



Reference: 2024/3616

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

Paul Andrew SUTHERLAND  
Paul Andrew Sutherland  
paul@sutherlands.info

Matt NORREY  
Airservices Australia  
Matt.Norrey@airservicesaustralia.com

### Declaration of results - PAB Order: B2024/465

Pursuant to the Protected Action Ballot Order B2024/465 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)	9
Postal votes returned by voters	8
Postal votes rejected at the preliminary scrutiny	0
Postal votes admitted to further scrutiny	8
Percentage of postal votes returned*	88.88

\*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.

In support of reaching an enterprise agreement with Airservices Australia, do you authorise the taking of protected industrial action against your employer separately, concurrently and/or consecutively, in the form of:

	Question	Yes	No	Informal
1	An unlimited number of stoppages of work for one (1) hour duration?	8	0	0
2	An unlimited number of stoppages of work for two (2) hours duration?	7	1	0
3	An unlimited number of stoppages of work for up to four (4) hours duration?	5	3	0
4	An unlimited number of stoppages of work for up to six (6) hours duration?	5	3	0
5	An unlimited number of stoppages of work for up to	6	2	0

(eight) 8 hours duration?

6	An unlimited number of stoppages of work for up to twelve (12) hours duration?	6	2	0
7	An unlimited number of stoppages of work for up to twenty-four (24) hours duration?	5	3	0
8	An unlimited number of stoppages of work for an entire shift duration?	5	3	0
9	An unlimited number of indefinite or periodic bans or limitations on working longer than two (2) hours consecutively without a thirty (30) minute break where all duties cease?	6	2	0
10	An unlimited number of indefinite or periodic bans or limitations on working longer than three (3) hours consecutively without a thirty (30) minute break where all duties cease?	7	1	0
11	An unlimited number of indefinite or periodic bans or limitations on the accepting of additional duty?	6	2	0
12	An unlimited number of indefinite or periodic bans or limitations on agreeing to the extension of rostered shifts?	7	1	0
13	An unlimited number of indefinite or periodic bans or limitations on agreeing to changes of shift?	6	2	0
14	An unlimited number of indefinite or periodic bans or limitations on changing of rostered tasking?	6	2	0
15	An unlimited number of indefinite or periodic bans or limitations on working any shift that does not follow a published line on an approved Master Roster?	6	2	0
16	An unlimited number of indefinite or periodic bans or limitations on replacing any vacant shifts that have been vacant for more than 24 hours.	6	2	0
17	An unlimited number of indefinite or periodic bans on the performance of on-the-job-training duties?	5	3	0
18	An unlimited number of indefinite or periodic bans or limitations on communications outside of rostered work hours by telephone, text messages or messaging apps related to work including requests to work additional or amended shifts.	4	4	0
19	An unlimited number of indefinite or periodic bans on calculating fatigue risk assessments?	6	2	0
20	An unlimited number of indefinite or periodic bans or limitations on inputting flight details at Air Traffic Controllers operational positions (except for emergency, medical and police rescue flights or safety critical situations?)	6	2	0
21	An unlimited number of indefinite or periodic bans or limitations on concentrating operational positions in EUROCAT.	3	5	0
22	An unlimited number of indefinite or periodic bans on the familiarisation of non-recent Air Traffic Controllers by recent and current Air Traffic Controllers?	5	3	0
23	An unlimited number of indefinite or periodic bans on	6	2	0

	the familiarisation of non-current Air Traffic Controllers by recent and current Air Traffic Controllers?			
24	An unlimited number of indefinite or periodic bans or limitations on undertaking training to transition to new technology and technology upgrades?	8	0	0
25	An unlimited number of indefinite or periodic bans or limitations on performing non-seconded portfolio duties, including but not limited to, Procedures, Cirris Supervisor and SME work and/or project work by operational employees?	8	0	0
26	An unlimited number of indefinite or periodic bans or limitations on participating in all performance reviews?	7	1	0
27	An unlimited number of indefinite or periodic bans or limitations on returning to operational duty within the same shift following stand-down?	6	2	0
28	An unlimited number of indefinite or periodic bans or limitations on providing technical support, adaptation or maintenance of the Controller Briefing System and the Recency Database.	8	0	0
29	An unlimited number of indefinite or periodic bans or limitations on working on the Civil and Military Air Traffic (CMATS) system project?	7	1	0
30	An unlimited number of indefinite or periodic bans or limitations on undertaking Contingency Response Management (CRM) duties?	6	2	0
31	An unlimited number of indefinite or periodic bans or limitations on using the Enroute Conditional Endorsement (ECE)?	8	0	0
32	An unlimited number of indefinite or periodic bans or limitations on working on Safety Case Assessment Reporting Determinations (SCARDs)?	7	1	0
33	An unlimited number of indefinite or periodic bans or limitations on working combined Air Traffic Control positions or aisles?	5	3	0
34	An unlimited number of indefinite or periodic bans or limitations on working in an operational capacity on any shift where construction noise from Airservices Australia building works is audible within the operational environment?	6	2	0
35	An unlimited number of indefinite or periodic bans or limitations on attending meetings and/or briefings except for: - Meetings directly and solely pertaining to operational safety - Bargaining-related meetings where the employer wishes to communicate their improved offer in negotiations - For dispute resolution by conciliation or arbitration in the Fair Work Commission - Meetings directly and solely pertaining to Work Health and Safety	8	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, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.
- The majority of voters who cast a valid vote were against the action set out in question(s) 21.

Delegate of the Ballot Agent  
Australian Electoral Commission

06/06/2024

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)