

About the F8A response form

Response to a general protections application involving dismissal

About general protections disputes

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.

In general protections disputes involving dismissal, the Fair Work Commission (Commission) must hold a conference to deal with the dispute. If the Respondent raises a jurisdictional objection to the application, the Commission must hear and determine the objection before any conference can occur. If the objection is dismissed, the Commission will then hold a conference to deal with the dispute.

If the dispute remains unresolved after the conference, the Commission will issue a certificate. The Applicant may then choose to make a general protections court application within 14 days of the date the certificate is issued, or such further time as the court allows. Alternatively, if both parties to the dispute consent, the Applicant can apply for the Commission to conduct a consent arbitration which will determine the matter, subject to any appeal. An application for consent arbitration needs to be lodged with the Commission within 14 days of the date the certificate is issued.

If the parties have notified the Commission that they consent to arbitration, the Applicant cannot also make a general protections court application. If the Applicant is pursuing a general protections court application, the parties cannot also seek to have the Commission arbitrate the matter.

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

Who can use this form?

Use this form if you are the Respondent or are responding for the Respondent and the Commission has served the Respondent with a Form F8 – General protections application involving dismissal.

If the Respondent has been served with two or more applications concerning the same general protections dispute (such as multiple employees making general protections applications), you can lodge one response for all of the applications if your response is the same for each application. If necessary, you can attach details of each individual applicant to whom your response relates (including name, date of commencement and entitlements) in a separate sheet.

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 (Respondent) can lodge **1 response** with the Commission dealing with all applications.

Lodging and serving your completed form

1. **Lodge this response form and any supporting documents** with the Commission within **7 days** after the employer (Respondent) was served with the Form F8 application. You must include in this form any jurisdictional objections you wish to raise.

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.

2. **Serve** a copy of all documents you lodged with the Commission on the Applicant. An easy way to do this is to copy the Applicant into the email you send to the Commission.

Otherwise, you must send all documents to the Applicant **within 7 days** after the employer was served with the Form F8 application.

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.

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 an employer organisation, an association of employers or a peak council, or a not-for-profit association or body that provides support, advice or advocacy in relation to employment 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, a lawyer or paid agent can represent you without permission to:

- prepare and lodge this response,
- 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 or staff person holding your conference if you wish to have a **lawyer or paid agent** represent you in a **conference or hearing**. You do not, however, need to give notice or ask permission if your lawyer or paid agent is:

- your employee or officer (for a business), or
- an employee or officer of an employer organisation, an 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 Respondent 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](#).

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.

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 72, 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 general protections application Form F8. 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.

SAMPLE

Form F8A – Response to a general protections application involving dismissal

[Fair Work Act 2009](#), s.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 dispute involving dismissal under Part 3-1 of the [Fair Work Act 2009](#).

The Applicant



These are the details of the person who made the application. You can find this information on the general protections application Form F8 and correspondence from the Commission.

Name	Matelita Taufa
Commission matter number	C1234

The Respondent



These are the details of the person or organisation responding to the application.

Legal name of Respondent	Frozen Food Distributions Pty Ltd		
Respondent's ACN/ABN (if a company)	36 123 456 789		
Respondent's trading name or registered business name	Frozen Food		
Name of person we can contact	Adam Matthews, Human Resources Manager		
Postal address	100 Example Road		
Suburb	Sydney		
State or territory	NSW	Postcode	2000
Phone number	02 9000 0000		
Email address	a.matthews@frozenfood.com.au		
What industry is the Respondent in?	Food industry		

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

How should the Commission contact the Respondent?

☒ Email (make sure you check your email regularly)

☐ Post

How many employees (if any) does the Respondent have?

20

Does the Respondent need an interpreter?



If the Respondent 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 Respondent need any special assistance at a hearing or conference (eg do you have hearing difficulties)?



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 or organisation who is representing the Respondent. This might be a lawyer or paid agent, or an employer organisation. The Respondent does not need to have a representative.

☐ Yes – tell us about the Respondent's representative below

☒ No – go to question 1

Respondent's representative



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

Name of person			
Firm, organisation or company			
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 you in this case.

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

1. Jurisdictional and other objection(s)

1.1 Does the Respondent have any jurisdictional objection(s) to the application?



Not all objections are jurisdictional objections. Jurisdictional objections relate to why an Applicant is not eligible to make an application to the Commission. **If the Respondent has a jurisdictional objection it must be identified in this form** – see rule 65(2) of the [Fair Work Commission Rules 2024](#).

If the Respondent raises a jurisdictional objection, the Commission must hear and determine the objection first. Only if the objection is dismissed can the Commission deal with the matter by conducting a conference to help the parties resolve the dispute.

The Commission's [General Protections Benchbook](#) has more information on jurisdictional objections.

☐ Yes

☒ No

1.2 If you answered yes to question 1.1 – On what basis does the Respondent object? If the Respondent objects on multiple grounds, you can select more than one from the list below:

- ☐ The application is out of time (ie lodged more than 21 days after the dismissal took effect)
- ☐ The person was not dismissed within the meaning of s.386 of the [Fair Work Act 2009](#) because:
 - ☐ The person was not an employee
 - ☐ The person was not dismissed
 - ☐ The Respondent is not a national system employer
- ☐ The person has made another application dealing with the dismissal (such as an unfair dismissal application)

Explain why the Respondent objects on these grounds

1.3 Does the Respondent agree with the information given in question 1 (if answered) on the Applicant's Form F8?

- ☒ Yes – Go to question 2
- ☐ No – Go to question 1.4

1.4 If you answered no to question 1.3 – What is the Respondent's response?



Using numbered paragraphs, set out the reasons why the Respondent does not agree with the information provided by the Applicant in question 1 of their application.

2. Remedy

2.1 What is the Respondent's response to the outcome the Applicant is seeking?



At question 2.1 of the Form F8, the Applicant set out the outcome that they are seeking. Using numbered paragraphs, set out the Respondent's response.

1. I do not agree with reinstatement because we have lost trust and confidence in the Applicant.
2. I do not agree with compensation because following the meeting on 17 January 2023, the Applicant rejected my calls and did not return to work.

SAMPLE

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 alleged actions that led them to apply to the Commission, including which sections of the [Fair Work Act 2009](#) were allegedly contravened by the Respondent and how.

Using numbered paragraphs, set out the Respondent's response to the information that the Applicant has provided. If the Respondent thinks that there was no contravention of the general protections provisions in Part 3-1 of the [Fair Work Act 2009](#), this can be explained here. You can attach extra pages if there is not enough space.

1. On 9 January 2023, Tom Biggs, supervisor, notified me that Matelita Taufu had called in sick and wouldn't be coming to work that day.
2. On 10 January 2023, Tom Biggs, supervisor, notified me that Matelita Taufu had called again and was still sick and wouldn't be returning to work until 17 January 2023.
3. I tried contacting Matelita Taufu several times that day to request that she fax or email me a medical certificate. Matelita Taufu did not return any of my calls or messages.
4. On 17 January 2023 I called a meeting with Tom Biggs, supervisor, and Matelita Taufu. We discussed Matelita's performance, work attendance and complaints made by other staff. Matelita was being very difficult during the meeting, refusing to listen to feedback.
5. Matelita was asked what she wanted to do in relation to the issues raised. She responded by saying "If you want me to leave, just say it." I tried to explain that we were willing to put Matelita on a performance program. Matelita replied "I don't need to be performance managed. You want me to leave – fine." Matelita left the office and Frozen Food's premises.
6. I tried to contact Matelita several times over several days. She did not return any of my calls or messages.
7. Matelita Taufu's staff file shows several entries where she has been given verbal warnings about attendance at work and job performance.

Disclosure of information

The Commission may provide a copy of this response and any attachments to the other parties to this matter. This includes:

- the Applicant
- any legal representatives.

Consent to contact by researchers

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

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 research?

☐ Yes

☒ No

Authority to sign and signature



For 'Authority to sign':

- If you are the Respondent—insert 'Respondent'
- If you are an employee of a company or organisation that is 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	Respondent
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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	A Matthews
Name	Adam Matthews
Date	20 February 20XX

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS