



About the F24D declaration

Declaration in response to application for termination of an enterprise agreement after the nominal expiry date

About the termination of enterprise agreements

Under the [Fair Work Act 2009](#), agreements continue to operate after their nominal expiry date until they are replaced or terminated by application to the Fair Work Commission (the Commission).

Employers and their employees may agree to terminate an enterprise agreement before or after its nominal expiry date. An enterprise agreement may also be terminated by the Commission without agreement after its nominal expiry date has passed.

For information about the process that employers and employees must follow to terminate an enterprise agreement see the [Terminate an agreement](#) page on the Commission's website.

Who can use this form

Use this form if:

- a Form F24B – Application for termination of an enterprise agreement after the nominal expiry date has been lodged with the Commission **and**
- you are an employee, employer or an employee organisation (or an officer or authorised employee of an employer or employee organisation) covered by the agreement **and**
- you want to advise the Commission whether you support or oppose the termination of the agreement.

Lodgment and service of your completed declaration

1. **Lodge this declaration** with the Commission **before the Commission approves the termination application**. You can lodge this declaration by post, fax, email or in person at the [Commission office](#) in your state or territory.
2. **As soon as practicable** after this declaration is lodged with the Commission, **serve a copy** of this declaration on:
 - each employer that is covered by the agreement **and**
 - each employee organisation that is covered by the agreement.

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.

Legal or other representation

Representation is where another person (such as a lawyer or paid agent, or an employee of a union) 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 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 organisation 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 in order to deal with the application for termination of the 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 cover sheet and keep it for future reference – it contains useful information

Form F24D – Declaration in response to application for termination of an enterprise agreement after the nominal expiry date

[Fair Work Act 2009](#), section 225; [Fair Work Commission Rules 2013](#), rule 26 and Schedule 1

This is a declaration in response to an application to the Fair Work Commission (the Commission) for termination of an enterprise agreement under Part 2-4 of the [Fair Work Act 2009](#).

I,	
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[insert name of person making the declaration]

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[insert postal address of person making the declaration]

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[insert suburb]

[insert state or territory]

[insert postcode]

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[insert occupation of person making the declaration]

declare that:

1. What is the name of the enterprise agreement that is proposed to be terminated (the Agreement)?



Write the name of the Agreement exactly as it appears in the title clause of the Agreement and include the Agreement ID/Code Number if known.

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2. I am one of the following:



Under section 226(3) of the [Fair Work Act 2009](#) the Commission must consider the views of the employees (if any), each employer and each employee organisation (if any) covered by the Agreement.

an employee covered by the Agreement

an employer or an officer or authorised employee of an employer covered by the Agreement

- an officer or authorised employee of an employee organisation covered by the Agreement

If you are an officer or authorised employee of an employer or employee organisation covered by the Agreement, please specify the name of the employer or employee organisation below.

3. Do you (or the employer or the employee organisation named in question 2 above) support or oppose termination of the Agreement after its nominal expiry date?

- Support termination
- Oppose termination

If you answered **Oppose termination** – Specify the grounds on which you oppose the termination of the Agreement after its nominal expiry date, using numbered paragraphs.



See sections 226(3) and 615A(3) of the [Fair Work Act 2009](#).

Attach additional pages if necessary.

4. Do you (or the employer or the employee organisation named in question 2 above) disagree with one or more statements in a Form F24C - Declaration in relation to termination of the Agreement?

- Yes
- No

If you answered **Yes** – Provide details of the Form F24C declaration.

Name of person who made the declaration	
Date of declaration	

5. If you answered Yes to question 4 – Set out the statements that you disagree with and state why you disagree with them, using numbered paragraphs.

Attach additional pages if necessary.

6. Is there any other relevant matter that you believe the Commission should consider in deciding whether to terminate the Agreement?

Yes

No

If you answered **Yes** – please provide further details:



See sections 226(1A) and 226(5) of the [Fair Work Act 2009](#).

Signature		Date:	
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	<p>Giving false or misleading information is a serious offence.</p> <p>A person who knowingly gives false or misleading information or knowingly produces a false or misleading document in relation to an application for termination of an enterprise 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 <i>Criminal Code</i>.</p>
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Consent to contact by researchers

The Fair Work Commission undertakes research with participants in agreement termination 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

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS