Outline of submissions

# Before the Fair Work Commission

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| --- | --- |
| **Case number:**  | [Insert case number] |
| **Case name:**  | [Insert name of case] |
| **Applicant:**  | [Insert applicant name] |
| **Respondent:**  | [Insert respondent name(s)] |

## Introduction

My name is [insert full name] of [insert address], and I am the [Applicant/Respondent] in this case. [I am self-represented].

1. This is a [insert what the case is about – general protections, unfair dismissal etc] case.

## Background

[Briefly describe the issues in dispute.]

1. [Set out significant facts, dates and brief descriptions of relevant events.]

## Issues for determination

1. [Set out the questions the Commission Member must decide. For example, in an unfair dismissal case you could say ‘The Fair Work Commission must decide whether the dismissal was harsh, unjust or unreasonable.’]

## Legislation

1. [Set out the relevant sections of the *Fair Work Act 2009* (Cth) or other legislation.]

## Case law

1. [Reference relevant Fair Work Commission cases or other decisions that support your position.]
2. [Explain how the law should be applied to the facts in your case and why the Commission should decide in your favour.]

## Arguments in response to the other side’s submissions

1. Where relevant, point out flaws in the other party’s case, address facts in dispute and explain why your evidence should be accepted instead of theirs.

## Orders sought

1. State what outcome(s) you are seeking (for example: reinstatement, compensation, orders for payment of lost earnings, the application be dismissed, etc.) Explain why such orders would be appropriate and just.

## Conclusion

1. I respectfully request that the Fair Work Commission:
2. [make a finding that….]
3. [order that…]
4. provide any other relief the Commission considers just.

Signature

Date:

Name of party filing submission:

|  |
| --- |
| This template is designed to help you prepare for a hearing or conference at the Fair Work Commission. You do not have to use this template. Information provided with this template is general in nature and should not be considered legal advice.  |

## Tips for completing your Outline of submissions

### Prepare

* Understand what the Commission needs to consider and determine in your case [[www.fwc.gov.au](http://www.fwc.gov.au)].
* **Check the relevant** [**Caselaw bench book**](http://www.fwc.gov.au/benchbooks). These provide a summary of relevant legal principles and case law [www.fwc.gov.au/benchbooks].
* **Beware AI generated cases and fake legal arguments**. If you use AI to explain the law, or to find cases like yours, you need to make sure the legal arguments and cases you rely on are real and relevant. To do this:
	+ search the decision on our website
	+ read it to confirm it supports your arguments
	+ include a hyperlink to it in your submissions.

### Write

* use numbered paragraphs
* use clear headings and sub-headings
* Use neutral, professional language. Avoid emotive or inflammatory statements.
* keep it concise and avoid repetition
* refer to relevant legislation by the name, year and jurisdiction. Include the section number where relevant. *Example: Fair Work Act 2009 (Cth) s.381(2)*
* include case citations and hyperlinks when referring to case law. *Example: Ayub v NSW Trains* [*[2016] FWCFB 5500*](http://www.fwc.gov.au/documents/decisionssigned/html/2016fwcfb5500.htm) *(Hatcher VP, Wells DP, Johns C, 30 September 2016) at [7].*
* proofread – fix spelling mistakes, punctuation etc.
* make sure you sign and date your submissions before submitting them.

### Legal advice

The Commission cannot provide legal advice.

Parties may choose to obtain their own independent legal advice if they wish.

Eligible employees and small business employers may be able to access up to 1 hour of free legal advice from the [Workplace Advice Service](https://www.fwc.gov.au/apply-or-lodge/legal-help-and-representation/legal-advice-workplace-advice-service).

 Other options may include:

* [Community legal centres](https://clcs.org.au/) in your area.
* the law institute or law society in your state or territory, who can refer you to a lawyer who specialises in workplace law.
* Your union or employer organisation, who may be able to assist you.

For more options visit [www.fwc.gov.au/legal-help](http://www.fwc.gov.au/legal-help)

### Other useful resources

* [Preparing for a Hearing online module](http://Learn.fwc.gov.au/hearings)
* [Preparing for a hearing guide](http://www.fwc.gov.au/documents/resources/hearing-guide.pdf)
* [Witness statement template](http://www.fwc.gov.au/documents/resources/witness-statement-template.docx)
* [Document list template & filing checklist](http://www.fwc.gov.au/documents/resources/document-list-template-filing-checklist.docx)
* [Case law Benchbooks](http://www.fwc.gov.au/benchbooks)