



About the F2 application form

Unfair dismissal application

About unfair dismissal

To make an unfair dismissal application to the Fair Work Commission (the Commission), you must be covered by the national unfair dismissal laws and [must be eligible to make an application](#).

To be eligible, you must have worked for the minimum employment period and, in some cases, have earned less than the [high income threshold](#).

When you make your application, you will need to show that:

- you were an employee covered by the national unfair dismissal laws **and**
- you are eligible to make an application **and**
- you have been dismissed **and**
- the dismissal was harsh, unjust or unreasonable.

A dismissal will not be unfair if it was a genuine redundancy, or if the employer was a small business (employing fewer than 15 people) that complied with the [Small Business Fair Dismissal Code](#).

For more information about unfair dismissals and eligibility to make an application see the [Commission's unfair dismissal guides](#) and [Unfair Dismissals Benchbook](#).

Who can use this form

Use this form if you:

- were an employee covered by the national unfair dismissal laws **and**
- are eligible to make an unfair dismissal application **and**
- believe you have been unfairly dismissed.

Lodging your completed form

1. **Lodge your application** and any supporting documents with the Commission within **21 days** after your dismissal took effect. You can lodge:
 - online using the Commission's [Online Lodgement Service \(OLS\)](#)
 - 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 current application fee is available on the [Lodge an application](#) 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 [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.



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 employer, and
- any representatives or paid agents 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 the case confidential](#) on our website.

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.

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 your case. A representative could be a lawyer, paid agent, union, legal guardian 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 to bring a case to 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 application,
- prepare and lodge submissions about your case, or
- write to the Commission and other people involved in the case on your behalf.

You do not need to give notice or seek permission for a lawyer or paid agent to represent you in a conference conducted by staff of the Fair Work Commission about an unfair dismissal case.

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 ask permission or give notice if your lawyer or paid agent is an employee or officer of a union or 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 ‘Do you 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, 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 71 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 unfair dismissal 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.

SAMPLE

Form F2 – Unfair dismissal application

[Fair Work Act 2009](#), s.394; [Fair Work Commission Rules 2024](#), rule 71

This is an application to the Fair Work Commission (the Commission) for an unfair dismissal remedy under Part 3-2 of the *Fair Work Act 2009*.

The Applicant (you)



These are your details. Please provide a telephone number and email. It is important that we can contact you so that we can deal with your application.

If the Applicant is under 18 years, the Commission encourages them to have a parent or guardian, or a legal representative, involved. We can provide further information about how to find legal services.

Title	<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)	Umberto		
Surname	D'Avanzo		
Postal address	58 Sample Street		
Suburb	Parramatta		
State or territory	NSW	Postcode	2124
Phone number	02 8000 XXXX		
Mobile number	04XX XXX XXX		
Email address	umberto@mail.com		
Is the Applicant aged:	<input checked="" type="checkbox"/> 18 years or over (adult)		
	<input type="checkbox"/> Under 18 years		

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

Do you need an interpreter?



If you have 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

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

☐ Yes – Please specify the assistance required

☒ No

Do you have a representative?



A representative is a person or organisation who is representing you. This might be a lawyer or paid agent, or a union. You do not need to have a representative.

☐ Yes – Provide representative's details below

☒ No

Your representative



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

Name of person			
Firm, union or company			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			
Is your 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 (the employer)



These are the details of the employer that dismissed you.

You should provide the legal name of the employer. The legal name is **not** the trading name or business name of the employer. The 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 of the employer.

Note that the Commission will send a copy of your application to the contact person you name below.

Legal name of employer	Left Right Out Industries Pty Ltd
Employer's ACN (if a company)	123 456 789

ABN	36 123 456 789		
Contact person	Wayne Manager, Human Resources Manager		
Postal address	100 Example Road		
Suburb	Sydney		
State or territory	NSW	Postcode	2000
Phone number	02 9000 XXXX		
Email address	w.manager@leftrighout.com.au		

1. Your employment

1.1 What date did you begin working for the employer?

13 August 20XX

1.2 Where did you work for the employer?

Primary workplace/worksite street address	100 Example Road		
Suburb	Sydney		
State or Territory	NSW	Postcode	2000

1.3 To the best of your knowledge, how many employees were employed in your workplace when you were dismissed?

- ☐ 1-14
☒ 15-49
☐ 50-99
☐ 100 or more
☐ I don't know

1.4 What date were you notified of your dismissal?

7 January 20XX

1.5 What date did your dismissal take effect?

13 January 20XX

1.6 Are you making this application within 21 days of your dismissal taking effect?

☒ Yes

☐ No

If you answered **No** – Explain the reason for the delay, including any steps you have taken to dispute the dismissal or any other reason you think the Commission should take into account in considering whether to accept your application out of time.

1.7 Have you made another claim to the Commission or to any other organisation regarding your dismissal (eg a general protections application)?



The Commission cannot consider your unfair dismissal application if you have made another claim in relation to the dismissal, for example if you have made a general protections application in relation to the dismissal or a complaint to the Human Rights Commission in relation to the dismissal. If you answer yes to this question, you will need to decide which claim is the most appropriate one. If you are unsure which is the best option for you, read the **where to get help** section in the cover sheet of this form.

☐ Yes

☒ No

2. Remedy

2.1 What outcome are you seeking by lodging this application?

- 1) Reinstatement to my position of team leader. or an equivalent position on terms and conditions no less favourable.
- 2) Alternatively:
 - a. Compensation for loss of my position
 - b. A separation certificate
 - c. A statement of service.

3. Dismissal

3.1 What were the reasons for the dismissal, if any, given by the employer?



Using numbered paragraphs, specify the reason(s), if any, given by the employer for your dismissal. Attach any letter of dismissal and/or separation certificate given to you by the employer. Note that the Commission will send copies of any documents you provide to the employer. Attach extra pages if necessary.

- 1) The human resources manager called me into a meeting on 7 January 20XX and told me that there had been complaints about my work. I was told that my work was not as good as it should be.
- 2) I was given a letter confirming what I was told – a copy of this letter is attached. The letter said that I would be dismissed, and my last day of work would be 13 January 20XX.

3.2 Why was the dismissal unfair?



Using numbered paragraphs, describe the relevant facts and circumstances and specify why you say the dismissal was unfair. This should include:

- your response to any reasons for dismissal given by the employer
- whether you were counselled or warned by the employer of any deficiencies in your performance or conduct and the circumstances of each counselling session or warning
- why you believe the dismissal was unfair.

- 1) I have worked for Left Right Out since August 20XX (9 years) and never had any problems at work.
- 2) Before the 7 January 20XX meeting, I was not told there were any problems with my work or given any warnings that I could be dismissed.
- 3) There is no system of performance review at Left Right Out. I did have meetings with my supervisor, Jo Small on 5 July 20XX and 16 December 20XX. In those meetings I was told that my work was good and there were no problems.
- 4) I was not given a chance to respond to the complaints that were made. I was also not given any time to fix any problems.

Attach additional pages if necessary.

Disclosure of information

The Commission will provide a copy of this application and any attachments to the other parties in this matter. This includes:

- the employer
- any representatives and paid agents.

Consent to contact by researchers

The Commission undertakes research with participants in unfair dismissal matters to ensure a high quality process. Some research may be undertaken by external providers.

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 this research?

☐ Yes

☒ No

Authority to sign and signature



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 form—insert 'Representative'.

Authority to sign	Applicant
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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	<i>Umberto D'Avanzo</i>
Name	Umberto D'Avanzo
Date	16 January 20XX

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS

Application fee

Your name:

Umberto D'Avanzo

The current application fee is available on the [Lodge an application](#) 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 will cause you financial hardship, you can apply to have the fee waived. If you are applying to have the fee waived you must complete and lodge 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 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 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 details below and a Commission officer will contact the payer within 3 business days from the date of lodgment.

Payer details

Who is making the payment?

- ☒ You ☐ Your representative ☐ Other–Please complete the details below

Full name of payer	Umberto D'Avanzo		
Postal address	58 Sample Street Parramatta NSW 2124		
Phone number	04XX XXX XXX	Email address	umberto@mail.com

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS