

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 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 Fair Work Commission (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 post, by fax or in person at the [Commission's office](#) in your State or Territory, or by email to ros@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 lawyer, union official or family member) speaks or acts on your behalf in relation to your matter. There is no requirement for you to be represented when you appear at the Commission. You will need the permission of the Commission Member dealing with your case if you wish to be represented by a lawyer or paid agent unless that person is:

- employed by your union or employer organisation, a peak union or peak employer body, or
- one of your employees or officers (if you are an employer).

If you decide to represent yourself in proceedings you will need to make sure you are well prepared.

Glossary of common terms

Applicant—This is the association that is making the application.

Objector—The person or party objecting to an application made by an Applicant.

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.

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 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	Australian Community Services Employers Association, Union of Employers		
Trading name of organisation	Community Management Solutions		
ABN/ACN	68 150 310 815		
Contact person	Neale Brosnan		
Postal address	PO Box 3252		
Suburb	Newmarket		
State or territory	Queensland	Postcode	4051
Phone number	(07) 3852 5177	Fax number	(07) 3852 5188
Email address	nealeb@cmsolutions.org.au		

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

Applicant’s representative



These are the details of the person or business who is representing the Applicant.

Name of person	Neale Brosnan		
Firm, union or company	Australian Community Services Employers Association, union of employers		
Postal address	PO Box 3252		
Suburb	NEWMARKET		
State or territory	QLD	Postcode	4051
Phone number	07 38525177	Fax number	
Email address	nealeb@cmsolutions.org.au		

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).

1. The only changes are to the numbering system used in the eligibility section. No other changes to eligibility were made.

Please see attached document ‘Proposed Eligibility Rules 2020’ with tracked changes

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

See attachment 'Copy of Current eligibility rules that are proposed to be altered.'

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

The rules may be amended or rescinded by special resolution of the Association as per rules 46 and 39 of the organisation.

Notice of the proposed eligibility changes and the reason for the changes was sent by prepaid post to all members on Wednesday, 21st May 2020 at the same time as notice of the AGM , to be held on 17th June, was given.

The proposed name change was voted on at the AGM held on Wednesday, 17th June 2020 at which a quorum was present .

The motion to change the organisation's eligibility rules was carried unanimously.

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.

The proposed eligibility rule changes do not affect the eligibility of current members. Rather the rule changes are about re numbering of rules

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.

The proposed alteration to the eligibility rules does not contravene an agreement or understanding to which Australian Community Services Employers Association, Union of Employers is a party.

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.

The alteration to the eligibility rules do not change the effect of an order made by the Commission about Australian Community Services Employers Association, Union of Employers’s right to represent the industrial interests of a particular class or group of 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

Yes notice of this application will be posted on the "Our Board" section of the organisations website (<https://www.cmsolutions.org.au/acsea-board-of-management>) within a week of lodgment of this form.

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 common seal	
Name	Kim L Teague
Date	16/7/2020
Capacity/Position	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