



About the F8 application form

General protections dismissal application

Process overview

A general protections dismissal application is the first step in a legal process to have your claim determined by a court or by consent arbitration at the Commission. Consent arbitration is when all the parties in a case agree to the Commission deciding the case.

You should apply within 21 days after the date of your dismissal. The 21 day time limit starts the day after the date your dismissal took effect. If you do not apply within 21 days, your application will not be able to go ahead unless the Commission is satisfied that there are exceptional circumstances and gives you an extension of time.

The Commission's role in dealing with general protections applications is limited. We will only conduct a conference to assist you and the Respondent(s) to resolve the dispute. The Commission will not make a decision about the case at this conference.

If the case cannot be resolved by agreement at the conference, the Commission will issue a certificate so that you can start a case in a court or have your claim determined by consent arbitration at the Commission. However, if the Commission believes your claim has no reasonable prospects of success, we must tell you this.

A general protections dismissal application is **not** an unfair dismissal application.

Only complete this application if you:

- have been dismissed **and**
- believe your dismissal was because of a prohibited reason or reasons (for example, you believe you were dismissed because of your race), **and**
- have checked you are eligible to make a general protections dismissal application.

If you received a written notice of dismissal, please attach a copy.

For more information about general protections, see the Commission's General Protections Benchbook.

What will happen next

If you apply more than 21 days after the date your dismissal took effect, the Commission will decide first whether to give you an extension of time. If we do not give you an extension, your application cannot go ahead.

If you apply within 21 days or we give you an extension, we will send a copy of your application and any attached documents to the Respondent(s) and ask them to tell us their side of the case.

If a Respondent makes a jurisdictional objection, the Commission will decide whether to uphold or reject the objection. If we uphold an objection, your application cannot go ahead.

If there is no jurisdictional objection or the Commission rejects any objection, we will organise a conference with you and the Respondent(s). The purpose of the conference is to try to resolve the case by agreement. We cannot determine the case.

If the case can't be resolved at the conference, the Commission will issue a certificate.

Application fee

To make this application you must [pay a fee](#). If you have serious financial hardship, you can ask us to waive the fee.

Language assistance



If you have trouble reading this form, please contact us. We can arrange to provide it in another format. You can find information about [help in your language](#) on our website.

Reminder

Please review [your eligibility](#) before completing this form.

If you have been dismissed but you do not allege a contravention of the general protections provisions, you may be eligible to make another type of dismissal application. See [Types of dismissal and termination](#) for more information.

If you have not been dismissed, but you allege there has been a contravention of the general protections provisions, you should lodge an application using the form F8C (or you may make an application directly to a court). You cannot make this general protections dismissal application.

Throughout this form



This icon appears throughout this form. It indicates information to help you complete the form.

Form F8 – General protections dismissal application

[Fair Work Act 2009](#), section 365; [Fair Work Commission Rules 2024](#), rule 71

This is an application for the Fair Work Commission (Commission) to deal with a general protections dismissal dispute under Part 3-1 of the [Fair Work Act 2009](#).

The person who has been dismissed

Provide the following information about the person who has been dismissed (you)



You must provide a telephone number and email address. It is important that we can contact you so that we can deal with your application.

If you are under 18 years of age, the Commission requires you 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 or Please self-describe:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Mobile number			
Email address			
Are you 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 you reminders by SMS.

If the Applicant is an industrial association please also provide the following information



If the Applicant is an industrial association, note that 'you' and 'your' in this form refers to the employee whose industrial interests the Applicant is entitled to represent.

Name of association	
Contact person	
Phone number	

Email address

Do you require an interpreter at the conference?



Note: an interpreter cannot give you advice.

Yes – specify language

No

Do you need any special assistance at the conference (eg a hearing loop)?



If you answer yes, we will contact you before a hearing or conference to see if there is anything we can reasonably do to assist you.

Yes – please tell us what you need

No

Does the Applicant have a representative?



A representative is a person that is representing you. This might be a lawyer, paid agent, a union, or a parent or guardian if you are under 18 years of age.

You do not need to have a representative. Many people represent themselves at the Commission.

Yes – provide representative's details below

No

Your representative



These are the details of the person that is representing you (if any).

Name of person	
Firm, union or company	
Representative's ABN (if they have one)	
Postal address	
Suburb	

State or territory		Postcode	
Phone number			
Email address			

Is your representative a lawyer or paid agent?



A lawyer is a person who is admitted to the legal profession by a Supreme Court of a state or territory. A paid agent is an agent who charges or receives a fee to represent you.

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

Are you applying for permission for a lawyer or paid agent to represent you at the conference?



People generally represent themselves at the Commission.

If you want to be represented by a lawyer or a paid agent at the conference, you must get the permission of the Commission first, unless the lawyer or paid agent is an employee or officer of a union that is representing you.

Yes

No

If you are applying for permission for a lawyer or paid agent to represent you at the conference, explain why the Commission should give you permission



The Commission may give you permission to be represented by a lawyer or paid agent in a case **only** if:

- it would enable the case to be dealt with more efficiently, taking into account the complexity of the case
- it would be unfair not to allow you to be represented because you are unable to represent yourself effectively, or
- it would be unfair not to allow you to be represented taking into account fairness between you and other persons in the case.

The Commission may decide whether to grant permission to be represented by a lawyer or paid agent without conducting a hearing, on the basis of the information you give us in in this form. The Commission may decide not to grant permission, in which case you will have to represent yourself at the conference.

Your former employer

Provide the following information about the employer that dismissed you (your former employer).



You should provide the legal name of your former employer. The legal name is not the trading name or business name of your former employer. Your former 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 and ABN of your former employer. You can use [ABN look up](#) to find the legal name or ABN.

Note that your former employer is a respondent to your application. The Commission will send a copy of your application (and any other documents you lodge with your application) to the contact person you name below.

Legal name of former employer	
Former employer's ACN (if a company)	
Former employer's ABN	
Contact person	
Postal address	
Suburb	

State or territory		Postcode	
Phone number			
Email address			

Additional respondent (optional)

Do you allege that another person or entity was involved in your former employer's contravention of the general protections provisions in Part 3-1 of the *Fair Work Act 2009*?



You should **only** add an additional respondent if you are alleging they were involved in your former employer's contravention of Part 3-1 of the [Fair Work Act 2009](#). Section 550 of the [Fair Work Act 2009](#) explains the meaning of 'involved in' a contravention.

Being a respondent is different from being a contact person for an entity.

See our website for more information about [naming respondents in a case](#).

The Commission may send a copy of your application (and any other documents you lodge with your application) to any additional respondents, in which case they will be asked to provide a response.

- Yes – provide information about the additional respondent or respondents below
- No – go to question 1

If the additional respondent is an individual, provide the following details:

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms or please specify:		
First name			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

If the additional respondent is not an individual, provide the following details:

Legal name of additional respondent	
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Additional respondent's ACN (if a company)			
Additional respondent's ABN (if they have one)			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Attach extra pages if there is more than one additional respondent.

1. General protections dismissal

1.1 What date did you begin working for your former employer?

1.2 What date were you told about being dismissed?

If you were dismissed in writing, attach the written notice of dismissal.

1.3 What date did your dismissal take effect?



If you're unsure, please see our website for more information on [when a dismissal takes effect](#).

1.4 Are you making this application within 21 days after the date your dismissal took effect?

Yes

No



There is a 21 day time limit to make a general protections dismissal application. The 21 day time limit starts the day after the date your dismissal took effect. See section 366(1) of the [Fair Work Act 2009](#).

If you answered **No** – you must answer the questions in **Part 4** of this form. Your case will only go ahead to a conference if the Commission is satisfied there are exceptional circumstances for lodging your application outside the 21 day time limit, based on the information that you provide in **Part 4**. If you do not complete **Part 4**, your application will be considered incomplete and will not go further until it is completed.

1.5 Have you started any other case about your dismissal at the Commission or somewhere else?



The Commission may not be able to deal with your application if you have started another case about your dismissal with us or somewhere else (eg you have made an unfair dismissal application or a complaint to the Australian Human Rights Commission). If you answer ‘Yes’ to this question, we may ask you to decide which of your cases you want to go ahead with. You can find out about multiple cases on our website.

Yes

No

2. Alleged contravention

2.1 Which section(s) of the *Fair Work Act 2009* do you allege your former employer contravened when it dismissed you?



You can only make a general protections dismissal application if you have been dismissed and you allege your dismissal was in contravention of the general protections provisions in Part 3-1 of the [Fair Work Act 2009](#). If you do not identify a relevant section, your application will be considered incomplete and will not go ahead until it is completed.

2.2 For each section of the *Fair Work Act 2009* you specified above, explain in numbered paragraphs why you think you were dismissed for the reason referred to in that section.

2.3 If you added an additional respondent or respondents above, explain how they were involved in your former employer’s contravention for the purposes of section 550 of *the Fair Work Act 2009*.



Section 550 of the [Fair Work Act 2009](#) states when a person is ‘involved in’ a contravention of a civil remedy provision. See our [website](#) for more information about what this means.

3. Desired outcome

3.1 What outcome do you want from this case?

Attach extra 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.

If your application is made within the 21-day time limit, do not complete this section.

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 conducting 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.

What exceptional circumstances apply in your case?

4.1 What were the reasons for the delay?

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

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

4.4 Why do you think your application has merit?

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

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

Consent to contact by researchers



The Commission undertakes research with participants in general protections dismissal cases to ensure a high quality process. Some research may be undertaken by external providers on behalf of the Commission.

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

Yes

No

Authority to sign and signature



For 'Authority to sign':

- If you are the person dismissed – insert 'person dismissed'
- If you are an officer or employee of the Applicant – insert your position title
- If you are the representative of the person dismissed and have provided your details in this form – insert 'representative'.

Authority to sign



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 KEEP A COPY OF THIS FORM FOR YOUR OWN RECORDS

Lodging your completed application

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.



Reminder – 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 former employer,
- any other person you name in the form as a respondent to the case, and
- any representatives 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 a case confidential](#) on our website.

Privacy

Read the [Privacy notice](#) to find out what personal information we collect, why we collect it, and what we do with it.

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.

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 would cause you to suffer serious hardship, you can apply to have the fee waived. If you are applying to have the fee waived you must complete and lodge the form *F80 – Waiver of application fee* (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's 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 Fair Work 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's details below and a Commission officer will contact the payer within 3 business days after the date of lodgment.

Payer details

Who is making the payment?

- You Your representative Other – Please complete the details

Full name of payer			
Postal address			
Phone number		Email address	
PLEASE KEEP A COPY OF THIS FORM FOR YOUR OWN RECORDS			