material in transit
Day 27	Thurs 24/10/13	Ballot material in transit
Day 28	Fri 25/10/13	Ballot material in transit
Days 29 & 30		Weekend
Day 31	Mon 28/10/13	Ballot material in transit
Day 32	Tues 29/10/13	Ballot material in transit
Day 33	Wed 30/10/13	Ballot material in transit
Day 34	Thurs 31/10/13	Ballot material in transit
Day 35	Fri 1/11/13	Ballot Closes 10:00 am (CST); AEC counts ballot and declares results as soon as practicable.

Important notice to employees

Protected Action Ballot

Matter Number: B2013/237

Australian Education Union – Northern Territory Branch
Commissioner for Public Employment

On 27 September 2013 the Fair Work Commission (FWC) ordered that a ballot be conducted for your workplace to determine whether those employees represented by the Australian Education Union – Northern Territory Branch support the taking of industrial action.

Eligibility to vote

An employee is eligible to have their name included on the roll of voters for the protected action ballot if the employee will be covered by the proposed enterprise agreement to which the ballot relates, and has the Australian Education Union – Northern Territory Branch as their bargaining representative.

The AEC will receive from the Australian Education Union – Northern Territory Branch a list of employees for whom they are the bargaining representative. The AEC will also receive a list from the Commissioner for Public Employment of all employees who will be covered by the proposed enterprise agreement.

The lists will be confidential to the AEC and not publicly available. Your name must be recorded on both lists to be placed on the roll of voters and receive a ballot paper.

Are you on the roll of voters?

If you believe you are entitled to vote in the proposed ballot and wish to confirm whether your name is included on the roll of voters, you should contact the Returning Officer prior to 5.00 pm on Thursday 3 October 2013 to confirm your status. Additions to the roll of voters can be made up until this date.

Ballot timetable

Ballot material will be posted to eligible employees on Friday 4 October 2013 to the addresses specified in the list of employees provided to the AEC. Voting will close at 10:00am on Friday 1 November 2013 and only ballot papers received by the Returning Officer by that time will be counted.

Question to be put to the relevant employees

The question to be put to voters in the ballot is:

In support of reaching an enterprise agreement do you endorse taking protected industrial action in the form of an unlimited number of Territory wide, Regional or Sub Branch stoppages of work of 1 hour to one whole working day in duration or bans or limitations on the manner in which work is undertaken, which may be taken separately, concurrently or consecutively? Yes [] No []

Do you wish to report any irregularities in relation to the ballot?

If you believe an irregularity has occurred in the conduct of the ballot, please contact the Returning Officer as soon as possible so that the matter can be investigated.

Chris Roper
Returning Officer – Australian Electoral Commission

By phone: 08 8982 8038

By post: GPO Box 3496, Darwin NT 0801

By fax: 08 8982 8064

By email: ntelections@aec.gov.au

In person: Level 7, TCG Centre, 80 Mitchell St, Darwin NT 0800