



About the F8B notification form

Notification of agreement for consent arbitration of a general protections dispute

About general protections

The general protections provisions of the *Fair Work Act 2009* aim to protect workplace rights and freedom of association, and to provide protection from workplace discrimination.

Where a general protections application involving dismissal is made, the Fair Work Commission (the Commission) will try to assist the parties to settle the matter by conducting a conference. If the dispute remains unresolved, the Commission will issue a certificate.

Following the issue of a certificate the applicant may make a general protections court application within 14 calendar days of the date the certificate is issued, or such further time as the court allows. Alternatively, once a certificate is issued the parties may then consent to the Commission arbitrating, and therefore finally determining the matter, subject to any appeal. The Commission can only arbitrate a general protections matter when both parties consent.

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, please see the Commission's [general protections guides](#).

Who can use this form

Use this form if you:

- are a party to a general protections matter involving dismissal before the Commission and
- a conference has been held and the matter is not resolved and
- a certificate has been issued by the Commission and
- both the parties to the matter consent to the Commission arbitrating.

Lodgment of your completed form

Lodge this form with the Commission within **14 calendar days** of the day the Commission issues the certificate. 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.

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 (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

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, 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 in order to deal with the general protections 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.

Form F8B – Notification of agreement for consent arbitration of a general protections dispute

Fair Work Act 2009, s.369(1)(b)

This is a notification that the parties to a general protections dispute have agreed to the Fair Work Commission arbitrating the matter under section 369(1)(b) of the Fair Work Act 2009.

FWC matter number	Write your matter number. You will find this on top of your general protections dismissal application form.
Applicant	Write your name here.
Respondent (Employer)	Write the name of your employer here. If your employer is a sole trader then this will be his or her name. If your employer is a business or company you will need to write their legal name. You can find the name of your employer on your payslips, letter of offer or contract of employment.

Is an interpreter required by either party to participate in the arbitration?



If a party 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

If English is not your first language and you need an interpreter, tick 'Yes.' Then write your first language.

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

Yes – Please specify the assistance required

No

If you have any special needs (for example, you have a disability) tick 'Yes'. Then write the type of special assistance that you need.

Does the party lodging this notice have a representative?



A representative is a person or organisation who is representing a party. 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.

Only tick 'Yes' if you have someone representing you (for example, a lawyer or a union official).

Yes – Provide representative's details below

No

Representative's details



These are the details of the person or organisation who is representing the party lodging this notice (if any). Fill in this section if you have someone representing you (for example, a lawyer or a union official).

Name of person	Write the name of the person representing you.		
Firm, organisation or company	Write the name of the organisation your representative belongs to. For example, the name of the law firm or the name of the union.		
Postal address	Write your representative's postal address here.		
Suburb	Write the name of the suburb your representative is from.		
State or territory	Write NSW if your representative is from NSW.	Postcode	Write your representative's postcode here.
Phone number	Write your representative's phone number (landline, mobile or both) here.	Fax number	Write your representative's fax number here.
Email address	Write your representative's email address here.		

Is the representative of the party lodging this notice a lawyer or paid agent?

Yes

No

1. General protections certificate

1.1 Has a certificate been issued in relation to the dispute?



The Fair Work Commission may only arbitrate a general protections dismissal dispute after it has dealt with the dispute and issued a certificate under s.368(3)(a) of the *Fair Work Act 2009*.

If a certificate was issued by the Commission tick 'Yes'. You would have received this after your mediation or conciliation at the Commission. If a certificate was not issued tick 'No' and get legal advice.

Yes

No

1.2 What date was the certificate issued?

This will be the date on the certificate issued by the Commission.

1.3 Was the certificate issued more than 14 calendar days ago?



The Fair Work Commission may only deal with a general protections dismissal dispute when it has been notified that the parties agree to arbitration within **14 calendar days** of the certificate being issued. The Fair Work Commission may allow for additional time to lodge the Form F8B.

If your certificate is more than 14 days old tick 'Yes'. You will need to fill in the box below and you should get legal advice.

If your certificate is not more than 14 days old tick 'No'.

Yes

No – Go to question 2

If you have answered yes – Please explain the reason for the delay and why you think the Commission should grant you an extension of time to lodge this notification.

Using numbered paragraphs, briefly explain:

- a) why you did not file your application for consent arbitration before, and
- b) the reasons why you believe the Commission should accept your late application.

2. Consent

2.1 Have all the parties to the general protections dismissal dispute agreed to the Commission dealing with the dispute by arbitration?



The Commission can only deal with a general protections dismissal dispute by arbitration if the parties have agreed to the arbitration.

If you and your employer agree to the Commission deciding your case tick 'Yes'.

If you and your employer do not agree tick 'No'. You should get legal advice.

Yes

No

2.2 Applicant’s agreement to arbitration



This section must be completed and signed by the Applicant or the Applicant’s representative. Where this form is not being completed and signed by the Applicant, include the name and signature of the person who is completing the form on their behalf in the **Capacity/Position** section. This may be a lawyer, paid agent or union official.

The Applicant agrees to the Fair Work Commission dealing with the dispute by arbitration.

Signature	Sign here unless you have someone representing you such as a lawyer. If you have a representative, they will sign this section.
Name	Write your name here unless you have a representative. If you have a representative, they will write their name here.
Date	Write the date you signed this form unless you have a representative. If you have a representative, they will write the date they signed the form.
Capacity/ Position	If you are representing yourself, write ‘Applicant’. If you have a representative, they will write their title here, for example ‘lawyer’ or ‘union representative.’

2.3 Employer’s agreement to arbitration

Your employer or their representative will fill in this section.



This section must be completed and signed by the Employer or the Employer’s representative. Where this application form is not being completed and signed by the Employer, include the name and signature of the person who is completing the form on their behalf in the **Capacity/Position** section. This may be a lawyer, paid agent or representative from an employer organisation or association.

The Employer agrees to the Fair Work Commission dealing with the dispute by arbitration.

Signature	
Name	
Date	
Capacity/ Position	

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS