

31 March 2026

Deputy President Hampton
Fair Work Commission South Australia Registry
L 6 Riverside Centre, North Terrace
Adelaide SA 5000
By email: bargainingsupport@fwc.gov.au.

Dear Deputy President Hampton,

R.E. Supplementary Submission – Review of approved eligible protected action ballot agents

AREEA writes to provide a short supplementary submission to clarify aspects of its submission dated 16 March 2026 in relation to the review of approved protected action ballot (PAB) agents.

Clarification regarding requests for personal information

In its original submission, AREEA referred to examples involving *CiVS* and *Fair Vote* and described those ballot agents as “requesting” certain categories of employee personal information.

AREEA wishes to clarify that, as a matter of process, the scope of employee information to be provided to a ballot agent is determined through the protected action ballot order (PABO) process. This includes the information sought by the applicant and ultimately specified in the order issued by the Fair Work Commission (FWC).

Ballot agents act in accordance with the terms of the PABO and do not independently determine the categories of information to be collected prior to the making of the order.

AREEA further notes that, in the examples referenced, the employer opposed the making of PAB orders in the form initially sought by the applicant. As a result, the final orders issued by the Commission required a narrower scope of employee information, and the ballots were conducted by the relevant agents in accordance with those orders.

In many instances, however, where the scope of information sought in a PAB application is not contested, the resulting orders reflect the full range of information proposed. This reflects the practical operation of the current framework, rather than any independent decision-making by ballot agents.

AREEA did not intend to suggest that the ballot agents referenced were acting outside the scope of the Commission’s orders or independently requesting information beyond that framework. To the extent that the original submission may have conveyed that impression, AREEA withdraws that characterisation.

Scope of AREEA’s concerns

AREEA emphasises that its submission was not intended to raise concerns about the conduct of any specific ballot agent in isolation.

Rather, the examples provided were intended to illustrate broader, systemic issues arising from the operation of the current protected action ballot framework in practice – including how information requirements are formulated through the PABO process and implemented in the conduct of ballots.

Ongoing policy and privacy concerns

The underlying issues raised in AREEA's original submission remain unchanged.

AREEA continues to hold concerns regarding:

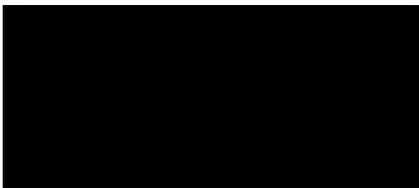
- whether the categories of personal information required in protected action ballots are limited to what is reasonably necessary for the conduct of a vote;
- the transparency provided to employees regarding the purpose, use and handling of their personal information;
- the adequacy of safeguards in relation to the transmission, storage and protection of that information; and
- the potential impact of these practices on employee confidence in, and participation in, the ballot process.

AREEA also reiterates its concern that the current framework, including elements of the FWC's standard form documentation, may contribute to the routine collection of personal information beyond what is necessary for the statutory purpose of conducting a ballot.

Conclusion

AREEA appreciates the opportunity to clarify its submission and to assist the Commission in its review.

Yours sincerely,



Tom Reid
Director Industry and Advocacy
Australian Resources and Energy Employer Association (AREEA)