



## About the F10DA application form

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### Application for the Commission to deal with a dispute about fixed term contracts

**Complete this form if:**

- you are an employee
- you have a dispute with your employer about the operation of Division 5 of Part 2-9 of the *Fair Work Act 2009* – which places limitations on the use of fixed term contracts
- you have already tried to resolve the dispute by discussions with your employer, and
- you want the Fair Work Commission to help you and your employer to resolve the dispute.

You can **find out more** about disputes about fixed term contracts on our website.

**If you and your employer agree that you want the Commission to arbitrate the dispute**, also complete the Form F10DB – Notification of agreement to arbitration of a dispute about fixed term contracts.

**If you are an employer wishing to make an application** for the Commission to deal with a dispute about a fixed term contract, please use Form F1 – Application (no specific form provided).

**After you have completed this form:**

- Send your form and copies of your written employment contracts (if any) to the Commission. There are instructions on the last page.
- Send a copy of your form and the copies of your written employment contracts to your employer. This is so they can understand your side of the case.

**If you need help** completing this form visit our website to [contact us](#).

# Form F10DA – Application for the Commission to deal with a dispute about fixed term contracts

[Fair Work Act 2009](#), section 333L

This is an application for the Fair Work Commission to deal with a dispute about the operation of Division 5 of Part 2-9 of the [Fair Work Act 2009](#).

## About you (the Applicant)

### 1. Your contact details

Given name			
Family name			
Email address			
Phone number			
Postal address			
Suburb			
State or territory		Postcode	

**Note:** If you give us a mobile number, we may send you reminders by SMS.

### 2. 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 – What language?

No

### 3. Will you need any special assistance if we hold a conference or hearing (eg do you have hearing difficulties)?

Yes – What will you need?

We will contact you to see if there is anything else we can reasonably do to help you.

No

**4. Do you have a representative?**



A **representative** is a person who speaks for you in your case, such as a union official, or a lawyer or paid agent. You don't need to have a representative. You can read more about [whether or not to have a representative](#) on our website.

No I don't have a representative – Go to question 5

Yes I do have a representative – Fill in their contact details below

You will need permission to be represented by a lawyer or paid agent in a conference or hearing about your case 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.

<b>Name of person representing you</b>			
<b>Firm, company or organisation</b>			
<b>Email address</b>			
<b>Phone number</b>			
<b>Postal address</b>			
<b>Suburb</b>			
<b>State or territory</b>		<b>Postcode</b>	
<b>Is your representative a lawyer or paid agent?</b>			
<input type="checkbox"/> Yes <input type="checkbox"/> No			

## About your employer (the Respondent)

### 5. Your employer's contact details



You can generally find the legal name of your employer on your pay slips, PAYG payment summary, appointment letter or employment contract. You can use the [Australian Business Register](#) website to find their ABN.

Employer name			
Employer's legal name			
ACN (if a company) and ABN			
Contact person			
Name of contact person			
Position/role			
Email address			
Phone number			
Address of employer			
Employer's street address or PO Box			
Suburb			
State or territory		Postcode	

## About the dispute

### 6. Does your dispute with your employer relate to:

- An employment contract you have entered into that you believe contravenes the limitations on fixed term contracts in section 333E of the *Fair Work Act 2009*
- An employment contract your employer is offering you that you believe contravenes the limitations on fixed term contracts in section 333E of the *Fair Work Act 2009*
- Whether an exception to the limitations on fixed term contracts in section 333F of the *Fair Work Act 2009* applies to you

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- [ ] The operation of the term in your fixed term contract that provides the contract will terminate at the end of an identifiable period
- [ ] Changes your employer has made or is proposing to make to your employment arrangements that you believe contravene the anti-avoidance provisions in section 333H of the *Fair Work Act 2009*
- [ ] Some other concern about the operation of Division 5 of Part 2-9 of the [Fair Work Act 2009](#)

**7. Write down the following details for each of your employment contracts with your employer:**

- contract start date – this is the day your employment under the contract started (which might be different to the date you signed the contract)
- contract end date – this is the day the contract says the contract or the employment will terminate or end
- employment end date – this is the last day of your employment under the contract (which might be different to the contract end date), and
- whether the work under the contract was the same as or similar to the work under the other contracts.

Contract	Contract start date	Contract end date	Employment end date	Was the work the same as or similar to the work under the other contracts?
1				
2				
3				
4				

Add additional pages if necessary.

**Note:** If your employment contracts are in writing and you have copies, make further copies and include them with this form.

**8. Tell us more about your dispute.**

Tell us more about what the dispute is about. For example:

- if you believe your employer has contravened a limitation on fixed term contracts – tell us what the limitation is and how your contract contravenes it.
- If you are in dispute about whether an exception to the limitations on fixed term contracts applies to you – tell us what the exception is and why you believe it does not apply.

**9. Have you tried to resolve your dispute by discussions with your employer?**



The Commission can only deal with your dispute if you and your employer have first attempted to resolve the dispute by discussions at the workplace level.

[ ] Yes – Describe below the discussions you have had with your employer and what your employer has said about your concerns.

[ ] No – You may not be eligible to make this application. Please seek advice. You can visit our website to find out [where to get legal help](#).

**10. What outcome do you want to resolve your dispute?**



Tell us about what may resolve the dispute.

The Commission will try to help you resolve your dispute by holding a conference. The Commission may mediate or conciliate and may make a recommendation or give an opinion on the dispute.

If you and your employer want the Commission to make a binding decision to resolve the dispute, you and your employer will need to notify the Commission that you agree to the Commission arbitrating the dispute. You can do this using the Form F10DB – Notification of agreement to arbitration of a dispute about fixed term contracts.

## Sign your form

Read the [Privacy notice](#) to find out what personal information we collect, why we collect it, and what we do with it.

### Signature

If you are completing this form electronically, you can use an electronic signature by inserting it below. If you do not have an electronic signature, you can type your name in the signature box.

### Name

### Date

### Authority to sign

Leave this blank if you are the Applicant. If you are completing and signing this form on behalf of the Applicant, explain your authority to do so.

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



## Lodge your form

You can lodge your form and the copies of your written employment contracts (if any) by:

- email to [lodge@fwc.gov.au](mailto:lodge@fwc.gov.au), or
- post to your nearest [Commission office](#).

## Serve your form

Send a copy of your form and the copies of your written employment contracts (if any) to your employer. This is so they can understand your side of the case.

If you are worried about sharing particular information with your employer, don't include it with this form. Lodge your completed form and then contact us to talk about whether you should provide the information.

## What happens next

We will contact you to let you know what you need to do next.

Your case will then be allocated to a Commission Member, who will decide how your case will proceed. They might decide to hold a conference or hearing or may ask you for more information.

Visit our website to find out more about fixed term contract disputes.