

About the F1 application form

Application (no specific form provided)

When to use this form

You can use this form if you would like to make an application to the Fair Work Commission (the Commission) and there is no specific form provided.

Please carefully check the [Forms](#) page of the Commission's website before using this form. If there is a specific approved form for your purpose, you must use the approved form that is available on the Commission's website.

Lodgment and service of your completed form

1. **Lodge your application** along with any accompanying documents with the Commission. You can lodge your application online using the Commission's [Online Lodgment Service \(OLS\)](#) or by post, by fax or by email or in person at the [Commission office](#) in your state or territory.
2. **Serve a copy** of this application on the Respondent as soon as possible after lodging this application with the Commission.

If you are unsure about the service requirements for your particular application, you can seek directions from the Commission by lodging a Form F48 – Applications for Directions on Procedure.

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

Appellant – This is the person or organisation lodging an appeal.

Applicant – This is the person or organisation that is making an application.

Jurisdictional objection – This is a type of objection a Respondent can raise to an application. A Respondent can make this kind of objection if they think that the Commission, for a technical or legal reason, cannot hear the matter.

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 F1 – Application (no specific form provided)

Fair Work Commission Rules 2013, subrule 8(3) and Schedule 1

This is an application to the Fair Work Commission.

The Applicant



These are the details of the person who is making the application.

Title	MR		
First name(s)	Reginald Paul		
Surname	Rose		
Postal address	233A Henley Beach Rd		
Suburb	Torrensville		
State or territory	SA	Postcode	5031
Phone number	0435269012	Fax number	
Email address	paul@ttfkickboxing.com		

If the Applicant is a company or organisation please also provide the following details

Legal name of business	Total Toning Fitness Pty Ltd
Trading name of business	TTF
ABN/ACN	20 155 303 585
Contact person	Reginald Paul Rose

How would you prefer us to communicate with you?

paul@ttfkickboxing.com] Email (you will need to make sure you check your email account regularly)

] Post

Does the Applicant have a representative?



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

] Yes – Provide representative's details below

] No

Applicant's representative



These are the details of the person or business who is representing the Applicant.

Name of person	Paul Rose		
Firm, union or company	TTF		
Postal address	As above		
Suburb			
State or territory		Postcode	
Phone number	0435269012	Fax number	
Email address	paul@ttfkickboxing.com		

Is the Applicant's representative a lawyer or paid agent?

Yes

No

The Respondent



These are the details of the person or business who will be responding to your application to the Commission.

Title	Mr		
First name(s)	Reginald Paul		
Surname	Rose		
Postal address	233a Henley Beachrd		
Suburb	Torrensville		
State or territory	Sa	Postcode	
Phone number	0435269012	Fax number	
Email address			

If the respondent is a company or organisation please also provide the following details

Legal name of business	TOTAL TONING FITNESS
Trading name of business	TTF
ABN/ACN	20 155 303 585
Contact person	Reginald Paul Rose

1. The Application

1.1 Please set out the provision(s) of the Fair Work Act 2009 (or any other relevant legislation) under which you are making this application.

2010 Fitness award

2. Order or relief sought

2.1 Please set out the order or relief sought.



Using numbered paragraphs, set out what you are asking the Commission to do.

1. I Reginald Paul Rose request a change in clause “[13.4 An employee may be rostered to work a broken shift on any day provided that:](#)” “[\(c\) the span of hours from the start of the first part of the shift to the end of the second part of the shift is not more than 12 hours.](#)”
2. To be increased to 13 hours.

2.2 Please set out grounds for the order or relief sought.



Using numbered paragraphs, set out the grounds, including particulars, on which you are seeking the relief set out in question 2.1.

1. Due to industry peak times at 6am & 6pm we require a trainer at a span of 13 hours.
2. The current 12 hour span makes offering employment difficult as it requires 2 casuals to span across the day, were we could offer a more secure position in full/permanent part time if the span was 13 hours to cover those peak times of the industry mentioned above.
3. We find most applicants prefer the 13 hour day with job security over casual employment and only a single shift. We also find that trainers already in the industry or about to enter it expect to train clients in those peak times as it's somewhat common knowledge that's when people are available, it's also when most gyms have there peak classes.
4. Changing the span of day to 13 hours would mean a single employee could work an example of 6am-9am & 4-7pm.
5. This would mean employees could gain more secure positions in full/permanent time.

3. The employer

3.1 What is the industry of the employer?

Health & Fitness

4. Industrial instrument(s)

4.1 Please set out any modern award, agreement or other industrial instrument relevant to the application and their ID/Code number(s) if known.

2010/20 fitness award

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	Reginald Paul Rose
Name	Reginald Paul Rose
Date	10 th May 2021



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