

From: Fair Work Commission <no-reply@fwc.gov.au>
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To: Peter Kavanagh <PKavanagh@busvic.asn.au>
Subject: Updated agreement variation forms and new tool released



Fair Work
Commission

Updated agreement variation forms and new tool released

We have updated the forms used to apply for approval to change an agreement. This includes additional versions of the employer's declaration in support of the variation application form. You now have a dedicated form to suit your circumstances. We have also released a new tool to help you select the correct form.

Using the correct form

It is important that you fill-in and lodge the correct form for your circumstances. A Commission Member may not accept an incorrect form when considering your application. This may result in delays. We have a number of tools available to help you.

Updated forms

The Secure Jobs Better Pay Act has changed the way employers and employees bargain and make agreements. There are now different tests that apply depending on your circumstances.

We have developed 3 versions of the [Form F23A – employers declaration to vary an agreement](#) to align with the different tests. To reflect these changes we have also updated the:

- [Form F23 - Apply for approval to change an agreement](#)
- [Form F23B - Union declaration for variation of an enterprise agreement.](#)

New tool to help you select the correct form

We have developed a new tool to help you [Select the correct Form F23A](#) for your circumstances. You will be asked to answer 2 simple questions. The answers you provide will determine which

form is right for you. The tool works in the same way as the [Select your Form F17 tool](#) and is part of our ongoing work to assist you in navigating the new provisions.

Support and tools

We have developed a suite of tools and resources to help you comply with the legislative tests that apply to agreement making. This continues our implementation of the Secure Jobs Better Pay Act provisions. These resources are available throughout our website and include the:

- [Understand the tests that apply to agreements tool](#) to see which tests will apply to your agreement
- [Select your Form F17 tool](#) to help you pick the right form for your circumstances
- updated [Date calculator for single enterprise agreement](#)
- updated [Create the NERR tool](#) to align with the amended regulations
- updated online agreement forms so parties can continue to lodge their applications online from 6 June using the online Form F16 – Application for approval of an enterprise agreement (other than a greenfields agreement) and attach the paper-based Form F17
- pre-approval checklist to reflect the new legislative requirements. This checklist is completed by Commission staff then given to the Commission Member who reviews the application before deciding whether to approve the agreement [See [pre-approval checklist \(doc\)](#)].

We remain committed to improving service delivery through digital transformation. We will continue to notify you of the pending changes and as resources become available. We recommend you [follow us on LinkedIn](#) to keep up to date.

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