



DECISION

Fair Work Act 2009

s.437 - Application for a protected action ballot order

The Australian Federation of Air Pilots

v

Skytraders Pty Ltd

(B2024/1686)

DEPUTY PRESIDENT HAMPTON

ADELAIDE, 23 DECEMBER 2024

Proposed protected action ballot of employees of Skytraders Pty Ltd.

[1] This is an application by the Australian Federation of Air Pilots (**AFAP** 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 Skytraders Pty Ltd (**Skytraders** or **Employer**).

[2] On 23 December 2024, the Commission was advised that the Employer did not object to 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 declaration of Andrew Zoltan Molnar, Legal Counsel, setting out the steps taken by the AFAP in bargaining with the Employer and that it has been, and is, genuinely trying to reach agreement with Skytraders, 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.

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

[6] 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 17 January 2025.¹ This also establishes the ballot period for the purpose of s.448A(2) of the Act.

[7] An Order has been separately issued in PR782800.

[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

¹ This is, in effect, 15 working days from the date of the Order, and was the date sought in the application

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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