

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Budget Estimates 2012-2013**

**Agency - Fair Work Australia**

**DEEWR Question No.** EW0175\_13

**Senator Abetz asked on 28 May 2012 , Hansard page 44**

**Question**

**FWA - Voter eligibility in Protected Action Ballots.**

Senator ABETZ: For a protected action ballot, if you had 100 workers and, say, 30 of them were in the union, who would get to vote for the protected action? All 100 workers or only the 30 union members? Ms O'Neill: I will have to take that on notice.  
Senator ABETZ: All right, if you could.

**Answer**

*Fair Work Australia has provided the following response:*

To vote in a protected action ballot, the employee must be on the roll of voters.

Section 453 of the *Fair Work Act 2009* provides:

An employee is eligible to be included on the roll of voters for a protected action ballot only if:

- a) The employee will be covered by the proposed enterprise agreement to which the protected action ballot relates; and
- b) On the day the order is made the employee
  - (i) was represented by a bargaining representative who was an applicant to the order; and
  - (ii) was included in the group of employees originally specified in that order.

Any of the 100 employees who met the criteria set out in section 453 would be eligible to vote.