

1. Any changes to your business structure, operations and ABN and/or ACN, including any changes to trading names.

- There have been no changes in business structure with those as outlined in the documentation for the approval of Fair Vote Services Pty Ltd remaining in place.
- There have been no changes to the ABN or ABN for Fair Vote Services Pty Ltd.
- There have been no changes in Trading Names for Fair Vote Services Pty Ltd.

2. Details of how many protected action ballots have been conducted by Fair Vote.

The following table breaks down the number Protected Action Ballots (excluding any Protected Action Ballots revoked at any stage of the process) by year.

Year	Number of Protected Action Ballots Conducted
2024	46
2025	647
2026 (as at 13/03/26)	62
All years of operation	755

3. Details of any complaints received, including the resolution of those complaints.

In carrying out the ballot in order B2025/1654, we encountered data being supplied from employers that was substantially incorrect that affected the provision of voting to an extent that we went back to the FWC with the applicant to ensure an extension of the ballot deadline that ensured an opportunity to rectify this, providing for the opportunity of all eligible employees to vote. The FWC granted this extension and the ballot was carried out successfully.

4. Any changes in senior personnel that conduct the ballots, including any name changes. a. We note your original application for approval as an eligible protected action ballot agent identified Gavin James Ryan as the individual who would carry out the functions of the eligible protected action ballot agent if approved.

Gavin [REDACTED] Ryan continues to be the individual who carries out the function of Fair Vote Services Pty Ltd as an eligible protected action ballot agent. Fair Vote Services has two other permanent staff who support this function being Desi Iliopoulos, and Kiara Ryan.

Both these staff have been subject to our process of ensuring fit and proper person tests (as below).

FVS undertakes a process to ensure that persons employed to work under the direction of the ballot agent in the conduct of protected actions ballots are fit and proper persons. A person is only be employed by FVS to assist with the conduct of a ballot once the following has occurred:

- Prospective employees must undergo a National Police Check and make a declaration as to whether they have been the subject of any adverse court order or finding. Persons with a history of criminal convictions or adverse court findings that bear upon the person's good character and fitness to carry out ballots will not be employed.
- As part of the onboarding process, each new employee will be required to undergo mandatory training in relation to:
 - o the protected action ballot order scheme under the Fair Work Act, the requirements for ballots conducted to be fair, secret, and democratic;
 - o cybersecurity awareness and fraud prevention;
 - o confidentiality, privacy and the handling of sensitive information;
 - o the operation of FVS's ballot process including data access and security measures in place;
 - o the FVS Staff Induction Policy and Code of Conduct including the requirements for employees to behave in a way that upholds FVS Pty Ltd's independence and integrity, including declaring and managing of any conflicts of interest.

In addition, each employee will be provided with and required to agree to comply with FVS's policies including:

- Staff Induction Policy and Code of Conduct;
- Privacy Policy;
- Cybersecurity, Data Security and Information Management Policy;
- Notifiable Data Breach Policy and Procedure;
- Security Incident Management Policy and Procedure; and
- Declaration of Interests and Conflict of Interests Statement.

Employees of Fair Vote Services perform work under the supervision and direction of Gavin [REDACTED] Ryan as the ballot agent and are subject to ongoing evaluation to ensure the integrity of each ballot.

5. Any information or evidence you can provide in support of the following:

a. That you remain a fit and proper person to be an eligible protected action ballot agent for the purposes of section 468A of the Fair Work Act,

Gavin [REDACTED] Ryan continues to be the individual who carries out the function of Fair Vote Services Pty Ltd as an eligible protected action ballot agent. I am the Executive Director of FVS and its sole Director. As the person who will be primarily responsible for carrying out FVS Pty's functions as an appointed PAB agent, I say that I am a fit and proper person.

I attest that there are no adverse findings made by courts or tribunals against myself or any key people involved in operations of FVS. I have made a declaration to this effect.

I have never been disqualified from holding any directorship or other office. I have never been charged with or convicted of any criminal offence. I have never been named as a

defendant in a civil lawsuit or had any court make any adverse finding about or against me.

FVS requires a regular national police check to confirm conduct for the ballot agent and key personnel and these are held on record.

b. That you can ensure the secrecy and security of votes cast in any protected action ballot,

Fair Vote ensures the secrecy and security of votes cast in any protected action ballot as outlined below.

In performing the required functions of a PAB agent, Fair Vote undertakes the following tasks. FVS:

- (a) receives employee lists from the employer and bargaining representative under a PAB order;
- (b) uploads the employee lists onto a secure IT platform and uses software to match employee names on both lists. This IT platform uses industry standard data matching tools, using fields such as name, email address, physical address and job title to ensure the voting roll is accurate. Manual data matching is used as needed, for example where there is a possible match detected by the software, or there is a large discrepancy;
- (c) using the matched data, identifies the eligible voters to create the voters roll;
- (d) ensures capacity to respond to enquiries in relation to the PAB from voters, employers and bargaining representatives in an effective manner;
- (e) sends eligible voters their secure voting instructions; this includes email and SMS voting links, using personalised voting credentials that assign a unique sign in and password to each individual, or in case of an in-person ballot, provide for ballot papers in the form set down by the FWC with voting places and times as prescribed;
- (f) access overall vote results when a ballot is concluded, verifying the result;
- (g) makes a declaration of the results of the ballot;
- (h) otherwise performs the functions of the PAB agent under the FW Act and ensure that FVS complies with the PAB order, any directions from the FWC and the provisions of the FW Act and the FW Regulations.

The above tasks and the security and secrecy protocols applying to each, are set out in further detail below.

FVS utilises online balloting software system provided by BigPulse Voting Pty Ltd (BigPulse). BigPulse is one of Australia's most respected providers of online voting software, with a strong record of security and privacy. BigPulse has various policies and

guides detailing its security systems and protocols, including its Online Voting Technology Service Level Summary, its Security, Reliability, Performance, Risk Management policy, its Servicer Security Detailed Features guide, and its Election Vote Count Verification Protocol.

Performance of FVS' ballot agent functions only takes place within the FVS' secure IT environment. FVS has an end-to-end cloud, data and cyber secure workspace both online and in person at FVS' premises which complies with information security standards. This secure environment is the only workspace that FVS staff and the ballot agent can access any services or records of FVS related to the operation of a ballot. Employees and directors require ID and security protocols to access any physical workspace. Two-factor authentication is also required for access to the secure environment as per our data security and information management policy with devices also containing biometric security. These protocols ensure there is no unauthorised access to FVS' work.

Ballot data is securely held on BigPulse's dedicated secure servers. Server security is ensured by data encryption, firewalls, auditing and security scans, and regular server maintenance.

FVS receives files as encrypted or as protected by security measures that allow data files to be transferred securely. FVS directs ballot respondents only send data as secured and provides this direction directly to the respondents and applicant. The data provided is then uploaded to our secure data matching program.

The data referred to immediately above will be used to complete the matching process. This will be conducted via an industry-standard SQL matching process. This uses multiple datapoints (e.g. name, email, physical address, job title, etc). Once the matching process is complete, FVS creates the voter roll. Each individual is sent a secure online voting link that can only be accessed using their assigned unique ID sign in and password. This ensures the ballot security. The secure link is emailed and sent via SMS to the voter to access the online ballot.

Each confirmed voter receives information about the ballot and a secure link to vote by email and SMS. Email and SMS sending are managed by an integrated service from BigPulse, which ensures security. FVS requires an authentication process for voters using a unique key/PIN that the BigPulse platform requires. Both options are secure, secret, tamper-proof and ensure that voters can only vote once.

The vote is by secret ballot. Whether an individual employee on the list has voted, and if so the way that they vote, is not disclosed to the employer or any other bargaining representative. Voting is encrypted; this means FVS staff cannot view how an individual votes.

Upon voting, each voter receives a confirmation email and a tamper proof vote receipt, which is used to prevent voter fraud. Participants can check their vote has been recorded in the vote receipt viewable and issued only to them. Voters can verify that

their vote has been recorded via the Voter Verification Page that the BigPulse system generates for each ballot. This is an important part of ensuring votes are secure, and that the security can be audited and verified.

All vote data is stored in encrypted form on a secure BigPulse server. The BigPulse software ensures that privacy and secrecy of the ballot is maintained through software encryption. This means no one is able to view the vote of individuals. System administrators will be able to see who has cast a vote, but will not be able to see how a particular individual has voted.

FVS only collects and stores the personal and sensitive information that is required by the FWC to conduct the ballot. The personal and sensitive information is only used for that purpose (the conduct of the ballot) and is not shared with anyone external to FVS. BigPulse does not store data that FVS provides beyond the conduct of a ballot.

Following conclusion of the ballot, FVS retains the data provided by employers and unions, and the voting data for a period of twelve months. After twelve months, all personal and sensitive information is deleted and cannot be recovered by FVS.

c. That you can ensure that any protected action ballot will be fair and democratic

- We always follow the regulations as set down, informing both applicants and employers respondents, and participants making sure that everyone who should be included is able to vote and is given appropriate access and assisted where there may be any technical difficulties.
- All ballots are secret ballots and we do not disclose any individual voting preferences and individual voting results to any ballot participant, ensuring no manipulation of the outcome, or access that may compromise a ballot.
- Adequate staffing training and provision, discussing and planning any ballot with applicants before the lodgement of an F34 form so appropriate staffing is in place. We speak to applicants, employers and employer representatives before any ballot data is provided to avoid errors in data provided or the way that data is prepared, secured and/or accessible to us.

FVS Pty Ltd conducts ballots in accordance with the relevant PAB order from the FWC.

The matching process explained earlier is designed to ensure that all employees eligible to vote are given the opportunity to vote. Particular personal or sensitive data of employees (including address and date of birth) is used by FVS to assist with matching eligible employees. That data assists us to match individuals who, for example, have changed their surname, have alternative name spellings (common for non-English spelling names), or moved address without updating the employer or the bargaining representative. This will maximise accuracy of the voter roll and ballot process.

During the stipulated voting period, employees can vote at any time. Because of the unique voter registration and credentials, it is not possible for an employee to cast more than one vote in the ballot.

The BigPulse platform allows for third-party scrutineering of votes and counts. This means that employers, unions or other bargaining representatives, voters and the FWC could all independently view and verify the results if required. The BigPulse 'vote count verification protocol' ensures that the secrecy of the ballot cannot be compromised, while allowing transparency and external verification.

d. That you can conduct any protected action ballot expeditiously

Yes – for the following reason:

The voting system used by FVS is highly efficient. A ballot can be set up on under 24 hours' notice. The system ensures employees receive their ballot link via email and/or SMS immediately upon the opening of voting, and they can cast their ballot right up until the time voting closes. Votes are tallied immediately and automatically by the secure online voting platform after the vote closes. FVS then validates these to ensure verification and then declares the results, emailing the results of the ballot to the employer, the applicant and FWC, shortly after the results are confirmed.

6. Any other information you wish to provide to the Commission that may be relevant to the consideration of whether the Commission remains satisfied that Fair Vote meets the requirements mentioned in s.468A (2) of the Fair Work Act.

As part of its creation, FVS was provided seed funding by a related entity of the ACTU. In its application to be a protected action Ballot agent FVS was, and is, required to operate independently of the ACTU, and FVS has operated independently in line with this requirement throughout the entirety of its operation. This is also in line with the legal undertakings made by Fair Vote Services, and as the ballot agent and sole FVS director I attest that we have operated independently at all times. We have strict conflict of interest policies and practices and have adhered to these at all times.

FVS is subject to legal loan provision and repayment requirements with regards to this funding, and is a company subject to all requirements of operations that this requires.

Gavin [REDACTED] Ryan
16 March 2026

Disclosure made by Fair Vote Services regarding adverse findings made by courts or tribunals against the agents or any key people involved in the agent's operations.

I, Gavin [REDACTED] Ryan, as the eligible protected action ballot agent and Director of Fair Vote Services Pty Ltd, attest that there are no adverse findings made by courts or tribunals against the agent or any key people involved in the operation of Fair Vote Services.

Signed this day the 16 March 2026:

A large black rectangular redaction box covering the signature area.

Gavin [REDACTED] Ryan
Fair Vote Services Ballot Agent and sole Director of Fair Vote Services Pty Ltd.