

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
ADDITIONAL ESTIMATES 2014-15

Finance Portfolio

Department/Agency: Australian Electoral Commission
Outcome/Program: General
Topic: Costs of a protected action ballot

Senator: Seselja

Question reference number: F34

Type of question: Hansard, F&PA Committee, Page 112, 24 February 2015

Date set by the committee for the return of answer: Friday, 10 April 2015

Number of pages: 1

Question:

Senator SESELJA: I am not sure if you can enlighten us on this, and maybe it is a question for Fair Work, but, in those circumstances where the AEC does not do it as the default and it is outsourced to someone else, would the individual union pay for that? Who pays in that circumstance? Who pays when the AEC does it? Is that paid for by the union or is it just covered by the AEC?

Mr Pirani: When the AEC does it under the Fair Work Act, the Commonwealth in fact pays the cost. That is my understanding.

Senator SESELJA: If it is done by someone other than the AEC, does the Commonwealth pay?

Mr Pirani: I would have to take that on notice.

Answer:

Further to the Electoral Commissioner's response at the committee hearing, section 465 of the *Fair Work Act 2009* provides that liability for all costs of protected action ballots (PABs) not conducted by the Australian Electoral Commission is borne by the applicant. Accordingly, in this instance, the individual union would be required to pay for the cost of the PAB.