



DECISION

Fair Work Act 2009

s.437 - Application for a protected action ballot order

Police Federation of Australia

v

Chief Commissioner of Police T/A Victoria Police

(B2024/1130)

DEPUTY PRESIDENT HAMPTON

ADELAIDE, 3 SEPTEMBER 2024

Proposed protected action ballot of employees of Chief Commissioner of Police

[1] This is an application by the Police Federation of Australia (**PFA** or **Applicant**) made under s.437 of the *Fair Work Act 2009* (**Act**) for a protected action ballot order in relation to certain employees of Chief Commissioner of Police T/A Victoria Police (**Victoria Police** or **Employer**).

[2] On 3 September 2024, the Commission was advised that the Employer, in effect, did not object to the Application following discussion between the parties. The parties communicated a consent position, including in relation to an extended period of notice for the taking of certain protected industrial action. Accordingly, I have decided that the matter will be determined on the papers without the need for a hearing.

[3] On the basis of the material before me, including the declaration of Wayne Gatt, CEO, PFA (Victoria Police Branch), setting out the steps taken by the PFA in bargaining with the Employer and that it has been, and is, genuinely trying to reach agreement with Victoria Police, I am satisfied that there is a notification time in relation to the proposed agreement and that all of the requirements in s.443(1) of the Act have been met.

[4] The ballot is to be conducted by TrueVote Pty Ltd (**TrueVote**). TrueVote has been approved as an eligible protected action ballot agent under s.468A of the Act and consequently is authorised to conduct the ballot.

[5] For the purposes of s.443(3)(c) of the Act, the Commission has determined that the date by which voting is to close is 16 September 2024.¹ This also establishes the ballot period for the purpose of s.448A(2) of the Act.

[6] I am satisfied that there are relevant exceptional circumstances required by s.443(5), justifying an extended minimum period of written notice for the purposes of s.414(2)(b) of the Act when taking certain forms of industrial action set out in clause 5 of the Order made by the Commission. The extended written notice period of five (5) working days applies to the items listed within Clause 15 of the Order. The default minimum period of three working days will apply to the remaining forms of action arising from the ballot question.

[7] An Order has been separately issued in [PR778891](#).

[8] This matter will be assigned to another Member of the Commission to conduct the s.448A compulsory conciliation conference. That Member will issue an Order requiring the attendance of all bargaining representatives for the proposed enterprise agreement at the conference. It is likely that Directions will also be issued to ensure that the parties attend the conference ready to conduct meaningful negotiations.



DEPUTY PRESIDENT

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<PR778892>

¹ This is, in effect, nine (9) working days from the date of the Order and was the specific date sought in the application.