

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: AEC's involvement in internal ballots

Senator: Bernardi

Question reference number: F48

Type of question: Hansard, F&PA Committee, Page 124, 24 February 2015

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

Number of pages: 2

Question:

CHAIR: Given the example of the TWU I have just used, it has claimed to have 41,000 members in the NSW branch in the returns to the Fair Work Commission. Yet an analysis suggests that it has only 25,000 members. Isn't there an element of concern that lending the AEC's name to an internal ballot or election legitimises the election even though the roll, which is supplied by the union, may be entirely corrupt? I am not making any allegations, but it may not be accurate. Yet they can then say, 'The AEC conducted our election. It was fair, honest and up-front. All our members were polled,' but it may not have any validity, in truth.

Mr Rogers: I will take that on notice, because I want to see the specifics of the information on the particular matter you have raised.

CHAIR: Okay. I am also interested on notice if you could provide a copy of the report. I do understand that you are conducting an election for the TWU and I am interested in a copy of the report on this election that was provided to the registry of the Fair Work Commission. Similarly, I am interested in obtaining a copy of the report of the last election that the AEC conducted for the Transport Workers' Union of Australia. Could you take that on notice.

Answer:

The Australian Electoral Commission (AEC) is required under the *Fair Work (Registered Organisations) Act 2009* (the Act) to conduct elections for various national, state and territory branch offices and positions within registered organisations.

The AEC requires a registered organisation such as the TWU to provide a list of members for the respective branch and/or for the whole of the organisation to the AEC Returning Officer for elections conducted under the Act. It is an offence under the legislation to fail to provide the membership information. It is also a requirement of the legislation that a declaration be provided that the membership information is accurate. 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 an offence to make a false declaration.

The AEC is not currently conducting any elections for the TWU. The last elections conducted by the AEC for the TWU under the Act were in late 2014 and early 2015. A copy of the relevant reports from these elections are published on the Fair Work Commission's website, and can be located as follows:

https://www.fwc.gov.au/documents/documents/industrialballotsresults/twu/twu_2015257.pdf

<http://www.e-airc.gov.au/files/179v/nps719B.pdf>