



About the F83A application form

Application for variation of a single interest employer authorisation to add an employer

About variation of a single interest employer authorisation to add an employer

The Fair Work Commission (Commission) may vary a **single interest employer authorisation** under section 251(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 single interest employer authorisation to add an employer(s) if you are an officer or authorised employee of:

- an employer(s) that will be covered by the single interest employer authorisation (the new employer(s)), or
- a bargaining representative:
 - for the proposed enterprise agreement to which the authorisation relates; or
 - of an employee of the new employer(s).

Lodging and serving your completed form

1. **Lodge** with the Commission:

- ☐ this application and any supporting documents
- ☐ a copy of the single interest employer 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) that will be added to the single interest employer authorisation if it is varied
- each employer specified in the single interest employer 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, and
- 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
- 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 to the [Fair Work Commission Rules 2024](#) 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 F83A – Application for a variation of a single interest employer authorisation to add an employer

[Fair Work Act 2009](#), section 251(3), [Fair Work Commission Rules 2024](#), rule 53 and Schedule 1

This is an application to the Fair Work Commission under section 251(3) of the [Fair Work Act 2009](#) for a variation of a single interest employer authorisation to add an employer(s) to the authorisation.

The Applicant(s)



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

- ☐ the new employer(s) to be added to the single interest employer authorisation
- ☐ a bargaining representative for the proposed enterprise agreement to which the authorisation relates, or
- ☐ a bargaining representative of an employee of the new employer(s).

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) is 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			
Email address			

Form F83A – Application for a variation of a single interest employer authorisation to add an 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			
Email address			

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

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

Add additional pages if necessary.

FAIR WORK COMMISSION

Form F83A – Application for a variation of a single interest employer authorisation to
add an employer

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			

Does the Applicant(s) have a representative?



A representative is a person or organisation who 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	

Form F83A – Application for a variation of a single interest employer authorisation to add an employer

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 single interest employer authorisation
- the **proposed enterprise agreement** means the proposed enterprise agreement to which the single interest employer authorisation relates.

1.1 Details of the single interest employer 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 single interest employer authorisation was made	
Print (PR) Number for the single interest employer authorisation	
Case reference for decision to make the single interest employer authorisation	

Form F83A – Application for a variation of a single interest employer authorisation to
add an employer

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 single interest employer 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), you do not need to 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			

Form F83A – Application for a variation of a single interest employer authorisation to add an 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			
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 employers(s) that will be specified in the Authorisation?

--

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



Specify the nature of the employees (classifications) for each 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.

Form F83A – Application for a variation of a single interest employer authorisation to
add an employer

4. Further requirements

4.1 Would the variation sought by the Applicant result in the proposed enterprise agreement covering employees in relation to general building and construction work?



See section 251A of the *Fair Work Act 2009*.

The Commission must not vary a single interest employer authorisation if, as a result of the variation, the proposed enterprise agreement would cover employees in relation to general building and construction work.

General building and construction work is defined in section 23B of the Fair Work Act.

☐ Yes

☐ No

4.2 Will the requirements of subsection 249(2) or (3) of the Fair Work Act 2009, which deal with franchisees and common interest employers, continue to be met if the new employer(s) that will be covered by the proposed agreement is added to the Authorisation?



If there is more than one employer proposed to be added to the Authorisation the Applicant must explain how subsection 249(2) or (3) will continue to be met for each employer.

☐ Yes

☐ No

Form F83A – Application for a variation of a single interest employer authorisation to add an employer

4.3 If the requirements of subsection 249(3) would continue to be met if the new employer(s) is added, are the operations and business activities of the new employer(s) reasonably comparable with those of the employers already specified in the Authorisation?



See section 251(4)(v) of the *Fair Work Act 2009*. Also see question 5.2. If there is more than one employer proposed to be added to the Authorisation the Applicant(s) must explain how the operations and business activities of the new employers are reasonably comparable with the employers already specified.

☐ Yes

☐ No

4.4 Is the new employer(s) bargaining in good faith for a proposed enterprise agreement that will cover the new employer(s) and the employees of the new employer(s) that will be covered by the agreement, or substantially the same group of those employees?



The Commission may refuse to vary the Authorisation if the Commission is satisfied that:

- the new employer(s) is bargaining in good faith for a proposed agreement; and
- the new employer(s) and those employees have a history of effectively bargaining in relation to one or more enterprise agreements that have covered the new employer(s) and those employees or substantially the same group of those employees; and
- on the day that the Commission will vary the Authorisation, less than 9 months have passed since the most recent nominal expiry date of an agreement referred to above.

See section 251(8) of the *Fair Work Act 2009*.

☐ Yes

☐ No

5. Application made by the new employer(s)



Only complete section 5 if the Applicant (s) is the new employer(s) which will be covered by the proposed enterprise agreement, otherwise go to question 6.

See sections 251(4)(b)(iii) of the *Fair Work Act 2009*.

5.1 Did any person coerce or threaten to coerce the new employer(s) that will be covered by the proposed enterprise agreement to make the application?



If the application is made by the new employer(s) that will be covered by the proposed enterprise agreement, the Commission must be satisfied that no person coerced or threatened to coerce each employer to make the application.

See section 251(4)(b)(ii) of the *Fair Work Act 2009*.

☐ Yes

☐ No

6 Application made by a bargaining representative of an employee(s)



Only complete section 6 if the Applicant is a bargaining representative of an employee who will be covered by the proposed agreement, otherwise go to sign and signature below.

See sections 251(4)(b)(iii) and 251(5) of the *Fair Work Act 2009*.

6.1 Does each new employer(s) that will be covered by the proposed enterprise agreement employ at least 20 employees at the time the application for variation is being made?

☐ Yes

☐ No

6.2 Does each new employer(s) that will be covered by the proposed enterprise agreement employ at least 50 employees at the time the application for variation is being made?



Sections 251(4A) of the *Fair Work Act 2009* provides that if:

- this application is made by a bargaining representative of an employee who will be covered by the proposed agreement, and
- an employer that will be covered by the proposed agreement employs 50 or more employees at the time this application is made.

It is presumed the requirements respectively of sections 249(3)(a) and 249(3)(b), and section 249(1)(b)(vi), are met in relation to that Employer, unless the contrary is proved.

Form F83A – Application for a variation of a single interest employer authorisation to add an employer

Section 249(3AC) of the Fair Work Act specifies how the number of employees is calculated.

☐ Yes

☐ No

6.3 For each new employer(s) that will be covered by the proposed enterprise agreement, has the employer made an application for a single-interest authorisation that has not yet been decided in relation to the employees that will be covered by the agreement?

☐ Yes

☐ No

6.4 For each new employer(s) that will be covered by the proposed enterprise agreement, is the employer already named in a single interest employer authorisation or supported bargaining authorisation in relation to the employees that will be covered by the agreement?

☐ Yes

☐ No

6.5 Do a majority of the employees of the employer(s) that will be covered by the proposed agreement want to bargain for the proposed enterprise agreement?



See section 251(5)(d) of the *Fair Work Act 2009*. A majority of the employees employed by the employer(s) at a time determined by the Commission and who will be covered by the proposed agreement, must want to bargain for the proposed agreement.

The Commission may work out whether a majority of employees want to bargain using any method it considers appropriate.

☐ Yes

☐ No

6.6 Does section 251(7) of the *Fair Work Act 2009*, which relates to in-term enterprise agreements and written agreements to bargaining for a single-enterprise agreement, apply to each of the new employer(s) that will be covered by the varied Authorisation?

☐ Yes

☐ No

Form F83A – Application for a variation of a single interest employer authorisation to add an employer

Authority to sign and signature

For 'Authority to sign':

- if you are the Applicant—insert 'Applicant'
- 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'.

Authority to sign	
-------------------	--



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