



Fact sheet: Representation by a paid agent

This fact sheet is for people who are thinking about hiring a paid agent to represent them at the Fair Work Commission.

Do I need to be represented?

No. Many people represent themselves at the Commission.

You can choose to hire a lawyer or paid agent to give you advice and represent you.

Lawyers and paid agents must have permission from the Commission to participate in some types of Commission proceedings. Be aware that permission may not be granted in your case, and you may need to represent yourself at a hearing or conference even if you have already hired a paid agent or lawyer.

What is the difference between a lawyer and a paid agent?

Lawyers must have legal qualifications and be admitted to legal practice by a state or territory Supreme Court. Their conduct is regulated by legislation and by Law Societies and Bar Associations.

Paid agents are not lawyers. Paid agents are workplace relations advisers or advocates who charge a fee to represent a person in a case before the Commission. There are no set requirements or qualifications to become a paid agent.

Paid agents are not regulated in the same way as lawyers, but the Commission expects paid agents to comply with our [Paid Agent Code of Conduct](#).

Unlike a lawyer, a paid agent cannot represent you in proceedings before a court.

The Paid Agent Code of Conduct

The Paid Agent Code of Conduct sets out the Commission's expectations of how a paid agent will behave. For example, the Code says that a paid agent must:

- ask you what you want and act in your best interests
- conduct themselves in a professional and ethical manner
- be clear about their fees and give you a written costs agreement.

You can read the full [Paid Agent Code of Conduct](#) on our website.

While these are the Commission's expectations, the Commission cannot force a paid agent to comply with the Paid Agent Code of Conduct or help you to resolve a dispute with your paid agent.

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Things to consider when deciding whether to hire a paid agent or lawyer

When considering whether to hire a paid agent or lawyer to represent you, you should:

- ask about their qualifications and experience in appearing at the Commission
- carefully read any costs agreement or contract they give you before you sign it
- be realistic about the outcome you want from your case and the fees involved. In unfair dismissal and general protections cases where a payment is made, the average amount paid is only around 5 to 6 weeks' wages. Consider if this will cover the paid agent's or lawyers' fees, and what (if anything) would be left for you
- if your case is a general protections case, be aware that a paid agent will not be able to represent you if your dispute is not resolved and goes to a federal court.



Be wary of a paid agent who:

- » pressures you to sign a costs agreement or contract without giving you time to properly consider it
- » offers a 'no win no fee' arrangement – carefully check the terms and conditions of this offer
- » asks to have your settlement money paid into their bank account (this is contrary to the Paid Agent Code of Conduct)
- » requires you to get their permission before you settle or discontinue your own case (this is also contrary to the Paid Agent Code of Conduct)
- » won't continue to represent you if your case doesn't settle – ask whether their services include hearing preparation and representation, should you need it.
- » says or implies they will get you the maximum payment – this rarely happens. In unfair dismissal and general protections cases where a payment is made, the average amount paid is only around 5 to 6 weeks' wages
- » operates from overseas – make sure they can attend the Commission in person if required.

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What to do if you're unhappy with your paid agent

1. **Try to resolve the issue directly with the paid agent** – put your concerns in writing and state what outcome you are seeking.
2. **Contact your local consumer protection agency** for information on your consumer rights and options:
 - » [ACT: Access Canberra](#)
 - » [SA Office of Consumer and Business Services \(CBS\)](#)
 - » [NSW Fair Trading](#)
 - » [Tasmania Consumer, Building and Occupational Services \(CBOS\)](#)
 - » [NT Consumer Affairs](#)
 - » [Victoria: Consumer Affairs Victoria \(CAV\)](#)
 - » [Queensland: Office of Fair Trading Queensland](#)
 - » [WA Consumer Protection – Department of Mines, Industry Regulation and Safety.](#)

3. Report breaches of the Paid Agent Code of Conduct to the Commission

The Commission has no power to resolve a dispute between you and your paid agent. However, if you believe your paid agent has breached the Paid Agent Code of Conduct, you can tell us by sending an email to feedback@fwc.gov.au.

The information you provide:

- is collected and held in accordance with our [Privacy Policy](#)
- will not affect the conduct or outcome of your case, and
- can be used to monitor a paid agent's compliance with the [Paid Agent Code of Conduct](#) and help us decide whether to give them permission to represent a person in a hearing or conference in a future case.

If you report a breach to us you will receive an automatic acknowledgement email, but we will not contact you or update you about your report.