



Reference: 2022/13426

The General Manager  
Fair Work Commission  
Level 4, 11 Exhibition Street  
Melbourne VIC 3000  
Email: [melbourne@fwc.gov.au](mailto:melbourne@fwc.gov.au)

Samuel O'SULLIVAN  
Construction, Forestry, Maritime, Mining & Energy Union-Northern Mining and NSW Energy District ("the CFMMEU")  
[samuel.osullivan@mua.org.au](mailto:samuel.osullivan@mua.org.au)

Heather TRUMAN  
BITS Ferry Services Pty Ltd  
[heather.truman@sealink.com.au](mailto:heather.truman@sealink.com.au)

#### Declaration of results - PAB Order: B2022/1764

Pursuant to the Protected Action Ballot Order B2022/1764 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)	8
Postal votes returned by voters	5
Postal votes rejected at the preliminary scrutiny	0
Postal votes admitted to further scrutiny	5
Percentage of postal votes returned*	62.50

\*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.

Do you, for the purpose of advancing claims in the negotiation of an enterprise agreement to govern the terms and conditions of your employment with BITS Ferry Services, authorise protected industrial action, separately, concurrently and/or consecutively in the form of:

	Question	Yes	No	Informal
1	An unlimited number of stoppages of work of 1 hour duration which may be organised or arranged in consecutive period?	5	0	0
2	An unlimited number of stoppages of work of 2 hours duration which may be organised or arranged in consecutive period?	5	0	0
3	An unlimited number of stoppages of work of 4 hours duration which may be organised or arranged in	5	0	0

	consecutive period?			
4	An unlimited number of stoppages of work of 12 hours duration which may be organised or arranged in consecutive period?	5	0	0
5	An unlimited number of stoppages of work of 24 hours duration which may be organised or arranged in consecutive period?	5	0	0
6	An unlimited number of stoppages of work of 48 hours duration which may be organised or arranged in consecutive period?	5	0	0
7	An unlimited number of bans on the performance of overtime for an indefinite period which may be organised or arranged in consecutive periods?	5	0	0
8	An unlimited number of bans on vessel inductions which may be organised or arranged in consecutive periods?	5	0	0
9	An unlimited number of bans on the training of new employees which may be organised or arranged in consecutive periods?	5	0	0
10	An unlimited number of bans on ticketing or the checking of passenger tickets which may be organised or arranged in consecutive periods?	5	0	0
11	An unlimited number of bans on the loading of any vessel beyond 50% capacity which may be organised or arranged in consecutive periods?	5	0	0
12	An unlimited number of bans on any employee taking a break whilst a vessel is in motion which may be organised or arranged in consecutive periods?	5	0	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, 11, 12.
  - The majority of voters who cast a valid vote were against the action set out in question(s) N/A .

Kaye Bartlett  
 Returning Officer  
 Delegate of the Ballot Agent  
 Australian Electoral Commission

11/01/2023

Email: [PAEvents@aec.gov.au](mailto:PAEvents@aec.gov.au) phone: 02 9375 6366 or 03 9285 7111

[www.aec.gov.au](http://www.aec.gov.au)