



# Fair Work Australia Amendment Rules 2012 (No. 1)<sup>1</sup>

*Fair Work Act 2009*

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I, GEOFFREY MICHAEL GIUDICE, President of Fair Work Australia, acting after consultation with the Members of Fair Work Australia, make the following Rules under subsection 609 (1) of the *Fair Work Act 2009*.

Dated 4 January 2012

GEOFFREY MICHAEL GIUDICE  
President of Fair Work Australia

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## **1 Name of Rules**

These Rules are the *Fair Work Australia Amendment Rules 2012 (No. 1)*.

## **2 Commencement**

These Rules commence on the day after they are registered.

## **3 Amendment of *Fair Work Australia Rules 2010***

Schedule 1 amends the *Fair Work Australia Rules 2010*.

## **4 Transitional**

The amendment made by item [1] of Schedule 1 applies in relation to an application for Fair Work Australia to Deal with a General Protections Dispute that is served on or after the day these Rules commence.

## Schedule 1 Amendments

(section 3)

**[1] Subrule 6.5**

*omit*

Forms F54 to F70

*insert*

Forms F55 to F70

**[2] Rule 16A**

*omit*

14 days

*insert*

7 days

**[3] Subrule 20.6**

*omit*

subrule 20.4

*insert*

subrule 20.5

**[4] Schedule 1**

*after*

Application for Consent to the Alteration of Eligibility Rules of an Organisation F68

para 121 (1) (b)  
FW (RO) Regs

*insert*

Application for Consent to the Alteration of Eligibility Rules of an Organisation by General Manager F68A

para 125B (1) (a)  
FW (RO) Regs

**[5] Schedule 2, Form F2**

*omit*

**14 days**

*insert*

**7 days**

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**[6] Schedule 2, Form F3**

*omit*

**14 days**

*insert*

**7 days**

**[7] Schedule 2, Form F17**

*omit*

- 2.4 Was a notice of representational rights complying with s.174 given to each employee who will be covered by the Agreement in accordance with s.173?

Yes

No

If “Yes”, please attach a copy of the notice that was given.

*insert*

- 2.4 Did the employer take all reasonable steps to give notice of the right to be represented by a bargaining representative to each employee who will be covered by the Agreement as required by s. 173?

Yes

No

If “Yes”, please attach a copy of the notice given to employees and explain the steps taken:

*Note* The notice required by s. 173 must meet the relevant requirements of s. 174. A form of notice has been prescribed and can be found in Schedule 2.1 to the *Fair Work Regulations 2009* at <http://www.comlaw.gov.au/Series/F2009L02356>.

**[8] Schedule 2, after Form F68***insert***Form F68A Application for Consent to the Alteration of Eligibility Rules of an Organisation by General Manager****IN FAIR WORK AUSTRALIA***FWA use only***FWA Matter No.:****APPLICATION FOR CONSENT TO THE ALTERATION OF ELIGIBILITY RULES OF AN ORGANISATION BY GENERAL MANAGER***Fair Work (Registered Organisations) Act 2009**Fair Work (Registered Organisations) Regulations 2009—paragraph 125B (1) (a)***Applicant Organisation**

<b>Name:</b>		<b>ABN:</b>	
<b>Address:</b>			
<b>Suburb:</b>	<b>State:</b>	<b>Postcode:</b>	
<b>Contact person:</b>	<b>Title</b> <i>[if applicable]</i> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Telephone:</b>	<b>Mobile:</b>		
<b>Fax:</b>	<b>Email:</b>		

The Applicant applies for consent to the alteration of the eligibility rules of the organisation to extend them to apply to persons within the eligibility rules of an association of employers or employees that is registered under a State or Territory industrial law as follows:

*[Insert the complete text of the eligibility rules of the association or as much of the text of the eligibility rules of the association as deals with the extended coverage and include a statement that the alteration of the eligibility rules does not apply outside the State or Territory for which the association is registered.]*

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**Date:**

**Signature or Common Seal:**

Note 1: The application must:

1. be accompanied by a copy of the rules of the organisation and a copy of the rules of the association to which the organisation is the federal counterpart; and
2. set out the alteration, the reasons for the alteration and the effect of the alteration in sufficient detail to enable the General Manager to satisfy himself or herself that:
  - (a) the alteration has been made under the rules of the organisation; and
  - (b) the organisation is a federal counterpart of the association; and
  - (c) the alteration will not extend the eligibility rules of the organisation beyond those of the association; and
  - (d) the alteration will not apply outside the limits of the State or Territory for which the association is registered; and
  - (e) the association of employers or employees actively represents the class or classes of employers or employees to which the extension of eligibility rules will apply.
3. include a declaration:
  - (a) that the alteration was made in accordance with the rules of the organisation; and
  - (b) describing the action taken under the rules of the organisation to make the alteration; and
  - (c) verifying the facts stated in the application.

Note 2: An application must be sealed with the Common Seal of the organisation or be signed by a person authorised to sign the application. See regulation 13 of the *Fair Work (Registered Organisations) Regulations 2009*.

Note 3: An organisation that has a website must publish on the website a notice that it has lodged the application.

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## Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.