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**CL 028** | 9 July 2024

# Checklist: Application for Registration Enterprise 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 | | |

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| --- | --- |
|  | **NOTE:**   1. This checklist is **ONLY** for **registration as an Enterprise Association.** 2. If you are seeking registration as other types of organisations or recognition as a recognised State-registered association, please [contact us](mailto:regorgs@fwc.gov.au) 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**](mailto:regorgs@fwc.gov.au)**.**  No part of this document constitutes legal advice. |

## Form F57 Checklist – Enterprise Association

| **Regulation 21** | **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 that the majority of its members are employees performing work in the same enterprise |  |  |
| * Check that the application states the name of the enterprise |  |  |
| * Check that the application states whether the association is a constitutional corporation |  |  |
| * If the application states that the association is NOT a constitutional corporation: |  |  |
| * + check whether the application states whether all of some of the association’s members are federal system employees |  |  |
| * If the application states that the association is NOT a constitutional corporation and that its members are NOT federal system employees: |  |  |
| * + check whether the application states whether the employer(s) of the enterprise to which the application relates is a constitutional corporation |  |  |
| * If the application states that the association is NOT a constitutional corporation, that its members are NOT federal system employees and that the employer is NOT a constitutional corporation: |  |  |
| * check whether the application states whether the association relates to an enterprise that operates or is engaged in one of specified areas of activity in subsections 18C(2)(d)-(k) of the RO Act |  |  |
| * Check that the application states whether the association is a genuine enterprise association that seeks to further or protect the interests of its members |  |  |
| * Check that the application states whether the association is free from control by, or improper influence (as specified in subsection 29(1)(b) of the RO Act) |  |  |
| * Check that the application states whether the association has at least 20 members |  |  |
| * Check that the application states the grounds on which the Commission would 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 the rules of the association 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 rule that relate to the conditions of eligibility |  |  |
| * Check that the application states whether a majority of persons eligible to be members support its registration |  |  |
| * 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 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 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 (regulation 12(1)(a)); OR |  |  |
| * + an officer of the association if authorised by the rules of the association (regulation 12(1)(b)); OR |  |  |
| * + a person who has the written authority of the association (regulation 12(2)); OR |  |  |
| * + if the association is a company, an officer or person authorised under the seal of the company (regulation 12(3)). |  |  |

## Form F57 Checklist – Enterprise Association

| **Section 20(1) of the RO Act: other requirements not already checked** | **Y, N or n/a** | **Comments** |
| --- | --- | --- |
| 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 |  |  |
| 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)? |  |  |