



About the F84 application form

Application for a voting request order

About voting request orders

An employer must not request that employees approve a proposed multi-enterprise agreement by voting for it unless:

- each bargaining representative for the enterprise agreement that is an employee organisation has provided the employer with written agreement to the making of the request, or
- a voting request order permits the employer to make the request.

Similarly, an employer must not request that employees approve a proposed variation of a multi-enterprise agreement by voting for it unless:

- each employee organisation covered by the enterprise agreement has provided the employer with written agreement to the making of the request, or
- a voting request order permits the employer to make the request.

Where each employee organisation has been asked, and one or more has failed, to provide the employer with their written agreement, an application can be made to the Fair Work Commission for a voting request order.

When to use this form

Use this form to make an application for a voting request order that relates to a proposed multi-enterprise agreement or a proposed variation of a multi-enterprise agreement.

You can make an application for a voting request order that relates to a proposed **multi-enterprise agreement** if you are (or are completing this form for) a bargaining representative for the enterprise agreement.

You can make an application for a voting request order that relates to a proposed **variation of a multi-enterprise agreement** if you are (or are completing this form for):

- an employer covered by the enterprise agreement, or
- an employee organisation covered by the enterprise agreement, or
- an affected employee for the variation.

Lodging and serving your completed form

1. **Lodge your application** and any supporting documents with the Commission.

You can lodge by email, post, or in person to the [Commission office](#) in your state or territory.

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

- if the application relates to a proposed **multi-enterprise agreement**– each bargaining representative for the agreement, or
- if the application relates to a proposed **variation of a multi-enterprise agreement**– each employer covered by the agreement and each employee organisation covered by the 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 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, this 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 an Applicant, a Respondent or another 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, express or registered post, or in person. Part 5 of Chapter 1 and Schedule 1 of the [Fair Work Commission Rules 2024](#) deal with service.

Privacy

The Commission collects the information (including personal information) provided to it in this form in order to deal with the application for a voting request order. The information will be included on the case file, and the Commission may disclose the 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 F84 – Application for a voting request order

Fair Work Act 2009, s.240A

This is an application to the Fair Work Commission under section 240A of the *Fair Work Act 2009* for a voting request order.

The Applicant



These are the details of the person or organisation making the application.

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

What is the Applicant?



If the application relates to a proposed multi-enterprise agreement, an order can be sought by a bargaining representative for the agreement. If the application relates to a proposed variation of a multi-enterprise agreement, an order can be sought by an employer or employee organisation covered by the agreement or an affected employee.

- A bargaining representative for the proposed multi-enterprise agreement
- An employer covered by the multi-enterprise agreement proposed to be varied
- An employee organisation covered by the multi-enterprise agreement proposed to be varied
- An affected employee for the variation

Does the Applicant have a representative?



A representative is a person or organisation that is representing the Applicant. 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 organisation that is representing the Applicant (if any).

Name of person			
Firm, organisation or company			
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

1.1 What industry or industries are the employers in?

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1.2 Which application is being made?

- application for a voting request order that relates to a proposed multi-enterprise agreement (s.240A(1) of the *Fair Work Act 2009*)
- application for a voting request order that relates to a proposed variation of a multi-enterprise

agreement (s.240A(2) of the *Fair Work Act 2009*)

1.3 What is the name of the proposed multi-enterprise agreement or multi-enterprise agreement this application relates to?



Write the name exactly as it appears in the title clause of the agreement.

1.4 If this application relates to a proposed multi-enterprise agreement, what was the notification time for the agreement?



See section 173(2) of the [Fair Work Act 2009](#). The notification time for a multi-enterprise agreement is the date when:

- the employer agrees to bargain, or initiates bargaining, for the agreement
- a supported bargaining authorisation in relation to the agreement that specifies the employer comes into operation, or
- a single interest employer authorisation in relation to the agreement that specifies the employer comes into operation.

Notification time	Date
If the Commission issued a scope order, a supported bargaining authorisation, single interest employer authorisation or a majority support determination in relation to the agreement, please provide the date of the order and the print number (PR)	

2. Employers that are bargaining representatives or covered by the agreement

2.1 Provide details of all the employers that are bargaining representatives for the proposed multi-enterprise agreement or are covered by the multi-enterprise agreement proposed to be varied.



If the Applicant is an employer, you do not need to provide the Applicant's 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			

Attach additional pages if necessary.

3. Employee organisations that are bargaining representatives or covered by the agreement

3.1 Provide details of all the employee organisations that are bargaining representatives for the proposed multi-enterprise agreement or are covered by the multi-enterprise enterprise agreement proposed to be varied.



If the Applicant is an employee organisation, you do not need to provide the Applicant's details again.

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

Attach additional pages if necessary.

4. Employer bargaining representatives



Only answer questions 4.1 and 4.2 if this application relates to a proposed multi-enterprise agreement

4.1 If this application relates to a proposed multi-enterprise agreement, did any of the employers appoint bargaining representatives?

- Yes
- No – Go to question 5.1

4.2 If you answered yes to question 4.1 – Provide the details of each employer bargaining representative.

Name of employer bargaining representative			
Employer represented by the bargaining representative			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Attach additional pages if necessary

5. Employee bargaining representatives – in addition to any employee organisations



Only answer questions 5.1 and 5.2 if this application relates to a proposed multi-enterprise agreement

5.1 If this application relates to a proposed multi-enterprise agreement, have any employee bargaining representatives been involved in the agreement-making process?

- Yes
- No – Go to section 6.

5.2 If you answered yes to question 5.1 – Provide the details of each employee bargaining representative.



A work address and contact details (rather than a home address and private contact details) can be given for an employee bargaining representative who is an individual.

Do not include employees who participated in bargaining because they are representatives of an employee organisation that is a bargaining representative. Employee bargaining representatives are identified by their written instrument of appointment.

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			

Attach additional pages if necessary

6. About the order



See s.240B of the [Fair Work Act 2009](#).

Generally, the Commission must make a voting request order if it is satisfied that:

- for each employee organisation that has failed to provide written agreement to the employer making a request that employees vote—the failure was unreasonable in the circumstances, and
- if the request relates to a proposed multi-enterprise agreement—the making of the request by the employer would not be inconsistent with or undermine good faith bargaining for the enterprise agreement.

6.1 Has each employee organisation been asked to provide an employer with written agreement to the employer requesting employees to approve the proposed agreement, or to approve the proposed variation, by voting for it?

- Yes
- No

6.2 For each employee organisation that has failed to provide written agreement, explain why the Applicant believes the failure was unreasonable in the circumstances.



Only answer question 6.3 if this application relates to a proposed multi-enterprise agreement

6.3 If this application relates to a proposed multi-enterprise agreement, explain why the Applicant believes the making of the request by the employer would not be inconsistent with or undermine good faith bargaining for the agreement.

Consent to contact by researchers

The Fair Work Commission undertakes research with participants in agreement related matters to ensure a high quality process. Some research may be undertaken by external providers on behalf of the Fair Work Commission.

Do you consent to the contact details provided on page 1 of this form being provided to an external provider of research services for the sole purpose of inviting you to participate in this research?

- Yes
- No

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 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	
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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	

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS