



Fair Work
Commission



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	United Workers Union		
Trading name of organization			
ABN/CAN	52 728 088 684		
Contact person	Bev Myers		
Postal address	19-37 Greek St		
Suburb	Glebe		
State or territory	NSW	Postcode	2037
Phone number	(02) 8204 3000	Fax number	(02) 9281 4850
Email address	bev.myers@unitedworkers.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)).

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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 the Applicant has trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help for non-English speakers](#) on our website.

☐ Yes – Specify language

☒ No

Does the Applicant require any special assistance at the hearing or conference (eg 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).

Name of person	
Firm, organisation or company	
Postal address	

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Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

Is the Applicant's representative a lawyer or paid agent?

[] Yes

[] No

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

1. The proposed alteration to the organisation's eligibility rules is as follows:

The Union shall also consist of employees principally employed or usually employed in the occupations or callings of:

- *cleaning; and/or*
 - *security officers and/or*
 - *catering and/or the preparation and service of food and drink;*
- within the following Hospitals located in the Australian Capital Territory, who are directly employed or engaged by the Government of the Australian Capital Territory:*
- *North Canberra Hospital;*
 - *University of Canberra Hospital; and*

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- *The Canberra Hospital*

and only where those employees are employed by the Government of the Australian Capital Territory in the circumstances prescribed in the Memorandum of Agreement between the United Workers' Union and the Health Services Union in D2021/8 (Exhibit C).

2. The reasons for the proposed alteration are as follows:

2.1 The applicant, through its antecedent organisation, United Voice has and continues to enrol as members persons employed in cleaning and security functions as well as catering and/or the preparation of food and drink who are employed by private sector providers who have contracts with hospitals and undertake work at such hospitals within the Australian Capital Territory.

2.2 If granted the application would reflect the current industrial circumstances and organising of employees by the Applicant.

2.3 The Applicant has the capacity and resources to properly assist and represent the employees subject to this application.

2.4 Such other reasons the Applicant may advance during the course of hearing the application.

2.5 Such other reasons as the Commission may deem appropriate.

3. The effect of the alteration, if granted would be to reflect the current industrial circumstances and organising of employees by the Applicant.

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

Refer Attachment A

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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

Refer to Attachment B.

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.

No

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

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organisation is a party.



Using numbered paragraphs, set out your response.

No.

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.

No

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

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A notice has been published on the organisation's website – www.unitedworkers.org/notices

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	Timothy John Kennedy
Date	04/12/2023
Capacity/Position	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