



## About the F47 application form

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### Application to vary an award-based transitional instrument

#### Who can use this form

Use this form if you want to make an application for the Fair Work Commission (the Commission) to vary an award-based transitional instrument.

#### About varying an award-based transitional instrument

Award-based transitional instruments include:

- pre-reform federal awards,
- Notional Agreement Preserving a State Awards (NAPSAs), and
- state reference transitional awards.

Under the [Fair Work \(Transitional Provisions and Consequential Amendments\) Act 2009](#) the Commission cannot vary a pre-reform or transitional award, except if the variation is essential to maintain minimum safety net entitlements (within the meaning of section 553 of the *Workplace Relations Act 1996*).

#### Lodging and serving your completed form

**1. Lodge** this application and any supporting documents with the Commission.

You can lodge:

- by email to [lodge@fwc.gov.au](mailto: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, **serve** a copy of all documents you lodged with the Commission on:

- Respondents to the transitional instrument that is an award, or
- Respondents to the transitional award that is a continuing Schedule 6 instrument.

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](http://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 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 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 workplace relations matters.

You do not need 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 (for a business), or
- a bargaining representative that is representing you, or
- an employee or officer of a union or employer organisation, or an association of employers, or a peak council, that is representing you.

You can notify the Commission that you have a lawyer or paid agent using this form — provide their details at 'Does the applicant 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](#).

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 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 F47 – Application to vary an award-based transitional instrument

[Fair Work \(Transitional Provisions and Consequential Amendments\) Act 2009](#), Item 12 of Schedule 3 and item 1 of Schedule 20

This is an application to the Fair Work Commission to vary an award-based transitional instrument in accordance with the [Fair Work \(Transitional Provisions and Consequential Amendments\) 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 a company or organisation please also provide the following details:**

Legal name of business	
Trading name of business	
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 for non-English speakers](#) 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, 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 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 industry is the employer in?**

**2. Application to vary an award**

**2.1 What is the name of the instrument to which the application relates?**

**2.2 What variation are you seeking?**

Attach additional pages, if necessary.

**2.3 What are the grounds being relied on?**

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

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 the Applicant's representative and have provided your details in this form—insert 'Representative'.

<b>Authority to sign</b>	
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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.

<b>Signature</b>	
<b>Name</b>	
<b>Date</b>	

**PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS**