



Fair Work Commission Amendment (Applications for Protected Action Ballot Orders) Rules 2016

I, Iain Ross AO, President of the Fair Work Commission, acting after consultation with the Members of the Fair Work Commission, make the following rules.

Dated 22 December 2016

Iain Ross AO
President of the Fair Work Commission

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1 Name

This instrument is the *Fair Work Commission Amendment (Applications for Protected Action Ballot Orders) Rules 2016*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 January 2017.	1 January 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Fair Work Act 2009*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Fair Work Commission Rules 2013

1 Subrules 31(1) and (2)

Repeal the subrules, substitute:

- (1) An application under section 437 of the Act for a protected action ballot order must be accompanied by:
- (a) a draft order in the terms sought by the applicant; and
 - (b) a statutory declaration by the applicant setting out the basis on which the Commission can be satisfied that the requirements of paragraph 443(1)(b) of the Act have been met.

Note 1: If the protected action ballot agent is to be the Australian Electoral Commission, the copy of the application served on the Australian Electoral Commission should be accompanied by a completed information form. The information form could in 2016 be viewed on the Australian Electoral Commission website (<http://www.aec.gov.au>).

Note 2: The statutory declaration must be in the approved form—see subrule 8(2).

2 Clause 1 of Schedule 1 (after table item dealing with form F34)

Insert:

F34B	Bargaining	Statutory Declaration in Support of an Application for a Protected Action Ballot Order	Section 437 of the Act and rule 31	Applicant	Respondent	Within 24 hours after lodgment with the Commission
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