



About the Form F7

Notice of appeal

Appealing a decision of the Fair Work Commission

If you feel aggrieved by a decision that you have received from the Fair Work Commission (the Commission) you can lodge a notice of appeal. When you lodge a notice of appeal, you are asking the Commission to determine two issues:

- whether the Commission should grant you permission to appeal, and
- whether there has been an error in the original decision.

You must lodge a notice of appeal within **21 days** after the date of the decision or order you are appealing. If you are seeking a stay of the decision that is being appealed, you need to complete part 4 of this form.

You must also lodge an appeal book with the Commission within **7 days** after lodging the notice of appeal. You must serve the appeal book on all other parties to the matter you are appealing as soon as practicable after you lodge the appeal book.

Generally, the Commission will list an appeal for hearing within 10–12 weeks after you lodge the notice of appeal.

Please see the Commission's [Appeal proceedings practice note](#) for further information.

Lodging your notice of appeal, and lodging and serving the appeal book

1. **Lodge this notice of appeal** with the Commission within **21 days** after the date of the decision or order you are appealing.

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.

Note: the Commission will serve a copy of the notice of appeal on the other parties to the case you are appealing.

2. Within **7 days** after the date you lodged the notice of appeal, you must also **lodge** with the Commission:

- If you are lodging electronically – **1 copy** of an **appeal book** in PDF format, **or**
- If you cannot lodge electronically – **3 copies** of an **appeal book** in hard copy form.

The appeal book must contain:

- any **order** made by the Commission that relates to the appeal
- the **statement of reasons** for the decision you are appealing
- a copy of the **transcript** or relevant **extract of transcript** of evidence and argument for the case you are appealing, if it is available from the Commission's transcript service provider. You do not need to include this if the Commission gives you an exemption (see Note 1 below), and
- a copy of each **exhibit** or **written submission** in the case you are appealing that relates to the grounds of appeal set out in this form.

Note 1 – exemption from providing transcript

The Commission may decide that you do not have to provide a copy of the transcript, or extract of transcript, if:

- it has not given you a copy of the transcript
- you have not purchased transcript from the Commission's service provider
- it has given you access to the audio recording of evidence and argument in the matter that is being appealed, and
- it is satisfied that it is appropriate, taking into account the subject matter of the appeal.

Note 2 – numbering the pages of the appeal book

The first page of the appeal book must be numbered '1' (including if the first page is a title page or table of contents). All subsequent pages must be consecutively numbered in the same format (2, 3 etc).

3. **Serve** a copy of the appeal book on **each other party** to the matter you are appealing. You must do this **as soon as practicable** after lodging the appeal book with the Commission.

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

An easy way to serve the appeal book is to copy each other party into the email you send to the Commission when you lodge the appeal book.

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 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 speaks or acts on your behalf, or assists you in certain other ways in relation to a Commission case. A representative could be a lawyer, paid agent, union, employer organisation, association of employers, peak council, or a not-for-profit association or body that provides support, advice or advocacy in relation to employment or workplace relations matters.

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, you do not need permission for a lawyer or paid agent to:

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

Generally, you must give notice to the Commission and ask 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 give notice or ask permission if the lawyer or paid agent is:

- your employee or officer (for a business)
- a bargaining representative that is representing you, or
- an employee or officer of a union, employer organisation, association of employers, or a 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 ‘Does the Appellant 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 your lawyer or paid agent to take part in a **conference or hearing**, use [Form F53](#).

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

Appellant – This is the person or organisation lodging an appeal.

Applicant – This is the person or organisation that made the application in the original matter.

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 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 or appeal.

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, subrule 128(6) 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 F7 – Notice of appeal

[Fair Work Act 2009](#), s.604; [Fair Work Commission Rules 2024](#), rule 128 and Schedule 1

This is an application to the Fair Work Commission to appeal a decision or order of the Commission in accordance with section 604 of the *Fair Work Act 2009*.

The Appellant



These are the details of the person who is lodging the appeal.

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			

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

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

How would you prefer us to communicate with you?

- Email (you will need to make sure you check your email account regularly)
- Post

Does the Appellant need an interpreter?



If the Appellant has trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help for non-English speakers](#) on our website.

Yes – Specify language

No

Does the Appellant require any special assistance at the hearing or conference (eg a hearing loop)?

Yes – Please specify the assistance required

No

Does the Appellant have a representative?



A representative is a person or organisation representing the Appellant. This might be a lawyer or paid agent, union, employer organisation, association of employers, peak council, or a not-for-profit association or body that provides support, advice or advocacy in relation to employment or workplace relations matters. You do not need to have a representative.

Yes – Provide representative’s details below

No

Appellant’s representative



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

Name of person			
Firm, organisation or company			
Representative’s ABN (if applicable)			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Is the Appellant’s 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 person or business responding to an appeal. Note that the Commission will send a copy of your notice of appeal to the contact person you name below.

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			

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

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

1. The decision to be appealed

1.1 Please provide the details of the matter you are seeking to appeal.



You will find all of these details on the decision or order you received from the Commission

Commission matter number	
Applicant	
Respondent(s)	
Decision maker (name of Member or delegate of the Commission)	
Date of decision	

1.2 Please provide a description of the decision and/or order you are appealing.

2. Grounds for appeal

2.1 What are the grounds for your appeal?



Using numbered paragraphs, set out the grounds for appeal. In unfair dismissal appeals, grounds relating to “significant errors of fact” should be set out under a separate heading. Attach extra pages if necessary.

3. Public interest

3.1 Please set out the matters that you believe make it in the public interest for the Commission to grant permission for the appeal.



Note: section 400(1) of the [Fair Work Act 2009](#) prohibits the Commission from granting permission to appeal from a decision made under Part 3-2 of the Fair Work Act relating to unfair dismissal unless the Commission “considers that it is in the public interest to do so.”

Attach additional pages if necessary.

4. Stay under section 606 of the *Fair Work Act 2009*

4.1 Are you seeking a stay of the original decision?



A stay means that the original decision will not be enforced while the appeal is being heard.

Yes

No

If you answered yes to question 4.1 – specify whether a stay is sought of the whole or part of the decision or order and, if a stay of part only is sought, please specify the part.

5. Extension of time

5.1 Are you making this application within 21 days of the decision that you are appealing being issued?

Yes

No

If you answered no to question 5.1 – Explain the reason for the delay and the grounds on which you say an extension of time should be granted.

6. Urgent appeals



The Commission's appeal allocation procedures are intended to ensure that all appeals are heard within 12 weeks of being filed. If it is necessary for your appeal to be heard on a significantly more urgent basis than this, you must apply for your appeal to be heard on an expedited basis.

6.1 Is an expedited appeal hearing sought?

Yes

No

6.2 If you have answered yes to question 6.1 – Please set out the circumstances which make it necessary for your appeal to be heard on an urgent basis.

Attach additional pages if necessary.

Authority to sign and signature



For 'Authority to sign':

- If you are the Appellant—insert 'Appellant'
- If you are an employee of a company or organisation that is the Appellant—insert your position title
- If you are the Appellant'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