



DECISION

Fair Work Act 2009
s.459—Protected action

Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia

v

Thales Australia Limited
(B2019/1415)

DEPUTY PRESIDENT DEAN

SYDNEY, 24 DECEMBER 2019

Application to extend the 30-day period in relation to B2019/1272.

[1] On 23 December 2019, the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU) made an application to the Fair Work Commission pursuant to s. 459(3) of the *Fair Work Act 2009* to extend the 30 day period for protected action authorised by a protected action ballot order, PR714013 (the Order) made on 5 November 2019. The Order applies to certain employees of Thales Australia Limited (the Respondent).

[2] The ballot result, by which a majority of the relevant employees endorsed the proposed forms of protected industrial action, was declared on 3 December 2019. Pursuant to s.459(1)(d)(i) of the Act, the 30 day period for protected action commenced on the date of the declaration of the results of the ballot and therefore expires at midnight on 1 January 2020.

[3] On 24 December 2019, the Respondent was advised of the application and did not raise any objection. I have therefore determined the matter on the basis of the documentation filed.

[4] In addressing s.459(3) of the Act, this application is made by the CEPU who is the applicant for which the protected action ballot order was issued. Furthermore, the period specified in s.459(1)(d)(i) has not been previously extended.

[5] On that basis and on the material before me, I am satisfied that each of the relevant requirements of s.459 of the Act has been met and that a 30 day extension is appropriate. As the 30 day period expired at midnight on 1 January 2020, the extension period will operate from 1 January 2020.

[6] An order has been separately issued in PR715623.

De The seal of the Fair Work Commission is circular. It features the text "THE SEAL OF THE FAIR WORK COMMISSION" around the top inner edge and "AUSTRALIA" at the bottom. In the center is the Australian coat of arms, which includes a shield supported by a kangaroo and an emu, with a seven-pointed star above.

DEPUTY PRESIDENT

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