



About the F13 application form

Application for the FWC to deal with a stand down dispute

When to use this form

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

- an employee who has been, or is going to be, stood down for one of the reasons set out below (s.526(3)(a) of the [Fair Work Act 2009](#))
- an employee who has made a request to take leave to avoid being stood down (where the leave has been authorised by the employer) (s.526(3)(b))
- an employee organisation (s.526(3)(c)), or
- an inspector (s.526(3)(d)).

About a stand down

An employer may stand an employee down during a period in which the employee cannot usefully be employed because of one of the following circumstances:

- industrial action (other than industrial action organised or engaged in by the employer) (s.524(1)(a))
- a breakdown of machinery or equipment, if the employer cannot reasonably be held responsible for the breakdown (s.524(1)(b)), or
- a stoppage of work for any cause for which the employer cannot reasonably be held responsible (s.524(1)(c)).

If an employer stands an employee down for the reasons set out above, the employer is not required to make payments to that employee for the period of the stand down (s.524(3)).

The Commission can deal with a dispute about stand down by arbitration, mediation or conciliation, making a recommendation or expressing an opinion (s.526).

Lodging and serving 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 documents on the Respondent. An easy way to do this is to copy the Respondent into the email to the Commission when you lodge the application.

Otherwise, you must send the documents to 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.

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 speaks or acts on your behalf, or assists you in certain other ways in relation to a matter before the Commission. A representative could be a lawyer, paid agent, an officer or employee of a union or peak council, or a not-for-profit association or body that provides support, advice or advocacy in relation to employment or workplace relations matters.

You do not need to be represented in a case at the Commission.

There are some rules about being represented by a lawyer or paid agent.

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 with the Commission, or
- 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 a **hearing**. You do not, however, need to give notice or ask permission if the lawyer or paid agent is an employee or officer of a union or peak council 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](#) 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 F13 – Application for the FWC to deal with a stand down dispute

[Fair Work Act 2009](#), s. 526

This is an application to the Fair Work Commission for it to deal with a stand down dispute in accordance with Part 3-5 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 a not-for-profit body or association that provides support, advice or advocacy in relation to employment or workplace relations matters. You do not need 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/can	
Contact person	

1. Preliminary

1.1 What industry is the employer in?

1.2 What is the capacity in which you make this application?

- an employee who has been, or is going to be, stood down
- an employee who has made a request to take leave to avoid being stood down (where the leave has been authorised by the employer)
- an employee organisation
- an inspector

1.3 Does an enterprise agreement or contract of employment apply to the employee and the employer?

- Yes
- No

1.4 If you have answered Yes to question 1.3, does the enterprise agreement or contract of employment provide for the employer to stand the employee down?

- Yes
- No

If you have answered Yes, please set out the relevant clause(s) of the enterprise agreement or contract of employment.

2. About the stand down dispute

2.1 What was the reason given for the stand down?

- Industrial action (other than industrial action organised or engaged in by the employer)
- A breakdown of machinery or equipment, if the employer cannot reasonably be held responsible for the breakdown
- A stoppage of work for any cause for which the employer cannot reasonably be held responsible.

2.2 What is the stand down dispute about?

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

3. Relief sought

3.1 Please set out the orders sought from the Commission.

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 an 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