



National Practice Leader's Statement

Review of approved eligible protected action ballot agents

Deputy President Hampton

Adelaide, 2 February 2026

Introduction

[1] This statement marks the commencement of the Fair Work Commission's review of approved eligible protected action ballot agents (**PAB Agents**) under section 468A(4) of the Fair Work Act 2009 (the **Act**). This statement follows the preliminary statement issued on 10 December 2025. The reviews are the first of their kind under the recent amendments introduced by the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 (SJBP)*, which commenced on 6 June 2023.

[2] Under s.468A(4), the Commission must, at least every 3 years following a person's approval as an eligible PAB Agent, consider whether it remains satisfied that the person or entity meets the requirements for approval.

[3] The requirements for a person to be a PAB agent are detailed in s.468A of the Act, as follows:

“468A Eligible protected action ballot agents

- (1) Each of the following is an eligible protected action ballot agent:
 - (a) the Australian Electoral Commission;
 - (b) a person approved by the FWC under subsection (2).
- (2) For the purposes of paragraph (1)(b), the FWC may, in writing, approve a person as an eligible protected action ballot agent if the FWC is satisfied that:
 - (a) the person is a fit and proper person to be an eligible protected action ballot agent; and
 - (b) any other requirements prescribed by the regulations are met.
- (3) The regulations may prescribe:
 - (a) conditions that a person must meet in order to satisfy the FWC that the person is a fit and proper person to be an eligible protected action ballot agent; and
 - (b) factors that the FWC must take into account in determining whether a person is a fit and proper person to be an eligible protected action ballot agent.
- (4) The FWC must, at least every 3 years after it approves a person as an eligible protected action ballot agent, consider whether the FWC remains satisfied that the person meets the requirements mentioned in subsection (2).

- (5) If, after considering the matter under subsection (4), the FWC is no longer satisfied that an eligible protected action ballot agent meets the requirements mentioned in subsection (2), the FWC must take:
- (a) any action prescribed by the regulations; and
 - (b) any other action the FWC considers appropriate.”

Scope of this review process

[4] Since 6 June 2023, the Commission has approved nine PAB Agents under s.468A(1)(b) of the Act. The review will cover all PAB Agents whose approvals are due for review between 20 June and 24 November 2026, as set out below:

PAB Agent	Review Deadline
CiVS	20 June 2026
TrueVote	20 June 2026
uComms	21 June 2026
Vero Voting	3 July 2026
Australian Election Company	3 July 2026
Crowd Faction	24 July 2026
IR Blots	24 November 2026
Fair Vote*	31 July 2026

*Fair Vote has an earlier review period as determined by the Commission due to their approval circumstances. See [\[2024\] FWC 1775](#) at [64] for more information.

[5] A previous NPL statement providing preliminary details on the Commission’s review of approved PAB agents was published on 10 December 2025.¹

Review Process and Timetable

[6] The Commission will commence the review process for the eight PAB Agents due for review by the end of 2026 on 2 February 2026.

[7] Each review will be considered on its own merits and assigned a separate matter number. However, the reviews will be conducted concurrently for effective use of Commission resources.

[8] The Commission will contact each PAB Agent whose approval is due for review, seeking submissions including:

- A report on matters completed, complaints received, changes in circumstances or senior personnel, and other criteria set out in the Form F34C (Application for approval as an eligible protected action ballot agent); and
- Disclosure of any adverse findings made by courts or tribunals against the agent or key personnel.

¹ See [National Practice Leader’s Statement: Review of approved eligible protected action ballot agents](#), Deputy President Hampton, Adelaide, 10 December 2025.

[9] The Commission will also issue a subscriber notice and update the appropriate webpage, inviting interested parties and the public to make submissions regarding the continuing eligibility of any relevant PAB Agent.

[10] Submissions will be open for 6 weeks, closing on 16 March 2026.

[11] The Commission may also conduct desktop research for each PAB Agent's review, including but not limited to the Commission's internal records.

[12] Where necessary, the National Practice Leader for Bargaining may request meetings with PAB Agents to discuss issues identified in submissions or research.

[13] If the Commission forms a preliminary view that a PAB Agent is no longer a fit and proper person, the agent will be informed and given an opportunity to be heard, which may involve further submissions or a hearing.

[14] Under s.468A(5) of the Act, if at the conclusion of its review the Commission is no longer satisfied that a PAB agent meets the requirements for approval mentioned in s.468A(2) it must take any action prescribed by the regulations or any other action it considers appropriate.

[15] The ultimate outcome of the reviews, including where the Commission is satisfied that a PAB Agent continues to meet the relevant requirements, will be confirmed in a published decision issued by the Commission.

Conclusion

[16] This process has been designed to ensure an efficient, transparent, and clear approach to the s.468A(4) reviews. Further statements may be published by the National Practice Leader during or at the conclusion of the review.