**ELECTION EXEMPTIONS – COUNTERPART FEDERAL BODY**

INDUSTRIAL RELATIONS ACT 2016 – SECTIONS 597, 802

INDUSTRIAL RELATIONS REGULATION 2018 – SECTIONS 18, 19, 24, 25

INDUSTRIAL RELATIONS (TRIBUNAL) RULES 2011 – SECTION 203

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| **There is a counterpart federal body if -** | **Act section** | √ or X or  n/a |
| 1. a substantial number of members of the State body are – 2. members or eligible to be members of the federal body, or 3. engaged in the same work, in aspects of the same work or in similar work as members of the federal body, or 4. employed in the same or similar work by employers engaged in the same industry as members of the federal body, or 5. engaged in work or in industries for which there is a community of interest between the federal and the state body, or 6. there is an agreement in force under the Commonwealth Registered Organisations Act, section 151, between the federal body and the State body. | 597(1) |  |

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| **The Registrar must be satisfied -** | **Act Section** | √ or X or  n/a |
| The applicant has a CFB. | 802(2)(a) |  |
| The CFB has held an election (the federal election) for an office (the federal office) under the Commonwealth RO Act | 802(2)(b) |  |
| The applicant’s rules provide that the stated office is a corresponding office to the federal office. | 802(2)(c) |  |
| The stated office will be filled by a person (the elected person) elected in the federal election to the federal office. | 802(2)(d) |  |
| If the eligibility rules of the organisation and the CFB differ – the interests of the applicant’s members who were ineligible to vote in the federal election have not been disadvantaged. | 802(2)(e) |  |

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| **The application -** | **Regulation** | √ or X or  n/a |
| Must state the grounds on which it is made. | 18 |  |
| The application may be made only if each applicant has given each of its members, free of charge, written notice of the details of the application. | 19(2) |  |
| An applicant may give the notice by including it in a publication that it gives to its members free of charge. | 19(3) |  |
| The application must be accompanied by an affidavit by a member of each applicant’s management committee stating that subsection (2) has been complied with. | 19(4) |  |

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| The application must - | Tribunal Rule | √ or X or n/a |
| Be in the chapter 12 approved form (Form 56) | 203(a) |  |
| Have a copy of any report or certificate required under the Commonwealth (Registered Organisations) Act for the CFB’s election that the application is about, certified by the president or secretary of the body as being a true copy. | 203(b) |  |

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| Objections - | Regulation |
| A person who has been given a notice under section 19(2) of an application for an exemption under section 802 of the Act may object to the application | 24(2) |
| The notice of objection must  1. Be in the form provided for in the rules of court; and 2. State the grounds on which the objection is made; and 3. Be filed in the Registry within 35 days after –   (i) for an objection to an application under section 802 of the Act – the giving of written notice of the application under section 19(2); or  (ii) for another objection – the publication of the notice of the application to which the objection relates: and   1. Be accompanied by a statement of the facts and issues the objector relies on in support of the objection. | 25(2) |
| For subsection (2)(c)(i), if written notice of the application was given on more than 1 day under section 19(2), the notice of objection must be filed in the registry within 35 days of the latest day on which notice was given. | 25(2A) |