



About the F25 application form

Application to vary a transitional instrument to remove an ambiguity or uncertainty

Who can use this form

Use this form if you want to vary a transitional instrument to remove an ambiguity or uncertainty and you are a person covered by that instrument.

About applications to vary a transitional instrument

Transitional instruments can now only be varied in limited circumstances. A person covered by the relevant transitional instrument may apply to the Fair Work Commission (Commission) to vary the instrument to:

- remove an ambiguity or uncertainty in the instrument;
- resolve an uncertainty or difficulty relating to the interaction between the instrument and a modern award; or
- remove terms that are inconsistent with the general protections provisions (Part 3-1) in the [Fair Work Act 2009](#) or to vary terms so that they are consistent with Part 3-1 of the Fair Work Act.

The types of transitional instruments (such as, pre-reform certified agreements) that may be varied for one of the reasons listed above are set out in item 2, Schedule 3 to the *Fair Work (Transitional Provisions and Consequential Amendment Act 2009* (TPCA Act).

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 at 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 each person bound by, or a party to, the transitional instrument.

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 answer the question following.

Legal or other representation

Representation is where another person speaks or acts on your behalf, or assists you in certain other ways in relation to a matter before the Commission. A representative could be a lawyer or paid agent, an employee or officer of a union, employer organisation or association of employers, a peak council, or a not-for-profit association or body that provides support, advice or advocacy in relation to employment or workplace relations issues.

You do not have to be represented in a case at the Commission.

There are some rules about being represented by a lawyer or paid agent.

Unless the Commission decides otherwise in a particular case, a lawyer or paid agent can represent you without permission to:

- prepare and lodge this application,
- prepare and lodge submissions with the Commission, and
- write to the Commission and other people involved in the case on your behalf.

Generally, you must give notice to the Commission and seek permission from the Commission Member dealing with your case if you wish to have a **lawyer or paid agent** represent you in a **conference** or a **hearing**. You do not, however, need to give notice or ask permission if the lawyer or paid agent is:

- your employee or officer (for a business), or
- a bargaining representative that is representing you, or
- an employee or officer of a union, employer organisation, association of employers, or a peak council that is representing you.

You can notify the Commission that you have a lawyer or paid agent using this form – provide their details at ‘Do you have a representative?’.

If you need to notify the Commission that you have a lawyer or paid agent after you have lodged this form, or if you need to ask permission for a lawyer or paid agent to take part in a **conference or hearing**, use [Form F53](#).

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](#).

If you decide to represent yourself in proceedings you will need to make sure you are well prepared.

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.

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 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 F25 – Application to vary a transitional instrument to remove an ambiguity or uncertainty

Fair Work (Transitional Provisions and Consequential Amendments) Act 2009, Schedule 3, item 10

This is an application to vary a transitional instrument to remove an ambiguity or uncertainty under item 10 of Schedule 3 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

The Applicant



These are the details of the person who is lodging the application with the Commission.

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

If the Applicant is an organisation please also provide the following details

Legal name of organisation	
Trading name of organisation	
ABN/ACN	
Contact person	

Do you need an interpreter?



If you have trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help for non-English speakers](#) on our website.

Yes – Specify language

No

Do you require any special assistance at the hearing or conference (e.g. a hearing loop)?

Yes – Specify the help required

No

Do you have a representative?



A representative is a person or organisation who is representing you. This might be a lawyer or paid agent, a union or employer organisation, an association of employers, a peak council, or a not-for-profit association or body that provides support, advice or advocacy in relation to employment or workplace relations. You do not need to have a representative.

Yes – Provide representative’s details below

No – Go to question 1

Your representative



These are the details of the person or organisation who is representing you (if any).

Name of person			
Firm, organisation or company			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Is your 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 is the industry of the employer?



Please specify the industry.

1.2 What is the name of the transitional instrument?



Please include any identification code or reference number if it is known.

2. Variation sought

2.1 On what basis do you wish to vary the transitional instrument (see item 10, Schedule 3, TCPA Act)?

- to remove an ambiguity or uncertainty in the instrument
- to resolve an uncertainty or difficulty relating to the interaction between the instrument and a modern award
- to remove terms of the instrument that are inconsistent with Part 3-1 (which deals with the general protections in the Fair Work Act)
- to vary terms of the instrument to make them consistent with Part 3-1 of the Fair Work Act (which deals with the general protections in the Fair Work Act)

2.2 Please specify the terms of the variation that you seek.



Using numbered paragraphs, set out the variation.

Attach additional pages if necessary.

2.3 On what basis do you wish to vary the application? Please set out the grounds on which you rely in making this application.



Using numbered paragraphs please set out the grounds on which you rely in applying to vary the transitional instrument.

Attach additional pages if necessary.

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	

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS