

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: Elections for the Transport Workers' Union

Senator: Bernardi

Question reference number: F47

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Number of pages: 2

Question:

CHAIR: In regard to third-party elections the AEC conducts, does the AEC conduct elections for the Transport Workers' Union?

Mr Rogers: I would have to check the details on that and I will do so and come back to you. But we do protected action ballots for a broad range of organisations.

...

CHAIR: Are you currently conducting an election for various officers or official positions in the Transport Workers' Union in Australia?

Mr Rogers: I will have to check the details on that and I will come back to you with that answer.

CHAIR: What I am interested in is that there was a media report from December of last year that states 'The Transport Workers' Union NSW branch claimed to have nearly 41,000 members. That was its return to the Fair Work Commission. Yet a detailed analysis revealed it had slightly less than 25,000 effective financial members.' My question is, what steps has the AEC taken to satisfy itself that the TWU membership roll is in fact accurate? Also, has the AEC raised any concerns with the TWU regarding its accuracy?

Mr Rogers: I will take that on notice.

Answer:

The Australian Electoral Commission (AEC) has conducted various elections and ballots for the Transport Workers' Union (TWU) under both the provisions of the *Fair Work (Registered Organisations) Act 2009* and the *Fair Work Act 2009*.

Elections conducted by the AEC under the provisions of the *Fair Work (Registered Organisations) Act 2009* have been for various TWU national and state/territory branch offices and positions. For these elections, the AEC requires a registered organisation such as the TWU to provide a certified list of members for the respective branch and/or for the whole of the organisation to the AEC Returning Officer. It is an offence under the legislation to fail to provide the membership information. The AEC uses this information to then construct a

roll of voters for each individual election. During the election and up to 30 days after the declaration of the result, any member of the organisation, including candidates, may request a copy of the roll used for the election. It is also a requirement of the legislation that a declaration be provided that the membership information is accurate. It is an offence to make a false declaration.

Ballots conducted by the AEC under the provisions of the *Fair Work Act 2009* were protected action ballots (PABs) where the TWU was the applicant. PABs provide eligible employees with the opportunity to indicate whether there is agreement or not with proposed industrial action. For PABs, the AEC requests lists of eligible employees from both the applicant and the employer. The AEC then undertakes a matching process, cross-matching names on both lists. For an employee to be included on the roll of voters for the PAB they must appear on both lists. The regulations require the provision of a declaration with the lists that the information provided in them is complete, up-to-date and accurate.