



About the F59 application form

Application by an applicant for registration as an organisation to change its name or alter its rules

Who can use this form

Use this form if you want to make an application to change the name of an association or alter its rules if the association is seeking registration as an organisation under the Fair Work (Registered Organisations) Act 2009 (RO Act).

You are not required to establish that the association could be registered before making this application.

About applications for registration and rule or name changes

If an application for registration of an association is made, the Commission must consider whether the association satisfies the criteria for registration specified in the RO Act. An application for registration must also comply with the requirements in the RO Regulations, such as providing the Commission with specified information about the association, its officers and members and its rules (RO Regulations, reg. 21(1)). It will also be possible for an interested party who considers that the association should not be registered to lodge an objection to the application for registration (see Form F58).

While the registration application is pending, you can apply for leave of the Commission to:

- make changes to the name of the association; or
- alter the association's rules.

Any changes or alterations made will be binding on the members of the association.

Once registered, the association gains 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 fact sheet](#).

Lodging your completed form

1. **Lodge** the application form along with any accompanying documents with the Commission (RO Regulations, reg. 27). You can lodge your application by post, by fax or in person at the [Commission's office](#) in your State or Territory or by email to regorgs@fwc.gov.au.

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 family member or friend, 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 12(2) of the [Fair Work Commission Rules 2013](#) 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 and 12A of the [Fair Work Commission Rules 2013](#) 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, fax, express or registered post, or in person. Parts 7 and 8 of the Fair Work Commission Rules 2013 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 F59 – Application by an applicant for registration as an organisation to change its name or alter its rules

Fair Work (Registered Organisations) Act 2009, s.25

Fair Work (Registered Organisations) Regulations 2009, reg.27

This is an application to change the name or alter the rules of an association seeking registration as an organisation, lodged with the Fair Work Commission in accordance with s.25 of 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 association that is seeking registration as an organisation and making an application to change its name or alter its rules.

Name of association	
Commission matter number	



The applicant association is not required to prove that it is registrable before making this application.

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

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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 organization, or a family member or friend. 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			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

Is the Applicant’s representative a lawyer or paid agent?

Yes

No

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1. Proposed name change or alteration to rule(s)

1.1 Is the Applicant proposing to change its name?



You may apply to change the name of the association in accordance with s.25 of the RO Act.

Yes – Specify the proposed name for the association.

No

Attach additional pages if necessary.

1.2 If “Yes”, why do you wish to change the name of the association? Specify the reason for the change. You may select one of the following from the list:

- to comply with the RO Act (including any of the requirements for registration); or
- to remove a ground of objection to the registration of the association taken by an objector under the regulations or by the Commission

1.3 Is the Applicant proposing to alter its rules?



You may also apply to alter the rules of the association in accordance with the RO Act (s.25).

- Yes – Specify what alteration to the rules is being sought and attach a copy of the proposed text of the altered rule(s)
- No

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Attach additional pages if necessary.

1.4 If “Yes”, why do you wish to alter the rule(s) of the association? Specify the reason for the change. You may select one of the following from the list:



Note: If the association alters its rules, it must within 35 days of doing so, lodge with the Commission two copies of the alterations and a declaration signed by an authorised officer verifying those changes. It must also serve a copy of the alterations on any objector within seven days of lodging copies of the changes with the Commission (RO Regulations, reg. 28).

- [] to comply with the RO Act (including any of the requirements for registration and see further RO Act, s.142 (1) (a));
- [] to remove a ground of objection to the registration of the association taken by an objector under the regulations or by the Commission; or
- [] to correct a formal or technical error in the association’s rules (such as, to remove an ambiguity, correct spelling or grammar or an incorrect reference to an organisation or person).

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Attach additional pages if necessary.

2. Response to Objector’s contentions

2.1 If the proposed name change or alteration to the rules of the association relates to an objection, provide your response to the contentions made by the Objector.



Using numbered paragraphs, set out your response.

Attach additional pages if necessary.

Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature or	
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common seal	
Name	
Date	
Capacity/Position	



The application lodged with the Commission must be under the common seal of the organisation or signed by a person authorised to sign it (see RO Regulations, reg. 13). Where this form is being completed and signed by a representative of the Applicant, include the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS