



## About the F89 application form

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### Application for an unfair deactivation remedy

#### About unfair deactivation remedies

The [Fair Work Act 2009](#) provides for the Fair Work Commission (Commission), on application, to determine whether an **employee-like worker** was unfairly **deactivated** from a **digital labour platform**.

The Commission may order a remedy for the employee-like worker if the Commission finds the worker is protected from unfair deactivation and has been unfairly deactivated. To find a worker was unfairly deactivated the Commission must be satisfied the deactivation was not consistent with the [Digital Labour Platform Deactivation Code](#).

To be eligible to apply for an unfair deactivation remedy you must:

- be an employee-like worker
- have been performing work
  - through or by means of a digital labour platform, or
  - under a **services contract** arranged or facilitated through or by means of a digital labour platform
- have been deactivated from the digital labour platform
- have earned less than the [contractor high income threshold](#), and
- have been performing work through or by means of the digital labour platform, or under a contract or a series of contracts arranged or facilitated through or by means of the digital labour platform, on a regular basis for a period of at least 6 months.

For more information about **unfair deactivation remedies**, [unfair deactivation for employee-like workers](#) on the Commission's website.

## When to use this form

Use this form to apply to the Commission for an unfair deactivation remedy if you are an employee-like worker who has been deactivated from a digital labour platform and you believe you have been unfairly deactivated.

You must apply within 21 days after the deactivation. We can only extend the deadline for lodging an application in exceptional circumstances.

## Lodging your completed application

1. **Lodge your application** and any supporting documents with the Commission within **21 days** after your deactivation took effect. You can lodge:
  - by email to [lodge@fwc.gov.au](mailto:lodge@fwc.gov.au), or
  - by post or in person at the [Commission's office](#) in your state or territory.
2. **Pay your application fee** at the same time as you lodge your application. The current application fee is available on the [Lodge an application](#) page on the Commission's website.

If paying the fee will cause you serious hardship, you can apply to have the fee waived. You must apply to have the fee waived at the same time as you lodge your application. Download the [waiver form](#) from the Commission's website.

When the Commission sends a copy of your application to other people involved in the case, we will not include information about the application fee.



**We will send a copy of this form (and any other documents you lodge with your application) to the other people in this case.**

This includes:

- the digital labour platform operator, and
- any representatives or paid agents involved in the case.

This is so they can understand your side of the case. We will ask them for their side of the case as well.

**If you are worried about particular information being passed on, don't include it yet.**

Lodge your completed form and then contact us to talk about whether you should provide the information.

You can find out more about [keeping the case confidential](#) on our website.

## 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 speaks or acts on your behalf, or assists you in certain other ways in relation to your case. A representative could be a lawyer, paid agent, union, legal guardian or a not-for-profit association or body that provides support, advice or advocacy in relation to the kind of application or case concerned.

A representative is different from a support person. A support person is someone you bring with you to a legal proceeding who can give you emotional support, such as a family member or friend.

You do not have to be represented to bring a case to the Commission.

There are some rules about when a lawyer or paid agent can represent you.

Unless the Commission decides otherwise in a particular case, a lawyer or paid agent can represent you without permission to:

- prepare and lodge this application
- prepare and lodge submissions about your case, and
- write to the Commission and other people involved in the case on your behalf.

Generally, you must give notice to the Commission and seek permission from the Commission Member dealing with your case if you wish to have a **lawyer or paid agent** represent you in a **conference or hearing**. You do not need to ask permission or give notice if your lawyer or paid agent is an employee or officer of a union that is representing you.

You can notify the Commission that you have a lawyer or paid agent using this form – provide their details at ‘Do you have a representative?’.

If you need to notify the Commission that you have a lawyer or paid agent after you have lodged this form, or if you need to ask permission for a lawyer or paid agent to take part in a **conference or hearing**, use [Form F53](#).

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](#), information about [representatives and the rules they must follow](#), and the Commission’s [practice note on representation by lawyers and paid agents](#).

## **Glossary of common terms**

**Applicant** – this is the person that is making an application.

**Deactivated** – see section 536LG of the [Fair Work Act 2009](#).

**Digital labour platform** – see section 15L of the [Fair Work Act 2009](#).

**Digital labour platform operator** – see section 15M of the [Fair Work Act 2009](#).

**Employee-like worker** – see section 15P of the [Fair Work Act 2009](#).

**Jurisdictional objection** – this is a type of objection a respondent can raise to an application. A respondent can make this kind of objection if they think that the Commission, for a technical or legal reason, cannot hear the matter.

**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, this is an agent (other than a bargaining representative) who charges or receives a fee to represent a person in the matter.

**Party** – this is a person involved in a matter or case that is brought to the Commission.

**Person** – includes an individual and a body corporate.

**Respondent** – this is the person responding to an application made by an applicant.

**Services contract** – see section 15H of the [Fair Work Act 2009](#).

## Privacy

The Commission collects the information (including personal information) provided to it in this form in order to deal with the application for an unfair deactivation remedy. The information will be included on the case file and the Commission may disclose the information to the other parties to this case 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 F89 – Application for an unfair deactivation remedy

Fair Work Act 2009, (the Fair Work Act) section 536LU

This is an application to the Fair Work Commission for an unfair deactivation remedy under Part 3A-3 of the Fair Work Act.

### The Applicant (you)



These are your details. Provide a telephone number and email. It is important that we can contact you so that we can deal with your application.

To make this application you must be an employee-like worker. Section 15P of the Fair Work Act defines *employee-like worker*.

If you are under 18 years of age, the Commission encourages you to have a parent or guardian, or a legal representative, involved. We can provide further information about how to find legal services.

First name(s)			
Surname			
Email address			
Phone number			
Mobile number			
Postal address			
Suburb			
State or territory		Postcode	
Are you aged:	<input type="checkbox"/> 18 years or over (adult)		
	<input type="checkbox"/> Under 18 years		

Note: If you provide a mobile number we may send reminders via SMS

### Do you need an interpreter?



If you are having 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 need any special assistance at the hearing or conference (eg a hearing loop)?**

Yes – Please specify the assistance required

No

**Do you have a representative?**



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

Yes – Provide your representative’s details below

No

**Your representative**



These are the details of the person representing you (if any).

Name of person			
Firm, union or company			
Email address			
Phone number			
Postal address			
Suburb			
State or territory		Postcode	
<b>Is your representative a lawyer or paid agent?</b>			
You will need permission to be represented by a lawyer or paid agent in a conference or hearing. 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			

## The Respondent (the digital labour platform operator)

Provide details below of the digital labour platform operator that deactivated you.



Sections 15L and 15M of the Fair Work Act define *digital labour platform* and *digital labour platform operator*.

Note that the Commission will send a copy of your application to the contact person you name below.

Name of digital labour platform	
Legal name of digital labour platform operator	
Digital labour platform operator's ACN (if a company)	
Digital labour platform operator's ABN	
Contact person	
Phone number	
Email address	
Postal address (if applicable)	

### 1. Deactivation from the digital labour platform

1.1 What date did you begin working through or by means of the digital labour platform?

1.2 What date were you notified of your deactivation from the digital labour platform?



Section 536LG of the Fair Work Act defines *deactivated*.



**1.3 What date did your deactivation take effect?**

**1.4 Did you work through or by means of the digital labour platform on a regular basis for a period of at least 6 months?**



See section 536LD(c) of the Fair Work Act. To be protected from unfair deactivation you must have been performing work:

- through or by means of the digital labour platform, or
- under a contract, or series of contracts, arranged or facilitated through or by means of the digital labour platform, on a regular basis for a period of at least 6 months.

Yes

No

**1.5 Are you making this application within 21 calendar days after the day your deactivation took effect?**



See sections 536LU(3) and 536LU(4) of the Fair Work Act. This application must be made within 21 days after the day the deactivation took effect, or such further period as allowed by the Commission.

The Commission may allow a further period to make this application if satisfied there are exceptional circumstances taking into account the matters listed in section 536LU(4).

Yes

No

If you answered **No** – Explain why there are exceptional circumstances, referring to the matters listed in section 536LU(4) of the Fair Work Act (including the reason for the delay and any action you have taken to dispute the deactivation).

**1.6 Have you earned less than the contractor high income threshold?**



This application can only be made if your annual rate of earnings is less than the contractor high income threshold. See section 536LU(2) of the Fair Work Act and regulation 1.08AA of the Fair Work Regulations 2009.

Yes

No – Seek advice before lodging this application

**1.7 Have you commenced other deactivation proceedings in relation to your deactivation from the digital labour platform?**



See section 734BA of the Fair Work Act and regulation 6.01A of the *Fair Work Regulations 2009*. You cannot make this application if you have commenced other deactivation proceedings, unless you have discontinued those other proceedings or they have failed because there was no jurisdiction. Regulation 6.01A defines *other deactivation proceedings*.

If you answer yes to this question, you will need to decide which proceeding is the most appropriate one. If you are unsure which is the best option for you, read the **where to get help** section in the cover sheet of this form.

Yes

No

**1.8 What were the reasons for your deactivation that the digital platform operator gave you (if any)?**



Using numbered paragraphs, specify the reasons for your deactivation that the digital labour platform operator gave you (if any). Attach any text or application messages or other documentation given to you by the operator.

Note that the Commission will send copies of any documents you provide to the operator. Add extra pages if necessary.

**1.9 Why was your deactivation unfair?**



See section 536LH of the Fair Work Act. Using numbered paragraphs, describe what happened and explain why you say your deactivation was unfair. This should include:

- your response to any reasons for your deactivation that the digital labour platform operator gave you, and
- whether the digital labour platform operator followed any relevant process in the [Digital Labour Platform Deactivation Code](#).

**1.10 Why was your deactivation not consistent with the Digital Labour Platform Deactivation Code?**



Under section 536LF of the Fair Work Act, the Commission cannot find you were unfairly deactivated unless it is satisfied your deactivation was not consistent with the [Digital Labour Platform Deactivation Code](#).

## 2. Remedy

### 2.1 What outcome are you seeking by lodging this application?



See subsection 536LQ of the Fair Work Act. The Commission may order a person’s reactivation. If the Commission does order reactivation it may also order the digital platform operator to pay the person an amount for remuneration lost, or likely to have been lost, by the person because of the deactivation-. The Commission is not able to order the payment of compensation to a person who has been unfairly deactivated from a digital labour platform.

### Disclosure of information

The Commission may provide a copy of this response and any attachments to the other parties to this matter. This includes:

- the digital labour platform operator, and
- any representatives.

### Authority to sign and signature



For ‘Authority to sign’:

- If you are the Applicant—insert ‘Applicant’
- 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**

## Application fee

Your name:

The current application fee is available on the [Lodge an application](#) page on the Commission's website [www.fwc.gov.au](http://www.fwc.gov.au).

The *Fair Work Act 2009* requires a fee to be paid on lodgment of this application with the Commission. Where applicable, any refund of the application fee will be forwarded by cheque to you at the address provided on this application form.

## Financial hardship

If paying the fee will cause you financial hardship, you can apply to have the fee waived. If you are applying to have the fee waived you must complete and lodge the Fee Waiver form at the same time as you lodge your application. Note that the Commission will not forward a copy of the Fee Waiver form to the employer. The [Fee waiver form](#) can be downloaded from the Commission website [www.fwc.gov.au](http://www.fwc.gov.au).

## Payment options

- I have completed the Fee Waiver form and have attached it to my application.
- I am paying by cash – Cash payments can only be made in person at one of the Commission offices. Payment should be made at the same time as the application is lodged.
- I have attached a cheque or money order to this application – Cheques and money orders should be made payable to the Collector of Public Monies, FWC. Please note that the cheque or money order must be for the exact amount of the application fee, if it is not it may cause the processing of your application to be delayed.
- I am paying by credit card – Please see below:

**If paying by credit card, please provide the payer details below and a Commission officer will contact the payer within 3 business days from the date of lodgment.**

## Payer details

Who is making the payment?

- You                       Your representative                       Other—Please complete the details below

Full name of payer			
Postal address			
Phone number		Email address	

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