



## About the F92A response form

---

### Response to an application to deal with a dispute about the employee right to disconnect

#### About employee right to disconnect disputes

The [Fair Work Act 2009](#) (the Fair Work Act) gives employees a right to refuse to monitor, read or respond to contact, or attempted contact from:

- an employer, or
- a third party (if the contact or attempted contact relates to the employee's work)

outside their working hours, unless their refusal is unreasonable.

This is known as the **employee right to disconnect**.

The Fair Work Commission (the Commission) can deal with a dispute about the employee right to disconnect if:

- an employee has refused to monitor, read or respond to contact, or attempted contact, outside their working hours and the employer:
  - reasonably believes this refusal is unreasonable, or
  - has asserted that the refusal is unreasonable and the employee reasonably believes the refusal is not unreasonable, or
- the employee and employer have another dispute about how the employee right to disconnect operates.

You can find out more about [disputes about the employee right to disconnect](#) on our website.



If an employer was a small business employer on 26 August 2024, the right to disconnect will not apply to its employees until 26 August 2025.

To find out more about the meaning of *small business employer* and how to calculate the number of employees, see [what is a 'small business'?](#)

#### When to use this form

Use this form if:

- you have been served with a form *F92–Application to deal with a dispute about the employee right to disconnect*, and

- the form F92 names you as the Respondent or you are responding for the Respondent.
- Completing this form is the first step in telling us the Respondent's side of the case. You do not have to provide evidence in support of your response at this stage.

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

1. Lodge this response form and any supporting documents with the Commission within 7 days after the day on which the Respondent was served with the form F92. You can lodge this response by:

- email to [wdt@fwc.gov.au](mailto:wdt@fwc.gov.au), or
- post or in person at the [Commission office](#) in your state or territory.

2. Serve a copy of this response form and any supporting documents on the Applicant and their representative (if any) within 7 days after the day on which the Respondent was served with the form F92.

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

Part 5 of Chapter 1 and Schedule 1 of the [Fair Work Commission Rules 2024](#) deals with service.

## **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.

### **Legal or other representation**

Representation is where another person speaks or acts on your behalf or assists you in certain other ways in relation to a matter before the Commission. A representative could be a lawyer, paid agent, union, employer organisation or a not-for-profit association or body that provides support, advice or advocacy in relation the kind of application or case concerned.

A representative is different from a support person. A support person is someone you bring with you to a legal proceeding who can give you emotional support, such as a family member or friend.

You do not have to be represented in a case at the Commission.

There are some rules about when a lawyer or paid agent can represent you.

Unless the Commission decides otherwise in a particular case, a lawyer or paid agent can represent you without permission to:

- prepare and lodge this response,
- prepare and lodge submissions about your case, and
- write to the Commission and other people involved in the case on your behalf.

Generally, you must give notice to the Commission and seek permission from the Commission Member dealing with your case if you wish to have a lawyer or paid agent represent you in a conference or a hearing. You do not, however, need to ask permission or give notice if the lawyer or paid agent is:

- for an employer–your employee or officer, or
- an employee or officer of a union or employer organisation that is representing you.

You can notify the Commission using this form that you have a lawyer or paid agent–provide their details at ‘Does the Respondent have a representative?’

If you need to notify the Commission that you have a lawyer or paid agent after you have lodged this form, or if you need to ask permission for a lawyer or paid agent to take part in a conference or hearing, use [form F53](#).

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](#).

## Privacy

The Commission collects the information (including personal information) provided to it in this form in order to deal with the application to deal with a dispute about the employee right to disconnect. The information will be included on the case file, and we 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 F92A – Response to an application to deal with a dispute about the employee right to disconnect

[Fair Work Act 2009](#) (the Fair Work Act), section 333N

This is a response to an application for the Fair Work Commission (the Commission) to deal with a dispute about the employee right to disconnect under Division 6 of Part 2-9 of the Fair Work Act.

### Case details

These are the details of the application you are responding to (the Application). You can find this information on correspondence from the Commission about the case.

Commission case number	
Name of Applicant	

### The Respondent

The Respondent is (choose one of the following):

- An employer (the Employer)
- An employee (the Employee)

If the Respondent is an individual, provide the following information:

First name(s)			
Surname			
Email address			
Phone number			
Postal address			
Suburb			
State or territory		Postcode	

**If the Respondent is not an individual, provide the following information:**

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

**Note:** If you provide a mobile number we may send reminders via SMS.

**Has the Applicant given the Respondent’s correct legal name in the Application?**

- Yes
- No – make sure the Respondent’s correct legal name is set out above

**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 Respondent have a representative?**



A representative is a person that is representing the Respondent. The Respondent 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**

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> <p>The Respondent will need permission to be represented by a lawyer or paid agent in a conference or hearing. Our <a href="#">lawyers and paid agents practice note</a> explains when you need to ask for permission to be represented.</p>			
<input type="checkbox"/> Yes – please select:	<input type="checkbox"/> Lawyer  <input type="checkbox"/> Paid agent		
<input type="checkbox"/> No			

## 1. Jurisdictional or other objections

### 1.1 Does the Respondent have an objection to the Application?



You can object to the Application if you think there are technical or legal reasons why the Applicant is not eligible to make an application to the Commission or why the Application should be dismissed. An objection is more than simply that you disagree with the claims.

- Yes – go to question 1.2
- No – go to question 2

### 1.2 What is the Respondent's objection? (Choose all that apply)

#### Objections if the Respondent is the Employer

- The Applicant is not an employee of the Employer (for example: independent contractor or volunteer)
- The Applicant is no longer an employee of the Employer
- The Employer was a small business employer on 26 August 2024 and the Application was made before 26 August 2025
- If the Applicant has asked for a stop order—the application involves matters relating to Australia's defence, Australia's national security, or an existing or future covert or international operation (within the meaning of section 12E of the *Work Health and Safety Act 2011*) of the Australian Federal Police
- The Employer and Employee did not attempt to resolve the dispute at the workplace level before the application was made—provide details at question 2.1 below
- Other

#### Objections if the Respondent is the Employee

- The Applicant is not an employee of the Employer (for example: independent contractor or volunteer)
- The Applicant is no longer employed by the Employer
- The Employer was a small business employer on 26 August 2024 and the Application was made before 26 August 2025
- The Employer and Employee did not attempt to resolve the dispute at the workplace level before the application was made—provide details at question 2.1 below
- Other



A **stop order** is an order made by the Commission to:

- prevent the Employee from continuing to unreasonably refuse to monitor, read or respond to contact or attempted contact, or
- prevent the Employer from
  - continuing to require the Employee to monitor, read or respond to contact or attempted contact, or
  - taking disciplinary or other action against the Employee because the Employer believes the Employee’s refusal to read, monitor or respond is unreasonable.

Provide details of any objections.



## 2. Other responses to the Application

### 2.1 Before the Application was made, what steps did the Employer and Employee take to try to resolve the dispute?



The Employer and Employee **must** try to resolve the dispute by having discussions at the workplace level before an application is made to the Commission.

### 2.2 What is the Respondent’s response to the Applicant’s claims about the dispute?



The Applicant has told us their side of the case in the Application. Refer to question 3.2 and (if relevant) question 4.1 in the Application. Write a response to what the Applicant has written.

**2.3 Are there any other matters the Respondent wants to bring to the Commission’s attention?**

Yes—describe the matters below

No

--

**Authority to sign and signature**

For ‘Authority to sign’:

- If you are the Respondent—insert ‘Respondent’
- If you are an officer or employee of the Respondent—insert your position title
- If you are the Respondent’s representative and have provided your details in this form—insert ‘Representative’.

Authority to sign	
-------------------	--

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**