

From: Crowdfaction [REDACTED]
Sent: [REDACTED]
To: Bargaining Support [REDACTED]
Subject: Registered Ballot Agent Review

Dear [REDACTED]

I am just advising following the Ballot Agent review that there are no changes to our operation or structure at as per our previous application.

In addition, there are no outstanding actions against us as a registered ballot agent nor has there been any major activity as we have been upgrading our online software to conduct ballots in accordance with the Act ensure our systems meet customer privacy and requirements.

I am declaring that I am a fit and proper person again in accordance with the Act.

Should you require any further information, I am happy to be of assistance in this matter.

Kind regards,



Martin Cartwright
Director | Crowd Faction

 [02 8860 6444](tel:0288606444)

 [0406 518 518](tel:0406518518)

 www.crowdfaction.com

 martin@crowdfaction.com

 [Level 5, 4 Columbia Court, Norwest, NSW 2153](#)



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 I respectfully acknowledge the traditional owners of this land both past, present & emerging.



About the F34C application form

Application for approval as an eligible protected action ballot agent

Who can use this form

You should use this form if you want to make an application for the Fair Work Commission (Commission) for approval as an eligible protected action ballot agent.

About eligible protected ballot agents

Before industrial action can be lawfully taken by employees in relation to a proposed enterprise agreement, a protected action ballot must be conducted to determine whether the employees wish to engage in the industrial action.

A protected action ballot agent is the person or entity that conducts a protected action ballot. A protected action ballot agent must be an eligible protected ballot agent unless exceptional circumstances justify the ballot not being conducted by an eligible protected action ballot agent (s.444(1D) of the [Fair Work Act 2009](#) (the Fair Work Act).

The Fair Work Act defines an **eligible protected action ballot agent** as either:

- the Australian Electoral Commission, or
- a person approved by the Commission under s.468A(2).

The Commission can only approve a person as an eligible protected action ballot agent under s.468A(2) if it is satisfied that:

- the person is a fit and proper person to be an eligible protected action ballot agent, and
- the requirements prescribed by the [Fair Work Regulations 2009](#) are met.

At least every 3 years after the Commission approves a person as an eligible protected action ballot agent, the Commission must consider whether it remains satisfied the person meets the approval requirements.

What to include in the application

This form has 2 parts:

- Part 1 – The Applicant which asks for the details of the person who wishes to be approved as an eligible protected action ballot agent, and
- Part 2 – Declarations which includes two versions of a declaration by the proposed eligible protected action ballot agent. If the Applicant is an individual, you should use the declaration at page 3. If the Applicant is a corporation or industrial association, you should complete the declaration on page 5.

When completing the required declaration, you should include details of your relevant experience and the systems you will use (both administrative and technical) that will enable you to conduct ballots in an appropriate manner.

Lodging and serving your completed documents

You can **lodge** your application and the declaration:

- by post; or
- by fax; or
- by email; or
- in person at the Commission office in your state or territory.

Where to get help

Commission staff & resources

Commission staff cannot provide legal advice. However, staff can give you information on:

- processes in the Commission
- how to make an application to the Commission
- how to fill out forms
- where to find useful documents such as legislation and decisions
- other organisations that may be able to assist you.

The Commission's website www.fwc.gov.au also contains a range of information that may assist.

Throughout this form



This icon appears throughout the form. It indicates information to help you complete the form.

Legal or other representation

Representation is where another person (such as a family member or friend, lawyer or paid agent, or an employee of a union or employer organisation) speaks or acts on a person's behalf, or assists a person in certain other ways in relation to a matter before the Commission. There is no requirement to be represented at the Commission.

There are some restrictions on representation by a lawyer or paid agent.

Generally, a person must give notice to the Commission (by lodging a Form F53 – Notice that a person: (a) has a lawyer or paid agent; or (b) will seek permission for a lawyer or paid agent to participate in a conference or hearing) and seek permission from the Commission Member dealing with the matter if they wish to have a lawyer or paid agent represent them by participating in a conference or a hearing.

Apart from participating in a conference or hearing, a person's lawyer or paid agent can represent them without permission, unless the Commission decides otherwise. For example, the lawyer or paid agent can prepare and lodge written applications, responses and submissions with the Commission, and communicate in writing with the Commission and other parties to the matter on the person's behalf.

The requirement to give notice and seek permission for a lawyer or paid agent to participate in a conference or hearing, does not apply if the lawyer or paid agent is:

- an employee or officer of the person **or**
- a bargaining representative that is representing the person **or**
- an employee or officer of an employee or employer organisation, or an association of employers or a peak council, that is representing the person.

Rule 12(2) of the [Fair Work Commission Rules 2013](#) sets out further exceptions to the requirement to give notice and seek permission.

For more information about representation by lawyers and paid agents, see section 596 of the [Fair Work Act 2009](#), rules 11, 12 and 12A of the [Fair Work Commission Rules 2013](#) and the Commission's [practice note on representation by lawyers and paid agents](#).

Glossary of common terms

Applicant – This is the person or organisation that is making an application.

Lawyer – This is a person who is admitted to the legal profession by a Supreme Court of a State or Territory.

Paid agent – In relation to a matter before the Commission, is an agent (other than a bargaining representative) who charges or receives a fee to represent a person in the matter.

Party – A party is a person or organisation involved in a matter or case that is brought to the Commission.

Respondent – The person or business responding to an application made by an Applicant.

Service – Serving a document means giving a copy of the document to a person or organisation, usually to the other party to the matter. You can serve a document in a number of ways, including by email, fax, express or registered post, or in person. Parts 7 and 8 of the Fair Work Commission Rules 2013 deal with service.

Privacy

The Commission collects the information (including personal information) provided to it in this form for inclusion on the case file, and may disclose this information to the other parties to this matter and to other persons. For more details of the Commission's collection, use and disclosure of this information, please see the [Privacy notice](#) for this form, or ask for a hard copy to be provided to you.

The Commission will publish a list of approved eligible protected ballot agents on our public website. If your application is approved, your name and the Commission decision approving your application will appear on the published list. Decisions made about the non-approval of your application may also be published.

The Commission will also publish on our website a list of applications that have been made for the approval of eligible protected ballot agents.



Remove this cover sheet and keep it for future reference – it contains useful information.

Form F34C – Application for approval as an eligible protected action ballot agent

Fair Work Act 2009, s.468A, Fair Work Commission Rules 2013

This is an application to the Fair Work Commission for approval of a person as an eligible protected action ballot agent in accordance with Part 3-3 of the [Fair Work Act 2009](#).

Part 1–The Applicant



These are the details of the person who is applying to be approved as an eligible protected action ballot agent.

| | | | |
|--|---------------------------|------------|------|
| Legal name of proposed protected action ballot agent (if an individual give full first name, middle name(s) and surname) | MARTIN CARTWRIGHT | | |
| ACN (if a company) | 637 077 500 | | |
| Trading name or registered business name (if applicable) | CROWD FACTION PTY LIMITED | | |
| ABN (if applicable) | 41 637 077 500 | | |
| Contact person (if applicable) | Martin Cartwright | | |
| Postal address | Level 5, 4 Columbia Court | | |
| Suburb | NORWEST | | |
| State or territory | NSW | Postcode | 2153 |
| Phone number | [REDACTED] | Fax number | |
| Email address | info@crowdfaction.com | | |

Does the Applicant need an interpreter?



If you have trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help for non-English speakers](#) on our website.

Yes – Specify language

No

Does the Applicant require any special assistance at the hearing or conference (eg a hearing loop)?

Yes – Please specify the assistance required

No

Does the Applicant have a representative?

A representative is a person or organisation who is representing the Applicant. There is no requirement to have a representative.

Yes – Provide representative’s details below

No

The Applicant’s representative



This is the person or organisation that is representing the Applicant (if any).

| | | | |
|-----------------------------|--|------------|--|
| Name of person | | | |
| Firm, organisation, company | | | |
| Postal address | | | |
| Suburb | | | |
| State or territory | | Postcode | |
| Phone number | | Fax number | |
| Email address | | | |

Is the representative a lawyer or paid agent?

Yes

No

Part 2—Declaration by the person (an individual) applying for approval as eligible protected action ballot agent

This declaration should be used if the proposed eligible protected action ballot agent is an individual. Complete each part of the declaration below.

Giving false or misleading information is a serious offence.

A person who:

- knowingly or recklessly makes a false or misleading statement in an application for approval as an eligible protected action ballot agent; or
- knowingly gives false or misleading information in an application for approval as an eligible protected action ballot agent

is guilty of an offence, the punishment for which is imprisonment for up to 12 months if the statement is made or information is provided knowingly, or up to 6 months if the statement is made recklessly – see Part 7.4, s.136.1 and s.137.1 of the *Criminal Code*.

This is a declaration by a person applying to the Fair Work Commission under section 468A of the *Fair Work Act 2009* for approval as an eligible protected action ballot agent.



This must be the **full legal name** of the **proposed protected action ballot agent**. This must also match the name given in part 1 of the application.

I,

| | |
|--|------------|
| Legal first name (eg Robert not Rob) | Martin |
| Middle name(s) | |
| Surname | Cartwright |

Declare that each answer I give at paragraphs (a) to (d) below and the reasons I give for the answer are true and correct:

- (a) Are you a fit and proper person to be an eligible protected ballot agent for the purposes of section 468A of the Fair Work Act?

Yes

No

The reasons for my answer are:

Pursuant to s 444 of the Fair Work Act 2009 (Cth), I am a fit and proper person to conduct a protected action ballot for the following reasons:

I have worked in the union movement since 1998 up until 2019. Firstly for The Australian Manufacturing Workers Union (AMWU) as an elected official followed by Unions NSW as a Lead Organiser until 2006. I have worked for the National Union of Workers NSW (NUW) Branch from 2006 to 2019. In 2015 following the Royal Commission into Trade Unions I was elected as the NSW Branch Secretary (NUW) where I implemented full independent governance and worked closely with the NSW Police Taskforce and our legal team to restore the union, its finances and membership confidence which was carried out up until the National Amalgamation in 2019. I am the current Director of Crowd Faction Pty Limited. I have never been convicted of any offence and my evidence at Fair Work has always been honest and accepted throughout my appearances at FWC in industrial matters including matters arising from the FWC Trade Union Royal Commission, as well as the unsuccessful challenges of employees for serious misconduct.

(b) Can you ensure the secrecy and security of votes cast in any protected action ballot?

Yes

No

The reasons for my answer are:

Having conducted and signed off over the years of 2015-2019 with PAB's for the NUW, I am acutely aware of the secrecy and the security of any protected action ballot conducted on behalf of eligible voters and my requirements in fulfilling these obligations. Personal information is stored using SSL and 256 encryption. Eligible voter information is held until result is finalised. Our records will never be used for any reason other than the intended protected action ballot. Contact details are destroyed within six-months of the vote.

(c) Can you ensure that any protected action ballot will be fair and democratic?

Yes

No

The reasons for my answer are:

Ballots have been conducted for enterprise and unions that range from delegate elections, Work Health & Safety (WH&S) and various positions with the enterprise or union. Crowd Faction Pty Limited is independent 3rd party business and has no interest in the outcome of any protected action ballot or majority support determination. Employees at large accept an electronic voting process to approve an enterprise agreement.

(d) Can you conduct any protected action ballot expeditiously?

Yes

No

The reasons for my answer are:

We can conduct PAB or election ballots expeditiously in comparison to other forms of voting. Our systems enable eligible voters to receive their ballots immediately upon the opening of the ballot. The results are recorded electronically and sent the employer and the union soon after the election result is declared. Crowd Faction never discloses how an eligible voter has voted to the Employer or Union unless compelled by law.

Sign the declaration

| | | | |
|-----------|---|------|------------|
| Signature |  | Date | 30/03 2026 |
|-----------|---|------|------------|

Declaration by an officer of the person (corporation or industrial association) applying for approval as an eligible protected action ballot agent

This declaration should be completed if the proposed eligible protected action ballot agent is a corporation or an industrial association. Complete each part of the declaration below.

Giving false or misleading information is a serious offence.

A person who:

- knowingly or recklessly makes a false or misleading statement in an application for approval as an eligible protected action ballot agent; or
- knowingly gives false or misleading information in an application for approval as an eligible protected action ballot agent

is guilty of an offence, the punishment for which is imprisonment for up to 12 months if the statement is made or information is provided knowingly, or up to 6 months if the statement is made recklessly – see Part 7.4, s.136.1 and s.137.1 of the *Criminal Code*.

This is a declaration by an officer or employee of the person proposed in an application to the Fair Work Commission under section 468A of the *Fair Work Act 2009* for approval as an eligible protected action ballot agent.

 This must be your **full legal name**.

I,

| | |
|--|------------|
| Legal first name (eg Robert not Rob) | MARTIN |
| Middle name(s) | |
| Surname | CARTWRIGHT |
| Office or position held | DIRECTOR |

I declare that each answer I give at paragraphs (a) to (f) below and the reasons I give for the answer are true and correct:

- (a)** Who will carry out the functions of the proposed eligible protected action ballot agent if the application is approved?

Identify the individuals by name and role, or describe the groups of individuals who will carry out the functions for the Applicant:

In addition to myself, and upon approval, we will have required staff (with Police Clearance) for all purposes of meeting the Fair Work Commission requirements under the Act pursuant to s 444 for Protected Action Ballots (PAB's).

Tina Cartwright:

Tina has never been charged or convicted of any criminal offence and has police clearance. Tina ran as a recent candidate in the NSW State Election and met all requirements of her eligibility and her candidacy.

- (b)** Are each of the individuals or groups identified in paragraph (a) a fit and proper person to be an eligible protected ballot agent for the purposes of s.468A of the Fair Work Act?

Yes

No

The reasons for my answer are:

Yes all individuals contracted/employed at Crowd Faction Pty Limited meet the requirements pursuant to s 468A of the Fair Work Act.

- (c)** What steps will the proposed agent take to ensure that only fit and proper persons will be involved in conducting protected action ballots?

We are making this application on the basis we have not previously conducted protected action ballots without this application. It has been our understanding that PAB's can only be conducted upon approval with Fair Work Australia. We fully understand the requirements of ensuring only "fit and proper persons" will be involved in this process.

- (d)** Can the proposed eligible protected action ballot agent ensure the secrecy and security of votes cast in any protected action ballot?

Yes

No

The reasons for my answer are:

The data is secured by our servers using encrypted SSL and 256-bit encryption and is stored in two separate locations in the event of any disruption to services. No eligible voter can view how another individual has voted. The personal details can be provided to Crowd Faction via a secure spreadsheet with password. None of this information will be used for any other purposes.

- (e)** Can the proposed eligible protected action ballot agent ensure that any protected action ballot will be fair and democratic?

Yes

No

The reasons for my answer are:

Since 2019, we have been established for electronic voting through Crowd Faction but have conducted allowable ballots independently in accordance with guidelines set out by our electronic voting processes. Irrespective of any ballot, we ensure all ballots are fair and democratic. In my working career, I fully understand the democratic process of voting irrespective of the type of vote being conducted. No individual information is shared with key stakeholders other than the overall result.

(f) Can the proposed eligible protected action ballot agent conduct any protected action ballot expeditiously?

Yes

No

The reasons for my answer are:

As outlined, we can conduct PAB's or any other ballot expeditiously in a very short period of time as our electronic system is setup to do so. Eligible voters receive their ballot immediately after the voting opens. We also provide a reminder prior to ballot voting opening time that a eligible voter will receive a ballot advising opening and closing dates/times.

Sign the declaration

| | | | |
|------------------|--|-------------|--|
| Signature | | Date | |
|------------------|--|-------------|--|

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS

Consent to contact by researchers

The Fair Work Commission undertakes research with participants in bargaining matters to ensure a high quality process. Some research may be undertaken by external providers on behalf of the Fair Work Commission.

Do you consent to the contact details provided on page 1 of this form being provided to an external provider of research services for the sole purpose of inviting you to participate in this research?

Yes

No