

About the F16 application form



Approval of an enterprise agreement (other than a greenfields agreement)

Who can use this form

Use this form if:

- you are an employer or a bargaining representative for an enterprise agreement **and**
- an enterprise agreement has been made in accordance with section 182 of the [Fair Work Act 2009](#) (the Act).

Note: If the agreement is a greenfields agreement—complete Form F19 or the F21A.

About enterprise agreements

Enterprise agreements are agreements made at the enterprise level between employers and employees. Agreements contain the terms and conditions of employment that the employer and employees have negotiated and agreed upon.

The Fair Work Commission (the Commission) assesses and approves agreements. It can also assist in the process of making agreements and can deal with disputes arising under the terms of an agreement. Before the Commission can approve the agreement, it must find that the employees will be 'better off overall' under the agreement than they would be if the relevant award applied.

More information about the process that employers and employees must follow to make a new enterprise agreement can be found in the Commission's [Guide—Making an enterprise agreement](#).

Lodgment and service of your completed form

1. **Within 14 calendar days** after the agreement is made, you must lodge with the Commission:

- this application **and**
- a copy of the agreement signed in accordance with regulation 2.06A of the [Fair Work Regulations 2009](#) **and**
- if the application is being made by a bargaining representative appointed by the employer or an employee—a copy of the written instrument of appointment.

You can lodge your application online using the Commission's [Online Lodgment Service \(OLS\)](#) or by post, by fax or by email or in person at the [Commission office](#) in your state or territory.

2. **Serve a copy** of this application **as soon as practicable** after it is lodged with the Commission upon:

- each employer that will be covered by the agreement **and**
- each employee organisation that was a bargaining representative **and**
- any employee bargaining representative of whom the Applicant is aware.

3. **Note:** the following statutory declarations also form part of the application for approval of an enterprise agreement:

- **Each employer** which will be covered by the agreement must lodge a Form F17—Employer's statutory declaration in support of an application for approval of an enterprise agreement ((other than a greenfields agreement) **within 14 calendar days** after the agreement is made.

- **Each employee organisation** that is a bargaining representative and wishes to advise the Commission about whether it supports approval of the agreement and/or agrees with information contained in an employer's Form F17 statutory declaration must lodge a Form F18—Statutory declaration of employee organisation in relation to an application for approval of an enterprise agreement (other than a greenfields agreement). The Form F18 statutory declaration can also be used to give the Commission written notice under section 183 of the Act that an employee organisation wants to be covered by the enterprise agreement. The Form F18 statutory declaration must be lodged with the Commission **before the agreement is approved**.
- **Each employee bargaining representative** who wants to advise the Commission about whether it supports approval of the agreement and/or agrees with information contained in an employer's Form F17 statutory declaration must lodge a Form F18A—Statutory declaration of employee representative in relation to application for approval of an enterprise agreement (other than a greenfields agreement). The Form F18A statutory declaration must be lodged with the Commission **before the agreement is approved**.

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 (such as a lawyer or union official) speaks or acts on your behalf in relation to your matter. There is no requirement for you to be represented when you appear at the Commission. You will need the permission of the Commission member dealing with your case if you wish to be represented by a lawyer or paid agent unless that person is:

- a bargaining representative, or
- employed by a union or employer organisation, a peak union or peak employer body, or
- one of your employees or officers (if you are an employer).

If you decide to represent yourself in proceedings you will need to make sure you are well prepared.

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 for future reference—it contains useful information

Form F16—Application for approval of an enterprise agreement (other than a greenfields agreement)

Fair Work Act 2009, s.185; Fair Work Commission Rules 2013, rule 24 and Schedule 1

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

The Applicant



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

| | | | |
|---------------------------|--|-------------------|-----------|
| Name of Applicant | Catholic Education Commission of Victoria | | |
| Contact person | Alicia Tuohey | | |
| Postal address | PO Box 3 | | |
| Suburb | East Melbourne | | |
| State or territory | Victoria | Postcode | 3002 |
| Phone number | 9267 0273 | Fax number | 9267 0501 |
| Email address | atuohey@cem.catholic.edu.au | | |

Who is the Applicant?

- The employer (or one of the employers) to be covered by the agreement
- An employee organisation that acted as a bargaining representative (e.g. a union)
- A bargaining representative appointed by the employer
- A bargaining representative appointed by an employee

If the Applicant is a company or organisation please also provide the following details

| | |
|---------------------------------|---|
| Legal name of business | Catholic Education Commission of Victoria Ltd |
| Trading name of business | |
| ABN/ACN | 92 119 459 853 |
| Contact person | Alicia Tuohey |

Does the Applicant have a representative?



A representative is a person or business who is representing the Applicant. This might be a lawyer, an employer association or a union. There is no requirement to have a representative.

- Yes— Provide representative's details below
- No

Applicant's representative

These are the details of the person or business who is representing the Applicant.

Name of person

Firm, union or company

Postal address

Suburb

State or territory

Postcode

Phone number

Fax number

Email address

1. The Agreement**1.1 What kind of agreement is the enterprise agreement?**

A single enterprise agreement

A multi-enterprise agreement

1.2 What is the name of the agreement (write the name exactly as it appears in the title clause of the agreement)?

Victorian Catholic Education Multi-Enterprise Agreement 2018

1.3 Are you aware of any other agreement(s) that has been filed or dealt with by the Commission that has identical or substantially identical terms?

Yes

No

If yes—Provide information to identify that agreement(s). If you can, include: the name of the identical agreement, the name of the employer covered by the identical agreement, the agreement ID number, the date of the Commission's decision and the name of the Commission Member who dealt with such agreement.

1.4 Was that agreement(s) approved with undertakings?

Yes

No

I don't know

2. The Employer

2.1 What is the industry of the employer(s)?

Educational Services

2.2 Is the Applicant the employer (or one of the employers) to be covered by the agreement?

Yes—Go to question 2.3

No—Provide the name of the employer(s) below.

Please refer to Attachment 3.

2.3 Will more than one employer be covered by the agreement?

Yes—Provide the name(s) of the other employers to be covered by the agreement.

No—Go to question 3

Please refer to Attachment 3.

3. Employer Bargaining Representatives

3.1 Did the employer(s) appoint a bargaining representative?

Yes—Go to question 3.2 (Please refer to Attachment 4, Bargaining Representatives Instruments of Appointment)

No—Go to question 4

3.2 If you answered yes to question 3.1—Provide the name(s) of the employer bargaining representative(s).

| | | | |
|-----------------------------|---|-------------------|------|
| Name of organisation | Catholic Education Commission of Victoria | | |
| ABN/ACN | 92 119 459 853 | | |
| Contact person | | | |
| Postal address | PO Box 3 | | |
| Suburb | East Melbourne | | |
| State or territory | Victoria | Postcode | 3002 |
| Phone number | 9267 0509 | Fax number | |
| Email address | | | |

Attach additional pages if necessary

4. Union Bargaining Representatives

4.1 Were there any employee organisations (unions) involved in the agreement making process as bargaining representatives?

Yes—Go to question 4.2

No—Go to question 5

4.2 If you answered yes to question 4.1—Provide the name(s) of the other union(s).

| | | | |
|---------------------------|--|-------------------|-----------|
| Name of union | Independent Education Union of Australia | | |
| Contact person | Debra James | | |
| Postal address | 120 Clarendon Street | | |
| Suburb | South Melbourne | | |
| State or territory | Victoria | Postcode | 3205 |
| Phone number | 9254 1860 | Fax number | 9254 1865 |
| Email address | DJames@ieuvictas.org.au | | |

| | | | |
|---------------------------|---|-------------------|-----------|
| Name of union | Australian Nursing and Midwifery Federation | | |
| Contact person | Amanda Kaczmarek | | |
| Postal address | 535 Elizabeth Street | | |
| Suburb | Melbourne | | |
| State or territory | Victoria | Postcode | 3000 |
| Phone number | 9275 9333 | Fax number | 9275 9344 |
| Email address | akaczmarek@anmf.vic.asn.au | | |

Attach additional pages if necessary

5. Employee Bargaining Representatives**5.1 Were there any employee bargaining representatives involved in the agreement making process?**

Yes—Go to question 5.2

No

5.2 If you answered yes to question 5.1—How many instruments of appointment signed by an employee(s) appointing a bargaining representative were given to the employer?**5.3 If you answered yes to question 5.1—Provide the name(s) of the employee bargaining representatives.**

Name

Position/ relationship

Postal address

Suburb

State or territory**Postcode****Phone number****Fax number****Email address**

Attach additional pages if necessary

Signature

If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature
Stephen Elder**Name****Date****Capacity/Position** Executive Director – Catholic Education Commission of Victoria

Where this application form is not being completed and signed by the Applicant, include the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS