

*Your responses suggest that you may initiate a process of dispute resolution following the appropriate term in the determination.*

### **738 Application of this Division**

This Division applies if:

- (d) a determination under the *Public Service Act 1999* includes a term that provides a procedure for dealing with disputes arising under the determination or in relation to the National Employment Standards.

### **739 Disputes dealt with by the FWC**

- (1) This section applies if a term referred to in section 738 requires or allows the FWC to deal with a dispute.
- (4) If, in accordance with the term, the parties have agreed that the FWC may arbitrate (however described) the dispute, the FWC may do so.  
Note: The FWC may also deal with a dispute by mediation or conciliation, or by making a recommendation or expressing an opinion (see subsection 595(2)).
- (5) Despite subsection (4), the FWC must not make a decision that is inconsistent with this Act, or a fair work instrument that applies to the parties.
- (6) The FWC may deal with a dispute only on application by a party to the dispute.