

Dispute resolution terms in a fair work instrument or contract take priority over other methods.

Application of this section

- (1) This section applies to a dispute between an employer and employee about the operation of this Division.
- (2) However, this section does not apply in relation to the dispute if any of the following includes a term that provides a procedure for dealing with the dispute:
 - (a) a fair work instrument that applies to the employee;
 - (b) the employee's contract of employment;
 - (c) another written agreement between the employer and employee.

Note: Modern awards and enterprise agreements must include a term that provides a procedure for settling disputes in relation to the National Employment Standards (see paragraph 146(b) and subsection 186(6)).