



About the F34A application form

Application to extend the 30-day period for protected action

Who can use this form

Use this form if you are:

- the applicant for a protected action ballot order, and
- you are seeking to apply for the Fair Work Commission (Commission) to extend the 30-day period for protected action authorised by the protected action ballot (section 459(3)(a)).

About protected action ballots

Before industrial action can be lawfully taken under the [Fair Work Act 2009](#), it must be authorised by a protected action ballot (section 409(2)).

Industrial action by employees is authorised by a protected action ballot if the action commences during the 30-day period starting on the date of the declaration of the results of the ballot (section 459(1)(d)(i)).

On the application of an applicant for a protected action ballot order, the Commission may extend the period by up to 30 days if the period has not previously been extended ((section 459(3)). If the Commission orders for the period to be extended, industrial action by employees is authorised if it commences during the extended period (section 459(1)(d)(ii)).

For more information, please see the Commission's [protected action ballots](#) web page.

Lodging and serving your completed form

1. Lodge with the Commission:

- this **form**, and
- a copy of the **protected action ballot order** to which this application relates, and
- a copy of the **declaration of the results of the ballot**.

You can lodge:

- by email to lodge@fwc.gov.au, or
- by post or in person at the [Commission's office](#) in your state or territory.

2. As soon as practicable after lodging, **serve** a copy of all documents lodged with the Commission on the Respondent.

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

Where to get help

Commission staff & resources

Commission staff cannot provide legal advice. However, staff can give you information on:

1. processes in the Commission
2. how to make an application to the Commission
3. how to fill out forms
4. where to find useful documents such as legislation and decisions
5. other organisations that may be able to assist you.

The Commission's website 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 answer the question following.

Legal or other representation

Representation is where another person (such as a lawyer or paid agent, or an employee of a 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: 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:

1. an employee or officer of the person **or**
2. a bargaining representative that is representing the person **or**
3. 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 a person or organisation involved in a matter or case that is brought to the Commission

Respondent – The person or business 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 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 F34A – Application to extend the 30-day period for protected action

Fair Work Act 2009, section 459(3); Fair Work Commission Rules 2024, rule 78 and Schedule 1

This is an application to the Fair Work Commission for an order to extend the 30-day period for protected action authorised by a protected action ballot in accordance with Part 3-3 of the Fair Work Act 2009.

The Applicant



These are the details of the person who is making the application.

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			
Second Applicant (if applicable)			
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

If the Applicant is a company or organisation

If the Applicant is a company or organisation please also provide the following details.

Legal name of business	
Trading name of business	
ABN/ACN	
Contact person	

Attach additional pages if necessary.

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 (for example a hearing loop)?

Yes – Please specify the assistance required

No

Do you have a representative?



A representative is a person or organisation who is representing you. This might be a lawyer or paid agent, or a union. There is no requirement to have a representative.

Yes – Provide representative’s details below

No

Your representative



This is the person or organisation who is representing you (if any).

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

Is your representative a lawyer or paid agent?

<input type="checkbox"/> Yes — please select:	<input type="checkbox"/> Lawyer <input type="checkbox"/> Paid agent
<input type="checkbox"/> No	

The Respondent



These are the details of the respondent to the protected action ballot order.

Legal name of business			
Trading name of business			
ABN/ACN			
Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

1. Preliminary

1.1 Please provide details of the protected action ballot order to which this application relates



You should attach a copy of the protected action ballot order.

Order print number	
Date of order	
Commission Member who made the order	

2. Extension to the protected action period

2.1 What is the date of the declaration of the results of the ballot?



You should attach a copy of the declaration of the results for the ballot.

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2.2 Is this application made during the 30-day period starting on the date of the declaration of the results of the ballot?

- Yes
 No

2.3 Has the protected action period previously been extended?

- Yes
 No



The Commission may extend the 30-day period if the period has not previously been extended. If the 30-day period has previously been extended, your application will be rejected

Authority to sign and signature



For 'Authority to sign':

- If you are the applicant for the protected ballot action order who is seeking to extend the 30-day period – insert 'Applicant'
- 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