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**CL 027** | 9 July 2024

# Checklist: Application for RegistrationEmployer Association

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| **Name of Association:** |  | **Date lodged:** | Click or tap to enter a date.For Commission use only |
| **Matter number:** | For Commission use only | **Action officer:** | For Commission use only |
| **Link to Matter folder in SharePoint:** | For Commission use only |

|  |  |
| --- | --- |
|  | **NOTE:**1. This checklist is **ONLY** for **registration as an Employer Association.**
2. If you are seeking registration as other types of organisations or recognition as a recognised State-registered association, please contact us for other checklists.
3. Your application for registration will be published in the Commonwealth Gazette. People can object to your application within 35 days of publishing.
4. Once registered, the *Fair Work (Registered Organisations) Act 2009* shall bind the organisation, as well as the officers and employees of the organisation.

**We are happy to provide advice and assistance, please email** **regorgs@fwc.gov.au****.**No part of this document constitutes legal advice. |

| **Regulation 21** | **Y, N or n/a** | **Comments** |
| --- | --- | --- |
| 1. An application by an association under section 18 of the RO Act for registration as an organisation must:
 |  |  |
| 1. be in the form set out in the Rules of the Fair Work Commission (the Commission) ([**Form F55**](https://www.fwc.gov.au/documents/forms/Form_F55.docx)) or in a form otherwise approved by the President; and
 |  |  |
| 1. contain 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; and |  |  |
| 1. be lodged with the Commission; and
 |  |  |
| 1. be lodged with the following documents:
2. a list of the members of the association, showing the name and postal address of each member;
 |  |  |
| 1. a list of the offices in the association and in each branch of the association;
 |  |  |
| 1. a list of the names, postal addresses and occupations of the persons holding the offices;
 |  |  |
| 1. a list of the branches of the association, showing for each branch its name and the location of its office;
 |  |  |
| 1. the rules of the association and the rules of each of its branches;
 |  |  |
| 1. a copy of a resolution in favour of the registration of the association as an organisation:
 |  |  |
| 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 |  |  |
| by an absolute majority of the committee of management of the association. |  |  |
| 1. An association applying for registration may lodge with the Commission an additional statement supporting the application.
 |  |  |
| Have any supporting documents been lodged? If so, list them. |  |  |

## Form F55 Checklist – Employer Association

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|  | **Y, N or n/a** | **Comments** |
| * **The applicant is the association**

Check that the application states the **correct** name of the association:* + is it the same as the name in the rulebook?
 |  |  |
| * Check that the application provides a postal address for the association
 |  |  |
| * Check that the application states the industry of the association
 |  |  |
| * Check that the application identifies a contact person for the association
 |  |  |
| * Does the applicant have a representative? If so:
 |  |  |
| * + check that this person/firm entitled to represent the association
 |  |  |
| * + a postal address for the representative is provided
 |  |  |
| * + is the representative a lawyer or a paid agent?
 |  |  |
| * Check that the application states whether the association is a constitutional corporation
 |  |  |
| * Check that the application states whether all or some of its members are federal system employers
 |  |  |
| * Check that the application states whether it is registered under a State or Territory industrial law
 |  |  |
| * If the application states that it is registered under a State or Territory industrial law:
 |  |  |
| * + check that the application states whether the RO Regs prescribe a federal counterpart of the association
 |  |  |
| * + check that the application states whether there is an existing registered organisation that has a branch in the same State or Territory as the association and which has the substantially the same eligibility rules and a history of integrated operation
 |  |  |
| * + check that the application states whether it has purported to function as a branch of a registered organisation
 |  |  |
| * Check that the application states whether it is a genuine association of employers that seeks to further or protect the interests of its members
 |  |  |
| * Check that the application states whether its employer members, in the aggregate, in the 6 months before the application was lodged, employed on average per month at least 50 employees.
 |  |  |
| * Check that the application states the grounds on which the Commission could be satisfied that it would conduct its affairs to meet the obligations of an organisation registered under the RO Act and the FW Act
 |  |  |
| * Check that the application confirms that its rules make provision as required by the RO Act (see [checklist of rules](http://www.fwc.gov.au/documents/organisations/resources/cl032-checklist-of-proposed-rules.docx))
 |  |  |
| * Check that the application sets out the rules that relate to the conditions of eligibility
 |  |  |
| * Check that the application states whether a resolution in favour of registration was passed in accordance with the relevant requirements
 |  |  |
| * Check that the application sets out the reasons why its registration would further Parliament’s intention in enacting the RO Act and the objects in the FW Act
 |  |  |
| * Check that the application states whether it has been granted recognition as a transitional registered association
 |  |  |
| * If the application states it has been granted recognition as a transitional registered association:
 |  |  |
| * + check that the application states whether its rules state that it is eligible to represent members only within the State in which it has been registered
 |  |  |
| * If the application states it has been granted recognition as a transitional registered association AND that its rules do NOT state that it is eligible to represent members only within the State in which it has been registered:
 |  |  |
| * + check that the application states whether there is another organisation to which its members might belong
 |  |  |
| * If the application states it has NOT been granted recognition as a transitional registered association:
 |  |  |
| * + check that the application states whether there is another organisation to which its members might belong
 |  |  |
| * check that the application states whether it has any branches
 |  |  |
| * check whether the application lists each office, including branch offices
 |  |  |
| * Check whether the application lists the names, postal addresses and occupations of persons holding office
 |  |  |
| * Check that the person who has signed the application on behalf of the association is authorised to make the application:
 |  |  |
| * + an officer of the association if authorised by the association (reg 12(1)(a)); OR
 |  |  |
| * + an officer of the association if authorised by the rules of the association (reg 12(1)(b)); OR
 |  |  |
| * + a person who has the written authority of the association (reg 12(2)); OR
 |  |  |
| * + if the association is a company, an officer or person authorised under the seal of the company (reg 12(3)).
 |  |  |

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| **Section 19(1) of the RO Act: other requirements not already checked** | **Y, N or n/a** | **Comments** |
| 1. Does the association have the same name as that of an organisation or a name that is so similar to the name of an organisation as to be likely to cause confusion
 |  |  |
| 1. Any other comments
 |  |  |

### For internal use only (click on arrow to show more): Regulation 22

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| **Regulation 22** | **Y, N or n/a** | **Comments** |
| Has the Commission published a notice of the receipt of the application in the [Commonwealth Gazette](https://www.legislation.gov.au/gazettes)?  |  |  |