INDUSTRIAL RELATIONS COMMISSION
REGULATIONS – 2005

Regulation 62(1) –
Claim of unfair dismissal made more than 28 days after date of termination of employment

A claim alleging unfair dismissal must be referred to the Commission within 28 days of the date of termination of the employment. The Commission may accept a claim of unfair dismissal which is outside this time if it would be unfair not to do so. If this claim is being made more than 28 days since the termination of employment then the Commission requires a statement from you setting out the reasons why the claim was not referred within 28 days of the date the employment terminated and why you consider it would be unfair not to accept the claim.

Generally the Commission will formally decide this issue before dealing with the merit of the claim by giving you and the respondent an opportunity to be heard. If the Commission decides to accept the claim it will then be listed for a conference.

My reason/s for not lodging this claim within 28 days of my date of termination of employment and why I consider it would be unfair not to accept the claim: