



National Practice Leader's Statement

Review of approved eligible protected action ballot agents

Deputy President Hampton

Adelaide, 10 December 2025

Introduction

[1] This statement provides preliminary details on the Commission's review of approved eligible protected action ballot agents (**PAB Agents**) under s.468A(4) of the *Fair Work Act 2009* (the **Act**).

[2] This review takes place in the context of certain amendments to the Act introduced by the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) FW Act 2022 (SJBPA)*. These changes commenced on 6 June 2023 and amongst other matters, impacted upon the making of a Protected Action Ballot Order (**PABO**), the approval of PAB Agents who might conduct the ballot should a PABO be made, and the subsequent review of those approved PAB Agents.

[3] Relevantly 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. This review is the first of its kind.

[4] The issuing of a PABO is a required step for an employee bargaining representative, such as a registered employee association (**Union**) or an individual employee bargaining representative, to be able to organise the taking of protected industrial action (**PIA**) when bargaining with employers for an enterprise agreement. The ballot is, in effect, part of the democratic process in which the relevant employees who are represented by the bargaining representative may vote upon, and authorise, any industrial action that might subsequently be notified and taken.

[5] PAB agents are responsible for conducting these ballots.

[6] The requirements for a person to be a PAB Agent are detailed in s.468A of the Act, which is 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.”

Background Information

[7] Since 6 June 2023, the Commission has approved 9 PAB Agents under s.468A(1)(b) of the Act.

[8] As the Australian Electoral Commission (AEC) is an eligible protected action ballot agent by virtue of s.468A(1)(a) of the Act, there are now 10 eligible protected action ballot agents. However, as the AEC has been approved directly by the Act and not by the Commission, it is not part of the present review.

[9] The non-AEC PAB agents, and the Commission’s decisions approving them, are set out below:

- Democratic Outcomes Pty Ltd T/A CiVS (**CiVS**) – [\[2023\] FWC 1400](#)
- TrueVote Pty Ltd (**TrueVote**) – [\[2023\] FWC 1446](#)
- uCommunications Pty Ltd T/A uComms (**uComms**) – [\[2023\] FWC 1451](#)
- Vero Engagement & Voting Solutions Pty Ltd T/A Vero Voting (**Vero Voting**) – [\[2023\] FWC 1531](#)
- RMK Investments Pty Ltd As Trustee For Kidd Family Trust T/A Australian Election Company (**Australian Election Company**) – [\[2023\] FWC 1532](#)
- Crowd Faction Pty Limited (**Crowd Faction**) – [\[2023\] FWC 1763](#)
- IR Balloting Pty Ltd t/as IR BLOTS (**IR BLOTS**) – [\[2023\] FWC 3067](#)
- Fair Vote Services Pty Ltd (**Fair Vote**) - [\[2024\] FWC 1775](#)
- Lumi Technologies Pty Ltd (**Lumi**) – [\[2025\] FWC 1900](#).

[10] As at 30 September 2025, 1550 protected action ballot orders were made by the Commission since 6 June 2023. Non-AEC PAB Agents have been nominated to conduct 81% of protected action ballots since the introduction of s.468A of the Act. The number of ballots conducted by each PAB Agent after becoming eligible and prior to 30 September 2025, including the AEC, is as follows:

PAB Agent	Number of times included on a PABO issued by the Commission after being approved under s.468A	Percentage of total ballots issued
AEC*	346	22.3%
CiVS	564	36.4%
TrueVote	117	7.5%
uComms	1	0.06%
Vero Voting	313	20.2%
Australian Election Company	3	0.2%
Crowd Faction	0	N/A
IR Blots	0	N/A
Fair Vote	165	10.6%
Lumi	0	N/A
Non-approved PAB agents	1	

* Figures for the AEC are recorded from 6 June 2023, as they were automatically an eligible PAB agent by virtue of s.468A(1)(a).

[11] Eight of the nine PAB Agents' approvals are due for review under s.468A(4) between 20 June and 24 November 2026. They are as follows:

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
Lumi *	4 July 2028

*See [12-13].

PAB Agent review process

[12] This review will include all PAB agents with a review deadline throughout 2026. The inclusion of Fair Vote arises from the Commission's approval decision which stated that a time-period for review of between 18 months and 2 years from approval was appropriate given the circumstances of that approval.

[13] Lumi will not be included in this review due to the recency of their approval.

[14] To ensure an efficient and transparent review, the Commission will seek information and submissions from all relevant PAB agents. The Commission will also provide interested parties and the public with an opportunity to make submissions about the continuing eligibility under the Act of each PAB agent included in this review. Details of the timetable and process will be provided early in 2026.

[15] Interested parties are encouraged to subscribe to our bargaining subscription service to stay updated on this review.

DEPUTY PRESIDENT
NATIONAL PRACTICE LEADER FOR BARGAINING