



About the F46 application form

Application to make, vary or revoke a modern award

Who can use this form

Use this form if you want to make an application for the Fair Work Commission (the Commission) to make:

- a modern award
- a determination varying a modern award, or
- a determination revoking a modern award.

You should only use this form to make an application outside of the system of annual wage reviews.

To be eligible to make an application, you must be:

- an employer, employee, organisation or outworker entity that is, or would become, covered by the modern award, or
- an organisation that is entitled to represent the industrial interests of the person(s) or organisation(s) that are, or would become, covered by the modern award.

You may make applications for 2 or more related things at the same time, depending on the kind of application you want to make. See section 158 of the [Fair Work Act 2009](#) (the Fair Work Act) for more information about who may apply to make a modern award or for a determination varying or revoking a modern award.

About making, varying or revoking modern awards

The Commission must ensure that modern awards, together with the National Employment Standards, provide a fair and relevant minimum safety net of terms and conditions. In order to achieve the modern awards objective, the Commission must take into account the matters set out in section 134 of the Fair Work Act, such as relative living standards and the needs of the low paid.

The Fair Work Act allows the Commission to make a modern award, or make a determination varying or revoking a modern award (other than varying modern award minimum wages or default fund terms) if the Commission is satisfied that to do so is necessary to achieve the modern awards objective (s.157(1)).

The Commission may also make a determination varying modern award minimum wages **outside** the system of annual wage reviews if the Commission is satisfied that to do so is:

- justified by work value reasons (s.157(2)(a))
- necessary to achieve the modern awards objective (s.157(2)(b)), and
- necessary to achieve the minimum wages objective (s.284(2)(b)).

Sections 159 to 161 of the Fair Work Act set out other situations where the Commission may vary a modern award.

How the Commission deals with applications to make, vary or revoke modern awards

Modern award proceedings are generally held in public. Applications and any supporting documents are usually published on the Commission’s website for consideration by other interested parties.

In determining an application, the Commission may inform itself as it considers appropriate. This may include asking for formal submissions and supporting evidence from the applicant or other interested parties.

Interested parties can be alerted to new applications and updated on existing award matters through the Commission’s [subscription service](#). The Commission’s website contains information on how to [subscribe to the service](#).

Expert Panels determine applications to make, vary or revoke awards that relate to or involve:

- the Care and Community Sector
- the Road Transport Industry, or
- gender pay equity.

See sections 617 and 620 of the Fair Work Act for information on the constitution of Expert Panels.

Lodging your completed forms

When you lodge this form, the Commission also requires you to lodge a Form F48 to ask for directions about the procedure you must follow (if any) for serving copies of this application (see rule 31 of the [Fair Work Commission Rules 2024](#)). The Commission may then direct you to serve a copy of your application and any supporting documents on another party or parties.

1. Lodge with the Commission:

- this **application** and any supporting documents, and
- a [Form F48 – Application for directions on procedure](#).

You can lodge:

- by email to lodge@fwc.gov.au, or
- by post or in person at the [Commission’s office](#) in your state or territory.

2. **Where applicable, serve** the application and any supporting documents **as directed** by the Commission. The Commission will tell you the timeframe for serving the documents.

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

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 information to help you complete the form.

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 a union, employer organisation or an association of employers, a peak council, or a not-for-profit association or body that provides support, advice or advocacy in relation to employment or workplace relations matters.

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

Unless a Commission Member directs otherwise, you do not need to ask permission to be represented by a lawyer or paid agent in a conference or hearing about applications to make, vary or revoke a modern award (see rule 13(2) of the [Fair Work Commission Rules 2024](#)).

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 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.

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

Respondent – The person or business 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 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 F46 – Application to make, vary or revoke a modern award

[Fair Work Act 2009](#), ss.157–161, [Fair Work Commission Rules 2024](#), rule 31

This is an application to the Fair Work Commission to make a modern award or make a determination varying or revoking a modern award, in accordance with Part 2-3 of the [Fair Work Act 2009](#).

The Applicant



These are the details of the person who is making the application.

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			

If the Applicant is not an individual, please also provide the following details

Applicant's legal name	
Applicant's trading name	
Applicant's ABN/ACN	
Contact person	

Does the Applicant need an interpreter?



If the Applicant has trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help in your language](#) on our website.

Yes – Specify language

No

Does the Applicant require any special assistance at the hearing or conference (eg a hearing loop)?

- Yes – Please specify the assistance required
- No

Does the Applicant have a representative?



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

- Yes – Provide representative’s details below
- No

Applicant’s representative



These are the details of the person or organisation who 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 Applicant’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	

1. Coverage

1.1 What is the name of the modern award to which the application relates?



Include the Award ID/Code No. of the modern award.

1.2 What industry is the employer in?

1.3 Does the application relate to the Care and Community Sector?



The Care and Community Sector includes, but is not limited to, the aged care, early childhood education and care and disability care sectors. Applications to make, vary or revoke awards that relate to the Care and Community Sector are decided by Care and Community Sector Expert Panels. See sections 617(8) and (9) of the Fair Work Act.

Yes

No

Unsure

1.4 Does the application relate to the Road Transport Industry?



The Road Transport Industry includes, but is not limited to, the road transport and distribution, long distance operations in private road transport, waste management, cash in transit and passenger vehicle transportation industries. Applications to make, vary or revoke awards that relate to the Road Transport Industry are decided by Road Transport Industry Expert Panels. See sections 15S and 617(10B)(b) of the Fair Work Act.

Yes

No

Unsure

2. Application

2.1 What are you seeking?

Specify which of the following you would like the Commission to make:

- a determination varying a modern award
- a modern award
- a determination revoking a modern award

2.2 Does the application seek to vary modern award minimum wages?

- Yes
- No

2.3 Does the application relate to gender pay equity?



Variations to awards relating to substantive gender pay equity matters are decided by pay equity Expert Panels. See sections 617(6) and (9) of the Fair Work Act. See also work value reasons in s.157(2A) and (2B).

- Yes
- No
- Unsure

2.4 What are the details of your application?

Outline the changes you are asking the Commission to make. For example - if you are asking the Commission to vary an existing award, you should set out which parts of the award you are asking the Commission to change and how you think these parts should be changed.

Attach additional pages, if necessary.

2.5 What are the grounds being relied on?

Using numbered paragraphs, specify the grounds on which you are seeking the proposed variations.



You must outline how the proposed variation etc is necessary in order to achieve the modern awards objective, and the minimum wages objective if it applies, as well as any additional requirements set out in the Fair Work Act.

Attach additional pages, if necessary.

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 a registered organisation – 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