

## Standing Committee on Finance and Public Administration

### ANSWER TO QUESTION ON NOTICE

Australian Electoral Commissioner

Finance and Deregulation Portfolio

Supplementary Estimates Hearing – October 2010

#### Outcome 1, Program 1.2

Topic: Costs of legal action involving unions and non-unions

Question reference number: F94

Type of Question: Written

Date set by the committee for the return of answer: 3 December 2010

Number of Pages: 1

Senator Ryan asked:

- a) How many times have unions taken legal action against the AEC for issues relating to the Commonwealth Electoral Act 1918?
- b) What was the total cost to the AEC for legal action by unions against the AEC for issues relating to the Commonwealth Electoral Act 1918?
- c) How many times have non-unions taken legal action against the AEC for issues relating to the Commonwealth Electoral Act 1918?
- d) What was the total cost to the AEC for legal action by non-unions against the AEC for issues relating to the Commonwealth Electoral Act 1918?
- e) Which unions undertook legal action against the AEC in 2008-09?
- f) Which non-unions undertook legal action against the AEC in 2009-10?
- g) What was the cost for each legal action against the AEC in 2009-10?

#### Answer:

The AEC conducts fee for service elections under section 7A of the *Commonwealth Electoral Act 1918* (Electoral Act). These elections can include union elections otherwise than those conducted under the *Fair Work Act 2009* and under the *Fair Work (Registered Organisations) Act 2009*. There has been no litigation involving fee for service elections conducted by the AEC. Other litigation involving Electoral Act is discussed in the AEC's Annual Reports covering the relevant period and the issues and cost of the litigation also appear in those Annual Reports.

The AEC incurred legal costs involving matters under Electoral Act and the *Fair Work Act 2009* and under the *Fair Work (Registered Organisations) Act 2009* were set out in the answer to Senator Ryan's question in the May 2010 Estimates (Question F110).

For the 2009 – 2010 financial year the AEC was involved in litigations involving the Health Services Union, the Australian Licenced Aircraft Engineers Association and the Australian Salaried Medical Officers Federation and incurred external legal costs totalling approximately \$132,985.00.