



# DECISION

*Fair Work Act 2009*  
s.437—Protected action

**United Workers' Union**

v

**Mars Australia Pty Ltd**

(B2023/482)

VICE PRESIDENT CATANZARITI

SYDNEY, 26 MAY 2023

*Proposed protected action ballot of employees of Mars Australia Pty Ltd*

- [1] This is an application by the United Workers' Union (Applicant) made under s.437 of the *Fair Work Act 2009* (Cth) (Act) for a protected action ballot order in relation to certain employees of Mars Australia Pty Ltd (Respondent).
- [2] On 22 May 2023, the Fair Work Commission was advised that the Respondent did not oppose the application.
- [3] In the circumstances, I have decided to determine the matter on the papers without holding a hearing.
- [4] On the basis of the material before me, including the statutory declaration of Erryn Cresshull of the Applicant declared on 19 May 2023, setting out the steps taken by it in bargaining with the Respondent and that it has been, and is, genuinely trying to reach agreement with the Respondent, I am satisfied that there is a notification time in relation to the proposed agreement and that the requirements in s.443(1) of the Act have been met.
- [5] An Order has been separately issued in [PR762460](#).



VICE PRESIDENT

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