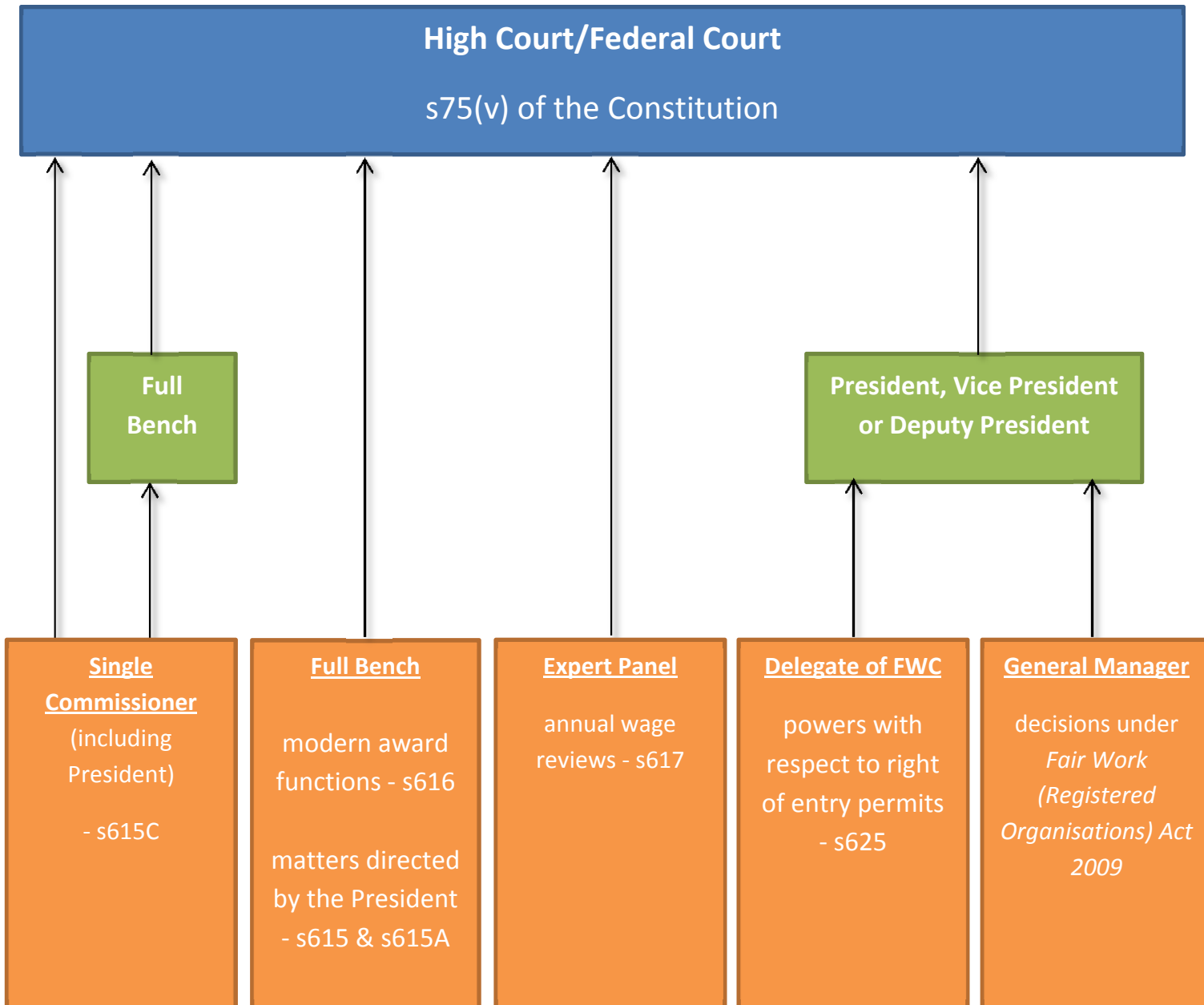


Appeals within the FW jurisdiction



Judicial Review

Grounds include:

- No jurisdiction
- Error of law
- Improper exercise of power
- Relevant/irrelevant considerations
- Improper purpose
- Unreasonableness
- Bad faith
- Breach of natural justice

NB: Modern award decisions and annual wage reviews are quasi-legislative and therefore may not be amenable to judicial review

FWC internal appeals

- Any person aggrieved by a decision can appeal
- Requires permission from the FWC
- Permission **must** be given if the FWC is satisfied it is in the public interest to do so but permission **may** be granted on other grounds
- Minister may seek review of a decision if contrary to public interest
- Limits on appeals for unfair dismissal
- Appeals are by way of re-hearing
- Appeal powers may only be exercised if an error identified in the original decision
- Where original decision has involved a significant level of discretion, the FWC should only intervene where a decision maker has acted upon a wrong principle, been guided by irrelevant factors, mistaken the facts or failed to take some material considerations into account

Primary decisions