

From: Ben Moxham [REDACTED]
Sent: Thursday, 19 March 2026 8:29 AM
To: Bargaining Support [bargainingsupport@fwc.gov.au]
Subject: Review of eligible protection action ballot agents

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Dear Deputy President Hampton

I refer to your statement of 2 February 2026 regarding the review of approved eligible protected action ballot agents.

The ACTU welcomes the recent amendment to the Fair Work Act to enable the Fair Work Commission to review and approve eligible protected action ballot agents.

Prior to the reforms, ballots were typically conducted by the Australian Electoral Commission (AEC) as the default ballot agent. While such ballots were free, they were nearly all conducted by postal methods which had limitations.

Our affiliated trade unions report that the reforms have allowed approved private agents to conduct electronic ballots which have been more accessible and have not comprised the integrity of ballot process.

The cost of ballots still however represents a significant barrier to workplace democracy, which is borne typically by trade unions and their members. Accordingly, the ACTU is encouraging the AEC to consider additionally offering electronic ballots for free.

Finally, I apologise for sending this short note past the deadline for submissions.

Yours sincerely,

Ben Moxham

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We acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past and present.