



About the F58 application form

Application by an objector to the registration of an association

Who can use this form

Use this form if you would like to object to the registration of an association, and you are an interested organisation, association or person.

After the Commission receives an application for registration of an association, a notice will be published in the government Gazette to inform interested parties of that application in accordance with reg. 22 of the [Fair Work \(Registered Organisations\) Regulations 2009](#) (RO Regulations). Any interested party may object to the application within 35 days of the publication of the notice (RO Regulations, reg. 23).

About applications to register an association

The Commission must consider whether an association satisfies the criteria for registration specified in the [Fair Work \(Registered Organisations\) Act 2009](#) (RO Act). An application for registration must also comply with the requirements set out in the RO Regulations (reg. 21(1)(a)). For this purpose, an association must provide the Commission with information about the association, its officers and members, and its rules. The Commission will also consider any objection made by an interested party.

You can object to the registration of an association if you do not consider that the association should be registered, including because it does not meet any of the preconditions for registration set out in the RO Act or RO Regulations. For example, you may object because you think that the association has the same name as another organisation and it would be confusing if it were registered with that name, or if there is another organisation to which members of the association might more conveniently belong. The Commission will conduct a hearing at which the applicant and any objectors will be provided with an opportunity to be heard and make submissions about the application (RO Regulation, reg. 24).

If the Commission decides to register the association, it will become a registered organisation under the RO Act, and gain 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](#).

What to include in the application

You must include in the notice of objection lodged with the Commission (RO Regulations, reg. 14):

- the grounds on which the objection is made;
- the particulars of each ground of objection raised by you; and
- relevant facts, in brief, that you rely on for each ground of objection.

Lodging and serving your completed form

1. **Lodge your objection** along with any accompanying documents with the Commission.

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.

2. You must **serve a copy of this notice of objection and any supporting documents** on the Applicant association within **7 days** after the objection is lodged with the Commission (RO Regulations, reg. 23(4)).

You can serve documents on the Applicant several ways, including by email, express post, or registered post. You must send the documents to the email or postal address specified in the association's application (Forms F55, Form F56 or Form F57).

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 a union or 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.

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.

Lawyer – This is a person who is admitted to the legal profession by a Supreme Court of a State or Territory.

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

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, organisation or association involved in a matter or case that is brought to the Commission.

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 F58 – Application by an objector to the registration of an association

Fair Work (Registered Organisations) Act 2009, s.18, Fair Work (Registered Organisations) Regulations 2009, reg. 23

This is a notice of objection to the registration of an association lodged with the Fair Work Commission pursuant to the *Fair Work (Registered Organisations) Act 2009* and Part 3 of the *Fair Work (Registered Organisations) Regulations 2009*.

The Applicant



These are the details of the person or association who applied to register the association. You can find this information on the relevant application (Form 55, Form 56 or Form 57).

Name of association	
Commission matter number	

The Objector



These are the details of the organisation, association, or person who is lodging with the Commission a notice of objection to the application for registration.

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 Objector is an organisation or association please also provide the following details

Legal name of organisation/association	
Trading name of organisation/association	
ABN/ACN	
Contact person	

Notice is given of an objection to the registration of the association.

Does the Objector need an interpreter?



If the Objector 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 Objector require any special assistance at the hearing or conference (e.g. a hearing loop)?

Yes – Please specify the assistance required

No

Does the Objector have a representative?



A representative is a person or organisation who is representing the Objector. This might be a lawyer or paid agent, a union or employer organisation. There is no requirement to have a representative.

Yes – Provide representative's details below

No – Go to question 1

Objector’s representative



These are the details of the person or organisation who is representing the Objector (if any).

Name of person			
Firm, organisation or company			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

Is the Objector’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. The Objector

1.1 Specify your interest in the application for registration



The objector must be an interested organisation, association or person.

Attach additional pages if necessary.

2. Objection(s)

2.1 On what basis do you object to the application? Please set out briefly the ground(s), particulars and facts for each objection to the application. If you object on multiple grounds you can select more than one from the list below:



Using numbered paragraphs, set out the objection(s) you have to the application. You must specify the ground(s) of objection, the particulars of each objection and briefly state the facts relied on which relate to each ground of objection (RO Regulation, reg. 23). You may object on multiple grounds.

- The Applicant is not an association of the kind that is federally registrable
- The Applicant is not a genuine association whose object is to further or protect the interests of its members
- The Applicant is an association of employees but is not free from control by, or improper influence from, an employer or by an association or organisation of employers
- The Applicant is an association of employers and the members who are employers have not, in the aggregate throughout the 6 months before the application, employed on an average taken per month at least 50 employees
- The Applicant is an association of employees but does not have at least 50 members who are employees
- The Applicant has not conducted its affairs in a way that meets the obligations in the Fair Work Act or the RO Act
- The rules of Applicant do not make provision as required by the RO Act
- The name of the Applicant is the same as or similar to another organisation which would be confusing
- A resolution in favour of registration of the Applicant was not passed in accordance with its rules
- The registration of the Applicant association would not further Parliament's intention in enacting the RO Act or the object set out in in s.3 of the Fair Work Act
- The members of the Applicant would more conveniently belong to another organisation which would more effectively represent those members and registration would result in an increase in demarcation disputes with another organisation
- Other

Attach additional pages if necessary.

2.2 What is your response to the contentions (if any) in the Applicant’s Application?



Using numbered paragraphs, set out your response to the Applicant’s contentions.

Attach additional pages if necessary.

Signature



If you are completing this form electronically and do not have an electronic signature, type your name in the signature field.

An application lodged by an organisation must be under the common seal of the organisation or signed by an authorised person. An application by an association or branch must be signed by an authorised person (see RO Regulations, reg. 13).

For 'Authority to sign':

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

Signature or common seal	
Name	
Date	
Authority to sign	

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS