



## About the Form F95 declaration

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### Declaration in support of an application to register a collective agreement

#### About 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 (the negotiating entities). A collective agreement sets terms and conditions on which the regulated workers covered by the agreement work.

The Fair Work Commission (Commission) assesses and registers collective agreements. It can also deal with disputes about making a proposed collective agreement. Before the Commission can register a collective agreement, it must be satisfied that the collective agreement 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 register 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 register a collective agreement is guilty of an offence, the punishment for which is imprisonment for up to 12 months – see s.137.1 and s.137.2 of the *Criminal Code*.

#### Who can use this form

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

#### What is covered in this form

Part 1–Declaration in relation to an employee-like worker collective agreement

Part 2–Declaration in relation to a road transport 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 and the steps taken before it was made. To assist you in providing this information, it would be useful to have available:

- a copy of any explanatory material about the collective agreement given to the regulated workers
- details of how the notice under section 536MN(1)(a) or 536MN(1)(b) of the *Fair Work Act 2009* was given to the regulated workers
- a copy of the collective agreement, and
- a copy of any minimum standards order in operation that covers the same class of regulated workers as the collective agreement covers (if any).

## Lodging your completed form

You must lodge this declaration with the form F94 – Application to register a collective agreement.

## What happens next

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

In accordance with section 536MS(4) of the *Fair Work Act 2009* the Commission will publish a copy of the collective agreement 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](http://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 F95 – Declaration in support of an application to register a collective agreement

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

These are declarations in support of an application to the Fair Work Commission for registration of a collective agreement under Part 3A-4 of the [Fair Work Act 2009](#).



Complete the declaration in Part 1 if the collective agreement is an employee-like worker collective agreement.



Complete the declaration in Part 2 if the collective agreement is a road transport collective agreement.

### Part 1–Declaration in relation to an employee-like worker collective agreement



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

### Definitions

This declaration relates to the following collective agreement (the **Collective Agreement**):



Write the name exactly as it appears in the title clause of the Collective Agreement.

The digital labour platform operator covered by the collective agreement (the **Platform Operator**) is:

Legal name of Platform Operator	
Platform Operator’s ACN (if a company)	
Platform Operator’s ABN	

The organisation covered by the collective agreement (the **Organisation**) is:

Name of Organisation	
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**Declaration**

<b>I,</b>	
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[insert name of person making the declaration for the Platform Operator]

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[insert postal address of person making the declaration for the Platform Operator]

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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 Platform Operator]

**and**

<b>I,</b>	
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[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 Organisation is entitled to represent the industrial interests of one or more employee-like workers who are covered by the Collective Agreement.**
- 2 The Platform Operator and the Organisation explained the terms of the Collective Agreement and their effect to the employee-like workers covered by the Collective Agreement.**
- 3 The explanation given to the employee-like workers was as follows:**



Describe the explanation of the terms of the Collective Agreement and the effect of those terms that was given to the employee-like workers covered by the Collective Agreement.

<b>4 The</b>	
	[Insert 'Platform Operator' or 'Organisation']
<p><b>made reasonable efforts to give a notice under paragraph 536MN(1)(a) to each eligible employee-like worker for the proposed collective agreement.</b></p>	
<div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">  </div> <div> <p>See section 536MN(3) of the <i>Fair Work Act 2009</i> for the definition of <i>eligible employee-like worker</i>.</p> </div> </div>	

**5 None of the following were subject to any form of duress in relation to the making of the Collective Agreement:**

- (a) **the Platform Operator**
- (b) **the Organisation**
- (c) **an employee-like worker to whom a notice was given under paragraph 536MN(1)(a).**

**6 There:**

- is a minimum standards order in operation that covers the same class of employee-like workers as the Collective Agreement covers.**
- is not a minimum standards order in operation that covers the same class of employee-like workers as the Collective Agreement covers.**

Choose one of the above.



If there is a minimum standards order in operation that covers the same class of employee-like workers as the Collective Agreement covers, then you must complete items 7, 8(a) and 8(b) below.

If there is no such a minimum standards order in operation, then insert 'Not applicable' at items 7, 8(a) and 8(b) below.

**7 The minimum standards order in operation that covers the same class of employee-like workers as the Collective Agreement covers is:**



Provide details of the minimum standards order below.

**8 In relation to the minimum standards order specified at item 7 above:**

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



Specify the matters below.

- (b) For each matter specified at item 8(a) above, this is how the term of the Collective Agreement is more beneficial to the employee-like workers covered by the Agreement 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 Collective Agreement is more beneficial to the employee-like workers than the term of the minimum standards order.

## Signatures

### Signed by the declarant for the Platform Operator:

Signature		Date:	
Name			

### Signed by the declarant for the Organisation:

Signature		Date:	
Name			

	<p><b>Giving false or misleading information is a serious offence.</b></p> <p>A person who knowingly gives false or misleading information or knowingly produces a false or misleading document in support of an application to register a collective agreement is guilty of an offence, the punishment for which is imprisonment for up to 12 months – see s.137.1 and s.137.2 of the <i>Criminal Code</i>.</p>
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## Part 2–Declaration in relation to a road transport collective agreement



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

### Definitions

This declaration relates to the following collective agreement (the **Collective Agreement**):



Write the name exactly as it appears in the title clause of the collective agreement.

The road transport business covered by the collective agreement (the **Road Transport Business**) is:

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

The organisation covered by the collective agreement (the **Organisation**) is:

Name of Organisation	
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### Declaration

I,	
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[insert name of person making the declaration for the Road Transport Business]

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

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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 Road Transport Business]

**and**

<b>I,</b>	
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[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 Organisation is entitled to represent the industrial interests of one or more regulated road transport contractors who are covered by the Collective Agreement.**
- 2 The Road Transport Business and the Organisation explained the terms of the Collective Agreement and their effect to the regulated road transport contractors covered by the Collective Agreement.**
- 3 The explanation given to the regulated road transport contractors was as follows:**



Describe the explanation of the terms of the Collective Agreement and the effect of those terms that was given to the regulated road transport contractors covered by the Collective Agreement.

<b>4 The</b>	
	[Insert 'Road Transport Business' or 'Organisation']
<p><b>made reasonable efforts to give a notice under paragraph 536MN(1)(b) to each eligible regulated road transport contractor for the proposed collective agreement.</b></p> <p> See section 536MN(4) of the <i>Fair Work Act 2009</i> for the definition of <i>eligible regulated road transport contractor</i>.</p>	

**5 None of the following were subject to any form of duress in relation to the making of the Collective Agreement:**

- (a) the Road Transport Business
- (b) the Organisation
- (c) a regulated road transport contractor to whom a notice was given under paragraph 536MN(1)(b).

**6 There:**

- is a minimum standards order in operation that covers the same class of regulated road transport contractors as the Collective Agreement covers.**
- is not a minimum standards order in operation that covers the same class of regulated road transport contractors as the Collective Agreement covers.**

Choose one of the above.



If there is a minimum standards order in operation that covers the same class of regulated road transport contractors as the Collective Agreement covers, then you must complete items 7, 8(a) and 8(b) below.

If there is no such a minimum standards order in operation, then insert 'Not applicable' at items 7, 8(a) and 8(b) below.

**7 The minimum standards order in operation that covers the same class of regulated road transport contractors as the Collective Agreement covers is:**



Provide details of the minimum standards order below.

**8 In relation to the minimum standards order specified at item 7 above:**

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



Specify the matters below.

- (b) For each matter specified at item 8(a) above, this is how the term of the Collective Agreement is more beneficial to the regulated road transport contractors covered by the Agreement 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 Collective Agreement is more beneficial to the regulated road transport contractors than the term of the minimum standards order.

## Signatures

### Signed by the declarant for the Road Transport Business:

Signature		Date:	
Name			

### Signed by the declarant for the Organisation:

Signature		Date:	
Name			

	<p><b>Giving false or misleading information is a serious offence.</b></p> <p>A person who knowingly gives false or misleading information or knowingly produces a false or misleading document in support of an application to register a collective agreement is guilty of an offence, the punishment for which is imprisonment for up to 12 months – see s.137.1 and s.137.2 of the <i>Criminal Code</i>.</p>
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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 declaration in support of an application to register 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.