



About the F6 application form

Application for costs

Who can use this form

Use this form if you:

- were a party to a matter before the Commission; and
- you are seeking payment of your costs incurred as a result of your matter.

About costs

Section 611 of the Fair Work Act 2009 provides that the Fair Work Commission (the Commission) is generally a no costs jurisdiction. This means that parties coming to the Commission should expect to pay their own costs.

The Commission does have the power to award costs against a party in some circumstances:

- Where a person made an application, or responded to an application, vexatiously or without reasonable cause (s.611(2)(a)); or
- Where a person made an application, or responded to an application and it should have been reasonably apparent to the person that their application, or response to an application, had no reasonable prospects of success (s.611(2)(b)).

For general protections dismissal (s.365), unfair dismissal (s.394), and unlawful termination (s.773) matters, the Commission may also award costs against a person where:

- That person has caused costs to be incurred because of an unreasonable act or omission by that person in connection with the conduct or continuation of the dispute (s.375B, s.400A, and s.779A).

For both general protections dismissal (s. 365) and non-dismissal (s.372), unfair dismissal (s.394) and unlawful termination (s.773) matters, the Commission may award costs against a lawyer or paid agent where they caused costs to be incurred by the other party to the matter because:

- They encouraged a person to commence or continue a matter when it should have been reasonably apparent there were no reasonable prospects of success, or
- Of an unreasonable act or omission in conducting or continuing the matter (s.376, s.401, and s.780).

For all matters, there is no automatic entitlement to costs. The Commission's power to award costs is discretionary and to be exercised after it considers the particular circumstances of the case.

Lodging your completed form

1. An application for costs for general protections dismissal (s.365), unfair dismissal (s.394), and unlawful termination (s.773) must be made within **14 calendar days** after the Commission determines a matter or finishes dealing with the dispute (s.377 and s.781) or it is discontinued (s.402).
2. You can lodge this form by post, fax or email, or in person to the [Commission's office](#) in your state or territory.
3. You must serve your application on the party against whom you are seeking costs as soon as practicable after you lodge your application with the Commission.

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 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.

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 F6 – Application for costs

Fair Work Act 2009, ss.375B, 376, 400A, 401, 611, 779A, 780

This is an application to the Fair Work Commission for the payment of costs in accordance with the [Fair Work Act 2009](#).

Applicant for costs



These are the details of the person who is making the application. This may be a different person to the Applicant in the dispute or matter that this application relates to.

Title	[] Mr [] Mrs [] Ms [] Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Mobile number			
Email address			

If the Applicant for costs is a business or organisation, please also provide the following information

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

FAIR WORK COMMISSION
Form F6 – Application for costs

Do you have a representative?



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

Yes – Provide representative’s details below

No

Note: If you have provided details of a representative to the Commission and the details have not changed, you do not need to provide these details again.

Your costs’ representative



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

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

Is your representative a lawyer or paid agent?

Yes

No

Respondent for costs



These are the details of the person, business or organisation against whom you are making an application for costs application.

FAIR WORK COMMISSION
Form F6 – Application for costs

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	
Mobile number			
Email address			

If the Respondent is a business or organisation, please also provide the following information.

Legal name of business or organisation	
Trading name of business or organisation	
ABN/ACN	
Contact person	
Phone number	
Email address	

Does the Respondent for costs have a representative?



A representative is a person or organisation who is representing the Respondent for costs. This might be a lawyer, a representative from a union or employer association or a family member or friend. There is no requirement to have a representative.

Yes – Provide representative’s details below

FAIR WORK COMMISSION
Form F6 – Application for costs

[] No

Respondent's representative



These are the details of the person or organisation who is representing the Respondent for costs.

Name of person			
Organisation			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

1. Commission matter that this application relates to

1.1 Please provide the details of the Commission matter in which you are seeking costs.



You will find all of these details on the decision or order you received from the Commission.

Commission matter number	
Applicant in matter	
Respondent(s) in matter	
Decision maker in matter (name of Member or delegate of the Commission)	
Date of decision and/or order in matter	

2. Costs against a party to a dispute

FAIR WORK COMMISSION
Form F6 – Application for costs



Please complete this section if you are seeking costs from someone who is or was a party to the matter or dispute before the Commission.

2.1 Under which section(s) of the Fair Work Act 2009 are you making this application?

s.375B – Costs against parties in general protections matters

s.400A – Costs against parties in unfair dismissal matters

s.611 – General provision in relation to costs

s.779A – Costs against parties in unlawful termination matters

2.2 Please set out the grounds on which costs are sought in numbered paragraphs.

Please attach additional sheets if required

3. Costs against a lawyer or paid agent



Please complete this section if you are seeking costs from a lawyer or paid agent appearing in the matter before the Commission.

3.1 Under which section of the Fair Work Act 2009 are you making this application?

s.376 – Costs against lawyers and paid agents in relation to a general protections matter

s.401 – Costs against lawyers and paid agents in relation to an unfair dismissal matter

FAIR WORK COMMISSION
Form F6 – Application for costs

[] s.780 – Costs against lawyers and paid agents in relation to an unlawful termination matter

3.2 Please set out the grounds on which costs are sought in numbered paragraphs.

Please attach additional sheets if required

4. Itemised schedule of costs



Please complete the schedule below and attach additional pages if necessary. If the application for costs is made pursuant to ss.376, 400A, 401, 611 or 780, please see the prescribed schedule of costs contained in schedule 3.1 to the [Fair Work Regulations 2009](#). If an item is specified in the schedule, the Commission will not award an amount greater than the relevant sum specified in the schedule.

FAIR WORK COMMISSION
Form F6 – Application for costs

Costs can include items such as travel expenses for a witness who lives more than 50 kilometres from the Commission (item 1403, Part 14 of Fair Work Regulations 2009.)

Please attach additional numbers to claim further items for costs as required.

Item No.	Date	COSTS Description of work done	Amount
1.			
2.			
3.			
4.			
5.			

Costs and Disbursements	Amount claimed	Amount taxed and allowed
Total costs		
Total disbursements		
Total costs and disbursements		

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	

FAIR WORK COMMISSION
Form F6 – Application for costs

Capacity/Position	
Date	



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