



Australian Government
Department of Immigration
and Border Protection

Statement

PIA Suspension

4, April 2016

The Fair Work Commission has issued an interim suspension order for all protected industrial action being undertaken by Community and Public Sector Union members of the Department of Immigration and Border Protection, including the Australian Border Force (ABF).

This means that all staff are expected to report for normal rostered duty, with immediate effect, pending the outcome of a final hearing on 5 April where further orders will be made. This order took effect as of 12:15am this morning (4 April).

There is real risk that over time the industrial action will affect the capacity of the Australian Border Force to protect Australia's border, increasing the likelihood of drug traffickers, child sex offenders, other criminals and persons who are national security risks (such as returning foreign fighters), or harmful and illicit goods in cargo, getting into the country undetected.

These risks, plus the rapidly diminishing ability of the ABF to plug the gaps caused by this round of industrial action, are of immediate concern to the ABF Commissioner, who had no sensible alternative but to legally seek a halt to the action being taken.

The Department recognises the right of employees to take PIA and has not sought to capriciously remove the right of employees to participate in PIA.

However the current action poses an unacceptable risk to the community and this is why we have sought suspension.

We have not taken this decision lightly and are committed to bargaining in good faith – within the parameters of the Government's bargaining policy – to achieve the best possible outcome for our workforce.

Media contact: Immigration and Border Protection (02) 6264 2244

Released by DIBP under the
Freedom of Information Act 1982

CLEARANCE:

Cleared by	Title	Time/Date
Matt Wardell	A/g AS Communication and Media	4 April 2016
Jill Charker	Deputy Secretary, Corporate Group	0945 4 April 2016

TALKING POINTS

Subject	Protected Industrial Action (PIA) - latest
Date	5 April 2016
	Ministerial
Media Officer	David Seale s. 22(1)(a)(ii)

ISSUE

Media interest in the Fair Work Commission's interim suspension order of all protected industrial action involving DIBP pending the outcome of a final hearing on 7-8 April.

TALKING POINTS

- On 3 April the Fair Work Commission issued an interim suspension order for all protected industrial action being undertaken by Community and Public Sector Union members of my Department, including the Australian Border Force (ABF).
- This means that all staff are expected to report for normal rostered duty pending the outcome of a final hearing on 7-8 April where further orders will be made. This order took effect at 12.15am 4 April.
- The industrial action to date has excluded key security personnel, in particular the staff working in the Counter Terrorism Units. In addition, the Australian Federal Police has primary responsibility for airport security and they are not involved in the strike.
- While the industrial action is resulting in some processing delays, it is not assessed as making the airports a more attractive target for a Brussels-style attack.
- However, despite that, I understand there is a growing concern that over time the industrial action will affect the capacity of the Australian Border Force to manage all responsibilities.
- The emergent security issue is the likelihood of drug traffickers, child sex offenders, other criminals and persons who are national security risks (such as returning foreign fighters), or harmful and illicit goods in cargo, getting into the country undetected.
- For example, intelligence was received recently that a people smuggler is targeting Australia through the air stream specifically because of the higher prospect of getting through undetected while industrial action is occurring.
- These risks, plus the rapidly diminishing ability of the ABF to plug the gaps caused by this round of industrial action, is of immediate concern to the ABF Commissioner, who has advised me that there is no sensible alternative but to legally seek a halt the action being taken.

- As a result, the Fair Work Commission held an interim hearing on Sunday (3 April) and issued interim orders to suspend the industrial action.

If asked:

Why has the Department adopted this approach when the PM has consistently said there is no threat to national security at airports?

- The wide-ranging, rolling, and ongoing nature of the current PIA creates an unacceptable risk to the safety and security of the Australian community. These threats are not related specifically to aviation security and the physical protection of airports, as described by the Prime Minister.
- The ABF has a much broader role in protecting Australians from the entry of dangerous goods – including drugs and weapons – and those individuals who may pose a threat to our community. It is this critical border security role which is being undermined by the current PIA.
- It is also worth noting the fact the CPSU was prepared to refrain from industrial action over Easter, in the immediate wake of the terrorist attacks in Brussels, highlights that they recognise that systemic, sustained action will bear on national security interests.

Is the Department acting in good faith?

- The Department, including its operational enforcement arm the ABF, recognises the right of its officers to take PIA. However, the current action represents an unacceptable risk to the community. Therefore, the Department is seeking a suspension of the current PIA in an attempt to get back to the bargaining table and resume enterprise agreement negotiations.

On what authority did the Department apply to the Fair Work Commission?

- DIBP lodged an application for suspension of PIA under s.424 of the Fair Work Act (2009).

What is section 424 of the Fair Work Act?

Suspension or termination of protected industrial action

(1) The FWC must make an order suspending or terminating protected industrial action for a proposed enterprise agreement that:

- (a) is being engaged in; or
- (b) is threatened, impending or probable;

if the FWC is satisfied that the protected industrial action has threatened, is threatening, or would threaten:

- (c) to endanger the life, the personal safety or health, or the welfare, of the population or of part of it; or
- (d) to cause significant damage to the Australian economy or an important part of it.

(2) The FWC may make the order:

- (a) on its own initiative; or
- (b) on application by any of the following:

- (i) a bargaining representative for the agreement;
- (ii) the Minister.

How quickly can a s.424 determination be made?

- According to the FWA, applications under s.424 must be determined by the FWC within five days, or an interim order made suspending the PIA to which the application relates, until that application is determined. Relevant extract:
 - (3) If an application for an order under this section is made, the FWC must, as far as practicable, determine the application within 5 days after it is made.
- Interim orders
 - (4) If the FWC is unable to determine the application within that period, the FWC must, within that period, make an interim order suspending the protected industrial action to which the application relates until the application is determined.

Wasn't the final hearing meant to be 5 April – why has it been postponed?

- On 4 April, the CPSU was granted a brief adjournment on 4 April allowing it more time to prepare for the final Fair Work Commission hearing.
- The final hearing has been re-listed over two days on 7 and 8 April.
- The adjournment was made on the basis of procedural fairness to ensure both parties had adequate time to prepare.

BACKGROUND:

Chronology of Fair Work Commission proceedings

On **1 April**, the Department formally sought the assistance of the Fair Work Commission with an application for suspension of all protected industrial action.

Suspension has been sought in response to the risk that PIA, in its current form, is presenting to the security of Australia's borders and the Department's much broader role to protect the Australian community from dangerous goods and those individuals who would do Australia harm. Suspension of PIA will also allow full attention to focus on a return to the bargaining table to discuss a revised enterprise agreement offer.

This application was made under s.424 of the Fair Work Act which provides the Fair Work Commission with powers to suspend or terminate PIA that has threatened, is threatening or would threaten to endanger the life, the personal safety or health, or the welfare, of the population or of part of it.

The Fair Work Commission met with the Australian Government Solicitor (representing the Commonwealth/DIBP) and the CPSU's legal representatives on **1 April**. At this meeting, a directions hearing was set for **2 April**.

The hearing on 2 April went for more than five hours and centred on whether the commission should consider an application for interim relief, which it did. A further hearing on **3 April** determined an interim order for suspension of PIA should be made pending the outcome of the final hearing set for 10am on **5 April**.

At the **3 April** hearing, the Fair Work Commission granted interim orders suspending PIA until any further orders are issued. Further orders are expected to be issued after the final hearing.

CLEARANCE:

Drafted by	Title	Time/Date cleared
David Seale	A/g AS, Communication and Media Branch	10pm, 3 April 2016

Cleared by	Title	Time/Date cleared
Michael Outram	Acting ABF Commissioner	10:43pm, 3 April 2016

TALKING POINTS

Subject	Protected industrial action – Fair Work Commission suspension
Date	5 April 2016
	Agency
Media Officer	s. 22(1)(a)(ii) 02 6264 2244

ISSUE

Talking points on the suspension of PIA by the Fair Work Commission.

TALKING POINTS

- The Fair Work Commission has issued an interim suspension order for all protected industrial action being undertaken by Community and Public Sector Union members of the Department of Immigration and Border Protection, including the Australian Border Force (ABF).
- This means that all staff are expected to report for normal rostered duty pending the outcome of a final hearing on 7-8 April where further orders will be made. This order took effect as of 12:15am 4 April.
- There is real risk that over time the industrial action will affect the capacity of the Australian Border Force to protect Australia's border, increasing the likelihood of drug traffickers, child sex offenders, other criminals and persons who are national security risks (such as returning foreign fighters), or harmful and illicit goods in cargo, getting into the country undetected.
- These risks, plus the rapidly diminishing ability of the ABF to plug the gaps caused by this round of industrial action, is of immediate concern to the ABF Commissioner, who had no sensible alternative but to legally seek a halt the action being taken.
- The Department recognises the right of employees to take PIA and has not sought to capriciously remove the right of employees to participate in PIA.
- The current action represents an unacceptable risk to the community and this is why we have sought suspension.
- We have not taken this decision lightly and are committed to bargaining in good faith – within the parameters of the Government's bargaining policy – to achieve the best possible outcome for our workforce.

If asked:

Why has the Department adopted this approach when the PM has consistently said there is no threat to national security at airports?

- The wide-ranging, rolling, and ongoing nature of the current PIA creates an unacceptable risk to the safety and security of the Australian community. These threats are not related specifically to aviation security and the physical protection of airports, as described by the Prime Minister.
- The ABF has a much broader role in protecting Australians from the entry of dangerous goods – including drugs and weapons – and those individuals who may pose a threat to our community. It is this critical border security role which is being undermined by the current PIA.
- It is also worth noting the fact the CPSU was prepared to refrain from industrial action over Easter, in the immediate wake of the terrorist attacks in Brussels, highlights that they recognise that systemic, sustained action will bear on national security interests.

Is the Department acting in good faith?

- The Department, including its operational enforcement arm the ABF, recognises the right of its officers to take PIA. However, the current action represents an unacceptable risk to the community. Therefore, the Department is seeking a suspension of the current PIA in an attempt to get back to the bargaining table and resume enterprise agreement negotiations.

On what authority did the Department apply to the Fair Work Commission?

- DIBP lodged an application for suspension of PIA under s.424 of the Fair Work Act (2009).

What is section 424 of the Fair Work Act?

Suspension or termination of protected industrial action

(1) The FWC must make an order suspending or terminating protected industrial action for a proposed enterprise agreement that:

- a) is being engaged in; or
- b) is threatened, impending or probable;

if the FWC is satisfied that the protected industrial action has threatened, is threatening, or would threaten:

- c) to endanger the life, the personal safety or health, or the welfare, of the population or part of it; or
- d) to cause significant damage to the Australian economy or an important part of it.

(2) The FWC may make the order:

- a) on its own initiative; or
- b) on application by any of the following:
 - i. a bargaining representative for the agreement;
 - ii. the Minister.

How quickly can a s.424 determination be made?

- According to the FWA, applications under s.424 must be determined by the FWC within five days, or an interim order made suspending the PIA to which the application relates, until that application is determined. Relevant extract:
 - (3) If an application for an order under this section is made, the FWC must, as far as practicable, determine the application within 5 days after it is made.
- Interim orders
 - (4) If the FWC is unable to determine the application within that period, the FWC must, within that period, make an interim order suspending the protected industrial action to which the application relates until the application is determined.

Wasn't the final hearing meant to be 5 April – why has it been postponed?

- On 4 April, the CPSU was granted a brief adjournment on 4 April allowing it more time to prepare for the final Fair Work Commission hearing.
- The final hearing has been re-listed over two days on 7 and 8 April.
- The adjournment was made on the basis of procedural fairness to ensure both parties had adequate time to prepare.

CLEARANCE:

Drafted by	Title	Time/Date cleared
David Seale	A/g AS, Communication and Media Branch	10pm, 3 April 2016

Cleared by	Title	Time/Date cleared
Michael Outram	Acting ABF Commissioner	10:43pm, 3 April 2016

TALKING POINTS

Subject	Interim suspension of PIA 30 September	
Date	1 August 2016	
	Agency	
Media Officer	s. 22(1)(a)(ii)	02 6264 2244

ISSUE

Media interest in the Fair Work Commission's interim suspension order of all protected industrial action involving DIBP pending the outcome of a final hearing on 5 October.

TALKING POINTS

- On 30 September the Fair Work Commission issued an interim suspension order for all protected industrial action (PIA) being undertaken by Community and Public Sector Union members of the Department, including the Australian Border Force (ABF).
- The order will take effect at 21:00 on 30 September. This means that all staff are expected to report for normal rostered duty from 2100 tonight.
- The matter has been listed for further hearing on 5 October 2016.
- The decision to seek assistance from the Fair Work Commission to secure a suspension of PIA was taken today after much deliberation. This decision was not taken lightly.

IF ASKED

On what authority did the Department apply to the Fair Work Commission?

- The Department lodged an application for suspension of PIA under s.424 of the Fair Work Act (2009).

What is section 424 of the Fair Work Act?

Suspension or termination of protected industrial action

(1) The FWC must make an order suspending or terminating protected industrial action for a proposed enterprise agreement that:

- (a) is being engaged in; or
- (b) is threatened, impending or probable;

if the FWC is satisfied that the protected industrial action has threatened, is threatening, or would threaten:

- (c) to endanger the life, the personal safety or health, or the welfare, of the population or of part of it; or
- (d) to cause significant damage to the Australian economy or an important part of it.

- (2) The FWC may make the order:
- (a) on its own initiative; or
 - (b) on application by any of the following:
 - (i) a bargaining representative for the agreement;
 - (ii) the Minister.

How quickly can a s.424 determination be made?

- According to the FWA, applications under s.424 must be determined by the FWC within five days, or an interim order made suspending the PIA to which the application relates, until that application is determined. Relevant extract:

(3) If an application for an order under this section is made, the FWC must, as far as practicable, determine the application within 5 days after it is made.

Interim orders

(4) If the FWC is unable to determine the application within that period, the FWC must, within that period, make an interim order suspending the protected industrial action to which the application relates until the application is determined.

BACKGROUND:

Chronology of Fair Work Commission proceedings

On 30 September, the Department made an application to the Fair Work Commission to suspend all protected industrial action.

Suspension has been sought in response to the risk that PIA, in its current form, is presenting to the security of Australia's borders and the Department's much broader role to protect the Australian community from dangerous goods and those individuals who would do Australia harm. Suspension of PIA will also allow full attention to focus on a return to the bargaining table to discuss a revised enterprise agreement offer.

This application was made under s.424 of the Fair Work Act which provides the Fair Work Commission with powers to suspend or terminate PIA that has threatened, is threatening or would threaten to endanger the life, the personal safety or health, or the welfare, of the population or of part of it.

At the 30 September hearing, the Fair Work Commission granted interim orders suspending PIA until any further orders are issued. Further orders are expected to be issued after the final hearing

CLEARANCE:

Drafted by	Title	Time/Date cleared
s. 22(1)(a)(ii)	Media Officer	10:30am 22 Sept 2016

Cleared by	Title	Time/Date sent	Time/Date
David Leonard	AS David Leonard	2:52pm 22 Sept 2016	3:24pm 22 Sept 2016
Murali Venugopal	FAS People Division		4:12pm 22 Sept 2016
Clive Murray	Assistant Commissioner	3:49pm 22 Sept 2016	5:42pm 22 Sept 2016
Alicia Wright	AS Commercial and Employment Law	5:55pm 22 Sept 2016	4:14pm 23 Sept 2016
Dave Seale	A/g AS, Media and Executive Coordination	Time DD Month 2016	Time DD Month 2016
Jill Charker	Dep Sec Corporate		CLEARED

MO cleared	Sent to MO	Cleared by MO
Full Name	Time DD Month 2016	Time DD Month 2016

TALKING POINTS

Subject	Contingency talking points for PIA commencing 26 September
Date	30 September 2016
	Agency
Media Officer	s. 22(1)(a)(ii) 02 6264 2244

ISSUE

The Community Public Sector Union provided notice to the Department of protected industrial action by members from 26 September until 16 October on a rolling basis. This action is viewed by the Department to be an unwarranted escalation of industrial action and holds the potential to significantly disrupt the Department's operations.

The Department is considering approaching the Fair Work Commission to get an interim suspension order for the current round protected industrial action.

These are contingency talking points in case the Department lodges an application to FWC on or after Monday 26 September.

TALKING POINTS

- At XXX the Department lodged an application to the Fair Work Commission for a suspension order for all protected industrial action (PIA) being undertaken by Community and Public Sector Union members of the Department, including the Australian Border Force.
- The Department is doing everything in its lawful powers to ensure that the safety of the community and our staff is not put at risk or compromised by the action.
- While the Department recognises the right of its employees to engage in protected industrial action in support of bargaining claims, the notified PIA is in a form which is a significant escalation to the form of PIA determined by the Fair Work Commission in April to put community safety at risk.
- The Department has not sought to remove the right of employees to participate in PIA, but has come to the conclusion that if it is to continue, the current PIA poses an unacceptable risk to the safety of the Australian community and this is why the Department has sought suspension.
- The Department has not taken the decision to pursue assistance from the Fair Work Commission lightly and is committed to continuing to bargain in good faith to achieve the best possible outcome for our workforce.

ISSUE

These are contingency talking points in case the application to FWC is approved.

Media interest in the Fair Work Commission's interim suspension order of all protected industrial action involving DIBP pending the outcome of a final hearing on XXXX.

TALKING POINTS

- On XXX the Fair Work Commission issued an interim suspension order for all protected industrial action (PIA) being undertaken by Community and Public Sector Union members of the Department, including the Australian Border Force (ABF).
- This means that all staff are expected to report for normal rostered duty pending the outcome of a final hearing on XXX where further orders will be made. This order took effect at XXX.
- The Department lodged the application for a suspension at XXX after coming to the conclusion that the current protected industrial action posed an unacceptable risk to the community.
- The emergent security issue is the possibility of persons who are security risks or harmful and illicit goods entering the country undetected.
- These risks, in addition to the rapidly diminishing ability of the ABF to maintain usual capabilities at the border during this round of industrial action is of immediate concern to the Department.
- The Department is disappointed that CPSU has again elected to undertake systemic, sustained PIA which is likely to create unreasonable levels of disruption and uncertainty across critical functions of the Department and will most likely limit the Australian Border Force's ability to mitigate threats and risks at the border.
- The Department recognises the right of employees to take PIA and has not sought to remove the right of employees to participate in PIA.
- The Department has not taken this decision lightly and is committed to bargaining in good faith to achieve the best possible outcome for our workforce.

ISSUE

These are contingency talking points in case the application to FWC is rejected.

TALKING POINTS

- The Department accepts the Fair Work Commission's decision to allow protected industrial action (PIA) being undertaken by Community and Public Sector Union members of the Department, including the Australian Border Force to continue.
- The Department will continue to do everything in its lawful powers to ensure that the safety of the community and our staff is not put at risk or compromised by the action.
- Should risk to the safety of the Australian community be identified, the Department will again seek the assistance of the Fair Work Commission.
- We are working closely with stakeholders to minimise the impact of PIA on business, the travelling public and on cargo. We also have appropriate contingencies in place for visa and citizenship services.
- Only members of the CPSU who are employed within the Department, including the ABF, can participate in the protected industrial action.
- Contingencies remain in place to keep Australia's borders secure, however, passengers travelling internationally until 9 October should expect delays at airports and arrive early for flights.



IF ASKED

Why has the Department adopted this approach when it has consistently said there is no threat to national security at airports?

- The wide-ranging, rolling and ongoing nature of the current PIA creates an unacceptable risk to the safety and security of the Australian community. These threats are not related specifically to aviation security and the physical protection of airports.
- The ABF has a much broader role in protecting Australians from the entry of dangerous goods – including drugs and weapons – and those individuals who may pose a threat to the community. It is this critical border security role which is being undermined by the current PIA.

Is the Department acting in good faith?

- The Department, including its operational enforcement arm the ABF, recognises the right of its officers to take PIA. However, the current action represents an unacceptable risk to the community. Therefore, the Department is seeking a suspension of the current PIA while representatives are currently at the bargaining table to negotiate the best possible Enterprise Agreement for staff.

On what authority did the Department apply to the Fair Work Commission?

- The Department lodged an application for suspension of PIA under s.424 of the Fair Work Act (2009).

What is section 424 of the Fair Work Act?

Suspension or termination of protected industrial action

(1) The FWC must make an order suspending or terminating protected industrial action for a proposed enterprise agreement that:

- (a) is being engaged in; or
- (b) is threatened, impending or probable;

if the FWC is satisfied that the protected industrial action has threatened, is threatening, or would threaten:

- (c) to endanger the life, the personal safety or health, or the welfare, of the population or of part of it; or
- (d) to cause significant damage to the Australian economy or an important part of it.

(2) The FWC may make the order:

- (a) on its own initiative; or
- (b) on application by any of the following:
 - (i) a bargaining representative for the agreement;
 - (ii) the Minister.

How quickly can a s.424 determination be made?

- According to the FWA, applications under s.424 must be determined by the FWC within five days, or an interim order made suspending the PIA to which the application relates, until that application is determined. Relevant extract:

(3) If an application for an order under this section is made, the FWC must, as far as practicable, determine the application within 5 days after it is made.

Interim orders

(4) If the FWC is unable to determine the application within that period, the FWC must, within that period, make an interim order suspending the protected industrial action to which the application relates until the application is determined.

BACKGROUND:

Chronology of Fair Work Commission proceedings

On XXX, the Department formally sought the assistance of the Fair Work Commission with an application for suspension of all protected industrial action.

Suspension has been sought in response to the risk that PIA, in its current form, is presenting to the security of Australia's borders and the Department's much broader role to protect the Australian community from dangerous goods and those individuals who would do Australia harm. Suspension of PIA will also allow full attention to focus on a return to the bargaining table to discuss a revised enterprise agreement offer.

This application was made under s.424 of the Fair Work Act which provides the Fair Work Commission with powers to suspend or terminate PIA that has threatened, is threatening or would threaten to endanger the life, the personal safety or health, or the welfare, of the population or of part of it.

The Fair Work Commission met with the Australian Government Solicitor (representing the Commonwealth/DIBP) and the CPSU's legal representatives on XXX. At this meeting, a directions hearing was set for XXX.

The hearing on XXX went for more than five hours and centred on whether the commission should consider an application for interim relief, which it did. A further hearing on XXX determined an interim order for suspension of PIA should be made pending the outcome of the final hearing set for XXX on XXX.

At the XXX hearing, the Fair Work Commission granted interim orders suspending PIA until any further orders are issued. Further orders are expected to be issued after the final hearing.

CLEARANCE:

Drafted by	Title	Time/Date cleared
s. 22(1)(a)(ii)	Media Officer	10:30am 22 Sept 2016

Cleared by	Title	Time/Date sent	Time/Date
David Leonard	AS David Leonard	2:52pm 22 Sept 2016	3:24pm 22 Sept 2016
Murali Venugopal	FAS People Division		4:12pm 22 Sept 2016
Clive Murray	Assistant Commissioner	3:49pm 22 Sept 2016	5:42pm 22 Sept 2016
Alicia Wright	AS Commercial and Employment Law	5:55pm 22 Sept 2016	4:14pm 23 Sept 2016
Dave Seale	A/g AS, Media and Executive Coordination	Time DD Month 2016	Time DD Month 2016
Jill Charker	Dep Sec Corporate		

MO cleared	Sent to MO	Cleared by MO
Full Name	Time DD Month 2016	Time DD Month 2016



Media release

Fair Work grants interim suspension to PIA

30 September 2016

The Fair Work Commission has granted an interim order of suspension to all protected industrial action (PIA) after an application from the Department of Immigration and Border Protection (DIBP).

The order takes effect at 9 pm tonight (30 September) and applies to all Community and Public Sector Union (CPSU) members in the Department of Immigration and Border Protection—including the Australian Border Force—who have been undertaking PIA.

All staff are expected to return to normal rostered duty from that time so business as usual operations can resume.

The suspension order will remain in effect while the Fair Work Commission considers the matter. A hearing has been scheduled for 5 October 2016. Further orders will be made at or after that time.

The decision to seek assistance from the Fair Work Commission to secure a suspension of PIA was taken today after much deliberation. This decision was not taken lightly.

Media contact: Immigration and Border Protection (02) 6264 2244

CLEARANCE:

Drafted by	Title	Time/Date cleared
------------	-------	-------------------

s. 22(1)(a)(ii)	Media Officer	1pm 30 Sept 2016
-----------------	---------------	------------------

[REDACTED]

Cleared by	Title	Time/Date sent	Time/Date
David Leonard	AS David Leonard		
Murali Venugopal	FAS People Division		
Mark Antill	Commander Operations		
Alicia Wright [REDACTED]	AS Commercial and Employment Law		
Dave Seale	A/g AS, Media and Executive Coordination		
Jill Charker	Dep Sec Corporate		CLEARED



Australian Government
Department of Immigration
and Border Protection

Media release

Fair Work Commission orders termination of protected industrial action

05, October 2016

The Fair Work Commission has made an order to terminate Protected Industrial Action (PIA) in the Department of Immigration and Border Protection (DIBP) following a hearing today.

This means that PIA can no longer be taken by DIBP employees, including those in the Australian Border Force.

Consistent with the requirements of the Fair Work Act, discussions will now occur between the Department and bargaining representatives over the next 21 days to identify areas of agreement.

Matters that cannot be agreed will be subject to arbitration by the Full Bench of the Fair Work Commission.

DIBP attended today's hearing in Melbourne, along with the Community and Public Sector Union (CPSU), following the Department's application to the commission on 30 September 2016.

The Department has been bargaining in good faith throughout the process—for this, and previous enterprise agreements—and remains firmly committed to achieving the best outcome possible for staff within budgetary and policy settings.

Media contact: Immigration and Border Protection (02) 6264 2244

TWEET (150 Characters):

XXXX

CLEARANCE:

Released by DIBP under the
Freedom of Information Act 1982

Drafted by	Title	Time/Date cleared
s. 22(1)(a)(ii)	Director, Media Operations	5.49pm, 05 October 2016

Cleared by	Title	Time/Date sent	Time/Date
Full Name	Position (Agency if required)	Time DD Month 2016	Time DD Month 2016
		Time DD Month 2016	Time DD Month 2016
		Time DD Month 2016	Time DD Month 2016
s. 22(1)(a)(ii)	A/g Director, Media Operations	Time DD Month 2016	Time DD Month 2016
David Seale	A/g AS, Media & Executive Coordination	Time DD Month 2016	Time DD Month 2016

MO cleared	Sent to MO	Cleared by MO
Full Name	Time DD Month 2016	Time DD Month 2016