

About the F24C declaration

Declaration in relation to 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 is being lodged with the Commission **and**
- you are the Applicant or an officer or authorised employee of the Applicant.

Lodgment and service of your completed declaration

1. **Lodge** this declaration with the Commission at the same time as the Form F24B application is lodged.

You can lodge this form using the Commission's [Online Lodgment Service](#), or by post, fax or email, or in person at the [Commission office](#) in your state or territory.

2. **As soon as practicable** after they are lodged with the Commission, **serve** a copy of this declaration and the Form F24B application upon each employer 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 family member or friend, lawyer or paid agent, or an employee of an employee 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 the 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 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 F24C – Declaration in relation to termination of an enterprise agreement after the nominal expiry date

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

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

I,	Chantelle Zentveld
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[insert name of person making the declaration]

██████████

[insert postal address of person making the declaration]

██████████	VIC	██████████
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[insert suburb]

[insert State or Territory]

[insert suburb]

Sandwich Artist

[insert occupation of person making the declaration]

declare that:

Part 1 – Preliminary

1.1 What is the name of the Applicant for termination of the enterprise agreement?

Legal name of Applicant	Chantelle Zentveld
Applicant's ACN (if a company)	n/a
Applicant's trading name or registered business name (if applicable)	n/a
Applicant's ABN (if applicable)	n/a

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



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

IPCA (VIC, ACT & NT) ENTERPRISE AGREEMENT 2011 (AG2011/7098)
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1.3 What is the nominal expiry date of the Agreement? What is the number of the clause in the Agreement that specifies that date?

Nominal expiry date	21 July 2015 (4 years from approval by the Commission)
Clause number	4.1

Part 2 – Requirements for termination**Public interest****2.1 Explain why you believe that termination of the Agreement is not contrary to the public interest.**

Under section 226 of the [Fair Work Act 2009](#) the Commission must be satisfied that it is not contrary to the public interest to terminate the Agreement.

1. I say that the terms and conditions provided in the *IPCA (VIC, ACT & NT) ENTERPRISE AGREEMENT 2011 (AG2011/7098)* have fallen below the minimum terms and conditions of the Fast Food Industry Award 2010 (FFIA).
2. Increases in the rates of pay have not kept up with the rate of increases in the FFIA so that over time the buy-out of penalty rates has been absorbed and the base rate of pay no longer compensates for a lack of allowances, annual leave loading, and penalty rates leaving employees working Evenings, Saturdays, Sundays and Public Holidays worse off than under the FFIA.
3. Upon consideration of all the rates of pay and the terms and conditions of employment employees presently covered by *IPCA (VIC, ACT & NT) ENTERPRISE AGREEMENT 2011 (AG2011/7098)*, suffer a disadvantage when compared with the rates of pay and terms and conditions of employment under the FFIA.
4. Please find a comparison between the Agreement and the FFIA **attached**.

Views of the employees, employers and employee organisations covered by the Agreement**2.2 Are there any employees covered by the Agreement?**

- Yes
- No
- Don't know

2.3 What effect would termination of the Agreement have on you or, if you represent a group of employees or employers, those you represent?

Section 226 of the [Fair Work Act 2009](#) requires the Commission to consider the views and circumstances of the employees, each employer and each employee organisation (if any) covered by the Agreement, including the likely effect that termination of the Agreement will have on each of them.

It would result in their being covered by the more favourable terms of the Award as noted in the **attached** document.

Part 3 – Statistical information

This information is necessary to enable the General Manager of the Fair Work Commission to comply with the statutory reporting obligations in section 653 of the [Fair Work Act 2009](#).

3.1 What is the primary activity of the employer?

For example music retailer, plumbing contractor, steel fabricator, etc.

Fast Food.

3.2 Tick the relevant boxes for the states and territories the Agreement operates in:

- Australian Capital Territory
- New South Wales
- Northern Territory
- Queensland
- South Australia
- Tasmania
- Victoria
- Western Australia
- An external territory

3.3 Of the employees covered by the Agreement, how many employees are in the following demographic groups?

Demographic group	Number of employees
Female	Unknown
Non-English speaking background	Unknown
Aboriginal or Torres Strait Islander	Unknown
Disabled	Unknown
Part-time	Unknown
Casual	Unknown
Under 21 years of age	Unknown
Over 45 years of age	Unknown

Signature		Date:	20/01/2022
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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 for termination of an enterprise 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*.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS