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QF012/2007

SP:GN

26th March 2007

❖ NOTICE ❖

TO: ALL ALAEA MEMBERS, DELEGATES and EMPLOYEES – QANTAS
PERTH DOMESTIC TERMINAL


RE: AIRC S.496 ORDERS QANTAS PERTH

Members at the Perth Domestic Terminal are directed to abide by the attached orders.

Qantas made an application to the AIRC on Thursday 22nd March 2007 alleging that Perth ALAEA members had engaged in industrial action and for s.496 orders to cease any industrial action be issued. The matter was heard before Commissioner Raffaelli in Sydney on Friday 23rd March 2007. The Commissioner decided to issue orders as attached.

Whilst the Orders attached in effect order members to perform one-man transits they are based on conditions outlined in transcript, which is not yet available. These conditions still acknowledge the right of the LAME to exercise their professional discretion to call-up the second person should they decide to and stand-by until the assistance arrives. Qantas has confirmed same in evidence and that safety comes before schedule. A further Notice will be issued when the transcript is available.

The parties before Vice President Watson in the AIRC will discuss the members concerns about their safety, rosters and operational matters, this afternoon.


pp **Stephen Purvinas**
Federal Secretary

"To undertake supervise and certify for the safety of all who fly."

AG840856 PR976599

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1996

s.496(1) application for order against industrial action (federal system)

Qantas Airways Limited

and

The Australian Licenced Aircraft Engineers Association

(C2007/2581)

LICENSED AIRCRAFT ENGINEERS (QANTAS AIRWAYS LIMITED)

ENTERPRISE AGREEMENT VII

(ODN AG2005 of 4776)

[AG840856]

Airline operations

COMMISSIONER RAFFAELLI

SYDNEY, 23 MARCH 2007

Alleged industrial action in Perth.

ORDER

Pursuant to s.496(1) of the *Workplace Relations Act 1996* (the Act), the Commission orders as follows:

1. TITLE

This order shall be known as the Qantas Airways Limited ACS March 2007 Industrial Action Order.

2. PARTIES BOUND AND APPLICATION

The order applies to:

- (a) the Australian Licenced Aircraft Engineers Association (ALAEA) and its officers, employees, agents and delegates;
- (b) Mr Stephen Purvinas;
- (c) Qantas Airways Limited (Company); and
- (d) employees of the Company who are:
 - (i) members, or eligible to be members, of the ALAEA; and

- (ii) employed by the Company in providing Aircraft Customer Services in Perth (Perth ACS); and
- (iii) engaged in work which is regulated by the *Licensed Aircraft Engineers (Qantas Airways Limited) Enterprise Agreement VII (Agreement)* (Employees).

3. DEFINITION

For the purposes of this Order, "industrial action" means any action of the following kinds:

- (a) the performance of work by an Employee in a manner different from that in which it is customarily performed, or the adoption of a practice in relation to work by an Employee, the result of which is a restriction or limitation on, or a delay in, the performance of the work;
- (b) a ban, limitation or restriction on the performance of work by an Employee, or on the acceptance of or offering for work by an Employee; and
- (c) a failure or refusal by Employees to attend for work or a failure or refusal to perform any work at all by Employees who attend for work,

but does not include the following:

- (d) protected action within the meaning of the Act;
- (e) action by an Employee that is authorised or agreed to by the Company; and
- (f) action by an Employee which is demonstrated by that Employee to be action based upon that Employee's reasonable concern about an imminent risk to the Employee's health or safety, and the Employee did not unreasonably fail to comply with a direction of the Company to perform other available work, whether at the same or another workplace, that was safe and appropriate for the Employee to perform.

4. INDUSTRIAL ACTION TO STOP OR NOT OCCUR

- (a) Stephen Purvinas must:
 - (i) stop and not organise industrial action by the Employees;
 - (ii) immediately advise Employees that his direction to Employees dated 20 March 2007 is withdrawn; and
 - (iii) immediately advise Employees to perform one-man transits as required by the Company immediately prior to 20 March 2007.
- (b) The ALAEA and its officers, employees and agents must:

- (i) stop, not organise and not recommence any ban, limitation or restriction on Employees attending for and performing work;
 - (ii) not organise, aid, abet, direct, procure, induce, advise or authorise Employees to engage in industrial action;
 - (iii) immediately advise its delegates and Employees that any direction, advice or authorisation by the ALAEA to engage in industrial action is withdrawn and that such action must stop or not occur;
 - (iv) immediately direct its delegates and Employees to perform one-man transits as required by the Company immediately prior to 20 March 2007;
 - (v) take all steps necessary and available under the ALAEA rules to ensure that Employees comply with this Order.
- (c) Each Employee must not engage in, or threaten to engage in, industrial action.
 - (d) Subject to the exclusions in clauses 3(d) – (f), each Employee must immediately be available for work, and perform work as required by the Company in accordance with their contract of employment and/or the Agreement.

5. SERVICE OF ORDER

Without limitation as to other means of service, it will be sufficient service of this Order:

- (a) upon the ALAEA and its officers and employees if:
 - (i) copy of this Order is sent by facsimile (or otherwise provided) to the Federal Office of the ALAEA, or to an officer of the ALAEA who has dealings with the Company in relation to any of the Employees; or
 - (ii) a copy of this Order is handed to or read in the presence of an officer or employee of the ALAEA.
- (b) upon each of the Employees if:
 - (i) a copy of this Order is served on the ALAEA as provided in clause 5(a); or
 - (ii) a copy of this Order is placed on the notice board(s) usually used for the purpose of communicating with Employees by 9 pm Perth time.

6. TERM AND DATE OF EFFECT

This Order shall come into force from 24 March 2007 and shall remain in effect for one months.

BY THE COMMISSION:

COMMISSIONER

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