



## About the F9B notification form

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### Notification of agreement for consent arbitration of an unlawful termination dispute

#### About unlawful termination

The unlawful termination provisions of the [Fair Work Act 2009](#) (the Act) aim to protect employees from being dismissed for unlawful reasons. The unlawful termination provisions apply to employees covered by Part 6-4 of the Act, which deals with additional provisions relating to termination of employment for employees not in the national workplace relations system or are not entitled to make a general protections application.

The Fair Work Commission (the Commission) will try to assist the parties to settle the matter. The Commission must conduct a conference to deal with the dispute. If the dispute remains unresolved, the Commission will issue a certificate.

Following the issue of a certificate the applicant may make an unlawful termination court application within 14 days of the date the certificate is issued, or such further time as the court allows. Alternatively, once a certificate is issued the parties may then consent to the Commission arbitrating, and therefore finally determining the matter, subject to any appeal. The Commission can only arbitrate an unlawful termination matter when both parties consent.

If the parties have notified the Commission that they consent to arbitration, the applicant cannot also make an unlawful termination court application. If the applicant is pursuing an unlawful termination court application, the parties cannot also seek to have the Commission arbitrate the matter.

For more information about unlawful termination and the national workplace relations system, please see the Commission's website [www.fwc.gov.au](http://www.fwc.gov.au).

#### Who can use this form

Use this form if you:

- are a party to an unlawful termination matter before the Commission **and**
- a conference has been held and the matter is not resolved **and**
- a certificate has been issued by the Commission **and**
- both the parties to the matter consent to the Commission arbitrating.

## Lodging your completed form

**Lodge this form** with the Commission within **14 days** of the day the Commission issues the certificate.

You can lodge:

- by email to [lodge@fwc.gov.au](mailto:lodge@fwc.gov.au), or
- by post or in person at the [Commission's office](#) in your state or territory.

## 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](http://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 a case before the Commission. A representative could be a lawyer, paid agent, officer or employee of a union or employer organisation, association of employers or peak council, 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 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 notification form
- 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 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 give notice or ask permission if the lawyer or paid agent is:

- an employee or officer of a union, employer organisation, association of employers, or peak council that is representing you, or
- your employee or officer (for a business).

You can notify the Commission that you have a lawyer or paid agent using this form – provide their details at ‘Does the party lodging this notice 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, a 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.

## Privacy

The Commission collects the information (including personal information) provided to it in this form in order to deal with the unlawful termination dispute 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 F9B – Notification of agreement for consent arbitration of an unlawful termination dispute

Fair Work Act 2009, s.777(1)(b)

This is a notification that the parties to an unlawful termination dispute have agreed to the Fair Work Commission arbitrating the matter under section 777(1)(b) of the *Fair Work Act 2009*.

<b>FWC matter number</b>	
<b>Applicant</b>	
<b>Respondent (Employer)</b>	

## Is an interpreter required by either party to participate in the arbitration?



If a party 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 either party require any special assistance at the hearing or conference (eg a hearing loop)?

Yes – Please specify the assistance required

No

## Does the party lodging this notice have a representative?



A representative is a person or organisation who is representing a party. This might be a lawyer or paid agent, a union or employer organisation. You are not required to have a representative.

Yes – Provide representative's details below

No

**Representative's details**

These are the details of the person or organisation who is representing the party lodging this notice (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 representative of the party lodging this notice a lawyer or paid agent?**

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

**1. Unlawful termination certificate****1.1 Has a certificate been issued in relation to the dispute?**

The Fair Work Commission may only arbitrate an unlawful termination dispute after it has dealt with the dispute and issued a certificate under s.776(3)(a) of the *Fair Work Act 2009*.

Yes

No

**1.2 What date was the certificate issued?**

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**1.3 Was the certificate issued more than 14 days ago?**

The Fair Work Commission may only deal with an unlawful dismissal dispute when it has been notified that the parties agree to arbitration within **14 days** of the certificate being issued. The Fair Work Commission may allow for additional time to lodge the Form F9B.

Yes

No – Go to question 2

**If you have answered yes** – Please explain the reason for the delay and why you think the Commission should grant you an extension of time to lodge this notification.

**2. Consent****2.1 Have all the parties to the unlawful termination dispute agreed to the Commission dealing with the dispute by arbitration?**

The Commission can only deal with an unlawful termination dispute by arbitration if the parties have agreed to the arbitration.

Yes

No

**2.2 Applicant’s agreement to arbitration**



If you are using an electronic signature, insert it below. If you do not have an electronic signature, type your name in the signature box.

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, or another, form– insert ‘Representative’.

**The Applicant agrees to the Fair Work Commission dealing with the dispute by arbitration.**

<b>Signature</b>	
<b>Name</b>	
<b>Date</b>	
<b>Authority to sign</b>	

**2.3 Employer’s agreement to arbitration**



If you are using an electronic signature, insert it below. If you do not have an electronic signature, type your name in the signature box.

For ‘Authority to sign’:

- If you are the Employer– insert ‘Employer’
- If you are an employee of a company or organisation that is the Employer– insert your position title
- If you are the Employer’s representative and have provided your details in this, or another, form– insert ‘Representative’.

**The Employer agrees to the Fair Work Commission dealing with the dispute by arbitration.**

<b>Signature</b>	
<b>Name</b>	
<b>Date</b>	
<b>Authority to sign</b>	

**PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS**