



President's statement

Paid agents and the Fair Work Commission – feedback sought concerning the publication of a Paid Agent Code of Conduct and information materials

Justice Hatcher, President

Sydney, 26 March 2026

[1] This statement concerns the publication of a Paid Agent Code of Conduct and information materials for further comment following from public consultations undertaken by the Fair Work Commission's (the Commission) Paid Agents Working Group.

Background

[2] In January 2024, I directed the establishment of a Paid Agents Working Group (working group), comprised of three presidential members of the Commission and senior members of staff, to review the procedures that apply to the participation of paid agents in Commission proceedings and consult on potential options to manage challenging paid agent conduct. This followed from the observations of Commission Members and staff that *some* paid agents were engaging in conduct that may not be in the best interest of their clients, not assisting the Commission to exercise its powers in a quick or efficient manner, or engaging in conduct that was otherwise concerning. This had resulted in the Commission receiving complaints from parties about the conduct and/or practices of paid agents.

[3] On 7 March 2024, as part of its consultation process, the working group published an options paper where interested parties were invited to provide submissions. A total of 44 written submissions were received from individual members of the community, paid agents, law firms, unions, community legal services, law societies, employer associations and other state and federal organisations. These submissions are published on the Commission's website - Paid agents consultation.

[4] In April 2024, further public consultations were conducted in-person and online which were attended by 18 organisations including law firms, law societies, professional associations, and paid agents. Additional meetings were conducted with the Western Australian Industrial Relations Commission, the Australian Competition and Consumer Commission, the South Australian Employment Tribunal, the Federal Court of Australia and the Federal Circuit and Family Court of Australia.

[5] On 9 September 2024, the working group published its report and recommendations. The report included five recommendations for reform to Commission practices as they related to the participation of paid agents in Commission proceedings. In a Statement published alongside the report, I determined to accept all the recommendations made by the working group.

[6] Public consultations on the report and its recommendations occurred in February 2025. Feedback was specifically sought on a number of draft information materials prepared in response to recommendations 2 and 3 of the report.

Proposed documents for feedback

[7] The Commission has considered the feedback provided by interested parties and made changes to the documents. We now seek final feedback on the following resources which are designed to address recommendations 2 and 3 of the working group's report.

Paid Agent Code of Conduct

[8] The Paid Agent Code of Conduct articulates the Commission's expected standards of professionalism and behaviour for those who appear before it. Paid agents must comply with the Commission's Paid Agent Code of Conduct. A paid agent who does not comply may be refused permission to participate in conferences and hearings at the Commission or, if prior permission has been granted, may have such permission revoked.

Fact sheet: Representation by a paid agent

[9] The Fact sheet: Representation by a paid agent is for people who are considering hiring a paid agent to represent them at the Commission. It is intended to help prospective clients make informed choices. Paid agents are required to give prospective clients a copy of the fact sheet prior to entering into any contract or costs arrangement.

Paid agent pre-conciliation disclosure

[10] The Pre-conciliation disclosure form will be required for all paid agents to complete before participating in a conciliation of an unfair dismissal case or conference in a general protections case. It requires a paid agent to notify the Commission and their client before a conciliation or conference of certain fee arrangements and to make declarations regarding compliance with the Paid Agent Code of Conduct.

Next steps

[11] Interested parties are invited to review and provide further feedback in relation to these proposed resources by **4:00pm on 9 April 2026**. Feedback can be sent to consultation@fwc.gov.au.

PRESIDENT