



About the F23 application form

Application under section 210 for approval of a variation of an enterprise agreement

About variation of enterprise agreements

Enterprise agreements are agreements made at the enterprise level that contain terms and conditions of employment.

Enterprise agreements can be varied:

- under section 207 of the [Fair Work Act 2009](#) (the Fair Work Act) in general circumstances by the employer and employees
- under sections 216A and 216B, section 216C, and sections 216D and 216DB of the Fair Work Act respectively to add an employer and employees to a supported bargaining agreement, cooperative workplace agreement or single interest employer agreement
- under section 216E of the Fair Work Act to remove an employer and employees from a multi-enterprise agreement, or
- under sections 217, 218 or 218A of the Fair Work Act respectively to remove an ambiguity or uncertainty, on referral by the Australian Human Rights Commission, or to correct or amend errors, defects or irregularities.

A variation made by an employer and employees (including a variation under section 207) has no effect unless it is approved by the Fair Work Commission (the Commission).

When to use this form

Use this form if:

- you are an employer, employee or employee organisation that is covered by an enterprise agreement (or you are completing this form for an employer, employee or employee organisation)
- a variation of the agreement under section 207 of the Fair Work Act has been made in accordance with section 209 of the Fair Work Act, and
- you wish to apply under section 210 of the Fair Work Act for the Commission to approve the variation.

Note: If you wish to vary an agreement-based transitional instrument – complete Form F25 instead of this form.

Lodging and serving your completed form

1. **Within 14 days** after the variation is made, the following must be **lodged** with the Commission by post, email to lodge@fwc.gov.au or in person at the [Commission office](#) in your state or territory:
 - this **form**
 - a copy of the **variation** signed in accordance with regulation 2.09A of the [Fair Work Regulations 2009](#). The variation must be signed by:
 - The employer covered by the agreement as varied – include the employer’s signature, full name, address and an explanation of their authority to sign the variation, and
 - At least 1 representative of the employees covered by the agreement as varied — include the representative’s signature, full name, address and an explanation of their authority to sign the variation.
 - a copy of the **agreement** as proposed to be **varied**
 - an **employer’s declaration in support** of the application for approval of the variation:
 - If the employer requested before 6 June 2023 that employees approve the variation — use Form F23AA
 - If the application is for approval of a single-enterprise agreement and the employer requested that employees approve the variation on or after 6 June 2023 — use Form F23AB
 - If the application is for approval of a multi-enterprise agreement and the employer requested that employees approve the variation on or after 6 June 2023 — use Form F23AC.
 - the employer’s declaration must be accompanied by copies of any **documents provided to its employees or used** to:
 - inform them that the employer is bargaining for a variation, and of the coverage of the proposed varied agreement
 - inform them about their rights to representation
 - explain to employees the terms and effect of the variation
 - ensure the explanation was appropriate, considering the particular circumstances and needs of the employees. For example, an employer may have needed to consider the circumstances and needs of employees from culturally and linguistically diverse backgrounds, young employees and unrepresented employees.
 - inform them of the time, place and method of voting.

Note: each employer covered by the agreement **must lodge** an **employer’s declaration** in support of the application for approval of the variation and **copies of documents provided to its employees** (as listed above) within 14 days after the variation was made.

2. **As soon as practicable** after lodging, you must **serve** a copy of **all documents lodged with the Commission** on:

- each employer that is covered by the agreement **and**
- each employee organisation that is covered by the agreement.

You can serve documents several ways, including by email, express post or registered post.

Note: before the agreement is approved, each employee organisation that is covered by the agreement can choose to advise the Commission about whether:

- it supports or opposes approval of the agreement variation
- that it disagrees with information in the employer declaration
- in its view, the proposed varied agreement passes the better off overall test

by lodging a Form F23B—Declaration of employee organisation in relation to an application under section 210 for approval of a variation of an enterprise 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 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 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](#).

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, express or registered post, or in person. Part 5 of Chapter 1, rule 44 and Schedule 1 of the [Fair Work Commission Rules 2024](#) 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 approval of variation 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 F23 – Application under section 210 for approval of a variation of an enterprise agreement

[Fair Work Act 2009](#), s.210, [Fair Work Commission Rules 2024](#), rule 37, rule 44 and Schedule 1

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

The Applicant



These are the details of the person covered by the agreement who is making the application.

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

What is the Applicant?

- An employer covered by the agreement
- An employee organisation (union) covered by the agreement
- An employee covered by the agreement.

Does the Applicant have a representative?



A representative is a person or organisation that is representing the Applicant. There is no requirement to have a representative.

Yes – Provide representative’s details below

No

Applicant’s representative



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

Name of person			
Firm, organisation or company			
Representative’s ABN (if applicable)			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Is the representative a lawyer or paid agent?

<input type="checkbox"/> Yes — please select:	<input type="checkbox"/> Lawyer <input type="checkbox"/> Paid agent
<input type="checkbox"/> No	

1. The agreement

1.1 What kind of agreement is the enterprise agreement?



A multi-enterprise agreement can be a supported bargaining agreement, single interest employer agreement or a cooperative workplace agreement.

A single-enterprise agreement

A multi-enterprise agreement

1.2 What is the name of the agreement that is proposed to be varied?



Write the name 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. The employer(s) covered by the agreement

2.1 How many employers are covered by the agreement?

Number of employers:	
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2.2 What is the industry of the employer or employers covered by the agreement?

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2.3 Provide the details of all of the employers covered by the agreement.



If the Applicant is an employer covered by the agreement, you do not need to provide the Applicant’s details again.

Legal name of employer			
Employer’s ACN (if a company)			
Employer’s trading name or registered business name (if applicable)			
Employer’s ABN			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Attach additional pages if necessary.

3. Employee organisations covered by the agreement

3.1 Are any employee organisations covered by the agreement?

Yes

No

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If you answered **Yes** – Provide the details of the employee organisation(s).

Name of employee organisation			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Attach additional pages if necessary.

4. The variation

4.1 On what date was the variation made?



See section 209 of the [Fair Work Act 2009](#).

4.2 Will the application for approval of the variation be lodged within 14 days after the date the variation was made?

Yes

No

If you answered **No** – Provide details of the circumstances the Commission should take into account in deciding if it is fair to extend the time for lodging the application.

Authority to sign and signature



For 'Authority to sign':

- If you are the Applicant – insert 'Applicant'
- If you are an employee of a company or organisation that is the Applicant – insert your position title
- If you are an officer or authorised employee of an employee organisation that is the Applicant – insert your position title
- If you are the Applicant's representative and have provided your details in this form – insert 'Representative'.

Authority to sign	
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Insert your signature, name and the date. If you are completing this form electronically and do not have an electronic signature, type your name in the signature field.

Signature	
Name	
Date	

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS