

Standing Committee on Finance and Public Administration

ANSWER TO QUESTION ON NOTICE

Budget Estimates Hearing – May 2010

Finance and Deregulation Portfolio

Outcome 2, Program 2.1.5

Topic: Protected Action Ballots/Industrial Elections

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Senator Ryan asked:

Mr Dacey—In relation to protected action ballots, there is a requirement after every election for us to lodge a report, and there have been 565 of those ballots since 2005-06.

...

Senator RYAN—What I was after was just the copies of the relevant reports from the current financial year that you have already prepared. I am not asking for the preparation of any additional reports, which I would imagine, given there have been 500 in the last five years—

Mr Dacey—Sorry, Senator—I misled you and others. There have been 565 protected action ballots so far this financial year.

Senator RYAN—I would imagine it is not difficult to send us a big email or a CD.

Mr Killesteyn—We will take it on notice and I will have a look at the amount of work that is involved in collecting that. If it is within the resources that I have, bearing in mind that we are also preparing for an election, then we will provide that information.

Answer:

For industrial elections, the Australian Electoral Commission (AEC) is required under section 197 of the *Fair Work (Registered Organisations) Act 2009* to provide a post election report after the completion of each election to Fair Work Australia and to the organisation or branch for which the election was conducted. To date in 2009-10 (to end May) the AEC has conducted 234 industrial elections. Post election reports for 175 of these elections have been completed and are provided on the attached CD.

For protected action ballots, the AEC is required under section 458 of the *Fair Work Act 2009* to provide a written report to Fair Work Australia about the conduct of a ballot only if the AEC receives any complaints or becomes aware of any irregularities in relation to the conduct of the ballot. To date in 2009-2010 (to end May 2010) the AEC has conducted 608 protected action ballots. (Note - this is an update of the 565 at the time of the Budget Estimates hearing.) Of these, eight have required the AEC to prepare a written report, and these are also included on the attached CD.