

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Additional Estimates 2010-2011**

Outcome 5–Workplace Relations

DEEWR Question No.EW0687_11

Senator Siewert provided in writing.

Question

ABCC - SECRET BALLOTS 'NO' VOTES

Since the introduction of secret ballots, how many have resulted in a 'no' vote against taking any industrial action at all?

Answer

Section 459 of the *Fair Work Act 2009* (as with former section 478 of the *Workplace Relations Act 1996*) provides that industrial action by employees is authorised if at least 50% of employees on the roll of voters for a protected action ballot voted in the ballot and more than 50% of the valid votes cast were votes approving the action.

From the commencement of protected action ballots in March 2006 to 31 March 2011, the Australian Electoral Commission (AEC) has conducted a total of 1,790 ballots across industries, (including the building and construction industry). The department is unable to obtain a breakdown by industry of the total number of ballots.

Of these, 173 (9.7%) did not meet the requirements for industrial action to be authorised. The reasons are as follows:

Less than 50% of employees on roll of voters did vote	122
At least 50% voted, resulting in a majority of 'no' votes	<u>51</u>
Total	173