



About the F4 application form

Unfair dismissal application objections

When to use this form

Use this form if:

- the Fair Work Commission (Commission) has served you with an unfair dismissal application (Form F2), and
- you wish to raise an objection to the application.
- You **must** also complete a Form F3 (Employer response to unfair dismissal application). If you have set out your objection in your Form F3, you do not need to complete this Form F4.
- If you have been served with two or more Form F2 applications, you can lodge one Form F4 for all the applications if:
 - the applications concern the same circumstances, such as where a number of employees were dismissed at the same time, and
 - your objection is the same for each application.

If necessary, you can attach details of each individual applicant to whom your objection relates (including name, date of commencement and entitlements) in a separate sheet.

About unfair dismissal objections

You can object to an unfair dismissal application if you believe that:

- the Commission does not have jurisdiction to deal with the matter
- the employee was not protected from unfair dismissal under the *Fair Work Act 2009* (s.382),
- the application was not made within the time required by the *Fair Work Act 2009* (s.394(2)),
- the dismissal was consistent with the Small Business Fair Dismissal Code (s.388), or
- the dismissal was a case of genuine redundancy (s.389).

An objection is not simply that you think the dismissal was fair. For example, you may object because you think the employee is ineligible to make the application.

Making an objection will not stop the unfair dismissal application. Objections must be determined by a Commission Member. The Commission Member may require you and the Applicant to provide evidence and/or submissions with regard to your objections. Evidence may be required in the form of documents, written witness statements, and/or oral evidence at a hearing or conference. Submissions may be required in the form of written submissions and/or oral submissions at a hearing or conference. The Commission Member will issue a formal decision either granting or dismissing the objection. If your objection is granted, the unfair dismissal application will be dismissed, subject to any appeal. If your objection is dismissed, the Commission will then consider the application for an unfair dismissal remedy. Commission Members may consider some jurisdictional objections at the same time as assessing whether the dismissal was unfair (see Div 5 of the *Fair Work Act 2009*).

For more information about objecting to an application please see the Commission's [unfair dismissal guides](#).

Lodgment and service of your completed form

1. **Lodge this objection form and any supporting documents** with the Commission. You can lodge this form by post, fax or email, or in person at the [Commission's office](#) in your state or territory.
2. **Serve a copy of your objection and any supporting documents** on the Applicant as soon as practicable after you have lodged the form with the Commission. You can send this objection and supporting documents to the Applicant in a number of ways, including by email or by express or registered post. Make sure you send the documents to the email or postal address specified in the Form F2 application.

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 employee of an employer organisation) speaks or acts on a party's behalf, or assists the party in certain other ways in relation to a matter. There is no requirement to be represented at the Commission.

You will need permission from the Commission Member dealing with your matter if you wish to be represented by a lawyer or paid agent at a conference conducted by the Commission Member or a hearing, unless the lawyer or paid agent is one of your employees or officers, or an employee or officer of an employer organisation, an association of employers or a peak council that is representing you. If you want to seek permission, you must lodge 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.

You do not need permission to have a lawyer or paid agent prepare and lodge this form with the Commission.

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

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 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 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, 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

Form F4 – Objection to unfair dismissal application

Fair Work Commission Rules 2013, rules 20 and 46

This is an objection to an unfair dismissal remedy application lodged at the Fair Work Commission in accordance with Part 3-2 of the [Fair Work Act 2009](#).

The Applicant



These are the details of the person who is making the unfair dismissal application. You can find this information on the application Form F2.

First name(s)	
Surname	
Commission matter number	

The Respondent



These are the details of the business or organisation objecting to the unfair dismissal application.

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

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

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

Do you have a representative?



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

Yes – Provide representative's details below

No – Go to question 1

Note: if you have provided details of a representative in the Form F3 – Employer Response Form and the details have not changed, you do not need to provide these details again. Please go to question 1.

Respondent's representative



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

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

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

Yes

No

1. Objections

1.1 On what basis do you object to the application?

If you object on multiple grounds you can select more than one from the list below:

The application is out of time (i.e. lodged more than 21 days after the dismissal took effect)
(s.394)

The Applicant was not an employee (s.380)

The Applicant was not dismissed (s.386)

The dismissal was a case of genuine redundancy (s.389)


- The Applicant's employment does not meet the minimum employment period (s.383).
Please note the applicant's date of employment and dismissal in question 1.2.
- The Applicant's employment was not covered by an award or agreement, and the Applicant earned more than the [high income threshold](#) (s.382)
- The business is a small business, and the dismissal was consistent with the Small Business Fair Dismissal Code (s.388)
- Other (please provide details):

1.2 Explain why you object on the ground(s) selected above

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

