



About the F74A response

Response from a person named in an application for an order to stop sexual harassment that commenced prior to 6 March 2023

Use this form if:

- someone has alleged that you have sexually harassed them at work
- the alleged sexual harassment happened or started prior to 6 March 2023,
- the application to the Fair Work Commission was made using the Form F72A, and
- they have asked the Fair Work Commission to make an order to stop it from happening again, and
- we have asked you to respond to their claims.

This form is your first step in telling us your side of the case.

You don't have to send us a response – it's your choice. But if you do want to respond, you need do it **by the due date in the letter** we sent you.

When you complete the form it can help to have:

- their application form (we've included a copy with this form)
- the letter we sent you with this form.

Once you have completed your form:

- Sign your form.
- Return it to us **by the due date in the letter** we sent you – send us your form by:
 - email to ABSH@fwc.gov.au, or
 - post or in person at the [Commission's office](#) in your state or territory.
- Send a copy to the other people in the case **by the due date in the letter** – using the contact details in the application (Form F72A), send your form to:
 - the worker who made the application, and
 - the employer or principal named in the application, and
 - each other person the worker (Applicant) says has sexually harassed them, and
 - any representatives or paid agents involved in the case.



If you don't send a copy of your form (and any attachments) to the other people in this case, we will. This is so they can understand your side of the case.

If you are worried about particular information being passed on, don't include it yet. Send us your completed form and then contact us to talk about whether you should provide the information.

You can find out more about [keeping a case confidential](#) on our website.

What happens next

Once all the people involved in the case have sent us their forms, a Member of the Commission will decide next steps. This could be a conciliation, conference or hearing.

Where to get help

Commission staff & resources

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

- Commission processes
- how to fill out forms
- where to find useful documents such as legislation and decisions
- other organisations that may be able to assist you.

Visit our website to find out how to [contact us](#) or for information about [sexual harassment at work](#).

Form F74A – Response from a person named in an application for an order to stop sexual harassment that commenced prior to 6 March 2023

[Fair Work Act 2009](#), s. 789FC, Fair Work Commission Rules 2013, rule 23A

This is a response to an application to the Fair Work Commission (the Commission) for an order to stop sexual harassment under Part 6-4B of the *Fair Work Act 2009*.

Case details

1. Write the case details below

You will find these details in the letter we sent you with this form. The **Applicant** is the worker who has made the claims against you.

Applicant's first name(s)	
Applicant's surname	
Commission case number	

About you

2. Your details

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

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Email address			
Phone number			
Postal address			
Suburb			
State or territory		Postcode	
How old are you?	<input type="checkbox"/> 18 years or over (adult)		
	<input type="checkbox"/> Under 18 years		

Note: If you give us a mobile number, we may send you reminders by SMS.

3. 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 – What language?

No

4. Do you need any special assistance at a conference or hearing (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 – What do you need?

No

5. Do you have a representative?

A **representative** is a person who speaks for you in your case, such as a lawyer, a union official, an employer organisation, or another kind of paid agent. You don't need to have a representative. You can read more about [whether or not to have a representative](#) on our website.

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.

No I don't have a representative – Go to question 6

Yes I do have a representative – Fill in their contact details below

You will need to ask us for permission to be represented by a lawyer or paid agent if a Commissioner Member holds a conference or hearing about the case. Our [lawyers and paid agents practice note](#) explains when you need to ask for permission to be represented. Our [Benchbook](#) describes how we decide whether we will give permission.

Name of person representing you	
Firm, company or organisation	

Email address			
Phone number			
Postal address			
Suburb			
State or territory		Postcode	
Is your representative a lawyer or paid agent? [] Yes [] No			

About the employer/principal

An **employer/principal** is:

- the person or organisation who employs or engages the Applicant, and/or
- the person or organisation who employs or engages you.

6. Do you work for the same employer/principal as the Applicant?

The Applicant may be saying that you are involved in sexual harassment even though you are not a worker. This might be because you are a customer or a regular visitor to a workplace.

[] Yes – Go to question 7

[] No, I work for someone else and interact with the Applicant in my role as a worker – go to question 7

For example, you might:

- be a courier or delivery person who comes to the Applicant’s workplace
- work on a construction site with other independent contractors
- be working in the workplace but employed by a labour-hire company

[] No, I don’t interact with the Applicant in my role as a worker – tell us how you are connected to the workplace – then go to question 8

For example, you might be a customer or a regular visitor to a workplace

7. Provide details for your employer/principal

You might find the legal name of your employer/principal on your pay slips, remittance advices, PAYG payment summaries, appointment letter or employment contract. You can use the [Australian Business Register](#) website to find their ABN.

Details of employer/principal			
Legal name			
ACN (if a company) and/or ABN			
Contact person			
Title	[] Mr [] Mrs [] Ms [] Other please specify:		
Name			
Position/role			
Email address			
Phone number			
Address of employer/principal			
Street address or PO Box			
Suburb			
State or territory		Postcode	

The workplace**8. Do you still have a connection to the workplace where the Applicant says that the sexual harassment took place?**

[] Yes

[] No

[] Not applicable – I have never had any connection to the workplace where the Applicant says that the sexual harassment took place.

Your response to the claim

9. What is your response to the Applicant’s claim that you were involved in sexual harassment?

The person who has made this claim has told us their side of the case. You’ll find it at question 11 of their application form (Form F72A). (We sent you a copy at the same time we sent you this form.) Write a response to what they’ve written.



You have the right not to provide information if you believe on reasonable grounds that the information may tend to prove that you have committed a criminal offence. Please tell us if you elect not to answer the question on this basis.

Jurisdictional or other objections

10. Do you have an objection to the application?

A jurisdictional objection means that you think there are technical or legal reasons why the worker is **not eligible** to make an application to the Commission. It is not simply that you disagree with the claims they have made. The Commission’s [Sexual Harassment Benchbook](#) have more information on jurisdictional objections.

Yes – go to question 11

No – go to the next page

11. What is the basis of your objection?

Tick all that apply. Provide details of any objections below.

- The Applicant does not meet the definition of a ‘worker’
- The Applicant is not working in a ‘constitutionally-covered business’
- The Applicant was not at work when the alleged sexual harassment occurred
- The Applicant is a member of the Defence Force
- The application relates to matters involving Australia’s defence or national security, or an existing or future covert or international operation of the Australian Federal Police
- Other

Provide details of your objections. Attach extra pages if necessary.

Sign your form

Privacy Read the [Privacy notice](#) to find out what personal information we collect, why we collect it, and what we do with it.

Disclosure of information Under section 655 of the *Fair Work Act 2009*, the President of the Commission may disclose, or authorise the disclosure of, this application if he or she reasonably believes that the disclosure would be likely to assist in the administration or enforcement of a Commonwealth or State or Territory law.

Signature

If you can use an electronic signature, please insert it below. If do not have an electronic signature, you can type your name in the signature box.

Name

Date

Capacity/position

Leave this blank if you are the person named in the application responding to an order to stop sexual harassment. If you are signing on behalf of the named person, write your role here.

Consent to contact by researchers

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

Do you consent to your contact details being provided to an external provider of research services for the sole purpose of inviting you to participate in research?

Yes

No