



About the F96 application

Application to vary a collective agreement

About variation of collective agreements

A collective agreement is made between a regulated business (a digital labour platform operator or a road transport business) and an organisation that is entitled to represent the industrial interests of regulated workers (employee-like workers or regulated road transport contractors). A collective agreement sets terms and conditions on which the regulated workers covered by the agreement work.

The regulated business or the organisation covered by a collective agreement can apply to the Fair Work Commission (Commission) for a collective agreement that is in operation to be varied under section 536MT of the [Fair Work Act 2009](#). Before the Commission can vary a collective agreement, it must be satisfied that the variation meets the requirements for registration set out in the [Fair Work Act 2009](#).

When to use this form

Use this form if you wish to apply to the Commission to vary a registered collective agreement that is in operation under section 536MT of the [Fair Work Act 2009](#).

This form asks for:

- contact details of the regulated business and the organisation covered by the agreement, and
- basic details of the collective agreement as proposed to be varied, such as its name and the class of regulated workers it covers.

Who can use this form

This form can be used by the regulated business or the organisation covered by the collective agreement.

Throughout this form



This icon appears throughout the form. It indicates information to help you complete the form.

You will find further useful information in the Information Sheet at the end of this form.

Form F96 – Application to vary a collective agreement

[Fair Work Act 2009](#), section 536MT

This is an application to the Fair Work Commission for variation of a collective agreement under Part 3A-4 of the [Fair Work Act 2009](#).

The Applicant



These are the details of the regulated business or organisation covered by the collective agreement that is making the application (the Applicant).

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?

- ☐ The digital labour platform operator covered by the collective agreement
- ☐ The road transport business covered by the collective agreement
- ☐ The organisation covered by the collective agreement

Does the Applicant have a representative?



A representative is a person 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 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. The collective agreement

1.1 What kind of agreement is the collective agreement?

- ☐ An employee-like worker collective agreement
- ☐ A road transport collective agreement

1.2 What is the name of the collective agreement that is to be varied?



Write the name exactly as it appears in the title clause of the collective agreement and include the collective agreement ID/code number if known.

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2. The regulated business

2.1 Provide the details of the regulated business covered by the collective agreement:



If the Applicant is the regulated business covered by the collective agreement, you can just insert 'The Applicant' in the first space below.

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

3. The organisation

3.1 Provide the details of the organisation covered by the collective agreement:



If the Applicant is the organisation covered by the collective agreement, you can just insert 'The Applicant' in the first space below.

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

4 Public interest

4.1 Explain why the variation of the collective agreement would not be contrary to the public interest:



See section 536MU(1A) of the [Fair Work Act 2009](#). The Commission must be satisfied that variation of the agreement would not be contrary to the public interest taking into account the object of Part 3A-4 set out in section 536MJ of the Fair Work Act.

Authority to sign and signature



For 'Authority to sign':

- If you are the Applicant—insert 'Applicant'
- If you are an officer or employee of 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

Information sheet

Lodging and serving your completed form

To apply to the Commission to vary the collective agreement, the following must be lodged with the Commission:

- ☐ this form
- ☐ a signed copy of the collective agreement as proposed to be varied, and
- ☐ a form F97 – Declaration in support of an application to vary a collective agreement, signed by the regulated business and organisation covered by the collective agreement.

You can lodge your application:

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

As soon as practicable after this application is lodged with the Commission, **serve a copy** of this application and any accompanying documents on the other entity that is covered by the collective agreement:

- if the Applicant is a regulated business (a digital labour platform operator or a road transport business), you must serve the organisation
- if the Applicant is an organisation, you must serve the regulated business (the digital labour platform operator or road transport business).

What happens next

After you have lodged your application, the Commission will undertake an assessment of the proposed variation of the collective agreement on the information and material provided.

Legal or other representation

Representation is where another person (such as a lawyer, paid agent, employee organisation 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 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](#).

Where to get help

Commission staff & resources

Commission staff cannot provide legal advice. However, staff can give you information on:

- Commission processes
- 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 [Collective agreements](#) section of the Commission's website also contains a range of information that may assist.

For further information in relation to collective agreements, you can contact the Commission's Agreements Team at member.assist@fwc.gov.au.

Privacy

The Commission collects the information (including personal information) provided to it in this form in order to deal with the application to vary a collective agreement. 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 information sheet and keep it for future reference – it contains useful information.