Fair Work (Registered Organisations) Act 2009

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About this compilation

This compilation

This is a compilation of the *Fair Work (Registered Organisations) Act 2009* that shows the text of the law as amended and in force on 2 May 2017 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act relating to registered organisations, and for other purposes

Chapter 1—Preliminary

1 Short title

This Act may be cited as the *Fair Work (Registered Organisations) Act 2009*.

2 Commencement

This Act commences on a day or days to be fixed by Proclamation.

5 Parliament's intention in enacting this Act

(1) It is Parliament's intention in enacting this Act to enhance relations within workplaces between federal system employers and federal system employees and to reduce the adverse effects of industrial disputation.

(2) Parliament considers that those relations will be enhanced and those adverse effects will be reduced, if associations of employers and employees are required to meet the standards set out in this Act in order to gain the rights and privileges accorded to associations under this Act and the Fair Work Act.

(3) The standards set out in this Act:

(a) ensure that employer and employee organisations registered under this Act are representative of and accountable to their members, and are able to operate effectively; and

(b) encourage members to participate in the affairs of organisations to which they belong; and

(c) encourage the efficient management of organisations and high standards of accountability of organisations to their members; and

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(d) provide for the democratic functioning and control of organisations; and

(e) facilitate the registration of a diverse range of employer and employee organisations.

(4) It is also Parliament's intention in enacting this Act to assist employers and employees to promote and protect their economic and social interests through the formation of employer and employee organisations, by providing for the registration of those associations and according rights and privileges to them once registered.

(5) Parliament recognises and respects the role of employer and employee organisations in facilitating the operation of the workplace relations system.

Note: The Fair Work Act contains many provisions that affect the operation of this Act. For example, provisions of the Fair Work Act deal with some powers and functions of the Fair Work Commission and of the General Manager. Decisions made under this Act may be subject to procedures and rules (for example, about appeals) that are set out in the Fair Work Act.

5A Act binds Crown

(1) This Act binds the Crown in each of its capacities.

(2) However, this Act does not make the Crown liable to be prosecuted for an offence.

5B Schedule 1 has effect

Schedule 1 has effect.

Note: Schedule 1 is about transitionally recognised associations.

5C Schedule 2 has effect

Schedule 2 has effect.

Note: Schedule 2 is about recognised State-registered associations.

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6 Definitions

In this Act, unless the contrary intention appears:

AEC means the Australian Electoral Commission.

Note: Section 11 is also relevant to this definition.

applies:

(a) in relation to a modern award, has the same meaning as in section 47 of the Fair Work Act; and

(b) in relation to an enterprise agreement, has the same meaning as in section 52 of the Fair Work Act.

auditor, in relation to a reporting unit, means:

(a) if an individual holds the position of auditor of the reporting unit under section 256—the individual; or

(b) if a firm holds the position of auditor of the reporting unit under section 256—each person who is, from time to time, a member of the firm and a registered auditor; or

(c) if a company holds the position of auditor of the reporting unit under section 256—each person who is, from time to time, a director, officer or employee of the company and a registered auditor.

Australian Accounting Standards means the accounting standards:

(a) issued by the Australian Accounting Standards Board; or

(b) issued by CPA Australia and by The Institute of Chartered Accountants in Australia and adopted by the Australian Accounting Standards Board;

as in force, or applicable, from time to time, as modified by regulations made for the purpose of this definition.

Australian Auditing Standards means the auditing and assurance standards issued by CPA Australia and The Institute of Chartered Accountants in Australia as in force, or applicable, from time to time.

authorised official means any of the following:

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(a) the Commissioner;
(b) the General Manager;
(c) an FWC Member;
(d) the Director, within the meaning of subsection 4(1) of the *Fair Work (Building Industry) Act 2012*;
(e) the Fair Work Ombudsman (within the meaning of the Fair Work Act).

breach includes non-observance.

child: without limiting who is a child of a person for the purposes of this Act, someone is the ***child*** of a person if he or she is a child of the person within the meaning of the *Family Law Act 1975*.

civil penalty provision has the meaning given by subsection 305(2).

collective body means:
(a) in relation to an organisation—the committee of management or a conference, council, committee, panel or other body of or within the organisation; and
(b) in relation to a branch of an organisation—the committee of management or a conference, council, committee, panel or other body of or within the branch.

collegiate electoral system, in relation to an election for an office in an organisation, means a method of election comprising a first stage, at which persons are elected to a number of offices by a direct voting system, and a subsequent stage or subsequent stages at which persons are elected by and from a body of persons consisting only of:
(a) persons elected at the last preceding stage; or
(b) persons elected at the last preceding stage and other persons (being in number not more than 15% of the number of persons comprising the body) holding offices in the organisation (including the office to which the election relates), not including any person holding such an office merely because of having filled a casual vacancy in the office

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within the last 12 months, or the last quarter, of the term of the office.

Commission means the Registered Organisations Commission established by section 329DA.

Commissioner means the Registered Organisations Commissioner holding office under Part 3A of Chapter 11.

committee of management:

(a) in relation to an organisation, association or branch of an organisation or association, means the group or body of persons (however described) that manages the affairs of the organisation, association or branch; and

(b) in relation to a reporting unit, means the group or body of persons (however described) that, under the rules of the reporting unit, is responsible for undertaking the functions necessary to enable the reporting unit to comply with Part 3 of Chapter 8.

Commonwealth authority means:

(a) a body corporate established for a public purpose by or under a law of the Commonwealth or the Australian Capital Territory; or

(b) a body corporate:

(i) incorporated under a law of the Commonwealth or a State or Territory; and

(ii) in which the Commonwealth has a controlling interest.

conduct includes being (whether directly or indirectly) a party to, or concerned in, the conduct.

constitutional corporation means:

(a) a foreign corporation within the meaning of paragraph 51(xx) of the Constitution; or

(b) a body corporate that is, for the purposes of paragraph 51(xx) of the Constitution, a financial corporation formed within the limits of the Commonwealth; or

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(c) a body corporate that is, for the purposes of paragraph 51(xx) of the Constitution, a trading corporation formed within the limits of the Commonwealth; or
(d) a body corporate that is incorporated in a Territory; or
(e) a Commonwealth authority.

control has the same meaning as in the *Corporations Act 2001*.

covers:
(a) in relation to a modern award, has the same meaning as in section 48 of the Fair Work Act; and
(b) in relation to an enterprise agreement, has the same meaning as in section 53 of the Fair Work Act.

declaration envelope means an envelope in the form prescribed by the regulations on which a voter is required to make a declaration containing the prescribed information.

de facto partner of a person has the meaning given by the *Acts Interpretation Act 1901*.

demarcation dispute includes:
(a) a dispute arising between 2 or more organisations, or within an organisation, as to the rights, status or functions of members of the organisations or organisation in relation to the employment of those members; or
(b) a dispute arising between employers and employees, or between members of different organisations, as to the demarcation of functions of employees or classes of employees; or
(c) a dispute about the representation under this Act or the Fair Work Act of the industrial interests of employees by an organisation of employees.

Deputy President means a Deputy President of the FWC.

designated publication restriction has the same meaning as in the *Public Interest Disclosure Act 2013*.

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detriment, in Part 4A of Chapter 11, has the meaning given by subsection 337BA(2).

directions contravention means a contravention of one of the following:

(a) subsection 297(2) or (3);
(b) subsection 298(2) or (3);
(c) subsection 299(2) or (3);
(d) subsection 300(2) or (3);
(e) subsection 301(2) or (3);
(f) subsection 302(2) or (3);
(g) subsection 303(2).

direct voting system, in relation to an election for an office in an organisation, means a method of election at which:

(a) all financial members; or
(b) all financial members included in the branch, section, class or other division of the members of the organisation that is appropriate having regard to the nature of the office;

are, subject to reasonable provisions in relation to enrolment, eligible to vote.

disclosable conduct means an act or omission that:

(a) contravenes, or may contravene, a provision of this Act, the Fair Work Act or the *Competition and Consumer Act 2010*; or
(b) constitutes, or may constitute, an offence against a law of the Commonwealth.

Electoral Commissioner has the same meaning as in the *Commonwealth Electoral Act 1918*.

electoral official means an Australian Electoral Officer or a member of the staff of the AEC.

eligibility rules, in relation to an organisation or association, means the rules of the organisation or association that relate to the conditions of eligibility for membership or the description of the

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industry or enterprise (if any) in connection with which the organisation is, or the association is proposed to be, registered.

employee has its ordinary meaning, and includes a person who is usually such an employee, but does not include a person on a vocational placement.

employer has its ordinary meaning, and includes:

(a) a person who is usually such an employer; and

(b) an unincorporated club.

employing authority, in relation to a class of employees, means the person or body, or each of the persons or bodies, prescribed as the employing authority in relation to the class of employees.

enterprise means:

(a) a business that is carried on by a single employer; or

(b) a business that is carried on by related bodies corporate, at least one of which is an employer; or

(c) an operationally distinct part of a business mentioned in paragraph (a) or (b); or

(d) a grouping of 2 or more operationally distinct parts of a business mentioned in paragraph (a) or (b).

Whether bodies corporate are related is to be determined in accordance with the principles set out in section 50 of the *Corporations Act 2001*.

enterprise agreement has the same meaning as in the Fair Work Act.

enterprise association has the meaning given by subsection 18C(1).

entity has the same meaning as in Chapter 2E of the *Corporations Act 2001*.

evidential burden, in relation to a matter, means the burden of adducing or pointing to evidence that suggests a reasonable possibility that the matter exists or does not exist.

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excluded auditor, in relation to a reporting unit, means:

(a) an officer, former officer, employee or former employee of the reporting unit or the organisation of which the reporting unit is a part; or

(b) a partner, employer or employee of an officer, former officer, employee or former employee of the reporting unit or the organisation of which the reporting unit is a part; or

(c) a relative of an officer, former officer, employee or former employee of the reporting unit or the organisation of which the reporting unit is a part; or

(d) a liquidator in respect of property of the reporting unit or the organisation of which the reporting unit is a part; or

(e) a person who owes more than $5,000 to the reporting unit or the organisation of which the reporting unit is a part; or

(f) a person who would not be, or whom a reasonable person would consider would not be, capable of exercising objective and impartial judgement in relation to audits relating to the reporting unit, having regard to all the circumstances.

For the purposes of this definition, ***employee*** has the same meaning as in Part 3 of Chapter 8.

exempt public sector superannuation scheme has the same meaning as in the *Superannuation Industry (Supervision) Act 1993*.

Fair Work Act means the *Fair Work Act 2009* and includes regulations made under that Act.

Federal Circuit Court means the Federal Circuit Court of Australia.

federal counterpart has the meaning given by section 9A.

Federal Court means the Federal Court of Australia.

federally registrable:

(a) in relation to an association of employers—has the meaning given by section 18A; and

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(b) in relation to an association of employees—has the meaning given by section 18B; and

(c) in relation to an enterprise association—has the meaning given by section 18C.

federal system employee means:

(a) a national system employee within the meaning of section 13 of the Fair Work Act; or

(c) an independent contractor who, if he or she were an employee performing work of the kind which he or she usually performs as an independent contractor, would be an employee who could be characterised in the way mentioned in paragraph (a).

federal system employer means a national system employer within the meaning of section 14 of the Fair Work Act.

financial records includes the following to the extent that they relate to finances or financial administration:

(a) a register;

(b) any other record of information;

(c) financial reports or financial records, however compiled, recorded or stored;

(d) a document.

financial year, in relation to an organisation, means:

(a) the period of 12 months commencing on 1 July in any year; or

(b) if the rules of the organisation provide for another period of 12 months as the financial year of the organisation—the other period of 12 months.

Note: Section 240 provides for a different financial year in special circumstances.

Full Bench has the same meaning as in the Fair Work Act.

FWC means the Fair Work Commission.

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FWC Member has the same meaning as in the Fair Work Act, but does not include an Expert Panel Member (within the meaning of that Act).

General Manager means the General Manager of the FWC.

general purpose financial report means the report prepared in accordance with section 253.

independent contractor is confined to a natural person.

industrial action has the same meaning as in the Fair Work Act.

irregularity, in relation to an election or ballot, includes:

(a) a breach of the rules of an organisation or branch of an organisation; and

(b) an act or omission by means of which:

(i) the full and free recording of votes by all persons entitled to record votes and by no other persons; or

(ii) a correct ascertainment or declaration of the results of the voting;

is, or is attempted to be, prevented or hindered; and

(c) a contravention of section 190.

lawyer has the meaning given by section 12 of the Fair Work Act.

modern award has the same meaning as in the Fair Work Act.

non-cash benefit means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

office has the meaning given by section 9.

officer, in relation to an organisation, or a branch of an organisation, means a person who holds an office in the organisation or branch (including such a person when performing duties as a designated officer under Part 3 of Chapter 8).

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officer and related party disclosure statement has the meaning given by subsection 293J(3).

one-tier collegiate electoral system means a collegiate electoral system comprising only one stage after the first stage.

operating report means the report prepared under section 254.

organisation means an organisation registered under this Act.

Note: Organisations registered under the *Workplace Relations Act 1996* immediately before former Schedule 1B of that Act commenced are taken to be registered under that Schedule (and therefore under this Act) (see the *Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002*).

parent: without limiting who is a parent of a person for the purposes of this Act, someone is the ***parent*** of a person if the person is his or her child because of the definition of ***child*** in this section.

peak council has the same meaning as in the Fair Work Act.

plays a significant role has the meaning given by subsection 256A(4).

postal ballot means a ballot for the purposes of which:

(a) a ballot paper, a declaration envelope, and another envelope in the form prescribed by the regulations, are sent by prepaid post to each person entitled to vote; and

(b) facilities are provided for the return of the completed ballot paper by post by the voter without expense to the voter.

prescribed includes prescribed by procedural rules of the FWC made under section 609 of the Fair Work Act.

President means the President of the FWC.

proceeding means:

(a) a proceeding in a court; or

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(b) a proceeding or hearing before, or an examination by or before, a tribunal;

whether the proceeding, hearing or examination is of a civil, administrative, criminal, disciplinary or other nature.

protected industrial action has the same meaning as in the Fair Work Act.

public sector employment has the same meaning as in the Fair Work Act.

recognised State-registered association means a State-registered association that is recognised under Schedule 2.

registered auditor means a person who is registered as an auditor under subsection 255B(2) or (3).

registered company auditor means a person registered as an auditor under Part 9.2 of the *Corporations Act 2001*.

related party has the meaning given by section 9B.

relative, in relation to a person, means:

(a) a parent, step-parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or

(b) the spouse of the first-mentioned person.

remuneration:

(a) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but

(b) does not include a non-cash benefit.

reporting guidelines mean the guidelines issued under section 255.

reporting unit has the meaning given by section 242.

serious contravention, in relation to a contravention of a civil penalty provision by an organisation, a branch of an organisation or a person who is, or was, an officer or employee of an

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organisation or a branch of an organisation, means a contravention that:

(a) materially prejudices the interests of the organisation or branch, or the members of the organisation or branch; or

(b) materially prejudices the ability of the organisation or branch to pay its creditors; or

(c) is serious.

spouse of a person includes a de facto partner of the person.

State award means an award, order, decision or determination of a State industrial authority.

State demarcation order means a State award, to the extent that it relates to the rights of a State-registered association to represent the interests under a State or Territory industrial law of a particular class or group of employees.

State industrial authority means:

(a) a board or court of conciliation or arbitration, or tribunal, body or persons, having authority under a State Act to exercise any power of conciliation or arbitration in relation to industrial disputes within the limits of the State; or

(b) a special board constituted under a State Act relating to factories; or

(c) any other State board, court, tribunal, body or official prescribed for the purposes of this definition.

State or Territory industrial law has the same meaning as in the Fair Work Act.

State-registered association has the meaning given by clause 1 of Schedule 1.

stepchild: without limiting who is a stepchild of a person for the purposes of this Act, someone who is a child of a de facto partner of the person is the ***stepchild*** of the person if he or she would be the person's stepchild except that the person is not legally married to the partner.

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step-parent: without limiting who is a step-parent of a person for the purposes of this Act, someone who is a de facto partner of a parent of the person is the ***step-parent*** of the person if he or she would be the person's step-parent except that he or she is not legally married to the person's parent.

superannuation entity has the same meaning as in the *Superannuation Industry (Supervision) Act 1993*.

takes a reprisal has the meaning given by section 337BA.

this Act includes regulations made under this Act.

transitionally recognised association means a State-registered association that is recognised under Schedule 1.

Vice President means a Vice President of the FWC.

vocational placement has the same meaning as in the Fair Work Act.

workplace group means a class or group of employees, all of whom perform work:

(a) for the same employer; or

(b) at the same premises or workplace; or

(c) for the same employer and at the same premises or workplace.

7 Relationships

For the purposes of this Act, if one person is the child of another person because of the definition of ***child*** in section 6, relationships traced to or through that person are to be determined on the basis that the person is the child of the other person.

9 Meaning of *office*

(1) In this Act, ***office***, in relation to an organisation or a branch of an organisation means:

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(a) an office of president, vice president, secretary or assistant secretary of the organisation or branch; or

(b) the office of a voting member of a collective body of the organisation or branch, being a collective body that has power in relation to any of the following functions:

(i) the management of the affairs of the organisation or branch;

(ii) the determination of policy for the organisation or branch;

(iii) the making, alteration or rescission of rules of the organisation or branch;

(iv) the enforcement of rules of the organisation or branch, or the performance of functions in relation to the enforcement of such rules; or

(c) an office the holder of which is, under the rules of the organisation or branch, entitled to participate directly in any of the functions referred to in subparagraphs (b)(i) and (iv), other than an office the holder of which participates only in accordance with directions given by a collective body or another person for the purpose of implementing:

(i) existing policy of the organisation or branch; or

(ii) decisions concerning the organisation or branch; or

(d) an office the holder of which is, under the rules of the organisation or branch, entitled to participate directly in any of the functions referred to in subparagraphs (b)(ii) and (iii); or

(e) the office of a person holding (whether as trustee or otherwise) property:

(i) of the organisation or branch; or

(ii) in which the organisation or branch has a beneficial interest.

(2) In this Act, a reference to an ***office*** in an association or organisation includes a reference to an office in a branch of the association or organisation.

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9A Meaning of *federal counterpart*

(1) For the purposes of this Act, a ***federal counterpart*** for a particular association of employers or employees registered under a State or Territory industrial law is an organisation prescribed by the regulations to be a federal counterpart of that association.

(2) For the purposes of this Act, if subsection (1) does not apply in relation to a particular association of employers or employees registered under a State or Territory industrial law, a ***federal counterpart*** for the association is:

(a) an organisation that has a branch (including a division of such a branch or a constituent part of such a branch) in that State or Territory that has or purports to have:

(i) substantially the same eligibility rules as the association; and

(ii) a history of integrated operation with the association; or

(b) if paragraph (a) does not apply—an organisation of which the association has purported to function as a branch (including a division of a branch or a constituent part of a branch).

9B Meaning of *related party*

Control

(1) An entity controlled by an organisation is a ***related party*** of the organisation, unless:

(a) the entity is a branch, sub-branch, division or subdivision of the organisation; or

(b) the entity is an association of employers or employees registered under a State or Territory industrial law, and the organisation is a federal counterpart of the association.

Officers and their spouses

(2) The following persons are ***related parties*** of an organisation:

(a) officers of the organisation;

(b) spouses of the persons referred to in paragraph (a).

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Relatives of officers and spouses

(3) Relatives of persons referred to in subsection (2) are ***related parties*** of the organisation.

Entities controlled by other related parties

(4) An entity controlled by a related party referred to in subsection (1), (2) or (3) is a ***related party*** of the organisation unless the entity is also controlled by the organisation.

Related party in previous 6 months

(5) An entity is a ***related party*** of an organisation at a particular time if the entity was a related party of the organisation of a kind referred to in subsection (1), (2), (3) or (4) at any time within the previous 6 months.

Entity has reasonable grounds to believe it will become related party in future

(6) An entity is a ***related party*** of an organisation at a particular time if the entity believes or has reasonable grounds to believe that it is likely to become a related party of the organisation of a kind referred to in subsection (1), (2), (3) or (4) at any time in the future.

Acting in concert with related party

(7) An entity is a ***related party*** of an organisation if the entity acts in concert with a related party of the organisation on the understanding that the related party will receive a financial benefit if the organisation gives the entity a financial benefit.

Application to branches of organisations

(8) This section applies in relation to a branch of an organisation as if references to an organisation were references to a branch of an organisation.

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10 Forging and uttering

Forging

(1) For the purposes of this Act, a person is taken to have ***forged*** a document if the person:

(a) makes a document which is false, knowing it to be false; or

(b) without authority, alters a genuine document in a material particular;

with intent that:

(c) the false or altered document may be used, acted on, or accepted, as genuine, to the prejudice of another person; or

(d) another person may, in the belief that it is genuine, be induced to do or refrain from doing an act.

(2) For the purposes of this Act, if a person:

(a) makes a document which is false, knowing it to be false; or

(b) without authority, alters a genuine document in a material particular;

with intent that a computer, a machine or other device should respond to the false or altered document as if it were genuine:

(c) to the prejudice of another person; or

(d) with the result that another person would be induced to do or refrain from doing an act;

the first-mentioned person is taken to have ***forged*** the document.

Uttering

(3) For the purposes of this Act, a person is taken to ***utter*** a forged document if the person:

(a) uses or deals with it; or

(b) attempts to use or deal with it; or

(c) attempts to induce another person to use, deal with, act upon, or accept it.

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11 Actions and opinions of AEC

(1) In this Act, a reference to a ballot or election being conducted, or a step in a ballot or election being taken, by the ***AEC*** is a reference to the ballot or election being conducted, or the step being taken, by:

(a) an electoral official; or

(b) a person authorised on behalf of the AEC to do so.

(2) In this Act, a reference to the opinion or other state of mind of the ***AEC***, in relation to the exercise of a function, is a reference to the opinion or other state of mind of a person authorised to carry out the function on behalf of the AEC.

12 Membership of organisations

In this Act, unless the contrary intention appears, a reference to:

(a) a person who is eligible to become a member of an organisation; or

(b) a person who is eligible for membership of an organisation;

includes a reference to a person who is eligible merely because of an agreement made under rules of the organisation made under subsection 151(1).

13 Additional function of the FWC

(1) The functions of the FWC include keeping a register of organisations.

Note: Other functions of the FWC are set out in section 576 of the Fair Work Act.

(2) Subject to this Act, the register of organisations is to be kept in whatever form the General Manager considers appropriate.

15 Disapplication of Part 2.5 of *Criminal Code*

Part 2.5 of the *Criminal Code* does not apply to offences against this Act.

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Note 1: Section 6 defines ***this Act*** to include the regulations.

Note 2: For the purposes of this Act (and the regulations), corporate responsibility is dealt with by section 344, rather than by Part 2.5 of the *Criminal Code*.

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Chapter 2—Registration and cancellation of registration

Part 1—Simplified outline of Chapter

17 Simplified outline

This Chapter deals with the types of employer and employee associations that can be registered and the conditions for their registration (see Part 2). Part 2 also prohibits certain kinds of discriminatory conduct by employers and organisations in relation to the formation and registration of employee associations.

This Chapter also provides that an organisation's registration can be cancelled by the Federal Court or by the FWC. It sets out the grounds and procedures for cancellation, and the consequences of cancellation (see Part 3).

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Part 2—Registration

Division 1—Types of associations that may apply for registration

18 Employer and employee associations may apply

Any of the following associations may apply for registration as an organisation:

(a) a federally registrable association of employers;

(b) a federally registrable association of employees;

(c) a federally registrable enterprise association.

18A Federally registrable employer associations

(1) An association of employers is ***federally registrable*** if:

(a) it is a constitutional corporation; or

(b) some or all of its members are federal system employers.

(3) An association of employers is not ***federally registrable*** if it has a member who is not one of the following:

(a) an employer;

(b) a person who was an employer when admitted to membership, but who has not resigned or whose membership has not been terminated;

(c) a person (other than an employee) who carries on business;

(d) an officer of the association.

(4) An association of employers is not ***federally registrable*** if:

(a) it is only a body corporate because it is or has been registered under this Act (whether before or after the commencement of this subsection); and

(b) it is not the case that some or all of the association's members are federal system employers.

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18B Federally registrable employee associations

(1) An association of employees is ***federally registrable*** if:
  (a) it is a constitutional corporation; or
  (b) some or all of its members are federal system employees.

(3) An association of employees is not ***federally registrable*** if it has a member who is not one of the following:
  (a) an employee;
  (b) a person specified in subsection (4);
  (c) an independent contractor who, if he or she were an employee performing work of the kind which he or she usually performs as an independent contractor, would be an employee eligible for membership of the association;
  (d) an officer of the association.

(4) The persons specified for the purpose of paragraph (3)(b) are persons (other than employees) who:
  (a) are, or are able to become, members of an industrial organisation of employees within the meaning of the *Industrial Relations Act 1996* of New South Wales; or
  (b) are employees for the purposes of the *Industrial Relations Act 1999* of Queensland; or
  (c) are employees for the purposes of the *Industrial Relations Act 1979* of Western Australia; or
  (d) are employees for the purposes of the *Industrial and Employee Relations Act 1994* of South Australia.

(5) An association of employees is not ***federally registrable*** if:
  (a) it is only a body corporate because it is or has been registered under this Act (whether before or after the commencement of this subsection); and
  (b) it is not the case that some or all of the association's members are federal system employees.

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18C Federally registrable enterprise associations

(1) An ***enterprise association*** is an association the majority of the members of which are employees performing work in the same enterprise.

(2) An enterprise association is ***federally registrable*** if:
  (a) it is a constitutional corporation; or
  (b) some or all of its members are federal system employees; or
  (c) the employer or employers in relation to the relevant enterprise are constitutional corporations; or
  (d) the relevant enterprise operates principally within or from a Territory; or
  (e) the relevant enterprise is engaged principally in trade or commerce between Australia and a place outside Australia; or
  (f) the relevant enterprise is engaged principally in trade or commerce among the States; or
  (g) the relevant enterprise is engaged principally in trade or commerce within a Territory, between a State and a Territory or between 2 Territories; or
  (h) the relevant enterprise is engaged principally in the supply of postal, telegraphic, telephonic or other like services; or
  (i) the relevant enterprise is engaged principally in banking (other than State banking not extending beyond the limits of a State); or
  (j) the relevant enterprise is engaged principally in insurance (other than State insurance not extending beyond the limits of a State); or
  (k) the relevant enterprise is in Victoria, and the provisions of this Act that would apply to the association (both before and after registration), fall within the legislative power referred to the Commonwealth under the *Commonwealth Powers (Industrial Relations) Act 1996* of Victoria.

(3) An enterprise association is not ***federally registrable*** if it has a member who is not one of the following:

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(a) an employee performing work in the relevant enterprise;
(b) a person specified in subsection (4) performing work in the enterprise;
(c) an independent contractor performing work in the relevant enterprise who, if he or she were an employee performing work of the kind which he or she usually performs as an independent contractor, would be:
  (i) an employee who could be characterised in the way mentioned in paragraph (a) of the definition of ***federal system employee*** in section 6; and
  (ii) an employee who would be eligible for membership of the association;
(d) an officer of the association.

(4) The persons specified for the purpose of paragraph (3)(b) are persons (other than employees) who:
(a) are, or are able to become, members of an industrial organisation of employees within the meaning of the *Industrial Relations Act 1996* of New South Wales; or
(b) are employees for the purposes of the *Industrial Relations Act 1999* of Queensland; or
(c) are employees for the purposes of the *Industrial Relations Act 1979* of Western Australia; or
(d) are employees for the purposes of the *Industrial and Employee Relations Act 1994* of South Australia.

(5) An enterprise association is not ***federally registrable*** if:
(a) it is only a body corporate because it is or has been registered under this Act (whether before or after the commencement of this subsection); and
(b) it does not satisfy paragraphs (b) to (k) of subsection (2).

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18D Constitutional validity

Associations of employers

(1) If the Parliament would not have sufficient legislative power to provide for the registration of a particular association of employers if:

(a) a particular class of employers mentioned in paragraphs (a) to (f) of the definition of ***national system employer*** in section 14 of the Fair Work Act were included when working out whether some or all of the association's members are federal system employers;

that definition applies as if it did not include a reference to that class of employers.

(2) If the Parliament would only have sufficient legislative power to provide for the registration of a particular association of employers if the membership of the association were entirely made up of one or more of the following:

(a) federal system employers;

(b) persons (other than employees) who carry on business and who would, if they were employers, be federal system employers;

(c) officers of the association;

then, despite subsection 18A(1), the association is not ***federally registrable*** unless it is either a constitutional corporation or made up in that way.

Associations of employees

(3) If the Parliament would not have sufficient legislative power to provide for the registration of an association of employees if:

(a) a particular class of individuals so far as they are employed, or usually employed, as described in paragraph (a), (b), (c), (d), (e) or (f) of the definition of ***national system employer*** in section 14 of the Fair Work Act, by a federal system employer were included when working out whether some or

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all of the association's members are federal system employees;

the definition of ***federal system employee*** in section 6 applies as if it did not include a reference to that class of employees.

(3A) If the Parliament would not have sufficient legislative power to provide for the registration of an association of employees if:

(a) a particular class of individuals mentioned in paragraph (c) of the definition of ***federal system employee*** in section 6 were included in working out whether some or all of the association's members are federal system employees;

that definition applies as if it did not include a reference to that class of employees.

(4) If the Parliament would only have sufficient legislative power to provide for the registration of a particular association of employees if the membership of the association were entirely made up of one or more of the following:

(a) federal system employees;

(b) persons specified in subsection 18B(4);

(c) officers of the association;

then, despite subsection 18B(1), the association is not ***federally registrable*** unless it is either a constitutional corporation or made up in that way.

Enterprise associations

(5) If the Parliament would only have sufficient legislative power to provide for the registration of an enterprise association if the membership of the association were entirely made up of one or more of the following:

(a) federal system employees performing work in the relevant enterprise;

(b) persons specified in subsection 18C(4);

(c) officers of the association;

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then, despite subsection 18C(2), the association is not ***federally registrable*** unless it is either a constitutional corporation or made up in that way.

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Division 2—Registration criteria

19 Criteria for registration of associations other than enterprise associations

(1) The FWC must grant an application for registration made by an association (other than an enterprise association) that, under section 18, may apply for registration as an organisation if, and only if:

(a) the association:

(i) is a genuine association of a kind referred to in paragraph 18(a) or (b); and

(ii) is an association for furthering or protecting the interests of its members; and

(b) in the case of an association of employees—the association is free from control by, or improper influence from, an employer or by an association or organisation of employers; and

(c) in the case of an association of employers—the members who are employers have, in the aggregate, throughout the 6 months before the application, employed on an average taken per month at least 50 employees; and

(d) in the case of an association of employees—the association has at least 50 members who are employees; and

(e) the FWC is satisfied that the association would conduct its affairs in a way that meets the obligations of an organisation under this Act and the Fair Work Act; and

(f) the rules of the association make provision as required by this Act to be made by the rules of organisations; and

(g) the association does not 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; and

(h) a majority of the members present at a general meeting of the association, or an absolute majority of the committee of management of the association, have passed, under the rules

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of the association, a resolution in favour of registration of the association as an organisation; and

(i) the registration of the association would further Parliament's intention in enacting this Act (see section 5) and the object set out in section 3 of the Fair Work Act; and

(j) subject to subsection (2), there is no organisation to which members of the association might belong or, if there is such an organisation, it is not an organisation:

(i) to which the members of the association could more conveniently belong; and

(ii) that would more effectively represent those members.

(2) If:

(a) there is an organisation to which the members of the association might belong; and

(b) the members of the association could more conveniently belong to the organisation; and

(c) the organisation would more effectively represent those members than the association would;

the requirements of paragraph (1)(j) are taken to have been met if the FWC accepts an undertaking from the association that the FWC considers appropriate to avoid demarcation disputes that might otherwise arise from an overlap between the eligibility rules of the organisation and the eligibility rules of the association.

(3) Without limiting the matters that the FWC may take into account in considering, under subparagraph (1)(j)(ii), the effectiveness of the representation of an organisation or association, the FWC must take into account whether the representation would be consistent with Parliament's intention in enacting this Act (see section 5) and the object set out in section 3 of the Fair Work Act.

(4) In applying paragraph (1)(e), the FWC must have regard to whether any recent conduct by the association or its members would have provided grounds for an application under section 28 had the association been registered when the conduct occurred.

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(5) The FWC must not, under this section, grant an application for registration of an association of employers or employees registered under a State or Territory industrial law if the association has a federal counterpart.

20 Criteria for registration of enterprise associations

(1) The FWC must grant an application for registration made by an enterprise association that, under section 18, may apply for registration as an organisation if, and only if:

(a) the association:

(i) is a genuine association of a kind referred to in paragraph 18(c); and

(ii) is an association for furthering or protecting the interests of its members; and

(b) the association is free from control by, or improper influence from:

(i) any employer, whether at the enterprise in question or otherwise; or

(ii) any person or body with an interest in that enterprise; or

(iii) any organisation, or any other association of employers or employees; and

(c) the association has at least 20 members who are employees; and

(d) the FWC is satisfied that the association would conduct its affairs in a way that meets the obligations of an organisation under this Act and the Fair Work Act; and

(e) the rules of the association make provision as required by this Act to be made by the rules of organisations; and

(f) the association does not 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; and

(g) the FWC is satisfied that a majority of the persons eligible to be members of the association support its registration as an organisation; and

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(h) a majority of the members present at a general meeting of the association, or an absolute majority of the committee of management of the association, have passed, under the rules of the association, a resolution in favour of registration of the association as an organisation; and

(i) the registration of the association would further Parliament's intention in enacting this Act (see section 5) and the object set out in section 3 of the Fair Work Act.

(1A) For the purposes of paragraph (1)(b), if a person or body has an interest in the enterprise in question, the FWC may decide that, despite the interest, the association is free from control by, or improper influence from, the person or body.

Note: The FWC could conclude that the association was free from control etc. by the person if, for example, the nature of the person's interest was not such as to give the person a major say in the conduct of the enterprise or if the person did not have a significant management role in the association.

(2) In applying paragraph (1)(d), the FWC must have regard to whether any recent conduct by the association or its members would have provided grounds for an application under section 28 had the association been registered when the conduct occurred.

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Division 3—Prohibited conduct in relation to formation or registration of employee associations

21 Prohibited conduct—employers

(1) An employer must not, for a prohibited reason, or for reasons that include a prohibited reason, do or threaten to do any of the following:
  (a) dismiss an employee;
  (b) injure an employee in his or her employment;
  (c) alter the position of an employee to the employee's prejudice;
  (d) discriminate against an employee.

(2) A person must not, for a prohibited reason, or for reasons that include a prohibited reason, do or threaten to do any of the following:
  (a) terminate a contract for services that he or she has entered into with an independent contractor;
  (b) injure an independent contractor in relation to the terms and conditions of the contract for services;
  (c) alter the position of an independent contractor to the independent contractor's prejudice;
  (d) discriminate against an independent contractor.

(3) Conduct referred to in subsection (1) or (2) is for a ***prohibited reason*** if it is carried out because the employee or independent contractor has done, or has omitted to do, any act:
  (a) under this Act that relates to the formation or registration of an association referred to in paragraph 18(b) or (c); or
  (b) in connection with, or in preparation for, such an act or omission.

(4) The following are examples of acts or omissions to which subsection (3) applies:

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(a) making an application for registration of an employee association under paragraph 18(b) or (c);
(b) supporting the registration of an employee association (for example, by supporting, or supporting the making of, an application for its registration);
(c) participating, or encouraging a person to participate, in proceedings before the FWC in relation to such an application;
(d) not participating, or encouraging a person not to participate, in such proceedings;
(e) becoming a member, or encouraging a person to become a member, of an employee association.

22 Prohibited conduct—organisations

(1) An organisation, or an officer or member of an organisation, must not take, or threaten to take, industrial action whose aim, or one of whose aims, is to coerce a person to breach section 21.

(2) An organisation, or an officer or member of an organisation, must not, for a prohibited reason, or for reasons that include a prohibited reason, take or threaten to take, any action whose aim, or one of whose aims, is to prejudice a person in the person's employment, or an independent contractor in the contractor's engagement.

(3) Conduct referred to in subsection (2) is for a ***prohibited reason*** if it is carried out because the person has done, or has omitted to do, any act:
(a) under this Act that relates to the formation or registration of an association referred to in paragraph 18(b) or (c); or
(b) in connection with, or in preparation for, such an act or omission.

(4) The examples set out in subsection 21(4) are examples of acts or omissions to which subsection (3) of this section applies.

(5) An organisation, or an officer or member of an organisation, must not impose, or threaten to impose, a penalty, forfeiture or disability

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of any kind on a member of the organisation because the member concerned does or proposes to do, for a prohibited reason, an act or omission referred to in subsection 21(3).

23 Powers of Federal Court in relation to prohibited conduct

(1) The Federal Court may, if the Court considers it appropriate in all the circumstances, make one or more of the following orders in respect of conduct that contravenes section 21 or 22:
  (a) an order imposing on a person whose conduct contravenes that section a penalty of not more than:
    (i) in the case of a body corporate—100 penalty units; or
    (ii) in any other case—20 penalty units;
  (b) an order requiring the person not to carry out a threat made by the person, or not to make any further threat;
  (c) injunctions (including interim injunctions), and any other orders, that the Court considers necessary to stop the conduct or remedy its effects;
  (d) any other consequential orders.

(2) An application for an order under subsection (1) may be made by:
  (a) a person against whom the conduct is being, has been, or is threatened to be, taken; or
  (b) any other person prescribed by the regulations.

24 Certain actions considered to be done by organisation or employer

(1) For the purposes of this Division:
  (a) action done by one of the following bodies or persons is taken to have been done by an organisation:
    (i) the committee of management of the organisation;
    (ii) an officer or agent of the organisation acting in that capacity;
    (iii) a member or group of members of the organisation acting under the rules of the organisation;

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(iv) a member of the organisation, who performs the function of dealing with an employer on behalf of other members of the organisation, acting in that capacity; and

(b) action done by an agent of an employer acting in that capacity is taken to have been done by the employer.

(2) Subparagraphs (1)(a)(iii) and (iv) and paragraph (1)(b) do not apply if:

(a) in relation to subparagraphs (1)(a)(iii) and (iv):

(i) a committee of management of the organisation; or

(ii) a person authorised by the committee; or

(iii) an officer of the organisation;

has taken reasonable steps to prevent the action; or

(b) in relation to paragraph (1)(b), the employer has taken reasonable steps to prevent the action.

(3) In this section:

officer, in relation to an organisation, includes:

(a) a delegate or other representative of the organisation; and

(b) an employee of the organisation.

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Division 4—Registration process

25 Applicant for registration may change its name or alter its rules

(1) The FWC may, on the application of an association applying to be registered as an organisation, grant leave to the association, on such terms and conditions as the FWC considers appropriate, to change its name or to alter its rules:

(a) to enable it to comply with this Act; or

(b) to remove a ground of objection taken by an objector under the regulations or by the FWC; or

(c) to correct a formal error in its rules (for example, to remove an ambiguity, to correct spelling or grammar, or to correct an incorrect reference to an organisation or person).

Note: Paragraph (a)—in order for an organisation to comply with this Act, its rules must not be contrary to the Fair Work Act (see paragraph 142(1)(a) of this Act).

(2) An association granted leave under subsection (1) may change its name, or alter its rules, even though the application for registration is pending.

(3) Rules of an association as altered in accordance with leave granted under subsection (1) are binding on the members of the association:

(a) in spite of anything in the other rules of the association; and

(b) subject to any further alterations lawfully made.

26 Registration

(1) When the FWC grants an application by an association for registration as an organisation, the General Manager must immediately enter, in the register kept under subsection 13(1), such particulars in relation to the association as are prescribed and the date of the entry.

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(2) An association is to be taken to be registered under this Act when the General Manager enters the prescribed particulars in the register under subsection (1).

(3) On registration, an association becomes an organisation.

(4) The General Manager must issue to each organisation registered under this Act a certificate of registration in the prescribed form.

Note: Certificates of registration issued under the *Workplace Relations Act 1996* continue in force (see the *Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002*).

(5) The certificate is, until proof of cancellation, conclusive evidence of the registration of the organisation specified in the certificate.

(6) The General Manager may, as prescribed, issue to an organisation a copy of, or a certificate replacing, the certificate of registration issued under subsection (4) or that certificate as amended under section 160.

26A Validation of registration

If:

(a) an association was purportedly registered as an organisation under this Act before the commencement of this section; and

(b) the association's purported registration would, but for this section, have been invalid merely because, at any time, the association's rules did not have the effect of terminating the membership of, or precluding from membership, persons who were persons of a particular kind or kinds;

that registration is taken, for all purposes, to be valid and to have always been valid.

27 Incorporation

An organisation:

(a) is a body corporate; and

(b) has perpetual succession; and

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(c) has power to purchase, take on lease, hold, sell, lease, mortgage, exchange and otherwise own, possess and deal with, any real or personal property; and

(d) must have a common seal; and

(e) may sue or be sued in its registered name.

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Part 3—Cancellation of registration

28 Application for cancellation of registration

(1) An organisation or person interested, or the Minister, may apply to the Federal Court for an order cancelling the registration of an organisation on the ground that:

(a) the conduct of:

(i) the organisation (in relation to its continued breach of a modern award, an order of the FWC or an enterprise agreement, or its continued failure to ensure that its members comply with and observe a modern award, an order of the FWC or an enterprise agreement, or in any other respect); or

(ii) a substantial number of the members of the organisation (in relation to their continued breach of a modern award, an order of the FWC or an enterprise agreement, or in any other respect);

has prevented or hindered the achievement of Parliament's intention in enacting this Act (see section 5) or of an object of this Act or the Fair Work Act; or

(b) the organisation, or a substantial number of the members of the organisation or of a section or class of members of the organisation, has engaged in industrial action (other than protected industrial action) that has prevented, hindered or interfered with:

(i) the activities of a federal system employer; or

(ii) the provision of any public service by the Commonwealth or a State or Territory or an authority of the Commonwealth or a State or Territory; or

(c) the organisation, or a substantial number of the members of the organisation or of a section or class of members of the organisation, has or have been, or is or are, engaged in industrial action (other than protected industrial action) that has had, is having or is likely to have a substantial adverse

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effect on the safety, health or welfare of the community or a part of the community; or

(d) the organisation, or a substantial number of the members of the organisation or of a section or class of members of the organisation, has or have failed to comply with:

(i) an injunction granted under subsection 421(3) of the Fair Work Act (which deals with orders to stop industrial action); or

(ii) an order made under the Fair Work Act in relation to a contravention of Part 3-1 of that Act (which deals with general protections); or

(iv) an interim injunction granted under section 545 of the Fair Work Act so far as it relates to conduct or proposed conduct that could be the subject of an injunction or order under a provision of the Fair Work Act mentioned in subparagraphs (i) to (iii); or

(v) an order made under section 23 (which deals with contraventions of the employee associations provisions); or

(vi) an order made under subsection 131(2) (which deals with contraventions of the withdrawal from amalgamation provisions).

(1A) The Commissioner may apply to the Federal Court for an order cancelling the registration of an organisation on the ground that the organisation has failed to comply with an order of the Federal Court made under subsection 336(5) in relation to the organisation.

Note: Section 336 deals with the situation where the Commissioner is satisfied, after an investigation, that a reporting unit of an organisation has contravened Part 3 of Chapter 8, or guidelines or rules relating to financial matters.

(2) An organisation in relation to which an application is made under subsection (1) or (1A) must be given an opportunity of being heard by the Court.

(3) If the Court:

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(a) finds that a ground for cancellation set out in the application has been established; and

(b) does not consider that it would be unjust to do so having regard to the degree of gravity of the matters constituting the ground and the action (if any) that has been taken by or against the organisation in relation to the matters;

the Court must, subject to subsection (4) and section 29, cancel the registration of the organisation.

(4) If:

(a) the Court finds that a ground for cancellation set out in the application has been established; and

(b) that finding is made, wholly or mainly, because of the conduct of a particular section or class of members of the organisation;

the Court may, if it considers it just to do so, instead of cancelling the registration of the organisation under subsection (3), by order:

(c) determine alterations of the eligibility rules of the organisation so as to exclude from eligibility for membership of the organisation persons belonging to the section or class; or

(d) where persons belonging to the section or class are eligible for membership under an agreement of the kind referred to in section 151—declare that the persons are excluded from eligibility for membership in spite of anything in the agreement.

(5) If the Court cancels the registration of an organisation, the Court may direct that an application by the former organisation to be registered as an organisation is not to be dealt with under this Act before the end of a specified period.

(6) An alteration of rules determined by order under subsection (4) takes effect on the date of the order or on such other day as is specified in the order.

(7) A finding of fact in proceedings:

(a) under section 23 or subsection 131(2) of this Act; or

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(b) under Division 4 of Part 3-3 or Part 4-1 of the Fair Work Act; or

(c) under the Fair Work Act in relation to a contravention of Part 3-1 of that Act;

is admissible as prima facie evidence of that fact in an application made on a ground specified in paragraph (1)(d).

29 Orders where cancellation of registration deferred

(1) If the Federal Court finds that a ground of an application under subsection 28(1) or (1A) has been established, the Court may, if it considers it just to do so, instead of cancelling the registration of the organisation concerned under subsection 28(3) or making an order under subsection 28(4), exercise one or more of the powers set out in subsection (2) of this section.

(2) The powers that may be exercised by the Court, by order, under subsection (1) are as follows:

(a) the power to suspend, to the extent specified in the order, any of the rights, privileges or capacities of the organisation or of all or any of its members, as such members, under this Act, the Fair Work Act or any other Act, under modern awards or orders made under this Act, the Fair Work Act or any other Act or under enterprise agreements;

(b) the power to give directions as to the exercise of any rights, privileges or capacities that have been suspended;

(c) the power to make provision restricting the use of the funds or property of the organisation or a branch of the organisation, and for the control of the funds or property for the purpose of ensuring observance of the restrictions.

(3) If the Court exercises a power set out in subsection (2), it must defer the determination of the question whether to cancel the registration of the organisation concerned until:

(a) the orders made in the exercise of the power cease to be in force; or

(b) on application by a party to the proceeding, the Court considers that it is just to determine the question, having

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regard to any evidence given relating to the observance or non-observance of any order and to any other relevant circumstance;

whichever is earlier.

(4) An order made in the exercise of a power set out in subsection (2) has effect in spite of anything in the rules of the organisation concerned or a branch of the organisation.

(5) An order made in the exercise of a power set out in subsection (2):
  (a) may be revoked by the Court, by order, on application by a party to the proceeding concerned; and
  (b) unless sooner revoked, ceases to be in force:
    (i) 6 months after it came into force; or
    (ii) such longer period after it came into force as is ordered by the Court on application by a party to the proceeding made while the order remains in force.

30 Cancellation of registration on technical grounds etc.

(1) The FWC may cancel the registration of an organisation:
  (a) on application by the organisation made under the regulations; or
  (b) on application by an organisation or person interested or by the Minister, if the FWC has satisfied itself, as prescribed, that the organisation:
    (i) was registered by mistake; or
    (ii) is no longer effectively representative of the members who are employers or employees, as the case requires; or
    (iii) is not free from control by, or improper influence from, a person or body referred to in paragraph 19(1)(b) or 20(1)(b), as the case requires; or
    (iv) subject to subsection (6), if the organisation is an enterprise association—the enterprise to which it relates has ceased to exist; or
  (c) on the FWC's own motion, if:

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(i) the FWC has satisfied itself, as prescribed, that the organisation is defunct; or

(ii) the organisation is an organisation of employees, other than an enterprise association, and has fewer than 50 members who are employees; or

(iii) the organisation is an enterprise association and has fewer than 20 members who are employees; or

(iv) the organisation is an organisation of employers and the members who are employers have, in the aggregate, throughout the 6 months before the application, not employed on an average taken per month at least 50 employees; or

(v) the organisation is not, or is no longer, a federally registrable association.

(2) Before the FWC cancels the registration of an organisation under:

(a) paragraph (1)(b) on application by a person interested or by the Minister; or

(b) paragraph (1)(c);

the FWC must give the organisation an opportunity to be heard.

(3) The FWC may also cancel the registration of an organisation if:

(a) the FWC is satisfied that the organisation has breached an undertaking referred to in subsection 19(2); and

(b) the FWC does not consider it appropriate to amend the eligibility rules of the organisation under section 157.

(4) A cancellation under subsection (3) may be made:

(a) on application by an organisation or person interested; or

(b) on application by the Minister; or

(c) on FWC's own motion.

(5) For the purposes of subparagraph (1)(b)(iv), the enterprise to which an organisation relates has ceased to exist if:

(a) in the case of an organisation that relates only to an operationally distinct part or parts of the business that constitutes the enterprise—that part or those parts have

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ceased to exist, or the whole of the business has ceased to exist; or

(b) in the case of an organisation that relates to the whole of the business that constitutes the enterprise—the whole of the business has ceased to exist.

(6) Subparagraph (1)(b)(iv) does not apply if:

(a) some or all of the business of the enterprise in question is now conducted by another enterprise; and

(b) all the alterations that are necessary to enable the organisation to operate as an enterprise association in relation to the other enterprise have been made; and

(c) the FWC is satisfied that the organisation still meets the requirements of subsection 20(1).

The FWC must give the organisation a reasonable opportunity to alter its rules as provided in paragraph (b) before the FWC considers cancelling the registration of the organisation on the ground referred to in subparagraph (1)(b)(iv).

31 Cancellation to be recorded

If the registration of an organisation under this Act is cancelled, the General Manager must enter the cancellation, and the date of cancellation, in the register kept under subsection 13(1).

32 Consequences of cancellation of registration

The cancellation of the registration of an organisation under this Act has the following consequences:

(a) the organisation ceases to be an organisation and a body corporate under this Act, but does not because of the cancellation cease to be an association;

(b) the cancellation does not relieve the association or any of its members from any penalty or liability incurred by the organisation or its members before the cancellation;

(c) from the cancellation, the association and its members are not entitled to the benefits of any modern award, order of the

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FWC or enterprise agreement that bound the organisation or its members;

(d) the FWC may, on application by an organisation or person interested, make such order as the FWC considers appropriate about the other effects (if any) of such an award, order or agreement on the association and its members;

(e) 21 days after the cancellation, such an award, order or agreement ceases, subject to any order made under paragraph (d), in all other respects to have effect in relation to the association and its members;

(f) the Federal Court may, on application by a person interested, make such order as it considers appropriate in relation to the satisfaction of the debts and obligations of the organisation out of the property of the organisation;

(g) the property of the organisation is, subject to any order made under paragraph (f), the property of the association and must be held and applied for the purposes of the association under the rules of the organisation so far as they can still be carried out or observed.

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Part 4—FWC's powers under this Chapter

33 Powers exercisable by President, a Vice President or a Deputy President

The powers of the FWC under this Chapter are exercisable only by the President, a Vice President or a Deputy President.

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Chapter 3—Amalgamation and withdrawal from amalgamation

Part 1—Simplified outline of Chapter

34 Simplified outline

The procedure for the amalgamation of 2 or more organisations is set out in Part 2 of this Chapter.

The 2 main elements of the amalgamation procedure are an application to the FWC seeking approval for a ballot to be held on the question of amalgamation, and the holding of a ballot conducted by the Australian Electoral Commission.

Part 2 also sets out the consequences of an amalgamation (for example, in relation to assets and liabilities of the organisations forming the new amalgamated organisation). It also enables the validation of certain acts done for the purposes of an amalgamation.

The procedure that enables part of an amalgamated organisation to withdraw from it is set out in Part 3 of this Chapter.

The main elements of the procedure to withdraw are an application to the Federal Court for approval to hold a ballot on the question, and the holding of the ballot.

Part 3 also sets out the consequences of a withdrawal from amalgamation (for example, in relation to assets and liabilities of the amalgamated organisation and the constituent part). It also enables the validation of certain acts done for the purposes of a withdrawal from amalgamation.

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Part 2—Amalgamation of organisations

Division 1—General

35 Definitions

In this Part:

alternative provision means a provision of the kind mentioned in subsection 41(1).

amalgamated organisation, in relation to a completed amalgamation, means the organisation of which members of the de-registered organisations have become members under paragraph 73(3)(d).

amalgamation day, in relation to a completed amalgamation, means the day fixed under subsection 73(2) in relation to the amalgamation.

asset means property of any kind, and includes:

(a) any legal or equitable estate or interest (whether present or future, vested or contingent, tangible or intangible) in real or personal property of any description; and

(b) any chose in action; and

(c) any right, interest or claim of any kind in, or in relation to, property (whether arising under an instrument or otherwise, and whether liquidated or unliquidated, certain or contingent, accrued or accruing).

authorised person, in relation to a completed amalgamation, means the secretary of the amalgamated organisation or a person authorised, in writing, by the committee of management of the amalgamated organisation.

charge means a charge created in any way, and includes a mortgage and an agreement to give or execute a charge or mortgage (whether on demand or otherwise).

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closing day, in relation to a ballot for a proposed amalgamation, means the day, from time to time, fixed under section 58 as the closing day of the ballot.

commencing day, in relation to a ballot for a proposed amalgamation, means the day, from time to time, fixed under section 58 as the commencing day of the ballot.

completed amalgamation means a proposed amalgamation that has taken effect.

debenture has the same meaning as in section 9 of the *Corporations Act 2001*.

defect includes a nullity, omission, error or irregularity.

de-registered organisation, in relation to a completed amalgamation, means an organisation that has been de-registered under this Part.

de-registration, in relation to an organisation, means the cancellation of its registration.

holder, in relation to a charge, includes a person in whose favour a charge is to be given or executed (whether on demand or otherwise) under an agreement.

instrument means an instrument of any kind, and includes:

(a) any contract, deed, undertaking or agreement; and
(b) any mandate, instruction, notice, authority or order; and
(c) any lease, licence, transfer, conveyance or other assurance; and
(d) any guarantee, bond, power of attorney, bill of lading, negotiable instrument or order for the payment of money; and
(e) any mortgage, charge, lien or security;

whether express or implied and whether made or given orally or in writing.

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instrument to which this Part applies, in relation to a completed amalgamation, means an instrument:

(a) to which a de-registered organisation is a party; or

(b) that was given to, by, or in favour of, a de-registered organisation; or

(c) in which a reference is made to a de-registered organisation; or

(d) under which any money is or may become payable, or any other property is to be, or may become liable to be, transferred, conveyed or assigned, to or by a de-registered organisation.

interest:

(a) in relation to a company—includes an interest in a managed investment scheme, within the meaning of the *Corporations Act 2001*, made available by the company; and

(b) in relation to land—means:

(i) a legal or equitable estate or interest in the land; or

(ii) a right, power or privilege over, or in relation to, the land.

invalidity includes a defect.

irregularity includes a breach of the rules of an organisation, but in Division 7 does not include an irregularity in relation to a ballot.

liability means a liability of any kind, and includes an obligation of any kind (whether arising under an instrument or otherwise, and whether liquidated or unliquidated, certain or contingent, accrued or accruing).

proceeding to which this Part applies, in relation to a completed amalgamation, means a proceeding to which a de-registered organisation was a party immediately before the amalgamation day.

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proposed alternative amalgamation, in relation to a proposed amalgamation, means an amalgamation proposed to be made under an alternative provision.

proposed amalgamated organisation, in relation to a proposed amalgamation, means the organisation or proposed organisation of which members of the proposed de-registering organisations are proposed to become members under this Part.

proposed amalgamation means the proposed carrying out of arrangements in relation to 2 or more organisations under which:

(a) an organisation is, or 2 or more organisations are, to be de-registered under this Part; and

(b) members of the organisation or organisations to be de-registered are to become members of another organisation (whether existing or proposed).

proposed de-registering organisation, in relation to a proposed amalgamation, means an organisation that is to be de-registered under this Part.

proposed principal amalgamation, in relation to a proposed amalgamation, means:

(a) if the scheme for the amalgamation contains an alternative provision—the amalgamation proposed to be made under the scheme otherwise than under an alternative provision; or

(b) in any other case—the proposed amalgamation.

36 Procedure to be followed for proposed amalgamation etc.

(1) For the purpose of implementing the scheme for a proposed amalgamation, the procedure provided by this Part is to be followed.

(2) Where it appears to the FWC that the performance of an act, including:

(a) the de-registration of an organisation; and

(b) the registration of an organisation; and

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(c) the giving of consent to:
(i) a change in the name of an organisation; or
(ii) an alteration of the eligibility rules of an organisation;

is sought for the purposes of a proposed amalgamation, the FWC may perform the act only in accordance with this Part.

(3) If any difficulty arises, or appears likely to arise, in the application of this Act for the purpose of implementing the scheme for a proposed amalgamation, the FWC may give directions and make orders to resolve the difficulty.

(4) Directions and orders under subsection (3):
(a) have effect subject to any order of the Federal Court; and
(b) have effect despite anything in:
(i) the regulations, or the procedural rules of the FWC made under section 609 of the Fair Work Act; or
(ii) the rules of an organisation or any association proposed to be registered as an organisation.

37 Exercise of the FWC's powers under this Part

The powers of the FWC under this Part are exercisable only by the President, a Vice President or a Deputy President.

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Division 2—Preliminary matters

38 Federations

Application for recognition as federation

(1) The existing organisations concerned in a proposed amalgamation may jointly lodge with the FWC an application for recognition as a federation.

(2) The application must:
  (a) be lodged before an application is lodged under section 44 in relation to the amalgamation; and
  (b) include such particulars as are prescribed.

Grant of application

(3) If the FWC is satisfied that the organisations intend to lodge an application under section 44 in relation to the amalgamation within the prescribed period, the FWC must grant the application for recognition as a federation.

Registration of federation

(4) If the application is granted, the General Manager must enter in the register kept under subsection 13(1) such details in relation to the federation as are prescribed.

Representation rights of federation

(5) On registration, the federation may, subject to subsection (6) and the regulations, represent its constituent members for all of the purposes of this Act and the Fair Work Act.

(6) Subsection (5) does not have the effect that a modern award or enterprise agreement covers the federation.

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Federation may vary its composition

(7) After the federation is registered, it may vary its composition by:
  (a) including, with the approval of the FWC, another organisation within the federation if the other organisation intends to become concerned in the amalgamation; or
  (b) releasing, with the approval of the FWC, an organisation from the federation.

When federation ceases to exist

(8) The federation ceases to exist:
  (a) on the day on which the amalgamation takes effect; or
  (b) if an application under section 44 is not lodged in relation to the amalgamation within the prescribed period—on the day after the end of the period; or
  (c) if it appears to a Full Bench, on an application by a prescribed person, that the industrial conduct of the federation, or an organisation belonging to the federation, is preventing or hindering the attainment of Parliament's intention in enacting this Act (see section 5) or an object of this Act or the Fair Work Act—on the day the Full Bench so determines.

Federation does not limit representation rights of organisations

(9) Nothing in this section limits the right of an organisation belonging to a federation to represent itself or its members.

39 Use of resources to support proposed amalgamation

(1) An existing organisation concerned in a proposed amalgamation may, at any time before the closing day of the ballot for the amalgamation, use its financial and other resources in support of the proposed principal amalgamation and any proposed alternative amalgamation if:
  (a) the committee of management of the organisation has resolved that the organisation should so use its resources; and

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(b) the committee of management has given reasonable notice of its resolution to the members of the organisation.

(2) Subsection (1) does not limit by implication any power that the existing organisation has, apart from that subsection, to use its financial and other resources in support of, or otherwise in relation to, the amalgamation.

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Division 3—Commencement of amalgamation procedure

40 Scheme for amalgamation

(1) There is to be a scheme for every proposed amalgamation.

(2) The scheme must contain the following matters:

(a) a general statement of the nature of the amalgamation, identifying the existing organisations concerned and indicating:

(i) if one of the existing organisations is the proposed amalgamated organisation—that fact; and

(ii) if an association proposed to be registered as an organisation is the proposed amalgamated organisation—that fact and the name of the association; and

(iii) the proposed de-registering organisations;

(b) if it is proposed to change the name of an existing organisation—particulars of the proposed change;

(c) if it is proposed to alter the eligibility rules of an existing organisation—particulars of the proposed alterations;

(d) if it is proposed to alter any other rules of an existing organisation—particulars of the proposed alterations;

(e) if an association is proposed to be registered as an organisation—the eligibility and other rules of the association;

(f) such other matters as are prescribed.

(3) Subsection (2) does not limit by implication the matters that the scheme may contain.

41 Alternative scheme for amalgamation

(1) Where 3 or more existing organisations are concerned in a proposed amalgamation, the scheme for the amalgamation may contain a provision to the effect that, if:

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(a) the members of one or more of the organisations do not approve the amalgamation; and

(b) the members of 2 or more of the organisations (in this subsection called the ***approving organisations***) approve, in the alternative, the amalgamation so far as it involves:

(i) the other of the approving organisations; or

(ii) 2 or more of the other approving organisations; and

(c) where one of the existing organisations is the proposed amalgamated organisation—that organisation is one of the approving organisations;

there is to be an amalgamation involving the approving organisations.

(2) If the scheme for a proposed amalgamation contains an alternative provision, the scheme must also contain particulars of:

(a) the differences between the proposed principal amalgamation and each proposed alternative amalgamation; and

(b) the differences between the rules of any association proposed to be registered as an organisation, and any proposed alterations of the rules of the existing organisations, under the proposed principal amalgamation and each proposed alternative amalgamation.

42 Approval by committee of management

(1) The scheme for a proposed amalgamation, and each alteration of the scheme, must be approved, by resolution, by the committee of management of each existing organisation concerned in the amalgamation.

(2) Despite anything in the rules of an existing organisation, approval, by resolution, by the committee of management of the scheme, or an alteration of the scheme, is taken to be sufficient compliance with the rules, and any proposed alteration of the rules contained in the scheme, or the scheme as altered, is taken to have been properly made under the rules.

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43 Community of interest declaration

Existing organisations may apply for declaration

(1) The existing organisations concerned in a proposed amalgamation may jointly lodge with the FWC an application for a declaration under this section in relation to the amalgamation.

(2) The application must be lodged:
   (a) before an application has been lodged under section 44 in relation to the amalgamation; or
   (b) with the application that is lodged under section 44 in relation to the amalgamation.

(3) If the application is lodged before an application has been lodged under section 44 in relation to the amalgamation, the FWC:
   (a) must immediately fix a time and place for hearing submissions in relation to the making of the declaration; and
   (b) must ensure that all organisations are promptly notified of the time and place of the hearing; and
   (c) may inform any other person who is likely to be interested of the time and place of the hearing.

Making of declaration

(4) If, at the conclusion of the hearing arranged under subsection (3) or section 53 in relation to the proposed amalgamation, the FWC is satisfied that there is a community of interest between the existing organisations in relation to their industrial interests, the FWC must declare that it is so satisfied.

Pre-conditions to making of declaration

(5) The FWC must be satisfied, for the purposes of subsection (4), that there is a community of interest between organisations of employees in relation to their industrial interests if the FWC is satisfied that a substantial number of members of one of the organisations are:

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(a) eligible to become members of the other organisation or each of the other organisations; or
(b) engaged in the same work or in aspects of the same or similar work as members of the other organisation or each of the other organisations; or
(c) covered by the same modern awards as members of the other organisation or each of the other organisations; or
(d) employed in the same or similar work by employers engaged in the same industry as members of the other organisation or each of the other organisations; or
(e) engaged in work, or in industries, in relation to which there is a community of interest with members of the other organisation or each of the other organisations.

(6) The FWC must be satisfied, for the purposes of subsection (4), that there is a community of interest between organisations of employers in relation to their industrial interests if the FWC is satisfied that a substantial number of members of one of the organisations are:
(a) eligible to become members of the other organisation or each of the other organisations; or
(b) engaged in the same industry or in aspects of the same industry or similar industries as members of the other organisation or each of the other organisations; or
(c) covered by the same modern awards as members of the other organisation or each of the other organisations; or
(d) engaged in industries in relation to which there is a community of interest with members of the other organisation or each of the other organisations.

(7) Subsections (5) and (6) do not limit by implication the circumstances in which the FWC may be satisfied, for the purposes of subsection (4), that there is a community of interest between organisations in relation to their industrial interests.

Circumstances in which declaration ceases to be in force

(8) If:

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(a) an application for a declaration under this section in relation to a proposed amalgamation is lodged before an application has been lodged under section 44 in relation to the amalgamation; and
(b) a declaration is made under this section in relation to the amalgamation; and
(c) an application is not lodged under section 44 in relation to the amalgamation within 6 months after the declaration is made;

the declaration ceases to be in force.

(9) The FWC may revoke a declaration under this section if the FWC is satisfied that there is no longer a community of interest between the organisations concerned in relation to their industrial interests.

(10) However, before the FWC revokes the declaration, it must:
(a) give reasonable notice of its intention to revoke to each of the organisations that applied for the declaration; and
(b) give each of those organisations an opportunity to be heard.

44 Application for approval for submission of amalgamation to ballot

(1) The existing organisations concerned in a proposed amalgamation, and any association proposed to be registered as an organisation under the amalgamation, must jointly lodge with the FWC an application for approval for the submission of the amalgamation to ballot.

(2) The application must be accompanied by:
(a) a copy of the scheme for the amalgamation; and
(b) a written outline of the scheme.

(3) Subject to section 62, the outline must, in no more than 3,000 words, provide sufficient information on the scheme to enable members of the existing organisations to make informed decisions in relation to the scheme.

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45 Holding office after amalgamation

(1) The rules of:

(a) an association proposed to be registered as an organisation that is the proposed amalgamated organisation under a proposed amalgamation; or

(b) an existing organisation that is the proposed amalgamated organisation under a proposed amalgamation;

may, despite section 143, make provision in relation to:

(c) the holding of office in the proposed amalgamated organisation by persons holding office in any of the proposed de-registering organisations immediately before the amalgamation takes effect; and

(d) in a case to which paragraph (b) applies—the continuation of the holding of office by persons holding office in the proposed amalgamated organisation immediately before the amalgamation takes effect;

but the rules may not permit an office to be held under paragraph (c) or (d) for longer than:

(e) the period that equals the unexpired part of the term of the office held by the person immediately before the day on which the amalgamation takes effect; or

(f) the period that ends 2 years after that day;

whichever ends last, without an ordinary election being held in relation to the office.

(2) Where:

(a) a person holds an office in an organisation, being an office held under rules made under subsection (1); and

(b) that organisation is involved in a proposed amalgamation;

the rules of the proposed amalgamated organisation must not permit the person to hold an office in the proposed amalgamated organisation after the amalgamation takes effect, without an ordinary election being held in relation to the office, for longer than the period that equals the unexpired part of the term of the office mentioned in paragraph (a) immediately before the day on which the amalgamation takes effect.

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(3) The rules of an organisation that is the proposed amalgamated organisation under a proposed amalgamation must, subject to this section, make reasonable provision for the purpose of synchronising elections for offices in the organisation held under paragraph (1)(c) with elections for other offices in the organisation.

(4) Section 145 does not apply to an office held under rules made under subsection (1).

(5) Section 146 applies to an office held under rules made under paragraph (1)(c).

(6) In this section:

ordinary election means an election held under rules that comply with section 143.

46 Application for exemption from ballot

(1) The proposed amalgamated organisation under a proposed amalgamation may lodge with the FWC an application for exemption from the requirement that a ballot of its members be held in relation to the amalgamation.

(2) The application must be lodged with the application that is lodged under section 44 in relation to the amalgamation.

47 Application for ballot not conducted under section 65

(1) An existing organisation concerned in a proposed amalgamation may lodge with the FWC an application for approval of a proposal for the submission of the amalgamation to a ballot of its members that is not conducted under section 65.

(2) The application must be lodged with the application that is lodged under section 44 in relation to the amalgamation.

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48 Lodging "yes" case

(1) Subject to section 60, an existing organisation concerned in a proposed amalgamation may lodge a written statement of not more than 2,000 words in support of the proposed principal amalgamation and each proposed alternative amalgamation.

(2) The statement must be lodged with the application that is lodged under section 44 in relation to the amalgamation.

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Division 4—Role of AEC

49 Ballots to be conducted by AEC

All ballots under this Part are to be conducted by the AEC.

50 Notification of AEC

(1) Where an application is lodged under section 44 in relation to a proposed amalgamation, the General Manager must immediately notify the AEC of the application.

(2) On being notified of the application, the AEC must immediately take such action as it considers necessary or desirable to enable it to conduct as quickly as possible any ballots that may be required in relation to the amalgamation.

51 Providing information etc. to electoral officials

(1) An electoral official who is authorised, in writing, by the AEC for the purposes of a proposed amalgamation may, where it is reasonably necessary for the purposes of any ballot that may be required or is required in relation to the amalgamation, by written notice, require an officer or employee of the organisation concerned or a branch of the organisation concerned:

(a) to give to the electoral official, within the period (being a period of not less than 7 days after the notice is given), and in the manner, specified in the notice, any information within the knowledge or in the possession of the person; and

(b) to produce or make available to the electoral official, at a reasonable time (being a time not less than 7 days after the notice is given) and place specified in the notice, any documents:

(i) in the custody or under the control of the person; or

(ii) to which the person has access.

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(2) An officer or employee of an organisation or branch of an organisation commits an offence if he or she fails to comply with a requirement made under subsection (1).

Penalty: 30 penalty units.

(3) An offence against subsection (2) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(4) Subsection (2) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (4), see subsection 13.3(3) of the *Criminal Code*.

(5) A person is not excused from giving information or producing or making available a document under this section on the ground that the information or the production or making available of the document might tend to incriminate the person or expose the person to a penalty.

(6) However:

(a) giving the information or producing or making available the document; or

(b) any information, document or thing obtained as a direct or indirect consequence of giving the information or producing or making available the document;

is not admissible in evidence against the person in criminal proceedings or proceedings that may expose the person to a penalty, other than proceedings under, or arising out of, subsection 52(3).

(7) If any information or document specified in a notice under subsection (1) is kept in electronic form, the electoral official may require it to be made available in that form.

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52 Declaration by secretary etc. of organisation

(1) If a requirement is made under subsection 51(1) in relation to the register, or part of the register, kept by an organisation under section 230, the secretary or other prescribed officer of the organisation must make a declaration, in accordance with subsection (2), that the register has been maintained as required by subsection 230(2).

Civil penalty: 100 penalty units.

(2) The declaration must be:
  (a) signed by the person making it; and
  (b) given to the returning officer, and lodged with the FWC, as soon as practicable but no later than the day before the first day of voting in the relevant election.

(3) A person must not, in a declaration for the purposes of subsection (1), make a statement if the person knows, or is reckless as to whether, the statement is false or misleading.

Civil penalty: 100 penalty units.

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Division 5—Procedure for approval of amalgamation

53 Fixing hearing in relation to amalgamation etc.

Where an application is lodged under section 44 in relation to a proposed amalgamation, the FWC:

(a) must immediately fix a time and place for hearing submissions in relation to:

(i) the granting of an approval for the submission of the amalgamation to ballot; and

(ii) if an application for a declaration under section 43 was lodged with the application—the making of a declaration under section 43 in relation to the amalgamation; and

(iii) if an application was lodged under section 46 for exemption from the requirement that a ballot be held in relation to the amalgamation—the granting of the exemption; and

(iv) if an application was lodged under section 47 for approval of a proposal for the submission of the amalgamation to a ballot that is not conducted under section 65—the granting of the approval; and

(b) must ensure that all organisations are promptly notified of the time and place of the hearing; and

(c) may inform any other person who is likely to be interested of the time and place of the hearing.

54 Submissions at amalgamation hearings

(1) Submissions at a hearing arranged under subsection 43(3) or section 53 may only be made under this section.

(2) Submissions may be made by the applicants.

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(3) Submissions may be made by another person only with the leave of the FWC and may be made by the person only in relation to a prescribed matter.

55 Approval for submission to ballot of amalgamation not involving extension of eligibility rules etc.

Approval must be given if certain conditions satisfied

(1) If, at the conclusion of the hearing arranged under section 53 in relation to a proposed amalgamation, the FWC is satisfied that:
   (a) the amalgamation does not involve the registration of an association as an organisation; and
   (b) a person who is not eligible for membership of an existing organisation concerned in the amalgamation would not be eligible for membership of the proposed amalgamated organisation immediately after the amalgamation takes effect; and
   (c) any proposed alteration of the name of an existing organisation concerned in the amalgamation will not result in the organisation having a name that is the same as the name of another organisation or is so similar to the name of another organisation as to be likely to cause confusion; and
   (d) any proposed alterations of the rules of an existing organisation comply with, and are not contrary to, this Act, the Fair Work Act, modern awards or enterprise agreements, and are not contrary to law; and
   (e) any proposed de-registration of an existing organisation complies with this Act and is not otherwise contrary to law;

   the FWC must approve the submission of the amalgamation to ballot.

Approval generally refused if conditions not satisfied

(2) If the FWC is not satisfied, the FWC must, subject to subsections (3) and (7), refuse to approve, under this section, the submission of the amalgamation to ballot.

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Approval may be given if conditions will be satisfied later

(3) If, apart from this subsection, the FWC would be required to refuse to approve the submission of the amalgamation to ballot, the FWC may:

(a) permit the applicants to alter the scheme for the amalgamation, including any proposed alterations of the rules of the existing organisations concerned in the amalgamation; or

(b) accept an undertaking by the applicants to alter the scheme for the amalgamation, including any proposed alterations of the rules of the existing organisations concerned in the amalgamation;

and, if the FWC is satisfied that the matters mentioned in subsection (1) will be met, the FWC must approve the submission of the amalgamation to ballot.

Permission to alter amalgamation scheme

(4) A permission under paragraph (3)(a):

(a) may, despite anything in the rules of an existing organisation concerned in the proposed amalgamation, authorise the organisation to alter the scheme (including any proposed alterations of the rules of the organisation) by resolution of its committee of management; and

(b) may make provision in relation to the procedure that, despite anything in those rules, may be followed, or is to be followed, by the committee of management in that regard; and

(c) may be given subject to conditions.

Powers of the FWC if conditions or undertakings breached

(5) If:

(a) the FWC:

(i) gives a permission under paragraph (3)(a) subject to conditions; or

(ii) accepts an undertaking under paragraph (3)(b); and

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(b) the conditions are breached or the undertaking is not fulfilled within the period allowed by the FWC;

the FWC may:

(c) amend the scheme for the amalgamation, including any proposed alterations of the rules of the existing organisations concerned in the proposed amalgamation; or

(d) give directions and orders:

(i) in relation to the conduct of the ballot for the amalgamation; or

(ii) otherwise in relation to the procedure to be followed in relation to the amalgamation.

(6) Subsection (5) does not limit by implication the powers that the FWC has apart from that subsection.

Powers of the FWC to adjourn proceeding

(7) If, apart from this subsection, the FWC would be required to refuse to approve the submission of the amalgamation to ballot, the FWC may adjourn the proceeding.

(8) Subsection (7) does not limit by implication the power of the FWC to adjourn the proceeding at any stage.

56 Objections in relation to amalgamation involving extension of eligibility rules etc.

(1) Objection to a matter involved in a proposed amalgamation may only be made to the FWC under this section.

(2) Objection may be made to the FWC in relation to the amalgamation only if the FWC has refused to approve, under section 55, the submission of the amalgamation to ballot.

(3) Objection may be made by a prescribed person on a prescribed ground.

(4) The FWC is to hear, as prescribed, all objections duly made to the amalgamation.

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57 Approval for submission to ballot of amalgamation involving extension of eligibility rules etc.

Approval must be given if certain conditions satisfied

(1) If, after the prescribed time allowed for making objections under section 56 in relation to a proposed amalgamation and after hearing any objections duly made to the amalgamation, the FWC:
  (a) finds that no duly made objection is justified; and
  (b) is satisfied that, so far as the amalgamation involves:
    (i) the registration of an association; or
    (ii) a change in the name of an organisation; or
    (iii) an alteration of the rules of an organisation; or
    (iv) the de-registration of an organisation under this Part;
    it complies with, and is not contrary to, this Act, the Fair Work Act, modern awards and enterprise agreements and is not otherwise contrary to law;
the FWC must approve the submission of the amalgamation to ballot.

Approval generally refused if conditions not satisfied

(2) If the FWC is not satisfied, the FWC must, subject to subsections (3) and (8), refuse to approve, under this section, the submission of the amalgamation to ballot.

Approval may be given if conditions will be satisfied later

(3) If, apart from this subsection, the FWC would be required to refuse to approve the submission of the amalgamation to ballot, the FWC may:
  (a) permit the applicants to alter the scheme for the amalgamation, including:
    (i) the rules of any association proposed to be registered as an organisation in relation to the amalgamation; or
    (ii) any proposed alterations of the rules of the existing organisations concerned in the amalgamation; or

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(b) accept an undertaking by the applicants to alter the scheme for the amalgamation, including:
  (i) the rules of any association proposed to be registered as an organisation in relation to the amalgamation; or
  (ii) any proposed alterations of the rules of the existing organisations concerned in the amalgamation;

and, if the FWC is satisfied that the matters mentioned in subsection (1) will be met, the FWC must approve the submission of the amalgamation to ballot.

Permission to alter amalgamation scheme

(4) A permission under subparagraph (3)(a)(i):
  (a) may, despite anything in the rules of any association proposed to be registered as an organisation in relation to the proposed amalgamation, authorise the existing organisations concerned in the amalgamation to alter the scheme so far as it affects that association (including any of its rules) by resolution of their committees of management; and
  (b) may make provision in relation to the procedure that, despite anything in the rules of the existing organisations or the rules of the association, may be followed, or is to be followed, by the committees of management in that regard; and
  (c) may be given subject to conditions.

(5) A permission under subparagraph (3)(a)(ii):
  (a) may, despite anything in the rules of an existing organisation concerned in the proposed amalgamation, authorise the organisation to alter the scheme (including any proposed alterations of the rules of the organisation, but not including the scheme so far as it affects any association proposed to be registered as an organisation in relation to the proposed amalgamation) by resolution of its committee of management; and
  (b) may make provision in relation to the procedure that, despite anything in those rules, may be followed, or is to be

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followed, by the committee of management in that regard; and

(c) may be given subject to conditions.

Powers of FWC if conditions or undertakings breached

(6) If:

(a) the FWC:

(i) gives a permission under paragraph (3)(a) subject to conditions; or

(ii) accepts an undertaking under paragraph (3)(b); and

(b) the conditions are breached or the undertaking is not fulfilled within the period allowed by the FWC;

the FWC may:

(c) amend the scheme for the amalgamation, including:

(i) the rules of any association proposed to be registered as an organisation in relation to the amalgamation; or

(ii) any proposed alterations of the rules of the existing organisations concerned in the amalgamation; or

(d) give directions and orders:

(i) in relation to the conduct of the ballot for the amalgamation; or

(ii) otherwise in relation to the procedure to be followed in relation to the amalgamation.

(7) Subsection (6) does not limit by implication the powers that the FWC has apart from that subsection.

Powers of the FWC to adjourn proceeding

(8) If, apart from this subsection, the FWC would be required to refuse to approve the submission of the amalgamation to ballot, the FWC may adjourn the proceeding.

(9) Subsection (8) does not limit by implication the power of the FWC to adjourn the proceeding at any stage.

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58 Fixing commencing and closing days of ballot

(1) If the FWC approves, under section 55 or 57, the submission of a proposed amalgamation to ballot, the FWC must, after consulting with the Electoral Commissioner, fix a day as the commencing day of the ballot and a day as the closing day of the ballot.

(2) The commencing day must be a day not later than 28 days after the day on which the approval is given unless:
   (a) the FWC is satisfied that the AEC requires a longer period to make the arrangements necessary to enable it to conduct the ballot; or
   (b) the existing organisations concerned in the amalgamation request the FWC to fix a later day.

(3) If the scheme for the amalgamation contains a proposed alternative provision, a single day is to be fixed as the commencing day, and a single day is to be fixed as the closing day, for all ballots in relation to the proposed amalgamation.

(4) The FWC may, after consulting with the Electoral Commissioner, vary the commencing day or the closing day.

(5) Subsection (4) does not limit by implication the powers of the person conducting a ballot under this Part.

59 Roll of voters for ballot

The roll of voters for a ballot for a proposed amalgamation is the roll of persons who, on the day on which the FWC fixes the commencing day and closing day of the ballot or 28 days before the commencing day of the ballot (whichever is the later):
   (a) have the right under the rules of the existing organisation concerned to vote at such a ballot; or
   (b) if the rules of the existing organisation concerned do not then provide for the right to vote at such a ballot—have the right under the rules of the organisation to vote at a ballot for an election for an office in the organisation that is conducted by a direct voting system.

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60 "Yes" case and "no" case for amalgamation

"Yes" statement may be altered

(1) If an existing organisation concerned in a proposed amalgamation lodges a statement under section 48 in relation to the amalgamation, the FWC may permit the organisation to alter the statement.

Members of organisation may lodge "no" statement

(2) Not later than 7 days before the day fixed under section 53 for hearing submissions in relation to the amalgamation, members of the organisation (being members whose number is at least the required minimum number) may lodge with the FWC a written statement of not more than 2,000 words in opposition to the proposed principal amalgamation and any proposed alternative amalgamation.

"No" statement may be altered

(3) The FWC may permit a statement lodged under subsection (2) to be altered.

"Yes" and "no" statements to be sent to voters

(4) Subject to subsections (5), (6) and (7), a copy of the statements mentioned in subsections (1) and (2), or, if those statements have been altered or amended, those statements as altered or amended, must accompany the ballot paper sent to the persons entitled to vote at a ballot for the amalgamation.

2 or more "no" statements must be combined

(5) If 2 or more statements in opposition to the amalgamation are duly lodged with the FWC under subsection (2):
   (a) the FWC must prepare, or cause to be prepared, in consultation, if practicable, with representatives of the persons who lodged each of the statements, a written

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statement of not more than 2,000 words in opposition to the amalgamation based on both or all the statements and, as far as practicable, presenting fairly the substance of the arguments against the amalgamation contained in both or all the statements; and

(b) the statement prepared by the FWC must accompany the ballot paper for the amalgamation as if it had been the sole statement lodged under subsection (2).

FWC may correct factual errors in statements

(6) The FWC may amend a statement mentioned in subsection (1) or (2) to correct factual errors or to ensure that the statement complies with this Act.

Statements may include photos etc. if the FWC approves

(7) A statement mentioned in subsection (1) or (2) may, if the FWC approves, include matter that is not in the form of words, including, for example, diagrams, drawings, illustrations, photographs and symbols.

(8) A statement prepared under subsection (5) may include matter that is not in the form of words, including, for example, diagrams, drawings, illustrations, photographs and symbols.

Certain statements not required to be sent to voters

(9) Subsection (4) and paragraph (5)(b) do not apply to a ballot that is not conducted under section 65.

Note: Ballots conducted under section 65 are secret postal ballots.

Definition

(10) In this section:

required minimum number, in relation to an organisation, means:

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(a) 5% of the total number of members of the organisation on the day on which the application was lodged under section 44 in relation to the proposed amalgamation concerned; or

(b) 1,000;

whichever is the lesser.

61 Alteration and amendment of scheme

Permission to alter amalgamation scheme

(1) The FWC may, at any time before the commencing day of the ballot for a proposed amalgamation, permit the existing organisations concerned in the amalgamation to alter the scheme for the amalgamation, including:

(a) the rules of any association proposed to be registered as an organisation in relation to the amalgamation; or

(b) any proposed alterations of the rules of the existing organisations concerned in the amalgamation.

Permission relating to rules of new organisations

(2) A permission under paragraph (1)(a):

(a) may, despite anything in the rules of any association proposed to be registered as an organisation in relation to the proposed amalgamation, authorise the existing organisations concerned in the amalgamation to alter the scheme so far as it affects that association (including any of its rules) by resolution of their committees of management; and

(b) may make provision in relation to the procedure that, despite anything in the rules of the existing organisations or the rules of the association, may be followed, or is to be followed, by the committees of management in that regard; and

(c) may be given subject to conditions.

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Permission relating to rules of existing organisations

(3) A permission under paragraph (1)(b):
  (a) may, despite anything in the rules of an existing organisation concerned in a proposed amalgamation, authorise the organisation to amend the scheme (including any proposed alterations of the rules of the organisation, but not including the scheme so far as it affects any association proposed to be registered as an organisation in relation to the proposed amalgamation) by resolution of its committee of management; and
  (b) may make provision in relation to the procedure that, despite anything in those rules, may be followed, or is to be followed, by the committee of management in that regard; and
  (c) may be given subject to conditions.

Powers of the FWC if conditions breached

(4) If:
  (a) the FWC gives a permission under subsection (1) subject to conditions; and
  (b) the conditions are breached;

  the FWC may:
  (c) amend the scheme for the amalgamation, including:
    (i) the rules of any association proposed to be registered as an organisation in relation to the amalgamation; or
    (ii) any proposed alterations of the rules of the existing organisations concerned in the amalgamation; or
  (d) give directions and orders:
    (i) in relation to the conduct of the ballot for the amalgamation; or
    (ii) otherwise in relation to the procedure to be followed in relation to the amalgamation.

(5) Subsection (4) does not limit by implication the powers that the FWC has apart from that subsection.

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Outline of scheme must change if scheme changes

(6) If the scheme for the amalgamation is altered or amended (whether under this section or otherwise), the outline of the scheme must be altered or amended to the extent necessary to reflect the alterations or amendments.

62 Outline of scheme for amalgamation

(1) The outline of the scheme for a proposed amalgamation may, if the FWC approves, consist of more than 3,000 words.

(2) The outline may, if the FWC approves, include matter that is not in the form of words, including, for example, diagrams, drawings, illustrations, photographs and symbols.

(3) The FWC:
   (a) may, at any time before the commencing day of the ballot for the amalgamation, permit the existing organisations concerned in the amalgamation to alter the outline; and
   (b) may amend the outline to correct factual errors or otherwise to ensure that it complies with this Act.

63 Exemption from ballot

(1) If:
   (a) an application was lodged under section 46 for exemption from the requirement that a ballot be held in relation to a proposed amalgamation; and
   (b) the total number of members that could be admitted to membership of the proposed amalgamated organisation on, and because of, the amalgamation does not exceed 25% of the number of members of the applicant organisation on the day on which the application was lodged;

   the FWC must, at the conclusion of the hearing arranged under section 53 in relation to the amalgamation, grant the exemption unless the FWC considers that, in the special circumstances of the case, the exemption should be refused.

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(2) If the exemption is granted, the members of the applicant organisation are taken to have approved the proposed principal amalgamation and each proposed alternative amalgamation (if any).

64 Approval for ballot not conducted under section 65

If:

(a) an application was lodged under section 47 for approval of a proposal for submission of a proposed amalgamation to ballot that is not conducted under section 65; and

(b) the proposal provides for:

(i) the ballot to be by secret ballot of the members of the organisation; and

(ii) the ballot to be held at duly constituted meetings of the members; and

(iii) the ballot to be conducted by the AEC; and

(iv) the members to be given at least 21 days' notice of the meetings, the matters to be considered at the meetings and their entitlement to an absent vote; and

(v) the distribution or publication of:

(A) the outline of the scheme for the amalgamation; and

(B) the statements mentioned in subsections 60(1) and (2); and

(vi) absent voting; and

(vii) the ballot to be otherwise conducted in accordance with the regulations; and

(c) the FWC is satisfied, after consulting with the Electoral Commissioner:

(i) that the proposal is practicable; and

(ii) that approval of the proposal is likely:

(A) to result in participation by members of the organisation that is fuller than the participation that would have been likely to have resulted if the ballot were conducted under section 65; and

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(B) to give the members of the organisation an adequate opportunity to vote on the amalgamation without intimidation;

the FWC must, at the conclusion of the hearing arranged under section 53 in relation to the amalgamation, approve the proposal.

65 Secret postal ballot of members

Ballot on proposed principal amalgamation

(1) If the FWC approves, under section 55 or 57, the submission of a proposed amalgamation to ballot, the AEC must, in relation to each of the existing organisations concerned in the amalgamation, conduct a secret postal ballot of the members of the organisation on the question whether they approve the proposed principal amalgamation.

Ballot at same time on proposed alternative amalgamation

(2) If the scheme for the amalgamation contains a proposed alternative provision, the AEC must also conduct, at the same time and in the same way as the ballot under subsection (1), a ballot of the members of each of the existing organisations on the question or questions whether, if the proposed principal amalgamation does not take place, they approve the proposed alternative amalgamation or each proposed alternative amalgamation.

Same ballot paper to be used for both ballots

(3) If, under subsection (2), the AEC is required to conduct 2 or more ballots of the members of an organisation at the same time, the same ballot paper is to be used for both or all the ballots.

Counting of votes in alternative amalgamation ballot

(4) A person conducting a ballot under subsection (2) need not count the votes in the ballot if the person is satisfied that the result of the ballot will not be required to be known for the purposes of this Act.

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Copy of outline to be sent to voters

(5) A copy of the outline of the scheme for the amalgamation as lodged under this Part, or, if the scheme has been altered or amended, a copy of the outline of the scheme as altered or amended, is to accompany the ballot paper sent to a person entitled to vote at the ballot.

Conduct of ballot

(6) In a ballot conducted under this section, each completed ballot paper must be returned to the AEC as follows:
   (a) the ballot paper must be in the declaration envelope provided to the voter with the ballot paper;
   (b) the declaration envelope must be in another envelope that is in the form prescribed by the regulations.

(8) Subject to this section, a ballot conducted under this section is to be conducted as prescribed.

Organisation may be exempt from requirements of this section

(9) This section does not apply to an existing organisation concerned in the amalgamation if:
   (a) the FWC has granted the organisation an exemption under section 63 from the requirement that a ballot be held in relation to the proposed amalgamation; or
   (b) the FWC has approved under section 64 a proposal by the organisation for the submission of the amalgamation to a ballot that is not conducted under this section.

66 Determination of approval of amalgamation by members

Where the question of a proposed amalgamation is submitted to a ballot of the members of an existing organisation concerned in the amalgamation, the members of the organisation approve the amalgamation if, and only if:

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(a) where a declaration under section 43 is in force in relation to the proposed amalgamation—more than 50% of the formal votes cast in the ballot are in favour of the amalgamation; or

(b) in any other case:

(i) at least 25% of the members on the roll of voters cast a vote in the ballot; and

(ii) more than 50% of the formal votes cast are in favour of the amalgamation.

67 Further ballot if amalgamation not approved

(1) If:

(a) the question of a proposed amalgamation is submitted to a ballot of the members of an existing organisation; and

(b) the members of the organisation do not approve the amalgamation;

the existing organisations concerned in the amalgamation may jointly lodge with the FWC a further application under section 44 for approval for the submission of the amalgamation to ballot.

(2) If the application is lodged within 12 months after the result of the ballot is declared, the FWC may order:

(a) that any step in the procedure provided by this Part be dispensed with in relation to the proposed amalgamation; or

(b) that a fresh ballot be conducted in place of an earlier ballot in the amalgamation;

and the FWC may give such directions and make such further orders as the FWC considers necessary or desirable.

(3) Subsection (2) does not by implication require a further application under section 44 to be lodged within the 12 month period mentioned in that subsection.

68 Post-ballot report by AEC

(1) After the completion of a ballot under this Part, the AEC must give a report on the conduct of the ballot to:

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(a) the Federal Court; and
(b) the General Manager; and
(c) each applicant under section 44.

(2) The report must include details of the prescribed matters.

(3) If the AEC is of the opinion that the register of members, or the part of the register, made available to the AEC for the purposes of the ballot contained, at the time of the ballot:
(a) an unduly large proportion of members' addresses that were not current; or
(b) an unduly large proportion of members' addresses that were workplace addresses;
this fact must be included in the report.

(4) Subsection (3) applies only in relation to postal ballots.

69 Inquiries into irregularities

(1) Not later than 30 days after the result of a ballot under this Part is declared, application may be made to the Federal Court, as prescribed, for an inquiry by the Court into alleged irregularities in relation to the ballot.

(2) If the Court finds that there has been an irregularity that may affect, or may have affected, the result of the ballot, the Court may:
(a) if the ballot has not been completed—order that a step in relation to the ballot be taken again; or
(b) in any other case—order that a fresh ballot be conducted in place of the ballot in which the irregularity happened;
and may make such further orders as it considers necessary or desirable.

(3) The regulations may make provision with respect to the procedure for inquiries by the Court into alleged irregularities in relation to ballots under this Part, and for matters relating to, or arising out of, inquiries.

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70 Approval of amalgamation

(1) If the members of each of the existing organisations concerned in a proposed amalgamation approve the proposed principal amalgamation, the proposed principal amalgamation is approved for the purposes of this Part.

(2) If:
  (a) the scheme for a proposed amalgamation contains an alternative provision; and
  (b) the members of one or more of the existing organisations concerned in the amalgamation do not approve the proposed principal amalgamation; and
  (c) the members of 2 or more of the organisations (in paragraph (d) called the ***approving organisations***) approve a proposed alternative amalgamation; and
  (d) where one of the existing organisations is the proposed amalgamated organisation—that organisation is one of the approving organisations;

the proposed alternative amalgamation is approved for the purposes of this Part.

71 Expenses of ballot

The expenses of a ballot under this Part are to be borne by the Commonwealth.

72 Offences in relation to ballot

Interference with ballot papers

(1) A person commits an offence in relation to a ballot if the person:
  (a) impersonates another person with the intention of:
    (i) securing a ballot paper to which the impersonator is not entitled; or
    (ii) casting a vote; or

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(b) does an act that results in a ballot paper or envelope being destroyed, defaced, altered, taken or otherwise interfered with; or

(c) fraudulently puts a ballot paper or other paper:

(i) into a ballot box or other ballot receptacle; or

(ii) into the post; or

(d) delivers a ballot paper or other paper to a person other than a person receiving ballot papers for the purposes of the ballot; or

(e) records a vote that the person is not entitled to record; or

(f) records more than one vote; or

(g) forges a ballot paper or envelope, or utters a ballot paper or envelope that the person knows to be forged; or

(h) provides a ballot paper without authority; or

(i) obtains a ballot paper which the person is not entitled to obtain; or

(j) has possession of a ballot paper which the person is not entitled to possess; or

(k) does an act that results in a ballot box or other ballot receptacle being destroyed, taken, opened or otherwise interfered with.

Penalty: 30 penalty units.

Hindering the ballot, threats and bribes etc.

(2) A person commits an offence in relation to a ballot if the person:

(a) hinders or obstructs the taking of the ballot; or

(b) uses any form of intimidation or inducement to prevent from voting, or to influence the vote of, a person entitled to vote at the ballot; or

(c) threatens, offers or suggests, or uses, causes or inflicts, any violence, injury, punishment, damage, loss or disadvantage with the intention of influencing or affecting:

(i) any vote or omission to vote; or

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(ii) any support of, or opposition to, voting in a particular manner; or

(iii) any promise of any vote, omission, support or opposition; or

(d) gives, or promises or offers to give, any property or benefit of any kind with the intention of influencing or affecting anything referred to in subparagraph (c)(i), (ii) or (iii); or

(e) asks for or obtains, or offers or agrees to ask for or obtain, any property or benefit of any kind (whether for that person or another person), on the understanding that anything referred to in subparagraph (c)(i), (ii) or (iii) will be influenced or affected in any way; or

(f) counsels or advises a person entitled to vote to refrain from voting.

Penalty: 30 penalty units.

Secrecy of vote

(3) A person (the ***relevant person***) commits an offence in relation to a ballot if:

(a) the relevant person requests, requires or induces another person:

(i) to show a ballot paper to the relevant person; or

(ii) to permit the relevant person to see a ballot paper;

in such a manner that the relevant person can see the vote while the ballot paper is being marked or after it has been marked; or

(b) in the case where the relevant person is a person performing duties for the purposes of the ballot—the relevant person shows another person, or permits another person to have access to, a ballot paper used in the ballot, otherwise than in the performance of the duties.

Penalty: 30 penalty units.

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Division 6—Amalgamation taking effect

73 Action to be taken after ballot

(1) The scheme of a proposed amalgamation that is approved for the purposes of this Part takes effect in accordance with this section.

(2) If the FWC is satisfied that:
  (a) the period, or the latest of the periods, within which application may be made to the Federal Court under section 69 in relation to the amalgamation has ended; and
  (b) any application to the Federal Court under section 69 has been disposed of, and the result of any fresh ballot ordered by the Court has been declared; and
  (c) there are no proceedings (other than civil proceedings) pending against any of the existing organisations concerned in the amalgamation in relation to:
    (i) contraventions of this Act, the Fair Work Act or other Commonwealth laws; or
    (ii) breaches of modern awards or enterprise agreements; or
    (iii) breaches of orders made under this Act, the Fair Work Act or other Commonwealth laws; and
  (d) any obligation that an existing organisation has under a law of the Commonwealth that is not fulfilled by the time the amalgamation takes effect will be regarded by the proposed amalgamated organisation as an obligation it is bound to fulfil under the law concerned;

  the FWC must, after consultation with the existing organisations, by notice published as prescribed, fix a day (in this Division called the ***amalgamation day***) as the day on which the amalgamation is to take effect.

(3) On the amalgamation day:
  (a) if the proposed amalgamated organisation is not already registered—the General Manager must enter, in the register kept under subsection 13(1), such particulars in relation to

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the organisation as are prescribed, and the date of the entry; and

(b) any proposed alteration of the rules of an existing organisation concerned in the amalgamation takes effect; and

(c) the FWC must de-register the proposed de-registering organisations; and

(d) the persons who, immediately before that day, were members of a proposed de-registering organisation become, by force of this section and without payment of entrance fee, members of the proposed amalgamated organisation.

(4) If:

(a) the FWC has been given an undertaking, for the purposes of paragraph (2)(d), that an amalgamated organisation will fulfil an obligation; and

(b) after giving the amalgamated organisation an opportunity to be heard, the FWC determines that the organisation has not complied with the undertaking;

the FWC may make any order it considers appropriate to require the organisation to comply with the undertaking.

74 Assets and liabilities of de-registered organisation become assets and liabilities of amalgamated organisation

(1) On the amalgamation day, all assets and liabilities of a de-registered organisation cease to be assets and liabilities of that organisation and become assets and liabilities of the amalgamated organisation.

(2) For all purposes and in all proceedings, an asset or liability of a de-registered organisation existing immediately before the amalgamation day is taken to have become an asset or liability of the amalgamated organisation on that day.

75 Resignation from membership

When the day on which the proposed amalgamation is to take effect is fixed, section 174 has effect in relation to resignation from

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membership of a proposed de-registering organisation as if the reference in subsection 174(2) to 2 weeks were a reference to one week or such lesser period as the FWC directs.

76 Effect of amalgamation on modern awards, orders and enterprise agreements

On and from the amalgamation day:

(a) a modern award or an enterprise agreement that, immediately before that day, covered a proposed de-registering organisation and its members covers, by force of this section, the proposed amalgamated organisation and its members; and

(aa) a modern award, an order of the FWC or an enterprise agreement that, immediately before that day, applied to a proposed de-registering organisation and its members applies to, by force of this section, the proposed amalgamated organisation and its members; and

(b) the award, order or agreement has effect for all purposes (including the obligations of employers and organisations of employers) as if references in the award, order or agreement to a de-registered organisation included references to the amalgamated organisation.

77 Effect of amalgamation on agreement under section 151

(1) Unless the scheme of a proposed amalgamation otherwise provides, an agreement in force under section 151 to which a de-registered organisation was a party continues in force on and from the amalgamation day as if references in the agreement to the de-registered organisation were references to the amalgamated organisation.

(2) The General Manager must enter in the register kept under subsection 13(1) particulars of the effect of the amalgamation on the agreement.

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78 Instruments

(1) On and after the amalgamation day, an instrument to which this Part applies continues, subject to subsection (2), in full force and effect.

(2) The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after that day as if a reference in the instrument to a de-registered organisation were a reference to the amalgamated organisation.

79 Pending proceedings

Where, immediately before the amalgamation day, a proceeding to which this Part applies was pending in a court or before the FWC:

(a) the amalgamated organisation is, on that day, substituted for each de-registered organisation as a party; and

(b) the proceeding is to continue as if the amalgamated organisation were, and had always been, the de-registered organisation.

80 Division applies despite laws and agreements prohibiting transfer etc.

(1) This Division applies, and must be given effect to, despite anything in:

(a) the Fair Work Act or any other Commonwealth, State or Territory law; or

(b) any contract, deed, undertaking, agreement or other instrument.

(2) Nothing done by this Division, and nothing done by a person because of, or for a purpose connected with or arising out of, this Division:

(a) is to be regarded as:

(i) placing an organisation or other person in breach of contract or confidence; or

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(ii) otherwise making an organisation or other person guilty of a civil wrong; or

(b) is to be regarded as placing an organisation or other person in breach of:

(i) any Commonwealth, State or Territory law; or

(ii) any contractual provision prohibiting, restricting or regulating the assignment or transfer of any asset or liability or the disclosure of any information; or

(c) is taken to release any surety, wholly or in part, from all or any of the surety's obligations.

(3) Without limiting subsection (1), where, but for this section, the consent of a person would be necessary in order to give effect to this Division in a particular respect, the consent is taken to have been given.

81 Amalgamated organisation to take steps necessary to carry out amalgamation

(1) The amalgamated organisation must take such steps as are necessary to ensure that the amalgamation, and the operation of this Division in relation to the amalgamation, are fully effective.

(2) The Federal Court may, on the application of an interested person, make such orders as it considers appropriate to ensure that subsection (1) is given effect to.

82 Certificates in relation to land and interests in land

Where:

(a) land or an interest in land becomes, under this Division, land or an interest in land of the amalgamated organisation; and

(b) a certificate that:

(i) is signed by an authorised person; and

(ii) identifies the land or interest, whether by reference to a map or otherwise; and

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(iii) states that the land or interest has, under this Division, become land or an interest in land of the amalgamated organisation;

is lodged with the Registrar-General, Registrar of Titles or other proper officer of the State or Territory in which the land is situated;

the officer with whom the certificate is lodged may:

(c) deal with, and give effect to, the certificate as if it were a grant, conveyance, memorandum or instrument of transfer of the land (including all rights, title and interest in the land) or the interest in the land, as the case may be, to the amalgamated organisation that had been properly executed under the law of the State or Territory; and

(d) register the matter in the same way as dealings in land or interests in land of that kind are registered.

83 Certificates in relation to charges

Where:

(a) the amalgamated organisation under an amalgamation becomes, under this Division, the holder of a charge; and

(b) a certificate that:

(i) is signed by an authorised person; and

(ii) identifies the charge; and

(iii) states that the amalgamated organisation has, under this Division, become the holder of the charge;

is lodged with the Australian Securities and Investments Commission;

that Commission may:

(c) register the matter in the same way as assignments of charges are registered; and

(d) deal with, and give effect to, the certificate as if it were a notice of assignment of the charge that had been properly lodged with that Commission.

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84 Certificates in relation to shares etc.

Where:

(a) the amalgamated organisation becomes, under this Division, the holder of a share, debenture or interest in a company; and

(b) a certificate that:

(i) is signed by an authorised person; and

(ii) identifies the share, debenture or interest; and

(iii) states that the amalgamated organisation has become, under this Division, the holder of the share, debenture or interest;

is delivered to the company;

the company must take all steps necessary to register or record the matter in the same way as transfers of shares, debentures or interests in the company are registered or recorded.

85 Certificates in relation to other assets

Where:

(a) an asset (other than an asset to which section 82, 83 or 84 applies) becomes, under this Division, an asset of the amalgamated organisation; and

(b) a certificate that:

(i) is signed by an authorised person; and

(ii) identifies the asset; and

(iii) states that the asset has, under this Division, become an asset of the amalgamated organisation;

is given to the person or authority who has, under Commonwealth, State or Territory law, responsibility for keeping a register in relation to assets of that kind;

the person or authority may:

(c) register the matter in the same way as transactions in relation to assets of that kind are registered; and

(d) deal with, and give effect to, the certificate;

as if the certificate were a proper and appropriate instrument for transactions in relation to assets of that kind.

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86 Other matters

The regulations may provide for any other matters relating to giving effect to an amalgamation.

87 Federal Court may resolve difficulties

(1) Where any difficulty arises in relation to the application of this Division to a particular matter, the Federal Court may, on the application of an interested person, make such order as it considers proper to resolve the difficulty.

(2) An order made under subsection (1) has effect despite anything contained in this Act, the Fair Work Act or in any other Commonwealth law or any State or Territory law.

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Division 7—Validation

88 Validation of certain acts done in good faith

(1) Subject to this section and to section 90, an act done in good faith for the purposes of a proposed or completed amalgamation by:
  (a) an organisation or association concerned in the amalgamation; or
  (b) the committee of management of such an organisation or association; or
  (c) an officer of such an organisation or association;

is valid despite any invalidity that may later be discovered in or in connection with the act.

(2) For the purposes of this section:
  (a) an act is treated as done in good faith until the contrary is proved; and
  (b) a person who has purported to be a member of the committee of management, or an officer, is to be treated as having done so in good faith until the contrary is proved; and
  (c) an invalidity in the making or altering of the scheme for the amalgamation is not to be treated as discovered before the earliest time proved to be a time when the existence of the invalidity was known to a majority of members of the committee of management or to a majority of the persons purporting to act as the committee of management; and
  (d) knowledge of facts from which an invalidity arises is not of itself treated as knowledge that the invalidity exists.

(3) This section applies:
  (a) to an act whenever done (including an act done before the commencement of this section); and
  (b) to an act done to or by an association before it became an organisation.

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(4) Nothing in this section affects:
  (a) the operation of an order of the Federal Court made before the commencement of this section; or
  (b) the operation of section 69, 81 or 87 or Part 2 of Chapter 11 (validation provisions for organisations).

89 Validation of certain acts after 4 years

(1) Subject to subsection (2) and section 90, after the end of 4 years from the day an act is done for the purposes of a proposed or completed amalgamation by:
  (a) an organisation or association concerned in the amalgamation; or
  (b) the committee of management of such an organisation or association; or
  (c) an officer of such an organisation or association;

  the act is taken to have complied with this Part and the rules of the organisation or association.

(2) The operation of this section does not affect the validity or operation of an order, judgment, decree, declaration, direction, verdict, sentence, decision or similar judicial act of the Federal Court or any other court made before the end of that 4 years.

(3) This section applies:
  (a) to an act whenever done (including an act done before the commencement of this section); or
  (b) to an act done to or by an association before it became an organisation.

90 Orders affecting application of section 88 or 89

(1) Where, on an application for an order under this section, the Federal Court is satisfied that the application of section 88 or 89 in relation to an act would do substantial injustice, having regard to the interests of:
  (a) the organisation or association concerned; or

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(b) members or creditors of the organisation or association concerned; or

(c) persons having dealings with the organisation or association concerned;

the Court must, by order, declare accordingly.

(2) Where a declaration is made, section 88 or 89, as the case requires, does not apply, and is taken never to have applied, in relation to the act specified in the declaration.

(3) The Court may make an order under subsection (1) on the application of the organisation or association concerned, a member of the organisation or association concerned or any other person having a sufficient interest in relation to the organisation or association concerned.

91 Federal Court may make orders in relation to consequences of invalidity

(1) An organisation or association, a member of an organisation or association or any other person having a sufficient interest in relation to an organisation or association may apply to the Federal Court for a determination of the question whether an invalidity has occurred in a proposed or completed amalgamation concerning the organisation or association.

(2) On an application under subsection (1), the Court may make such determination as it considers proper.

(3) Where, in a proceeding under subsection (1), the Court finds that an invalidity of the kind mentioned in that subsection has occurred, the Court may make such orders as it considers appropriate:

(a) to rectify the invalidity or cause it to be rectified; or

(b) to negative, modify or cause to be modified the consequences in law of the invalidity; or

(c) to validate any act, matter or thing that is made invalid by or because of the invalidity.

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(4) Where an order is made under subsection (3), the Court may give such ancillary or consequential directions as it considers appropriate.

(5) The Court must not make an order under subsection (3) without satisfying itself that such an order would not do substantial injustice to:
   (a) the organisation or association concerned; or
   (b) any member or creditor of the organisation or association concerned; or
   (c) any person having dealings with the organisation or association concerned.

(6) This section applies:
   (a) to an invalidity whenever occurring (including an invalidity occurring before the commencement of this section); and
   (b) to an invalidity occurring in relation to an association before it became an organisation.

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Part 3—Withdrawal from amalgamations

Division 1—General

92 Object of Part

The object of this Part is to provide for:

(a) certain organisations that have taken part in amalgamations (either under this Act or the *Workplace Relations Act 1996* as in force before the commencement of this Part) to be reconstituted and re-registered; and

(b) branches of organisations of that kind to be formed into organisations and registered;

in a way that is fair to the members of the organisations concerned and the creditors of those organisations.

93 Definitions etc.

(1) In this Part, unless the contrary intention appears:

amalgamated organisation, in relation to an amalgamation, means the organisation of which members of a de-registered organisation became members under paragraph 73(3)(d) but does not include any such organisation that was subsequently de-registered under Part 2.

asset has the same meaning as in Part 2.

authorised person, in relation to a completed withdrawal from amalgamation, means a person authorised by the rules or the committee of management of the newly registered organisation.

ballot means a ballot conducted under Division 2.

charge has the same meaning as in Part 2.

completed withdrawal from amalgamation means a proposed withdrawal from amalgamation that has taken effect.

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constituent member, in relation to a constituent part of an amalgamated organisation, means:

(a) in the case of a separately identifiable constituent part—a member of the amalgamated organisation who is included in that part; or

(b) in any other case—a member of the amalgamated organisation who would be eligible for membership of the constituent part if:

(i) the constituent part; or

(ii) the organisation of which the constituent part was a branch;

as the case requires, were still registered as an organisation with the same rules as it had when it was de-registered under Part 2.

constituent part, in relation to an amalgamated organisation, means:

(a) a separately identifiable constituent part; or

(b) a part of the membership of the amalgamated organisation that would have been eligible for membership of:

(i) an organisation de-registered under Part 2 in connection with the formation of the amalgamated organisation; or

(ii) a State or Territory branch of such a de-registered organisation;

if the de-registration had not occurred.

debenture has the same meaning as in Part 2.

holder, in relation to a charge, has the same meaning as in Part 2.

instrument has the same meaning as in Part 2.

instrument to which this Part applies, in relation to a completed withdrawal from amalgamation, means an instrument that immediately before the withdrawal day is an instrument:

(a) to which the amalgamated organisation from which a constituent part has withdrawn to form a newly registered organisation is a party; or

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(b) that was given to, by, or in favour of, the amalgamated organisation; or
(c) in which a reference is made to the amalgamated organisation; or
(d) under which any right or liability accrues or may accrue to the amalgamated organisation in relation to the constituent part of the organisation and its members.

interest has the same meaning as in Part 2.

invalidity has the same meaning as in Part 2.

irregularity includes a breach of the rules of an organisation, but in Division 4 does not include an irregularity in relation to a ballot.

liability has the same meaning as in Part 2.

newly registered organisation means an organisation registered under section 110.

proceeding to which this Part applies, in relation to a completed withdrawal from amalgamation, means a proceeding to which an amalgamated organisation was a party immediately before the withdrawal day.

proposed withdrawal from amalgamation means the proposed carrying out of arrangements in relation to an amalgamated organisation under which a separately identifiable constituent part of the organisation is to withdraw from the organisation.

separately identifiable constituent part, in relation to an amalgamated organisation, means:
(a) if an organisation de-registered under Part 2 in connection with the formation of the amalgamated organisation remains separately identifiable under the rules of the amalgamated organisation as a branch, division or part of that organisation—that branch, division or part; or
(b) if a State or Territory branch of such a de-registered organisation under its rules as in force immediately before its de-registration remains separately identifiable under the rules

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of the amalgamated organisation as a branch, division or part of that organisation—that branch, division or part.

withdrawal day, in relation to a completed withdrawal from amalgamation, means the day fixed under paragraph 109(1)(a) in relation to the withdrawal from amalgamation.

(2) For the purposes of this Part, an organisation is taken to have been de-registered under Part 2 in connection with the formation of an amalgamated organisation if the de-registration occurred in connection with the formation of:

(a) the amalgamated organisation; or

(b) another organisation that was subsequently de-registered under Part 2 in connection with the formation of:

(i) the amalgamated organisation; or

(ii) an organisation that, through one or more previous applications of this subsection, is taken to have been de-registered under Part 2 in connection with the formation of the amalgamated organisation.

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Division 2—Ballots for withdrawal from amalgamated organisations

94 Applications to the FWC for ballots

(1) An application may be made to the FWC for a secret postal ballot to be held, to decide whether a constituent part of an amalgamated organisation should withdraw from the organisation, if:

(a) the constituent part became part of the organisation as a result of an amalgamation under:

(i) Division 7 of Part 15 of the *Workplace Relations Act 1996* (as in force before the commencement of this Part) after 1 February 1991; or

(ii) Part 2 of this Chapter; and

(b) the amalgamation occurred no less than 2 years prior to the date of the application; and

(c) the application is made before the period of 5 years after the amalgamation occurred has elapsed.

(2) However, an application cannot be made if:

(a) during the last 12 months, the FWC has rejected an application for a ballot to be held in relation to the constituent part of the organisation; or

(b) a ballot was held that rejected the withdrawal of the constituent part.

(3) The application may be made by:

(a) the prescribed number of constituent members; or

(aa) a person authorised to make the application by the prescribed number of constituent members; or

(b) a committee of management elected entirely or substantially by the constituent members, whether by a direct voting system or a collegiate electoral system; or

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(c) if the application relates to a separately identifiable constituent part—the committee of management of that part; or

(d) a person who is:

(i) either a constituent member or a member of a committee of management referred to in paragraph (b) or (c); and

(ii) authorised to make the application by a committee of management referred to in paragraph (b) or (c).

(4) The application must be in the prescribed form and must contain such information as is prescribed.

(5) A constituent member of an amalgamated organisation who is not a financial member is taken not to be a constituent member for the purposes of subsection (3).

(6) The regulations may prescribe the manner in which an authorisation for the purposes of paragraph (3)(aa) and subparagraph (3)(d)(ii) must be made.

95 Outline of proposed withdrawal

(1) The application must be accompanied by a written outline of the proposal for the constituent part to withdraw from the amalgamated organisation. Subject to subsection (2), the outline must:

(a) provide, in no more than 3,000 words, sufficient information on the proposal to enable the constituent members to make informed decisions in relation to the proposed withdrawal; and

(b) address particulars of any proposal by the applicant for the apportionment of the assets and liabilities of the amalgamated organisation and the constituent part; and

(c) address such other matters as are prescribed.

(2) The outline may, if the FWC allows, consist of more than 3,000 words.

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(3) The outline must be a fair and accurate representation of the proposed withdrawal and must address any matters prescribed for the purposes of paragraph (1)(b) in a fair and accurate manner.

(3A) If the applicant has insufficient information to prepare an outline that complies with subsection (3), the applicant may request the General Manager or the Commissioner to:

(a) give the applicant all information in the possession of the General Manager or the Commissioner, as the case requires, that may be relevant in the preparation of the outline; or

(b) direct the amalgamated organisation to give the applicant all information in the possession of the organisation that may be relevant in the preparation of the outline.

(3B) The General Manager or the Commissioner may provide that information, or direct the amalgamated organisation to provide that information.

(3C) The amalgamated organisation must comply with a direction of the General Manager or the Commissioner under subsection (3B).

Civil penalty: 100 penalty units.

(4) If the FWC is not satisfied that the outline complies with subsection (3), the FWC must order the making of such amendments to the outline as it considers are needed for the outline to comply with that subsection.

96 Filing the "yes" case

(1) The applicant or applicants may file with the FWC a written statement of no more than 2,000 words in support of the proposal for the constituent part to withdraw from the amalgamated organisation.

(2) The statement must either:

(a) accompany the application; or

(b) be filed within such later time as the FWC allows.

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(3) The FWC may order that the statement be amended, in accordance with the order, to correct factual errors or otherwise to ensure that it complies with this Act.

97 Filing the "no" case

(1) The amalgamated organisation may file with the FWC a written statement of no more than 2,000 words in opposition to the proposal for the constituent part to withdraw from the organisation.

(2) The statement must be filed either:
  (a) not later than 7 days before the day set down for the hearing of the application in question by the FWC; or
  (b) within such later time as the FWC allows.

(3) The FWC may order that the statement be amended, in accordance with the order, to correct factual errors or otherwise to ensure that it complies with this Act.

98 Provisions relating to outlines and statements of "yes" and "no" cases

(1) An outline under section 95 or a statement under section 96 or 97 may, if the FWC allows, include matter that is not in the form of words, including, for example, diagrams, drawings, illustrations, photographs and symbols.

(2) The FWC may allow an outline under section 95, or a statement under section 96 or 97, to be amended by whoever filed the outline or statement with the FWC.

99 Notifying of applications for ballots

(1) If an application is made under section 94, the General Manager must immediately notify the AEC of the application.

(2) On being notified of the application, the AEC must immediately take such action as it considers necessary or desirable to enable it

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to conduct, as quickly as possible, any ballot that may be required as a result of the application.

100 Orders for ballots

(1) The FWC must order that a vote of the constituent members be taken by secret postal ballot, to decide whether the constituent part of the amalgamated organisation should withdraw from the organisation, if the FWC is satisfied that:
  (a) the application for the ballot is validly made under section 94; and
  (b) the outline under section 95 relating to the application:
    (i) is a fair and accurate representation of the proposal for withdrawal from the organisation; and
    (ii) addresses any matters mentioned in paragraph 95(1)(b) or prescribed for the purposes of paragraph 95(1)(c) in a fair and accurate manner; and
  (c) the proposal for withdrawal from the organisation complies with any requirements specified in the regulations.

(2) In considering whether to order that a ballot be held, the FWC may hear from:
  (a) an applicant for the ballot; and
  (b) the amalgamated organisation; and
  (c) a creditor of the amalgamated organisation; and
  (d) any other person who would be affected by the withdrawal of the constituent part from the amalgamated organisation.

(3) If the FWC orders that a ballot be held, it may make such orders as it thinks fit in relation to the conduct of the ballot.

101 Financial members only eligible to vote

A constituent member of an amalgamated organisation is not eligible to vote in a ballot under this Division unless the person:
  (a) is a financial member of the organisation; or

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(b) is in a class of members prescribed for the purposes of this section.

102 Conduct of ballots

(1) All ballots are to be conducted by the AEC in accordance with the regulations. The expenses of conducting such a ballot are to be borne by the Commonwealth.

(2) The ballot paper sent to the constituent members of a constituent part of an amalgamated organisation in connection with a proposal for the constituent part to withdraw from the amalgamated organisation must be accompanied by:
   (a) a copy of the outline under section 95 relating to the proposed withdrawal; and
   (b) if there is a statement under section 96 in support of the proposed withdrawal—a copy of that statement; and
   (c) if there is a statement under section 97 in opposition to the proposed withdrawal—a copy of that statement; and
   (d) the declaration envelope and other envelope required for the purposes of the postal ballot.

(3) In a ballot conducted under this section, each completed ballot paper must be returned to the AEC as follows:
   (a) the ballot paper must be in the declaration envelope provided to the voter with the ballot paper;
   (b) the declaration envelope must be in another envelope that is in the form prescribed by the regulations.

103 Providing information etc. to electoral officials

(1) An electoral official may, if:
   (a) it is reasonably necessary for the purposes of a ballot that may be, or is, required to be held; and
   (b) the official is authorised by the AEC under this section for the purposes of the ballot;

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require (by written notice) an officer or employee of the amalgamated organisation concerned or of a branch of the organisation:

(c) to give to the official, within the period (of not less than 7 days after the notice is given) and in the manner specified in the notice, any information within the knowledge or in the possession of the person; and

(d) to produce or make available to the official, at a reasonable time (being a time not less than 7 days after the notice is given) and place specified in the notice, any documents in the custody or under the control of the person, or to which he or she has access.

(2) An officer or employee of an organisation or branch of an organisation commits an offence if he or she fails to comply with a requirement made under subsection (1).

(3) An offence against subsection (2) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(4) Subsection (2) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (4), see subsection 13.3(3) of the *Criminal Code*.

Penalty: 30 penalty units.

(5) A person is not excused from giving information or producing or making available a document under this section on the ground that the information or the production or making available of the document might tend to incriminate the person or expose the person to a penalty.

(6) However:

(a) giving the information or producing or making available the document; or

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(b) any information, document or thing obtained as a direct or indirect consequence of giving the information or producing or making available the document;

is not admissible in evidence against the person in criminal proceedings or proceedings that may expose the person to a penalty, other than proceedings under, or arising out of, subsection 104(3).

(7) If any information or document specified in a notice under subsection (1) is kept in electronic form, the electoral official may require it to be made available in that form.

104 Declaration by secretary etc. of organisation

(1) If a requirement is made under subsection 103(1) in relation to the register, or part of the register, kept by an organisation under section 230, the secretary or other prescribed officer of the organisation must make a declaration, in accordance with subsection (2), that the register has been maintained as required by subsection 230(2).

Civil penalty: 100 penalty units.

(2) The declaration must be:

(a) signed by the person making it; and

(b) given to the returning officer, and lodged with the FWC, as soon as practicable but no later than the day before the first day of voting in the relevant election.

(3) A person must not, in a declaration for the purposes of subsection (1), make a statement if the person knows, or is reckless as to whether, the statement is false or misleading.

Civil penalty: 100 penalty units.

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105 Offences in relation to ballots

Interference with ballot papers

(1) A person commits an offence in relation to a ballot if the person:
- (a) impersonates another person with the intention of:
  - (i) securing a ballot paper to which the impersonator is not entitled; or
  - (ii) casting a vote; or
- (b) does an act that results in a ballot paper or envelope being destroyed, defaced, altered, taken or otherwise interfered with; or
- (c) fraudulently puts a ballot paper or other paper:
  - (i) into a ballot box or other ballot receptacle; or
  - (ii) into the post; or
- (d) delivers a ballot paper or other paper to a person other than a person receiving ballot papers for the purposes of the ballot; or
- (e) records a vote that the person is not entitled to record; or
- (f) records more than one vote; or
- (g) forges a ballot paper or envelope, or utters a ballot paper or envelope that the person knows to be forged; or
- (h) provides a ballot paper without authority; or
- (i) obtains a ballot paper which the person is not entitled to obtain; or
- (j) has possession of a ballot paper which the person is not entitled to possess; or
- (k) does an act that results in a ballot box or other ballot receptacle being destroyed, taken, opened or otherwise interfered with.

Penalty: 30 penalty units.

Hindering the ballot, threats and bribes etc.

(2) A person commits an offence in relation to a ballot if the person:

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(a) hinders or obstructs the taking of the ballot; or

(b) uses any form of intimidation or inducement to prevent from voting, or to influence the vote of, a person entitled to vote at the ballot; or

(c) threatens, offers or suggests, or uses, causes or inflicts any violence, injury, punishment, damage, loss or disadvantage with the intention of influencing or affecting:

(i) any vote or omission to vote; or

(ii) any support of, or opposition to, voting in a particular manner; or

(iii) any promise of any vote, omission, support or opposition; or

(d) gives, or promises or offers to give, any property or benefit of any kind with the intention of influencing or affecting anything referred to in subparagraph (c)(i), (ii) or (iii); or

(e) asks for or obtains, or offers or agrees to ask for or obtain, any property or benefit of any kind (whether for that person or another person), on the understanding that anything referred to in subparagraph (c)(i), (ii) or (iii) will be influenced or affected in any way; or

(f) counsels or advises a person entitled to vote to refrain from voting.

Penalty: 30 penalty units.

Secrecy of vote

(3) A person (the ***relevant person***) commits an offence in relation to a ballot if:

(a) the relevant person requests, requires or induces another person:

(i) to show a ballot paper to the relevant person; or

(ii) to permit the relevant person to see a ballot paper;

in such a manner that the relevant person can see the vote while the ballot paper is being marked or after it has been marked; or

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(b) in the case where the relevant person is a person performing duties for the purposes of the ballot—the relevant person shows another person, or permits another person to have access to, a ballot paper used in the ballot, otherwise than in the performance of the duties.

Penalty: 30 penalty units.

106 Certificate showing particulars of the ballot

(1) Within 14 days after the closing day of a ballot, the electoral official conducting the ballot must prepare, date and sign a certificate showing, in relation to the ballot:
  (a) the total number of persons on the roll of voters; and
  (b) the total number of ballot papers issued; and
  (c) the total number of ballot papers received by the electoral official; and
  (d) the total number of votes in favour of the question set out on the ballot paper; and
  (e) the total number of votes not in favour of the question set out on the ballot paper; and
  (f) the total number of informal ballot papers.

(2) Immediately after signing a certificate referred to in subsection (1), the electoral official must give a copy of the certificate to:
  (b) the General Manager; and
  (c) if the applicant was a person mentioned in paragraph 94(3)(aa), (b), (c) or (d)—each applicant; and
  (d) the amalgamated organisation from which the constituent part withdrew or sought to withdraw.

(3) Immediately after signing a certificate referred to in subsection (1), the electoral official must make a copy of the certificate available in any way that it considers appropriate to each applicant under paragraph 94(3)(a).

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107 Post-ballot report by AEC

(1) After the completion of the ballot, the AEC must give a report on the conduct of the ballot to:
  (b) the General Manager; and
  (c) if the applicant was a person mentioned in paragraph 94(3)(aa), (b), (c) or (d)—each applicant; and
  (d) the amalgamated organisation from which the constituent part withdrew or sought to withdraw.

(2) After the completion of the ballot, the AEC must make a report on the conduct of the ballot available in any way that it considers appropriate to each applicant under paragraph 94(3)(a).

(3) The report must include details of the prescribed matters.

(4) If the AEC is of the opinion that the register of members, or the part of the register, made available to the AEC for the purposes of the ballot, contained at the time of the ballot:
  (a) an unduly large proportion of members' addresses that were not current; or
  (b) an unduly large proportion of members' addresses that were workplace addresses;

this fact must be included in the report.

108 Inquiries into irregularities

(1) Not later than 30 days after the result of a ballot under this Part is declared, application may be made to the FWC, as prescribed, for an inquiry by the FWC into alleged irregularities in relation to the ballot.

(2) If the FWC finds that there has been an irregularity that may affect, or may have affected, the result of the ballot, the FWC may:
  (a) if the ballot has not been completed—order that a step in relation to the ballot be taken again; or
  (b) in any other case—order that a fresh ballot be conducted in place of the ballot in which the irregularity happened;

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and may make such further orders as it considers necessary or desirable.

(3) The regulations may make provision with respect to the procedure for inquiries by the FWC into alleged irregularities in relation to ballots under this Part, and for matters relating to, or arising out of, inquiries.

108A Powers of the FWC to be exercised by President or Full Bench

The powers of the FWC under this Division are exercisable by:

(a) the President; or

(b) if the President directs—a Full Bench of which the President is a member.

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Division 3—Giving effect to ballots

109 Determining the day of withdrawal

(1) If more than 50% of the formal votes cast in a ballot are in favour of a constituent part of an amalgamated organisation withdrawing from the organisation, the Federal Court must, on application:
  (a) determine the day on which the withdrawal is to take effect; and
  (b) make such orders as are necessary to apportion the assets and liabilities of the amalgamated organisation between the amalgamated organisation and the constituent part; and
  (c) make such other orders as it thinks fit in connection with giving effect to the withdrawal.

(2) In making an order under paragraph (1)(b), the Court must have regard to:
  (a) the assets and liabilities of the constituent part before it, or the organisation of which it was a State or Territory branch, was de-registered under Part 2 in connection with the formation of the amalgamated organisation; and
  (b) any change in the net value of those assets or liabilities that has occurred since the amalgamation; and
  (c) any proposal for the apportionment of the assets and liabilities of the amalgamated organisation and the constituent part contained in the outline under section 95 relating to the application for the ballot; and
  (d) if the constituent part is a separately identifiable constituent part—the proportion of the members of the amalgamated organisation that are included in the constituent part; and
  (e) the interests of the creditors of the amalgamated organisation.

(3) An application to the Court under subsection (1) may be made by:
  (a) the prescribed number of constituent members; or
  (b) a person authorised to make the application by the prescribed number of constituent members; or

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(c) a committee of management elected entirely or substantially by the constituent members, whether by a direct voting system or a collegiate electoral system; or

(d) if the application relates to a separately identifiable constituent part—the committee of management of that part; or

(e) a person who is:

(i) either a constituent member or a member of a committee of management referred to in paragraph (c) or (d); and

(ii) authorised to make the application by a committee of management referred to in paragraph (c) or (d).

(4) A constituent member of an amalgamated organisation who is not a financial member is taken not to be a constituent member for the purposes of subsection (3).

(5) The application must be in the prescribed form and must contain such information as is prescribed.

(6) The regulations may prescribe the manner in which an authorisation for the purposes of paragraph (3)(b) and subparagraph (e)(ii) must be made.

110 Registration of constituent part

The General Manager must, with effect from the day determined under paragraph 109(1)(a):

(a) register the constituent part as an organisation in the register kept under subsection 13(1); and

(b) enter in the register such other particulars in relation to the organisation as are prescribed.

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111 Choice of organisation following withdrawal of separately identifiable constituent part

(1) This section applies in the case of a withdrawal from amalgamation under this Part by a separately identifiable constituent part of an amalgamated organisation.

(2) As soon as practicable after the constituent part is registered as an organisation under section 110, the General Manager must send a written statement in accordance with subsection (3) to each person who, immediately before that registration, was a constituent member of the constituent part.

(3) The statement must:
  (a) inform the person of the withdrawal from amalgamation of the constituent part; and
  (b) invite the person to give written notice, within a period of 28 days after being sent the statement (the ***notice period***), to the amalgamated organisation or to the newly registered organisation that:
    (i) the person wants to remain a member of the amalgamated organisation; or
    (ii) the person wants to become a member of the newly registered organisation; and
  (c) explain the effect of responding, or failing to respond, to the invitation.

(4) As soon as practicable after the amalgamated organisation receives a notice under paragraph (3)(b), it must notify the newly registered organisation of the receipt.

(5) As soon as practicable after the newly registered organisation receives a notice under paragraph (3)(b), it must notify the amalgamated organisation of the receipt.

(6) If a person referred to in subsection (2) gives written notice in accordance with paragraph (3)(b), within the notice period, that he or she wants to become a member of the newly registered organisation, he or she:

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(a) ceases, by force of this subsection, to be a member of the amalgamated organisation with effect from the end of the day on which the notice is received by the amalgamated organisation or the newly registered organisation (as the case may be); and

(b) becomes, by force of this subsection and without payment of entrance fee, a member of the newly registered organisation with effect from the day after the day referred to in paragraph (a).

(7) If a person referred to in subsection (2) gives written notice in accordance with paragraph (3)(b), within the notice period, that he or she wants to remain a member of the amalgamated organisation, he or she remains a member of the amalgamated organisation.

(7A) If a person referred to in subsection (2) fails to give written notice in accordance with paragraph (3)(b), he or she:

(a) ceases, by force of this subsection, to be a member of the amalgamated organisation with effect from the end of the day after the end of the notice period; and

(b) becomes, by force of this subsection and without payment of entrance fee, a member of the newly registered organisation with effect from the day after the day referred to in paragraph (a).

(8) A person who ceases to be a member of the amalgamated organisation because of the operation of subsection (6):

(a) is not liable to make any payment because the person gave no notice, or insufficient notice, of ceasing to be such a member under the rules of the organisation; and

(b) otherwise, remains liable for such payments as are due in accordance with those rules.

(9) Despite subsection (7A), if a person to whom that subsection would apply, at any time before the day upon which the constituent part is registered as an organisation under section 110, gives notice in writing to the amalgamated organisation or to the applicant for a ballot under section 94 that he or she wishes to remain a member

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of the amalgamated organisation after the registration of the constituent part as an organisation under section 110, that person remains a member of the amalgamated organisation.

(10) As soon as practicable after the end of the notice period, the amalgamated organisation must notify the newly registered organisation of any notices under subsection (9) it has received.

(11) As soon as practicable after the end of the notice period, the newly registered organisation must notify the amalgamated organisation of any notices under subsection (9) the applicant under section 94 has received.

112 Members of amalgamated organisation may join newly registered organisation

A person who is a member of the amalgamated organisation from which the constituent part withdrew to form a newly registered organisation may become a member of the newly registered organisation without payment of entrance fee if the person is eligible for membership of it.

113 Orders of the FWC, modern awards etc. made before withdrawal

(1) This section applies to an order of the FWC, a modern award or an enterprise agreement that, immediately before the day the registration takes effect, covered the amalgamated organisation in relation to the constituent part of the organisation and its members.

(2) On and from the day the registration takes effect, the order, award or agreement:
  (a) covers the newly registered organisation and its members; and
  (b) has effect for all purposes (including the obligations of employers and organisations of employers) as if references in the order, award or agreement to the amalgamated organisation included references to the newly registered organisation.

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113A Enterprise agreements made after withdrawal

(1) This section applies to an enterprise agreement that:
  (a) is made on or after the day the registration takes effect; and
  (b) covers the amalgamated organisation; and
  (c) covers employees who are eligible to be members of the newly registered organisation.

(2) On and from the day the agreement covers the amalgamated organisation, it also:
  (a) covers the newly registered organisation and its members; and
  (b) has effect for all purposes (including the obligations of employers and organisations of employers) as if references in the agreement to the amalgamated organisation included references to the newly registered organisation.

(3) Subsection (2) ceases to have effect on the day occurring 5 years after the day on which the registration of the newly registered organisation takes effect.

114 Effect of withdrawal on agreement under section 151

(1) An agreement:
  (a) in force under section 151 immediately before the day on which registration of a newly registered organisation takes effect; and
  (b) to which the amalgamated organisation from which a constituent part has withdrawn to form the newly registered organisation is a party;

  continues in force on and from that day as if references in the agreement to the amalgamated organisation included a reference to the newly registered organisation.

(2) The General Manager must enter in the register kept under subsection 13(1) particulars of the effect of the withdrawal from amalgamation on the agreement.

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115 Instruments

(1) On and after the withdrawal day, an instrument to which this Part applies continues, subject to subsection (2), in full force and effect.

(2) Subject to section 109, the instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after that day as if a reference in the instrument to the amalgamated organisation from which a constituent part has withdrawn to form a newly registered organisation included a reference to the newly registered organisation.

116 Pending proceedings

If an amalgamated organisation from which a constituent part has withdrawn to form a newly registered organisation was, immediately before the withdrawal day, a party to a proceeding that:

(a) was pending at that day; and

(b) concerns, wholly or in part, the interests of the constituent members of the constituent part;

then, on and after that day, the newly registered organisation:

(c) in the case of proceedings that concern wholly the interests of the constituent members—is substituted for the amalgamated organisation in those proceedings and has the same rights and obligations in the proceedings as the amalgamated organisation had; and

(d) in the case of proceedings that concern in part the interests of the constituent members—becomes a party to the proceedings and has the same rights and obligations in the proceedings as the amalgamated organisation has.

117 Division applies despite laws and agreements prohibiting transfer etc.

(1) This Division applies, and must be given effect to, despite anything in:

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(a) the Fair Work Act or any other Commonwealth, State or Territory law; or
(b) any contract, deed, undertaking, agreement or other instrument.

(2) Nothing done by this Division, and nothing done by a person because of, or for a purpose connected with or arising out of, this Division:
(a) is to be regarded as:
(i) placing an organisation or other person in breach of contract or confidence; or
(ii) otherwise making an organisation or other person guilty of a civil wrong; or
(b) is to be regarded as placing an organisation or other person in breach of:
(i) any Commonwealth, State or Territory law; or
(ii) any contractual provision prohibiting, restricting or regulating the assignment or transfer of any asset or liability or the disclosure of any information; or
(c) is taken to release any surety, wholly or in part, from all or any of the surety's obligations.

(3) Without limiting subsection (1), if, apart from this section, the consent of a person would be necessary in order to give effect to this Division in a particular respect, the consent is taken to have been given.

118 Amalgamated organisation, constituent part and newly registered organisation to take necessary steps

(1) The following must take such steps as are necessary to ensure that the withdrawal from amalgamation, and the operation of this Division in relation to the withdrawal from amalgamation, are fully effective:
(a) the amalgamated organisation concerned;
(b) the constituent part concerned;
(c) the newly registered organisation concerned.

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(2) The Federal Court may, on the application of an interested person, make such orders as it considers appropriate to ensure that subsection (1) is given effect to.

119 Certificates in relation to land and interests in land

Where:

(a) land or an interest in land becomes, under this Division, land or an interest in land of a newly registered organisation; and

(b) a certificate that:

(i) is signed by an authorised person; and

(ii) identifies the land or interest, whether by reference to a map or otherwise; and

(iii) states that the land or interest has, under this Division, become land or an interest in land of the newly registered organisation;

is lodged with the Registrar-General, Registrar of Titles or other proper officer of the State or Territory in which the land is situated;

the officer with whom the certificate is lodged may:

(c) register the matter in the same way as dealings in land or interests in land of that kind are registered; and

(d) deal with, and give effect to, the certificate as if it were a grant, conveyance, memorandum or instrument of transfer of the land (including all rights, title and interest in the land) or the interest in the land, as the case may be, to the newly registered organisation that had been properly executed under the law of the State or Territory.

120 Certificates in relation to charges

Where:

(a) a newly registered organisation becomes, under this Division, the holder of a charge; and

(b) a certificate that:

(i) is signed by an authorised person; and

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(ii) identifies the charge; and

(iii) states that the newly registered organisation has, under this Division, become the holder of the charge;

is lodged with the Australian Securities and Investments Commission;

that Commission may:

(c) register the matter in the same way as assignments of charges are registered; and

(d) deal with, and give effect to, the certificate as if it were a notice of assignment of the charge that had been properly lodged with that Commission.

121 Certificates in relation to shares etc.

Where:

(a) a newly registered organisation becomes, under this Division, the holder of a share, debenture or interest in a company; and

(b) a certificate that:

(i) is signed by an authorised person; and

(ii) identifies the share, debenture or interest; and

(iii) states that the newly registered organisation has become, under this Division, the holder of the share, debenture or interest;

is delivered to the company;

the company must take all steps necessary to register or record the matter in the same way as transfers of shares, debentures or interests in the company are registered or recorded.

122 Certificates in relation to other assets

Where:

(a) an asset (other than an asset to which section 119, 120 or 121 applies) becomes, under this Division, an asset of a newly registered organisation; and

(b) a certificate that:

(i) is signed by an authorised person; and

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(ii) identifies the asset; and

(iii) states that the asset has, under this Division, become an asset of the newly registered organisation;

is given to the person or authority who has, under Commonwealth, State or Territory law, responsibility for keeping a register in relation to assets of that kind;

the person or authority may:

(c) register the matter in the same way as transactions in relation to assets of that kind are registered; and

(d) deal with, and give effect to, the certificate as if the certificate were a proper and appropriate instrument for transactions in relation to assets of that kind.

123 Holding office after withdrawal

(1) The rules of a newly registered organisation may provide that a person who:

(a) was elected to office (the ***constituent office***) in the constituent part that withdrew from an amalgamated organisation to form the new registered organisation; and

(b) held that office immediately before withdrawal day;

holds the equivalent office in the newly registered organisation as if he or she were elected under the rules of the newly registered organisation.

(2) However, the rules may not permit a person to hold office after the later of:

(a) the day that would have been the person's last day of term in the constituent office if the withdrawal had not occurred; and

(b) the first anniversary of the withdrawal day.

124 Other matters

The regulations may provide for any other matters relating to giving effect to the withdrawal of constituent parts from amalgamated organisations.

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125 Federal Court may resolve difficulties

(1) If any difficulty arises in relation to the application of this Part to a particular matter, the Federal Court may, on the application of an interested person, make such order as it thinks proper to resolve the difficulty.

(2) An order made under subsection (1) has effect despite any Commonwealth, State or Territory law.

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Division 4—Validation

126 Validation of certain acts done in good faith

(1) Subject to this section and to section 128, an act done in good faith for the purposes of a proposed or completed withdrawal from amalgamation by:
  (a) the amalgamated organisation concerned; or
  (b) the committee of management, or an officer, of that organisation; or
  (c) the constituent part concerned; or
  (d) the committee of management, or an officer, of that part; or
  (e) the newly registered organisation concerned; or
  (f) the committee of management, or an officer, of that organisation;

  is valid despite any invalidity that may later be discovered in or in connection with the act.

(2) For the purposes of this section:
  (a) an act is treated as done in good faith until the contrary is proved; and
  (b) a person who has purported to be a member of the committee of management, or an officer, is to be treated as having done so in good faith until the contrary is proved; and
  (c) an invalidity in the making or altering of the outline of the proposed withdrawal from amalgamation is not to be treated as discovered before the earliest time proved to be a time when the existence of the invalidity was known to a majority of members of the committee of management or to a majority of the persons purporting to act as the committee of management; and
  (d) knowledge of facts from which an invalidity arises is not of itself treated as knowledge that the invalidity exists.

(3) This section applies to an act whenever done (including an act done before the commencement of this section).

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(4) Nothing in this section affects:
  (a) the operation of an order of the Federal Court made before the commencement of this section; or
  (b) the operation of section 108, 118 or 125 or Part 2 of Chapter 11 (validation provisions for organisations).

127 Validation of certain acts after 4 years

(1) Subject to subsection (2) and section 128, after the end of 4 years from the day an act is done for the purposes of a proposed or completed withdrawal from amalgamation by:
  (a) the amalgamated organisation concerned; or
  (b) the committee of management, or an officer, of that organisation; or
  (c) the constituent part concerned; or
  (d) the committee of management, or an officer, of that part; or
  (e) the newly registered organisation concerned; or
  (f) the committee of management, or an officer, of that organisation;

  the act is taken to have complied with this Part and the rules of the organisation.

(2) The operation of this section does not affect the validity or operation of an order, judgment, decree, declaration, direction, verdict, sentence, decision or similar judicial act of the Federal Court or any other court made before the end of that 4 years.

(3) This section applies to an act whenever done (including an act done before the commencement of this section).

128 Orders affecting application of section 126 or 127

(1) Where, on an application for an order under this section, the Federal Court is satisfied that the application of section 126 or 127 in relation to an act would do substantial injustice, having regard to the interests of:

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(a) the amalgamated organisation from which a constituent part withdrew to form a newly registered organisation, or the constituent part; or
(b) members or creditors of the amalgamated organisation or the constituent part; or
(c) persons having dealings with the amalgamated organisation or the constituent part; or
(d) the newly registered organisation; or
(e) members or creditors of the newly registered organisation; or
(f) persons having dealings with the newly registered organisation;

the Court must, by order, declare accordingly.

(2) Where a declaration is made, section 126 or 127, as the case requires, does not apply, and is taken never to have applied, in relation to the act specified in the declaration.

(3) The Court may make an order under subsection (1) on the application of:
(a) the amalgamated organisation; or
(b) the constituent part; or
(c) the newly registered organisation; or
(d) a member of, or any other person having a sufficient interest in relation to, a body referred to in paragraph (a), (b) or (c).

129 Federal Court may make orders in relation to consequences of invalidity

(1) Any of the following may apply to the Federal Court for a determination of the question whether an invalidity has occurred in a proposed withdrawal from amalgamation or completed withdrawal from amalgamation:
(a) the amalgamated organisation concerned;
(b) the constituent part concerned;
(c) the newly registered organisation concerned;

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(d) a member of, or any other person having a sufficient interest in relation to, a body referred to in paragraph (a), (b) or (c).

(2) On an application under subsection (1), the Court may make such determination as it considers proper.

(3) Where, in a proceeding under subsection (1), the Court finds that an invalidity of the kind mentioned in that subsection has occurred, the Court may make such orders as it considers appropriate:
   (a) to rectify the invalidity or cause it to be rectified; or
   (b) to negative, modify or cause to be modified the consequences in law of the invalidity; or
   (c) to validate any act, matter or thing that is made invalid by or because of the invalidity.

(4) Where an order is made under subsection (3), the Court may give such ancillary or consequential directions as it considers appropriate.

(5) The Court must not make an order under subsection (3) without satisfying itself that such an order would not do substantial injustice to:
   (a) the amalgamated organisation; or
   (b) a member or creditor of the amalgamated organisation; or
   (c) the constituent part; or
   (d) a constituent member of the constituent part; or
   (e) the newly registered organisation; or
   (f) a member or creditor of the newly registered organisation; or
   (g) any other person having dealings with the amalgamated organisation, the constituent part or the newly registered organisation.

(6) This section applies to an invalidity whenever occurring (including an invalidity occurring before the commencement of this section).

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Division 5—Miscellaneous

130 Certain actions etc. not to constitute breach of rules of amalgamated organisation

(1) Neither of the following constitutes a breach of the rules of an amalgamated organisation:
  (a) an act done, or omitted to be done, under or for the purposes of this Part, or regulations made for the purposes of this Part;
  (b) an act done, or omitted to be done, in connection with the proposal of, or preparation for, an act or omission of a kind referred to in paragraph (a).

(2) The following are examples of acts and omissions to which subsection (1) applies:
  (a) making an application under section 94;
  (b) supporting, or supporting the making of, an application under section 94;
  (c) participating in, or encouraging a person to participate in, a ballot under Division 2;
  (d) not participating in a ballot under Division 2;
  (e) encouraging a person not to participate in a ballot under Division 2;
  (f) casting a vote in a particular way in a ballot under Division 2;
  (g) encouraging a person to cast a vote in a particular way in a ballot under Division 2;
  (h) complying with an order or requirement made under this Part or regulations made for the purposes of this Part; or
  (i) encouraging a person to resign his or her membership of the amalgamated organisation from which the constituent part withdrew to form the newly registered organisation so that the person can become a member of the newly registered organisation.

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131 Amalgamated organisation not to penalise members etc.

(1) The amalgamated organisation, or an officer or member of the organisation, must not impose, or threaten to impose, a penalty, forfeiture or disability of any kind on:
  (a) a member or officer of the organisation; or
  (b) a branch, or other part, of the organisation;
because the member, officer, branch or part concerned does, or proposes to do, an act or omission referred to in section 130.

(2) The Federal Court may, if the Court considers it appropriate in all the circumstances, make one or more of the following orders in respect of conduct that contravenes subsection (1):
  (a) an order imposing on a person whose conduct contravenes that subsection a penalty of not more than:
    (i) in the case of a body corporate—100 penalty units; or
    (ii) in any other case—20 penalty units;
  (b) an order requiring the person not to carry out a threat made by the person, or not to make any further threat;
  (c) injunctions (including interim injunctions), and any other orders, that the Court considers necessary to stop the conduct or remedy its effects;
  (d) any other consequential orders.

(3) An application for an order under subsection (2) may be made by:
  (a) a person against whom the conduct is being, has been, or is threatened to be, taken; or
  (b) any other person prescribed by the regulations.

(4) For the purposes of this section, action done by one of the following bodies or persons is taken to have been done by an amalgamated organisation:
  (a) the committee of management of the amalgamated organisation;
  (b) an officer or agent of the amalgamated organisation acting in that capacity;

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(c) a member or group of members of the amalgamated organisation acting under the rules of the organisation;

(d) a member of the amalgamated organisation, who performs the function of dealing with an employer on behalf of other members of the organisation, acting in that capacity.

(5) Paragraphs (4)(c) and (d) do not apply if:

(a) a committee of management of the amalgamated organisation; or

(b) a person authorised by the committee; or

(c) an officer of the amalgamated organisation;

has taken reasonable steps to prevent the action.

(6) In this section:

amalgamated organisation includes a branch of an amalgamated organisation.

officer, in relation to an amalgamated organisation, includes:

(a) a delegate or other representative of the organisation; and

(b) an employee of the organisation.

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Chapter 4—Representation orders

Part 1—Simplified outline

132 Simplified outline

This Chapter enables the FWC to make orders about the representation rights of organisations of employees.

Part 2 provides for the orders to be made generally in relation to demarcation disputes.

Part 3 provides for the orders to be made in relation to employees who perform work for the same employer and/or at the same premises or workplace.

Part 4 contains miscellaneous provisions.

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Part 2—Representation orders

133 Orders about representation rights of organisations of employees

(1) Subject to this Part, Part 4 and subsection 151(6), the FWC may, on the application of an organisation, an employer or the Minister, make the following orders in relation to a demarcation dispute:

(a) an order that an organisation of employees is to have the right, to the exclusion of another organisation or other organisations, to represent under this Act or the Fair Work Act the industrial interests of a particular class or group of employees who are eligible for membership of the organisation;

(b) an order that an organisation of employees that does not have the right to represent under this Act or the Fair Work Act the industrial interests of a particular class or group of employees is to have that right;

(c) an order that an organisation of employees is not to have the right to represent under this Act or the Fair Work Act the industrial interests of a particular class or group of employees who are eligible for membership of the organisation.

Note: Section 151 deals with agreements between organisations of employees and State unions.

(2) The FWC may, on application by an organisation, an employer or the Minister, vary an order made under subsection (1).

134 Preconditions for making of orders

The FWC must not make an order unless the FWC is satisfied that:

(a) the conduct, or threatened conduct, of an organisation to which the order would relate, or of an officer, member or employee of the organisation:

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(i) is preventing, obstructing or restricting the performance of work; or

(ii) is harming the business of an employer; or

(b) the consequences referred to in subparagraph (a)(i) or (ii):

(i) have ceased, but are likely to recur; or

(ii) are imminent;

as a result of such conduct or threatened conduct.

135 Factors to be taken into account by the FWC

In considering whether to make an order under section 133, the FWC must have regard to the wishes of the employees who are affected by the dispute and, where the FWC considers it appropriate, is also to have regard to:

(a) the effect of any order on the operations (including operating costs, work practices, efficiency and productivity) of an employer who is a party to the dispute or who is a member of an organisation that is a party to the dispute; and

(b) any agreement or understanding of which the FWC becomes aware that deals with the right of an organisation of employees to represent under this Act or the Fair Work Act the industrial interests of a particular class or group of employees; and

(c) the consequences of not making an order for any employer, employees or organisation involved in the dispute; and

(d) any other order made by the FWC, in relation to another demarcation dispute involving the organisation to which the order under this section would relate, that the FWC considers to be relevant.

136 Order may be subject to limits

The order may be subject to conditions or limitations.

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137 Organisation must comply with order

(1) An organisation to which the order applies must comply with the order.

(2) The Federal Court may, on application by the Minister or a person or organisation affected by an order made under section 133, make such orders as it thinks fit to ensure compliance with that order.

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Part 3—Representation orders for workplace groups

Note: In addition to registered organisations, this Part also applies to transitionally recognised associations (see clause 3 of Schedule 1) and recognised State-registered associations (see clause 2 of Schedule 2).

137A Orders about representation rights of organisations of employees

(1) Subject to this Part, Part 4 and subsection 151(6), the FWC may, on the application of an organisation, an employer or the Minister, make the following orders in relation to a dispute (including a threatened, impending or probable dispute) about the entitlement of an organisation of employees to represent, under this Act or the Fair Work Act, the industrial interests of employees:

(a) an order that an organisation of employees is to have the right, to the exclusion of another organisation or other organisations, to represent under this Act or the Fair Work Act the industrial interests of the employees in a particular workplace group who are eligible for membership of the organisation;

(b) an order that an organisation of employees is not to have the right to represent under this Act or the Fair Work Act the industrial interests of the employees in a particular workplace group.

Note: Section 151 deals with agreements between organisations of employees and State unions.

Interim orders

(2) The FWC may make an interim order in relation to an application under subsection (1) on application by a person or organisation who would have been eligible to make the application under subsection (1).

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(3) The FWC must not make an order under subsection (2) if the FWC considers that the making of the order would be unfair to a person or organisation other than the applicant.

(4) An interim order made under subsection (2) ceases to have effect if the application under subsection (1) is determined.

Variation of orders

(5) The FWC may, on application by an organisation, an employer or the Minister, vary an order made under subsection (1) or (2).

(6) The FWC may, on its own initiative, vary an order made under subsection (1) or (2) if the order is inconsistent with an order that is in force under subsection 133(1).

Inconsistency with orders under subsection 133(1)

(7) The FWC must not make an order under subsection (1) or (2) if the order would be inconsistent with an order that is in force under subsection 133(1).

137B Factors to be taken into account by the FWC

(1) In considering whether to make an order under subsection 137A(1) in relation to a particular workplace group, the FWC must have regard to:

(a) the history of award coverage and agreement making in relation to the employees in the workplace group; and

(b) the wishes of the members of the workplace group; and

(c) the extent to which particular organisations of employees represent the employees in the workplace group, and the nature of that representation; and

(d) any agreement or understanding of which the FWC becomes aware that deals with the right of an organisation of employees to represent under this Act or the Fair Work Act the industrial interests of a particular class or group of employees; and

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(e) the consequences of not making the order for any employer, employees or organisation concerned; and

(f) any matter prescribed by the regulations.

(2) However, if:

(a) the workplace group relates to a genuine new enterprise (within the meaning of the Fair Work Act) that one or more employers are establishing or propose to establish; and

(b) the employer or employees have not employed any of the persons who will be necessary for the normal conduct of that enterprise;

the FWC must, as far as practicable, have regard to the matters set out in subsection (1) as they would apply in relation to the persons who would be the employees in the workplace group.

Note: The expression genuine new enterprise includes a genuine new business, activity, project or undertaking (see the definition of ***enterprise*** in section 12 of the Fair Work Act).

(3) If:

(a) the eligibility rules of an organisation of employees have been altered with the consent of the General Manager under section 158A; and

(b) because of the alteration, members of an association of employees registered under a State or Territory industrial law have become eligible for membership of the organisation;

a reference in this section to the organisation includes a reference to the association referred to in paragraph (b) of this subsection.

137C Submissions by peak councils

(1) A peak council is entitled to make a submission for consideration in relation to the proposed making of an order under subsection 137A(1).

(2) Subsection (1) applies whether or not the FWC holds a hearing in relation to the matter.

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137D Order may be subject to limits

An order under subsection 137A(1) or (2) may be subject to conditions or limitations.

137E Organisation must comply with order

(1) An organisation to which an order under subsection 137A(1) or (2) applies must comply with the order.

(2) The Federal Court may, on application by the Minister or a person or organisation affected by an order made under subsection 137A(1) or (2), make such orders as it thinks fit to ensure compliance with that order.

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Part 4—Miscellaneous

137F FWC may make orders reflecting State representation orders

(1) If:

(a) the eligibility rules of an organisation of employees have been altered with the consent of the General Manager under section 158A; and

(b) because of the alteration, members of an association of employees that is registered under a State or Territory industrial law (a ***State registered association***) have become eligible for membership of the organisation; and

(c) immediately before the alteration took effect, an order (a ***State representation order***) was in force that:

(i) was made by a State industrial authority in relation to the State registered association; and

(ii) was an order of the same kind as, or of a similar kind to, an order that the FWC could make under this Chapter in relation to an organisation;

the FWC may, on application by the organisation or by a party to the State representation order, make an order in relation to the organisation that is to the same effect, or substantially the same effect, as the State representation order.

(2) The order under subsection (1) applies to each organisation that is:

(a) a federal counterpart of the State registered association; or

(b) a federal counterpart of any other association of employees:

(i) that is registered under a State or Territory industrial law; and

(ii) to which the State representation order applied.

138 Exercise of the FWC's powers under this Chapter

The powers of the FWC under this Chapter are exercisable only by a Full Bench.

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138A Representation rights of former State-registered associations

(1) Regulations made for the purposes of this subsection may modify the way in which this Chapter applies in relation to an organisation that, before becoming recognised under this Act, was a State-registered association or a transitionally recognised association.

(2) Without limiting subsection (1), the regulations may specify the weight that the FWC is to give, in making an order in relation to the rights of such an organisation to represent the interests under this Act or the Fair Work Act of a particular class or group of employees, to a State demarcation order.

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Chapter 5—Rules of organisations

Part 1—Simplified outline of Chapter

139 Simplified outline

This Chapter sets out the requirements that organisations' rules must comply with (see Part 2).

Part 3 sets out processes available to members who think that their organisation's rules do not comply with this Chapter, or are not being followed.

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Part 2—Rules of organisations

Division 1—General

140 Organisations to have rules

(1) An organisation must have rules that make provision as required by this Act.

(2) A rule of an organisation making provision required by this Act to be made may be mandatory or directory.

141 Rules of organisations

(1) The rules of an organisation:
  (a) must specify the purposes for which the organisation is formed and the conditions of eligibility for membership; and
  (b) must provide for:
    (i) the powers and duties of the committees of the organisation and its branches, and the powers and duties of holders of offices in the organisation and its branches; and
    (ii) the manner of summoning meetings of members of the organisation and its branches, and meetings of the committees of the organisation and its branches; and
    (iia) the keeping of minute books in which are recorded proceedings and resolutions of meetings of committees of management of the organisation and its branches; and
    (iii) the removal of holders of offices in the organisation and its branches; and
    (iv) the control of committees of the organisation and its branches respectively by the members of the organisation and branches; and
    (v) the manner in which documents may be executed by or on behalf of the organisation; and

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(vi) the manner of notifying the FWC of industrial disputes; and

(vii) the times when, and the terms on which, persons become or cease (otherwise than by resignation) to be members; and

(viii) the resignation of members under section 174; and

(ix) the manner in which the property of the organisation is to be controlled and its funds invested; and

(x) the yearly or other more frequent audit of the accounts; and

(xi) the conditions under which funds may be spent; and

(xii) the keeping of a register of the members, arranged, where there are branches of the organisation, according to branches; and

(xiii) the manner in which its rules may be altered; and

(c) may provide for the removal from office of a person elected to an office in the organisation only where the person has been found guilty, under the rules of the organisation, of:

(i) misappropriation of the funds of the organisation; or

(ii) a substantial breach of the rules of the organisation; or

(iii) gross misbehaviour or gross neglect of duty;

or has ceased, under the rules of the organisation, to be eligible to hold the office; and

(ca) must require the organisation and each of its branches to develop and implement policies relating to the expenditure of the organisation or the branch (as the case may be); and

(d) must require the organisation to inform applicants for membership, in writing, of:

(i) the financial obligations arising from membership; and

(ii) the circumstances, and the manner, in which a member may resign from the organisation.

Note 1: Section 166 deals with entitlement to membership of organisations.

Note 2: See also section 179 (liability for arrears).

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(2) The rules of an organisation of employees may include provision for the eligibility for membership of the organisation of independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the organisation.

(3) The rules of an organisation may also provide for any other matter.

(4) In this section:

committee, in relation to an organisation or branch of an organisation, means a collective body of the organisation or branch that has powers of the kind mentioned in paragraph (1)(b) of the definition of ***office*** in section 9.

142 General requirements for rules

(1) The rules of an organisation:

(a) must not be contrary to, or fail to make a provision required by this Act, the Fair Work Act, a modern award or an enterprise agreement, or otherwise be contrary to law; and

(b) must not be such as to prevent or hinder members of the organisation from:

(i) observing the law or the provisions of a modern award, an order of the FWC or an enterprise agreement; or

(ii) entering into written agreements under a modern award, an order of the FWC or an enterprise agreement; and

(c) must not impose on applicants for membership, or members, of the organisation, conditions, obligations or restrictions that, having regard to Parliament's intention in enacting this Act (see section 5) and the objects of this Act and the Fair Work Act, are oppressive, unreasonable or unjust; and

(d) must not discriminate between applicants for membership, or members, of the organisation on the basis of race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

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(2) For the purposes of paragraph (1)(d), rules of an organisation are taken not to discriminate on the basis of age if the rules do not prevent the organisation setting its membership dues by reference to rates of pay even where those rates are set by reference to a person's age.

142A Model rules for policies relating to expenditure

(1) The Minister may, by notice published in the *Gazette*, issue guidelines containing one or more sets of model rules dealing with the matters referred to in paragraph 141(1)(ca). An organisation or a branch of an organisation may adopt model rules in whole or in part, and with or without modification.

(2) A notice under subsection (1) is not a legislative instrument.

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Division 2—Rules relating to elections for office

143 Rules to provide for elections for offices

(1) The rules of an organisation:

(a) must provide for the election of the holder of each office in the organisation by:

(i) a direct voting system; or

(ii) a collegiate electoral system that, in the case of a full-time office, is a one-tier collegiate electoral system; and

(b) must provide for the conduct of every such election (including the acceptance or rejection of nominations) by a returning officer who is not the holder of any office in, or an employee of, the organisation or a branch, section or division of the organisation; and

(c) must provide that, if the returning officer conducting an election finds a nomination to be defective, the returning officer must, before rejecting the nomination, notify the person concerned of the defect and, where practicable, give the person the opportunity of remedying the defect within such period as is applicable under the rules, which must, where practicable, be not less than 7 days after the person is notified; and

(d) must make provision for:

(i) the manner in which persons may become candidates for election; and

(ii) the duties of returning officers; and

(iii) the declaration of the result of an election; and

(e) must provide that, where a ballot is required, it must be a secret ballot, and must make provision for:

(i) in relation to a direct voting system ballot (including a direct voting system ballot that is a stage of an election under a collegiate electoral system)—the day on which the roll of voters for the ballot is to be closed; and

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(ii) absent voting; and
(iii) the conduct of the ballot; and
(iv) the appointment, conduct and duties of scrutineers to represent the candidates at the ballot; and

(f) must be such as to ensure, as far as practicable, that no irregularities can occur in relation to an election.

(2) Without limiting section 142, the rules of an organisation relating to elections may provide for compulsory voting.

(3) The day provided for in the rules of an organisation as the day on which the roll of voters is to be closed (see paragraph (1)(e)) must be a day no earlier than 30 days, and no later than 7 days, before the day on which nominations for the election open.

(4) A reference in this section to the rules of an organisation includes a reference to the rules of a branch of the organisation.

(5) The reference in paragraph (1)(c) to a nomination being defective does not include a reference to a nomination of a person that is defective because the person is not qualified to hold the office to which the nomination relates.

(6) The rules providing for the day on which the roll of voters for a ballot is to be closed are not to be taken to prevent the correction of errors in the roll after that day.

144 Rules to provide for elections for office by secret postal ballot

(1) Where the rules of an organisation provide for election for an office to be by a direct voting system, the rules must also provide that, where a ballot is required for such an election, it must be a secret postal ballot.

(2) An organisation may lodge with the FWC an application for an exemption from subsection (1), accompanied by particulars of proposed alterations of the rules of the organisation, to provide for the conduct of elections of the kind referred to in subsection (1) by a secret ballot other than a postal ballot.

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(3) If the General Manager is satisfied, on application by an organisation under subsection (2):
  (a) that the proposed alterations of the rules:
    (i) comply with and are not contrary to this Act (other than subsection (1)), the Fair Work Act, modern awards or enterprise agreements; and
    (ii) are not otherwise contrary to law; and
    (iii) have been decided on under the rules of the organisation; and
  (b) that the conduct of a ballot under the rules of the organisation as proposed to be altered:
    (i) is likely to result in a fuller participation by members of the organisation in the ballot than would result from a postal ballot; and
    (ii) will afford to members entitled to vote an adequate opportunity of voting without intimidation;

the General Manager may grant to the organisation an exemption from subsection (1).

(4) Proposed alterations of the rules of an organisation referred to in subsection (2) take effect if and when the General Manager grants to the organisation an exemption from subsection (1).

(5) An exemption under subsection (3) remains in force until revoked under subsection (6).

(6) The General Manager may revoke an exemption granted to an organisation under subsection (3):
  (a) on application by the organisation, if the General Manager is satisfied that the rules of the organisation comply with subsection (1); or
  (b) if the General Manager is no longer satisfied:
    (i) that the rules of the organisation provide for the conduct of elections of the kind referred to in subsection (1) by a secret ballot other than a postal ballot; or
    (ii) of a matter referred to in paragraph (3)(b);

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and the General Manager has given the organisation an opportunity, as prescribed, to show cause why the exemption should not be revoked.

(7) Where the General Manager revokes an exemption granted to an organisation on the ground specified in paragraph (6)(b), the General Manager may, by instrument, after giving the organisation an opportunity, as prescribed, to be heard, determine such alterations (if any) of the rules of the organisation as are, in the General Manager's opinion, necessary to bring them into conformity with subsection (1).

(8) An alteration of the rules of an organisation determined under subsection (7) takes effect on the date of the instrument.

(9) Subsection 604(1) of the Fair Work Act does not apply in relation to a decision of the General Manager to grant an exemption under subsection (3).

Note: Subsection 604(1) of the Fair Work Act provides for appeals from certain decisions of the General Manager.

(10) This section applies in relation to elections for offices in branches of organisations as if references to an organisation were references to a branch of an organisation.

145 Rules to provide for terms of office

(1) The rules of an organisation must, subject to subsection (2), provide terms of office for officers in the organisation of no longer than 4 years without re-election.

(2) The rules of an organisation, or a branch of an organisation, may provide that a particular term of office is extended for a specified period, where the extension is for the purpose of synchronising elections for offices in the organisation or branch, as the case may be.

(3) The term of an office must not be extended under subsection (2) so that the term exceeds 5 years.

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(4) A reference in this section (other than subsection (2)) to the ***rules of an organisation*** includes a reference to the rules of a branch of the organisation.

146 Rules may provide for filling of casual vacancies

(1) The rules of an organisation may provide for the filling of a casual vacancy in an office by an ordinary election or, subject to this section, in any other manner provided in the rules.

(2) Rules made under subsection (1) must not permit a casual vacancy, or a further casual vacancy, occurring within the term of an office to be filled, otherwise than by an ordinary election, for so much of the unexpired part of the term as exceeds:

(a) 12 months; or

(b) three-quarters of the term of the office;

whichever is the greater.

(3) Where, under rules made under subsection (1), a vacancy in an office in an organisation is filled otherwise than by an ordinary election, the person filling the vacancy must be taken, for the purposes of the relevant provisions, to have been elected to the office under the relevant provisions.

(4) A reference in this section to the rules of an organisation includes a reference to the rules of a branch of the organisation.

(5) In this section:

ordinary election means an election held under rules that comply with section 143.

relevant provisions, in relation to an organisation, means:

(a) the provisions of this Act (other than this section); and

(b) the rules of the organisation (other than rules made under subsection (1)) providing for the filling of a casual vacancy in an office otherwise than by an ordinary election.

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term, in relation to an office, means the total period for which the last person elected to the office by an ordinary election (other than an ordinary election to fill a casual vacancy in the office) was entitled by virtue of that election (having regard to any rule made under subsection 145(2)) to hold the office without being re-elected.

147 Model rules for conduct of elections

(1) The Minister may, by notice published in the *Gazette*, issue guidelines containing one or more sets of model rules for the conduct of elections for office. An organisation may adopt model rules in whole or in part, and with or without modification.

(2) The Minister may, by signed instrument, delegate the power under subsection (1) to the Electoral Commissioner.

Note: The Minister may also delegate this power under section 343.

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Division 3—Rules relating to conduct of officers and employees

148 Model rules about conduct of officers and employees

The Minister may, by notice published in the *Gazette*, issue guidelines containing one or more sets of model rules about the conduct of officers and employees. An organisation may adopt the model rules in whole or in part, and with or without modification.

Note: Chapter 9 deals with the conduct of officers and employees.

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Division 4—Other rules

Subdivision A—Loans, grants and donations

149 Rules to provide conditions for loans, grants and donations by organisations

(1) The rules of an organisation must provide that a loan, grant or donation of an amount exceeding $1,000 must not be made by the organisation unless the committee of management:

(a) has satisfied itself:

(i) that the making of the loan, grant or donation would be in accordance with the other rules of the organisation; and

(ii) in the case of a loan—that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(2) In spite of subsection (1), the rules of an organisation may provide for a person authorised by the rules to make a loan, grant or donation of an amount not exceeding $3,000 to a member of the organisation if the loan, grant or donation:

(a) is for the purpose of relieving the member or any of the member's dependants from severe financial hardship; and

(b) is subject to a condition to the effect that, if the committee of management, at the next meeting of the committee, does not approve the loan, grant or donation, it must be repaid as determined by the committee.

(3) In considering whether to approve a loan, grant or donation made under subsection (2), the committee of management must have regard to:

(a) whether the loan, grant or donation was made under the rules of the organisation; and

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(b) in the case of a loan:
(i) whether the security (if any) given for the repayment of the loan is adequate; and
(ii) whether the arrangements for the repayment of the loan are satisfactory.

(4) Nothing in subsection (1) requires the rules of an organisation to make provision of the kind referred to in that subsection in relation to payments made by the organisation by way of provision for, or reimbursement of, out-of-pocket expenses incurred by persons for the benefit of the organisation.

(5) In this section, a reference to an ***organisation*** includes a reference to a branch of an organisation.

(6) For the purposes of the application of this Division to a branch of an organisation, the members of the organisation constituting the branch are taken to be members of the branch.

Subdivision B—Agreements between organisations and State unions

150 Definitions

In this Subdivision:

ineligible State members, in relation to an organisation, means the members of a State union who, under the eligibility rules of the organisation, are not eligible to be members of the organisation.

State Act means:
(a) the *Industrial Relations Act 1996* of New South Wales; or
(b) the *Industrial Relations Act 1999* of Queensland; or
(c) the *Industrial Relations Act 1979* of Western Australia; or
(d) the *Industrial and Employee Relations Act 1994* of South Australia; or
(e) an Act of a State that is prescribed for the purposes of this Subdivision.

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State union, in relation to an organisation, means:

(a) an association of employees which is registered under a State Act; or

(b) an association of employees in Tasmania which is neither registered under this Act nor part of an organisation registered under this Act;

and which is composed substantially of persons who, under the eligibility rules of the organisation, are eligible to be members of the organisation.

151 Membership agreements

(1) The rules of an organisation of employees may authorise the organisation to enter into agreements in the prescribed form with State unions to the effect that members of the State union concerned who are ineligible State members are eligible to become members of the organisation under the agreement.

(2) If, under rules made under subsection (1), an organisation enters into an agreement with a State union, the organisation must lodge a copy of the agreement with the FWC.

Civil penalty: 60 penalty units.

(3) The agreement does not come into force unless and until the General Manager enters particulars of the agreement in the register kept under subsection 13(1).

(4) The General Manager must not enter particulars of the agreement in that register unless he or she has been directed by the FWC to do so.

(5) The FWC must not give such a direction to the General Manager unless the FWC is satisfied that the agreement:

(a) is not contrary to:

(ia) Parliament's intention in enacting this Act (see section 5); or

(i) any object of this Act or the Fair Work Act; or

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(ii) any subsisting order made by the FWC relating to the organisation's eligibility rules; or

(iii) any subsisting agreement or understanding of which the FWC is aware that deals with the organisation's entitlement to represent under this Act, or the Fair Work Act, the industrial interests of a particular class or group of employees; and

(b) was entered into only for the purpose of:

(i) overcoming any legal or practical difficulty that might arise in connection with the participation, or possible participation, of ineligible State members in the administration of the organisation or in the conduct of its affairs; or

(ii) encouraging and facilitating an amalgamation between the organisation and another organisation of employees.

(6) An organisation is not entitled to represent under this Act, or the Fair Work Act, the industrial interests of persons who are eligible for membership of the organisation only under an agreement entered into under rules made under subsection (1).

(7) If a person who became a member of an organisation under an agreement entered into under rules made under subsection (1) later becomes eligible for membership of the organisation under its eligibility rules, the organisation is not entitled to represent the industrial interests of the person until a record of the person's eligibility is entered in the register kept under paragraph 230(1)(a).

(8) If it appears to the FWC:

(a) of its own motion; or

(b) on application by an interested person;

that an agreement entered into under rules made under subsection (1) may no longer be operating for a purpose mentioned in subparagraph (5)(b)(i) or (ii), the FWC must give to the parties to the agreement an opportunity to make oral or written submissions as to whether the agreement is still operating for such a purpose.

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(9) If, after considering any such submissions and, in the case of an application under paragraph (8)(b), the matters raised by the applicant, the FWC is satisfied that the agreement is no longer operating for such a purpose, the FWC may, by order, terminate the agreement.

(10) The General Manager must as soon as practicable:
  (a) give notice of the termination to each party to the agreement; and
  (b) enter particulars of the termination in the register kept under subsection 13(1).

(11) If an organisation and a State union agree, in writing, to terminate an agreement entered into under rules made under subsection (1), the organisation must lodge with the FWC a copy of the agreement to terminate.

Civil penalty: 60 penalty units.

(11A) If an organisation and a State union agree, in writing, to terminate an agreement entered into under rules made under subsection (1), the General Manager must as soon as practicable enter particulars of the termination in the register kept under subsection 13(1).

(12) The termination of an agreement takes effect when particulars of the termination are entered in the register as mentioned in paragraph (10)(b) or (11)(b) and, when the termination takes effect, persons who became members of the organisation under the agreement (other than a person whose eligibility for membership of the organisation under its eligibility rules is recorded as mentioned in subsection (7)) cease to be members of the organisation.

152 Assets and liabilities agreements

(1) The rules of an organisation of employees may authorise the organisation to enter into agreements with State unions setting out arrangements for the management and control of the assets and liabilities of the organisation and the State union concerned.

(2) The agreements must be in the prescribed form.

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(3) If, under rules made under subsection (1), an organisation enters into an agreement with a State union, the organisation must lodge a copy of the agreement with the FWC.

Civil penalty: 60 penalty units.

(4) The agreement does not come into force unless and until the General Manager enters particulars of the agreement in the register kept under subsection 13(1).

(5) The General Manager must not enter particulars of the agreement in that register unless he or she has been directed by the FWC to do so.

(6) The FWC must not give such a direction to the General Manager unless the FWC is satisfied that the agreement:
   (a) is not contrary to Parliament's intention in enacting this Act (see section 5) or any object of this Act or the Fair Work Act; and
   (b) does not adversely affect the interests of any lessor, lessee or creditor of the organisation or State union.

153 Party to section 152 agreement may apply to Federal Court for orders

(1) An organisation or a State union who is a party to an agreement made under section 152 (a ***section 152 agreement***) may apply to the Federal Court for orders:
   (a) requiring the other party to comply with the agreement; or
   (b) resolving any difficulty in the operation or interpretation of the agreement;

   and the Court may make such orders as it thinks fit.

(2) In making an order under subsection (1), the Court must have regard to the interests of any lessor, lessee or creditor of the organisation or State union.

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(3) An order made under subsection (1) has effect despite anything in the rules of the organisation or State union who are the parties to the agreement.

154 Termination of section 152 agreement

(1) If an organisation and a State union agree, in writing, to terminate an agreement made under section 152 (a ***section 152 agreement***), the termination has no effect unless the parties apply to the Federal Court for approval under this section and the Court gives its approval.

(2) The Court must not approve the termination unless:
   (a) the parties have made an agreement (a ***termination agreement***) that makes appropriate provision for the management and control of the assets and liabilities of the organisation and State union after termination of the section 152 agreement; or
   (b) the Court makes orders that will, in the Court's opinion, make appropriate provision for the management and control of the assets and liabilities of the organisation and State union after termination of the section 152 agreement.

(3) In determining whether a termination agreement, or orders, make appropriate provision as required by subsection (2), the Court must have regard to the following factors:
   (a) the positions of the organisation and State union in relation to their respective assets and liabilities before the section 152 agreement took effect;
   (b) the fairness, in all the circumstances, of the manner in which relevant assets and liabilities acquired after the section 152 agreement took effect will be dealt with after termination of the agreement;
   (c) how the interests of lessors, lessees or creditors of the organisation and the State union will be affected by the termination and subsequent arrangements;
   (d) any other factor that the Court considers relevant.

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(4) If the Court approves a termination agreement, the Court must direct the General Manager to enter particulars of the agreement in the register kept under subsection 13(1), and particulars of any orders made by the Court that relate to the agreement.

(5) A termination agreement takes effect on the day specified by the Court. The day specified by the Court must not be a day earlier than the day on which the Court approves the agreement.

Subdivision BA—Branches of organisations

154A Branch autonomy

The rules of an organisation may provide for the autonomy of a branch in matters affecting members of the branch only and matters concerning the participation of the branch in a State workplace relations system.

154B Branch funds

(1) The rules of an organisation may provide for a fund of the branch that is to be managed and controlled under rules of the branch, and may make provision in relation to the fund in accordance with subsection (2).

(2) The branch fund may consist of:
  (a) real or personal property of which the branch of the organisation, by the rules or by any established practice not inconsistent with the rules, has, or in the absence of a limited term lease, bailment or arrangement, would have, the right of custody, control or management; and
  (b) the amounts of entrance fees, subscriptions, fines, fees or levies received by a branch, less so much of the amounts as is payable by the branch to the organisation; and
  (c) interest, rents, dividends or other income derived from the investment or use of the fund; and

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(d) a superannuation or long service leave or other fund operated or controlled by the branch for the benefit of its officers or employees; and

(e) a sick pay fund, accident pay fund, funeral fund, tool benefit fund or similar fund operated or controlled by the branch for the benefit of its members; and

(f) property acquired wholly or mainly by expenditure of the money of the fund or derived from other assets of the fund; and

(g) the proceeds of a disposal of parts of the fund.

Subdivision BB—Approved training

Subdivision C—Miscellaneous

155 Exercise of the FWC's powers under this Division

The powers of the FWC under this Division are exercisable only by the President, a Vice President or a Deputy President.

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Division 5—Alteration of rules and evidence of rules

156 General Manager may determine alterations of rules

(1) Where the rules of an organisation do not, in the General Manager's opinion, make provision required by this Act, the General Manager may, by instrument, after giving the organisation an opportunity, as prescribed, to be heard on the matter, determine such alterations of the rules as are, in the General Manager's opinion, necessary to bring them into conformity with this Act.

(2) Alterations determined under subsection (1) take effect on the date of the instrument.

157 FWC may determine alteration of rules where there has been a breach of an undertaking

(1) If:
   (a) in the course of an organisation being registered under section 19, an undertaking was given under subsection 19(2) to avoid demarcation disputes that might otherwise arise from an overlap between its eligibility rules and the eligibility rules of another organisation; and
   (b) the first-mentioned organisation has breached the undertaking;

   the FWC may, by instrument, determine such alterations of the rules of the organisation as are, in the FWC's opinion, necessary to remove the overlap.

(2) The FWC must give the organisation and the other organisation an opportunity, as prescribed, to be heard on the matter.

(3) Alterations determined under subsection (1) take effect on the date of the instrument.

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158 Change of name or alteration of eligibility rules of organisation

(1) A change in the name of an organisation, or an alteration of the eligibility rules of an organisation, does not take effect unless:
  (a) in the case of a change in the name of the organisation—the FWC consents to the change under this section; or
  (b) in the case of an alteration of the eligibility rules of the organisation:
    (i) the FWC consents to the alteration under this section; or
    (ii) the General Manager consents to the alteration under section 158A.

(2) The FWC may consent to a change or alteration in whole or part, but must not consent unless the FWC is satisfied that the change or alteration has been made under the rules of the organisation.

(3) The FWC must not consent to a change in the name of an organisation unless the FWC is satisfied that the proposed new name of the organisation:
  (a) is not the same as the name of another organisation; and
  (b) is not so similar to the name of another organisation as to be likely to cause confusion.

(4) The FWC must not consent to an alteration of the eligibility rules of an organisation if, in relation to persons who would be eligible for membership because of the alteration, there is, in the opinion of the FWC, another organisation:
  (a) to which those persons could more conveniently belong; and
  (b) that would more effectively represent those members.

(5) However, subsection (4) does not apply if the FWC accepts an undertaking from the organisation seeking the alteration that the FWC considers appropriate to avoid demarcation disputes that might otherwise arise from an overlap between the eligibility rules of that organisation and the eligibility rules of the other organisation.

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(6) The FWC may refuse to consent to an alteration of the eligibility rules of an organisation if satisfied that the alteration would contravene an agreement or understanding to which the organisation is a party and that deals with the organisation's right to represent under this Act and the Fair Work Act the industrial interests of a particular class or group of persons.

(7) The FWC may also refuse to consent to an alteration of the eligibility rules of an organisation if it:
   (a) is satisfied that the alteration would change the effect of any order made by the FWC under section 133 about the right of the organisation to represent under this Act and the Fair Work Act the industrial interests of a particular class or group of employees; and
   (b) considers that such a change 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.

(8) Subsections (6) and (7) do not limit the grounds on which the FWC may refuse to consent to an alteration of the eligibility rules of an organisation.

(9) Where the FWC consents, under subsection (1), to a change or alteration, the change or alteration takes effect on:
   (a) where a date is specified in the consent—that date; or
   (b) in any other case—the day of the consent.

(10) This section does not apply to a change in the name, or an alteration of the eligibility rules, of an organisation that is:
   (a) determined by the FWC under subsection 163(7); or
   (b) proposed to be made for the purposes of an amalgamation under Part 2 of Chapter 3 or Division 4 of Part 7 of Chapter 11; or
   (c) proposed to be made for the purposes of a withdrawal from amalgamation under Part 3 of Chapter 3.

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158A Alteration of eligibility rules of organisation by General Manager

(1) The General Manager must, on application by an organisation in accordance with subsection (2), consent to an alteration of the eligibility rules of the organisation to extend them to apply to persons within the eligibility rules of an association of employers or employees that is registered under a State or Territory industrial law, if the General Manager is satisfied:

(a) that the alteration has been made under the rules of the organisation; and

(b) that the organisation is a federal counterpart of the association; and

(c) that the alteration will not extend the eligibility rules of the organisation beyond those of the association; and

(d) that the alteration will not apply outside the limits of the State or Territory for which the association is registered; and

(e) as to such other matters (if any) as are prescribed by the regulations.

Note: If the General Manager consents to the alteration, the FWC may make orders that reflect State representation orders (see section 137F).

(2) The application must not be made before 1 January 2011, or such later day as the Minister declares in writing.

(3) A declaration made under subsection (2) is a legislative instrument, but section 42 (disallowance) of the *Legislation Act 2003* does not apply to the declaration.

(4) If the General Manager consents, under subsection (1), to an alteration, the alteration takes effect on:

(a) if a day is specified in the consent—that day; or

(b) in any other case—the day of the consent.

159 Alteration of other rules of organisation

(1) An alteration of the rules (other than the eligibility rules) of an organisation does not take effect unless particulars of the alteration

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have been lodged with the FWC and the General Manager has certified that, in his or her opinion, the alteration:

(a) complies with, and is not contrary to, this Act, the Fair Work Act, modern awards and enterprise agreements; and

(b) is not otherwise contrary to law; and

(c) has been made under the rules of the organisation.

(2) Where particulars of an alteration of the rules (other than the eligibility rules) of an organisation have been lodged with the FWC, the General Manager may, with the consent of the organisation, amend the alteration for the purpose of correcting a typographical, clerical or formal error.

(3) An alteration of rules that has been certified under subsection (1) takes effect on the day of certification.

(4) This section does not apply in relation to an alteration of the rules of an organisation that is:

(a) proposed to be made in relation to an application for an exemption from subsection 144(1); or

(b) determined or certified by the General Manager under subsection 144(7) or section 156, 163, 246, 247 or 249; or

(c) proposed to be made for the purpose of an amalgamation under Part 2 of Chapter 3 or Division 4 of Part 7 of Chapter 11; or

(d) proposed to be made for the purposes of a withdrawal from amalgamation under Part 3 of Chapter 3.

160 Certain alterations of rules to be recorded

Where there has been a change in the name of an organisation, or an alteration of the eligibility rules of an organisation, under this Act, the General Manager must:

(a) immediately enter, in the register kept under subsection 13(1), particulars of the change or alteration, and the date of effect of the change or alteration; and

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(b) as soon as practicable after the organisation produces its certificate of registration to the General Manager, amend the certificate accordingly and return it to the organisation.

161 Evidence of rules

In proceedings under this Act or the Fair Work Act, a copy of the rules of an organisation certified by the General Manager to be a true and correct copy is evidence of the rules of the organisation.

162 Powers of the FWC

The powers of the FWC under this Division are exercisable only by the President, a Vice President or a Deputy President.

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Part 3—Validity and performance of rules etc

163 Rules contravening section 142

Application for order declaring rules contravene section 142

(1) A member, or an applicant for membership, of an organisation may apply to the Federal Court for an order under this section in relation to the organisation.

(2) If the application is made by a member, the order under this section may declare that the whole or a part of a rule of an organisation contravenes section 142 or that the rules of an organisation contravene section 142 in a particular respect.

(3) If the application is made by an applicant for membership, the order under this section may declare that the whole or a part of a rule of an organisation contravenes paragraph 142(1)(c) or (d) or that the rules of an organisation contravene paragraph 142(1)(c) or (d) in a particular respect.

(4) An organisation in relation to which an application is made under this section must be given an opportunity of being heard by the Court.

(5) The Court may, without limiting any other power of the Court to adjourn proceedings, adjourn proceedings in relation to an application under this section for such period and on such terms and conditions as it considers appropriate for the purpose of giving the organisation an opportunity to alter its rules.

Effect of order

(6) Where an order under this section declares that the whole or a part of a rule contravenes section 142, the rule or that part of the rule, as the case may be, is taken to be void from the date of the order.

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Appropriate authority may alter organisation's rules

(7) Where:

(a) the Court makes an order declaring as mentioned in subsection (2) or (3) in relation to the rules of an organisation; and

(b) at the end of 3 months from the making of the order, the rules of the organisation have not been altered in a manner that, in the opinion of the appropriate authority, brings them into conformity with section 142 in relation to the matters that gave rise to the order;

the appropriate authority must, after giving the organisation an opportunity, as prescribed, to be heard on the matter, determine, by instrument, such alterations of the rules as will, in the appropriate authority's opinion, bring the rules into conformity with that section in relation to those matters.

Note: For the meaning of ***appropriate authority*** see subsection (12).

(8) The appropriate authority may, on the application of the organisation made within the period of 3 months referred to in subsection (7) or within any extension of the period, extend, or further extend, the period.

(9) Alterations determined under subsection (7) take effect on the date of the instrument.

Court may make interim orders

(10) At any time after a proceeding under this section has been instituted, the Court may make any interim orders that it considers appropriate in relation to a matter relevant to the proceeding.

(11) An order under subsection (10) continues in force, unless expressed to operate for a shorter period or sooner discharged, until the completion of the proceeding concerned.

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Definitions

(12) In this section:

appropriate authority means:

(a) in relation to the eligibility rules of an organisation—the President, a Vice President or a Deputy President; or

(b) in relation to the other rules of an organisation—the General Manager.

(13) In this section, a reference to ***a rule, or the rules, of an organisation*** includes a reference to a rule, or the rules, of a branch of an organisation.

164 Directions for performance of rules

Application for order directing performance of rules

(1) A member of an organisation may apply to the Federal Court for an order under this section in relation to the organisation.

Note: For the meaning of ***order under this section***, see subsection (9).

(2) Before making an order under this section, the Court must give any person against whom the order is sought an opportunity of being heard.

(3) The Court may refuse to deal with an application for an order under this section unless it is satisfied that the applicant has taken all reasonable steps to try to have the matter that is the subject of the application resolved within the organisation.

Court may make interim orders

(4) At any time after the making of an application for an order under this section, the Court may make any interim orders that it considers appropriate and, in particular, orders intended to further the resolution within the organisation concerned of the matter that is the subject of the application.

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(5) An order under subsection (4) continues in force, unless expressed to operate for a shorter period or sooner discharged, until the completion of the proceeding concerned.

Definition

(9) In this section:

order under this section means an order giving directions for the performance or observance of any of the rules of an organisation by any person who is under an obligation to perform or observe those rules.

164A Directions to rectify breach of rule of organisation

Application for order

(1) A member of an organisation may apply to the Federal Court for an order under subsection (4) in relation to the organisation.

(2) Before making the order, the Court must give any person against whom the order is sought an opportunity of being heard.

Conditions for making order

(3) The Court may make an order under subsection (4) in relation to an organisation if the Court is satisfied that:
   (a) a person was under an obligation to perform or observe a rule or rules of the organisation; and
   (b) the person breached the rule or rules; and
   (c) the person acted unreasonably in so breaching the rule or rules.

Nature of order

(4) Subject to section 164B, the Court may make an order directing one or more persons (who may be, or include, the person who breached the rule or rules) to do specified things that will, in the opinion of the Court, as far as is reasonably practicable, place the

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organisation in the position in which it would have been if the breach of the rule or rules had not occurred.

(5) The Court may make the order whether or not, at the time of making the order, the person is a member or officer of the organisation.

164B Orders under sections 164 and 164A

Order must not invalidate election etc.

(1) An order must not be made under section 164 or 164A that would have the effect of treating as invalid an election to an office in an organisation or a step in relation to such an election.

Order must not require compensation

(2) An order under section 164A does not include an order directing one or more persons to compensate an organisation for any loss or damage suffered by the organisation caused by the breach of the rule or rules.

Note: An application for a compensation order may be made under Part 2 of Chapter 10.

Court may declare that rules contravene section 142

(3) Where the Court, in considering an application under section 164 or 164A, finds that the whole or a part of a rule of the organisation concerned contravenes section 142 or that the rules of the organisation concerned contravene that section in a particular respect, the Court may, by order, make a declaration to that effect.

(4) Section 163 (other than subsections (1) to (5) (inclusive)) applies in relation to an order made under subsection (3) of this section as if the order had been made under section 163.

Definition

(5) In this section:

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election includes a purported election that is a nullity.

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Chapter 6—Membership of organisations

Part 1—Simplified outline of Chapter

165 Simplified outline

This Chapter sets out rules about membership of organisations. It covers entitlement to membership, circumstances in which a person may cease to be a member, recovery of money from members by organisations, and conscientious objection to membership.

This Chapter also gives the Federal Court a role in deciding a person's membership status.

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Part 2—Entitlement to membership

166 Entitlement to become and to remain a member

Employee organisations

(1) Subject to any modern award or order of the FWC, a person who is eligible to become a member of an organisation of employees under the eligibility rules of the organisation that relate to the occupations in which, or the industry or enterprise in relation to which, members are to be employed is, unless of general bad character, entitled, subject to payment of any amount properly payable in relation to membership:
   (a) to be admitted as a member of the organisation; and
   (b) to remain a member so long as the person complies with the rules of the organisation.

Note 1: Rules of an organisation must provide for the circumstances in which a person ceases to be a member of an organisation (see subparagraph 141(1)(b)(vii)).

Note 2: If a member fails to pay his or her membership dues for 24 months, this may result in the person ceasing to be a member, regardless of the rules of the organisation (see section 172).

Note 3: See also section 168, which deals with a special case of entitlement to membership (person treated as having been a member).

(2) Subsection (1) does not entitle a person to remain a member of an organisation if the person ceases to be eligible to become a member and the rules of the organisation do not permit the person to remain a member.

(3) A person who is qualified to be employed in a particular occupation, and seeks to be employed in the occupation:
   (a) is taken to be an employee for the purposes of this section; and
   (b) in spite of anything in the rules of the organisation, is not to be treated as not being eligible for membership of an

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organisation merely because the person has never been employed in the occupation.

Employer organisations

(4) Subject to subsection (5) and to any modern award or order of the FWC, an employer who is eligible to become a member of an organisation of employers is entitled, subject to payment of any amount properly payable in relation to membership:
  (a) to be admitted as a member of the organisation; and
  (b) to remain a member so long as the employer complies with the rules of the organisation.

(5) Subsection (4) does not entitle an employer:
  (a) to become a member of an organisation if the employer is:
    (i) a natural person who is of general bad character; or
    (ii) a body corporate whose constituent documents make provisions inconsistent with the purposes for which the organisation was formed; or
  (b) to remain a member of an organisation if the employer ceases to be eligible to become a member and the rules of the organisation do not permit the employer to remain a member.

This section overrides inconsistent rules

(6) Subsections (1) and (4) have effect in spite of anything in the rules of the organisation concerned, except to the extent that they expressly require compliance with those rules.

167 Federal Court may declare on person's entitlement to membership

Who may apply to Federal Court

(1) Where a question arises as to the entitlement under section 166 of a person:

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(a) to be admitted as a member of an organisation (whether for the first time or after having resigned, or been removed, as a member of the organisation); or

(b) to remain a member of an organisation;

application may be made to the Federal Court for a declaration as to the entitlement of the person under this section by either of the following:

(c) the person;

(d) the organisation concerned.

Court may make orders relating to its declaration

(2) On the hearing of an application under subsection (1), the Court may, in spite of anything in the rules of the organisation concerned, make such order to give effect to its declaration as it considers appropriate.

(3) The orders which the Court may make under subsection (2) include:

(a) an order requiring the organisation concerned to treat a person to whom subsection 166(1) or (4) applies as being a member of the organisation; and

(b) in the case of a question as to the entitlement under this section of a person to be admitted as a member of an organisation, where the person has previously been removed from membership of the organisation—an order that the person be taken to have been a member of the organisation in the period between the removal of the person from membership and the making of the order.

Effect of orders

(4) On the making of an order as mentioned in paragraph (3)(a), or as otherwise specified in the order, the person specified in the order becomes, by force of this section, a member of the organisation concerned.

(5) Where:

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(a) an order is made as mentioned in paragraph (3)(b); and
(b) the person specified in the order pays to the organisation concerned any amount that the person would have been liable to pay to the organisation if the person had been a member of the organisation during the period specified in the order;

the person is taken to have been a member of the organisation during the period specified in the order.

Court to give certain people opportunity to be heard

(6) Where an application is made to the Court under this section:
(a) if the application is made by an organisation—the person whose entitlement is in question must be given an opportunity of being heard by the Court; and
(b) if the application is made by the person whose entitlement is in question—the organisation concerned must be given an opportunity of being heard by the Court.

168 Application for membership of organisation by person treated as having been a member

(1) Where:
(a) a person who is eligible for membership of an organisation (other than a member of the organisation or a person who has been expelled from the organisation) applies to be admitted as a member of the organisation; and
(b) the person has, up to a time within one month before the application, acted in good faith as, and been treated by the organisation as, a member;

the person is entitled to be admitted to membership and treated by the organisation and its members as though the person had been a member during the whole of the time when the person acted as, and was treated by the organisation as, a member and during the whole of the time from the time of the person's application to the time of the person's admission.

(2) Where a question arises as to the entitlement under this section of a person to be admitted as a member and to be treated as though the

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person had been a member during the times referred to in subsection (1):

(a) the person; or

(b) the organisation;

may apply to the Federal Court for a declaration as to the entitlement of the person under this section.

(3) Subject to subsection (5), the Court may, in spite of anything in the rules of the organisation concerned, make such orders (including mandatory injunctions) to give effect to its determination as it considers appropriate.

(4) The orders that the Court may make under subsection (3) include an order requiring the organisation concerned to treat a person to whom subsection (1) applies as being a member of the organisation and as having been a member during the times referred to in subsection (1).

(5) Where an application is made to the Court under this section:

(a) if the application is made by an organisation—the person whose entitlement is in question must be given an opportunity to be heard by the Court; and

(b) if the application is made by the person whose entitlement is in question—the organisation concerned must be given an opportunity to be heard by the Court.

169 Request by member for statement of membership

An organisation must, at the request of a person who is a member, give to the person, within 28 days after the request is made, a statement showing:

(a) that the person is a member of the organisation; and

(b) where there are categories of membership of the organisation—the category of the person's membership; and

(c) if the person expressly requests—whether the person is a financial member of the organisation.

Civil penalty: 100 penalty units.

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170 Rectification of register of members

The Federal Court may at any time, in a proceeding under this Act or the Fair Work Act, order such rectifications of the register of members of an organisation as it considers necessary.

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Part 3—Termination of membership

171 Federal Court may order that persons cease to be members of organisations

The Federal Court may, on the application of an organisation, order that a person's membership of that organisation or another organisation is to cease from a day, and for a period, specified in the order.

171A Cessation of membership if member is not an employee etc.

(1) If a person is a member of an organisation and the person is not, or is no longer:
  (a) if the organisation is an association of employers—a person of a kind mentioned in paragraph 18A(3)(a), (b), (c) or (d); or
  (b) if the organisation is an association of employees—a person of a kind mentioned in paragraph 18B(3)(a), (b), (c) or (d); or
  (c) if the organisation is an enterprise association—a person of a kind mentioned in paragraph 18C(3)(a), (b), (c) or (d);

the person's membership of the organisation immediately ceases.

(2) Subsection (1) has effect despite anything in the rules of the organisation.

172 Non-financial members to be removed from the register

(1) If:
  (a) the rules of an organisation require a member to pay dues in relation to the person's membership of the organisation; and
  (b) the member has not paid the amount; and
  (c) a continuous period of 24 months has elapsed since the amount became payable; and
  (d) the member's name has not been removed from the register kept by the organisation under paragraph 230(1)(a);

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the organisation must remove the name and postal address of the member from the register within 12 months after the end of the 24 month period.

Civil penalty: 60 penalty units.

(2) In calculating a period for the purposes of paragraph (1)(c), any period in relation to which the member was not required by the rules of the organisation to pay the dues is to be disregarded.

(3) A person whose name is removed from the register under this section ceases to be a member of the organisation on the day his or her name is removed. This subsection has effect in spite of anything in the rules of the organisation.

Note: A non-financial member's membership might cease and his or her name be removed from the register earlier than is provided for by this section if the organisation's own rules provide for this to happen.

173 No entrance fee if person re-joins within 6 months

(1) If:

(a) a person applies for membership of an organisation within 6 months after the person's membership has ceased under section 172; and

(b) the application is accepted by the organisation;

the organisation must not require the person to pay any fee associated with a new membership (other than membership dues) in relation to the membership for which the person has applied.

(2) This section is not to be taken to prevent an organisation requiring (whether by means of its rules or otherwise) payment of outstanding dues in order for a person to maintain continuity of financial membership.

174 Resignation from membership

(1) A member of an organisation may resign from membership by written notice addressed and delivered to a person designated for

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the purpose in the rules of the organisation or a branch of the organisation.

Note: The notice of resignation can be given electronically if the organisation's rules allow for this (see section 9 of the *Electronic Transactions Act 1999*).

(2) A notice of resignation from membership of an organisation takes effect:

(a) where the member ceases to be eligible to become a member of the organisation:

(i) on the day on which the notice is received by the organisation; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks, or such shorter period as is specified in the rules of the organisation, after the notice is received by the organisation; or

(ii) on the day specified in the notice;

whichever is later.

(3) Any dues payable but not paid by a former member of an organisation, in relation to a period before the member's resignation from the organisation took effect, may be sued for and recovered in the name of the organisation, in a court of competent jurisdiction, as a debt due to the organisation.

(4) A notice delivered to the person mentioned in subsection (1) is taken to have been received by the organisation when it was delivered.

(5) A notice of resignation that has been received by the organisation is not invalid because it was not addressed and delivered in accordance with subsection (1).

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(6) A resignation from membership of an organisation is valid even if it is not effected in accordance with this section if the member is informed in writing by or on behalf of the organisation that the resignation has been accepted.

Note: Regulations may require employers who offer payroll deduction facilities to inform employees that cessation of payroll deduction by an employee does not constitute resignation (see section 359).

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Part 4—False information, disputes and arrears of dues

175 False representation as to membership of organisation

A person must not, in an application made under this Act or the Fair Work Act, make a statement about the person's membership of an organisation if the person knows, or is reckless as to whether, the statement is false or misleading.

Civil penalty: 100 penalty units.

176 False representation about resignation from organisation

A person (the ***first person***) must not provide information about resignation from an organisation to a member, or a person eligible to become a member, of the organisation if the person knows, or is reckless as to whether, the information is false or misleading.

Civil penalty: 100 penalty units.

177 Disputes between organisations and members

(1) A dispute between an organisation and any of its members is to be decided under the rules of the organisation.

(2) Any fine, fee, levy or dues payable to an organisation by a member in relation to a period after the organisation was registered may be sued for and recovered, in the name of the organisation, as a debt due to the organisation, in a court of competent jurisdiction.

(3) A court of competent jurisdiction may, on application brought in the name of an organisation, order the payment by a member of any contribution (not exceeding $20) to a penalty incurred or money payable by the organisation under a modern award, order or enterprise agreement.

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178 Recovery of arrears

(1) In spite of subsection 177(2), legal proceedings for the recovery of an amount payable by a person in relation to the person's membership of an organisation must not be commenced after the end of the period of 12 months starting on the day on which the amount became payable.

(2) The amount ceases to be payable at the end of the period if legal proceedings to recover the amount have not been commenced by then.

179 Liability for arrears

(1) Where a person has ceased to be eligible to become a member of an organisation and that person has not actively participated in the affairs of the organisation since that time, those circumstances are a defence to an action by the organisation for arrears of dues payable from the time when the person ceased to be so eligible.

(2) Where such a defence is successful, that person is taken to have ceased to be a member from the time that the person ceased to be so eligible.

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Part 5—Conscientious objection to membership

180 Conscientious objection to membership of organisations

(1) Where a natural person:

(a) on application made to the General Manager, satisfies the General Manager:

(i) in the case of a person who is an employer or is otherwise eligible to join an organisation of employers—that the person's conscientious beliefs do not allow the person to be a member of an association of the kind described in paragraph 18(a); or

(ii) in the case of a person who is an employee or is otherwise eligible to join an organisation of employees—that the person's conscientious beliefs do not allow the person to be a member of an association of the kind described in paragraph 18(b) or (c); and

(b) pays the prescribed fee to the General Manager;

the General Manager must issue to the person a certificate to that effect in the prescribed form.

(2) An appeal does not lie to the FWC under section 604 of the Fair Work Act against a decision of the General Manager to issue a certificate under subsection (1).

(3) Subject to subsection (4), a certificate under subsection (1) remains in force for the period (not exceeding 12 months) specified in the certificate, but may, as prescribed, be renewed from time to time by the General Manager for such period (not exceeding 12 months) as the General Manager considers appropriate.

(4) Where:

(a) the General Manager becomes aware of a matter that was not known to the General Manager when a certificate was issued by the General Manager to a person under subsection (1); and

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(b) if the General Manager had been aware of the matter when the application for the certificate was being considered, the General Manager would not have issued the certificate;

the General Manager may, after giving the person an opportunity, as prescribed, to show cause why the certificate should not be revoked, revoke the certificate.

(6) In this section:

appropriate organisation, in relation to a person who has made an application under subsection (1), means the organisation that, in the opinion of the General Manager dealing with the application, would, but for the person's conscientious beliefs, be the appropriate organisation for the person to join having regard to:

(a) in the case of a person who is an employer—the industry in relation to which the person is an employer; or

(b) in the case of a person who is otherwise eligible to join an organisation of employers—the business carried on by the person; or

(c) in the case of a person who is an employee—the past employment (if any), and the future prospects of employment, of the person; or

(d) in the case of a person who is otherwise eligible to join an organisation of employees—the work done by the person or the enterprise in which the person works.

conscientious beliefs means any conscientious beliefs, whether the grounds for the beliefs are or are not of a religious character and whether the beliefs are or are not part of the doctrine of any religion.

prescribed fee, in relation to a person who has made an application under subsection (1), means a fee equal to the annual subscription that would be payable by the person if the person were a member of the appropriate organisation.

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Chapter 7—Democratic control

Part 1—Simplified outline of Chapter

181 Simplified outline

This Chapter deals with elections for positions in organisations. It does not deal with other kinds of ballots (for example, amalgamation and disamalgamation ballots, which are dealt with in Chapter 3).

Part 2 sets out the rules for the conduct of elections. Elections for office must generally be conducted by the AEC. This Part also requires the AEC to conduct elections for some positions that are not offices, if the organisation concerned requests the AEC to do so.

Part 3 provides for inquiries by the Federal Court into elections for office.

Part 4 sets out the circumstances in which people are disqualified from holding, or being elected to hold, office in organisations.

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Part 2—Conduct of elections for office and other positions

182 Conduct by AEC

Elections for office

(1) Each election for an office in an organisation, or branch of an organisation, must be conducted by the AEC. The expenses of conducting such an election are to be borne by the Commonwealth.

Note: For the meaning of ***office***, see section 9.

(2) Subsection (1) does not apply in relation to an election for an office in an organisation or branch while an exemption granted to the organisation or branch, as the case may be, under section 186 is in force in relation to elections in the organisation or branch or an election for the particular office.

Elections for other positions

(3) If an organisation or branch of an organisation has made a request under section 187 in relation to an election for a position other than an office, the AEC must conduct the election.

183 Application for organisation or branch to conduct its elections for office

(1) A committee of management of an organisation or branch of an organisation may lodge with the Commissioner an application for the organisation or branch, as the case may be, to be exempted from subsection 182(1) in relation to elections for offices, or an election for a particular office, in the organisation or branch.

(2) An application may not be made by a committee of management of an organisation or branch of an organisation unless the committee of management:

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(a) has resolved to make the application; and
(b) has notified the members of the organisation or branch, as prescribed, of the making of the resolution.

(3) An application under subsection (1) must be accompanied by a declaration by a member of the committee of management concerned stating that subsection (2) has been complied with.

(4) Where an application has been made under subsection (1), the Commissioner must cause a notice setting out details of the application to be published, as prescribed, for the purpose of bringing the notice to the attention of members of the organisation or branch concerned.

(5) Where the rules of an organisation require an office to be filled by an election by the members, or by some of the members, of a single branch of the organisation, an election to fill the office is taken to be an election for the branch.

184 Objections to application to conduct elections for office

(1) Objection may be made to an application under subsection 183(1) by a member of the organisation or branch of the organisation in relation to which the application was made.

(2) The Commissioner must, as prescribed, hear the application and any objections duly made.

185 Threats etc. in relation to section 184 objections

(1) A person commits an offence if the person uses, causes or inflicts any violence, injury, punishment, damage, loss or disadvantage to another person because the other person has lodged an objection under subsection 184(1).

Penalty: 30 penalty units.

(2) A person commits an offence if the person:
(a) gives, or offers or promises to give, any property or benefit of any kind with the intention of influencing or affecting

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another person because the other person proposes to lodge, or has lodged, an objection under subsection 184(1); or

(b) asks for or obtains, or offers or agrees to ask for or obtain, any property or benefit of any kind (whether for that person or another person), on the understanding that the lodging of an objection under subsection 184(1) will be influenced or affected in any way.

Penalty: 30 penalty units.

186 Commissioner may permit organisation or branch to conduct its elections for office

(1) Where an application in relation to an organisation or branch has been lodged under subsection 183(1) and, after any objections duly made have been heard, the Commissioner is satisfied:

(a) that the rules of the organisation or branch comply with the requirements of this Act relating to the conduct of elections for office; and

(b) that, if the organisation or branch is exempted from subsection 182(1), the elections for the organisation or branch, or the election for the particular office, as the case may be, will be conducted:

(i) under the rules of the organisation or branch, as the case may be, and this Act; and

(ii) in a manner that will afford members entitled to vote at such elections or election an adequate opportunity of voting without intimidation;

the Commissioner may exempt the organisation or branch from subsection 182(1) in relation to elections for the organisation or branch, or the election for the particular office, as the case may be.

(2) The Commissioner may revoke an exemption granted to an organisation or branch under subsection (1):

(a) on application by the committee of management of the organisation or branch; or

(b) if the Commissioner:

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(i) is no longer satisfied as mentioned in subsection (1); and

(ii) has given the committee of management of the organisation or branch an opportunity, as prescribed, to show cause why the exemption should not be revoked.

187 Organisation may ask AEC to conduct elections for positions other than offices

(1) If the rules of an organisation or branch of an organisation require an election to be held for a position other than an office in the organisation or branch, the organisation or branch, as the case may be, may request the AEC to conduct the election.

Note: For the meaning of ***office***, see section 9.

(2) The request must be:

(a) in writing; and

(b) signed by an officer of the organisation or branch who is authorised to do so by the committee of management of the organisation or branch; and

(c) given to the AEC.

(3) A copy of the request must also be lodged with the Commissioner at the same time as the prescribed information in relation to the election is lodged (see section 189).

188 Declaration envelopes etc. to be used for postal ballots

If the rules of an organisation provide for elections for office by postal ballot, a vote in the election cannot be counted unless the ballot paper on which it is recorded is returned as follows:

(a) the ballot paper must be in the declaration envelope provided to the voter with the ballot paper;

(b) the declaration envelope must be in another envelope that is in the form prescribed by the regulations.

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189 Commissioner to arrange for conduct of elections

(1) An organisation or branch of an organisation must lodge with the Commissioner the prescribed information in relation to an election that is to be conducted by the AEC.

(2) The prescribed information must be lodged before the prescribed day or such later day as the Commissioner allows.

Civil penalty: 60 penalty units.

(3) If:
(a) the prescribed information is lodged with the Commissioner by the organisation or branch (whether or not before the prescribed day or the later day allowed by the Commissioner); and
(b) the Commissioner is satisfied that an election is required to be held under the rules of the organisation or branch; and
(c) if the election is not an election for an office—the organisation or branch has made a request under section 187;

the Commissioner must arrange for the conduct of the election by the AEC.

190 Organisation or branch must not assist one candidate over another

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Penalty: 100 penalty units.

191 Organisation to provide returning officer with copy of register

(1) A person (the ***returning officer***) conducting an election under this Part for an office or other position in an organisation, or branch of an organisation, may give a written request to an officer or employee of the organisation or branch to make available the

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register of members, or part of the register, kept by the organisation under section 230, to the returning officer for the purposes of the ballot.

(2) An officer or employee of the organisation or branch commits an offence if he or she fails to comply with a request under subsection (1).

Penalty: 30 penalty units.

(3) Subsection (2) does not apply if the officer or employee complied with the request as promptly as he or she was capable.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (3).

(4) An offence against subsection (2) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(5) If the register, or the relevant part of the register, is kept in electronic form, the returning officer may require the register to be made available in that form.

(6) A request under subsection (1) must specify the period within which the register must be made available. The period must not be less than 7 days after the request is given.

192 Declaration by secretary etc. of organisation

(1) If:

(a) a returning officer makes a request under section 191 in relation to the organisation's register; and

(b) the returning officer gives written notice of the request to the secretary or other prescribed officer of the organisation or branch concerned;

the secretary or other prescribed officer of the organisation must make a declaration, in accordance with subsection (2), that the register has been maintained as required by subsection 230(2).

Civil penalty: 100 penalty units.

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(2) The declaration must be:
  (a) signed by the person making it; and
  (b) given to the returning officer, and lodged with the Commissioner, as soon as practicable but no later than the day before the first day of voting in the relevant election.

(3) A person must not, in a declaration for the purposes of subsection (1), make a statement if the person knows, or is reckless as to whether, the statement is false or misleading.

Civil penalty: 100 penalty units.

193 Provisions applicable to elections conducted by AEC

(1) If an electoral official is conducting an election, or taking a step in relation to an election, for an office or other position in an organisation, or branch of an organisation, the electoral official:
  (a) subject to paragraph (b), must comply with the rules of the organisation or branch; and
  (b) may, in spite of anything in the rules of the organisation or branch, take such action, and give such directions, as the electoral official considers necessary:
    (i) to ensure that no irregularities occur in or in relation to the election; or
    (ii) to remedy any procedural defects that appear to the electoral official to exist in the rules; or
    (iii) to ensure the security of ballot papers and envelopes that are for use, or used, in the election.

(2) A person commits an offence if the person does not comply with a direction under subsection (1).

Penalty: 30 penalty units.

(3) Subsection (2) does not apply so far as the person is not capable of complying.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).

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(4) Subsection (2) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (4), see subsection 13.3(3) of the *Criminal Code*.

(5) An offence against subsection (2) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(6) An election for an office or other position conducted by an electoral official, or step taken in relation to such an election, is not invalid merely because of a breach of the rules of the organisation or branch because of:

(a) action taken under subsection (1); or

(b) an act done in compliance with a direction under subsection (1).

(7) If an electoral official conducting, or taking a step in connection with, an election for an office or other position:

(a) dies or becomes unable to complete the conduct of the election or the taking of the step; or

(b) ceases to be qualified to conduct the election or to take the step;

the Electoral Commissioner must arrange for the completion of the conduct of the election, or the taking of the step, by another electoral official.

194 Hindering or obstructing electoral official or other person

A person commits an offence if the person hinders or obstructs:

(a) an electoral official in the performance of functions in relation to an election for an office or other position in an organisation or branch of an organisation; or

(b) any other person in complying with a direction under subsection 193(1).

Penalty: 30 penalty units.

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195 Improper interference with election process

(1) This section applies in relation to an election for an office or other position in an organisation or branch of an organisation.

Interference with ballot papers

(2) A person commits an offence if the person:
- (a) impersonates another person with the intention of:
  - (i) securing a ballot paper to which the impersonator is not entitled; or
  - (ii) casting a vote; or
- (b) does an act that results in a ballot paper or envelope being destroyed, defaced, altered, taken or otherwise interfered with; or
- (c) fraudulently puts a ballot paper or other paper:
  - (i) into a ballot box or other ballot receptacle; or
  - (ii) into the post; or
- (d) delivers a ballot paper or other paper to a person other than a person receiving ballot papers for the purposes of the ballot; or
- (e) records a vote that the person is not entitled to record; or
- (f) records more than one vote; or
- (g) forges a ballot paper or envelope, or utters a ballot paper or envelope that the person knows to be forged; or
- (h) provides a ballot paper without authority; or
- (i) obtains a ballot paper which the person is not entitled to obtain; or
- (j) has possession of a ballot paper which the person is not entitled to possess; or
- (k) does an act that results in a ballot box or other ballot receptacle being destroyed, taken, opened or otherwise interfered with.

Penalty: 30 penalty units.

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Threats in relation to votes, candidature etc.

(3) A person commits an offence if the person threatens, offers or suggests, or uses, causes or inflicts, any violence, injury, punishment, damage, loss or disadvantage with the intention of influencing or affecting:
  (a) any candidature or withdrawal of candidature; or
  (b) any vote or omission to vote; or
  (c) any support or opposition to any candidate; or
  (d) any promise of any vote, omission, support or opposition.

Penalty: 30 penalty units.

Offers of bribes

(4) A person commits an offence if the person gives, or promises or offers to give, any property or benefit of any kind to a person with the intention of influencing or affecting any of the following:
  (a) any candidature or withdrawal of candidature;
  (b) any vote or omission to vote;
  (c) any support or opposition to any candidate;
  (d) any promise of any vote, omission, support or opposition.

Penalty: 30 penalty units.

Acceptance of bribes

(5) A person commits an offence if the person asks for or obtains, or offers or agrees to ask for or obtain, any property or benefit of any kind (whether for that person or another person), on the understanding that any of the following will be influenced or affected in any way:
  (a) any candidature or withdrawal of candidature;
  (b) any vote or omission to vote;
  (c) any support or opposition to any candidate;
  (d) any promise of any vote, omission, support or opposition.

Penalty: 30 penalty units.

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Secrecy of vote

(6) A person (the ***relevant person***) commits an offence:
  (a) if the relevant person requests, requires or induces another person to show a ballot paper to the relevant person, or permits the relevant person to see a ballot paper, in such a manner that the relevant person can see the vote, while the ballot paper is being marked or after it has been marked; or
  (b) if the relevant person is a person performing duties for the purposes of the election—if the relevant person shows to another person, or permits another person to have access to, a ballot paper used in the election, otherwise than in the performance of the duties.

Penalty: 30 penalty units.

196 Death of candidate

In spite of anything in the rules of an organisation or branch of an organisation, where:
  (a) 2 or more candidates are nominated for an election in relation to an office in the organisation or branch; and
  (b) one of those candidates dies before the close of the ballot;

the election must be discontinued and a new election held.

197 Post-election report by AEC

Requirement for AEC to make report

(1) After the completion of an election conducted under this Part by the AEC, the AEC must give a written report on the conduct of the election to:
  (a) the Commissioner; and
  (b) the organisation or branch for whom the election was conducted.

Note: The AEC may be able, in the same report, to report on more than one election it has conducted for an organisation. However, regulations

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made under paragraph 359(2)(c) may impose requirements about the manner and timing of reports.

(2) The report must include details of the prescribed matters.

Contents of report—register of members

(3) If the AEC is of the opinion that the register of members, or the part of the register, made available to the AEC for the purposes of the election contained, at the time of the election:

(a) an unusually large proportion of members' addresses that were not current; or

(b) in the case of a register kept by an organisation of employees—an unusually large proportion of members' addresses that were workplace addresses;

this fact must be included in the report, together with a reference to any relevant model rules which, in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: Model rules are relevant only to the conduct of elections for office, not for elections for other positions (see section 147).

Contents of report—difficult rules

(4) If the report identifies a rule of the organisation or branch that, in the AEC's opinion, was difficult to interpret or apply in relation to the conduct of the election, the report must also refer to any relevant model rules, which in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: For model rules, see section 147.

Subsection (3) relevant only for postal ballots

(5) Subsection (3) applies only in relation to elections conducted by postal ballot.

Note: An organisation can obtain an exemption from the requirement to hold elections for office by postal ballot (see section 144).

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198 Organisation to respond to adverse report on rules

Organisation must respond to "difficult rules" report

(1) If an organisation or branch is given a post-election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report.

Civil penalty: 100 penalty units.

(2) The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

Organisation must make its response available to members

(3) The organisation or branch must also make available to its members the part of the report dealing with the difficult rule or rules (the ***relevant extract***) and the organisation's or branch's response to it.

(4) The relevant extract must be made available to members no later than the day on which the response is to be made available by the organisation or branch to members.

Civil penalty: 100 penalty units.

(5) The response must be made available to members:
   (a) if the response is not to be published in the next edition of the organisation or branch journal—within 30 days after it is given to the AEC; and
   (b) if the response is to be so published—in the next edition.

Civil penalty: 100 penalty units.

(6) Without limiting the ways in which an organisation or branch may comply with subsection (3), it complies if it does all of the following:

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(a) publishes, in the next edition of the organisation or branch journal, a copy of the relevant extract of the report and the organisation's response;

(b) within 30 days after the day on which it gives its response to the AEC:

(i) lodges with the Commissioner a copy of the relevant extract of the report and a copy of the response given to the AEC under subsection (1), together with a declaration that the organisation or branch will provide a copy of the extract and the organisation's response to any member who so requests; and

(ii) gives notice in the next edition of the organisation or branch journal, or in an appropriate newspaper, that a copy of the relevant extract of the report and the organisation's response is available, upon request, from the organisation or branch to each member free of charge;

(c) meets the requirements of any regulations made for the purposes of this subsection.

Declaration that report and response will be available

(7) A declaration under paragraph (6)(b) must be signed by the secretary or other prescribed officer of the organisation or branch (as the case requires).

(8) A person must not, in a declaration for the purposes of paragraph (6)(b), make a statement if the person knows, or is reckless as to whether, the statement is false or misleading.

Civil penalty: 100 penalty units.

Definitions

(9) In this section:

appropriate newspaper, in relation to an organisation or branch, means a newspaper, or newspapers, whose circulation covers the

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main geographical areas where members of the organisation or branch reside.

next edition, in relation to publishing a relevant extract of a post-election report or response in a journal, means the first edition of the journal in which it is reasonably practicable for the report or the response (as the case may be) to be published.

199 Ballot papers etc. to be preserved

(1) In spite of anything in the rules of an organisation or a branch of an organisation, where an election for an office in the organisation or branch is conducted by the AEC, the organisation or branch, and every officer and employee of the organisation or branch who is able to do so, and the AEC, must take such steps as are necessary to ensure that all ballot papers, envelopes, lists and other documents relevant to the election are preserved and kept by the AEC for one year after the completion of the election.

(2) In spite of anything in the rules of an organisation or a branch of an organisation, where an election for an office in the organisation or branch is conducted by the organisation or branch, the organisation or branch, and every officer and employee of the organisation or branch who is able to do so, must take such steps as are necessary to ensure that all ballot papers, envelopes, lists and other documents relevant to the election are preserved and kept at the office of the organisation or branch, as the case may be, for one year after the completion of the election.

(3) An organisation or branch of an organisation commits an offence if the organisation or branch contravenes subsection (1) or (2).

Penalty: 100 penalty units.

(4) Subsection (3) does not apply if the organisation has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (4), see subsection 13.3(3) of the *Criminal Code*.

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(5) An officer or employee of an organisation or branch commits an offence if the officer or employee contravenes subsection (1) or (2).

Penalty: 20 penalty units.

(6) Subsection (5) does not apply if the officer or employee has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (6), see subsection 13.3(3) of the *Criminal Code*.

(7) Offences against subsections (3) and (5) are offences of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

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Part 3—Inquiries into elections for office

200 Application for inquiry

When member of organisation may apply for inquiry

(1) If a person who is, or within the preceding period of 12 months has been, a member of an organisation claims that there has been an irregularity in relation to an election for an office in the organisation or a branch of the organisation, the person may make an application for an inquiry by the Federal Court into the matter.

Note: For the meaning of ***irregularity***, see section 6.

When Electoral Commissioner must apply for an inquiry

(2) If the Electoral Commissioner believes that the result of an election for an office has been affected by an irregularity in relation to the election, the Electoral Commissioner must make an application for an inquiry by the Federal Court into the matter.

When Electoral Commissioner may apply for an inquiry

(3) If the Electoral Commissioner believes that there has been an irregularity in relation to an election for an office, the Electoral Commissioner may make an application for an inquiry by the Federal Court into the matter.

Note: This section relates only to elections for office. It does not apply to elections for positions other than offices (which can also be conducted under Part 2).

201 Instituting of inquiry

Where:

(a) an application for an inquiry has been lodged with the Federal Court under section 200; and

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(b) the Court is satisfied that there are reasonable grounds for the application;

the Court must fix a time and place for conducting the inquiry, and may give such directions as it considers necessary to ensure that all persons who are or may be justly entitled to appear at the inquiry are notified of the time and place fixed and, where the Court fixes a time and place, the inquiry is taken to have been instituted.

202 Federal Court may authorise Commissioner to take certain action

(1) Where an application for an inquiry has been lodged with the Federal Court under section 200, the Court may authorise the Commissioner to take any action referred to in subsection (2).

(2) If the Commissioner is authorised for the purposes of subsection (1), he or she may take the following actions:

(a) inspecting election documents;

(b) for the purposes of any such inspection, entering, with such assistance as he or she considers necessary, any premises used or occupied by the organisation, or a branch of the organisation, concerned in which he or she believes election documents to be;

(c) giving a written notice to a person requiring the person to deliver to him or her, within the period and in the manner specified in the notice, any election documents in the possession or under the control of the person;

(d) taking possession of any election documents;

(e) retaining any election documents delivered to him or her, or of which he or she has taken possession, for such period as is necessary for the purposes of the application and, if proceedings under this Part arise out of the application, until the completion of the proceedings or such earlier time as the Court orders.

(3) Before authorising any action under subsection (1), the Court must, if it considers that, having regard to all the circumstances, a person

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should be given an opportunity of objecting to the proposed action, give such an opportunity to the person.

(4) The period specified in a notice given under paragraph (2)(c) must specify a period of at least 14 days after the notice is given.

(5) A person commits an offence if the person:
  (a) contravenes a requirement made under paragraph (2)(c); or
  (b) hinders or obstructs the Commissioner, or a person acting on his or her behalf, in the exercise of powers under subsection (2).

Penalty: 30 penalty units.

(6) Strict liability applies to paragraph (5)(a).

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(7) Paragraph (5)(a) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (7), see subsection 13.3(3) of the *Criminal Code*.

(8) A person is not excused from producing an election document under this section on the ground that the production of the document might tend to incriminate the person or expose the person to a penalty.

(9) However:
  (a) producing the document; or
  (b) any information, document or thing obtained as a direct or indirect consequence of producing the document;

is not admissible in evidence against the person in criminal proceedings or proceedings that may expose the person to a penalty.

(10) In this section:

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election documents, in relation to an election, means ballot papers, envelopes, lists or other documents that have been used in, or are relevant to, the election.

203 Identity cards

Issue of identity card

(1) The Commissioner must issue an identity card to each member of the staff assisting the Commissioner (an ***official***) to whom powers of the Commissioner under section 202 have been delegated under section 343B.

(2) The identity card must:
  (a) be in the prescribed form; and
  (b) include a recent photograph of the official.

Use of identity card

(3) The official must carry the identity card at all times when taking action under section 202.

(4) Before the official takes action under paragraph 202(2)(b) (entering premises), the official must:
  (a) inform the occupier of the premises that the official is authorised to enter the premises; and
  (b) show the identity card to the occupier.

(5) The official is not entitled to enter premises under paragraph 202(2)(b) if he or she has not complied with subsection (4).

Offence: failing to return identity card

(6) A person commits an offence if:
  (a) the person holds or held an identity card; and
  (b) the person ceases to be a member of the staff assisting the Commissioner to whom powers of the Commissioner under section 202 have been delegated under section 343B; and

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(c) the person does not, as soon as is practicable after so ceasing, return the identity card to the Commissioner.

Penalty: 1 penalty unit.

(7) An offence against subsection (6) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(8) Subsection (6) does not apply if the identity card was lost or destroyed.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (8), see subsection 13.3(3) of the *Criminal Code*.

204 Interim orders

(1) Where an inquiry into an election has been instituted, the Federal Court may make one or more of the following orders:

(a) an order that no further steps are to be taken in the conduct of the election or in carrying into effect the result of the election;

(b) an order that a person who has assumed an office, has continued to act in an office, or claims to occupy an office, to which the inquiry relates may act, or continue to act, in the office;

(c) an order that a person who has assumed an office, has continued to act in an office, or claims to occupy an office, to which the inquiry relates must not act in the office;

(d) an order that a person who holds, or last held before the election, an office to which the inquiry relates may act, or continue to act, in the office;

(e) where it considers that an order under paragraph (b) or (d) would not be practicable, would be prejudicial to the efficient conduct of the affairs of the organisation or would be inappropriate having regard to the nature of the inquiry, an order that a member of the organisation or another person specified in the order may act in an office to which the inquiry relates;

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(f) an order incidental or supplementary to an order under this subsection;

(g) an order varying or discharging an order under this subsection.

(2) Where the Court orders that a person may act, or continue to act, in an office, the person is, while the order remains in force and in spite of anything in the rules of the organisation or a branch of the organisation, to be taken to hold the office.

(3) An order under this section continues in force, unless expressed to operate for a shorter period or sooner discharged, until the completion of:

(a) the proceeding concerned in the Court in relation to the election; and

(b) all matters ordered by the Court (otherwise than under this section) in the proceeding.

205 Procedure at hearing

(1) The Federal Court must allow to appear at an inquiry all persons who apply to the Court for leave to appear and who appear to the Court to have an interest in the inquiry, and the Court may order any other person to appear.

(2) The persons appearing, or ordered under subsection (1) to appear, at an inquiry are taken to be parties to the proceeding.

(3) For the purposes of this Part:

(a) the procedure of the Court is, subject to this Act and the Rules of Court, within the discretion of the Court; and

(b) the Court is not bound to act in a formal manner and is not bound by any rules of evidence, but may inform itself on any matter in such manner as it considers just.

206 Action by Federal Court

(1) At an inquiry, the Federal Court must inquire into and determine the question whether an irregularity has happened in relation to the

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election, and such further questions concerning the conduct and results of the election as the Court considers necessary.

(2) For the purposes of subsection (1), the Court must determine whether an irregularity has happened on the balance of probabilities.

(3) In the course of conducting an inquiry, the Court may make such orders (including an order for the recounting of votes) as the Court considers necessary.

(4) If the Court finds that an irregularity has happened, the Court may, subject to subsection (5), make one or more of the following orders:

(a) an order declaring the election, or any step in relation to the election, to be void;

(b) an order declaring a person purporting to have been elected not to have been elected, and declaring another person to have been elected;

(c) an order directing the Commissioner to make arrangements:

(i) in the case of an uncompleted election—for a step in relation to the election (including the calling for nominations) to be taken again and for the uncompleted steps in the election to be taken; or

(ii) in the case of a completed election—for a step in relation to the election (including the calling for nominations) to be taken again or a new election to be held;

(d) an order (including an order modifying the operation of the rules of the organisation to the extent necessary to enable a new election to be held, a step in relation to an election to be taken again or an uncompleted step in an election to be taken) incidental or supplementary to, or consequential on, any other order under this section.

(5) The Court must not declare an election, or any step taken in relation to an election, to be void, or declare that a person was not elected, unless the Court is of the opinion that, having regard to the

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irregularity found, and any circumstances giving rise to a likelihood that similar irregularities may have happened or may happen, the result of the election may have been affected, or may be affected, by irregularities.

(6) Without limiting the power of the Court to terminate a proceeding before it, the Court may, at any time after it begins an inquiry into an election, terminate the inquiry or the inquiry to the extent that it relates to specified matters.

207 Commissioner to make arrangements for conduct of elections etc.

Where the Federal Court makes an order under paragraph 206(4)(c) in relation to an election, the Commissioner must arrange for the taking of the necessary steps in relation to the election, or for the conduct of the new election, as the case requires, by the AEC.

208 Enforcement of orders

The Federal Court may grant such injunctions (including mandatory injunctions) as it considers necessary for the effective performance of its functions and the enforcement of its orders under this Part.

209 Validity of certain acts etc. where election declared void

(1) Where the Federal Court declares void the election of a person who has, since the election, purported to act in the office to which the person purported to have been elected, or declares such a person not to have been elected:

(a) subject to a declaration under paragraph (b), all acts done by or in relation to the person that could validly have been done by or in relation to the person if the person had been duly elected are valid; and

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(b) the Court may declare an act referred to in paragraph (a) to have been void, and, if the Court does so, the act is taken not to have been validly done.

(2) Where an election is held, or a step in relation to an election is taken, under an order of the Court, the election or step is not invalid merely because of a departure from the rules of the organisation or branch concerned that was required by the order of the Court.

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Part 4—Disqualification from office

Division 1—Simplified outline of Part

210 Simplified outline

This Part imposes certain limitations and requirements on people who hold, or wish to hold, office in an organisation and who have been convicted of a prescribed offence (see Division 2).

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Division 2—Persons who have been convicted of a prescribed offence

211 Simplified outline of Division

This Division imposes certain limitations and requirements on people who hold, or wish to hold, office in an organisation and who have been convicted of a prescribed offence.

Section 215 sets out the basic limitation for people convicted of a prescribed offence. The remaining sections in this Division deal with the ways the rule in section 215 operates and may be modified.

212 Meaning of *prescribed offence*

In this Division, a ***prescribed offence*** is:

(a) an offence under a law of the Commonwealth, a State or Territory, or another country, involving fraud or dishonesty and punishable on conviction by imprisonment for a period of 3 months or more; or

(b) an offence against section 51, 72, 105, 185, 191, subsection 193(2), section 194, 195, 199, subsection 202(5) or section 290A or 337BE; or

(c) any other offence in relation to the formation, registration or management of an association or organisation; or

(d) any other offence under a law of the Commonwealth, a State or Territory, or another country, involving the intentional use of violence towards another person, the intentional causing of death or injury to another person or the intentional damaging or destruction of property.

213 Meaning of *convicted of a prescribed offence*

For the purposes of this Division, a person:

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(a) is convicted of a prescribed offence whether the person is convicted before or after the commencement of this Part; and
(b) is not convicted of a prescribed offence merely because the person is convicted, otherwise than on indictment, of an offence referred to in paragraph 212(c); and
(c) is not convicted of a prescribed offence referred to in paragraph 212(d) unless the person was sentenced to a term of imprisonment for the offence and either:
  (i) the person has served, or is serving, a term of imprisonment for the offence; or
  (ii) the sentence is suspended for a period.

Note: Other terms used in this Part may be defined in section 6.

213A Meaning of *exclusion period* and *reduced exclusion period*

(1) For the purposes of this Division, the ***exclusion period*** in relation to a person who has been convicted of a prescribed offence means a period of 5 years beginning on the latest of the following days:
  (a) the day on which the person was convicted of the prescribed offence;
  (b) if the person was sentenced to a term of imprisonment for the offence, the sentence was suspended for a period, and the person is not imprisoned for the offence during the period—the day immediately after the end of the period;
  (c) if the person serves a term of imprisonment for the offence—the day on which the person is released from prison.

(2) For the purposes of this Division, a ***reduced exclusion period*** means a period specified by the Federal Court for the purposes of subparagraph 215(1)(a)(ii) under paragraph 216(2)(b) or 217(2)(b).

214 Certificate of registrar etc. is evidence of facts

(1) A certificate purporting to be signed by the registrar or other proper officer of a federal court, a court of a State or Territory, or a court of another country, stating that a person was convicted by the court of a specified offence on a specified day is, for the purpose of

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an application made under section 215, 216 or 217, evidence that the person was convicted of the offence on that day.

(2) A certificate purporting to be signed by the registrar or other proper officer of a federal court, a court of a State or Territory, or a court of another country, stating that a person was acquitted by the court of a specified offence, or that a specified charge against the person was dismissed by the court, is, for the purpose of an application made under section 215, 216 or 217, evidence of the facts stated in the certificate.

(3) A certificate purporting to be signed by the officer in charge of a prison stating that a person was released from the prison on a specified day is, for the purpose of an application made under section 215, 216 or 217, evidence that the person was released from the prison on that day.

(4) A certificate purporting to be signed by the registrar or other proper officer of a federal court, a court of a State or Territory, or a court of another country, stating that the sentence of a person who was convicted of a specified offence has been suspended for a specified period is, for the purpose of an application made under section 215, 216 or 217, evidence that the sentence was suspended for that period.

215 Certain persons disqualified from holding office in organisations

(1) A person who has been convicted of a prescribed offence is not eligible to be a candidate for an election, or to be elected or appointed, to an office in an organisation unless:

(a) on an application made under section 216 or 217 in relation to the conviction of the person for the prescribed offence:

(i) the person was granted leave to hold office in organisations; or

(ii) the person was refused leave to hold office in organisations but, under paragraph 216(2)(b) or

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217(2)(b), the Federal Court specified a reduced exclusion period, and that period has elapsed; or

(b) in any other case—the exclusion period has elapsed.

(2) Where a person who holds an office in an organisation is convicted of a prescribed offence, the person ceases to hold the office at the end of the period of 28 days after the conviction unless, within the period, the person makes an application to the Federal Court under section 216 or 217.

(3) If a person who holds an office in an organisation makes an application to the Federal Court under section 216 or 217 and the application is not determined:

(a) except in a case to which paragraph (b) applies—within the period of 3 months after the date of the application; or

(b) if the Court, on application by the person, has extended the period—within that period as extended;

the person ceases to hold the office at the end of the period of 3 months or the period as extended, as the case may be.

(4) The Court must not, under paragraph (3)(b), extend a period for the purposes of subsection (3) unless:

(a) the application for the extension is made before the end of the period of 3 months referred to in paragraph (3)(a); or

(b) if the Court has previously extended the period under paragraph (3)(b)—the application for the further extension is made before the end of the period as extended.

(5) An organisation, a member of an organisation or the Commissioner may apply to the Federal Court for a declaration whether, because of the operation of this section or section 216 or 217:

(a) a person is not, or was not, eligible to be a candidate for election, or to be elected or appointed, to an office in the organisation; or

(b) a person has ceased to hold an office in the organisation.

(6) The granting to a person, on an application made under section 216 or 217 in relation to a conviction of the person for a prescribed

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offence, of leave to hold offices in organisations does not affect the operation of this section or section 216 or 217 in relation to another conviction of the person for a prescribed offence.

216 Application for leave to hold office in organisations by prospective candidate for office

(1) A person who:
  (a) wants to be a candidate for election, or to be appointed, to an office in an organisation; and
  (b) within the immediately preceding 5 years:
    (i) has been convicted of a prescribed offence; or
    (ii) has been released from prison after serving a term of imprisonment in relation to a conviction for a prescribed offence; or
    (iii) has completed a suspended sentence in relation to a conviction for a prescribed offence;

may, subject to subsection (4), apply to the Federal Court for leave to hold office in organisations.

(2) Where a person makes an application under subsection (1), the Court may:
  (a) grant the person leave to hold office in organisations; or
  (b) refuse the person leave to hold office in organisations and specify, for the purposes of subsection 215(1), a period of less than 5 years beginning on the latest of the following days:
    (i) the day on which the person was convicted of the prescribed offence;
    (ii) if the person was sentenced to a term of imprisonment for the offence, the sentence was suspended for a period, and the person is not imprisoned for the offence during the period—the day immediately after the end of the period;
    (iii) if the person serves a term of imprisonment for the offence—the day on which the person is released from prison.

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(c) refuse a person leave to hold office in organisations.

(3) A person who:
(a) holds an office in an organisation; and
(b) is convicted of a prescribed offence; and
(c) on an application made under subsection (1) in relation to the conviction for the prescribed offence, is, under paragraph (2)(b) or (c), refused leave to hold office in organisations;

ceases to hold the office in the organisation.

(4) A person is not entitled to make an application under this section in relation to the person's conviction for a prescribed offence if the person has previously made an application under this section or under section 217 in relation to the conviction.

217 Application for leave to hold office in organisations by office holder

(1) Where a person who holds an office in an organisation is convicted of a prescribed offence, the person may, subject to subsection (4), within 28 days after the conviction, apply to the Federal Court for leave to hold office in organisations.

(2) Where a person makes an application under subsection (1) for leave to hold office in organisations, the Court may:
(a) grant the person leave to hold office in organisations; or
(b) refuse the person leave to hold office in organisations and specify, for the purposes of subsection 215(1), a period of less than 5 years beginning on the latest of the following days:
(i) the day on which the person was convicted of the prescribed offence;
(ii) if the person was sentenced to a term of imprisonment for the offence, the sentence was suspended for a period, and the person is not imprisoned for the offence during the period—the day immediately after the end of the period;

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(iii) if the person serves a term of imprisonment for the offence—the day on which the person is released from prison.

(c) refuse the person leave to hold office in organisations.

(3) A person who, on an application made under subsection (1), is, under paragraph (2)(b) or (c), refused leave to hold office in organisations ceases to hold the office concerned.

(4) A person is not entitled to make an application under this section in relation to the person's conviction for a prescribed offence if the person has previously made an application under this section or section 216 in relation to the conviction.

218 Federal Court to have regard to certain matters

For the purposes of exercising the power under section 216 or 217 to grant or refuse leave, to a person who has been convicted of a prescribed offence, to hold office in organisations, the Federal Court must have regard to:

(a) the nature of the prescribed offence; and

(b) the circumstances of, and the nature of the person's involvement in, the commission of the prescribed offence; and

(c) the general character of the person; and

(d) the fitness of the person to be involved in the management of organisations, having regard to the conviction for the prescribed offence; and

(e) any other matter that, in the Court's opinion, is relevant.

219 Action by Federal Court

(1) The Federal Court may, in spite of anything in the rules of any organisation concerned, make such order to give effect to a declaration made under subsection 215(5) as it considers appropriate.

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(2) Where an application is made to the Court under subsection 215(5):
   (a) the person whose eligibility, or whose holding of office, is in question must be given an opportunity of being heard by the Court; and
   (b) if the application is made otherwise than by the organisation concerned—the organisation must be given an opportunity of being heard by the Court.

(3) Where an application is made to the Court under section 216 or 217, the organisation concerned must be given an opportunity of being heard by the Court.

220 Part not to affect spent convictions scheme

Nothing in this Part affects the operation of Part VIIC of the *Crimes Act 1914* (which includes provisions relieving persons from requirements to disclose spent convictions).

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Chapter 8—Records and accounts

Part 1—Simplified outline of Chapter

229 Simplified outline

This Chapter deals with records that must be kept by organisations, and imposes obligations in relation to organisations' financial affairs.

Part 2 requires an organisation to keep membership records and lists of office-holders. Copies of these must be lodged with the Commissioner. Details of some types of loans, grants and donations made by the organisation must also be lodged with the Commissioner.

Part 3 sets out the requirements that are placed on organisations in relation to financial records, accounting and auditing.

Part 4 deals with access to organisations' books.

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Part 2—Records to be kept and lodged by organisations

230 Records to be kept and lodged by organisations

(1) An organisation must keep the following records:

(a) a register of its members, showing the name and postal address of each member and showing whether the member became a member under an agreement entered into under rules made under subsection 151(1);

(b) a list of the offices in the organisation and each branch of the organisation;

(c) a list of the names, postal addresses and occupations of the persons holding the offices;

(d) such other records as are prescribed.

Civil penalty: 60 penalty units.

(2) An organisation must:

(a) enter in the register of its members the name and postal address of each person who becomes a member, within 28 days after the person becomes a member;

(b) remove from that register the name and postal address of each person who ceases to be a member under section 171A, or under the rules of the organisation, within 28 days after the person ceases to be a member; and

(c) enter in that register any change in the particulars shown on the register, within 28 days after the matters necessitating the change become known to the organisation.

Note: An organisation may also be required to make alterations to the register of its members under other provisions of this Act (see, for example, sections 170 and 172).

Civil penalty: 60 penalty units.

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231 Certain records to be held for 7 years

(1) An organisation must keep a copy of its register of members as it stood on 31 December in each year. The organisation must keep the copy for the period of 7 years after the 31 December concerned.

Civil penalty: 60 penalty units.

(2) The regulations may provide that an organisation must also keep a copy of the register, or a part of the register, as it stood on a prescribed day. The organisation must keep the copy for the period of 7 years after the prescribed day.

Civil penalty: 60 penalty units.

232 Offence to interfere with register or copy

(1) A person commits an offence if:
  (a) the person does an act; and
  (b) the act results in the destruction or defacement of, or other interference with, a register of members or a copy of such a register; and
  (c) either:
    (i) the register of members is required to be kept by an organisation under paragraph 230(1)(a); or
    (ii) the copy is required to be kept by an organisation under section 231.

Penalty: 20 penalty units.

(2) Strict liability applies to paragraph (1)(c).

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

233 Obligation to lodge information with the Commissioner

(1) An organisation must lodge with the Commissioner once in each year, at such time as is prescribed:

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(a) a declaration signed by the secretary or other prescribed officer of the organisation certifying that the register of its members has, during the immediately preceding calendar year, been kept and maintained as required by paragraph 230(1)(a) and subsection 230(2); and

(b) a copy of the records required to be kept under paragraphs 230(1)(b), (c) and (d), certified by declaration by the secretary or other prescribed officer of the organisation to be a correct statement of the information contained in those records.

Civil penalty: 60 penalty units.

(2) An organisation must, within the prescribed period, lodge with the Commissioner notification of any change made to the records required to be kept under paragraphs 230(1)(b), (c) and (d), certified by declaration signed by the secretary or other prescribed officer of the organisation to be a correct statement of the changes made.

Civil penalty: 60 penalty units.

(3) A person must not, in a declaration for the purposes of this section, make a statement if the person knows, or is reckless as to whether, the statement is false or misleading.

Civil penalty: 100 penalty units.

234 Storage of records

(1) Subject to subsections (2) and (5), the records kept by an organisation under sections 230 and 231 must be kept at the office of the organisation.

(2) A record referred to in subsection (1) may, so far as it relates to a branch of the organisation, be kept in a separate part or section at the office of the branch.

(3) An organisation may apply to the Commissioner for permission to keep the whole or a specified part of a record referred to in

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subsection (1) at specified premises instead of at the office of the organisation or branch.

(4) The Commissioner may, by signed instrument, grant the permission if the Commissioner is satisfied that the record or the specified part of the record:
   (a) will be under the effective control of the organisation or branch; and
   (b) will, in the case of a register of members, be available for inspection in accordance with section 235.

(5) While a permission under subsection (4) is in force, a record referred to in the permission may, to the extent specified in the permission, be kept at the premises specified in the permission.

235 Commissioner may authorise access to certain records

(1) A person (the ***authorised person***) authorised by the Commissioner may inspect, and make copies of, or take extracts from, the records kept by an organisation under sections 230 and 231 (the ***records***) at such times as the Commissioner specifies.

(2) An organisation must cause its records to be available, at all relevant times, for the purposes of subsection (1) to the authorised person.

Civil penalty: 60 penalty units.

(3) Without limiting the ways in which an organisation can comply with subsection (2), it complies if it makes the records available to the authorised person in a form agreed to by the authorised person.

Note: For example, the authorised person could agree to the organisation providing him or her with a hard copy or with a floppy disk, or to transmitting a copy of the register (or the relevant part) to a specified email address.

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236 Commissioner may direct organisation to deliver copy of records

Register kept under section 230

(1) Where:
  (a) a member of an organisation requests the Commissioner to give a direction under this subsection; and
  (b) the Commissioner is satisfied:
    (i) that the member has been refused access to the register required to be kept under section 230, or part of it, at the office or premises where the register or part is kept; or
    (ii) that there are other grounds for giving a direction under this subsection;

the Commissioner may direct the organisation to deliver to the Commissioner a copy of the relevant records certified by declaration by the secretary or other prescribed officer of the organisation to be, as at a day specified in the certificate that is not more than 28 days before the first-mentioned day, a correct statement of the information contained in the register, for the member to inspect at a specified registry, and the organisation must comply with the direction.

Civil penalty: 60 penalty units.

Copy kept under section 231

(2) Where:
  (a) a member of an organisation requests the Commissioner to give a direction under this subsection; and
  (b) the Commissioner is satisfied that:
    (i) the member has been refused access to the copy of the register required to be kept under section 231; and
    (ii) the member has reasonable grounds for seeking access to the copy;

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the Commissioner may direct the organisation to deliver to the Commissioner a copy of the copy, and the organisation must comply with the direction.

Civil penalty: 60 penalty units.

(3) A direction of the Commissioner given under this section must be in writing and must specify the period within which the relevant copy must be delivered to the Commissioner. The period must not be less than 14 days after the direction is given.

(4) A copy of a record delivered under subsection (1) or (2) may be in the form of a hard copy or, if the Commissioner agrees, in electronic form.

(5) Where the Commissioner receives a copy of a document from an organisation under this section, the Commissioner may, if the Commissioner considers it appropriate in the circumstances, provide a copy of that document to a member of the organisation.

237 Organisations to notify particulars of loans, grants and donations

(1) An organisation must, within 90 days after the end of each financial year (or such longer period as the Commissioner allows), lodge with the Commissioner a statement showing the relevant particulars in relation to each loan, grant or donation of an amount exceeding $1,000 made by the organisation during the financial year.

Civil penalty: 100 penalty units.

(2) A statement lodged with the Commissioner under subsection (1) must be signed by an officer of the organisation.

(3) An organisation must not, in a statement under subsection (1), make a statement if the person knows, or is reckless as to whether, the statement is false or misleading.

Civil penalty: 100 penalty units.

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(4) A statement lodged with the Commissioner under subsection (1) may be inspected, during office hours, by a member of the organisation concerned.

(5) The relevant particulars, in relation to a loan made by an organisation, are:
   (a) the amount of the loan; and
   (b) the purpose for which the loan was required; and
   (c) the security given in relation to the loan; and
   (d) except where the loan was made to relieve a member of the organisation, or a dependant of a member of the organisation, from severe financial hardship—the name and address of the person to whom the loan was made and the arrangements made for the repayment of the loan.

(6) The relevant particulars, in relation to a grant or donation made by an organisation, are:
   (a) the amount of the grant or donation; and
   (b) the purpose for which the grant or donation was made; and
   (c) except where the grant or donation was made to relieve a member of the organisation, or a dependant of a member of the organisation, from severe financial hardship—the name and address of the person to whom the grant or donation was made.

(7) Where an organisation is divided into branches:
   (a) this section applies in relation to the organisation as if loans, grants or donations made by a branch of the organisation were not made by the organisation; and
   (b) this section applies in relation to each of the branches as if the branch were itself an organisation.

(8) For the purposes of the application of this section in accordance with subsection (7) in relation to a branch of an organisation, the members of the organisation constituting the branch are taken to be members of the branch.

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Part 3—Accounts and audit

Division 1—Preliminary

238 Simplified outline

This Part sets out the requirements that are placed on organisations in relation to financial records, accounting and auditing.

It provides for reports to be provided on the basis of reporting units. A reporting unit may be the whole of an organisation or one or more branches of an organisation.

Division 2 provides for the reporting units.

Division 3 sets out the accounting obligations for reporting units.

Division 4 provides for auditors to be appointed and sets out the powers and duties of the auditors and the duties that others have in relation to auditors.

Division 5 sets out the reporting requirements that reporting units must comply with.

Division 6 provides for reduced reporting requirements to apply in particular cases.

Division 7 provides for members' access to the financial records of reporting units.

239 Part only applies to financial years starting after registration

This Part does not apply, in relation to an association that becomes registered as an organisation under this Act, in relation to any financial year before the first financial year of the organisation that begins after the date of registration.

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240 Financial years—change in financial year

Where the rules of an organisation change the period constituting the financial year of the organisation, the period between:

(a) the commencement of the first financial year after the change; and

(b) the end of the preceding financial year;

is to be taken, for the purposes of this Part, to be a financial year.

241 Exemptions from certain Australian Accounting Standards

(1) The Commissioner may, by written notice, determine that particular Australian Accounting Standards do not apply in relation to an organisation or to a class of organisations.

(2) In deciding whether to determine that a particular Australian Accounting Standard does not apply in relation to an organisation or organisations, the Commissioner is to have regard to the cost to the organisation or organisations of complying with the standard and the information needs of the members of the organisation or organisations.

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Division 2—Reporting units

242 What is a reporting unit?

(1) The requirements of this Part apply in relation to reporting units. A reporting unit may be the whole of an organisation or a part of an organisation.

Organisations not divided into branches

(2) Where an organisation is not divided into branches, the ***reporting unit*** is the whole of the organisation.

Organisations divided into branches

(3) Where an organisation is divided into branches, each branch will be a ***reporting unit*** unless a certificate issued by the General Manager stating that the organisation is, for the purpose of compliance with this Part, divided into reporting units on an alternative basis (see section 245) is in force.

(4) The alternative reporting units are:
   (a) the whole of the organisation; or
   (b) a combination of 2 or more branches of the organisation.

   Each branch of an organisation must be in one, and only one, reporting unit.

(5) For the purposes of this Part, so much of an organisation that is divided into branches as would not, apart from this subsection, be included in any branch, is taken to be a branch of the organisation.

243 Designated officers

A ***designated officer*** is an officer of:
   (a) in the case of a reporting unit that is the whole of an organisation—the organisation; or

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(b) in any other case—a branch, or one of the branches, that constitutes the reporting unit;

who, under the rules of the reporting unit, is responsible (whether alone or with others) for undertaking the functions necessary to enable the reporting unit to comply with this Part.

244 Members, staff and journals etc. of reporting units

(1) For the purposes of the application of this Part in relation to a reporting unit that is the whole of an organisation:

(a) the members of the organisation are taken to be members of the reporting unit; and

(b) employees of the organisation are taken to be employees of the reporting unit; and

(c) the rules of the organisation are taken to be the rules of the reporting unit; and

(d) the financial affairs and records of the organisation are taken to be the financial affairs and records of the reporting unit; and

(e) conduct and activities of the organisation are taken to be conduct and activities of the reporting unit; and

(f) a journal published by the organisation is taken to be a journal published by the reporting unit.

(2) For the purposes of the application of this Part in relation to a reporting unit that is not the whole of an organisation:

(a) the members of the organisation constituting the branch or branches that make up the reporting unit are taken to be members of the reporting unit; and

(b) employees of the organisation employed in relation to the branch or branches that make up the reporting unit (whether or not they are also employed in relation to any other branch) are taken to be employees of the reporting unit; and

(c) if the reporting unit consists of one branch—the rules of the branch are taken to be the rules of the reporting unit; and

(d) if the reporting unit consists of more than one branch—the rules of the branches (including any rules certified under

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section 246, or determined under section 247, for the purpose of giving effect to the establishment of the reporting unit) are taken to be the rules of the reporting unit; and

(e) the financial affairs and records of the branch or branches that make up the reporting unit are taken to be the financial affairs and records of the reporting unit; and

(f) conduct and activities of the branch or branches that make up the reporting unit are taken to be conduct and activities of the reporting unit; and

(g) if the reporting unit consists of one branch—a journal published by the branch is taken to be a journal published by the reporting unit; and

(h) a journal published by the organisation is taken to be a journal published by the reporting unit.

245 Determination of reporting units

(1) The General Manager may issue to an organisation that is divided into branches a certificate stating that the organisation is, for the purpose of compliance with this Part, to be divided into reporting units on an alternative basis (as mentioned in subsection 242(3)).

(2) A certificate may be issued on application by an organisation or at the initiative of the General Manager.

246 Determination of reporting units—application by organisation

(1) An application by an organisation for a certificate under section 245 must:

(a) be in accordance with the regulations; and

(b) include an application for the General Manager to certify such alterations to the rules of the organisation as are required to give effect to the establishment of the proposed reporting units.

Note: Examples of the alterations that may be required are:

(a) alterations to designate officers from the branches to be the committee of management for the reporting unit for the purpose of complying with this Part; and

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(b) alterations to designate officers from the branches to undertake such duties as are necessary for the purpose of enabling the reporting unit to comply with this Part.

(2) Where an organisation applies for a certificate, the General Manager must issue the certificate and certify the rule alterations if the General Manager is satisfied that:

(a) the level of financial information that would be available to members under the proposed division into reporting units would be adequate and would be relevant to them; and

(b) the alterations to the rules:

(i) comply with, and are not contrary to, this Act, the Fair Work Act, modern awards or enterprise agreements; and

(ii) are not otherwise contrary to law; and

(iii) have been made under the rules of the organisation.

(3) In satisfying himself or herself as mentioned in paragraph (2)(a), the General Manager must consult with the Commissioner.

247 Determination of reporting units—General Manager initiative

(1) The General Manager may only issue a certificate under section 245 on his or her initiative if the General Manager:

(a) is satisfied that, to improve compliance with the accounting, auditing and reporting requirements of this Part, it is most appropriate for the organisation to be divided into reporting units on the basis set out in the certificate; and

(b) is satisfied that the level of financial information that would be available to members under the proposed division into reporting units would be adequate and would be relevant to them; and

(c) has complied with the prescribed procedure.

(1A) In satisfying himself or herself as mentioned in paragraphs (1)(a) and (b), the General Manager must consult with the Commissioner.

(2) Where, in the General Manager's opinion, the rules of an organisation need to be altered to give effect to the establishment of the proposed reporting units under subsection (1), the General

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Manager may, by instrument, after giving the organisation an opportunity, as prescribed, to be heard on the matter, determine such alterations of the rules as are, in the General Manager's opinion, necessary to give effect to the establishment of the proposed reporting units.

248 Determination of reporting units—years certificate applies to

A certificate issued under section 245 is in force, and has effect according to its terms, in relation to:

(a) the first financial year starting after the certificate is issued; and

(b) each subsequent financial year unless, before the start of the financial year, the certificate is revoked under section 249.

249 Determination of reporting units—revocation of certificates

(1) The General Manager may at any time, by written notice, revoke a certificate issued to an organisation under section 245.

(2) If a certificate is revoked, each branch will be a reporting unit.

(3) A certificate may be revoked on application by an organisation or at the initiative of the General Manager.

(4) An application by an organisation for the revocation of a certificate must:

(a) be in accordance with the regulations; and

(b) include an application for the General Manager to certify such alterations to the rules of the organisation as are required to give effect to each branch being a reporting unit.

(5) Where an organisation applies for a revocation, the General Manager must revoke the certificate and certify the rule alterations if the General Manager is satisfied that:

(a) the level of financial information that would be available to members with each branch being a reporting unit would be adequate and would be relevant to them; and

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(b) the alterations to the rules:
(i) comply with, and are not contrary to, this Act, the Fair Work Act, modern awards or enterprise agreements; and
(ii) are not otherwise contrary to law; and
(iii) have been made under the rules of the organisation.

(5A) In satisfying himself or herself as mentioned in paragraph (5)(a), the General Manager must consult with the Commissioner.

(6) The General Manager may only revoke a certificate on his or her initiative if the General Manager:
(a) is satisfied that, to improve compliance with the accounting, auditing and reporting requirements of this Part, it is most appropriate for each branch to be a reporting unit; and
(b) has complied with the prescribed procedure.

(6A) In satisfying himself or herself as mentioned in paragraph (6)(a), the General Manager must consult with the Commissioner.

(7) Where:
(a) the General Manager intends to revoke a certificate on his or her own initiative; and
(b) in the General Manager's opinion, the rules of an organisation need to be altered to give effect to each branch being a reporting unit;

the General Manager may, by instrument, after giving the organisation an opportunity, as prescribed, to be heard on the matter, determine such alterations of the rules as are, in the General Manager's opinion, necessary to give effect to each branch being a reporting unit.

250 Determination of reporting units—rule alterations

(1) An alteration to rules under section 246, 247 or 249 takes effect on the day that it is certified or determined.

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(2) To avoid doubt, changes in rules under those sections may include changes to the duties of an office (even if during a particular term of office).

251 Determination of reporting units—later certificate revokes earlier certificate

A certificate issued to an organisation under section 245 is taken to be revoked if a later certificate is issued to the organisation under section 245.

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Division 3—Accounting obligations

Subdivision A—General obligations

252 Reporting unit to keep proper financial records

(1) A reporting unit must:

(a) keep such financial records as correctly record and explain the transactions and financial position of the reporting unit, including such records as are prescribed; and

(b) keep its financial records in such a manner as will enable a general purpose financial report to be prepared from them under section 253; and

(c) keep its financial records in such a manner as will enable the accounts of the reporting unit to be conveniently and properly audited under this Part.

(2) Where an organisation consists of 2 or more reporting units, the financial records for each of the reporting units must, as far as practicable, be kept in a consistent manner.

Note 1: This would involve, for example, the adoption of consistent accounting policies and a common chart of accounts for all reporting units in the organisation.

Note 2: This requirement is subject to subsection (4) which allows reporting units to keep some records on a cash basis.

(3) Financial records of an organisation may, so far as they relate to the income and expenditure of the organisation, be kept on a cash basis or accrual basis, at the option of the organisation.

(4) If an organisation keeps the financial records referred to in subsection (1) on an accrual basis, it may keep the financial records for its membership subscriptions separately on a cash basis.

(5) An organisation must retain the financial records kept under subsection (1) for a period of 7 years after the completion of the transactions to which they relate.

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253 Reporting unit to prepare general purpose financial report

(1) As soon as practicable after the end of each financial year, a reporting unit must cause a general purpose financial report to be prepared, in accordance with the Australian Accounting Standards, from the financial records kept under subsection 252(1) in relation to the financial year.

(2) The general purpose financial report must consist of:
  (a) financial statements containing:
    (i) a profit and loss statement, or other operating statement; and
    (ii) a balance sheet; and
    (iii) a statement of cash flows; and
    (iv) any other statements required by the Australian Accounting Standards; and
  (b) notes to the financial statements containing:
    (i) notes required by the Australian Accounting Standards; and
    (ii) information required by the reporting guidelines (see section 255); and
  (c) any other reports or statements required by the reporting guidelines (see section 255).

(3) The financial statements and notes for a financial year must give a true and fair view of the financial position and performance of the reporting unit. This subsection does not affect the obligation for a financial report to comply with the Australian Accounting Standards.

Note 1: The Australian Accounting Standards may be modified for the purposes of this Act by the regulations.

Note 2: If the financial statements and notes prepared in compliance with the Australian Accounting Standards would not give a true and fair view, additional information must be included in the notes to the financial statements under paragraph (2)(b).

(4) A reporting unit must not contravene this section.

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Civil penalty: 100 penalty units.

254 Reporting unit to prepare operating report

(1) As soon as practicable after the end of each financial year, the committee of management of a reporting unit must cause an operating report to be prepared in relation to the financial year.

(2) The operating report must:

(a) contain a review of the reporting unit's principal activities during the year, the results of those activities and any significant changes in the nature of those activities during the year; and

(b) give details of any significant changes in the reporting unit's financial affairs during the year; and

(c) give details of the right of members to resign from the reporting unit under section 174; and

(d) give details (including details of the position held) of any officer or member of the reporting unit who is:

(i) a trustee of a superannuation entity or an exempt public sector superannuation scheme; or

(ii) a director of a company that is a trustee of a superannuation entity or an exempt public sector superannuation scheme; and

where a criterion for the officer or member being the trustee or director is that the officer or member is an officer or member of a registered organisation; and

(e) contain any other information that the reporting unit considers is relevant; and

(f) contain any prescribed information.

(3) To avoid doubt, the operating report may be prepared by the committee of management or a designated officer.

(4) A reporting unit must not contravene this section.

Civil penalty: 100 penalty units.

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Subdivision B—Reporting guidelines

255 Reporting guidelines

(1) The Commissioner must, by written determination published in the *Gazette*, issue reporting guidelines for the purposes of sections 253 and 270.

(2) The reporting guidelines for the purposes of section 253 must provide:

(a) the manner in which reporting units must disclose the total amount paid by the reporting unit during a financial year to employers as consideration for the employers making payroll deductions of membership subscriptions; and

(b) the manner in which reporting units must disclose the total amount of legal costs and other expenses related to litigation or other legal matters paid by the reporting unit during a financial year; and

(c) details of any information required for the purposes of subparagraph 253(2)(b)(ii) (information in notes to general purpose financial reports); and

(d) the form and content of any reports or statements that are required for the purposes of paragraph 253(2)(c) (other reports or statements forming part of the general purpose financial reports).

(2A) The reporting guidelines for the purposes of section 253 and 270 must require a report that shows the total expenditure incurred by reporting units during the financial year in relation to each of the following:

(a) remuneration, and other employment-related costs and expenses, in respect of employees;

(b) advertising;

(c) operating costs;

(d) donations to political parties;

(e) legal costs.

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Note: The total expenditure may be shown in diagrammatic form, such as a pie chart.

(3) The reporting guidelines for the purposes of section 270 must provide:

(a) the manner in which reporting units must disclose the total amount paid by the reporting unit during a financial year to employers as consideration for the employers making payroll deductions of membership subscriptions; and

(b) details of the form and content of the general purpose financial report to be prepared under subsection 270(4).

(4) Reporting guidelines may also contain such other requirements in relation to the disclosure of information by reporting units as the Commissioner considers appropriate.

(5) Section 604 of the Fair Work Act does not apply in relation to reporting guidelines or the issuing of reporting guidelines.

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Division 4—Auditors

Subdivision A—Registration of auditors

255A Applications may be made for registration as an auditor

(1) A person may apply in writing to the Commissioner for registration as an auditor.

(2) An application under subsection (1) must:
  (a) be in a form approved by the Commissioner; and
  (b) if the person is a registered company auditor—include evidence of that status; and
  (c) if the person is not a registered company auditor—contain the information required by the regulations.

255B Registration by Commissioner

(1) This section applies if a person has made an application under subsection 255A(1) for registration as an auditor.

(2) If the person is a registered company auditor, the Commissioner must, subject to section 255E, grant the application and register the person as an auditor.

(3) If the person is not a registered company auditor, the Commissioner must, subject to section 255E, grant the application and register the person as an auditor if the Commissioner is satisfied that:
  (a) the person meets the requirements of subsection 255C(1) or (2) (educational qualifications, or equivalent qualifications and experience); and
  (b) the person has either:
    (i) satisfied all the components of an auditing competency standard approved by the Australian Securities and Investments Commission under section 1280A of the *Corporations Act 2001*; or

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(ii) had such practical experience in auditing as is prescribed by the regulations for the purposes of this paragraph; and

(c) the Commissioner is satisfied that the person is capable of performing the duties of an auditor and is otherwise a fit and proper person to be registered as an auditor.

255C Circumstances in which a person meets educational etc. requirements

(1) A person meets the requirements of this subsection if the person:

(a) holds a degree, diploma or certificate from a university, or other institution in Australia, that is prescribed by regulations made for the purposes of paragraph 1280(2A)(a) of the *Corporations Act 2001*; and

(b) has, in the course of obtaining that degree, diploma or certificate, passed examinations in such subjects, under whatever name, as the appropriate authority of the university or other institution certifies to the Commissioner to represent a course of study:

(i) in accountancy (including auditing) of not less than 3 years duration; and

(ii) in commercial law (including company law) of not less than 2 years duration; and

(c) has satisfactorily completed a course in auditing prescribed by regulations made for the purposes of paragraph 1280(2A)(c) of the *Corporations Act 2001*.

(2) A person meets the requirements of this subsection if the person has other qualifications and experience that, in the Commissioner's opinion, are equivalent to the requirements mentioned in subsection (1).

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255D Commissioner must give an opportunity to be heard before refusal and written notice of decision

(1) The Commissioner must not refuse to grant an application for registration of a person as an auditor unless the Commissioner has given the person an opportunity to appear at a hearing before the Commissioner and to make submissions and give evidence to the Commissioner in relation to the matter.

(2) If the Commissioner refuses an application by a person for registration as an auditor, the Commissioner must, not later than 14 days after the decision, give to the person a notice in writing setting out the decision and the reasons for it.

255E Refusal to grant an application for registration

(1) This section applies if a person has made an application for registration as an auditor.

(2) The Commissioner must refuse to grant the application if:
   (a) under subsection 215(1), the person is not eligible to be a candidate for an election, or to be elected or appointed, to an office in an organisation; or
   (b) under section 307A, the person is disqualified from holding office in an organisation.

(3) If the person is not a registered company auditor, the Commissioner must refuse to grant the application if the Commissioner is not satisfied as mentioned in subsection 255B(3) in relation to the person.

(4) The Commissioner may refuse to grant the application if the person is not resident in Australia.

255F Commissioner must give certificate of registration

(1) If the Commissioner grants an application made by a person for registration as an auditor, the Commissioner must give the person a certificate:

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(a) stating that the person has been registered as an auditor; and
(b) specifying the day the application was granted.

(2) The registration of a person as an auditor:
(a) takes effect at the beginning of the day specified in the certificate as the day the application for registration was granted; and
(b) remains in force until:
(i) the registration is cancelled by the Commissioner; or
(ii) the person dies.

255G Cancellation and suspension of registration—general

(1) The Commissioner may cancel, or suspend for a specified period, the registration of a person as an auditor if the Commissioner is satisfied that the person:
(a) has failed to carry out his or her duties under this Act; or
(b) has not performed any audit work, or any significant audit work, during a continuous period of not less than 5 years, and as a result has ceased to have the practical experience necessary for carrying out audits for the purposes of this Act; or
(c) is otherwise not a fit and proper person to remain registered as an auditor.

(2) In determining for the purposes of paragraph (1)(b) whether audit work performed by a person is significant, the Commissioner must have regard to:
(a) the nature of the audit; and
(b) the extent to which the person was involved in the audit; and
(c) the level of responsibility the person assumed in relation to the audit.

(3) The Commissioner may cancel, or suspend for a specified period, the registration of a person as an auditor if the person requests that his or her registration be cancelled or suspended for that period.

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(4) If the Commissioner cancels, or suspends for a specified period, the registration of a person as an auditor under subsection (1), the Commissioner must notify the Australian Securities and Investments Commission of the cancellation or suspension and the reasons for it.

(5) The regulations may make further provision for and in relation to the suspension of the registration of a person as an auditor.

255H Cancellation and suspension of registration—person no longer a registered company auditor

If a person was registered as an auditor under subsection 255B(2) on the basis that the person was a registered company auditor at the time of registration, the Commissioner may:

(a) cancel the registration if the person's registration as a registered company auditor is cancelled; or

(b) suspend the registration for some or all of any period throughout which the person's registration as a registered company auditor is suspended.

255J Written notice to be given of cancellation or suspension of registration

(1) If the Commissioner decides to cancel or suspend the registration of a person as an auditor:

(a) the Commissioner must, not later than 14 days after the decision, give the person a written notice setting out the decision and the reasons for it; and

(b) the decision comes into effect at the end of the day on which that notice is given to the person.

(2) A failure of the Commissioner to comply with subsection (1) does not affect the validity of the decision.

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255K Registered auditors to advise of material changes in circumstance etc.

A person who is registered as an auditor under this Subdivision must advise the Commissioner of any change in circumstances that could materially affect the person's registration within 14 days of the change in circumstances.

Civil penalty: 200 penalty units.

255L Commissioner may request further information

(1) The Commissioner may, in writing, request further information from any person for the purposes of making a decision under this Subdivision.

(2) The Commissioner is not required to make a decision under this Subdivision until any information requested under subsection (1) in relation to the decision has been provided.

255M Basis of registration

Registration under this Subdivision is on the basis that:

(a) the registration may cease or be suspended as provided for by this Subdivision; and

(b) the registration may cease or be suspended by or under later legislation; and

(c) no compensation is payable if the registration ceases or is suspended as mentioned in paragraph (a) or (b).

255N Regulations

(1) The regulations may make provision for and in relation to the registration of auditors.

(2) Without limiting subsection (1), the regulations may make provision for and in relation to the following:

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(a) information relating to the matters to which the Commissioner must have regard in deciding whether to register a person as an auditor;
(b) the keeping of a register;
(c) fees in respect of applications for registration;
(d) matters relating to the suspension and cancellation of registration;
(e) the delegation, by a person on whom functions or powers are conferred by regulations made for the purposes of this Subdivision, of any such functions or powers.

Subdivision B—Audits

256 Auditors of reporting units

(1) A reporting unit must ensure that there is an auditor of the reporting unit at any time when an auditor is required for the purposes of the operation of this Part in relation to the reporting unit.

Civil penalty: 200 penalty units.

(2) The position of auditor of a reporting unit is to be held by:
(a) an individual who is a registered auditor; or
(b) a firm, at least one of whose members is a registered auditor; or
(c) a company, at least one of whose directors, officers or employees is a registered auditor.

(3) An individual must not accept appointment as auditor of a reporting unit unless:
(a) the individual is a registered auditor; and
(b) the individual is not an excluded auditor in relation to the reporting unit.

Civil penalty: 200 penalty units.

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(4) A member of a firm must not accept appointment of the firm as auditor of a reporting unit unless:
  (a) at least one member of the firm is a registered auditor; and
  (b) no member of the firm is an excluded auditor in relation to the reporting unit.

Civil penalty: 200 penalty units.

(4A) A company must not accept appointment as auditor of a reporting unit unless:
  (a) at least one director, officer or employee of the company is a registered auditor; and
  (b) no director, officer or employee of the company is an excluded auditor in relation to the reporting unit.

Civil penalty: 200 penalty units.

(5) An individual who holds the position of auditor of a reporting unit must resign the appointment if the individual:
  (a) ceases to be a registered auditor; or
  (b) becomes an excluded auditor in relation to the reporting unit.

Civil penalty: 200 penalty units.

(6) A member of a firm that holds the position of auditor of a reporting unit must take whatever steps are open to the member to ensure that the firm resigns the appointment if the member:
  (a) ceases to be a registered auditor and is or becomes aware that no other member of the firm is a registered auditor; or
  (b) becomes an excluded auditor in relation to the reporting unit; or
  (c) becomes aware that another member of the firm is an excluded auditor in relation to the reporting unit.

Civil penalty: 200 penalty units.

(6A) A company that holds the position of auditor of a reporting unit must resign the appointment if:

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(a) there is no longer any director, officer or employee of the company who is a registered auditor; or
(b) a director, officer or employee of the company becomes an excluded auditor in relation to the reporting unit.

Civil penalty: 200 penalty units.

(7) The auditor of a reporting unit must use his or her best endeavours to comply with each requirement of this Act that is applicable to the auditor in that capacity.

256A Limited term to play significant role in audit of a reporting unit

(1) An individual must not play a significant role in the audit of a reporting unit:
(a) for more than 5 consecutive financial years; or
(b) for more than 5 out of 7 consecutive financial years.

Civil penalty: 200 penalty units.

(2) Paragraph (1)(b) does not apply to an individual, in relation to a reporting unit and a series of 7 consecutive financial years, if the Commissioner declares in writing that, in all the circumstances, it is not appropriate for that paragraph to apply to the individual in relation to the reporting unit and that series of 7 consecutive financial years.

(3) A declaration made under subsection (2) is not a legislative instrument.

(4) An individual ***plays a significant role*** in the audit of a reporting unit for a financial year if:
(a) the individual holds the position of auditor of the reporting unit for the financial year; or
(b) if a firm or company holds the position of auditor of the reporting unit for the financial year—the individual is a registered auditor who, on behalf of the firm or company:

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(i) participates in the preparation of an audit report in relation to a financial report of the reporting unit for the financial year or any part of the financial year; or

(ii) participates in the conduct of an audit in relation to the reporting unit for the financial year or any part of the financial year.

257 Powers and duties of auditors

(1) An auditor of a reporting unit must audit the financial report of the reporting unit for each financial year and must make a report in relation to the year to the reporting unit.

(2) An auditor, or a person authorised by an auditor for the purposes of this subsection, is:

(a) entitled at all reasonable times to full and free access to all records and other documents of the reporting unit relating directly or indirectly to the receipt or payment of money, or to the acquisition, receipt, custody or disposal of assets, by the reporting unit; and

(b) entitled to seek from any designated officer, or employee of the reporting unit, such information and explanations as the auditor or authorised person wants for the purposes of the audit.

(3) If an auditor requests an officer, employee or member of an organisation to produce records or other documents under paragraph (2)(a), the request must:

(a) be in writing; and

(b) specify the nature of the records or other documents to be produced; and

(c) specify how and where the records or other documents are to be produced; and

(d) specify a period (of not less than 14 days after the notice is given) within which the records or other documents are to be produced.

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(4) If an auditor authorises a person for the purposes of subsection (2), the auditor must serve on the reporting unit a notification that sets out the name and address of the person.

(5) An auditor must, in his or her report, state whether in the auditor's opinion the general purpose financial report is presented fairly in accordance with any of the following that apply in relation to the reporting unit:

(a) the Australian Accounting Standards;

(b) any other requirements imposed by this Part.

If not of that opinion, the auditor's report must say why.

(6) If the auditor is of the opinion that the general purpose financial report does not so comply, the auditor's report must, to the extent it is practicable to do so, quantify the effect that non-compliance has on the general purpose financial report. If it is not practicable to quantify the effect fully, the report must say why.

(7) The auditor's report must describe:

(a) any defect or irregularity in the general purpose financial report; and

(b) any deficiency, failure or shortcoming in respect of the matters referred to in subsection (2) or section 252.

(8) The form and content of the auditor's report must be in accordance with the Australian Auditing Standards.

(9) The auditor's report must be dated as at the date that the auditor signs the report and must be given to the reporting unit within a reasonable time of the auditor having received the general purpose financial report.

(10) An auditor must not, in a report under this section, make a statement if the auditor knows, or is reckless as to whether, the statement is false or misleading.

Civil penalty: 200 penalty units.

(11) If:

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(a) the auditor suspects on reasonable grounds that there has been a breach of this Act or reporting guidelines; and
(b) the auditor is of the opinion that the matter cannot be adequately dealt with by comment in a report or by reporting the matter to the committee of management of the reporting unit;

the auditor must immediately report the matter, in writing, to the Commissioner.

Civil penalty: 200 penalty units.

258 Obstruction etc. of auditors

(1) An officer, employee or member of an organisation or branch commits an offence if he or she:
(a) hinders or obstructs the auditor of a reporting unit from taking action under paragraph 257(2)(a); or
(b) does not comply with a request under paragraph 257(2)(a) by an auditor of a reporting unit to produce a record or other document in the custody or under the control of the officer, employee or member.

Penalty: 30 penalty units.

(2) Strict liability applies to paragraph (1)(b).

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(3) It is a defence to an offence against paragraph (1)(b) if the officer, employee or member had a reasonable excuse for not complying.

Note: A defendant bears an evidential burden in relation to the matters mentioned in subsection (3).

(4) However, a person is not excused from producing a record or other document under this section on the ground that the production might tend to incriminate the person or expose the person to a penalty.

(5) However:
(a) producing the record or other document; or

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(b) any information, document or thing obtained as a direct or indirect consequence of giving the information or producing the record or other document;

is not admissible in evidence against the person in criminal proceedings or proceedings that may expose the person to a penalty.

(6) It is a defence to an offence against subsection (1) if the officer, employee or member did not know, and could not reasonably have known, that the auditor, or the person authorised by the auditor, to whom the charge relates was a person in relation to whom that subsection applied.

Note: A defendant bears an evidential burden in relation to the matters mentioned in subsection (6).

(7) In a prosecution for an offence against subsection (1), it is not necessary to prove that the defendant knew that the auditor was an auditor.

(8) In this section:

auditor includes a person authorised by the auditor for the purposes of subsection 257(2).

259 Reporting unit to forward notices etc. to auditor

A reporting unit must forward to the auditor of the reporting unit any notice of, and any other communication relating to, a meeting of the reporting unit, or the committee of management of the reporting unit, at which the report of the auditor, or any general purpose financial report to which the report relates, are to be presented, being a notice or other communication that a member of the reporting unit, or the committee of management of the reporting unit, as the case may be, would be entitled to receive.

Civil penalty: 200 penalty units.

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260 Auditor entitled to attend meetings at which report presented

(1) An auditor, or a person authorised by an auditor for the purposes of this section, is entitled to attend, and be heard at, any part of a meeting of a reporting unit, or the committee of management of a reporting unit, at which:

(a) the report of the auditor, or any general purpose financial report to which the report relates, is to be presented or considered; or

(b) there is to be conducted any business of the meeting that relates to:

(i) the auditor in that capacity; or

(ii) a person authorised by the auditor, in the capacity of a person so authorised.

(2) Where an auditor authorises a person for the purposes of this section, the auditor must serve on the reporting unit a notification, which sets out the name and address of the person.

(3) An officer, employee or member of an organisation or branch commits an offence if he or she hinders or obstructs the auditor of a reporting unit from attending a part of the meeting that the auditor is entitled to attend.

Penalty: 30 penalty units.

(4) A person commits an offence if:

(a) an auditor of a reporting unit attends a part of a meeting that the auditor is entitled to attend; and

(b) the person chairs the meeting; and

(c) in the course of the part of the meeting, the auditor indicates to the person chairing the meeting that the auditor wishes to be heard; and

(d) the person fails, as soon as practicable after having received the indication, to afford to the auditor an opportunity to be heard.

Penalty: 20 penalty units.

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(5) It is a defence to an offence against a subsection of this section if the person did not know, and could not reasonably have known, that the auditor, or the person authorised by the auditor, to whom the charge relates was a person in relation to whom the subsection applied.

Note: A defendant bears an evidential burden in relation to the matters mentioned in subsection (5).

(6) In a prosecution for an offence against this section, it is not necessary to prove that the defendant knew that the auditor was an auditor.

(7) In subsections (3) and (4):

auditor includes a person authorised by the auditor for the purposes of this section.

261 Auditors and other persons to enjoy qualified privilege in certain circumstances

(1) An auditor of a reporting unit is not, in the absence of malice, liable to an action for defamation at the suit of a person in relation to a statement that the auditor makes in the course of duties as auditor, whether the statement is made orally or in writing.

(2) A person is not, in the absence of malice, liable to an action for defamation at the suit of a person in relation to the publishing of a document prepared by an auditor of a reporting unit in the course of duties as auditor and required by or under this Act to be lodged with the Commissioner.

(3) This section does not limit or affect any right, privilege or immunity that a defendant has in an action for defamation.

262 Fees and expenses of auditors

A reporting unit must pay the reasonable fees and expenses of an auditor of the reporting unit.

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263 Removal of auditor

(1) An auditor of a reporting unit may only be removed during the term of appointment of the auditor:
   (a) where the auditor was appointed by the committee of management of the reporting unit—by resolution passed at a meeting of the committee by an absolute majority of the members of the committee; or
   (b) where the auditor was appointed by a general meeting of the members of the reporting unit—by resolution passed at a general meeting by a majority of the members of the reporting unit voting at the meeting.

(2) Written notice of the intention to remove the auditor must be given to each member of the reporting unit. The notice must be provided in accordance with any time limits provided by the rules of the reporting unit, or within a reasonable time before the resolution is moved if no such time limits are provided.

   Civil penalty: 200 penalty units.

(3) The auditor must be given reasonable notice of the resolution to remove the auditor and must be given the opportunity to:
   (a) in the case of removal under paragraph (1)(a)—make oral representations to the committee of management; and
   (b) in any case—make written representations.

   Civil penalty: 200 penalty units.

(4) If it is proposed to remove the auditor under paragraph (1)(b) and the auditor makes written representations, the auditor may require the reporting unit to provide a copy of the written representations to each member of the reporting unit.

(5) The reporting unit must comply with a requirement under subsection (4) unless the written representations exceed any limits as to length that are prescribed.

   Civil penalty: 200 penalty units.

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264 Resignation of auditor

(1) An auditor of a reporting unit may resign by giving written notice to the reporting unit.

(2) The resignation takes effect on the day specified in the notice or, if no day is specified, the day that the notice is given to the reporting unit.

(3) If the auditor requests the reporting unit to allow the auditor to explain his or her reasons for resigning, the reporting unit must either:

(a) distribute to the members of the reporting unit written reasons for resignation prepared by the auditor; or

(b) give the auditor the opportunity to explain his or her reasons to a general meeting of the reporting unit.

The committee of management of the reporting unit may choose which method is used.

Civil penalty: 200 penalty units.

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Division 5—Reporting requirements

265 Copies of full report or concise report to be provided to members

(1) A reporting unit must provide free of charge to its members either:
  (a) a full report consisting of:
    (i) a copy of the report of the auditor in relation to the inspection and audit of the financial records of the reporting unit in relation to a financial year; and
    (ii) a copy of the general purpose financial report to which the report relates; and
    (iii) a copy of the operating report to which the report relates; or
  (b) a concise report for the financial year that complies with subsection (3).

Civil penalty: 100 penalty units.

(2) A concise report may only be provided if, under the rules of the reporting unit, the committee of management of the reporting unit resolves that a concise report is to be provided.

(3) A concise report for a financial year consists of:
  (a) a concise financial report for the year drawn up in accordance with the regulations; and
  (b) the operating report for the year; and
  (c) a statement by the auditor:
    (i) that the concise financial report has been audited; and
    (ii) whether, in the auditor's opinion, the concise financial report complies with the relevant Australian Accounting Standards; and
  (d) a copy of anything included under subsection 257(5), (6) or (7) in the auditor's report on the full report; and

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(e) a statement that the report is a concise report and that a copy of the full report and auditor's report will be sent to the member free of charge if the member asks for them.

(4) If a member requests a copy of the full report and auditor's report, as mentioned in paragraph (3)(e), the reporting unit must send those reports to the person within 28 days of the request being made.

Civil penalty: 100 penalty units.

(5) The copies referred to in subsection (1) must be provided within:

(a) if a general meeting of members of the reporting unit to consider the reports is held within 6 months after the end of the financial year—the period starting at the end of the financial year and ending 21 days before that meeting; or

(b) in any other case—the period of 5 months starting at the end of the financial year.

The Commissioner may, upon application by the reporting unit, extend the period during which the meeting referred to in paragraph (a) may be held, or the period set out in paragraph (b), by no more than one month.

Civil penalty: 100 penalty units.

(6) Where a reporting unit publishes a journal of the reporting unit that is available to the members of the reporting unit free of charge, the reporting unit may comply with subsection (1):

(a) by publishing in the journal the full report; or

(b) by preparing a concise report as described in subsection (3) and publishing the concise report in the journal.

(7) Where a reporting unit consists of 2 or more branches of an organisation and one of those branches publishes a journal of the branch that is available to the members of the branch free of charge, the reporting unit may comply with subsection (1) in relation to those members:

(a) by publishing in the journal the full report; or

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(b) by preparing a concise report as described in subsection (3) and publishing the concise report in the journal.

266 Full report to be presented to meetings

(1) Subject to subsection (2), the reporting unit must cause the full report to be presented to a general meeting of the members of the reporting unit within the period of 6 months starting at the end of the financial year (or such longer period as is allowed by the Commissioner under subsection 265(5)).

Civil penalty: 60 penalty units.

(2) If the rules of the reporting unit permit a general meeting to be a series of meetings at different locations, the presenting of the full report to such a series of meetings is taken to be the presenting of the report to a general meeting. The general meeting is taken to have occurred at the time of the last of the meetings in the series.

(3) If the rules of the reporting unit provide for a specified percentage (not exceeding 5%) of members to be able to call a general meeting of the reporting unit for the purpose of considering the auditor's report, the general purpose financial report and the operating report, the full report may instead be presented to a meeting of the committee of management of the reporting unit that is held within the period mentioned in subsection (1).

267 Comments by committee members not to be false or misleading

Where a member of the committee of management of a reporting unit:

(a) provides to members of the reporting unit; or

(b) publishes in a journal; or

(c) presents to a general meeting of the members of the reporting unit or a meeting of the committee of management of the reporting unit;

comments on a matter dealt with in a report, accounts or statements of the kind referred to in subsection 265(1), or in a concise report

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as described in subsection 265(3), the member must not, in the comments, make a statement if the person knows, or is reckless as to whether, the statement is false or misleading.

Civil penalty: 100 penalty units.

268 Reports etc. to be lodged with the Commissioner

A reporting unit must, within 14 days (or such longer period as the Commissioner allows) after the general meeting, or meeting of the committee of management, referred to in section 266, lodge with the Commissioner:

(a) a copy of the full report; and

(b) if a concise report was provided to members—a copy of the concise report; and

(c) a certificate by a prescribed designated officer that the documents lodged are copies of the documents provided to members and presented to a general meeting, or presented to a meeting of the committee of management, as the case requires, in accordance with section 266.

Civil penalty: 100 penalty units.

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Division 6—Reduced reporting requirements for particular reporting units

269 Reporting units with substantial common membership with State registered bodies

(1) This section applies to a reporting unit if there is an industrial association (the ***associated State body***) that:

(a) is registered or recognised as such an association (however described) under a prescribed State Act; and

(b) is, or purports to be, composed of substantially the same members as the reporting unit; and

(c) has, or purports to have, officers who are substantially the same as designated officers in relation to the reporting unit.

(2) A reporting unit is taken to have satisfied this Part if this section applies to the reporting unit and:

(a) the Commissioner, on the application of the reporting unit, issues a certificate stating that the financial affairs of the reporting unit are encompassed by the financial affairs of the associated State body; and

(b) the associated State body has, in accordance with prescribed State legislation, prepared accounts, had those accounts audited, provided a copy of the audited accounts to its members and lodged the audited accounts with the relevant State authority; and

(c) the reporting unit has lodged a copy of the audited accounts with the Commissioner; and

(d) any members of the reporting unit who are not also members of the associated State body have been provided with copies of the accounts at substantially the same time as the members of the reporting unit who are members of the associated State body; and

(e) a report under section 254 has been prepared in respect of the activities of the reporting unit and has been provided to

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members of the reporting unit with the copies of the accounts.

270 Organisations with income of less than certain amount

(1) If, on the application of a reporting unit that is the whole of an organisation made after the end of a financial year, the Commissioner is satisfied that the reporting unit's income for the year did not exceed:
   (a) in the case of a financial year that, because of section 240, is a period other than 12 months—such amount as the Commissioner considers appropriate in the circumstances; or
   (b) in any other case—$100,000 or such higher amount as is prescribed;

   the Commissioner must issue to the reporting unit a certificate to that effect.

(2) Where a certificate is issued under subsection (1) in relation to a reporting unit in relation to a financial year:
   (a) the following provisions of this section apply in relation to the reporting unit in relation to the year; and
   (b) except as provided in paragraph (c), this Part continues to apply in relation to the reporting unit in relation to the year; and
   (c) sections 253, 265, 266 and 268 do not apply in relation to the reporting unit in relation to the year.

(3) This Part (other than this section) applies to the reporting unit in relation to the year as if:
   (a) a reference to a general purpose financial report prepared or to be prepared under section 253 were a reference to a general purpose financial report prepared under subsection (4) of this section; and
   (b) the reference in subsection 272(5) to a general purpose financial report prepared under section 253 were a reference to a general purpose financial report prepared under subsection (4) of this section; and

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(c) the reference in sections 332 and 333 to documents lodged with the Commissioner under section 268 were a reference to documents lodged with the Commissioner in accordance with subsection (7) of this section.

(4) Within the prescribed period after the end of the financial year, the reporting unit must cause to be prepared, in accordance with the reporting guidelines, from the financial records kept under subsection 252(1) in relation to the year, the general purpose financial report required by those reporting guidelines.

Civil penalty: 100 penalty units.

(5) After the making to the reporting unit of the report of the auditor under section 257 in relation to the auditor's inspection and audit of the financial records kept by the reporting unit in relation to the year, and before the end of the financial year immediately following the year, the reporting unit must cause a copy of the report, together with copies of the general purpose financial report to which the auditor's report relates, to be presented to a meeting of the members of the reporting unit.

Civil penalty: 100 penalty units.

(6) Where a member of a reporting unit requests the reporting unit to provide to the member a copy of the auditor's report and the general purpose financial report, the reporting unit must provide a copy of each of the documents to the member, free of charge, within 14 days after receiving the request.

Civil penalty: 100 penalty units.

(7) The reporting unit must, within 90 days (or such longer period as the Commissioner allows) after the making to the reporting unit of the report under section 257, lodge with the Commissioner copies of the auditor's report and the general purpose financial report together with a certificate by a prescribed designated officer that the information contained in the general purpose financial report is correct.

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Civil penalty: 100 penalty units.

271 Exemption from this Part of certain reporting units

(1) If, on the application of a reporting unit, the Commissioner is satisfied, after considering such circumstances (if any) as are prescribed, that the reporting unit did not have any financial affairs in a financial year, the Commissioner may issue to the reporting unit a certificate to that effect in respect of the financial year.

(2) The certificate exempts the reporting unit from the requirements of this Part in respect of the financial year.

(3) The application must be made to the Commissioner within 90 days, or such longer period as the Commissioner allows, after the end of the financial year.

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Division 7—Members' access to financial records

272 Information to be provided to members or Commissioner

(1) A member of a reporting unit, or the Commissioner, may apply to the reporting unit for specified prescribed information in relation to the reporting unit to be made available to the person making the application.

(2) The application must be in writing and must specify the period within which, and the manner in which, the information is to be made available. The period must not be less than 14 days after the application is given to the reporting unit.

(3) A reporting unit must comply with an application made under subsection (1).

Civil penalty: 60 penalty units.

(4) The Commissioner may only make an application under subsection (1) at the request of a member of the reporting unit concerned, and the Commissioner must provide to a member information received because of an application made at the request of the member.

(5) A general purpose financial report prepared under section 253, a concise report prepared under section 265 and a report prepared under subsection 270(4) must include a notice drawing attention to subsections (1), (2) and (3) of this section and setting out those subsections.

Civil penalty: 60 penalty units.

(6) Without limiting the information that may be prescribed under subsection (1), the information prescribed must include details (including the amount) of any fees paid by the reporting unit for payroll deduction services provided by a person who is an employer of:

(a) the member making the application for information; or

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(b) the member at whose request the application was made.

273 Order for inspection of financial records

(1) On application by a member of a reporting unit, the FWC may make an order:
  (a) authorising the applicant to inspect the financial records of the reporting unit specified in the order; or
  (b) authorising another person (whether a member or not) to inspect the financial records of the reporting unit specified in the order on the applicant's behalf.

  This subsection is subject to subsections (2) and (3).

(2) The FWC may only make the order if it is satisfied:
  (a) that the applicant is acting in good faith; and
  (b) there are reasonable grounds for suspecting a breach of:
    (i) a provision of this Part; or
    (ii) the reporting guidelines; or
    (iii) a regulation made for the purposes of this Part; or
    (iv) a rule of a reporting unit relating to its finances or financial administration; and
  (c) it is reasonable to expect that an examination of the financial records will assist in determining if there is such a breach.

(3) The FWC may only make an order authorising the inspection of financial records that relate to the suspected breach mentioned in paragraph (2)(b).

(4) A person authorised to inspect the financial records may make copies of the financial records unless the FWC orders otherwise.

274 Frivolous or vexatious applications

(1) A person must not make an application under section 273 that is vexatious or without reasonable cause.

  Civil penalty: 60 penalty units.

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(2) If the FWC considers an application under section 273 to be vexatious or without reasonable cause, the FWC must dismiss the application as soon as possible.

275 Ancillary orders

If the FWC makes an order under section 273, the FWC may make any other orders it considers appropriate, including any or all of the following:

(a) an order limiting the use that a person who inspects the financial records may make of information obtained during the inspection;

(b) an order limiting the right of a person who inspects the financial records to make copies in accordance with subsection 273(4);

(c) an order that the reporting unit is not required to provide the names and addresses of its members.

276 Disclosure of information acquired in inspection

(1) An applicant who inspects the financial records under section 273, or a person who inspects the financial records on behalf of an applicant, must not disclose information obtained during the inspection unless the disclosure is to:

(a) a member of the staff of the FWC; or

(b) the applicant.

Civil penalty: 60 penalty units.

(2) A person who receives information under paragraph (1)(a) or (b) must not disclose the information other than to another person covered by one of those paragraphs.

Civil penalty: 60 penalty units.

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277 Reporting unit or committee of management may allow member to inspect books

The committee of management of a reporting unit, or the reporting unit by a resolution passed at a general meeting, may authorise a member to inspect financial records of the reporting unit.

278 FWC to be advised of breaches of Part or rules etc. found during inspection

(1) If, as a result of inspecting the financial records of a reporting unit, a person reasonably believes that a breach of:
  (a) a provision of this Part; or
  (b) the reporting guidelines; or
  (c) a regulation made for the purposes of this Part; or
  (d) a rule of a reporting unit relating to its finances or financial administration;

may have occurred, the person must give the FWC written notice to that effect and give to the FWC any relevant information obtained during the inspection.

(2) If the FWC receives notice under subsection (1) and the FWC is satisfied that there are reasonable grounds for believing that there has been a breach of:
  (a) a provision of this Part; or
  (b) the reporting guidelines; or
  (c) a regulation made for the purposes of this Part; or
  (d) a rule of a reporting unit relating to its finances or financial administration;

the FWC must refer the matter to the Commissioner.

Note: Where a matter is referred, it will be investigated under section 334.

279 Constitution of the FWC

For the purposes of this Division, the FWC must be constituted by the President, a Vice President or a Deputy President.

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Part 4—Access to organisations' books

280 Right of access to organisation's books

Right while officer

(1) An officer of an organisation or a branch may inspect the books of the organisation at all reasonable times for the purposes of a legal proceeding:
   (a) to which the officer is a party; or
   (b) that the officer proposes in good faith to bring; or
   (c) that the officer has reason to believe will be brought against him or her;

   where the officer reasonably believes that the books contain information that is relevant to the proceedings.

Right during 7 years after ceasing to be officer

(2) A person who has ceased to be an officer of an organisation or a branch may inspect the books of the organisation at all reasonable times for the purposes of a legal proceeding:
   (a) to which the person is a party; or
   (b) that the person proposes in good faith to bring; or
   (c) that the person has reason to believe will be brought against him or her;

   where the person reasonably believes that the books contain information that is relevant to the proceedings. This right continues for 7 years after the person ceased to be an officer of the organisation or the branch.

Right to take copies

(3) A person authorised to inspect books under this section for the purposes of a legal proceeding may make copies of the books for the purposes of those proceedings.

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(4) Where a person obtains copies under subsection (3), the organisation is entitled to recover from the person any costs incurred by the organisation in providing the copies.

Organisation or branch not to refuse access

(5) An organisation or branch must allow a person to exercise his or her rights to inspect or take copies of the books under this section.

*Meaning of **books***

(6) In this section:

books includes:

(a) a register; and
(b) any other record of information; and
(c) financial reports or financial records, however compiled, recorded or stored; and
(d) a document.

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Chapter 9—Conduct of officers and employees

Part 1—Simplified outline of Chapter

281 Simplified outline

This Chapter sets out some of the most significant duties of officers and employees of organisations and branches of organisations. Other duties are imposed by other provisions of this Act and other laws (including the general law).

Part 2 sets out the general duties of officers and employees in relation to the financial management of an organisation or a branch of an organisation.

Part 2A sets out disclosure obligations about remuneration paid to officers and material personal interests of officers.

Part 2A also restricts officers from taking part in making decisions in relation to matters in which they have a material personal interest, requires the preparation of officer and related party disclosure statements and requires officers to undertake approved training in relation to their financial duties.

Part 3 sets out the general duties of officers and employees in relation to orders or directions of the Federal Court or the FWC.

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Part 2—General duties in relation to the financial management of organisations

Division 1—Preliminary

282 Simplified outline

This Part sets out some of the most significant duties of officers and employees of organisations and branches of organisations in relation to the financial management of an organisation or a branch of an organisation.

283 Part only applies in relation to financial management

This Part only applies in relation to officers and employees of an organisation or a branch of an organisation to the extent that it relates to the exercise of powers or duties of those officers and employees related to the financial management of the organisation or branch.

284 Meaning of *involved*

For the purposes of this Part, a person is ***involved*** in a contravention if, and only if, the person has:

(a) aided, abetted, counselled or procured the contravention; or

(b) induced, whether by threats or promises or otherwise, the contravention; or

(c) been in any way, by act or omission, directly or indirectly, knowingly concerned in or party to the contravention; or

(d) conspired with others to effect the contravention.

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Division 2—General duties in relation to the financial management of organisations

285 Care and diligence—civil obligation only

(1) An officer of an organisation or a branch must exercise his or her powers and discharge his or her duties with the degree of care and diligence that a reasonable person would exercise if he or she:
  (a) were an officer of an organisation or a branch in the organisation's circumstances; and
  (b) occupied the office held by, and had the same responsibilities within the organisation or a branch as, the officer.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

(2) An officer of an organisation or a branch who makes a judgment to take or not take action in respect of a matter relevant to the operations of the organisation or branch is taken to meet the requirements of subsection (1), and their equivalent duties at common law and in equity, in respect of the judgment if he or she:
  (a) makes the judgment in good faith for a proper purpose; and
  (b) does not have a material personal interest in the subject matter of the judgment; and
  (c) informs himself or herself about the subject matter of the judgment to the extent he or she reasonably believes to be appropriate; and
  (d) rationally believes that the judgment is in the best interests of the organisation.

The officer's belief that the judgment is in the best interests of the organisation is a rational one unless the belief is one that no reasonable person in his or her position would hold.

Note: This subsection only operates in relation to duties under this section and their equivalents at common law or in equity (including the duty of care that arises under the common law principles governing liability for negligence)—it does not operate in relation to duties under any other provision of this Act or under any other laws.

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286 Good faith—civil obligations

(1) An officer of an organisation or a branch must exercise his or her powers and discharge his or her duties:
  (a) in good faith in what he or she believes to be the best interests of the organisation; and
  (b) for a proper purpose.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

(2) A person who is involved in a contravention of subsection (1) contravenes this subsection.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

287 Use of position—civil obligations

(1) An officer or employee of an organisation or a branch must not improperly use his or her position to:
  (a) gain an advantage for himself or herself or someone else; or
  (b) cause detriment to the organisation or to another person.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

(2) A person who is involved in a contravention of subsection (1) contravenes this subsection.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

288 Use of information—civil obligations

(1) A person who obtains information because he or she is, or has been, an officer or employee of an organisation or a branch must not improperly use the information to:
  (a) gain an advantage for himself or herself or someone else; or

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(b) cause detriment to the organisation or to another person.

Note: This duty continues after the person stops being an officer or employee of the organisation or branch.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

(2) A person who is involved in a contravention of subsection (1) contravenes this subsection.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

289 Effect of ratification by members

(1) If the members of an organisation ratify or approve a contravention of section 285, 286, 287 or 288, the ratification or approval:
   (a) does not prevent the commencement of proceedings for a contravention of the section; and
   (b) does not have the effect that proceedings brought for a contravention of the section must be determined in favour of the defendant.

(2) If members of an organisation ratify or approve a contravention of section 285, 286, 287 or 288, the Federal Court may take the ratification or approval into account in deciding what order or orders to make under section 306, 307 or 308 in proceedings brought for a contravention of the section. In doing this, it must have regard to:
   (a) how well-informed about the conduct the members were when deciding whether to ratify or approve the contravention; and
   (b) whether the members who ratified or approved the contravention were acting for proper purposes.

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290 Compliance with statutory duties

An officer or employee does not contravene section 286, 287 or 288 by doing an act that another provision of this Act or the Fair Work Act requires the officer or employee to do.

290A Good faith, use of position and use of information—criminal offences

Good faith—officers of organisations and branches

(1) An officer of an organisation or a branch commits an offence if he or she:
  (a) is reckless; or
  (b) is intentionally dishonest;
and fails to exercise his or her powers or discharge his or her duties:
  (c) in good faith in the best interests of the organisation; or
  (d) for a proper purpose.

Penalty: 2,000 penalty units or imprisonment for 5 years, or both.

Use of position—officers and employees of organisations and branches

(2) An officer or employee of an organisation or a branch commits an offence if the officer or employee uses his or her position dishonestly:
  (a) with the intention of directly or indirectly gaining an advantage for himself or herself, or someone else, or causing detriment to the organisation; or
  (b) reckless as to whether the use may result in himself or herself or someone else directly or indirectly gaining an advantage, or causing detriment to the organisation.

Penalty: 2,000 penalty units or imprisonment for 5 years, or both.

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Use of information—officers and employees of organisations and branches

(3) A person who obtains information because he or she is, or has been, an officer or employee of an organisation or a branch commits an offence if he or she uses the information dishonestly:
  (a) with the intention of directly or indirectly gaining an advantage for himself or herself, or someone else, or causing detriment to the organisation; or
  (b) reckless as to whether the use may result in himself or herself or someone else directly or indirectly gaining an advantage, or causing detriment to the organisation.

Penalty: 2,000 penalty units or imprisonment for 5 years, or both.

291 Interaction of sections 285 to 289 and 290A with other laws etc.

Sections 285 to 289 and 290A:
  (a) have effect in addition to, and not in derogation of, any rule of law relating to the duty or liability of a person because of his or her office or employment in relation to an organisation or a branch; and
  (b) do not prevent the commencement of proceedings for a breach of duty or in respect of a liability referred to in paragraph (a).

This section does not apply to subsection 285(2) to the extent to which it operates on the duties at common law and in equity that are equivalent to the requirements of subsection 285(1).

292 Reliance on information or advice provided by others

If:
  (a) an officer relies on information, or professional or expert advice, given or prepared by:
    (i) an employee of the organisation or the branch whom the officer believes on reasonable grounds to be reliable and competent in relation to the matters concerned; or

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(ii) a professional adviser or expert in relation to matters that the officer believes on reasonable grounds to be within the person's professional or expert competence; or

(iii) another officer in relation to matters within the officer's authority; or

(iv) a collective body on which the officer did not serve in relation to matters within the collective body's authority; and

(b) the reliance was made:

(i) in good faith; and

(ii) after making proper inquiry if the circumstances indicated the need for inquiry; and

(c) the reasonableness of the officer's reliance on the information or advice arises in proceedings brought to determine whether an officer has performed a duty under this Part or an equivalent duty at common law or in equity;

the officer's reliance on the information or advice is taken to be reasonable unless the contrary is proved.

293 Responsibility for actions of other person

(1) If the officers of an organisation or a branch delegate a power under its rules, each of those officers is responsible for the exercise of the power by the person to whom the power was delegated as if the power had been exercised by the officer.

(2) An officer is not responsible under subsection (1) if:

(a) the officer believed on reasonable grounds at all times that the person to whom the power was delegated would exercise the power in conformity with the duties imposed on officers of the organisation or the branch by this Act or the Fair Work Act; and

(b) the officer believed:

(i) on reasonable grounds; and

(ii) in good faith; and

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(iii) after making proper inquiry if the circumstances indicated the need for inquiry;

that the person to whom the power was delegated was reliable and competent in relation to the power delegated.

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Part 2A—Disclosure obligations

Division 1—Preliminary

293A Simplified outline

This Part sets out disclosure obligations about remuneration paid to officers and material personal interests of disclosing officers (see subsection 293C(1)).

It also restricts disclosing officers from taking part in making decisions in relation to matters in which they have a material personal interest, requires the preparation of officer and related party disclosure statements and requires officers to undertake approved training in relation to their financial duties.

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Division 2—Disclosure obligations and restrictions on taking part in making decisions

293B Disclosure of remuneration paid to officers

Disclosure by officers

(1) Each officer of an organisation must, in accordance with section 293BA or 293BB, disclose to the organisation details of any remuneration paid to the officer:
  (a) because the officer is a member of a Board, if:
    (i) the officer is a member of the Board only because the officer is an officer of the organisation; or
    (ii) the officer was nominated for the position of member of the Board by the organisation, a branch of the organisation or a peak council; or
  (b) by a related party of the organisation, in connection with the performance of the officer's duties as an officer.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

(2) Each officer of a branch of an organisation must, in accordance section 293BA or 293BB, disclose to the branch details of any remuneration paid to the officer:
  (a) because the officer is a member of a Board, if:
    (i) the officer is a member of the Board only because the officer is an officer of the branch; or
    (ii) the officer was nominated for the position of member of the Board by the organisation, a branch of the organisation or a peak council; or
  (b) by a related party of the branch, in connection with the performance of the officer's duties as an officer.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

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293BA Immediate disclosure

The disclosure is in accordance with this section if it is made in writing to the committee of management of the organisation or branch, as the case may be, as soon as practicable after the remuneration is paid to the officer.

293BB Standing disclosure of remuneration

(1) The disclosure is in accordance with this section if:
  (a) remuneration is to be paid to the officer, under a contract or other arrangement, on a regular basis during the financial year; and
  (b) the officer gives to the members of the committee of management of the organisation or branch, as the case may be, standing notice of the amounts of remuneration that the officer expects to be paid during the financial year; and
  (c) the requirements set out in subsections (2) to (5) are met.

(2) The standing notice must be given at any time before, or as soon as practicable after, the first payment is made to the officer.

(3) If, during the financial year, an amount of remuneration paid to the officer under the contract or arrangement exceeds the amount notified in the standing notice, the officer must, as soon as practicable, notify the committee of management of the organisation or branch, as the case may be, of the excess.

(4) If, at the end of the financial year, the total amount (the ***final total***) of remuneration paid to the officer under the contract or arrangement is more, or less, than the total amount notified under paragraph (2)(b), the officer must, as soon as practicable after the end of the financial year, notify the committee of management of the organisation or branch, as the case may be, of the final total.

(5) Notice under this section must be given in writing.

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293BC Disclosure of certain remuneration and benefits by organisations and branches

(1) An organisation must, for a financial year, disclose to the members of the organisation and its branches details of the following in accordance with subsection (3):

(a) the identity of each officer of the organisation who, when all officers of the organisation are ranked by relevant remuneration for the financial year (from highest to lowest), is ranked no lower than fifth;

(b) for each of those officers:

(i) the actual amount of the officer's relevant remuneration for the financial year; and

(ii) the value and form of the officer's relevant non-cash benefits for the financial year.

(2) A branch of an organisation must, for a financial year, disclose to the members of the branch, details of the following in accordance with subsection (3):

(a) the identity of each officer of the branch who, when all officers of the branch are ranked by relevant remuneration for the financial year (from highest to lowest), is ranked no lower than fifth;

(b) for each of those officers:

(i) the actual amount of the officer's relevant remuneration for the financial year; and

(ii) the value and form of the officer's relevant non-cash benefits for the financial year.

Manner of disclosure

(3) A disclosure under subsection (1) or (2) must be made as part of the officer and related party disclosure statement required under Division 3.

Note: Failure to prepare an officer and related party disclosure statement is a contravention of a civil penalty provision (see section 293J).

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Relevant remuneration

(4) For the purposes of this section, the ***relevant remuneration*** of an officer of an organisation or a branch of an organisation for a financial year is the sum of the following:

(a) any remuneration disclosed to the organisation or the branch by the officer under subsection 293B(1) or (2), during the financial year;

(b) any remuneration paid, during the financial year, to the officer by the organisation or the branch.

Relevant non-cash benefits

(5) For the purposes of this section, the ***relevant non-cash benefits*** of an officer of an organisation or a branch of an organisation for a financial year are the non-cash benefits provided to the officer, at any time during the financial year, in connection with the performance of the officer's duties as an officer, by the organisation or the branch or by a related party of the organisation or the branch.

293C Disclosure of material personal interests of officers

Disclosure by officers

(1) This section applies to each officer (a ***disclosing officer***) of an organisation or a branch of an organisation whose duties include duties that relate to the financial management of the organisation or branch.

(2) A disclosing officer of an organisation must, in accordance with subsection (5), disclose to the committee of management of the organisation details of any material personal interest that the officer has or acquires in a matter that relates to the affairs of the organisation.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

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(3) A disclosing officer of a branch must, in accordance with subsection (5), disclose to the committee of management of the branch details of any material personal interest that the officer has or acquires in a matter that relates to the affairs of the branch.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

(4) A disclosing officer does not need to disclose an interest under subsection (2) or (3) if:

(a) the interest:

(i) arises because the disclosing officer is a member, or a representative of a member, of an organisation or a branch and the interest is held in common with the other members of the organisation or branch; or

(ii) arises in relation to the officer's remuneration as an officer of the organisation or branch; or

(iii) relates to a contract the organisation or branch is proposing to enter into that is subject to approval by the members of the organisation or branch and will not impose any obligation on the organisation or branch if it is not approved by the members; or

(iv) is in a contract, or proposed contract, with, or for the benefit of, or on behalf of, a related party of the organisation or branch that is a body corporate and arises merely because the officer is on the Board of the related party; or

(b) the officer has given a standing notice of the nature and extent of the interest under section 293D and the notice is still effective in relation to the interest.

(5) A disclosure made under subsection (2) or (3) must:

(a) be made as soon as practicable after the interest is acquired; and

(b) provide details of:

(i) the nature and extent of the interest; and

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(ii) the relation of the interest to the affairs of the organisation or branch; and

(c) be made:

(i) at a meeting of the committee of management (either orally or in writing); or

(ii) to the members of the committee of management individually in writing.

The disclosure is made under subparagraph (c)(ii) when it has been given to every member of the committee of management.

Committee of management must record details of disclosure in minutes of meeting

(6) An organisation or a branch contravenes this subsection if a committee of management of the organisation or branch (as the case may be) fails to record details of a disclosure made under subsection (2) or (3):

(a) if the disclosure is made at a meeting of the committee of management of the organisation or branch—in the minutes of the meeting of the committee of management at which the disclosure is made; or

(b) in any other case—in the minutes of the first meeting of the committee of management after the disclosure is made.

Civil penalty: 100 penalty units.

(7) An organisation or a branch contravenes this subsection if a committee of management of the organisation or branch (as the case may be) fails, within 28 days of being requested in writing to do so by a member of the organisation or branch, to provide to the member details of disclosures made to the committee of management under subsection (2) or (3).

Civil penalty: 100 penalty units.

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293D Officer may give members of committee of management standing notice about an interest

Power to give notice

(1) An officer of an organisation who has an interest in a matter may give to the members of the committee of management of the organisation standing notice of the nature and extent of the interest in the matter in accordance with subsection (2). The notice may be given at any time and whether or not the matter relates to the affairs of the organisation at the time the notice is given.

Note: The standing notice may be given to the members of the committee of management before the interest becomes a material personal interest.

(2) The standing notice must:
  (a) give details of the nature and extent of the interest; and
  (b) be given:
    (i) at a meeting of the committee of management (either orally or in writing); or
    (ii) to the members of the committee of management individually in writing.

The standing notice is given under subparagraph (b)(ii) when it has been given to every member of the committee of management.

Standing notice must be tabled at meeting if given to members of the committee of management individually

(3) If the standing notice is given to the members of the committee of management individually in writing, it must be tabled at the next meeting of the committee of management after it is given.

Nature and extent of interest must be recorded in minutes

(4) The committee of management must ensure that the nature and extent of the interest disclosed in the standing notice is recorded in the minutes of the meeting of the committee of management at which the standing notice is given or tabled.

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Dates of effect and expiry of standing notice

(5) The standing notice:
  (a) takes effect as soon as it is given; and
  (b) ceases to have effect if a person who was not a member of the committee of management at the time when the notice was given is appointed as a member of the committee of management.

A standing notice that ceases to have effect under paragraph (b) commences to have effect again if it is given to the person referred to in that paragraph.

Effect of material increase in nature or extent of interest

(6) The standing notice ceases to have effect in relation to a particular interest if the nature or extent of the interest materially increases above that disclosed in the notice.

Effect of contravention by officer

(7) A contravention of this section by an officer does not affect the validity of any act, transaction, agreement, instrument, resolution or other thing.

(8) This section applies in relation to a branch of an organisation as if references to an organisation were references to a branch of an organisation.

293E Interaction of section 293C and 293D with other laws

Sections 293C and 293D have effect in addition to, and not in derogation of:
  (a) any general law rule about conflicts of interest; and
  (b) any provision in an organisation's or branch's rules that restricts an officer or employee from having a material personal interest in a matter involving duties or interests that conflict with their duties or interests as an officer of the organisation or branch.

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293F Restrictions on taking part in making decisions

(1) An officer of an organisation who has a material personal interest in a matter that relates to the affairs of the organisation:
   (a) must not be present during any deliberation by the organisation on the matter; and
   (b) must not take part in any decision of the organisation with respect to the matter.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

(2) An officer of a branch of an organisation who has a material personal interest in a matter that relates to the affairs of the branch:
   (a) must not be present during any deliberation by the branch on the matter; and
   (b) must not take part in any decision of the branch with respect to the matter.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

(3) Subsections (1) and (2) do not apply if:
   (a) subsection (4) allows the officer to be present and take part in a discussion with respect to the matter; or
   (b) the interest does not need to be disclosed under section 293C.

(4) The officer may be present and take part in a decision with respect to the matter if members of the committee of management of the organisation or branch (as the case may be) who do not have a material personal interest in the matter have passed a resolution that:
   (a) identifies the officer, the nature and extent of the officer's interest in the matter and its relation to the affairs of the organisation or branch; and
   (b) states that those members are satisfied that the interest should not disqualify the officer from being present and taking part in a decision with respect to the matter.

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Effect of contravention by officer

(5) A contravention by an officer of this section does not affect the validity of any act, transaction, agreement, instrument, resolution or other thing.

293G Disclosure of payments made by an organisation or a branch

(1) An organisation must, for a financial year and in accordance with subsection (3), disclose to the members of the organisation and its branches, details of each payment made by the organisation during the financial year:
  (a) to a related party of the organisation or of a branch of the organisation; or
  (b) to a declared person or body of the organisation.

(2) A branch of an organisation must, for a financial year and in accordance with subsection (3), disclose to the members of the branch each payment made by the branch, during the financial year:
  (a) to a related party of the branch; or
  (b) to a declared person or body of the branch.

(3) A disclosure under subsection (1) or (2) must be made as part of the officer and related party disclosure statement required under Division 3.

Note: Failure to prepare an officer and related party disclosure statement is a contravention of a civil penalty provision (see section 293J).

(4) Subsections (1) and (2) do not apply to a payment made to a related party if:
  (a) the related party is an officer of the organisation or the branch; and
  (b) the payment:
    (i) consists of remuneration paid to the officer by the organisation or the branch; or

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(ii) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

Note: Section 293B requires certain disclosures in relation to remuneration.

(5) Subsections (1) and (2) do not apply to a payment made to a related party if the payment consists of amounts deducted by the organisation or the branch from remuneration payable to one or more officers or employees of the organisation or the branch (as the case may be).

Arm's length terms

(5A) Subsections (1) and (2) do not apply to a payment made to a related party if the payment is made on terms that:

(a) would be reasonable in the circumstances if the organisation, or the branch, and the related party were dealing at arm's length; or

(b) are less favourable to the related party than the terms referred to in paragraph (a).

Small amounts given to related party

(5B) Subsections (1) and (2) do not apply to a payment made to a related party if the total of the following amounts is less than or equal to the amount prescribed by the regulations for the purposes of this subsection:

(a) the amount of the payment;

(b) the total of all other payments given to the related party, in the financial year, in relation to which subsections (1) and (2) do not apply to the payment because of this subsection.

(5C) In working out the total of the payments referred to in paragraphs (5B)(a) and (b) disregard:

(a) amounts that have been repaid; and

(b) amounts that fall under any other exception in this section.

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Payments to members that do not discriminate unfairly

(5D) Subsections (1) and (2) do not apply to a payment made to a related party if:
- (a) the payment is given to the related party in their capacity as a member of the organisation or the branch; and
- (b) making the payment does not discriminate unfairly against the other members of the organisation or the branch.

(6) For the purposes of this section, a person or body is a ***declared person or body*** of an organisation or a branch of an organisation if:
- (a) an officer of the organisation or the branch has disclosed a material personal interest under subsection 293C(2) or (3) or 293D(1); and
- (b) the interest relates to, or is in, the person or body; and
- (c) the officer has not notified the organisation or the branch that the officer no longer has the interest.

293H Section 293G—order for alternative disclosure arrangement

(1) If an organisation considers that it is too onerous for the organisation to comply with section 293G because special circumstances exist in relation to the organisation, the organisation may lodge with the Commissioner an application for an order under this section.

(2) The application must be accompanied by:
- (a) a statement of the special circumstances that exist in relation to the organisation; and
- (b) particulars of a proposed alternative arrangement (the ***alternative disclosure arrangement***) to provide for disclosures, in relation to payments made by the organisation, that are appropriate for the organisation's special circumstances and provide appropriate transparency; and
- (c) evidence of the organisation's past and current high standards of financial accountability and control that are appropriate for the organisation's special circumstances and provide appropriate transparency.

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(3) If the Commissioner is satisfied, on application by an organisation under subsection (1):
  (a) that special circumstances exist in relation to the organisation; and
  (b) that, taking into account the evidence provided in accordance with paragraph (2)(c), the proposed alternative disclosure arrangement provides for disclosures, in relation to payments made by the organisation, that are appropriate for the organisation's special circumstances and provide appropriate transparency; and
  (c) that the proposed alternative disclosure arrangement:
    (i) complies with and is not contrary to this Act (other than section 293G); and
    (ii) is not otherwise contrary to law;

the Commissioner may, in writing, make an order under this subsection.

(4) If the Commissioner makes the order under subsection (3):
  (a) the order must set out the alternative disclosure arrangement; and
  (b) the alternative disclosure arrangement takes effect when the Commissioner makes the order; and
  (c) compliance with the alternative disclosure arrangement set out in the order is, for the purposes of this Act, taken to be compliance with section 293G.

(5) The order remains in force until the earlier of:
  (a) the day the order is revoked under subsection (6); and
  (b) the day 5 years after the day the order was made.

(6) The Commissioner may revoke the order if the Commissioner:
  (a) either:
    (i) is no longer satisfied of a matter referred to in paragraph (3)(a), (b) or (c); or
    (ii) is satisfied that the organisation has contravened the alternative disclosure arrangement set out in the order; and

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(b) has given the organisation an opportunity, as prescribed, to show cause why the order should not be revoked.

(7) Subsection 604(1) of the Fair Work Act does not apply in relation to a decision of the Commissioner under subsection (3).

Note: Subsection 604(1) of the Fair Work Act provides for appeals from certain decisions of the Commissioner.

(8) This section applies in relation to a branch of an organisation as if references to an organisation were references to a branch of an organisation.

(9) An order under subsection (3) is not a legislative instrument.

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Division 3—Officer and related party disclosure statements

293J Officer and related party disclosure statements

(1) An organisation must:

(a) as soon as practicable after the end of each financial year, cause an officer and related party disclosure statement to be prepared for the organisation in relation to the financial year in accordance with this section; and

(b) within the period of 6 months starting at the end of the financial year:

(i) cause the officer and related party disclosure statement to be provided to the members of the organisation and its branches; and

(ii) lodge with the Commissioner a copy of the officer and related party disclosure statement provided to the members.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

(2) A branch of an organisation must:

(a) as soon as practicable after the end of each financial year, cause an officer and related party disclosure statement to be prepared for the branch in relation to the financial year in accordance with this section; and

(b) within the period of 6 months starting at the end of the financial year:

(i) cause the officer and related party disclosure statement to be provided to the members of the branch; and

(ii) lodge with the Commissioner a copy of the officer and related party disclosure statement provided to the members.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

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(3) The ***officer and related party disclosure statement*** for an organisation or a branch of an organisation must include details of the disclosures provided by the organisation or the branch under sections 293BC, 293G and 293H for the financial year.

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Division 4—Training in relation to financial duties

293K Officers to undertake approved training

(1) Unless exempted under section 293M, each officer of an organisation or a branch of an organisation whose duties include duties (***financial duties***) that relate to the financial management of the organisation or the branch must undertake training:
  (a) approved by the Commissioner under section 293L; and
  (b) that covers each of the officer's financial duties.

(2) The organisation or branch must ensure that the officer completes the training within 6 months after the person begins to hold the office.

Civil penalty: 100 penalty units.

293L Approved training

(1) The Commissioner may, for the purposes of section 293K, approve training provided by:
  (a) an organisation; or
  (b) a peak council; or
  (c) a body or person the Commissioner is satisfied has appropriate skills and expertise to provide the training;

  if the Commissioner is satisfied that the training covers one or more of the duties of officers of organisations and branches of organisations that relate to the financial management of organisations and branches of organisations.

(2) If the approval is made in writing, the approval is not a legislative instrument.

293M Commissioner may grant exemption from financial training

(1) An organisation or branch of an organisation may, in writing, apply to the Commissioner for an officer of the organisation or the

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branch to be exempted from the requirement to undertake training under section 293K.

(2) The Commissioner may grant the exemption if the Commissioner is satisfied that the officer has a proper understanding of the officer's financial duties within the organisation or the branch because of the officer's:

(a) experience as a company director; or

(b) experience as an officer of a registered organisation; or

(c) other professional qualifications and experience.

(3) The Commissioner may grant the exemption subject to any conditions that the Commissioner considers appropriate in the circumstances.

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Part 3—General duties in relation to orders and directions

Division 1—Preliminary

294 Simplified outline

This Part sets out the general duties of officers and employees in relation to orders or directions of the Federal Court or the FWC.

295 Meaning of *involved*

For the purposes of this Part, a person is ***involved*** in a contravention if, and only if, the person has:

(a) aided, abetted, counselled or procured the contravention; or

(b) induced, whether by threats or promises or otherwise, the contravention; or

(c) been in any way, by act or omission, directly or indirectly, knowingly concerned in or party to the contravention; or

(d) conspired with others to effect the contravention.

296 Application to officers and employees of branches

In this Part:

(a) a reference to an officer of an organisation includes a reference to an officer of a branch of an organisation; and

(b) a reference to an employee of an organisation includes a reference to an employee of a branch of an organisation.

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Division 2—General duties in relation to orders and directions

297 Order or direction applying to organisation—civil obligation

(1) This section applies if:
  (a) the Federal Court or the FWC has made an order or a direction under this Act; and
  (b) the order or direction is in force; and
  (c) the order or direction applies to an organisation.

(2) An officer or employee of the organisation must not do anything that would cause the organisation to contravene the order or direction, knowing, or reckless as to whether, the doing of the thing would result in the contravention.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

(3) An officer or employee of the organisation who is involved in a contravention of the order or direction, or of subsection (2), contravenes this subsection.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

298 Prohibition order or direction applying to organisation—civil obligation

(1) This section applies if:
  (a) the Federal Court or the FWC has made an order or a direction under this Act; and
  (b) the order or direction is in force; and
  (c) the order or direction applies to an organisation; and
  (d) the order or direction prohibits the organisation from doing something.

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(2) An officer or employee of the organisation must not do anything that would contravene the order or direction if the order or direction had applied to him or her, knowing, or reckless as to whether, the doing of the thing would result in such a contravention.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

(3) An officer or employee of the organisation who is involved in a contravention of subsection (2) contravenes this subsection.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

299 Order or direction applying to officer—civil obligation

(1) This section applies if:
  (a) the Federal Court or the FWC has made an order or a direction under this Act; and
  (b) the order or direction is in force; and
  (c) the order or direction applies to an officer of an organisation.

(2) The officer must not knowingly or recklessly contravene the order or direction.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

(3) An officer or employee of the organisation who is involved in a contravention of subsection (2) contravenes this subsection.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

300 Prohibition order or direction applying to officer—civil obligation

(1) This section applies if:

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(a) the Federal Court or the FWC has made an order or a direction under this Act; and
(b) the order or direction is in force; and
(c) the order or direction applies to an officer of an organisation; and
(d) the order or direction prohibits the officer from doing something.

(2) An officer or employee of the organisation must not do anything that would contravene the order or direction if the order or direction had applied to him or her, knowing, or reckless as to whether, the doing of the thing would result in such a contravention.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

(3) An officer or employee of the organisation who is involved in a contravention of subsection (2) contravenes this subsection.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

301 Order or direction applying to employee—civil obligation

(1) This section applies if:
(a) the Federal Court or the FWC has made an order or a direction under this Act; and
(b) the order or direction is in force; and
(c) the order or direction applies to an employee of an organisation.

(2) The employee must not knowingly or recklessly contravene the order or direction.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

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(3) An officer or employee of the organisation who is involved in a contravention of subsection (2) contravenes this subsection.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

302 Prohibition order or direction applying to employee—civil obligation

(1) This section applies if:
  (a) the Federal Court or the FWC has made an order or a direction under this Act; and
  (b) the order or direction is in force; and
  (c) the order or direction applies to an employee of an organisation; and
  (d) the order or direction prohibits the employee from doing something.

(2) An officer or employee of the organisation must not do anything that would contravene the order or direction if the order or direction had applied to him or her, knowing, or reckless as to whether, the doing of the thing would result in such a contravention.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

(3) An officer or employee of the organisation who is involved in a contravention of subsection (2) contravenes this subsection.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

303 Order or direction applying to member of organisation—civil obligation

(1) This section applies if:
  (a) the Federal Court or the FWC has made an order or a direction under this Act; and

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(b) the order or direction is in force; and
(c) the order or direction applies to a member of an organisation.

(2) An officer or employee of the organisation who is involved in a contravention of the order or direction contravenes this subsection.

Civil penalty: 100 penalty units, or 1,200 penalty units for a serious contravention.

303A Application of this Division

This Division applies in relation to:
(a) orders and directions made by the Federal Court or the FWC before, on or after the commencement of this Division; and
(b) acts done or omissions made on or after that commencement.

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Chapter 10—Civil penalties

Part 1—Simplified outline of Chapter

304 Simplified outline

This Chapter provides for civil penalties where specified provisions are contravened.

It sets out the orders that may be made where a contravention has occurred.

It also sets out the relationship with criminal proceedings arising out of the same conduct.

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Part 2—Civil consequences of contravening civil penalty provisions

305 Civil penalty provisions

(1) Subject to this Part, an application may be made to the Federal Court for orders under sections 306, 307 and 308 in respect of conduct in contravention of a civil penalty provision.

(2) A ***civil penalty provision*** is a subsection, or a section that is not divided into subsections, that has set out at its foot a pecuniary penalty, or penalties, indicated by the words "Civil penalty".

(3) For the purposes of this Part, any contravention of a civil penalty provision by a branch or reporting unit is taken to be a contravention by the organisation of which the branch or reporting unit is part.

(4) The Federal Court must apply the rules of evidence and procedure for civil matters when hearing and determining an application for an order under this Part.

306 Pecuniary penalty orders that the Federal Court may make

(1) In respect of conduct in contravention of a civil penalty provision, the Federal Court may make an order imposing on the person or organisation whose conduct contravened the civil penalty provision a pecuniary penalty of not more than:
   (a) in the case of a body corporate—5 times the pecuniary penalty specified for the civil penalty provision; or
   (b) in any other case—the pecuniary penalty specified for the civil penalty provision.

(2) A penalty payable under this section is a civil debt payable to the Commonwealth. The Commonwealth may enforce the order as if it were an order made in civil proceedings against the person or

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organisation to recover a debt due by the person or organisation. The debt arising from the order is taken to be a judgment debt.

(3) A person is not liable to more than one pecuniary penalty under this Part in relation to the same conduct.

307 Compensation orders

Compensation for damage suffered—contravention of Part 2 of Chapter 9

(1) The Federal Court may order a person to compensate an organisation for damage suffered by the organisation if:
   (a) the person has contravened a civil penalty provision in Part 2 of Chapter 9 in relation to the organisation; and
   (b) the damage resulted from the contravention.

   The order must specify the amount of the compensation.

Compensation for damage suffered—contravention of Part 3 of Chapter 9

(1A) The Federal Court may order a person to compensate an organisation for damage suffered by the organisation if:
   (a) the person has contravened a civil penalty provision in Part 3 of Chapter 9 in relation to the organisation; and
   (b) the Court is satisfied that the organisation took reasonable steps to prevent the contravention of the provision; and
   (c) the damage resulted from the contravention.

   The order must specify the amount of the compensation.

Damage includes profits

(2) In determining the damage suffered by the organisation for the purposes of making a compensation order, the Court is to have regard to any profits made by any person resulting from the contravention.

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Recovery of damage

(3) A compensation order may be enforced as if it were a judgment of the Court.

307A Disqualification orders

(1) The Federal Court may make an order disqualifying a person from holding office in an organisation for a period that the Court considers appropriate if:
   (a) the person has contravened a civil penalty provision; and
   (b) the Court is satisfied that the disqualification is justified.

(2) In determining whether the disqualification is justified, the Court may have regard to:
   (a) the person's conduct in relation to the management, business and property of any organisation; and
   (b) any other matter that the Court considers appropriate.

308 Other orders

(1) The Federal Court may make such other orders as the Court considers appropriate in all the circumstances of the case.

(2) Without limiting subsection (1), the orders may include injunctions (including interim injunctions), and any other orders, that the Court thinks necessary to stop the conduct or remedy its effects.

(3) Orders may be made under this section whether or not orders are also made under section 306 or 307.

309 Effect of section 307

Section 307:
   (a) has effect in addition to, and not in derogation of, any rule of law about the duty or liability of a person because of the person's office or employment in relation to an organisation; and

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(b) does not prevent proceedings from being instituted in respect of such a duty or in respect of such a liability.

310 Who may apply for an order

Application other than for order relating to directions contravention

(1) The following may apply for an order under this Part, other than an order relating to a directions contravention:

(a) the Commissioner, or a person authorised in writing by the Commissioner to make the application;

(b) the General Manager, or a person authorised in writing by the General Manager to make the application.

Note: For the meaning of ***directions contravention***, see section 6.

Application for order relating to directions contravention

(2) The Minister, or a person authorised in writing by the Minister to make the application, may apply for an order under this Part relating to a directions contravention.

Application by organisation

(3) An organisation may apply for a compensation order.

(4) An organisation may intervene in an application for a pecuniary penalty order or an order under section 308 in relation to the organisation. The organisation is entitled to be heard on all matters other than whether the order should be made.

311 Civil proceedings after criminal proceedings

The Federal Court must not make a pecuniary penalty order against a person or organisation for a contravention if the person or organisation has been convicted of an offence constituted by conduct that is substantially the same as the conduct constituting the contravention.

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312 Criminal proceedings during civil proceedings

(1) Proceedings for a pecuniary penalty order against a person or organisation are stayed if:
  (a) criminal proceedings are started or have already been started against the person or organisation for an offence; and
  (b) the offence is constituted by conduct that is substantially the same as the conduct alleged to constitute the contravention.

(2) The proceedings for the order may be resumed if the person or organisation is not convicted of the offence. Otherwise, the proceedings for the order are dismissed.

313 Criminal proceedings after civil proceedings

Criminal proceedings may be started against a person or organisation for conduct that is substantially the same as conduct constituting a contravention of a civil penalty provision regardless of whether an order under this Part has been made against the person or organisation.

314 Evidence given in proceedings for penalty not admissible in criminal proceedings

Evidence of information given or evidence of production of documents by an individual is not admissible in criminal proceedings against the individual if:
  (a) the individual previously gave the evidence or produced the documents in proceedings for a pecuniary penalty order against the individual for a contravention of a civil penalty provision (whether or not the order was made); and
  (b) the conduct alleged to constitute the offence is substantially the same as the conduct that was claimed to constitute the contravention.

However, this does not apply to a criminal proceeding in respect of the falsity of the evidence given by the individual in the proceedings for the pecuniary penalty order.

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315 Relief from liability for contravention of civil penalty provision

(1) In this section:

eligible proceedings:

(a) means proceedings for a contravention of a civil penalty provision; and

(b) does not include proceedings for an offence.

(2) If:

(a) eligible proceedings are brought against a person or organisation; and

(b) in the proceedings it appears to the Federal Court that the person or organisation has, or may have, contravened a civil penalty provision but that:

(i) the person or organisation has acted honestly; and

(ii) having regard to all the circumstances of the case, the person or organisation ought fairly to be excused for the contravention;

the Court may relieve the person or organisation either wholly or partly from a liability to which the person or organisation would otherwise be subject, or that might otherwise be imposed on the person or organisation, because of the contravention.

(3) If a person or organisation thinks that eligible proceedings will or may be begun against them, they may apply to the Federal Court for relief.

(4) On an application under subsection (3), the Court may grant relief under subsection (2) as if the eligible proceedings had been begun in the Court.

316 Power to grant relief

(1) If:

(a) civil proceedings are brought against an officer of an organisation for negligence, default, breach of trust or breach of duty in a capacity as such an officer; and

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(b) in the proceedings it appears to the court before which the proceedings are taken that:

(i) the officer is or may be liable in respect of the negligence, default or breach; and

(ii) the officer has acted honestly; and

(iii) having regard to all the circumstances of the case (including those connected with the officer's appointment), the officer ought fairly to be excused for the negligence, default or breach;

the court may relieve the officer either wholly or partly from liability on the terms that the court thinks appropriate.

(2) An officer of an organisation who has reason to apprehend that a claim will or might be made against him or her for negligence, default, breach of trust or breach of duty in a capacity as such an officer may apply to the Federal Court for relief. On the application, the Court has the same power to relieve the officer as it would have had under subsection (1) if it had been a court before which proceedings against the officer for negligence, default, breach of trust or breach of duty had been brought.

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Chapter 11—Miscellaneous

Part 1—Simplified outline of Chapter

317 Simplified outline

This Chapter deals with a variety of topics.

Part 2 contains provisions validating certain invalidities in relation to registered organisations.

Part 3 provides that if a person is a party to certain kinds of proceedings under this Act, the Commonwealth may, in some circumstances, give the person financial assistance. Division 2 of Part 3 contains a rule about the ordering of costs by a court.

Part 3A establishes the Registered Organisations Commission and Registered Organisations Commissioner, provides for the terms and conditions of appointment of the Commissioner and makes provision for staff to assist the Commissioner. The Registered Organisations Commission Special Account is also established by the Part.

Part 3B sets out the circumstances in which the Commissioner or the General Manager may disclose information obtained in the performance of functions or exercise of powers under this Act.

Part 4 provides for the Commissioner to make inquiries as to compliance with financial accountability requirements and civil penalty provisions. The Commissioner may also conduct investigations.

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Section 317

Part 4A provides protection for certain persons (including officers, employees, members and contractors of organisations) who disclose information about certain contraventions of the law. It also provides for investigation of protected disclosures.

Part 4B confers functions and powers on the FWC in relation to matters arising under this Act, in addition to those conferred by Division 3 of Part 5-1 of the Fair Work Act.

Part 5 confers jurisdiction on the Federal Court in relation to matters arising under this Act.

Part 6 deals with various procedural and administrative matters. It also contains some offence provisions and provisions dealing with certain rights of members of organisations (sections 345, 346 and 347).

Part 7 deals with complementary registration systems.

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Part 2—Validating provisions for organisations

318 Definition

In this Part:

invalidity includes nullity and also includes but is not limited to any invalidity or nullity resulting from an omission, defect, error, irregularity or absence of a quorum or caused by the fact that:

(a) a member, or each of 2 or more of the members, of a collective body of an organisation or branch of an organisation, or one of the persons, or each of 2 or more of the persons, purporting to act as the members of such a collective body, or a person, or each of 2 or more persons, holding or purporting to hold an office or position in an organisation or branch:

(i) has not been elected or appointed or duly elected or appointed; or

(ii) has purported to be elected or appointed by an election or appointment that was a nullity; or

(iii) was not entitled to be elected or appointed or to hold office; or

(iv) was not a member of the organisation; or

(v) was elected or appointed or purported to be elected or appointed, in a case where one or more of the persons who took part in the election or appointment or the purported election or appointment was or were not entitled to do so or was or were not members of the organisation; or

(b) persons who were not entitled to do so, or were not members of the organisation, took part in the making or purported making or the alteration or purported alteration of the rules of an organisation or branch, as officers or voters or otherwise.

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319 Validation of certain acts done in good faith

Acts relating to elections, appointments, organisation's rules

(1) Subject to this section and section 321, all acts done in good faith by a collective body of an organisation or branch of an organisation, or by persons purporting to act as such a collective body, are valid in spite of any invalidity that may later be discovered in:
   (a) the election or appointment of the collective body, any member of the collective body or the persons or any of the persons purporting to act as the collective body; or
   (b) the making or alteration of a rule of the organisation or branch.

Acts done by person holding or purporting to hold office

(2) Subject to this section and section 321, all acts done in good faith by a person holding or purporting to hold an office or position in an organisation or branch are valid in spite of any invalidity that may later be discovered in:
   (a) the election or appointment of the person; or
   (b) the making or alteration of a rule of the organisation or branch.

Meaning of purporting to be member or office holder

(3) For the purposes of this section:
   (a) a person is not to be treated as purporting to act as a member of a collective body of an organisation or as the holder of an office or position in an organisation unless the person has, in good faith, purported to be, and has been treated by officers or members of the organisation as being, such a member or the holder of the office or position; and
   (b) a person is not to be treated as purporting to act as a member of a collective body of a branch of an organisation or as the holder of an office or position in the branch unless the person has, in good faith, purported to be, and has been treated by

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officers or members of the branch as being, such a member or the holder of the office or position.

Meaning of good faith

(4) For the purposes of this section:

(a) an act is to be treated as done in good faith until the contrary is proved; and

(b) a person who has purported to be a member of a collective body of an organisation or branch is to be treated as having done so in good faith until the contrary is proved; and

(c) knowledge of facts from which an invalidity arises is not of itself to be treated as knowledge that the invalidity exists; and

(d) an invalidity in:

(i) the election or appointment of a collective body of a branch of an organisation or any member of such a collective body; or

(ii) the election or appointment of the persons or any of the persons purporting to act as a collective body of a branch; or

(iii) the election or appointment of a person holding or purporting to hold an office or position in a branch; or

(iv) the making or alteration of a rule of a branch;

is not to be treated as discovered before the earliest time proved to be a time when the existence of the invalidity was known to a majority of the members of the committee of management of the branch or to a majority of the persons purporting to act as the committee of management; and

(e) an invalidity in any other election or appointment or in the making or alteration of a rule to which this section applies is not to be treated as discovered before the earliest time proved to be a time when the existence of the invalidity was known to a majority of the members of the committee of management of the organisation or to a majority of the persons purporting to act as that committee of management.

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Actions to which this section applies

(5) This section applies:
  (a) to an act whenever done (including an act done before the commencement of this section); and
  (b) to an act done in relation to an association before it became an organisation.

Certain invalid actions not validated by this section

(6) Nothing in this section validates the expulsion or suspension of, or the imposition of a fine or any other penalty on, a member of an organisation that would not have been valid if this section had not been enacted.

Relationship between this section and Part 3 of Chapter 7

(7) Nothing in this section affects the operation of Part 3 of Chapter 7 (Inquiries into elections).

320 Validation of certain acts after 4 years

(1) Subject to this section and section 321, after the end of 4 years from:
  (a) the doing of an act:
    (i) by, or by persons purporting to act as, a collective body of an organisation or branch of an organisation and purporting to exercise power conferred by or under the rules of the organisation or branch; or
    (ii) by a person holding or purporting to hold an office or position in an organisation or branch and purporting to exercise power conferred by or under the rules of the organisation or branch; or
  (b) the election or purported election, or the appointment or purported appointment of a person, to an office or position in an organisation or branch; or
  (c) the making or purported making, or the alteration or purported alteration, of a rule of an organisation or branch;

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the act, election or purported election, appointment or purported appointment, or the making or purported making or alteration or purported alteration of the rule, is taken to have been done in compliance with the rules of the organisation or branch.

(2) The operation of this section does not affect the validity or operation of an order, judgment, decree, declaration, direction, verdict, sentence, decision or similar judicial act of the Federal Court or any other court made before the end of the 4 years referred to in subsection (1).

(3) This section extends to an act, election or purported election, appointment or purported appointment, and to the making or purported making or alteration or purported alteration of a rule:
   (a) done or occurring before the commencement of this section; or
   (b) done or occurring in relation to an association before it became an organisation.

321 Order affecting application of section 319 or 320

(1) Where, on an application for an order under this section, the Federal Court is satisfied that the application of section 319 or 320 in relation to an act would do substantial injustice, having regard to the interests of:
   (a) the organisation; or
   (b) members or creditors of the organisation; or
   (c) persons having dealings with the organisation;

   the Court must, by order, declare accordingly.

(2) Where a declaration is made under subsection (1), section 319 or 320, as the case requires, does not apply, and is taken never to have applied, in relation to the act specified in the declaration.

(3) The Court may make an order under subsection (1) on the application of the organisation, a member of the organisation or any other person having a sufficient interest in relation to the organisation.

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(4) The Court may determine:
  (a) what notice, summons or rule to show cause is to be given to other persons of the intention to make an application or an order under this section; and
  (b) whether and how the notice, summons or rule should be given or served and whether it should be advertised in any newspaper.

(5) In this section:

act includes an election or purported election, appointment or purported appointment, and the making or purported making or alteration or purported alteration of a rule.

322 Federal Court may make orders in relation to consequences of invalidity

(1) An organisation, a member of an organisation or any other person having a sufficient interest in relation to an organisation may apply to the Federal Court for a determination of the question whether an invalidity has occurred in:
  (a) the management or administration of the organisation or a branch of the organisation; or
  (b) an election or appointment in the organisation or a branch of the organisation; or
  (c) the making or alteration of the rules of the organisation or a branch of the organisation.

(2) On an application under subsection (1), the Court may make any declaration it considers proper.

(3) Where, in a proceeding under subsection (1), the Court finds that an invalidity of the kind referred to in that subsection has occurred, the Court may make any order it considers appropriate:
  (a) to rectify the invalidity or cause it to be rectified; or
  (b) to negative, modify or cause to be modified the consequences in law of the invalidity; or

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(c) to validate any act, matter or thing rendered invalid by or because of the invalidity.

(4) Where an order is made under subsection (3), the Court may give such ancillary or consequential directions as it considers appropriate.

(5) The Court must not make an order under subsection (3) unless it is satisfied that the order would not do substantial injustice to:
(a) the organisation; or
(b) any member or creditor of the organisation; or
(c) any person having dealings with the organisation.

(6) The Court may determine:
(a) what notice, summons or rule to show cause is to be given to other persons of the intention to make an application or an order under this section; and
(b) whether and how the notice, summons or rule should be given or served and whether it should be advertised in any newspaper.

(7) This section applies:
(a) to an invalidity whenever occurring (including an invalidity occurring before the commencement of this section); and
(b) to an invalidity occurring in relation to an association before it became an organisation.

323 Federal Court may order reconstitution of branch etc.

(1) An organisation, a member of an organisation or any other person having a sufficient interest in relation to an organisation may apply to the Federal Court for a declaration that:
(a) a part of the organisation, including:
(i) a branch or part of a branch of the organisation; or
(ii) a collective body of the organisation or a branch of the organisation;
has ceased to exist or function effectively and there are no effective means under the rules of the organisation or branch

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by which it can be reconstituted or enabled to function effectively; or

(b) an office or position in the organisation or a branch of the organisation is vacant and there are no effective means under the rules of the organisation or branch to fill the office or position;

and the Court may make a declaration accordingly.

(2) Where the Court makes a declaration under subsection (1), the Court may, by order, approve a scheme for the taking of action by a collective body of the organisation or a branch of the organisation, or by an officer or officers of the organisation or a branch of the organisation:

(a) for the reconstitution of the branch, the part of the branch or the collective body; or

(b) to enable the branch, the part of the branch or the collective body to function effectively; or

(c) for the filling of the office or position.

(3) Where an order is made under this section, the Court may give any ancillary or consequential directions it considers appropriate.

(4) The Court must not make an order under this section unless it is satisfied that the order would not do substantial injustice to the organisation or any member of the organisation.

(5) The Court may determine:

(a) what notice, summons or rule to show cause is to be given to other persons of the intention to make an application or an order under this section; and

(b) whether and how the notice, summons or rule should be given or served and whether it should be advertised in any newspaper.

(6) An order or direction of the Court under this section, and any action taken in accordance with the order or direction, has effect in spite of anything in the rules of the organisation or a branch of the organisation.

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(7) The Court must not under this section approve a scheme involving provision for an election for an office unless the scheme provides for the election to be held by a direct voting system or a collegiate electoral system.

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Part 3—Financial assistance and costs

Division 1—Financial assistance

324 Authorisation of financial assistance

(1) Subject to this Division, the Minister may, on application made by a person under subsection (2), authorise payment by the Commonwealth to the person of financial assistance in relation to the whole or part of the person's relevant costs, if the Minister is satisfied:

(a) that hardship is likely to be caused to the person if the application is refused; and

(b) that in all the circumstances it is reasonable that the application should be granted.

(2) An application may be made to the Minister for financial assistance under this Division by the following persons (other than organisations) in the following circumstances:

(a) a person who made an application under section 163, 164 or 164A, where the Federal Court granted a rule calling on another person, or an organisation, to show cause why an order should not be made under section 163, 164 or 164A in relation to the other person or organisation;

(b) a person who was a party, otherwise than as an applicant, to a proceeding under section 163, 164 or 164A;

(c) a person who made an application under section 164, where the Federal Court made an interim order under subsection 164(4);

(d) a person who applied for an inquiry into an election, where the Federal Court found that an irregularity happened;

(e) a person who applied for an inquiry into an election, where the Federal Court certified under subsection 325(1) that the person acted reasonably in applying;

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(f) a person who incurred costs in relation to an inquiry into an election, other than a person who applied for the inquiry;

(g) a member of an organisation who made an application under subsection 215(5), where the Federal Court declared that the person the subject of the application was not eligible to be a candidate for election or to be elected or appointed or had ceased to hold office;

(h) a member of an organisation who made an application under subsection 215(5), where the Federal Court certified under subsection 325(2) that the member acted reasonably in making the application;

(j) a person who incurred costs in relation to an application made under subsection 215(5), other than the person who made the application;

(k) a person who made an application to the Federal Court under section 216 or 217, where, on the application, the Federal Court granted the person leave under paragraph 216(2)(a) or 217(2)(a) or refused the person leave under paragraph 216(2)(b) or 217(2)(b);

(m) a person who applied for an inquiry into a ballot under Part 2 of Chapter 3, where the Federal Court found that an irregularity happened;

(n) a person who applied for an inquiry into a ballot under Part 2 of Chapter 3, where the Federal Court certified under subsection 325(3) that the person acted reasonably in applying;

(o) a person who incurred costs in relation to an inquiry into a ballot under Part 2 of Chapter 3, other than the person who applied for the inquiry;

(oa) a person who was a party to a proceeding under Part 3 of Chapter 3;

(p) a person who was a party to a proceeding under Part 2 of Chapter 11;

(q) a person who made an application under section 167, where the Federal Court granted a rule calling on another person, or an organisation, to show cause why an order should not be

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made under subsection 167(2) in relation to the other person or organisation.

(3) In subsection (1), ***relevant costs*** means:

(a) in the case of a person referred to in paragraph (2)(a), (c), (k) or (q)—the costs incurred by the person in relation to the application concerned; or

(b) in the case of a person referred to in paragraph (2)(b) or (p)—the costs incurred by the person in relation to the proceeding concerned; or

(c) in the case of a person referred to in paragraph (2)(d), (e), (m) or (n)—the costs incurred by the person in relation to the inquiry concerned; or

(d) in the case of a person referred to in paragraph (2)(f), (j) or (o)—the costs referred to in that paragraph; or

(e) in the case of a member of an organisation referred to in paragraph (2)(g) or (h)—the costs incurred by the member in relation to the application concerned.

325 Federal Court may certify that application was reasonable

(1) Where a person has applied for an inquiry into an election but the Federal Court does not find that an irregularity happened, the Court may certify for the purposes of this Division that the person acted reasonably in applying.

(2) Where a member of an organisation has made an application under subsection 215(5) but the Federal Court does not declare that the person who is the subject of the application was not eligible to be a candidate or to be elected or appointed or had ceased to hold office, the Court may certify for the purposes of this Division that the member acted reasonably in making the application.

(3) Where a person has applied for an inquiry into a ballot under Part 2 (amalgamation) or Part 3 (withdrawal from amalgamation) of Chapter 3 but the Federal Court does not find that an irregularity happened, the Court may certify that the person acted reasonably in applying.

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326 Applications under sections 163, 164, 164A and 167

(1) The Minister may refuse an application made by a person referred to in paragraph 324(2)(a), (b), (c) or (q) if satisfied that:

(a) the order sought in the proceeding concerned is the same or substantially the same as an order obtained or sought in another relevant proceeding and the proceeding involves the determination of the same or substantially the same questions of fact or law or mixed fact and law as were or are involved in the determination of the other relevant proceeding; or

(b) it would be contrary to the interests of justice to grant financial assistance to the applicant in relation to the proceeding concerned.

(2) In subsection (1):

other relevant proceeding means a proceeding that:

(a) was instituted, whether before or after the commencement of this section, before the institution of the proceeding in relation to which the application referred to in that subsection was made; and

(b) has been heard and determined by, or is pending before, the Federal Court.

(3) Where the Minister authorises the payment of financial assistance on application made by a person referred to in paragraph 324(2)(a), (b), (c), or (q), subsections (4) and (5) of this section apply.

(4) The Minister may:

(a) specify the amount, or determine from time to time the amounts, to be paid; or

(b) authorise the payment of such amount as is determined, or such amounts as are determined from time to time, under directions of the Minister.

(5) The Minister may authorise payment to be made by the Commonwealth before or after the hearing or determination by the Federal Court of the proceeding concerned.

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327 Fees for 2 counsel not normally to be paid

Nothing in this Division authorises a payment in relation to fees of more than one counsel appearing for the person applying for financial assistance unless 2 or more counsel appeared, or are to appear, for any other person at the hearing concerned.

328 Powers of Federal Court not affected

Nothing in this Division limits the power of the Federal Court to make an order as to the costs of proceedings before the Court.

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Division 2—Costs

329 Costs only where proceeding instituted vexatiously etc.

(1) A person who is a party to a proceeding (including an appeal) in a matter arising under this Act must not be ordered to pay costs incurred by any other party to the proceeding unless the person instituted the proceeding vexatiously or without reasonable cause.

(2) In subsection (1):

costs includes all legal and professional costs and disbursements and expenses of witnesses.

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Part 3A—Registered Organisations Commissioner and Registered Organisations Commission

Division 1—Establishment, functions and powers of Commissioner

329AA Establishment

There is to be a Registered Organisations Commissioner.

329AB Functions of the Commissioner

The Commissioner has the following functions:

(a) to promote:

(i) efficient management of organisations and high standards of accountability of organisations and their office holders to their members; and

(ii) compliance with financial reporting and accountability requirements of this Act;

including by providing education, assistance and advice to organisations and their members;

(b) to monitor acts and practices to ensure they comply with the provisions of this Act providing for the democratic functioning and control of organisations;

(c) such other functions as are conferred on the Commissioner by this Act or by another Act;

(d) to do anything incidental to or conducive to the performance of any of the above functions.

329AC Powers of Commissioner

The Commissioner has the power to do all things necessary or convenient to be done for the purposes of performing his or her functions.

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Note: The expenditure of relevant money (within the meaning of the *Public Governance, Performance and Accountability Act 2013*) must comply with the requirements in that Act.

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Division 2—Terms and conditions of appointment of Commissioner

329BA Appointment

(1) The Commissioner is to be appointed by the Minister by written instrument.

(2) Before the Minister appoints a person as the Commissioner, the Minister must be satisfied that the person:
  (a) has suitable qualifications or experience; and
  (b) is of good character.

(3) The Commissioner is to be appointed on a full-time basis.

329BB Term of appointment

The Commissioner holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.

Note: The Commissioner is eligible for reappointment (see section 33AA of the *Acts Interpretation Act 1901*).

329BC Acting Commissioner

The Minister may appoint an individual to act as the Commissioner:
  (a) during a vacancy in the office of the Commissioner (whether or not an appointment has previously been made to the office); or
  (b) during any period, or during all periods, when the Commissioner is absent from duty or from Australia, or is, for any reason, unable to perform the duties of the office.

Note: Sections 33AB and 33A of the *Acts Interpretation Act 1901* have rules that apply to acting appointments.

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329BD Remuneration

(1) The Commissioner is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the Commissioner is to be paid the remuneration that is prescribed.

(2) The Commissioner is to be paid the allowances that are prescribed.

(3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

329BE Leave of absence

(1) The Commissioner has the recreation leave entitlements that are determined by the Remuneration Tribunal.

(2) The Minister may grant the Commissioner leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Minister determines.

329BF Outside employment

The Commissioner must not engage in paid employment outside the duties of his or her office without the Minister's approval.

329BG Disclosure of interests

(1) A disclosure by the Commissioner under section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) must be made to the Minister.

(2) Subsection (1) applies in addition to any rules made for the purposes of that section.

(3) For the purposes of this Act and the *Public Governance, Performance and Accountability Act 2013*, the Commissioner is taken not to have complied with section 29 of that Act if the Commissioner does not comply with subsection (1) of this section.

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329BH Other terms and conditions

The Commissioner holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Minister.

329BI Resignation

(1) The Commissioner may resign his or her appointment by giving the Minister a signed notice of resignation.

(2) The resignation takes effect on the day it is received by the Minister or, if a later day is specified in the resignation, on that later day.

329BJ Termination of appointment

(1) The Minister may terminate the appointment of the Commissioner:
  (a) for misbehaviour; or
  (b) if the Commissioner is unable to perform the duties of his or her office because of physical or mental incapacity.

(2) The Minister must terminate the appointment of the Commissioner if:
  (a) the Commissioner:
    (i) becomes bankrupt; or
    (ii) takes steps to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
    (iii) compounds with one or more of his or her creditors; or
    (iv) makes an assignment of his or her remuneration for the benefit of one or more of his or her creditors; or
  (b) the Commissioner is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
  (c) the Commissioner engages in paid employment contrary to section 329BF; or
  (d) the Commissioner fails, without reasonable excuse, to comply with section 29 of the *Public Governance,*

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Performance and Accountability Act 2013 (which deals with the duty to disclose interests) or with rules made for the purposes of that section.

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Division 3—Staff and consultants

329CA Staff

(1) The staff assisting the Commissioner are to be persons engaged under the *Public Service Act 1999* and made available for the purpose by the Fair Work Ombudsman (within the meaning of the Fair Work Act).

(2) When performing services for the Commissioner, the persons:
   (a) are subject to the directions of the Commissioner; and
   (b) are not subject to the directions of the Fair Work Ombudsman (within the meaning of the Fair Work Act).

329CB Other persons assisting the Commissioner

The Commissioner may also be assisted:
   (a) by employees of Agencies (within the meaning of the *Public Service Act 1999*); or
   (b) by officers and employees of a State or Territory; or
   (c) by officers and employees of authorities of the Commonwealth, a State or a Territory;

whose services are made available to the Commissioner in connection with the performance of any of the Commissioner's functions.

329CC Consultants

(1) The Commissioner may, on behalf of the Commonwealth, engage persons having suitable qualifications and experience as consultants to the Commissioner.

(2) The consultants are to be engaged on terms and conditions that the Commissioner determines in writing.

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Division 4—Establishment and function of the Registered Organisations Commission

329DA Establishment

The Registered Organisations Commission is established by this section.

Note: The Commission does not have a legal identity separate from the Commonwealth.

329DB Constitution of the Commission

The Commission consists of:

(a) the Commissioner; and

(b) any staff assisting the Commissioner as mentioned in subsection 329CA(1).

329DC Function of the Commission

The Commission's function is to assist the Commissioner in the performance of the Commissioner's functions.

329DD Commission has privileges and immunities of the Crown

The Commission has the privileges and immunities of the Crown.

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Division 5—Registered Organisations Commission Special Account

329EA Registered Organisations Commission Special Account

(1) The Registered Organisations Commission Special Account (the ***Account***) is established by this section.

(2) The Account is a special account for the purposes of the *Public Governance, Performance and Accountability Act 2013*.

329EB Credits to the Account

There may be credited to the Account amounts equal to the following:

(a) amounts received by the Commonwealth in connection with the performance of the Commissioner's functions under this Act;

(b) interest received by the Commonwealth from the investment of amounts debited from the Account;

(c) amounts received by the Commonwealth in relation to property paid for with amounts debited from the Account;

(d) amounts of any gifts given or bequests made for the purposes of the Account.

Note: An Appropriation Act provides for amounts to be credited to a special account if any of the purposes of the special account is a purpose that is covered by an item in the Appropriation Act.

329EC Purposes of the Account

The purposes of the Account are as follows:

(a) paying or discharging the costs, expenses and other obligations incurred by the Commonwealth in the performance of the Commissioner's functions;

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(b) paying any remuneration and allowances payable to any person under this Act (including staff mentioned in section 329CA);

(c) meeting the expenses of administering the Account.

Note: See section 80 of the *Public Governance, Performance and Accountability Act 2013* (which deals with special accounts).

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Division 6—Reporting requirements

329FA Directions from the Minister

(1) The Minister may, by legislative instrument, give written directions to the Commissioner about the performance of the Commissioner's functions.

Note: Section 42 (disallowance) and Part 6 (sunsetting) of the *Legislative Instruments Act 2003* do not apply to the direction (see sections 44 and 54 of that Act).

(2) The direction must be of a general nature only.

(3) The Commissioner must comply with the direction.

329FB Minister may require reports

(1) The Minister may, in writing, direct the Commissioner to give the Minister specified reports relating to the Commissioner's functions.

(2) The Commissioner must comply with the direction.

(3) The direction, or the report (if made in writing), is not a legislative instrument.

329FC Annual report

The annual report prepared by the Fair Work Ombudsman and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include the following in relation to the period:

(a) details of the number and types of investigations conducted by the Commissioner under Part 4 of Chapter 11 of this Act;

(b) details of:

(i) when each investigation was started; and

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(ii) if the investigation has been completed—when it was completed; and

(iii) if the investigation has not been completed—when it is expected to be completed;

(c) details of any orders applied for under paragraph 310(1)(a) of this Act;

(d) details of the types of education activities undertaken by the Commissioner and whether the education activities were provided to:

(i) registered employer organisations; or

(ii) registered employee organisations; or

(iii) members of registered employer organisations; or

(iv) members of registered employee organisations;

(e) any other matter prescribed by the regulations.

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Part 3B—Information sharing

329G When information may be disclosed

Information to which this section applies

(1) This section applies to information acquired by the following in the performance of functions or exercise of powers under this Act:
  (a) the Commissioner or a member of the staff assisting the Commissioner;
  (b) the General Manager or a member of the staff of the FWC.

Disclosure that is necessary or appropriate, or likely to assist administration or enforcement

(2) The Commissioner or General Manager may disclose, or authorise the disclosure of, the information if he or she reasonably believes:
  (a) that it is necessary or appropriate to do so in the course of performing or exercising his or her functions or powers (including under the Fair Work Act); or
  (b) that the disclosure is likely to assist in the administration or enforcement of a law of the Commonwealth, a State or a Territory.

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Part 4—Inquiries and investigations

Division 1—Inquiries

330 Commissioner may make inquiries

(1) The Commissioner may make inquiries as to whether the following are being complied with:
  (a) Part 3 of Chapter 8;
  (b) the reporting guidelines made under that Part;
  (c) regulations made for the purposes of that Part;
  (d) rules of a reporting unit relating to its finances or financial administration.

(2) The Commissioner may make inquiries as to whether a civil penalty provision (see section 305) has been contravened.

(3) The person making the inquiries may take such action as he or she considers necessary for the purposes of making the inquiries. However, he or she cannot compel a person to assist with the inquiries under this section.

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Division 2—Investigations

331 Commissioner may conduct investigations

(1) If the Commissioner is satisfied that there are reasonable grounds for doing so, the Commissioner may conduct an investigation as to whether:
  (a) a provision of Part 3 of Chapter 8 has been contravened; or
  (b) the reporting guidelines made under that Part have been contravened; or
  (c) a regulation made for the purposes of that Part has been contravened; or
  (d) a rule of a reporting unit relating to its finances or financial administration has been contravened.

(2) If the Commissioner is satisfied that there are reasonable grounds for doing so, the Commissioner may conduct an investigation as to whether a civil penalty provision (see section 305) has been contravened.

(3) The Commissioner may also conduct an investigation in the circumstances set out in the regulations.

(4) Where, having regard to matters that have been brought to notice in the course of, or because of, an investigation under subsection (1) or (2), the Commissioner forms the opinion that there are grounds for investigating the finances or financial administration of the reporting unit, the Commissioner may make the further investigation.

(5) An investigation may, but does not have to, follow inquiries under section 330.

332 Investigations arising from auditor's report

(1) Subject to subsection (2), the Commissioner must:

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(a) where the documents lodged with the Commissioner under section 268 include a report of an auditor setting out any:
  (i) defect or irregularity; or
  (ii) deficiency, failure or shortcoming; and
(b) where for any other reason the Commissioner considers that a matter revealed in the documents should be investigated—investigate the matter.

(2) The Commissioner is not required to investigate the matters raised in the report of the auditor if:
  (a) the defect, irregularity, deficiency, failure or shortcoming consists solely of the fact that the organisation concerned has kept financial records for its membership subscriptions separately on a cash basis as provided in subsection 252(4); or
  (b) after consultation with the reporting unit and the auditor, the Commissioner is satisfied that the matters are trivial or will be remedied in the following financial year.

(3) Where, having regard to matters that have been brought to notice in the course of, or because of, an investigation under subsection (1), the Commissioner forms the opinion that there are grounds for investigating the finances or the financial administration of the reporting unit, the Commissioner may make the further investigation.

333 Investigations arising from request from members

(1) Where documents have been lodged with the Commissioner under section 268, at least:
  (a) if the reporting unit has more than 5,000 members—250 members; or
  (b) in any other case—5% of the members of the reporting unit;

may request the Commissioner to investigate the finances and the financial administration of the reporting unit.

(2) On receipt of a request under subsection (1), the Commissioner must investigate the finances and the financial administration of

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the reporting unit concerned. The Commissioner, in conducting the investigation, is not limited to the most recent financial year for which documents have been lodged and may investigate years for which documents are yet to be lodged.

(3) Where the Commissioner receives more than one request in relation to a reporting unit during a financial year, the Commissioner is only required to conduct one investigation but may conduct more than one investigation.

334 Investigations arising from referral under section 278

If a matter is referred to the Commissioner under section 278, the Commissioner must conduct an investigation.

335 Conduct of investigations

(1) This section applies if the Commissioner believes on reasonable grounds that a person:
   (a) has information or a document that is relevant to an investigation; or
   (b) is capable of giving evidence which the Commissioner has reason to believe is relevant to an investigation.

(2) For the purpose of the investigation, the Commissioner may, by written notice, require the person to do one or more of the following:
   (a) to give to the Commissioner or a person or body to whom the Commissioner has delegated conduct of the investigation, within the period (being a period of not less than 14 days after the notice is given) and in the manner specified in the notice, any information within the knowledge or in the possession of the person;
   (b) to produce or make available to the Commissioner or a person or body to whom the Commissioner has delegated conduct of the investigation, at a reasonable time (being a time not less than 14 days after the notice is given) and place specified in the notice, any documents in the custody or

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under the control of the person, or to which he or she has access;

(c) to attend before the Commissioner or a person or body to whom the Commissioner has delegated conduct of the investigation, at a reasonable time (being a time not less than 14 days after the notice is given) and place specified in the notice, to answer questions relating to matters relevant to the investigation, and to produce to the Commissioner or the delegate (as the case may be) all records and other documents in the custody or under the control of the person relating to those matters;

(d) to give to the Commissioner such other reasonable assistance in connection with the investigation as is specified in the notice.

Note: Failure to comply with a requirement made under this subsection is an offence (see section 337).

(3) A notice requiring a person to attend must:

(a) state the general nature of the matters to which the investigation relates; and

(b) state that the person may be accompanied by another person who may, but does not have to, be a lawyer; and

(c) set out the effect of section 337AD (self-incrimination); and

(d) state whether or not the person will be required to answer questions on oath or affirmation; and

(e) if the person will be required to answer questions on oath or affirmation—set out the effect of section 335F (attendee's lawyer).

Note: For questioning on oath or affirmation, see Division 3.

335B Investigations to be completed as soon as practicable

The Commissioner must complete an investigation as soon as practicable.

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Division 3—Questioning on oath or affirmation

335C When this Division applies

This Division applies if a person (the ***attendee***) is required, for the purposes of an investigation, to attend before another person (the ***investigator***) to answer questions on oath or affirmation.

335D Requirements made of attendee

(1) The investigator may question the attendee on oath or affirmation and may, for that purpose:
  (a) require the attendee to either take an oath or make an affirmation; and
  (b) administer an oath or affirmation to the attendee.

Note: Failure to comply with a requirement made under this subsection is an offence (see section 337AA).

(2) The oath or affirmation to be taken or made by the attendee for the purposes of the investigation is an oath or affirmation that the statements that the attendee will make will be true.

(3) The investigator may require the attendee to answer a question that is put to the attendee at the investigation.

Note: Failure to comply with a requirement made under this subsection is an offence (see section 337).

335E Questioning to take place in private

(1) The questioning must take place in private and the investigator may give directions about who may be present during the questioning, or during a part of it.

(2) A person must not be present during the questioning unless he or she is:
  (a) the investigator or the attendee; or

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(b) the Commissioner or a member of the staff assisting the Commissioner authorised by the Commissioner to be present; or

(c) is entitled to be present:

(i) because of a direction under subsection (1); or

(ii) because the person is the attendee's lawyer, or another person accompanying the attendee as mentioned in paragraph 335(3)(a).

Note: Failure to comply with this subsection is an offence (see section 337AA).

335F Attendee's lawyer

(1) The attendee's lawyer may, at such times during the questioning as the investigator determines:

(a) address the investigator; and

(b) question the attendee;

about matters about which the investigator has questioned the attendee.

(2) If, in the investigator's opinion, a person is trying to obstruct the questioning by exercising rights under subsection (1), the investigator may require the person to stop addressing the investigator, or questioning the attendee, as the case requires.

Note: Failure to comply with a requirement made under this subsection is an offence (see section 337AA).

335G Record of statements

(1) The investigator may, and must if the attendee so requests, cause a record to be made of statements made during the questioning.

(2) If a record made under subsection (1) is in writing or is reduced to writing:

(a) the investigator may require the attendee to read it, or to have it read to him or her, and may require him or her to sign it; and

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(b) the investigator must, if requested in writing by the attendee to give to the attendee a copy of the written record, comply with the request without charge but subject to such conditions (if any) as the investigator imposes.

Note: Failure to comply with a requirement made under paragraph (2)(a) is an offence (see section 337AA).

335H Copies given subject to conditions

If a copy is given to a person under subsection 335G(2) subject to conditions, the person, and any other person who has possession, custody or control of the copy or a copy of it, must comply with the conditions.

Note: Failure to comply with this section is an offence (see section 337AA).

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Division 4—Powers in relation to documents

335K Application for warrant to seize documents

(1) If the Commissioner has reasonable grounds to suspect that there are, or may be within the next 3 days, on particular premises in Australia, documents whose production could be required under section 335, he or she may:
   (a) lay before a magistrate an information on oath or affirmation setting out those grounds; and
   (b) apply for the issue of a warrant to search the premises for those documents.

(2) On an application under this section, the magistrate may require further information to be given, either orally or by affidavit, in connection with the application.

335L Grant of warrant

(1) This section applies if, on an application under section 335K, the magistrate is satisfied that there are reasonable grounds to suspect that there are, or may be within the next 3 days, on particular premises, particular documents whose production could be required under section 335.

(2) The magistrate may issue a warrant authorising a member of the Australian Federal Police, whether or not named in the warrant, together with any person so named, with such assistance, and by such force, as is necessary and reasonable:
   (a) to enter on or into the premises; and
   (b) to search the premises; and
   (c) to break open and search anything, whether a fixture or not, in or on the premises; and
   (d) to take possession of, or secure against interference, documents that appear to be any or all of those documents.

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(3) If the magistrate issues such a warrant, he or she must set out on the information laid before him or her under section 335K for the purposes of the application:
   (a) which of the grounds set out in the information; and
   (b) particulars of any other grounds;

   he or she has relied on to justify the issue of the warrant.

(4) A warrant under this section must:
   (a) specify the premises and documents referred to in subsection (1); and
   (b) state whether entry is authorised to be made at any time of the day or night or only during specified hours; and
   (c) state that the warrant ceases to have effect on a specified day that is not more than 7 days after the day of issue of the warrant.

335M Execution of warrant

(1) Before any person enters premises under a search warrant issued under section 335L, a member of the Australian Federal Police must:
   (a) announce that the member is authorised to enter the premises; and
   (b) give any person at the premises an opportunity to allow entry to the premises.

(2) However, the member of the Australian Federal Police is not required to comply with subsection (1) if he or she believes on reasonable grounds that immediate entry to the premises is required to ensure that the effective execution of the warrant is not frustrated.

(3) If the occupier of the premises is present at the premises:
   (a) the member of the Australian Federal Police must make available to the occupier a copy of the warrant; and
   (b) the occupier is entitled to observe the search being conducted.

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(4) The occupier's right to observe the search being conducted ends if the occupier impedes the search.

(5) This section does not prevent 2 or more areas of the premises being searched at the same time.

(6) If documents are seized under the warrant, the member of the Australian Federal Police or a person assisting the member must provide a receipt for the documents.

(7) If 2 or more documents are seized, they may be covered in the one receipt.

335N Powers in relation to documents produced or seized

(1) This section applies if:
  (a) documents are produced to a person under a requirement made under section 335; or
  (b) under a warrant issued under section 335L, a person:
    (i) takes possession of documents; or
    (ii) secures documents against interference; or
  (c) by virtue of a previous application of subsection (8) of this section, documents are delivered into a person's possession.

(2) If paragraph (1)(a) applies, the person may take possession of any of the documents.

(3) The person may inspect, and may make copies of, or take extracts from, any of the documents.

(4) The person may use, or permit the use of, any of the documents for the purposes of a proceeding.

(5) The person may retain possession of any of the documents for so long as is necessary:
  (a) for the purposes of exercising a power conferred by this section (other than this subsection and subsection (7)); or
  (b) for the purposes of conducting the investigation concerned; or

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(c) for a decision to be made about whether or not a proceeding to which the documents would be relevant should be begun; or

(d) for such a proceeding to be begun and carried on.

(6) No-one is entitled, as against the person, to claim a lien on any of the documents, but such a lien is not otherwise prejudiced.

(7) While the documents are in the person's possession, the person:

(a) must permit another person to inspect at all reasonable times such (if any) of the documents as the other person would be entitled to inspect if they were not in the first-mentioned person's possession; and

(b) may permit another person to inspect any of the documents.

(8) Unless subparagraph (1)(b)(ii) applies, the person may deliver any of the documents into the possession of the Commissioner or of a person authorised by the Commissioner to receive them.

(9) If paragraph (1)(a) or (b) applies, the person, or a person into whose possession the person delivers any of the documents under subsection (8), may require:

(a) if paragraph (1)(a) applies—a person who so produced any of the documents; or

(b) in any case—a person who was a party to the compilation of any of the documents;

to explain any matter about the content of any of the documents or to which any of the documents relate.

Note: Failure to comply with a requirement made under this subsection is an offence (see section 337).

335P Powers if documents not produced

If a person fails to produce particular documents in compliance with a requirement made by another person under section 335, the other person may require the first-mentioned person to explain:

(a) where the documents may be found; and

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(b) who last had possession, custody or control of the documents and where that person may be found.

Note: Failure to comply with a requirement made under this section is an offence (see section 337).

335Q Power to require person to identify property of an organisation

If a person has power under section 335 to require another person to produce documents relating to the affairs of an organisation, whether or not that power is exercised, the first-mentioned person may require the other person:

(a) to identify property of the organisation; and

(b) to explain how the organisation has kept account of that property.

Note: Failure to comply with a requirement made under this section is an offence (see section 337).

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Division 5—Action following investigations

336 Action in relation to reporting units

Commissioner must notify reporting unit

(1) If, at the conclusion of an investigation, the Commissioner is satisfied that a reporting unit has contravened:
  (a) a provision of Part 3 of Chapter 8; or
  (b) the reporting guidelines; or
  (c) a provision of the regulations; or
  (d) a rule of the reporting unit relating to the finances or financial administration of the reporting unit;

the Commissioner must notify the reporting unit accordingly.

Commissioner must make inquiries

(1A) The Commissioner must also, within 12 months of notifying the reporting unit under subsection (1), make inquiries under section 330 as to whether the reporting unit is complying with the provision, guidelines or rule the contravention of which was notified to the reporting unit under subsection (1).

Commissioner may take other action

(2) In addition to taking action under subsection (1) and (1A), the Commissioner may do all or any of the following:
  (a) issue a notice to the reporting unit requesting that the reporting unit take specified action, within a specified period, to rectify the matter;
  (b) apply to the Federal Court for an order under Part 2 of Chapter 10 (civil penalty provisions);
  (c) refer the matter to the Director of Public Prosecutions, the Australian Federal Police or a police force of a State or Territory for action in relation to possible criminal offences.

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Note: In appropriate circumstances, the General Manager may also make a determination in accordance with section 247 (determination of reporting units).

(3) The Commissioner may, on application by the reporting unit, extend any periods specified in the notice issued under subsection (2).

(4) The reporting unit must comply with the request made in the notice issued under subsection (2).

(5) The Federal Court may, on application by the Commissioner, make such orders as the Court thinks fit to ensure that the reporting unit complies with subsection (4).

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Division 6—Offences

337 Offences in relation to investigation by Commissioner

(1) A person commits an offence if:

(a) the person fails, intentionally or recklessly, to comply with a requirement under subsection 335(2):

(i) to give information or produce a document; or

(ii) to attend before the Commissioner or delegate; or

(iii) to give to the Commissioner such other reasonable assistance as is specified in a notice under that subsection; or

(b) the person gives information, or produces a document, in purported compliance with a requirement under subsection 335(2), and the person knows, or is reckless as to whether, the information or document is false or misleading; or

(c) when attending before the Commissioner or delegate in accordance with a requirement under subsection 335(2), the person makes a statement, whether orally or in writing, and the person knows, or is reckless as to whether, the statement is false or misleading; or

(d) the person fails, intentionally or recklessly, to comply with:

(i) a requirement under subsection 335D(3) to answer a question; or

(ii) a requirement under subsection 335N(9) to explain a matter about the content of a document or to which a document relates; or

(iii) a requirement under section 335P to explain where documents may be found, and who last had possession, custody or control of the documents and where that person may be found; or

(iv) a requirement under section 335Q to identify property of an organisation and explain how the organisation has kept account of that property.

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Penalty: 100 penalty units or imprisonment for 2 years, or both.

(2) Paragraphs (1)(a) and (d) do not apply to the extent that the person has a reasonable excuse.

(3) Subparagraphs (1)(d)(ii) and (iii) do not apply to the extent that the person has explained the matter to the best of his or her knowledge or belief.

(4) Subparagraph (1)(d)(iv) does not apply to the extent that the person has, to the extent that the person is capable of doing so, performed the acts referred to in paragraphs 335Q(a) and (b).

Note: A defendant bears an evidential burden in relation to the matters in subsections (2) to (4) (see subsection 13.3(3) of the *Criminal Code*).

337AA Strict liability offences

(1) A person commits an offence of strict liability if the person:
   (a) fails to comply with a requirement under subsection 335D(1) to take an oath or make an affirmation; or
   (b) contravenes subsection 335E(2) (questioning to take place in private); or
   (c) fails to comply with a requirement under paragraph 335G(2)(a) in relation to a record of statements made during questioning; or
   (d) contravenes section 335H (conditions on use of copies of records of statements made during questioning).

Penalty: 60 penalty units.

(2) A person commits an offence of strict liability if the person fails to comply with a requirement under subsection 335F(2) to stop addressing an investigator, or questioning an attendee.

Penalty: 60 penalty units.

(3) Subsections (1) and (2) do not apply to the extent that the person has a reasonable excuse.

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Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).

337AB Obstructing person acting under this Part

(1) A person must not:
  (a) engage in conduct that results in the obstruction or hindering of a person in the exercise of a power under this Part; or
  (b) engage in conduct that results in the obstruction or hindering of a person who is executing a warrant issued under section 335L.

Penalty: 100 penalty units or imprisonment for 2 years, or both.

(2) Subsection (1) does not apply to the extent that the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3) of the *Criminal Code*).

(3) The occupier, or person in charge, of premises that a person enters under a warrant issued under section 335L must not intentionally or recklessly fail to provide to that person all reasonable facilities and assistance for the effective exercise of his or her powers under the warrant.

Penalty: 25 penalty units or imprisonment for 6 months, or both.

337AC Concealing documents relevant to investigation

(1) If the Commissioner, or a person or body to whom the Commissioner has delegated the conduct of an investigation, is investigating, or is about to investigate, a matter, a person must not:
  (a) in any case—engage in conduct that results in the concealment, destruction, mutilation or alteration of a document relating to that matter; or
  (b) if a document relating to that matter is in a particular State or Territory—engage in conduct that results in the taking or

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sending of the document out of that State or Territory or out of Australia.

Penalty: 200 penalty units or imprisonment for 5 years, or both.

(2) It is a defence to a prosecution for a contravention of subsection (1) if it is proved that the defendant intended neither to defeat the purposes of the investigation, nor to delay or obstruct the investigation, or any proposed investigation under this Part.

Note: A defendant bears a legal burden in relation to a matter mentioned in subsection (2) (see section 13.4 of the *Criminal Code*).

337AD Self-incrimination

(1) For the purposes of this Part, it is not a reasonable excuse for a person to refuse or fail:
  (a) to give information; or
  (b) to produce a document; or
  (c) to sign a record;

in accordance with a requirement made of the person, that the information, producing the document or signing the record might tend to incriminate the person or make the person liable to a penalty.

(2) Subsection (3) applies if:
  (a) before:
    (i) giving information; or
    (ii) producing a document; or
    (iii) signing a record;

  pursuant to a requirement made under this Part, a person (other than a body corporate) claims that the information, producing the document or signing the record might tend to incriminate the person or make the person liable to a penalty; and
  (b) the information, producing the document or signing the record might in fact tend to incriminate the person or make the person so liable.

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(3) The information, or the fact that the person has produced the document or signed the record, is not admissible in evidence against the person in:
  (a) a criminal proceeding; or
  (b) a proceeding for the imposition of a penalty;

other than a proceeding in respect of:
  (c) in the case of giving information or producing a document—whether the information or document is false or misleading; or
  (d) in the case of signing a record—whether any statement contained in the record is false or misleading.

337AE Legal professional privilege

(1) This section applies if:
  (a) under this Part, a person requires a lawyer:
    (i) to give information; or
    (ii) to produce a document; and
  (b) giving the information would involve disclosing, or the document contains, a privileged communication made by, on behalf of or to the lawyer in his or her capacity as a lawyer.

(2) The lawyer is entitled to refuse to comply with the requirement unless the person to whom, or by or on behalf of whom, the communication was made, consents to the lawyer complying with the requirement.

(3) If the lawyer so refuses, he or she must, as soon as practicable, give to the person who made the requirement a written notice setting out:
  (a) if the lawyer knows the name and address of the person to whom, or by or on behalf of whom, the communication was made—that name and address; and
  (b) if subparagraph (1)(a)(i) applies and the communication was made in writing—sufficient particulars to identify the document containing the communication; and

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(c) if subparagraph (1)(a)(ii) applies—sufficient particulars to identify the document, or the part of the document, containing the communication.

Penalty: 10 penalty units or imprisonment for 3 months, or both.

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Division 7—Evidentiary use of certain material

337AF Statements made on oath or affirmation during an investigation—proceedings against attendee

(1) A statement that a person makes on oath or affirmation during an investigation is admissible in evidence against the person in a proceeding unless:

(a) because of subsection 337AD(3), the statement is not admissible in evidence against the person in the proceeding; or

(b) the statement is not relevant to the proceeding and the person objects to the admission of evidence of the statement; or

(c) the statement is qualified or explained by some other statement made by the person on oath or affirmation during the investigation, evidence of the other statement is not tendered in the proceeding and the person objects to the admission of evidence of the first-mentioned statement; or

(d) the statement discloses matter in respect of which the person could claim legal professional privilege in the proceeding if this subsection did not apply in relation to the statement, and the person objects to the admission of evidence of the statement.

(2) Subsection (1) applies in relation to a proceeding against a person even if it is heard together with a proceeding against another person.

(3) If a written record of statements made by a person during questioning is signed by the person under subsection 335G(2) or authenticated in any other prescribed manner, the record is, in a proceeding, prima facie evidence of the statements it records, but nothing in this Part limits or affects the admissibility in the proceeding of other evidence of statements made during the questioning.

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337AG Statements made on oath or affirmation during an investigation—other proceedings

If direct evidence by a person (the ***absent witness***) of a matter would be admissible in a proceeding, a statement that the absent witness made on oath or affirmation during an investigation and that tends to establish that matter is admissible in the proceeding as evidence of that matter:

(a) if it appears to the court or tribunal that:

(i) the absent witness is dead or is unfit, because of physical or mental incapacity, to attend as a witness; or

(ii) the absent witness is outside the State or Territory in which the proceeding is being heard and it is not reasonably practicable to secure his or her attendance; or

(iii) all reasonable steps have been taken to find the absent witness but he or she cannot be found; or

(b) if it does not so appear to the court or tribunal—unless another party to the proceeding requires the party tendering evidence of the statement to call the absent witness as a witness in the proceeding and the tendering party does not so call the absent witness.

337AH Weight of evidence admitted under section 337AG

(1) This section applies if evidence of a statement made by a person made on oath or affirmation during an investigation is admitted under section 337AG in a proceeding.

(2) In deciding how much weight (if any) to give to the statement as evidence of a matter, regard is to be had to:

(a) how long after the matters to which it related the statement was made; and

(b) any reason the person may have had for concealing or misrepresenting a material matter; and

(c) any other circumstances from which it is reasonable to draw an inference about how accurate the statement is.

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(3) If the person is not called as a witness in the proceeding:
  (a) evidence that would, if the person had been so called, have been admissible in the proceeding for the purpose of destroying or supporting his or her credibility is so admissible; and
  (b) evidence is admissible to show that the statement is inconsistent with another statement that the person has made at any time.

(4) However, evidence of a matter is not admissible under this section if, had the person been called as a witness in the proceeding and denied the matter in cross-examination, evidence of the matter would not have been admissible if adduced by the cross-examining party.

337AJ Objection to admission of statements made on oath or affirmation during an investigation

(1) A party (the ***adducing party***) to a proceeding may, not less than 14 days before the first day of the hearing of the proceeding, give to another party to the proceeding written notice that the adducing party:
  (a) will apply to have admitted in evidence in the proceeding specified statements made on oath or affirmation during an investigation; and
  (b) for that purpose, will apply to have evidence of those statements admitted in the proceeding.

(2) A notice under subsection (1) must set out, or be accompanied by writing that sets out, the specified statements.

(3) Within 14 days after a notice is given under subsection (1), the other party may give to the adducing party a written notice:
  (a) stating that the other party objects to specified statements being admitted in evidence in the proceeding; and
  (b) specifying, in relation to each of those statements, the grounds of objection.

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(4) The period prescribed by subsection (3) may be extended by the court or tribunal or by agreement between the parties concerned.

(5) On receiving a notice given under subsection (3), the adducing party must give to the court or tribunal a copy of:
   (a) the notice under subsection (1) and any writing that subsection (2) required to accompany that notice; and
   (b) the notice under subsection (3).

(6) If subsection (5) is complied with, the court or tribunal may either:
   (a) determine the objections as a preliminary point before the hearing of the proceeding begins; or
   (b) defer determination of the objections until the hearing.

(7) If a notice has been given in accordance with subsections (1) and (2), the other party is not entitled to object at the hearing of the proceeding to a statement specified in the notice being admitted in evidence in the proceeding, unless:
   (a) the other party has, in accordance with subsection (3), objected to the statement being so admitted; or
   (b) the court or tribunal gives the other party leave to object to the statement being so admitted.

337AK Copies of, or extracts from, certain documents

(1) A copy of, or an extract from, a document relating to the affairs of an organisation is admissible in evidence in a proceeding as if the copy were the original document, or the extract were the relevant part of the original document, whether or not the copy or extract was made under section 335N.

(2) A copy of, or an extract from, a document is not admissible in evidence under subsection (1) unless it is proved that the copy or extract is a true copy of the document, or of the relevant part of the document.

(3) For the purposes of subsection (2), a person who has compared:
   (a) a copy of a document with the document; or

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(b) an extract from a document with the relevant part of the document;

may give evidence, either orally or by an affidavit or statutory declaration, that the copy or extract is a true copy of the document or relevant part, as the case may be.

337AL Material otherwise admissible

Nothing in this Division renders evidence inadmissible in a proceeding in circumstances where it would have been admissible in that proceeding if this Division had not been enacted.

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Division 8—Miscellaneous

337AM Evidence of authority

A person (the ***investigator***) who is about to make, or has made, a requirement of another person under this Part must, if the other person requests evidence of the investigator's authority to make the requirement, produce to the other person:

(a) a written authorisation issued to the investigator by the Commissioner; and

(b) such other evidence (if any) of the investigator's authority to make the requirement as the Commissioner determines.

337AN Application of Evidence Act

Part 2.2, sections 69, 70, 71 and 147 and Division 2 of Part 4.6 of the *Evidence Act 1995* apply to questioning on oath or affirmation for the purposes of an investigation in the same way that they apply to a proceeding to which that Act applies under section 4 of that Act.

337AP Allowances and expenses

(1) A person who, pursuant to a requirement made under section 335, attends before the Commissioner or a person or body to whom the Commissioner has delegated the conduct of an investigation, is entitled to the prescribed allowances and expenses (if any).

(2) The Commissioner may pay such amount as he or she thinks reasonable on account of the costs and expenses (if any) that a person incurs in complying with a requirement made under this Part.

337AQ Compliance with Part

A person is neither liable to a proceeding, nor subject to a liability, merely because the person has complied, or proposes to comply,

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with a requirement made, or purporting to have been made, under this Part.

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Part 4A—Protection for whistleblowers

Division 1—Protected disclosures

337A Disclosures qualifying for protection under this Part

(1) A disclosure of information by a person (the ***discloser***) qualifies for protection under this Part if:

(a) the discloser is one of the following:

(i) an officer or former officer of an organisation, or of a branch of an organisation;

(ii) an employee or former employee of an organisation, or of a branch of an organisation;

(iii) a member or former member of an organisation, or of a branch of an organisation;

(iv) a person who has or had a contract for the supply of services or goods to, or any other transaction with, an organisation or a branch of an organisation;

(v) a person who has or had a contract for the supply of services or goods to, or any other transaction with, an officer or employee of an organisation or of a branch of an organisation who is or was acting on behalf of the organisation or branch;

(vi) an officer, former officer, employee or former employee of a person referred to in subparagraph (iv) or (v); and

(b) the disclosure is made to one of the following:

(ia) the Commissioner or a member of the staff assisting the Commissioner;

(i) the General Manager;

(ii) an FWC Member or a member of the staff of the FWC;

(iii) the Australian Building and Construction Commissioner referred to in subsection 15(1) of the *Building and Construction Industry (Improving Productivity) Act 2016*;

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(iiia) a Deputy Australian Building and Construction Commissioner referred to in subsection 15(2) of the *Building and Construction Industry (Improving Productivity) Act 2016*;

(iv) an Australian Building and Construction Inspector referred to in subsection 66(1) of the *Building and Construction Industry (Improving Productivity) Act 2016*;

(v) a member of the staff of the Office of the Fair Work Ombudsman (within the meaning of the Fair Work Act); and

(c) the discloser has reasonable grounds to suspect that the information indicates one or more instances of disclosable conduct by:

(i) the organisation or a branch of the organisation; or

(ii) an officer or employee of the organisation or of a branch of the organisation.

(2) A disclosure is taken to have been made by a person mentioned in paragraph (1)(a) (the ***discloser***) to a person mentioned in paragraph (1)(b) (the ***official***) if the disclosure is made to the official by a lawyer on the discloser's behalf.

(3) A disclosure of information by a person (the ***discloser***) qualifies for protection under this Part if:

(a) the discloser is a person mentioned in paragraph (1)(a) in relation to an organisation or a branch of an organisation; and

(b) the disclosure is made to the discloser's lawyer; and

(c) the discloser has reasonable grounds to suspect that the information indicates one or more instances of disclosable conduct by:

(i) the organisation or a branch of the organisation; or

(ii) an officer or employee of the organisation or of a branch of the organisation.

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Division 2—Protections

337B Disclosure that qualifies for protection not actionable etc.

(1) If a person makes a disclosure that qualifies for protection under this Part:
  (a) the person is not subject to any civil or criminal liability for making the disclosure; and
  (b) no contractual or other remedy may be enforced, and no contractual or other right may be exercised, against the person on the basis of the disclosure.

Note: This subsection does not provide that the person is not subject to any civil or criminal liability for conduct of the person that is revealed by the disclosure.

(2) Without limiting subsection (1):
  (a) the person has qualified privilege (see subsection (3)) in respect of the disclosure; and
  (b) a contract to which the person is a party may not be terminated on the basis that the disclosure constitutes a breach of the contract.

(3) For the purpose of paragraph (2)(a), ***qualified privilege***, in respect of the disclosure, means that the person:
  (a) has qualified privilege in proceedings for defamation; and
  (b) is not, in the absence of malice on the person's part, liable to an action for defamation at the suit of a person;

  in respect of the disclosure.

(4) For the purpose of paragraph (3)(b), ***malice*** includes ill will to the person concerned or any other improper motive.

(5) This section does not limit or affect any right, privilege or immunity that a person has, apart from this section, as a defendant in proceedings, or an action, for defamation.

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337BA What constitutes taking a reprisal

(1) A person (the ***first person***) ***takes a reprisal*** against another person (the ***second person***) if:
  (a) the first person causes (by act or omission) any detriment to the second person; and
  (b) when the act or omission occurs, the first person:
    (i) believes or suspects that the second person or any other person made, may have made, proposes to make or could make a disclosure that qualifies for protection under this Part; or
    (ii) should have known that the second person or any other person made, may have made, proposes to make or could make a disclosure that qualifies for protection under this Part.

(2) In this Part, ***detriment*** includes (without limitation) any of the following:
  (a) dismissal of an employee;
  (b) injury of an employee in his or her employment;
  (c) alteration of an employee's position to his or her detriment;
  (d) discrimination between an employee and other employees of the same employer;
  (e) harassment or intimidation of a person;
  (f) harm or injury to a person, including psychological harm;
  (g) damage to a person's property;
  (h) damage to a person's reputation.

(3) Despite subsection (1), a person does not take a reprisal against another person to the extent that the person takes administrative action that is reasonable to protect the other person from detriment.

337BB Civil remedies

(1) If the Federal Court or Federal Circuit Court is satisfied, on the application of a person mentioned in subsection (4) (the ***applicant***), that another person (the ***respondent***) took or threatened to take, or

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is taking or threatening to take, a reprisal against a person (the ***target***), the Court may make any one or more of the following orders:

(a) an order requiring the respondent to compensate the target for loss, damage or injury as a result of the reprisal or threat;

(b) an order granting an injunction, on such terms as the Court thinks appropriate, to prevent, stop or remedy the effects of the reprisal or threat;

(c) an order requiring the respondent to apologise to the target for taking, or threatening to take, the reprisal;

(d) if the target is or was employed in a particular position with the respondent and the reprisal wholly or partly consists, or consisted, of the respondent terminating, or purporting to terminate, the target's employment—an order that the target be reinstated in that position or a position at a comparable level;

(e) if the Court thinks it is appropriate—an order requiring the respondent to pay exemplary damages to the target;

(f) any other order the Court thinks appropriate.

(2) However, the Court must not make an order under subsection (1) if the respondent satisfies the Court that the belief or suspicion mentioned in subparagraph 337BA(1)(b)(i) is not any part of the reason for taking the reprisal.

(3) Notwithstanding subsection (2), the Court may make an order under subsection (1) if satisfied that:

(a) the target made, may have made, proposed to make or could have made a disclosure that qualifies for protection under this Part; and

(b) the respondent was under a duty to prevent, refrain from, or take reasonable steps to ensure other persons under the respondent's control prevented or refrained from, any act or omission likely to result in detriment to the target; and

(c) the respondent failed in part or whole to fulfil that duty.

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(4) Any of the following persons may make an application under subsection (1):
  (a) the target;
  (b) the Commissioner;
  (c) the General Manager;
  (d) the Director, within the meaning of subsection 4(1) of the *Fair Work (Building Industry) Act 2012*;
  (e) the Fair Work Ombudsman (within the meaning of the Fair Work Act).

(5) If the reprisal wholly or partly consists, or consisted, of the respondent terminating, or purporting to terminate, the target's employment, the Court must, in making an order mentioned in paragraph (1)(a), consider the period, if any, the target is likely to be without employment as a result of the reprisal. This subsection does not limit any other matter the Court may consider.

(6) If the Federal Court or Federal Circuit Court has power under subsection (1) to make an order against a respondent in relation to conduct that constituted or constitutes taking or threatening to take a reprisal against a target, the Court may make any other orders that it thinks appropriate against any other person who has:
  (a) aided, abetted, counselled or procured the conduct; or
  (b) induced the conduct, whether through threats or promises or otherwise; or
  (c) failed to fulfil a duty to prevent, refrain from, or take reasonable steps to ensure other persons under the person's control prevented or refrained from, the conduct; or
  (d) been in any way (directly or indirectly) knowingly concerned in or a party to the conduct; or
  (e) conspired with others to effect the conduct.

337BC Costs only if proceedings instituted vexatiously etc.

(1) This section applies to proceedings (including an appeal) in a court in relation to a matter arising under section 337BB if the target makes the application under subsection 337BB(1).

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(2) Section 329 does not apply to the proceedings.

(3) The target must not be ordered by the court to pay costs incurred by another party to the proceedings, except in accordance with subsection (4).

(4) The target may be ordered to pay the costs only if:
   (a) the court is satisfied that the target instituted the proceedings vexatiously or without reasonable cause; or
   (b) the court is satisfied that the target's unreasonable act or omission caused the other party to incur the costs.

337BD Civil penalties

Taking a reprisal

(1) A person (the ***first person***) must not take a reprisal against another person if the first person's belief or suspicion that a person made, may have made, proposes to make or could make a disclosure that qualifies for protection under this Part is the reason, or part of the reason, for taking the reprisal.

Civil penalty: 100 penalty units.

(2) In proceedings for a contravention of subsection (1), it is not necessary to prove that a person made, may have made, proposed to make or could have made a disclosure that qualifies for protection under this Part.

Threatening to take a reprisal

(3) A person (the ***first person***) must not make a threat to another person (the ***second person***) to take a reprisal against the second person or a third person if:
   (a) the first person:
      (i) intends the second person to fear that the threat will be carried out; or
      (ii) is reckless as to the second person fearing that the threat will be carried out; and

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(b) the first person's belief or suspicion that a person made, may have made, proposes to make or could make a disclosure that qualifies for protection under this Part is the reason, or part of the reason, for making the threat.

Civil penalty: 100 penalty units.

(4) For the purposes of subsection (3), the threat may be:
(a) express or implied; or
(b) conditional or unconditional.

(5) In proceedings for a contravention of subsection (3), it is not necessary to prove that the person threatened actually feared that the threat would be carried out.

337BE Criminal offences

Taking a reprisal

(1) A person commits an offence if:
(a) the person takes a reprisal against another person; and
(b) the person's belief or suspicion that a person made, may have made, proposes to make or could make a disclosure that qualifies for protection under this Part is the reason, or part of the reason, for taking the reprisal.

Penalty: Imprisonment for 2 years or 120 penalty units, or both.

(2) In a prosecution for an offence against subsection (1), it is not necessary to prove that a person made, may have made, proposed to make or could have made a disclosure that qualifies for protection under this Part.

Threatening to take a reprisal

(3) A person (the ***first person***) commits an offence if:
(a) the first person makes a threat to another person (the ***second person***) to take a reprisal against the second person or a third person; and

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(b) the first person:
  (i) intends the second person to fear that the threat will be carried out; or
  (ii) is reckless as to the second person fearing that the threat will be carried out; and
(c) the first person's belief or suspicion that a person made, may have made, proposes to make or could make a disclosure that qualifies for protection under this Part is the reason, or part of the reason, for making the threat.

Penalty: Imprisonment for 2 years or 120 penalty units, or both.

(4) For the purposes of subsection (3), the threat may be:
  (a) express or implied; or
  (b) conditional or unconditional.

(5) In a prosecution for an offence under subsection (3), it is not necessary to prove that the person threatened actually feared that the threat would be carried out.

337BF Interaction between civil remedies, civil penalties and criminal offences

To avoid doubt, a person may bring civil proceedings under section 337BB, or civil proceedings for a contravention of subsection 337BD(1) or (3), in relation to the taking of a reprisal, or the threat to take a reprisal, even if a prosecution for a criminal offence against section 337BE in relation to the reprisal or threat has not been brought, or cannot be brought.

Note: Part 2 of Chapter 10 sets out the relationship between civil penalty provisions (including subsections 337BD(1) and (3)) and criminal proceedings (including under section 337BE) arising out of the same conduct.

337BG Protections have effect despite other Commonwealth laws

Section 337B or 337BB has effect despite any other provision of a law of the Commonwealth, unless:

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(a) the provision is enacted after the commencement of this section; and
(b) the provision is expressed to have effect despite this Part or that section.

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Division 3—Investigation of protected disclosures

337C Allocation of handling of disclosure

(1) If a disclosure that qualifies for protection under this Part is made (other than a disclosure to a lawyer that qualifies for protection under this Part because of subsection 337A(4)), the person to whom the disclosure is made must allocate the handling of the disclosure to one or more authorised officials (which may be or include the person).

(2) The person must use his or her best endeavours to decide the allocation within 14 days after the disclosure is made.

(3) The person may, after making a decision under subsection (1) or this subsection allocating the handling of the disclosure to one or more authorised officials, decide to allocate the handling of the disclosure to one or more other authorised officials.

(4) For the purposes of deciding an allocation, the person may obtain information from such persons, and make such inquiries, as the person thinks fit.

337CA Investigation of disclosure

(1) If a disclosure that qualifies for protection under this Part is allocated to an authorised official, the authorised official must investigate the disclosure.

(2) However, the authorised official may decide not to investigate the disclosure, or (if the investigation has started) not to investigate the disclosure further, under this Division in circumstances prescribed by the regulations.

(3) To avoid doubt, Division 2 continues to apply to the disclosure even if the authorised official decides not to investigate the disclosure, or not to investigate the disclosure further, under this Division.

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(4) The investigation under this Division by the authorised official is to be conducted in accordance with any regulations made for the purposes of section 337CC and otherwise as the authorised official thinks fit.

(5) The authorised official may, for the purposes of the investigation, obtain information from such persons, and make such inquiries, as the authorised official thinks fit.

337CB Time limit for investigations under this Division

(1) An investigation under this Division must be completed within 90 days after allocation of the handling of the relevant disclosure.

(2) The Commissioner may extend, or further extend, the 90-day period by such additional period (which may exceed 90 days) as the Commissioner considers appropriate:
   (a) on the Commissioner's own initiative; or
   (b) on application made by the authorised official; or
   (c) on application made by the discloser.

(3) If the 90-day period is extended, or further extended:
   (a) the Commissioner must inform the discloser of the extension or further extension, and of the reasons for the extension or further extension; and
   (b) the authorised official must, as soon as reasonably practicable after the extension or further extension, inform the discloser of the progress of the investigation.

(4) Subsection (3) does not apply if contacting the discloser is not reasonably practicable.

(5) Failure to complete the investigation within the time limit under this section does not affect the validity of the investigation.

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337CC Regulations in relation to allocation and investigation

(1) The regulations may prescribe procedures to be followed and other matters in relation to allocation of handling of disclosures that qualify for protection under this Part.

(2) The regulations may prescribe procedures to be followed and other matters in relation to investigations under this Division, including in relation to the following:
   (a) informing the discloser that an authorised official will investigate a disclosure;
   (b) informing the discloser and the Commissioner of a decision not to investigate a disclosure, or not to investigate a disclosure further, under this Division;
   (c) preparing a report of an investigation;
   (d) adopting a finding of another investigation or inquiry for the purposes of an investigation.

337CD Disclosure to enforcement agencies

(1) If an authorised official to whom a disclosure is allocated suspects on reasonable grounds that some or all of:
   (a) the information disclosed; or
   (b) any other information obtained in the course of investigation of the disclosure;

   is evidence of the commission of an offence against a law of the Commonwealth, a State or a Territory, the authorised official may disclose the information, to the extent that it is such evidence, to a member of an Australian police force that is responsible for the investigation of the offence.

(2) However, if the offence is punishable by imprisonment for life or by imprisonment for a period of at least 2 years, the authorised official must so notify such a member.

(3) If an authorised official to whom a disclosure is allocated suspects on reasonable grounds that some or all of:
   (a) the information disclosed; or

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(b) any other information obtained in the course of investigation of the disclosure;

is evidence of a contravention of the *Competition and Consumer Act 2010*, the authorised official may disclose the information, to the extent that it is such evidence, to the Australian Competition and Consumer Commission.

(4) This section does not, by implication, limit a person's power to notify a matter to a member of an Australian police force, the Australian Competition and Consumer Commission or another agency or person.

337CE Protection of witnesses etc.

(1) A person is not subject to any criminal or civil liability because the person (voluntarily or otherwise) gives information, produces a document or answers a question if:

(a) the person does so when requested to do so by a person conducting an investigation under this Division; and

(b) the information, document or answer is relevant to the investigation.

Note: The first person may be the person whose disclosure gave rise to the disclosure investigation.

(2) This section does not apply to liability for an offence against section 137.1, 137.2, 144.1 or 145.1 of the *Criminal Code* that relates to the information, document or answer, as the case may be.

(3) This section does not apply to proceedings for a breach of a designated publication restriction.

(4) To avoid doubt, if the information, document or answer relates to the person's own conduct, this section does not affect his or her liability for the conduct.

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Division 4—Miscellaneous

337D Reference to this Part

A reference in this Division to this Part includes a reference to regulations made for the purposes of section 337CC.

337DA Liability for acts and omissions

(1) A person to whom a disclosure that qualifies for protection under this Part is made or an authorised official (or a delegate of an authorised official) is not liable to any criminal or civil proceedings, or any disciplinary action (including any action that involves imposing any detriment), for or in relation to an act or matter done, or omitted to be done, in good faith:

(a) in the performance, or purported performance, of any function conferred on the person or authorised official by this Part; or

(b) in the exercise, or purported exercise, of any power conferred on the person or authorised official by this Part.

(2) This section does not apply to a breach of a designated publication restriction.

337DB Concurrent operation of State and Territory laws

This Part is not intended to exclude or limit the operation of a law of a State or Territory that is capable of operating concurrently with this Part.

337DC Law relating to legal professional privilege not affected

This Part does not affect the law relating to legal professional privilege.

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337DD Other investigative powers etc. not affected

(1) This Part does not, by implication, limit the investigative powers conferred on an authorised official by a law of the Commonwealth other than this Part.

(2) This Part does not detract from any obligations imposed on an authorised official by a law of the Commonwealth other than this Part.

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Part 4B—Functions and powers of the FWC

337F Powers of inspection

(1) For the purpose of, or in relation to, the exercise of another power, or the performance of a function, conferred by this Act, a member of the FWC may at any time during working hours:
  (a) enter prescribed premises; and
  (b) inspect or view any work, material, machinery, appliance, article, document or other thing on the prescribed premises; and
  (c) interview, on the prescribed premises, any employee who is usually engaged in work on the prescribed premises.

(2) In this section:

prescribed premises means premises on which or in relation to which:
  (a) an industry is carried on; or
  (b) work is being, or has been done, or commenced; or
  (c) a modern award or an order of the FWC has been made; or
  (d) an enterprise agreement is in operation.

337G Parties to proceedings

The FWC may direct that parties be joined or struck out as parties to proceedings before the FWC under this Act.

337H Kinds of orders

The orders that the FWC may make under this Act include the following:
  (a) orders by consent of the parties to the proceedings;
  (b) provisional or interim orders;

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(c) orders including, or varying orders to include, a provision to the effect that engaging in conduct in breach of a specified term of the order is to be taken to constitute the commission of a separate breach of the term on each day on which the conduct continues.

337J Relief not limited to claim

In making an order in proceedings under this Act, the FWC is not restricted to the specific relief claimed by the parties concerned, but may include in the order anything which the FWC considers necessary or expedient for the purposes of dealing with the proceedings.

337K Publishing orders

(1) If the FWC makes an order under this Act, the FWC must promptly:
  (a) reduce the order to writing that:
    (i) is signed by at least one member of the FWC; and
    (ii) shows the day on which it is signed; and
  (b) give to the General Manager:
    (i) a copy of the order; and
    (ii) a list specifying each party who appeared at the hearing of the proceeding concerned.

(2) The FWC must ensure that an order under this Act is expressed in plain English and is easy to understand in structure and content.

(3) The General Manager must promptly:
  (a) provide a copy of:
    (i) the order; and
    (ii) any written reasons received by the General Manager for the order;

  to each party shown on the list given to the General Manager under subparagraph (1)(b)(ii) and to the Commissioner; and

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(b) ensure that copies of each of the following are available for inspection at each registry:
  (i) the order;
  (ii) any written reasons received by the General Manager for the order.

(4) The General Manager must ensure that the following are published as soon as practicable:
  (a) an order under this Act;
  (b) any written reasons for the order that are received by the General Manager.

(5) If an FWC Member ceases to be an FWC Member:
  (a) after an order under this Act has been made by the FWC constituted by the FWC Member; but
  (b) before the order has been reduced to writing or before it has been signed by the FWC Member;

the General Manager must reduce the order to writing, sign it and seal it with the seal of the FWC, and the order has effect as if it had been signed by the FWC Member.

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Part 5—Jurisdiction of the Federal Court of Australia

338 Conferring jurisdiction on the Federal Court

Jurisdiction is conferred on the Federal Court in relation to any matter (whether civil or criminal) arising under this Act.

339 Exclusive jurisdiction

(1) Subject to this Act, the jurisdiction of the Federal Court in relation to an act or omission for which an organisation or member of an organisation is liable to be sued, or to be proceeded against for a pecuniary penalty, is exclusive of the jurisdiction of any other court created by the Parliament or any court of a State or Territory.

(2) The jurisdiction of the Federal Court in relation to matters arising under section 163, 164, 164A, 164B or 167 or Part 3 of Chapter 7 is exclusive of the jurisdiction, or any similar jurisdiction, of a State industrial authority.

339A Exercising jurisdiction in the Fair Work Division of the Federal Court

The jurisdiction conferred on the Federal Court under this Act is to be exercised in the Fair Work Division of the Federal Court if:

(a) an application is made to the Federal Court under this Act; or

(b) a writ of mandamus or prohibition or an injunction is sought in the Federal Court against a person holding office under this Act; or

(c) a declaration is sought under section 21 of the *Federal Court of Australia Act 1976* in relation to a matter arising under this Act; or

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(d) an injunction is sought under section 23 of the *Federal Court of Australia Act 1976* in relation to a matter arising under this Act; or

(e) a prosecution is instituted in the Federal Court under this Act; or

(f) the High Court remits a matter arising under this Act to the Federal Court.

340 Exercise of Court's original jurisdiction

(1) The jurisdiction of the Federal Court under this Act is to be exercised by a Full Court in relation to:

(a) matters in relation to which applications are made to the Court under section 28 (cancellation of registration); and

(aa) matters in relation to which applications are made to the Court under subsection 109(1) (giving effect to withdrawal of constituent part from amalgamated organisation); and

(ab) matters in relation to which applications are made to the Court under subsection 118(2) (giving effect to requirement to take necessary steps in relation to withdrawal from amalgamation); and

(ac) matters in relation to which applications are made to the Court under subsection 125(1) (resolving difficulties in relation to application of Part 3 of Chapter 3 to a matter); and

(ad) matters in relation to which applications are made to the Court under subsection 128(1) (validation of certain acts done for purposes of proposed or completed withdrawal from amalgamation); and

(ae) matters in relation to which applications are made to the Court under subsection 129(1) (invalidity in proposed or completed withdrawal from amalgamation); and

(b) matters in which a writ of mandamus or prohibition or an injunction is sought against:

(i) the President, a Vice President or a Deputy President; or

(ii) officers of the Commonwealth at least one of whom is the President, a Vice President or a Deputy President.

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(2) Subsection (1) does not require the jurisdiction of the Court to be exercised by a Full Court in relation to a prosecution for an offence merely because the offence relates to a matter to which that subsection applies.

(3) Subsection (1) does not, in relation to matters referred to in that subsection, require the jurisdiction of the Court to be exercised by a Full Court to:
  (a) join or remove a party; or
  (b) make an order (including an order for costs) by consent disposing of a matter; or
  (c) make an order that a matter be dismissed for want of prosecution; or
  (d) make an order that a matter be dismissed for:
    (i) failure to comply with a direction of the Court; or
    (ii) failure of the applicant to attend a hearing relating to the matter; or
  (e) vary or set aside an order under paragraph (c) or (d); or
  (f) give directions about the conduct of a matter, including directions about:
    (i) the use of written submissions; and
    (ii) limiting the time for oral argument.

(4) The Rules of Court may make provision enabling the powers mentioned in subsection (3) to be exercised, subject to conditions prescribed by the Rules, without an oral hearing.

(5) This section applies in addition to, and does not affect the operation of, section 339A.

341 Reference of proceedings to Full Court

(1) At any stage of a proceeding in a matter arising under this Act, a single Judge exercising the jurisdiction of the Federal Court:
  (a) may refer a question of law for the opinion of a Full Court; and

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(b) may, of the Judge's own motion or on the application of a party, refer the matter to a Full Court to be heard and determined.

(2) If a Judge refers a matter to a Full Court under subsection (1), the Full Court may have regard to any evidence given, or arguments adduced, in the proceeding before the Judge.

(3) This section applies in addition to, and does not affect the operation of, section 339A.

342 Appeal to the Court from certain judgments

In spite of section 24 of the *Federal Court Act 1976*, an appeal does not lie to a Full Court from a judgment by a single Judge in an inquiry referred to in section 69, 108 or 201 except in accordance with leave given by the Court.

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Part 6—Other

343 Delegation by Minister

The Minister may, in writing, delegate to:

(a) the Secretary of the Department; or

(b) an SES employee or acting SES employee;

all or any of the Minister's powers under this Act.

343A Delegation by General Manager

(1) The General Manager may, in writing, delegate to a member of the staff of the FWC all or any of the General Manager's functions or powers under this Act.

(2) Despite subsection (1), the General Manager's functions or powers under the following provisions cannot be delegated:

(a) subsection 13(2);

(b) any provision of Chapter 2, 3 or 5 (other than subsection 154C(1), 159(1) or (2) or section 161);

(h) section 310;

(k) subsection 337K(4).

(3) Despite subsection (1), the General Manager's functions or powers under the following provisions can only be delegated to a member of the staff of the FWC who is an SES employee or an acting SES employee, or who is in a class of employees prescribed by the regulations:

(aa) subsection 154C(1);

(a) subsection 159(1) or (2);

(b) section 161;

(c) section 180;

(h) any provision of Chapter 11 (other than subsection 337K(4)).

Note: The expressions ***SES employee*** and ***acting SES employee*** are defined in section 2B of the *Acts Interpretation Act 1901*.

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(4) In exercising powers or functions under a delegation, the delegate must comply with any directions of the General Manager.

343B Delegation by Commissioner

(1) The Commissioner may, in writing, delegate to a member of the staff assisting the Commissioner all or any of the Commissioner's functions or powers under this Act.

(2) Despite subsection (1), the Commissioner's functions or powers under the following provisions cannot be delegated:
  (a) subsection 28(1A);
  (b) subsection 95(3A), (3B) or (3C);
  (c) subsection 183(4);
  (d) section 197;
  (e) any provision of Part 3 or 4 of Chapter 7 (other than section 202);
  (f) any provision of Division 1, 2 or 3, or Subdivision B of Division 4, of Part 3 of Chapter 8;
  (g) subsection 278(2);
  (h) section 310;
  (i) subsection 329G(2);
  (j) section 334;
  (k) section 335;
  (l) section 335K;
  (m) subsection 336(1), (2), (3) or (5).

(2A) Despite subsection (1), the Commissioner's functions or powers under Subdivision A of Division 4 of Part 3 of Chapter 8 (registration of auditors) can only be delegated to a member of the staff assisting the Commissioner who is an SES employee or an acting SES employee.

(3) Despite subsection (1), the Commissioner's functions or powers under section 330, 331, 332 or 333 can only be delegated to:
  (a) a member of the staff assisting the Commissioner; or

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(b) any other person or body the Commissioner is satisfied has substantial or significant experience or knowledge in at least one of the following fields:
  (i) accounting;
  (ii) auditing;
  (iii) financial reporting;
  (iv) conducting compliance audits or investigations;
  (v) a field prescribed by the regulations for the purposes of this subparagraph.

(4) Despite subsection (1), functions and powers under Division 3 (questioning on oath or affirmation) can only be delegated to a member of the staff assisting the Commissioner.

(4A) Despite subsection (1), the Commissioner's functions or powers under section 337CB can only be delegated to a member of the staff assisting the Commissioner who is an SES employee or an acting SES employee, or who is in a class of employees prescribed by the regulations.

Note: The expressions ***SES employee*** and ***acting SES employee*** are defined in section 2B of the *Acts Interpretation Act 1901*.

(5) In exercising powers or functions under a delegation, the delegate must comply with any directions of the Commissioner.

344 Conduct by officers, directors, employees or agents

(1) Where it is necessary to establish, for the purposes of this Act, the state of mind of a body corporate in relation to particular conduct, it is sufficient to show:
  (a) that the conduct was engaged in by an officer, director, employee or agent of the body corporate within the scope of his or her actual or apparent authority; and
  (b) that the officer, director, employee or agent had the state of mind.

(2) Any conduct engaged in on behalf of a body corporate by:

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(a) an officer, director, employee or agent of the body corporate within the scope of his or her actual or apparent authority; or

(b) any other person at the direction or with the consent or agreement (whether express or implied) of an officer, director, employee or agent of the body corporate, where the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the officer, director, employee or agent;

is taken, for the purposes of this Act, to have been engaged in also by the body corporate.

(3) A reference in this section to the state of mind of a person includes a reference to the knowledge, intent, opinion, belief or purpose of the person and the person's reasons for the intent, opinion, belief or purpose.

Note: Section 6 defines ***this Act*** to include the regulations.

345 Right to participate in ballots

(1) Subject to reasonable provisions in the rules of an organisation in relation to enrolment, every financial member of the organisation has a right to vote at any ballot taken for the purpose of submitting a matter to a vote of the members of the organisation, or of a branch, section or other division of the organisation in which the member is included.

(2) This section does not apply to protected action ballots ordered under Division 8 of Part 3-3 of the Fair Work Act.

346 Requests by members for information concerning elections and certain ballots

(1) A financial member of an organisation may, by notice in writing, request the returning officer:

(a) in relation to an election for an office or other position in the organisation or a branch of the organisation; or

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(b) in relation to a ballot taken for the purpose of submitting a matter to a vote of the members of an organisation or a branch of the organisation;

to provide to the member specified information for the purpose of determining whether there has been an irregularity in relation to the election or ballot, and the returning officer must not unreasonably withhold the information.

(2) This section does not apply to protected action ballots ordered under Division 8 of Part 3-3 of the Fair Work Act.

347 Providing copy of rules or list of offices etc. on request by member

(1) If a member of an organisation requests the organisation, or a branch of the organisation, to provide to the member:

(a) a copy of the rules of the organisation or branch; or

(b) a copy of any amendments of the rules made since a specified time; or

(c) a copy of the list of the offices, or of the persons holding the offices, of an organisation or branch lodged with the Commissioner on behalf of the organisation under subsection 233(1);

the organisation or branch (as the case requires) must provide a copy to the member and, subject to the regulations, must provide the copy free of charge.

Civil penalty: 60 penalty units.

(2) A request under this section:

(a) must be made to the secretary, or a person performing (in whole or part) the duties of secretary, of the organisation or branch concerned; and

(b) must be in writing; and

(c) must specify the period (of not less than 14 days) within which the relevant copy must be provided.

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(3) An organisation or branch whose rules or list of offices, or of the persons holding the offices, are available on the internet must inform a member seeking a copy of that fact. However, informing the member of that fact does not affect the organisation's or branch's other obligations under this section and the regulations.

(4) The regulations may:
   (a) prescribe the manner in which a request under this section must be made; and
   (b) prescribe the time within which the organisation or branch must respond to the request; and
   (c) prescribe the form or forms in which a copy of the rules, amendments or list of offices, or of the persons holding the offices, may be provided; and
   (d) prescribe fees that may be charged by an organisation or branch for providing a copy of the rules or amendments to a member if that member has been provided with a copy of the same rules or amendments free of charge within the past 3 years; and
   (e) prescribe fees that may be charged by an organisation or branch for providing a copy of a list of offices to a member if that member has already been provided with a copy of the same list free of charge.

348 Certificate as to membership of organisation

A certificate of the General Manager or the Commissioner stating that a specified person was at a specified time a member or officer of a specified organisation or a specified branch of a specified organisation is, in all courts and proceedings, evidence that the facts are as stated.

349 List of officers to be evidence

A list of the officers of an organisation or a branch of an organisation lodged with the Commissioner on behalf of the organisation, or a copy of any such list certified by the Commissioner, is evidence that the persons named in the list were,

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on the day when the list was lodged, officers of the organisation or branch.

350 Unauthorised collection of money

(1) A person commits an offence if:
  (a) the person makes a representation that the person is authorised to collect money on behalf of an organisation; and
  (b) the person knows the representation is false.

Penalty: 20 penalty units.

(2) A person commits an offence if:
  (a) the person collects money on behalf of an organisation; and
  (b) the person knows that he or she does not have authority to do so.

Penalty: 20 penalty units.

351 No imprisonment in default

In spite of the provisions of any other law, a court may not direct that a person is to serve a sentence of imprisonment in default of the payment of a fine or other pecuniary penalty imposed under this Act.

351A Minister's entitlement to intervene

(1) The Minister may intervene on behalf of the Commonwealth in proceedings before a court (including a court of a State or Territory) in relation to a matter arising under this Act if the Minister believes it is in the public interest to do so.

(2) If the Minister intervenes, the Minister is taken to be a party to the proceedings for the purposes of instituting an appeal from a judgment given in the proceedings.

(3) A court may make an order as to costs against the Commonwealth if:

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(a) the Minister intervenes under subsection (1); or
(b) the Minister institutes an appeal from a judgment as referred to in subsection (2).

352 Jurisdiction of courts limited as to area

(1) For the purposes of this Act, a court of a State or Territory whose jurisdiction is limited, as to subject matter or parties, to any part of a State or Territory is taken to have jurisdiction throughout the State or Territory.

(2) On the hearing of a proceeding in a court for the recovery of a penalty, fine, fee, levy or due, the court may, if in the interests of justice it considers appropriate, adjourn the hearing to a court of competent jurisdiction to be held at some other place in the same State or Territory.

353 Public sector employer to act through employing authority

In spite of anything to the contrary in this Act, the Fair Work Act or any other law, the employer of an employee engaged in public sector employment must, for the purposes of this Act and the procedural rules of the FWC made under section 609 of the Fair Work Act, act only by an employing authority of the employee acting on behalf of the employer and, in particular:

(a) anything done by an employing authority of an employee has effect, for those purposes, as if it had been done by the employer of the employee; and
(b) anything served on, or otherwise given or notified to, an employing authority of an employee has effect, for those purposes, as if it had been served on, or given or notified to, the employer of the employee.

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353A Representation in proceedings in the Fair Work Division of the Federal Court and Federal Circuit Court

(1) This section applies in relation to a proceeding in the Fair Work Division of the Federal Court, or of the Federal Circuit Court, other than:
   (a) a proceeding in relation to an appeal under section 565 of the Fair Work Act; or
   (b) a proceeding in relation to an offence against a law of the Commonwealth.

(2) Subject to subsection (4), a party to the proceeding that is an organisation may be represented by:
   (a) a member, officer or employee of the organisation; or
   (b) a member, officer or employee of a peak council to which the organisation is affiliated.

(3) Subject to subsection (4), a party to the proceeding that is not an organisation may be represented by:
   (a) a member, officer or employee of an organisation of which the party is a member; or
   (b) a member, officer or employee of a peak council to which an organisation of which the party is a member is affiliated.

(4) If the proceeding is a proceeding in relation to a question of law referred to the Federal Court under section 608 of the Fair Work Act, a party to the proceeding may only be represented as permitted by subsection (2) or (3) if the Court grants leave.

(5) In this section:

   party includes an intervener.

354 Proceedings by and against unincorporated clubs

(1) For the purposes of this Act, the treasurer of a club is taken to be the employer of a person employed for the purposes or on behalf of the club, and any proceeding that may be taken under this Act by

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or against the club may be taken by or against the treasurer on behalf of the club.

(2) The treasurer is authorised to retain out of the funds of the club sufficient money to meet payments made by the treasurer on behalf of the club under this section.

(3) In this section:

club means an unincorporated club.

treasurer includes a person having possession or control of any funds of a club.

355 Inspection of documents etc.

All documents and other things produced in evidence before the FWC may be inspected by the FWC or by such other parties as the FWC allows.

356 Trade secrets etc. tendered as evidence

(1) In a proceeding before the Federal Court or the FWC:
  (a) the person entitled to a trade secret may object that information tendered as evidence relates to the trade secret; or
  (b) a witness or party may object that information tendered as evidence relates to the profits or financial position of the witness or party.

(2) Where an objection is made under subsection (1) to information tendered as evidence, the information may only be given as evidence under a direction of the Federal Court or the FWC.

(3) If information is given as evidence under subsection (2), it must not be published in any newspaper, or otherwise, unless the Federal Court or the FWC, by order, permits the publication.

(4) Where the Federal Court or the FWC directs that information relating to a trade secret or to the profits or financial position of a

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witness or party is to be given in evidence, the evidence must be taken in private if the person entitled to the trade secret, or the witness or party, requests.

(5) The Federal Court or the FWC may direct that evidence given in a proceeding before it, or the contents of a document produced for inspection, must not be published.

(6) A person commits an offence if the person gives as evidence, or publishes, any information in contravention of this section or a direction given under this section.

Penalty: 20 penalty units.

357 Application of penalty

A court that imposes a pecuniary penalty under this Act (other than a penalty for an offence) may order that the penalty, or a part of the penalty, be paid to:

(a) the Commonwealth; or
(b) an organisation; or
(c) another person.

358 Enforcement of penalties etc.

(1) Where a court has:
  (a) imposed a pecuniary penalty under this Act (other than a penalty for an offence); or
  (b) ordered the payment of costs or expenses;

a certificate signed by the General Manager, specifying the amount payable and by whom and to whom respectively it is payable, may be filed in the Federal Court or in any other court of competent jurisdiction.

(2) A certificate filed in a court under subsection (1) is enforceable in all respects as a final judgment of the court in which it is filed.

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(3) Where there are 2 or more creditors under a certificate, process may be issued separately by each creditor for the enforcement of the certificate as if there were separate judgments.

359 Regulations

General power

(1) The Governor-General may make regulations prescribing all matters:
  (a) required or permitted by this Act to be prescribed; or
  (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Specific matters on which regulations may be made

(2) The matters in relation to which the Governor-General may make regulations include, but are not limited to:
  (a) the manner in which, and the time within which, applications, submissions and objections under this Act may be made and dealt with; and
  (b) the fees to be charged in relation to proceedings under this Act; and
  (c) the manner in which, and the time within which, the AEC must give post-election and post-ballot reports; and
  (d) requiring, or authorising a particular person to require, the providing by all or any organisations of information relating to matters relevant to the conduct of elections for offices in organisations and branches of organisations; and
  (e) requiring the exhibiting, on the premises of an employer bound by an order of the FWC under this Act, of any of the terms of the order; and
  (f) penalties not exceeding a fine of 10 penalty units for offences against the regulations; and
  (g) pecuniary penalties not exceeding:
    (i) in the case of a body corporate—25 penalty units; or
    (ii) in any other case—5 penalty units;

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for contravening civil penalty provisions in the regulations.

Note: Regulations made under the Fair Work Act may also be relevant to the operation of this Act. For example, regulations about the FWC's practice and procedure may be made for the purposes of section 610 of the Fair Work Act.

Regulations relating to payroll deduction facilities

(3) The Governor-General may also make regulations imposing requirements relating to payroll deduction facilities on:
   (a) the Commonwealth in its capacity as an employer; and
   (b) employers who are constitutional corporations.

Note: For the meaning of ***constitutional corporation***, see section 6.

(4) Regulations referred to in subsection (3) may include, but are not limited to:
   (a) requirements that employers give employees information about money received by the employer in relation to the provision by the employer of payroll deduction facilities for an organisation; and
   (b) requirements that employers who provide payroll deduction facilities inform employees who use or have used the facilities in relation to their membership of an organisation that ceasing to use the facilities does not constitute resignation from the organisation.

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Part 7—Complementary registration systems

Division 1—Application of this Part

360 Complementary registration systems

If:

(a) an organisation is divided into branches; and

(b) the operations of one of the branches is confined to a prescribed State or the operations of 2 or more of the branches are each confined to a prescribed State; and

(c) the organisation proposes in accordance with this Part to amalgamate with an associated body as defined by this Part for the purpose of seeking the non-corporate registration of the branch, or of any of the branches, referred to in paragraph (b) under an Act of the State concerned that is, or under Acts of the States concerned each of which is, a prescribed State Act for the purposes of this Part;

then, in addition to the other provisions of this Act, this Part applies to the organisation but so applies only in relation to the branch or branches referred to in paragraph (c).

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Division 2—Preliminary

361 Definitions

In this Part, unless the contrary intention appears:

amalgamation means the carrying out of arrangements in relation to an organisation and an associated body under which it is intended that:

(a) a branch of the organisation is to obtain non-corporate registration under a prescribed State Act; and

(b) the associated body is to be de-registered under a prescribed State Act; and

(c) members of the associated body who are not already members of the organisation are to become members of the organisation; and

(d) the property of the associated body is to become the property of the organisation forming part of the branch fund of the branch; and

(e) the liabilities of the associated body are to be satisfied from the branch fund of the branch.

associated body, in relation to an organisation, means an association registered under a prescribed State Act that is or purports to be composed of substantially the same members, and has or purports to have substantially the same officers, as a branch of the organisation in the same State, including such an association that has purported to function as a branch of the organisation.

State means a prescribed State.

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Division 3—Branch rules

362 Branch funds

(1) The rules of a branch of an organisation must provide for a fund of the branch that is to be managed and controlled under rules of the branch, and must make provision in relation to the fund in accordance with subsection (2).

(2) The branch fund is to consist of:

(a) real or personal property of which the branch of the organisation, by the rules or by any established practice not inconsistent with the rules, has, or in the absence of a limited term lease, bailment or arrangement, would have, the right of custody, control or management; and

(b) the amounts of entrance fees, subscriptions, fines, fees or levies received by a branch, less so much of the amounts as is payable by the branch to the organisation; and

(c) interest, rents, dividends or other income derived from the investment or use of the fund; and

(d) a superannuation or long service leave or other fund operated or controlled by the branch for the benefit of its officers or employees; and

(e) a sick pay fund, accident pay fund, funeral fund, tool benefit fund or similar fund operated or controlled by the branch for the benefit of its members; and

(f) property acquired wholly or mainly by expenditure of the money of the fund or derived from other assets of the fund; and

(g) the proceeds of a disposal of parts of the fund.

(3) The FWC may grant to a branch of an organisation exemption from this section or any provision of this section on the ground that the branch's rules make adequate and reasonable provision for its funds, having regard to the organisation's functioning under this

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Act and the Fair Work Act and its participation in any State workplace relations system.

363 Obligations of the FWC in relation to application under section 158

(1) Subsections (2) and (3) apply in relation to the consideration by the FWC of an application under section 158 for consent to a change in the name, or an alteration of the eligibility rules, of an organisation.

(2) The FWC must, in addition to any other relevant matters, have regard to:

(a) whether there is, in relation to the organisation, an associated body registered under a prescribed State Act; and

(b) whether the reason the change is sought is to enable the organisation, in addition to representing members or staff members under this Act or the Fair Work Act, to represent under the State Act a class of persons who would, if the change were consented to, become eligible for membership.

(3) In the case of an alteration to a rule that may effect a change in the class of persons eligible for membership of a branch of the organisation that is registered under the law of a State, the FWC must, before consenting, give notice of the proposed change to the industrial registrar or similar officer appointed under the law of the State in which the branch operates and, if so requested, consult with the industrial registrar or officer.

364 Branch autonomy

The rules of an organisation must provide for the autonomy of a branch in matters affecting members of the branch only and matters concerning the participation of the branch in a State workplace relations system.

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365 Organisation may participate in State systems

(1) Where it is not contrary to the rules of an organisation to do so, the organisation may participate in workplace relations systems.

(2) For the purpose of participating, a branch of an organisation may become registered under a law of a State so long as that registration does not involve the branch in becoming incorporated, or otherwise becoming a legal entity, under the law of the State.

(3) Where an organisation participates, its rules may provide that the secretary of the branch of the organisation in the State is the person to sue or to be sued under the law of the State in relation to any acts or omissions arising from its participation.

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Division 4—Amalgamation of organisation and associated body

366 Organisation and associated body may amalgamate

An organisation and an associated body may amalgamate in the manner set out in this Division.

367 Procedure for amalgamation

(1) The committee of management of an organisation and the committee of management of the associated body must each pass a resolution proposing amalgamation and specifying particulars of the proposed amalgamation.

(2) Application must be made to the FWC by the organisation for approval of the amalgamation.

(3) The application must be accompanied by a copy of any proposed alterations of the rules of the organisation.

(4) If the rules of the organisation do not comply, subject to subsection 362(3), with Division 3 in respect of each branch for which the organisation proposes to seek non-corporate registration under a prescribed State Act, the proposed alterations must include alterations necessary for the rules so to comply.

(5) The FWC must:
  (a) determine what notice is to be given to other persons of the application; and
  (b) determine whether, on whom and how notice should be served and whether it should be advertised in any newspaper; and
  (c) fix a period during which objections may be lodged.

(6) Objection may be made to the amalgamation, so far as it involves an alteration of the eligibility rules of the organisation, by:
  (a) another organisation; or

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(b) a member of the associated body; or
(c) a registered association in the State in which the associated body functions;

because there is another organisation to which the members of the associated body, whose eligibility for membership would depend on the alteration, could more conveniently belong.

(7) Objection may be made to the amalgamation by a member of the organisation or of the associated body on the ground that:
(a) the provisions of this section have not been complied with; or
(b) the amalgamation would do substantial injustice to the members of the organisation or associated body.

(8) If any objections are duly lodged or if the FWC otherwise deems it advisable to do so, the FWC must:
(a) fix a day and place of hearing; and
(b) determine to whom and in what manner notice of the day and place of the hearing shall be given.

(9) If the FWC:
(a) finds that no duly made objection is justified; and
(b) is satisfied that the provisions of this section have been complied with; and
(c) is satisfied that the amalgamation would not do substantial injustice to the members of the organisation or of the associated body; and
(d) is satisfied that any proposed alterations of the rules of the organisation:
(i) comply with and are not contrary to this Act and applicable modern awards; and
(ii) are not otherwise contrary to law; and
(iii) have been decided on under the rules of the organisation;

the FWC must, subject to subsection (10), approve the amalgamation and fix the day on which the amalgamation is to take effect, but otherwise the FWC must refuse to approve the amalgamation.

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(10) The FWC must not approve an amalgamation unless the FWC is satisfied as to arrangements made relating to property and liabilities of the associated body.

(11) On the day on which the amalgamation takes effect, any alteration of the rules of the organisation takes effect.

(12) On the day on which the amalgamation takes effect, all members of the associated body who are not already members of the organisation but are or become, on that day, eligible for membership of the organisation:

(a) become members of the organisation; and

(b) are to be taken to have been members for the period ending on that day during which they were members of the associated body.

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Division 5—Exercise of the FWC's powers

368 Exercise of the FWC's powers under this Part

The powers of the FWC under this Part are exercisable only by the President, a Vice President or a Deputy President.

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Schedule 1—Transitionally recognised associations

Note: See section 5B.

1 Definitions

(1) In this Schedule:

industrial instrument means:

(a) a modern award; or

(b) an enterprise agreement; or

(c) a preserved State agreement; or

(d) a notional agreement preserving State awards.

notional agreement preserving State awards means an agreement that, on the reform commencement, was taken to come into operation under clause 31 of Schedule 8 to the *Workplace Relations Act 1996*.

office, in relation to a State-registered association, has its ordinary meaning.

preserved State agreement means an agreement that, on the reform commencement, was taken to come into operation under clause 3 or 10 of Schedule 8 to the *Workplace Relations Act 1996*.

reform commencement means the commencement of Schedule 1 to the *Workplace Relations Amendment (Work Choices) Act 2005*.

rule, in relation to State-registered association, has its ordinary meaning.

State demarcation order means a State award, to the extent that it relates to the rights of a State-registered association to represent the

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interests under a State or Territory industrial law of a particular class or group of employees.

State employment agreement means an agreement:

(a) between an employer and one or more of the following:
  (i) an employee of the employer;
  (ii) a trade union; and
(b) that regulates wages and conditions of employment of one or more of the employees; and
(c) that is in force under a State or Territory industrial law; and
(d) that prevails over an inconsistent State award.

State-registered association means a body that is:

(a) an industrial organisation for the purposes of the *Industrial Relations Act 1996* of New South Wales; or
(b) an organisation for the purposes of Chapter 12 of the *Industrial Relations Act 1999* of Queensland; or
(c) an association or organisation for the purposes of the *Industrial Relations Act 1979* of Western Australia; or
(d) a registered association for the purposes of the *Fair Work Act 1994* of South Australia; or
(e) an organization for the purposes of the *Industrial Relations Act 1984* of Tasmania.

(2) Unless the contrary intention appears, the following terms have the meaning they would have for the purposes of the *Workplace Relations Act 1996* on the reform commencement:

(a) ***employee***;
(b) ***employer***;
(c) ***employment***;
(d) ***State or Territory industrial law***.

2 Application for transitional recognition

(1) A State-registered association may apply to the General Manager for transitional recognition under this Schedule if:

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(b) immediately before the commencement of this Schedule, it had at least one member who was:

(i) an employee whose employment was subject to a State award, a State employment agreement or a State or Territory industrial law; or

(ii) an employer in relation to such an employee; and

(c) immediately before the commencement of this Schedule, it was entitled to represent the industrial interests of the member in relation to work that was subject to the State award, the State employment agreement or the State or Territory industrial law; and

(d) on the reform commencement, the employee will become bound by, or the employment of the employee will become subject to, a preserved State agreement or a notional agreement preserving State awards if he or she continues in that employment; and

(e) it is not also an organisation, or a branch of an organisation.

(1A) A State-registered association may also apply to the General Manager for transitional recognition under this Schedule if:

(a) it has at least one member who is a transferring employee (within the meaning of the *Fair Work Act 2009*) and who is, or is likely to be, covered by a copied State instrument for the employee (within the meaning of that Act); and

(b) immediately before the employee's termination time (within the meaning of that Act), it was entitled to represent the industrial interests of the employee in relation to the transferring work of the employee (within the meaning of that Act); and

(c) it is not also an organisation, or a branch of an organisation; and

(d) it is not, or has not been, transitionally recognised under this Schedule; and

(e) the application is made before:

(i) the fifth anniversary of the day the *Fair Work Amendment (Transfer of Business) Act 2012* commenced; or

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(ii) if the regulations prescribe a later day—that day.

(2) The application must be accompanied by:

(a) evidence to establish the fact that the association satisfies subclause (1) or (1A); and

(b) a copy of the current rules of the association; and

(c) a statement setting out:

(i) the address of the association; and

(ii) each office in the association; and

(iii) the name and address of each person holding office in the association.

(3) If the General Manager is satisfied that the association satisfies subclause (1) or (1A), the General Manager must, by written instrument, grant the application and record the fact that he or she is so satisfied.

(4) An instrument under subclause (3) is not a legislative instrument.

(5) The General Manager must give a copy of the instrument to the association.

(6) A State-registered association is taken to be recognised under this Schedule when the General Manager grants the application.

3 Application of the Fair Work Act to transitionally recognised associations

(1) The provisions of the Fair Work Act and Part 3 of Chapter 4 of the *Fair Work (Registered Organisations) Act 2009* apply, on and after the commencement of those provisions, in relation to a transitionally recognised association:

(a) in the same way as they apply in relation to an organisation; and

(b) as if a transitionally recognised association were a person.

(2) To avoid doubt, this section does not confer on a transitionally recognised association:

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(a) a legal identity that it would not otherwise have; or

(b) a right to represent its members' industrial interests outside the State in relation to which it is a State-registered association.

4 Representation rights of transitionally recognised associations of employees

(1) Regulations made for the purposes of this subclause may make provision for the FWC to make orders in relation to the right of a transitionally recognised association to represent the interests under the Fair Work Act, on and after the commencement of provisions of that Act, of a particular class or group of employees.

(2) Without limiting subclause (1), the regulations may specify the weight that the FWC is to give, in making such an order, to a State demarcation order.

5 Cancellation of transitional recognition

Cancellation by the Federal Court

(1) A person interested or the Minister may apply, on or after the reform commencement, to the Federal Court for an order cancelling the recognition under this Schedule of a transitionally recognised association on the ground that:

(a) the conduct of:

(i) the association (in relation to its continued breach of an order of the FWC or an industrial instrument, or its continued failure to ensure that its members comply with and observe an order of the FWC or an industrial instrument, or in any other respect); or

(ii) a substantial number of the members of the association (in relation to their continued breach of an order of the FWC or an industrial instrument, or in any other respect);

has, on or after the reform commencement, prevented or hindered the achievement of an object of the *Workplace*

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Relations Act 1996 as in force at that time, or has, on or after the commencement of section 3 of the Fair Work Act, prevented or hindered the achievement of the object set out in that section; or

(b) the association, or a substantial number of the members of the association or of a section or class of members of the association, has engaged in industrial action (other than protected industrial action) that has, on or after the reform commencement, prevented, hindered or interfered with:

(i) the activities of a federal system employer; or

(ii) the provision of any public service by the Commonwealth or a State or Territory or an authority of the Commonwealth or a State or Territory; or

(c) the association, or a substantial number of the members of the association or of a section or class of members of the association, has or have been, or is or are, engaged, on or after the reform commencement, in industrial action (other than protected industrial action) that has had, is having or is likely to have a substantial adverse effect on the safety, health or welfare of the community or a part of the community; or

(d) the association, or a substantial number of the members of the association or of a section or class of members of the association, has or have failed to comply with one of the following made on or after the reform commencement:

(i) an injunction granted under subsection 496(12) of the *Workplace Relations Act 1996* (which deals with orders to stop industrial action); or

(ii) an order made under section 508 or 509 of that Act (which deal with contraventions of the strike pay provisions); or

(iii) an order under section 807 of that Act (which deals with contraventions of the freedom of association provisions); or

(iv) an interim injunction granted under section 838 of that Act so far as it relates to conduct or proposed conduct

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that could be the subject of an injunction under a provision mentioned in subparagraphs (i) to (iii); or

(e) the association, or a substantial number of the members of the association or of a section or class of members of the association, has or have failed to comply with an order under section 23 of this Act (which deals with contraventions of the employee associations provisions) made on or after the reform commencement; or

(f) the association, or a substantial number of the members of the association or of a section or class of members of the association, has or have failed to comply with one of the following made on or after the commencement of the relevant provision:

(i) an injunction granted under subsection 421(3) of the Fair Work Act (which deals with orders to stop industrial action);

(ii) an order made under the Fair Work Act in relation to a contravention of Part 3-1 of that Act (which deals with general protections);

(iii) an interim injunction granted under section 545 of the Fair Work Act so far as it relates to conduct or proposed conduct that could be the subject of an injunction or order under a provision mentioned in subparagraph (i) or (ii).

(1A) A reference in subclause (1), in relation to a transitionally recognised association that has been granted transitional recognition in relation to an application under subclause 2(1A), to the reform commencement is taken to be a reference to the day the *Fair Work Amendment (Transfer of Business) Act 2012* commenced.

(2) The Court must give the association an opportunity to be heard.

(3) If the Court:

(a) finds that a ground for cancellation set out in the application has been established; and

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(b) does not consider that it would be unjust to do so having regard to the degree of gravity of the matters constituting the ground and the action (if any) that has been taken by or against the association in relation to the matters;

the Court must cancel the recognition of the association under this Schedule.

(4) A finding of fact in proceedings under section 496, 508, 509 or 807 of the *Workplace Relations Act 1996* commenced on or after the reform commencement is admissible as prima facie evidence of that fact in an application made on a ground specified in paragraph (1)(d).

(4A) A finding of fact in proceedings under section 23 of this Act is admissible as prima facie evidence of that fact in an application made on a ground specified in paragraph (1)(e).

(4B) A finding of fact in proceedings:

(a) under Division 4 of Part 3-3 or Part 4-1 of the Fair Work Act; or

(b) under the Fair Work Act in relation to a contravention of Part 3-1 of that Act;

is admissible as prima facie evidence of that fact in an application made on a ground specified in paragraph (1)(f).

Cancellation by the FWC

(5) The FWC may cancel the recognition under this Schedule of a transitionally recognised association:

(a) on application by the association made under the regulations; or

(b) on application by a person interested or by the Minister, if the FWC has satisfied itself, as prescribed, that the association:

(i) was recognised by mistake; or

(ii) is no longer a State-registered association.

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Cancellation by General Manager

(6) The General Manager may, by written instrument, cancel the recognition under this Schedule of a transitionally recognised association if he or she is satisfied that the association no longer exists.

(7) An instrument under subclause (6) is not a legislative instrument.

6 End of transitional recognition

(1) The recognition under this Schedule of a transitionally recognised association that has been granted transitional recognition in relation to an application under subclause 2(1) ends:
  (a) when it is cancelled under clause 5; or
  (b) when the association becomes an organisation; or
  (c) in any other case—at the end of:
    (i) unless subparagraph (ii) or (iii) applies—the fifth anniversary of the earliest day on which an organisation can make an application in accordance with subsection 158A(2); or
    (ii) if the FWC grants the association an extension under subclause (2) of this clause and subparagraph (iii) does not apply—the sixth anniversary of that day; or
    (iii) if the FWC grants the association a further extension under subclause (3) of this clause—the seventh anniversary of that day.

(1A) The recognition under this Schedule of a transitionally recognised association that has been granted transitional recognition in relation to an application under subclause 2(1A) ends:
  (a) when it is cancelled under clause 5; or
  (b) when the association becomes an organisation; or
  (c) in any other case—at the end of the latest of the following days:
    (i) the day (the ***default day***) that is the later of the fifth anniversary of the day the *Fair Work Amendment*

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(Transfer of Business) Act 2012 commenced and a day prescribed by the regulations;

(ii) if the FWC grants the association an extension under subclause (2)—the anniversary of the default day;

(iii) if the FWC grants the association a further extension under subclause (3)—the second anniversary of the default day.

(2) The FWC may, on application by a transitionally recognised association, grant the association an extension for the purposes of subparagraph (1)(c)(ii) or (1A)(c)(ii) if the FWC is satisfied that the association has made progress towards:

(a) becoming an organisation; or

(b) rationalising its internal affairs with those of its federal counterpart.

(3) The FWC may, on application by a transitionally recognised association, grant the association a further extension for the purposes of subparagraph (1)(c)(iii) or (1A)(c)(iii) if the FWC is satisfied that:

(a) the association has made further progress towards:

(i) becoming an organisation; or

(ii) rationalising its internal affairs with those of its federal counterpart; and

(b) there are extenuating circumstances justifying the further extension.

7 Modification of this Act

Regulations made for the purposes of this clause may modify how section 19 of this Act applies in relation to an association that is a transitionally recognised association.

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Schedule 2—Recognised State-registered associations

Note: See section 5C.

1 Recognition of State-registered associations

(1) A State-registered association may apply to the General Manager for recognition under this Schedule if:
  (a) the association has no federal counterpart; and
  (b) the law of a State under which the association is registered is a law to which subclause (2) applies.

(2) This subclause applies to a law of a State if the regulations so provide.

(3) The application must be accompanied by:
  (a) a copy of the current rules of the association; and
  (b) a statement setting out:
    (i) the address of the association; and
    (ii) each office in the association; and
    (iii) the name and address of each person holding office in the association.

(4) If the General Manager is satisfied that the association satisfies subclause (1), the General Manager must, by written instrument, grant the application and record the fact that he or she is so satisfied.

(5) An instrument under subclause (4) is not a legislative instrument.

(6) The General Manager must give a copy of the instrument to the association.

(7) A State-registered association is taken to be recognised under this Schedule when the General Manager grants the application.

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2 Application of Fair Work Act to recognised State-registered associations

(1) The provisions of the *Fair Work Act 2009* and Part 3 of Chapter 4 of this Act apply in relation to a recognised State-registered association:

(a) in the same way as they apply in relation to an organisation; and

(b) as if a recognised State-registered association were a person.

(2) To avoid doubt, this section does not confer on a recognised State-registered association:

(a) a legal identity that it would not otherwise have; or

(b) a right to represent its members' industrial interests outside the State in relation to which it is a State-registered association.

3 Cancellation of recognition

Cancellation by the Federal Court

(1) A person interested or the Minister may apply to the Federal Court for an order cancelling the recognition under this Schedule of a recognised State-registered association on the ground that:

(a) the conduct of:

(i) the association (in relation to its continued breach of an order of the FWC or an industrial instrument, or its continued failure to ensure that its members comply with and observe an order of the FWC or an industrial instrument, or in any other respect); or

(ii) a substantial number of the members of the association (in relation to their continued breach of an order of the FWC or an industrial instrument, or in any other respect);

has, on or after the commencement of this Schedule, prevented or hindered the achievement of an object of this Act as in force at that time; or

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(b) the association, or a substantial number of the members of the association or of a section or class of members of the association, has engaged in industrial action (other than protected industrial action) that has, on or after the commencement of this Schedule, prevented, hindered or interfered with:

(i) the activities of a federal system employer; or

(ii) the provision of any public service by the Commonwealth or a State or Territory or an authority of the Commonwealth or a State or Territory; or

(c) the association, or a substantial number of the members of the association or of a section or class of members of the association, has or have been, or is or are, engaged, on or after the commencement of this Schedule, in industrial action (other than protected industrial action) that has had, is having or is likely to have a substantial adverse effect on the safety, health or welfare of the community or a part of the community; or

(d) the association, or a substantial number of the members of the association or of a section or class of members of the association, has or have failed to comply with one of the following, made on or after the commencement of this Schedule:

(i) an injunction granted under subsection 421(3) of the Fair Work Act (which deals with orders to stop industrial action);

(ii) an order made under the Fair Work Act in relation to a contravention of Part 3-1 of that Act (which deals with general protections);

(iii) an interim injunction granted under section 545 of the Fair Work Act so far as it relates to conduct or proposed conduct that could be the subject of an injunction under a provision mentioned in subparagraph (i) or (ii);

(iv) an order under section 23 of this Act (which deals with contraventions of the employee associations provisions).

(2) The Court must give the association an opportunity to be heard.

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(3) If the Court:
  (a) finds that a ground for cancellation set out in the application has been established; and
  (b) does not consider that it would be unjust to do so having regard to the degree of gravity of the matters constituting the ground and the action (if any) that has been taken by or against the association in relation to the matters;

the Court must cancel the recognition of the association under this Schedule.

(4) A finding of fact in:
  (a) proceedings commenced on or after the commencement of this Schedule:
    (i) under section 421 of the Fair Work Act; or
    (ii) under the Fair Work Act in relation to a contravention of Part 3-1 of that Act; or
  (b) proceedings under section 23 of this Act;

is admissible as prima facie evidence of that fact in an application made on a ground specified in paragraph (1)(d).

Cancellation by the FWC

(5) The FWC may cancel the recognition under this Schedule of a recognised State-registered association:
  (a) on application by the association made under the regulations; or
  (b) on application by a person interested or by the Minister, if the FWC has satisfied itself, as prescribed:
    (i) that the association was recognised by mistake; or
    (ii) that the association is no longer a State-registered association; or
    (iii) that the association has been found by another industrial body (within the meaning of the Fair Work Act) to have contravened a State or Territory industrial law, and that the contravention constitutes serious misconduct.

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Cancellation by General Manager

(6) The General Manager may, by written instrument, cancel the recognition under this Schedule of a recognised State-registered association if he or she is satisfied that the association no longer exists.

(7) An instrument under subclause (6) is not a legislative instrument.

Cancellation if subclause 1(2) no longer applies

(8) The recognition under this Schedule of a recognised State-registered association is taken to be cancelled if the law of a State under which the association is registered ceases to be a law to which subclause 1(2) applies.

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

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be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation "(md)" added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation "(md not incorp)" is added to the details of the amendment included in the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s)/sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

<u>underlining</u> = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Industrial Relations Act 1988	86, 1988	8 Nov 1988	ss. 1–6 and 8–359: 1 Mar 1989 (*see Gazette* 1989, No. S53) Remainder: 1 July 1992 (*see Gazette* 1992, No. S182)	
A.C.T. Self-Government (Consequential Provisions) Act 1988	109, 1988	6 Dec 1988	s 32: 11 May 1989 (s 2(3) and gaz 1989, No S164)	—
as amended by				
Australian Capital Territory Government Service (Consequential Provisions) Act 1994	92, 1994	29 June 1994	1 July 1994 (*see Gazette* 1994, No. S256)	—
Australian Federal Police Legislation Amendment Act (No. 2) 1989	153, 1989	17 Dec 1989	ss. 1, 2, 61 and 62: Royal Assent s. 11: 1 July 1991 ss. 38 and 71: 1 Jan 1991 Remainder: 1 Jan 1990 (*see Gazette* 1989, No. S397)	—
as amended by				
Crimes Legislation Amendment Act 1991	28, 1991	4 Mar 1991	Sch 2 (Pt 1): 4 Mar 1991 (s 2(1))	—
Petroleum (Australia-Indonesia Zone of Cooperation) (Consequential Provisions) Act 1990	37, 1990	7 June 1990	18 Feb 1991 (*see* s. 2 and *Gazette* 1991, No. S47)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Remuneration and Allowances Act 1990	71, 1990	20 June 1990	ss. 9 and 10: 1 July 1990 Remainder: Royal Assent	—
Industrial Relations Legislation Amendment Act (No. 2) 1990	108, 1990	18 Dec 1990	ss. 8, 13 and 21: 1 Feb 1991 (*see* s. 2(4) and *Gazette* 1991, No. S18) ss. 22–24: 1 Mar 1989 s. 26: 1 Jan 1990 s. 33: 25 Mar 1991 (*see Gazette* 1991, No. S73) Remainder: Royal Assent	—
Industrial Relations Legislation Amendment Act 1990	19, 1991	23 Jan 1991	1 Feb 1991 (*see Gazette* 1991, No. S18)	ss. 10(2), (3), 12(2) and 18
Industrial Relations Legislation Amendment Act (No. 2) 1991	62, 1991	30 May 1991	ss. 1 and 2: Royal Assent Schedule (Part 1 [in part], Part 2): 2 July 1991 (*see Gazette* 1991, No. S182) Schedule (Part 3 [in part]): 1 Aug 1991 (*see Gazette* 1991, No. S210) Schedule (Part 5): 1 Sept 1991 (*see Gazette* 1991, No. S239) Remainder: 30 Nov 1991	—
Industrial Relations Legislation Amendment Act 1991	122, 1991	27 June 1991	ss. 4(1), 10(b) and 15–20: 1 Dec 1988 ss. 28(b)–(e), 30 and 31: 10 Dec 1991 (*see Gazette* 1991, No. S332) Remainder: Royal Assent	s. 31(2)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Remuneration and Allowances Legislation Amendment Act 1992	52, 1992	22 June 1992	ss. 13 and 14: 27 June 1991 ss. 16 and 17(1): 20 June 1990 s. 17(2): 1 July 1990 s. 19(1): 1 Jan 1990 Remainder: Royal Assent	ss. 8–12
Superannuation Guarantee (Consequential Amendments) Act 1992	92, 1992	30 June 1992	1 July 1992	—
Superannuation Legislation (Consequential Amendments and Transitional Provisions) Act 1992	94, 1992	30 June 1992	s. 3: 1 July 1990 Remainder: Royal Assent	—
Industrial Relations Legislation Amendment Act 1992	109, 1992	9 July 1992	ss. 3, 4(a), (b), (f), 6–26 and Schedule: 23 July 1992 (*see Gazette* 1992, No. S206) ss. 4(c), (e) and 5: 20 Aug 1992 (*see Gazette* 1992, No. S236) s. 4(d): 9 Jan 1993 Remainder: Royal Assent	ss. 19 and 20
as amended by				
Industrial Relations Legislation Amendment Act (No. 2) 1992	215, 1992	24 Dec 1992	(*see* 215, 1992 below)	—

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Human Rights and Equal Opportunity Legislation Amendment Act 1992	132, 1992	30 Oct 1992	26 Nov 1992 (*see* s. 2 and *Gazette* 1992, No. S346)	—
Sex Discrimination and other Legislation Amendment Act 1992	179, 1992	16 Dec 1992	13 Jan 1993	ss. 2(2) and 4(4)
Qantas Sale Act 1992	196, 1992	21 Dec 1992	Sch (Pt 3, 6): repealed on 31 Aug 1995 (s 2(6)) Sch (Pt 4): 30 July 1995 (s 2(2) and gaz 1995, No S324)	s. 2(6) (am. by 60, 1993, s. 4; 168, 1994, s. 3)
as amended by				
Qantas Sale Amendment Act 1993	60, 1993	3 Nov 1993	10 Mar 1993	—
Qantas Sale Amendment Act 1994	168, 1994	16 Dec 1994	Sch (item 17): 16 Dec 1994 (s 2(1))	—
Coal Industry Legislation Amendment Act 1992	212, 1992	24 Dec 1992	ss. 3 and 4: 4 Feb 1993 (*see Gazette* 1993, No. GN4) Remainder: Royal Assent	—
Industrial Relations Legislation Amendment Act (No. 2) 1992	215, 1992	24 Dec 1992	ss. 3–8 and 11–33: 21 Jan 1993 ss. 34–40: 18 Feb 1991 Remainder: Royal Assent	s. 6(2) and (3)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Industrial Relations Reform Act 1993	98, 1993	22 Dec 1993	ss. 1, 2, 55 and 56: Royal Assent ss. 17 and 80: 22 June 1994 ss. 75 and 76: 2 Jan 1994 (*see Gazette* 1993, No. S400) Remainder: 30 Mar 1994 (*see Gazette* 1994, No. S104)	ss. 2(3), 35, 60(2), 63–67 and 76(2)
Industrial Relations Court (Judges' Remuneration) Act 1993	104, 1993	22 Dec 1993	22 Dec 1993	—
Industrial Relations and other Legislation Amendment Act 1993	109, 1993	22 Dec 1993	ss. 1, 2 and 58: Royal Assent s. 32: 5 Jan 1994 s. 34: 6 Sept 1991 s. 47: 24 Dec 1992 Remainder: 19 Jan 1994	—
Industrial Relations Amendment Act 1994	46, 1994	24 Mar 1994	24 Mar 1994	—
Industrial Relations Legislation Amendment Act 1994	77, 1994	21 June 1994	ss. 1 and 2: Royal Assent ss. 5 and 6: 19 July 1994 Remainder: 18 Aug 1994 (*see Gazette* 1994, No. S309)	—
Industrial Relations Amendment Act (No. 2) 1994	97, 1994	30 June 1994	30 June 1994	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Industrial Relations Legislation Amendment Act (No. 2) 1994	158, 1994	15 Dec 1994	Sch 1 (item 2): 15 Dec 1994 (s 2(2) and Sch 1 item 1(1)) Sch 1 (items 6, 8–12, 14–19): 1 July 1995 (s 2(2), Sch 1 item 1(2), (3) and gaz 1995, No S256) Sch 1 (item 7): repealed before commencing (s 2(2) and Sch 1 item 1(2), (3))	Sch 1 (items 2, 14–19)
as amended by				
Industrial Relations and other Legislation Amendment Act 1995	168, 1995	16 Dec 1995	Sch 6: 15 Jan 1996 (s 2(2) and gaz 1996, No S16)	—
Evidence (Transitional Provisions and Consequential Amendments) Act 1995	3, 1995	23 Feb 1995	s 14: 23 Feb 1995 (s 2(1)) s 23: 18 Apr 1995 (s 2(10))	s 14
Industrial Relations and other Legislation Amendment Act 1995	168, 1995	16 Dec 1995	ss. 1–12, Schedules 5 and 7–10: Royal Assent s. 13: 13 Jan 1996 Remainder: 15 Jan 1996 (*see Gazette* 1996, No. S16)	Sch. 2 (item 14)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Workplace Relations and Other Legislation Amendment Act 1996	60, 1996	25 Nov 1996	Schedules 1, 2, 4, 6–8, 9 (item 2), 11, 12 (item 1), 13–15 and 20: 31 Dec 1996 (*see Gazette* 1996, No. S535) Schedules 3 and 18: 5 Dec 1996 (*see Gazette* 1996, No. S472) Schedule 5: 1 Jan 1997 Schedule 9 (item 1): 31 Dec 1996 (s 2(5)) Schedule 10: 12 Mar 1997 (*see Gazette* 1997, No. S87) Schedule 16 (items 1–89): 25 May 1997 Schedule 17: 17 Jan 1997 (*see Gazette* 1997, No. S18) Remainder: Royal Assent	Sch. 4 (items 11–13), Sch. 5 (items 46–49, 50(1), (2), (4), 51(1)–(6), (8), 52, 53, 54(1), 55), Sch. 6 (item 17), Sch. 7 (items 12, 13), Sch. 8 (item 23), Sch. 9 (item 2(1)–(8), (10)), Sch. 11 (items 88, 89), Sch. 13 (item 16), Sch. 14 (item 41) and Sch. 17 (items 29–37) s. 2(2) and (6) (am. by 77, 1996, Sch. 3 [items 1, 2]) Sch. 5 (item 50(3)) (am. by 198, 1997, Sch. 1 [item 4]) Sch. 5 (item 51(7)) (am. by 119, 1999, Sch. 2 [item 1]) Sch. 5 (item 54(2)) (rep. by 119, 1999, Sch. 2 [item 2])

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
				Sch. 9 (item 2(9)) (am. by 133, 1999, Sch. 1 [item 125])
as amended by				
Workplace Relations and Other Legislation Amendment Act (No. 2) 1996	77, 1996	19 Dec 1996	Sch 3: 25 Nov 1996 (s 2(4))	—
Workplace Relations and Other Legislation Amendment Act 1997	198, 1997	11 Dec 1997	Schedule 7: 11 June 1998 Remainder: Royal Assent	—
Workplace Relations Legislation Amendment (Youth Employment) Act 1999	119, 1999	22 Sept 1999	ss. 1–3: Royal Assent Remainder: 20 Oct 1999	—
Human Rights Legislation Amendment Act (No. 1) 1999	133, 1999	13 Oct 1999	Sch 1 (item 125): 13 Apr 2000 (s 2(2), (3))	—
Workplace Relations and Other Legislation Amendment Act (No. 2) 1996	77, 1996	19 Dec 1996	Sch 1 (item 1): 19 Dec 1996 (s 2(1)) Sch 1 (item 2): 31 Dec 1996 (s 2(2) and gaz 1996, No S535) Sch 1 (items 3–5): 1 Jan 1997 (s 2(2) and gaz 1996, No S535) Sch 2: 13 Mar 1997 (s 2(2) and gaz 1997, No S87)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Workplace Relations and Other Legislation Amendment Act 1997	198, 1997	11 Dec 1997	Schedule 7: 11 June 1998 Remainder: Royal Assent	Sch. 5 (items 5, 8, 10) and Sch. 6 (items 14–18)
Workplace Relations Legislation Amendment (Youth Employment) Act 1999	119, 1999	22 Sept 1999	ss. 1–3: Royal Assent Remainder: 20 Oct 1999	—
Human Rights Legislation Amendment Act (No. 1) 1999	133, 1999	13 Oct 1999	ss. 1–3 and 21: Royal Assent s. 22 and Schedule 1 (items 53, 60): 10 Dec 1999 (*see Gazette* 1999, No. S598) Remainder: 13 Apr 2000	s. 18
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Sch 1 (items 984–994): 5 Dec 1999 (s 2(1), (2))	—
Australian Federal Police Legislation Amendment Act 2000	9, 2000	7 Mar 2000	2 July 2000 (*see Gazette* 2000, No. S328)	Sch. 3 (items 20, 34, 35)
Timor Gap Treaty (Transitional Arrangements) Act 2000	25, 2000	3 Apr 2000	s 4 and Sch 2 (item 42): 26 Oct 1999 (s 2(2))	s 4
Jurisdiction of Courts Legislation Amendment Act 2000	57, 2000	30 May 2000	Sch 1 (item 91): 1 July 2000 (s 2(2) and gaz 2000, No GN25)	—
Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000	137, 2000	24 Nov 2000	Sch 2 (items 413–419): 24 May 2001 (s 2(3))	Sch 2 (items 418, 419)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Workplace Relations Amendment (Tallies) Act 2001	7, 2001	22 Mar 2001	Schedule 1 (item 1): 23 Mar 2002 Remainder: Royal Assent	—
Corporations (Repeals, Consequentials and Transitionals) Act 2001	55, 2001	28 June 2001	s 4–14 and Sch 3 (items 571–573): 15 July 2001 (s 2(1), (3))	s 4–14
Workplace Relations Amendment (Termination of Employment) Act 2001	100, 2001	22 Aug 2001	Sch 1: 30 Aug 2001 (s 2(2) and gaz 2001, No S357)	Sch 1 (items 41–50)
as amended by				
Statute Law Revision Act 2002	63, 2002	3 July 2002	Sch 2 (items 37, 38): 30 Aug 2001 (s 2(1) items 66, 67)	—
Employment, Workplace Relations and Small Business Legislation Amendment (Application of Criminal Code) Act 2001	142, 2001	1 Oct 2001	s 4 and Sch 1 (items 140–158, 160–202): 2 Oct 2001 (s 2(1)) Sch 1 (item 159): never commenced (s 2(8)(b))	s 4
Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001	159, 2001	1 Oct 2001	29 Oct 2001	Sch. 1 (item 97)
Workplace Relations Amendment (Registration and Accountability of Organisations) Act 2002	104, 2002	14 Nov 2002	Schedule 1: 12 May 2003 (*see Gazette* 2002, No. GN49) Remainder: Royal Assent	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002	105, 2002	14 Nov 2002	Schedules 1, 2 and 4 (items 3–6): 12 May 2003 (*see* s. 2(1) and *Gazette* 2002, No. GN49) Schedule 4 (items 1, 2): 12 Dec 2002	Sch. 1 and Sch. 2 (item 114)
Workplace Relations Amendment (Genuine Bargaining) Act 2002	123, 2002	6 Dec 2002	Schedule 1: 7 Feb 2003 (*see Gazette* 2003, No. S34) Remainder: Royal Assent	Sch. 1 (items 3A, 3, 4)
Workplace Relations Legislation Amendment Act 2002	127, 2002	11 Dec 2002	Schedule 3 (items 24, 28, 31, 35, 42, 44, 46–48, 57, 60): Royal Assent Schedule 3 (items 25–27, 52): 29 May 2003 Schedule 3 (items 29, 30, 45, 61): 11 June 2003 Schedule 3 (items 33, 36–40, 43, 58, 59): 14 Feb 2003 (*see Gazette* 2003, No. GN6) Schedule 3 (items 49–51): 12 Dec 2002	Sch. 3 (items 57–61)
Petroleum (Timor Sea Treaty) (Consequential Amendments) Act 2003	10, 2003	2 Apr 2003	Schedule 1 (items 1–52, 54–75, 78–82): 20 May 2002 Remainder: Royal Assent	—
Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Act 2003	20, 2003	11 Apr 2003	Schedule 1: 9 May 2003 Remainder: Royal Assent	Sch. 1 (items 13–16)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Superannuation Legislation (Commonwealth Employment) Repeal and Amendment Act (No. 1) 2003	64, 2003	30 June 2003	Schedule 5 (item 7): 1 July 2003	—
Workplace Relations Amendment (Protection for Emergency Management Volunteers) Act 2003	76, 2003	15 July 2003	16 July 2003	Sch. 1 (item 6)
Workplace Relations Amendment (Fair Termination) Act 2003	104, 2003	16 Oct 2003	Schedules 1 and 2: 27 Nov 2003 (*see Gazette* 2003, No. GN47) Remainder: Royal Assent	Sch. 1 (item 20)
Workplace Relations Amendment (Improved Protection for Victorian Workers) Act 2003	137, 2003	17 Dec 2003	Sch 1–4: 1 Jan 2004 (s 2(1) items 2–5)	Sch 1 (items 27–36), Sch 2 (item 4), Sch 3 (items 10–13) and Sch 4 (item 5)
Workplace Relations Amendment (Transmission of Business) Act 2004	10, 2004	11 Mar 2004	Schedule 1: 30 Apr 2004 (*see Gazette* 2004, No. GN17) Remainder: Royal Assent	—
Workplace Relations Amendment (Improved Remedies for Unprotected Action) Act 2004	11, 2004	11 Mar 2004	Schedule 1: 30 Apr 2004 (*see Gazette* 2004, No. GN17) Remainder: Royal Assent	—
Age Discrimination (Consequential Provisions) Act 2004	40, 2004	21 Apr 2004	Schedule 1 (item 13): 23 June 2004 (*see* s. 2(1))	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Law and Justice Legislation Amendment Act 2004	62, 2004	26 May 2004	Schedule 1 (items 57–59): 27 May 2004	Sch. 1 (item 59)
Workplace Relations Amendment (Codifying Contempt Offences) Act 2004	112, 2004	13 July 2004	Schedules 1, 2 and 3: 10 Aug 2004 Schedules 1A and 4: 13 Jan 2005 Remainder: Royal Assent	Sch. 1 (item 6), Sch. 3 (item 25) and Sch. 5 (items 9–13)
Workplace Relations Amendment (Agreement Validation) Act 2004	155, 2004	15 Dec 2004	15 Dec 2004	Sch. 1 (item 3)
Financial Framework Legislation Amendment Act 2005	8, 2005	22 Feb 2005	s. 4 and Schedule 1 (items 495, 496): Royal Assent	s. 4 and Sch. 1 (item 496)
Statute Law Revision Act 2005	100, 2005	6 July 2005	Sch 1 (items 84, 85): 27 Nov 2003 (s 2(1) item 24)	—
Building and Construction Industry Improvement (Consequential and Transitional) Act 2005	112, 2005	12 Sept 2005	ss. 4, 5(1), (3), (4) and Schedule 1 (items 8, 9, 11): 9 Mar 2005 Remainder: Royal Assent	—
Workplace Relations Amendment (Work Choices) Act 2005	153, 2005	14 Dec 2005	Schedules 1, 2 and 5: 27 Mar 2006 (*see* F2006L00836) Schedule 4 (items 3–24): 27 Mar 2006 Remainder: Royal Assent	Sch. 3A (items 7–10) and Sch. 4 (items 1–5, 6–20, 20A, 21–23) Sch. 4 (item 5A) (am. by 163, 2006, Sch. 6 [items 49, 50]) Sch. 4 (item 24) (am. by 8, 2007, Sch. 2 [item 18])

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Workplace Relations Legislation Amendment (Independent Contractors) Act 2006	163, 2006	11 Dec 2006	Schedule 6 (items 49, 50, 62): 12 Dec 2006	Sch. 6 (item 62)
Statute Law Revision Act 2007	8, 2007	15 Mar 2007	Schedule 2 (items 17, 18): (*see* 8, 2007 below)	—
Workplace Relations Legislation Amendment (Independent Contractors) Act 2006	163, 2006	11 Dec 2006	Sch 1 and Sch 2 (items 1–3, 5, 7): 1 Mar 2007 (s 2(1) items 2, 3) Sch 3–5 and Sch 6 (items 1–48, 51–61) : 12 Dec 2006 (s 2(1) item 4)	Sch 2 (item 5), Sch 3 (item 31), Sch 5 (items 35, 36) and Sch 6 (items 51–61)
as amended by				
Statute Law Revision Act 2008	73, 2008	3 July 2008	Sch 2 (items 27, 28): 12 Dec 2006 (s 2(1) item 62)	—
Statute Law Revision Act 2007	8, 2007	15 Mar 2007	Sch 1 (items 27, 28, 30–32, 34–41) and Sch 2 (items 17, 18): 27 Mar 2006 (s 2(1) items 23, 25, 27, 42, 43) Sch 1 (items 29, 33): 15 Mar 2007 (s 2(1) items 24, 26)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Workplace Relations Amendment (A Stronger Safety Net) Act 2007	107, 2007	28 June 2007	Sch 1, Sch 2 (items 1–29, 32–36), Sch 3 (items 1–16, 18–20), Sch 5 and Sch 7 (items 19, 20): 1 July 2007 (s 2(1) items 2–4, 6, 9) Sch 4, Sch 6 and Sch 7 (items 1–18): 28 June 2007 (s 2(1) items 5, 7, 8)	Sch 2 (items 32–36), Sch 3 (items 18–20), Sch 4 (item 3), Sch 6 (item 3) and Sch 7 (items 11, 18)
Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008	8, 2008	20 Mar 2008	Schedules 1–7: 28 Mar 2008 (*see* F2008L00959) Remainder: Royal Assent	Sch. 1 (item 15A) and Sch. 3 (item 53)
Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) Act 2008	26, 2008	23 June 2008	Schedule 1 (items 130–140): Royal Assent	—
Evidence Amendment Act 2008	135, 2008	4 Dec 2008	Schedule 3 (items 9, 10): 4 Dec 2009	—
as amended by				
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Schedule 2 (items 7, 8): Royal Assent	—
Fair Work (Transitional Provisions and Consequential Amendments) Act 2009	55, 2009	25 June 2009	Sch 1 and Sch 22 (items 1–62, 62A, 63A, 64–91, 97–101, 104–186, 188, 191–352, 354–404, 406–582, 585–620): 1 July 2009 (s 2(1) items 2, 6, 7, 8)	Act No. 55, 2009

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Statute Law Revision Act 2010	8, 2010	1 Mar 2010	Schedule 2 (item 6): Royal Assent	—
Disability Discrimination and Other Human Rights Legislation Amendment Act 2009	70, 2009	8 July 2009	Schedule 3 (items 94–110): 5 Aug 2009	—
as amended by				
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Schedule 2 (items 3, 4): Royal Assent	—
Statute Law Revision Act 2010	8, 2010	1 Mar 2010	Sch 1 (item 27): 1 July 2009 (s 2(1) item 3) Sch 5 (item 137): 1 Mar 2010 (s 2(1) item 38)	—
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Schedule 1 (item 58): Royal Assent	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Schedule 2 (item 583) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Fair Work (Registered Organisations) Amendment Act 2012	93, 2012	29 June 2012	Schedule 1 (items 39A–39C): 1 July 2013 Schedule 1 (items 40–55, 57–61): 1 Jan 2014 Remainder: Royal Assent	Sch. 1 (items 4, 10, 16–18, 24, 28, 37, 38, 60) s. 2(1) (item 3) (rs. by 73, 2013, Sch. 6A [item 1]) s. 2(1) (item 4) (ad. by 73, 2013, Sch. 6A [item 1]) Sch. 1 (item 39) (am. by 174, 2012, Sch. 9 [item 1095]) Sch. 1 (item 39C) (ad. by 73, 2013, Sch. 6A [item 2]) Sch. 1 (item 58) (rs. by 73, 2013, Sch. 6A [item 9])
as amended by				
Fair Work Amendment Act 2012	174, 2012	4 Dec 2012	Schedule 9 (item 1095): 1 Jan 2013	—
Fair Work Amendment Act 2013	73, 2013	28 June 2013	Sch 6A: 29 June 2013 (s 2(1) item 17A)	—
Statute Law Revision Act 2012	136, 2012	22 Sept 2012	Schedule 1 (items 51, 52): Royal Assent	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Fair Work Amendment Act 2012	174, 2012	4 Dec 2012	Sch 2 (item 62): 1 July 2013 (s 2(1) item 3) Sch 8 (items 46–52): 1 Jan 2013 (s 2(1) item 4) Sch 9 (items 896–1094, 1385, 1386): 1 Jan 2013 (s 2(1) items 8, 9) Sch 9 (item 1384): 1 Jan 2014 (s 2(1) item 7)	Sch 9 (item 1386)
Fair Work Amendment (Transfer of Business) Act 2012	175, 2012	4 Dec 2012	Sch 1 (items 68–75): 5 Dec 2012 (s 2)	—
Federal Circuit Court of Australia (Consequential Amendments) Act 2013	13, 2013	14 Mar 2013	Sch 1 (items 248–250): 12 Apr 2013 (s 2(1) item 2)	—
Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013	98, 2013	28 June 2013	Sch 1 (item 63H): 1 Aug 2013 (s 2(1) item 2)	—
Statute Law Revision Act 2013	103, 2013	29 June 2013	Sch 1 (item 48): 29 June 2013 (s 2(1) item 2)	—
Statute Law Revision Act (No. 1) 2014	31, 2014	27 May 2014	Sch 1 (items 34–36) and Sch 4 (item 26): 24 June 2014 (s 2(1) items 2, 9)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 221): 5 Mar 2016 (s 2(1) item 2)	—

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Fair Work (Registered Organisations) Amendment Act 2016	79, 2016	24 Nov 2016	Sch 1 (items 6–135, 137): 1 May 2017 (s 2(1) item 2) Sch 2: 2 May 2017 (s 2(1) item 2)	Sch 1 (items 129–135, 137) and Sch 2 (items 242–246)
Building and Construction Industry (Consequential and Transitional Provisions) Act 2016	88, 2016	1 Dec 2016	Sch 1 (items 3, 4): 2 Dec 2016 (s 2(1) item 2)	Sch 1 (item 4)

Number and year	Registration	Commencement	Application, saving and transitional provisions
50, 2006	17 Mar 2006 (F2006L00820)	Sch 1 and 53: 27 Mar 2006 (r 2)	—
52, 2006	17 Mar 2006 (F2006L00835)	Sch 8: 27 Mar 2006 (r 1.2)	—
as amended by			
68, 2006	30 Mar 2006 (F2006L00970)	Sch 1 (items 15–17): 31 Mar 2006 (r 2)	—
38, 2008	27 Mar 2008 (F2008L00960)	Sch 1 (items 15, 16): 28 Mar 2008 (r 2)	—
80, 2012	29 May 2012 (F2012L01109)	Sch 2: 1 June 2012 (s 1.2)	—

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Endnote 4—Amendment history

Provision affected	How affected
Title	am No 60, 1996; No 55, 2009
Chapter 1	
Chapter 1 heading	ad No 55, 2009
Part 1 heading	rep No 55, 2009
s 1	am No 60, 1996; No 55, 2009
s 3	am No 19, 1991; No 215, 1992
	rs No 98, 1993; No 60, 1996
	am No 119, 1999; No 105, 2002
	rs No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 4	am No 109, 1988 (as am by No 92, 1994); No 153, 1989; No 108, 1990; Nos 19 and 62, 1991; No 109, 1992 (as am by No 215, 1992); Nos 98 and 109, 1993; No 158, 1994; No 168, 1995; No 60, 1996; No 198, 1997; No 146, 1999; No 9, 2000; No 100, 2001; Nos 105 and 127, 2002; No 112, 2004; No 112, 2005
	rs No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
s 5–7	ad No 153, 2005
	rep No 55, 2009
s 8	ad No 104, 2002
	rs No 153, 2005; No 8, 2008
	rep No 55, 2009
s 9	ad No 153, 2005
	rep No 55, 2009
s 10	am No 109, 1988
	rs No 105, 2002
	rep No 55, 2009

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Endnote 4—Amendment history

Provision affected	How affected
s 11	rs No 153, 2005
	rep No 55, 2009
s 12	ad No 153, 2005
	rep No 55, 2009
s 13	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
s 14	ad No 98, 1993
	rep No 55, 2009
s 15	ad No 142, 2001
	am No 153, 2005
	rep No 55, 2009
s 16–18	ad No 153, 2005
	rep No 55, 2009
Part 2	ad No 153, 2005
	rep No 55, 2009
s 19	ad No 153, 2005
	rep No 55, 2009
s 20	ad No 153, 2005
	rep No 55, 2009
s 21	ad No 153, 2005
	rep No 55, 2009
s 22	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 23–34	ad No 153, 2005
	rep No 55, 2009
s 35	ad No 153, 2005
	am No 26, 2008
	rep No 55, 2009
s 36–42	ad No 153, 2005

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Provision affected	How affected
	rep No 55, 2009
s 43	ad No 153, 2005
	am No 26, 2008
	rep No 55, 2009
s 44–55	ad No 153, 2005
	rep No 55, 2009
s 56	ad No 153, 2008
	am No 26, 2008
	rep No 55, 2009
s 57–60	ad No 153, 2005
	rep No 55, 2009
Part 3	rep No 55, 2009
s 61	am No 62, 1991; No 98, 1993
	rep No 55, 2009
s 62	ad No 105, 2002
	rep No 55, 2009
s 63	am No 62, 1991; No 98, 1993
	rep No 55, 2009
s 64	am No 62, 1991; No 98, 1993; No 46, 1994
	rep No 55, 2009
s 65	am No 62, 1991; No 98, 1993
	rep No 55, 2009
s 66	am No 52, 1992; No 127, 2002
	rep No 55, 2009
s 67–69	rep No 55, 2009
s 70	ad No 46, 1994
	rep No 55, 2009
s 71	am No 46, 1994
	rep No 55, 2009
s 72	am No 62, 1991; No 98, 1993; No 60, 1996; No 8, 2007
	rep No 55, 2009

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Endnote 4—Amendment history

Provision affected	How affected
s 73	ad No 62, 1991
	am No 98, 1993; No 60, 1996
	rep No 55, 2009
s 74	ad No 62, 1991
	rep No 55, 2009
s 75	am No 62, 1991
	rep No 55, 2009
s 76	rep No 55, 2009
s 77	ad No 62, 1991
	rep No 55, 2009
s 78	rep No 55, 2009
s 79	am No 71, 1990; No 62, 1991; No 52, 1992; No 98, 1993; No 46, 1994; No 127, 2002
	rep No 55, 2009
s 80	am No 94, 1992; No 64, 2003; No 26, 2008
	rep No 55, 2009
s 81	rs No 52, 1992
	am No 127, 2002
	rep No 55, 2009
s 82, 83	rep No 55, 2009
s 84	rs No 122, 1991
	am No 146, 1999
	rep No 55, 2009
s 85	am No 105, 2002
	rep No 55, 2009
s 86	am No 122, 1991
	rep No 55, 2009
s 87	rep No 55, 2009
s 88–90	am No 105, 2002
	rep No 55, 2009
s 91	am No 60, 1996; No 105, 2002

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Provision affected	How affected
	rs No 153, 2005
	rep No 55, 2009
s 92	rep No 55, 2009
s 93	am No 62, 1991
	rep No 55, 2009
s 94	am No 60, 1996; No 153, 2005
	rep No 55, 2009
s 95	am No 60, 1996; No 105, 2002
	rep No 55, 2009
s 96	rs No 62, 1991
	am No 98, 1993; No 105, 2002
	rep No 55, 2009
s 97	rep No 55, 2009
s 98, 99	ad No 153, 2005
	rep No 55, 2009
s 100	am No 153, 2005
	rep No 55, 2009
s 101	am No 60, 1996; No 153, 2005
	rep No 55, 2009
s 102	rep No 55, 2009
Division 4	ad No 153, 2005
	rep No 55, 2009
s 103–115	ad No 153, 2005
	rep No 55, 2009
s 116	ad No 153, 2005
	am No 26, 2008
	rep No 55, 2009
s 117–119	ad No 153, 2005
	rep No 55, 2009

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Provision affected	How affected
s 120	am No 19, 1991; Nos 109 and 179, 1992; No 98, 1993; No 60, 1996; No 198, 1997; No 133, 1999; Nos 105 and 127, 2002; No 137, 2003; No 10, 2004; No 153, 2005; No 107, 2007
	rep No 55, 2009
s 121	ad No 105, 2002
	am No 153, 2005
	rep No 55, 2009
s 122	am No 60, 1996
	rep No 55, 2009
s 123	rep No 55, 2009
s 124	am No 109, 1992; No 100, 2001; Nos 105 and 127, 2002; No 153, 2005
	rep No 55, 2009
s 125	ad No 127, 2002
	rep No 55, 2009
s 126	rep No 55, 2009
Part 4	rep No 55, 2009
Division 1	ad No 109, 1993
	rep No 55, 2009
s 127	ad No 109, 1993
	rep No 55, 2009
s 128	rep No 55, 2009
s 129	am No 109, 1993; No 105, 2002; No 112, 2005
	rep No 55, 2009
s 130, 131	rep No 55, 2009
s 132	am No 105, 2002; No 112, 2005
	rep No 55, 2009
s 133	am No 212, 1992; No 109, 1993; No 105, 2002; No 112, 2005
	rep No 55, 2009
s 134	am No 159, 2001
	rep No 55, 2009
s 135–137	rep No 55, 2009

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Provision affected	How affected
s 138	rs No 122, 1991
	am No 146, 1999
	rep No 55, 2009
s 139	rep No 55, 2009
s 140	am No 122, 1991
	rep No 55, 2009
s 141	am No 212, 1992; No 109, 1993; No 105, 2002; No 112, 2005
	rep No 55, 2009
s 142	rep No 55, 2009
s 143	am No 19, 1991
	rep No 55, 2009
s 144–146	rep No 55, 2009
s 147, 148	am No 105, 2002
	rep No 55, 2009
s 149	am No 146, 1999
	rep No 55, 2009
Part 5 heading	rs No 107, 2007
	rep No 55, 2009
Part 5	ad No 60, 1996
	rep No 55, 2009
Division 1	rs No 107, 2007
	rep No 55, 2009
s 150	ad No 60, 1996
	rep No 107, 2007
s 150A	ad No 107, 2007
	rep No 55, 2009
s 150B	ad No 107, 2007
	am No 8, 2008
	rep No 55, 2009
s 150C	ad No 107, 2007
	rep No 55, 2009

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Provision affected	How affected
s 151	ad No 60, 1996
	am No 105, 2002
	rs No 153, 2005
	rep No 107, 2007
s 151A–151H	ad No 107, 2007
	rep No 55, 2009
s 151J	ad No 107, 2007
	rep No 55, 2009
s 152	ad No 60, 1996
	rs No 153, 2005
	rep No 107, 2007
Division 2	rs No 107, 2007
	rep No 55, 2009
s 152A–152H	ad No 107, 2007
	rep No 55, 2009
s 152J	ad No 107, 2007
	rep No 55, 2009
s 153	ad No 60, 1996
	am No 146, 1999
	rep No 107, 2007
Division 3	ad No 107, 2007
	rep No 55, 2009
s 153A–153C	ad No 107, 2007
	rep No 55, 2009
s 154	ad No 60, 1996
	am No 127, 2002; No 153, 2005
	rep No 107, 2007
Division 3A	ad No 107, 2007
	rep No 8, 2008
s 154A–154D	ad No 107, 2007
	rep No 8, 2008

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Provision affected	How affected
s 155–158	ad No 60, 1996
	rep No 107, 2007
s 158A	am No 126, 2015
s 159	ad No 60, 1996
	am No 146, 1999
	rep No 107, 2007
s 160–163	ad No 60, 1996
	rep No 107, 2007
Division 3 heading	rep No 107, 2007
Division 4 heading	ad No 107, 2007
	rep No 55, 2009
Subdivision A	ad No 107, 2007
	rep No 55, 2009
s 163A–163C	ad No 107, 2007
	rep No 55, 2009
s 164	ad No 60, 1996
	rep No 107, 2007
Subdivision B heading	ad No 107, 2007
	rep No 55, 2009
s 164A	ad No 107, 2007
	am No 8, 2008
	rep No 55, 2009
s 165	ad No 60, 1996
	am No 198, 1997
	rs No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
s 166	ad No 60, 1996
	am No 198, 1997; No 153, 2005; No 107, 2007; No 8, 2008
	rep No 55, 2009
Part 5A	ad No 107, 2007

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Provision affected	How affected
	rep No 55, 2009
s 166A–166H	ad No 107, 2007
	rep No 55, 2009
s 166J–166N	ad No 107, 2007
	rep No 55, 2009
s 166P–166V	ad No 107, 2007
	rep No 55, 2009
Part 6 heading	rs No 153, 2005
	rep No 55, 2009
Part 6	rep No 55, 2009
s 167	am No 108, 1990; No 60, 1996; No 146, 1999; No 153, 2005; No 107, 2007
	rep No 55, 2009
s 168	am No 153, 2005; No 107, 2007
	rep No 55, 2009
s 169	am No 60, 1996; No 137, 2003; No 112, 2004; No 153, 2005; No 163, 2006
	rep No 55, 2009
s 170	ad No 153, 2005
	am No 163, 2006
	rep No 107, 2007
Part 7	ad No 112, 2004
	rs No 153, 2005
	rep No 55, 2009
s 171	am No 98, 1993; No 60, 1996; No 105, 2002
	rs No 153, 2005
	rep No 55, 2009
s 172	ad No 60, 1996
	am No 7, 2001; No 153, 2005
	rs No 153, 2005
	rep No 55, 2009

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Provision affected	How affected
s 173	ad No 7, 2001
	rs No 153, 2005
	rep No 55, 2009
s 174, 175	ad No 153, 2005
	rep No 55, 2009
s 176	am No 98, 1993; No 105, 2002
	rs No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 177	ad No 92, 1992
	rs No 153, 2005
	rep No 8, 2008
s 178	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 179	ad No 153, 2005
	rep No 55, 2009
s 180	ad No 153, 2005
	am No 8, 2007
	rep No 55, 2009
s 181	ad No 153, 2005
	rep No 55, 2009
s 182	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 183	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
s 184	ad No 153, 2005
	rep No 55, 2009
s 185	ad No 153, 2005

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Provision affected	How affected
	am No 8, 2008
	rep No 55, 2009
s 186	ad No 153, 2005
	rs No 8, 2008
	rep No 55, 2009
s 187, 188	ad No 153, 2005
	rep No 8, 2008
s 189	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
s 190–193	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 194–196	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 197, 198	ad No 153, 2005
	rep No 8, 2008
s 199	ad No 153, 2005
	rep No 55, 2009
s 200–203	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 204	ad No 153, 2005
	rep No 55, 2009
s 205	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 206	ad No 153, 2005
	rep No 8, 2008
s 207	ad No 153, 2005

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Provision affected	How affected
	am No 8, 2008
	rep No 55, 2009
s 208–213	ad No 153, 2005
	rep No 55, 2009
Subdivision J	rep No 8, 2008
s 214	ad No 153, 2005
	rep No 8, 2008
Subdivision K heading	rs No 8, 2008
	rep No 55, 2009
s 215, 216	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 217	ad No 153, 2005
	rep No 8, 2008
s 218, 219	ad No 153, 2005
	rep No 55, 2009
Subdivision M	rs No 8, 2008
	rep No 55, 2009
s 219A	ad No 8, 2008
	rep No 55, 2009
s 220, 221	ad No 153, 2005
	rep No 8, 2008
s 222	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 223	rs No 153, 2005
	rep No 55, 2009
s 224, 225	ad No 153, 2005
	rep No 55, 2009
s 226	ad No 153, 2005
	am No 163, 2006

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Endnote 4—Amendment history

Provision affected	How affected
	rep No 55, 2009
s 227	rs No 153, 2005
	rep No 55, 2009
s 228	ad No 158, 1994
	rep No 60, 1996
	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
s 229	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
s 230–232	ad No 153, 2005
	rep No 55, 2009
s 233	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
s 234	ad No 153, 2005
	rep No 55, 2009
s 235, 236	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
s 237, 238	ad No 153, 2005
	rep No 55, 2009
s 239	am No 132, 1992; No 40, 2004
	rs No 153, 2005
	rep No 55, 2009
s 240	ad No 98, 1993
	rs No 153, 2005
	am No 163, 2006
	rep No 55, 2009
s 241	ad No 153, 2005

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Provision affected	How affected
	am No 163, 2006
	rep No 55, 2009
s 242	ad No 153, 2005
	rep No 55, 2009
s 243	ad No 153, 2005
	rs No 163, 2006
	rep No 55, 2009
s 244, 245	ad No 153, 2005
	rep No 55, 2009
s 245A	ad No 163, 2006
	rep No 55, 2009
s 246	ad No 153, 2005
	rep No 55, 2009
s 247	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
s 247A	ad No 163, 2006
	rep No 55, 2009
s 248–258	ad No 153, 2005
	rep No 55, 2009
s 259	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
s 260, 261	ad No 153, 2005
	rep No 55, 2009
s 262	rep No 98, 1993
	ad No 60, 1996
	rs No 153, 2005
	am No 163, 2006
	rep No 55, 2009
s 263	ad No 153, 2005

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Provision affected	How affected
	am No 163, 2006
	rep No 55, 2009
s 264	ad No 153, 2005
	rep No 55, 2009
s 264A	ad No 163, 2006
	rep No 55, 2009
s 265–267	ad No 153, 2005
	rep No 55, 2009
s 268	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
s 269–273	ad No 153, 2005
	rep No 55, 2009
s 274	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
s 275–317	ad No 153, 2005
	rep No 55, 2009
s 318	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
	rep No 55, 2009
s 319, 320	ad No 153, 2005
	rep No 55, 2009
Part 8	ad No 153, 2005
	rep No 55, 2009
s 321	am No 109, 1992
	rs No 98, 1993; No 60, 1996; No 153, 2005
	rep No 55, 2009
s 322–324	ad No 153, 2005
	rep No 55, 2009

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Provision affected	How affected
s 324A	ad No 8, 2008
	rep No 55, 2009
s 325	ad No 153, 2005
	rep No 55, 2009
s 326	rs No 153, 2005; No 8, 2008
	rep No 55, 2009
s 327	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 328–331	ad No 153, 2005
	rep No 55, 2009
s 332	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
s 333	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 334	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 335	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
s 336	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 337	rs No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
s 338	ad No 60, 1996
	am No 105, 2002

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Provision affected	How affected
	rs No 153, 2005
	am No 163, 2006
	rep No 55, 2009
s 339	ad No 153, 2005
	rep No 55, 2009
s 340	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 341	ad No 153, 2005
	rep No 55, 2009
	rep No 55, 2009
s 342	rs No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 343	ad No 153, 2005
	rep No 55, 2009
s 344	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 345	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 346	ad No 153, 2005
	rep No 55, 2009
s 346A	ad No 163, 2006
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
Division 5A	ad No 107, 2007
	rs No 8, 2008
	rep No 55, 2009
s 346B, 346C	ad No 107, 2007

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Provision affected	How affected
	rs No 8, 2008
	rep No 55, 2009
s 346CA	ad No 107, 2007
	rep No 8, 2008
s 346D	ad No 107, 2007
	rs No 8, 2008
	rep No 55, 2009
s 346DA–346DC	ad No 107, 2007
	rep No 8, 2008
s 346E–346H	ad No 107, 2007
	rs No 8, 2008
	rep No 55, 2009
s 346HA	ad No 8, 2008
	rep No 55, 2009
s 346J–346N	ad No 107, 2007
	rs No 8, 2008
	rep No 55, 2009
s 346P–346Y	ad No 107, 2007
	rs No 8, 2008
	rep No 55, 2009
s 346YA	ad No 107, 2007
	am No 107, 2007
	rep No 8, 2008
s 346Z	ad No 107, 2007
	rs No 8, 2008
	rep No 55, 2009
s 346ZA	ad No 107, 2007
	am No 107, 2007
	rs No 8, 2008
	rep No 55, 2009
s 346ZB–346ZE	ad No 107, 2007

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Endnote 4—Amendment history

Provision affected	How affected
	rs No 8, 2008
	rep No 55, 2009
s 346ZEA	ad No 107, 2007
	rep No 8, 2008
s 346ZF–346ZH	ad No 107, 2007
	rs No 8, 2008
	rep No 55, 2009
s 346ZJ, 346ZK	ad No 8, 2008
	rep No 55, 2009
s 347	am No 60, 1996
	rs No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
s 347A	ad No 8, 2008
	rep No 55, 2009
s 348, 349	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 350, 351	ad No 153, 2005
	rep No 55, 2009
s 352	rs No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 353	ad No 153, 2005
	rep No 55, 2009
s 354	ad No 153, 2005
	am No 107, 2007
	rep No 8, 2008
s 355	ad No 153, 2005
	rep No 8, 2008
s 356	ad No 153, 2005

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Provision affected	How affected
	rs No 107, 2007
	rep No 55, 2009
s 357	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
s 358	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
s 359	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
s 360	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 361	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
s 362	ad No 153, 2005
	rep No 55, 2009
s 363	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
s 364–366	ad No 153, 2005
	rep No 55, 2009
s 367	rs No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 368	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 368A	ad No 8, 2008

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Provision affected	How affected
	rep No 55, 2009
s 369	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 370	ad No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
s 371	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
s 372	ad No 153, 2005
	rep No 55, 2009
s 373	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 374	ad No 153, 2005
	rep No 55, 2009
s 375	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
s 376	ad No 153, 2005
	rep No 55, 2009
s 377	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 378	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 379	ad No 153, 2005
	rep No 55, 2009
s 380	ad No 153, 2005

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Provision affected	How affected
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 380A	ad No 8, 2008
	rep No 55, 2009
s 381	am No 109, 1992; No 98, 1993; No 60, 1996; No 105, 2002
	rs No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 381A	ad No 8, 2008
	rep No 55, 2009
s 382, 383	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 384	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 385	ad No 153, 2005
	rep No 55, 2009
s 386	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 387	ad No 153, 2005
	rep No 55, 2009
s 388	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
s 389	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 390	ad No 153, 2005
	am No 107, 2007; No 8, 2008

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Provision affected	How affected
	rep No 55, 2009
s 391	ad No 153, 2005
	rep No 55, 2009
s 392	ad No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
s 393	ad No 153, 2005
	am No 163, 2006; No 107, 2007
	rs No 8, 2008
	rep No 55, 2009
s 394	ad No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
s 395	ad No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
s 396	ad No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
s 397	ad No 153, 2005
	rep No 55, 2009
Subdivision DA	ad No 8, 2008
	rep No 55, 2009
s 397A	ad No 8, 2008
	rep No 55, 2009
s 398	ad No 153, 2005
	rs No 8, 2008
	rep No 55, 2009
s 399	ad No 153, 2005
	rep No 8, 2008
s 399A	ad No 163, 2006

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Provision affected	How affected
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 400	am No 105, 2002
	rs No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 401, 402	ad No 153, 2005
	rep No 55, 2009
s 403	rs No 153, 2005
	rep No 55, 2009
s 404	ad No 153, 2005
	rep No 55, 2009
s 405, 406	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 407	ad No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
s 408–412	ad No 153, 2005
	rep No 55, 2009
s 412A	ad No 8, 2008
	rep No 55, 2009
s 413, 414	ad No 153, 2005
	rep No 55, 2009
s 415	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 416–418	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
Part 9	ad No 153, 2005

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Endnote 4—Amendment history

Provision affected	How affected
	rep No 55, 2009
s 419	am No 109, 1992
	rs No 60, 1996; No 153, 2005
	rep No 55, 2009
s 420–422	ad No 153, 2005
	rep No 55, 2009
s 423	rs No 153, 2005
	rep No 55, 2009
s 424–434	ad No 153, 2005
	rep No 55, 2009
s 435	am No 109, 1992; No 98, 1993; No 60, 1996; No 105, 2002
	rs No 153, 2005
	rep No 55, 2009
s 436–448	ad No 153, 2005
	rep No 55, 2009
s 449	am No 109, 1992; No 98, 1993; No 60, 1996; No 105, 2002
	rs No 153, 2005
	rep No 55, 2009
s 450	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 451–466	ad No 153, 2005
	rep No 55, 2009
s 467	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 468–481	ad No 153, 2005
	rep No 55, 2009
s 482	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009

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Provision affected	How affected
s 483	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
s 484	ad No 153, 2005
	rep No 55, 2009
s 485	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 486–493	ad No 153, 2005
	rep No 55, 2009
s 494	am No 105, 2002
	rs No 153, 2005
	rep No 55, 2009
s 495	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 496	am Nos 109 and 215, 1992; No 98, 1993; No 60, 1996; No 105, 2002
	rs No 153, 2005
	rep No 55, 2009
s 497	ad No 179, 1992
	am No 60, 1996; No 133, 1999
	rs No 153, 2005
	rep No 55, 2009
s 498	rep No 109, 1992
	ad No 153, 2005
	rep No 55, 2009
s 499	ad No 153, 2005
	rep No 55, 2009
s 500	am No 179, 1992; No 98, 1993; No 60, 1996; Nos 119 and 133, 1999
	rs No 153, 2005
	rep No 55, 2009

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Endnote 4—Amendment history

Provision affected	How affected
s 501, 502	ad No 98, 1993
	am No 60, 1996
	rs No 153, 2005
	rep No 55, 2009
s 503–505	ad No 153, 2005
	rep No 55, 2009
s 506	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 507	rs No 153, 2005
	rep No 55, 2009
s 508, 509	ad No 153, 2005
	rep No 55, 2009
Part 10	rs No 153, 2005
	rep No 55, 2009
s 510	rep No 109, 1992
	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 511, 512	ad No 153, 2005
	rep No 55, 2009
s 513	rep No 109, 1992
	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 514–523	ad No 153, 2005
	rep No 55, 2009
s 524	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 525, 526	ad No 153, 2005

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Provision affected	How affected
	rep No 55, 2009
s 527	rep No 109, 1992
	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 528	ad No 153, 2005
	rep No 8, 2008
s 529	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 530	ad No 153, 2005
	rep No 55, 2009
s 531, 532	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 533	ad No 153, 2005
	rep No 55, 2009
Division 4	rep No 8, 2008
s 534	rs No 19, 1991
	rep No 60, 1996
	ad No 153, 2005
	rep No 8, 2008
s 535	ad No 19, 1991
	am No 98, 1993; No 60, 1996
	rep No 105, 2002
	ad No 153, 2005
	rep No 8, 2008
s 536–551	ad No 153, 2005
	rep No 8, 2008
s 552	am No 105, 2002; No 112, 2004
	rs No 153, 2005

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Endnote 4—Amendment history

Provision affected	How affected
	am No 8, 2008
	rep No 55, 2009
s 553	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 554	ad No 153, 2005
	rep No 55, 2009
s 555	ad No 153, 2005
	rep No 8, 2008
s 556	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 557	am No 60, 1996
	rs No 153, 2005
	am No 112, 2004
	rep No 55, 2009
s 558, 559	ad No 60, 1996
	rs No 153, 2005
	rep No 55, 2009
s 560	ad No 153, 2005
	rep No 55, 2009
s 561	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 562–564	ad No 153, 2005
	rep No 55, 2009
s 565	ad No 153, 2005
	rep No 8, 2008
s 566	ad No 153, 2005
	rep No 55, 2009
Division 8	rs No 98, 1993; No 60, 1996; No 153, 2005

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Provision affected	How affected
	rep No 55, 2009
s 567	am No 109, 1988 (as am by No 92, 1994); No 94, 1992
	rs No 153, 2005
	rep No 55, 2009
s 568–572	ad No 153, 2005
	rep No 55, 2009
s 573	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 574–576	ad No 153, 2005
	rep No 55, 2009
Part 10A	ad No 8, 2008
	rep No 55, 2009
s 576A–576H	ad No 8, 2008
	rep No 55, 2009
s 576J–576N	ad No 8, 2008
	rep No 55, 2009
s 576P–576Z	ad No 8, 2008
	rep No 55, 2009
s 576ZA, 576ZB	ad No 8, 2008
	rep No 55, 2009
Part 11	ad No 153, 2005
	rep No 55, 2009
s 577	am No 19, 1991; No 98, 1993
	rep No 60, 1996
	ad No 153, 2005
	rep No 55, 2009
s 578	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 579	ad No 153, 2005

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Endnote 4—Amendment history

Provision affected	How affected
	am No 8, 2008
	rep No 55, 2009
s 580	rs No 153, 2005
	rep No 55, 2009
s 581, 582	ad No 153, 2005
	rep No 55, 2009
Division 3 heading	rs No 8, 2008
	rep No 55, 2009
Heading to s 583	am No 8, 2008
	rep No 55, 2009
s 583	rs No 60, 1996
	am No 112, 2005
	rs No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 584	ad No 153, 2005
	rs No 8, 2008
	rep No 55, 2009
s 585	rep No 60, 1996
	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 586	ad No 153, 2005
	rep No 55, 2009
s 587	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 588	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 589–594	ad No 153, 2005

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Provision affected	How affected
	rep No 55, 2009
s 595	rs No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 596	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 597	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 598	rs No 60, 1996
	am No 11, 2004
	rs No 153, 2005
	rep No 55, 2009
Division 6A	ad No 163, 2006
	rep No 55, 2009
s 598A	ad No 163, 2006
	am No 107, 2007
	rep No 55, 2009
s 599	am No 60, 1996
	rs No 153, 2005
	rep No 55, 2009
s 600, 601	ad No 153, 2005
	rep No 55, 2009
Division 7A	ad No 8, 2008
	rep No 55, 2009
s 601A–601H	ad No 8, 2008
	rep No 55, 2009
s 602	rs No 153, 2005
	am No 8, 2008
	rep No 55, 2009

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Endnote 4—Amendment history

Provision affected	How affected
s 603	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 603A	ad No 163, 2006
	am No 107, 2007
	rep No 55, 2009
s 603B	ad No 163, 2006
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
s 604	ad No 153, 2005
	am No 163, 2006; No 107, 2007
	rep No 55, 2009
s 605	ad No 153, 2005
	am No 163, 2006; No 8, 2008
	rep No 55, 2009
s 606	rs No 153, 2005
	rep No 55, 2009
Part 12	ad No 98, 1993
	rep No 55, 2009
Division 1	rep No 60, 1996
	ad No 153, 2005
	rep No 55, 2009
s 607–610	ad No 98, 1993
	rep No 60, 1996
	ad No 153, 2005
	rep No 55, 2009
Division 2	ad No 153, 2005
	rep No 55, 2009
s 611	ad No 98, 1993
	rep No 60, 1996
	ad No 153, 2005

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Provision affected	How affected
	am No 163, 2006
	rep No 55, 2009
s 612–614	ad No 98, 1993
	rep No 60, 1996
	ad No 153, 2005
	rep No 55, 2009
s 615–619	ad No 153, 2005
	rep No 55, 2009
s 620	ad No 98, 1993
	am No 60, 1996; No 153, 2005
	rep No 55, 2009
s 621, 622	ad No 153, 2005
	rep No 55, 2009
s 623	ad No 98, 1993
	rep No 55, 2009
s 624	ad No 98, 1993
	am No 153, 2005
	rep No 55, 2009
s 625	ad No 98, 1993
	rep No 55, 2009
s 626–628	ad No 153, 2005
	rep No 55, 2009
s 629, 630	ad No 98, 1993
	rep No 55, 2009
s 631–634	ad No 153, 2005
	rep No 55, 2009
Subdivision A	rs No 60, 1996
	rep No 55, 2009
s 635	ad No 98, 1993
	rs No 60, 1996
	am No 153, 2005

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Endnote 4—Amendment history

Provision affected	How affected
	rep No 55, 2009
s 636	ad No 153, 2005
	rep No 55, 2009
s 637	ad No 98, 1993
	rs No 60, 1996
	am No 76, 2003; No 153, 2005
	rep No 55, 2009
s 638	ad No 104, 2003
	am No 100, 2005; No 153, 2005
	rep No 55, 2009
s 639	ad No 98, 1993
	am No 97, 1994
	rs No 60, 1996
	am No 104, 2003; No 8, 2007
	rep No 55, 2009
s 640	ad No 104, 2003
	rep No 55, 2009
s 641	ad No 153, 2005
	rep No 55, 2009
s 642	ad No 97, 1994
	am No 168, 1995
	rs No 60, 1996
	am No 146, 1999; No 100, 2001 (as am by No 63, 2002); No 127, 2002; No 104, 2003; No 153, 2005
	rep No 55, 2009
Subdivision B	ad No 60, 1996
	rep No 55, 2009
s 643	ad No 60, 1996
	am No 198, 1997; No 100, 2001 (as am by No 63, 2002); No 153, 2005
	rep No 55, 2009
s 644	ad No 104, 2003

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Provision affected	How affected
	rep No 55, 2009
s 645	ad No 100, 2001
	am No 153, 2005
	rep No 55, 2009
s 646–649	ad No 153, 2005
	rep No 55, 2009
s 650	ad No 60, 1996
	am No 100, 2001
	rep No 55, 2009
s 651	ad No 60, 1996
	am No 100, 2001; No 153, 2005
	rep No 55, 2009
s 652	ad No 60, 1996
	am No 100, 2001; No 153, 2005
	rep No 55, 2009
s 653	ad No 153, 2005
	rep No 55, 2009
s 654	ad No 60, 1996
	am No 198, 1997; No 153, 2005
	rep No 55, 2009
s 655	ad No 60, 1996
	rep No 55, 2009
s 656, 657	ad No 100, 2001
	rep No 55, 2009
s 658	ad No 60, 1996
	am No 100, 2001; No 153, 2005
	rep No 55, 2009
Subdivision C	ad No 60, 1996
	rep No 55, 2009
s 659	ad No 60, 1996
	am No 76, 2003; No 153, 2005; No 8, 2008

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Endnote 4—Amendment history

Provision affected	How affected
	rep No 55, 2009
s 660	ad No 60, 1996
	am No 100, 2001
	rep No 55, 2009
s 661	ad No 60, 1996
	rep No 55, 2009
s 662	ad No 60, 1996
	am No 153, 2005
	rep No 55, 2009
s 663	ad No 60, 1996
	am No 100, 2001; No 153, 2005
	rep No 55, 2009
s 664	ad No 60, 1996
	rep No 55, 2009
s 665	ad No 60, 1996
	am No 153, 2005; SLI 2006 No 50
	rep No 55, 2009
s 666, 667	ad No 60, 1996
	rep No 55, 2009
s 668	ad No 98, 1993
	am No 153, 2005
	rep No 55, 2009
s 669	ad No 98, 1993
	rep No 55, 2009
s 670	ad No 153, 2005
	rep No 55, 2009
s 671	ad No 98, 1993
	am No 60, 1996
	rep No 55, 2009
Subdivision E heading	rs No 153, 2005
	rep No 55, 2009

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Provision affected	How affected
Subdivision E	rs No 60, 1996
	rep No 55, 2009
s 672	ad No 98, 1993
	rs No 60, 1996; No 153, 2005
	rep No 55, 2009
s 673	ad No 100, 2001
	rep No 55, 2009
s 674	ad No 60, 1996
	rs No 153, 2005
	rep No 55, 2009
Subdivision F	ad No 100, 2001
	rep No 55, 2009
s 675–679	ad No 100, 2001
	rep No 55, 2009
s 680, 681	ad No 98, 1993
	rep No 55, 2009
s 682, 683	ad No 98, 1993
	am No 60, 1996; No 153, 2005
	rep No 55, 2009
s 684	ad No 97, 1994
	am No 153, 2005
	rep No 55, 2009
s 685, 686	ad No 98, 1993
	am No 60, 1996; No 153, 2005
	rep No 55, 2009
s 687	ad No 153, 2005
	rep No 55, 2009
Division 6	rs No 153, 2005
	rep No 55, 2009
s 688	ad No 98, 1993
	am No 60, 1996

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Endnote 4—Amendment history

Provision affected	How affected
	rs No 153, 2005
	rep No 55, 2009
s 689, 690	ad No 98, 1993
	rs No 153, 2005
	rep No 55, 2009
s 691	ad No 153, 2005
	rep No 55, 2009
Division 7	ad No 163, 2006
	rep No 55, 2009
s 691A	ad No 163, 2006
	am No 8, 2008
	rep No 55, 2009
s 691B, 691C	ad No 163, 2006
	rep No 55, 2009
Part 13	ad No 153, 2005
	rep No 55, 2009
s 692–694	rs No 153, 2005
	rep No 55, 2009
s 695	am No 105, 2002
	rs No 153, 2005
	rep No 55, 2009
s 696	rs No 153, 2005
	rep No 55, 2009
s 697	am No 62, 1991; No 105, 2002
	rs No 153, 2005
	rep No 55, 2009
s 698–709	ad No 153, 2005
	rep No 55, 2009
s 710	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009

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Provision affected	How affected
ss 711–716	ad No 153, 2005
	rep No 55, 2009
Part 14	rep No 55, 2009
Division 1 heading	am No 109, 1992
	rs No 153, 2005
	rep No 55, 2009
s 717	ad No 109, 1992
	am No 127, 2002
	rs No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
Division 2 heading	ad No 153, 2005
	rep No 55, 2009
s 718	ad No 153, 2005
	am No 163, 2006 (as am by No 73, 2008); No 107, 2007; No 8, 2008
	rep No 55, 2009
s 719	am No 108, 1990; No 109, 1992; No 98, 1993; No 60, 1996; Nos 105 and 127, 2002; No 112, 2004; No 153, 2005; No 8, 2008
	rep No 55, 2009
s 720	rs No 108, 1990
	am No 109, 1992; No 60, 1996
	rs No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 721	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 722	ad No 108, 1990
	am No 153, 2005 (as am by No 8, 2007)
	rep No 55, 2009
s 723	ad No 108, 1990

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Endnote 4—Amendment history

Provision affected	How affected
	am No 98, 1993
	rs No 153, 2005
	rep No 55, 2009
s 724	ad No 109, 1992
	am No 153, 2005
	rep No 55, 2009
s 725	ad No 109, 1992
	rep No 55, 2009
s 726	am No 60, 1996; No 153, 2005
	rep No 55, 2009
Division 3	ad No 153, 2005
	rep No 55, 2009
s 727	am No 109, 1992; No 60, 1996
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 728	am No 19, 1991; No 98, 1993; No 60, 1996
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 729	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 730	am No 19, 1991
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 731	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 732	rs No 19, 1991

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Provision affected	How affected
	am No 109, 1992
	rep No 98, 1993
	ad No 153, 2005
	rep No 55, 2009
s 733	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 734	am No 109, 1992; No 60, 1996
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 735	am No 60, 1996
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
Part 15 heading	rs No 105, 2002; No 153, 2005
	rep No 55, 2009
Part 15	rs No 153, 2005
	rep No 55, 2009
Division 1	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 736	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 737	am No 60, 1996
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 738, 739	rep No 105, 2002
	ad No 153, 2005

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Endnote 4—Amendment history

Provision affected	How affected
	rep No 55, 2009
Division 2	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 740	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 741	am No 62, 1991
	rs No 215, 1992
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 742	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
Division 3	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 743	am No 108, 1990; No 98, 1993; No 60, 1996
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 744	am No 60, 1996
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 745, 746	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
Division 4	rep No 105, 2002
	ad No 153, 2005

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Provision affected	How affected
	rep No 55, 2009
s 747, 748	rep No 105, 2002
	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 749, 750	am No 108, 1990
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 751	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 752	am No 108, 1990
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 753	am No 142, 2001
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 754	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
Division 5	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 755, 756	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 757	rep No 105, 2002
	ad No 153, 2005

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Endnote 4—Amendment history

Provision affected	How affected
	am No 8, 2008
	rep No 55, 2009
s 758, 759	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
Division 6	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 760–766	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
Division 7	rs No 19, 1991
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 767, 768	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
Division 8	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 769	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
Division 9	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 770, 771	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 772	rs No 19, 1991

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Provision affected	How affected
	rep No 60, 1996
	ad No 153, 2005
	rep No 55, 2009
s 773	rs No 19, 1991
	am No 55, 2001
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 774	rs No 19, 1991
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 775	rs No 19, 1991
	am No 60, 1996
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 776, 777	rs No 19, 1991
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
Part 16	ad No 60, 1996
	rs No 153, 2005
	rep No 55, 2009
ss 778–790	rs No 19, 1991
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 791	rs No 19, 1991
	am No 60, 1996
	rep No 105, 2002

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Endnote 4—Amendment history

Provision affected	How affected
	ad No 153, 2005
	rep No 55, 2009
s 792	rs No 19, 1991
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 793–799	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 800	am No 109, 1992
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 801, 802	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 803	am No 98, 1993; No 60, 1996
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 804–809	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
s 810	am No 60, 1996
	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
ss 811–813	rep No 105, 2002
	ad No 153, 2005
	rep No 55, 2009
Part 17	rep No 55, 2009

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Provision affected	How affected
s 814	am No 215, 1992; No 142, 2001; No 112, 2004; No 153, 2005
	rep No 55, 2009
s 815	am No 112, 2004; No 153, 2005
	rep No 55, 2009
s 816, 817	am No 112, 2004
	rep No 55, 2009
s 818	am No 142, 2001; No 112, 2004
	rep No 55, 2009
s 819	am No 60, 1996
	rs No 137, 2000
	am No 142, 2001; No 137, 2003; No 163, 2006
	rep No 55, 2009
s 820	am No 142, 2001; No 112, 2004
	rs No 153, 2005
	rep No 55, 2009
s 821	am No 19, 1991; No 142, 2001; No 105, 2002; No 127, 2002; No 112, 2004; No 153, 2005
	rep No 55, 2009
s 822	am No 60, 1996; No 112, 2004; No 153, 2005
	rep No 55, 2009
s 823	rs No 142, 2001
	am No 112, 2004
	rep No 55, 2009
Part 18 heading	rs No 105, 2002
	rep No 55, 2009
Part 18	rep No 55, 2009
s 824	am No 60, 1996; No 153, 2005
	rep No 55, 2009
Part 19	rep No 55, 2009
s 825	rep No 55, 2009
s 826	am No 112, 2005

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Endnote 4—Amendment history

Provision affected	How affected
	rep No 55, 2009
s 827	ad No 153, 2005
	rep No 55, 2009
s 828	am No 112, 2005
	rep No 55, 2009
s 829	rep No 55, 2009
s 830	am No 112, 2005
	rep No 55, 2009
s 831	ad No 153, 2005
	rep No 55, 2009
s 832–834	ad No 153, 2005
	rep No 163, 2006
s 835	rep No 55, 2009
s 836	ad No 108, 1990
	am No 109, 1992; No 60, 1996; No 153, 2005
	rep No 55, 2009
s 837	rep No 55, 2009
s 838	ad No 153, 2005
	rep No 55, 2009
s 839	am No 112, 2004
	rep No 55, 2009
s 840	ad No 153, 2005
	rep No 55, 2009
s 841	am No 98, 1993; No 60, 1996; Nos 8 and 153, 2005
	rep No 55, 2009
s 842	am No 108, 1990; No 98, 1993; No 60, 1996; Nos 112 and 153, 2005
	rep No 55, 2009
s 843	am No 52, 1992; No 104, 1993; No 127, 2002; No 8, 2007
	rep No 55, 2009
s 844	ad No 60, 1996
	am No 153, 2005

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Provision affected	How affected
	rep No 55, 2009
s 845	ad No 153, 2005
	rep No 55, 2009
s 846	am No 60, 1996; No 105, 2002; No 153, 2005; No 163, 2006
	rep No 55, 2009
Part 20 heading	rs No 60, 1996; No 153, 2005
	rep No 55, 2009
Part 20	ad No 98, 1993
	rs No 60, 1996
	rep No 55, 2009
Division 1 heading	ad No 60, 1996
	rep No 55, 2009
s 847	ad No 98, 1993
	am No 60, 1996; No 153, 2005
	rep No 55, 2009
s 848	ad No 98, 1993
	am No 153, 2005
	rep No 55, 2009
s 849	ad No 60, 1996
	am No 153, 2005
	rep No 55, 2009
s 850	ad No 98, 1993
	am No 105, 2002; No 153, 2005
	rep No 55, 2009
s 851	ad No 98, 1993
	am No 60, 1996; No 105, 2002; No 62, 2004
	rep No 55, 2009
s 852	ad No 98, 1993
	am No 60, 1996
	rep No 55, 2009
Division 2 heading	ad No 60, 1996

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Endnote 4—Amendment history

Provision affected	How affected
	rep No 55, 2009
s 853	ad No 98, 1993
	am No 112, 2005
	rep No 55, 2009
Division 3 heading	ad No 60, 1996
	rep No 55, 2009
s 854	ad No 98, 1993
	am No 60, 1996; No 105, 2002; No 112, 2005; No 153, 2005; SLI 2006 No 50
	rep No 55, 2009
s 855, 856	ad No 98, 1993
	am No 105, 2002; Nos 112 and 153, 2005
	rep No 55, 2009
Part 21	ad No 77, 1996
	rs No 153, 2005
	rep No 55, 2009
s 857–860	ad No 77, 1996
	rs No 153, 2005
	rep No 55, 2009
s 861	ad No 77, 1996
	rs No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 862	ad No 77, 1996
	rs No 153, 2005
	rep No 55, 2009
s 863	ad No 77, 1996
	am No 198, 1997; No 10, 2004
	rs No 153, 2005
	rep No 55, 2009
s 864	ad No 77, 1996

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Provision affected	How affected
	am No 198, 1997
	rs No 153, 2005
	am No 163, 2006; No 8, 2008
	rep No 55, 2009
s 865	ad No 77, 1996
	rs No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 866–869	ad No 77, 1996
	rs No 153, 2005
	rep No 55, 2009
s 870–872	ad No 77, 1996
	am No 137, 2003
	rs No 153, 2005
	rep No 55, 2009
s 873, 874	ad No 77, 1996
	rs No 153, 2005
	rep No 55, 2009
Heading to s 875	rs No 137, 2003; No 153, 2005
	rep No 55, 2009
s 875	ad No 77, 1996
	am No 137, 2003
	rs No 153, 2005
	rep No 55, 2009
s 876	ad No 77, 1996
	rs No 153, 2005
	rep No 55, 2009
s 877, 878	ad No 153, 2005
	rep No 55, 2009
s 879	ad No 77, 1996
	am No 137, 2003

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Endnote 4—Amendment history

Provision affected	How affected
	rs No 153, 2005
	rep No 55, 2009
s 880	ad No 77, 1996
	rs No 153, 2005
	rep No 55, 2009
Division 7A	ad No 163, 2006
	rep No 55, 2009
s 880A	ad No 163, 2006
	rep No 55, 2009
s 881–883	ad No 77, 1996
	rs No 153, 2005
	rep No 55, 2009
s 884	ad No 153, 2005
	rep No 55, 2009
s 885	ad No 77, 1996
	rs No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 886	ad No 77, 1996
	rs No 137, 2003; No 153, 2005
	rep No 55, 2009
Division 11A	ad No 163, 2006
	rep No 55, 2009
s 886A	ad No 163, 2006
	rep No 55, 2009
s 887–889	ad No 77, 1996
	rs No 153, 2005
	rep No 55, 2009
s 890	ad No 77, 1996
	rs No 153, 2005
	am No 107, 2007; No 8, 2008

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Provision affected	How affected
	rep No 55, 2009
s 891	ad No 77, 1996
	rs No 153, 2005
	rep No 163, 2006
s 892	ad No 77, 1996
	rs No 153, 2005
	rep No 55, 2009
s 893	ad No 77, 1996
	rs No 153, 2005
	am No 8, 2008
	rep No 55, 2009
s 894–899	ad No 77, 1996
	rs No 153, 2005
	rep No 55, 2009
Part 22	ad No 137, 2003
	rs No 163, 2006
	rep No 55, 2009
s 900	ad No 137, 2003
	rs No 163, 2006
	rep No 55, 2009
s 901	ad No 137, 2003
	am No 153, 2005
	rs No 163, 2006
	rep No 55, 2009
s 902–904	ad No 137, 2003
	rs No 163, 2006
	rep No 55, 2009
s 905	ad No 137, 2003
	am No 137, 2003; No 153, 2005
	rs No 163, 2006
	rep No 55, 2009

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Endnote 4—Amendment history

Provision affected	How affected
ss 906–911	ad No 137, 2003
	rep No 163, 2006
s 912	ad No 137, 2003
	am No 153, 2005
	rep No 163, 2006
s 913	ad No 137, 2003
	rep No 163, 2006
Part 23	ad No 153, 2005
	rep No 55, 2009
s 914–919	ad No 153, 2005
	am No 153, 2005
	rep No 55, 2009
Schedule 1 heading and Note	rep No 55, 2009
Schedule 1	ad No 104, 2002
Heading to Chapter 1 of Schedule 1 heading	rep No 55, 2009
s 1	ad No 104, 2002
	am No 153, 2005
	rep No 55, 2009
s 5	ad No 104, 2002
	rs No 153, 2005
	am No 55, 2009; No 93, 2012; No 174, 2012
s 5A	ad No 104, 2002
	am No 55, 2009
s 5B, 5C	ad No 55, 2009
s 6	ad No 104, 2002
	am No 153, 2005; No 107, 2007; No 8, 2008; No 55, 2009; SLI 2012 No 80; No 93, 2012; No 174, 2012; No 13, 2013; No 31, 2014
	ed C77
	am No 79, 2016 (amdt never applied (Sch 1 item 8))

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Provision affected	How affected
s 6A	ad No 104, 2002
	rep No 55, 2009
s 7	ad No 104, 2002
	rs No 153, 2005
	rep No 55, 2009
	ad No 93, 2012
s 8	ad No 104, 2002
	rep No 153, 2005
s 9	ad No 104, 2002
	am No 55, 2009
s 9A	ad No 55, 2009
s 9B	ad No 93, 2012
s 10–12	ad No 104, 2002
	am No 55, 2009
s 13	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 14	ad No 104, 2002
	rep No 55, 2009
s 15	ad No 104, 2002
	am No 55, 2009
s 16	ad No 104, 2002
	am No 55, 2009
	rep No 79, 2016
Chapter 2	
Part 1	
s 17	ad No 104, 2002
	am No 55, 2009; No 174, 2012
Part 2	
Division 1	
s 18	ad No 104, 2002
	rs No 153, 2005

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Endnote 4—Amendment history

Provision affected	How affected
s 18A–18D	ad No 153, 2005
	am No 107, 2007; No 55, 2009
Division 2	
s 19	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012
s 20	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012
Division 3	
s 21	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012
s 22	ad No 104, 2002
	am No 153, 2005; No 55, 2009
s 23, 24	ad No 104, 2002
Division 4	
s 25	ad No 104, 2002
	am No 8, 2007; No 55, 2009; No 174, 2012
s 26	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 26A	ad No 55, 2009
s 27	ad No 104, 2002
Part 3	
s 28	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012; No 79, 2016
s 29	ad No 104, 2002
	am No 153, 2005; No 55, 2009
s 30	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012
s 31	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 32	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012

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Provision affected	How affected
Part 4	
Part 4 heading	rs No 55, 2009
	am No 174, 2012
s 33	ad No 104, 2002
	am No 55, 2009; No 174, 2012
Chapter 3	
Part 1	
s 34	ad No 104, 2002
	am No 55, 2009; No 174, 2012
Part 2	
Division 1	
s 35	ad No 104, 2002
s 36	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 37	ad No 104, 2002
	am No 55, 2009; No 174, 2012
Division 2	
s 38	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012; No 79, 2016
s 39	ad No 104, 2002
Division 3	
s 40–42	ad No 104, 2002
s 43	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 44	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 45	ad No 104, 2002
s 46	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 47	ad No 104, 2002
	am No 55, 2009; No 174, 2012

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Endnote 4—Amendment history

Provision affected	How affected
s 48	ad No 104, 2002
Division 4	
s 49	ad No 104, 2002
s 50	ad No 104, 2002
	am No 55, 2009
s 51	ad No 104, 2002
	am No 79, 2016
s 52	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
Division 5	
s 53	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 54	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 55	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012
s 56	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 57	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012
s 58	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 59	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 60	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 61	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 62	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 63	ad No 104, 2002

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Provision affected	How affected
	am No 55, 2009; No 174, 2012
s 64	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 65	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 66	ad No 104, 2002
s 67	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 68	ad No 104, 2002
	am No 55, 2009
s 69	ad No 104, 2002
s 70	ad No 104, 2002
s 71	ad No 104, 2002
s 72	ad No 104, 2002
	am No 79, 2016
Division 6	
s 73	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012; No 79, 2016
s 74	ad No 104, 2002
s 75	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 76	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012
s 77	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 78	ad No 104, 2002
s 79	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 80	ad No 104, 2002
	am No 55, 2009
s 81–86	ad No 104, 2002

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Endnote 4—Amendment history

Provision affected	How affected
s 87	ad No 104, 2002
	am No 55, 2009
Division 7	
s 88–91	ad No 104, 2002
Part 3	
Division 1	
s 92	ad No 104, 2002
	am No 55, 2009
s 93	ad No 104, 2002
	am No 153, 2005
Division 2	
s 94	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012
s 95	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012; No 79, 2016
s 96	ad No 104, 2002
	am No 153, 2005; No 55, 2009; Nos 136 and 174, 2012
s 97	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012
s 98	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012
s 99	ad No 104, 2002
	am No 153, 2005; No 55, 2009
s 100	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012
s 101	ad No 104, 2002
s 102	ad No 104, 2002
s 103	ad No 104, 2002
	am No 79, 2016
s 104	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016

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Provision affected	How affected
s 105	ad No 104, 2002
	am No 79, 2016
s 106	ad No 104, 2002
	am No 153, 2005; No 55, 2009
s 107	ad No 104, 2002
	am No 153, 2005; No 55, 2009
s 108	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012
s 108A	ad No 153, 2005
	am No 55, 2009; No 174, 2012
Division 3	
s 109	ad No 104, 2002
	am No 153, 2005
s 110	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 111	ad No 104, 2002
	am No 153, 2005; No 55, 2009
s 112	ad No 104, 2002
s 113	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012
s 113A	ad No 153, 2005
	am No 55, 2009
s 114	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 115, 116	ad No 104, 2002
s 117	ad No 104, 2002
	am No 55, 2009
s 118–125	ad No 104, 2002
Division 4	
s 126–129	ad No 104, 2002

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Endnote 4—Amendment history

Provision affected	How affected
Division 5	
ss 130, 131	ad No 104, 2002
Chapter 4	
Part 1	
s 132	ad No 104, 2002
	rs No 55, 2009
	am No 174, 2012
Part 2	
s 133	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 134	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012
s 135	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012
s 136	ad No 104, 2002
s 137	ad No 104, 2002
Part 3	
Part 3	ad No 55, 2009
s 137A	ad No 55, 2009
	am No 174, 2012
s 137B	ad No 55, 2009
	am No 174, 2012
s 137C	ad No 55, 2009
	am No 174, 2012
s 137D	ad No 55, 2009
s 137E	ad No 55, 2009
Part 4	
Part 4 heading	ad No 55, 2009
s 137F	ad No 55, 2009
	am No 174, 2012
s 138	ad No 104, 2002

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Provision affected	How affected
	am No 55, 2009; No 174, 2012
s 138A	ad No 153, 2005
	am No 55, 2009; No 174, 2012
Chapter 5	
Part 1	
s 139	ad No 104, 2002
Part 2	
Division 1	
s 140	ad No 104, 2002
	am No 55, 2009
s 141	ad No 104, 2002
	am No 55, 2009; No 93, 2012; No 174, 2012; No 79, 2016
s 142	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012; No 98, 2013
s 142A	ad No 93, 2012
Division 2	
s 143	ad No 104, 2002
s 144	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012
s 145	ad No 104, 2002
s 146	ad No 104, 2002
	am No 55, 2009
s 147	ad No 104, 2002
Division 3	
s 148	ad No 104, 2002
	am No 103, 2013
Division 3A	ad No 93, 2012
	rep No 79, 2016
s 148A	ad No 93, 2012
	rep No 79, 2016
s 148B	ad No 93, 2012

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Provision affected	How affected
	rep No 79, 2016
s 148C	ad No 93, 2012
	rep No 79, 2016
s 148D	ad No 93, 2012
	am No 174, 2012
	rep No 79, 2016
s 148E	ad No 93, 2012
	rep No 79, 2016
s 148F	ad No 93, 2012
	rep No 79, 2016
Division 4	
Subdivision A	
s 149	ad No 104, 2002
Subdivision B	
s 150	ad No 104, 2002
	am No 55, 2009
s 151	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012; No 79, 2016
s 152	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012; No 79, 2016
s 153	ad No 104, 2002
s 154	ad No 104, 2002
	am No 55, 2009; No 79, 2016
Subdivision BA	
Subdivision BA	ad No 55, 2009
s 154A, 154B	ad No 55, 2009
Subdivision BB	
Subdivision BB	ad No 93, 2012
s 154C	ad No 93, 2012
	rep No 79, 2016
s 154D	ad No 93, 2012

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Provision affected	How affected
	rep No 79, 2016
Subdivision C	
s 155	ad No 104, 2002
	am No 55, 2009; No 174, 2012
Division 5	
s 156	ad No 104, 2002
	am No 55, 2009
s 157	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 158	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 158A	ad No 55, 2009
	am No 174, 2012
s 159	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 93, 2012; No 174, 2012; No 79, 2016
s 160	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 161	ad No 104, 2002
	am No 55, 2009
s 162	ad No 104, 2002
	am No 55, 2009; No 174, 2012
Part 3	
s 163	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 164	ad No 104, 2002
s 164A	ad No 104, 2002
	am No 8, 2007
s 164B	ad No 104, 2002
	am No 55, 2009

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Provision affected	How affected
Chapter 6	
Part 1	
s 165	ad No 104, 2002
Part 2	
s 166	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 167	ad No 104, 2002
s 168	ad No 104, 2002
s 169	ad No 104, 2002
	am No 79, 2016
s 170	ad No 104, 2002
	am No 55, 2009
Part 3	
s 171	ad No 104, 2002
s 171A	ad No 55, 2009
s 172	ad No 104, 2002
	am No 79, 2016
s 173	ad No 104, 2002
s 174	ad No 104, 2002
Part 4	
s 175	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 176	ad No 104, 2002
	am No 79, 2016
s 177	ad No 104, 2002
	am No 153, 2005; No 55, 2009
s 178, 179	ad No 104, 2002
Part 5	
s 180	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012

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Provision affected	How affected
Chapter 7	
Part 1	
s 181	ad No 104, 2002
Part 2	
s 182	ad No 104, 2002
s 183	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 184	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 185	ad No 104, 2002
	am No 79, 2016
s 186	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 187	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 188	ad No 104, 2002
s 189	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 190	ad No 104, 2002
	am No 79, 2016
s 191	ad No 104, 2002
	am No 79, 2016
s 192	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 193	ad No 104, 2002
	am No 79, 2016
s 194	ad No 104, 2002
	am No 79, 2016
s 195	ad No 104, 2002
	am No 79, 2016
s 196	ad No 104, 2002

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Endnote 4—Amendment history

Provision affected	How affected
s 197	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 198	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 199	ad No 104, 2002
	am No 79, 2016
Part 3	
s 200, 201	ad No 104, 2002
s 202	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 203	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 204	ad No 104, 2002
s 205	ad No 104, 2002
	am No 55, 2009
s 206	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 207	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 208, 209	ad No 104, 2002
Part 4	
Division 1	
s 210	ad No 104, 2002
Division 2	
s 211	ad No 104, 2002
s 212	ad No 104, 2002
	am No 79, 2016
s 213	ad No 104, 2002
	am No 112, 2004
s 213A	ad No 112, 2004
s 214	ad No 104, 2002

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Provision affected	How affected
	am No 112, 2004
s 215	ad No 104, 2002
	am No 112, 2004; No 55, 2009; No 79, 2016
s 216, 217	ad No 104, 2002
	am No 112, 2004
s 218–220	ad No 104, 2002
Chapter 8	
Part 1	
s 229	ad No 104, 2002
	am No 55, 2009; No 79, 2016
Part 2	
s 230	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 231	ad No 104, 2002
	am No 79, 2016
s 232	ad No 104, 2002
	am No 79, 2016
s 233	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 234	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 235	ad No 104, 2002
	am No 55, 2009; No 31, 2014; No 79, 2016
s 236	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 237	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
Part 3	
Division 1	
s 238	ad No 104, 2002
s 239	ad No 104, 2002

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Endnote 4—Amendment history

Provision affected	How affected
	am No 55, 2009
s 240	ad No 104, 2002
s 241	ad No 104, 2002
	am No 55, 2009; No 79, 2016
Division 2	
s 242	ad No 104, 2002
	am No 55, 2009
s 243, 244	ad No 104, 2002
s 245	ad No 104, 2002
	am No 55, 2009
s 246	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 79, 2016
s 247	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 248	ad No 104, 2002
s 249	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 79, 2016
s 250, 251	ad No 104, 2002
Division 3	
Subdivision A	
s 252	ad No 104, 2002
s 253	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 254	ad No 104, 2002
	am No 79, 2016
Subdivision B	
s 255	ad No 104, 2002
	am No 55, 2009; No 79, 2016
Division 4	
Subdivision A	
Subdivision A	ad No 79, 2016

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Provision affected	How affected
s 255A	ad No 79, 2016
s 255B	ad No 79, 2016
s 255C	ad No 79, 2016
s 255D	ad No 79, 2016
s 255E	ad No 79, 2016
s 255F	ad No 79, 2016
s 255G	ad No 79, 2016
s 255H	ad No 79, 2016
s 255J	ad No 79, 2016
s 255K	ad No 79, 2016
s 255L	ad No 79, 2016
s 255M	ad No 79, 2016
s 255N	ad No 79, 2016
Subdivision B	
Subdivision B heading	ad No 79, 2016
s 256	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 256A	ad No 79, 2016
s 257	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 258	ad No 104, 2002
	am No 79, 2016
s 259	ad No 104, 2002
	am No 79, 2016
s 260	ad No 104, 2002
	am No 79, 2016
s 261	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 262	ad No 104, 2002
s 263	ad No 104, 2002
	am No 79, 2016

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Provision affected	How affected
s 264	ad No 104, 2002
	am No 79, 2016
Division 5	
s 265	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 266	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 267	ad No 104, 2002
	am No 79, 2016
s 268	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
Division 6	
s 269	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 270	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 271	ad No 104, 2002
	am No 55, 2009; No 79, 2016
Division 7	
s 272	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 273	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 274	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 275	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 276	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 277	ad No 104, 2002
s 278	ad No 104, 2002

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Provision affected	How affected
	am No 55, 2009; No 174, 2012; No 79, 2016
s 279	ad No 104, 2002
	am No 55, 2009; No 174, 2012
Part 4	
s 280	ad No 104, 2002
Chapter 9	
Part 1	
s 281	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 174, 2012; No 79, 2016
Part 2	
Division 1	
s 282–284	ad No 104, 2002
Division 2	
s 285	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 286	ad No 104, 2002
	am No 79, 2016
s 287	ad No 104, 2002
	am No 79, 2016
s 288	ad No 104, 2002
	am No 79, 2016
s 289	ad No 104, 2002
s 290	ad No 104, 2002
	am No 55, 2009
s 290A	ad No 79, 2016
s 291	ad No 104, 2002
	am No 79, 2016
s 292	ad No 104, 2002
s 293	ad No 104, 2002
	am No 55, 2009

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Endnote 4—Amendment history

Provision affected	How affected
Part 2A	
Part 2A	ad No 79, 2016
Division 1	
s 293A	ad No 79, 2016
Division 2	
s 293B	ad No 79, 2016
s 293BA	ad No 79, 2016
s 293BB	ad No 79, 2016
s 293BC	ad No 79, 2016
s 293C	ad No 79, 2016
s 293D	ad No 79, 2016
s 293E	ad No 79, 2016
s 293F	ad No 79, 2016
s 293G	ad No 79, 2016
s 293H	ad No 79, 2016
Division 3	
s 293J	ad No 79, 2016
Division 4	
s 293K	ad No 79, 2016
s 293L	ad No 79, 2016
s 293M	ad No 79, 2016
Part 3	
Part 3	ad No 153, 2005
Division 1	
s 294	ad No 153, 2005
	am No 55, 2009; No 174, 2012
s 295, 296	ad No 153, 2005
Division 2	
s 297	ad No 153, 2005
	am No 55, 2009; No 174, 2012; No 79, 2016
s 298	ad No 153, 2005

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Provision affected	How affected
	am No 55, 2009; No 174, 2012; No 79, 2016
s 299	ad No 153, 2005
	am No 55, 2009; No 174, 2012; No 79, 2016
s 300	ad No 153, 2005
	am No 55, 2009; No 174, 2012; No 79, 2016
s 301	ad No 153, 2005
	am No 55, 2009; No 174, 2012; No 79, 2016
s 302	ad No 153, 2005
	am No 55, 2009; No 174, 2012; No 79, 2016
s 303	ad No 153, 2005
	am No 55, 2009; No 174, 2012; No 79, 2016
s 303A	ad No 153, 2005
	am No 55, 2009; No 174, 2012
Chapter 10	
Part 1	
s 304	ad No 104, 2002
Part 2	
s 305	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 93, 2012; No 174, 2012; No 79, 2016
s 306	ad No 104, 2002
	am No 93, 2012; No 79, 2016
s 307	ad No 104, 2002
	am No 153, 2005
s 307A	ad No 79, 2016
ss 308, 309	ad No 104, 2002
s 310	ad No 104, 2002
	am No 153, 2005; No 55, 2009; No 79, 2016
s 311	ad No 104, 2002
	am No 79, 2016
s 312	ad No 104, 2002
s 313	ad No 104, 2002

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Endnote 4—Amendment history

Provision affected	How affected
s 314	ad No 104, 2002
s 315	ad No 104, 2002
s 316	ad No 104, 2002
Chapter 11	
Part 1	
s 317	ad No 104, 2002
	am No 112, 2004; No 153, 2005; No 55, 2009; No 136, 2012; No 174, 2012; No 79, 2016
Part 2	
s 318–323	ad No 104, 2002
Part 3	
Division 1	
s 324	ad No 104, 2002
	am No 153, 2005
s 325–328	ad No 104, 2002
Division 2	
s 329	ad No 104, 2002
	am No 55, 2009
Part 3A	
Part 3A	ad No 79, 2016
Division 1	
s 329AA	ad No 79, 2016
s 329AB	ad No 79, 2016
s 329AC	ad No 79, 2016
Division 2	
s 329BA	ad No 79, 2016
s 329BB	ad No 79, 2016
s 329BC	ad No 79, 2016
s 329BD	ad No 79, 2016
s 329BE	ad No 79, 2016
s 329BF	ad No 79, 2016

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Provision affected	How affected
s 329BG	ad No 79, 2016
s 329BH	ad No 79, 2016
s 329BI	ad No 79, 2016
s 329BJ	ad No 79, 2016
Division 3	
s 329CA	ad No 79, 2016
s 329CB	ad No 79, 2016
s 329CC	ad No 79, 2016
Division 4	
s 329DA	ad No 79, 2016
s 329DB	ad No 79, 2016
s 329DC	ad No 79, 2016
s 329DD	ad No 79, 2016
Division 5	
s 329EA	ad No 79, 2016
s 329EB	ad No 79, 2016
s 329EC	ad No 79, 2016
Division 6	
s 329FA	ad No 79, 2016
s 329FB	ad No 79, 2016
s 329FC	ad No 79, 2016
Part 3B	
Part 3B	ad No 79, 2016
s 329G	ad No 79, 2016
Part 4	
Division 1	
Division 1 heading	ad No 79, 2016
s 330	ad No 104, 2002
	am No 55, 2009; No 79, 2016
Division 2	
Division 2 heading	ad No 79, 2016

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Endnote 4—Amendment history

Provision affected	How affected
s 331	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 332	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 333	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 334	ad No 104, 2002
	rs No 55, 2009
	am No 79, 2016
s 335	ad No 104, 2002
	am No 55, 2009; No 93, 2012; No 79, 2016
s 335A	ad No 93, 2012
	am No 79, 2016
	rep No 79, 2016
s 335B	ad No 93, 2012
	am No 79, 2016
Division 3	
Division 3	ad No 79, 2016
s 335C	ad No 93, 2012
	am No 174, 2012; No 79, 2016
	rs No 79, 2016
s 335D	ad No 79, 2016
s 335E	ad No 79, 2016
s 335F	ad No 79, 2016
s 335G	ad No 79, 2016
s 335H	ad No 79, 2016
Division 4	
Division 4	ad No 79, 2016
s 335K	ad No 79, 2016
s 335L	ad No 79, 2016
s 335M	ad No 79, 2016

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Provision affected	How affected
s 335N	ad No 79, 2016
s 335P	ad No 79, 2016
s 335Q	ad No 79, 2016
Division 5	
Division 5 heading	ad No 79, 2016
s 336	ad No 104, 2002
	am No 55, 2009; No 93, 2012; No 79, 2016
Division 6	
Division 6 heading	ad No 79, 2016
s 337	ad No 104, 2002
	am No 55, 2009; No 93, 2012; No 79, 2016
s 337AA	ad No 93, 2012
	rs No 79, 2016
s 337AB	ad No 79, 2016
s 337AC	ad No 79, 2016
s 337AD	ad No 79, 2016
s 337AE	ad No 79, 2016
Division 7	
Division 7	ad No 79, 2016
s 337AF	ad No 79, 2016
s 337AG	ad No 79, 2016
s 337AH	ad No 79, 2016
s 337AJ	ad No 79, 2016
s 337AK	ad No 79, 2016
s 337AL	ad No 79, 2016
Division 8	
Division 8	ad No 79, 2016
s 337AM	ad No 79, 2016
s 337AN	ad No 79, 2016
s 337AP	ad No 79, 2016
s 337AQ	ad No 79, 2016

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Endnote 4—Amendment history

Provision affected	How affected
Part 4A	
Part 4A	ad No 112, 2004
Division 1	
Division 1 heading	ad No 79, 2016
s 337A	ad No 112, 2004
	am No 153, 2005; No 107, 2007; No 55, 2009; SLI 2012 No 80; No 174, 2012; No 79, 2016; No 88, 2016
Division 2	
Division 2 heading	ad No 79, 2016
s 337B	ad No 112, 2004
s 337BA	ad No 79, 2016
s 337BB	ad No 79, 2016
s 337BC	ad No 79, 2016
s 337BD	ad No 79, 2016
s 337BE	ad No 79, 2016
s 337BF	ad No 79, 2016
s 337BG	ad No 79, 2016
Division 3	
Division 3	ad No 79, 2016
s 337C	ad No 112, 2004
	rs No 79, 2016
s 337CA	ad No 79, 2016
s 337CB	ad No 79, 2016
s 337CC	ad No 79, 2016
s 337CD	ad No 79, 2016
s 337CE	ad No 79, 2016
Division 4	
Division 4	ad No 79, 2016
s 337D	ad No 112, 2004
	rs No 79, 2016
s 337DA	ad No 79, 2016

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Provision affected	How affected
s 337DB	ad No 79, 2016
s 337DC	ad No 79, 2016
s 337DD	ad No 79, 2016
Part 4B	
Part 4B heading	rs No 55, 2009
	am No 174, 2012
Part 4B	ad No 153, 2005
s 337E	ad No 153, 2005
	rep No 55, 2009
s 337F	ad No 153, 2005
	am No 55, 2009; No 174, 2012
s 337G	ad No 153, 2005
	am No 55, 2009; No 174, 2012; No 79, 2016
s 337H	ad No 153, 2005
	am No 55, 2009; No 174, 2012
s 337J	ad No 153, 2005
	am No 55, 2009; No 174, 2012
s 337K	ad No 153, 2005
	am No 55, 2009; No 174, 2012
	ed C77
	am No 79, 2016 (amdt never applied (Sch 1 item 118))
Part 5	
s 338	ad No 104, 2002
	rs No 55, 2009
s 339	ad No 104, 2002
	am No 55, 2009
s 339A	ad No 55, 2009
s 340	ad No 104, 2002
	am No 62, 2004; No 153, 2005; No 55, 2009; No 174, 2012
s 341	ad No 104, 2002
	am No 55, 2009

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Endnote 4—Amendment history

Provision affected	How affected
s 342	ad No 104, 2002
Part 6	
s 343	ad No 104, 2002
	am No 55, 2009
s 343A	ad No 55, 2009
	am No 46, 2011; No 93, 2012; No 174, 2012; No 79, 2016
s 343B	ad No 79, 2016
	am No 79, 2016
s 344	ad No 104, 2002
	am No 55, 2009
s 345, 346	ad No 104, 2002
	am No 153, 2005; No 55, 2009
s 347	ad No 104, 2002
	am No 55, 2009; No 8, 2010; No 174, 2012; No 79, 2016
s 348	ad No 104, 2002
	am No 55, 2009; No 79, 2016
s 349	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 350	ad No 104, 2002
	am No 79, 2016
s 351	ad No 104, 2002
	am No 55, 2009
s 351A	ad No 55, 2009
s 352	ad No 104, 2002
	am No 55, 2009
s 353	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 353A	ad No 55, 2009
	am No 13, 2013
s 354	ad No 104, 2002
	am No 55, 2009

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Provision affected	How affected
s 355	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 356	ad No 104, 2002
	am No 55, 2009; No 174, 2012; No 79, 2016
s 357, 358	ad No 104, 2002
	am No 153, 2005; No 55, 2009
s 359	ad No 104, 2002
	am No 55, 2009; No 174, 2012
Part 7	
Division 1	
s 360	ad No 104, 2002
	am No 55, 2009
Division 2	
s 361	ad No 104, 2002
	am No 8, 2007
Division 3	
s 362	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 363	ad No 104, 2002
	am No 55, 2009; No 174, 2012
s 364, 365	ad No 104, 2002
Division 4	
s 366	ad No 104, 2002
s 367	ad No 104, 2002
	am No 55, 2009; No 174, 2012
Division 5	
Division 5 heading	rs No 55, 2009
	am No 174, 2012
s 368	ad No 104, 2002
	am No 55, 2009; No 174, 2012
Schedule 2 heading	am No 60, 1996

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Endnote 4—Amendment history

Provision affected	How affected
	rs No 153, 2005
	rep No 55, 2009
Schedule 2	rep No 55, 2009
c 1	am No 153, 2005; No 8, 2007
	rep No 55, 2009
c 2	rs No 153, 2005
	am SLI 2006 No 52 (as am by SLI 2006 No 68; 2008 No 38); No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
c 3	am No 153, 1989; No 108, 1990
	rep No 9, 2000
	ad No 153, 2005
	am SLI 2006 No 52 (as am by SLI 2006 No 68; 2008 No 38); No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
c 4	ad No 153, 2005
	am SLI 2006 No 52 (as am by SLI 2006 No 68); No 163, 2006; No 107, 2007
	rep No 55, 2009
c 5	ad No 153, 2005
	rep No 55, 2009
Schedule 3	rep No 55, 2009
Schedules 4, 5	ad No 98, 1993
	rep No 55, 2009
Schedule 6	ad No 98, 1993
	rep No 60, 1996
	ad No 153, 2005
	rep No 55, 2009
c 1	ad No 153, 2005
	rep No 55, 2009
c 2	ad No 153, 2005

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Provision affected	How affected
	am No 8, 2008
	rep No 55, 2009
c 3–21	ad No 153, 2005
	rep No 55, 2009
c 22	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 23–72	ad No 153, 2005
	rep No 55, 2009
c 72A	ad No 153, 2005
	rep No 55, 2009
c 72B	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
c 72C–72F	ad No 153, 2005
	rep No 55, 2009
c 72G	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
c 72H	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
c 72J	ad No 153, 2005
	rep No 55, 2009
c 72K	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
c 72L	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
c 72M, 72N	ad No 153, 2005

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Provision affected	How affected
	rep No 55, 2009
c 73–76	ad No 153, 2005
	rep No 55, 2009
c 77	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
c 78–81	ad No 153, 2005
	rep No 55, 2009
c 82, 83	ad No 153, 2005
	am No 8, 2007
	rep No 55, 2009
c 84–87	ad No 153, 2005
	rep No 55, 2009
c 88	ad No 153, 2005
	am No 8, 2007
	rep No 55, 2009
c 89	ad No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
c 90	ad No 153, 2005
	rep No 55, 2009
c 91	ad No 153, 2005
	am No 8, 2007
	rep No 55, 2009
c 92–94	ad No 153, 2005
	rep No 55, 2009
c 95	ad No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
c 95A	ad No 153, 2005
	rep No 55, 2009

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Provision affected	How affected
c 96	ad No 153, 2005
	rep No 55, 2009
c 97	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
c 98–101	ad No 153, 2005
	rep No 55, 2009
c 101A	ad No 153, 2005
	rep No 55, 2009
c 102	ad No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
c 102A, 102B	ad No 153, 2005
	rep No 55, 2009
c 103–107	ad No 153, 2005
	rep No 55, 2009
c 107A	ad No 153, 2005
	am No 8, 2007
	rep No 55, 2009
c 107B–107D	ad No 153, 2005
	rep No 55, 2009
c 108	ad No 153, 2005
	rep No 55, 2009
Schedule 7	ad No 98, 1993
	rs No 153, 2005
	rep No 55, 2009
c 1	ad No 153, 2005
	am No 163, 2006; No 8, 2008
	rep No 55, 2009
c 2	ad No 153, 2005
	am No 163, 2006

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Provision affected	How affected
	rep No 55, 2009
c 2A	ad No 8, 2008
	rep No 55, 2009
c 3	ad No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
c 4	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 5	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
c 6	ad No 153, 2005
	rep No 55, 2009
c 6A, 6B	ad No 163, 2006
	am No 107, 2007
	rep No 55, 2009
c 6C	ad No 163, 2006
	rep No 55, 2009
c 7	ad No 153, 2005
	rep No 8, 2008
c 8	ad No 153, 2005
	rep No 55, 2009
c 9	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 10–16	ad No 153, 2005
	rep No 55, 2009
c 17	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009

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Provision affected	How affected
c 18	ad No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
c 19	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
c 20	ad No 153, 2005
	am No 8, 2007; No 8, 2008
	rep No 55, 2009
c 20A, 20B	ad No 163, 2006
	am No 107, 2007
	rep No 55, 2009
c 21	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
Division 1 heading	ad No 163, 2006
	rep No 55, 2009
c 22	ad No 153, 2005
	rs No 163, 2006
	rep No 55, 2009
c 23, 24	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
c 25	ad No 153, 2005
	am No 163, 2006; No 107, 2007; No 8, 2008
	rep No 55, 2009
c 26	ad No 153, 2005
	am No 163, 2006
	rep No 8, 2008
Division 2	ad No 163, 2006
	rep No 55, 2009

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Provision affected	How affected
c 26A–26E	ad No 163, 2006
	rep No 55, 2009
c 27	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
c 28	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
c 29	ad No 153, 2005
	rep No 55, 2009
c 29A	ad No 8, 2008
	rep No 55, 2009
c 30	ad No 153, 2005
	rs No 163, 2006
	rep No 55, 2009
c 30A	ad No 153, 2005
	rep No 55, 2009
c 31	ad No 153, 2005
	rep No 55, 2009
c 32	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 32A	ad No 153, 2005
	rep No 55, 2009
c 33, 34	ad No 153, 2005
	rep No 55, 2009
c 35	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
c 36	ad No 153, 2005
	am No 163, 2006

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Provision affected	How affected
	rep No 55, 2009
c 37	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
c 38	ad No 153, 2005
	rep No 55, 2009
c 38A	ad No 153, 2005
	rep No 55, 2009
c 39	ad No 153, 2005
	rep No 55, 2009
Schedule 7A	ad No 8, 2008
	rep No 55, 2009
c 1–8	ad No 8, 2008
	rep No 55, 2009
Schedule 7B	ad No 8, 2008
	rep No 55, 2009
c 1–3	ad No 8, 2008
	rep No 55, 2009
Schedule 8	ad No 98, 1993
	rep No 60, 1996
	ad No 153, 2005
	rep No 55, 2009
c 1	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 2–8	ad No 153, 2005
	rep No 55, 2009
c 9	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
c 10–15	ad No 153, 2005

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Provision affected	How affected
	rep No 55, 2009
c 15A	ad No 153, 2005
	rep No 55, 2009
c 15B	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
c 15C, 15D	ad No 153, 2005
	rep No 55, 2009
c 15E	ad No 153, 2005
	rs No 163, 2006
	rep No 55, 2009
c 15F	ad No 153, 2005
	rep No 55, 2009
c 15G	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
c 16	ad No 153, 2005
	rep No 55, 2009
c 16A	ad No 8, 2008
	rep No 55, 2009
c 17, 18	ad No 153, 2005
	rep No 55, 2009
c 19	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
c 20, 21	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 21A, 21B	ad No 163, 2006
	am No 107, 2007
	rep No 55, 2009

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Provision affected	How affected
c 21C	ad No 163, 2006
	rep No 55, 2009
c 21D, 21E	ad No 163, 2006
	am No 107, 2007
	rep No 55, 2009
Division 5A heading	ad No 8, 2008
	rep No 55, 2009
c 22	ad No 153, 2005
	am No 8, 2007; No 8, 2008
	rep No 55, 2009
c 23–25	ad No 153, 2005
	rep No 55, 2009
c 25A	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 25B	ad No 107, 2007
	am No 8, 2008
	rep No 55, 2009
c 26	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 27	ad No 153, 2005
	rep No 55, 2009
c 28	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 29–38	ad No 153, 2005
	rep No 55, 2009
c 38A	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009

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Provision affected	How affected
c 39–41	ad No 153, 2005
	rep No 55, 2009
c 42	ad No 153, 2005
	am No 107, 2007
	rep No 55, 2009
c 43	ad No 153, 2005
	rep No 55, 2009
c 44	ad No 153, 2005
	am No 163, 2006
	rep No 55, 2009
c 45	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 46	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 47–49	ad No 153, 2005
	rep No 55, 2009
c 50	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 51	ad No 153, 2005
	rep No 55, 2009
c 52	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 52AAA	ad No 107, 2007
	am No 8, 2008
	rep No 55, 2009
c 52AA	ad No 153, 2005
	rep No 55, 2009

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Provision affected	How affected
c 52A	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 53–55	ad No 153, 2005
	rep No 55, 2009
Schedule 9	ad No 98, 1993
	rep No 60, 1996
	ad No 153, 2005
	rep No 55, 2009
c 1	ad No 153, 2005
	rep No 55, 2009
c 2	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
c 3	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 4–6	ad No 153, 2005
	rep No 55, 2009
c 6A	ad No 153, 2005
	rep No 55, 2009
Part 2A	ad No 8, 2008
	rep No 55, 2009
c 6B–6D	ad No 8, 2008
	rep No 55, 2009
c 7	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
c 8	ad No 153, 2005
	rep No 8, 2008
c 9	ad No 153, 2005

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Endnote 4—Amendment history

Provision affected	How affected
	rep No 55, 2009
c 10	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
c 11	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 12–18	ad No 153, 2005
	rep No 55, 2009
c 19	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
c 20	ad No 153, 2005
	am No 163, 2006; No 8, 2008
	rep No 55, 2009
c 21–27	ad No 153, 2005
	rep No 55, 2009
Part 5A	ad No 163, 2006
	rep No 55, 2009
c 27A	ad No 163, 2006
	am No 107, 2007
	rep No 55, 2009
c 28	ad No 153, 2005
	am No 8, 2008
	rep No 55, 2009
c 29	ad No 153, 2005
	am No 107, 2007; No 8, 2008
	rep No 55, 2009
c 29A	ad No 163, 2006
	am No 107, 2007
	rep No 55, 2009

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Provision affected	How affected
c 29B	ad No 163, 2006
	am No 107, 2007
	rep No 55, 2009
c 30	ad No 153, 2005
	am No 163, 2006; No 107, 2007
	rep No 55, 2009
c 31	ad No 153, 2005
	am No 163, 2006; No 8, 2008
	rep No 55, 2009
c 32, 33	ad No 153, 2005
	rep No 55, 2009
c 33A	ad No 153, 2005
	rep No 55, 2009
Part 8	rep No 8, 2008
cc 34, 35	ad No 153, 2005
	rep No 8, 2008
Part 9	rep No 8, 2008
c 36	ad No 153, 2005
	rep No 8, 2008
Schedule 1	
Schedule 10 heading	am No 55, 2009
Schedule 10 Note to heading	am No 55, 2009
Schedule 10	ad No 153, 2005
	renum No 55, 2009
c 1	ad No 153, 2005
	am No 55, 2009
c 2	ad No 153, 2005
	am No 55, 2009; No 175, 2012
c 3	ad No 153, 2005
	am No 55, 2009

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Endnote 4—Amendment history

Provision affected	How affected
c 4	ad No 153, 2005
	am No 55, 2009; No 8, 2010; No 174, 2012
c 5	ad No 153, 2005
	am No 55, 2009; No 5, 2011; No 174, 2012; No 175, 2012; No 31, 2014
c 6	ad No 153, 2005
	am No 8, 2008; No 55, 2009; Nos 174 and 175, 2012
c 7	ad No 153, 2005
	am No 55, 2009
Schedule 2	
Schedule 2	ad No 55, 2009
c 1	ad No 55, 2009
c 2	ad No 55, 2009
c 3	ad No 55, 2009
	am No 174, 2012

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Endnote 5—Miscellaneous

Repeal table

The amendment history of the repealed provisions of the *Fair Work (Registered Organisations) Act 2009* up to and including the *Workplace Relations Amendment (Work Choices) Act 2005* (No 153, 2005) appears in the table below.

Provision affected	How affected
s 5	am No 153, 1989; No 19, 1991; No 196, 1992; No 158, 1994; No 168, 1995; No 60, 1996; Nos 9 and 57, 2000
	rep No 153, 2005
s 5AA	ad No 60, 1996
	rep No 153, 2005
Heading to s 5A	am No 25, 2000
	rep No 10, 2003
s 5A	ad No 37, 1990
	am No 25, 2000
	rep No 10, 2003
s 38	rs No 109, 1992
	am No 98, 1993; No 60, 1996
	rep No 105, 2002
s 39	rep No 153, 2005
Note to s 45(3)	ad No 10, 2004
	rep No 153, 2005
Part III	rep No 98, 1993
ss 50–54	rep No 98, 1993
s 55	am No 19, 1991
	rep No 98, 1993
s 56	rep No 98, 1993
s 57	am No 108, 1990
	rep No 98, 1993
ss 58–61	rep No 98, 1993

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Endnote 5—Miscellaneous

Provision affected	How affected
Div 2A of Part IV	ad No 212, 1992
	rep No 158, 1994
ss 78A–78E	ad No 212, 1992
	rep No 158, 1994
Div 2 of Part IVA	rep No 153, 2005
s 83BG	ad No 60, 1996
	am No 142, 2001
	rep No 153, 2005
s 83BH	ad No 60, 1996
	am No 198, 1997
	rep No 153, 2005
Note to s 83BH(5)	ad No 112, 2004
	rep No 153, 2005
s 83BR	ad No 60, 1996
	rep No 77, 1996
ss 87, 88	rep No 153, 2005
ss 88AA–88AG	ad No 112, 2004
	rep No 153, 2005
s 88AGA	ad No 112, 2004
	rep No 153, 2005
ss 88AH, 88AI	ad No 112, 2004
	rep No 153, 2005
Div 1A of Part VI	ad No 98, 1993
	rep No 153, 2005
s 88A	ad No 98, 1993
	rs No 60, 1996
	am No 119, 1999
	rep No 153, 2005
s 88B	ad No 60, 1996
	am No 119, 1999; No 105, 2002
	rep No 153, 2005

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Provision affected	How affected
s 90AA	ad No 98, 1993
	rep No 60, 1996
s 90AB	ad No 97, 1994
	rep No 60, 1996
s 97	rep No 153, 2005
Note to s 99(1)	ad No 105, 2002
	rep No 153, 2005
Note to s 100(1)	ad No 105, 2002
	rep No 153, 2005
Note to s 111	ad No 105, 2002
	rep No 153, 2005
s 111AAA	ad No 60, 1996
	rep No 153, 2005
s 111AA	ad No 60, 1996
	rep No 153, 2005
s 127AA	ad No 60, 1996
	rep No 153, 2005
ss 127A, 127B	ad No 109, 1992
	am No 98, 1993
	rep No 153, 2005
s 127C	ad No 109, 1992
	rep No 153, 2005
ss 131, 132	rep No 153, 2005
s 133	rs No 98, 1993
	rep No 153, 2005
s 134	am No 60, 1996; No 105, 2002
	rep No 153, 2005
Div 3A of Part VI	ad No 109, 1992
	rep No 98, 1993
ss 134A–134H	ad No 109, 1992
	rep No 98, 1993

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Endnote 5—Miscellaneous

Provision affected	How affected
ss 134J, 134K	ad No 109, 1992
	rep No 98, 1993
s 134L	ad No 109, 1992
	am No 179, 1992
	rep No 98, 1993
ss 134M, 134N	ad No 109, 1992
	rep No 98, 1993
ss 135–138	am No 60, 1996
	rep No 153, 2005
Note to s 138(1)	ad No 112, 2004
	rep No 153, 2005
s 139	am No 60, 1996
	rep No 153, 2005
s 140	rep No 153, 2005
s 141	am No 137, 2003
	rep No 153, 2005
Note to s 141(1)	ad No 137, 2003
	rep No 153, 2005
ss 141A, 141B	ad No 137, 2003
	rep No 153, 2005
s 142	am No 109, 1993
	rep No 153, 2005
ss 142A–142C	ad No 137, 2003
	rep No 153, 2005
s 143	am No 98, 1993; No 60, 1996; No 198, 1997; No 119, 1999
	rep No 153, 2005
s 143A	ad No 109, 1992
	rep No 98, 1993
s 144	rep No 153, 2005
s 145	am No 109, 1992
	rs No 98, 1993; No 60, 1996

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Provision affected	How affected
	rep No 153, 2005
ss 146, 147	rep No 153, 2005
s 148	am No 60, 1996
	rep No 153, 2005
s 149	am No 109, 1988 (as am by No 92, 1994); No 109, 1992; No 98, 1993; No 60, 1996
	rep No 153, 2005
s 150	rep No 153, 2005
s 150A	ad No 98, 1993
	am No 97, 1994
	rep No 60, 1996
s 151	rep No 153, 2005
Heading to s 152	am No 60, 1996
	rep No 153, 2005
s 152	am No 60, 1996; No 198, 1997; No 100, 2001
	rep No 153, 2005
Heading to s 153	am No 60, 1996
	rep No 153, 2005
s 153	am No 60, 1996
	rep No 153, 2005
ss 154, 155	rep No 153, 2005
s 156	rs No 98, 1993
	am No 158, 1994
	rs No 60, 1996
	rep No 153, 2005
ss 157–162	rs No 98, 1993; No 60, 1996
	rep No 153, 2005
s 162A	ad No 98, 1993
	rep No 60, 1996
s 163	rs No 98, 1993; No 60, 1996
	rep No 153, 2005

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Endnote 5—Miscellaneous

Provision affected	How affected
s 163A	ad No 98, 1993
	rep No 60, 1996
s 163B	ad No 98, 1993
	am No 158, 1994
	rep No 60, 1996
ss 163C–163H	ad No 98, 1993
	rep No 60, 1996
ss 163J–163N	ad No 98, 1993
	rep No 60, 1996
ss 163P, 163Q	ad No 98, 1993
	rep No 60, 1996
Heading to Div 8 of Part VI	rep No 60, 1996
s 164	rs No 98, 1993
	rep No 60, 1996
ss 165, 166	rep No 60, 1996
s 166A	ad No 98, 1993
	am No 60, 1996
	rep No 153, 2005
Div 9 of Part VI	rep No 77, 1994
Part VIAAA	ad No 153, 2005
	rep No 153, 2005
s 167	rep No 60, 1996
	ad No 153, 2005
	rep No 153, 2005
ss 168–170	rep No 77, 1994
s 170BE	ad No 98, 1993
	rep No 153, 2005
s 170BH	ad No 98, 1993
	am No 60, 1996
	rep No 153, 2005
s 170BHA	ad No 60, 1996

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Provision affected	How affected
	rep No 153, 2005
s 170BI	ad No 98, 1993
	am No 127, 2002
	rep No 153, 2005
s 170CN	ad No 60, 1996
	rep No 153, 2005
Subdiv B of Div 3 of Part VIA	rep No 60, 1996
ss 170DA–170DD	ad No 98, 1993
	rep No 60, 1996
s 170DE	ad No 98, 1993
	am No 168, 1995
	rep No 60, 1996
ss 170DF, 170DG	ad No 98, 1993
	rep No 60, 1996
Subdiv C of Div 3 of Part VIA	rep No 60, 1996
ss 170EA–170EC	ad No 98, 1993
	rs No 168, 1995
	rep No 60, 1996
ss 170ECA, 170ECB	ad No 168, 1995
	rep No 60, 1996
s 170ED	ad No 98, 1993
	rs No 168, 1995
	rep No 60, 1996
s 170EDA	ad No 97, 1994
	am No 168, 1995
	rep No 60, 1996
s 170EE	ad No 98, 1993
	rs No 97, 1994
	am No 168, 1995

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Endnote 5—Miscellaneous

Provision affected	How affected
	rep No 60, 1996
ss 170EF–170EH	ad No 98, 1993
	rep No 60, 1996
s 170EHA	ad No 168, 1995
	rep No 60, 1996
Subdiv CA of Div 3 of Part VIA	ad No 97, 1994 rep No 60, 1996
s 170EI	ad No 97, 1994
	rep No 60, 1996
Subdiv D of Div 3 of Part VIA	rep No 153, 2005
s 170FA	ad No 98, 1993
	am No 153, 2005
	rep No 153, 2005
s 170FB	ad No 98, 1993
	rep No 153, 2005
Heading to s 170FC	am No 60, 1996
	rep No 153, 2005
s 170FC	ad No 98, 1993
	am No 60, 1996
	rep No 153, 2005
s 170FD	ad No 98, 1993
	am No 60, 1996; No 127, 2002
	rep No 153, 2005
Note to s 170FD	ad No 127, 2002
	rep No 153, 2005
s 170FE	ad No 98, 1993
	rep No 153, 2005
s 170GD	ad No 98, 1993
	am No 60, 1996; No 127, 2002
	rep No 153, 2005

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Provision affected	How affected
Note to s 170GD	ad No 127, 2002
	rep No 153, 2005
s 170HA	ad No 98, 1993
	rs No 60, 1996
	rep No 153, 2005
s 170JE	ad No 98, 1993
	rep No 153, 2005
ss 170JEB, 170JEC	ad No 127, 2002
	rep No 153, 2005
s 170JH	ad No 98, 1993
	rep No 153, 2005
Div 6 of Part VIA	rep No 60, 1996
s 170KAA	ad No 98, 1993
	rep No 60, 1996
Part VIB	ad No 98, 1993
	rs No 60, 1996
	rep No 153, 2005
s 170L	ad No 60, 1996
	rep No 153, 2005
s 170LA	ad No 98, 1993
	rs No 60, 1996
	rep No 153, 2005
s 170LB	ad No 98, 1993
	rs No 60, 1996
	am No 55, 2001
	rep No 153, 2005
s 170LC	ad No 98, 1993
	rs No 60, 1996
	rep No 153, 2005
ss 170LD–170LG	ad No 60, 1996
	rep No 153, 2005

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Endnote 5—Miscellaneous

Provision affected	How affected
ss 170LH–170LK	ad No 60, 1996
	rep No 153, 2005
s 170LKA	ad No 105, 2002
	rep No 153, 2005
ss 170LL, 170LM	ad No 60, 1996
	rep No 153, 2005
ss 170LN–170LS	ad No 60, 1996
	rep No 153, 2005
s 170LT	ad No 60, 1996
	rep No 153, 2005
s 170LU	ad No 60, 1996
	am No 198, 1997; No 119, 1999; No 127, 2002; No 20, 2003
	rep No 153, 2005
ss 170LV, 170LW	ad No 60, 1996
	rep No 153, 2005
s 170LX	ad No 60, 1996
	am No 10, 2004
	rep No 153, 2005
s 170LY	ad No 60, 1996
	rep No 153, 2005
s 170LZ	ad No 60, 1996
	am No 198, 1997
	rep No 153, 2005
s 170M	ad No 60, 1996
	rep No 153, 2005
s 170MA	ad No 98, 1993
	rs No 60, 1996
	rep No 153, 2005
s 170MB	ad No 98, 1993
	rs No 60, 1996; No 198, 1997
	am No 10, 2004

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Provision affected	How affected
	rep No 153, 2005
s 170MBA	ad No 10, 2004
	rep No 153, 2005
s 170MC	ad No 98, 1993
	rs No 60, 1996
	rep No 153, 2005
s 170MD	ad No 98, 1993
	am No 97, 1994
	rs No 60, 1996
	am No 198, 1997; No 20, 2003
	rep No 153, 2005
s 170MDA	ad No 60, 1996
	rep No 153, 2005
s 170ME	ad No 98, 1993
	rs No 60, 1996
	rep No 153, 2005
s 170MF	ad No 98, 1993
	rep No 60, 1996
ss 170MG, 170MH	ad No 98, 1993
	rs No 60, 1996
	rep No 153, 2005
s 170MHA	ad No 60, 1996
	rep No 153, 2005
s 170MI	ad No 98, 1993
	rs No 60, 1996
	rep No 153, 2005
Note to s 170MI(1)	am No 123, 2002
	rep No 153, 2005
ss 170MJ–170MN	ad No 98, 1993
	rs No 60, 1996
	rep No 153, 2005

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Endnote 5—Miscellaneous

Provision affected	How affected
ss 170MO–170MQ	ad No 60, 1996
	rep No 153, 2005
s 170MR	ad No 60, 1996
	am No 105, 2002
	rep No 153, 2005
s 170MS	ad No 60, 1996
	rep No 153, 2005
s 170MT	ad No 60, 1996
	am No 11, 2004
	rep No 153, 2005
Note to s 170MT	ad No 11, 2004
	rep No 153, 2005
ss 170MU, 170MV	ad No 60, 1996
	rep No 153, 2005
s 170MW	ad No 60, 1996
	am No 123, 2002; No 137, 2003
	rep No 153, 2005
Note to s 170MW	ad No 123, 2002
	rep No 153, 2005
s 170MWA	ad No 123, 2002
	rep No 153, 2005
ss 170MX, 170MY	ad No 60, 1996
	rep No 153, 2005
s 170MZ	ad No 60, 1996
	am No 198, 1997
	rep No 153, 2005
s 170N	ad No 60, 1996
	am No 198, 1997
	rep No 153, 2005
Note to s 170N	ad No 127, 2002
	rep No 153, 2005

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Provision affected	How affected
ss 170NA, 170NB	ad No 98, 1993
	rs No 60, 1996
	rep No 153, 2005
s 170NC	rs No 60, 1996
	rep No 153, 2005
s 170ND	ad No 98, 1993
	am No 97, 1994
	rs No 60, 1996
	rep No 153, 2005
s 170NE	ad No 98, 1993
	rs No 60, 1996
	rep No 153, 2005
s 170NF	ad No 98, 1993
	rs No 60, 1996
	am No 112, 2004
	rep No 153, 2005
ss 170NG, 170NH	ad No 98, 1993
	rs No 60, 1996
	rep No 153, 2005
Div 10A of Part VIB	ad No 155, 2004
	rep No 153, 2005
ss 170NHA, 170NHB	ad No 155, 2004
	rep No 153, 2005
s 170NHBA	ad No 155, 2004
	rep No 153, 2005
s 170NHC	ad No 155, 2004
	rep No 153, 2005
s 170NI	ad No 98, 1993
	rs No 60, 1996
	rep No 153, 2005
ss 170NJ–170NP	ad No 98, 1993

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Endnote 5—Miscellaneous

Provision affected	How affected
	rep No 60, 1996
ss 170PA–170PP	ad No 98, 1993
	rep No 60, 1996
ss 170QA–170QK	ad No 98, 1993
	rep No 60, 1996
ss 170RA–170RC	ad No 98, 1993
	rep No 60, 1996
Part VIC	ad No 98, 1993
	rep No 60, 1996
s 170SA	ad No 98, 1993
	rep No 60, 1996
ss 170TA–170TC	ad No 98, 1993
	rep No 60, 1996
ss 170UA–170UE	ad No 98, 1993
	rep No 60, 1996
Part VID	ad No 60, 1996
	rep No 153, 2005
ss 170VA–170VC	ad No 60, 1996
	rep No 153, 2005
s 170VCA	ad No 60, 1996
	rep No 153, 2005
ss 170VD, 170VE	ad No 60, 1996
	rep No 153, 2005
ss 170VF–170VH	ad No 60, 1996
	rep No 153, 2005
ss 170VJ–170VM	ad No 60, 1996
	rep No 153, 2005
s 170VN	ad No 60, 1996
	am No 198, 1997
	rep No 153, 2005
ss 170VO, 170VP	ad No 60, 1996

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Provision affected	How affected
	rep No 153, 2005
s 170VPA	ad No 60, 1996
	rep No 153, 2005
ss 170VPB–170VPF	ad No 60, 1996
	rep No 153, 2005
s 170VPFA	ad No 60, 1996
	rep No 153, 2005
ss 170VPG–170VPI	ad No 60, 1996
	rep No 153, 2005
ss 170VPJ, 170VPK	ad No 60, 1996
	rep No 153, 2005
ss 170VQ, 170VR	ad No 60, 1996
	am No 198, 1997
	rep No 153, 2005
s 170VS	ad No 60, 1996
	rep No 153, 2005
s 170VT	ad No 60, 1996
	am No 198, 1997
	rep No 153, 2005
s 170VU	ad No 60, 1996
	rep No 153, 2005
s 170VV	ad No 60, 1996
	am No 198, 1997; No 112, 2004
	rep No 153, 2005
ss 170VW, 170VX	ad No 60, 1996
	rep No 153, 2005
s 170VZ	ad No 60, 1996
	rep No 153, 2005
s 170W	ad No 60, 1996
	rep No 153, 2005
s 170WA	ad No 60, 1996

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Endnote 5—Miscellaneous

Provision affected	How affected
	rep No 153, 2005
ss 170WB–170WE	ad No 60, 1996
	rep No 153, 2005
Div 8A of Part VID	ad No 155, 2004
	rep No 153, 2005
ss 170WEA, 170WEB	ad No 155, 2004
	rep No 153, 2005
ss 170WF, 170WG	ad No 60, 1996
	am No 198, 1997
	rep No 153, 2005
s 170WH	ad No 60, 1996
	rep No 153, 2005
s 170WHA	ad No 60, 1996
	am No 198, 1997
	rep No 153, 2005
s 170WHB	ad No 60, 1996
	rep No 153, 2005
s 170WHC	ad No 60, 1996
	rs No 198, 1997
	rep No 153, 2005
s 170WHD	ad No 60, 1996
	rep No 153, 2005
ss 170WI, 170WJ	ad No 60, 1996
	rep No 153, 2005
s 170WK	ad No 60, 1996
	rs No 146, 1999
	am No 127, 2002
	rep No 153, 2005
s 170WKA	ad No 77, 1996
	rep No 153, 2005
s 170WL	ad No 60, 1996

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Provision affected	How affected
	rep No 153, 2005
Part VIE	ad No 60, 1996
	rep No 153, 2005
s 170X	ad No 60, 1996
	rep No 153, 2005
s 170XA	ad No 60, 1996
	am No 198, 1997
	rep No 153, 2005
ss 170XB–170XD	ad No 60, 1996
	rep No 153, 2005
ss 170XE, 170XF	ad No 60, 1996
	am No 198, 1997
	rep No 153, 2005
Part VII	rep No 153, 2005
s 174A	ad No 105, 2002
	rep No 153, 2005
s 177	rep No 60, 1996
Div 2 of Part VIII	rep No 60, 1996
ss 181–186	rep No 60, 1996
Div 3 of Part VIII	rep No 153, 2005
s 187	am No 105, 2002
	rep No 153, 2005
Part VIIIA	ad No 60, 1996
	rep No 153, 2005
ss 187AA–187AC	ad No 60, 1996
	rep No 153, 2005
s 187AD	ad No 60, 1996
	am No 112, 2004
	rep No 153, 2005
Div 1A of Part IX	ad No 98, 1993
	rep No 105, 2002

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Endnote 5—Miscellaneous

Provision affected	How affected
s 187A	ad No 98, 1993
	am No 60, 1996
	rep No 105, 2002
s 187B	ad No 60, 1996
	rep No 105, 2002
s 193A	ad No 19, 1991
	am No 109, 1992
	rep No 98, 1993
s 203A	ad No 60, 1996
	rep No 105, 2002
s 253A	ad No 19, 1991
	am No 60, 1996
	rep No 105, 2002
ss 253B–253H	ad No 19, 1991
	rep No 105, 2002
ss 253J–253N	ad No 19, 1991
	rep No 105, 2002
s 253P	ad No 19, 1991
	rep No 105, 2002
s 253Q	ad No 19, 1991
	am No 60, 1996
	rep No 105, 2002
ss 253R, 253S	ad No 19, 1991
	rep No 105, 2002
Heading to s 253T	am No 60, 1996
	rep No 105, 2002
s 253T	ad No 19, 1991
	am No 60, 1996
	rep No 105, 2002
s 253TA	ad No 215, 1992
	rep No 105, 2002

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Provision affected	How affected
ss 253U–253Z	ad No 19, 1991
	rep No 105, 2002
ss 253ZA–253ZG	ad No 19, 1991
	rep No 105, 2002
Div 7A of Part IX	ad No 60, 1996
	rep No 105, 2002
s 253ZH	ad No 60, 1996
	rep No 105, 2002
ss 253ZI, 253ZJ	ad No 60, 1996
	am No 198, 1997
	rep No 105, 2002
ss 253ZJA–253ZJD	ad No 198, 1997
	rep No 105, 2002
s 253ZK	ad No 60, 1996
	rep No 105, 2002
ss 253ZL, 253ZM	ad No 60, 1996
	am No 198, 1997
	rep No 105, 2002
ss 253ZN–253ZQ	ad No 60, 1996
	rep No 105, 2002
s 253ZQA	ad No 198, 1997
	rep No 105, 2002
ss 253ZR–253ZV	ad No 60, 1996
	rep No 105, 2002
ss 253ZW, 253ZX	ad No 198, 1997
	rep No 105, 2002
s 264A	ad No 60, 1996
	rep No 105, 2002
Div 10 of Part IX	rep No 105, 2002
Div 11 of Part IX	rep No 105, 2002
s 271A	ad No 60, 1996

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Endnote 5—Miscellaneous

Provision affected	How affected
	rep No 105, 2002
s 275	am No 142, 2001
	rep No 105, 2002
ss 276–279	rep No 105, 2002
s 280	am No 60, 1996
	rep No 105, 2002
ss 280A, 280B	ad No 60, 1996
	rep No 105, 2002
s 281	am No 60, 1996
	rep No 105, 2002
ss 282–284	rep No 105, 2002
s 285	am No 60, 1996
	rep No 105, 2002
Heading to Div 11A of Part IX	rep No 105, 2002
Div 11A of Part IX	ad No 60, 1996
	rep No 105, 2002
s 285A	ad No 60, 1996
	rep No 153, 2005
s 285B	ad No 60, 1996
	am No 198, 1997
	rep No 153, 2005
s 285C	ad No 60, 1996
	am No 105, 2002
	rep No 153, 2005
Note to s 285C(7)	am No 105, 2002
	rep No 153, 2005
ss 285D, 285E	ad No 60, 1996
	rep No 153, 2005
s 285F	ad No 60, 1996
	am No 112, 2004

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Provision affected	How affected
	rep No 153, 2005
s 285G	ad No 60, 1996
	rep No 153, 2005
Div 12 of Part IX	rep No 105, 2002
s 286	rep No 60, 1996
ss 287–289	rep No 105, 2002
s 290	am No 60, 1996
	rep No 105, 2002
s 291	rep No 105, 2002
s 291A	ad No 60, 1996
	rep No 105, 2002
s 292	rep No 105, 2002
s 293	rs No 109, 1993
	rep No 105, 2002
Part X	rep No 105, 2002
ss 294, 295	am No 60, 1996
	rep No 105, 2002
s 296	am No 109, 1992; No 98, 1993; No 60, 1996
	rep No 105, 2002
s 297	rep No 105, 2002
s 298	am No 60, 1996
	rep No 105, 2002
s 298A	ad No 60, 1996
	rep No 153, 2005
s 298B	ad No 60, 1996
	am No 198, 1997; No 105, 2002; No 20, 2003
	rep No 153, 2005
Heading to s 298C	am No 20, 2003
	rep No 153, 2005
s 298C	ad No 60, 1996
	am No 20, 2003

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Provision affected	How affected
	rep No 153, 2005
ss 298D, 298E	ad No 60, 1996
	rep No 153, 2005
Heading to s 298F	rs No 105, 2002
	rep No 153, 2005
s 298F	ad No 60, 1996
	am No 105, 2002
	rep No 153, 2005
s 298G	ad No 60, 1996
	am No 127, 2002
	rep No 153, 2005
s 298H	ad No 60, 1996
	rep No 153, 2005
s 298J	ad No 60, 1996
	rep No 153, 2005
s 298K	ad No 60, 1996
	rep No 153, 2005
s 298L	ad No 60, 1996
	am No 20, 2003
	rep No 153, 2005
s 298M	ad No 60, 1996
	rep No 153, 2005
s 298N	ad No 60, 1996
	rep No 153, 2005
s 298P	ad No 60, 1996
	rep No 153, 2005
s 298Q	ad No 60, 1996
	am No 20, 2003
	rep No 153, 2005
s 298R	ad No 60, 1996
	am No 127, 2002

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Provision affected	How affected
	rep No 153, 2005
s 298S	ad No 60, 1996
	am No 20, 2003
	rep No 153, 2005
ss 298SA, 298SB	ad No 20, 2003
	rep No 153, 2005
s 298SBA	ad No 20, 2003
	rep No 153, 2005
Div 5A of Part XA	ad No 20, 2003
	rep No 153, 2005
s 298SC	ad No 20, 2003
	rep No 153, 2005
s 298T	ad No 60, 1996
	rep No 153, 2005
s 298U	ad No 60, 1996
	am No 112, 2004
	rep No 153, 2005
s 298V	ad No 60, 1996
	rep No 153, 2005
ss 298W, 298X	ad No 60, 1996
	rep No 153, 2005
Heading to s 298Y	am No 20, 2003
	rep No 153, 2005
s 298Y	ad No 60, 1996
	am No 20, 2003
	rep No 153, 2005
Heading to s 298Z	am No 20, 2003
	rep No 153, 2005
s 298Z	ad No 198, 1997
	am No 20, 2003
	rep No 153, 2005

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Endnote 5—Miscellaneous

Provision affected	How affected
s 304	am No 60, 1996
	rep No 137, 2000
s 304A	ad No 60, 1996
	rep No 137, 2000
s 305A	ad No 60, 1996
	rs No 137, 2000
	am No 142, 2001
	rep No 153, 2005
s 306	am No 60, 1996
	rep No 137, 2000
s 308	am No 142, 2001; No 112, 2004
	rep No 153, 2005
s 309	rep No 60, 1996
s 310	rep No 142, 2001
ss 311, 312	rep No 98, 1993
s 313	rs No 142, 2001
	rep No 105, 2002
s 314	rep No 105, 2002
s 315	am No 142, 2001
	rep No 105, 2002
s 316	rep No 105, 2002
s 318	am No 19, 1991
	rep No 105, 2002
s 319	am No 142, 2001
	rep No 105, 2002
s 320	rep No 60, 1996
ss 321–323	am No 142, 2001
	rep No 105, 2002
s 324	rep No 142, 2001
ss 325–328	am No 142, 2001
	rep No 105, 2002

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Provision affected	How affected
s 329	am No 60, 1996; No 142, 2001
	rep No 105, 2002
ss 330–333	am No 142, 2001
	rep No 105, 2002
s 334	am No 109, 1992; No 98, 1993
	rep No 60, 1996
s 334A	ad No 98, 1993
	rep No 60, 1996
ss 335, 336	am No 109, 1992
	rep No 60, 1996
s 337	rs No 142, 2001
	rep No 105, 2002
s 340	am No 142, 2001
	rep No 105, 2002
s 341	rep No 109, 1993
Div 1 of Part XII	rep No 105, 2002
ss 342–346	rep No 105, 2002
Div 1 of Part XIV	rep No 60, 1996
s 360	ad No 98, 1993
	am No 98, 1993
	rep No 60, 1996
Div 2 of Part XIV	rep No 60, 1996
ss 361–374	ad No 98, 1993
	rep No 60, 1996
Div 3 of Part XIV	rep No 60, 1996
s 375	ad No 98, 1993
	rep No 60, 1996
s 376	ad No 98, 1993
	am No 168, 1995
	rep No 60, 1996
ss 377–388	ad No 98, 1993

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Provision affected	How affected
	rep No 60, 1996
Div 4 of Part XIV	rep No 60, 1996
ss 389–411	ad No 98, 1993
	rep No 60, 1996
Heading to Div 5 of Part XIV	rep No 60, 1996
Heading to Subdiv A of Div 5 of Part XIV	ad No 98, 1993 rep No 60, 1996
ss 417–419	ad No 98, 1993
	rep No 60, 1996
Heading to Subdiv B of Div 5 of Part XIV	rep No 60, 1996
s 420	ad No 98, 1993
	rep No 60, 1996
s 421	ad No 98, 1993
	rs No 60, 1996
	rep No 105, 2002
ss 423–428	ad No 98, 1993
	rep No 60, 1996
Subdiv C of Div 5 of Part XIV	rep No 60, 1996
ss 429–431	ad No 98, 1993
	rep No 60, 1996
Subdiv D of Div 5 of Part XIV	rep No 60, 1996
s 432	ad No 98, 1993
	rep No 60, 1996
Div 6 of Part XIV	rep No 60, 1996
ss 433–463	ad No 98, 1993
	rep No 60, 1996
Div 7 of Part XIV	rep No 60, 1996
ss 464–468	ad No 98, 1993
	rep No 60, 1996

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Provision affected	How affected
Heading to Div 8 of Part XIV	rep No 60, 1996
Div 9 of Part XIV	rep No 60, 1996
ss 472, 473	ad No 60, 1996
	rep No 60, 1996
s 474	ad No 98, 1993
	am No 3, 1995
	rep No 60, 1996
ss 475–485	ad No 98, 1993
	rep No 60, 1996
Div 10 of Part XIV	rep No 60, 1996
ss 486, 487	ad No 98, 1993
	rep No 60, 1996
s 493A	ad No 137, 2003
	rep No 153, 2005
Note to s 501(1)	ad No 137, 2003
	rep No 153, 2005
s 501A	ad No 137, 2003
	rep No 153, 2005
s 509A	ad No 137, 2003
	rep No 153, 2005
Heading to Subdiv D of Div 3 of Part XV	rs No 137, 2003
	rep No 153, 2005
s 523	ad No 77, 1996
	rep No 153, 2005
ss 529–531	ad No 77, 1996
	rep No 153, 2005
s 532	ad No 77, 1996
	rep No 137, 2003
s 533	ad No 77, 1996
	am No 137, 2003
	rep No 153, 2005

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Provision affected	How affected
s 534	ad No 77, 1996
	rep No 153, 2005
ss 535, 536	ad No 77, 1996
	rep No 153, 2005
Heading to Div 2 of Part XVII	rep SLI 2006 No 50
s 551	ad No 153, 2005
	rep No 153, 2005
s 552	ad No 153, 2005
	rep No 153, 2005
s 555	ad No 153, 2005
	rep No 153, 2005
Schedule 1A	ad No 77, 1996
	am No 137, 2003
	rep No 153, 2005
Schedule 3	rep No 105, 2002
Schedule 4	am No 109, 1992; No 109, 1993
	rep No 105, 2002
Schedules 5–9	ad No 98, 1993
	rep No 60, 1996
Schedule 11	ad No 98, 1993
	rep No 60, 1996

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Renumbering table

The renumbering of provisions of the *Fair Work (Registered Organisations) Act 2009*, made by the *Workplace Relations Amendment (Work Choices) Act 2005* (No 153, 2005) appears in the table below.

Old number	New number	Old number	New number
Part I	Part 1	Section	Section
Section	Section	7G	20
1	1	7H	21
2	2	Subdivision B	Subdivision B
3	3	Section	Section
4	4	7I	22
4AA	5	7J	23
4AB	6	7K	24
4AC	7	7L	25
4A	8	7M	26
4B	9	Subdivision C	Subdivision C
6	10	Section	Section
7	11	7N	27
7AAA	12	7O	28
7AA	13	Subdivision D	Subdivision D
7A	14	Section	Section
7B	15	7P	29
7C	16	7Q	30
7D	17	7R	31
7E	18	7S	32
Part IA	Part 2	7T	33
Division 1	Division 1	7U	34
Section	Section	7V	35
7F	19	7W	36
Division 2	Division 2	7X	37
Subdivision A	Subdivision A	Subdivision E	Subdivision E

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Endnote 5—Miscellaneous

Old number	New number
Section	Section
7Y	38
7Z	39
7ZA	40
7ZB	41
7ZC	42
7ZD	43
Section	Section
7ZE	44
7ZF	45
Division 3	Division 3
Subdivision A	Subdivision A
Section	Section
7ZG	46
7ZH	47
Subdivision B	Subdivision B
Section	Section
7ZI	48
7ZJ	49
Subdivision C	Subdivision C
Section	Section
7ZK	50
7ZL	51
7ZM	52
7ZN	53
7ZO	54
7ZP	55
7ZQ	56
7ZR	57
7ZS	58
Subdivision D	Subdivision D

Old number	New number
Section	Section
7ZT	59
7ZU	60
Part II	Part 3
Division 1	Division 1
Section	Section
8	61
8A	62
9	63
10	64
11	65
12	66
13	67
14	68
15	69
15A	70
Section	Section
16	71
17	72
17A	73
17B	74
18	75
19	76
19A	77
20	78
21	79
22	80
23	81
24	82
25	83
26	84

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Old number	New number
27	85
28	86
29	87
Division 2	Division 2
Section	Section
30	88
31	89
32	90
33	91
34	92
35	93
36	94
37	95
40	96
41	97
41A	98
41B	99
Division 3	Division 3
Section	Section
42	100
43	101
44	102
Division 3A	Division 4
Subdivision A	Subdivision A
Section	Section
44A	103
44B	104
44C	105
44D	106
44E	107
44F	108

Old number	New number
44G	109
Subdivision B	Subdivision B
Section	Section
44H	110
44I	111
44J	112
44K	113
44L	114
44M	115
44N	116
44O	117
44P	118
44Q	119
Division 4	Division 5
Section	Section
45	120
45A	121
46	122
Division 5	Division 6
Section	Section
47	123
48	124
48A	125
49	126
Part IV	Part 4
Division 1A	Division 1
Section	Section
61A	127
Division 1	Division 2
Section	Section
62	128

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Endnote 5—Miscellaneous

Old number	New number
Section	Section
63	129
64	130
65	131
66	132
Division 2	Division 3
Section	Section
67	133
68	134
69	135
70	136
71	137
72	138
73	139
74	140
75	141
76	142
77	143
78	144
Division 3	Division 4
Section	Section
79	145
80	146
81	147
82	148
Division 4	Division 5
Section	Section
83	149
Part IVA	Part 5
Division 1	Division 1
Section	Section

Old number	New number
83BA	150
83BB	151
83BC	152
83BD	153
83BE	154
83BF	155
Division 3	Division 2
Section	Section
83BI	156
Section	Section
83BJ	157
83BK	158
83BL	159
83BM	160
83BN	161
83BO	162
83BP	163
83BQ	164
Division 4	Division 3
Section	Section
83BS	165
83BT	166
Part V	Part 6
Section	Section
84	167
85	168
86	169
86A	170
Part VA	Part 7
Division 1	Division 1
Section	Section

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Old number	New number
89	171
89A	172
89B	173
89D	174
89E	175
Division 2	Division 2
Subdivision A	Subdivision A
Section	Section
90	176
90A	177
90B	178
90C	179
90D	180
90E	181
Subdivision B	Subdivision B
Section	Section
90F	182
90G	183
Section	Section
90GA	184
Subdivision C	Subdivision C
Section	Section
90H	185
90I	186
90J	187
90K	188
Subdivision CA	Subdivision D
Section	Section
90KA	189
Subdivision D	Subdivision E
Section	Section

Old number	New number
90L	190
90M	191
90N	192
Subdivision E	Subdivision F
Section	Section
90O	193
Subdivision F	Subdivision G
Section	Section
90P	194
90Q	195
90R	196
90S	197
90T	198
90U	199
90V	200
Subdivision G	Subdivision H
Section	Section
90W	201
90X	202
90Y	203
90Z	204
90ZA	205
Section	Section
90ZB	206
90ZC	207
Subdivision H	Subdivision I
Section	Section
90ZD	208
90ZE	209
90ZF	210
90ZG	211

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Endnote 5—Miscellaneous

Old number	New number
90ZH	212
90ZI	213
Subdivision I	Subdivision J
Section	Section
90ZJ	214
Subdivision J	Subdivision K
Section	Section
90ZK	215
90ZL	216
90ZM	217
Subdivision K	Subdivision L
Section	Section
90ZN	218
90ZO	219
Subdivision L	Subdivision M
Section	Section
90ZP	220
90ZQ	221
Subdivision M	Subdivision N
Section	Section
90ZR	222
Division 3	Division 3
Subdivision A	Subdivision A
Section	Section
91	223
91A	224
91B	225
Subdivision B	Subdivision B
Section	Section
91C	226
Division 4	Division 4
Subdivision A	Subdivision A
Section	Section
92	227
Section	Section
92A	228
92AA	229
92B	230
92C	231
Subdivision B	Subdivision B
Section	Section
92D	232
92E	233
Subdivision C	Subdivision C
Section	Section
92F	234
92G	235
92H	236
92HA	237
Subdivision D	Subdivision D
Section	Section
92I	238
Division 5	Division 5
Subdivision A	Subdivision A
Section	Section
93	239
93A	240
93AA	241
93B	242
93C	243
93D	244
Subdivision B	Subdivision B

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Old number	New number
Section	Section
93E	245
93F	246
93G	247
93H	248
93I	249
Subdivision C	Subdivision C
Section	Section
93J	250
93K	251
93L	252
Subdivision D	Subdivision D
Section	Section
93M	253
93N	254
93O	255
93P	256
Subdivision E	Subdivision E
Section	Section
93Q	257
93R	258
93S	259
Subdivision F	Subdivision F
Section	Section
93T	260
93U	261
Division 6	Division 6
Subdivision A	Subdivision A
Section	Section
94	262
94A	263
94B	264
Subdivision B	Subdivision B
Section	Section
94C	265
94D	266
94E	267
94F	268
Subdivision C	Subdivision C
Section	Section
94G	269
94H	270
94I	271
Subdivision D	Subdivision D
Section	Section
94J	272
94K	273
94L	274
94M	275
94N	276
94O	277
Section	Section
94P	278
94Q	279
94R	280
94S	281
Subdivision E	Subdivision E
Section	Section
94T	282
94U	283
94V	284
94W	285

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Old number	New number
Subdivision F	Subdivision F
Section	Section
94X	286
94Y	287
94Z	288
Subdivision G	Subdivision G
Section	Section
94ZA	289
94ZB	290
94ZC	291
94ZD	292
94ZE	293
94ZF	294
94ZG	295
94ZH	296
94ZI	297
Subdivision H	Subdivision H
Section	Section
94ZJ	298
94ZK	299
94ZL	300
94ZM	301
94ZN	302
94ZO	303
Subdivision I	Subdivision I
Section	Section
94ZP	304
94ZQ	305
94ZR	306
Section	Section
94ZS	307

Old number	New number
Subdivision J	Subdivision J
Section	Section
94ZT	308
94ZU	309
94ZV	310
94ZW	311
94ZX	312
94ZY	313
94ZZ	314
94ZZA	315
Subdivision K	Subdivision K
Section	Section
94ZZB	316
Division 7	Division 7
Section	Section
94ZZC	317
94ZZD	318
94ZZE	319
94ZZF	320
Part VB	Part 8
Division 1	Division 1
Section	Section
95	321
95A	322
95B	323
95D	324
95E	325
Division 2	Division 2
Section	Section
96	326
96A	327

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Old number	New number
96B	328
96C	329
96D	330
96E	331
96F	332
96G	333
Division 3	Division 3
Section	Section
97A	334
97B	335
Division 4	Division 4
Section	Section
97C	336
98	337
98A	338
98B	339
98C	340
98D	341
Division 5	Division 5
Section	Section
99	342
99A	343
99B	344
99C	345
99D	346
Division 6	Division 6
Section	Section
100	347
100A	348
100B	349
100C	350

Old number	New number
100D	351
Division 7	Division 7
Subdivision A	Subdivision A
Section	Section
101	352
101A	353
101B	354
101C	355
Subdivision B	Subdivision B
Section	Section
101D	356
101E	357
101F	358
101G	359
101H	360
Section	Section
101I	361
101J	362
101K	363
101L	364
101M	365
101N	366
Division 8	Division 8
Subdivision A	Subdivision A
Section	Section
102	367
102A	368
Subdivision B	Subdivision B
Section	Section
102B	369
102C	370

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Old number	New number
102D	371
102E	372
102F	373
102G	374
Subdivision C	Subdivision C
Section	Section
102H	375
102I	376
102J	377
102K	378
102L	379
Subdivision D	Subdivision D
Section	Section
102M	380
Division 9	Division 9
Subdivision A	Subdivision A
Section	Section
103	381
Subdivision B	Subdivision B
Section	Section
103A	382
103B	383
103C	384
103D	385
Section	Section
103E	386
103F	387
Subdivision C	Subdivision C
Section	Section
103G	388
103H	389

Old number	New number
103I	390
103J	391
Subdivision D	Subdivision D
Section	Section
103K	392
103L	393
103M	394
103N	395
103O	396
103P	397
Subdivision E	Subdivision E
Section	Section
103Q	398
103R	399
Division 10	Division 10
Section	Section
104	400
104A	401
104B	402
Division 11	Division 11
Subdivision A	Subdivision A
Section	Section
105	403
105A	404
105B	405
Subdivision B	Subdivision B
Section	Section
105C	406
105D	407
Subdivision C	Subdivision C
Section	Section

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Old number	New number
105E	408
105F	409
Section	Section
105G	410
105H	411
105I	412
105J	413
105K	414
Division 12	Division 12
Section	Section
105L	415
105M	416
105N	417
105O	418
Part VC	Part 9
Division 1	Division 1
Section	Section
106	419
106A	420
106B	421
106C	422
Division 2	Division 2
Section	Section
107	423
107A	424
107B	425
107C	426
107D	427
107E	428
107F	429
107G	430
107H	431
107I	432
107J	433
107K	434
Division 3	Division 3
Subdivision A	Subdivision A
Section	Section
108	435
Subdivision B	Subdivision B
Section	Section
108A	436
Section	Section
108B	437
108C	438
108D	439
108E	440
108F	441
108G	442
108H	443
108I	444
108J	445
108K	446
Subdivision C	Subdivision C
Section	Section
108L	447
108M	448
Division 4	Division 4
Subdivision A	Subdivision A
Section	Section
109	449
109A	450

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Old number	New number
Subdivision B	Subdivision B
Section	Section
109B	451
109C	452
109D	453
109E	454
109F	455
Subdivision C	Subdivision C
Section	Section
109G	456
109H	457
109I	458
109J	459
109K	460
109L	461
109M	462
109N	463
109O	464
109P	465
109Q	466
Section	Section
109R	467
109S	468
109T	469
109U	470
109V	471
109W	472
Subdivision D	Subdivision D
Section	Section
109X	473
109Y	474
109Z	475
109ZA	476
109ZB	477
109ZC	478
109ZD	479
Subdivision E	Subdivision E
Section	Section
109ZE	480
109ZF	481
Subdivision F	Subdivision F
Section	Section
109ZG	482
109ZH	483
109ZI	484
Subdivision G	Subdivision G
Section	Section
109ZJ	485
109ZK	486
109ZL	487
109ZM	488
109ZN	489
109ZO	490
109ZP	491
109ZQ	492
109ZR	493
Division 5	Division 5
Section	Section
110	494
110A	495
Division 6	Division 6
Section	Section

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Old number	New number
111	496
111A	497
Division 7	Division 7
Section	Section
112	498
112A	499
Division 8	Division 8
Section	Section
113	500
113A	501
113B	502
113C	503
113D	504
113E	505
113F	506
Division 9	Division 9
Section	Section
114	507
114A	508
114B	509
Part VI	Part 10
Division 1	Division 1
Section	Section
115	510
115A	511
115C	512
Division 2	Division 2
Subdivision A	Subdivision A
Section	Section
116	513
116A	514
116B	515
116C	516
116D	517
116E	518
116F	519
Subdivision B	Subdivision B
Section	Section
116G	520
116H	521
116I	522
116J	523
116K	524
Subdivision C	Subdivision C
Section	Section
116L	525
Subdivision D	Subdivision D
Section	Section
116M	526
Division 3	Division 3
Section	Section
117	527
117A	528
117B	529
117C	530
117D	531
117E	532
117F	533
Division 4	Division 4
Subdivision A	Subdivision A
Section	Section
118	534

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Old number	New number
118A	535
118B	536
118C	537
118D	538
118E	539
118F	540
118G	541
118H	542
118I	543
118J	544
118K	545
118L	546
Subdivision B	Subdivision B
Section	Section
118M	547
118N	548
118O	549
Subdivision C	Subdivision C
Section	Section
118P	550
118Q	551
Division 5	Division 5
Subdivision A	Subdivision A
Section	Section
119	552
119A	553
119B	554
Subdivision B	Subdivision B
Section	Section
119C	555
119D	556

Old number	New number
Division 6	Division 6
Section	Section
120	557
120A	558
120B	559
120C	560
120D	561
120E	562
120F	563
Division 6A	Division 7
Section	Section
120G	564
120H	565
120I	566
Division 7	Division 8
Section	Section
121	567
121A	568
121B	569
121C	570
121D	571
Section	Section
121E	572
121F	573
121G	574
121H	575
121I	576
Part VIAA	Part 11
Division 1	Division 1
Section	Section
122	577

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Old number	New number
122A	578
122B	579
Division 2	Division 2
Section	Section
123	580
123A	581
123B	582
Division 3	Division 3
Section	Section
124	583
124A	584
Division 4	Division 4
Subdivision A	Subdivision A
Section	Section
125	585
125A	586
125B	587
125C	588
Subdivision B	Subdivision B
Section	Section
125D	589
125E	590
125F	591
125G	592
125H	593
125I	594
Division 5	Division 5
Section	Section
126	595
126A	596
Section	Section

Old number	New number
126B	597
Division 6	Division 6
Section	Section
127	598
Division 7	Division 7
Section	Section
128	599
128A	600
128B	601
Division 8	Division 8
Section	Section
129	602
129A	603
129B	604
129C	605
Division 9	Division 9
Section	Section
130	606
Part VIA	Part 12
Division 1	Division 1
Section	Section
170AA	607
170AB	608
170AC	609
170AD	610
Division 1A	Division 2
Section	Section
170AE	611
170AF	612
170AG	613
170AH	614

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Old number	New number
170AI	615
170AJ	616
170AK	617
170AL	618
170AM	619
Division 2	Division 3
Section	Section
170BA	620
Section	Section
170BAB	621
170BAC	622
170BB	623
170BC	624
170BD	625
170BDA	626
170BDB	627
170BDC	628
170BF	629
170BG	630
170BGA	631
170BGB	632
170BGC	633
170BGD	634
Division 3	Division 4
Subdivision A	Subdivision A
Section	Section
170CA	635
170CAA	636
170CB	637
170CBA	638
170CC	639

Old number	New number
170CCA	640
170CCB	641
170CD	642
Subdivision B	Subdivision B
Section	Section
170CE	643
170CEAA	644
170CEA	645
170CEB	646
170CEC	647
170CED	648
170CEE	649
170CF	650
170CFA	651
170CG	652
170CGA	653
170CH	654
Section	Section
170CI	655
170CIA	656
170CIB	657
170CJ	658
Subdivision C	Subdivision C
Section	Section
170CK	659
170CL	660
170CM	661
170CO	662
170CP	663
170CQ	664
170CR	665

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Old number	New number
170CS	666
170CT	667
Subdivision E	Subdivision D
Section	Section
170GA	668
170GB	669
170GBA	670
170GC	671
Subdivision F	Subdivision E
Section	Section
170HB	672
170HBA	673
170HC	674
Subdivision G	Subdivision F
Section	Section
170HD	675
170HE	676
170HF	677
170HH	678
170HI	679
Division 4	Division 5
Section	Section
170JA	680
170JB	681
170JC	682
170JD	683
Section	Section
170JEA	684
170JF	685
170JG	686
170JI	687

Old number	New number
Division 5	Division 6
Section	Section
170KA	688
170KB	689
170KC	690
170KD	691
Part VIIA	Part 13
Division 1	Division 1
Section	Section
171	692
172	693
Division 2	Division 2
Section	Section
173	694
174	695
175	696
176	697
Division 3	Division 3
Section	Section
176A	698
176B	699
176C	700
176D	701
176E	702
176F	703
Division 4	Division 4
Section	Section
176G	704
176H	705
176I	706
176J	707

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Old number	New number
176K	708
Division 5	Division 5
Section	Section
176L	709
Section	Section
176M	710
176N	711
176O	712
Division 6	Division 6
Section	Section
176P	713
176Q	714
176R	715
176S	716
Part VIII	Part 14
Division 1	Division 1
Section	Section
177A	717
Division 2	Division 2
Section	Section
177AA	718
178	719
179	720
179AA	721
179A	722
179B	723
179C	724
179D	725
180	726
Division 4	Division 3
Section	Section

Old number	New number
188	727
189	728
190	729
191	730
192	731
193	732
194	733
195	734
196	735
Part IX	Part 15
Division 1	Division 1
Section	Section
197	736
Section	Section
198	737
199	738
200	739
Division 2	Division 2
Section	Section
201	740
202	741
203	742
Division 3	Division 3
Section	Section
204	743
205	744
206	745
207	746
Division 4	Division 4
Section	Section
208	747

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Old number	New number
209	748
210	749
211	750
212	751
213	752
214	753
215	754
Division 5	Division 5
Section	Section
216	755
217	756
218	757
219	758
220	759
Division 6	Division 6
Section	Section
221	760
222	761
223	762
224	763
225	764
226	765
Section	Section
227	766
Division 7	Division 7
Section	Section
228	767
229	768
Division 8	Division 8
Section	Section
230	769

Old number	New number
Division 9	Division 9
Section	Section
231	770
232	771
233	772
234	773
235	774
236	775
237	776
238	777
Part XA	Part 16
Division 1	Division 1
Section	Section
239	778
240	779
241	780
242	781
Division 2	Division 2
Section	Section
243	782
244	783
245	784
246	785
247	786
248	787
249	788
Division 3	Division 3
Section	Section
250	789
251	790
252	791

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Old number	New number
Division 4	Division 4
Section	Section
253	792
254	793
255	794
Division 5	Division 5
Section	Section
256	795
Division 6	Division 6
Section	Section
257	796
258	797
259	798
260	799
261	800
262	801
263	802
264	803
Division 7	Division 7
Section	Section
265	804
Division 8	Division 8
Section	Section
266	805
Division 9	Division 9
Section	Section
267	806
268	807
269	808
270	809
Division 10	Division 10

Old number	New number
Section	Section
271	810
272	811
273	812
Division 11	Division 11
Section	Section
274	813
Part XI	Part 17
Section	Section
299	814
300	815
301	816
302	817
303	818
305	819
307	820
317	821
338	822
339	823
Part XII	Part 18
Division 2	Division 1
Section	Section
347	824
Part XIII	Part 19
Section	Section
348	825
349	826
349A	827
350	828
351	829
352	830

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Old number	New number
352A	831
352B	832
352C	833
352D	834
353	835
353A	836
354	837
354A	838
355	839
355A	840
356	841
357	842
358	843
358A	844
358B	845
359	846
Part XIV	Part 20
Division 1	Division 1
Section	Section
412	847
413	848
413A	849
414	850
415	851
416	852
Division 2	Division 2
Section	Section
422	853
Division 3	Division 3
Section	Section
469	854
470	855
471	856
Part XV	Part 21
Division 1	Division 1
Section	Section
488	857
489	858
490	859
Division 2	Division 2
Section	Section
491	860
492	861
493	862
494	863
495	864
496	865
497	866
498	867
499	868
Division 3	Division 3
Section	Section
500	869
501	870
502	871
Division 4	Division 4
Section	Section
503	872
504	873
505	874
Division 5	Division 5
Section	Section

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Old number	New number
506	875
507	876
Division 5A	Division 6
Section	Section
507A	877
507B	878
Division 6	Division 7
Section	Section
508	879
509	880
Division 7	Division 8
Section	Section
510	881
Division 8	Division 9
Section	Section
511	882
512	883
Division 8A	Division 10
Section	Section
512A	884
Division 9	Division 11
Section	Section
513	885
514	886
Division 10	Division 12
Section	Section
515	887
516	888
517	889
518	890
519	891

Old number	New number
520	892
521	893
Section	Section
522	894
524	895
525	896
526	897
Division 11	Division 13
Section	Section
527	898
Division 12	Division 14
Section	Section
528	899
Part XVI	Part 22
Division 1	Division 1
Section	Section
537	900
538	901
Division 2	Division 2
Subdivision A	Subdivision A
Section	Section
539	902
540	903
540A	904
Subdivision B	Subdivision B
Section	Section
541	905
Subdivision C	Subdivision C
Section	Section
542	906
Subdivision D	Subdivision D

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Old number	New number
Section	Section
543	907
544	908
Section	Section
545	909
546	910
547	911
548	912
549	913
Part XVII	Part 23
Division 1	Division 1
Section	Section
550	914
Division 3	Division 2
Section	Section
553	915
554	916
Division 4	Division 3

Old number	New number
Section	Section
556	917
557	918
Section	Section
Division 5	Division 4
Section	Section
558	919
Schedule 1B	Schedule 1
Schedule 1	Schedule 2
Schedule 2	Schedule 3
Schedule 10	Schedule 4
Schedule 12	Schedule 5
Schedule 13	Schedule 6
Schedule 14	Schedule 7
Schedule 15	Schedule 8
Schedule 16	Schedule 9
Schedule 17	Schedule 10

Other information relating to the *Fair Work (Registered Organisations) Act 2009* is set out below.

Section 40 of the *Independent Contractors Act 2006* (Act No 162, 2006) is a transitional provision relating to the *Fair Work (Registered Organisations) Act 2009.*

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