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**CL 029** | 9 July 2024

# Checklist: Alterations to rules of a registered organisation

## Requirements of Section 159 *Fair Work (Registered Organisations) Act 2009*, Regulation 126 and Risk Assessment

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| --- | --- | --- | --- |
| **Organisation:** |  | | |
| **Branch (if applicable):** |  | **Matter Number:** |  |
| **Org/branch Code:** |  | **Action officer:** | For Commission use only |
| **Date lodged:** | Click or tap to enter a date. | **Action officer:** | For Commission use only |
| **Matter number:** | For Commission use only | | |
| **Link to Matter folder in SharePoint:** | For Commission use only | | |

|  |  |
| --- | --- |
|  | Do **NOT** use this checklist for alterations to the **eligibility rules** of an organisation  We recommend that you seek the advice of the Commission **before altering your rules**. To do this submit your draft alterations to [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au) |

#### Before you alter your rules, check the requirements of the RO Act

| **Content** | | **Y, N or n/a**  If you agree that your alterations meet this requirement, type in “Y” | **Comments** |
| --- | --- | --- | --- |
| **The alterations** | | | |
|  | If you are unable to answer questions below, seek the assistance of the Commission **before** making the alterations by emailing [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au) | | |
| Summary of the alterations: | |  |  |
| Compliance with the requirements of section 159(1) of RO Act: | |  |  |
| * Do the alterations comply with and are not contrary to the RO Act, including (among other things):   + do not impose oppressive, unreasonable or unjust conditions (see section 142(1)(c))   + do not discriminate on the basis of various attributes (see section 142(1)(d))? | |  |  |
| * Do the alterations comply with and are not contrary to the Fair Work Act, modern awards and enterprise agreements? | |  |  |
| * Are the alterations not otherwise contrary to law? | |  |  |
| If the rule-book is substantially rewritten, do the rules 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)) | |  |  |
| Are there consistencies or discrepancies with existing rules? | |  |  |
| Are there typographical, formal or clerical errors? | |  |  |

#### After you alter your rules, you must lodge them with the Commission

|  | **Y, N or n/a**  If you agree that your alterations meet this requirement, type in “Y” | **Comments** |
| --- | --- | --- |
| **Actions required by Reg 126** | | |
| Notification of the alterations must be lodged with the Commission within 35 days of making the alterations [regulation 126(1)]  This can be done by emailing the relevant documents to [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au) |  |  |
| Make sure that the notification sets out particulars of alterations? [regulation 126(1)(a)] |  |  |
| Make sure that the notification includes a declaration (see below for further details) [reg 126(2)(a)] |  |  |
| Within 35 days of making the alterations you must publish on your website a notice that the alterations have been lodged with the Commission [regulation 126(1)(b)] |  |  |
| **The notification must contain a written declaration that:** | | |
| The alterations were made in accordance with rules [regulation 126(2)(a)]; |  |  |
| Sets out the action taken under the rules to make the alterations [regulation 126(2)(b)] |  |  |
| The particulars set out in the notice are true and correct to best of knowledge & belief of the signatory [regulation 126(2)(c)] |  |  |
| The declaration must signed by authorised office holder [regulation 126(2) & regulation 12] |  |  |

### For internal use only (click on arrow to show more): Rule altering process (refer to rule-altering checklist)

|  |  |  |
| --- | --- | --- |
|  | **Y, N or n/a** | **Comments** |
| **Rule altering process (refer to rule-altering checklist)** | | |
| Have the alterations been made under the rules of the organisation (see rule altering procedure checklist) |  |  |

### For internal use only (click on arrow to show more): Background

|  |  |  |
| --- | --- | --- |
|  | **Y, N or n/a** | **Comments** |
| **Background** | | |
| Was there a Request for Advice and Assistance for this matter? |  |  |
| Was the advice provided by the Commission adopted? |  |  |

### For internal use only (click on arrow to show more): Assessed

|  |  |  |
| --- | --- | --- |
|  | **Y, N or n/a** | **Comments** |
| **Assessed** | | |
| Filenote on caseHQ as ‘Assessed’ |  |  |
| Upload to the Filenote ‘Assessed’:   1. Rule altering procedure checklist 2. If all rules or most rules altered, the ‘Checklist of rules’ 3. This checklist completed to this point |  |  |

### For internal use only (click on arrow to show more): Issues and risk-assessment

|  |  |  |
| --- | --- | --- |
|  | **Comments** | **Resolved Y or N** |
| **Issues** | | |
|  |  |  |
|  |  |  |
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|  |  |
| --- | --- |
| **Risk-assessment** | |
| Static Risk: Medium  Dynamic Risk: Satisfied  Response Level: One  Response Option: Grant Application | Having regard to the RCB risk-based framework, the recommended response is level one and the recommended response option is to Grant Application |