

# Representation by paid agents

This fact sheet explains the Fair Work Commission's requirements and expectations for paid agents.

There is no requirement to be represented in Fair Work Commission matters, but you may choose to pay a lawyer or paid agent to represent you.

## What is the difference between a paid agent and a lawyer?

**Lawyers** are admitted to practice law by a state or territory Supreme Court. They must be registered, adhere to professional conduct rules, and are regulated by Law Societies and Bar Associations.

**Paid agents** charge or receive a fee to represent a person in matters before the Commission. Paid agents are not regulated in the same way as lawyers. However, the Commission does have rules and expectations for paid agents.

Distinction	Lawyers (barristers and solicitors)	Paid Agents
Minimum standards of experience	✓	✗
Professional qualifications	✓	✗
Admitted to legal practice	✓	✗
Required to be a fit and proper person	✓	✗
Regulated by a professional body	✓	✗
Required to follow professional rules	✓	✗
Required to follow codes of ethics	✓	✗

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## The Commission's rules and expectations for paid agents

### 1. Notification and Permission

- Your paid agent may require permission from the Commission to represent you.
- Your paid agent must notify the Commission if they stop representing you.

### 2. Conduct and Ethics

- Paid agents are expected to conduct themselves in a professional and ethical manner.
- Your paid agent must:
  - » act in your best interests when they represent you
  - » deliver their services competently, diligently and promptly
  - » not cause delays or interrupt the Commission's processes.

### 3. Fees and Payments

- Paid agents are required to be transparent about their fees.
- Your paid agent must give you a cost agreement. This is a written summary of their fee structure and estimated costs. They must also provide a copy to the Commission.
- The cost agreement should include:
  - » costs for representing you at conciliation
  - » likely future costs should your matter not settle at conciliation
  - » fees you will be charged if the Commission does not give them permission to represent you
  - » a statement about whether they will continue to represent you if your matter does not settle at conciliation
- Money owed to you, for example as part of an agreed settlement, should generally be paid directly to you. You do not have to have settlement money paid into your paid agent's account.

### 4. Communication

- Paid agents are expected to be honest and respectful in their communication with you, the Commission and other parties.
- Your paid agent should:
  - » consult with you about the outcome you want before, during and after the conciliation
  - » provide you realistic and appropriate advice about likely outcomes and risks
  - » tell you about all settlement offers and clearly explain any settlement terms
  - » be timely in responding to you and the Commission
  - » be transparent, including giving you copies of relevant documents and emails

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## Worried about the behaviour or conduct of your paid agent?

If you are unsatisfied with the conduct of your paid agent, you should first try to resolve the issue with them directly. It is best to put your concerns in writing, and clearly state the outcome you are seeking.

If you are not satisfied with their response you may wish to:

- contact your local consumer affairs body for information on your consumer rights and options (see list on following page)
- seek legal assistance from a community legal service (see list on following page).

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## Organisations to contact:

### 1. Legal Assistance

These organisations may be able to provide you with free or low-cost legal assistance:

<b>ACT:</b>	Legal Aid ACT Community Legal Centres in the ACT ACT Pro-Bono Clearing House Justice Connect Lawyers
<b>NSW:</b>	Legal Aid NSW/ Law Access NSW Community Legal Centres in NSW Law Society of NSW Pro Bono Scheme NSW Bar Association Legal Assistance Referral Scheme Justice Connect
<b>NT:</b>	Northern Territory Legal Aid Commission Community Legal Centres in the Northern Territory
<b>SA:</b>	Legal Services Commission of South Australia Community Legal Centres in South Australia JusticeNet SA
<b>TAS:</b>	Legal Aid Commission of Tasmania Community Legal Centres in Tasmania The Law Society of Tasmania Pro Bono Referral Service Justice Connect
<b>VIC:</b>	Victoria Legal Aid Community Legal Centres in Victoria Justice Connect
<b>WA:</b>	Legal Aid Western Australia Community Legal Centres in Western Australia Law Access

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## 2. Your local consumer protection

Sometimes called consumer affairs or fair trading agencies, these organisations provide you with information about your consumer rights and options, and may also be able to help negotiate a resolution between you and your paid agent.

ACT:	Access Canberra
NSW:	NSW Fair Trading
NT:	NT Consumer Affairs
QLD:	Office of Fair Trading Queensland
SA:	SA Office of Consumer and Business Services (CBS)
TAS:	Tasmania Consumer, Building and Occupational Services (CBOS)
VIC:	Consumer Affairs Victoria (CAV)

## 3. Australian Competition and Consumer Commission (ACCC)

The ACCC is the national competition, consumer, fair trading and product safety regulator. If a business misleads consumers about their consumer guarantee rights, the ACCC can investigate that business and take compliance or enforcement action.

[Report a consumer issue | ACCC](#)

Visit the ACCC Website for more information.

<https://www.accc.gov.au>