



About the F12 application form

Application for the FWC to deal with a right of entry dispute

Who can use this form

Use this form if you want to make an application to the Fair Work Commission (the Commission) to deal with a right of entry dispute and you are:

- a permit holder
- a permit holder's organisation
- an employer, or
- an occupier of premises.

About right of entry

Section 505(3) of the [Fair Work Act 2009](#) allows the Commission to deal with a dispute regarding right of entry on its own initiative, or upon application.

The Commission may deal with a range of disputes regarding right of entry, including:

- whether a request for a permit holder to comply with occupational health and safety requirements is reasonable (s.491 and s.499)
- whether a request for a permit holder to take a particular route to a room or area in which an interview is to be conducted or discussions held is reasonable (s.492A)
- in remote areas:
 - whether accommodation is reasonably available or premises reasonably accessible to permit holders;
 - whether providing accommodation or transport, or causing accommodation or transport to be provided would cause undue inconvenience to the occupier of premises;
 - whether a request to provide accommodation or transport is made within a reasonable period;

- when a right of entry to investigate a suspected contravention or to hold discussions may be exercised by a permit holder (s.521C and s.521D); and
- the frequency with which a permit holder or permit holders of an organisation enter premises (s.505A).

The Commission can make orders imposing conditions, suspending or revoking a permit (s.505(2) and s.505A(3)).

Lodging your completed form

1. Lodge **your application** and any supporting documents with the Commission. You can lodge:
 - by email to lodge@fwc.gov.au, or
 - by post or in person at the [Commission's office](#) in your state or territory.
2. **Serve a copy** of this application and any supporting documentation on the Respondent **as soon as practicable** after the application is lodged with the Commission.

You can serve documents several ways, including by email, express post or registered post. An easy way to serve the documents is to copy the Respondent into the email you send to the Commission when you lodge your application.

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 answer the question following.

Legal or other representation

Representation is where another person (such as a lawyer or paid agent, or an employee of a 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 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
- a bargaining representative that is representing the person or
- an employee or officer of an employee or employer organisation, or an association of employers or a peak council, that is representing the person.

Rule 13(2) of the [Fair Work Commission Rules 2024](#) sets out further exceptions to the requirement to give notice and seek permission.

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

Applicant – This is the person or organisation that is making an application.

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

Party – A party is a person or organisation involved in a matter or case that is brought to the Commission.

Respondent – The person or business responding to an application made by an Applicant.

Service – Serving a document means giving a copy of the document to a person or organisation, 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 F12 – Application for the FWC to deal with a right of entry dispute

[Fair Work Act 2009](#), ss. 505 and 505A

This is an application to the Fair Work Commission for it to deal with a right of entry dispute in accordance with Part 3-4 of the [Fair Work Act 2009](#).

The Applicant



These are the details of the person who is making the application.

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

If the Applicant is a company or organisation please also provide the following details

Legal name of business	
Trading name of business	
ABN/ACN	
Contact person	

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 for non-English speakers](#) on our website.

Yes – Specify language

No

Do you require 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 or organisation who is representing you. This might be a lawyer or paid agent, a union or employer organisation. There is no requirement to have a representative.

Yes – Provide representative’s details below

No

Your representative



These are the details of the person or organisation who is representing you (if any).

Name of person			
Firm, organisation, company			
Representative’s ABN (if applicable)			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Is your representative a lawyer or paid agent?

<input type="checkbox"/> Yes – please select:	<input type="checkbox"/> Lawyer
	<input type="checkbox"/> Paid agent
<input type="checkbox"/> No	

The Respondent



These are the details of the person who will be responding to your application to the Commission.

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

If the respondent is a company or organisation please also provide the following details

Legal name of business	
Trading name of business	
ABN/ACN	
Contact person	

1. Preliminary

1.1 What industry is the employer in?

1.2 Under which section of the *Fair Work Act 2009* is the application made?

- s.505 – dispute about the operation of Division 5, Part 3-4–Right of Entry
- s.505A – dispute about the frequency of entry to hold discussions

1.3 Are you making this application because you are:

- a permit holder
- a permit holder’s organisation
- an employer, or
- an occupier of premises.

2. About the dispute

2.1 What is the dispute about?

- The frequency with which a permit holder or permit holders of an organisation enter premises under s.484
- Whether a request under ss.491, 492A or 499 is reasonable
- When a right of the kind referred to in s.490 may be exercised by a permit holder on premises of a kind mentioned in ss.521C(1) or 521D(1), despite that section
- Whether accommodation is reasonably available as mentioned in s.521C(1) or premises reasonably accessible as mentioned in s.521D(1)
- Whether providing accommodation or transport, or causing accommodation or transport to be provided, would cause the occupier of premises undue inconvenience as mentioned in s.521C(2)(a) or s.521D(2)(a)
- Whether a request to provide accommodation or transport is made within a reasonable period as mentioned in s.521C(2)(a) or s.521D(2)(a)
- Other (please describe below)

Using numbered paragraphs, describe the matters in dispute. Attach additional pages if necessary

3. Relief sought

3.1 Please specify the orders sought from the Commission.

- an order imposing conditions on an entry permit
- an order suspending an entry permit
- an order revoking an entry permit
- an order about the future issue of entry permits to one or more persons
- another order.

Please provide details of the orders sought or attach a draft order to this application.

3.2 Please outline the grounds, including particulars, upon which the applicant relies in seeking the orders set out in question 3.1.

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