



About the F2 application form

Unfair dismissal application

About unfair dismissal

To make an unfair dismissal application to the Fair Work Commission (the Commission), you must be covered by the national unfair dismissal laws and [must be eligible to make an application](#).

To be eligible, you must have worked for the minimum employment period and, in some cases, have earned less than the [high income threshold](#).

When you make your application, you will need to show that:

- you were an employee covered by the national unfair dismissal laws **and**
- you are eligible to make an application **and**
- you have been dismissed **and**
- the dismissal was harsh, unjust or unreasonable.

A dismissal will not be unfair if it was a genuine redundancy, or if the employer was a small business (employing fewer than 15 people) that complied with the [Small Business Fair Dismissal Code](#).

For more information about unfair dismissals and eligibility to make an application see the [Commission's unfair dismissal guides](#) and [Unfair Dismissals Benchbook](#).

Who can use this form

Use this form if you:

- were an employee covered by the national unfair dismissal laws **and**
- are eligible to make an unfair dismissal application **and**
- believe you have been unfairly dismissed.

Lodging your completed form

1. **Lodge your application** and any supporting documents with the Commission within **21 days** after the date on which your dismissal took effect. You can lodge:
 - online using the Commission's [MyFWC portal](#)
 - by email to lodge@fwc.gov.au, or
 - by post or in person at the [Commission's office](#) in your state or territory.
2. **Pay your application fee** at the same time as you lodge your application. The amount of the current application fee is given on the [Fees and costs](#) page on the Commission's website.

If paying the fee will cause you serious hardship, you can apply to have the fee waived. You must apply to have the fee waived at the same time as you lodge your application. Download the [Fee Waiver form](#) from the Commission's website.

When the Commission sends a copy of your application to other people involved in the case, we will not include information about the application fee.



We will send a copy of this form (and any other documents you lodge with your application) to the other people in this case.

This includes:

- your employer, and
- any representatives or paid agents involved in the case.

This is so they can understand your side of the case. We will ask them for their side of the case as well.

If you are worried about particular information being passed on, don't include it yet. Lodge your completed form and then contact us to talk about whether you should provide the information.

You can find out more about [keeping the case confidential](#) on our website.

Where to get help

Commission staff & resources

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

- Commission processes
- 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 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 speaks or acts on your behalf, or assists you in certain other ways in relation to your case. A representative could be a lawyer, paid agent, union, legal guardian or a not-for-profit association or body that provides support, advice or advocacy in relation to employment matters.

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 to bring a case to 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 application,
- prepare and lodge submissions about your case, or
- write to the Commission and other people involved in the case on your behalf.

You do not need to give notice or seek permission for a lawyer or paid agent to represent you in a conference conducted by staff of the Fair Work Commission about an unfair dismissal case.

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 hearing with a Commission Member**. You do not, however, need to ask permission or give notice if your lawyer or paid agent is an employee or officer of a union or peak council that is representing you.

You can notify the Commission that you have a lawyer or paid agent using this form – provide their details at ‘Do you 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](#), information about [representatives and the rules they must follow](#), 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.

Jurisdictional objection – This is a type of objection a Respondent can raise to an application. A Respondent can make this kind of objection if they think that the Commission, for a technical or legal reason, cannot hear the matter.

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 an Applicant, Respondent or another person or organisation involved in a matter or case that is brought to the Commission.

Respondent – The person or organisation 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, rule 71 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 in order to deal with the unfair dismissal application. The information will be included on the case file and the Commission may disclose the 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 F2 – Unfair dismissal application

Fair Work Act 2009, s.394; Fair Work Commission Rules 2024, rule 71

This is an application to the Fair Work Commission (the Commission) for an unfair dismissal remedy under Part 3-2 of the *Fair Work Act 2009*.

The Applicant (you)



These are your details. Please provide a telephone number and email. It is important that we can contact you so that we can deal with your application.

If the Applicant is under 18 years, the Commission encourages them to have a parent or guardian, or a legal representative, involved. We can provide further information about how to find legal services.

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			
Mobile number			
Email address			
Is the Applicant aged:	<input type="checkbox"/> 18 years or over (adult)		
	<input type="checkbox"/> Under 18 years		

Note: If you provide a mobile number the Commission may send reminders to you via SMS.

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 need any special assistance at the hearing or conference (e.g. 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. You do not need to have a representative.

- Yes – Provide representative’s details below
- No

Your representative



These are the details of the person or organisation who is representing you (if any).

Name of person			
Firm, union or company			
Representative’s ABN (if applicable)			
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 (the employer)



These are the details of the employer that dismissed you.

You should provide the legal name of the employer. The legal name is **not** the trading name or business name of the employer. The employer will usually be a person or a company (with a name ending in Pty Ltd or Ltd), or in some instances a partnership, an incorporated association, or a public sector employer. Your pay slips, PAYG payment summary, appointment letter or employment contract should give the legal name of the employer.

Note that the Commission will send a copy of your application to the contact person you name below.

Legal name of employer			
Employer's ACN (if a company)			
ABN			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

1. Your employment

1.1 What date did you begin working for the employer?

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1.2 Where did you work for the employer?

Primary workplace/worksite street address			
Suburb			
State or Territory		Postcode	

1.3 To the best of your knowledge, how many employees were employed in your workplace when you were dismissed?

- 1-14
- 15-49
- 50-99
- 100 or more
- I don't know

1.4 What date were you notified of your dismissal?

1.5 What date did your dismissal take effect?

1.6 Are you making this application within 21 days of your dismissal taking effect?



There is a 21-day time limit to make an unfair dismissal application. The 21 days starts the day after the date your dismissal took effect.

If you answer **No**, you must answer each of the questions in **4. Extension of time – exceptional circumstances**. Your case will only go ahead if the Commission is satisfied there are exceptional circumstances for lodging your application outside the time limit, based on the information that you give us in this form.

If you do not complete **4. Extension of time – exceptional circumstances**, your application will be considered incomplete and will not go further until it is completed.

- Yes
- No – complete **4. Extension of time – exceptional circumstances**

1.7 Have you made another claim to the Commission or to any other organisation regarding your dismissal (e.g. a general protections application)?



The Commission cannot consider your unfair dismissal application if you have made another claim in relation to the dismissal, for example if you have made a general protections application in relation to the dismissal or a complaint to the Human Rights Commission in relation to the dismissal. If you answer yes to this question, you will need to decide which claim is the most appropriate one. If you are unsure which is the best option for you, read the **where to get help** section in the cover sheet of this form.

Yes

No

2. Remedy

2.1 What outcome are you seeking by lodging this application?

3. Dismissal

3.1 What were the reasons for the dismissal, if any, given by the employer?



Using numbered paragraphs, specify the reason(s), if any, given by the employer for your dismissal. Attach any letter of dismissal and/or separation certificate given to you by the employer. Note that the Commission will send copies of any documents you provide to the employer. Attach extra pages if necessary.

3.2 Why was the dismissal unfair?



Using numbered paragraphs, describe the relevant facts and circumstances and specify why you say the dismissal was unfair. This should include:

- your response to any reasons for dismissal given by the employer
- whether you were counselled or warned by the employer of any deficiencies in your performance or conduct and the circumstances of each counselling session or warning
- why you believe the dismissal was unfair.

Attach additional pages if necessary.

4. Extension of time—exceptional circumstances



You must complete this section if your application is made outside the 21-day time limit. Explain what exceptional circumstances apply in your case by answering **all** of the questions below.

Do not complete this section if your application is made within the 21-day time limit.

The Commission may give you an extension of time **only** if we are satisfied there are exceptional circumstances. The test for exceptional circumstances is a high bar.

Exceptional circumstances are circumstances that are out of the ordinary, unusual, special or uncommon. They need not be unique, unprecedented or very rare. Exceptional circumstances are not regularly, routinely or normally encountered. Exceptional circumstances may be a single exceptional event or a series of events that together are exceptional. All the relevant circumstances must be considered.

The Commission may decide whether to give you an extension of time without holding a hearing, on the basis of the information you give us in in this form (and any attachments). If we do not give you an extension of time, your application cannot go ahead.

We may also ask the Respondent if they have any comment on your application for an extension of time to lodge this form.

4.1 What were the reasons for the delay?

4.2 When did you become aware of the dismissal?

4.3 What, if any, action did you take to dispute your dismissal?

4.4 Do you believe there will be prejudice to the employer if your application is allowed to go ahead?

4.5 Why do you think your application has merit?

4.6 Why do you think allowing your application to go ahead would be fair to other persons in a similar position?

4.7 Are there any other reasons why you think the Commission should give you an extension of time?

Disclosure of information

The Commission will provide a copy of this application and any attachments to the other parties in this matter. This includes:

- the employer
- any representatives and paid agents.

Consent to contact by researchers

The Commission undertakes research with participants in unfair dismissal matters to ensure a high quality process. Some research may be undertaken by external providers.

Do you consent to the contact details provided on page 1 of this form being provided to an external provider of research services for the sole purpose of inviting you to participate in this research?

Yes

No

Authority to sign and signature



For 'Authority to sign':

- If you are the Applicant—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

Application fee

Your name:

The current application fee is available on the [Fees and Costs](#) page on the Commission's website www.fwc.gov.au.

The *Fair Work Act 2009* requires a fee to be paid on lodgment of this application with the Commission. Where applicable, any refund of the application fee will be forwarded by cheque to you at the address provided on this application form.

Financial hardship

If paying the fee will cause you financial hardship, you can apply to have the fee waived. If you are applying to have the fee waived you must complete and lodge the Fee Waiver form at the same time as you lodge your application. Note that the Commission will not forward a copy of the Fee Waiver form to the employer. The [Fee waiver form](#) can be downloaded from the Commission website www.fwc.gov.au.

Payment options

- I have completed the Fee Waiver form and have attached it to my application.
- I am paying by cash – Cash payments can only be made in person at one of the Commission offices. Payment should be made at the same time as the application is lodged.
- I have attached a cheque or money order to this application – Cheques and money orders should be made payable to the Collector of Public Monies, FWC. Please note that the cheque or money order must be for the exact amount of the application fee, if it is not it may cause the processing of your application to be delayed.
- I am paying by credit card – Please see below:

If paying by credit card, please provide the payer details below and a Commission officer will contact the payer within 3 business days from the date of lodgment.

Payer details

Who is making the payment?

- You Your representative Other–Please complete the details below

Full name of payer			
Postal address			
Phone number		Email address	

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS