



## About the F10 application form

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### Application for the Commission to deal with a dispute in accordance with a dispute settlement procedure

#### When to use this form

Part 6-2 of the *Fair Work Act 2009* states that you may use this form to lodge an application to the Fair Work Commission (the Commission) to deal with a dispute if:

- a modern award, enterprise agreement, public sector determination, contract of employment or other written agreement applies to you
- it contains a dispute resolution procedure
- that dispute resolution procedure requires or allows the Commission to deal with a dispute
- you have followed all internal dispute resolution procedures or other dispute resolution procedures that you are required to before lodging a dispute with the Commission
- you would like the Commission to deal with the dispute in accordance with the dispute resolution procedures.

**Note:** under Schedule 19 to the [Fair Work \(Transitional Provisions and Consequential Amendments\) Act 2009](#), the Commission may be allowed to deal with a dispute in accordance with a dispute resolution procedure in an agreement made under the *Workplace Relations Act 1996* and other transitional instruments.

#### About dispute resolution

Section 738 of the [Fair Work Act 2009](#) allows parties to a workplace dispute to apply to the Commission to deal with the dispute if:

- a modern award or enterprise agreement (known as industrial instruments), or a public sector determination, contract of employment or other written agreement includes a dispute resolution procedure, and
- that dispute resolution procedure requires or allows the Commission to deal with a dispute.

The Commission can only deal with a dispute in the way that the dispute resolution clause allows. For example, a clause may allow a party to apply to the Commission to deal with a dispute only after all internal dispute mechanisms have been exhausted. The Commission must not exercise any powers until the conditions of the clause have been met.

The Commission can only deal with disputes under a contract of employment, other written agreement or public sector determination that relate to the National Employment Standards (the NES) or a safety net contractual entitlement (s.738 and s.739). A safety net contractual entitlement is an entitlement under a contract of employment that relates to the NES or a modern award (for

example, a rate of pay) (s.12). Information about the NES and modern awards is available on the Commission's website [www.fwc.gov.au](http://www.fwc.gov.au).

The Commission can only deal with a dispute about an individual flexibility arrangement or a request for a period of parental leave beyond the initial 12 months provided under the NES if the enterprise agreement, contract of employment or other written agreement allows it.

## Lodging your completed form

1. **Lodge your application** and any supporting documents with the Commission. You can lodge your application by post, by fax or by email or in person at the [Commission office](#) in your state or territory.
2. **Serve a copy** of this application and any supporting documentation on the Respondent as soon as practicable after the document is lodged with the Commission.

## 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](http://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 answer the question following.

### 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

**Jurisdictional objection** – This is a type of objection a Respondent can raise to an application. A Respondent can make this kind of objection if they think that the Commission, for a technical or legal reason, cannot hear the matter.

**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.



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

## Form F10 – Application for the Commission to deal with a dispute in accordance with a dispute settlement procedure

Fair Work Act 2009, s. 739; Fair Work (Transitional Provisions and Consequential Amendments Act 2009), Schedule 19

This is an application to the Fair Work Commission for it to deal with a dispute in accordance with a dispute settlement procedure.

### The Applicant



Please enter your details here.

Title	[ ] Mr [ ] Mrs [ ] Ms [ ] Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

### If the Applicant is a company or organisation please also provide the following details

Legal name of business	
Trading name of business	
ABN/ACN	
Contact person	

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**Do you 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

**Do you require any special assistance at the hearing or conference (eg a hearing loop)?**

Yes – Please specify the assistance required

No

**Do you have a representative?**



A representative is a person or organisation who is representing you. This might be a lawyer or paid agent, a union or employer association, or a family member or friend. There is no requirement to have a representative.

Yes – Provide representative’s details below

No

**Your representative**



These are the details of the person or organisation who is representing you (if any).

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

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Email address	
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**Is your representative a lawyer or paid agent?** Yes No**The Respondent**

These are the details of the person or business who will be responding to your application to the Commission.

Title	[ ] Mr [ ] Mrs [ ] Ms [ ] Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

**If the respondent is a company or organisation please also provide the following details**

Legal name of business	
Trading name of business	
ABN/ACN	
Contact person	

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Note: Responding to this application

1. If you would like to provide a response you should lodge your response with the Commission as soon as practicable. You can lodge your response by post, fax or email, or in person to the [Commission's office](#) in your state or territory. There is no prescribed form for your response, you can use the F1 – Application (no specific form provided).
2. **You must serve a copy** of your response and any supporting documentation on the Applicant as soon as practicable after the document is lodged with the Commission.

## 1. Coverage

### 1.1 What industry is the employer in?

### 1.2 What type of industrial instrument (eg an award or agreement) or other written agreement covers the employment relationship and contains the dispute resolution procedure relevant to this application?



Select one of the options below.

If you are not sure, the [Fair Work Ombudsman](#) can help you find out which industrial instrument covers you or your business.

If you know what industrial instrument covers you but you don't know all of the information to answer questions 1.2, 1.3 and 1.4 you can search for your instrument on the [Commission's website](#).

- A modern award

What is the name of the modern award:

- An enterprise agreement (made under the *Fair Work Act 2009* after 1 July 2009)

What is the name of the enterprise agreement:

What is the ID code of the enterprise agreement (ie the eight digit code starting with AE):



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Other instrument or written agreement

What is the name of the instrument or other written agreement containing the dispute resolution procedure:

What is the ID code of the instrument or other written agreement (if applicable):

**1.3 What clause of the industrial instrument or other written agreement contains the dispute settlement procedure?**



**List** the dispute resolution clause number from the relevant industrial instrument below. Attach a copy of the clause to this application.

**1.4 What clause of the industrial instrument or other written agreement does the dispute relate to?**



**List** the clause(s) within the relevant industrial instrument or other written agreement that the dispute relates to. If also relevant, **list** the National Employment Standard that the dispute relates to. Attach a copy of the clause to this application

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## 2. About the dispute

### 2.1 What is the dispute about?

Using numbered paragraphs, set out a description of what the dispute is about, including by reference to the clauses set out above. Attach additional pages if necessary.

### 2.2 Does this application relate to a refusal by an employer of a request by an employee for flexible working arrangements?

Yes

No

### 2.3 Does this application relate to a refusal by an employer of a request by an employee for an extension of unpaid parental leave?

Yes

No

### 2.4 Does this application relate to a dispute about conversion from casual employment to full-time or part-time (permanent) employment?

Yes

No

Form F10 – Application for the Commission to deal with a dispute  
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Using numbered paragraphs, set out, in chronological order, the steps already taken (if any). Attach additional pages if necessary.

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**3. Relief sought****3.1 What relief are you seeking by making this application to the Commission?**

If the dispute resolution clause in the instrument gives the Commission the power to arbitrate the dispute, please also specify the determination sought.

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**Signature**

If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature	
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Name	
Date	
Capacity/Position	



Where this form is not being completed and signed by the Applicant, include the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

**PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS**