



About the Form F7

Notice of appeal

Appealing a decision of the Fair Work Commission

If you feel aggrieved by a decision that you have received from the Fair Work Commission (the Commission) you can lodge a notice of appeal. When you lodge a notice of appeal, you are asking the Commission to determine two issues:

- whether permission to appeal should be granted and
- whether there has been an error in the original decision.

A notice of appeal must be lodged within **21 calendar days** after the date of the decision that is being appealed. If you are seeking a stay of the decision that is being appealed, you will need to complete part 4 of this form.

You must also lodge an appeal book with the Commission within **7 calendar days** after lodging the notice of appeal. You must serve the appeal book on the other parties to the matter that is being appealed as soon as practicable after the appeal book is lodged with the Commission.

Generally, an appeal will be listed for hearing within 10–12 weeks after you lodge the notice of appeal.

Please see the Commission's [Appeal proceedings practice note](#) for further information.

Lodgment of your notice and lodgment and service of the appeal book

1. **Lodge this notice of appeal** with the Commission within **21 calendar days** after the date of the decision that is being appealed. You can lodge your application online using the [Commission's Online Lodgment Service \(OLS\)](#) or by post, by fax or by email or in person at the [Commission's office](#) in your state or territory.
- **Note:** the Commission will serve a copy of the notice of appeal upon the other parties to the matter from which the appeal is brought.
2. **Lodge an appeal book** with the Commission within **7 calendar days** after the date on which you lodged the notice of appeal.
3. **Serve a copy** of the appeal book on the other parties to the matter from which the appeal is brought. You must do this **as soon as practicable** after lodgment of the appeal book with the Commission.

Where to get help

Commission staff & resources

Commission staff cannot provide legal advice. However, staff can give you information on:

- processes in the Commission
- 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 answer the question following.

Legal or other representation

Representation is where another person (such as a family member or friend, lawyer or paid agent, or an employee of a union or employer organisation) speaks or acts on a person's behalf, or assists a person in certain other ways in relation to a matter before the Commission. There is no requirement to be represented at the Commission.

There are some restrictions on representation by a lawyer or paid agent.

Generally, a person must give notice to the Commission (by lodging a Form F53 – Notice that a person: (a) has a lawyer or paid agent; or (b) will seek permission for lawyer or paid agent to participate in a conference or hearing) and seek permission from the Commission Member dealing with the matter if they wish to have a lawyer or paid agent represent them by participating in a conference or a hearing.

Apart from participating in a conference or hearing, a person's lawyer or paid agent can represent them without permission, unless the Commission decides otherwise. For example, the lawyer or paid agent can prepare and lodge written applications, responses and submissions with the Commission, and communicate in writing with the Commission and other parties to the matter on the person's behalf.

The requirement to give notice and seek permission for a lawyer or paid agent to participate in a conference or hearing, does not apply if the lawyer or paid agent is:

- an employee or officer of the person **or**
- a bargaining representative that is representing the person **or**
- an employee or officer of an employee or employer organisation, or an association of employers or a peak council, that is representing the person.

Rule 12(2) of the [Fair Work Commission Rules 2013](#) sets out further exceptions to the requirement to give notice and seek permission.

For more information about representation by lawyers and paid agents, see section 596 of the [Fair Work Act 2009](#), rules 11, 12 and 12A of the [Fair Work Commission Rules 2013](#) and the Commission's [practice note on representation by lawyers and paid agents](#).

Glossary of common terms

Appellant – This is the person or organisation lodging an appeal.

Applicant – This is the person or organisation that made the application in the original matter.

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 a person or organisation involved in a matter or case that is brought to the Commission.

Respondent – The person or business responding to an application or appeal.

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, fax, express or registered post, or in person. Parts 7 and 8 of the Fair Work Commission Rules 2013 deal with service.

Privacy

The Commission collects the information (including personal information) provided to it in this form for inclusion on the case file, and may disclose this 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

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Fair Work Act 2009, s.604; Fair Work Commission Rules 2013, rules 52 and 56

This is an application to the Fair Work Commission to appeal a decision or order of the Commission in accordance with section 604 of the [Fair Work Act 2009](#).

The Appellant



These are the details of the person who is lodging the appeal.

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

If the appellant is a company or organisation please also provide the following details

Legal name of business	
Trading name of business	
ABN/ACN	
Contact person	

How would you prefer us to communicate with you?

Email (you will need to make sure you check your email account regularly)

Post

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Does the Appellant need an interpreter?



If the Appellant 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

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Does the Appellant require any special assistance at the hearing or conference (eg a hearing loop)?

Yes – Please specify the assistance required

No

Does the Appellant have a representative?



A representative is a person or organisation who is representing the Appellant. This might be a lawyer or paid agent, a union or employer organisation, or a family member or friend. There is no requirement to have a representative.

Yes – Provide representative's details below

No

Appellant's representative



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

Name of person			
Firm, organisation or company			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

Is the Appellant's representative a lawyer or paid agent?

Yes

No

The Respondent

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These are the details of the person or business responding to an appeal. Note that the Commission will send a copy of your notice of appeal to the contact person you name below.

Title	[] Mr [] Mrs [] Ms [] Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

If the respondent is a company or organisation please also provide the following details

Legal name of business	
Trading name of business	
ABN/ACN	
Contact person	

1. The decision to be appealed

1.1 Please provide the details of the matter you are seeking to appeal.



You will find all of these details on the decision or order you received from the Commission

Commission matter number	
Applicant	

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Respondent(s)	
Decision maker (name of Member or delegate of the Commission)	
Date of decision	

1.2 Please provide a description of the decision and/or order you are appealing.

2. Grounds for appeal

2.1 What are the grounds for your appeal?



Using numbered paragraphs, set out the grounds for appeal. In unfair dismissal appeals, grounds relating to “significant errors of fact” should be set out under a separate heading. Attach extra pages if necessary.

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3. Public interest

3.1 Please set out the matters that you believe make it in the public interest for the Commission to grant permission for the appeal.



Note: section 400(1) of the [Fair Work Act 2009](#) prohibits the Commission from granting permission to appeal from a decision made under Part 3-2 of the Act relating to unfair dismissal unless the Commission “considers that it is in the public interest to do so.”

Attach additional pages if necessary.

4. Stay under section 606 of the Fair Work Act 2009

4.1 Are you seeking a stay of the original decision?

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A stay means that the original decision will not be enforced while the appeal is being heard.

Yes

No

If you answered yes to question 4.1 – specify whether a stay is sought of the whole or part of the decision or order and, if a stay of part only is sought, please specify the part.

5. Extension of time

5.1 Are you making this application within 21 calendar days of the decision that you are appealing being issued?

Yes

No

If you answered no to question 5.1 – Explain the reason for the delay and the grounds on which you say an extension of time should be granted.

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6. Urgent appeals



The Commission's appeal allocation procedures are intended to ensure that all appeals are heard within 12 weeks of being filed. If it is necessary for your appeal to be heard on a significantly more urgent basis than this, you must apply for your appeal to be heard on an expedited basis.

6.1 Is an expedited appeal hearing sought?

Yes

No

6.2 If you have answered yes to question 6.1 – Please set out the circumstances which make it necessary for your appeal to be heard on an urgent basis.

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Attach additional pages if necessary.

Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature	
Name	
Date	
Capacity/Position	



Where this form is not being completed and signed by the Applicant, include the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS