



# DECISION

*Fair Work Act 2009*

s.459 - Application to extend the 30 day period in which industrial action is authorised by protected action ballot

## **Police Federation of Australia - Australian Federal Police Association Branch**

**v**

## **The Commonwealth of Australia as represented by the Australian Federal Police**

(B2024/1055)

DEPUTY PRESIDENT HAMPTON

ADELAIDE, 20 AUGUST 2024

*Application to extend the 30 day period in relation to B2024/843.*

[1] This matter concerns the declaration of the result of a protected action ballot [PR776723](#)<sup>1</sup> held in matter B2024/843 and declared on 23 July 2024.

[2] The Police Federation of Australia – Australian Federal Police Association Branch has made an application pursuant to s.459(3) of the *Fair Work Act 2009 (Act)* to extend the 30 day period in which industrial action is authorised by the relevant protected action ballot.

[3] Section 459(3) of the Act provides as follows:

- “(3) The FWC may extend the 30-day period referred to in subparagraph (1)(d)(i) by up to 30 days if:
- (a) an applicant for the protected action ballot order applies to the FWC for the period to be extended; and
  - (b) the period has not previously been extended.”

[4] The application contends that each of the relevant requirements have been met and that the period should be extended by a further 30 days.

[5] The Commonwealth of Australia as represented by the Australian Federal Police has not advised the Commission of any objection to this application.

[6] I am satisfied that the relevant requirements of the Act have been met and that the application should be granted.

[7] Accordingly, pursuant to section 459(3) of the Act, I order that the 30 day period for the commencement of protected industrial action for eligible employees who were subject to the ballot and are employed by the Employer be extended by a further 30 days.

[8] This order will operate on and from 20 August 2024.

The image shows a handwritten signature in black ink on the left, which appears to be 'P. H. ...'. To the right of the signature is the official seal of the Fair Work Commission. The seal is circular with a double border. The outer ring contains the text 'THE SEAL OF THE FAIR WORK COMMISSION' at the top and 'AUSTRALIA' at the bottom. In the center of the seal is the Australian coat of arms, featuring a kangaroo and an emu flanking a shield, with a seven-pointed star above it.

DEPUTY PRESIDENT

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<sup>1</sup> Varied in [PR776893](#).