**Application Form AF006** | 6 March 2023

# Application for a certificate under section 269 – Reduced reporting requirements

**Section 269 of the *Fair Work (Registered Organisations) Act 2009* (RO Act)**

## Purpose of this form

This form is for use by reporting units which are seeking a certificate from the General Manager of the Fair Work Commission (the General Manager) stating that a reporting unit’s financial affairs are encompassed by an associated State Body.

Your answers to the following questions will help the General Manager to make an informed decision on whether the reporting unit satisfies the requirements under Part 3 Chapter 8 of the RO Act. Part 3 of Chapter 8 sets out the requirements in relation to financial records, accounting, and auditing.

## Eligibility

This form can be completed by a reporting unit where:

* the financial affairs of the reporting unit are encompassed by an associated State body; and
* the associated State body of the reporting unit is registered or recognised under a prescribed State Act; and
* the members of the reporting unit and the associated State body are substantially the same; and
* the officers of the associated State body are substantially the same as the designated officers of the reporting unit.

|  | Before granting the certificate, the General Manager must be satisfied that the reporting unit’s financial affairs were encompassed by the financial affairs of the associated State body in a financial year. A certificate only applies to **a** financial year and if applicable, a new application must be made for any subsequent years. |
| --- | --- |

## Instructions for completing this form

Please read each part of the application carefully, fully answer all the questions, sign where indicated and attach the required documentation.

You must complete and submit:

* **Part A:** Reporting unit details
* **Part B:** Grounds, reasons and requirements for application
* **Part C:** Declaration and signature

## Help filling in this form

The fact sheet [Reduced reporting requirements under Part 3 of Chapter 8](https://regorgs.fwc.gov.au/sites/default/files/2022-04/fs032-s269-reduced-reporting-requirements-under-part-3-of-chapter-8.pdf) may help you interpret the eligibility criteria set out in the RO Act. Please note that the fact sheet does not constitute legal advice. Reporting units are encouraged to seek independent advice on how the relevant legislation applies to their particular circumstances.

The terms used in this application form are further defined in the [RO Act](https://www.legislation.gov.au/C2004A03679/latest/text) and the [Regulations](https://www.legislation.gov.au/F2003B00094/latest/text). The legislation can be found at [www.legislation.gov.au](http://www.legislation.gov.au).

If you require assistance or have any questions regarding this application process, please contact the Fair Work Commission general enquiries line on **1300 341 665** or email [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au).

# Part A: Reporting unit details

1. Details of the reporting unit making the application

|  |  |  |  |
| --- | --- | --- | --- |
| **Reporting unit** |  | **Financial year ending** |  |
| **Name of authorised person signing on behalf of the reporting unit** |  | | |
| **Position of authorised person** |  | | |
| **Contact person** |  | | |
| **Contact details** | Email | Telephone | |

# Part B: Grounds, reasons, and requirements for application

1. Does the reporting unit have an industrial association (the associated State body)?

|  |  |  |
| --- | --- | --- |
| **No** |  | Reporting unit is unable to apply for a section 269 certificate |
| **Yes** |  | Provide name of the associated State body in the textbox below |

|  |  |
| --- | --- |
| **Name of the associated State body** |  |

1. Is the associated State body registered or recognised as such an association under a prescribed State Act?

|  |  |  |
| --- | --- | --- |
| **No** |  | Reporting unit is unable to apply for a section 269 certificate |
| **Yes** |  | Identify the applicable prescribed State Act below |

|  |  |
| --- | --- |
| **Prescribed State Act** | Select from below |

1. Is the associated State body composed of substantially the same members as the reporting unit?

|  |  |  |
| --- | --- | --- |
| **No** |  | Reporting unit is unable to apply for a section 269 certificate |
| **Yes** |  |  |

1. Are the associated State body’s officers substantially the same as designated officers in relation to the reporting unit?

|  |  |  |
| --- | --- | --- |
| **No** |  | Reporting unit is unable to apply for a section 269 certificate |
| **Yes** |  |  |

1. Has the associated State body:

|  |  |
| --- | --- |
| **Prepared accounts in accordance with prescribed State Legislation?** | Yes/No |
| **Had those accounts audited?** | Yes/No |
| **Provided a copy of the audited accounts to its members?** | Yes/No |
| **Provided a copy of the audited accounts to any members of the reporting unit who are not also members of the associated State body?** | Yes/No/NA |
| **Lodged the accounts with the relevant State authority?** | Yes/No |

* **A copy of the associated State body’s audited accounts must be lodged with this application form.**

1. Has the reporting unit

|  |  |
| --- | --- |
| **Prepared an Operating report under section 254 of the RO Act?** | Yes/No |
| **Provided a copy of the Operating report to members?** | Yes/No |

* **A copy of the Operating report must be lodged with this application form.**

# Part C: Declaration and signature

Under the Act, the General Manager can only grant a certificate when satisfied that the reporting unit’s financial affairs are encompassed by the financial affairs of the associated State body in a financial year.

## Declaration

In submitting this application on behalf of the reporting unit mentioned in Part A, I declare:

* that the financial affairs of the reporting unit are encompassed by the financial affairs of the above-mentioned associated State body.
* I am a designated officer of the reporting unit as per section 243 of the RO Act.
* the information that I have supplied in this application is complete and correct.
* I am aware that giving false or misleading information is a serious offence. A person who:
  + knowingly or recklessly makes a false or misleading statement in an application for registration; or
  + knowingly gives false or misleading information in an application for registration

is guilty of an offence, the punishment for which is imprisonment for up to 12 months (if a statement is made or information is provided knowingly) or up to 6 months (if a statement is made recklessly) – see Part 7.4, section 136 and 137.1 of the *Criminal Code*.

|  |  |
| --- | --- |
| **Printed name of designated officer** |  |
| **Signature** |  |
| **Signature date** |  |

|  |  |
| --- | --- |
|  | **Please lodge the completed form (including the documents referred to in Part B) with the Fair Work Commission by email to:** [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au). |