



About the F86E application form

Application to deal with a dispute about the operation of Part 2-7A of the *Fair Work Act 2009*

About disputes about the operation of Part 2-7A of the *Fair Work Act 2009*

The [Fair Work Act 2009](#) provides for the Fair Work Commission (Commission), on application, to deal with a dispute about the operation of Part 2-7A of the Fair Work Act where a **regulated labour hire arrangement order** is in force or has been made but is not yet in force. This includes:

- a dispute about what the protected rate of pay is for a regulated employee,
- a dispute about whether a regulated employee has been paid, or is being paid, less than the protected rate of pay, and
- other disputes about the operation of Part 2-7A.

The parties to the dispute must first try to resolve the dispute by discussions at the workplace level. If these discussions do not resolve the dispute, a party can apply to the Commission to deal with the dispute.

The Commission can arbitrate a dispute about the operation of Part 2-7A, but unless there are exceptional circumstances it must first try to resolve the dispute by other means. These might include mediation, conciliation, making a recommendation or expressing an opinion.

For more information about regulated labour hire arrangement orders, see [Labour hire employees' protected rates of pay](#).

When to use this form

Use this form to apply to the Commission to deal with a dispute about the operation of Part 2-7A of the *Fair Work Act 2009* relating to a regulated labour hire arrangement order (which is in force or is not yet in force), if discussions at the workplace have not resolved the dispute.

This form can be used by a party to the dispute.

Lodging and serving your completed form

1. **Lodge** this application and any supporting documents with the Commission.

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

2. Serve a copy of this application and any supporting documents on the Respondent as soon as practicable.

You can serve documents several ways, including by email, express post or registered post.

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.

Throughout this form



This icon appears throughout the form. It indicates information to help you complete the form

Legal or other representation

Representation is where another person (such as a lawyer, paid agent, 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
- an employee or officer of an employee or employer organisation.

For more information about representation by lawyers and paid agents, see section 596 of the [Fair Work Act 2009](#), rules 11, 12, 13 and 14 of the [Fair Work Commission Rules 2024](#), and the Commission's [practice note on representation by lawyers and paid agents](#).

Glossary of common terms

Exemption period – see section 306G of the [Fair Work Act 2009](#)

Host employment instrument – see section 306E(6) of the [Fair Work Act 2009](#)

Lawyer – 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

Protected rate of pay – see section 306F of the [Fair Work Act 2009](#)

Regulated employee - see section 306E(5) of the [Fair Work Act 2009](#)

Regulated host – see section 306C of the [Fair Work Act 2009](#)

Regulated labour hire arrangement order – see section 306E(1) of the [Fair Work Act 2009](#)

Service – serving a document means giving a copy of the document to a person, usually to the other party to the matter. You can serve a document in a number of ways, including by email, express or registered post, or in person. Part 5 of Chapter 1 and Schedule 1 of the [Fair Work Commission Rules 2024](#) 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 F86E – Application to deal with a dispute about the operation of Part 2-7A of the *Fair Work Act 2009*

Fair Work Act 2009 (Fair Work Act), section 306P

This is an application to the Fair Work Commission to deal with a dispute about the operation of Part 2-7A of the Fair Work Act.

The Applicant



These are the details of the person making this application.

The Applicant is (choose one of the following):

- The regulated host
- An employer covered by the regulated labour hire arrangement order
- A regulated employee covered by the regulated labour hire arrangement order

If the Applicant is an individual, provide the following information:

First name(s)			
Surname			
Email address			
Phone number			
Postal address			
Suburb			
State or territory		Postcode	

If the Applicant is not an individual, provide the following information:

Legal name of Applicant	
Applicant's ACN (if a company)	

Applicant's trading name or registered business name (if applicable)			
Applicant's ABN (if applicable)			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

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 in your language](#) on our website.

Yes – Specify language:

No

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

Yes – Specify the assistance required:

No

Does the Applicant have a representative?



A representative is a person or organisation that is representing the Applicant. The Applicant is not required to have a representative. You can read more about [whether or not to have a representative](#) on our website.

Yes – Provide the representative's details below

No

Representative’s details



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

Name of person			
Firm, company or organisation			
Email address			
Phone number			
Postal address			
Suburb			
State or territory		Postcode	
<p>Is the representative a lawyer or paid agent?</p> <div style="display: flex; align-items: flex-start;"> <p>The Applicant will need permission to be represented by a lawyer or paid agent in a conference or hearing that is conducted by a Commission Member. Our lawyers and paid agents practice note explains when you need to ask for permission to be represented.</p> </div>			
<input type="checkbox"/> Yes – please select:	<input type="checkbox"/> Lawyer <input type="checkbox"/> Paid agent		
<input type="checkbox"/> No			

The Respondent(s)



These are the details of the person the Applicant is in dispute with and that will be responding to this application (the Respondent). If there is more than one Respondent, you can add additional pages.

The Respondent is (choose one of the following):

- The regulated host
- An employer covered by the regulated labour hire arrangement order
- A regulated employee covered by the regulated labour hire arrangement order

If the Respondent is an individual, provide the following information:

First name(s)			
Surname			
Email address			
Phone number			
Postal address			
Suburb			
State or territory		Postcode	

If the Respondent is not an individual, provide the following information:

Legal name of Respondent			
Respondent's ACN (if a company)			
Respondent's trading name or registered business name (if applicable)			
Respondent's ABN (if applicable)			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Add additional pages if there is more than one Respondent

1. About the dispute

1.1 Provide details of the regulated labour hire arrangement order that the dispute relates to.

Name of order	
ID/Code number	
Date order was made	
Date order came or comes into force	

1.2 What is the dispute about?



Describe the matters in dispute. Include details such as:

- key dates
- relevant clauses in the regulated labour hire arrangement order and host employment instrument
- whether an alternative protected rate of pay order applies, and
- whether an exemption period applies.

1.3 What steps have been taken to resolve the dispute at the workplace?



In the first instance, the parties to the dispute must attempt to resolve the dispute at the workplace level by discussions between the parties (see section 306P(3) of the Fair Work Act).

1.4 What outcome is the Applicant seeking?



Explain what the Applicant is seeking to resolve the dispute.

1.5 Are there exceptional circumstances that justify the Commission dealing with the dispute by arbitration in the first instance, rather than first dealing with the dispute by other means?



See section 306P(5) of the Fair Work Act.

Unless there are exceptional circumstances, the Commission must first deal with the dispute by means other than arbitration. That may include mediation, conciliation, making a recommendation or expressing an opinion.

Yes - explain the exceptional circumstances below.

No

1.6 Are there any other matters the Commission should consider in dealing with this dispute?

Yes - provide details below

No

Authority to sign and signature



For 'Authority to sign':

- If you are the Applicant—insert 'Applicant'
- If you are an employee of a company or organisation that is the Applicant—insert your position title
- If you are the Applicant's representative and have provided your details in this form—insert 'Representative'.

Authority to sign	
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Insert your signature, name and the date. If you are completing this form electronically and do not have an electronic signature, type your name in the signature field.

Signature	
Name	
Date	

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS