



About the F51 application form

Application for an order requiring a person to attend before the Fair Work Commission

About orders requiring a person to attend before the Fair Work Commission

The [Fair Work Act 2009](#) allows the Commission to inform itself in relation to a matter before it by requiring a person to attend before the Fair Work Commission (the Commission). A party can apply for an order requiring a person to attend.

You must lodge a draft order with this form. The template for the draft order is attached to this form. If you are asking the Commission to make an order for more than one person to attend, provide a separate draft order for each person.

If the Commission makes the order, you must serve a signed copy of the order on the person who is required to attend before the Commission and, unless the order has been published on the Commission's website, on every other party in the matter.

For information about orders requiring a person to attend before the Commission see the [Practice note for Orders to attend and orders to produce](#) on the Commission's website.

Who can use this form

Use this form if you are a party to a matter currently before the Commission and you want the Commission to make an order for a person or persons to attend before the Commission.

Lodging and serving your completed form

1. **Lodge** with the Commission:

- this **application** and any supporting documents, and
- a **draft order** for **each person** for whom you are seeking an order to attend. A template for the draft order is attached to this form.

The draft order must be in Word (if lodged electronically) or in hard copy format if you cannot lodge electronically.

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. If an order is made, unless the Commission orders otherwise, serve a signed copy of the order **as soon as practicable** on:

- the person required to attend, **and**
- where the application has not been published on the Commission’s website, every other party in the matter.

You can serve documents several ways, including by email, express post, registered post or in person.

Where to get help

Commission staff & resources

Commission staff cannot provide legal advice. However, staff can give you information on:

- Commission processes
- 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 complete the form.

Legal or other representation

Representation is where another speaks or acts on a person’s behalf, or assists a person in certain other ways in relation to a matter before the Commission. A representative could be a lawyer, paid agent, employee or employer organisation, association of employers, 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 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**
- 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 an Applicant, Respondent or another person or organisation involved in a matter or case that is brought to the Commission.

Respondent – The person or organisation 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 in order to deal with the application for an order requiring a person to attend before the Commission. The information will be included on the case file, and the Commission 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 F51 – Application for an order requiring a person to attend before the Fair Work Commission

[Fair Work Act 2009](#), s.590(2)(a); [Fair Work Commission Rules 2024](#), rule 25 and Schedule 1

This is an application to the Fair Work Commission (Commission) under s.590(2)(a) of the [Fair Work Act 2009](#) for an order requiring a person to attend before the Commission.

The Applicant



These are the details of the party that is making this application.

If the Applicant is an individual, provide the following details:

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

If the Applicant is not an individual, provide the following details:

Legal name	
ACN (if a company)	
ABN (if applicable)	

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

Which party is the Applicant?

- Applicant
- Respondent
- Other

If you answered **other** – Provide details.

The Commission matter that this application relates to



These are the details of the main matter that the proposed order relates to.

Matter name			
Matter Number			

1. The Application

1.1 Who does the Applicant seek the attendance of?



List the names of the person(s) you seek the attendance of.

1.2 Why does the Applicant seek the attendance of the person(s)?



Using numbered paragraphs, explain why the attendance of each person is sought. This might include, for example, explaining the role of the person in your dispute and the nature of any evidence you expect the person may give.

1.3 How will the attendance of the person(s) assist the Commission in reaching a decision?



Using numbered paragraphs, explain how the attendance of the person(s) could assist the Commission in deciding the main matter.



You must complete the draft order attached to this form for each person you seek the attendance of.

Disclosure of information

The Commission may provide a copy of this application and any documents you lodge in support of this application to the other parties in this matter.

Authority to sign and signature



For 'Authority to sign':

- If you are the Applicant (the person seeking the order to attend) – 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 another form – insert 'Representative'.

Authority to sign	
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Insert your signature, name and 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



DRAFT ORDER

Fair Work Act 2009

s.590(2)(a) – Order requiring a person to attend before the Fair Work Commission

Applicant(s):

[Insert the name(s) of the Applicant(s) from the main matter.]

v

Respondent(s):

[Insert the name(s) of the Respondent(s) from the main matter.]

Commission Matter No:

[Insert the Commission matter number.]

COMMISSION MEMBER

DATE

TO: [Name]

[Address]

Pursuant to s.590(2) of the *Fair Work Act 2009* you are **ORDERED** to attend the Commission at the following time, date and place:

Time:

Date:

Place:

And so from day to day until the matter is concluded or until you are excused from further attendance, to [*describe purpose of attendance, eg give evidence, participate in a conference*].

Member

- Note:
- This order has been issued at the request of [*party applying for order*].
 - You can apply to have this order set aside or varied.
 - If you have any queries in relation to this order please contact the associate to [*member*] on [*chamber's email*].