



About the F68 application form

Application for consent to the alteration of eligibility rules of an organisation

Who can use this form

Use this form if you want to obtain the consent of the Fair Work Commission (the Commission) to change the eligibility rules of an organisation under s.158 of the [Fair Work \(Registered Organisations\) Act 2009](#) (RO Act).

About applications for rule changes

If an application is lodged with the Commission, the General Manager of the Commission will publish a notice in the government Gazette to inform interested parties of the application in accordance with reg. 122 of the [Fair Work \(Registered Organisations\) Regulations 2009](#) (RO Regulations). It will be possible for any interested organisation, association or person to lodge an objection to the application within 35 days of the publication of that notice (see RO Regulations, reg. 124).

In dealing with an application to alter the eligibility rules of an organisation, the Commission will not (RO Regulations, reg. 125(1)):

- refuse to grant the application without giving the applicant an opportunity to be heard, or
- grant the application without giving any objector to the application (provided that the requirements for lodging an objection have been complied with) an opportunity to be heard.

If the Commission consents to the alteration to the organisation's eligibility rules, the alteration will take effect on the date specified in the consent or in other cases on the day of the consent (RO Act, s.158(9)). For more information, please see the Commission's [fact sheet on altering the rules of registered organisations](#).

A change to the eligibility rules of an organisation under s.158 of the RO Act will not take effect unless the Commission consents to the alteration.

Lodging your completed form

Lodge this application form along with any accompanying documents with the Commission (RO Regulations, reg. 121).

You can lodge your application:

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

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 F68 – Application for consent to the alteration of the eligibility rules of an organisation

Fair Work (Registered Organisations) Act 2009, s.158, Fair Work (Registered Organisations) Regulations 2009, reg. 121

This is an application for consent to alter the eligibility rules of an organisation lodged with the Fair Work Commission in accordance with s.158 of the *Fair Work (Registered Organisations) Act 2009* and reg. 121 of the *Fair Work (Registered Organisations) Regulations 2009*.

The Applicant



These are the details of the organisation making an application for consent to alter its eligibility rules.

Legal name of organisation			
Trading name of organisation			
ABN/ACN			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

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



If an application is not made in accordance with the requirements of reg. 121, the General Manager of the Commission must tell an applicant how the application or any statement made fails to comply with that regulation (see reg. 121(3)).

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 or paid agent, a union or employer organisation. 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 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. Proposed alteration to the organisation’s eligibility rules

1.1 Specify:

- the proposed alteration to the organisation’s eligibility rules, and
- the reason for the proposed alteration, and
- the effect of that alteration.

You must sufficiently particularise this information so that it may be properly considered by the Commission (RO Regulations, reg. 121(2)(b)(ii)). Using numbered paragraphs, set out your response.

Note: Each alteration for which consent is sought must be highlighted using distinctive characters. For example, deleted or replaced text may be highlighted using ~~striketrough~~ formatting and new text may be highlighted using underlining or italics (provided there is no ambiguity with the formatting).

Attach additional pages if necessary.

1.2 Have you attached a copy of the rules that are proposed to be altered?



You must also lodge with the application a copy of the rules that are proposed to be altered (RO Regulations, reg. 121(2)(e)).

Yes – Attach the rules

No

1.3 Was the alteration made in accordance with the rules of the organisation?



You must attach a declaration that (RO Regulations, reg. 121 (2)(c)):

- specifies if the alteration was made in accordance with the organisation’s rules
- states what action was taken under those rules to make the alteration, and
- verifies the facts stated in the application.

Yes – Attach the declaration.

No

Attach additional pages if necessary.

1.4 Is there another organisation to which members could more conveniently belong, and be more effectively represented by?



If there is any such organisation, please specify if the organisation is prepared to provide the Commission with an undertaking to avoid demarcation disputes potentially arising from an overlap between the eligibility rules of the applicant and another organisation (see RO Act, s.158(4) and (5)).

Note: The Commission may refuse to consent to the alteration if it would give rise to a serious risk of a demarcation dispute which would prevent, obstruct or restrict the performance of work in an industry, or harm the business of an employer.

Using numbered paragraphs, set out your response.

Attach additional pages if necessary.

1.5 Please confirm that the proposed alteration to the eligibility rules does not contravene an agreement or understanding (dealing with the organisation’s right to represent the industrial interests of a particular class or group of persons) to which the organisation is a party.



Using numbered paragraphs, set out your response.

Attach additional pages if necessary.

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1.6 Please confirm that the alteration to the eligibility rules of the organisation do not change the effect of an order made by the Commission about the organisation’s right to represent the industrial interests of a particular class or group of employees?



Using numbered paragraphs, set out your response.

Attach additional pages if necessary.

1.7 Have arrangements been made to publish a notice of this application on the organisation’s website?



The organisation must publish on its website, if it has one, a notice that it has lodged with the Commission the application for consent to change its eligibility rules (RO Regulations, reg. 121(4)).

Yes

No

Attach additional pages if necessary.

Authority to sign and 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