About the F67 application form

Application for consent to change the name of an organisation

Who can use this form

Use this form if you want to obtain the consent of the Fair Work Commission (Commission) to change the name of an organisation registered under the *Fair Work (Registered Organisations) Act 2009* (RO Act).

About applications for name changes

A change to the name of an organisation will not take effect unless the Commission consents to that name change under s.158 of the RO Act and Regulation 121 of the *Fair Work (Registered Organisations) Regulations 2009* (RO Regulations).

Once the application is lodged, the General Manager of the Commission will publish a notice in the Government Gazette to inform interested parties of the application (RO Regulations, reg. 122). An interested organisation, association or person can lodge an objection to the application within 35 days of the publication of that notice (see RO Regulations, reg. 124(1)).

In dealing with an application to change the name 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 organisation’s name change, the change 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.

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 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 F53A – Notice that a person will seek permission for 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 F67—Application for consent to change the name of an organisation

*Fair Work (Registered Organisations) Act 2009, s.158*

*Fair Work (Registered Organisations) Regulations 2009, reg. 121*

This is an application to change the name 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 change its name.

<table>
<thead>
<tr>
<th>Legal name of organisation</th>
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<tr>
<td>Trading name of organisation</td>
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<tr>
<td>ABN/ACN</td>
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<tr>
<td>Contact person</td>
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<td>Postal address</td>
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<td>Suburb</td>
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<td>State or territory</td>
<td>Postcode</td>
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<td>Phone number</td>
<td>Fax number</td>
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<td>Email address</td>
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*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 this 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 organisation who is representing the Applicant. This might be a lawyer or paid agent, a union or employer organisation, 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).

<table>
<thead>
<tr>
<th>Name of person</th>
<th>Firm, organisation or company</th>
<th>Postal address</th>
<th>Suburb</th>
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<th>State or territory</th>
<th>Postcode</th>
<th>Phone number</th>
<th>Fax number</th>
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Is the Applicant’s representative a lawyer or paid agent?

[ ] Yes
[ ] No
1. Proposed name of the organisation

1.1 Specify the proposed new name of the organisation and the reason for the proposed change.

Using numbered paragraphs, set out your response.

1.2 Was the change made in accordance with the rules of the organisation?

You must attach a declaration that (RO Regulations, reg. 121 (2)(c)):

- specifies if the change was made in accordance with the organisation’s rules;
- states what action was taken under those rules to make the change; and
- verifies the facts stated in the application.

[   ] Yes – Attach the declaration
[   ] No

1.3 Confirm that the proposed new name of the organisation is not the same as the name of another organisation or is not so similar to the name of another organisation as to be likely to cause confusion (see RO Act, ss.158(3)(a) and (b)).

Using numbered paragraphs, set out your response.

Attach additional pages if necessary.
1.4 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 name (RO Regulations, reg. 121(4)).

[ ] Yes – If yes, provide details

[ ] 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.

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<th>Signature or common seal</th>
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</thead>
<tbody>
<tr>
<td>Name</td>
</tr>
<tr>
<td>Date</td>
</tr>
<tr>
<td>Capacity/Position</td>
</tr>
</tbody>
</table>

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