Form F16—Application for Approval of Enterprise Agreement

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| IN FAIR WORK AUSTRALIA | *FWA use only* |
|  | **FWA Matter No.:** |

APPLICATION FOR APPROVAL OF ENTERPRISE AGREEMENT

*Fair Work Act 2009—*s.185

Applicant

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Name:** |  | | | | | | | |
| **Title:** | Mr [ ] Mrs [ ] Ms [ ] Other [ ] specify: | | | | | | | |
| **Address:** |  | | | | | | | |
| **Suburb:** |  | | **State:** |  | | | **Postcode:** |  |
| Where the Applicant is a company or organisation: | | | | | | | | |
| **Contact person:** | |  | | | **ABN:** |  | | |
| Contact details for the Applicant or contact person (if one is specified): | | | | | | | | |
| **Telephone:** |  | | **Mobile:** | |  | | | |
| **Facsimile:** |  | | **Email:** | |  | | | |
|  | | | | | | | | |
| **Is the Applicant?** | | | | | | | | | |
| [ ] the employer; | | | | | | | | | |
| [ ] an employee organisation which was a bargaining representative; | | | | | | | | | |
| [ ] a bargaining representative appointed by the employer; | | | | | | | | | |
| [ ] a bargaining representative appointed by an employee; | | | | | | | | | |
| [ ] other (please specify): | | | | | | | | | |

Applicant’s representative (if any)

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Name:** |  | | | | | | | |
|  | **ABN:** [*If applicable*] | | | | |  | | |
| **Address:** |  | | | | | | | |
| **Suburb:** |  | | **State:** |  | | | **Postcode:** |  |
| **Contact person:** | |  | | | | | | |
| **Telephone:** |  | | **Mobile:** | |  | | | |
| **Facsimile:** |  | | **Email:** | |  | | | |

1. Is the enterprise agreement:

[ ] a single-enterprise agreement;

[ ] a multi-enterprise agreement.

2. What is the full and precise name of the agreement?

3. EMPLOYER

3.1 If the Applicant is not the employer, please provide details of the employer to be covered by the agreement:

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Legal name:** |  | | | | | | | |
| **Trading name:** |  | | | | | | | |
|  | **ABN:** | | |  | | | | |
| **Address:** |  | | | | | | | |
| **Suburb:** |  | | **State:** | |  | | **Postcode:** |  |
| **Contact person:** | |  | | | | | | |
| Contact details for the Employer or contact person (if one is specified): | | | | | | | | |
| **Telephone:** |  | | **Mobile:** | | |  | | |
| **Facsimile:** |  | | **Email:** | | |  | | |

[*If the agreement is a multi-enterprise agreement, please include additional boxes or attach a separate sheet identifying each employer covered by the agreement. All of the above details must be provided for each employer.*]

3.2 What is the industry of the employer?

4. BARGAINING REPRESENTATIVE - EMPLOYER

Did the employer appoint a bargaining representative? (s.176(1)(d))

[ ] Yes

[ ] No

If the answer is “Yes”, provide details of that bargaining representative:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Name:** |  | | | | | | |
| **Address:** |  | | | | | | |
| **Suburb:** |  | | **State:** |  | | **Postcode:** |  |
| **Contact person:** | | [*if applicable*] | | | | | |
| **Telephone:** |  | | **Mobile:** | |  | | |
| **Facsimile:** |  | | **Email:** | |  | | |

5. BARGAINING REPRESENTATIVE(S) – UNION(S)

Were any employee organisations (unions) bargaining representatives for the agreement? (s.176(1)(b) and (3))

[ ] Yes

[ ] No

If the answer is “Yes”, provide details of that bargaining representative:

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Employee Organisation 1** | | | | | | | | |
| **Name:** |  | | | | | | | |
|  | **ABN:** [*If known*] | | | | |  | | |
| **Address:** |  | | | | | | | |
| **Suburb:** |  | | **State:** |  | | | **Postcode:** |  |
| **Contact person:** | |  | | | | | | |
| **Telephone:** |  | | **Mobile:** | |  | | | |
| **Facsimile:** |  | | **Email:** | |  | | | |

[*If more than one employee organisation was a bargaining representative, please include additional boxes or attach a separate sheet identifying each of the employee organisations which were bargaining representatives for the agreement. Please provide all of the details identified above for each such organisation.*]

6. BARGAINING REPRESENTATIVES – EMPLOYEES

6.1 How many instruments of appointment signed by an employee or employees appointing a bargaining representative were given to the employer? (s.176(1)(c) and (4), s.178(2)(a)):

6.2 If one or more such instruments were given to the employer, please provide details of each such bargaining representative who is not a union specified above:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Name:** |  | | | | | | |
| **Address:** |  | | | | | | |
| **Suburb:** |  | | **State:** |  | | **Postcode:** |  |
| **Contact person:** | | [*if applicable*] | | | | | |
| **Telephone:** |  | | **Mobile:** | |  | | |
| **Facsimile:** |  | | **Email:** | |  | | |

[*Please include additional boxes or attach a separate sheet identifying each of the (non-union) employee bargaining representatives for the agreement. Please provide all of the details identified above for each such bargaining representative.*]

**7. OTHER**

7.1 Are the substantive provisions, or most of the substantive provisions, of the agreement based on a template other than an existing agreement applying to the employer?

[ ] Yes

[ ] No

If the answer is “Yes”, please provide details of the source of the template:

7.2 Is the applicant or the applicant’s representative aware of other agreement(s) in identical or substantially identical terms having been dealt with by FWA?

[ ] Yes

[ ] No

If the answer is “Yes”, please provide information that would assist in identifying such agreement(s) (e.g. identification number and date of FWA’s decision, the name of such agreement, the name of the member of FWA who dealt with such agreement or the name of the employer covered by such agreement):

|  |  |
| --- | --- |
| **Date:** |  |
| **Signature:** |  |
| **Name:** |  |
| **Capacity/Position:** |  |

**Service requirements**

**A copy of this application must be served on each employer covered by the agreement, each employee organisation that was a bargaining representative and any other employee bargaining representative of which the Applicant is aware, as soon as practicable after the application is lodged.**

**A copy of this application must also be brought to the attention of employees covered by the agreement through the usual means adopted by the employer(s) for communicating with employees e.g. posting on employee notice boards or by email to employees where this is the usual method.**

Note: Rules 9 and 10 deal with service.

**Other requirements**

The application must be accompanied by declarations completed by an employee or officer of each employer covered by the agreement and an employee or officer of each employee organisation which was a bargaining representative for the agreement and which support the application. These declarations may be found at:

 [Form F17](#FormF17) for employer declarations; and

 [Form F18](#FormF18) for employee organisation declarations.

When lodging this application, the application must be accompanied by:

 a signed copy of the agreement (see s.185(2)(a)); and

 sufficient additional copies to enable a copy to be provided to each bargaining representative in the event of approval by FWA.

Note: A copy of an enterprise agreement is a signed copy only if:

(a) it is signed by:

(i) the employer covered by the agreement; and

(ii) at least 1 representative of the employees covered by the agreement; and

(b) it includes:

(i) the full name and address of each person who signs the agreement; and

(ii) an explanation of the person’s authority to sign the agreement.

(See reg. 2.06A of the *Fair Work Regulations 2009*.)