



25 Stoney Creek Rd Bexley 2207 NSW
Ph: (02) 9554 9399 Fax: (02) 9554 9644
Email: alaea@alaea.asn.au
Web: www.alaea.asn.au
ABN: 84 234 747 620

QF061/2006

SP:GN

15th November 2006

❖ NOTICE ❖

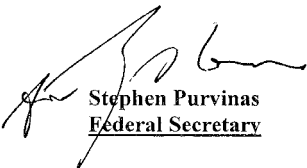
TO: ALL ALAEA MEMBERS, DELEGATES and EMPLOYEES – QANTAS
PERTH

RE: AIRC S.496 ORDERS QANTAS PERTH

Members in Perth are directed to abide by the attached orders.

Qantas made an application to the AIRC on Monday 13th November 2006 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 Tuesday 14th November 2006. The Commissioner decided to issue orders as attached.

The ALAEA is taking appropriate advice and considering it's options in regard to whether or not the Perth Roster issues may be further dealt with in an appropriate forum. Members will be further advised in the near future.


Stephen Purvinas
Federal Secretary

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

AG840856 PR974636

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
(C2006/3319)

**LICENSED AIRCRAFT ENGINEERS (QANTAS AIRWAYS LIMITED)
ENTERPRISE AGREEMENT VII**
(ODN AG2005/4776)
[AG840856 PR959443]

Airline operations

COMMISSIONER RAFFAELLI

SYDNEY, 15 NOVEMBER 2006

Alleged industrial action.

ORDER

1. TITLE

This Order will be known as the *Qantas Airways Limited ACS November 2006 Industrial Action Order*.

2. PERSONS BOUND AND APPLICATION OF ORDER

This Order applies to:

- (a) the Australian Licenced Aircraft Engineers Association (ALAEA) and its officers, employees, agents and delegates;
- (b) Qantas Airways Limited (Company); and
- (c) 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)*

3. DEFINITION

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

- (a) 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
- (b) 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:

- (c) protected action within the meaning of the *Workplace Relations Act 1996* (Cth) (Act);
- (d) action by an Employee that is authorised or agreed to by the Company; and
- (e) 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 the directions 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) 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 work in accordance with the roster posted by the Company on 3 November 2006 with effect on and from 22 November 2006;
 - (v) take all steps necessary and available under the ALAEA rules to ensure that Employees comply with this Order including, but not limited to, advising each Employee of the terms of this Order, and writing to the Company by 4.00 pm on 16 November 2006 to advise what steps have been taken in compliance with this clause.
- (b) Each Employee must not engage in, or threaten to engage in, industrial action.

- (c) 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) a 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 4.00 pm, Wednesday 15 November 2006.

6. TERM AND DATE OF EFFECT

This Order will come into effect from 15 November 2006 and will remain in force for a period of 3 months.

BY THE COMMISSIONER:

COMMISSIONER

Printed by authority of the Commonwealth Government Printer

<Price code A>