



About the F45A application form

Application to vary redundancy pay

About redundancy pay

An employee is entitled to be paid redundancy pay by their employer if the employee's employment is terminated either:

- because the employer no longer requires the job done by the employee to be done by anyone (except where this is due to the ordinary and customary turnover of labour), or
- because of the insolvency or bankruptcy of the employer.

Sections 121 to 123 of the [Fair Work Act 2009](#) set out exclusions from the obligation to pay redundancy pay.

Who can use this form

Use this form if:

- you are an employer **and**
- you are required to pay redundancy pay to an employee **and**
- you have found the employee alternative employment and/or you cannot pay the redundancy pay **and**
- you want the amount of the redundancy pay reduced.

Lodging and serving your completed form

1. **Lodge** this form and any supporting documents:
 - by email at lodge@fwc.gov.au, or
 - by post or in person at the [Commission's office](#) in your State or Territory.
2. **As soon as practicable** after lodging, you must serve a copy of all documents lodged with the Commission on the employee (the Respondent) named in the application.

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

The easiest way to serve the employee is by copying them into the email you send to the Commission when you lodge this application.

Where to get help

Commission staff & resources

Commission staff cannot provide legal advice. However, staff can give you information on:

- processes in the Commission
- 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 useful information to help you answer the question following.

Legal or other representation

Representation is where another person speaks or acts on your behalf, or assists you in certain other ways in relation to a Commission case. A representative could be a lawyer, paid agent, officer or employee of an employer organisation, an association of employers or a peak council, or a not-for-profit association or body that provides support, advice or advocacy in relation to employment matters.

You do not have to be represented in a case at the Commission.

There are some rules about being represented by a lawyer or paid agent.

Unless the Commission decides otherwise in a particular case, a lawyer or paid agent can represent you without permission to:

- prepare and lodge this application
- prepare and lodge submissions with the Commission, or
- write to the Commission and other people involved in the case on your behalf.

Generally, you must give notice to the Commission and seek permission from the Commission Member dealing with your case if you wish to have a **lawyer or paid agent** represent you in a **conference** or a **hearing**. You do not, however, need to give notice or ask permission if the lawyer or paid agent is:

- an employee or officer (of your business), or
- an employee or officer of an employer organisation, an association of employers, or a peak council, that is representing you.

Rule 13(2) of the [Fair Work Commission Rules 2024](#) sets out further exceptions to the requirement to give notice and seek permission.

You can notify the Commission that you have a lawyer or paid agent using this form – provide their details at ‘Does the employer have a representative?’.

If you need to notify the Commission that you have a lawyer or paid agent after you have lodged this form, or if you need to ask permission for a lawyer or paid agent to take part in a **conference or hearing**, use [Form F53](#).

For more information about representation by lawyers and paid agents, see section 596 of the [Fair Work Act 2009](#), rules 11, 12, 13 and 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 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.

Parties – A party is a person or organisation involved in a matter or case that is brought to the Commission.

Jurisdictional objection – This is a type of objection a Respondent can raise to an application. A Respondent can make this kind of objection if they think that the Commission, for a technical or legal reason, cannot hear the matter.

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 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 for inclusion on the case file, and 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 F45A – Application to vary redundancy pay

[Fair Work Act 2009](#), s.120

This is an application to the Fair Work Commission by an employer to vary redundancy pay where the employer has obtained other acceptable employment for an employee or cannot pay the amount in accordance with Division 11 of Part 2-2 of the [Fair Work Act 2009](#).

The Applicant (Employer)



These are the details of the person or business making the application.

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

Does the Employer have a representative?



A representative is a person or organisation who is representing you. This might be a lawyer or paid agent, an employer organisation, an association of employers, or a peak council, or a not-for-profit association or body that provides support, advice or advocacy in relation to employment matters. You do not need to have a representative.

- Yes – Provide representative's details below
- No

Employer’s representative



These are the details of the person or organisation who is representing the Employer (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 Employer’s 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	

The Respondent (Employee)



These are the details of the person who is entitled to redundancy pay under section 119 of the [Fair Work Act 2009](#) and who may be affected by any Order.

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Attach additional pages if there is more than one employee

Part 1 – Preliminary

1.1 How long has the employee worked for your business?

1.2 What was the employee’s base rate of pay for his or her ordinary hours of work at the date of the redundancy?

1.3 Set out the employee’s redundancy entitlement that you are seeking to vary. For example, specify the number of weeks’ redundancy pay to which the employee is entitled.

1.4 On what basis is the employee entitled to redundancy pay?

- National Employment Standards
- Award
- Agreement
- Other

Specify the name of the award, agreement or other instrument under which the entitlement arises. Also include the Award or Agreement ID/Code number if known.

1.5 What amount are you asking the Commission to reduce the redundancy pay to?

Part 2 – Requirements for an order

Other acceptable employment

2.1 Have you obtained other acceptable employment for the employee?

- Yes
- No

If you have answered Yes to question 2.1 – Please provide details of the alternative employment.

2.2 Has the employee accepted the offer of other acceptable employment?

Yes

No

If you have answered No to question 2.2 – Please set out the reasons the employee has given for not accepting the offer of employment.

Incapacity to pay

2.3 Are you making this application because your business is not able to pay the employee their redundancy entitlements?

Yes

No

If you have answered Yes to question 2.3 – Please provide details why you say your business cannot afford to pay the redundancy pay. Please attach any relevant supporting documentation.

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 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