



Form F10A application form

Application for the Commission to deal with a dispute about casual conversion

The Form F10A is an application for the Commission to deal with a dispute about the operation of the casual conversion provisions in Division 4A of Part 2-2 of the [Fair Work Act 2009](#).

The Commission can deal with the dispute as it considers appropriate, including by mediation, conciliation, making a recommendation, or expressing an opinion. The Commission may also arbitrate the dispute if the parties notify the Commission that they agree to this.

You can read more about [casual conversion disputes](#) on the Commission's website.

When to use this form

Use this form if you want to make an application to the Commission to deal with a casual conversion dispute under s.66M of the [Fair Work Act 2009](#), and:

- you are an employee or employer **and**
- you have been unable to resolve the dispute at the workplace level, by discussions between the parties **and**
- there is no other fair work instrument, employment contract or other written agreement that provides for a dispute resolution procedure.

Lodging your completed form

1. **Lodge your application** and any supporting documents online using the Commission's [Online Lodgment Service \(OLS\)](#). Alternatively, you can lodge your application by post, fax, 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 application is lodged with the Commission.

Throughout this form



This icon appears throughout the form. It indicates information to help you answer the question following.

There is more helpful information in the **Information sheet** at the end of this form.

Form F10A – Application for the Commission to deal with a dispute about casual conversion

Fair Work Act 2009, s.66M

This is an application for the Fair Work Commission to deal with a dispute about casual conversion under s.66M of the Fair Work Act 2009.

The Applicant (you)



This is information about you. You should provide a telephone number. It is important that we can contact you so that we can deal with your application.

I am a contractor

This form isn't for you. You may be able to find relevant information at www.fairwork.gov.au.

I am an employee

If you are covered by **an award or agreement, a contract of employment or another written agreement**, check to see if there is a **dispute resolution clause**. If there is, you need to follow that instead of using this form.

Name			
Email address			
Phone number			
Postal address			
Suburb			
State or territory		Postcode	

I am the employer

Legal name			
ACN/ABN			
Trading name or registered business name			
Name of person we can contact			
Email address			
Phone number			
Postal address			
Suburb			

State or territory		Postcode	
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Do you need an interpreter?

Do you need help understanding or speaking English? If you need an interpreter to help you in a conference or hearing, the Fair Work Commission can organise an interpreter. The service is free. You can find out more about [help for non-English speakers](#) on our website.

Yes – what language?

No

Do you need any special assistance at a hearing or conference (e.g., do you have hearing difficulties)?

If you answer yes, we will contact you before a hearing or conference to see if there is anything we can reasonably do to help you.

Yes – what do you need?

No

Do you have a representative?

A **representative** is a person or organisation that is representing you. This might be a lawyer or paid agent, a union, or a family member or friend. You do not need to have a representative.

Yes – tell us information about your representative below

No – go to questions on page 3 about the Respondent.

Your representative

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

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

Is your representative a lawyer or paid agent?

A lawyer is a person who is admitted to the legal profession by a Supreme Court of a State or Territory. A paid agent is an agent who charges or receives a fee to represent you in this case.

- Yes
- No
- I don't know

The Respondent

This is who you are having the dispute with. The Fair Work Commission will give them a copy of this form. They will have the opportunity to tell us their side of the case.

 I am having a dispute with my employer

The **legal name** is the name of your employer, not the name of a person such as your boss. For example, if you work for Energy Fitness Pty Ltd and your boss's name is Alex Smith, then the Legal name of the respondent is 'Energy Fitness Pty Ltd' and the **Name of a person we can contact** is 'Alex Smith'.

The legal name is different to the **trading name or registered business name**. You should be able to find your employer's legal name on your pay slips, PAYG payment summary, appointment letter or employment contract.

How many employees does your employer have?

- 15 employees or more
- Less than 15 employees

Legal name			
ACN/ABN			
Trading name or registered business name			
Name of person we can contact			
Email address			
Phone number			
Postal address			
Suburb			
State or territory		Postcode	

 I am having a dispute with my employee

Name			
Email address			
Phone number			
Postal address			
Suburb			
State or territory		Postcode	

The dispute

1. What is the dispute about?



Tick all that apply

- Whether or not the **employee** worked for the **required length of time** before requesting conversion to part-time or full-time employment (s.66B(1)(a))
- Whether or not the **employee** worked a **regular pattern of hours on an ongoing basis** which they could continue to work as a part-time or full-time employee (s.66B(1)(b))
- Whether the **employee** should have their employment converted to **either full-time or part-time** employment (s.66B(2)(b))
- Whether or not the **employee is entitled to request conversion** to part-time or full-time employment (s.66F)
- Whether or not the **employer** has **reasonable grounds** to **not offer** conversion to part-time or full-time employment or **to refuse a request** for conversion to part-time or full-time employment (s.66C and 66H)
- Other

2. Describe the dispute

Using numbered paragraphs, tell us what the dispute is about. Attach additional pages if necessary.

You can lodge any supporting documents that are relevant to your dispute.

3. Grounds for not offering or refusing requests for conversion to full-time or part-time employment



See s.66C(1) and s.66H(1) of the [Fair Work Act 2009](#). An employer is not required to offer conversion to full-time or part-time employment, or may refuse an employee's request for conversion to full-time or part-time employment, if they have reasonable grounds which are based on facts known or reasonably foreseeable at the time the employer decides not to make the offer or to refuse the request.

You should lodge any supporting documents that are relevant, including a copy of any written reasons the employer has given the employee.

3.1 If the dispute is about whether the employer had reasonable grounds for not offering or refusing a request for conversion to part-time or full-time employment – what were the employer's reasons for not offering conversion or refusing the request?

Use numbered paragraphs. Attach additional pages if necessary.

3.2 If you are an employee – what is your response to your employer’s reasons for not offering conversion to full-time or part-time employment or refusing your request for conversion?

Use numbered paragraphs. Attach additional pages if necessary.

4. What steps have already been taken to resolve the dispute at the workplace level?

Describe the steps that have been taken in the order they happened. Use numbered paragraphs. Attach additional pages if necessary.

You can lodge any supporting documents that are relevant to the steps taken to resolve your dispute.

5. How do you want the dispute to be resolved?

Tell us what outcome you want.

If you want the Commission to arbitrate the matter, you should tell us and specify what outcome you are seeking. **Arbitration** means the Commission will determine the dispute by making a binding decision.

Signature



If you can use an electronic signature, please insert it below beside 'Signature'. If you do not have an electronic signature, you can type your name beside 'Signature'. You will also need to fill in your name again beside 'Name' and fill in the date.

You can leave the 'Capacity/Position' blank if you are the Applicant. If you are signing on behalf of the Applicant, include your role in the **Capacity/Position** section.

Signature	
Name	
Date	
Capacity/Position	

PLEASE KEEP A COPY OF THIS FORM FOR YOUR OWN RECORDS

Information sheet

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.

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.

Arbitration – Means the Commission will determine the dispute by making a binding decision.

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 will disclose this information to the other parties to this matter. The Commission may also disclose this information 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 information sheet and keep it for future reference – it contains useful information