



A U S T R A L I A N
I N D U S T R I A L
R E L A T I O N S
C O M M I S S I O N

Guide

Termination of Employment General information

14 April 2009

Internet
www.airc.gov.au

AIRC Information Line
1300 799 675

Contents

- | | |
|---------------------------------|--|
| General | <ol style="list-style-type: none">1. About this information guide2. Key questions3. How can the Registry assist?4. What if I have language problems?5. Overview of AIRC proceedings |
| About unfair dismissal | <ol style="list-style-type: none">6. What is unfair dismissal?7. What is unlawful termination of employment?8. Who can apply?9. What if my employer's business has been taken over?10. Privacy |
| Applications | <ol style="list-style-type: none">11. How to apply12. Late applications13. What happens to the application? |
| Conciliation conferences | <ol style="list-style-type: none">14. What is a conciliation conference?15. What if a settlement is not reached in the conference?16. When is a conference not the first proceeding? |
| Arbitration | <ol style="list-style-type: none">17. Electing to proceed to arbitration18. Arbitration19. Notice and conduct of arbitration proceedings |
| Associated matters | <ol style="list-style-type: none">20. Discontinuance21. Costs22. Representation23. Country circuit24. Change of address |
| Information | <ol style="list-style-type: none">25. Where is the AIRC and how do I make inquiries?26. Further information27. Glossary |

1. About this information guide

This document aims to assist employees and employers considering, or involved in, proceedings in the **Australian Industrial Relations Commission (the AIRC)** regarding alleged unfair dismissal or unlawful termination of employment.

Its purpose is to provide information about some of the most commonly asked questions concerning unfair dismissal and unlawful termination of employment proceedings. Forms referred to in this guide can be obtained from the Australian Industrial Registry (the Registry) in each State and Territory capital city or from the *Forms* page on the AIRC website. Certain terms used in this guide are defined in a glossary at the end of this document.

The AIRC website is available at www.airc.gov.au. The AIRC also offers a national, telephone information line on **1300 799 675**.

2. Key questions

For the employee	Answer	Section in this guide
Can I make a claim in the Australian Industrial Relations Commission?	Check relevant sections of the <i>Workplace Relations Act 1996</i> and regulations and/or seek advice.	8, also 6, 7
How long have I got to lodge an application?	Within 21 days of the termination coming into effect.	12, 13
What form do I need and where do I get it?	Complete an <i>Application for relief in relation to termination of employment</i> form (R27). Copies available from the Registry. Phone or attend a Registry public counter or download from the <i>Forms</i> page of the AIRC website at www.airc.gov.au	11, 25
Can I lodge my claim online?	Yes. You can submit your application and pay the lodgment fee through the e-filing section of the AIRC website at www.airc.gov.au	11
Will details of my case be made public?	Your file will remain confidential, as will the details of any conferences held. Hearings and decisions, however, are generally public.	10, also 14, 18
For the employee and the employer	Answer	Section in this guide
Do I need to be represented?	Representation is not required, but generally you can choose to be represented if you wish.	22, also 26
What happens in the AIRC?	The AIRC will assist you to reach a settlement. If this is not possible, a binding decision may be made.	5, 14, 15, 16, 18, 19
What if I have difficulty speaking and reading English?	Seek assistance of friends or community organisations. You may also request an interpreter for AIRC proceedings.	4, also 26

3. How can the Registry assist?

Registry staff can provide information, but they cannot provide legal advice. If you are seeking legal advice about your rights, please consult your union or employer association, a legal practitioner or an industrial adviser.

Other information available from the Registry is described in section 26 of this guide.

4. What if I have language problems?

If English is not your first language, or you have difficulties such as a visual or hearing impairment, you may know a person or community organisation that can assist you. If you indicate on your application that an interpreter is required, then the AIRC will arrange for one to be present. There is no charge for the use of an interpreter.

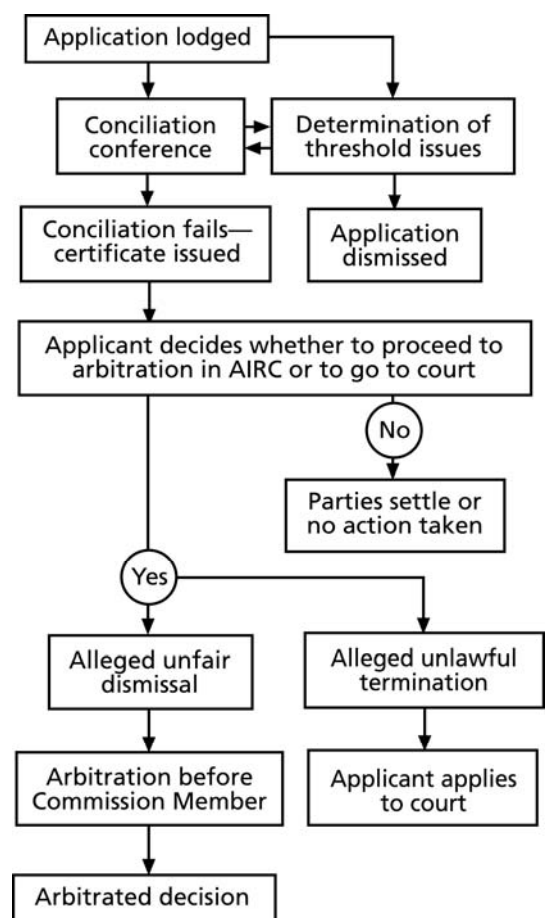
If you are having difficulty understanding the information in this document and you do not have someone you can approach for assistance, please contact the AIRC Information Line on **1300 799 675**. You may also phone the Translating and Interpreting Service (TIS). This is a national service available through the Department of Immigration and Citizenship, and is accessible 24-hours-a-day, seven-days-a-week. Both telephone services are the cost of a local call.

5. Overview of AIRC proceedings

The process begins when a person whose employment has been terminated files an application with the AIRC. This person is known as the **applicant** and his or her employer is known as the **respondent**. Either can be referred to as a **party**.

Sometimes the AIRC may consider it appropriate to formally hear and determine certain preliminary issues, known as **jurisdictional issues**, first. This may occur in cases where an employer argues that the application has been lodged out of time (more than 21 days after the termination took effect) or is not valid. The application may be dismissed at this stage or referred to conciliation.

If conciliation is unsuccessful, a certificate will be issued and the applicant can elect to proceed to **arbitration** for an alleged unfair dismissal or to a court for an alleged unlawful termination of employment. Arbitration involves public hearings and a decision by an AIRC member, which is binding on the parties. The chart (right) provides an overview of the AIRC process.



6. What is unfair dismissal?

According to the *Workplace Relations Act 1996* (the Act), an unfair dismissal occurs when the employee's dismissal is '**harsh, unjust or unreasonable**'.

In determining if this has been the case, the AIRC must have regard to a number of factors including:

- whether there was a valid reason for the termination;
- whether the employee was notified of that reason and given an opportunity to respond;
- if the termination related to unsatisfactory performance by the employee, whether the employee had previously been warned about that unsatisfactory performance;
- the degree to which the size of the employer's business, or the absence of dedicated human resource management specialists, may have had an impact on the termination procedures;
- any other matters the AIRC considers relevant.

(For exact wording, please refer to s.652(3) of the Act.)

7. What is unlawful termination of employment?

An employee's employment has been unlawfully terminated if the termination was based on one or more of a number of reasons listed in the Act. These include failure to give the employee the required notice or payment instead of notice (s.661) and reasons concerning alleged discrimination (s.659). Any unlawful termination claim concerning alleged discrimination must be based on one or more of the following:

- temporary absence from work because of illness or injury (s.659(2)(a));
- trade union membership or participation in trade union activities outside working hours or, with the employer's consent, during working hours (s.659(2)(b));
- non-membership of a trade union (s.659(2)(c));
- seeking office as, or acting or having acted in the capacity of, a representative of employees (s.659(2)(d));
- filing a complaint, or participation in proceedings, against an employer involving alleged breaches of laws or regulations or recourse to competent administrative authorities (s.659(2)(e));
- race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin (s.659(2)(f));
- refusing to negotiate, sign, vary or terminate an individual transitional employment agreement (ITEA) (s.659(2)(g));
- absence from work during maternity leave or other parental leave (s.659(2)(h));
- temporary absence from work for voluntary emergency management activity (s.659(2)(i)).

(For exact wording, please refer to s.659 and s.661 of the Act.)

8. Who can apply?

In determining if you are eligible to make a claim for unfair dismissal or unlawful termination of employment you should look at the relevant sections of the Act and the *Workplace Relations Regulations 1996*. There are three main types of applications.

They involve a termination that was allegedly:

1. harsh, unjust or unreasonable (unfair dismissal);
2. in breach of discrimination provisions (unlawful termination); and/or
3. in breach of minimum notice provisions (unlawful termination).

Different eligibility criteria apply to each of the above.

Unfair dismissal

An employee **may lodge** an unfair dismissal claim with the AIRC on the ground that the termination was harsh, unjust or unreasonable if he or she was:

- employed by a **constitutional corporation**;
- employed in **Victoria** or a **territory**;
- employed by the **Commonwealth**;
- employed overseas or interstate as a **waterside worker, maritime employee** or **flight crew officer**.

However, an employee **may not lodge** an unfair dismissal claim with the AIRC if he or she was:

- employed by an employer with **100 or fewer employees**;
- serving a **six-month qualifying period** of employment;
- dismissed for **genuine operational reasons**, which include economic, technological, structural or similar reasons relating to the employer's business;
- serving a **probationary period** determined in advance;
- engaged on a **seasonal basis**;
- engaged under a contract of employment for a **specified period or task**;
- engaged under a **traineeship agreement** or **approved traineeship** for a specified period;
- engaged as a **casual employee** for a short period;
- not employed under an **award** or **workplace agreement** and **earning \$106,400** a year or above in remuneration; or
- pursuing other related termination proceedings.

(For a full list of exclusions see s.638 and s.643 of the Act.)

Unlawful termination – notice of termination and failure to notify Centrelink

An employee **may be able to lodge** an unlawful dismissal claim with the AIRC if his or her employer failed to give the required termination notice or payment, or failed to notify Centrelink about employment terminations.

(For further information see s.660 and s.661 of the Act).

However, an employee is **not able to lodge** an unlawful dismissal claim under those circumstances if he or she was:

- serving a **probationary period** determined in advance;
- engaged on a **seasonal** basis;
- engaged under a contract of employment for a **specified period or task**;
- engaged under a **traineeship agreement** or **approved traineeship** for a specified period;
- not employed under an **award** or **workplace agreement** and **earning \$106,400** a year or above in remuneration;
- engaged as a **casual** employee;
- engaged as a **daily hire** employee in the **building and construction** industry or in the **meat industry** in connection with the slaughter of livestock; or
- engaged as a **weekly hire** employee in the **meat industry** and dismissed because of **seasonal factors**.

Unlawful termination – discrimination

All employees may lodge an unlawful termination claim with the AIRC if their employment was terminated on the grounds of discrimination (for further information see s.659 of the Act), which include:

- temporary absence due to **illness or injury**;
- **trade union membership** or participation in trade union activities outside of working hours or, with the employer's consent, during working hours;
- **non-membership** of a trade union;
- seeking office as, or acting or having acted as, a **representative of employees**;
- **filing a complaint**, or involvement in proceedings, against an employer for an alleged breach of the law;
- **discrimination** on the grounds of race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;
- **refusing to negotiate**, make, sign, extend, vary or terminate an individual transitional employment agreement (ITEA);
- absence from work during **maternity leave** or other **parental leave**;

- temporary absence from work due to **voluntary emergency management activity**, where such an absence is reasonable.

However, an employee is not able to lodge such an unlawful termination claim if he or she is pursuing other related termination proceedings.

9. What if my employer's business has been taken over?

In the case of a succession, assignment or transmission of business, the obligation to pay notice (as outlined in s.661) by the previous employer will not arise if:

- the employee is re-employed by the new owner of the business; and
- that new owner comes under an enforceable obligation (such as an award that counts service before and after the transmission as continuous service) to give or pay notice in respect of the earlier period of service.

10. Privacy

In general, termination of employment case files and discussions in private conferences are confidential. Details will only be disclosed to the parties directly involved or their representatives.

Aspects of your case which are likely to be public include:

- case details published in the daily hearings list;
- hearings (if your case proceeds to arbitration or a threshold legal issue has to be determined);
- decisions (the AIRC is required to publish its decisions and does so by reproducing them on a section of the AIRC website).

11. How to apply

An employee making a claim in the AIRC for alleged unfair dismissal or unlawful termination of employment must complete and lodge an ***Application for relief in relation to termination of employment*** form (*Form R27*) with the Registry **within 21 days** of the termination coming into effect. In completing the form an employee should identify the ground or grounds upon which they intend to rely in their case. If the employee is claiming discrimination or another prohibited reason under s.659 of the Act, they should identify the particular ground under that section.

Employees are required to pay a **lodgment fee of \$57.30**. This fee may be waived on the grounds that its payment would cause serious hardship. An application for waiver should not be lodged separately, but should accompany the *Application for relief in relation to termination of employment* form (*Form R27*). The fee may also be refunded if the matter is discontinued.

Applications can be submitted to the Registry by hand over the counter, by fax, by post or email (please refer to section 27 of this guide for the Registry office in your state). The lodgment fee

can also be paid online through the e-filing section of the AIRC website at www.airc.gov.au/efiling.htm.

12. Late applications

A late application must include reasons as to why it would be unfair for the AIRC not to accept the application. These reasons should be outlined briefly in question 13 of *Application for relief in relation to termination of employment form (Form R27)*. This part of the form is known as *Extension of time*.

If an employer lodges an objection to a late application (see question 14 in *Form R28*) an AIRC member will determine if an extension of time should be granted.

13. What happens to the application?

After lodgment, the Registry will acknowledge receipt of the application and send a copy of the *Application for relief in relation to termination of employment form (Form R27)* to the employer named in that form. The Registry also sends a blank *Notice of employer's appearance form (Form R28)* to that employer along with a *Notice to dismiss the application for want of jurisdiction form (Form R29)* and a *Notice to dismiss the application as frivolous, vexatious or lacking in substance form (Form R30)*. The employer is required to complete *Form R28* and, before the end of seven days after it has been received, lodge it in the Registry and forward a copy to the employee. Providing a copy of the completed form to the employee is known as **service**. This completed form can be lodged and served personally, or by post, fax or email.

The parties are notified by the Registry in writing of the time, date and location of all conciliation conferences, which they are required to attend on the date specified. An application for an adjournment should be in writing and provide full reasons. Adjournment applications will only be granted on substantial grounds.

14. Objections

An employer may object to an application on jurisdictional grounds at any time. To do so, an employer must complete and lodge in the Registry a *Notice of motion to dismiss the application for want of jurisdiction form (Form R29)* and forward a copy to the applicant. The employer may also object to an application on the ground it is frivolous, vexatious or lacking in substance. To do so, the employer must complete and lodge in the Registry a *Notice of motion to dismiss the application as frivolous, vexatious or lacking in substance form (Form R30)*.

15. What is a conciliation conference?

Other than in the circumstances set out in section 16 of this guide, the first stage is for the case to be set down for a conciliation conference. The purpose of such a conference is to try to help the parties to agree on terms for a settlement. In this way the matter can be resolved relatively quickly and inexpensively.

A conciliation conference is a private, confidential meeting that is usually chaired by an AIRC member. The meeting is conducted in an informal or semi-formal manner. The meeting may be conducted over the telephone. There is no transcript or record taken of proceedings other than when the matter is settled by agreement of the parties and the terms are put in writing.

A conciliation conference is not a hearing and evidence is not taken in the course of such a conference. While parties must attend, witnesses are not required. For further information please refer to the video information package *Termination of Employment – The Conciliation Process* (see section 26 of this guide).

In the event that an employee fails to attend a conciliation conference, the application may be dismissed.

16. What if a settlement is not reached in the conference?

Where the AIRC is satisfied that all reasonable attempts to reach a settlement by conciliation have been, or are likely to be, unsuccessful, the AIRC must issue a written conciliation certificate. This will state in part that attempts to settle have been unsuccessful. The AIRC member issuing the conciliation certificate will indicate to the parties his/her assessment of the merits of the application and may also recommend that the employee not pursue an application (or certain grounds of an application) any further.

Where a matter is not settled by conciliation, and an AIRC member considers, after giving the employee an opportunity to provide all the information they want to, that a claim of unfair dismissal has **no reasonable prospect of success**, the AIRC may issue a certificate to that effect. In such cases the application is dismissed in so far as it concerns unfair dismissal, with effect from the date the certificate is issued.

17. When is a conference not the first proceeding?

Sometimes, the AIRC may need to deal with certain preliminary issues before conducting a conciliation conference. This may occur in cases where an employer argues that the application has been lodged out of time (more than 21 days after the termination took effect), is not valid because of jurisdictional issues or is frivolous, vexatious or lacking in substance.

The *Notice of employer's appearance form (Form R28)* makes a provision for an employer to object to extending the time for lodgment of an application and also to object to a conciliation conference before the AIRC determines if an extension of time should be granted (see question 14 in *Form R28*).

A *Notice of motion to dismiss the application for want of jurisdiction form (Form R29)* makes provision for an employer to indicate if the application is opposed because of one or more jurisdictional issues and, if so, whether or not there is an objection to conciliation being held before the jurisdictional issue is decided.

A *Notice of motion to dismiss the application as frivolous, vexatious or lacking in substance form (Form R30)* makes provisions for an employer to indicate if the application is opposed on the ground that it is frivolous, vexatious or lacking in substance and, if so, whether or not there is an objection to conciliation being held before the matter is dealt with.

The AIRC is not required to hold a hearing for the purpose of deciding whether or not to grant an extension of time or to dismiss an application because of jurisdictional issues (unless the jurisdictional issue concerns termination for 'genuine operational reasons') or on the ground the application is frivolous, vexatious or lacking in substance.

In deciding whether or not to hold a hearing the AIRC must take into account the cost to the business of the employer in attending a hearing. If the AIRC decides not to hold a hearing, it will invite the employee and the employer to provide further information and will take such information into account in making its decision on an extension of time for lodgment, the jurisdictional objection or objection on the ground the application is frivolous, vexatious and lacking in substance.

However, if a hearing on an objection to extending time for lodgment, a jurisdictional objection or an objection on the ground the application is frivolous, vexatious or lacking in substance is to be the first step in the proceedings, the parties will be notified in writing of the time, date and location of the hearing. They will be required to attend.

If an objection is decided in favour of the employer, the matter will be finalised and the file will be closed, subject to any application for costs. If an objection is decided in favour of the applicant, the matter will proceed to conciliation.

17. Electing to proceed to arbitration

If an employee wishes to have their application proceed beyond the conciliation stage to be formally determined, he or she must lodge in the Registry a *Notice of election to proceed to arbitration or to begin court proceedings* form (Form R33). The AIRC arbitrates unfair dismissal applications, whilst a court deals with unlawful termination applications.

Where the conciliation certificate identifies s.659 (discrimination) as a ground where conciliation was unsuccessful, the *Notice of election to proceed to arbitration or to begin court proceedings* form must be lodged **not later than 28 days after the issue of the conciliation certificate**. However, an application may be made to the AIRC to accept a *Notice of election to proceed to arbitration or to begin court proceedings* lodged out of time. Otherwise, the *Notice of election to proceed to arbitration or to begin court proceedings* form must be lodged **not later than seven days after the issue of the conciliation certificate**. If the *Notice of election to proceed to arbitration or to begin court proceedings* form is not lodged within the seven days, **the application is taken to have been discontinued and the file will be closed**.

The employee must also serve a copy of the *Notice of election to proceed to arbitration or to begin court proceeding* form immediately on the employer. This document should be served on the employer personally or by post, fax or email.

18. Arbitration

Where an employee elects to proceed to arbitration to determine whether the termination was harsh, unjust or unreasonable, the matter will be set down for hearing and determination by an AIRC member. Following these arbitration proceedings, a formal decision is likely to be issued which is binding on both parties. Such a decision may include orders regarding reinstatement or compensation or dismissal of the application.

Generally, arbitration proceedings will take place some weeks after the conciliation proceedings. Such hearings are held in public, unless ordered otherwise, and any decisions or orders issued are public documents. The Registry is required to publish decisions of the AIRC including publishing them on the AIRC website.

Of course, the parties may reach a settlement at any time before and during the arbitration proceedings.

19. Notice and conduct of arbitration proceedings

Setting of date for arbitration

If a settlement is not reached in conciliation and the employee elects to proceed to arbitration, the unfair dismissal application is formally listed for arbitration. A ***Notice of Listing*** of the date for arbitration will be sent to the parties. This will generally include written **directions** for the filing, within a specified time, of certain materials relevant to the case such as outlines of submissions, witness statements, and copies of documents upon which the parties intend to rely. Materials identified in the directions must be filed with the Registry and served on the other party.

Directions are designed to facilitate the efficient hearing of cases, the avoidance of adjournments and the minimisation of costs. **Compliance with directions is compulsory.**

Applications to vary directions or seek an adjournment

Any application to vary directions, or seek an adjournment of the date for arbitration contained in the *Notice of Listing*, should be made in writing and contain full grounds. Such applications will be considered and determined by an AIRC member. Adjournment applications will be granted only on substantial grounds.

Parties should note that in the event that:

- an employee fails to comply with directions, the case may be deemed to have been discontinued; and
- an employer fails to comply with directions, the arbitration may proceed and be heard and determined on the basis of the materials filed by or on behalf of the applicant in compliance with directions.

In the event that an employee fails to attend an arbitration hearing, the unfair dismissal application may be dismissed.

20. Discontinuance

An employee may discontinue proceedings at any time after lodging their application form by completing a *Notice of Discontinuance* form (*Form R32* or similarly worded document) and lodging it immediately in the Registry and serving a copy on the employer. Parties should consider the potential for costs in choosing the appropriate time to discontinue or settle the matter.

Employees should also be aware that the **lodgment fee is refundable** if a *Notice of Discontinuance* form is lodged with the Registry at least two clear working days before the day on which the proceedings are first listed for attention by the AIRC. A *Notice of Discontinuance* form may be lodged and served on the employer personally or by post, fax or email.

21. Cost

Parties should be aware that the AIRC may order costs against them or their representative in respect to the whole or a part of the proceedings. This means they will be required to pay the legal costs of the other party.

A party may apply to the AIRC for an order for costs in the following circumstances:

- where proceedings are begun by another party when it should have been reasonably apparent to the other party they had no reasonable prospect of success; or
- where the other party has acted unreasonably in failing to discontinue proceedings or agree to terms of settlement; or
- where the other party or their representative caused costs to be incurred by the party because of an unreasonable act or omission in connection with the conduct of the proceedings by the other party or their representative.

The costs application must be made within 14 days after the determination, discontinuance, settlement or dismissal of the unfair dismissal or unlawful termination of employment application or the proceeding relating to it.

22. Representation

You may wish to represent yourself or you may wish to be represented by another person such as a lawyer, a union representative, an employer organisation or another person, such as an industrial consultant. There is no requirement that you be represented, although many people choose such representation.

Neither the AIRC nor the Registry endorse or recommend any particular representative - this is a personal choice.

Representatives of the employee and the employer must have sufficient authority to deal with the matter in the course of the AIRC proceedings. It is highly desirable that both the employee and a responsible officer of the employer attend in person.

23. Country Circuit

Conciliation conferences and arbitration proceedings may also be conducted in major country or regional centres. The *Notice of Listing* will advise you of the time, date and location of the conciliation conference or arbitration proceedings.

24. Change of address

If you are involved in an application before the AIRC and change your address, please advise the Registry **and other parties** in writing as quickly as possible. This is important to ensure any materials served go to the correct address.

25. Further information

For any general inquiries please contact the AIRC information line on **1300 799 675** or send an email to aircinfo@airc.gov.au.

You will also find a range of information on the AIRC website. The address is www.airc.gov.au.

Other Registry resources

Conciliation – For further information on the conciliation process - you may wish to view the video information package *Unfair & Unlawful Dismissal—Conciliation Process*. This package has been produced by the Registry and comprises a 15-minute video and 12-page booklet. The video has been distributed to a wide range of organisations including unions, employer organisations and law firms as well as many regional libraries. It is available in DVD format which can be obtained by contacting the AIRC information Line (refer to section 28 of this guide). The booklet is also available online and at no cost from Registry public counters.

To view the video and the text of the booklet on the AIRC website go to www.airc.gov.au/dismissals/termmovie.htm.

- **Attending and preparing for hearings** – Employees and employers who intend to represent themselves in AIRC proceedings may be interested in reading a further information guide prepared for self represented parties. This is available from the Registry and on the AIRC website.
- **Legislation** – Copies of the *Workplace Relations Act 1996* and associated Workplace Relations Regulations can be found on the AIRC website.

Other sources of information:

- the Federal Court of Australia Registry in your State or Territory or on its website at www.fedcourt.gov.au
- the Australian Workplace website at www.workplace.gov.au
- employment relations departments at the state government level
- unions
- employer organisations
- law firms
- community legal centres, such as Job Watch (in Victoria), Working Women's Centres and the National Association of Community Legal Centres (www.naclc.org.au); and
- industrial consultants.

26. Glossary

Applicant –The employee.

Arbitration – The process whereby an AIRC member, after hearing the parties, determines an unfair dismissal application.

Australian Industrial Registry – The body that acts as the registry for the Australian Industrial Relations Commission, provides administrative support to the AIRC, keeps a register of organisations and publishes decisions, orders and awards of the AIRC.

Conciliation – The process by which the Australian Industrial Relations Commission attempts to facilitate the resolution of an unfair dismissal or unlawful termination of employment application by assisting the parties to reach a mutually acceptable, voluntary agreement.

Conciliation certificate – In a termination of employment case an AIRC member issues a conciliation certificate when conciliation is deemed to have been unsuccessful.

ITEA – An individual transitional employment agreement (ITEA) is a statutory, written agreement between an employer and an employee about the employee's terms and conditions of employment.

Jurisdictional grounds/issues – In a termination of employment case, jurisdictional issues are preliminary issues concerning the validity of the application. Grounds include that the employee was not eligible to make a claim.

Notice of listing – Notice sent to parties in an AIRC proceeding advising of the date, time and location of that proceeding. May include directions regarding the provision of documents etc.

Parties – The applicant and the respondent.

Respondent –The employer.

Service – The act of providing to another party a copy of a completed form or other documentation required in an AIRC proceeding.

25. Where is the AIRC and how do I make inquiries?

The Australian Industrial Relations Commission is located in each capital city. The address, telephone number and fax of the AIRC office in which the application was lodged is recorded on the correspondence sent to the parties advising:

1. that an application alleging unfair dismissal or unlawful termination of employment has been lodged; and
2. the AIRC reference number of the particular matter.

Inquiries should be directed to the Registry office specified in this correspondence.

28. AIRC contact information

AIRC Information Line – 1300 799 675 or email aircinfo@airc.gov.au

REGISTRIES

Principal

Level 4, 11 Exhibition Street,
Melbourne VIC 3000
GPO Box 1994, Melbourne,
VIC 3001
Tel: (03) 8661 7777
Fax: (03) 9655 0401
Email: melbourne@airc.gov.au

Victoria

Level 4, 11 Exhibition Street,
Melbourne VIC 3000
GPO Box 1994, Melbourne,
VIC 3001
Tel: (03) 8661 7777
Fax: (03) 9655 0401
Email: melbourne@airc.gov.au

New South Wales

Level 8, Terrace Towers,
80 William Street, East Sydney,
NSW 2011
Tel: (02) 8374 6666
Fax: (02) 9380 6990
Email: sydney@airc.gov.au

Queensland

Level 14, Central Plaza Two,
66 Eagle Street, Brisbane,
QLD 4000
PO Box 5713, Central Plaza,
Brisbane, QLD 4001
Tel: (07) 3000 0399
Fax: (07) 3000 0388
Email: brisbane@airc.gov.au

South Australia

Level 7, Riverside Centre,
North Terrace, Adelaide,
SA 5000
PO Box 8072, Station Arcade,
SA 5000
Tel: (08) 8308 9863
Fax: (08) 8308 9864
Email: adelaide@airc.gov.au

Western Australia

Floor 12, 111 St Georges
Terrace, Perth, WA 6000
GPO Box X2206, Perth,
WA 6001
Tel: (08) 9464 5172
Fax: (08) 9464 5171
Email: perth@airc.gov.au

Tasmania

1st Floor, Commonwealth Law
Courts, 39-41 Davey Street,
Hobart, TAS 7000
GPO Box 1232M, Hobart,
TAS 7001
Tel: (03) 6214 0200
Fax: (03) 6214 0202
Email: hobart@airc.gov.au

Australian Capital Territory

2nd Floor, CML Building,
7-21 University Avenue,
Canberra, ACT 2600
GPO Box 539, Canberra City
ACT 2601
Tel: (02) 6209 2400
Fax: (02) 6247 9774
Email: canberra@airc.gov.au

Northern Territory

10th Floor, Northern Territory
House, 22 Mitchell Street,
Darwin, NT 0800
GPO Box 969, Darwin NT 0801
Tel: (08) 8936 2800
Fax: (08) 8936 2820
Email: darwin@airc.gov.au

© Commonwealth of Australia 2009

This guide has been prepared by the Australian Industrial Registry. It is not intended to be comprehensive, but is designed to assist employers and employees in understanding the processes involved in unfair dismissal and unlawful termination of employment cases in the AIRC.

The Registry does not provide legal advice.