



## About the F86F notification form

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### Notification of agreement to arbitration of a dispute about the operation of Part 2-7A of the *Fair Work Act 2009*

#### About notification of agreement to arbitration

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.

If the Commission arbitrates the dispute, this may include making an **arbitrated protected pay order** determining:

- how to work out the rate of pay for a regulated employee covered by the regulated labour hire arrangement order, and
- that the employer must pay the rate of pay worked out in that way to the regulated employee in connection with the work for the regulated host.

The Commission must not make an arbitrated protected rate of pay order unless it considers that it would be fair and reasonable to do so.

If the parties have notified the Commission in writing that they agree to arbitration of the dispute, an arbitrated protected rate of pay order may apply in relation to work performed at any time on or after the day the regulated labour hire arrangement order comes into force.

If the parties have not notified the Commission that they agree to arbitration of the dispute, an arbitrated protected rate of pay order may apply only in relation to work performed on or after:

- if the arbitrated protected rate of pay order is made before the relevant regulated labour hire arrangement order comes into force—the day the regulated labour hire arrangement order comes into force, or
- otherwise—the day the arbitrated protected rate of pay order is made.

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 if:

- an application for the Commission to deal with a dispute about the operation of Part 2-7A of the *Fair Work Act 2009* has been made (or is being made) to the Commission, and
- the parties to the dispute wish to notify the Commission that they agree to arbitration of the dispute by the Commission.

This form can be used by the parties to the dispute.

## Lodging your completed form

**Lodge** this form and any supporting documents with the Commission.

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

## 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](http://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

**Arbitrated protected rate of pay order** – see section 306Q(1) 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

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

## 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 F86F – Notification of agreement to arbitration of a dispute about the operation of Part 2-7A of the *Fair Work Act 2009*

[Fair Work Act 2009](#) (Fair Work Act), section 306Q

This is a notification to the Fair Work Commission (the Commission) that the parties to a dispute about the operation of Part 2-7A of the Fair Work Act agree to the Commission arbitrating the dispute.

## The Application

Provide details of the application for the Commission to deal with the dispute (the Application):



If you do not know the case number because this notification is being lodged with the Application, you can indicate this in the first box below.

Commission case number	
Name of applicant	
Name of respondent(s)	

### Does any party 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

### Does any party require any special assistance at the hearing or conference (eg a hearing loop)?

Yes – Specify the assistance required:

No

**The party lodging this notification****If the party lodging this notification is an individual, provide the following information:**

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

**If the party lodging this notification is not an individual, provide the following information:**

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

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**Does the party lodging this notification have a representative?**



A representative is a person or organisation that is representing the party. The party 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 party lodging this notification (if any).

Name of person			
Firm, company or organisation			
Email address			
Phone number			
Postal address			
Suburb			
State or territory		Postcode	
<p><b>Is the representative a lawyer or paid agent?</b></p>			
The party 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 <a href="#">lawyers and paid agents practice note</a> explains when you need to ask for permission to be represented.			
<input type="checkbox"/> Yes – please select:		<input type="checkbox"/> Lawyer	
		<input type="checkbox"/> Paid agent	
<input type="checkbox"/> No			

## Agreement to arbitration

### Have all the parties to the dispute agreed to the Commission arbitrating the dispute?



If the parties do not notify the Commission that they agree to arbitration, the Commission may still arbitrate but it will affect when any arbitrated protected rate of pay order applies (if one is made).

Yes

No

### Applicant’s agreement to arbitration



This section must be completed and signed by the party that made the Application for the Commission to deal with the dispute (the Applicant) or the Applicant’s representative.

### 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—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	

**Respondent’s agreement to arbitration**



This section must be completed and signed by the respondent to the dispute (the Respondent) or the Respondent’s representative.

**Authority to sign and signature**



For ‘Authority to sign’:

- If you are the Respondent—insert ‘Respondent’
- If you are an employee of a company or organisation that is the Respondent—insert your position title
- If you are the Respondent’s representative—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	

Add additional pages if there is more than one Respondent.

**Other party’s agreement to arbitration**



This section must be completed and signed by any other party to the dispute (the Other Party) or their representative. Leave this section blank if there is no Other Party.

**Authority to sign and signature**



For ‘Authority to sign’:

If you are the Other Party—insert ‘Other Party’

If you are an employee of a company or organisation that is the Other Party—insert your position title

If you are the Other Party’s representative—insert ‘Representative’.

Authority to sign	
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FAIR WORK COMMISSION  
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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	

Add additional pages if there is more than one Other Party.

**PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS**