



## About the F82A application form

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### Application for variation of a supported bargaining authorisation to add an employer

#### About variation of a supported bargaining authorisation to add an employer

The Fair Work Commission (Commission) may vary a **supported bargaining authorisation** under section 244(4) of the [Fair Work Act 2009](#) to **add** an employer(s).

#### When to use this form

Use this form to apply for a variation of a supported bargaining authorisation to add an employer(s) if you are an officer or authorised employee of:

- an employer(s) that will be covered by the supported bargaining authorisation (the new employer(s))
- a bargaining representative of an employee who will be covered by the proposed agreement, or
- an employee organisation entitled to represent the industrial interests of an employee in relation to work to be performed under that agreement.

#### Lodging and serving your completed form

##### 1. Lodge with the Commission:

- ☐ this application and any supporting documents, and
- ☐ a copy of the supported bargaining authorisation to be varied.

You can lodge:

- by email to [lodge@fwc.gov.au](mailto:lodge@fwc.gov.au), or
- by post or in person at the [Commission's office](#) in your state or territory.

##### 2. As soon as practicable after lodging, serve a copy of all documents lodged with the Commission on:

- each of the new employer(s) that will be added to the supported bargaining authorisation if the authorisation is varied
- each employer specified in the supported bargaining authorisation
- each employee organisation that is a bargaining representative for the proposed enterprise agreement, and
- any other bargaining representative for the proposed enterprise agreement.

You can serve documents several ways, including by email, express post or registered post.

## 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](http://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 complete the form.

### Legal or other representation

Representation is where another person (such as a 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 a 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 13(2) of the [Fair Work Commission Rules 2024](#) 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, 13 and 14 of the [Fair Work Commission Rules 2024](#) 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.

**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, express or registered post, or in person. Part 5 of Chapter 1 and Schedule 1 of the [Fair Work Commission Rules 2024](#) deal with general requirements for 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 F82A – Application for variation of a supported bargaining authorisation to add an employer

[Fair Work Act 2009](#), s.244, [Fair Work Commission Rules 2024](#), rule 51 and Schedule 1.

This is an application to the Fair Work Commission under section 244(3) of the [Fair Work Act 2009](#) for a variation of a supported bargaining authorisation to add an employer(s).

## The Applicant(s)



The Applicant(s) for a variation of a supported bargaining authorisation **to add an employer** must be either (check applicable and complete details below):

- ☐ the new employer(s) to be added to the supported bargaining authorisation
- ☐ a bargaining representative of an employee who will be covered by the proposed enterprise agreement to which the authorisation relates, or
- ☐ an employee organisation entitled to represent the industrial interests of an employee in relation to work to be performed under the proposed enterprise agreement.

If the application is being made by the new employer(s) to be covered by the proposed enterprise agreement, specify how many employers there are:

If the Applicant(s) are the new **employer(s)** covered by the proposed enterprise agreement, provide details for each employer:

Legal name of employer			
Employer's ACN (if a company)			
Employer's trading name or registered business name (if applicable)			
Employer's ABN (if applicable)			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			

Attach additional pages if there are more than 2 employer Applicants

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If the Applicant is an **employee organisation** that is a bargaining representative of an employee who will be covered by the proposed enterprise agreement, provide details of the organisation:

Legal name of employer			
Employer's ACN (if a company)			
Employer's trading name or registered business name (if applicable)			
Employer's ABN (if applicable)			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Legal name of employee organisation			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Add additional pages if necessary

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If the Applicant is a bargaining representative appointed by an employee who will be covered by the proposed enterprise agreement, provide details of the bargaining representative:

Legal name of employee bargaining representative			
ACN (if applicable)			
Trading name or registered business name (if applicable)			
ABN (if applicable)			
Contact person (if applicable)			
Relationship of bargaining representative to employer (if applicable)			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Add additional pages if necessary.

### Does the Applicant(s) have a representative?



A representative is a person or organisation that is representing the Applicant(s). There is no requirement to have a representative.

☐ Yes – Provide representative's details below

☐ No

### Representative's details



These are the details of the person or organisation that is representing the Applicant(s) (if any).

Name of person	
Firm, organisation, company	

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Representative's ABN (if applicable)			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

**Is the representative a lawyer or paid agent?**

<input type="checkbox"/> Yes — please select:	<input type="checkbox"/> Lawyer <input type="checkbox"/> Paid agent
<input type="checkbox"/> No	

**1. Preliminary**

In this form, a reference to:

- a **new employer(s)** means an employer the Applicant is seeking to be added to the supported bargaining authorisation
- the **proposed enterprise agreement** means the proposed enterprise agreement to which the supported bargaining authorisation relates.

**1.1 Details of the supported bargaining authorisation (Authorisation) proposed to be varied**

These details are on the decision or order made by the Commission.

The Applicant(s) must lodge a copy of the Authorisation to be varied when they lodge this application.

Commission matter number	
Applicant(s)	
Date the supported bargaining authorisation was made	
Print (PR) Number for the supported bargaining authorisation	
Case reference for decision to make the supported bargaining authorisation	

**1.2 Are the employers and employees currently specified in the Authorisation in an industry, occupation or sector declared by the Minister under s.243(2B) of the [Fair Work Act 2009](#)?**



The decision to make the supported bargaining authorisation will show whether a Ministerial declaration applies.

☐ No

☐ Yes

Provide further details, including a copy of the declaration if available.

**2. Other bargaining representatives for the proposed enterprise agreement**

**2.1 List any other bargaining representatives for the proposed enterprise agreement.**

Do not list employers specified in the supported bargaining authorisation.



### 3. New employer(s) to be added to the Authorisation

#### 3.1 Provide details of the new employer(s) that will be covered by the proposed enterprise agreement to which the Authorisation relates.

If the Applicant(s) is the new employer(s), do not provide their details again.

Legal name of employer			
Employer's ACN (if a company)			
Employer's trading name or registered business name (if applicable)			
Employer's ABN			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Legal name of employer			
Employer's ACN (if a company)			
Employer's trading name or registered business name (if applicable)			
Employer's ABN (if applicable)			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Attach additional pages if there are more than 2 employers that will be covered by the Authorisation.

**3.2 What is the industry of the new employer(s) that will be specified in Authorisation?**

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**3.3 For each new employer to be added to the Authorisation, which employees of the employer(s) is to be covered by the proposed enterprise agreement if the employer(s) is added to the Authorisation?**

Specify the nature (classifications) of employees of each new employer who will be covered by the proposed enterprise agreement. Do not identify employees individually by name.

Employer	Describe the employees to be covered

Add additional pages if necessary.

**4. Further requirements****4.1 If the Applicant(s) answered 'Yes' to question 1.2, is the new employer(s) that will be added to the proposed enterprise agreement and all of the employees specified in question 3.3 in the same industry, occupation or sector declared by the Minister under s.243(2B) of the [Fair Work Act 2009](#)?**

The Commission must vary a supported bargaining authorisation to add an employer if the employees specified in the variation application are employees in an industry, occupation or sector declared by the Minister and the Commission is satisfied it is in the public interest to do so taking into account any other matters the Commission considers appropriate.

☐ Yes – Go to question 4.3.

☐ No — Please identify below which of the employer(s) employees are not in the industry, occupation or sector declared by the Minister under s.243(2B). If there is more than one employer to be added to the Authorisation, the Applicant(s) must address question 4.1 for each relevant employer.

**4.2 If the Applicant(s) answered ‘No’ to question 1.2 or to question 4.1, specify why it is appropriate for the new employer(s) that will be added to the proposed enterprise agreement and their employees and the employers and employees covered by the Authorisation to bargain together. Please address each of the matters at 4.2.1 to 4.2.3 and answer in relation to each relevant employer. If the Applicant(s) do not have information to provide in response to a particular matter, note this.**

**4.2.1 The prevailing pay and conditions within the relevant industry or sector (including whether low rates of pay prevail in the industry or sector)**

**4.2.2 Whether the new employer(s) that will be covered by the proposed enterprise agreement and the employers covered by the Authorisation have clearly identifiable common interests**



Note: Examples of common interests that employers may have include:

- a geographical location
- the nature of the enterprises to which the agreement will relate
- the terms and conditions of employment in those enterprises
- being substantially funded, directly or indirectly, by the Commonwealth, a State or a Territory.

**4.2.3 Whether the likely number of bargaining representatives for the proposed enterprise agreement would be consistent with a manageable collective bargaining process**



Consider matters such as the number of bargaining representatives, the number of employers and the size of the employee cohort to be covered by the proposed enterprise agreement.

**4.3 Does the variation application specify any employee who is covered by a single-enterprise agreement that has not passed its nominal expiry date?**

☐ Yes – The Commission cannot vary a supported bargaining authorisation if an employee who is to be covered by the authorisation is covered by a single enterprise agreement that has not passed its nominal expiry date, unless the Commission is satisfied that the employer's main intention in making the agreement with the employees covered by it was to avoid being specified in a supported bargaining authorisation.

☐ No

☐ If **Yes**, provide details here.

**4.4. If the Authorisation was varied to add the new employer(s) that will be added to the proposed enterprise agreement and their employees, would the proposed enterprise agreement cover employees in relation to general building and construction work?**

☐ Yes – The Commission cannot vary a supported bargaining authorisation if this would result in the proposed agreement to which the authorisation relates covering employees in relation to general building and construction work.

☐ No

**4.5 Are there any other matters you consider relevant to whether varying the Authorisation is in the public interest?**



The Commission must vary a supported bargaining authorisation to add an employer if satisfied that it is in the public interest to do so, taking into account various matters including 'any other matters the Commission considers appropriate'.

If yes, provide details here.

## Authority to sign and signature



For 'Authority to sign':

- If you are the bargaining representative that is the Applicant—insert 'Applicant'
- If you are an employee of a company or organisation that is the Applicant—insert your position title
- If you are an officer or authorised employee of an employee organisation that is the Applicant—insert your position title
- If you are the Applicant's representative and have provided your details in this form—insert 'Representative'.

<b>Authority to sign</b>	
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Insert your signature, name and the date. If you are completing this form electronically and do not have an electronic signature, type your name in the signature field.

<b>Signature</b>	
<b>Name</b>	
<b>Date</b>	

Attach additional pages if required.

**PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS**