



About the F97 declaration

Declaration in support of an 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

This form provides information to assist the Commission to determine whether to vary a collective agreement.

Giving false or misleading information is a serious offence.

A person who knowingly gives false or misleading information or knowingly produces a false or misleading document in support of an application to vary a collective agreement is guilty of an offence, the punishment for which is imprisonment for up to 12 months – see section 137.1 and section 137.2 of the *Criminal Code*.

Who can use this form

This declaration must be made by the regulated business and the organisation covered by the collective agreement.

What you may need when completing this form

When completing this form, you will be required to provide information about the collective agreement, the collective agreement as proposed to be varied and the steps taken to vary the collective agreement. To assist you in providing this information, it would be useful to have available:

- a copy of any explanatory material about the collective agreement as proposed to be varied that was given to the regulated workers
- a copy of the collective agreement as proposed to be varied, and
- a copy of any minimum standards order in operation that covers the same class of regulated workers as the collective agreement as proposed to be varied covers (if any).

Lodging your completed form

You must lodge this declaration with the form F96 – Application to vary a collective agreement.

What happens next

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

Under section 536MU(2) of the [Fair Work Act 2009](#) the Commission must publish a copy of the collective agreement as varied and this declaration on its website.

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 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.

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

Form F97 – Declaration in support of an application to vary a collective agreement

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

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



See section 536MT(3) of the Fair Work Act.

Definitions

This declaration relates to the following collective agreement as proposed to be varied (the **Varied CA**):



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

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The regulated business covered by the Varied CA (the **Regulated Business**) is:

Legal name of Regulated Business	
Regulated Business's ACN (if a company)	
Regulated Business's ABN	

The organisation covered by the Varied CA (the **Organisation**) is:

Name of Organisation	
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Declaration

I,	
----	--

[insert name of person making the declaration for the Regulated Business]

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[insert postal address of person making the declaration for the Regulated Business]

--	--	--

[insert suburb]

[insert state or territory]

[insert postcode]

--

[insert occupation of person making the declaration for the Regulated Business]

and

I,	
----	--

[insert name of person making the declaration for the Organisation]

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[insert postal address of person making the declaration for the Organisation]

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[insert suburb]

[insert State or Territory]

[insert postcode]

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[insert occupation of person making the declaration for the Organisation]

declare that:

- 1 The Regulated Business and the Organisation explained the terms of the Varied CA and their effect to the regulated workers covered by the Varied CA.**
- 2 The explanation given to the regulated workers was as follows:**



Describe the explanation of the terms of the Varied CA and the effect of those terms, that was given to the regulated workers covered by the Varied CA.

3 None of the following was subject to any form of duress in relation to the variation:

- (a) the Regulated Business covered by the Varied CA**
- (b) the Organisation covered by the Varied CA**
- (c) a regulated worker covered by the Varied CA.**

4 There:

- ☐ **is a minimum standards order in operation that covers the same class of regulated workers as the Varied CA.**
- ☐ **is not a minimum standards order in operation that covers the same class of regulated workers as the Varied CA.**

Choose one of the above.



If there is a minimum standards order in operation that covers the same class of regulated workers as the Varied CA, then you must complete items 5, 6(a) and 6(b) below.

If there is no such minimum standards order in operation, then insert 'Not applicable' at items 5, 6(a) and 6(b) below.

5 The minimum standards order in operation that covers the same class of regulated workers as the Varied CA is:



Provide details of the minimum standards order below.

6 In relation to the minimum standards order specified at item 5 above:

- (a) The following matters are dealt with by a term of the Varied CA and are also dealt with by a term of the minimum standards order:**



Specify the matters below.

- (b) For each matter specified at item 6(a) above, this is how the term of the Varied CA is more beneficial to the regulated workers covered by the Varied CA in relation to that matter than the term of the minimum standards order in relation to that matter:**



For each matter, specify below how the term of the Varied CA is more beneficial to the regulated workers than the term of the minimum standards order.


Signatures

Signed by the declarant for the Regulated Business:

Signature		Date:	
Name			

Signed by the declarant for the Organisation:

Signature		Date:	
Name			

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PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS

Information sheet

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](#).

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.