

Fact Sheet for paid agents

A paid agent is someone who charges a fee to represent another person or business in a case before the Fair Work Commission.

This fact sheet explains our rules and expectations for paid agents.

Notification and Permission

- Paid agents need permission to represent clients in some matters before the Commission. You may be required to:
 - » lodge a notice [Form xx] seeking permission to represent the client
 - » seek permission to participate in any hearing or conference
 - » notify the Commission if you stop representing the client by lodging notice [Form XX]

Fees

- Paid agents are required to be transparent about their fees.
- You must provide the client and the Commission a written costs agreement outlining:
 - » your fee structures
 - » estimated costs for representing the client at conciliation
 - » likely future costs should the matter not settle at conciliation
 - » fees charged should the Commission deny your representation in the matter
 - » whether you will continued to represent your client should the matter not settle at conciliation
- You must promptly pay your client all their settlement monies.

Professional Conduct and Ethics

- Paid agents are expected to conduct themselves in a professional and ethical manner. You must:
 - » act in the client's best interest
 - » deliver services competently, diligently and promptly
 - » avoid conduct that may hinder the Commission's processes

Communication

- Paid agents are expected to be honest and respectful in their communication with the Commission, the client, and other parties.
- You must:
 - » advise clients of your experience or qualifications and clearly disclose that you are not a lawyer
 - » provide clients realistic and appropriate advice regarding likely outcomes and risks
 - » communicate all settlement offers and clearly explain settlement terms to the client
 - » be timely in responding to client and Commission communications
 - » be transparent in your communication, including copying the client and other parties on relevant communications