



## About the F86G application form

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### **Application to vary a regulated labour hire arrangement order to cover new employers and relevant regulated employees**

#### **About varying regulated labour hire arrangement orders to cover new employers and relevant regulated employees**

The [Fair Work Act 2009](#) (Fair Work Act) provides for the Fair Work Commission (Commission), on application by a **regulated host**, to vary a **regulated labour hire arrangement order** to cover **new employers** and **relevant regulated employees** if:

- one or more new employers supplies or will supply, in a manner referred to in section 306E(1)(a) of the Fair Work Act, relevant regulated employees to perform work for the regulated host, of a kind to which the regulated labour hire arrangement order relates
- the new employers and relevant regulated employees are not covered by any regulated labour hire arrangement order in relation to the performance of the work, and
- the Commission did not make a determination under section 306EA(1) in relation to the new employers and the application for the regulated labour hire arrangement order.

The regulated host must apply to the Commission to vary the order as soon as practicable after it becomes aware that a new employer will supply employees as described above.

For more information about regulated labour hire arrangement orders, including when the Commission may make orders, see [Labour hire employees' protected rates of pay](#).

#### **When to use this form**

Use this form to apply to vary a regulated labour hire arrangement order (which is in force or not yet in force) to cover new employers and relevant regulated employees.

This form can be used by the regulated host.

#### **Lodging and serving your completed form**

1. **Lodge** this application and any supporting documents with the Commission.

You can lodge this application by email, by post or in person at the [Commission office](#) in your state or territory.

2. **Serve a copy of this application and any supporting documents** as soon as practicable on all of the following:

- each new employer that this application relates to
- each employer that is covered by the regulated labour hire arrangement order that is proposed to be varied, and
- each employee organisation of which the person making this application is aware, that is entitled to represent the industrial interests of: a relevant regulated employee; a regulated employee, or an employee of the regulated host.

Please note the requirements of section 306ED(4) of the Fair Work Act.

## 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](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 (such as a lawyer, paid agent, union or employer organisation) speaks or acts on a person's behalf or assists a person in certain other ways in relation to a matter before the Commission. There is no requirement to be represented 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
- a bargaining representative that is representing the person, or
- an employee or officer of an employee or employer organisation.

For more information about representation by lawyers and paid agents, see section 596 of the [Fair Work Act 2009](#), the Commission's procedural rules and the Commission's [practice note on representation by lawyers and paid agents](#).

## Glossary of common terms

**Lawyer** – This is a person who is admitted to the legal profession by a Supreme Court of a State or Territory

**New employer** – see section 306ED(1)(b) of the [Fair Work Act 2009](#)

**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

**Relevant regulated employee** – see section 306ED(1)(b) of the [Fair Work Act 2009](#)

**Regulated employee** - see section 306E(5) of the [Fair Work Act 2009](#)

**Regulated host** – see section 306C of the [Fair Work Act 2009](#)

**Service** – serving a document means giving a copy of the document to a person, 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 F86G – Application to vary a regulated labour hire arrangement order to cover new employers and relevant regulated employees

[Fair Work Act 2009](#) (the Fair Work Act), section 306ED

This is an application to the Fair Work Commission to vary a regulated labour hire arrangement order to cover new employers and relevant regulated employees.

### The Applicant



These are the details of the person who is making this application. The Applicant must be the regulated host covered by the regulated labour hire arrangement order proposed to be varied (see section 306ED(2) of the Fair Work Act).

Legal name of Applicant			
Applicant's ACN (if a company)			
Applicant's trading name or registered business name (if applicable)			
Applicant's ABN (if applicable)			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

**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 in your language](#) on our website.

Yes – Specify language:

No

**Do you require any special assistance at the hearing or conference (eg a hearing loop)?**

Yes – Specify the assistance required:

No

**Does the Applicant have a representative?**



A representative is a person or organisation that is representing the Applicant. The Applicant is not required to have a representative. You can read more about [whether or not to have a representative](#) on our website.

Yes – Provide the representative’s details below


No

**Representative’s details**



These are the details of the person or organisation that is representing the Applicant (if any).

Name of person			
Firm, company or organisation			
Email address			
Phone number			
Postal address			
Suburb			
State or territory		Postcode	

<p><b>Is the representative a lawyer or paid agent?</b></p> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px; text-align: center;">  </div> <div> <p>The Applicant will need permission to be represented by a lawyer or paid agent in a conference or hearing that is conducted by a Commission Member. Our <a href="#">lawyers and paid agents practice note</a> explains when you need to ask for permission to be represented.</p> </div> </div>	
<input type="checkbox"/> Yes – please select:	<input type="checkbox"/> Lawyer  <input type="checkbox"/> Paid agent
<input type="checkbox"/> No	

## 1. The regulated labour hire arrangement order

### 1.1 Provide the details of the regulated labour hire arrangement order that is proposed to be varied (the Order).

Name of Order	
ID/Code number	
Date Order was made	
Date Order came or comes into force	

## 2. New employers and employee organisations

### 2.1 Provide the details of each new employer that supplies or will supply, in a manner referred to in section 306E(1)(a) of the Fair Work Act, relevant regulated employees to perform work for the Applicant, of a kind to which the Order relates (New Employer).



See section 306ED(1) of the Fair Work Act.

Legal name of New Employer	
New Employer’s ACN (if a company)	
New Employer’s trading name or	

registered business name (if applicable)			
New Employer's ABN (if applicable)			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Add additional pages if there is more than one New Employer

**2.2 Provide the details of each employer already covered by the Order.**

Legal name of employer			
Employer's ACN (if a company)			
Employer's trading name or registered business name (if applicable)			
Employer's ABN (if applicable)			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	

Phone number	
Email address	

Add additional pages if there is more than one employer already covered by the Order

**2.3 Provide the details of each employee organisation of which the Applicant is aware, that is entitled to represent the industrial interests of: a relevant regulated employee, a regulated employee, or an employee of the Applicant.**

Legal name of employee organisation			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Add additional pages if there is more than one employee organisation

**3. The supply and the work performed or to be performed by the relevant regulated employees**

**3.1 Describe how each New Employer supplies or will supply, in a manner referred to in section 306E(1)(a) of the Fair Work Act, relevant regulated employees to perform work for the Applicant, of a kind to which the Order relates.**



Section 306E(1)(a) of the Fair Work Act refers to an employer supplying, either directly or indirectly, one or more employees of the employer to perform work for a regulated host.



**3.2 For each New Employer, describe the New Employer’s relevant regulated employees.**



You can describe the relevant regulated employees as a class or group (you do not need to name each relevant regulated employee).

**3.3 For each New Employer, describe the kind of work that is being performed or will be performed for the Applicant by the New Employer’s relevant regulated employees (the Work).**



Section 306D(1) of the Fair Work Act provides that a ‘work of a kind’ includes work that is substantially of that kind.

**3.4 For each New Employer, specify the date that the New Employer’s relevant regulated employees started or will start to perform the Work.**



Section 306ED(5)(b) of the Fair Work Act requires the Commission to take all reasonable steps to make its decision before the time any of the relevant regulated employees start to perform the Work.

**3.5 Has the Applicant agreed with any New Employer to the Commission varying the Order to cover the New Employer and the New Employer’s relevant regulated employees?**



Section 306ED(6) provides that the Commission must vary the Order to cover a New Employer and the New Employer’s relevant regulated employees if the regulated host and the New Employer notify the Commission that they agree to the making of the variation.

Yes – each New Employer that has agreed must complete section 4

No – go to section 5

#### 4. New Employer’s agreement to the variation



This section must be completed and signed by each New Employer that has agreed with the Applicant to the Order being varied to cover the New Employer and its relevant regulated employees.

**The following New Employer agrees to the Order being varied to cover the New Employer and its relevant regulated employees:**

Legal name of New Employer	
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#### Authority to sign and signature



For ‘Authority to sign’:

- If you are the New Employer –insert ‘New Employer’
- If you are an employee of a company or organisation that is the New Employer – insert your position title

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	

Add additional pages if more than one New Employer has agreed to the Order being varied to cover the New Employer and its relevant regulated employees

**5. Matters to be considered if the Applicant and New Employer have not agreed to variation of the Order**

**5.1 Have the Applicant and any New Employer not agreed to the Commission varying the Order to cover the New Employer and the New Employer’s relevant regulated employees?**



If the Applicant and a New Employer do not notify the Commission that they agree to the making of the variation, the Commission will decide whether to make the variation under section 306ED(7) of the Fair Work Act.

Yes – complete questions 5.2 to 5.3 in respect of each New Employer that has not agreed

No – go to section 6

**5.2 For each New Employer, would the host employment instrument covered by the Order apply to all of the New Employer’s relevant regulated employees if they were employed by the Applicant to perform the Work?**



See sections 306ED(7) and 306E(1)(b) of the Fair Work Act.

Yes

No

**5.3 Explain for each New Employer how the performance of the Work by the New Employer’s relevant regulated employees, is not or will not be for the provision of a service, rather than the supply of labour.**



Under section 306ED(8) of the Fair Work Act, the Commission must not vary the Order to cover the New Employer unless it is satisfied that the performance of the Work is not or will not be for the provision of a service, rather than the supply of labour, having regard to the matters in section 306E(7A).

## 6. Authority to sign and signature



For 'Authority to sign':

- If you are the Applicant—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 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**