

## **IN FAIR WORK AUSTRALIA**

**FWA Matter No:**

Application for a Protected Action Ballot Order **(the Application)**

**Applicant:**

Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia **(CEPU)**

**Respondent:**

Australian Postal Corporation **(Australia Post)**

### **AFFIDAVIT OF ED HUSIC**

On 13 August 2009, I, Ed Husic, of 1/139-155 Queensberry Street, Carlton South, Victoria, union official, affirm and say as follows:

1. I am the Divisional Secretary of the Communications Division of CEPU. I am authorised to make this affidavit on behalf of CEPU.
2. CEPU is a registered employee organisation with members employed by Australia Post.
3. On 12 August 2009, CEPU served by facsimile, a copy of the Application on the employer, Australia Post, within 24 hours of filing the Application in Fair Work Australia.
4. On 12 August 2009, CEPU served by email, a copy of the Application on the Australian Electoral Commission, within 24 hours of filing the Application in Fair Work Australia.
5. The nominal Expiry Dates of all agreements currently in force in Australia Post, covering the employees who will be subject to the ballot, have passed.
6. On 12 August 2009, CEPU served an electronic copy of the Application and Draft Orders on Fair Work Australia.
7. CEPU has been and is genuinely trying to reach agreement with the employer of the employees who are to be balloted.

**Evidence of CEPU’s attempts to bargain with the employer**

- 8. In about September 2006 CEPU commenced discussions with Australia Post about making a new union collective agreement to replace the Australia Post Enterprise Agreement 2004-2006 and other Agreements.
- 9. CEPU and Australia Post met on a number of occasions in an attempt to achieve an Agreement.
- 10. On 28 August 2007 CEPU, having previously initiated a bargaining period, applied to the Commission for an order that a protected action ballot be held pursuant to section 451 of the WR Act in respect of employees employed by Australia Post and who were covered by the Australia Post Enterprise Agreement 2004-2006.
- 11. On 3 September 2007, the Commission ordered that a protected action ballot ([2007] AIRC 879) be held in respect of employees employed by Australia Post on the date of the order and who were members of CEPU on the date of the order and who would be subject to the proposed collective agreement dealt with in bargaining period.
- 12. Pursuant to the order made on 3 September 2007 PR978136 varied on 4 September 2007 PR978143, the protected action ballot was conducted by the Australian Electoral Commission (AEC). On 1 October 2007, the AEC declared the result of the ballot. The Declaration of Result declared that 58% of eligible voters voted in the ballot, and that about 74% of those who voted approved the action specified in the ballot.
- 13. No industrial action was taken by CEPU’s members and negotiations resumed. The negotiations continued through 2007, 2008 and 2009. Various options have been put and considered since that time, but no agreement has been reached.

**AFFIRMED BY** )  
**ED HUSIC** )  
at Sydney ) .....  
in the State of New South Wales )  
this 13th day of August 2009 )

Before me: .....