



About the F34A application form

Application to extend the 30-day period for protected action

Who can use this form

Use this form if you are:

- the applicant for a protected action ballot order, and
- you are seeking to apply for the Fair Work Commission (Commission) to extend the 30-day period for protected action authorised by the protected action ballot (s.459(3)(a)).

About protected action ballots

Before industrial action can be lawfully taken under the Fair Work Act 2009, it must be authorised by a protected action ballot (s.409(2)).

Industrial action by employees is authorised by a protected action ballot if the action commences during the 30-day period starting on the date of the declaration of the results of the ballot (s.459(1)(d)(i)).

On the application of an applicant for a protected action ballot order, the Commission may extend the period by up to 30 days if the period has not previously been extended ((s.459(3)). If the Commission orders for the period to be extended, industrial action by employees is authorised if it commences during the extended period (s.459(1)(d)(ii)).

For more information, please see the Commission's [protected action ballots](#) web page.

Lodging your completed form

1. **Lodge** this application together with a copy of the protected action ballot order to which the application relates and the declaration of the results for the ballot.

You can lodge this application by post, fax, email or in person at the [Commission's office](#) in your state or territory.

2. As soon as practicable after it is lodged with the Commission, **serve a copy** of this application and any supporting documentation on the respondents.

Where to get help

Commission staff & resources

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

1. processes in the Commission
2. how to make an application to the Commission
3. how to fill out forms
4. where to find useful documents such as legislation and decisions
5. 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 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: 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:

1. an employee or officer of the person **or**
2. a bargaining representative that is representing the person **or**
3. 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.



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

Form F34A – Application to extend the 30-day period for protected action

Fair Work Act 2009, s.459(3)

This is an application to the Fair Work Commission for an order to extend the 30-day period for protected action authorised by a protected action ballot in accordance with Part 3-3 of the [Fair Work Act 2009](#).

The Applicant



These are the details of the person who is making the application.

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

If the Applicant is a company or organisation

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	

Attach additional pages if necessary.

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 a family member or friend. There is no requirement to have a representative.

Yes – Provide representative’s details below

No

Your representative



This is 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	
Email address			

Is your representative a lawyer or paid agent?

Yes

No

The Respondent



These are the details of the respondent to the protected action ballot order.

Legal name of business	
Trading name of business	

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

1. Preliminary

1.1 Please provide details of the protected action ballot order to which this application relates



You should attach a copy of the protected action ballot order.

Order print number	
Date of order	
Commission Member who made the order	

2. Extension to the protected action period

2.1 What is the date of the declaration of the results of the ballot?



You should attach a copy of the declaration of the results for the ballot.

2.2 Is this application made during the 30-day period starting on the date of the declaration of the results of the ballot?

[] Yes

[] No

2.3 Has the protected action period previously been extended?

[] Yes

[] No



The Commission may extend the 30-day period if the period has not previously been extended. If the 30-day period has previously been extended, your application will be rejected

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	
Name	
Date	
Capacity/Position	



Where this form is not being completed and signed by the Respondent, 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