



About the F65 notice form

Notice of ballot paper chosen by organisation and containing an alternative amalgamation in relation to proposed amalgamation

Who can use this form

Use this form if you are an existing organisation involved in a proposed amalgamation under the [Fair Work \(Registered Organisations\) Act 2009](#) (RO Act) and [Fair Work \(Registered Organisations\) Regulations 2009](#) (RO Regulations) and:

- there is a proposal for an alternative amalgamation of the organisations (RO Act, s.41); and
- you have elected to use a ballot paper in the form approved by the Fair Work Commission (the Commission) (see ballot paper **attached**).

About an alternative scheme for the amalgamation of organisations

The organisations involved in the amalgamation (and any associations proposed to be registered as an organisation under the amalgamation) must jointly lodge with the Commission an application for approval for the submission of the amalgamation to ballot. (RO Act, s.44). If three or more organisations are affected by the amalgamation, it also will be possible for the amalgamation scheme to contain an alternative provision which provides for proposed alternative amalgamations (to the principal amalgamation) (RO Act, s.41(2)).

If the scheme for amalgamation contains an alternative provision, the scheme lodged in the Commission must include the particulars of (RO Act, s.41(2)):

- the differences between the proposed principal amalgamation and any other proposed alternative amalgamation; and
- the differences between the rules of any association proposed to be registered as an organisation, and any proposed alteration of the rules of any existing organisations, under both the proposed principal amalgamation and any alternative amalgamation.

If the proposed principal amalgamation is not approved by the members of each of the organisations concerned, the members of the organisations subject to the alternative amalgamations(s) can vote on any alternative amalgamation(s).

Each ballot paper must be returned to the AEC in a declaration envelope provided to each voter with the ballot paper and enclosed in another prepaid envelope addressed to the AEC (RO Act, s.65). The same ballot paper will be used for the ballot in relation to the principal amalgamation and any alternative amalgamations(s). The ballot for an alternative amalgamation will be conducted at the same time as the ballot in relation to the principal amalgamation (RO Act, s.65(2)).

Each member that is entitled to vote also will be provided with the outline of the amalgamation scheme (and if relevant, the scheme as it has been altered or amended) as well as the details of the

place where he or she may obtain a copy of the scheme in full (RO Regulations, reg.63). Members voting must comply with any directions given by the electoral official who is conducting the ballot.

Lodging your completed form

Lodge the following documents with the Commission (RO Regulations, regs. 60(1), (3)(a) and (6)):

- this form,
- the proposed ballot paper (see attached ballot paper), and
- a statement signed by an authorised officer of the organisation verifying that its committee of management has elected to use the attached ballot paper.

You can lodge your notice and accompanying documents:

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

Note: You must lodge this notice at the time the relevant application under s.44 of the RO Act in respect of the proposed amalgamation is lodged or within such further time as the Commission allows (reg. 60(6)).

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.

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 F65 – Notice of ballot paper chosen by an organisation and containing an alternative amalgamation in relation to a proposed amalgamation

Fair Work (Registered Organisations) Act 2009, s.65, Fair Work (Registered Organisations) Regulations 2009, regs. 60(3)(a) and (6)

This is a notice of an election by an organisation to choose a ballot paper in a proposed amalgamation containing an alternative amalgamation in accordance with s.65 of the *Fair Work (Registered Organisations) Act 2009* and regs. 60(3)(a) and (6) of the *Fair Work (Registered Organisations) Regulations 2009*.

The Notifier



These are the details of the organisation giving the notice.

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

Form F65 – Notice of ballot paper chosen by an organisation and containing an alternative amalgamation in relation to a proposed amalgamation

Notice is given of the election to use the ballot paper in the form **attached**.



This notice must be provided to the Commission with the joint application to amalgamate or within such further time as the Commission allows (RO Regulations, reg. 60(6)).

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 Notifier need an interpreter?



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

- Yes – Please specify the assistance required
- No

Does the Notifier have a representative?



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

- Yes – Provide representative's details below
- No

The Notifier’s representative



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

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

Is the Notifier’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. Ballot approval

Specify if the affected organisation’s committee of management approved of the use of the ballot paper in the form attached.



A statement must be signed by an authorised officer of the relevant organisation verifying that its committee of management has approved the election to use the ballot paper (RO Regulations, reg. 60(6)). This statement must be provided to the Commission with the joint application to amalgamate or within such further time as the Commission allows (RO Regulations, reg. 60(6)).

Yes – Attach the statement.

No

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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.

The application must be under the common seal of the organisation or signed by a person authorised to sign it (see RO Regulations, reg. 13).

For 'Authority to sign':

- If you are signing for the organisation – insert your office or explain your authority to sign
- If you are the organisation'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

Form F65 – Notice of ballot paper chosen by an organisation and containing an alternative amalgamation in relation to a proposed amalgamation

BALLOT PAPER UNDER PART 2 OF CHAPTER 3

Fair Work (Registered Organisations) Act 2009, s.65

Fair Work (Registered Organisations) Regulations 2009, reg. 60(3)(a)

BALLOT OF MEMBERS OF:

(Name of organisation whose members are voting)

(Initials, or facsimile of initials, of the person conducting the ballot)

BALLOT PAPER IN RELATION TO PROPOSED AMALGAMATION

CLOSING DATE OF BALLOT: (state the date and time by which the vote must be received)

Directions to voter:

1. Record your vote on the ballot paper as follows:
 - if you approve the amalgamation referred to in the question set out below, write 'YES' in the space provided opposite the question;
 - if you do not approve the amalgamation referred to in the question set out below, write 'NO' in the space provided opposite the question.
2. Do not place on this paper any mark or writing by which you may be identified.

Question for voters:

Do you approve the proposed amalgamation of (insert name of organisation whose members are voting) with (name of organisation or each organisation with which amalgamation is proposed), in accordance with the scheme for amalgamation, a copy of the outline of which has been sent to you with this ballot paper?

Question for voters:

If the proposed amalgamation in relation to which you have just recorded your vote does not take place, do you approve of the amalgamation of (insert name of organisation whose members are voting by using this ballot paper) with the other organisations (insert the names of the other organisations) involved in the alternative proposal for the amalgamation?