



About the F8A response form

Response to a general protections dismissal application

Use this form if the Commission has served you with a form F8 – General protections dismissal application.

If there is more than one Respondent to the application, this form can be completed by more than one Respondent.

Process overview

The general protections provisions in Part 3-1 of the [Fair Work Act 2009](#) aim to protect workplace rights and freedom of association, and to provide protection from workplace discrimination.

The Commission can only deal with a general protections dismissal application by conducting a conference to assist the parties to resolve the dispute. If the case cannot be resolved by agreement at the conference, the Commission will issue a certificate so that the Applicant can start a case in a court or have their claim determined by consent arbitration at the Commission. If the Commission believes the application does not have reasonable prospects of success, we must tell the Applicant that.

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

For more information about general protections, see the Commission's the [General Protections Benchbook](#).

What will happen next

If a Respondent makes a jurisdictional objection to the Applicant's claim the Commission will first decide whether to uphold or reject the objection.

If there is no jurisdictional objection or the Commission rejects any objection, we will organise a conference with the Applicant and 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.

If the employer has received multiple applications

If an employer receives 2 or more form F8 applications and:

- the applications allege the same or substantially similar conduct, and
- the employer's response is substantially the same for each application,

the employer can lodge **one response** with the Commission dealing with all the applications.

Responding on behalf of multiple respondents

You can use this form to respond on behalf of multiple respondents.

Throughout this form



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

Form F8A – Response to a general protections dismissal application

[Fair Work Act 2009](#), section 365; [Fair Work Commission Rules 2024](#), rules 65, 70 and 72 and Schedule 1

This is a response to 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 Applicant



These are the details of the person who made the application (the Applicant). You can find this information on the general protections dismissal application form F8 and correspondence from the Commission.

Applicant's name	
Commission case number	

The Respondent



These are the details of the person responding to the application (the Respondent).

The Respondent could be:

- the person named as the former employer in the form F8 (the former employer)
- a person named in the form F8 as an additional respondent (an additional respondent)

You must provide a telephone number and email address. It is important that we can contact the Respondent.

What is the Respondent?

- The former employer
- An additional respondent

If the Respondent is an individual, provide the following details:

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other – please self-describe:		
First name			
Surname			
Postal address			
Suburb			
State or territory		Postcode	

Phone number	
Email address	

If the Respondent is not an individual, provide the following details:

Legal name of Respondent			
Respondent’s ACN (if a company)			
Respondent’s ABN			
Respondent’s trading name or registered business name (if applicable)			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			
What industry is the Respondent in?			

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

Has the Applicant given the Respondent’s correct legal name in the form F8?

- Yes
- No – please make sure the Respondent’s correct legal name is set out above.

If the Respondent is the former employer – how many employees did the Respondent have as at the date of the dismissal?

- None
- 1–14
- 15–49
- 50–99

- 100 or more
- I don't know

Additional respondents

Are you responding on behalf of any additional respondents in this case?



The former employer and any additional respondents named by the Applicant on the form F8 each need to respond to the application. Multiple respondents may choose to lodge a joint response using this form.

If this response covers an additional respondent, give their details below.

You can attach more pages if there is more than one additional respondent.

If you are responding on behalf of additional respondents, references to 'the Respondent' in the questions below include any additional respondents you are responding for.

- Yes
- No

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

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other – 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	
Additional respondent's ACN (if a company)	

Additional respondent's ABN			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

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

Has the Applicant given the additional respondent's correct legal name in the form F8?

- Yes
- No – please make sure their correct legal name is set out above.

Does the Respondent require an interpreter at the conference?



Note: an interpreter cannot give you advice.

- Yes – specify language

- No

Does the Respondent 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 Respondent have a representative?



A representative is a person that is representing the Respondent. This might be a lawyer or paid agent, an employer organisation or a union, or a parent or guardian if a Respondent is under 18 years of age.

A Respondent does not need to have a representative. Many people represent themselves at the Commission.

- Yes – provide representative’s details below
- No – go to question 1

Respondent’s representative



These are the details of the person representing the Respondent (if any).

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

Is the Respondent’s 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 the Respondent in this case.

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

Is the Respondent applying for permission for a lawyer or paid agent to represent the Respondent at the conference?



People generally represent themselves at the Commission.

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

Yes

No

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



The Commission may give permission for a Respondent 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 the Respondent to be represented because the Respondent is unable to represent themselves or themselves effectively, or
- it would be unfair not to allow the Respondent to be represented taking into account fairness between the Respondent 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 the Respondent will need to represent themselves or themselves at the conference.

1. General protections dismissal

1.1 Does the Respondent agree with

- the dates given by the Applicant in the form F8, and
- the information the Applicant has given in the form F8 about whether they have started any other case about their dismissal?

Yes – go to question 2

No – go to question 1.2

1.2 If you answered no to question 1.1 – set out what information the Respondent does not agree with and the reasons why



Use numbered paragraphs.

1.

2. Extension of time (optional)



The Respondent can choose to answer question 2.1 if the Respondent thinks the Applicant's form F8 application was lodged more than 21 days after the date the dismissal took effect.

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

If the Applicant's form F8 was lodged outside the 21-day time limit, the application can only go ahead to a conference if the Commission is satisfied there are exceptional circumstances for lodging it late and gives the Applicant an extension of time.

The Commission must take the following matters into account in deciding whether there are exceptional circumstances:

- the reason for the delay
- any action taken by the person to dispute the dismissal
- prejudice to the former employer (including prejudice caused by the delay)
- the merits of the application, and
- fairness as between the person and other persons in a like position.

You may address each of these matters in answering question 2.1, including by setting out the relevant facts as completely as possible. You may attach any documents which you consider relevant.

The Commission may determine the Applicant's request for an extension of time without conducting a hearing, on the basis of the information in the form F8 and the information that the Respondents in the case give us in their response(s). If an extension of time is not granted, the application cannot go ahead.

2.1 Should the Respondent choose to, set out in numbered paragraphs any matters the Commission should take into account when considering whether to give the Applicant an extension of time.

1.

3. Alleged contravention

3.1 What is the Respondent's response to the alleged contravention(s) set out in the application?



In the form F8, the Applicant sets out the sections of the [Fair Work Act 2009](#) that were allegedly contravened by the Respondent(s) and explains how they were contravened.

Using numbered paragraphs, set out the Respondent's response to the information that the Applicant has provided. If a Respondent thinks there was no contravention of the general protections provisions in Part 3-1 of the [Fair Work Act 2009](#), or that it was not 'involved in' any contravention for the purposes of section 550 of the [Fair Work Act 2009](#), this can be explained here.

See our website for more information about what 'involved in' means.

You can attach extra pages if there is not enough space.

1.

4. Desired outcome

4.1 What is the Respondent’s response to the outcome the Applicant is seeking?



In the form F8, the Applicant set out the outcome they are seeking. Using numbered paragraphs, set out the Respondent’s response.

1.

5. Jurisdictional objection to the Commission conducting a conference



A Respondent may object to the Commission conducting a conference to attempt to resolve the matter if the Respondent believes that the Applicant is not eligible to make the application because the person was not dismissed or was not an employee, or because the Respondent named as the former employer is not a national system employer. A Respondent can also object if the person has made another application dealing with the dismissal (such as an unfair dismissal application).

If a Respondent makes a jurisdictional objection, the Commission must consider and determine it **before** conducting a conference. You **must** fill out this section of the form if you wish the Commission to consider and determine any jurisdictional objection before organising a conference and issuing a certificate if the matter is not resolved.

If you do not fill out this section of the form:

- the Commission will proceed to organise a conference and will issue a certificate if the matter is not resolved;
- the Respondent is not prevented from raising the objection later if the case goes to a court.

5.1 Does the Respondent object to the Commission conducting a conference on jurisdictional grounds?

- Yes – go to question 5.2
- No – skip question 5.2

5.2 If you answered yes to question 5.1, what is the objection?



Using numbered paragraphs, set out the reasons why you say the Applicant is not eligible to make the application and the facts that support those reasons. You need to do so as completely as possible because the Commission may determine the jurisdictional objection on the basis of the information in the form F8 and the information that the Respondents in the case give us in their response(s). You may attach any documents relevant to the jurisdictional objection.

1.

Disclosure of information

The Commission may provide a copy of this response and any attachments to the other people in this case. This includes:

- the Applicant
- any other Respondents in the case, and
- any representatives involved in the case.

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 the contact details on page 1 of this form to an external provider of research services for the sole purpose of inviting the Respondent to participate in research?

Yes

No

Authority to sign and signature



For 'Authority to sign':

- If you are the Respondent – insert 'Respondent'
- If you are an officer or employee of the Respondent – insert your position title
- If you are the Respondent'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 KEEP A COPY OF THIS FORM FOR YOUR OWN RECORDS

Lodging and serving your completed form

1. **Lodge this response form** with the Commission within **7 days** after the day on which the Respondent was served with the form F8 application. You must include in this form any jurisdictional objections the Respondent wishes to raise.

You can lodge by email, post or in person at the [Commission office](#) in your state or territory.
2. **Serve** a copy of all documents you lodged with the Commission on the Applicant and any other respondents in the case. You must do this **within 7 days** after the day on which the Respondent was served with the form F8 application. An easy way to do this is to copy the Applicant and other respondents into the email you send to the Commission.

You can serve documents several ways, including by email, express post or registered post. Make sure you send the documents to the email or postal address specified in the Form F8 application.

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 a response 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.