



About the F82 application form

Application for a supported bargaining authorisation

Who can use this form

Use this form if you want to make an application for a supported bargaining authorisation in relation to a proposed multi-enterprise agreement and you are:

- a bargaining representative for a proposed enterprise agreement,
- an employee organisation entitled to represent the industrial interests of an employee in relation to work to be performed under the agreement.

You **cannot** make an application in relation to a proposed greenfields agreement (s. 242(3)).

About supported bargaining authorisation

- The [Fair Work Act 2009](#) requires the Fair Work Commission (Commission) to make a supported bargaining authorisation in relation to a proposed multi-enterprise agreement in certain circumstances (s. 243).
- The Commission must make a supported bargaining authorisation if an application is made and the employees are in an industry, occupation or sector declared by the Minister under s.243(2B).
- The Commission must not make a supported bargaining authorisation in relation to an employee covered by a single enterprise agreement that has not passed its nominal expiry date (s. 243A(1)). However, the Commission may make a support bargaining authorisation in these circumstances, if the Commission is satisfied that the employer's main intention in making the single enterprise agreement with the employees covered by it was to avoid being specified in a supported bargaining authorisation (s. 243A(3)).
- The Commission must not make a supported bargaining authorisation in relation to a proposed enterprise agreement if the agreement would cover employees in relation to general building and construction work (s. 243A(4)).
- If the Commission makes a supported bargaining authorisation the Commission has additional powers to assist the parties to come to a 'supported bargaining agreement' (s. 246).

Lodging your completed form

1. **Lodge** this application and any supporting documents with the Commission. A draft authorisation should be lodged with this application. The draft authorisation should specify:

- the employers that will be covered by the agreement; and
- the employees who will be covered by the agreement; and
- any other matter prescribed by the procedural rules (s.243(3)).

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

2. **Serve a copy of your application and any supporting documentation** on each Respondent (each employer) listed in the application and any other bargaining representative as soon as practicable after lodging with the Commission. You can send this application and supporting documents in a number of ways, including by email or by express 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 (such as a family member or friend, 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 12(2) of the [Fair Work Commission Rules 2013](#) 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 and 12A of the [Fair Work Commission Rules 2013](#) 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.

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, fax, express or registered post, or in person. Parts 7 and 8 of the Fair Work Commission Rules 2013 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 F82 – Application for a supported bargaining authorisation

Fair Work Act 2009, s.242 and 243

This is an application to the Fair Work Commission for a supported bargaining authorisation in accordance with Part 2-4 of the [Fair Work Act 2009](#).

The Applicant



These are the details of the person who is making the application.

A person who may make an application for a supported bargaining authorisation is a bargaining representative for a proposed enterprise agreement or an employee organisation entitled to represent the industrial interests of an employee in relation to work to be performed under the agreement

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

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 (eg a hearing loop)?

Yes – Please specify the assistance 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, or a family member or friend. There is no requirement to have a representative.

Yes – Provide representative's details below

No

Your representative



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

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

Is your representative a lawyer or paid agent?

Yes

No

The Employers



These are the details of the employers who will be covered by the supported bargaining authorisation. Attach additional pages, if necessary.

Legal name of employer			
Trading name of employer			
ABN/ACN			
Contact person			
Title	[] Mr [] Mrs [] Ms [] Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

Second employer

Legal name of employer			
Trading name of employer			
ABN/ACN			
Contact person			
Title	[] Mr [] Mrs [] Ms [] Other please specify:		
First name(s)			
Surname			
Postal address			

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Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

Third employer (if applicable)

Legal name of employer			
Trading name of employer			
ABN/ACN			
Contact person			
Title	[] Mr [] Mrs [] Ms [] Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

Attach additional pages if necessary

1. Preliminary

1.1 What industry are the employers in?

1.2 Are there any other bargaining representatives?

List any other bargaining representatives for the proposed agreement of whom the Applicant is aware.

2. Application for supported bargaining authorisation

2.1. Please specify the employers and employees who will be covered by the authorisation.

The application for a supported bargaining authorisation must specify:

- the employers that will be covered by the agreement
- the employees who will be covered by the agreement; and
- any other matter prescribed by the procedural rules.

Provide further details here.

2.2 Has a Ministerial declaration of an industry, occupation or sector has been made under s.243(2B)?

- No — Go to question 2.4
- Unsure — Go to question 2.4
- Yes — The Commission must make a supported bargaining authorisation if an application is made and the employees are in an industry, occupation or sector declared by the Minister under s.243(2B).

Provide further details, including a copy of the declaration if available. Go to question 2.3

2.3 Are all of the employees specified in question 2.1 in the industry, occupation or sector declared by the Minister under subsection (2B)?

- Yes — Go to question 2.6. You do not need to answer questions 2.4 or 2.5.
- No — Please identify below which employees are not in the industry, occupation or sector declared by the Minister under subsection (2B) and then go to question 2.4

2.4 Please specify why it is appropriate for employers and employees that will be covered by the proposed agreement to be bargaining together by addressing each of the matters at 2.4.1 to 2.4.4. If you have no information to provide in response to a particular matter, please note this.

2.4.1 the prevailing pay and conditions within the relevant industry or sector (including whether low rates of pay prevail in the industry or sector)

2.4.2 whether the employers have clearly identifiable common interests

Note: Examples of common interests that employers may have include a geographical location; the nature of the enterprises to which the agreement will relate; the terms and conditions of employment in those enterprises; being substantially funded, directly or indirectly, by the Commonwealth, a State or a Territory s 243(2).

2.4.3 whether the likely number of bargaining representatives for the agreement would be consistent with a manageable collective bargaining process



Consider matters such as the number of bargaining representatives, the number of employers and the size of the employee cohort to be covered by the proposed enterprise agreement.

2.4.4. any other matters you consider relevant

(see s.243 of the Fair Work Act 2009)

2.5. Are at least some of the employees who will be covered by the agreement represented by an employee organisation?

- Yes
- No. The Commission must be satisfied that at least some of the employees who will be covered by the agreement are represented by an employee organisation for a supported bargaining authorisation to be made.

Provide further details here.

2.6. Does the application specify any employee who is covered by a single-enterprise agreement that has not passed its nominal expiry date?

- Yes
- No — The Commission cannot make a supported bargaining authorisation if an employee who is to be covered by the authorisation is covered by a single enterprise agreement that has not passed its nominal expiry date unless the Commission is satisfied that the employer's main intention in making the agreement with the employees covered by it was to avoid being specified in a supported bargaining authorisation.

Provide further details here.

2.7. Does the proposed enterprise agreement cover employees in relation to general building and construction work?

- [] Yes — The Commission cannot make a supported bargaining authorisation if the proposed agreement would cover employees in relation to general building and construction work
- [] No — Provide further details here.

Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature	
Name	
Date	
Capacity/Position	



Where this form is not being completed and signed by the Respondent, include the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS