



About the F55 application form

Application by an association of employers for registration as an organisation

Who can use this form

Use this form to make an application to register an association of employers under the [Fair Work \(Registered Organisations\) Act 2009](#) (the RO Act). Only a federally registrable association of employers may apply for registration under the RO Act (RO Act, s.18). An association of employers is federally registrable if:

- it is a constitutional corporation, **or**
- some or all of its members are federal system employers (RO Act, s.18A(1)).

The RO Act sets out specific circumstances in which an association of employers is not federally registrable (RO Act, ss.18A(3) and (4)).

The RO Act provides that the Fair Work Commission (the Commission) must not grant an application for registration of an association of employers registered under a State or Territory industrial law if the association has a *federal counterpart* (s.19(5)). The term federal counterpart is defined in s.9A of the RO Act.

About applications to register an employer association

The Commission must register an association of employers if it is satisfied that the applicant association meets the criteria for registration specified in the RO Act (s.19) and an application is made in accordance with the requirements in reg. 21(1) of the [Fair Work \(Registered Organisations\) Regulations 2009](#) (RO Regulations).

The conditions for registration specified in the RO Act are modified with regard to an association of employers recognised as a transitionally recognised association under Schedule 1 of the RO Act (RO Regulations, Part 3, Schedule 1).

Once registered, the association gains rights, such as the ability to represent its members in the Commission. It will also have certain responsibilities, including that its rules must comply with the RO Act and it is representative and accountable to its members. For more information, please see the Commission's [registration of organisations webpage](#).

Lodging your completed form

Lodge with the Commission:

- this application**, signed by at least **2 persons** who are authorised to sign the application under the *Fair Work (Registered Organisations) Regulations 2009*
- a **declaration**, made by an officer of the association authorised to make the declaration, verifying the facts stated in the application and in any document lodged with the application (RO Regulations, reg. 21(1)(b))
- a **list of the members** of the association, showing the name and postal address of each member (RO Regulations, reg. 21(1)(d)(i))
- the **rules** of the association including, if applicable, the rules of any branches (RO Regulations, reg. 21(1)(d)(v)). This means the **existing** rules of the association, not draft or proposed rules. The application should be set out so as to identify the rules that relate to the conditions of eligibility for membership and description of the industry (if any) in connection with which the association is proposed to be registered
- a copy of the **resolution** in favour of the registration of the association that has been passed in accordance with the rules of the association by:
 - a majority of the members of the association present at a general meeting of the association, or
 - an absolute majority of the committee of management of the association (RO Regulations, reg. 21(1)(d)(vi)).
- (**optional**) an **additional statement** in support of the application (RO Regulations, reg. 21(2)) – see question 4.2 of this form.

You can lodge:

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

Note: The Commission will publish a **notice in the government Gazette** as soon as practicable after receiving an application for registration (RO Regulations, reg. 22).

An interested party may object to the application within 35 days after a notice of the application is published in the Government Gazette (RO Regulations, reg. 23).

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 answer the question following.

Legal or other representation

Representation is where another person (such as a lawyer or paid agent, or an employee of an employer organisation) 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 or
- 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 association that is making the 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.

Objector – The person or party objecting to an application made by an Applicant.

Interested person – To be interested, a person must have an 'industrial interest' in the matter (see *Metropolitan Coal Co of Sydney Ltd v Australian Coal and Shale Employees Federation* (1917) 24 CLR 85). This may include an organisation member or an official from another organisation.

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

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 F55 – Application by an association of employers for registration as an organisation

Fair Work (Registered Organisations) Act 2009, s.18(a), Fair Work (Registered Organisations) Regulations 2009, reg. 21(1), Fair Work Commission Rules 2024, rule 124

This is an application to the Fair Work Commission for registration of an association of employers as an organisation in accordance with Part 2 of the *Fair Work (Registered Organisations) Act 2009*.

The Applicant



These are the details of the association that is making the application.

Name of association			
Trading name of association (if applicable)			
ABN/ACN (if applicable)			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			
What industry is the Applicant in?			

Note: If you provide a mobile number, the Commission may send reminders to you via SMS.

How would you prefer us to communicate with you?

- Email (you will need to make sure you check your email account regularly)
- Post

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, or employer organisation. There is no requirement to have a representative.

Yes – Provide representative’s details below

No – go to question 1.

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. Preliminary – federally registrable associations



An association which is either a constitutional corporation or where some or all of its members are federal system employers is a body that can be registered under the RO Act. The RO Act also sets out exclusions as to when an association will not be capable of federal registration (RO Act, ss.18A (3) and (4)).

1.1 Is the association of employers a constitutional corporation within the meaning of the RO Act?



The definition of a constitutional corporation is set out in s.6 of the RO Act.

- Yes
- No

1.2 Are all or some of the association’s members federal system employers?



A federal system employer is defined in s.13 of the Fair Work Act.

1.3 Is the association registered under a State or Territory industrial law?



A State or Territory industrial law is defined in s.6 of the RO Act and ss.12 and 26(2) of the Fair Work Act.

- Yes
- No – Go to question 2.1

1.4 Do the RO Regulations prescribe a federal counterpart of the association?

Schedule 1A of the RO Regulations prescribes federal counterparts for various associations for the purposes of reg. 8A of the RO Regulations and s.9A(1) of the RO Act. S.19(5) of the RO Act provides that the Commission must not grant an application for registration of an association of employers registered under a State or Territory industrial law if the association has a federal counterpart.

Yes

No

1.5 Is there an existing organisation registered under the RO Act that has a branch in the same State or Territory in which the association is registered which has (or purports to have) substantially the same eligibility rules as the association and a history of integrated operation with the association?

S.9A(2)(a) of the RO Act provides that a federal counterpart of an association is an existing organisation registered under the RO Act with a branch (including a division of such a branch or a constituent part of such a branch) in the State or Territory in which the association is registered that has substantially the same eligibility rules as the association and a history of integrated operation with the association. S.19(5) of the RO Act provides that the Commission must not grant an application for registration of an association of employers registered under a State or Territory industrial law if the association has a federal counterpart.

Yes

No

1.6 Has the association purported to function as a branch of an existing organisation registered under the RO Act?

S. 9A(2)(b) of the RO Act provides that a federal counterpart of an association is an existing organisation registered under the RO Act of which the association has purported to function as a branch of (including as a division of a branch or a constituent part of a branch). S. 19(5) of the RO Act provides that the Commission must not grant an application for registration of an association of employers registered under a State or Territory industrial law if the association has a federal counterpart.

Yes

No

2. Criteria for registration

2.1 Is the association a genuine association of employers that seeks to further or protect the interests of its members?

Attach additional pages if necessary.

2.2 Have employer members, in the aggregate, in the six months before this application was lodged, employed, on an average taken per month, at least 50 employees?

Yes – Attach a list with the names and postal addresses of each of the association’s members (RO Regulations, reg. 21(1)(d)(i)).

No

2.3 Please state the grounds on which the Commission could be satisfied that the association would, if registered, conduct its affairs to meet the obligations of an organisation under the RO Act and the Fair Work Act.

2.4 Please confirm that the rules of the association make provision as required by the RO Act?

Yes

No

Attach a copy of the rules of the association and, if applicable, the rules of each of its branches (RO Regulations, reg. 21(1)(d)(v)).

2.5 Please set out the rules that relate to the conditions of eligibility for membership and the description of the industry (if any) in connection with which the association is proposed to be registered.

2.6 Was a resolution in favour of registration of the association as an organisation under the RO Act passed by a majority of members present at a general meeting or an absolute majority of the committee of management of the association in accordance with the association's rules?

- Yes – Attach a copy of the resolution (RO Regulations, reg. 21(1)(d)(vi)).
- No

2.7 Set out the reasons why registration of the association would further Parliament's intention in enacting the RO Act and the object in the Fair Work Act.



Using numbered paragraphs set out the reasons why registration of the association would further Parliament's intention in enacting the RO Act, which includes to enhance relations within workplaces between employers and employees, and reduce the adverse effects of industrial disputes by requiring associations to meet the standards specified in that Act (RO Act, s.5). You must also set out why registration would further the object of the Fair Work Act, which includes to provide a balanced framework for cooperative and productive workplace relations that promotes economic prosperity and social inclusion (Fair Work Act, s.3).

Attach additional pages if necessary.

2.8 Has the association been granted recognition as a transitionally recognised association under Schedule 1 of the RO Act?

- Yes
- No – Go to question 2.10

2.9 Do the rules of the association state that it is eligible to represent members only within the State in which it has been registered?

Clause 1.13 of Schedule 1 of the RO Regulations provides that the Commission must refuse to grant an application for registration made by a transitionally recognised association unless the rules of the association state that it is eligible to represent members only within the State in which it has been registered immediately before its recognition as a transitionally recognised association.

- Yes – Go to question 3.1
- No

2.10 Is there another organisation to which members might belong?

- Yes
- No
- Do not know

3. The association, its branches, its offices and its holders of office**3.1 Does the association have any branches?**

- Yes – List each branch below including its name and the location of its office.
- No

Attach additional pages if necessary.

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3.2 List each office of the association (eg President, Secretary, Committee Member) including, if applicable, each office of each branch of the association (eg Branch President, Branch Secretary, Branch Committee Member)



When listing the offices of the association and any branch, you should also include any offices that are vacant.

Attach additional pages if necessary.

3.3 List the names, postal addresses and occupations of the persons holding the above offices.

4. Supporting documents

4.1 Has a declaration by an authorised officer verifying the facts stated in this application and any other document to be lodged with the application been made?

Yes – Attach the declaration made by an officer authorised (under the rules of the association) to make the declaration (RO Regulations, reg. 21(1)(b)).

No

4.2 Do you wish to lodge an additional statement in support of the application?



An association of employers may also lodge an additional statement in support of the application (RO Regulations, reg. 21(2)).

Yes – Attach the statement in support of the application.

No

Authority to sign and signature



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.

This application must be signed by at least 2 persons authorised to sign the application under regulation 12 of the [Fair Work \(Registered Organisations\) Regulations 2009](#) – see the [Fair Work Commission Rules 2024](#), rule 124.

For ‘Authority to sign’:

- if you are signing for the association – insert your office or explain your authority to sign
- if you are the association’s representative and have provided your details in this form – insert ‘Representative’.

First signatory	
Signature	
Name	
Date	
Authority to sign	

Second signatory	
Signature	
Name	
Date	
Authority to sign	

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS