

## 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.

<b>Legal name of organisation</b>	The Australian Workers' Union		
<b>Trading name of organisation</b>	N/A		
<b>Registration number</b>	002N		
<b>Contact person</b>	Stephen Crawford (Senior National Legal Officer)		
<b>Postal address</b>	Level 1, 16 – 20 Good Street		
<b>Suburb</b>	Granville		
<b>State or territory</b>	NSW	<b>Postcode</b>	2142
<b>Phone number</b>	02 8005 3333	<b>Fax number</b>	
<b>Email address</b>	<a href="mailto:members@nat.awu.net.au">members@nat.awu.net.au</a> ; <a href="mailto:stephen.crawford@nat.awu.net.au">stephen.crawford@nat.awu.net.au</a>		

**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 you require an interpreter (other than a friend or family member) in order to participate in conciliation, conference or hearing, the Commission will provide an interpreter at no cost.

Yes—Specify language

No

**Does the Applicant require any special assistance at the hearing or conference (e.g. a hearing loop)?**

- Yes—Please specify the assistance required  
 No

**Does the Applicant have a representative?**



A representative is a person or business who is representing the Applicant. This might be a lawyer, a representative from your employer organisation or union who will speak on behalf of you. 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 business who is representing the Applicant.

<b>Name of person</b>			
<b>Firm, union or company</b>			
<b>Postal address</b>			
<b>Suburb</b>			
<b>State or territory</b>		<b>Postcode</b>	
<b>Phone number</b>		<b>Fax number</b>	
<b>Email address</b>			

**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 ~~strikethrough~~ formatting and new text may be highlighted using underlining or italics (provided there is no ambiguity with the formatting).

See “ATTACHMENT A”.

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

- (i) The AWU's current rules are attached and marked "**ATTACHMENT B**".
- (ii) The AWU's current rules with the proposed alteration highlighted are attached and marked "**ATTACHMENT C**".

**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

- (i) The declaration of Daniel Walton (AWU National Secretary) is attached and marked "**ATTACHMENT D**".

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.

- i. No, it would not be more convenient for the members to belong to another organisation.
- ii. However, the National Union of Workers and United Voice may have coverage of employees captured by the proposed alteration.
- iii. The AWU is willing to consider undertakings to appease any legitimate demarcation concerns.

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.

- i. The proposed alteration does not contravene an agreement or understanding.

Attach additional pages if necessary.

**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.

- i. The proposed alteration does not change the effect of an order made by the Fair Work Commission about the AWU’s coverage.
- ii. However, the proposed alteration would potentially alter findings about the AWU’s coverage reached in a single member bargaining order application: *Australian Workers’ Union, The v IXOM Operations Pty Ltd* [2018] FWC 7175. An order was made dismissing the AWU’s application in that matter on the ground that the AWU did not have coverage of the relevant employees.

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.

### 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.

<b>Signature or common seal</b>	
<b>Name</b>	Daniel Walton
<b>Date</b>	8 March 2019
<b>Capacity/Position</b>	National Secretary



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**