



## About the F52 application form

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### Application for an order for production of documents, records or information to the Fair Work Commission

#### About this form

The [Fair Work Act 2009](#) allows the Fair Work Commission (the Commission) to inform itself in relation to a matter before it by requiring a person to provide copies of documents or records, or to provide any other information to the Commission. A party can apply for an order requiring a person to produce documents, records or other information to the Commission.

You must lodge a draft order with this form. The template for the draft order is attached to this form.

A person is only required to produce documents which are in their possession, custody or control; they are not required to create documents to comply with an order.

If the Commission makes the order, you must serve a signed copy of the order on the person who is required to produce the documents, records or other information and, unless the order has been published on the Commission's website, on every other party in the matter. For information about orders for production of documents, records or information to 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 production of documents, records or other information to the Commission.

#### Lodging and serving your completed form

1. **Lodge** with the Commission:

- this **application** and any supporting documents, and
- a **draft order**. 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](mailto: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 produce the documents, records or information, **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](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 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 for the purpose of dealing with the application for an order requiring production of documents, information or records to 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 F52 – Application for an order for production of documents, records or information to the Fair Work Commission

[Fair Work Act 2009](#), s.590(2)(c); [Fair Work Commission Rules 2024](#), rule 26 and Schedule 1

This is an application to the Fair Work Commission (Commission) for an order under s.590(2)(c) of the [Fair Work Act 2009](#) requiring a person to produce documents, records or other information to 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 What documents, records or other information are being sought?



Using numbered paragraphs, identify the documents, records and information you want produced to the Commission.

### 1.2 Why are the documents, records or other information being sought?



Using numbered paragraphs, explain why each document, record or piece of information is sought. This might include, for example, explaining the evidence that is contained in a document or how a document is relevant to the main matter.

### 1.3 How will the documents, records or other information assist the Commission in reaching a decision?



Using numbered paragraphs, explain how each document, record or other piece of information could assist the Commission in deciding the main matter.



You must complete the draft order attached to this form.

### 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 (person seeking the order for production)—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'.

<b>Authority to sign</b>	
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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.

<b>Signature</b>	
<b>Name</b>	
<b>Date</b>	

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



# DRAFT ORDER

*Fair Work Act 2009*

s.590(2)(c) – Order requiring a person to produce documents etc to 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 provide to the Fair Work Commission the documents, records and other information specified in the Schedule to this order before the Fair Work Commission at the following time, date and place:

Time:

Date:

Place:

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.
  - Instead of attending to provide the documents etc. covered by this order at the time and place specified above, you may produce them to an officer of the Commission at the place specified above not later than 4.00 pm on the day before the day specified above.
  - If you have any queries in relation to this order please contact the associate to [*member*] on [*chamber's email*].

## SCHEDULE

1. [List the documents, records and/or information sought.]
2. ...