

Queensland



*Industrial Relations Act 1990*

# **INDUSTRIAL COURT RULES 1990**

**Reprinted as in force on 1 July 1996  
(includes amendments up to SL No. 146 of 1996)**

**Reprint No. 1A**

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# Information about this reprint

These rules are reprinted as at 1 July 1996. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



# INDUSTRIAL COURT RULES 1990

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# INDUSTRIAL COURT RULES 1990

[as amended by all amendments that commenced on or before 1 July 1996]

## PART 1—PRELIMINARY

### Purpose

1.(1) The general purpose of these rules is to provide an orderly and coherent method of approach in relation to the range of matters likely to be dealt with thereunder.

(2) In particular these rules aim to encourage the effective disposition of the business of the Court, Commission, Industrial Magistrates and registrar by ensuring that—

- (a) the tribunals and the parties to the proceedings are apprised of any contentious issues involved without undue technical requirements; and
- (b) the parties have addressed the issues between them; and
- (c) the tribunal is apprised of those issues without delay.

### Short title

2. These rules may be cited as the *Industrial Court Rules 1990*.

### Application

3. These rules shall apply to all proceedings before the Court, the Commission, Industrial Magistrates (subject to the *Justices Act 1886*, and the *Magistrates Courts Act 1921* where relevant), and the registrar.

### Continuance of proceedings and appointments

4. Any proceeding or appointment lodged or commenced prior to the commencement of these rules shall continue and/or may be acted upon as if

they were lodged under these rules, notwithstanding any differences in form and procedure and shall be taken as always to have been valid and effectual for all purposes.

## **Interpretation**

### **Definitions**

5. In these rules—

“**agent**” includes a natural person, an incorporated body and an authorised representative of a partnership or business registered in Queensland duly appointed in accordance with these rules.

“**appellant**” means a party appealing from or against a decision and subsequent order or judgment and subsequent order and includes, where necessary, any person directed by the Court or Commission, to have the carriage of the appeal, or a proceeding arising out of the appeal.

“**applicant**” means a party or person claiming relief.

“**filed**” means filed in the Office of the Registrar. A document is filed when the relevant fee (if any) is paid and the registrar or authorised officer marks upon it the registrar’s stamp.

“**form**” means a form contained in Schedule 2 or an approved form in accordance with these rules.

“**month**”, in any judgment or order and in any document in any proceeding, means calendar month.

“**officer of the Court**” means any person who acts under the direction of the Court, Commission, Industrial Magistrate or registrar.

“**respondent**” means a party against whom relief is claimed, or named as respondent in a proceeding or matter.

“**sealed**” means marked with the seal of the Court or Commission.

“**stamped**” means marked with the stamp of the registrar.

**Meaning ascribed**

6. Words and phrases used in these rules other than those herein defined shall unless the contrary intention appears, have the same meaning as ascribed thereto in the Act<sup>1</sup>.

**Reckoning of time**

7. In all cases in which a particular number of days is prescribed for doing any act or for any other purpose, the same shall be reckoned in accordance with the *Acts Interpretation Act 1954*.

**PART 2—REPRESENTATION****Documents**

8. Except where otherwise expressly provided by the Act or by these rules, where any application, summons, complaint, industrial agreement, certified agreement, notice or other document is required by these rules to be taken out, made or signed; or any step is required to be taken by any authorised person or organisation under the Act; any such document, process or step may be made, signed or taken—

- (a) in the case of a person—by such person or by an agent duly appointed in accordance with these rules; and
- (b) in the case of a corporation—by the member or officer duly authorised under the seal of the corporation to represent it or by an agent duly appointed by it in accordance with these rules; and
- (c) in the case of an industrial organisation, industrial association or other organisation, and subject to the rules thereof—by the secretary or other officer of the same, or by an agent duly appointed by it, and in accordance with these rules; and
- (d) in the case of industrial organisations affiliated with a peak

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<sup>1</sup> The Act referred to in the rules of court is the *Industrial Relations Act 1990*.

council applying for a general ruling or declaration of policy—by an officer of the peak council who is so authorised by the said organisations and duly authorised in accordance with these rules.

### **Appointment of agent**

#### **Form 32**

**9.(1)** A person shall not be entitled to make or sign any document or process or act as an agent for a party to any proceeding in the Commission unless appointed in writing in a manner in substantial compliance with form 32, filed in the registry.

**(2)** Only a single copy of such appointment is required to be filed.

#### **Exclusion**

**10.** The obligation to file an appointment under section 8(c) or 14(a) does not extend to the secretary or (where relevant) other officer of an industrial organisation, who is so authorised and is acting in accordance with the rules of the said organisation and where the name and position of such secretary or officer (where relevant) has been notified by way of a current return lodged with the registrar.

#### **Continuing appointment**

**11.** A person may, in writing filed in the registry, give to any other person or to any member of a class of persons a continuing appointment to act or appear for that person in all matters in the Commission.

#### **Specified matter, time or indefinitely**

**12.** An appointment given pursuant to these rules may be for a specified matter, a specified period of time or indefinitely and may be withdrawn in writing filed in the registry at any time, but shall remain in force unless and until it is so withdrawn.

**Signing of documents**

**13.** Where any document is made or signed under this Part, it shall be made or signed in accordance with the rules of the industrial organisation, industrial association, or other organisation (if applicable).

**Proceedings**

**14.** Subject to the Act, on the hearing or determination of any proceedings under this Act whether before the Court, the Commission, registrar or an Industrial Magistrate—

- (a) a party being an industrial organisation, industrial association or other organisation may be represented by a member or officer as may be authorised by the rules of the said organisation or association and duly appointed in writing in accordance with these rules; and
- (b) any party to proceedings or a person ordered or permitted to appear may be represented by an agent duly appointed in accordance with these rules.

**Counsel or solicitor representation****Prohibition**

**15.** In no case may any party be represented by any person who has been struck off the roll of barristers or solicitors or, who for that reason is prohibited from practising as a barrister or solicitor in the State.

**PART 3—FORMS AND MANNER****Schedule**

**16.** Every document required to be filed or lodged under the Act or these rules shall be in substantial compliance with the forms contained in Schedule 2 and in compliance with sections 17 and 18.

**Form of document**

**17.** All documents filed for processing any matter in the Court, Commission or registry and all copies thereof shall—

- (a) be on A4 (210 mm x 297 mm) paper; and
- (b) have a margin of at least 1 cm; and
- (c) be written, typewritten or printed on 1 side only; and
- (d) be clearly legible; and
- (e) be well spaced and be divided into convenient paragraphs, containing numbered paragraphs for each new topic on the inner edge of the margin; and
- (f) be entitled as in the relevant form contained in Schedule 2.

**Contents of documents filed**

**18.** Every document filed shall be duly signed and shall include—

- (a) the name of the matter; and
- (b) a short description of the nature of the document; and
- (c) name and address and telephone numbers and facsimile or dx number (where applicable) of the party filing the document; and
- (d) if the person filing the document is acting as agent or otherwise on behalf of any person, party, corporation, industrial organisation, industrial association or other organisation—a statement of—
  - (i) that fact; and
  - (ii) the party's address for service; and
- (e) the address of the registry; and
- (f) a backing sheet in substantial compliance with form 1.

**Address for service**

**19.** Unless otherwise provided by these rules, the address, dx number

and/or facsimile number listed on any document filed shall be taken to be the filed address for service for such party under these rules.

### **Variation**

**20.** It shall be sufficient compliance with these rules as to the form of any document if the document is to the like effect or has only such variations (as authorised by the Court, Commission or registrar), to meet the circumstances of the case.

### **Where manner or form not prescribed**

**21.** Where the manner or form of—

- (a) procedure; or
- (b) a step to be taken in procedure;

is not prescribed by the Act, rules or any other legislation, the manner or form shall be such as the registrar, under the direction of the Court or Commission, or as an Industrial Magistrate approves.

## **PART 4—FILING**

### **Record or use**

**22.** Until the same or a copy thereof has been filed, no document shall be of record or used in the Court, Commission or registrar's sittings, unless the Court, Commission or registrar otherwise permits.

### **Place of filing**

**23.(1)** All documents relating to the proceedings of the Court, Commission or registrar shall be filed at the Industrial Registrar's Office, Brisbane.

**(2)** Subject to section 288, this shall not preclude the lodgment of

industrial dispute notifications with an Industrial Magistrate, provided a copy thereof is forthwith forwarded to the registrar.

### **Number of documents to be filed**

**24.** Unless otherwise specified by these rules or by the direction of the Court, Commission or registrar, all documents shall be filed in quadruplicate.

### **Facsimile and electronic mail etc.**

**25.** Where expressly approved by the Court, Commission or registrar, documents relating to proceedings may be transmitted by means of facsimile, electronic mail or such other method as may be approved, subject to the original document being kept and tendered if required.

### **Document numbering**

**26.** The first document filed in any proceeding shall have an individual identifying number assigned to it by the registrar and prefixed by a letter denoting the category of proceedings.

### **Category numbers**

**27.** A distinct series of numbers shall be maintained for each category of proceedings.

### **New series**

**28.** A new series of numbers shall be commenced for each calendar year.

### **Sealing or stamping of documents**

**29.** Upon a document being filed, the registrar shall ensure that it is sealed with the seal of the Court or Commission and/or stamped with the stamp of the registrar, whichever is appropriate.

**Refusal of filing**

**30.** The registrar may refuse to accept a document for filing if it does not comply with these rules.

**Alternative methods of filing**

**31.** Any document, which is required or allowed by the rules to be filed, may—

- (a) be filed at the registry; or
- (b) be posted to the registry with a written request that the document be filed.

**PART 5—FEES****Collection**

**32.** All fees requiring to be collected or received shall be collected as authorised by the registrar.

**Table of fees**

**33.** The fees required to be paid and payable in the Court or Commission or registry shall be those prescribed in Schedule 1.

**Fees in Industrial Magistrates Court**

**34.** Any fee required to be paid and payable in the Industrial Magistrates Court for complaints, applications and claims for recovery of moneys under section 244, summonses and other processes and proceedings for—

- (a) offences or for sums due under the *Vocational Education, Training and Employment Act 1991*;
- (b) offences against the *Pastoral Workers' Accommodation Act 1980*;

- (c) offences against the *Factories and Shops Act 1960*;
- (d) offences against the *Workers' Accommodation Act 1952*;
- (e) offences against the *Workplace Health and Safety Act 1989*;

shall be the same as those required to be paid and payable for similar processes under the *Justices Act 1886*.

## **PART 6—PROCEDURE AND CONTENTS OF APPLICATIONS**

### **Commencement before the Court, Commission or registrar**

**35.(1)** All proceedings before the Court, Commission or registrar shall be commenced by application unless otherwise required by the Court, Commission or registrar, or prescribed by the Act or by these rules.

**(2)** This section shall not apply to industrial dispute notifications under Part 48.

### **Form 2**

**36.** The application shall substantially comply with form 2.

### **Prerogative writs**

**37.** Applications for prerogative writs should be in substantial compliance with form 2.

### **Offences before the Court**

**38.** Applications for the hearing and determination of offences before the Court should be in substantial compliance with form 2.

**Contents of application**

**39.** An application shall contain—

- (a) the name and address of the applicant;
- (b) where a party makes application in a representative capacity a statement of that fact;
- (c) where the applicant makes application by an agent or solicitor, the—
  - (i) name of firm and contact name of the individual responsible for the conduct of the matter; and
  - (ii) address; and
  - (iii) dx number and/or facsimile number (where applicable); and
  - (iv) telephone number;of the agent or solicitor;
- (d) where the applicant makes application by a solicitor and that solicitor has another solicitor as agent in the proceeding—the—
  - (i) name of firm and contact name of the individual responsible for the conduct of the matter; and
  - (ii) address; and
  - (iii) dx number and/or facsimile number (where applicable); and
  - (iv) telephone number;of the agent.

**Nature of claim**

**40.** For the purpose of the tribunal and the other parties to be apprised of the issues to be addressed in respect of an application, the application shall—

- (a) be divided into consecutively numbered paragraphs, each detailing, so far as is convenient, a separate matter; and
- (b) specify the relief sought by the applicant; and
- (c) contain a concise statement of the material facts relied on to

support the application; and

- (d) identify the pertinent provisions of any legislation, award or industrial agreement or certified agreement impacted upon or said to be relevant in support of any applications before the Court, or applications involved in contentious matters before the Commission or registrar.

### **Question for determination to be specified**

**41.** Where the relief sought includes a claim for a determination or direction of the Court, Commission or registrar on any question, the application shall specify the determination or direction sought.

### **Directions requests**

**42.** The application shall also seek directions as to—

- (a) parties; and
- (b) service of documents; and
- (c) nature of hearing (if sought at that stage); and
- (d) place and time of hearing (if sought at that stage); and
- (e) such other matters as the party may be advised.

### **Affidavit**

**43.** The application shall be supported by an affidavit, which shall, so far as is practicable, be incorporated within the application.

### **Nature of affidavit**

**44.** The supporting affidavit shall—

- (a) identify the applicant; and
- (b) verify the authority to make the application; and
- (c) affirm that the statement of material facts relied upon in the application is to the best of the deponent's knowledge,

information and belief, true and correct; and

- (d) be on oath and/or affirmation of the deponent.

### **Other affidavits**

**45.** Affidavits other than those prescribed in section 43 shall be filed with the registrar and thereafter a true copy be forthwith served on all other parties to a proceeding by the party filing the affidavit.

### **Full Bench request**

**46.** Requests to the Chief Industrial Commissioner to refer a matter to a Full Bench should be either—

- (a) contained in the directions request in section 42(c) if such referral is sought at that stage; or
- (b) in a request for an additional directions order in compliance with Part 18; or
- (c) by any other manner approved by the Commission or registrar.

### **Note 1**

**47.** The statement contained in form 2, note 1 should be included where applicable.

## **PART 7—APPLICATIONS FOR INTERPRETATION**

### **Contents of application**

**48.** An application for interpretation, except for applications commenced under section 487(4) of the Act, shall substantially comply with form 2 and in addition to the requirements of Part 6, shall give particulars of—

- (a) the title of any applicable Act, award, industrial agreement, certified agreement or related document, and the number of the clause or clauses under which the question arises; and

- (b) the agreed facts relied on in the application; and
- (c) the questions to which an answer is desired.

## **PART 8—APPLICATIONS FOR REOPENINGS**

### **Contents of application**

**49.** An application for a reopening under section 46 of the Act, shall substantially comply with form 2 and in addition to the requirements of Part 6, shall state the substance of the grounds to be relied upon for the reopening.

## **PART 9—APPLICATIONS TO VARY OR VOID CONTRACTS**

### **Contents of application**

**50.** An application under section 40 of the Act to vary or void a contract, arrangement or collateral arrangement relating to a contract or arrangement shall substantially comply with form 2 and in addition to the requirements of Part 6, a statement is required to be attached containing details of where it is alleged the contract, arrangement, or any condition or collateral arrangement relating to a contract or collateral arrangement (including one which is designed to be, or avoids the provisions of the award, industrial agreement or certified agreement)—

- (a) is unfair; or
- (b) is harsh or unconscionable; or
- (c) is against the public interest; or
- (d) provides or has provided a total remuneration less than that a person performing the work would have received as an employee performing such work.

**PART 10—APPLICATIONS TO COMPEL  
COMPLIANCE WITH AN AWARD, INDUSTRIAL  
AGREEMENT OR CERTIFIED AGREEMENT, OR TO  
RESTRAIN BREACHES OF THE ACT**

**Form 2**

**51.** An application to compel compliance with an award, industrial agreement or certified agreement or to restrain breaches of the Act, shall substantially comply with form 2.

**Notice**

**52.** The application should contain a concise statement of the facts relied on for invoking the ex parte application.

**Commencement by an industrial organisation**

**53.** An application under this Part by an industrial organisation must be under the seal of the organisation and must be signed by both the president and secretary of the organisation.

**PART 11—APPLICATION FOR ORDER SETTING  
MINIMUM WAGE**

**Form of application**

**54.** An application for an order setting minimum wages under section 53 of the Act must be filed and in form 2.

**Affidavit to be filed with application**

**55.** The application must be accompanied by an affidavit specifying the

industrial organisations of employees whose rules entitle them to represent the industrial interests of employees to be covered by the order.

### **Notice of hearing**

**56.(1)** The registrar must, by Industrial Gazette notice in form 3, notify the time and date fixed by the Commission for hearing the application.

**(2)** The registrar must also—

- (a) give the applicant a copy of the notice; and
- (b) give other notices the Commission may consider appropriate.

### **Publication of order**

**57.** If the Commission makes an order setting minimum wages, the registrar must publish the order in the Industrial Gazette.

## **PART 12—APPLICATION FOR ORDER ENSURING EQUAL REMUNERATION FOR WORK OF EQUAL VALUE**

### **Form of application**

**58.** An application for an order to ensure equal remuneration for work of equal value under section 60 of the Act must be filed and in form 2.

### **Affidavit to be filed with application**

**59.** The application must be accompanied by an affidavit specifying the industrial organisations of employees whose rules entitle them to represent the industrial interests of employees to be covered by the order.

**Notice of hearing**

**60.(1)** The registrar must, by Industrial Gazette notice in form 4, notify the time and date fixed by the Commission for hearing the application.

**(2)** The registrar must also—

- (a) give the applicant a copy of the notice; and
- (b) give other notices the Commission may consider appropriate.

**Publication of order**

**61.** If the Commission makes an order to ensure equal remuneration for work of equal value, the registrar must publish the order in the Industrial Gazette.

**PART 13—APPLICATION FOR AMENDMENT OF  
AWARD TO GIVE EFFECT TO AGREEMENT  
NEGOTIATED UNDER ENTERPRISE FLEXIBILITY  
PROVISION**

**Form of application**

**62.** An application for the amendment of an award, as it applies to an enterprise or workplace, to give effect to an agreement negotiated under a provision included in the award under section 145 of the Act, must be filed and in form 2.

**Affidavit to be filed with application**

**63.** The application must be accompanied by—

- (a) an affidavit stating the facts and circumstances the applicant considers justify the Commission amending the award; and
- (b) a copy of the agreement negotiated under the award.

## **PART 14—APPLICATION FOR EMPLOYMENT TERMINATION ORDER CREATING RULES OF GENERAL APPLICATION**

### **Form of application**

**64.** An application for an order under section 302 of the Act giving effect to the requirements about the dismissal of employees under—

- (a) Article 12 of the Termination of Employment Convention, so far as it is about a severance allowance or other benefits; or
- (b) Article 13 of the Termination of Employment Convention;

must be filed and in form 2.

### **Affidavit to be filed with application**

**65.** The application must be accompanied by an affidavit specifying the industrial organisations of employees whose rules entitle them to represent the industrial interests of employees to be covered by the order.

### **Notice of hearing**

**66.(1)** The registrar must, by Industrial Gazette notice in form 5, notify the time and date fixed by the Commission for hearing the application.

**(2)** The registrar must also—

- (a) give the applicant a copy of the notice; and
- (b) give other notices the Commission may consider appropriate.

### **Publication of order**

**67.** If the Commission makes an order giving effect to the requirements about the dismissal of employees under Article 12 or 13 of the Termination of Employment Convention, the registrar must publish the order in the Industrial Gazette.

## **PART 15—APPLICATION FOR ORDER WHEN EMPLOYER DOES NOT CONSULT INDUSTRIAL ORGANISATION ABOUT PROPOSED DISMISSALS**

### **Form of application**

**68.** An application for an order under section 305(2) of the Act must be filed and in form 2.

## **PART 16—APPLICATION FOR STAY OF DECISION ETC. PENDING APPEAL TO FULL BENCH**

### **Form 2**

**69.** An application for a stay of the whole or part of the award, order or decision pending the determination of an appeal to a Full Bench of the Commission pursuant to section 120(1) to (2) of the Act shall be a separate application to both the leave to appeal application and application for appeal and should be in substantial compliance with form 2.

### **Additional information**

**70.** The application for stay of the whole or part of the award, order or decision shall contain—

- (a) details of the interest of the person making the application; and
- (b) any other facts and circumstances relevant to the exercise of the jurisdiction of the Court for granting the stay order either wholly or in part; and
- (c) the statement contained in form 2, note 2.

## **PART 17—CARRIAGE OF PROCEEDINGS**

### **Named person**

**71.(1)** An applicant has the carriage of proceedings unless some other person or party is named by the Court, Commission or registrar as having the carriage of the proceedings.

**(2)** Such person or party shall take all the necessary steps in the proceedings until their withdrawal by leave, or final determination by the Court, Commission or the registrar.

### **Registrar named to have carriage**

**72.** The Court or Commission may, in any case, order that the registrar shall have the carriage of the proceedings, and take all steps accordingly.

## **PART 18—DIRECTIONS ORDERS**

### **Issuing of directions orders**

**73.** To give effect to section 42, the Court, Commission or registrar may issue directions on any matter before it.

### **Contents of directions orders**

**74.** Such directions orders may include but not be limited to—

- (a) specifying the parties upon whom service of applications, related material and/or other documents are to be effected; and/or
- (b) requiring evidence of such service by the filing of a signed service copy of the directions order;
- (c) scheduling of conferences, mediation conferences, preliminary hearings and hearings before the Industrial Court, Commission or Industrial Registrar as the circumstances of particular matters

require;

- (d) service of application.

### **Additional requirements**

**75.** In circumstances where the Court, Commission or registrar takes it to be appropriate or necessary to facilitate the effective disposition of matters contained in an application, additional requirements including, but not limited to, 1 or more of the following, may be issued—

- (a) a requirement for further and better particulars in respect of any application;
- (b) a requirement for the filing and service of all material by the applicant in affidavit form to be relied on in support of the application;
- (c) a requirement for any respondents to file and serve any material in reply to the material served in support of an application together with all material in affidavit form to be relied on in response to the application, including areas of conflict and agreement and which may include a counter proposal;
- (d) a requirement for the applicants to file and serve any material in reply to the respondent's material;
- (e) a requirement that the parties (or any of them) confer with a view to facilitating the course of the hearing by agreeing upon such matters as can be agreed upon, identifying areas and points in issue and reporting back in writing in respect thereof;
- (f) a requirement that the parties file written outlines of submissions in respect of the subject matter of the application;
- (g) a requirement for the giving of evidence by affidavit and/or the filing and serving of statements in the form of an affidavit of the primary evidence of a witness;
- (h) a requirement that the parties notify each other as to which deponents are required for examination and/or cross-examination;
- (i) requiring the identification of the provisions of any legislation, awards, industrial agreements or certified agreements and the

provision of a list of cases to be relied upon in support or in response to proceedings;

- (j) requiring submissions in writing to justify the necessity to carry out inspections and/or hearings at other locations;
- (k) directing discovery and inspection of relevant material or documents where no agreement to provide discovery or exchange has been arrived at;
- (l) a requirement that the matter be dealt with by a Full Bench of the Commission.

### **Draft directions order**

**76.(1)** Applications under section 75 should be a separate application to the initial application and should be in substantial compliance with form 2.

**(2)** Parties applying under this Part for directions are required to provide a draft of the directions order sought to the other parties named, as well as the Court, Commission or registrar, as applicable.

### **Further directions**

**77.** At any time after a directions order has been issued, a further directions order may be issued, if the Court, Commission or registrar considers it to be necessary.

### **Hearing of parties**

**78.** The Court, Commission or registrar may hear parties to a proceeding prior to issuing directions if they consider it to be necessary or appropriate.

## **PART 19—SERVICE**

### **Service by parties**

**79.** Unless the Court, Commission or registrar otherwise directs or it is

otherwise prescribed, the party by or on behalf of whom any notice or document is filed or issued in a proceeding before the Court, Commission or registrar shall forthwith effect service of a true copy of all such notices or documents.

### **Service of directions orders on applicant**

**80.(1)** Copies of directions orders may be served by the registrar on the applicant by advising the party that a sealed copy of the directions order is available for collection at the registry.

**(2)** The registrar is then taken to have served the directions order within a period of 48 hours or such other time as the registrar may determine.

### **Service of process**

**81.** Service of any process, except a summons, upon any person, a corporation, an industrial organisation, an industrial association, or other organisation shall be effected by—

- (a) leaving or tendering the process with the person to whom it is addressed, the secretary or manager of the corporation or the secretary of the industrial organisation, industrial association or other organisation; or
- (b) leaving the process with any person apparently above the age of 16 years—
  - (i) at the residence or usual place of business of the person intended to be served; or
  - (ii) at the registered office of the corporation; or
  - (iii) where the person, corporation or the industrial organisation, industrial association or other organisation has filed an address for service—at that address; or
  - (iv) at such other address endorsed upon filed documents as the address for service; or
- (c) posting the process in a prepaid envelope sent by—
  - (i) certified mail; or

- (ii) security post; and  
addressed to the person, secretary or manager at the appropriate address pursuant to paragraph (b); or
- (d) facsimile process addressed to the person, secretary or manager at the appropriate address pursuant to paragraph (b) unless otherwise directed by the Court, Commission or registrar; or
- (e) electronic mail addressed to the person, secretary or manager at the appropriate address pursuant to paragraph (b) unless otherwise directed by the Court, Commission or registrar; or
- (f) service by post addressed to the person, secretary or manager at the appropriate address pursuant to paragraph (b) unless otherwise directed by the Court, Commission or registrar.

### **Service of summons**

**82.** Service of any summons upon any person, a corporation, an industrial organisation, an industrial association, or other organisation shall be effected in accordance with section 81(a), (b) or (c).

### **Service by post**

**83.** Service by post shall be taken to have been effected in accordance with the *Acts Interpretation Act 1954*.

### **Service by an officer of the Court**

**84.** Any officer of the Court shall, when required by the registrar, serve any process or document required to be served.

### **Charge**

**85.** The charge in respect of service under section 81 shall be paid by the party required to effect service.

**Substituted service**

**86.** The Court, Commission or registrar may make an order for substituted or other service or the substitution of notice by letter, lettergram, security post or courier, facsimile, electronic mail, telephone communication, public advertisement or otherwise as may seem just, where—

- (a) personal or other service of any proceedings is required by the Act or these rules; and
- (b) it is made to appear to the Court, Commission or registrar that service in accordance with these rules can not be effected.

**Contents of advertisement**

**87.** Where the Court, Commission or registrar orders that notice by public advertisement be substituted for the service otherwise required, the notice shall contain such particulars as the Court, Commission or registrar directs.

**Time for service**

**88.** Except for applications for which directions orders under section 95 apply, every summons, process, document, notice or application, required to be served shall be served upon the party concerned as early as practicable and at least 2 clear days before the return day thereof or the day on which it is proposed to move or apply, unless the Court, Commission or registrar directs shorter service.

**Time for service—response required**

**89.** Applications for which directions orders under section 95 apply, shall be served upon the parties concerned as early as practicable but not later than 7 days of the directions order being issued, unless the Court, Commission or registrar directs shorter service.

**Endorsement by applicant**

**90.(1)** An applicant after having served the directions order issued by the

registrar, shall as early as practicable complete the endorsement printed on the back of the directions order by swearing the affidavit therein contained.

(2) The endorsed directions order must be filed with the registrar forthwith upon service being effected.

### **Proof of service**

91. In circumstances where the Court, Commission or registrar takes it to be warranted, service may be proven in such manner and form as directed, provided that in the absence of evidence to the contrary, the endorsed directions order shall be prima facie evidence that all parties who are required to be served have been served.

## **PART 20—APPLICATION FOR AND NOTICE OF HEARING**

### **Date and place of hearing**

92. The applicant may apply at any time to the registrar for a date and place to be fixed for the hearing of the application and if the registrar is satisfied that all necessary procedures have been completed, or if the registrar otherwise regards it as appropriate, a date and place may be fixed.

### **Court, Commission and registrar may list for hearing**

93. A matter may be listed or re-listed for hearing by the Court, Commission or registrar where the Court, Commission or registrar considers it appropriate in the circumstances of the case.

### **Notice**

94. Notice of time and date of proceedings before the Court, Commission and registrar shall be given as soon as practicable after such time and place have been determined and may be given either orally or in writing and may be given or transmitted personally, by post, by lettergram,

by security post, by facsimile, by telephone or by any other means of communication sufficient to bring the matter to the attention of the person to whom it is addressed or directed.

## **PART 21—RESPONSE**

### **Response**

**95.** Subject to these rules, if the Court, Commission or registrar takes it to be appropriate or necessary to facilitate the effective disposition of matters contained in an application, the Court, Commission or registrar may direct that any party file a response to the application by a specified date which shall not exceed 21 days from the date of the order.

### **Contents of response**

**96.** A response shall be in substantial compliance with form 6 and shall specifically—

- (a) admit or deny, either with or without qualification, each statement of fact made in the application; and
- (b) state if the relief claimed is opposed.

### **No response filed**

**97.** In the event of a party failing to file a response, the Court, Commission or registrar may impose such conditions in respect of participation of such party as it sees fit.

### **Counter proposal**

**98.** A response may contain a counter proposal in response to the matters raised in the application, in which case the proposal shall be set out in such detail as to clearly specify the nature of the relief proposed.

**Copy of response to be served on the applicant**

**99.** A respondent shall file copies of the response with the registrar and serve a copy forthwith upon the applicant and upon such parties as may be directed.

**PART 22—AMENDMENTS****Amendment by leave—during hearing or when case is part heard****Application for leave**

**100.** Application for leave to amend any application may be made by the applicant to the Court, Commission or registrar (as applicable) at any stage of the matter.

**Allowance or disallowance of amendment**

**101.** Any amendment may be allowed or disallowed in such terms and conditions as the Court, Commission or registrar (as applicable) sees fit.

**Replacement application**

**102.** Any proposed amendments which substantially alter the scope and nature of the claim should be dealt with by way of a proposed amended application filed in the registry and in a format in substantial compliance with sections 105 to 107.

**Amendment by application—prior to hearing****Replacement application**

**103.** An application may be amended prior to a hearing by the applicant filing a proposed amended application in substantial compliance with

form 2 and with sections 105 to 107, which should be a replacement in total of the original application.

### **Further directions order**

**104.** The registrar may issue a further directions order on the basis of the contents of the amended application if considered necessary.

## **Method of distinguishing amendments**

### **Additions or deletions**

**105.** Amendments should be made in such manner as to clearly distinguish them from the original matter by underlining the parts added by way of amendment and/or crossing out those parts deleted by way of amendment.

### **Heading of amended document**

**106.** A document so amended shall contain the words ‘Amended the day of                      19    ’ at the top of the document.

### **Commencement of application**

**107.** Additionally, in lieu of form 2, item 1, the proposed amended application should contain a paragraph which is substantially as follows—

‘1. Apply for amendment of the application dated the                      day of                      , 19    , in the matter of the application to vary the                      , under                      section                     

by substituting the following in lieu thereof and attach hereto as Schedule 1 to this application/herein make\* a full statement of my claim.’

## **Service of amended applications**

### **Prior to service of original application**

**108.(1)** Where the original application has not been served on parties named in the directions order at the date of filing the amended application, a true copy of the proposed amended application in addition to the original application shall be served in accordance with these rules.

**(2)** Where a further directions order has also been issued, any additional parties not named in the original directions order shall be served in a similar manner.

### **After service of original application**

**109.(1)** Where the original application has been served on the parties named in the directions order at the date of filing the proposed amended application, a true copy of the proposed amended application shall be served by the applicant in accordance with these rules on all parties named in such order.

**(2)** Where a further directions order has been issued, any additional parties not named in the original directions order shall be served with a copy of the original application in addition to the proposed amended application in the usual manner.

## **Objection to amendment**

### **Objection by notification**

**110.(1)** Any party served with a proposed amended application, may object to the amendment by notification filed in the registry within 7 days of such service.

**(2)** However, where a matter is scheduled for hearing within such 7 days, any party may object to such amendment at that hearing.

**Contents of objection**

**111.** A notification of objection to the served proposed amended application shall be in the form of a response in substantial compliance with form 6, and must specify whether the objection is to the whole or the part (and, if so, which part) of the provisions of the proposed amended application and must contain a concise statement of the basis of such objection.

**Service of notification**

**112.** A notification of objection shall forthwith be served upon the applicant by the party lodging the objection.

**Determination of amended application**

**113.(1)** Where the hearing of a matter has commenced, and an objection to a proposed amended application has been received, such amendment shall be determined by the Court, Commission or registrar as applicable.

**(2)** Where the hearing of a matter has not commenced, and subject to section 110, the registrar after hearing the parties as to the objection lodged, may if satisfied that the circumstances of the matter or proceeding require it, allow or disallow the amendment in such terms and conditions as the registrar may see fit.

**No objection received**

**114.** If no objection is received either within the 7 days of service, or at the hearing (where the hearing is within such 7 days), then the amendment is taken to be authorised.

## **PART 23—PRACTICES OF THE COURT, COMMISSION AND REGISTRY**

### **Sittings**

**115.** The President of the Court, a member or members of the Commission and the registrar shall attend and hold sittings of the Court, Commission or registrar respectively, at such times and places as may be determined and may sit at any time at any place within the State, or as may be found necessary, at any other place.

### **Notice of sittings**

**116.** Notice of any sitting of the Court, Commission or registrar respectively, shall be posted in a conspicuous place in or near the Registrar's Office, or shall be otherwise published as the Court, Commission or registrar directs.

### **Chambers**

**117.** Except for the hearing of proceedings for offences and subject to these rules and the Act, the President of the Court or a member of the Commission or the registrar may exercise in chambers any jurisdiction of the Court, Commission or registrar.

### **Recording devices**

**118.** Except as otherwise permitted by the Court, Commission or registrar, the use of recording devices in any hearing or conference by any person or persons other than accredited officers of the Court Reporting Bureau is strictly prohibited.

### **Vacations**

### **Court and Commission**

**119.** The vacations and the holidays of the Court and the Commission

shall be those of the Supreme Court, Brisbane but may be rearranged by approval of the President or Chief Industrial Commissioner.

### **Vacation business**

**120.** Notwithstanding section 119 the Court or Commission may deal with business arising during a vacation where the Court or Commission considers it necessary.

### **Practice notes**

**121.(1)** The Court, Commission or registrar may issue practice notes from time to time for the guidance of parties to any proceedings.

(2) These practice notes shall be gazetted in the Industrial Gazette.

## **Assignment**

### **Court**

**122.** Every matter which shall be commenced in the Court shall be assigned—

- (a) to the President; or
- (b) where relevant to the Full Industrial Court.

### **Commission**

**123.** Every matter which shall be commenced in the Commission shall be allocated to a member or members of the Commission by a method approved by the President or Chief Industrial Commissioner.

## **Joinder**

### **Where matters may be joined**

**124.** Matters within the assignment of a Commissioner may be joined by

order of the Commissioner and in any other case—

- (a) in which it appears that substantially the same question is involved in all the matters; or
- (b) in which it appears that the decision in one matter is likely to determine or seriously impact upon the other or others; or
- (c) where and when the Court or Commission considers it appropriate or desirable.

### **Re-allocation**

**125.** Matters extending beyond the assignment of a Commissioner may be re-allocated.

### **Consent**

**126.** For the purpose of section 124, it shall not be necessary—

- (a) that any written order for joinder be made; or
- (b) that consent of the parties be obtained.

### **Application**

**127.** A party to any of the matters may make an application for joinder.

### **Application to separate matters**

**128.** If any party claims to be adversely affected by the joinder of matters, such party may apply to separate the matters by advising the registrar and any other affected party in writing prior to the hearing of the matter.

### **Commission acting on own motion**

**129.** Where the Commission acts on its own motion subject to the Act—

- (a) the member of the Commission shall notify the registrar in writing; and

- (b) the registrar shall register or record the matter and take any such action as the Commission directs.

### **Extension or abridgment of time**

**130.** Subject to the Act and these rules, a party to any matter before the Court, Commission or registrar may apply to the Court, Commission or registrar (as applicable) to extend or abridge the time prescribed for doing any act or thing and such application may be joined with an application under Part 6.

## **Seal**

### **Court**

**131.** There shall be a seal of the Court which shall bear the words 'Official Seal, Industrial Court, Queensland'.

### **Commission**

**132.** There shall be a seal of the Commission which shall bear the words 'Official Seal, the Queensland Industrial Relations Commission'.

### **Exhibits**

**133.** No party to any proceedings shall be at liberty to take any exhibit out of the Court, the Commission or the registry without an order of the President, or a member of the Commission or the registrar.

## **Inaccurate descriptions**

### **Awards etc.**

**134.** Subject to the Act or upon the motion of the Court, Commission or registrar, or on application of any interested party, the Court, Commission or registrar may amend or correct any clerical mistake or other manifest defect, irregularity or error in any award, industrial agreement, order or

direction, or any misnomer, inaccurate description or omission, however the same shall have arisen.

### **Certified agreements**

**135.** In respect of a certified agreement an application may be made pursuant to section 169 of the Act.

### **Continuance of proceedings**

**136.** No proceedings in the Court, Commission or before the registrar shall abate by reason of the death of any party, and such proceedings shall by order of the Court, Commission or registrar continue upon such terms and conditions as the Court, Commission or registrar considers fit.

### **Reserved decision**

**137.(1)** Where a decision has been reserved in any proceeding, the same may be given at any continuation or adjournment of the Court, Commission or sittings of the Industrial Registrar; or at any subsequent holding thereof, or the President, Commissioners or registrar (as applicable) may draw up such decision in writing, and, having signed the same, forward it to the Industrial Registrar's Office.

**(2)** Upon receipt in the Registrar's Office, the registrar shall cause the decision to be filed and delivered to the parties, and upon such filing such decision shall be of the same force and effect as if it had been pronounced by the President, Commissioner or registrar.

### **Publication of decisions etc.**

**138.(1)** All judgments, decisions, orders, industrial agreements, certified agreements, declarations, interpretations, variations, general rulings, notices and any other document that the Court, Commission or registrar determines shall be published in the Industrial Gazette.

**(2)** However, this Part in no way abrogates the Court, Commission or registrar's right to withhold publication of a document or modify a

document in such a manner that does not affect the essence of the document prior to publication, in the public interest.

### **Powers and duties of officers of the Court and Commission**

**139.** Officers of the Court and Commission shall have such powers and perform such duties as the Act specifies or the Court or Commission determines.

## **PART 24—REGISTERING AN INDUSTRIAL AGREEMENT**

### **Record**

**140.** The registrar shall keep a record of industrial agreements in which shall be inserted—

- (a) the registered number; and
- (b) date of making; and
- (c) date of registration; and
- (d) term; and
- (e) precis of the contents of the industrial agreement.

### **Form 8**

**141.(1)** Each proposed industrial agreement lodged for filing shall substantially comply with form 8.

**(2)** A minimum of 3 copies plus the number of copies the applicant seeks returned of the industrial agreement should be filed.

### **Accompanying letter**

**142.** Each proposed industrial agreement lodged for filing shall be accompanied by—

**New industrial agreement**

- (a) in the case of a new industrial agreement a letter signed by the party lodging the agreement containing a statement—
  - (i) whether the proposed industrial agreement intends to cover any award free employment;
  - (ii) whether the proposed industrial agreement covers or affects any existing award or industrial agreement and identifying such award or industrial agreement;
  - (iii) concerning the objects and purpose of the proposed industrial agreement as well as a statement outlining any changes to remuneration or conditions within the proposed industrial agreement;
  - (iv) containing the grounds upon which it is contended that the proposed industrial agreement satisfies the requirements of section 136(6)(c) of the Act as well as the reasons relied upon to justify the changes;

**Existing industrial agreement**

- (b) in the case of a proposed industrial agreement varying or rescinding an existing industrial agreement—a letter signed by the party lodging the agreement containing a statement which—
  - (i) summarises any changes which the proposed industrial agreement effects in relevant rates of pay and conditions of employment of the employees to whom the proposed industrial agreement relates; and
  - (ii) states the grounds upon which it is contended that the proposed industrial agreement satisfies the requirements of section 136(6)(c) of the Act.

**Commission endorsement**

**143.** The Commission upon approval of an industrial agreement filed shall sign the original thereof.

**Publication**

**144.** The registrar shall cause the industrial agreement to be published in the Industrial Gazette.

**PART 25—CONCURRENCE WITH AN INDUSTRIAL AGREEMENT****Form 9**

**145.** The notice signifying concurrence with an industrial agreement shall substantially comply with form 9 and shall be filed with the registrar.

**PART 26—RETIREMENT FROM INDUSTRIAL AGREEMENT****Form 10**

**146.** The notice signifying intention to retire from an industrial agreement shall substantially comply with form 10 and shall be filed with the registrar.

**Copy of notice**

**147.** The party retiring shall, at the same time, forward a copy of the notice by any of the methods referred to in Part 19, to each of the original parties and any concurring parties to the industrial agreement, directed to their usual or last-known address.

## **PART 27—APPLICATION TO HAVE INDUSTRIAL AGREEMENT DECLARED A COMMON RULE**

### **Form 2**

**148.** Application for a declaration that an industrial agreement shall have the effect of an award and be a common rule of the calling or callings shall be made to the Commission in substantial compliance with form 2 and shall comply with Part 6.

### **Advertisement**

**149.** The registrar shall cause notice of the application and of the proposed date and place of hearing thereof—

- (a) to be advertised—
  - (i) in the Industrial Gazette; and
  - (ii) in a newspaper circulating in the locality specified in the industrial agreement; or
- (b) to be forwarded by prepaid letter, or sent by security post, or certified mail, to all parties likely, in the opinion of the Commission to be affected.

### **Objection**

**150.** Any person desiring to be heard in opposition to the application must, within 14 days—

- (a) of the publication of the notice; or
- (b) from the date of the receipt of the notice;

file with the registrar, and serve on the applicant or applicants a notice in substantial compliance with form 6.

### **Variation or rescission**

**151.** Application for leave to vary or rescind an industrial agreement

which has been made a common rule may be made to the Commission pursuant to Part 6.

## **PART 28—NEW OR REPLACEMENT CERTIFIED AGREEMENT**

### **Records**

**152.(1)** The registrar must keep a record of certified agreements.

**(2)** The record must include—

- (a) the number given to the agreement; and
- (b) the date it was made; and
- (c) the date it was certified; and
- (d) the agreement's term.

### **Filing**

**153.(1)** A proposed certified agreement presented to the registrar for filing must comply with form 11.

**(2)** The applicant must present at least 3 copies of the proposed certified agreement for filing.

**(3)** If the applicant wants a copy of the filed agreement returned, the applicant must present to the registrar another copy for return to the applicant.

### **New agreements**

**154.** An application for certification of a new agreement must—

- (a) be executed by or for all parties to the agreement; and
- (b) be accompanied by an affidavit—

- (i) exhibiting a copy of the agreement; and
- (ii) specifying the matters mentioned in section 156.

### **Replacement agreements**

**155.** An application for certification of an agreement (a “**replacement agreement**”) to replace an existing certified agreement must—

- (a) be executed by or for all parties to the replacement agreement; and
- (b) be accompanied by an affidavit—
  - (i) exhibiting a copy of the certified agreement; and
  - (ii) specifying the matters mentioned in section 156.

### **Affidavits**

**156.** The affidavit accompanying an application for certification of a new or replacement agreement (the “**proposed agreement**”) must specify the following—

- (a) either—
  - (i) the award or industrial agreement binding the employer and regulating the wages and employment conditions of employees to be covered by the proposed agreement; or
  - (ii) if there is no award or agreement binding the employer—the appropriate award or industrial agreement nominated in the agreement;
- (b) the period the proposed agreement is to operate;
- (c) the clauses in the proposed agreement establishing procedures for preventing and settling disputes;
- (d) the clause in the proposed agreement—
  - (i) establishing a process for the parties to the proposed agreement to consult each other about changes to the organisation or performance of work in any workplace to which the agreement relates; or
  - (ii) stating that it is not appropriate for the agreement to provide

for the consultation;

- (e) the steps taken to satisfy section 160(1)(d) and (e) of the Act;
- (f) whether the proposed agreement is to cover a group of employees to whom section 164 of the Act may apply, and, if it is, the steps taken to ensure the consultations and explanations required under section 164(4) of the Act have been carried out;
- (g) the clause (if any) specifying when and how the proposed agreement's terms may be amended;
- (h) whether the proposed agreement applies only to a single business, a part of a single business, or a single workplace;
- (i) if the proposed agreement only applies to a single business, part of a single business or a single workplace—
  - (i) the name of the business, part of the business or workplace; and
  - (ii) the industrial organisations of employees known to the employer to represent the industrial interests of the organisation's members who are employed at the business or workplace and to be covered by the agreement; and
  - (iii) the persons who negotiated the agreement and the persons for whom they acted.

### **Notice of hearing**

**157.(1)** The registrar must give the parties to the proposed agreement notice of the time and date fixed by the Commission for hearing the application.

**(2)** The registrar must also give notice to anyone else the Commission directs is to be given notice.

### **Commission's endorsement**

**158.** If the Commission certifies an agreement, the Commission must sign and seal the agreement.

**Publication of agreement**

**159.** The registrar must publish each new or replacement certified agreement in the Industrial Gazette.

**Record of replacement of certified agreement**

**160.** The registrar must make a note in the record of certified agreements showing that an existing certified agreement has been replaced.

**PART 29—AMENDMENT OF A CERTIFIED AGREEMENT****Form of application**

**161.(1)** An application for the Commission’s approval under section 170 of the Act of an agreement amending a certified agreement (the “**amendment**”) must be filed and in form 15.

**(2)** The applicant must present at least 3 copies of the application and the amendment for filing.

**(3)** If the applicant wants a copy of the filed application and amendment returned, the applicant must present to the registrar another copy for return to the applicant.

**Amended certified agreement**

**162.(1)** An application for the Commission’s approval to the amendment must be accompanied by an affidavit declaring that the amendment—

- (a) was made as required by the certified agreement; and
- (b) has been agreed to by all parties bound by the certified agreement.

**(2)** The affidavit must specify the following—

- (a) either—
  - (i) the award or industrial agreement binding the employer and

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regulating the wages and employment conditions of employees to be covered by the certified agreement as amended (the “**proposed amended agreement**”); or

- (ii) if there is no award or agreement binding the employer—the appropriate award or industrial agreement nominated in the agreement;
- (b) the period the proposed amended agreement is to operate;
- (c) the clauses in the proposed amended agreement establishing procedures for preventing and settling disputes;
- (d) the clause in the proposed amended agreement—
  - (i) establishing a process for the parties to the agreement to consult each other about changes to the organisation or performance of work in any workplace to which the agreement relates; or
  - (ii) stating that it is not appropriate for the agreement to provide for the consultation;
- (e) the steps taken to satisfy section 160(1)(d) and (e) of the Act;
- (f) whether the proposed amended agreement is to cover a group of employees to whom section 164 of the Act may apply and, if it is, the steps taken to ensure the consultations and explanations required under section 164(4) of the Act have been carried out;
- (g) the clause (if any) specifying when and how the proposed amended agreement’s terms may be amended;
- (h) whether the proposed amended agreement applies only to a single business, a part of a single business, or a single workplace;
- (i) if the proposed amended agreement applies to a single business, part of a single business or a single workplace—
  - (i) the name of the business, part of the business or workplace; and
  - (ii) the industrial organisations of employees known to the employer to represent the industrial interests of the organisation’s members who are employed at the business or workplace and to be covered by the agreement; and

- (iii) the persons who negotiated the proposed amended agreement and the persons for whom they acted.

### **Notice of hearing**

**163.(1)** The registrar must give the parties to the agreement notice of the time and date fixed by the Commission for hearing the application.

**(2)** The registrar must also give notice to anyone else the Commission directs is to be given notice.

### **Commission's endorsement**

**164.** If the Commission certifies an amended certified agreement, the Commission must sign and seal the agreement.

### **Publication of agreement**

**165.** The registrar must publish each amended certified agreement in the Industrial Gazette.

### **Records of amendment of certified agreement**

**166.** The registrar must make a note in the record of certified agreements showing that an existing certified agreement has been amended.

## **PART 30—EXTENSION OF CERTIFIED AGREEMENTS**

### **Form of application or notice**

**167.** An application or notice under section 168(1)(b) of the Act must be filed and in form 16.

**Affidavit to be filed with application or notice**

**168.** An application or notice under this Part must be accompanied by an affidavit specifying which of the relevant parties consent to the application or notice and the facts and circumstances from which the consent may be inferred.

**Notice of hearing**

**169.(1)** The registrar must give the parties to the agreement notice of the time and date fixed by the Commission for hearing the application.

**(2)** The registrar must also give notice to anyone else the Commission directs is to be given notice.

**PART 31—RETIREMENT FROM A CERTIFIED AGREEMENT****Form of notice**

**170.** A notice of intention to retire from a certified agreement under section 167 of the Act must be filed and in form 17.

**Copy of notice**

**171.** A party retiring from a certified agreement must give notice to each party to the agreement.

## **PART 32—WITHDRAWAL FROM CERTIFIED AGREEMENT**

### **Form of notice**

**172.** A notice under section 174(2) of the Act must be filed and in form 18.

### **Affidavit to be filed with notice**

**173.** A notice under this Part must be accompanied by an affidavit specifying which of the relevant parties consent to the application and the facts and circumstances from which the consent may be inferred.

### **Copy of notice**

**174.** A party withdrawing from a certified agreement must give notice to each party to the agreement.

## **PART 33—WITHDRAWAL FROM CERTIFIED AGREEMENT BY PARTY AFFECTED BY INDUSTRIAL ACTION**

### **Form of application**

**175.** An application under section 176(1) of the Act must be filed and in form 19.

### **Copy of notice**

**176.** A party filing an application under this Part must give notice to each party to the agreement.

**Notice of hearing**

**177.(1)** The registrar must give the parties to the agreement notice of the time and date fixed by the Commission for hearing the application.

**(2)** The registrar must also give notice to anyone else the Commission directs is to be given notice.

**PART 34—TERMINATION OF A CERTIFIED AGREEMENT****Form of application**

**178.** A notice under section 175(1) of the Act must be filed and in form 20.

**Affidavit to be filed with notice**

**179.** A notice under this Part must be accompanied by an affidavit, executed by all parties to the agreement, declaring their consent to the application.

**PART 35—AMENDMENT OR TERMINATION OF A CERTIFIED AGREEMENT BY A FULL BENCH****Form of application**

**180.** An application under section 172(2)(b) of the Act for the review of a certified agreement's operation by the Full Bench must be filed and in form 21.

**Copy of notice**

**181.** The party seeking the review must give notice to each party to the agreement.

**Notice of hearing**

**182.(1)** The registrar must give the parties to the agreement notice of the time and date fixed by the Commission for hearing the application.

**(2)** The registrar must also give notice to anyone else the Commission directs is to be given notice.

**PART 36—NOTICE OF INITIATION OF  
BARGAINING PERIOD****Form of notice**

**183.** A notice under section 200 of the Act of intention to initiate a bargaining period must be—

- (a) in form 22; and
- (b) filed before the bargaining period starts.

**Particulars**

**184.** A notice under this Part must be accompanied by the particulars mentioned in section 201 of the Act.

## **PART 37—NOTICE TO REGISTRAR OF AUTHORITY TO ENGAGE IN INDUSTRIAL ACTION**

### **Form of notice**

**185.** A notice under section 207 of the Act of authority to engage in industrial action, filed with the registrar, must be in form 23.

## **PART 38—APPLICATION TO SUSPEND OR TERMINATE BARGAINING PERIOD**

### **Form of application**

**186.** An application to suspend or terminate a bargaining period under section 211(2)(b) of the Act must be filed and in form 2.

## **PART 39—NEW OR REPLACEMENT ENTERPRISE FLEXIBILITY AGREEMENT**

### **Record of enterprise flexibility agreements**

**187.(1)** The registrar must keep a record of enterprise flexibility agreements.

**(2)** The record must include—

- (a) the number given to the agreement; and
- (b) the date it was made; and
- (c) the date it was approved for implementation; and
- (d) the agreement's term.

**Filing**

**188.(1)** A proposed enterprise flexibility agreement presented to the registrar for filing must comply with form 14.

**(2)** The applicant must present at least 3 copies of the proposed enterprise flexibility agreement to the registrar for filing.

**(3)** If the applicant wants a copy of the proposed enterprise flexibility agreement returned, the applicant must present to the registrar another copy for return to the applicant.

**New enterprise flexibility agreements**

**189.** An application for approval of the implementation of a new enterprise flexibility agreement (a **“new agreement”**) must—

- (a) be executed by or for the employer; and
- (b) be accompanied by an affidavit—
  - (i) exhibiting a true copy of the new agreement; and
  - (ii) specifying the matters mentioned in section 191.

**Replacement enterprise flexibility agreements**

**190.** An application for approval of implementation of an enterprise flexibility agreement (the **“replacement agreement”**) to replace an existing enterprise flexibility agreement must—

- (a) be executed by or for the employer; and
- (b) be accompanied by an affidavit—
  - (i) exhibiting a true copy of the replacement agreement; and
  - (ii) specifying the matters mentioned in section 191.

**Affidavit**

**191.** The affidavit accompanying an application for approval of implementation of a new or replacement agreement (the **“proposed agreement”**) must specify the following—

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- (a) the enterprise to which the proposed agreement is to apply and where it is carried on;
- (b) the award or industrial agreement binding the employer named in the proposed agreement;
- (c) facts and circumstances satisfying the requirements of section 180(2)(c) of the Act;
- (d) the period the proposed agreement is to operate;
- (e) the clauses in the proposed agreement establishing procedures for preventing and settling disputes;
- (f) the clause in the proposed agreement—
  - (i) establishing a process for the parties to the agreement to consult each other about changes to the organisation or performance of work in any workplace to which the agreement relates; or
  - (ii) stating that it is not appropriate for the agreement to provide for the consultation;
- (g) the steps taken to satisfy section 180(2)(g) and (h) of the Act;
- (h) the notice given to an eligible union and the steps taken to involve the union in negotiations about the proposed agreement;
- (i) any eligible union to which notice of the proposed agreement was not given;
- (j) whether the proposed agreement is to cover a group of employees to whom section 184 of the Act may apply and, if it is, the steps taken to ensure the consultations and explanations required under section 184(4) of the Act were carried out;
- (k) the clause (if any) specifying when and how the proposed agreement's terms may be amended;
- (l) facts and circumstances on which the Commission is asked to decide that a majority of employees have genuinely agreed to be bound by the proposed agreement.

**Notice of hearing**

**192.(1)** The registrar must give the parties to the proposed agreement notice of the time and date fixed by the Commission for hearing the application.

**(2)** The registrar must also give notice to anyone else the Commission directs is to be given notice.

**Commission's endorsement**

**193.** If the Commission approves the implementation of an enterprise flexibility agreement, the Commission must sign and seal the agreement.

**Publication of agreement**

**194.** The registrar must publish each new or replacement enterprise flexibility agreement in the Industrial Gazette.

**Record of replacement of enterprise flexibility agreement**

**195.** The registrar must make a note in the record of enterprise flexibility agreements to show that an existing enterprise flexibility agreement has been replaced.

**PART 40—AMENDMENT OF AN ENTERPRISE  
FLEXIBILITY AGREEMENT****Form of application**

**196.(1)** An application under section 191 of the Act for approval of implementation of an agreement (the “**amendment**”) amending an enterprise flexibility agreement (the “**main agreement**”) presented to the registrar for filing must be in form 24.

**(2)** The applicant must present at least 3 copies of the application and the amendment to the registrar for filing.

(3) If the applicant wants a copy of the filed application and the amendment returned, the applicant must present to the registrar another copy for return to the applicant.

### **Amended enterprise flexibility agreement**

**197.(1)** An application for approval of implementation of the amendment must be accompanied by an affidavit declaring—

- (a) the amendment was made as required by the main agreement; and
- (b) the enterprise to which the main agreement as amended by the amendment (the **“proposed amended agreement”**) is to apply is the enterprise named in the main agreement.

**(2)** The affidavit must also specify the following—

- (a) the enterprise to which the proposed amended agreement is to apply and where it is carried on;
- (b) the award or industrial agreement binding the employer named in the proposed amended agreement;
- (c) facts and circumstances satisfying the requirements of section 180(2)(c) of the Act;
- (d) the period the proposed amended agreement is to operate;
- (e) the clauses in the proposed amended agreement establishing procedures for preventing and settling disputes;
- (f) the clause in the proposed amended agreement—
  - (i) establishing a process for the parties to the agreement to consult each other about changes to the organisation or performance of work in any workplace to which the agreement relates; or
  - (ii) stating that it is not appropriate for the agreement to provide for the consultation;
- (g) the steps taken to satisfy section 180(2)(g) and (h) of the Act;
- (h) the notice given to an eligible union and the steps taken to involve the union in negotiations about the proposed amended agreement;

- (i) any eligible union to which notice of the proposed amended agreement was not given;
- (j) whether the proposed amended agreement is to cover a group of employees to whom section 184 of the Act may apply and, if it is, the steps taken to ensure the consultations and explanations required under section 184(4) of the Act have been carried out;
- (k) the clause (if any) specifying when and how the proposed amended agreement's terms may be amended;
- (l) facts and circumstances on which the Commission is asked to decide that a majority of employees have genuinely agreed to be bound by the proposed amended agreement.

### **Notice of hearing**

**198.(1)** The registrar must give the parties to the amendment notice of the time and date fixed by the Commission for hearing the application for the approval of its implementation.

**(2)** The registrar must also give notice to anyone else the Commission directs is to be given notice.

### **Commission's endorsement**

**199.** If the Commission approves an amended enterprise flexibility agreement, the Commission must sign and seal the agreement.

### **Publication of agreement**

**200.** The registrar must publish each amended enterprise flexibility agreement in the Industrial Gazette.

### **Record of amendment of enterprise flexibility agreement**

**201.** The registrar must make a note in the record of enterprise flexibility agreements to show that an existing enterprise flexibility agreement has been amended.

## **PART 41—APPLICATION FOR EXTENSION OF AN ENTERPRISE FLEXIBILITY AGREEMENT**

### **Form of application**

**202.** An employer's application under section 189 of the Act must be filed and in form 25.

### **Affidavit to be filed with application**

**203.** An application under this Part must be accompanied by an application setting out facts and circumstances on which the Commission is asked to decide that a majority of employees have genuinely agreed to the proposed extension on or before the day the application was made.

### **Copy of notice**

**204.** The party seeking the extension must give notice to each party to the enterprise flexibility agreement.

### **Notice of hearing**

**205.(1)** The registrar must give the parties to the enterprise flexibility agreement notice of the time and date fixed by the Commission for hearing the application.

**(2)** The registrar must also give notice to anyone else the Commission directs is to be given notice.

## **PART 42—RETIREMENT FROM AN ENTERPRISE**

## **FLEXIBILITY AGREEMENT**

### **Form of application**

**206.** A notice filed under section 188 of the Act of intention to retire from an enterprise flexibility agreement must be in form 26.

### **Copy of notice**

**207.** A party retiring from an enterprise flexibility agreement must give notice to each party to the agreement.

## **PART 43—WITHDRAWAL FROM AN ENTERPRISE FLEXIBILITY AGREEMENT**

### **Form of notice**

**208.** A notice under section 194(1) of the Act must be filed and in form 27.

### **Affidavit to be filed with notice**

**209.** An application under this Part must be accompanied by an affidavit specifying which of the relevant parties consent to the application and the facts and circumstances from which the consent may be inferred.

### **Copy of notice**

**210.** A party withdrawing from an enterprise flexibility agreement must give notice to each party to the agreement.

### **Notice of hearing**

**211.(1)** The registrar must give the parties to the agreement notice of the time and date fixed by the Commission for hearing the application.

(2) The registrar must also give notice to anyone else the Commission directs is to be given notice.

## **PART 44—WITHDRAWAL FROM AN ENTERPRISE FLEXIBILITY AGREEMENT BY PARTY AFFECTED BY INDUSTRIAL ACTION**

### **Form of application**

**212.** An application under section 196(1) of the Act must be filed and in form 28.

### **Copy of notice**

**213.** A party withdrawing from an enterprise flexibility agreement because of industrial action must give notice to each party to the agreement.

### **Notice of hearing**

**214.(1)** The registrar must give the parties to the agreement notice of the time and date fixed by the Commission for hearing the application.

(2) The registrar must also give notice to anyone else the Commission directs is to be given notice.

## **PART 45—TERMINATION OF AN ENTERPRISE FLEXIBILITY AGREEMENT**

### **Form of application**

**215.** A notice under section 195(1) of the Act must be filed and in form 29.

**Affidavit to be filed with notice**

**216.** A notice under this Part must be accompanied by an affidavit specifying which of the relevant parties consent to the application and the facts and circumstances from which the consent may be inferred.

**Copy of notice**

**217.** A party terminating an enterprise flexibility agreement must give notice to each other party to the agreement.

**Notice of hearing**

**218.(1)** The registrar must give the parties to the agreement notice of the time and date fixed by the Commission for hearing the application.

**(2)** The registrar must also give notice to anyone else the Commission directs is to be given notice.

**PART 46—AMENDMENT OR TERMINATION OF AN  
ENTERPRISE FLEXIBILITY AGREEMENT BY A  
FULL BENCH****Form of application**

**219.** An application under section 192(2)(b) of the Act must be filed and in form 30.

**Copy of notice**

**220.** A party seeking amendment or termination of an enterprise flexibility agreement must give notice to each party to the agreement.

**Notice of hearing**

**221.(1)** The registrar must give the parties to the agreement notice of the

time and date fixed by the Commission for hearing the application.

(2) The registrar must also give notice to anyone else the Commission directs is to be given notice.

## **PART 47—COMMISSION NOTICES**

### **Form of notice under Act s 159(2)—reg, s 99**

**222.** A notice given under section 159(2) of the Act must be in form 12.

### **Form of notice under Act s 179(2)—reg, s 99**

**223.** A notice given under section 179(2) of the Act must be in form 14.

## **PART 48—INDUSTRIAL DISPUTES**

### **Commencement**

**224.(1)** A notification under section 319 of the Act to the registrar, of an industrial dispute, may be given orally, or by letter, lettergram, security mail, facsimile or electronic mail.

(2) Notwithstanding section 24, only a single copy of such notification is required to be filed.

### **Confirmation in writing**

**225.** Where a notification referred to in section 224 is given orally, the person giving the notification shall confirm it in writing as soon as is practicable.

**Named parties**

**226.** A notification referred to in section 224 shall state—

- (a) the details of the causes and subject matter of the dispute and the issues involved; and
- (b) the names and contact telephone numbers of the parties to the dispute; and
- (c) the place or location where the dispute occurred; and
- (d) the awards, industrial agreements or certified agreements affected; and
- (e) whether any grievance or dispute settling procedures apply and have been followed.

**Notification of time and place of conference**

**227.** Upon the party notifying the dispute seeking a conference, the registrar shall cause the parties to a dispute to be notified of the time and place of a conference convened to consider the matter.

**Service of notification**

**228.** A written notification in compliance with section 226, shall be forthwith served by the notifier upon all other relevant parties to a dispute.

**Error or omissions in notification**

**229.** Notwithstanding the provisions of section 226, no error or omission in the notification of a dispute restricts the Commission's power to convene a conference or otherwise exercise jurisdiction.

## **PART 49—COMPULSORY CONFERENCES**

### **Dispute summons**

**230.** For the purpose of summoning any person to attend a compulsory conference (under section 321 of the Act), a summons shall be issued by the registrar or Industrial Magistrate in substantial compliance with form 35.

### **Reinstatement summons**

**231.** A summons issued by the registrar or Industrial Magistrate for the purpose of summoning any person to attend a compulsory conference (under section 321 of the Act) in the matter of an application for reinstatement, re-employment or compensation shall be in substantial compliance of form 36.

## **PART 50—MEDIATION CONFERENCES**

### **Mediation conferences**

**232.** Without in any way limiting the jurisdiction or the obligations placed upon the Commission by section 319 of the Act, the Commission, may if it sees fit, in accordance with section 320 of the Act consult with parties to an industrial dispute, or where relevant, an application, and take such steps as are seen to be appropriate with a view to—

- (a) facilitating their reaching resolution of the dispute; and/or
- (b) ensuring that all avenues of resolution of dispute have been explored before proceeding to arbitration; and/or
- (c) facilitating the conduct of any necessary arbitration proceedings by exploring means of effectively conducting the hearings; and/or
- (d) resolving any outstanding issues by this process in respect of the resolution of the dispute or application.

**Circumstances of resolution**

**233.** The Commission shall not proceed to resolution by this process pursuant to section 232(d) unless—

- (a) all parties to the dispute or application consent (which consent can not be withdrawn except by leave of the Commission); and
- (b) all parties agree to those specific issues to be dealt with in the process of consultation; and
- (c) all parties agree to accept any resolution achieved as a consequence of the processes including the consenting to any formal orders to give effect to such resolution; and
- (d) the Commission determines such process is desirable in the public interest.

**Cessation by Commission**

**234.** The Commission may cease its involvement in the process pursuant to this Part at any time as it sees fit.

**Formal application**

**235.** Where the outcome of any such process would, or is likely to vary an existing award or industrial agreement, or the rights and obligations thereunder, an application in compliance with Part 6 is required to be filed or a notification given under section 130.

**Conduct of matter**

**236.** The Commission may determine the manner in which the matter is to be conducted.

**Record**

**237.** A record of proceedings may be taken of all such conferences, as the Commission directs.

**Outcome**

**238.** The outcome of such process by the Commission may be incorporated in the record or issued separately in writing.

**Effect**

**239.** The result of such process may be given effect by—

- (a) order of the Commission;
- (b) filing an industrial agreement which is duly approved by the Commission;
- (c) any other course of action the Commission considers appropriate.

**Formal hearing**

**240.** For the purpose of section 239, the Commission may after hearing the parties, terminate such conference and constitute the Commission for the purpose of formalising the outcome of the consultation.

**Unresolved issues**

**241.** A Commissioner to whom a matter has been assigned pursuant to these rules, having previously dealt with any matter under the provisions of this Part, shall prior to proceeding to hear and determine any issues of an application which remains unresolved after that process, hear any party to the application as to whether, in all the circumstances, it is appropriate for the Commission as then constituted to hear and determine those particular matters.

## **PART 51—OFFENCES BEFORE INDUSTRIAL MAGISTRATES**

### **Offences**

**242.** Proceedings before an Industrial Magistrate for the enforcement of penalties incurred under the Act in respect of offences shall be prosecuted in the manner authorised by section 606 of the Act and in accordance with these rules.

## **PART 52—APPLICATIONS AND CLAIMS FOR RECOVERY OF MONEY BEFORE INDUSTRIAL MAGISTRATES**

### **Claims**

**243.** Proceedings for—

- (a) an order for payment of wages or other moneys due and payable to the employee or payable on account of the employee and unpaid; and
- (b) claims for damages for breach of an agreement made under an award, industrial agreement or certified agreement; and
- (c) the recovery of penalties and amounts payable to the Workers' Compensation Board under the *Workers' Compensation Act 1990*; and
- (d) claims for, or in respect of, moneys deducted from the wages of an employee, with the employee's authority, with a view to payment thereof by the employer on the account of the employee; and
- (e) claims for payment of the amount of contribution that is unpaid or an amount that is just and fair for failure by the employer to pay superannuation contributions and costs; and
- (f) claims for damages sustained by an employee because of the

employer's neglect to pay the employee's wages;  
shall be commenced by complaint before a justice of the peace.

### **Form 38**

**244.** A complaint for recovery of money before an Industrial Magistrate shall be in substantial compliance with form 38.

### **By whom made or sworn**

**245.** A complaint may be made or sworn by the complainant in person or a person authorised in writing by the complainant.

### **Contents of complaint**

**246.** The matters mentioned in section 243(a) to (f) may be joined in the 1 complaint.

### **Summons**

**247.(1)** When a complaint is made or sworn, the justice may issue a summons which shall—

- (a) be directed to the defendant; and
- (b) state concisely the matter of the complaint; and
- (c) require the defendant to appear before an Industrial Magistrate at a certain time and place to answer the complaint and to be further dealt with according to law.

**(2)** In the case of a proceeding pursuant to the provisions of the *Workers' Compensation Act 1990*, as mentioned in section 243(c) the summons shall require the defendant to appear at a certain time and place to answer the complaint and to be further dealt with according to law before—

- (a) an Industrial Magistrate within the Magistrates Courts District in which the defendant resides; or
- (b) an Industrial Magistrate within whichever of the following Magistrates Courts Districts is nearest in distance to the

defendant's place of residence: the Magistrates Courts District of Ayr, the Central Division of the Brisbane District, the Magistrates Courts Districts of Bundaberg, Cairns, Dalby, Gympie, Ipswich, Mackay, Maryborough, Mount Isa, Rockhampton, Roma, Toowoomba, Townsville, Warwick, Gladstone, Kingaroy or Southport.

(3) However, if the defendant resides in any of the divisions of the Brisbane District the provisions of subsection (2)(b) shall not apply.

(4) The provisions of section 56 of the *Justices Act 1886* shall apply to the summons.

### **Substituted service**

**248.** When it is made to appear to the Industrial Magistrate that personal or other service of any such summons can not promptly be effected in the manner prescribed, the Industrial Magistrate may make any order for substituted or other service or the substitution for service of notice by letter, lettergram, security post, public advertisement or otherwise, which is taken as necessary or convenient; and in such case compliance with such order shall be sufficient service.

### **Hearing and determination**

**249.** The matter shall be heard and determined by an Industrial Magistrate.

### **Application of Justices Act**

**250.(1)** Subject to the Act, the provisions of the *Justices Act 1886* relating to—

- (a) the commencement of proceedings, other than as to the time within which proceedings may be instituted under section 53 of the Act; and
- (b) the summoning of witnesses; and
- (c) the hearing and determination of a simple offence by justices; and
- (d) the enforcement of the judgment of justices with respect to a

simple offence and the recovery of any penalty, costs, sum of money or expenses imposed or ordered to be paid with respect thereto and the consequences of default in paying the same; and

- (e) all forms;

shall apply as appropriate in respect of a proceeding under section 243.

(2) However, notwithstanding subsection (1), in the case of enforcement of an order for the payment of money, the provisions of section 544 of the Act shall apply where appropriate.

### **Powers**

**251.** For all the purposes specified in section 250, the Industrial Magistrate shall have the powers of a Stipendiary Magistrate in regard to simple offences.

### **Workers' Compensation Board**

**252.** Notwithstanding section 250, the provisions of the *Justices Act 1886* relating to—

- (a) the limitation of time within which complaints may be made or sworn; and
- (b) the ordering of imprisonment—
  - (i) in default of observance of the order of justices for the payment of money; and
  - (ii) in default of sufficient distress to satisfy the sum adjudged to be paid;

shall not apply to the hearing and determination of a complaint under section 243(c) for a sum due to the Workers' Compensation Board or to the enforcement of the judgment of the Industrial Magistrate therefor.

### **Adjournment**

**253.** Where the Industrial Magistrate is unable to attend at the time appointed for the hearing of any proceeding, the clerk of the court may

adjourn the court, and also adjourn any business set down for the day as is taken as convenient.

### **Enforcement of order on claim for damages**

**254.** If an Industrial Magistrate orders any sum to be paid pursuant to a claim for damages for breach of any agreement made under any award, a certificate under the hand of—

- (a) the Industrial Magistrate; or
- (b) the clerk of the court; or
- (c) the officer having custody of the records;

specifying—

- (d) the amount payable; and
- (e) the respective parties or persons by and to whom the same is payable;

may be filed—

- (f) in the court and shall thereupon according to its tenor be enforceable in all respects as if it were an order of the court; or
- (g) in any court having civil jurisdiction to the extent of such amount and shall thereupon according to its tenor, be enforceable in all respects as if it were a judgment of such court.

## **PART 53—RECOVERY OF MONEYS RELATING TO INDUSTRIAL ORGANISATIONS BEFORE AN INDUSTRIAL MAGISTRATE**

### **Commencement of action**

**255.** Every action in the Industrial Magistrates Court pursuant to sections 74(a)(vii) and 475 of the Act, for the recovery of money due by a member to an industrial organisation under the rules thereof for subscriptions, fines, fees, levies and dues and other money payable, shall be

commenced by a plaint in writing in substantial compliance with form 39 which shall be filed by or on behalf of the said industrial organisation with the registrar of the Industrial Magistrates Court.

### **Fees and costs**

**256.(1)** The fees to be paid for plaints and other processes in connection therewith, and which shall be recoverable from the defendant and may be added to the plaint and other process, shall be the same as those provided for in Schedule 3 to the *Magistrates Court Rules 1960*, made under the *Magistrates Courts Act 1921*.

**(2)** Professional costs shall not be allowed in any such action unless special circumstances exist and an Industrial Magistrate makes an order therefor.

### **Procedure**

**257.** The proceedings on the plaint shall be taken and dealt with as nearly as may be as if it were a claim in a personal action under the *Magistrates Courts Act 1921* and the provisions of the *Magistrates Court Rules 1960* made under the last mentioned Act shall apply with all necessary modifications.

### **Deficiency**

**258.** If with reference to any necessary proceeding in the action or matter there is any deficiency in the above mentioned rules or form, the Industrial Magistrate may in such case direct the procedure or form to be adopted.

### **Registrars**

**259.** For the purposes of such proceedings all registrars or deputy registrars of the Magistrates Courts shall be taken to be registrars of the Industrial Magistrates Courts.

**Officers**

**260.** The bailiffs and other officers of the Magistrates Courts shall be taken to be officers of the Industrial Magistrates Courts and shall exercise the powers and perform the duties prescribed by the rules of court.

**PART 54—PERMITS UNDER THE ACT****Aged or infirm persons permits before an Industrial Magistrate****Applications**

**261.** Applications by aged or infirm persons under section 227(1) of the Act shall be filed with an Industrial Magistrate and shall be in substantial compliance with form 40.

**Notice of hearing**

**262.** Notice of hearing of the application, as required by the Act, shall be given in substantial compliance with form 41.

**Permits**

**263.** Permits in writing for an aged or infirm person to work for less than the minimum wage prescribed by an award shall be in substantial compliance with form 42.

**Cancellation or revocation of permit**

**264.** An application under section 227(1) of the Act for the cancellation or revocation of an aged or infirm employee's permit shall be in substantial compliance with form 2.

**Student's permit to work**

**265.(1)** Applications by students of a tertiary institution or college required to complete a period of technical training to complete their course, for a permit to work under section 226 of the Act, shall be filed with the registrar and be in substantial compliance with form 43.

(2) Only a single copy of the application is required to be filed.

**PART 55—INDUSTRIAL REGISTRAR****Office**

**266.(1)** The registrar shall keep an office at the place where the Court or Commission is held at Brisbane.

(2) Such office shall be kept open on such days and for such hours as the Court or Commission from time to time appoints.

**Stamp of the registrar**

**267.** There shall be a stamp of the registrar which shall—

- (a) bear the words 'Industrial Registrar, Queensland'; and
- (b) be constructed so as to stamp the date on any documents stamped with it.

**Books of records or accounts**

**268.** The registrar shall cause records to be kept in the form approved by the Court or Commission, provided that all books of account shall be kept in the form approved by the Auditor-General.

**Duties**

**269.** The registrar shall—

- (a) sign and issue summonses and warrants and other processes of

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- the Court, Commission or for proceedings before the registrar;
- (b) register all records, orders and awards;
  - (c) keep minutes of the proceedings of the Court or Commission;
  - (d) act in Court as registrar when so required;
  - (e) cause a note of all proceedings of the Court or consequent thereon, to be entered from time to time in proper records to be kept at the Registrar's Office;
  - (f) have the custody—
    - (i) of the seals of the Court and of the Commission—to be affixed by the registrar to all process documents and instruments where required by the Act or these rules; and
    - (ii) of the stamp of the registrar—to be affixed to all documents issued from the Registrar's Office or filed therein, in matters other than those in subparagraph (i);
  - (g) take charge of and keep an account—
    - (i) of all fees, fines, penalties, forfeitures and other moneys paid or payable under the Act or these rules; and
    - (ii) of all moneys paid into or out of the Court or Commission or paid to or by the registrar under the Act or these rules;
  - (h) examine all affidavits filed in relation to compliance with the Commission's orders under section 111(2) of the Act;
  - (i) when required, submit the accounts to be audited by the Auditor-General or the Auditor-General's officers.

**Power**

**270.** In relation to any matter in which the registrar, Court or Commission has jurisdiction pursuant to the Act or these rules, or pursuant to a reference by the Court or Commission, the registrar shall have the power to—

- (a) summon persons as witnesses; and
- (b) administer oaths; and

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- (c) take affidavits; and
- (d) examine parties and witnesses; and
- (e) adjourn any matter or hearing; and
- (f) amend or give leave to amend any application, notice, or other proceeding; and
- (g) extend the time prescribed for the lodging of any document or the doing of any act (whether that time has expired or not); and
- (h) make any order as to—
  - (i) any interlocutory proceedings to be taken before the hearing; and
  - (ii) the costs thereof; and
  - (iii) the issues to be submitted to the Court or Commission; and
  - (iv) the naming and joinder of parties; and
  - (v) the persons to be served with notice of proceedings; and
  - (vi) particulars of the claims of parties; and
  - (vii) admissions; and
  - (viii) discovery; and
  - (ix) interrogatories; and
  - (x) inspection of documents; and
  - (xi) examination of witnesses; and
  - (xii) the place, time and nature of hearing; and
- (i) issue show cause notifications under section 111(3) of the Act, which shall be in substantial compliance with form 37; and
- (j) generally give all such directions and do all such things as are appropriate.

**Exercise of powers**

**271.** The foregoing powers, if exercised on the application of a party, may be exercised on such terms as the registrar thinks fit.

**Orders of registrar**

**272.** Every order made by the registrar shall be signed by the registrar, stamped and filed.

**PART 56—PROCEDURE FOR APPEALS (GENERAL)****Form 2**

**273.(1)** An appeal from the Commission, Industrial Magistrate, registrar or Certifying Barrister or in respect of a stand-down, shall be instituted by an application in substantial compliance with form 2, unless otherwise allowed by the Court or Commission, or prescribed by the Act or these rules.

**(2)** Applications for appeals from Industrial Magistrate's decisions do not require the inclusion of form 2, item 2 that is the directions request.

**Nature of claim**

**274.** The application for appeal shall—

- (a) be in compliance with section 40(a); and
- (b) state whether the appeal is from the whole or part (and which part), of the judgment, decision or order; and
- (c) state concisely the grounds of the appeal; and
- (d) state what relief the appellant seeks in lieu of the judgment, decision or order appealed from.

**Time for filing**

**275.** Subject to the Act, the application for appeal shall be filed within 21 days of the date that the judgment, decision or order is announced at a hearing or otherwise released.

**Institution of appeal**

**276.** Upon the filing of the application for appeal, the institution of the appeal shall be taken to have commenced.

**Determination of appeal**

**277.** Unless otherwise ordered that additional evidence shall be taken, pursuant to section 125 of the Act the appeal, which shall be by way of rehearing on the record, shall be heard and determined upon the evidence and proceedings before the Industrial Magistrate, the Commission or the registrar.

**PART 57—APPEALS FROM A SINGLE  
COMMISSIONER****Mode of procedure****Appeals without leave**

**278.** Appeals from a single Commissioner solely on the grounds of error of law and/or excess or want of jurisdiction shall follow and be in the same form as appeals from the Commission or registrar contained in Part 33.

**Appeals with leave**

**279.** Appeals from a single Commissioner to the Full Bench of the Industrial Commission under section 120(1) of the Act shall only proceed after leave to appeal has been granted by the President.

## **Leave to appeal process**

### **Filing**

**280.** An application for leave to appeal to the President shall be filed in the registry in compliance with section 120 of the Act and should be in substantial compliance with form 2.

### **Additional information**

**281.** The application to the President for leave to appeal shall contain—

- (a) the grounds of the appeal, being grounds other than error of law or excess, or want, of jurisdiction; and
- (b) the facts and circumstances relied upon as founding a conclusion that the matter is of such importance that an appeal should be brought in the public interest; and
- (c) where it is contended that the matter is of particular urgency, the considerations founding that contention.

### **Application for appeal**

**282.** An application for leave to appeal notwithstanding, parties must comply with section 118 of the Act in relation to applications for appeal.

### **Service**

**283.** An application for leave to appeal shall be served in accordance with the registrar's directions in compliance with Part 18.

### **Notice of opposition**

**284.** Any respondent opposing the granting of leave to appeal, shall—

- (a) file with the Industrial Registrar a notice of their opposition to the granting of leave; and
- (b) shall state the grounds of such opposition and the facts and circumstances relied on to sustain such grounds.

**Form of notice of opposition**

**285.** A notice of opposition shall be in substantial compliance with form 6.

**Application granted**

**286.** If the President grants leave to appeal, the appeal will proceed before the Full Bench of the Commission in the normal course in accordance with the leave granted.

**Application refused**

**287.** If the President refuses to grant leave to appeal, the application for appeal filed before the Commission shall be considered to have been struck out and no further application for appeal shall be filed in relation thereto.

**PART 58—APPEALS FROM THE COMMISSION OR REGISTRAR****Filing**

**288.** An appeal from a decision of the Commission or registrar shall be filed in the registry.

**Record for purposes of appeal**

**289.** Unless otherwise directed the following shall be regarded as the record for the purpose of an appeal—

- (a) the application for appeal;
- (b) the originating process (including any amendment) instituting the proceedings the subject of the appeal;
- (c) the order the subject of the appeal;
- (d) any published reasons for the decision the subject of the appeal;

- (e) any transcript of the evidence given in the proceedings leading to the order the subject of the appeal;
- (f) the list of exhibits and the exhibits in the proceedings leading to the order the subject of the appeal;
- (g) any award, industrial agreement, certified agreement or statement of principle referred to in the published reasons referred to in paragraph (d);
- (h) any affidavit filed in respect of the appeal.

**Other material**

**290.** The Court, Commission or registrar may direct that the material referred to in section 289 be supplemented by other specified material and any party to the appeal may seek such a direction.

**Service**

**291.** An application for appeal shall be served in accordance with the registrar's directions in compliance with Part 19.

**Other persons served**

**292.** The Court, Commission or registrar may direct that the application for appeal be served on any other person.

## **PART 59—APPEALS FROM INDUSTRIAL MAGISTRATE**

**Filing**

**293.** An application for appeal in respect of an appeal to the Court or Commission from a decision and order of an Industrial Magistrate shall be lodged with the Industrial Magistrate.

**Recognisance**

**294.** In respect of appeals to the Court or Commission from decisions and orders of the Industrial Magistrate, the appellant shall, at the time of lodging the application for appeal with the Industrial Magistrate, enter into recognisance—

- (a) with or without surety or sureties of the sum of \$200 or such other amount as the Industrial Magistrate directs; and
- (b) conditioned to prosecute the appeal without delay; and
- (c) to submit to the judgment of the Court; and
- (d) to pay such costs as the Court shall award;

before the same or some other Industrial Magistrate.

**Custody**

**295.** The appellant, if then in custody, shall be liberated upon the recognisance, under section 294, being further conditioned for appearance before the same or some other Industrial Magistrate within a reasonable time, not less than 10 days after the decision of the Court or Commission is given, to abide by such decision, unless the decision appealed against is reversed.

**Clerk of court or registrar**

**296.** For the purposes of sections 294 and 295, if there is no Industrial Magistrate available at the place where the proceedings were heard, the appellant may enter into recognisance before the clerk of the court or the registrar.

**Documents**

**297.** On receipt of an application for appeal by an Industrial Magistrate, the Industrial Magistrate shall advise and transmit to the registrar the original and 1 copy of the—

- (a) application for appeal; and
- (b) recognisance; and

- (c) complaint; and
- (d) depositions; and
- (e) exhibits (where practicable); and
- (f) records of the proceeding, including any other proceeding, before the Industrial Magistrate; and
- (g) decision and order of the Industrial Magistrate.

### **Service**

**298.** Upon lodging an application for appeal with the Industrial Magistrate the applicant shall forthwith serve the application for appeal on the other respondent or party.

### **Hearing notification**

**299.** The registrar shall advise the Industrial Magistrate and the parties of the time and place fixed for the hearing of the appeal.

## **PART 60—EVIDENCE AND AFFIDAVITS**

### **Evidence on applications etc.**

**300.** Evidence may be given by affidavit at the direction of the Court, Commission or registrar, subject to section 301.

### **Appearance for evidence and cross-examination**

**301.** The Court, Commission or registrar may require any person making any affidavit to appear and give evidence and/or for cross-examination before the Court, Commission, registrar or officer of the Court.

**Failure to appear for evidence and cross-examination**

**302.** If a deponent required to appear in compliance with section 301 fails to appear, such affidavit shall not be used in evidence, unless by special leave of the Court, Commission or registrar (as applicable).

**Limitation of affidavit**

**303.** A person making an affidavit, shall be confined to statements of facts of their own knowledge, except—

- (a) for affidavits specified in section 43; and
- (b) in the case of affidavits used in interlocutory matters or applications—where statements may be made to the best of the deponent's own knowledge, information or belief to be true or correct.

**Form of affidavit**

**304.** Every affidavit shall—

- (a) be in substantial compliance with form 31 or where relevant in form 2; and
- (b) comply with Part 3; and
- (c) be in the first person; and
- (d) state that such person is authorised to make such statement where such person swears an affidavit on behalf of another person or entity; and
- (e) state that it was sworn by the deponent on the day and at the place where it was sworn; and
- (f) if it extends to a second or subsequent sheet, each separate sheet shall be signed at the base by the deponent and by the person before whom the affidavit was sworn.

**Annexures**

**305.** Documents and other objects and things referred to in an affidavit, shall be annexed to the affidavit and shall—

- (a) be titled in the same manner as the affidavit; and
- (b) contain the case number of the proceeding; and
- (c) be certified as follows—

‘This is the (document, object, thing as the case may be) marked ‘A’ referred to in the affidavit of A.B. sworn herein before me this day of , 19 ’.

### **Alterations and erasures**

**306.** All alterations, erasures or interlineation contained in any affidavit, and made before the swearing of the affidavit, shall be initialled by both the person making the affidavit and the person before whom the affidavit is sworn.

### **Affidavits by illiterate or blind persons**

**307.(1)** When an affidavit is sworn by any person who is illiterate or blind, the person before whom the affidavit is sworn shall certify to that fact in substantial compliance with form 31.

**(2)** No such affidavit shall be used in evidence in the absence of this certificate unless the Court, Commission or registrar otherwise determines.

### **Affidavits by non-English speaking persons**

**308.(1)** When an affidavit is made and sworn by any non-English speaking person, the person who translates the affidavit shall additionally swear an affidavit testifying to the true English translation of the contents.

**(2)** No such translated affidavit shall be used in evidence in the absence of this certificate unless the Court, Commission or registrar otherwise determines.

### **Affirmations**

**309.** Where the person making the affidavit does not take an oath, the form of the affidavit shall be varied so as to conform with the solemn affirmation and declaration of the person making the affidavit.

**Use of figures**

**310.** In an affidavit, dates and sums of money may be written or printed in figures instead of words.

**Specified time for filing affidavits**

**311.(1)** When a specified time is limited for filing affidavits, an affidavit filed after that time shall not be used without leave of the Court, Commission or registrar.

**(2)** In granting leave, the Court, Commission or registrar may impose such conditions as it sees fit.

**Summons to witnesses**

**312.** On the application of any of the parties, and on payment of the prescribed fee, or, by direction of the President or a Commissioner, the registrar shall issue a summons to any party or parties, or other person or persons, to appear and give evidence before the Court, Commission or registrar, and only 1 witness's name may be inserted in any 1 summons.

**Form of summons**

**313.** The summons shall be in substantial compliance with form 34, and may require any person therein named to produce before the Court, Commission or registrar any books, papers, and other records in their possession or under their control in any way relating to the cause.

**Inspection of material**

**314.(1)** All books, papers or other records produced before the Court, Commission or registrar, whether produced voluntarily or pursuant to summons, may be inspected by the Court, Commission or registrar, and also by such parties as the Court, Commission or registrar allows; but the information obtained therefrom shall not be made public without the permission of the Court, Commission or registrar.

**(2)** However, any parts of the books, papers or other records which in

the opinion of the President, Commissioner or registrar do not relate to any matter in issue may be sealed up.

### **Witness expenses**

#### **Allowance for attendance and expenses**

**315.(1)** Every person who is summoned and duly attends as a witness shall be entitled to the specified allowance for their attendance and expenses.

**(2)** However, until otherwise specified the allowance shall be according to the scale for the time being in force with respect to witnesses in civil actions in the Supreme Court.

#### **Responsibility for initial payment to witness**

**316.** The party causing a summons to be taken out for the attendance of a witness is responsible for the initial payment to that witness of the specified allowance for their attendance and expenses.

#### **Lawful excuse for refusal**

**317.** A witness summoned under this Part who is not provided with appropriate expenses by the party taking out that summons may be held to have a lawful excuse for disobedience or refusal of the summons as provided for in section 560 of the Act.

#### **Commission's powers in relation to evidence**

**318.(1)** The Commission may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

**(2)** The Commission may, if it thinks fit, dispense with evidence on any matter on which all parties have agreed in writing, or on any matter as to which the Commission considers evidence is unnecessary.

**Mode of evidence**

**319.** The Court, Commission or registrar may take evidence on oath, affirmation or declaration.

**PART 61—COSTS AND EXPENSES****Costs and expenses**

**320.** The Court or Commission may allow costs and expenses, in respect of proceedings and other matters to which these rules apply, either as fixed by it, or by reference to a designated scale in respect of proceedings of the Magistrates Court, the District Court, or the scale allowed in respect of like proceedings in the Supreme Court, or on such other basis as the Court or Commission may determine.

**PART 62—WITHDRAWAL OF PROCESS****Application for withdrawal**

**321.** The applicant in any matter or process before the Court, Commission or registrar may seek leave to withdraw a matter or process by filing a written request with the registrar.

**Copy of notice**

**322.** The applicant shall, at the time of filing the request outlined in section 321, forward a copy of the request by any of the methods referred to in Part 19, to each of the parties to the matter or process.

**No objection received**

**323.** In the event of no such party notifying an objection to the registrar within 14 days of being notified of the application for withdrawal, leave to

withdraw may be granted by the Court, Commission or registrar, and the file endorsed to that effect.

### **Objection received**

**324.** If an objection is received within the time specified, the Court, Commission or registrar (as applicable) may, if satisfied that the circumstances of the matter or proceeding require it, allow or disallow the application for withdrawal in such terms and conditions as the Court, Commission or registrar (as applicable) sees fit.

### **Other cases of withdrawal**

**325.** Notwithstanding sections 321 to 324, the Court, Commission or registrar (as applicable) may at any time in the course of any hearing before it, grant leave to an applicant to withdraw a matter or process in such terms and conditions as the Court, Commission or registrar (as applicable) sees fit.

## **PART 63—LAPSE OF APPLICATION OR PROCESS**

### **Lapse of application**

**326.** Where an application has been filed for a matter to be set down for hearing by the Court, Commission or registrar, or where a matter has been adjourned to a date to be fixed or has been part heard, and no action has been taken at the expiration of 12 months from the filing thereof or last hearing date, at any time after such expiration, the registrar shall notify that—

- (a) the applicant shall be given 21 days to show cause in writing why the application should not be listed, relisted or struck out and be no longer eligible for hearing;
- (b) thereafter, unless the Court, Commission or registrar (as applicable) is satisfied that sufficient cause has been shown, the matter may be struck out or otherwise listed for hearing with

directions given with respect thereto accordingly by the order of the Court, Commission or registrar as the case may be.

### **Notification**

**327.** Upon order of the Court, Commission or registrar that the matter is to be struck out, the registrar shall ensure that the applicant is notified the application has been disposed of by being struck out.

### **Other parties**

**328.** At any time after a notification of the registrar to the applicant, the registrar shall cause a notice to be printed in the Industrial Gazette, which shall be taken to be sufficient notification of its disposal to the other parties to the matter.

## **PART 64—PUBLICATION AND INSPECTION OF DOCUMENTS**

### **Prohibition**

**329.** The Court or Commission may, if considered appropriate, make an order prohibiting the publication of a report—

- (a) of any proceeding or part of any proceeding; or
- (b) of any conference;

in any matter being heard or which has been heard before the Court or Commission, which in the Court's or Commission's opinion on the grounds of public interest ought not to be published.

### **Copy of order**

**330.** A copy of any order made pursuant to section 329 shall be posted in a conspicuous place at—

- (a) the Registrar's Office; or

- (b) the court house in the city or town where the sittings are being or were held.

### **Contempt**

**331.** A person may be dealt with for contempt and punishable accordingly where that person publishes a report—

- (a) of any proceedings or of any part of any proceeding; or
- (b) of any conference;

in respect of which an order has been made and posted under the provisions of sections 329 and 330.

### **Publication**

**332.** Nothing contained in this Part shall prevent the publication of a report of—

- (a) any part of any proceeding; or
- (b) the facts connected with any proceeding;

where such publication has not been prohibited in accordance with this Part.

## **Inspection of documents**

### **Searches**

**333.** No person shall be at liberty to search the proceedings in any matter to which they are not a party or by which they are not bound without the authorisation of the registrar.

### **Certified copies**

**334.** Certified copies of documents filed with the registrar may be made upon request subject to—

- (a) section 333; and
- (b) the provisions of the Act; and

(c) the registrar's approval (if necessary);

provided that the registrar may require at least 7 days notice of the requested collection date to be given.

## **PART 65—REGISTER OF ORDERS UNDER PART 12, DIVISION 5 OF THE ACT**

### **Register**

**335.** The registrar must keep a register of orders made by the Commission under Part 12, Division 5 of the Act.

### **Inspection of register**

**336.** The register kept under section 335 may be inspected by anyone whenever the registry is open to the public.

## **PART 66—AUTHORISATION UNDER SECTION 495 OF THE ACT**

### **Procedure**

**337.(1)** The procedure in respect of applications for certificates of authorisation shall be in compliance with section 98 of the regulation and shall be in substantial compliance with form 33.

**(2)** Only a single copy of the application is required to be filed.

### **Separate applications**

**338.** Separate applications are required to be filed for each person on whose behalf authorisations are sought.

**Replacement authorisations**

**339.** If an application for a replacement authorisation is made, a statement must be included in the application as to the reasons for the replacement authorisation being required and the existing authorisation attached to the application, if practicable.

**Signature of authorised officer**

**340.** The 2 signatures of the officer on behalf of whom the authorisation is sought, must be included within a 4.5 cm by 1.5 cm drawn box and must not extend beyond the boundaries of such drawn box.

**PART 67—BALLOTS UNDER SECTION 322 OF THE ACT****Commencement**

**341.** An application to the Industrial Commission to direct the Industrial Registrar or Industrial Magistrate to conduct a secret ballot under section 322 of the Act, shall be in substantial compliance with form 2.

**Provisions**

**342.** When the registrar or an Industrial Magistrate is directed to conduct a secret ballot under section 322 of the Act the following provisions shall apply—

**Returning officer**

- (a) the registrar or an Industrial Magistrate shall be the returning officer at the ballot; and all proceedings had and taken and things done by persons deputed by the registrar or Industrial Magistrate in connection with the ballot shall be had, taken and done in the registrar's or Industrial Magistrate's name;

**Rolls**

- (b) the returning officer shall cause to be compiled a roll or rolls of persons entitled to vote at the ballot from the registers kept under sections 382 and 498 of the Act or from such lists as may be otherwise provided by those concerned;
- (c) for the purpose of obtaining such lists all employers or employees or their agents or secretaries or their associations shall upon receiving the oral or written request of the registrar or Industrial Magistrate forthwith supply a list of persons who are entitled to vote at such ballot;

**Appointments**

- (d) the returning officer may appoint presiding officers, poll clerks, scrutineers, and other persons as officers to assist at the taking of the ballot, and may appoint any of these as a deputy;

**Preservation of order**

- (e) the returning officer or deputy shall have authority to preserve order at the ballot; and all persons shall be excluded from the ballot room except persons who are present for the purpose of voting and the returning officer and other officers;

**Ballot papers etc.**

- (f) the returning officer or deputy shall provide ballot papers, and all such other proper means and accessories as are necessary for taking the ballot;

**Voting entitlement**

- (g) no voter shall be entitled to give more than 1 vote;

**Voting paper**

- (h) the ballot shall be taken by voting papers only;

**Form 45**

- (i) the voting paper shall be in substantial compliance with form 45;

**Count**

- (j) the returning officer or deputy shall, as soon as practicable after the hour fixed for the close of the poll, count the votes received;

**Custody**

- (k) all voting papers, rolls, and documents used at the ballot shall be kept in the custody of the returning officer.

**PART 68—MATTERS RELATING TO THE  
REGISTRATION OF INDUSTRIAL  
ORGANISATIONS****Application for registration as an industrial organisation by an  
association of employers**

**343.** An application for registration as an industrial organisation by an association of employers shall be in substantial compliance with form 47.

**Application for registration as an industrial organisation by an  
association of employees**

**344.** An application for registration as an industrial organisation by an association of employees shall be in substantial compliance with form 48.

**Notice of opposition to bracketing of registration of an industrial  
organisation**

**345.** A notice of opposition to bracketing of registration of an industrial organisation shall be in substantial compliance with form 7 and shall additionally contain the facts and reasons upon which the opposition is made.

**Objection to an application for registration as an industrial  
organisation**

**346.** A notice of opposition to an application for registration as an industrial organisation shall be in substantial compliance with form 7 and additionally shall comply with section 9 of the regulation.

**Certificate of registration**

**347.** A certificate of registration of an industrial organisation shall be on form 49.

**Application for cancellation of registration**

**348.** An application for cancellation of registration of an industrial organisation shall comply with section 46 of the regulation and be in substantial compliance with form 2.

**PART 69—RULES OF INDUSTRIAL ORGANISATIONS****Application for exemption from s 340(1) of the Act**

**349.(1)** An application for exemption from the requirement to provide for elections by secret postal ballot shall be in substantial compliance with form 2.

**(2)** Additionally the application shall contain—

- (a)** the particulars of proposed alterations of the rules to provide for the conduct of elections by a secret ballot other than a postal ballot, for elections of a kind referred to in section 340(1) of the Act; and
- (b)** a statement that the proposed alterations of the rules are not contrary to the Act (other than section 340(1) of the Act) or to law; and
- (c)** a statement that the proposed alterations of the rules have been duly decided upon according to the rules of the industrial organisation; and
- (d)** details of how it is believed that the taking of a ballot under the proposed rules will be likely to result in a greater participation by the members in the ballot than would result from a postal ballot; and

- (e) details of how it is believed that the taking of a ballot under the proposed rules will afford members entitled to vote with an adequate opportunity to voting without intimidation.

### **Revocation of exemption issued under s 344(3) of the Act**

**350.** An application by an industrial organisation under section 344(6) of the Act to revoke an exemption from the requirement for postal ballots for elections to offices shall be in substantial compliance with form 2.

### **Adoption of model rules under section 334 of the Act**

#### **Adoption of all model rules without modification**

**351.(1)** An application for adoption of all model rules without modification shall be in substantial compliance with form 2.

**(2)** Additionally the application shall—

- (a) have attached a resolution passed in accordance with the existing organisation's rules agreeing to such adoption; and
- (b) have attached 2 copies of the rules with the relevant details inserted where applicable; and
- (c) be sealed with the common seal of the industrial organisation or be signed by 2 officers of the organisation who are authorised by the organisation to sign the application.

#### **Adoption of some model rules with or without modification**

**352.(1)** Adoption of some of the model rules with or without modification shall be in substantial compliance with form 2.

**(2)** Additionally the application shall—

- (a) have attached a resolution passed in accordance with the existing organisation's rules agreeing to such proposed rules; and
- (b) have attached 2 copies of the rules; and
- (c) include details of how the proposed rules differ from the model

rules and details of where the model rules have been adopted without modification; and

- (d) include a statement that the proposed rules comply with the Act; and
- (e) include a statement that the existing rules of the industrial organisation have been complied with in making the new rules; and
- (f) be sealed with the common seal of the industrial organisation or be signed by 2 officers of the organisation who are authorised by the organisation to sign the application.

### **Application for consent to the alteration of eligibility rules**

**353.(1)** An application for consent to the alteration of eligibility rules shall comply with section 345 of the Act and shall be in substantial compliance with form 2.

**(2)** Additionally, the application shall—

- (a) have attached a resolution passed in accordance with the existing organisation's rules agreeing to such proposed rules; and
- (b) have attached a schedule divided into 3 columns containing—
  - (i) the present registered rule; and
  - (ii) an exact description of the alteration sought detailing the words or paragraphs to be deleted or inserted and including any consequential amendments (e.g. renumbering); and
  - (iii) such proposed new rule which incorporates the amendments detailed in column 2 and relates to the conditions of eligibility for membership and the description of industry (if any) in connection with which the organisation is registered; and
- (c) contain a description of the nature and effect of the alteration; and
- (d) include a statement that the proposed rules comply with the Act; and
- (e) include a statement that the existing rules of the industrial organisation have been complied with in making the new rules;

and

- (f) be sealed with the common seal of the industrial organisation or be signed by 2 officers of the organisation who are authorised by the organisation to sign the application.

### **Objection to alteration of eligibility rules**

**354.** A notice of objection to an alteration of eligibility rules of an industrial organisation shall be in substantial compliance with form 7 and additionally shall comply with section 15 of the regulation.

### **Registration of rules**

**355.** Upon registration of the rules of an industrial organisation by the Industrial Registrar under section 346 of the Act, the registrar may supply the relevant organisation with a complete copy of the approved rules.

### **Application for partial alteration of rules**

**356.(1)** Applications for partial alterations of an industrial organisation's rules, other than those specified in section 352 shall be in substantial compliance with form 2.

**(2)** Additionally the application shall—

- (a) have attached a resolution passed in accordance with the existing organisation's rules agreeing to such alterations; and
- (b) have attached a schedule divided into 3 columns containing—
  - (i) the present registered rule; and
  - (ii) an exact description of the alteration sought detailing the words or paragraphs to be deleted or inserted and including any consequential amendments (e.g. renumbering); and
  - (iii) the proposed new rule which incorporates the amendments detailed in column 2; and
- (c) include details of how the proposed rules differ from the model rules and details of where the model rules have been adopted without modification; and

- (d) include a statement that the proposed rules comply with the Act; and
- (e) include a statement that the existing rules of the industrial organisation have been complied with in making the new rules; and
- (f) be sealed with the common seal of the industrial organisation or be signed by 2 officers of the organisation who are authorised by the organisation to sign the application.

### **Copies of amended rules**

**357.** Upon registration of the amendments to the rules of an industrial organisation by the Industrial Registrar under section 346 of the Act, the registrar may supply the relevant organisation with a copy of the relevant amended pages to the approved rules.

### **Application for total replacement of an industrial organisation's rules**

**358.(1)** Applications for total replacement of an industrial organisation's rules, other than those specified in sections 351 and 352 shall be in substantial compliance with form 2.

**(2)** Additionally the application shall—

- (a) have attached a resolution passed in accordance with the existing organisation's rules agreeing to such replacement; and
- (b) have attached 2 copies of the proposed rules; and
- (c) include details of how the proposed rules differ from the model rules and details of where the model rules have been adopted without modification; and
- (d) include a statement that the proposed rules comply with the Act; and
- (e) include a statement that the existing rules of the industrial organisation have been complied with in making the new rules; and
- (f) be sealed with the common seal of the industrial organisation or

be signed by 2 officers of the organisation who are authorised by the organisation to sign the application.

**Application for certificate that s 451(1) and (2) of the Act does not apply to industrial organisation**

**359.(1)** An application for a certificate under section 451(3) of the Act shall be by way of a letter signed by both the president and secretary of the relevant industrial organisation.

**(2)** Additionally, the letter shall contain—

- (a) details of the relevant rules; or
- (b) details of established practice not inconsistent with the rules, whereby the management and control of the assets of the organisation (including assets of the branches of the organisation) are vested in the committee of management, or details indicating where the committee of management has effective control over the financial management of the organisation; and
- (c) a statement that if section 451 (1) and (2) of the Act did not apply in relation to the industrial organisation, it would be able to comply with the requirements of Part 14, Division 11 of the Act.

**PART 70—INDUSTRIAL ORGANISATION  
AMALGAMATIONS**

**Application for amalgamation ballot**

**360.** An application for approval for submission to ballot of an amalgamation shall be in substantial compliance with form 50.

**Notice of objection to request for amalgamation ballot**

**361.** A notice of objection to an application for approval for submission to ballot of an amalgamation shall be in substantial compliance with form 7

and shall additionally comply with the requirements of sections 24 and 26 of the regulation.

### **Form of objection to exemption from amalgamation ballot**

**362.** An objection made under section 417(3) of the Act must be in form 55.

### **Form of amalgamation ballot papers**

#### **No alternative proposal**

**363.** A ballot paper for a ballot on a proposed amalgamation where no alternative scheme is specified shall be in substantial compliance with form 51.

#### **Alternative proposal**

**364.** A ballot paper for a ballot on a proposed amalgamation where a choice of schemes has been specified shall be in substantial compliance with form 52.

#### **Application for inquiry into alleged irregularity**

**365.** An application for an inquiry into an alleged irregularity in connection with an amalgamation ballot shall be in substantial compliance with form 53.

## **PART 71—INDUSTRIAL ORGANISATIONS (GENERAL)**

#### **Application to change callings**

**366.** An application to amend the registration of an industrial organisation in respect of the callings it represents shall—

- (a) be in substantial compliance with form 2; and
- (b) contain a description of the nature and effect of the alteration; and
- (c) have attached a resolution passed in accordance with the organisation's rules agreeing to such changes; and
- (d) include a statement that the existing rules of the industrial organisation have been complied with in making the changes.

### **Change of name under s 335 of the Act**

**367.(1)** All applications under section 335(2) of the Act shall be commenced in substantial compliance with form 2.

**(2)** Additionally the application should have attached a resolution passed in accordance with the organisation's rules agreeing to the change of name.

### **Application for consent to change of name**

**368.(1)** An application for consent to the change of name of an industrial organisation shall comply with section 335 of the Act and shall be in substantial compliance with form 2.

**(2)** Additionally the application shall contain—

- (a) details of the nature and effect of the change; and
- (b) a statement that the proposed change was made in accordance with the rules of the organisation; and
- (c) a statement outlining the manner in which compliance with the rules of the organisation was attained; and
- (d) be sealed with the common seal of the industrial organisation or be signed by 2 officers of the organisation who are authorised by the organisation to sign the application.

### **Objection to change of name**

**369.** A notice of objection to a change of name of an industrial organisation shall be in substantial compliance with form 7 and additionally shall comply with section 15 of the regulation.

**Application for election inquiry**

**370.** An application for an inquiry in respect of an election under section 367 of the Act, shall be in substantial compliance with form 54.

**Conscientious objection to membership of industrial organisations**

**371.(1)** An application for exemption from membership of any industrial organisation of employees on the grounds of a person's conscientious beliefs shall be by way of a letter.

**(2)** Such letter shall contain—

- (a) the applicant's full name; and
- (b) the applicant's private address; and
- (c) contact telephone numbers—both private and business; and
- (d) occupation; and
- (e) name and address of business or employer; and
- (f) grounds on which the application is made; and
- (g) whether the application is a renewal of a certificate issued within the previous 12 months; and
- (h) name of the industrial organisation covering the calling in which the applicant is, or is seeking to be, employed.

**Certificate of exemption**

**372.** A certificate of exemption from membership of an industrial organisation shall be on form 44.

**Returns and other statistical information required by the Court, Commission or registrar**

**373.(1)** The Court, Commission or registrar may require industrial organisations to file returns or other statistical information with the registrar.

**(2)** The requirement may be made in the way the Court, Commission or registrar considers appropriate.

**Register of officers**

**374.** The copy of the register of officers required, under section 383 of the Act, to be filed with the Industrial Registrar, must be in form 46.

**PART 72—COMPLIANCE WITH RULES****Directions and hearings**

**375.(1)** Parties are required to comply with these rules and any directions given by the Court, Commission or registrar.

**(2)** Subject to the power of the Court, Commission or registrar to excuse compliance, failure to comply may result in—

- (a) an application being adjourned;
- (b) a stay in listing of hearing being ordered;
- (c) the party being called upon to show cause why an order of compliance should not issue;
- (d) an order for costs being issued against the party;
- (e) an application being struck out or dismissed;
- (f) the party being excluded from proceedings or having the involvement limited to such terms and conditions as the Court, Commission or registrar may determine;
- (g) any such action as the Court, Commission or registrar may determine.

**PART 73—NUMBERING OF RULES****Numbering and renumbering of rules**

**376.** In the next reprint of the rules under the *Reprints Act 1992*,

section 43 (Numbering and renumbering of provisions) of the *Reprints Act 1992* must be used.

**Expiry**

**377.** This Part expires n the day after the publication of the reprint mentioned in section 376.

**SCHEDULE 1****FEEs IN THE COURT, COMMISSION OR REGISTRY**

section 33

	\$
1. Restructuring progress application . . . . .	18.50
2. Application for—	
(a) summons . . . . .	14.00
(b) directions order or other order . . . . .	10.50
(c) certificate of registrar . . . . .	10.50
(d) certificate of authorisation . . . . .	10.50
3. Filing—	
(a) industrial agreement . . . . .	28.00
(b) response . . . . .	6.10
(c) amended application . . . . .	18.50
(d) application not otherwise stated . . . . .	32.50
(e) affidavit (not contained in an application) . . . . .	4.30
(f) opposition or objection to an application . . . . .	7.10
4. Search or inspection of document . . . . .	3.30
5. Photocopying—each page . . . . .	.20
6. Issue of a document not otherwise stated . . . . .	7.10
7. Filing notice of—	
(a) concurrence with industrial agreement; or	
(b) retirement from industrial agreement; or	
(c) initiation of bargaining period; or	
(d) authorisation to engage in industrial action . . . . .	14.00
8. Certified agreement—	
(a) certification, replacement or amendment . . . . .	28.00
(b) application for certification or notice of extension . . . . .	14.00
(c) filing notice of intention to retire or withdraw . . . . .	14.00
(d) filing application to withdraw because of industrial action . . . . .	14.00
(e) filing notice of termination . . . . .	14.00
(f) filing application for amendment or termination by a Full Bench . . . . .	14.00

## SCHEDULE 1 (continued)

<b>9. Enterprise flexibility agreement—</b>	
(a) approval, replacement or amendment . . . . .	28.00
(b) application for extension . . . . .	14.00
(c) filing notice of intention to retire or withdraw . . . . .	14.00
(d) filing application to withdraw by party affected by industrial action . . . . .	14.00
(e) filing notice of termination . . . . .	14.00
(f) filing application for amendment or termination by a Full Bench . . . . .	14.00
<b>10. Industrial organisations—</b>	
(a) application for—	
(i) change of callings . . . . .	32.50
(ii) change of name . . . . .	32.50
(iii) conduct of elections . . . . .	32.50
(iv) inquiry into disputed ballot for amalgamation . . . . .	32.50
(v) inquiry into disputed election . . . . .	32.50
(vi) amalgamation . . . . .	120.00
(vii) registration . . . . .	120.00
(b) filing opposition or objection to an application for registration . . . . .	7.10
(c) registration of—	
(i) new set of rules . . . . .	100.00
(ii) partial alteration of rules . . . . .	49.50

## **SCHEDULE 2**

### **FORMS**

section 5 of the rules

Form 1  
BACKING SHEET FOR ALL MATTERS

APPLICATION No. OF 19

QUEENSLAND INDUSTRIAL COURT\*, QUEENSLAND INDUSTRIAL  
RELATIONS COMMISSION\*, QUEENSLAND INDUSTRIAL REGISTRAR\* Level  
14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane,

*Industrial Relations Act 1990*

*[In succinct form—state object of process—include title of award/industrial  
agreement/certified agreement if relevant]*

TITLE OF MATTER

Filed by: *[Name of person filing and title of the corporation, industrial organisation,  
industrial association or other organisation]*

Contact name: *[Name of person conducting the matter—if different to the above]*

Address:

Phone:

Facsimile no:

Dx no:

NOTE: This address is the address for service of the above party.

## Industrial Court Rules 1990

## SCHEDULE 2 (continued)

Form 2  
APPLICATION

QUEENSLAND INDUSTRIAL COURT\*  
 QUEENSLAND INDUSTRIAL RELATIONS COMMISSION\*  
 QUEENSLAND INDUSTRIAL REGISTRAR\*  
 INDUSTRIAL MAGISTRATES COURT HELD AT ..... \*

*Industrial Relations Act 1990*

(No. .... of 19 .....

## APPLICATION

TO: The Industrial Registrar, Industrial Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane, and such other persons as the registrar may direct.\*

TO: The registrar of the Industrial Magistrates Court held at *[insert address]*.\*

TAKE NOTICE THAT I .....

*[Name and address of applicant, agent or solicitor]*

of .....

*[Name of firm—if applicable]*

being authorised to represent .....

*[Name of person(s)/corporation(s)/industrial organisation(s)/industrial association(s)/organisation(s)/(etc.\*]*

1. Apply for .....

*[Briefly state object of application—Examples: new award, variation, interpretation, reinstatement, etc.]*

to .....

*[State name of award/industrial agreement/certified agreement, (if applicable)—attach schedule if necessary] [Please underline name]*

under .....

*[section/s of Act]* and attach hereto as Schedule 1 to this application/herein make\* a full statement of my claim.

*[Specify—*

- (a) relief sought (i.e.: remedy or outcome sought by applicant); and*
- (b) concise statement of material facts relied upon to support the application; and*
- (c) the pertinent provisions of any legislation, award/industrial agreement/certified agreement said to be relevant. ([Only include for applications before the Court or involving contentious matters before the Commission or registrar].)*

2.# Further I apply for directions as to the conduct of this application with respect to the following matters—

- (a) parties;
- (b) service of documents;
- (c) nature of hearing;
- (d) place and time of hearing;
- (e) such other matters as I may be advised.

*Form 2 continues over page*

SCHEDULE 2 (continued)

Additionally, I make oath and swear as follows—

- 3. I am fully authorised in compliance with the Act and the rules of court to make this application.
- 4. The statement of material facts relied on to support this application is to the best of my knowledge, information and belief, true and correct.

.....  
[Signature of applicant]

.....  
[Title of office held]

Signed and sworn by the above-named deponent at .....  
this ..... day of ..... , 19 .....  
before me—

.....  
A justice of the peace/commissioner for declarations

NOTE 1: If there is no attendance before the Court/Commission/registrar\*, by the respondent or agent, counsel or solicitor at the time and place fixed by the registrar, the proceeding may be heard and the respondent will be liable to suffer judgment/decision\* or an order against such person in their absence.

\* Delete whichever is not applicable.

# Does not apply in the case of amended applications under Part 22 or appeals from Industrial Magistrates under Parts 56 and 59.

## SCHEDULE 2 (continued)

## Form 3

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM WAGE ORDER  
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION*Industrial Relations Act 1990*

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM WAGE ORDER  
IN the matter of B. . . . of 19. . .

Notice is given—

- (a) that on [*date*] the Commission received an application for a minimum wage order for the following group of employees—  
[*set out groups of employees*]; and
- (b) that the matter will be heard at [*time*] on [*date*] at [*place*], before [*Commission member*]; and
- (c) that each industrial organisation whose rules entitle it to represent the industrial interests of any of the employees concerned and each organisation or association representing employers of any of those employees wishing to express their views may attend the hearing; and
- (d) that any employer of employees to be covered by the order wishing to be heard in relation to the making of the order may attend the hearing.

A copy of the application may be inspected at the Industrial Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane, free of charge.

Registrar

## SCHEDULE 2 (continued)

## Form 4

NOTICE OF HEARING FOR APPLICATION FOR ORDER TO ENSURE EQUAL  
REMUNERATION FOR WORK OF EQUAL VALUEQUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990*NOTICE OF HEARING FOR APPLICATION FOR ORDER TO ENSURE EQUAL  
REMUNERATION FOR WORK OF EQUAL VALUE

IN the matter of B. . . . of 19. . .

Notice is given—

- (a) that on [*date*] the Commission received an application for an order to ensure equal remuneration for work of equal value for the following group of employees—  
  
[*set out groups of employees*]; and
- (b) that the matter will be heard at [*time*] on [*date*] at [*place*], before [*Commission member*]; and
- (c) that each industrial organisation whose rules entitle it to represent the industrial interests of any of the employees concerned and each organisation or association representing employers of any of those employees and wishing to express their views may attend the hearing; and
- (d) that any employer of employees to be covered by the order and wishing to be heard in relation to the making of the order may attend the hearing.

A copy of the application may be inspected at the Industrial Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane, free of charge.

Registrar

## SCHEDULE 2 (continued)

## Form 5

NOTICE OF HEARING FOR APPLICATION FOR TERMINATION ORDER  
CREATING RULES OF GENERAL APPLICATIONQUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990*NOTICE OF HEARING FOR APPLICATION FOR TERMINATION ORDER  
CREATING RULES OF GENERAL APPLICATION

IN the matter of B. . . . of 19 . . .

Notice is given—

- (a) that on [*date*] the Commission received an application for an employment termination order giving effect to [*Article 12 of the Termination of Employment Convention as it relates to a severance allowance or separation benefits in relation to the termination of employment of employees*]\* or [*Article 13 of the Termination of Employment Convention in relation to the termination of employment of employees*]\* about the following group of employees—

[*set out employees to be covered*]; and

- (b) that the matter will be heard at [*time*] on [*date*] at [*place*], before [*Commission member*]; and
- (c) that each industrial organisation whose rules entitle it to represent the industrial interests of any of the employees concerned and each organisation or association representing employers of any of the employees and wishing to express their views may attend the hearing; and
- (d) that any employer of employees to be covered by the order and wishing to be heard in relation to the making of the order may attend the hearing.

A copy of the application may be inspected at the Industrial Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane, free of charge.

\* Delete whichever does not apply

Registrar

SCHEDULE 2 (continued)

Form 6  
RESPONSE

QUEENSLAND INDUSTRIAL COURT\*  
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION\*  
QUEENSLAND INDUSTRIAL REGISTRAR\*  
*Industrial Relations Act 1990*  
(No. .... of 19 . . . )  
RESPONSE AND/OR COUNTER PROPOSAL\*

TO: The Industrial Registrar, Industrial Registrar’s Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane, and

TO: .....  
[Name and address of applicant, agent or solicitor]

TAKE NOTICE THAT I .....  
[Name and address of respondent]

of .....  
[Name of firm—if applicable]

being authorised to represent .....  
[Name of person(s)/corporation(s)/industrial organisation(s)/industrial association(s)/organisation(s)/etc.\*]

1. Have this day filed with the registrar a statement in response to the claims made by you in the above-numbered matter.
2. The particulars to the response are [give details in numbered paragraphs admitting or denying each claim made by the applicant—attach schedule if necessary] as follows—
  - (1) .....
  - (2) .....
  - (3) .....
 Etc.

AND/OR\*

3. I attach hereto as Schedule 1 to this response a counter proposal to your claim\*.

[Specify—

- (a) relief sought (i.e.: remedy or outcome sought by respondent); and
- (b) concise statement of facts relied upon to support the counter proposal; and
- (c) contentions justifying and supporting the relief sought including the pertinent provisions of any legislation, award, industrial agreement or certified agreement said to be relevant. (Only include for applications before the Court or involving contentious matters before the Commission or registrar.)

Additionally, I make oath and swear as follows—

4. I am fully authorised in compliance with the Act and the rules of court to make this response.

Form 6 continues over page

SCHEDULE 2 (continued)

- 5. The statement of material facts relied on to support this response is to the best of my knowledge, information and belief, true and correct.

.....  
 [Signature of respondent]

.....  
 [Title of office held]

Signed and sworn by the above-named deponent at .....  
 this ..... day of ..... , 19 .....  
 before me—

.....  
 A justice of the peace/commissioner for declarations

\* Delete whichever is not applicable.

SCHEDULE 2 (continued)

Form 7  
OPPOSITION/OBJECTION

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990*

(No. . . . . of 19 . . . . .)

OPPOSITION/OBJECTION\*

TO: The Industrial Registrar, Industrial Registrar’s Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane, and

TO: . . . . .  
[Name and address of applicant/s\*]

TAKE NOTICE THAT I . . . . .  
[Name and address of objector]

of . . . . .  
[Name of firm—if applicable]

being authorised to represent . . . . .  
[Name of person(s)/corporation(s)/industrial organisation(s)/industrial association(s)/organisation(s)/etc.\*]

1. Have this day filed with the registrar a statement of opposition/objection\* to the application made by you in the above numbered matter. In respect of—
  - \*(a) change of name; and
  - \*(b) alteration of eligibility rule; and
  - \*(c) alteration of list of callings; and
  - \*(d) registration of industrial organisation; and
  - \*(e) application of proposed amalgamation of industrial organisations involving extension of eligibility rule (s 397 of the Act)
2. The particulars to the opposition/objection\* are . . . . .  
 . . . . .  
 . . . . .  
 . . . . .

[Specify—  
(a) the grounds on which the application is objected to;  
(b) particulars of each ground of objection;  
(c) the facts and issues relied on in respect of each ground of objection.]

[Attach schedule if necessary.]

Form 7 continues over page

SCHEDULE 2 (continued)

Additionally, I make oath and swear as follows—

- 3. I am fully authorised in compliance with the Act and the rules of court to make this opposition/objection\*.
- 4. The statement of material facts relied on to support this opposition/objection\* is to the best of my knowledge, information and belief, true and correct.

.....  
[Signature of objector]

.....  
[Title of office held]

Signed and sworn by the above-named deponent at .....  
this ..... day of ..... , 19 .....  
before me—

.....  
A justice of the peace/commissioner for declarations

\* Delete whichever is not applicable.

- NB—1. When this opposition/objection is lodged by an industrial organisation, it must be under the seal of the industrial organisation or be signed by 2 persons authorised by the industrial organisation to sign this opposition/objection.
- 2. When this opposition/objection is lodged by a body corporate other than an industrial organisation, it must be signed by a person authorised by the body corporate to sign that opposition/objection.
- 3. When this opposition/objection is lodged by any other person, it must be signed by that person.

SCHEDULE 2 (continued)

Form 8  
INDUSTRIAL AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 136)*

.....  
[Name of employer party]

AND

.....  
[Name of employee party]

(No. .... of 19 ... )

.....  
[TITLE OF AGREEMENT]

COMMISSIONER .....  
(Approved) .....

THIS AGREEMENT, made in pursuance of the *Industrial Relations Act 1990*, this  
..... day of ....., 19 ..... [being the  
date on which the first party signed this agreement], between ..... and  
..... witnesseth that it is hereby mutually agreed as follows—

- (a) list the matters agreed to;
- (b) term of agreement, (not exceeding 3 years from the date of making);
- (c) names and signatures of the original parties to the agreement, signed in the presence of a witness.

e.g.—

Signed for and on behalf of } [Signature] ..... [Title] .....  
..... } [Printed name] .....

In the presence of—[Signature] .....  
[Printed name of witness] .....

Signed for and on behalf of } [Signature] ..... [Title] .....  
..... } [Printed name] .....

In the presence of—[Signature] .....  
[Printed name of witness] .....

Pursuant to the *Industrial Relations Act 1990*, the provisions of this industrial agreement are approved.

....., Commissioner.

DD MONTH 19 ....

This industrial agreement was filed in my office on the ..... day of .....,  
19 ...., was approved by the Commission and was registered No. .... of 19 .....,  
in the Register of Industrial Agreements kept by me.

Dated this ..... day of ....., 19 .....

.....  
Industrial Registrar  
Operative date: DD Month 19. . . .  
Industrial agreement—[Name of employer party]

SCHEDULE 2 (continued)

Form 9  
INDUSTRIAL AGREEMENT CONCURRENCE

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
Industrial Relations Act 1990 (s 143)

.....  
[Name of original employer party]

AND

.....  
[Name of original employee party]

(No. .... of 19 ....)

.....  
[TITLE OF INDUSTRIAL AGREEMENT]

COMMISSIONER .....  
(Filed) .....

NOTICE OF CONCURRENCE

To: The Industrial Registrar.

**TAKE NOTICE** that I/we\* [name and/or company name] .....  
of [address] ..... the undersigned, hereby signify my/our\* concurrence  
as employer/employers/industrial organisation\* in the industrial agreement made  
between ..... and ....., dated  
the ..... day of ....., 19 ....., filed at your office and  
registered as No. .... of .....

Signed for and on behalf of } [Signature] [Title] .....  
..... } [Printed name] .....

In the presence of—[Signature] .....  
[Printed name of witness] .....

Dated this ..... day of ....., 19 .....

We, the undersigned, being the original parties to the said industrial agreement  
hereby consent to the above named. .... becoming a party  
thereto.

[Signature of original parties]

e.g.

Signed for and on behalf of } [Signature] [Title] .....  
..... } [Printed name] .....

In the presence of—[Signature] .....  
[Printed name of witness] .....

Signed for and on behalf of } [Signature] [Title] .....  
..... } [Printed name] .....

In the presence of—[Signature] .....  
[Printed name of witness] .....

Filed at my Office this ..... day of ....., 19 .....

Industrial Registrar

SCHEDULE 2 (continued)

The concurrence in the above industrial agreement as set out above is approved.

....., Commissioner

Filed date: DD Month 19 . . . . .

Notice of concurrence—[*Name of concurring party*]

\* Delete whichever is not applicable

SCHEDULE 2 (continued)

Form 10  
INDUSTRIAL AGREEMENT RETIREMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 142)*

.....  
[Name of original employer party]  
AND  
.....  
[Name of original employee party]  
(No. .... of 19 .....)  
.....  
[TITLE OF INDUSTRIAL AGREEMENT]

REGISTRAR .....  
(Filed) .....

NOTICE OF RETIREMENT

To: The Industrial Registrar.  
TAKE NOTICE that I/we\* ..... an employer/employers/  
industrial organisation\*, one of the parties of the industrial agreement made between  
..... and ..... dated the  
..... day of ....., 19 ....., filed at your office and  
registered No. .... of ....., and which expires/expired\* on the  
..... day of ....., 19 .....,  
will retire from such agreement and cease to be a party thereto at the expiration of  
..... days from the date of the filing hereof.

FURTHER TAKE NOTICE that I/we\* have also forwarded a copy of this notice to  
each of the original parties and any concurring parties to this agreement.

Dated this ..... day of ....., 19 ....  
[Signature of the above organisation or employer(s)]  
Signed for and on behalf of ..... } [Signature][Title]  
..... } [Printed name]  
..... In the presence  
of— ..... [Signature]  
..... [Printed name of witness]  
Filed at my Office this ..... day of ....., 19 .....

..... Industrial Registrar

Filed date: DD Month 19 .....  
Notice of retirement—[Name of retiring party]  
\* Delete whichever is not applicable

SCHEDULE 2 (continued)

Form 11  
APPLICATION FOR CERTIFICATION OF AGREEMENT  
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
Industrial Relations Act 1990 (Part 11, Division 2)

.....  
[Name of employer party]

AND

.....  
[Name of employee party]

(No. .... of 19. ....)

.....—CERTIFIED AGREEMENT

COMMISSIONER .....

(Approved) .....

APPLICATION FOR CERTIFICATION OF AGREEMENT

THIS AGREEMENT, made under the *Industrial Relations Act 1990* on [date] [the day the first party signed it], between ..... and ..... witnesses that the parties mutually agree as follows [list matters agreed to]—

Signed for} [Signature] ..... [Title]  
.....} [Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

Signed for} [Signature] ..... [Title]  
.....} [Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

This agreement is certified under Part 11, Division 2 of the *Industrial Relations Act 1990*.

....., Commissioner.

Filed on [date], certified by the Commission and given Register No. .... of [year], in the Certified Agreements Register.

[Date]

.....  
Industrial Registrar

Operative date: [date]

Certified agreement—[Name of employer party]

NOTE: The parties to the agreement must supply supporting evidence or material mentioned in sections 154 to 156 of the rules of court when filing the application

## SCHEDULE 2 (continued)

## Form 12

NOTICE TO INDUSTRIAL ORGANISATION ENTITLED TO BE HEARD OF  
APPLICATION TO CERTIFY AN AGREEMENT, APPROVE AN EXTENSION OR  
AMENDMENT OF A CERTIFIED AGREEMENT, APPLYING TO A SINGLE  
ENTERPRISEQUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 159)*NOTICE TO INDUSTRIAL ORGANISATION ENTITLED TO BE HEARD OF  
APPLICATION TO CERTIFY AN AGREEMENT, APPROVE AN EXTENSION OR  
AMENDMENT OF A CERTIFIED AGREEMENT, APPLYING TO A SINGLE  
ENTERPRISE

IN the matter of CA . . . . . of 19. . . . .

Notice is given—

- (a) that on [*date*] the Commission received an application to [*\* certify an agreement, approve an extension or amendment of a certified agreement, applying to a single enterprise*];
- (b) that the matter will be heard at [*time*] on [*date*] at [*place*], before [*Commission member*];
- (c) that the following industrial organisations appear to be entitled to be heard on the application—  
[*names of industrial organisations entitled to be heard in matter*];
- (d) that any industrial organisation of employees or other entity with the right, may intervene or be heard, or may apply to intervene or be heard (as the case may be) on the above application.

A copy of the application may be inspected at the Industrial Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane, free of charge.

Industrial Registrar

\*Delete whichever does not apply

SCHEDULE 2 (continued)

Form 13  
APPROVAL OF ENTERPRISE FLEXIBILITY AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990* (Part 11, Division 3)

.....  
[Name of employer party]

AND

.....  
[Name of employee party]

(No. .... of 19. ....)

..... —ENTERPRISE FLEXIBILITY AGREEMENT

COMMISSIONER .....

(Approved) .....

THIS AGREEMENT, made under the *Industrial Relations Act 1990* on [date] [the day the first party signed it], between ..... and ..... witnesses that the parties mutually agree as follows [list matters agreed to]—

Signed for} [Signature] ..... [Title]

..... } [Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

Signed for} [Signature] ..... [Title]

..... } [Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

This agreement is approved under Part 11, Division 3 of the *Industrial Relations Act 1990*.

....., Commissioner.

Filed on the [date], approved for implementation by the Commission and given the Register No. .... of [year], in the Register of Enterprise Flexibility Agreements.

[Date]

.....

Industrial Registrar

Operative date: [date]

Enterprise flexibility agreement—[Name of employer party]

NOTE: The parties to the agreement must provide supporting evidence or material mentioned in sections 189 to 191 of the rules of court when filing the application.

## SCHEDULE 2 (continued)

## Form 14

NOTICE TO INDUSTRIAL ORGANISATION ENTITLED TO BE HEARD OF  
APPLICATION TO APPROVE IMPLEMENTATION OF AN ENTERPRISE  
FLEXIBILITY AGREEMENT OR AN EXTENSION OF AN ENTERPRISE  
FLEXIBILITY AGREEMENTQUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 179)*NOTICE TO INDUSTRIAL ORGANISATION ENTITLED TO BE HEARD OF  
APPLICATION TO APPROVE IMPLEMENTATION OF AN ENTERPRISE  
FLEXIBILITY AGREEMENT OR AN EXTENSION OF AN ENTERPRISE  
FLEXIBILITY AGREEMENT

IN the matter of EFA . . . . . of 19. . . . .

Notice is given—

- (a) that on [*date*] the Commission received an application to [*\* approve implementation of an enterprise flexibility agreement or approve an extension of an enterprise flexibility agreement*];
- (b) that the matter will be heard at [*time*] on [*date*] at [*place*], before [*Commission member*];
- (c) that the following industrial organisations appear to be entitled to be heard on the application—  
[*names of industrial organisations entitled to be heard in matter*];
- (d) that any industrial organisation of employees or other entity with the right, may intervene or be heard, or may apply to intervene or be heard (as the case may be) on the above application.

A copy of the application may be inspected at the Industrial Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane, free of charge.

Industrial Registrar

\*Delete whichever does not apply

SCHEDULE 2 (continued)

Form 15  
APPLICATION TO AMEND CERTIFIED AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 170)*

.....

[Name of employer party]

AND

.....

[Name of employee party]

(No. .... of 19. ....)

.....

[TITLE OF CERTIFIED AGREEMENT]

REGISTRAR .....

(Filed) .....

APPLICATION TO AMEND A CERTIFIED AGREEMENT

TAKE NOTICE that we ..... the parties to the certified agreement of [date], Register No. .... of [year], and expiring on [date], apply to amend the agreement.

[date]

Signed for} ..... [Signature] ..... [Title]

..... } ..... [Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

Signed for} ..... [Signature] ..... [Title]

..... } ..... [Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

Filed on [date]

.....

Industrial Registrar

Filed date: [date]

Application for amendment of certified agreement—[Name of certified agreement]

NOTE The application must be accompanied by the affidavit mentioned in section 162 of the rules of court.

SCHEDULE 2 (continued)

Form 16  
EXTENSION OF CERTIFIED AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 168)*

.....

[Name of employer party]

AND

.....

[Name of employee party]

(No. .... of 19. ....)

.....

[Title of certified agreement]

REGISTRAR .....

(Filed) .....

APPLICATION FOR NOTIFICATION OF\* EXTENSION OF A CERTIFIED  
AGREEMENT

TAKE NOTICE that we ..... parties to the certified agreement of [date],  
Register No. .... of [year], and expiring on [date], apply for/give notice of\* an  
extension of operation of the agreement until [date].

[date]

Signed for}

[Signature] ..... [Title]

.....}

[Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

Signed for}

[Signature] ..... [Title]

.....}

[Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

Filed on [date]

.....

Industrial Registrar

Filed date: [date]

Application for/notification of\* extension of certified agreement—[Name of certified  
agreement]

\* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 17  
RETIREMENT FROM CERTIFIED AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 167)*

.....  
[Name of employer party]

AND

.....  
[Name of employee party]

(No. .... of 19. ....)

.....  
[TITLE OF CERTIFIED AGREEMENT]

REGISTRAR .....

(Filed) .....

NOTICE OF RETIREMENT

TAKE NOTICE that I/we\* ..... an employer/employers/industrial organisation\* one of the parties to the certified agreement of [date], Register No. .... of [year], and expiring on [date], will retire from the agreement and cease to be a party to it at the end of ..... days from the date of filing this notice.

[date]

[Signature of employer/s or industrial organisation]

Signed for} [Signature] ..... [Title]

.....} [Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

Filed on [date]

.....  
Industrial Registrar

Filed date: [date]

Notice of retirement from certified agreement—[Name of retiring party]

\* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 18  
WITHDRAWAL FROM CERTIFIED AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 174(2))*

.....  
[Name of employer party]

AND

.....  
[Name of employee party]

(No. .... of 19. ....)

.....  
[TITLE OF CERTIFIED AGREEMENT]

REGISTRAR .....

(Filed) .....

NOTICE OF WITHDRAWAL FROM A CERTIFIED AGREEMENT

**TAKE NOTICE** that I/we\* ..... an employer/employers/industrial organisation\* one of the parties to the certified agreement of [date], Register No. .... of [year], and expiring on [date], apply for an order declaring me/us\* to be no longer bound by the agreement.

[date]  
Signed for} [Signature] ..... [Title]

.....} [Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

Filed on [date]

.....

Industrial Registrar

Filed date: [date]

Application for declaration that party is no longer bound by certified agreement on withdrawal with consent of all parties—[Name of certified agreement]

\* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 19  
WITHDRAWAL FROM CERTIFIED AGREEMENT BECAUSE OF INDUSTRIAL ACTION

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 176(1))*

.....  
[Name of employer party]

AND

.....  
[Name of employee party]

(No. .... of 19 ...)

.....  
[TITLE OF CERTIFIED AGREEMENT]

REGISTRAR .....

(Filed) .....

APPLICATION TO WITHDRAW FROM A CERTIFIED AGREEMENT BECAUSE OF INDUSTRIAL ACTION

TAKE NOTICE that I/we\* . . . . . an employer/employers/industrial organisation\* one of the parties to the certified agreement of [date], Register No. . . . of [year], and expiring [date], apply for an order declaring me/us\* to be no longer bound by the agreement because of industrial action.

[date]

Signed for}

[Signature] . . . . . [Title]

.....}

[Print name] . . . . .

In the presence of—[Signature] . . . . .

[Print name of witness] . . . . .

Filed on [date]

Industrial Registrar

Filed date: [date]

Application to withdraw from certified agreement because of industrial action—[Name of certified agreement]

\* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 20  
TERMINATION OF CERTIFIED AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 175(1))*

.....

[Name of employer party]

AND

.....

[Name of employee party]

(No. .... of 19 ....)

.....

[TITLE OF CERTIFIED AGREEMENT]

REGISTRAR .....

(Filed) .....

NOTICE OF TERMINATION OF A CERTIFIED AGREEMENT

TAKE NOTICE that we ..... parties to the certified agreement of [date],  
Register No. .... of [year], and expiring on [date], apply for an order declaring us  
to be no longer bound by the agreement.

[date]

Signed for}

[Signature] ..... [Title]

.....}

[Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

Signed for}

[Signature] ..... [Title]

.....}

[Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

Filed on [date]

.....

Industrial Registrar

Filed date: [date]

Application for termination of certified agreement—[Name of certified agreement]

SCHEDULE 2 (continued)

Form 21  
AMENDMENT OR TERMINATION OF CERTIFIED AGREEMENT BY A FULL  
BENCH

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 172)*

.....  
[Name of employer party]  
AND

.....  
[Name of employee party]

(No. .... of 19 ....)

.....  
[TITLE OF CERTIFIED AGREEMENT]

REGISTRAR .....

(Filed) .....

APPLICATION FOR A REVIEW OF A CERTIFIED AGREEMENT BY A FULL  
BENCH

**TAKE NOTICE** that I/we\* . . . . . an employer/employers/industrial  
organisation\* one of the parties to the certified agreement of [date], Register No. . . .  
of [year], and expiring on [date], apply for the agreement to be reviewed by a Full  
Bench.

[date]  
Signed for} [Signature] ..... [Title]  
.....} [Print name] .....

In the presence of—[Signature] .....  
[Print name of witness] .....

Filed on [date]

.....  
Industrial Registrar

Filed date: [date]

Application for review of certified agreement—[Name of certified agreement]

\* Delete whichever does not apply

SCHEDULE 2 (continued)

Form 22

NOTICE OF INITIATION OF BARGAINING PERIOD

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 200)*

NOTICE OF INITIATION OF BARGAINING PERIOD

Notice is given to the Queensland Industrial Relations Commission, that—

(a) *[insert name and address of initiating party]* is—

- (i) an employer/organisation of employees\*
- (ii) party to the following award(s) *[insert title of relevant award(s)]*

in which *[insert name of organisation of employers/employer\*]* is also involved;  
and

(b) intends to try, or to continue to try—

- (i) to reach agreement under Part 11, Division 2 of the Act with *[insert names and addresses of other parties]* in settlement of the industrial dispute *[described in the particulars accompanying this notice]* so far as it involves employees employed in the single business/part of the single business/at the single workplace\* *[described in the particulars accompanying this notice]*; and
- (ii) to have any agreement reached certified under Part 11, Division 2 of the Act.

Particulars as specified in section 201 of the Act are *[set out particulars]*—

*[date]*

Signed for}

.....}

*[Signature]* ..... *[Title]*

*[Print name]* .....

In the presence of—*[Signature]* .....

*[Print name of witness]* .....

Filed on *[date]*

.....

Industrial Registrar

Filed date: *[date]*

Notice of initiation of bargaining period

\* Delete whichever does not apply

SCHEDULE 2 (continued)

Form 23

NOTICE OF AUTHORISATION TO ENGAGE IN INDUSTRIAL ACTION

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 1990 (s 207)*

NOTICE OF AUTHORISATION TO ENGAGE IN INDUSTRIAL ACTION

In the matter of a bargaining period between *[insert names of negotiating parties and the date on which a notice of initiation of bargaining was filed]*.

Under s 207(1)(c) of the Act, notice is given to the registrar that the members of *[insert name of organisation of employees]* were authorised on *[insert date of authorisation]* to engage in industrial action within the bargaining period against *[insert name of particular employer]* for the purposes of negotiating a certified agreement under Part 11, Division 2 of the Act.

*[date]*

Signed for} *[Signature]* ..... *[Title]*  
.....} *[Print name]* .....

In the presence of—*[Signature]* .....  
*[Print name of witness]* .....

Filed on *[date]*

.....  
Industrial Registrar

Filed date: *[date]*

Notice of authorisation to engage in industrial action—*[Name of certified agreement]*

SCHEDULE 2 (continued)

Form 24  
AMENDMENT OF ENTERPRISE FLEXIBILITY AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 182)*

.....  
[Name of employer party]

AND

.....  
[Name of employee party]

(No. . . . . of 19 . . . . .)

.....  
[TITLE OF CERTIFIED AGREEMENT]

REGISTRAR .....

(Filed) .....

APPLICATION TO AMEND AN ENTERPRISE FLEXIBILITY AGREEMENT

TAKE NOTICE that I . . . . . the employer bound to the enterprise flexibility agreement of [date], Register No. . . . . of [year], and expiring on [date], apply to amend the agreement.

[date]

Signed for}

[Signature] . . . . . [Title]

.....}

[Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

Filed on [date]

.....  
Industrial Registrar

Filed date: [date]

Application to amend enterprise flexibility agreement—[Name of enterprise flexibility agreement]

NOTE The application must be accompanied by the affidavit mentioned in section 197 of the rules of court.

SCHEDULE 2 (continued)

Form 25

EXTENSION OF ENTERPRISE FLEXIBILITY AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 1990 (s 189)*

.....  
[Name of employer party]  
AND

.....  
[Name of employee party]

(No. .... of 19 .....) )

.....  
[TITLE OF CERTIFIED AGREEMENT]

REGISTRAR .....

(Filed) .....

APPLICATION FOR EXTENSION OF ENTERPRISE FLEXIBILITY AGREEMENT

TAKE NOTICE that I ..... the employer party to the enterprise flexibility agreement of [date], Register No. .... of [year], and expiring on [date], apply for an extension of the period of operation of the agreement until [date] [date]

Signed for} ..... [Signature] ..... [Title]  
..... } [Print name] .....  
In the presence of—[Signature] .....  
[Print name of witness] .....

Filed on [date]

.....  
Industrial Registrar

Filed date: [date]

Application for extension of period of operation of enterprise flexibility agreement—[Name of enterprise flexibility agreement]

SCHEDULE 2 (continued)

Form 26  
RETIREMENT FROM ENTERPRISE FLEXIBILITY AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 188)*

.....  
[Name of employer party]

AND

.....  
[Name of employee party]

(No. .... of 19 ...)

.....  
[TITLE OF CERTIFIED AGREEMENT]

REGISTRAR .....

(Filed) .....

NOTICE OF RETIREMENT

TAKE NOTICE that I ..... a person bound by the enterprise flexibility agreement of [date], Register No. .... of [year], and expiring on [date], will retire from the agreement and cease to be a party to it at the end of ..... days from the date of the filing this notice.

[date]

[Signature of person]

Signed for}

[Signature] ..... [Title]

.....}

[Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

Filed on [date]

.....  
Industrial Registrar

Filed date: [date]

Notice of retirement from enterprise flexibility agreement—[Name of retiring party]

SCHEDULE 2 (continued)

Form 27

WITHDRAWAL FROM ENTERPRISE FLEXIBILITY AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
Industrial Relations Act 1990 (s 194(2))

.....  
[Name of employer party]

AND

.....  
[Name of employee party]

(No. .... of 19 ....)

.....  
[TITLE OF CERTIFIED AGREEMENT]

REGISTRAR .....

(Filed) .....

NOTICE OF WITHDRAWAL FROM AN ENTERPRISE FLEXIBILITY AGREEMENT

TAKE NOTICE that I/we\* ..... a person/party\* bound by the enterprise flexibility agreement of [date], Register No. .... of [year], and expiring on [date] apply for an order declaring me/us\* to be no longer bound by the agreement.

[date]

[Signature of person]

Signed for}

[Signature] ..... [Title]

.....}

[Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

Filed on [date]

.....  
Industrial Registrar

Filed date: [date]

Application for declaration that party is no longer bound by enterprise flexibility agreement—[Name of enterprise flexibility agreement]

\* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 28

WITHDRAWAL FROM ENTERPRISE FLEXIBILITY AGREEMENT BECAUSE OF INDUSTRIAL ACTION

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1990 s 196(1)

.....

[Name of employer party]

AND

.....

[Name of employee party]

(No. .... of 19 ....)

.....

[TITLE OF ENTERPRISE FLEXIBILITY AGREEMENT]

REGISTRAR .....

(Filed) .....

APPLICATION TO WITHDRAWAL FROM AN ENTERPRISE FLEXIBILITY AGREEMENT BECAUSE OF INDUSTRIAL ACTION

TAKE NOTICE that I/we\* . . . . . an employer/employers/industrial organisation\* one of the parties to the certified agreement of [date], Register No. . . . of [year], and expiring on [date], apply for an order declaring me/us\* to be no longer bound by the agreement because of industrial action.

[date]

Signed for}

[Signature] . . . . . [Title]

.....}

[Print name] . . . . .

In the presence of—[Signature] . . . . .

[Print name of witness] . . . . .

Filed on [date]

.....

Industrial Registrar

Filed date: [date]

Application for declaration that party is no longer bound by enterprise flexibility agreement because of industrial action—[Name of enterprise flexibility agreement]

\* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 29

TERMINATION OF ENTERPRISE FLEXIBILITY AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
Industrial Relations Act 1990 (s 195(1))

.....  
[Name of employer party]

AND

.....  
[Name of employee party]

(No. . . . . of 19 . . . .)

.....  
[TITLE OF ENTERPRISE FLEXIBILITY AGREEMENT]

REGISTRAR .....

(Filed) .....

NOTICE OF TERMINATION OF AN ENTERPRISE FLEXIBILITY AGREEMENT

TAKE NOTICE that we . . . . . parties to the enterprise flexibility agreement of [date], Register No. . . . . of [year], and expiring on [date], apply for an order declaring us to be no longer bound by the agreement.

[date]

Signed for}

[Signature] . . . . . [Title]

.....}

[Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

Signed for}

[Signature] . . . . . [Title]

.....}

[Print name] .....

In the presence of—[Signature] .....

[Print name of witness] .....

Filed on [date]

.....  
Industrial Registrar

Filed date: [date]

Notice of termination of enterprise flexibility agreement—[Name of enterprise flexibility agreement]

SCHEDULE 2 (continued)

Form 30

AMENDMENT OR TERMINATION OF ENTERPRISE FLEXIBILITY AGREEMENT  
BY A FULL BENCH

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 1990 (s 192)*

.....

[Name of employer party]

AND

.....

[Name of employee party]

(No. . . . . of 19 . . . .)

.....  
[TITLE OF ENTERPRISE FLEXIBILITY AGREEMENT]

REGISTRAR .....

(Filed) .....

APPLICATION FOR A REVIEW OF AN ENTERPRISE FLEXIBILITY  
AGREEMENT BY A FULL BENCH

**TAKE NOTICE** that I . . . . . a person bound to the enterprise flexibility  
agreement of [date], Register No. . . . . of [year], and expiring on [date], apply for  
the agreement to be reviewed by a Full Bench.

[date]

Signed for}

[Signature] . . . . . [Title]

..... }

[Print name] . . . . .

In the presence of—[Signature] . . . . .

[Print name of witness] . . . . .

Filed on [date]

.....

Industrial Registrar

Filed date: [date]

Application for review of enterprise flexibility agreement—[Name of enterprise  
flexibility agreement]

SCHEDULE 2 (continued)

Form 31  
GENERAL FORM OF AFFIDAVIT  
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
Industrial Relations Act 1990  
Affidavit

.....  
[Name of applicant]

AND

.....  
[Name of respondent]

(No. .... of 19 .....

.....  
[Title of award/agreement—if applicable]

I, A.B., of [state address], a [state occupation] (or we, A.B., of [state address], a [state occupation] and C.D., of [state address], a [state occupation], severally) make oath and say as follows—

(And I, the said A.B., for myself say—)

1. I am etc. [State the facts in consecutively numbered paragraphs]

(And I, the said C.D., for myself say—)

.....  
Deponent

Signed and sworn by the above-named deponent or by both (or all) of the above-named deponents at ..... this ..... day of ..... 19 ..... before me—

.....  
A justice of the peace/commissioner for declarations

Or

.....  
[Signature of A.B.]

.....  
[Signature of C.D.]

Signed and sworn by the above-named deponent A.B., at ..... , this ..... day of ..... , and by the above-named deponent C.D., at ..... this ..... day of ..... , 19 ..... before me—

.....  
A justice of the peace/commissioner for declarations

Or

[In the case of an illiterate or blind deponent],

.....  
[Signature/mark of A.B.]

Sworn by the above-named deponent A.B., before me at ..... , this ..... day of ..... , and I certify that this affidavit was first read to the said A.B., in my presence, who seemed perfectly to understand the same, and who made this signature (or mark) before me—

.....  
A justice of the peace/commissioner for declarations

SCHEDULE 2 (continued)

Form 32  
APPOINTMENT OF AGENT

QUEENSLAND INDUSTRIAL COURT\*  
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION\*  
QUEENSLAND INDUSTRIAL REGISTRAR\*  
*Industrial Relations Act 1990 (s 105)*  
*Industrial Court Rules 1990 (s 9)*

Appointment of agent

INDUSTRIAL MAGISTRATES COURT HELD AT ..... \*

TO: The Industrial Registrar, Industrial Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane.\*

TO: The registrar of the Industrial Magistrates Court held at *[insert address]*.\*

**TAKE NOTICE THAT** .....  
*[Full name in block letters]*

of .....  
*[Title of corporation/industrial organisation/industrial association/organisation/etc.\*]*  
.....  
*[Address]*

is hereby authorised to make or sign any document, process or step and/or to appear and act for .....  
*[Name of person/corporation/industrial organisation/industrial association/organisation/etc.\* for whom agent is appointed]*

of .....  
*[Address]*

as agent for the following matter/term\* .....  
*[Title and number of specific matter/time period/indefinite period]*

Dated at ..... this ..... day of ....., 19 .....

.....  
Signature of authorising party

\* Delete whichever is not applicable

SCHEDULE 2 (continued)

Form 33

APPLICATION FOR CERTIFICATE OF AUTHORISATION

QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 1990 (s 495)

Industrial Relations Regulation 1990 (s 98)

APPLICATION FOR CERTIFICATE OF AUTHORISATION

TO: The Industrial Registrar, Industrial Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane.

TAKE NOTICE THAT WE .....

[Name and address of applicants]

being president and secretary respectively of .....

[name of industrial organisation] .....

apply for a certificate of authorisation on behalf of .....

[full name] ..... [position held] an

officer/employee\* of the ..... above-named organisation

under section 495 of the Act.

Additionally we hereby make oath and swear as follows that—

- (a) the two (2) photographs attached hereto are of the person to be authorised; and
- (b) the signatures appearing below are genuine signatures of the person to be authorised; and
- (c) we are authorised in compliance with the Act and the rules of court to make this application.

.....  
President

.....  
Secretary

Signed and sworn by the above-named deponents at .....

this ..... day of ....., 19 ..... before me—

.....  
A justice of the peace/commissioner for declarations

Note 1: Securely attach photographs in a sealed envelope to this application. Do NOT staple through the photographs.

Note 2: Ensure the photographs are signed on their reverse by the person to be authorised.

Signature

Note 3: Ensure signatures do not extend beyond the 4.5 cm signature x 1.5 cm boundaries of the drawn box.

Signature 1  
Signature

Signature 2

\* Delete whichever is not applicable

SCHEDULE 2 (continued)

Form 34  
SUMMONS—GENERAL FORM

QUEENSLAND INDUSTRIAL COURT\*  
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION\*  
QUEENSLAND INDUSTRIAL REGISTRAR\*  
*Industrial Relations Act 1990*

(No. . . . . of 19 . . . .)

SUMMONS

TO . . . . . of, . . . . .

IN THE MATTER OF . . . . .

You are hereby summoned to appear before the Queensland Industrial Court/the Queensland Industrial Relations Commission\* situated on the Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane, on the . . . . . day of . . . . ., 19 . . . . ., at . . . . . o'clock in the fore/after\* noon, or so soon thereafter as the Court/Commission\* may hear the summons upon the application of [*applicant*] in the matter of [*state nature of application*].

Dated at . . . . . this . . . . . day of . . . . ., 19 . . . . .  
[*Seal of the Court or Commission*]

. . . . .  
Signature of person issuing the summons

\*Delete whichever is not applicable

SCHEDULE 2 (continued)

Form 35

SUMMONS TO COMPULSORY CONFERENCE

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION\*

INDUSTRIAL MAGISTRATES COURT HELD AT .....\*  
*Industrial Relations Act 1990*

(No. .... of 19 ....)

SUMMONS TO COMPULSORY CONFERENCE

TO: ..... , .....  
[Name] [Title]  
of ..... , .....  
[Company etc.] [Address]

In the matter of a dispute between ..... and  
.....

You are hereby summoned to attend at ..... on the  
..... day of ..... 19 .... at ..... a.m./p.m.\* at a  
conference in the above matter, to be presided over by ..... , a Commissioner  
of the Queensland Industrial Relations Commission/Industrial Magistrate\*.

Dated at ..... this ..... day of ..... , 19 ....

[Seal of the Commission/stamp of Magistrate]\*

.....  
Industrial Registrar/Industrial Magistrate\*

(Note—Sections 321 and 564 of the *Industrial Relations Act 1990*, provides that any person summoned to a compulsory conference shall attend the conference and continue their attendance thereat as directed by such Commissioner/Industrial Magistrate\*, and in default shall be guilty of an offence, and shall be liable to a penalty not exceeding 40 penalty units)

\* Delete whichever is not applicable



SCHEDULE 2 (continued)

Form 37

NOTICE TO SHOW CAUSE UNDER SECTION 111(3) OF THE ACT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 111(3))*

TO: ..... of .....

IN THE MATTER OF .....

TAKE NOTICE THAT you are hereby called to show cause to the Full Industrial Court on the ..... day of ....., 19 ....., at ..... o'clock as to why you have failed to substantially comply with the order of the Queensland Industrial Relations Commission dated the ..... day of ....., 19 ....., and why you should not be dealt with under section 112 of the Act.

Dated at ..... this ..... day of ....., 19 .....

.....

Industrial Registrar

SCHEDULE 2 (continued)

Form 38  
COMPLAINT

INDUSTRIAL MAGISTRATES COURT HELD AT .....  
*Industrial Relations Act 1990 (ss 74(a)(v), 543) \**

COMPLAINT AND SUMMONS ON AN APPLICATION FOR RECOVERY OF  
WAGES ETC. DUE\*

COMPLAINT AND SUMMONS ON A CLAIM FOR DAMAGES FOR BREACH OF  
AGREEMENT MADE UNDER AN AWARD/INDUSTRIAL  
AGREEMENT/CERTIFIED AGREEMENT\*

In the Industrial Magistrates Court at .....  
between ..... complainant of .....

and ..... defendant of .....

The complaint of .....  
of .....

The above-named complainant [*here state the subject matter, which should not allege  
an offence*]

Whereupon the said complainant applies to the Industrial Magistrate for an order  
directing the said defendant to pay in full the amount payable, particulars of which  
are hereto annexed.

.....  
[Signature of complainant]

.....  
[Signature of applicant]

.....  
[Title of office held]

Signed and sworn/made\* by the above-named complainant at .....  
this ..... day of ....., 19 .... before me—

.....  
A justice of the peace/commissioner for declarations

SUMMONS

To ..... of .....

Whereas the above complaint has been sworn/made\* before me: You are hereby  
commanded, in Her Majesty's name to appear before an Industrial Magistrate at the  
Industrial Magistrates Court situated at .....,  
on the ..... day of .....,  
19 . . . , at . . . . o'clock in the fore/afternoon\* to answer the said complaint and to be  
further dealt with according to law.

Given under my hand at ....., on the ..... day of ....., 19 . . . .

.....  
A justice of the peace/commissioner for declarations

\* Delete whichever is not applicable

SCHEDULE 2 (continued)

OATH OF SERVICE

I, [full name], of [address], [occupation], do swear that on the ..... day of ..... , 19 ..... , I served the within named defendant with a copy of the within summons and copy of the complaint whereon the said summons was issued and particulars of claim, by—

- \* (a) delivering a copy thereof to the defendant ..... personally;
- \* (b) leaving a copy thereof with ..... for the defendant, who could not be reasonably found, at ..... being the defendant's place of residence\*/place of business last known to me\*/usual place of residence\*/usual place of business\*.
- \* (c) leaving a copy thereof at the registered office of the company at .....
- \* (d) certified mail/security post\* by so posting at ..... a.m./p.m.\* on the above mentioned day, at the post office at ..... , a true copy of such summons addressed to the defendant at ..... being the defendant's residence\*/place of business\* last known to the complainant, at least 21 days before the date on which the defendant is, by the summons, required to appear.

Deponent

Signed and sworn by the above-named deponent at ..... in the State of ..... this ..... day of ..... , 19 ..... before me—

A justice of the peace/commissioner for declarations

OATH BY COMPLAINANT

[To be completed when service is effected by paragraph (d) above]

I, [full name], the complainant, do swear that ..... being the address to which the copy of the within summons was posted is the defendant's address last known to me by reason of information to my knowledge as the result of investigations—or [insert details]

Complainant

Signed and sworn by the above-named complainant at ..... in the State of ..... this ..... day of ..... , 19 ... before me—

A justice of the peace/commissioner for declarations

\* Delete whichever is not applicable

SCHEDULE 2 (continued)

Form 39  
PLAINT

INDUSTRIAL MAGISTRATES COURT HELD AT .....  
*Industrial Relations Act 1990 (ss 74(a)(vii), 475)*

PLAINT

In the Industrial Magistrates Court at ..... between  
..... plaintiff of .....,  
and ..... defendant of .....  
The plaintiff claims the amount as set out in the particulars of the claim hereunder  
(or annexed hereto), together with costs.

.....  
Plaintiff/solicitor/agent  
...../...../19.....

Address for service of plaintiff:

SUMMONS

TO THE ABOVE-NAMED DEFENDANT

IF YOU ADMIT the claim, you may pay the total amount to the plaintiff, the  
plaintiff's solicitor or this Court.

IF YOU DISPUTE the plaintiff's claim OR IF YOU HAVE A COUNTERCLAIM, you  
must file an entry of appearance and defence and/or any counterclaim with the  
registrar.

If no action is taken by you within 20 clear days from the date of service, judgment  
may be entered against you.

.....  
Registrar  
...../...../19.....

PARTICULARS OF CLAIM

*[if insufficient space, attach extra sheets]*

Claim .....		\$
Cost of summons .....	\$	Appeal cost fund fee \$
Service and travelling costs .....		\$
Additional bailiff's fees (if any) .....		\$
		\$

OATH OF SERVICE

I, *[full name]*, of *[address]*, *[occupation]*, do swear that on the ..... day  
of ....., 19 ....., I served the within-named defendant with a  
copy of the within summons and copy of the plaint whereon the said summons was  
issued and particulars of claim, by—

*Form 39 continues over page*

SCHEDULE 2 (continued)

- \*(a) delivering a copy thereof to the defendant . . . . . personally;
- \*(b) leaving a copy thereof with . . . . . for the defendant, who could not be reasonably found, at . . . . . being the defendant's place of residence\*/place of business last known to me\*/usual place of residence\*/usual place of business\*.
- \*(c) leaving a copy thereof at the registered office of the company at . . . . .
- \*(d) certified mail/security post\* by so posting at . . . . . a.m./p.m.\* on the above mentioned day, at the post office at . . . . . , a true copy of such summons addressed to the defendant at . . . . . being the defendant's residence\*/place of business\* last known to the plaintiff, at least 21 days before the date on which the defendant is, by the summons, required to appear.

Deponent

Signed and sworn by the above-named deponent at . . . . . in the State of . . . . . this . . . . . day of . . . . . , 19 . . . . . before me—

A justice of the peace/commissioner for declarations

OATH BY PLAINTIFF

[To be completed when service is effected by paragraph (d) above]

I, [full name], the plaintiff, do swear that . . . . . being the address to which the copy of the within summons was posted is the defendant's address last known to me by reason of information to my knowledge as the result of investigations—or [insert details]

Plaintiff

Signed and sworn by the above-named plaintiff at . . . . . this . . . . . day of . . . . . , 19 . . . . . before me—

A justice of the peace/commissioner for declarations

\* Delete whichever is not applicable

SCHEDULE 2 (continued)

Form 40  
APPLICATION BY AGED OR INFIRM PERSON

INDUSTRIAL MAGISTRATES COURT HELD AT .....  
*Industrial Relations Act 1990 (s 227)*

APPLICATION BY AN AGED OR INFIRM PERSON FOR A PERMIT TO WORK  
FOR LESS THAN THE MINIMUM WAGE PRESCRIBED BY AN AWARD

I, [*name of applicant*], of [*address of applicant*], [*occupation of applicant*], considering myself unable to earn the minimum wages prescribed by the award now in force with respect to the calling of [*describe the calling in which the applicant desires to be employed*], hereby apply to [*insert the name of the Industrial Magistrate to whom the application is made*], being an Industrial Magistrate, for a permit in writing to work as a [*insert the class of work at which applicant desires to be employed*] in the said calling, for less than the wages so prescribed, for a period of [*state period for which permit is desired*] months, and in support of this my application, I solemnly and sincerely declare as follows—

- (1) I am [*state age of applicant*] years of age.
- (2) I am infirm by reason of [*here describe nature of infirmity*].
- (3) Having regard to my age or my said infirmity, I believe the work I shall be able to do in the said class of work in the said calling during the said period will not be worth more than [*insert rate per hour, day, or week*] per .....
- (4) I am a member of the industrial organisation of employees\* known as [*insert name of organisation, or if applicant is not a member of any industrial organisation of employees, write in the words 'I am not a member of any industrial organisation of employees\*'*].

And I make this declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

.....  
Applicant/industrial inspector\*

Made and declared by the above-named deponent at .....  
this ..... day of ....., 19 ..... before me—

.....  
A justice of the peace/commissioner for declarations

Received into the office of the Industrial Magistrate at ..... on the .... day of ..... , 19 ... , and filed as application No. .... of 19 ...  
Permit issued on the ..... day of ....., 19 ..... No. .... of 19 .....

\* Delete whichever is not applicable.

SCHEDULE 2 (continued)

Form 41  
NOTICE OF HEARING

INDUSTRIAL MAGISTRATES COURT HELD AT .....  
*Industrial Relations Act 1990 (s 227(2))*

NOTICE OF HEARING OF APPLICATION BY AGED OR INFIRM PERSON

To— .....  
Take notice that I, the undersigned, Industrial Magistrate at .....  
....., hereby appoint ..... , the ..... day  
of ..... ,19, at the hour of ..... o'clock a.m./p.m.\*,  
the time and the Industrial Magistrates Court at the Court House, ..... ,  
the place at which I will proceed to hear objections (if any) to the granting of a  
permit applied for by one ..... , particulars of whose application  
are hereunto annexed.

*Particulars of application*

Name and address of person .....  
Age ..... years. Now in the employment of ..... at .....  
Period of which permit is asked for .....  
Reason of application .....  
Calling in which applicant desires to be employed .....  
Applicant declares the work able to be done in the said calling during the said period  
will not be worth more than ..... per .....  
Dated at ..... this ..... day of ..... , 19 .....  
.....  
Industrial Magistrate

- NOTE 1: Please acknowledge receipt of this notice.
- NOTE 2: Notice to be drawn in duplicate, 1 copy for service, the other to be filed.  
(As to service of notice, see Part 24 of the rules of court, made under the *Industrial Relations Act 1990*.)
- NOTE 3: Notice to be addressed to the secretary of the industrial organisation of employees of the calling in which applicant desires to be employed.
- NOTE 4: The date of hearing must not be more than 7 nor less than 3 days from date of notice.
- NOTE 5: Objections may be raised by any authorised representative of the industrial organisation of employees concerned.

A copy of the above notice, addressed to .....  
was posted on the ..... day of ..... , 19 .....  
.....  
Clerk of Magistrates Court

SCHEDULE 2 (continued)

Form 42  
PERMIT

INDUSTRIAL MAGISTRATES COURT HELD AT .....  
*Industrial Relations Act 1990 (s 227(3))*

PERMIT FOR AN AGED OR INFIRM EMPLOYEE TO WORK FOR LESS THAN  
THE MINIMUM WAGE PRESCRIBED BY AN AWARD

In the Industrial Magistrates Court at—

Permit No. .... of 19 .....

Whereas ....., of ....., has stated inability to earn the minimum wage prescribed by the award now in force with respect to the calling of ....., has applied to me, the undersigned, being an Industrial Magistrate, for a permit to work as a ..... in the said calling for less than the wage so prescribed for a period of ..... months, and has made a declaration that he/she\* is ..... years of age and is infirm by reason of ..... and that he/she\* believes the work he/she\* will be able to do at the said class of work in the said calling will not be worth more than \$ . . per . . . , and that he/she\* is a member of the industrial organisation of employees known as ..... [or that he/she\* is not a member of any industrial organisation of employees].

I hereby grant a permit to the said applicant to work at the said class of work in the said calling for a wage at the rate of \$ ..... per ..... for a period of ..... on the conditions following, namely—  
And I hereby notify the same to the said applicant and to the secretary of the industrial organisation of employees\* having coverage of the said calling.

Given under my hand at ....., in the State, this ..... day of ....., 19 .....

.....  
Industrial Magistrate.

NOTE—this permit should be made out and signed in triplicate, 1 handed to the applicant, 1 sent to the Secretary of the industrial organisation of employees concerned, and 1 filed for record.

The officer charged by the Industrial Magistrate with the duty should post the copy for the industrial organisation of employees in a prepaid registered letter to the secretary of the organisation at the last-known office of the organisation, and endorse on the copy kept for record a statement that it was so posted, with the date of posting (see rules of court, Part 24), or deliver it personally to the secretary, making a similar endorsement of the fact, with date.

\* Delete whichever is not applicable.

SCHEDULE 2 (continued)

Form 43

APPLICATION FOR PERMIT TO WORK BY STUDENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 1990 (s 226)*

TO: The Industrial Registrar, Industrial Registrar's Office, GPO Box 373, Brisbane, Qld, 4001.

*[This section to be completed by student]*

I, *[full name]* of *[address for mailing licence]*, hereby make application for a permit to work at such calling for such period and for such wages as are set out below.

Dated at. . . . . this. . . . . day of . . . . . 19. . . . .

. . . . .  
Signature of applicant

*[This section to be completed by registrar of relevant tertiary institution/college]*

I, *[full name]*, the registrar, *[insert name of tertiary institution/college]* hereby certify that a period of technical training in the calling of *[insert occupation or job description]* at the establishment of *[employer's business name]* of *[address]* between . . . . . 19 . . . . and . . . . ., 19 . . . . is required to enable the above student to complete his/her course *[insert title of course]*, at the said tertiary institution/college\*.

The student shall be paid a wage of not less than *[insert wage]* per week of *[insert hours to be worked per week]* hours.

. . . . .  
Registrar of tertiary institution/college\*

NOTE 1: This application is only to be completed where the proposed training is in a calling regulated by an award, industrial agreement or certified agreement of the Queensland Industrial Relations Commission.

NOTE 2: All information required above *must* be completed prior to lodging the application.

NOTE 3: This is not an application under the *Vocational Education and Training (Industry Placement) Act 1992*.

\* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 44  
CERTIFICATE OF EXEMPTION

QUEENSLAND INDUSTRIAL REGISTRAR

INDUSTRIAL MAGISTRATES COURT HELD AT .....

*Industrial Relations Act 1990* (s 388)

CERTIFICATE OF EXEMPTION FROM MEMBERSHIP OF AN INDUSTRIAL  
ORGANISATION ON THE GROUNDS OF CONSCIENTIOUS BELIEFS

I, ....., the Industrial Registrar/an  
Industrial Magistrate\*, pursuant to section 388 of the Act of the *Industrial Relations  
Act 1990*, hereby certify that ..... is hereby  
exempted from membership of any industrial organisation of employees on the  
ground of his/her\* conscientious beliefs for a period of 12 months on and from the  
..... day of ....., 19 .....

Dated at ..... this ..... day of ....., 19 ....

.....  
Industrial Registrar/Industrial Magistrate\*

\* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 45

VOTING PAPER FOR BALLOT UNDER SECTION 322 OF THE ACT

*Industrial Relations Act 1990 (s 322)*

VOTING PAPER

In the matter of a strike in the calling of—

.....

because [*concisely state reason*]

.....

.....

Are you in favour of the strike?

YES     

NO       

**Directions**

Mark a tick “√” in the square opposite the word “YES” if you are in favour of the strike or in the square opposite the word “NO” if you are not in favour thereof.

Should a tick “√” be marked in both squares, or should such mark be placed outside the squares, the voting paper shall be informal and invalid.

SCHEDULE 2 (continued)

Form 46

REGISTER OF OFFICERS OF AN INDUSTRIAL ORGANISATION

QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 1990 (s 383(2))

REGISTER OF OFFICERS OF AN INDUSTRIAL ORGANISATION

TO: The Industrial Registrar, Industrial Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane.

Name of industrial organisations . . . . .
Address . . . . .
Telephone number . . . . .
Facsimile number . . . . .

Table with 4 columns: Name of officer [in full], Title of office\*, Last date of election/declaration/appointment, Residential address. The table is currently empty.

I certify that the above is a full and true list of the officers of the above-named industrial organisation as at / /19 and that all such officers are over the age of 18 years.

Dated at . . . . . this . . . . . day of . . . . ., 19 . . . . .
Secretary

NOTE 1: To be filed current at 31 December in each year.
NOTE 2: To be filed within 30 days of any appointments or resignations of officers.
\* Delete whichever does not apply, or, insert as applicable.

## SCHEDULE 2 (continued)

## Form 47

## APPLICATION FOR REGISTRATION AS AN INDUSTRIAL ORGANISATION OF EMPLOYERS

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 1990 (s 328(2))**Industrial Relations Regulation 1990 (s 3)*

TO: The Industrial Registrar, Industrial Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane.

Application is hereby made by *[insert name, address of association]* pursuant to the Act for registration of *[insert name of proposed organisation]* as an industrial organisation of employers and we state as follows—

1. enclosed herewith is the required fee of \$ \_\_\_\_\_ ;
2. the office of the proposed organisation is situated at *[insert address of the office of the organisation]*;
3. that the association meets the criteria required by section 329(2)(a) and (f) to (h) of the Act based on the following facts and particulars—*[set out in respect of each of the paragraphs the facts and particulars on which the association relies]*;
4. that the association's members who are employers have in the aggregate, employed on an average taken per month *[number of employees]* employees throughout the period of the last 6 months;
5. if the number of employees listed in paragraph 4 is less than 1 000, details of special circumstances which justify the association's registration are—*[complete the details]*;
6. that annexed hereto are—
  - (a) a list *[marked "A"]* showing the particulars of the name of each employer who is a member of the association and of the place or places in which each such employer carries on business;
  - (b) a list *[marked "B"]* showing the names of persons holding appointments as officers of the association—namely the president, secretary, members of the committee of management or executive committee, trustees (if any) and any other officers and their official designations;
  - (c) 2 copies of the association's rules including the eligibility rule *[each marked "C"]* which—are a total adoption of the model rules with such modifications as are necessary or are in compliance with the requirements of the Act in relation to rules for industrial organisations\*;
  - (d) a copy of a resolution *[marked "D"]* passed in accordance with the association's rules, by a majority of the employers who are members of the association *[or by other competent authority within the association]* in favour of registration of the association under the Act;
  - (e) a list *[marked "E"]* of the callings in which employees are employed by the members of the association who are employers;
  - (f) a statement *[marked "F"]* showing the particulars of the control of the association's property and of the investment of its funds, as distinct from the property and funds of the member/members\* of the association.

*Form 47 continues over page*

SCHEDULE 2 (continued)

Additionally—

7. that I [*name of president*], president and I [*name of secretary*], secretary of the applicant association, do solemnly and sincerely declare that—

- (a) we are fully authorised by the association in compliance with the Act and the rules of court to make this application;
- (b) that all the statements made in this application and the annexed documents are to the best of our knowledge, information or belief true and correct in every particular.

And we make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

.....  
President

.....  
Secretary

Taken and declared before me at ..... this ..... day of ....., 19 . . . .

.....  
A justice of the peace/commissioner for declarations

\* Delete whichever does not apply.

(NOTE: All attachments are to be signed and dated by the president and secretary at the time they sign the application.)

*Certificate of Certifying Barrister*

I certify that the rules of ..... are in conformity with the provisions of the Act and that the purposes of the industrial organisation are lawful.

Dated at ..... this ..... day of ....., 19 . . . .

.....  
Certifying Barrister

## SCHEDULE 2 (continued)

Form 48

## APPLICATION FOR REGISTRATION AS AN INDUSTRIAL ORGANISATION OF EMPLOYEES

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 1990 (s 328(3))**Industrial Relations Regulation 1990 (s 3)*

TO: The Industrial Registrar, Industrial Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane.

Application is hereby made by *[insert name, address of association]* pursuant to the Act for registration of *[insert name of proposed organisation]* as an industrial organisation of employees and we state as follows—

1. enclosed herewith is the required fee of \$ \_\_\_\_\_ ;
2. the office of the proposed organisation is situated at *[insert address of the office of the organisation]*;
3. that the association meets the criteria required by section 329(2)(a) and (f) to (h) of the Act based on the following facts and particulars—*[set out in respect of each of the paragraphs the facts and particulars on which the association relies]*;
4. that the association consists of *[number of members]* members who are employees;
5. if the number of members listed in paragraph 4 is less than 1 000, details of special circumstances which justify the association's registration are—*[complete the details]*;
6. that the association is an industry-based association based on the industry of *[insert type of industry]*;
7. if the association is not an industry-based association then the special circumstances which justify the association's registration are—*[complete the details]*;
8. that annexed hereto are—
  - (a) a list *[marked "A"]* showing the names of the members of the association;
  - (b) a list *[marked "B"]* showing the names of the persons holding appointments as officers of the association—namely the president, secretary, members of the committee of management or executive committee, trustees (if any) and any other officers and their official designations;
  - (c) 2 copies of the association's rules, including eligibility rules, *[each marked "C"]* which—are a total adoption of the model rules with such modifications as are necessary/are in compliance with the requirements of the Act in relation to rules for industrial organisations\*;

*Form 48 continues over page*

SCHEDULE 2 (continued)

- (d) a copy of a resolution [*marked "D"*] passed in accordance with the association's rules, by a majority of the members present at a general meeting of the association [*or by other competent authority within the association*] in favour of registration of the association under the Act;
- (e) a list [*marked "E"*] of the callings of the members of the association or to which the eligibility rules relate;
- (f) a list [*marked "F"*] of the name(s) of the localities in which the members exercise their callings.

Additionally—

- 9. that I [*name of president*], president and I [*name of secretary*], secretary of the applicant association, do solemnly and sincerely declare that—
  - (a) we are fully authorised by the association in compliance with the Act and the rules of court to make this application;
  - (b) that all the statements made in this application and the annexed documents are to the best of our knowledge, information or belief true and correct in every particular.

And we make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

.....  
 President  
 .....  
 Secretary

Taken and declared before me at ..... this ..... day of ....., 19 ...

.....  
A justice of the peace/commissioner for declarations

\* Delete whichever does not apply.

(NOTE: All attachments are to be signed and dated by the president and secretary at the time they sign the application.)

Certificate of Certifying Barrister

I certify that the rules of ..... are in conformity with the provisions of the Act and that the purposes of the industrial organisation are lawful.

Dated at ..... this ..... day of ....., 19 ...

.....  
Certifying Barrister

SCHEDULE 2 (continued)

Form 49  
CERTIFICATE OF REGISTRATION

QUEENSLAND INDUSTRIAL REGISTRAR

*Industrial Relations Act 1990 (s 333(4))*

CERTIFICATE OF REGISTRATION AS AN INDUSTRIAL ORGANISATION

I, ....., Industrial Registrar,  
pursuant to section 333(4) of the *Industrial Relations Act 1990*, hereby certify that  
on the ..... day of ....., 19 .....,  
..... was registered by that name as an industrial organisation  
of employers/employees\* in the State.

Dated at ..... this ..... day of ....., 19 .....

.....  
Industrial Registrar

\* Delete whichever does not apply

## SCHEDULE 2 (continued)

Form 50

APPLICATION FOR APPROVAL TO PUT A REQUEST FOR AMALGAMATION  
TO BALLOT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 1990 (s 391)*  
*Industrial Relations Regulation 1990 (s 20)*

TO: The Industrial Registrar, Industrial Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane.

Application is hereby made by [*insert name of existing registered industrial organisation/s\** and (*insert name of unregistered association seeking registration*)]+ for approval to put a request for amalgamation to ballot.

We hereby state as follows—

1. [*Name of organisation*] is authorised to receive on behalf of the applicants, service of documents in connection with the proposed amalgamation. In the event of that organisation ceasing to be an applicant, then [*name of organisation*] is authorised to receive on behalf of the remaining applicants, service of such documents.
2. [*Name of existing organisation*] is to become the proposed amalgamated industrial organisation.+
3. The proposed deregistering industrial organisations\* shall be [*insert name/s*].+
4. It is proposed that the name [*insert name of industrial organisation*] shall be changed to [*insert proposed name of industrial organisation*].+
5. All members of the proposed deregistering industrial organisation/s\* are to become, upon the coming into force of the amalgamation, without payment of an entrance fee, members of the proposed amalgamated industrial organisation.
6. The following arrangements shall exist in relation to the property of the proposed deregistering industrial organisation/s\*—[*insert details as to the relevant arrangements*].
7. The following arrangements shall exist in relation to the liabilities of the proposed deregistering industrial organisation/s\*—[*insert details as to the relevant arrangements*].
8. It is proposed to alter the eligibility rules of [*insert name of industrial organisation*] to those attached [*marked "A"*].+
9. Attached hereto are 2 copies of proposed alterations to the existing rules of [*insert name of industrial organisation*] [*marked "B"*].+
10. There is no proposed alternative amalgamation/The proposed alternative amalgamation is as follows—[*insert details of any proposed alternative amalgamation to form part of this request*]\*
11. The particulars of the differences between the proposed principal amalgamation and each alternative amalgamation are as follows—[*insert details as to how they differ*].+

*Form 50 continues over page*

## SCHEDULE 2 (continued)

12. The particulars of the differences between the rules attached as referred to in paragraphs 9 and 13(d) of this application as a result of differences between the proposed principal amalgamation and each proposed alternative amalgamation are as follows—*[insert details as to how they differ]*.+
13. Matters relating to an unregistered association seeking registration—
- (a) it is proposed that the association *[insert name and address of association]* seeking registration as *[insert name of proposed organisation]* of employer/employees\*, is to become the proposed amalgamated industrial organisation.

*Additionally*, attached hereto are—

- (b) a list *[marked “C”]* showing the names of the members of the association;
- (c) a list *[marked “D”]* showing the names of the persons holding appointments as officers of the association—namely the president, secretary, members of the committee of management or executive committee, trustees (if any) and any other officers and their official designations;
- (d) 2 copies of the association’s rules, including eligibility rules, *[each marked “E”]* which—are a total adoption of the model rules with such modifications as are necessary/are in compliance with the requirements of the Act in relation to rules for industrial organisations\*;
- (e) a copy of a resolution *[marked “F”]* passed in accordance with the association’s rules, by a majority of the members present at a general meeting of the association *[or by other competent authority within the association]* in favour of registration of the association under the Act;
- (f) a list *[marked “G”]* of the callings of the members of the association or to which the eligibility rules relate;
- (g) a list *[marked “H”]* of the name(s) of the localities within which the members exercise their callings.

*Additionally*—

14. That we, the undersigned do solemnly and sincerely declare that—
- (a) the committee of management of the respective industrial organisations (and associations)+ have passed a resolution approving the amalgamation (and all alternative amalgamations\*) listed in this application;
- (b) that any proposed alterations of rules of existing industrial organisations concerned in the amalgamation have been made under the rules of the industrial organisation;
- (c) we are officers of and are fully authorised in compliance with the Act and the rules of court to make this application on behalf of the respective industrial organisations (and associations)+;
- (d) that all the statements made in this application and the annexed documents are to the best of our knowledge, information or belief true and correct in every particular.

SCHEDULE 2 (continued)

And we make this solemn declaration conscientiously believing the same to be true by virtue of the provisions of the *Oaths Act 1867*.

Signed ..... Signed .....  
[Printed name] ..... [Printed name] .....  
Designation ..... Designation .....  
for and on behalf of .....  
[Name of industrial organisation/association]

Taken and declared before me at ..... this  
..... day of ....., 19.....

.....  
A justice of the peace/commissioner for declarations

Signed ..... Signed .....  
[Printed name] ..... [Printed name] .....  
Designation ..... Designation .....  
for and on behalf of .....  
[Name of industrial organisation/association]

Taken and declared before me at ..... this  
..... day of ....., 19.....

.....  
A justice of the peace/commissioner for declarations

\* Delete whichever does not apply

+ Delete and/or complete as necessary

NOTE: All attachments must be signed by both signatories for the relevant industrial organisation/association\* at the time they sign the application.

*Certificate of Certifying Barrister*

I certify that the rules of ..... are in conformity with the provisions of the Act and that the purposes of the industrial organisation are lawful.

Dated at ..... this ..... day of ....., 19 .....

.....  
Certifying Barrister

## SCHEDULE 2 (continued)

Form 51

BALLOT PAPER FOR AMALGAMATION—NO ALTERNATIVE PROVISION

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 1990*  
*Industrial Relations Regulation 1990 (s 50)*

BALLOT OF MEMBERS OF

[*Name of organisation whose members are voting*]BALLOT PAPER IN RESPECT OF PROPOSED  
AMALGAMATION

[*Initials, or  
 facsimile of  
 initials, of  
 the person  
 conducting  
 the ballot*]

Directions to voter

1. Record your vote on the ballot paper as follows—
  - if you approve the amalgamation referred to in the question set out below, place a tick (“√”) or a cross (“X”) in the space provided opposite the word “YES”;
  - if you do not approve the amalgamation referred to in the question set out below, place a tick (“√”) or a cross (“X”) in the space provided opposite the word “NO”.
2. Do not place on this paper any mark or writing by which you may be identified.
3. Mark only ONE square.

QUESTION FOR VOTERS:

DO YOU APPROVE THE PROPOSED AMALGAMATION  
 OF [*name of organisation whose members are voting*]  
 WITH THE FOLLOWING ORGANISATION(S),  
 NAMELY, [*name of organisation or each organisation with  
 which amalgamation is proposed*], IN ACCORDANCE  
 WITH THE SCHEME FOR AMALGAMATION A COPY  
 OF THE OUTLINE OF WHICH HAS BEEN SENT TO  
 YOU WITH THIS BALLOT PAPER?

YES NO

## SCHEDULE 2 (continued)

Form 52

## BALLOT PAPER FOR AMALGAMATION—ALTERNATIVE PROVISION

## QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Regulation 1990 (s 50)*

## BALLOT OF MEMBERS OF

*[Name of organisation whose members are voting]**[Initials, or  
facsimile of  
initials, of the  
person  
conducting  
the ballot]*BALLOT PAPER IN RESPECT OF PROPOSED  
AMALGAMATION

## Directions to voter

1. This paper contains [*number*] ballot papers. Record your vote on each ballot paper as follows—
  - if you approve the amalgamation referred to in the question set out in the ballot paper, place a tick (“√”) or a cross (“X”) in the space provided opposite the word “YES”;
  - if you do not approve the amalgamation referred to in the question set out in the ballot paper, place a tick (“√”) or a cross (“X”) in the space provided opposite the word “NO”.
2. Do not place on this paper any mark or writing by which you may be identified.
3. Mark only ONE square on each ballot paper.

## QUESTION FOR VOTERS:

DO YOU APPROVE THE PROPOSED AMALGAMATION OF [*name of organisation whose members are voting*] WITH THE FOLLOWING ORGANISATION(S), NAMELY, [*name of organisation or each organisation with which amalgamation is proposed*], IN ACCORDANCE WITH THE SCHEME FOR AMALGAMATION A COPY OF THE OUTLINE OF WHICH HAS BEEN SENT TO YOU WITH THIS BALLOT PAPER?

YES NO 

## QUESTION FOR VOTERS:

IF THE PROPOSED AMALGAMATION IN RESPECT OF WHICH YOU HAVE JUST RECORDED YOUR VOTE DOES NOT TAKE PLACE, DO YOU APPROVE THE AMALGAMATION OF [*name of organisation whose members are voting*] WITH THE OTHER ORGANISATION(S) CONCERNED IN THE AMALGAMATION WHOSE MEMBERS GIVE A SIMILAR APPROVAL?

YES NO

SCHEDULE 2 (continued)

Form 53

INQUIRY INTO AMALGAMATION BALLOT IRREGULARITY

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1990 (s 422(1))

Industrial Relations Regulation 1990 (s 61)

APPLICATION FOR INQUIRY INTO AN AMALGAMATION BALLOT

TO: The Industrial Registrar, Industrial Registrar’s Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane.

TAKE NOTICE THAT I .....

[Name and address of applicant]

being a member of .....

[Name of organisation]

- (a) apply for an inquiry into the following irregularities that, I claim, have occurred in relation to the ballot specified in this application and attach as Schedule 1 to this application a full statement of my claim; and
- (b) further apply for directions about the conduct of the application in relation to the following matters—
  - (i) parties;
  - (ii) service of documents;
  - (iii) nature of hearing;
  - (iv) place and time of hearing.

I make oath and swear that the statement of material facts relied on to support this application is to the best of my knowledge, information and belief, true and correct.

.....

[Signature of applicant]

Signed and sworn by the deponent at .....  
this ..... day of ....., 19 ..... before me

.....

A justice of the peace/commissioner for declarations

SCHEDULE 1

1. PARTICULARS OF BALLOT

Ballot of the members of [name of organisation] for the proposed amalgamation of that organisation with [name of organisation or each organisation with which amalgamation is proposed].

or

## SCHEDULE 2 (continued)

Ballot of the members of [*name of organisation*] on the question whether, if the proposed amalgamation of that organisation with [*name of other organisation(s) concerned in the amalgamation*] does not take place, they approve the amalgamation of [*name of first mentioned organisation*] with the other organisation(s) concerned in the amalgamation whose members give an approval.

\*The ballot is uncompleted.

\*The ballot was completed on [*date*].

## 2. PARTICULARS OF CLAIMED IRREGULARITIES

[*Set out in numbered paragraphs particulars of claimed irregularity or irregularities*]

## 3. FACTS RELIED ON

[*Set out in numbered paragraphs the facts relied on in support of the application*]

\*Omit if inapplicable

SCHEDULE 2 (continued)

Form 54  
APPLICATION FOR ELECTION INQUIRY

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 367)*

APPLICATION FOR INQUIRY INTO DISPUTED ELECTION IN AN INDUSTRIAL ORGANISATION

TO: The Industrial Registrar, Industrial Registrar’s Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane, and such other persons as the registrar may direct.

I, *[insert full name of applicant]* of *[address]* being a financial member/person who within the period of 12 months preceding the date hereof, has been a financial member\* of *[insert name of industrial organisation]*, hereby make application for an inquiry by the Queensland Industrial Relations Commission into the irregularities which I allege have occurred in or in connection with the above referred election. Additionally, I solemnly and sincerely declare that—

PARTICULARS OF ELECTION

Name of industrial organisation and/or branch:  
Office/s\* in respect of which election held—*[insert title/s\* of position/s\*]*  
Has the result of the election been declared? *[Answer “yes” or “no”]*  
If the result has been declared, the date of the declaration: *[Date]*

And,

PARTICULARS OF ALLEGED IRREGULARITIES

*[Set out in numbered paragraphs particulars of the alleged irregularity or irregularities].*

FACTS RELIED ON

*[Set out in numbered paragraphs facts relied on in support of the application].*  
And I make this solemn declaration conscientiously believing the same to be true by virtue of the provisions of the *Oaths Act 1867*.

.....  
Signature of applicant

Taken and declared before me at ..... this ..... day of ..... , 19 .....  
.....  
A justice of the peace/commissioner for declarations

\* Delete whichever does not apply.

NOTE—This application must be made either before completion of the election or within 6 months following the declaration of the election.

SCHEDULE 2 (continued)

Form 55  
OBJECTION TO EXEMPTION FROM BALLOT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION  
*Industrial Relations Act 1990 (s 417)*

(No. . . . . of 19 . . . . .)

OBJECTION TO EXEMPTION FROM BALLOT—RECOGNITION OF FEDERAL  
BALLOT

TO: The Industrial Registrar, Industrial Registrar’s Office, Level 14, Central  
Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane, and  
TO: .....  
[*name and contact address of proposed amalgamated organisation*]

TAKE NOTICE THAT I .....  
[*name of applicant*]  
of .....  
[*address of applicant*]  
being a member of .....  
[*name of industrial organisation*]

1. Have this day filed with the registrar a statement of objection to the application made by [*names of industrial organisations proposing to amalgamate*] in the above numbered matter for an exemption for the requirement that a ballot of members be held in relation to the amalgamation.
2. The ground of my objection is that the exemption would detrimentally affect my interests in that—

.....  
[Specify— (a) *each interest;*  
(b) *particulars of each interest’s alleged detrimental effects;*  
(c) *the facts and issues relied on in respect of each interest.*]

Additionally, I make oath and swear as follows—

3. The statement of material facts relied on to support this objection is to the best of my knowledge, information or belief true and correct.

.....  
[*Signature of objector*]

Signed and sworn by the above-named deponent at .....  
this ..... day of ..... 19 .... before me .....  
A justice of the peace/commissioner for declarations

**ENDNOTES****1 Index to endnotes**

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**2 Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 1996. Future amendments of the Industrial Court Rules 1990 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R	=	Reprint No.
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

### 4 Table of earlier reprints

#### TABLE OF EARLIER REPRINTS

Reprint No.	Amendments included	Reprint date
1	to SL No. 366 of 1994	24 February 1995

### 5 Tables in earlier reprints

#### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1
Obsolete and redundant provisions	1

## 6 List of legislation

### **Industrial Court Rules 1990 (*prev Rules of Court*)**

pubd ind gaz 13 October 1990 pp 243–345  
commenced on date of publication

as amended by—

### **rules published industrial gazette—**

8 June 1991 p 161  
commenced on 1 July 1991

4 June 1993 p 165  
commenced on 1 July 1993

20 August 1993 pp 697–704  
commenced on 1 September 1993

### **Industrial Court Amendment Rules (No. 1) 1993 SL No. 431**

notfd gaz 26 November 1993 pp 1483–6  
commenced on date of notification

### **Industrial Court Amendment Rule (No. 1) 1994 SL No. 152**

notfd gaz 13 May 1994 pp 344–5  
commenced on date of notification

### **Industrial Court Amendment Rules (No. 2) 1994 SL No. 202**

notfd gaz 10 June 1994 pp 896–8  
commenced 1 July 1994 (see s 2)

### **Industrial Court Amendment Rule (No. 3) 1994 SL No. 366**

notfd gaz 14 October 1994 pp 651–3  
commenced on date of notification

### **Industrial Court Amendment Rules (No. 1) 1995 SL No. 191**

notfd gaz 16 June 1995 pp 1251–2  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 1995 (see s 2)

### **Industrial Court Amendment Rules (No. 1) 1996 SL No. 146**

notfd gaz 21 June 1996 pp 1067–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 1996 (see s 2)

## 7 List of annotations

**Note**—All origin references were omitted by rule pubd gaz 20 August 1993 pp 697–704.

This reprint has been renumbered—see table of renumbered provisions in endnote 8

**Short title**

s 2 sub 1993 SL No. 431 s 3

**Repeal**

s 1.4 om R1 (see RA s 40)

**Definitions**s 5 def “Oath” and “affidavit” and “swear” om R1 (see RA s 39)  
def “The Act” om R1 (see RA s 39)**Documents**

s 8 amd rule pubd ind gaz 20 August 1993 pp 697–704

**Fees in Industrial Magistrates Court**

s 34 amd rule pubd ind gaz 20 August 1993 pp 697–704

**Nature of claim**

s 40 amd rule pubd ind gaz 20 August 1993 pp 697–704

**Nature of affidavit**

s 44 amd rule pubd ind gaz 20 August 1993 pp 697–704

**Contents of application**

s 48 amd rule pubd ind gaz 20 August 1993 pp 697–704

**Contents of application**

s 50 amd rule pubd ind gaz 20 August 1993 pp 697–704

**PART 10—APPLICATIONS TO COMPEL COMPLIANCE WITH AN AWARD,  
INDUSTRIAL AGREEMENT OR CERTIFIED AGREEMENT, OR TO  
RESTRAIN BREACHES OF THE ACT**

pt hdg sub rule pubd ind gaz 20 August 1993 pp 697–704

**Form 2**

s 51 amd rule pubd ind gaz 20 August 1993 pp 697–704

**PART 11—APPLICATION FOR ORDER SETTING MINIMUM WAGE**

pt hdg ins 1994 SL No. 152 s 3

**Form of application**

s 54 ins 1994 SL No. 152 s 3

**Affidavit to be filed with application**

s 55 ins 1994 SL No. 152 s 3

**Notice of hearing**

s 56 ins 1994 SL No. 152 s 3

**Publication of order**

s 57 ins 1994 SL No. 152 s 3

**PART 12—APPLICATION FOR ORDER ENSURING EQUAL  
REMUNERATION FOR WORK OF EQUAL VALUE**

pt hdg ins 1994 SL No. 152 s 3

**Form of application**

s 58 ins 1994 SL No. 152 s 3

**Affidavit to be filed with application**

s 59 ins 1994 SL No. 152 s 3

**Notice of hearing**

s 60 ins 1994 SL No. 152 s 3

**Publication of order**

s 61 ins 1994 SL No. 152 s 3

**PART 13—APPLICATION FOR AMENDMENT OF AWARD TO GIVE EFFECT TO AGREEMENT NEGOTIATED UNDER ENTERPRISE FLEXIBILITY PROVISION**

pt hdg ins 1994 SL No. 152 s 3

**Form of application**

s 62 ins 1994 SL No. 152 s 3

**Affidavit to be filed with application**

s 63 ins 1994 SL No. 152 s 3

**PART 14—APPLICATION FOR EMPLOYMENT TERMINATION ORDER CREATING RULES OF GENERAL APPLICATION**

pt hdg ins 1994 SL No. 152 s 3

**Form of application**

s 64 ins 1994 SL No. 152 s 3

**Affidavit to be filed with application**

s 65 ins 1994 SL No. 152 s 3

**Notice of hearing**

s 66 ins 1994 SL No. 152 s 3

**Publication of order**

s 67 ins 1994 SL No. 152 s 3

**PART 15—APPLICATION FOR ORDER WHEN EMPLOYER DOES NOT CONSULT INDUSTRIAL ORGANISATION ABOUT PROPOSED DISMISSALS**

pt hdg ins 1994 SL No. 152 s 3

**Form of application**

s 68 ins 1994 SL No. 152 s 3

**Additional requirements**

s 75 amd rule pubd ind gaz 20 August 1993 pp 697–704

**Vacations**

hdg prec s 119 sub rule pubd ind gaz 20 August 1993 pp 697–704

**Court and Commission**

s 119 ins rule pubd ind gaz 20 August 1993 pp 697–704

**Vacation business**

s 120 ins rule pubd ind gaz 20 August 1993 pp 697–704

**Commission**

**s 123** amd rule pubd ind gaz 20 August 1993 pp 697–704

**Where matters may be joined**

**s 124** amd rule pubd ind gaz 20 August 1993 pp 697–704

**Re-allocation**

**s 125** prev s 18.8.2 (now s 125) renum as s 18.8.3 (now s 126) rule pubd ind gaz 20 August 1993 pp 697–704  
pres s 18.8.2 (now s 125) ins rule pubd ind gaz 20 August 1993 pp 697–704

**Consent**

**s 126** prev s 18.8.3 (now s 126) renum as s 18.8.4 (now s 127) rule pubd ind gaz 20 August 1993 pp 697–704  
pres s 18.8.3 (prev 18.8.2) (now s 126) amd rule pubd ind gaz 20 August 1993 pp 697–704

**Application**

**s 127** prev s 18.8.4 (now s 127) renum as 18.8.5 (now s 128) rule pubd ind gaz 20 August 1993 pp 697–704  
pres 18.8.4 (prev s 18.8.3) (now s 127) renum rule pubd ind gaz 20 August 1993 pp 697–704

**Application to separate matters**

**s 128** prev 18.8.5 (prev s 18.8.4) (now s 128) renum rule pubd ind gaz 20 August 1993 pp 697–704

**Commission**

**s 132** amd rule pubd ind gaz 20 August 1993 pp 697–704

**Inaccurate descriptions**

**hdg prec s 134** sub rule pubd ind gaz 20 August 1993 pp 697–704

**Awards etc.**

**s 134** ins rule pubd ind gaz 20 August 1993 pp 697–704

**Certified agreements**

**s 135** ins rule pubd ind gaz 20 August 1993 pp 697–704

**Publication of decisions etc.**

**s 138** amd rule pubd ind gaz 20 August 1993 pp 697–704

**Powers and duties of officers of the Court and Commission**

**s 139** prev s 18.17 om 1993 SL No. 431 s 4  
pres s 18.17 (prev s 18.19) (now s 139) renum 1993 SL No. 431 s 5

**Register of officers**

**s 18.18** om 1993 SL No. 431 s 4

**Powers and duties of officers of the Court and Commission**

**s 18.19** s 18.19 renum as s 18.17 (now s 139) 1993 SL No. 431 s 5

**Form 8**

**s 141** amd rule pubd ind gaz 20 August 1993 pp 697–704

**Commission endorsement**

s 143      amd rule pubd ind gaz 20 August 1993 pp 697–704

**PART 28—NEW OR REPLACEMENT CERTIFIED AGREEMENT**

**pt hdg**    ins rule pubd ind gaz 20 August 1993 pp 697–704  
            sub 1994 SL No. 152 s 4

**Records**

s 152      ins rule pubd ind gaz 20 August 1993 pp 697–704  
            sub 1994 SL No. 152 s 4

**Filing**

s 153      ins rule pubd ind gaz 20 August 1993 pp 697–704  
            sub 1994 SL No. 152 s 4

**New agreements**

s 154      ins 1994 SL No. 152 s 4

**New certified agreements**

s 22A.3.1 ins rule pubd ind gaz 20 August 1993 pp 697–704  
            om 1994 SL No. 152 s 4

**Substituted certified agreements**

s 22A.3.2 ins rule pubd ind gaz 20 August 1993 pp 697–704  
            om 1994 SL No. 152 s 4

**Replacement agreements**

s 155      ins rule pubd ind gaz 20 August 1993 pp 697–704  
            sub 1994 SL No. 152 s 4

**Affidavits**

s 156      ins 1994 SL No. 152 s 4

**Notice of hearing**

s 157      ins 1994 SL No. 152 s 4

**Commission's endorsement**

s 158      ins 1994 SL No. 152 s 4

**Publication of agreement**

s 159      ins 1994 SL No. 152 s 4

**Record of replacement of certified agreement**

s 160      ins 1994 SL No. 152 s 4

**PART 29—AMENDMENT OF A CERTIFIED AGREEMENT**

**pt hdg**    ins rule pubd ind gaz 20 August 1993 pp 697–704  
            sub 1994 SL No. 152 s 4

**Form of application**

s 161      ins rule pubd ind gaz 20 August 1993 pp 697–704  
            sub 1994 SL No. 152 s 4

**Amended certified agreement**

s 162      ins rule pubd ind gaz 20 August 1993 pp 697–704  
            sub 1994 SL No. 152 s 4

**Notice of hearing**

s 163 ins 1994 SL No. 152 s 4

**Commission's endorsement**

s 164 ins 1994 SL No. 152 s 4

**Publication of agreement**

s 165 ins 1994 SL No. 152 s 4

**Records of amendment of certified agreement**

s 166 ins 1994 SL No. 152 s 4

**PART 30—EXTENSION OF CERTIFIED AGREEMENTS**pt hdg ins rule pubd ind gaz 20 August 1993 pp 697–704  
sub 1994 SL No. 152 s 4**Form of application or notice**s 167 ins rule pubd ind gaz 20 August 1993 pp 697–704  
sub 1994 SL No. 152 s 4**Affidavit to be filed with application or notice**

s 168 ins 1994 SL No. 152 s 4

**Notice of hearing**

s 169 ins 1994 SL No. 152 s 4

**PART 31—RETIREMENT FROM A CERTIFIED AGREEMENT**pt hdg ins rule pubd ind gaz 20 August 1993 pp 697–704  
sub 1994 SL No. 152 s 4**Form of notice**s 170 ins rule pubd ind gaz 20 August 1993 pp 697–704  
sub 1994 SL No. 152 s 4**Copy of notice**

s 171 ins 1994 SL No. 152 s 4

**PART 32—WITHDRAWAL FROM CERTIFIED AGREEMENT**

pt hdg ins 1994 SL No. 152 s 4

**Form of notice**

s 172 ins 1994 SL No. 152 s 4

**Affidavit to be filed with notice**

s 173 ins 1994 SL No. 152 s 4

**Copy of notice**

s 174 ins 1994 SL No. 152 s 4

**PART 33—WITHDRAWAL FROM CERTIFIED AGREEMENT BY PARTY  
AFFECTED BY INDUSTRIAL ACTION**

pt hdg ins 1994 SL No. 152 s 4

**Form of application**

s 175 ins 1994 SL No. 152 s 4

**Copy of notice**

s 176 ins 1994 SL No. 152 s 4

**Notice of hearing**

s 177 ins 1994 SL No. 152 s 4

**PART 34—TERMINATION OF A CERTIFIED AGREEMENT**

pt hdg ins 1994 SL No. 152 s 4

**Form of application**

s 178 ins 1994 SL No. 152 s 4

**Affidavit to be filed with notice**

s 179 ins 1994 SL No. 152 s 4

**PART 35—AMENDMENT OR TERMINATION OF A CERTIFIED AGREEMENT BY A FULL BENCH**

pt hdg ins 1994 SL No. 152 s 4

**Form of application**

s 180 ins 1994 SL No. 152 s 4

**Copy of notice**

s 181 ins 1994 SL No. 152 s 4

**Notice of hearing**

s 182 ins 1994 SL No. 152 s 4

**PART 36—NOTICE OF INITIATION OF BARGAINING PERIOD**

pt hdg ins 1994 SL No. 152 s 4

**Form of notice**

s 183 ins 1994 SL No. 152 s 4

**Particulars**

s 184 ins 1994 SL No. 152 s 4

**PART 37—NOTICE TO REGISTRAR OF AUTHORITY TO ENGAGE IN INDUSTRIAL ACTION**

pt hdg ins 1994 SL No. 152 s 4

**Form of notice**

s 185 ins 1994 SL No. 152 s 4

**PART 38—APPLICATION TO SUSPEND OR TERMINATE BARGAINING PERIOD**

pt hdg ins 1994 SL No. 152 s 4

**Form of application**

s 186 ins 1994 SL No. 152 s 4

**PART 39—NEW OR REPLACEMENT ENTERPRISE FLEXIBILITY AGREEMENT**

pt hdg ins 1994 SL No. 152 s 4

**Record of enterprise flexibility agreements**

s 187 ins 1994 SL No. 152 s 4

**Filing**

s 188 ins 1994 SL No. 152 s 4

**New enterprise flexibility agreements**

s 189 ins 1994 SL No. 152 s 4

**Replacement enterprise flexibility agreements**

s 190 ins 1994 SL No. 152 s 4

**Affidavit**

s 191 ins 1994 SL No. 152 s 4

**Notice of hearing**

s 192 ins 1994 SL No. 152 s 4

**Commission's endorsement**

s 193 ins 1994 SL No. 152 s 4

**Publication of agreement**

s 194 ins 1994 SL No. 152 s 4

**Record of replacement of enterprise flexibility agreement**

s 195 ins 1994 SL No. 152 s 4

**PART 40—AMENDMENT OF AN ENTERPRISE FLEXIBILITY AGREEMENT**

pt hdg ins 1994 SL No. 152 s 4

**Form of application**

s 196 ins 1994 SL No. 152 s 4

**Amended enterprise flexibility agreement**

s 197 ins 1994 SL No. 152 s 4

**Notice of hearing**

s 198 ins 1994 SL No. 152 s 4

**Commission's endorsement**

s 199 ins 1994 SL No. 152 s 4

**Publication of agreement**

s 200 ins 1994 SL No. 152 s 4

**Record of amendment of enterprise flexibility agreement**

s 201 ins 1994 SL No. 152 s 4

**PART 41—APPLICATION FOR EXTENSION OF AN ENTERPRISE FLEXIBILITY AGREEMENT**

pt hdg ins 1994 SL No. 152 s 4

**Form of application**

s 202 ins 1994 SL No. 152 s 4

**Affidavit to be filed with application**

s 203 ins 1994 SL No. 152 s 4

**Copy of notice**

s 204 ins 1994 SL No. 152 s 4

**Notice of hearing**

s 205 ins 1994 SL No. 152 s 4

**PART 42—RETIREMENT FROM AN ENTERPRISE FLEXIBILITY AGREEMENT**

pt hdg ins 1994 SL No. 152 s 4

**Form of application**

s 206 ins 1994 SL No. 152 s 4

**Copy of notice**

s 207 ins 1994 SL No. 152 s 4

**PART 43—WITHDRAWAL FROM AN ENTERPRISE FLEXIBILITY AGREEMENT**

pt hdg ins 1994 SL No. 152 s 4

**Form of notice**

s 208 ins 1994 SL No. 152 s 4

**Affidavit to be filed with notice**

s 209 ins 1994 SL No. 152 s 4

**Copy of notice**

s 210 ins 1994 SL No. 152 s 4

**Notice of hearing**

s 211 ins 1994 SL No. 152 s 4

**PART 44—WITHDRAWAL FROM AN ENTERPRISE FLEXIBILITY AGREEMENT BY PARTY AFFECTED BY INDUSTRIAL ACTION**

pt hdg ins 1994 SL No. 152 s 4

**Form of application**

s 212 ins 1994 SL No. 152 s 4

**Copy of notice**

s 213 ins 1994 SL No. 152 s 4

**Notice of hearing**

s 214 ins 1994 SL No. 152 s 4

**PART 45—TERMINATION OF AN ENTERPRISE FLEXIBILITY AGREEMENT**

pt hdg ins 1994 SL No. 152 s 4

**Form of application**

s 215 ins 1994 SL No. 152 s 4

**Affidavit to be filed with notice**

s 216 ins 1994 SL No. 152 s 4

**Copy of notice**

s 217 ins 1994 SL No. 152 s 4

**Notice of hearing**

s 218 ins 1994 SL No. 152 s 4

**PART 46—AMENDMENT OR TERMINATION OF AN ENTERPRISE FLEXIBILITY AGREEMENT BY A FULL BENCH****pt hdg** ins 1994 SL No. 152 s 4**Form of application****s 219** ins 1994 SL No. 152 s 4**Copy of notice****s 220** ins 1994 SL No. 152 s 4**Notice of hearing****s 221** ins 1994 SL No. 152 s 4**PART 47—COMMISSION NOTICES****pt hdg** ins 1994 SL No. 366 s 3**Form of notice under Act s 159(2)—reg, s 99****s 222** ins 1994 SL No. 366 s 3**Form of notice under Act s 179(2)—reg, s 99****s 223** ins 1993 SL No. 366 s 3**Named parties****s 226** amd rule pubd ind gaz 20 August 1993 pp 697–704**PART 49—COMPULSORY CONFERENCES****pt hdg** sub rule pubd ind gaz 20 August 1993 pp 697–704**Dispute summons****s 230** sub rule pubd ind gaz 20 August 1993 pp 697–704**Reinstatement summons****s 231** ins rule pubd ind gaz 20 August 1993 pp 697–704**Effect****s 239** amd rule pubd ind gaz 20 August 1993 pp 697–704**PART 51—OFFENCES BEFORE INDUSTRIAL MAGISTRATES****pt hdg** sub rule pubd ind gaz 20 August 1993 pp 697–704**Offences****s 242** sub rule pubd ind gaz 20 August 1993 pp 697–704**Claims****s 243** amd rule pubd ind gaz 20 August 1993 pp 697–704; 1994 SL No. 366 s 4(1)**Contents of complaint****s 246** amd rule pubd ind gaz 20 August 1993 pp 697–704**Summons****s 247** amd rule pubd ind gaz 20 August 1993 pp 697–704**Application of Justices Act****s 250** amd rule pubd ind gaz 20 August 1993 pp 697–704; 1993 SL No. 431 s 6**Workers' Compensation Board****prov hdg** sub 1994 SL No. 366 s 4(2)

s 252 sub rule pubd ind gaz 20 August 1993 pp 697–704  
amd 1994 SL No. 366 s 4(2)

**PART 53—RECOVERY OF MONEYS RELATING TO INDUSTRIAL ORGANISATIONS BEFORE AN INDUSTRIAL MAGISTRATE**

pt hdg amd rule pubd ind gaz 20 August 1993 pp 697–704

**Commencement of action**

s 255 amd rule pubd ind gaz 20 August 1993 pp 697–704

**Fees and costs**

s 256 amd rule pubd ind gaz 20 August 1993 pp 697–704

**Procedure**

s 257 amd rule pubd ind gaz 20 August 1993 pp 697–704

**Student's permit to work**

s 265 amd rule pubd ind gaz 20 August 1993 pp 697–704

**Duties**

s 269 amd rule pubd ind gaz 20 August 1993 pp 697–704

**Determination of appeal**

s 277 amd rule pubd ind gaz 20 August 1993 pp 697–704

**Record for purposes of appeal**

s 289 amd rule pubd ind gaz 20 August 1993 pp 697–704

**Witness expenses**

hdg prec s 315 sub rule pubd ind gaz 20 August 1993 pp 697–704

**Allowance for attendance and expenses**

s 315 ins rule pubd ind gaz 20 August 1993 pp 697–704

**Responsibility for initial payment to witness**

s 316 ins rule pubd ind gaz 20 August 1993 pp 697–704

**Lawful excuse for refusal**

s 317 ins rule pubd ind gaz 20 August 1993 pp 697–704

**Prohibition**

s 329 amd rule pubd ind gaz 20 August 1993 pp 697–704

**Copy of order**

s 330 hdg amd rule pubd ind gaz 20 August 1993 pp 697–704

**PART 65—REGISTER OF ORDERS UNDER PART 12, DIVISION 5 OF THE ACT**

pt hdg ins 1994 SL No. 152 s 5

**Register**

s 335 ins 1994 SL No. 152 s 5

**Inspection of register**

s 336 ins 1994 SL No. 152 s 5

**Form of objection to exemption from amalgamation ballot**

s 362 ins 1994 SL No. 366 s 5

**Returns and other statistical information required by the Court, Commission or registrar**

s 373 ins 1993 SL No. 431 s 7

**Register of officers**

s 374 ins 1993 SL No. 431 s 7

**PART 73—NUMBERING OF RULES**pt hdg ins 1994 SL No. 366 s 6  
exp 3 March 1995 (see s 377)**Numbering and renumbering of rules**s 376 ins 1994 SL No. 366 s 6  
exp 3 March 1995 (see s 377)**Expiry**s 377 ins 1994 SL No. 366 s 6  
exp 3 March 1995 (see s 377)**SCHEDULE 1—FEES IN THE COURT, COMMISSION OR REGISTRY**

sub rule pubd ind gaz 8 June 1991 p 161; rule pubd ind gaz 4 June 1993 p 165

amd rule pubd ind gaz 20 August 1993 pp 697–704; 1993 SL No. 431 s 8; 1994 SL No. 152 s 6

sub 1994 SL No. 202 s 4; 1995 SL No. 191 s 4 ; 1996 SL No. 146 s 4

**SCHEDULE 2—FORMS**

sch hdg sub 1993 SL No. 431 s 9(1)

**Form 1—Backing sheet for all matters**

amd rule pubd ind gaz 20 August 1993 pp 697–704; 1994 SL No. 366 s 7(1)

**Form 2—Application**

amd rule pubd ind gaz 20 August 1993 pp 697–704; 1994 SL No. 366 s 7(2)–(3)

**Form 3—Notice of hearing for application for minimum wage order**ins 1994 SL No. 152 s 7(2)  
amd 1994 SL No. 366 s 7(4)**Form 4—Notice of hearing for application for order to ensure equal remuneration for work of equal value**ins 1994 SL No. 152 s 7(2)  
amd 1994 SL No. 366 s 7(4)**Form 5—Notice of hearing for application for termination order creating rules of general application**ins 1994 SL No. 152 s 7(2)  
amd 1994 SL No. 366 s 7(4)**Form 6—Response**

amd rule pubd ind gaz 20 August 1993 pp 697–704; 1994 SL No. 366 s 7(2)–(3)

**Form 7—Opposition/objection**

amd rule pubd ind gaz 20 August 1993 pp 697–704; 1994 SL No. 366  
s 7(2)–(3)

**Form 8—Industrial agreement**

amd rule pubd ind gaz 20 August 1993 pp 697–704

**Form 5A—Certified agreement**

ins rule pubd ind gaz 20 August 1993 pp 697–704  
om 1994 SL No. 152 s 7(1)

**Form 11—Application for certification of agreement**

ins rule pubd ind gaz 20 August 1993 pp 697–704  
sub 1994 SL No. 152 s 7

**Form 12—Notice to industrial organisation entitled to be heard of application to certify an agreement, approve an extension or amendment of a certified agreement, applying to a single enterprise**

ins 1994 SL No. 366 s 7(6)

**Form 13—Approval of enterprise flexibility agreement**

ins rule pubd ind gaz 20 August 1993 pp 697–704  
sub 1994 SL No. 152 s 7

**Form 14—Notice to industrial organisation entitled to be heard of application to approve implementation of an enterprise flexibility agreement or an extension of an enterprise flexibility agreement**

ins 1994 SL No. 366 s 7(6)

**Form 15—Application to amend certified agreement**

ins 1994 SL No. 152 s 7(2)

**Form 16—Extension of certified agreement**

ins 1994 SL No. 152 s 7(2)

**Form 17—Retirement from certified agreement**

ins 1994 SL No. 152 s 7(2)

**Form 18—Withdrawal from certified agreement**

ins 1994 SL No. 152 s 7(2)

**Form 19—Withdrawal from certified agreement because of industrial action**

ins 1994 SL No. 152 s 7(2)

**Form 20—Termination of certified agreement**

ins 1994 SL No. 152 s 7(2)

**Form 21—Amendment or termination of certified agreement by a Full Bench**

ins 1994 SL No. 152 s 7(2)

**Form 22—Notice of initiation of bargaining period**

ins 1994 SL No. 152 s 7(2)

**Form 23—Notice of authorisation to engage in industrial action**

ins 1994 SL No. 152 s 7(2)

- Form 24—Amendment of enterprise flexibility agreement**  
ins 1994 SL No. 152 s 7(2)
- Form 25—Extension of enterprise flexibility agreement**  
ins 1994 SL No. 152 s 7(2)
- Form 26—Retirement from enterprise flexibility agreement**  
ins 1994 SL No. 152 s 7(2)
- Form 27—Withdrawal from enterprise flexibility agreement**  
ins 1994 SL No. 152 s 7(2)
- Form 28—Withdrawal from enterprise flexibility agreement because of industrial action**  
ins 1994 SL No. 152 s 7(2)
- Form 29—Termination of enterprise flexibility agreement**  
ins 1994 SL No. 152 s 7(2)
- Form 30—Amendment or termination of enterprise flexibility agreement by a Full Bench**  
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