



About the F18 declaration

Declaration of employee organisation in relation to an application for approval of an enterprise agreement (other than a greenfields agreement)

About enterprise agreements

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

The Fair Work Commission (the Commission) assesses and approves enterprise agreements. It can also assist in the process of making agreements and can deal with disputes arising under an agreement. Before the Commission can approve an agreement, it must be satisfied that the agreement meets the requirements for approval set out in the [Fair Work Act 2009](#), including that the employees will be 'better off overall' under the agreement than they would be if the relevant award applied.

Who can use this form

Use this form if:

- a form F16 – Application for approval of an enterprise agreement (other than a greenfields agreement) has been or is being lodged with the Commission **and**
- you are an officer or authorised employee of an employee organisation that is a bargaining representative for the agreement **and**
- your organisation wants to advise the Commission:
 - that it supports or opposes approval of the agreement
 - that it disagrees with statements in an employer's form F17 declaration, or
 - of its views on whether the agreement passes the better off overall test, **and/or**
- your organisation wants the enterprise agreement to cover it.

Lodging and serving your completed form

1. **Lodge this declaration** with the Commission **before the Commission approves the agreement**. If you are lodging this form at the same time as the form F16, you can use the Commission's [Online Lodgment Service](#). Alternatively, you can lodge this declaration by email, post, or in person at the [Commission office](#) in your state or territory, either at the same time as the form F16, or separately.

2. **As soon as practicable** after lodging, **serve** a copy of all documents lodged with the Commission on:
- each employer that is covered by the agreement **and**
 - any other employee organisation that was a bargaining representative, **and**
 - any bargaining representative appointed in writing by employees of whom your organisation is aware.

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) 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
- 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 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 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 36 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 the agreement. The information will be included on the case file, and the Commission may disclose the 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 F18 – Declaration of employee organisation in relation to an application for approval of an enterprise agreement (other than a greenfields agreement)

[Fair Work Act 2009](#), s.185; [Fair Work Commission Rules 2024](#), rule 32, rule 36 and Schedule 1

Part 1 – About the employee organisation (the Union)



The Commission will send the contact person(s) listed in this section correspondence relating to the application (in addition to the contacts named in the Form F16).

Details of the Union			
Union			
Branch			
Postal address			
Suburb or town			
State or territory		Postcode	
Details of the Union's contact person(s)			
Name			
Position/role			
Email address			
Phone number			

Attach additional pages if necessary.

Part 2 - Declaration

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

I,	
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[insert name of person making the declaration]

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[insert postal address of person making the declaration]

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[insert suburb]

[insert State or Territory]

[insert
postcode]

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[insert occupation of person making the declaration]

declare that:

1. I am an officer or authorised employee of the following employee organisation (the Union):

Name of Union	
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2. This declaration relates to an application for approval of the following enterprise agreement (the Agreement):

Name of Agreement	
Name(s) of employer(s) covered by the Agreement	

3. Is the Union a bargaining representative for the Agreement?



See s.176 of the [Fair Work Act 2009](#). An employee organisation will be a bargaining representative if it has a member who will be an employee covered by the Agreement (unless the employee has appointed another person as his or her bargaining representative or has revoked the status of the organisation as his or her

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bargaining representative) and the organisation is entitled to represent the industrial interests of the employee in relation to work to be performed under the Agreement.

Yes

No

4. Does the Union want to advise the Fair Work Commission (the Commission) that it supports or opposes approval of the Agreement?

Yes

No

5. If you answered yes to question 4 – Does the Union support approval of the Agreement by the Commission?

Yes

No

If you answered **No** – Specify the grounds on which the Union opposes approval of the Agreement, using numbered paragraphs.

Attach additional pages if necessary.

6. Does the Union want to advise the Commission that it disagrees with one or more statements in an employer's declaration relating to the Agreement (the Employer's Declaration)?

Yes

No

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If you answered Yes – Provide details of the Employer’s Declaration.

Name of person who made the Employer’s Declaration	
Date of Employer’s Declaration	

7. If you answered Yes to question 6 – Set out the statements that the Union disagrees with and state why the Union disagrees with them, using numbered paragraphs.

Attach additional pages if necessary.

8. Does the Union want to express a view about whether the Agreement passes the better off overall test?

See s.193A(3) of the [Fair Work Act 2009](#). The Commission must give consideration to any views relating to whether the agreement passes the better off overall test that have been expressed by:



- the employer or employers that are covered by the agreement
- the award covered employees for the agreement

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- if the agreement is a single-enterprise agreement that covers one or more employees to whom a supported bargaining agreement or a single interest employer agreement applies—those employees, and
- a bargaining representative for the agreement.

Yes

No

9. If you answered Yes to question 8 – Is the Union of the view that the Agreement passes the better off overall test?

Yes

No

Explain the reasons for the Union’s view, using numbered paragraphs.

Attach additional pages if necessary.

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10. Does the Union give notice pursuant to s.183 of the Fair Work Act 2009 that it wants the Agreement to cover it?

Yes

No

Signature		Date:	
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	<p>Giving false or misleading information is a serious offence.</p> <p>A person who knowingly gives false or misleading information or knowingly produces a false or misleading document in relation to an application for approval of an enterprise agreement is guilty of an offence, the punishment for which is imprisonment for up to 12 months - see s.137.1 and s.137.2 of the <i>Criminal Code</i>.</p>
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Consent to contact by researchers

The Commission undertakes research with participants in agreement approval matters to ensure a high quality process. Some research may be undertaken by external providers on behalf of the Commission.

Do you consent to the contact details provided on page 1 of this form being provided to an external provider of research services for the purpose of inviting you to participate in this research?

Yes

No

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS