



About the F82B application form

Application for variation of a supported bargaining authorisation to remove an employer

About variation of a supported bargaining authorisation to remove an employer

The Fair Work Commission (Commission) may vary a supported bargaining authorisation under section 244(2) of the [Fair Work Act 2009](#) to **remove** an employer(s).

When to use this form

Use this form to apply for a variation of a supported bargaining authorisation to remove an employer(s) if you are an officer or authorised employee of the employer(s) to be removed from the supported bargaining authorisation (the employer(s)).

Lodging and serving your completed form

1. Lodge with the Commission:

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

You can lodge:

- by email to 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 employer(s) 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.

The Applicant(s) 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 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 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 as to 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 F82B – Application for variation of a supported bargaining authorisation to remove 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(1) of the [Fair Work Act 2009](#) for a variation of a supported bargaining authorisation to remove an employer(s).

The Applicant(s)



The Applicant(s) for a variation of a supported bargaining authorisation **to remove an employer** must be the employer(s) proposed to be removed from the supported bargaining authorisation (complete details below).

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 employer			
Employer's ACN (if a company)			
Employer's trading name or registered business name (if applicable)			
Employer's ABN (if applicable)			
Contact person			

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Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Attach additional pages if there are more than 2 employer Applicants.

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			
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 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 What is the industry of the employer(s) specified in the Authorisation?

2. Other bargaining representatives for the proposed enterprise agreement

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

Do not list the employers specified in the supported bargaining authorisation.

3. Further requirements

3.1 For each employer(s) that will be removed from the Authorisation, explain the change in the circumstances of the relevant employer which means it is no longer appropriate for the relevant employer(s) to be specified in the Authorisation.

Provide further details here.



Under s.243(1)(b) of the [Fair Work Act 2009](#), when considering whether it is appropriate for the employers and employees to bargain together for the purposes of making a supported bargaining authorisation, the Commission will have regard to:

- the prevailing pay and conditions in the relevant industry or sector
- whether the employers have clearly identifiable common interests
- whether the likely number of bargaining representatives for the agreement would be consistent with a manageable collective bargaining process
- any other matters the Fair Work Commission considers appropriate.

Authority to sign and signature

For 'Authority to sign':

- If you are 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 the Applicant's representative and have provided your details in this form—insert 'Representative'.

Authority to sign	
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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.

Signature	
Name	
Date	

Attach additional pages if required.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS
