

Queensland



Industrial Relations Act 1990

INDUSTRIAL RELATIONS REGULATION 1990

**Reprinted as in force on 25 November 1994
(includes amendments up to SL No. 389 of 1994)**

Reprint No. 2

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This Act is reprinted as at 25 November 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

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

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use standard punctuation consistent with current legislative drafting practice (s 27)
- use conjunctives and disjunctives consistent with current legislative drafting practice (s 28)
- use appropriate names for provision units (s 32)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- number and renumber provisions and references (s 43)
- make all necessary consequential amendments (s 7(1)(k)).

Also see Endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **Table of renumbered provisions**
- **editorial changes made in earlier reprints.**



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INDUSTRIAL RELATIONS REGULATION 1990

[as amended by all amendments that commenced on or before 25 November 1994²]

PART 1—PRELIMINARY

Short title

1. These regulations may be cited as the *Industrial Relations Regulation 1990-7*.

PART 2—DISPUTE PREVENTION AND SETTLEMENT

Dealing with demarcation disputes

2.(1) For the purposes of section 45 of the Act, the nominated Commissioner is to cause each industrial organisation concerned to be given not less than 7 days notice in writing of the time and place fixed for the determination of the alterations (if any) of the rules of the industrial organisation in accordance with that section—

- (a) identifying the matter referred to the nominated Commissioner; and
- (b) notifying the industrial organisation of its right to appear at the hearing of the matter and to make submissions relating to the matter.

(2) For purposes of subsection (1), an industrial organisation may make submissions to the nominated Commissioner by—

- (a) lodging in the Industrial Registrar's Office, not less than 2 days before the day fixed for the hearing, written submissions in relation to the matter; or

- (b) appearing at the hearing and making oral submissions to the nominated commissioner,

or both.

PART 3—INDUSTRIAL ORGANISATIONS

Division 1—Registration

Application for registration

3.(1) An application by an association for registration as an industrial organisation must be lodged in the Industrial Registrar's Office.

(2) Each document required under section 328(3) or (4) of the Act to accompany an application must be signed and dated by the president and the secretary of the association at the time they sign the application form.

(3) The association may lodge a statement in support of the application when the documents required by the Act are lodged.

Order in which applications dealt with

4. Applications for registration as an industrial organisation must be dealt with, as far as is practicable, in the order in which they are lodged in the Industrial Registrar's Office.

Notification of applications for registration

5.(1) For the purposes of section 328(1) of the Act, the notice of an application for registration as an industrial organisation is to be published in the form determined from time to time by the Industrial Registrar and at the applicant's cost—

- (a) in a newspaper circulating generally throughout the State; and
(b) if the Industrial Registrar so directs, in the Industrial Gazette.

(2) The applicant must lodge in the Industrial Registrar's Office within

7 days of the date of publication a copy of the newspaper in which the notice is published, and must serve a copy of the notice on each industrial organisation whose callings include the callings of the members or to which the eligibility rules of the proposed industrial organisation relate as soon as is practicable after its publication.

Withdrawal of application for registration

6. An application for registration as an industrial organisation may be withdrawn at any time before the application is determined by the Industrial Commission.

Review of registration of small industrial organisations

7. If the Industrial Commission is considering under section 330 of the Act the justification for the continued registration of a small industrial organisation, the Commission is to give the industrial organisation an opportunity—

- (a) to make written submissions on any of the matters to be considered by the Commission;
- (b) to present oral arguments in support of any written submission.

Registration of several industrial organisations for the same calling

8. An industrial organisation given notice under section 331(4) of the Act is entitled to be heard in opposition to an application for registration for a calling for which the industrial organisation is already registered, if within 7 days of receipt of the notice—

- (a) it lodges in the Industrial Registrar's Office a notice of opposition in the form provided for by the rules of court; and
- (b) it serves a copy of the notice of opposition on the association which has applied for registration.

Opposition to registration as an industrial organisation

9.(1) For the purposes of section 333(1) of the Act, a notice of opposition to an application for registration as an industrial organisation is to be in the

form provided for by the rules of court and must be lodged in the Industrial Registrar's Office not later than 35 days after publication in accordance with section 5 of the notice of the application.

(2) An objector is to be restricted to the grounds specified in the notice unless the Industrial Commission, on application made and for reasons shown by the objector, otherwise permits.

(3) The objector must serve a copy of the notice on the association applying for registration not later than 7 days after the notice is lodged in the Industrial Registrar's Office.

(4) An association—

- (a) may, unless the Industrial Commission otherwise directs, not later than 14 days after service on it of a copy of a notice of opposition, lodge in the Industrial Registrar's Office, in answer to the opposition, a written statement setting out the facts and issues relied on and signed by an officer of the association authorised to sign the statement; and
- (b) must, if it lodges a written statement, serve a copy of that statement on the objector not later than 7 days after lodging it in the Industrial Registrar's Office.

(5) For the purposes of section 333(2)(b) of the Act, notice of the hearing of objections is to be given to each objector not less than 7 days before the date fixed for the hearing.

Application for registration by associations—hearing of applications

10. The Industrial Commission in dealing with an application for registration made by an association under section 328 of the Act is not to—

- (a) refuse to grant it without giving the applicant an opportunity to be heard; or
- (b) grant it without giving any objector who has complied with section 9 an opportunity to be heard.

Division 2—Rules of industrial organisations

Exemption from requirement for secret postal ballot for election to office

11. In addition to the requirements of section 340(2) of the Act an application for an exemption from section 340(1) of the Act must state the grounds upon which the exemption is sought.

Revocation of exemption from requirement for secret postal ballot for election to office

12.(1) An application by an industrial organisation under section 340(6)(a) of the Act for revocation of an exemption must state the grounds on which the revocation is sought.

(2) For the purpose of giving an industrial organisation the opportunity to show cause why an exemption granted to the industrial organisation should not be revoked in accordance with section 340(6)(b) of the Act, the Industrial Registrar must cause the industrial organisation to be given, not less than 7 days before the time fixed, a notice in writing—

- (a) containing particulars of the time and place at which the industrial organisation may show cause; and
- (b) stating the Industrial Registrar's reasons for the proposed revocation; and
- (c) notifying the industrial organisation of its right to be heard and to make submissions to show cause why the exemption granted to the industrial organisation should not be revoked.

(3) For the purposes of subsection (2)(c), the industrial organisation may make submissions to the Industrial Registrar by—

- (a) lodging in the Industrial Registrar's Office, not less than 2 days before the day fixed for the hearing, written submissions in relation to the proposed revocation; or
- (b) appearing at the hearing and making oral submissions to the Industrial Registrar;

or both.

(4) For the purposes of giving an industrial organisation an opportunity to be heard in relation to a proposal by the Industrial Registrar to determine

alterations of the rules of the industrial organisation in accordance with section 340(7) of the Act, the Industrial Registrar is to cause the industrial organisation to be given, not less than 7 days before the time fixed, a notice in writing—

- (a) containing particulars, of the time and place at which the Industrial Registrar is to determine the proposed alterations; and
- (b) stating that in relation to the revocation of an exemption granted to an industrial organisation, on a ground specified in section 340(6)(b) of the Act, the Industrial Registrar proposes to determine certain specified alterations of the rules of the industrial organisation as being necessary to bring them into conformity with section 340(1) of the Act; and
- (c) notifying the industrial organisation of its right to be heard and to make submissions in relation to the proposed determination.

(5) For the purposes of subsection (4)(c), the industrial organisation may make submissions to the Industrial Registrar by—

- (a) lodging in the Industrial Registrar's Office, not less than 2 days before the day fixed for the hearing, written submissions in relation to the proposed determination; or
- (b) appearing at the hearing and making oral submissions to the Industrial Registrar;

or both.

Application for change of callings, consent to change of name or alteration of eligibility rules of an industrial organisation

13.(1) An application by an industrial organisation—

- (a) for an alteration in the calling or callings in respect of which the industrial organisation is registered; or
- (b) for consent to a change of name or an alteration of the eligibility rules of the industrial organisation;

is to be made in the form provided for by the rules of court and is to be lodged in the Industrial Registrar's Office.

(2) Applications under subsection (1) are to be dealt with, as far as is

practicable, in the order in which they are lodged in the Industrial Registrar's Office.

Notification of application for change of callings, consent to change name or alteration of eligibility rules of an industrial organisation

14.(1) If an industrial organisation makes application under section 332 of the Act for a change of callings or under section 345 of the Act for consent to a change of name or alteration of its eligibility rules, the industrial organisation is to cause to be published a notice of the making of the application in the form determined from time to time by the Industrial Registrar and at the applicant's cost—

- (a) in a newspaper circulating generally throughout the State; and
- (b) if the Industrial Registrar so directs, in the Industrial Gazette.

(2) The applicant must lodge in the Industrial Registrar's Office within 7 days of the date of publication, a copy of the newspaper in which the notice is published, and must forward a copy of the notice to each industrial organisation whose callings include the callings of the members or to which the eligibility rules of the industrial organisation apply as soon as is practicable after its publication.

Objection to change of callings, change of name or alteration of eligibility rules of industrial organisation

15.(1) Any person having a proper interest in an application by an industrial organisation for a change of callings, change of name or alteration of eligibility rules may, not later than 35 days after a notice of the making of an application under section 332 or 345 of the Act has been published, lodge in the Industrial Registrar's Office a notice of objection in the form provided for by the rules of court to the change of calling, change of name or the alteration of the eligibility rules, to which the original application relates.

(2) An objector is restricted to the grounds specified in the notice unless the Industrial Commission, on application made and for reasons shown by the objector, otherwise permits.

(3) The objector is to serve a copy of the notice on the industrial organisation that lodged the application to which the objection relates within

7 days after the notice is lodged in the Industrial Registrar's Office.

(4) An industrial organisation—

- (a) may, unless the Industrial Commission otherwise directs, not later than 14 days after service on it a copy of a notice of objection, lodge in the Industrial Registrar's Office, in answer to the objection, a written statement setting out the facts and issues relied on and signed by an officer of the industrial organisation authorised to sign the statement; and
- (b) must, if it lodges a written statement, serve a copy of that statement on the objector not later than 7 days after lodging it in the Industrial Registrar's Office.

Hearing of application for change of callings, consent to change of name or alteration to eligibility rules of industrial organisation

16. The Industrial Commission in dealing with an application made under section 332 or 345 of the Act is not to—

- (a) refuse to grant it without giving the applicant an opportunity to be heard; or
- (b) grant it without giving any objector who has complied with section 15 an opportunity to be heard.

Division 3—Request to Industrial Registrar for conduct of elections

When request to Industrial Registrar for conduct of elections may be made

17. A request to the Industrial Registrar for the conduct, under section 376 of the Act, of an election for an office in an industrial organisation or branch is to be made not earlier than 1 month or later than 3 months after the last day on which a person may become a candidate at the election.

Unauthorised action in conduct of ballot

18. A person, other than the person conducting an election ballot or amalgamation ballot, must not do, or purport to do, any act in the conduct of the ballot unless authorised by the person conducting the ballot.

Maximum penalty—20 penalty units.

Division 4—Elections for office**Application for industrial organisation or branch to conduct its elections**

19.(1) An application under section 352(1) of the Act for an exemption from section 351(1) of the Act must—

- (a) be in writing signed by a member of the committee of management; and
- (b) state the grounds on which the exemption is sought.

(2) For the purposes of section 352(2)(b) of the Act, a member of an industrial organisation or branch is notified of the making of a resolution—

- (a) if the member is furnished with a copy of the resolution; or
- (b) if the industrial organisation or branch publishes a journal that is circulated among its members—if a notice of the making of the resolution is published in the journal.

Publication of notice for purposes of s 352(4) of the Act

20.(1) A notice under section 352(4) of the Act, in relation to an application for an industrial organisation to be exempted from section 351(1) of the Act, must be published—

- (a) in a newspaper or newspapers circulating generally throughout the State; and
- (b) in any other newspaper or publication that, in the Industrial Registrar's opinion, appears to be appropriate in the circumstances.

(2) The notice must be published not later than 21 days after the application is filed in the Industrial Registrar's Office.

Objections to application to conduct elections

21.(1) An objection under section 353(1) of the Act to an application under section 352(1) of the Act may be made by filing in the Industrial Registrar's Office, not later than 28 days after the publication of the notice under section 352(4) of the Act—

- (a) a written notice of objection stating the grounds for objecting to the application; and
- (b) a written statement signed by the objector setting out the facts on which the objector relies to support the objection.

(2) Not later than 7 days after a notice of objection to an application is filed in the Industrial Registrar's Office, the objector must serve on the applicant a copy of—

- (a) the notice; and
- (b) the written statement accompanying it.

Answer to objections

22. An applicant—

- (a) may, within 14 days after service on the applicant of a notice of objection under section 21(2), file in the Industrial Registrar's Office in answer to the objection a written statement signed by a member of the committee of management making the application; and
- (b) must serve a copy of the statement on the objector within 7 days after the written statement has been filed.

Hearing of application to conduct elections

23.(1) The Industrial Registrar must—

- (a) fix a time and place for hearing the application and any objection; and

(b) cause the applicant and any objector to be notified of the time and place fixed.

(2) At the hearing, the Industrial Registrar must hear the applicant and any objector if they are present and desire to be heard and must decide the matter.

(3) The Industrial Registrar may permit the applicant and any objector to call oral evidence.

Revocation of exemption allowing an industrial organisation or branch to conduct its elections

24.(1) An application by the committee of management of an industrial organisation or branch under section 354(2)(a) of the Act for revocation of an exemption must—

- (a) be in writing; and
- (b) be accompanied by a written statement signed by a member of the committee of management stating that the committee of management has resolved to make the application.

(2) For the purposes of section 354(2)(b)(ii) of the Act, the Industrial Registrar must give the committee of management of the industrial organisation or branch an opportunity to show cause why an exemption granted to the organisation or branch should not be revoked by—

- (a) fixing a time and place at which the committee may show cause; and
- (b) giving the committee written notice of the time and place fixed and a statement of the registrar's reasons for the proposed revocation.

Prescribed information in relation to election—s 355 of the Act

25.(1) For the purposes of section 355(1) of the Act, the following information is prescribed information—

- (a) the name of each office for which an election is required;
- (b) the reason for the election, being—

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- (i) that the term of the office has expired; or
- (ii) that there is a casual vacancy in the office;
- (c) the number of offices and, if applicable, the membership figures used in calculating the number of offices, if—
 - (i) more than 1 office for which an election is required has the same name; and
 - (ii) the number of the offices can, under the rules of the relevant industrial organisation or branch, be ascertained before the prescribed day;
- (d) if the electorate comprises only members of a branch, section or other division of an industrial organisation—the name of the branch, section or division;
- (e) the day and time of the start and end of the period during which nominations of candidates for the election will be called for, or may be made, under the rules of the industrial organisation or branch;
- (f) the voting system to be employed in the conduct of the election, being—
 - (i) a direct voting system; or
 - (ii) a collegiate electoral system.

(2) The prescribed information must be accompanied by a statement signed by an officer of the industrial organisation or branch filing the information who is authorised by the organisation or branch to sign the statement stating that the information is being filed under section 355(1) of the Act.

(3) For the purposes of section 355(1) of the Act, the prescribed day is the day occurring 2 months before the first day on which a person may, under the rules of the industrial organisation or branch, become a candidate in an election.

Division 5—Amalgamation of industrial organisations**Interpretation**

26.(1) In this Division—

“**applicant**”, in relation to a proposed amalgamation, means an industrial organisation or association that is a party to an application under section 398 of the Act.

“**ballot**” means a ballot mentioned in Division 9 of Part 14 of the Act.

“**inquiry**” means an inquiry under section 422 of the Act into alleged irregularities in relation to a ballot.

“**multiple ballot paper**” means a ballot paper that, under section 419(3) of the Act, is to be used for 2 or more ballots.

“**scrutineer**” means a person appointed as scrutineer under section 58(2) or allowed to be a scrutineer under section 58(4).

(2) A reference in this Division to a document (however described) being signed by an authorised officer of a body is a reference to the document being signed by an officer of the body who is authorised by the body to sign the document.

(3) A reference in this Division to a ballot paper includes a reference to a multiple ballot paper.

Federations

27.(1) An application under section 392(1) of the Act must—

- (a) be made in form 2 of the rules of court; and
- (b) be accompanied by a copy of the proposed rules, or the proposed agreement relating to the powers and functions, of the proposed federation for which the application is filed.

(2) For the purposes of section 392(2)(b) of the Act, the following particulars are prescribed in relation to an application for recognition as a federation—

- (a) the name of the proposed federation;

- (b) the names of its constituent industrial organisations;
- (c) its postal address or address for service;
- (d) the names of its proposed officers.

(3) For the purposes of section 392(3) of the Act, the period of 3 years is prescribed.

(4) For the purposes of section 392(4) of the Act, the following details are prescribed—

- (a) the federation's name;
- (b) the names of its constituent industrial organisations.

(5) If, in accordance with section 392(7) of the Act, a federation varies its composition, the Industrial Registrar must enter particulars of the variation in the register maintained under section 80(1)(b) of the Act.

(6) For the purposes of section 392(8)(b) of the Act, the period of 3 years is prescribed.

(7) For the purposes of section 392(8)(c) of the Act, the following persons are prescribed—

- (a) the Minister;
- (b) a person or industrial organisation interested in making the relevant application under that paragraph.

(8) If, after a federation has become registered under section 392 of the Act, there is a change in—

- (a) a particular in relation to the federation of a kind mentioned in subsection (2); or
- (b) the federation's rules; or
- (c) the agreement relating to the federation's powers and functions;

the federation must give a statement to the Industrial Registrar setting out full particulars of the change within 28 days of the change.

(9) A federation that fails, without reasonable excuse, to file a statement in compliance with subsection (8) commits an offence.

Maximum penalty—20 penalty units.

Application for a community of interest declaration

28. An application under section 397(1) of the Act must—

- (a) specify the grounds on which it is made; and
- (b) be signed by an authorised officer of each industrial organisation filing it.

Application for approval for submission of amalgamation to ballot

29.(1) An application under section 398(1) of the Act must—

- (a) specify 1 of the applicants as the applicant authorised to receive, on behalf of the applicants, service of—
 - (i) documents in relation to the application or proposed amalgamation; and
 - (ii) documents in relation to each proposed alternative amalgamation; and
- (b) be signed by an authorised officer of each applicant filing it; and
- (c) be accompanied by a copy, signed by an authorised officer of the applicant whose committee of management passed it, of each resolution under section 396(1) of the Act relating to the proposed amalgamation.

(2) Service of a document mentioned in subsection (1)(a)(i) or (ii) on the applicant specified for the purposes of subsection (1)(a) is taken to be service on each of the applicants.

(3) If the proposed amalgamation to which the application relates, or any alternative provision of the proposed amalgamation, involves the registration of an association as an industrial organisation, there must be filed with the application copies of the documents mentioned in subsection (4).

(4) For the purposes of subsection (3), the documents are documents relating to the association that are documents of a kind mentioned in rules 42.1 and 42.2 and forms 23 and 24 of the rules of court.

(5) A copy of a document mentioned in subsection (3) must be signed by an authorised officer of the industrial organisation or association filing it.

Application for exemption from ballot

30. An application under section 400(1) of the Act must—

- (a) specify the grounds on which it is made; and
- (b) be signed by an authorised officer of the industrial organisation filing it.

Application for ballot not conducted under s 419 of the Act

31. An application under section 401(1) of the Act must—

- (a) set out, or be accompanied by, a proposal that—
 - (i) is of the kind mentioned in that subsection; and
 - (ii) complies with section 418(b) of the Act; and
- (b) be signed by an authorised officer of the industrial organisation filing it.

Withdrawal of applications filed under s 397, 398, 400 or 401 of the Act

32.(1) A party to an application under section 397(1) or 398(1) of the Act may file in the Industrial Registrar's Office a notice of withdrawal from the application.

(2) The parties to an application under section 397(1) or 398(1) of the Act may jointly file in the Industrial Registrar's Office a notice of withdrawal of the application.

(3) The applicant under section 400(1) or 401(1) of the Act may file in the Industrial Registrar's Office a notice of withdrawal of the application.

(4) A party or applicant that files a notice of withdrawal must file with the notice a statement, signed by an authorised officer of the party or applicant, stating that the committee of management of the party or applicant has passed a resolution approving the proposed withdrawal.

(5) If a notice is filed under subsection (1), the Industrial Registrar must take the steps that the registrar thinks necessary to ensure that the notice is brought to the attention of the industrial organisations, associations and persons likely to be affected by the withdrawal.

Prescribed matters—s 407(3) of the Act

33. For the purposes of section 407(3) of the Act, the following matters are prescribed—

- (a) a proposed alteration of the eligibility rules of an existing industrial organisation concerned in the proposed amalgamation;
- (b) a proposed alteration in the name of an existing industrial organisation concerned in the proposed amalgamation.

Public notification of a refusal under s 408 of the Act to approve the submission of an amalgamation to ballot

34.(1) If, under section 408(2) of the Act, the Commission has refused to approve the submission of an amalgamation to ballot, the Industrial Registrar must publish a notice of the refusal in 1 or more newspapers so that, in the registrar's opinion, the notice is likely to come to the attention of persons likely to be affected by the proposed amalgamation.

(2) The notice must—

- (a) specify the prescribed grounds on which an objection to a matter involved in a proposed amalgamation may be made under section 409 of the Act; and
- (b) state that an objection must be filed by a specified day, being the day by which, under section 35, the objection must be filed.

Time for filing an objection under s 409 of the Act

35. An objection under section 409 of the Act must be filed—

- (a) by the day the Commission fixes; or
- (b) by any later day the Commission substitutes for the day fixed; or
- (c) if no day is fixed by the Commission, within 28 days of the date of publication (or, if there is more than 1 such date, the first date of publication) of a notice under section 34 in relation to the relevant proposed amalgamation.

Manner of making objections—s 409 of the Act

36.(1) An objection under section 409 of the Act must be made by filing in the Industrial Registrar's Office, within the time prescribed by section 35, a notice of objection that—

- (a) shows the name and address of the person making the objection; and
- (b) specifies the grounds of the objection; and
- (c) sets out particulars of those grounds.

(2) A notice of objection filed by an industrial organisation must be under the seal of the organisation or be signed by an authorised officer of the organisation.

Prescribed persons—s 409(3) of the Act

37. For the purposes of section 409(3) of the Act, any person, or industrial organisation, interested in a proposed amalgamation is a prescribed person in relation to an objection to the amalgamation.

Prescribed grounds—s 409(3) of the Act

38. For the purposes of section 409(3) of the Act, each of the following grounds is a prescribed ground in relation to an objection to a proposed amalgamation—

- (a) if the amalgamation involves the registration of an association as an industrial organisation—
 - (i) that the registration of the association would not further the objects of the Act; or
 - (ii) that there is an industrial organisation to which the members of the association may conveniently belong; or
 - (iii) that the name of the association is the same as that of an industrial organisation or is so similar to the name of an industrial organisation that it is likely to cause confusion; or
 - (iv) that the association is not a genuine association of a kind mentioned in section 327 of the Act; or

- (v) that the association does not meet (or, if the amalgamation takes effect, will not meet) the requirements for registration under the Act;
- (b) if the proposed amalgamation involves a change in the name of an industrial organisation—that the proposed new name of the industrial organisation is the same as that of another industrial organisation or is so similar to the name of another industrial organisation that it is likely to cause confusion;
- (c) if the proposed amalgamation involves a widening of the eligibility rules of an existing industrial organisation—that there is another industrial organisation to which persons might conveniently belong if the persons—
 - (i) are potential members of the amalgamating industrial organisations; and
 - (ii) would be ineligible to join any of the amalgamating industrial organisations if the rules of those organisations were not widened.

Service of notice of objection

39. A person or industrial organisation filing a notice of objection mentioned in section 36 must serve a copy of it, within 7 days of the filing, on the relevant applicant that is specified for the purposes of section 29(1)(a).

Statement in reply

40.(1) If a copy of a notice of objection has been served under section 39, the relevant applicants may jointly file in the Industrial Registrar's Office a statement, signed by authorised officers of each applicant industrial organisation or association, that sets out the facts relied on in answer to the objection.

(2) A statement under subsection (1) must be filed not later than 14 days after service under section 39 of the copy of the notice of objection to which the statement in reply relates.

(3) The applicants that have filed a statement under subsection (1) must

serve a copy of it, within 7 days of the filing, on each party to the notice of objection.

Hearing of objections

41.(1) The Commission when dealing with the application for a proposed amalgamation must—

- (a) fix a time and place for the hearing of the objections (if any) filed under section 409 of the Act in relation to the application; and
- (b) cause notice of the time and place to be served on the applicants and on each objector whose objection is to be heard at the hearing.

(2) The Commission may fix under subsection (1) separate hearings in relation to different objections.

(3) The Commission, in fixing a time under subsection (1)(a), must have regard to sections 39 and 40.

(4) At the hearing of an objection, the Commission may allow oral evidence to be given.

Applicants to be heard before an application may be refused under s 410 of the Act

42. Before deciding to refuse to approve, under section 410 of the Act, the submission of an amalgamation to ballot, the Commission must give the applicants for the approval the opportunity to be heard.

Roll of voters—preparation

43. The roll of voters for a ballot of the members of an industrial organisation must—

- (a) be prepared at the direction of the electoral official conducting the ballot; and
- (b) set out opposite to the name of each person on the roll the postal address of the person; and
- (c) be finished not later than 14 days before the commencing day of the ballot.

Roll of voters—inspection etc.

44.(1) An electoral official conducting a ballot of the members of an industrial organisation must make the roll of voters for the ballot available during the specified period for inspection and copying.

(2) Members of the organisation, and persons authorised by the electoral official conducting the ballot, are entitled, during ordinary business hours at the place at which the official carries out the official's duties in relation to the ballot—

- (a) to inspect the roll of voters for the ballot; and
- (b) to take copies of the roll or of parts of the roll.

(3) In subsection (1)—

“specified period” means the period that—

- (a) starts on the day following the day on which the preparation, under section 43, of the roll of voters for the ballot is finished; and
- (b) ends 30 days after the declaration of the result of the ballot.

Form and publication of notice of ballot

45.(1) If the Commission has fixed, under section 411 of the Act, the commencing day and the closing day of the ballot on a proposed amalgamation, the electoral official conducting the ballot must give notice of the fixing of the days to the members entitled to vote at the ballot.

(2) The electoral official may give the notice by post, newspaper advertisement or other reasonable means that the electoral official thinks necessary to ensure that the notice is brought to the attention of the members.

Conduct of ballot

46.(1) The electoral official conducting a ballot of members of an industrial organisation may take action and give any directions that the official reasonably considers to be necessary for ensuring that no unlawful disclosure or other irregularity happens in relation to the ballot.

(2) A person must not, without reasonable excuse, fail to comply with a

direction given to the person under subsection (1).

Maximum penalty—

- (a) in the case of an individual—10 penalty units; or
- (b) in the case of a body corporate—20 penalty units.

Scheme for amalgamation—Industrial Registrar to supply copies of documents

47. If an industrial organisation has applied for approval for the submission of an amalgamation to ballot, the Industrial Registrar must supply promptly to the Electoral Commission—

- (a) a copy of the scheme for amalgamation that was filed with the application; and
- (b) a copy of the outline of the scheme of amalgamation filed under section 398(2) of the Act; and
- (c) a copy of each statement filed under section 402 or 413 of the Act in relation to the proposed amalgamation; and
- (d) a copy of each amendment of, or document filed in substitution for, a document mentioned in paragraph (a), (b) or (c).

Scheme for amalgamation—electoral official to supply copies of documents on request

48. If—

- (a) the Electoral Commission has received 1 or more documents under section 47(a) or (b); and
- (b) a person entitled to vote at the ballot makes a written or oral request to the official for a copy of the document or of any of the documents;

the electoral official conducting the ballot must supply promptly to the person that copy or those copies without charge.

Duties of electoral official if ballot not conducted under s 419 of the Act

49.(1) If the Commission approves, under section 418 of the Act, a proposal for submission of a proposed amalgamation to a ballot that is not conducted under section 419 of the Act, an electoral official must—

- (a) fix the places, and the starting and finishing times, of the meetings of members at which the ballot on the proposal will be conducted; and
- (b) include in the notice given under section 45 in relation to the ballot details of—
 - (i) the places and times fixed; and
 - (ii) the procedure for obtaining and exercising an absentee vote in relation to the ballot; and
- (c) post to each person entitled to vote at the ballot, at the postal address of the person shown on the roll of voters—
 - (i) a copy of the latest version (incorporating all subsequent amendments) of the outline of the relevant scheme for amalgamation filed under section 398(2)(b) of the Act; and
 - (ii) a copy of the latest version (incorporating all subsequent amendments) of each statement filed under section 402(1) or 413(2) of the Act; and
 - (iii) notification of the entitlement of the person to obtain a copy of the relevant scheme for amalgamation filed under section 398(2)(a) of the Act or, if appropriate, of that scheme as amended or substituted, together with particulars of the place where, and the way in which, the copy may be obtained.

(2) Documents required to be posted under subsection (1) must be posted in sufficient time for them to be delivered, in the ordinary course of post, at least 7 days before the relevant commencing day.

Ballot papers—forms

50. The ballot paper for use in a ballot of the members of an industrial

organisation in relation to the proposed amalgamation must—

- (a) if the ballot does not contain an alternative provision—be in form 27 of the rules of court; or
- (b) if the ballot does contain an alternative provision—be in form 28 of the rules of court.

Issuing of ballot papers—attendance voting

51. In relation to a ballot of the kind mentioned in section 418 of the Act, an electoral official must issue to each person entitled to vote at the ballot a ballot paper that bears—

- (a) the initials of the electoral official; or
- (b) a facsimile of those initials.

Dispatch of ballot papers—secret postal ballots

52. As soon as practicable, but not earlier than 2 days before the commencing day of a ballot mentioned in section 419 of the Act, an electoral official must send to each person entitled to vote at the ballot a sealed envelope, addressed to the postal address of the person shown on the roll of voters, containing—

- (a) 1 ballot paper for the ballot that bears—
 - (i) the initials of the electoral official; or
 - (ii) a facsimile of those initials; and
- (b) any document the Act requires to be sent with the ballot paper; and
- (c) any other material the electoral official considers to be relevant to the ballot including, for example, directions or notes that will assist the person in complying with this regulation and in casting a valid vote; and
- (d) an envelope, addressed to the electoral official, that may be posted without cost to the voter; and
- (e) details of the place where the person may obtain a copy of the relevant scheme for amalgamation filed under section 398(2)(a)

of the Act or, if appropriate, of the scheme as amended or of a subsequent scheme.

Duplicate ballot papers—attendance voting

53. If a voter at a ballot of the kind mentioned in section 418 of the Act satisfies the presiding electoral official, before depositing the ballot paper in the ballot box, that the voter has accidentally spoilt the paper, the official must—

- (a) mark ‘spoilt’ on the paper; and
- (b) initial the paper where so marked and retain it; and
- (c) issue a fresh ballot paper to the voter.

Duplicate ballot paper etc.—postal voting

54.(1) This section applies to a ballot paper or another document (“**ballot document**”) that was posted to a person under section 52 or for the purposes of section 418(b)(vi) of the Act.

(2) An electoral official must issue promptly a duplicate of a ballot document to a person making written application under subsection (3) if the official is satisfied that the ballot document—

- (a) has not been received by the person; or
- (b) has been lost or destroyed; or
- (c) in the case of a ballot paper—has been spoilt.

(3) An application must—

- (a) be received by the official on or before the closing day of the ballot; and
- (b) set out the grounds on which the application is made; and
- (c) if practicable, be substantiated by evidence that verifies, or tends to verify, those grounds; and
- (d) contain a declaration to the effect that the person has not voted at the ballot; and
- (e) in a case mentioned in subsection (2)(c), be accompanied by the

ballot paper.

(4) An electoral official to whom a spoiled ballot paper is returned under subsection (3)(e) must deal with the paper in the way specified in section 53(a) and (b).

Manner of voting

55. A person voting at a ballot of the members of an industrial organisation in relation to a proposed amalgamation or proposed alternative amalgamation must record his or her vote on the ballot paper in accordance with the instructions on the ballot paper.

Custody of ballot papers

56.(1) The electoral official conducting a ballot of the members of an industrial organisation must keep the ballot papers and other material relating to the ballot in safe custody until a scrutiny has been conducted under section 57.

(2) If, after the closing day of a ballot mentioned in section 419 of the Act, the electoral official receives envelopes that purport to contain ballot papers relating to the ballot, the official must keep them in safe custody.

Scrutiny

57.(1) The electoral official conducting a ballot of the members of an industrial organisation must ascertain the result of the ballot by conducting a scrutiny under this section.

(2) As soon as practicable after the close of the ballot, the electoral official must—

- (a) admit the valid votes and reject the informal votes; and
- (b) count the valid votes, and record the number—
 - (i) in favour of the proposal; and
 - (ii) against the proposal; and
- (c) count the informal votes.

(3) In the case of a scheme for amalgamation that contains a proposed

alternative provision, if the electoral official is satisfied that the result of the ballot on the provision may be required to be known for the purposes of the Act, the official must—

- (a) admit the valid votes, and reject the informal votes, on the provision; and
- (b) count the valid votes, and record the number—
 - (i) in favour of the provision; and
 - (ii) against the provision; and
- (c) count the informal votes on the provision.

(4) Subject to subsection (5), a vote is informal only if—

- (a) the ballot paper does not bear—
 - (i) the initials of an electoral official; or
 - (ii) a facsimile of those initials; or
- (b) the ballot paper is marked in a way that permits the voter to be identified; or
- (c) the ballot paper is not marked in a way that makes it clear how the voter meant to vote; or
- (d) material mentioned in section 52(c) that is returned with the ballot paper does not comply with a direction given under that paragraph; or
- (e) the envelope addressed to the electoral official contains the ballot paper of another voter.

(5) A vote is not informal because of subsection (4)(a) if the electoral official is satisfied that the ballot paper in question is authentic.

(6) If the electoral official conducting the ballot is informed by a scrutineer that the scrutineer objects to a ballot paper being admitted as valid or rejected as informal, as the case may be, the official must—

- (a) decide whether the ballot paper is to be admitted as valid or rejected as informal; and
- (b) endorse that decision on the ballot paper and initial the endorsement.

(7) If the electoral official conducting the ballot is informed by a scrutineer to the effect that, in the scrutineer's opinion, an error has been made in the conduct of the scrutiny, the official must decide whether an error has been made and, if appropriate, the official must direct what action is to be taken to correct or mitigate the error.

Scrutineers

58.(1) This section applies in relation to a ballot of the members of an industrial organisation on a proposed amalgamation and any proposed alternative amalgamation (“**amalgamation proposal**”).

(2) The committee of management of the industrial organisation may appoint members of the industrial organisation as scrutineers to safeguard the interests of the members who approve of the amalgamation.

(3) An appointment under subsection (2) must be made by instrument signed on behalf of the committee of management by an authorised officer of the organisation.

(4) If members of an industrial organisation have filed, under section 413(2) of the Act, a written statement opposing an amalgamation proposal, the electoral official conducting the ballot must allow members of the industrial organisation to be scrutineers to safeguard the interests of members who disapprove of the proposal.

(5) A member may be a scrutineer under subsection (4) only if the electoral official is satisfied that the member represents those members who filed the statement opposing an amalgamation proposal.

(6) Subject to subsections (7), (8) and (9)—

(a) a scrutineer may be present—

(i) at the issue of ballot papers under section 51; and

(ii) at the preparation and dispatch of ballot material under sections 49 and 52; and

(iii) at the receipt of ballot material and placement of the material in safe custody under section 56; and

(iv) at the scrutiny of ballot material under section 57; and

(b) at a scrutiny under section 57—

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- (i) if the scrutineer objects to a decision that a ballot paper is valid or informal; or
- (ii) if the scrutineer considers that an error has been made in the conduct of the scrutiny;

the scrutineer may inform the electoral official accordingly.

(7) At any time during the period of scrutiny—

- (a) the number of scrutineers appointed under subsection (2) and in attendance at the scrutiny; and
- (b) the number of scrutineers mentioned in subsection (4) and in attendance at the scrutiny;

must not, in either case, be more than the number of electoral officials engaged on the scrutiny at that time.

(8) If a person appointed under subsection (2) fails to produce the person's instrument of appointment for inspection by the electoral official conducting the ballot when requested by the official to do so, the official may refuse to allow the person to attend or act as a scrutineer.

(9) If a person—

- (a) is not entitled to be present, or to remain present, at the scrutiny; or
- (b) interrupts the scrutiny, otherwise than for the purpose of performing a function mentioned in subsection (6)(a) or (b);

the electoral official conducting the ballot may direct the person to leave the place where the scrutiny is being conducted.

(10) A person who, without reasonable excuse, fails to comply with a direction given to the person under subsection (9) commits an offence.

Maximum penalty—10 penalty units.

Certificate showing particulars of the ballot

59.(1) Not later than 14 days after the closing day of a ballot, the electoral official conducting the ballot must prepare, date and sign a certificate showing in relation to the ballot—

- (a) the total number of persons on the roll of voters; and

- (b) the total number of ballot papers issued; and
- (c) if applicable, the total number of envelopes posted under section 52 or for the purposes of section 418(b)(vi) of the Act that were returned undelivered by the closing date of the ballot to the Electoral Commission; and
- (d) the total number of ballot papers received by the official; and
- (e) the total number of votes in favour of the question set out on the ballot paper; and
- (f) the total number of votes not in favour of the question set out on the ballot paper; and
- (g) the total number of informal ballot papers.

(2) Subsection (1) does not apply in relation to a ballot that was conducted under section 419(2) of the Act if, because of section 419(4) of the Act, the electoral official conducting the ballot did not count the votes in the ballot.

(3) Immediately after signing a certificate mentioned in subsection (1), the electoral official must—

- (a) give the certificate to the Industrial Registrar; and
- (b) give a copy of the certificate to each of the industrial organisations concerned in the proposed amalgamation.

Preservation of ballot papers etc.

60. The Electoral Commission must retain all ballot papers and documents relating to the ballot—

- (a) if an application has been made under section 422 of the Act for an inquiry in relation to the ballot—until the application has been disposed of; or
- (b) if paragraph (a) does not apply—until the end of the period within which applications may be made under section 422 of the Act for an inquiry in relation to the ballot.

Inquiry into ballot irregularity—application

61.(1) An application to the Commission under section 422(1) of the Act for an inquiry must be made in form 29 of the rules of court.

(2) For the purposes of this Division, an inquiry is taken to have been instituted when an application is filed under subsection (1).

Inquiry into ballot irregularity—directions as to hearing

62. If an inquiry has been instituted, the Commission must fix a time and place for conducting the inquiry and may give any directions that the Commission determines to ensure that all persons who are, or may be, entitled to appear, or to be represented, at the inquiry are notified of the time and place fixed.

Inquiry into ballot irregularity—inspection of documents

63.(1) If an inquiry has been instituted, the Commission may authorise, for the purposes of the inquiry, a person to inspect rolls of voters, ballot papers or other documents that have been used in connection with, or are relevant to, the ballot.

(2) A person must not hinder or obstruct a person carrying out an inspection authorised under subsection (1).

Maximum penalty—

- (a) in the case of an individual—10 penalty units; or
- (b) in the case of a body corporate—20 penalty units.

Inquiry into ballot irregularity—procedure at hearing

64. Subject to section 105 of the Act, the Commission may allow any person to appear or be represented at an inquiry, and that person is taken to be a party to the proceedings.

Inquiry into ballot irregularity—interim orders in case of uncompleted ballot

65.(1) At any time after an inquiry has been instituted and before the

Commission finds whether there has been an irregularity that may affect, or may have affected, the result of an uncompleted ballot, the Commission may—

- (a) order that no further steps are to be taken in the conduct of the ballot; and
- (b) make any order incidental or supplementary to an order under paragraph (a); and
- (c) vary or discharge an order under paragraph (a) or (b).

(2) An order under subsection (1) continues in force until the conclusion of the inquiry, unless the order—

- (a) is expressed to expire at some other time; or
- (b) is discharged before the conclusion of the inquiry.

(3) A person must not intentionally fail to comply with an order of the Commission under subsection (1).

Maximum penalty—

- (a) in the case of an individual—10 penalty units; or
- (b) in the case of a body corporate—20 penalty units.

Public notification of amalgamation day

66.(1) If the Commission has fixed, under section 425(2) of the Act, a day as the day on which an amalgamation is to take effect, the Industrial Registrar must publish a notice of the fixing of the day in 1 or more newspapers so that, in the registrar's opinion, the notice is likely to come to the attention of interested persons, including the members of the industrial organisations, and any associations, to be amalgamated.

(2) A notice published under subsection (1) is taken to be a notice published by the Commission for the purposes of section 425(2) of the Act.

Registration of amalgamated organisations—prescribed particulars

67. For the purposes of section 425(3)(a) of the Act, the following particulars in relation to a proposed amalgamated organisation are prescribed—

- (a) the name of the proposed organisation;
- (b) the rules of the proposed organisation relating to eligibility for membership;
- (c) if the proposed organisation is registered in relation to a particular industry—a description of the industry.

Notification of decisions, ballots etc.—additional means may be used

68. A requirement in this Division for a person to give notice, or to publish a notice, of a matter in a specified way does not preclude the person from giving or publishing additional notice of the matter by other reasonable means.

Division 6—Cancellation of registration**Application for cancellation of registration of an industrial organisation**

69.(1) An application under section 445(b) of the Act for the cancellation of the registration of an industrial organisation—

- (a) is to be in writing setting out the ground for the application;
- (b) is to set out the facts and issues on which the applicant relies to support the application;
- (c) is—
 - (i) if the application is made by an industrial organisation—to be under the seal of the applicant industrial organisation or be signed by 2 officers of that industrial organisation authorised to sign the application;
 - (ii) if the application is made by a body corporate other than an industrial organisation—to be signed by a person authorised by the body corporate to sign the application;
 - (iii) in any other case—to be signed by the applicant;
- (d) is to be lodged in the Industrial Registrar’s Office.

(2) Not later than 7 days after lodging the application in the Industrial

Registrar's Office the applicant is to serve a copy of the application on the industrial organisation.

(3) Where an application has been made for the cancellation of the registration of an industrial organisation on 1 of the grounds specified in section 445(b) of the Act, the Full Industrial Court is, with a view to satisfying itself whether the registration of the industrial organisation is liable to cancellation on that ground, to give the industrial organisation an opportunity to make written submissions to the Full Industrial Court and, if the industrial organisation so desires, to be heard in support of any of those submissions.

Cancellation of registration of defunct industrial organisation on motion of the Industrial Registrar

70.(1) Before the Industrial Registrar moves, pursuant to section 445(c) of the Act, a motion for the cancellation of the registration of an industrial organisation on the ground that the industrial organisation is defunct, the Industrial Registrar is to make appropriate inquiries by letters sent by post—

- (a) to the industrial organisation at its last known office; and
- (b) to the members of the committee of management of the industrial organisation as last known to the registrar at the postal addresses last known to the registrar.

(2) If, after inquiries made in accordance with subsection (1), the Industrial Registrar is satisfied that the industrial organisation is defunct, the Industrial Registrar must cause to be published in the Industrial Gazette a notice stating that—

- (a) subject to the consideration of any objections lodged in accordance with the notice, application will, at the expiry of 1 month from the date of publication of the notice, be made to the Full Industrial Court for the registration of the industrial organisation to be cancelled on the ground that the industrial organisation is defunct; and
- (b) a person who desires to show cause why the registration of the industrial organisation should not be cancelled on that ground may lodge in the Industrial Registrar's Office within 1 month after the date of publication of the notice, a notice of objection.

(3) If any person lodges a notice of objection, the Industrial Registrar is to give to that person an opportunity to appear before the Industrial Registrar and be heard in support of the objection.

Division 7—Accounts and audit

Prescribed accounts—s 453(1) of the Act

71. For the purposes of section 453(1) of the Act, each of the following accounts is prescribed in respect of each financial year of an industrial organisation—

- (a) an account of all income and expenditure of the industrial organisation during the financial year, being an account that includes, so far as is applicable, the following particulars of income or expenditure during the financial year—
 - (i) the total amount paid to the industrial organisation as entrance fees or membership contributions in respect of membership of the industrial organisation;
 - (ii) if the industrial organisation is divided into branches and the rules of the industrial organisation provide that each branch of the industrial organisation must pay to the industrial organisation, as a contribution towards the administrative expenses of the industrial organisation, a proportion of the total amount received by the branch as entrance fees or membership contributions—the total amount so paid to the industrial organisation by its branches;
 - (iii) if the industrial organisation is a branch of another industrial organisation and the rules of the other industrial organisation provide that the other industrial organisation must pay to each of its branches, as a contribution towards the administrative expenses of that branch, a proportion of the total amount received by the other industrial organisation as entrance fees or membership contributions—the total amount so paid to the first mentioned industrial organisation by the other industrial organisation;
 - (iv) the total amount paid to the industrial organisation by its

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members in respect of compulsory levies raised by the industrial organisation or as voluntary contributions for the furtherance of particular purposes;

- (v) the total amount of donations or grants (other than voluntary contributions referred to in subsection (iv)) made to the industrial organisation;
- (vi) the total amount received by the industrial organisation as interest;
- (vii) the total amount received by the industrial organisation as dividends;
- (viii) the total amount received by the industrial organisation as income from the investment or use of any moneys or other assets of the industrial organisation, not included in an amount referred to in subsection (vi) or (vii);
- (ix) the total amount paid by the industrial organisation as fees and periodic contributions in respect of its affiliation to any political party, any federation, congress, council or group of industrial organisations, or any international body having an interest in industrial matters;
- (x) if the industrial organisation is divided into branches and the rules of the industrial organisation provide that the industrial organisation must pay to each of its branches, as a contribution towards the administrative expenses of that branch, a proportion of the total amount received by the industrial organisation as entrance fees or membership contributions—the total amount so paid by the industrial organisation to its branches;
- (xi) if the industrial organisation is a branch of another industrial organisation and the rules of the other industrial organisation provide that each of its branches must pay to such other industrial organisation, as a contribution towards the administrative expenses of the other industrial organisation, a proportion of the total amount received by the branch as entrance fees or membership contributions—the total amount so paid by the first mentioned industrial organisation to the other industrial organisation;

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- (xii) the total amount paid by the industrial organisation in respect of compulsory levies imposed on the industrial organisation;
- (xiii) the total amount of donations or grants made by the industrial organisation;
- (xiv) the total amount paid as remuneration to holders of offices in the industrial organisation;
- (xv) the total amount paid as remuneration to employees of the industrial organisation;
- (xvi) the total amount paid as fees or allowances not included in an amount referred to in subsection (xiv) or (xv) to persons in respect of their attendances as representatives of the industrial organisation at conferences or other meetings;
- (xvii) the total amount paid by the industrial organisation in respect of audit fees, legal expenses and any other expenses incurred in respect of professional services;
- (xviii) the total amount of expenses not included in an amount referred to elsewhere in this paragraph incurred in connection with meetings of members of the industrial organisation and any conferences or meetings of councils, committees, panels or other bodies for the holding of which the industrial organisation was wholly or partly responsible;
- (xix) the total amount paid by the industrial organisation in respect of administrative expenses not included in an amount referred to elsewhere in this paragraph;
- (xx) the total amount set aside by the industrial organisation as provision for payments in respect of long service leave entitlements to officers and employees of the industrial organisation;
- (xxi) the total amount set aside by the industrial organisation as provision for payments in respect of annual leave entitlements to officers and employees of the industrial organisation;
- (xxii) the total amount set aside by the industrial organisation as provision for the payment of superannuation or retirement benefits to, or paid by the industrial organisation as

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contribution to a superannuation or retirement scheme applicable in relation to, officers or employees of the industrial organisation;

- (xxiii) the total amount paid by the industrial organisation in respect of interest on loans to the industrial organisation and any other expenses incurred in connection with the control or management of the assets of the industrial organisation;
 - (xxiv) the total amount set aside by the industrial organisation as provision for depreciation or amortisation on investments and fixed assets;
 - (xxv) the total amount paid by the industrial organisation in respect of penalties imposed on the industrial organisation under the Act or this regulation;
 - (xxvi) if there is an excess of income over expenditure or an excess of expenditure over income, the amount of that excess;
 - (xxvii) if any assets of the industrial organisation have been sold for, or revalued at, an amount exceeding \$1 000—the amount of profit or loss arising from the sale or revaluation of those assets;
 - (xxviii) if any amount not included in an amount referred to elsewhere in this paragraph has been transferred to a fund or account kept for a specific purpose by the industrial organisation or any such amount has been withdrawn from such a fund or account—the total amount transferred to, or withdrawn from, that fund or account, as the case may be;
 - (xxix) the net surplus or net deficit of the industrial organisation that has been transferred to the general fund;
- (b) an account of assets and liabilities of the industrial organisation as at the end of the financial year, being an account that includes, so far as applicable, the following particulars of assets or liabilities during the financial year—
- (i) the total amount of cash in hand;
 - (ii) the total amount of cash at bank;

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- (iii) the total amount of prepayments;
- (iv) if the accounting records of the industrial organisation are kept on an accrual basis—the total amount of accounts receivable and the total amount of loans receivable;
- (v) the total book value of investments in Government, municipal and other public debentures, stock or bonds;
- (vi) the total book value of investments other than those specified in subsection (v);
- (vii) the total book value of the fixed assets of the industrial organisation, specifying separately the book value of any real property included in those assets and the book value of other assets;
- (viii) if the accounting records of the industrial organisation are kept on an accrual basis—the total amount of accounts payable and the total amount of loans payable;
- (ix) the total amount held as provision for payments in respect of annual leave entitlements to officers and employees of the industrial organisation;
- (x) the total amount held as provision for payments in respect of long service leave entitlements to officers and employees of the industrial organisation;
- (xi) the total amount held as provision for payment of superannuation or retirement benefits to officers and employees of the industrial organisation;
- (xii) the total amount of contingent liabilities (other than contingent liabilities included in an amount referred to elsewhere in this paragraph), specifying separately the total amount of unsecured contingent liabilities and the total amount of contingent liabilities secured upon the assets of the industrial organisation;
- (xiii) the total amount of the balances of all funds or accounts operated by the industrial organisation in respect of compulsory levies raised by the industrial organisation or voluntary contributions collected from members of the industrial organisation;

- (xiv) if moneys, or the balance of moneys, standing to the credit of a fund or account referred to in subsection (xiii) have been invested in any assets—the total book value of those assets;
- (xv) the total amount of the balances of all funds (other than the general fund or a fund referred to in subsection (xiii)) the operation of which is required by the rules of the industrial organisation;
- (xvi) the balance of the general fund.

Prescribed accounts—s 467(5) of the Act

72. For the purposes of section 467(5) of the Act, each of the following accounts is a prescribed account in respect of a financial year of an industrial organisation—

- (a) an account of all income and expenditure of the industrial organisation during that financial year, being an account that includes, so far as applicable, the following particulars of income and expenditure during that financial year—
 - (i) the total amount paid to the industrial organisation as entrance fees, or membership contributions in respect of membership of the industrial organisation;
 - (ii) the total amount of grants or donations made to the industrial organisation;
 - (iii) if the industrial organisation is divided into branches and the rules of the industrial organisation provide that each branch of the industrial organisation must pay to the industrial organisation, as a contribution towards the administrative expenses of the industrial organisation, a proportion of the total amount received by the branch as entrance fees or membership contributions—the total amount so paid to the industrial organisation by its branches;
 - (iv) if the industrial organisation is a branch of another industrial organisation and the rules of the other industrial organisation provide that the other industrial organisation must pay to each of its branches, as a contribution towards the administrative expenses of that branch, a proportion of the

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- total amount received by the other industrial organisation as entrance fees or membership contributions—the total amount so paid to the first mentioned industrial organisation by the other industrial organisation;
- (v) the total amount paid by the industrial organisation as fees or periodic contributions in respect of its affiliation to any political party, any federation, congress, council or group of industrial organisations, or any international body having an interest in industrial matters;
 - (vi) the total amount paid as administrative expenses, professional fees or remuneration to holders of offices in, or to employees of, the industrial organisation;
 - (vii) the total amount of any grants or donations made by the industrial organisation;
 - (viii) if any assets of the industrial organisation have been sold for, or revalued at, more than \$1 000—the amount of profit or loss arising out of that sale or revaluation;
 - (ix) if there is an excess of income over expenditure or an excess of expenditure over income the amount of that excess;
- (b) an account of assets and liabilities of the industrial organisation as at the end of that financial year, being an account that includes, so far as applicable, the following particulars of assets or liabilities during the financial year—
- (i) the total amount of cash in hand;
 - (ii) the total amount of cash at bank;
 - (iii) the total amount of loans made by the industrial organisation;
 - (iv) the total book value of investments and fixed assets including, and also specifying separately, the total book value of real property and the total book value of other assets each of which is valued in excess of \$1 000;
 - (v) the total amount of loans made to the industrial organisation;
 - (vi) the total amount of the balances of all funds the operation of which is required by the rules of the industrial organisation;

(vii) the balance of the general fund.

Certificates to be given in accounts

73.(1) The accounts prepared in accordance with section 453(1) or 467(5) of the Act in relation to an industrial organisation must each contain—

- (a) a certificate, given by the accounting officer of the industrial organisation, stating the number of persons who were, at the end of the financial year to which the accounts relate, members of the industrial organisation and stating in relation to that financial year whether, in the opinion of the officer—
 - (i) the accounts show a true and fair view of the financial affairs of the industrial organisation as at the end of the financial year; and
 - (ii) a record has been kept of all moneys paid by, or collected from, members of the industrial organisation, and all moneys so paid or collected have been credited to the bank account or accounts to which those moneys are to be credited, in accordance with the rules of the industrial organisation; and
 - (iii) before any expenditure was incurred by the industrial organisation, approval of the incurring of the expenditure was obtained in accordance with the rules of the industrial organisation; and
 - (iv) if the accounts were prepared pursuant to section 453(1) of the Act—any payment was made out of a fund referred to in section 71(b)(xiii) or (xiv) for a purpose other than the purpose for which the fund was operated and, if any such payment was so made, it was approved in accordance with the rules of the industrial organisation; and
 - (v) if the accounts were prepared pursuant to section 467(5) of the Act, any payment was made out of a fund referred to in section 72(b)(vi) for a purpose other than the purpose for which the fund was operated and, if any such payment was so made, it was approved in accordance with the rules of the industrial organisation; and

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- (vi) all loans or other financial benefits granted to persons holding office in the industrial organisation were authorised in accordance with the rules of the industrial organisation; and
 - (vii) the register of members of the industrial organisation was maintained in accordance with the Act; and
- (b) a certificate given by the committee of management of the industrial organisation stating—
- (i) whether, in the opinion of the committee of management, the accounts show a true and fair view of the financial affairs of the industrial organisation as at the end of the financial year to which the accounts relate; and
 - (ii) whether, during the financial year to which the accounts relate, meetings of the committee of management were, in the opinion of the committee, held in accordance with the rules of the industrial organisation; and
 - (iii) whether, to the knowledge of any member of the committee, there have been, during the financial year to which the accounts relate, instances where records of the industrial organisation or other documents (not being documents containing information made available to a member of the industrial organisation under section 454(2) of the Act), or copies of those records or other documents, or copies of the rules of the industrial organisation, have not been furnished, or made available, to members of the industrial organisation in accordance with the Act, this regulation or the rules of the industrial organisation, as the case may be; and
 - (iv) whether, if those accounts and statements were prepared in accordance with section 453(1) of the Act, in relation to the report prepared in accordance with section 457 of the Act by the auditor of the industrial organisation in respect of the financial year immediately preceding the financial year to which the accounts relate, and in relation to any accounts and statements prepared in accordance with section 453(1) or 467(5) of the Act (as the case may be) to which that report relates, the industrial organisation has complied with

section 460(1) of the Act and whichever of sections 460(6) and 460(7) of the Act is applicable; and

- (v) whether, if those accounts and statements were prepared in accordance with section 467(5) of the Act, in relation to the report prepared in accordance with section 467 of the Act by the auditor of the industrial organisation in respect of the financial year immediately preceding the financial year to which the accounts relate, and in relation to any accounts and statements prepared in accordance with section 453(1) or 467(5) of the Act (as the case may be) to which that report relates, the industrial organisation has complied with sections 467(7) and 467(8) of the Act.

(2) The certificate referred to in subsection (1)(b)—

- (a) must be in accordance with such resolution as is passed by the committee of management of the industrial organisation in relation to the matters to be stated in the certificate; and
- (b) must be signed on behalf of the committee of management by 2 members of the committee.

(3) A statement included in a certificate pursuant to subsection (1)(b)(iv) is not admissible as evidence in proceedings against the industrial organisation under section 580(1), (3) or (4) or section 585 of the Act.

(4) In subsection (1)—

“**accounting officer**”, in relation to an industrial organisation, means the officer of the industrial organisation responsible for the keeping of the accounting records of the industrial organisation.

Information to be provided to members and Industrial Registrar

74.(1) For the purposes of section 454(1) of the Act, an application to an industrial organisation must be—

- (a) in writing addressed to the secretary of the industrial organisation; and
- (b) delivered by hand at, or sent by prepaid post to, the office of the industrial organisation.

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(2) For the purposes of section 454(1) of the Act, any of the following information concerning an industrial organisation, being information relating to the financial year of the industrial organisation in respect of which accounts and statements were last prepared in accordance with section 453(1) or 467(5) of the Act, is prescribed information—

- (a) in relation to any compulsory levy raised by the industrial organisation other than a levy in respect of which the industrial organisation has, during the financial year, operated a special fund or account—
 - (i) the purpose for which the levy was raised; and
 - (ii) the total amount received by the industrial organisation;
- (b) in relation to any collection by the industrial organisation of voluntary contributions made by the members for the furtherance of a particular purpose, other than voluntary contributions in respect of which the industrial organisation has, during the financial year, operated a special fund or account—
 - (i) the purpose for which the contributions were collected; and
 - (ii) the total amount received by the industrial organisation as voluntary contributions for the furtherance of that purpose;
- (c) in relation to any donation or grant exceeding \$1 000 made to the industrial organisation—
 - (i) the amount of the donation or grant; and
 - (ii) where the donation or grant was made for a specified purpose—the purpose so specified;
- (d) in relation to any compulsory levy imposed on the industrial organisation—
 - (i) the purpose for which the levy was imposed; and
 - (ii) the total amount paid by the industrial organisation;
- (e) in relation to any donation or grant exceeding, or in the aggregate exceeding, \$1 000 made by the industrial organisation—
 - (i) the purpose for which the donation or grant was made; and
 - (ii) the amount of the donation or grant; and

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- (iii) where the donation or grant is not a prescribed donation or grant—the name and address of the person to whom the donation or grant was made;
- (f) in relation to any amount exceeding \$1 000 received or paid by the industrial organisation, not being an amount included in an amount referred to in a subsection of section 71(a) in relation to the industrial organisation—
 - (i) the amount received or paid by the industrial organisation; and
 - (ii) the name and address of the person from whom the amount was received or to whom the amount was paid; and
 - (iii) the purpose for which the amount was received or paid by the industrial organisation;
- (g) the amount paid as remuneration to the holder of any office in the industrial organisation;
- (h) in relation to the sale or revaluation of any asset of the industrial organisation, being a sale or revaluation that has resulted in a profit or loss exceeding \$1 000—
 - (i) a description of the asset sold or revalued; and
 - (ii) in the case of the revaluation of an asset—the reason for which the asset was revalued; and
 - (iii) the amount of the profit made or the loss incurred;
- (i) in relation to any loan exceeding, or in the aggregate exceeding, \$1 000 made by the industrial organisation—
 - (i) the amount of the loan; and
 - (ii) the purpose for which the loan was required; and
 - (iii) the security given in respect of the loan; and
 - (iv) where the loan is not a prescribed loan—the name and address of the person to whom the loan was made and the arrangements made for the repayment of the loan;
- (j) the total amount paid by the industrial organisation in respect of investments (other than investments in Government, municipal or

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other public debentures, stock or bonds) made by the industrial organisation during the financial year;

- (k) in relation to any investment (other than an investment in Government, municipal or other public debentures, stock or bonds) held by the industrial organisation at the end of the financial year, being an investment the book value of which, as at the end of that financial year, exceeds whichever is the greater of \$1 000 or 20% of the total book value of all such investments held by the industrial organisation at the end of that financial year—
 - (i) a description of the investment; and
 - (ii) the book value of the investment as at the end of the financial year; and
 - (iii) where applicable, the quoted market value of the investment as at the end of the financial year;
- (l) in relation to any asset (other than an asset included in a class of assets referred to in a subsection of section 71(b)) held by the industrial organisation at the end of the financial year, the book value of which, as at the end of that financial year, exceeds whichever is the greater of \$1 000 or 5% of the total book value of all the assets held by the industrial organisation at the end of the financial year—
 - (i) a description of the asset; and
 - (ii) the book value of the asset as at the end of the financial year;
- (m) in relation to any loan exceeding \$10 000 received by the industrial organisation—
 - (i) the name and address of the person from whom the loan was received; and
 - (ii) the amount of the loan; and
 - (iii) the purpose for which the loan was required; and
 - (iv) the security given in respect of the loan; and
 - (v) the arrangements made for the repayment of the loan;
- (n) in relation to any amount held by the industrial organisation as

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provision for 1 of the following purposes —

- (i) the payment of annual leave entitlements to its officers and employees;
- (ii) the payment of long service leave entitlements to its officers and employees;
- (iii) the payment of superannuation or retirement benefits to its officers and employees,

the number of officers and employees in respect of whom the amount so held constitutes provision;

- (o) in relation to any contingent liability of the industrial organisation as at the end of the financial year, being a contingent liability the amount of which has been ascertained and exceeds 5% of the net value of the assets of the industrial organisation as at the end of the financial year—
 - (i) a description of the liability; and
 - (ii) the amount for which the industrial organisation is liable;
- (p) in relation to any liability of the industrial organisation (other than a liability included in a class of liabilities referred to in a subsection of section 71(b)) outstanding at the end of the financial year, being a liability involving an amount exceeding 5% of the total amount of the other liabilities of the industrial organisation as at the end of the financial year—
 - (i) a description of the liability; and
 - (ii) the amount for which the industrial organisation is liable;
- (q) in relation to any fund or account operated by the industrial organisation in respect of a compulsory levy raised by the industrial organisation or in respect of voluntary contributions collected from the members of the industrial organisation —
 - (i) the purpose for which the levy was raised or the voluntary contributions collected; and
 - (ii) where applicable, the amount of the balance of the fund or account at the commencement of the financial year; and
 - (iii) whether any moneys were transferred to the fund or account

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- from any other fund or account operated by the industrial organisation and, if any moneys were so transferred, a description of each fund or account from which moneys were so transferred and the amount transferred from each fund or account; and
- (iv) the total amount paid by the members of the industrial organisation in respect of the levy or as voluntary contributions; and
 - (v) the total amount of payments made out of the fund or account in furtherance of the purpose for which the levy was imposed or the voluntary contributions collected; and
 - (vi) whether any payment was made out of the fund or account in furtherance of a purpose other than the purpose for which the levy was imposed or the voluntary contributions collected and, if any payment was so made, the amount of each payment and the purpose for which it was made; and
 - (vii) whether any moneys were transferred from the fund or account to any other fund or account operated by the industrial organisation and, if any moneys were so transferred, a description of each fund or account to which the moneys were transferred and the amount transferred to each fund or account; and
 - (viii) in respect of each payment particulars of which are given in accordance with subsection (vi) and each transfer particulars of which are given in accordance with subsection (vii) the designation within the industrial organisation of the person who approved the payment or transfer and the date on which the approval was given; and
 - (ix) the amount of the balance of the fund or account at the end of the financial year or, in the case of a fund or account that the industrial organisation ceased to operate before the end of the financial year, the amount of the closing balance and, if any part of that balance or closing balance has been invested in any assets, the amount so invested and a description of those assets;
- (r) in relation to any fund (other than the general fund or a fund

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referred to in paragraph (q)) the operation of which is required by the rules of the industrial organisation—

- (i) the purpose for which the fund was operated; and
- (ii) where applicable, the amount of the balance of the fund at the beginning of the financial year; and
- (iii) whether any moneys were transferred to the fund from any other fund or any account operated by the industrial organisation and, if any moneys were so transferred, a description of each fund or account from which moneys were so transferred and the amount transferred from each fund or account; and
- (iv) the total amount of moneys, other than moneys referred to in subsection (iii), paid into the fund; and
- (v) the total amount of payments made out of the fund in furtherance of the purpose for which the fund was operated; and
- (vi) whether any payment was made out of the fund in furtherance of a purpose other than the purpose for which the fund was operated and, if any payment was so made, the amount of each payment and the purpose for which it was made; and
- (vii) whether any moneys were transferred from the fund to any other fund or any account operated by the industrial organisation and, if any moneys were so transferred, a description of each fund or account to which the moneys were transferred and the amount transferred to each fund or account; and
- (viii) in respect of each payment particulars of which are given in accordance with subsection (vi) and each transfer particulars of which are given in accordance with subsection (vii) the designation within the industrial organisation of the person who approved the payment or transfer and the date on which the approval was given; and
- (ix) the amount of the balance of the fund at the end of the financial year or, in the case of a fund that the industrial

organisation ceased to operate before the end of the financial year, the amount of the closing balance and, if any part of that balance or closing balance has been invested in any assets, the amount so invested and a description of those assets.

(3) In subsection (2)—

- (a) a reference to a person includes a reference to any body whether corporate or unincorporated; and
- (b) a reference to a prescribed donation or grant or to a prescribed loan is a reference to a donation or grant made, or a loan granted, as the case may be, by an industrial organisation to a member of the industrial organisation on the certification of the officer of the industrial organisation authorising the donation or grant or the loan, as the case may be, that the officer was satisfied, from investigations made by the officer, that the donation or grant, or the loan, was necessary to relieve the member or a dependant of the member from severe financial hardship.

(4) For the purposes of section 454(2) of the Act, the prescribed information—

- (a) is to be made available in writing signed by the secretary of the industrial organisation; and
- (b) must—
 - (i) if the application was made by the Industrial Registrar—be delivered by hand at, or sent by prepaid post to, the Industrial Registrar's Office;
 - (ii) if the application was made by a member of the industrial organisation and specifies an address in relation to the member—be sent by prepaid post to that address;
 - (iii) in any other case—be left for collection at the office of the industrial organisation.

(5) For the purposes of section 454(2) of the Act, the prescribed time is—

- (a) in relation to an application made under section 454(1) of the Act by a member of an industrial organisation—

- (i) except where subsection (ii) applies—28 days after the day of receipt of the application for the information; or
 - (ii) if, on an application by the secretary of the industrial organisation (whether before or after the end of the period referred to in subsection (i)), the Industrial Registrar certifies that the Industrial Registrar is satisfied that, for reasons outside the control of the industrial organisation, it was, or is, not practicable for the industrial organisation to make the information available to the member within that period—6 weeks after the day of receipt of the application for the information; or
- (b) in relation to an application made under section 454(1) of the Act by the Industrial Registrar—28 days after the day of receipt of the application for the information.

Evidence of membership of industrial organisation to be supplied

75. If the Industrial Registrar receives, in accordance with section 454(1) of the Act, a request purporting to be made by a member of an industrial organisation, the Industrial Registrar may require the person making the request to furnish evidence that the person is a member of the industrial organisation.

Prescribed period in which audit is to be conducted

76. For the purposes of section 457(1) of the Act, the prescribed period is—

- (a) except where paragraph (b) applies—6 months; or
- (b) if, on an application made by an auditor (whether before or after the expiration of the period referred to in paragraph (a)), the Industrial Registrar certifies that the Industrial Registrar is satisfied that, for reasons outside the control of the auditor, it was, or is, not practicable for the auditor to complete within that period the report referred to in section 457(1) of the Act—8 months.

PART 4—GENERAL CONDITIONS OF EMPLOYMENT

Division 1—Adoption leave

Object of Division

77.(1) This Division gives an employee adoption leave entitlements.¹

(2) However, if another State law, award, industrial agreement, certified agreement, enterprise flexibility agreement or order also gives the employee adoption leave entitlements, this Division supplements those entitlements.

Basic principles

78.(1) Under this Division, if a child under 5 years is placed with an employee for adoption, the employee and the employee's spouse are entitled to unpaid adoption leave (totalling 52 weeks) to care for the child.

(2) However, an employee's entitlement to leave under this Division is reduced by the employee's adoption leave entitlements other than under this Division.

Example of ways an employee may be entitled to adoption leave other than under this Division—

Under another State law, award, industrial agreement, certified agreement, enterprise flexibility agreement or order.

(3) To obtain adoption leave under this Division, an employee must satisfy requirements about—

- (a) length of service; and
- (b) notice periods; and
- (c) information and documentation.

(4) Except for 3 weeks at the time of the placement, an employee and the employee's spouse must take adoption leave at different times.

¹ This Division is made under section 287 of the Act. The section allows regulations to provide for employers to give employees unpaid adoption leave.

(5) An employee may take other leave, including for example annual leave, in conjunction with adoption leave, but this reduces the amount of adoption leave the employee may take.

(6) Adoption leave may be changed in certain circumstances.

(7) Generally, an employee must give notice of a change only if it is foreseeable.

(8) An employer may cancel adoption leave only if—

(a) the employee will not become, or ceases to be, the child’s primary caregiver; or

(b) a mistake has been made in calculating the amount of leave the employee is entitled to.

(9) An employee who takes adoption leave is, in most circumstances, entitled to return to the position the employee held before the leave was taken.

(10) Adoption leave does not break an employee’s continuity of service.

Definitions for Division

79. In this Division—

“adoption” means adoption under a Commonwealth or State law.

“adoption agency” means an agency, body, office, or court, authorised by a Commonwealth or State law to perform functions about adoption.

“adoption leave” means short adoption leave or long adoption leave.

“child” does not include a child or stepchild of the employee or the employee’s spouse.

“court order” means an order of a court or tribunal having power to fix wages and other employment conditions.

“Division 1 adoption leave” means Division 1 short adoption leave or Division 1 long adoption leave.

“Division 1 long adoption leave” has the meaning given in section 80(1)(b).

“Division 1 short adoption leave” has the meaning given in

section 80(1)(a).

“employee” includes a part-time employee, but not a casual or seasonal employee.

“law” includes an unwritten law.

“long adoption leave” means Division 1 long adoption leave or leave (other than under this Division) that—

- (a) an employee is entitled to, has applied for or has been given for the child’s adoption; and
- (b) is analogous to Division 1 long adoption leave, or would be analogous except that—
 - (i) it is paid leave; or
 - (ii) different rules govern eligibility for it; or
 - (iii) it can be taken for a different period.

Example of ways an employee may be entitled to leave other than under this Division—

Under another Commonwealth or State law, or an award, order or agreement.

“placement” means the placement, by an adoption agency, of a child with an employee for adoption.

“relevant statutory declaration”, for an employee, means a statutory declaration submitted under section 81(1)(f)².

“short adoption leave” means Division 1 short adoption leave or leave (other than under this Division) that—

- (a) an employee is entitled to, has applied for or has been given for the child’s adoption; and
- (b) is analogous to Division 1 short adoption leave, or would be analogous except that—
 - (i) it is paid leave; or
 - (ii) different rules govern eligibility for it; or
 - (iii) it can be taken for a different period.

Example of ways an employee may be entitled to leave other than under this Division—

² Section 81 deals with conditions of entitlement to adoption leave.

Under another Commonwealth or State law, or an award, order or agreement.

“**spouse**” of an employee includes a person of the opposite sex to the employee who lives with the employee in a marriage-like relationship, although not legally married to the employee.

Entitlement to adoption leave

80.(1) An employee with whom a child is placed for adoption is entitled to—

- (a) a continuous period of up to 3 weeks unpaid leave (“**Division 1 short adoption leave**”) beginning on the placement day to care for the child; and
- (b) a continuous period of up to 52 weeks unpaid leave (“**Division 1 long adoption leave**”) to be the child’s primary caregiver.

(2) However, the total of the employee’s and the employee’s spouse’s short adoption leave and long adoption leave must not be more than 52 weeks.

(3) This section applies subject to section 82 (Period of adoption leave).

Example of an employee’s total adoption leave entitlement—

If the employee and the employee’s spouse have each been given 3 weeks short adoption leave, the employee is entitled to only 46 weeks long adoption leave.

Conditions of entitlement to adoption leave

81.(1) An employer must give an employee Division 1 short adoption leave and Division 1 long adoption leave if—

- (a) the employee notifies the employer, as soon as practicable after receiving notice of approval of the placement, that the employee intends to apply for adoption leave; and
- (b) within 60 days after giving the employer notice under paragraph (a), the employee gives the employer written notice of the period or periods of adoption leave the employee intends to apply for; and
- (c) as soon as practicable after the employee is notified of the proposed placement date, the employee gives the employer—

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- (i) written notice of the date; or
- (ii) a statement from the adoption agency of the date; and
- (d) the employee applies for the leave—
 - (i) for Division 1 short adoption leave—at least 14 days before the proposed placement date; or
 - (ii) for Division 1 long adoption leave—at least 70 days before the first day of the long adoption leave; and
- (e) the application states the first and last days of the period or periods of leave; and
- (f) the employee submits with the application a statutory declaration stating—
 - (i) the employee proposes to take one or both of the following types of leave—
 - (A) Division 1 short adoption leave to care for the child;
 - (B) Division 1 long adoption leave to be the child’s primary caregiver; and
 - (ii) the child—
 - (A) will be at the proposed placement date, or was at the placement date, under 5 years; and
 - (B) is not a child or stepchild of the employee or the employee’s spouse; and
 - (C) will not have at the proposed placement date, or had not at the placement date, previously lived with the employee for a continuous period of 6 months or more; and
 - (iii) the first and last days of—
 - (A) short adoption leave for which the employee’s spouse intends to apply, or has applied; and
 - (B) long adoption leave for which the employee’s spouse intends to apply, or has applied; and
 - (C) annual or long service leave for which the employee’s spouse intends to apply, or has applied, instead of or in

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conjunction with the adoption leave; and

(iv) the employee—

(A) will be the child's primary caregiver throughout the long adoption leave proposed to be taken by the employee; and

(B) will not engage in conduct inconsistent with the employee's employment contract while on adoption leave; and

(g) the child will be, or has been, placed with the employee for adoption; and

(h) it is reasonable to expect the employee will finish, or had finished, at least 1 year of continuous service with the employer on the day before the first day of the adoption leave.

(2) Subsection (1)(d)(i) does not apply if—

(a) because of the placement date set by the adoption agency, it was not reasonably practicable for the employee to comply with the subparagraph; and

(b) the employee applies for the leave as soon as practicable before the proposed placement date.

(3) Subsection (1)(d)(ii) does not apply if—

(a) because of the placement date set by the adoption agency, it was not reasonably practicable for the employee to comply with the subparagraph; and

(b) the employee applies for the leave as soon as practicable before the first day of the leave.

Period of adoption leave

82.(1) Division 1 short adoption leave must—

(a) begin on the placement date; and

(b) be for a continuous period of not more than 3 weeks.

(2) Division 1 long adoption leave—

- (a) must begin on the later of—
 - (i) the day stated in the application as the first day of the leave; or
 - (ii) the placement date; and
- (b) must not extend beyond the first anniversary of the placement date; and
- (c) must not overlap with the employee's spouse's leave, other than short adoption leave, stated in the relevant statutory declaration; and
- (d) must be for a continuous period of not more than the period of entitlement calculated under subsection (3).

(3) The period of entitlement, for Division 1 long adoption leave, is 52 weeks less the total of all the following—

- (a) short adoption leave the employee notifies the employer the employee intends to apply for;
- (b) annual or long service leave the employee applies for instead of, or in conjunction with, long adoption leave;
- (c) the employee's spouse's leave stated in the relevant statutory declaration.

Entitlement reduced by other adoption leave available to employee

83.(1) In this section—

“alternative leave” means leave, other than leave under this Division, that—

- (a) an employee is entitled to, has applied for or has been given in connection with the child's adoption; and
- (b) is analogous to Division 1 adoption leave, or would be analogous except that—
 - (i) it is paid leave; or
 - (ii) different rules govern eligibility for it; or
 - (iii) it can be taken for a different period.

Example of ways an employee may be entitled to leave other than under this Division—

Under another Commonwealth or State law, or an award, order or agreement.

“unadjusted adoption leave” means the Division 1 adoption leave this Division would, apart from this section, require the employer to give the employee.

(2) This section applies if, had this Division not been made—

- (a) an employee could have applied for alternative leave, whether or not the employee has in fact applied; and
- (b) if the employee had applied under the rules governing the alternative leave, the employee would have a legally enforceable right to the leave.

(3) If the alternative leave period is at least as long as the unadjusted adoption leave period, the employer must not give the employee adoption leave under this Division.

(4) Otherwise, the employer must, on the employee’s application, give the employee, instead of the unadjusted adoption leave, adoption leave that—

- (a) equals the difference between the unadjusted adoption leave period and the alternative leave period; and
- (b) begins immediately after the alternative leave (if the employer gives the alternative leave); and
- (c) otherwise accords with the employee’s entitlements under section 82 (Period of adoption leave).

Annual leave or long service leave taken instead of, or in conjunction with, adoption leave

84. If an employee applies for annual leave or long service leave instead of, or in conjunction with, adoption leave, the employer must give the annual or long service leave if—

- (a) had this Division not been made, the employer would have been required to give it; or
- (b) the total of the following is not more than 52 weeks—

- (i) the annual or long service leave;
- (ii) annual or long service leave the employer has already given the employee instead of, or in conjunction with, the adoption leave;
- (iii) adoption leave the employer has already given the employee for the placement;
- (iv) the employee's spouse's leave stated in the relevant statutory declaration.

Extending adoption leave

85.(1) An employee may apply to extend the Division 1 long adoption leave given to the employee.

(2) The employer must give the leave if—

- (a) the application is given to the employer at least 14 days before the last day of the leave; and
- (b) the application states the first and last day of the extended leave; and
- (c) unless the things mentioned in section 81(1)(f)(iii)³ are still as stated in the relevant statutory declaration—the employee submits a statutory declaration stating the things mentioned in the subparagraph with the application; and
- (d) the period of leave, if extended, would not be more than the period of entitlement under section 82(3), calculated as at the time of giving the leave.

(3) The adoption leave may be extended again only by agreement between the employer and the employee.

³ Section 81(1)(f)(iii) requires the employee, in the statutory declaration submitted with the employee's application for adoption leave, to state the first and last days of leave for which the employee's spouse has applied, or intends to apply.

Shortening adoption leave

86.(1) An employee may apply to shorten the Division 1 adoption leave given to the employee.

(2) The employer may shorten the leave if the application states the last day of the shortened leave.

Cancellation of adoption leave if employee does not finish 1 year of continuous service

87. The employer may cancel Division 1 adoption leave if—

- (a) it has been given on the basis that it is reasonable to expect the employee will finish a period of at least 1 year of continuous service with the employer on a particular day; and
- (b) the employee does not finish the period on the day.

Cancellation of adoption leave in other circumstances

88. The employer may also cancel Division 1 adoption leave if—

- (a) the child will not be under 5 years on the placement day; or
- (b) the child had, at the placement date, previously lived with the employee for a continuous period of 6 months or more; or
- (c) the child is a child or stepchild of the employee or the employee's spouse.

Effect on adoption leave if placement does not happen

89.(1) An employer may cancel Division 1 adoption leave given to an employee if the placement—

- (a) does not happen; or
- (b) happens but does not continue.

(2) If an event mentioned in subsection (1) happens before the leave begins, the employer may cancel the leave before it begins.

(3) If the leave has begun, the employee may notify the employer that the employee wishes to return to work.

(4) If the employee does so, the employer must notify the employee of the day when the employee must return to work.

(5) The day must be within 4 weeks after the employer receives the notice.

(6) Also, despite subsections (3) to (5), if the leave has begun, the employer may notify the employee of the day when the employee must return to work.

(7) The day must be at least 4 weeks after the employer gives the notice.

(8) If the employee returns to work, the employer must cancel the rest of the leave.

What happens if employee ceases to be the primary caregiver

90.(1) This section applies if—

- (a) for a substantial period of an employee's Division 1 long adoption leave, the employee is not the child's primary caregiver; and
- (b) having regard to the length of the period and other relevant circumstances, it is reasonable to expect the employee will not again become the child's primary caregiver within a reasonable period.

(2) The employer may notify the employee of the day when the employee must return to work.

(3) The day must be at least 4 weeks after the employer gives the notice.

(4) If the employee returns to work, the employer must cancel the rest of the leave.

Employee's duty if excessive leave given or if periods of long adoption leave overlap

91.(1) This section applies if—

- (a) the total of all the following is more than 52 weeks—
 - (i) adoption leave given to the employee for the placement;

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- (ii) annual or long service leave given to the employee instead of, or in conjunction with, adoption leave;
 - (iii) adoption leave given to the spouse for the placement;
 - (iv) annual or long service leave given to the spouse instead of, or in conjunction with, adoption leave; or
- (b) leave (other than short adoption leave) given to the employee overlaps with leave given to the spouse.
- (2)** The employee must give the employer a notice—
- (a) if subsection (1)(a) applies—stating the amount by which the total exceeds 52 weeks; and
 - (b) if subsection (1)(b) applies—stating the period of overlap; and
 - (c) suggesting how the employer may change or cancel leave given to the employee (other than leave the employee has already taken) to reduce or remove the excess or overlap; and
 - (d) unless the changes and cancellations suggested will remove the excess or overlap—stating the suggestions the spouse has made or will make under subsection (3)(c).
- (3)** The spouse must give the spouse’s employer a notice—
- (a) if subsection (1)(a) applies—stating the amount by which the total exceeds 52 weeks; and
 - (b) if subsection (1)(b) applies—stating the period of overlap; and
 - (c) suggesting how the spouse’s employer may change or cancel leave given to the spouse (other than leave the spouse has already taken) to reduce or remove the excess or overlap; and
 - (d) unless the changes and cancellations suggested will remove the excess or overlap—stating the suggestions the employee has made or will make under subsection (2)(c).
- (4)** The changes and cancellations suggested must be of a kind that, if they are all made, the excess or overlap will be removed.
- (5)** An employer who receives a notice under subsection (2) or (3) may change or cancel leave as suggested in the notice, or as agreed with the employee or the spouse.

(6) In this section—

“spouse” means the employee’s spouse.

Employer to warn replacement employee employment is only temporary

92.(1) An employer may employ a person (the “**replacement employee**”) to replace an employee—

- (a) while the employee is on adoption leave; or
- (b) who, while another employee is on adoption leave, must perform the duties of the position held by the other employee.

(2) However, before employing the replacement employee, the employer must inform the person—

- (a) the person’s employment is only temporary; and
- (b) about the rights of the employee who is on adoption leave.

Return to work after adoption leave

93.(1) This section applies if an employee returns to work after Division 1 adoption leave.

(2) The employer must employ the employee in the position the employee held immediately before the leave.

(3) However, if—

- (a) the position no longer exists; and
- (b) the employee is qualified for, and can perform the duties of, other positions in the employer’s employment;

the employer must employ the employee in whichever of the other positions is nearest in status and remuneration to the employee’s former position.

Adoption leave and continuity of service

94. A period of adoption leave does not break an employee’s continuity of service, but does not count as service other than—

- (a) to work out the employee's entitlement to a later period of adoption leave or other parental leave; or
- (b) as expressly provided in the Act, or in an award, industrial agreement, certified agreement, enterprise flexibility agreement or court order.

Division 2—Dismissal

Interpretation

95.(1) In this Division—

“authorised leave” means leave authorised by—

- (a) the employer; or
- (b) an award, industrial agreement, certified agreement, enterprise flexibility agreement or order of a court or tribunal having power to fix wages and other employment conditions; or
- (c) the employee's employment contract; or
- (d) a Commonwealth or State law.

(2) If an expression used in this Division is also used in the Termination of Employment Convention, it has the same meaning as in the Convention.

Certain employees excluded from operation of Pt 12, Div 5, Sdiv 3 of the Act—s 290(3) of the Act

96.(1) Part 12, Division 5, Subdivision 3 of the Act does not apply to a short term casual employee.

(2) In this section—

“short term casual employee” means a casual employee other than a casual employee who—

- (a) is engaged—
 - (i) by a particular employer on a regular and systematic basis; and
 - (ii) for several periods of employment during a period of at least

6 months; and

- (b) apart from the employer's decision not to offer the person further employment, had a reasonable expectation of further employment by the employer.

Matters to be disregarded when calculating continuous service

97.(1) Under section 293(3) of the Act, the following things do not break an employee's continuity of service with the employer—

- (a) a suspension, stand down or other interruption, or termination of the employee's employment, by the employer, to avoid the employer's obligations under section 293 (Notice of dismissal or compensation to be given) of the Act;
- (b) an absence from work by the employee on authorised leave;
- (c) an absence from work by the employee, if there was a reasonable cause for the absence, including, for example, because of an illness or injury;
- (d) an absence from work by the employee because of protected action under section 203 (Protected action for which immunity is provided) of the Act that has not involved or is not likely to involve—
 - (i) unlawful personal injury; or
 - (ii) wilful destruction of, or damage to, property; or
 - (iii) taking, keeping or using property;
- (e) an absence from work by the employee because of industrial action to which section 602(1) of the Act applies⁴;
- (f) another absence from work by the employee, unless the employer gives the employee a notice under subsection (4).

(2) An employee's absence from work in the circumstances mentioned in subsection (1)(c) does break the continuity of service unless—

⁴ The subsection applies to certain industrial action about industrial disputes. However, it does not apply in certain circumstances stated in the section.

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- (a) if a decision applies to the employee—the employee complies with the decision requiring the employee to—
 - (i) notify the employer of an absence from work; and
 - (ii) substantiate the reason for the absence; or
- (b) if a decision does not apply to the employee—the employee informs the employer within 24 hours after the beginning of the absence, or within a longer period if it is reasonable in the circumstances, of—
 - (i) the employee’s absence from work; and
 - (ii) the reason for the absence; and
 - (iii) the likely duration of the absence.

(3) An employee’s absence from work in the circumstances mentioned in subsections (1)(d) and (e) does break the continuity of service if the Commission has decided, when working out the employee’s entitlement to notice of dismissal or to compensation instead of notice, the absence must be taken to be a break in the employee’s continuity of service.

(4) Under subsection (1)(f), the employer may give the employee notice that the absence from work breaks the employee’s continuity of service with the employer.

(5) A notice under subsection (4)—

- (a) must be given during, or within 14 days after the end of, the period of absence; and
- (b) may be withdrawn by the employer.

(6) If the employer withdraws the notice, it is taken not to have been given.

(7) If an employee’s absence from work does not break the employee’s continuity of service under this section, the period of absence must be included as a period of service when calculating the employee’s continuous service.

PART 5—MISCELLANEOUS

Steps to remedy deficiency in awards or industrial agreements

98.(1) Under section 150(2) of the Act, the Commission must take the steps specified in this section to remedy a deficiency found by it in an award or industrial agreement.

(2) The Commission must record its reasons for deciding a deficiency exists.

(3) Before making a decision about remedying the deficiency, the Commission must give an opportunity to be heard to—

- (a) a party to the award or industrial agreement who has a genuine interest in the matter; and
- (b) if the Commission considers the award or industrial agreement contains a discriminatory provision—the Anti-Discrimination Commissioner under the *Anti-Discrimination Act 1991*; and
- (c) a person who, under a direction given under section 94(b)(v)⁵ of the Act, may be heard in the proceedings.

(4) The Commission must remedy the deficiency by—

- (a) varying the award or industrial agreement; or
- (b) taking other action the Commission considers appropriate about the award or industrial agreement.

(5) When deciding how to remedy a deficiency mentioned in section 150(2)(a)(ii) or (iv)⁶ or 150(2)(b)(i)⁷ of the Act, the Commission must consider whether—

- (a) the provision containing the deficiency should be omitted from

⁵ Section 94(b)(v) provides that, in certain circumstances, the Industrial Court, Industrial Commission or Industrial Registrar may direct who may be heard in a proceeding.

⁶ The deficiencies mentioned are obsolete or dated provisions and the prescription of matters in unnecessary detail.

⁷ The deficiency mentioned is that the award's terms are no longer appropriate having regard to the Commission's function to ensure the system of awards provides for secure, relevant and consistent wages and employment conditions.

the award or industrial agreement; and

- (b) if the provision is in an award—the provision should be amended or included in an agreement between the parties; and
- (c) if the provision is in an industrial agreement—the provision should be amended.

(6) If the Commission considers it appropriate in the circumstances, it may—

- (a) remedy a deficiency in stages, or over a period; or
- (b) allow the parties to remedy the deficiency in a way agreed by them.

Way Commission must notify industrial organisation of application

99. Under sections 159 and 179 of the Act, the Commission must notify each industrial organisation entitled to be heard in the form prescribed under the *Industrial Court Rules 1990*.

Way proposed amalgamated organisation's members may object to ballot exemption

100. Under section 417(3) of the Act, an objection must be made to the Commission in the form prescribed under the *Industrial Court Rules 1990*.

Application for issue of authorisation

101.(1) An application for an authorisation under section 495 of the Act is to be made to the Industrial Registrar in the form provided for by the rules of court and is to be signed by the president and secretary of the industrial organisation making the application.

(2) The application is to identify the respective category of person for which authorisation is sought, as either an officer or an employee of the industrial organisation and must have annexed to it—

- (a) 2 passport size (4.5 cm x 3.5 cm) photographs with the signature on the reverse side of each of them of the person to be authorised; and

- (b) 2 specimen signatures of the person to be authorised endorsed on by the applicants as being genuine signatures of the person to be authorised;

(3) Each application must be accompanied by the fee provided for by the rules of court;

Certificate of employment on termination

102.(1) For the purposes of section 510 of the Act, the prescribed particulars to be included on a certificate of employment on termination are—

- (a) the full name and address of the employee;
- (b) a description of the trade or occupation in which the employee was engaged;
- (c) the dates at which the employee commenced and ceased employment in each of the respective trades or occupations;
- (d) the address of the workplace at which the employee was so engaged.

(2) The certificate is to be signed and dated by the employer.

Notice of attachment

103. For the purposes of sections 528, 530 and 534 of the Act the prescribed forms are the relevant forms set out in Schedule 1.

Offences and penalties

104. Except where an offence is expressly prescribed by any other provision of this regulation—

- (a) a person who contravenes or fails to comply with any provision of this regulation; or
- (b) a person who—
 - (i) fails to do that which the person is directed or required to do;
 - or

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(ii) does that which the person is forbidden to do,
by a person acting under the authority of this regulation,
commits an offence against this regulation.

Maximum Penalty—20 penalty units.

SCHEDULE 1

section 103

Form 1

Queensland

Industrial Relations Act 1990 (s 528)

Industrial Relations Regulation 1990 (s 100)

NOTICE OF ATTACHMENT

To [Name of prime contractor]

Pursuant to section 528 of the *Industrial Relations Act 1990*, take notice that [name of employer] being indebted to me [or us] in the sum of

\$ [or in the sums set opposite our signatures] for wages, you are hereby required to retain in your hands from money due or accruing due from you to [name of employer] the sum or sums set out in this notice.

Dated this day of , 19 .

(Full name of employee(s)).....\$ [Amount owing]

.....
Signature(s) of employee(s)

SCHEDULE 1 (continued)

Form 3

Queensland

Industrial Relations Act 1990 (s 534)

Industrial Relations Regulation 1990 (s 100)

**RECEIPT TO BE GIVEN BY EMPLOYEE ON
DISCHARGE OF CLAIM**

I hereby acknowledge that the sum of \$ _____, due to me by [name of employer], for which I obtained judgment in the _____ Court at _____ on the day _____ of _____ 19____, under section 534 of the *Industrial Relations Act 1990*, has been fully paid by [name of person paying].

Dated this _____ day of _____, 19____.

.....
Signature

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 25 November 1994. Future amendments of the Industrial Relations Regulation 1990 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Table of previous reprints

Reprint No.	Amendments included	Reprint date
1	to SL No. 223 of 1993	27 July 1993

4 Tables in earlier reprints**TABLES IN EARLIER REPRINTS**

Name of Table	Reprint No.
Table of corrected minor errors	1

5 List of legislation

Industrial Relations Regulation 1990

pubd Ind Gaz 13 October 1990 pp 203–42
commenced on date of publication

as amended by—

Industrial Relations Amendment Regulation (No. 1) 1993 SL No. 223

notfd Gaz 18 June 1993 pp 985–9
commenced on date of notification

Industrial Relations Amendment Regulation (No. 1) 1994 SL No. 389

notfd Gaz 4 November 1994 pp 1027–8
commenced on date of notification

Note—This regulation expires on the day after the publication of the reprint mentioned in s 6 (see s 7)

6 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
exp	=	expires/expired
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Short title amd (see s 20 RA)

Repeal of regulations

s 1.2 om 1993 SL No. 223 s 3

Interpretation

s 1.3 om 1993 SL No. 223 s 3

Dealing with demarcation disputes

s 2 amd 1993 SL No. 223 s 4

Division 3—Request to Industrial Registrar for conduct of elections

Div hdg sub 1993 SL No. 223 s 5

When request to Industrial Registrar for conduct of elections may be made

s 17 sub 1993 SL No. 223 s 5

Unauthorised action in conduct of ballot

s 18 sub 1993 SL No. 223 s 5

Division 4—Elections for office

Div hdg sub 1993 SL No. 223 s 5

Application for industrial organisation or branch to conduct its elections

s 19 sub 1993 SL No. 223 s 5

Publication of notice for purposes of s 352 of the Act

s 20 sub 1993 SL No. 223 s 5

Objections to application to conduct elections

s 21 sub 1993 SL No. 223 s 5

Answer to objections

s 22 sub 1993 SL No. 223 s 5

Hearing of application to conduct elections

s 23 sub 1993 SL No. 223 s 5

Revocation of exemption allowing an industrial organisation or branch to conduct its elections

s 24 sub 1993 SL No. 223 s 5

Prescribed information in relation to election—s 355 of the Act

s 25 sub 1993 SL No. 223 s 5

Division 5—Amalgamation of industrial organisations

Div hdg sub 1993 SL No. 223 s 5

Interpretation

s 26 sub 1993 SL No. 223 s 5

Federations

s 27 sub 1993 SL No. 223 s 5

Application for a community of interest declaration

s 28 sub 1993 SL No. 223 s 5

Application for approval for submission of amalgamation to ballot

s 29 sub 1993 SL No. 223 s 5

Application for exemption from ballot

s 30 sub 1993 SL No. 223 s 5

Application for ballot not conducted under s 419 of the Act

s 31 sub 1993 SL No. 223 s 5

Withdrawal of applications filed under s 397, 398, 400 or 401 of the Act

s 32 sub 1993 SL No. 223 s 5

Prescribed matters—s 407(3) of the Act

s 33 sub 1993 SL No. 223 s 5

Public notification of a refusal under s 408 of the Act to approve the submission of an amalgamation to ballot

s 34 sub 1993 SL No. 223 s 5

Time for filing an objection under s 409 of the Act

s 35 sub 1993 SL No. 223 s 5

Manner of making objections—s 409 of the Act

s 36 sub 1993 SL No. 223 s 5

Prescribed persons—s 409 of the Act

s 37 sub 1993 SL No. 223 s 5

Prescribed grounds—s 409 of the Act

s 38 sub 1993 SL No. 223 s 5

Service of notice of objection

s 39 sub 1993 SL No. 223 s 5

Statement in reply

s 40 sub 1993 SL No. 223 s 5

Hearing of objections

s 41 sub 1993 SL No. 223 s 5

Applicants to be heard before an application may be refused under s 410 of the Act

s 42 sub 1993 SL No. 223 s 5

Roll of voters—preparation

s 43 sub 1993 SL No. 223 s 5

Roll of voters—inspection etc.

s 44 sub 1993 SL No. 223 s 5

Form and publication of notice of ballot

s 45 sub 1993 SL No. 223 s 5

Conduct of ballots 46 prev s 3.44 renum as s 3.67 1993 SL No. 223 s 8
pres s 3.44 ins 1993 SL No. 223 s 5**Scheme for amalgamation—Industrial Registrar to supply copies of documents**s 47 prev s 3.45 renum as s 3.68 1993 SL No. 223 s 8
pres s 3.45 ins 1993 SL No. 223 s 5**Scheme for amalgamation—electoral official to supply copies of documents on request**s 48 prev s 3.46 renum as s 3.69 1993 SL No. 223 s 8
pres s 3.46 ins 1993 SL No. 223 s 5

Duties of electoral official if ballot not conducted under s 419 of the Act

s 49 prev s 3.47 renum as s 3.70 1993 SL No. 223 s 8
pres s 3.47 ins 1993 SL No. 223 s 5

Ballot papers—forms

s 50 prev s 3.48 renum as s 3.71 1993 SL No. 223 s 8
pres s 3.48 ins 1993 SL No. 223 s 5

Issuing of ballot papers—attendance voting

s 51 prev s 3.49 renum as s 3.72 1993 SL No. 223 s 8
pres s 3.49 ins 1993 SL No. 223 s 5

Dispatch of ballot papers—secret postal ballots

s 52 prev s 3.50 renum as s 3.73 1993 SL No. 223 s 8
pres s 3.50 ins 1993 SL No. 223 s 5

Duplicate ballot papers—attendance voting

s 53 prev s 3.51 renum as s 3.74 1993 SL No. 223 s 8
pres s 3.51 ins 1993 SL No. 223 s 5

Duplicate ballot paper etc.—postal voting

s 54 ins 1993 SL No. 223 s 5

Manner of voting

s 55 ins 1993 SL No. 223 s 5

Custody of ballot papers

s 56 ins 1993 SL No. 223 s 5

Scrutiny

s 57 ins 1993 SL No. 223 s 5

Scrutineers

s 58 ins 1993 SL No. 223 s 5

Certificate showing particulars of the ballot

s 59 ins 1993 SL No. 223 s 5

Preservation of ballot papers etc.

s 60 ins 1993 SL No. 223 s 5

Inquiry into ballot irregularity—application

s 61 ins 1993 SL No. 223 s 5

Inquiry into ballot irregularity—directions as to hearing

s 62 ins 1993 SL No. 223 s 5

Inquiry into ballot irregularity—inspection of documents

s 63 ins 1993 SL No. 223 s 5

Inquiry into ballot irregularity—procedure at hearing

s 64 ins 1993 SL No. 223 s 5

Inquiry into ballot irregularity—interim orders in case of uncompleted ballot

s 65 ins 1993 SL No. 223 s 5

Public notification of amalgamation day

s 66 ins 1993 SL No. 223 s 5

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s 67 ins 1993 SL No. 223 s 5

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s 68 ins 1993 SL No. 223 s 5

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s 69 prev s 3.44 renum 1993 SL No. 223 s 8

Cancellation of registration of defunct industrial organisation on motion of the Industrial Registrar

s 70 prev s 3.45 renum 1993 SL No. 223 s 8

Prescribed accounts—section 453(1) of the Act

s 71 prev s 3.46 renum 1993 SL No. 223 s 8

Prescribed accounts—section 467(5) of the Act

s 72 prev s 3.47 renum 1993 SL No. 223 s 8

Certificates to be given in accountss 73 prev s 3.48 renum 1993 SL No. 223 s 8
amd 1993 SL No. 223 s 6; 1994 SL No. 389 s 3**Information to be provided to members and Industrial Registrar**s 74 prev s 3.49 renum 1993 SL No. 223 s 8
amd 1993 SL No. 223 s 7**Evidence of membership of industrial organisation to be supplied**

s 75 prev s 3.50 renum 1993 SL No. 223 s 8

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s 91 ins 1994 SL No. 389 s 4

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s 99 prev s 4.2 renum as s 4.5 1994 SL No. 389 s 5
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s 100 prev s 4.3 renum as s 4.6 1994 SL No. 389 s 5
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s 101 prev s 4.4 renum as s 4.7 1994 SL No. 389 s 5
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s 102 (prev s 4.2) renum 1994 SL No. 389 s 5

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s 103 (prev s 4.3) renum 1994 SL No. 389 s 5

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s 104 (prev s 4.4) renum 1994 SL No. 389 s 5

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