

Senate Finance and Public Administration Legislation Committee — Budget Estimates Hearing—May 2017

Answers to Questions on Notice

Parliamentary departments, Department of Parliamentary Services

Topic: EA Ballot - casual staff

Question: 37

Hansard Reference: p 122, 22 May 2017

Date set by the committee for the return of answer: 7 July 2017

Senator McALLISTER: I am assuming it is fairly stable and I am interested to know whether it has changed substantially since the time of the ballot. But assuming that at the time of the ballot it was as you say it is now, 75 people, if only 56 vote then obviously there is a third of your casual employees excluded from participating. It would seem to me that if there are alternative interpretations of the Fair Work Act available to you about eligibility for voting that it would be fair to pursue those alternatives. I would have thought excluding a third of the participants from the voting process was a problem.

Ms Croke: I am happy to take that on notice and have a look at that. I think in the particular case of our vote last December, those numbers would not have affected the outcome of the vote.

Senator McALLISTER: I am not asserting that they did. I am not asking that question. I am simply observing that in these processes if you are seeking buy-in, casual staff are often a more than usually vulnerable group of employees. In other organisations there are often assertions about casual staff's interests being overlooked. I would have thought enabling as many casual staff as possible to express a view about the agreement would have been a desirable outcome from a management perspective but also from an equity perspective. I would encourage you to have a look at that. I would appreciate advice on the approach you intend to take at the next ballot too; if you could take that on notice.

Ms Croke: I will take that on notice.

Answer

The legal advice provided to DPS supports the interpretation that section 181 of the Fair Work Act permits only casuals rostered on or employed during the two week access and ballot period to vote in the ballot.

For a future ballot, DPS would propose to follow the legal advice provided in December 2016 with reference to the nature of the casual workforce at the time of the ballot. Should there be any changes in case law on this matter, DPS would likely seek further legal advice.