

ATTACHMENT D



IMPORTANT NOTICE TO EMPLOYEES

PROTECTED ACTION BALLOT

National Tertiary Education Industry Union

and

University of Southern Queensland

MATTER NO: B2009/10418

On 7 August 2009 Fair Work Australia (FWA) ordered that a ballot be conducted for your workplace to determine whether members of the National Tertiary Education Industry Union support the taking of industrial action.

FWA has appointed the Australian Electoral Commission (AEC) as the protected action ballot agent to conduct the ballot.

ELIGIBILITY TO VOTE

The AEC will receive lists from the National Tertiary Education Industry Union and University of Southern Queensland. The lists will be confidential to the AEC and not publicly available. You must be recorded on both lists to be placed on the official roll of voters to receive a ballot paper.

Please see Attachment 'A' regarding eligibility to be included on the roll of voters.

ARE YOU ON THE ROLL OF VOTERS?

If you believe you are entitled to vote in the proposed ballot and wish to confirm whether you are included on the roll of voters, you should contact Linda Gillam, Returning Officer, prior to 5:00pm Tuesday, 18 August, 2009 to confirm your status.

If you find you are not on the roll, you have the right to seek to be included on the roll of voters under section 454 of the *Fair Work Act 2009*.

Please see attachment 'A' regarding entitlements to be added to or removed from the roll of voters.

BALLOT TIMETABLE

Ballot material will be posted to employees whose name appears on the roll of voters on **Wednesday 19 August 2009**. Ballot material will be posted to the addresses specified in the list of employees provided by University of Southern Queensland. Voting will close at **10:00am** on **Thursday 3 September 2009** and only ballot papers received by the protected action ballot agent by that time will be counted.

QUESTION TO BE PUT TO THE RELEVANT EMPLOYEES

'Do you, for the purpose of advancing claims in the negotiation of an Enterprise Agreement with University of Southern Queensland authorise industrial action in the form of:

- 1. One (1) hour of stoppages of work taken either separately or consecutively?***
- 2. Twenty-four (24) hour stoppages of work taken either separately or consecutively?***
- 3. An indefinite stoppage of work?***
- 4. A ban on the recording and transmission to the University of assessment and exam results?***
- 5. A ban on the preparation and processing of course outlines and/or the preparation/processing of course materials?***
- 6. A ban on taking part in any Graduation Ceremonies?***
- 7. A ban on performing additional duties allocated as a result of staffing cutbacks or failures/delays in the filling of vacant positions?***
- 8. A ban on the use of private transport for inter-campus travel?'***

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 Linda Gillam as soon as possible so that the matter can be investigated.

Linda Gillam

Returning Officer – Australian Electoral Commission

By Phone: 07 4638 1011
By Post: PO Box 2370 TOOWOOMBA QLD 4350
By Fax: 07 4638 5512
By Email: linda.gillam@aec.gov.au
In Person: Ground floor, McNab Building, Cnr Neil and Laurel Sts, Toowoomba

Attachment A

Extract from the Fair Work Act 2009

PART 3.3 DIVISION 8 Protected Action Ballots

Section 453 Who is eligible to be included on the roll of voters

An employee is eligible to be included on the roll of voters for the protected action ballot only if:

- (a) the employee will be covered by the proposed enterprise agreement to which the ballot relates; and
- (b) on the day the protected action ballot order was made, the employee:
 - (i) was represented by a bargaining representative who was an applicant for the order; and
 - (ii) was included in a group of employees specified in the order.

Section 454 Variation of roll of voters

Adding names to the roll of voters

(2) The protected action ballot agent must include an employee's name on the roll of voters for the protected action ballot if:

- (a) the protected action ballot agent is requested to do so by:
 - (i) an applicant for the protected action ballot order; or
 - (ii) the employee; or
 - (iii) the employee's employer; and
- (b) the protected action ballot agent is satisfied that the employee is eligible to be included on the roll of voters; and
- (c) the request is made before the end of the working day before the day on which voting in the ballot starts.

Removing names from the roll of voters

(3) The protected action ballot agent must remove an employee's name from the roll of voters for the protected action ballot if:

- (a) the protected action ballot agent is requested to do so by:
 - (i) an applicant for the protected action ballot order; or
 - (ii) the employee; or
 - (iii) the employee's employer; and
- (b) the protected action ballot agent is satisfied that the employee is not eligible to be included on the roll of voters; and
- (c) the request is made before the end of the working day before the day on which voting in the ballot starts.

(4) The protected action ballot agent must remove a person's name from the roll of voters for the protected action ballot if:

- (a) the person (the **former employee**) is no longer employed by the employer (the **former employer**) of the employees who are to be balloted; and
- (b) the protected action ballot agent is requested to do so by:
 - (i) an applicant for the protected action ballot order; or
 - (ii) the former employee; or
 - (iii) the former employer; and
- (c) the request is made before the end of the working day before the day on which voting in the ballot starts.