



Queensland

Industrial Relations (Tribunals) (Reform of Act) Amendment Rule 2017

Subordinate Legislation 2017 No. 26

made under the

Industrial Relations Act 2016

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1 Short title

This rule may be cited as the *Industrial Relations (Tribunals) (Reform of Act) Amendment Rule 2017*.

2 Commencement

This rule commences on 1 March 2017.

3 Rules amended

This rule amends the *Industrial Relations (Tribunals) Rules 2011*.

4 Amendment of r 2 (Commencement)

Rule 2—

insert—

Note—

From 1 March 2017, these rules continue to have effect as if they were made under section 551 of the Act—see section 1025 of the Act.

5 Amendment of r 4 (What a reference to application, application to appeal or applicant includes)

Rule 4(1)(a)—

omit, insert—

- (a) to an application includes a reference to—
 - (i) a notice of appeal under an appeal Act; and
 - (ii) a complaint referral; and

6 Amendment of r 8 (Starting proceedings)

(1) Rule 8(2)—

insert—

[s 7]

- (f) to a proceeding started by a complaint referral.
- (2) Rule 8(2)(e), ‘section 229’—
omit, insert—
section 261
- (3) Rule 8(3)—
omit, insert—
 - (3) For these rules, each of the following is a document starting a proceeding—
 - (a) an application to appeal;
 - (b) a notice of appeal under an appeal Act;
 - (c) a complaint referral.
- (4) Rule 8—
insert—
 - (4A) A complaint referral must be in the approved form.
- (5) Rule 8(4A) to (6)—
renumber as rule 8(5) to (7).

7 Amendment of r 10 (Form of applications)

- (1) Rule 10(3), definition *excluded application*, paragraph (d)—
omit, insert—
 - (d) an application under section 213 or 979 of the Act;
- (2) Rule 10(3), definition *excluded application—*
insert—
 - (f) a complaint referral.

8 Amendment of r 14 (Filing of documents)

- (1) Rule 14(1), ‘and 3 copies of the’—
omit.
- (2) Rule 14(3), note, ‘the Act, sections 229, 456 and 488’—
omit, insert—
sections 261, 644 and 676 of the Act

9 Amendment of r 28 (Service of documents)

- Rule 28(2)(a), ‘section 232(2)’—
omit, insert—
section 264(2)

10 Replacement of rr 32 and 33

- Rules 32 and 33—
omit, insert—

32 Substituted service or notice of document

- (1) An application for an order under section 528(2) of the Act must be in the approved form.
- (2) The court, commission or registrar may state in an order made under section 528(2)(b) of the Act the steps to be taken, instead of service, for bringing the document to the attention of the person to be served.

33 Informal service

- (1) This rule applies if—
- (a) for any reason, a document is not served under section 528 of the Act or this subdivision, but the person to be served has otherwise come into possession of the document or a copy of it; and

[s 11]

(b) the court, commission or registrar is satisfied on evidence before it that the document came into the person's possession.

(2) The court, commission or registrar may, by order, decide that the possession of the document is service for these rules on the day it came into the person's possession or another day stated in the order.

11 Amendment of r 47 (Response to applications)

Rule 47(5)—

omit, insert—

(5) The party must file the response and immediately serve a copy of it on the applicant and any other parties.

12 Amendment of r 58 (Issue of attendance notices)

Rule 58(1A) to (5)—

renumber as rule 58(2) to (6).

13 Replacement of r 64 (Serving attendance notice)

Rule 64—

omit, insert—

64 Serving attendance notice

An attendance notice must be served on the person to whom it is directed.

Note—

For the ways in which an attendance notice may be served, see section 528 of the Act and rule 28.

14 Amendment of r 64A (Definitions for sdiv 7A)

Rule 64A, definition *objector*—
omit.

15 Amendment of r 66 (Hearing in respondent's absence)

(1) Rule 66, 'under section 278'—

omit, insert—

made under section 476

(2) Rule 66, editor's note—

omit.

16 Amendment of r 67 (Rehearing of proceeding heard in respondent's absence)

Rule 67(1), 'section 278'—

omit, insert—

section 475

17 Amendment of r 68 (Discontinuance of applications other than under Act, s 74)

(1) Rule 68, heading, 's 74'—

omit, insert—

s 317

(2) Rule 68(1), 'under section 74(1)'—

omit, insert—

made under section 317(1)

18 Amendment of r 70 (Costs)

Rule 70(1), 'section 335'—

omit, insert—

section 545

19 Amendment of r 71 (Certificate under Act, s 336)

(1) Rule 71, heading, ‘s 336’—

omit, insert—

s 546

(2) Rule 71, ‘section 336’—

omit, insert—

section 546

20 Amendment of r 72 (Application for declaration about industrial matter)

Rule 72, ‘section 274A’—

omit, insert—

section 463

21 Amendment of r 73 (Application for order declaring persons to be employees or employers)

Rule 73, ‘section 275’—

omit, insert—

section 465

22 Amendment of r 74 (Application to amend or declare void contract)

(1) Rule 74(1), from ‘For section’ to ‘an application’—

omit, insert—

An application to amend or declare void a contract under section 471

(2) Rule 74(3)(a), ‘section 74’—

omit, insert—

section 317

- (3) Rule 74(3)(b), ‘section 276(6)(b)’—

omit, insert—

section 472(2)(b)

23 Amendment of r 75 (Application for injunction under Act, s 277)

- (1) Rule 75, heading, ‘s 277’—

omit, insert—

s 473

- (2) Rule 75, ‘section 277’—

omit, insert—

section 473

24 Amendment of r 76 (Application to recover unpaid wages and superannuation contribution etc.)

- (1) Rule 76(1), ‘under section 278’—

omit, insert—

under section 475

- (2) Rule 76(1)(c), ‘section 278(3)’—

omit, insert—

section 476(2)

- (3) Rule 76(1)(c), ‘section 399, 400F or 408’—

omit, insert—

section 379, 386 or 396

- (4) Rule 76(1)(f), note, ‘the Act, section 278’—

omit, insert—

section 476(1) of the Act

[s 25]

25 Amendment of r 77 (Application for order about representation rights of associations or employee organisations)

Rule 77, from ‘under section’ to ‘dispute’—

omit, insert—

for an order about a demarcation dispute under section 479 of the Act

26 Amendment of r 78 (Application to reopen)

Rule 78, ‘section 280’—

omit, insert—

section 484

27 Amendment of r 79 (Application to refer matter to full bench)

Rule 79, ‘section 281(3)’—

omit, insert—

section 486(4)

28 Amendment of r 80 (Application for interpretation of industrial instrument)

Rule 80(1), ‘section 284’—

omit, insert—

section 467

29 Insertion of new pt 2, div 3, sdiv 1A

Part 2, division 3—

insert—

Subdivision 1A Applications and proceedings under

Anti-Discrimination Act 1991

80A Application for exemption or renewal of exemption—Anti-Discrimination Act 1991, s 113

An application under the *Anti-Discrimination Act 1991*, section 113 for an exemption, or renewal of an exemption, from the operation of a specified provision of that Act must—

- (a) be in the approved form; and
- (b) state—
 - (i) the provision of that Act from which an exemption is sought; and
 - (ii) the period, or further period, for which the exemption is sought; and
 - (iii) the person, people or class of people for whom the exemption is sought; and
 - (iv) the grounds on which the application is made; and
- (c) be accompanied by a statement made by, or for, the applicant setting out detailed information in support of the application.

80B Application for order protecting complainant's interests—Anti-Discrimination Act 1991, s 144

- (1) This rule applies if a person applies to the commission for an order under the *Anti-Discrimination Act 1991*, section 144 in relation to a complaint under that Act.
- (2) The application must be in the approved form and served at least 2 days before the commission hears the application.
- (3) The applicant must also serve the application and

[s 29]

any documents filed in support of the application on—

- (a) if the applicant is the complainant—the anti-discrimination commissioner; or
 - (b) if the applicant is the anti-discrimination commissioner—the complainant.
- (4) If the commission is satisfied exceptional circumstances exist in relation to the application, the commission may hear the application even if the applicant has not complied with rule 24 or subrule (3).
- (5) In this rule—
complainant see the *Anti-Discrimination Act 1991*, schedule.

80C Giving copy of order protecting complainant's interests—Anti-Discrimination Act 1991, s 144

- (1) If the commission makes an order under the *Anti-Discrimination Act 1991*, section 144 in relation to a complaint under that Act, the applicant must promptly give a copy of the order to—
 - (a) each party to the proceeding; and
 - (b) the anti-discrimination commissioner, if the applicant is not the anti-discrimination commissioner; and
 - (c) any other person the commission directs to be given a copy of the order.
- (2) However, the commission may order the registrar to give a copy of the order to a person mentioned in subrule (1) or may order that the copy be given to the person in a particular way.
- (3) If the commission orders the registrar to give a copy of the order to a person mentioned in subrule (1), the applicant is exempt from the requirement

to give the order to the person under the subrule.

80D Application for review of decision about complaint lapsing—Anti-Discrimination Act 1991, s 169

- (1) This rule applies to an application for a review of the anti-discrimination commissioner's decision about a complaint lapsing under the *Anti-Discrimination Act 1991*, section 169.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) be accompanied by a written statement by the applicant of the reasons why the anti-discrimination commissioner's decision should be changed.

80E Commission to give anti-discrimination commissioner and parties copy of reasons for decision

- (1) This section applies if the commission gives a party to a proceeding under the *Anti-Discrimination Act 1991* written reasons for a decision in the proceeding.
- (2) The commission must also give a copy of the reasons to—
 - (a) each other party to the proceeding who has not already been given a copy of the reasons; and
 - (b) the anti-discrimination commissioner, if the commissioner has not already been given a copy of the reasons.

30 Insertion of new r 88B

After rule 88—

[s 31]

insert—

88B Notice of appeal to anti-discrimination commissioner—Anti-Discrimination Act 1991

- (1) This rule applies if—
 - (a) a person appeals against a decision of the commission made under the *Anti-Discrimination Act 1991*; and
 - (b) the person is not the anti-discrimination commissioner.
- (2) The registrar must give notice of the appeal to the anti-discrimination commissioner.

31 Amendment of r 97 (Publishing decisions etc.)

- (1) Rule 97(1)(b), ‘certified agreement’—

omit, insert—

bargaining instrument

- (2) Rule 97(2)—

omit, insert—

- (2) The registrar must, if the commission directs, publish an amendment of a bargaining instrument on the QIRC website.

Note—

For other documents the registrar must publish on the QIRC website, see sections 160, 161, 215, 230 and 459 of the Act.

32 Amendment of r 98 (Joining proceedings)

- (1) Rule 98(2), after ‘order 2’—

insert—

or more

- (2) Rule 98(2)(b), after ‘other’—

insert—

proceedings

33 Amendment of r 101 (Application of div 1)

(1) Rule 101(a), ‘section 83’—

omit, insert—

section 122

(2) Rule 101(b), ‘chapter 11’—

omit, insert—

chapter 9

(3) Rule 101(e), ‘section 399’—

omit, insert—

section 379

(4) Rule 101(f), ‘section 408’—

omit, insert—

section 396

(5) Rule 101(g), ‘section 408G’—

omit, insert—

section 402

34 Amendment of r 103 (Procedure)

Rule 103(2), ‘section 399, 408 or 408G’—

omit, insert—

section 379, 396 or 402

35 Omission of pt 3, div 2 (Proceeding for order under Electrical Safety Act 2002)

Part 3, division 2—

omit.

36 Amendment of r 120 (Allowance for attendance and expenses)

Rule 120(3), ‘section 661’—

omit, insert—

section 922

37 Amendment of r 122 (Serving attendance notice)

Rule 122, after ‘served’—

insert—

on the person to whom it is directed

38 Amendment of r 125 (Notice of appointment of agent)

Rule 125(1), ‘section 319(1)(a)’—

omit, insert—

section 529(1)(a)

39 Amendment of r 126 (Lawyer’s notice of address for service)

Rule 126(1), ‘section 319(2)’—

omit, insert—

section 530

40 Amendment of r 132 (Application of pt 5)

Rule 132(1)(a) to (d)—

omit, insert—

- (a) to the court under section 556 of the Act from a decision of a magistrate; or
- (b) to the court under section 557 of the Act from a decision of the commission; or

- (c) to the full bench under section 560 of the Act from a decision of the registrar; or
- (d) to the commission under section 562 of the Act against the stand-down of an employee under section 333 of the Act; or

41 Amendment of r 133 (Record for particular appeals and WHS reviews)

- (1) Rule 133(2)(b)(viii)—
omit.
- (2) Rule 133(2)(b)(ix) to (xi)—
renumber as rule 133(2)(b)(viii) to (x).
- (3) Rule 133(2)(c)(ii), ‘section 233(7)’—
omit, insert—
section 265(7)

42 Amendment of r 136 (Service of application if respondent is the chief executive (training))

- Rule 136(2)(a), ‘to (viii)’—
omit, insert—
to (vii)

43 Replacement of r 139 (Application to appeal, other than from magistrate or to full bench from registrar)

- Rule 139—
omit, insert—

139 Application to appeal—Act, s 557 or 562

- (1) This rule applies to an application to appeal—
 - (a) to the court under section 557 of the Act from a decision of the commission; or

[s 44]

- (b) to the commission under section 562 of the Act against the stand-down of an employee under section 333 of the Act.
- (2) The application to appeal must be filed and state the following—
 - (a) the name and last known address of each respondent or other party;
 - (b) whether the appeal is from all or part (and which part) of the decision appealed from;
 - (c) concise grounds of the appeal;
 - (d) the decision the appellant wants instead of the decision appealed from;
 - (e) if the appeal is from a decision of the full bench—whether the president was a member of the full bench.

Notes—

- 1 An application to appeal must be in the approved form. See rules 4 and 8(1) and (4).
- 2 See section 557(5) of the Act for the definition of *commission* for that section.

44 Amendment of r 140 (Application for leave to appeal to full bench—Act, s 342(1) or (2))

- (1) Rule 140, heading, from ‘to full bench’—
omit, insert—
—Act, s 557 or 560
- (2) Rule 140(1), from ‘the full bench’s’ to ‘the Act’—
omit, insert—
leave to appeal
- (3) Rule 140(1)(c)—
omit, insert—

(c) the facts and circumstances relied on to argue that an appeal should be brought in the public interest.

(4) Rule 140(2), ‘section 342(1)’—

omit, insert—

section 557(2) or 560(2)

45 Amendment of r 141 (Application for leave to appeal refused—Act, s 342(1) or (2))

(1) Rule 141, heading, ‘s 342(1) or (2)’—

omit, insert—

s 557 or 560

(2) Rule 141, from ‘full bench’ to ‘the Act’—

omit, insert—

court or full bench refuses to grant leave to appeal

46 Amendment of r 142 (Response to application for leave to appeal—Act, s 342(1) or (2))

(1) Rule 142, heading, ‘s 342(1) or (2)’—

omit, insert—

s 557 or 560

(2) Rule 142(1), from ‘the full bench’s’ to ‘of the Act’—

omit, insert—

leave to appeal

(3) Rule 142(2), before ‘full bench’—

insert—

court or

[s 47]

47 Amendment of r 143 (Application to appeal to full bench from registrar—Act, s 342(6) or (7))

(1) Rule 143, heading, ‘s 342(6) or (7)’—

omit, insert—

s 560

(2) Rule 143(1), ‘section 342(6) or (7)’—

omit, insert—

section 560(1) or (2)

(3) Rule 143(1)(c) and (2)—

omit.

48 Amendment of r 144 (Application to appeal from magistrate—Act, s 341(2) or 342(5))

Rule 144, heading, ‘s 341(2) or 342(5)’—

omit, insert—

s 556

49 Amendment of r 146 (Form of arrest warrant—Act, s 341(4))

(1) Rule 146, heading, ‘s 341(4)’—

omit, insert—

s 558

(2) Rule 146, ‘section 341(4)’—

omit, insert—

section 558(2)

50 Amendment of pt 6, hdg (General employment conditions)

Part 6, heading, ‘General’—

omit, insert—

Modern

51 Amendment of r 149 (Application for order for payment instead of long service leave)

Rule 149, ‘section 53(3)’—

omit, insert—

section 110(3)

52 Amendment of r 150 (Application for order for payment of proportionate payment for long service leave)

(1) Rule 150(1), ‘section 278’—

omit, insert—

section 476

(2) Rule 150(1), ‘section 43(3)’—

omit, insert—

section 95(3)

53 Amendment of r 151 (Application for order ensuring equal remuneration for work of equal or comparable value)

Rule 151(1), ‘chapter 2, part 5’—

omit, insert—

chapter 5, part 3

54 Amendment of r 152 (Application for reinstatement)

Rule 152(1), ‘section 74(1)’—

omit, insert—

section 317(1)

55 Amendment of r 153 (Discontinuing application for reinstatement)

(1) Rule 153(1), ‘section 74(1)’—

omit, insert—

section 317(1)

(2) Rule 153(5), ‘section 75’—

omit, insert—

section 318

56 Amendment of r 154 (Application for compensation order)

Rule 154, ‘section 83(4)(b)’—

omit, insert—

section 122(1)(b)

57 Amendment of r 155 (Application for order about severance allowance and other separation benefits)

Rule 155(1), ‘section 87’—

omit, insert—

section 326

58 Amendment of r 156 (Application for order for contravention of Act, s 90)

(1) Rule 156, heading, ‘s 90’—

omit, insert—

s 329

(2) Rule 156(1), ‘section 90(3)’—

omit, insert—

section 329(3)

(3) Rule 156(2)(a), ‘section 90(1) or (2)’—

omit, insert—

section 329(1) or (2)

59 Amendment of r 157 (Application for order for contravention of Act, s 90A)

(1) Rule 157, heading, ‘s 90A’—

omit, insert—

s 330

(2) Rule 157(1), ‘section 90A(3)’—

omit, insert—

section 330(3)

(3) Rule 157(2)(a), ‘section 90A(1) or (2)’—

omit, insert—

section 330(1) or (2)

60 Omission of pt 8 (Freedom of association)

Part 8—

omit.

61 Amendment of pt 9, hdg (Awards)

Part 9, heading, ‘Awards’—

omit, insert—

Modern awards

62 Replacement of rr 160–162

Rules 160 to 162—

omit, insert—

160 Application to make or vary modern awards

An application to make, or for an order varying, a

modern award under section 147(2)(b) of the Act must be in the non-chapter 12 approved form.

161 Application to make modern awards that relate to remuneration of employees

- (1) This rule applies to an application under section 147(2)(b) of the Act to make a modern award that relates to remuneration of employees.
- (2) An affidavit contained in or accompanying the application must state the facts relied on to show that the award provides for equal remuneration for work of equal or comparable value.

Note—

See section 143(1)(c) and chapter 5, part 2, division 1 of the Act.

162 Application to revoke modern awards

An application for an order revoking a modern award under section 150(3)(b) of the Act must be in the non-chapter 12 approved form.

63 Amendment, relocation and renumbering of r 163 (Application for order fixing minimum wages and employment conditions for apprentices and trainees)

- (1) Rule 163, ‘section 137(4)(b)’—
omit, insert—
section 136(4)(b)
- (2) Rule 163—
relocate and renumber as rule 149A.

64 Amendment, relocation and renumbering of r 164 (Application for order about tools)

- (1) Rule 164, ‘section 138(3)(b)’—

omit, insert—

section 137(3)(b)

(2) Rule 164—

relocate and renumber as rule 149B.

65 Relocation and renumbering of r 165 (Application for order for employees in labour market program)

Rule 165—

relocate and renumber as rule 149C.

66 Replacement of pt 10, hdg (Certified agreements)

Part 10, heading—

omit, insert—

Part 10 Bargaining instruments

67 Amendment of r 167 (Advice and notice in relation to a project agreement)

(1) Rule 167, heading—

omit, insert—

167 Notice in relation to project agreement or multi-employer agreement

(2) Rule 167(1)—

omit, insert—

(1) Written notice given to the commission under section 169(2)(b) of the Act must be filed in the approved form.

(3) Rule 167(2), ‘section 143(4)(b)’—

omit, insert—

section 170(2)(b)

[s 68]

68 Replacement of r 168 (Request for help to make certified agreement)

Rule 168—

omit, insert—

168 Request to help parties reach agreement

For section 175(1)(b) of the Act, a request for the commission to help the negotiating parties reach agreement must be made in the approved form.

69 Replacement of r 169 (Request for arbitration)

Rule 169—

omit, insert—

169 Consent application for arbitration

An application for arbitration of a matter under section 178(1) of the Act must—

- (a) be in the non-chapter 12 approved form; and
- (b) contain a form of consent to arbitration signed by all of the negotiating parties.

70 Omission of r 170 (Application to revoke determination)

Rule 170—

omit.

71 Amendment of r 171 (Application for certificate as to requested representation)

(1) Rule 171(1)—

omit, insert—

- (1) An application under section 242(1) or (2) of the Act in relation to a proposed bargaining instrument must—
 - (a) be made before—

-
- (i) for a proposed agreement—the agreement is made; or
 - (ii) for a proposed bargaining award—an application is made under section 190 of the Act for the making of the bargaining award; and
 - (b) be in the approved form.
 - (2) Rule 171(2) and (3), ‘section 152(1)’—
omit, insert—
section 242(1)
 - (3) Rule 171(2) and (4), ‘certified agreement’—
omit, insert—
bargaining instrument
 - (4) Rule 171(2)(a)(i), ‘section 144’—
omit, insert—
section 171
 - (5) Rule 171(2)(a)(i) and (4), ‘proposed agreement’—
omit, insert—
proposed instrument
 - (6) Rule 171(4), ‘section 152(2)’—
omit, insert—
section 242(2)

72 Amendment of r 172 (Application for certification of agreement)

- (1) Rule 172(1), ‘section 153’—
omit, insert—
section 189
- (2) Rule 172(1)(c)—
omit, insert—

[s 73]

- (c) be accompanied by the original and 2 copies of the agreement; and

73 Insertion of new r 172A

After rule 172—

insert—

172A Application for making of bargaining award

- (1) An application under section 190 of the Act to make a bargaining award and terminate the relevant modern award must—
 - (a) be in the approved form; and
 - (b) be signed by or for the applicant; and
 - (c) be accompanied by the original and 2 copies of the proposed bargaining award.
- (2) If the applicant wants a copy of the filed proposed bargaining award returned, the applicant must give the registrar an extra copy.

74 Amendment of r 173 (Form of agreement for certification)

- (1) Rule 173, heading, ‘agreement for certification’—

omit, insert—

proposed bargaining instrument

- (2) Rule 173, from ‘An agreement’ to ‘must—’—

omit, insert—

A proposed bargaining instrument filed with an application under section 189 or 190 of the Act must—

- (3) Rule 173(i), ‘agreement’—

omit, insert—

proposed instrument

75 Amendment of r 174 (Application for decision about designated award)

Rule 174, ‘section 163(2)’—

omit, insert—

section 213(2)

76 Amendment of r 175 (Application to extend certified agreement)

(1) Rule 175, heading, ‘certified agreement’—

omit, insert—

nominal expiry date of bargaining instrument

(2) Rule 175(1), ‘section 168’—

omit, insert—

section 223

(3) Rule 175(1), ‘certified agreement’—

omit, insert—

bargaining instrument

(4) Rule 175(2)(a), ‘section 168(4)’—

omit, insert—

section 223(4)

(5) Rule 175(2)(b), ‘section 185’—

omit, insert—

section 244

77 Amendment of r 176 (Application to amend certified agreement)

(1) Rule 176, heading, ‘certified agreement’—

omit, insert—

bargaining instrument

[s 78]

(2) Rule 176(1)—

omit, insert—

(1) An application under section 225 of the Act to amend a bargaining instrument must be in the approved form.

(3) Rule 176(2)(b), ‘certified agreement’—

omit, insert—

bargaining instrument

(4) Rule 176(2)(c)(i), ‘section 169(3)(a)’—

omit, insert—

section 225(2)(a)

(5) Rule 176(2)(c)(ii), ‘section 185’—

omit, insert—

section 244

(6) Rule 176(2)(d)—

omit, insert—

(d) details of the procedures for preventing and settling disputes in the bargaining instrument; and

(7) Rule 176(5)—

omit.

78 Replacement of rr 177–179

Rules 177 to 179—

omit, insert—

177 Application to terminate certified agreement or arbitration determination on or before nominal expiry date—Act, s 227

An application under section 227(1) of the Act to terminate a certified agreement or arbitration determination on or before its nominal expiry date

must—

- (a) be in the approved form; and
- (b) be accompanied by an affidavit stating that a valid majority of the relevant employees at the time approve the termination.

178 Application to terminate certified agreement or arbitration determination after nominal expiry date—Act, s 228

An application under section 228(1) of the Act to terminate a certified agreement or arbitration determination after its nominal expiry date must—

- (a) be in the approved form; and
- (b) be accompanied by an affidavit stating that the applicant has given notice of the applicant’s intention to terminate the agreement or determination to all other persons to whom the agreement or determination applies.

179 Application for approval to engage in industrial action—Act, s 235

An application for approval to engage in proposed industrial action under section 235(1) of the Act must—

- (a) be in the approved form; and
- (b) be accompanied by an affidavit stating the steps taken by the applicant to ensure the registrar is satisfied as required under section 235(1)(a) to (d) of the Act.

79 Amendment of r 180 (Notice of industrial dispute)

- (1) Rule 180(1), ‘section 229(2)’—

omit, insert—

section 261(2)

- (2) Rule 180(1)(b), before ‘fax number’—

insert—

email address or

80 Amendment of r 181 (Mediation by commission)

- (1) Rule 181(1), ‘section 231’—

omit, insert—

section 263

- (2) Rule 181(7), ‘chapter 7, part 2’—

omit, insert—

chapter 6, part 3

81 Amendment of r 182 (Notice to show cause)

Rule 182, from ‘notice’ to ‘show cause’—

omit, insert—

show cause notice under section 265(7) of the Act

82 Omission of r 183 (Application for secret ballot)

Rule 183—

omit.

83 Amendment, relocation and renumbering of r 184 (Conducting secret ballot)

- (1) Rule 184(1), ‘section 285(2)(b)’—

omit, insert—

section 489(2)(b)

- (2) Rule 184(3)(a), ‘section 368 or 544’—

omit, insert—

section 341 or 732

(3) Rule 184—

relocate and renumber as rule 88A.

84 Amendment of r 185 (Application for order for contravention of Act, s 238)

(1) Rule 185, heading, ‘s 238’—

omit, insert—

s 268

(2) Rule 185(1), ‘section 239’—

omit, insert—

section 269

(3) Rule 185(2), ‘section 238’—

omit, insert—

section 268

85 Amendment of r 186 (Application for issue of an authority)

Rule 186(1), ‘section 364’—

omit, insert—

section 337

86 Amendment of r 187 (Application to revoke, suspend or attach conditions to authority)

(1) Rule 187, heading—

omit, insert—

187 Application to revoke or suspend authorised officer’s authority

(2) Rule 187, from ‘under section’ to ‘officer must’—

omit, insert—

for an authorised officer's authority to be revoked or suspended under section 338(1) of the Act must

(3) Rule 187—

insert—

(aa) the facts of how the officer allegedly entered an employer's workplace other than under section 348 of the Act; or

(4) Rule 187(b), 'section 372(2)'—

omit, insert—

section 348(2)

(5) Rule 187(d), 'industrial'—

omit.

(6) Rule 187(aa) to (d)—

renumber as rule 187(b) to (e).

87 Amendment of r 188 (Application for order for repayment of fee)

(1) Rule 188, 'section 408F(1)'—

omit, insert—

section 403(1)

(2) Rule 188(b), 'section 408D(1)'—

omit, insert—

section 400(1)

88 Amendment of r 189 (Application for registration)

(1) Rule 189(a), after 'employee'—

insert—

organisation

(2) Rule 189(a), 'section 414(1)'—

omit, insert—

section 602(1)

(3) Rule 189(b), ‘section 414(2)’—

omit, insert—

section 602(2)

89 Amendment of r 190 (Application to change callings)

Rule 190, ‘section 427’—

omit, insert—

section 615

90 Amendment of r 191 (Notice of objection)

Rule 191, ‘section 418(1)(b)’—

omit, insert—

section 606(1)(b)

91 Amendment of r 193 (Application for approval for ballot not to be a postal ballot)

Rule 193(1)—

omit, insert—

- (1) An application to the registrar under section 635(1) of the Act by an organisation for approval for ballots to decide elections for its elected officers not to be postal ballots must be in the chapter 12 approved form.

92 Amendment of r 194 (Application for cancellation of approval for ballot not to be a postal ballot)

Rule 194, from ‘section 450(a)’ to ‘postal ballot’—

omit, insert—

[s 93]

section 638(a) of the Act by an organisation to cancel an approval for ballots to decide elections for its elected officers not to be postal ballots

93 Amendment of r 195 (Application about organisation's rules under Act, s 459)

(1) Rule 195, heading, 's 459'—

omit, insert—

s 646

(2) Rule 195, 'section 459(1)'—

omit, insert—

section 646(1)

94 Amendment of r 196 (Application for approval to amend name under Act, s 472)

(1) Rule 196, heading, 's 472'—

omit, insert—

s 660

(2) Rule 196, 'section 472'—

omit, insert—

section 660

95 Amendment of r 197 (Application for approval to amend name under Act, s 473)

(1) Rule 197, heading, 's 473'—

omit, insert—

s 661

(2) Rule 197, from 'section 473' to 'name amendment'—

omit, insert—

section 661 of the Act approving an amendment

of an organisation's name

96 Amendment of r 198 (Application to approve eligibility rule amendment)

(1) Rule 198(1), from 'section 474' to 'rule amendment'—

omit, insert—

section 662 of the Act approving an amendment to an eligibility rule

(2) Rule 198(2)(a), 'registered'—

omit.

97 Amendment of r 199 (Application for approval of other amendment to rules under Act, s 478)

(1) Rule 199, heading, from 'under'—

omit, insert—

—Act, s 666

(2) Rule 199, 'section 478'—

omit, insert—

section 666

(3) Rule 199(d)(i), 'registered'—

omit.

98 Amendment of r 200 (Filing prescribed election information)

Rule 200, 'section 481'—

omit, insert—

section 669

99 Amendment of r 201 (Application for election inquiry)

Rule 201(c), 'section 481(1)'—

omit, insert—

section 669(1)

100 Amendment of r 202 (Officers register)

(1) Rule 202, ‘section 547’—

omit, insert—

section 735

(2) Rule 202(b), note, from ‘the Act’—

omit, insert—

section 595 of the Act.

101 Amendment of r 203 (Application for exemption if federal ballot held)

(1) Rule 203, ‘section 580’—

omit, insert—

section 802

(2) Rule 203(b), ‘(Registered Organisations)’—

omit, insert—

Registered Organisations

102 Amendment of r 204 (Application for exemption from keeping members register or officers register)

Rule 204, ‘section 582’—

omit, insert—

section 804

103 Insertion of new r 205

After rule 204—

insert—

205 Application for exemption from accounting or audit obligations—Act, s 808

An application for an exemption under section 808(1) of the Act from the whole or part of chapter 12, part 11, division 6, subdivisions 3 and 4 of the Act must—

- (a) be in the chapter 12 approved form; and
- (b) be accompanied by a copy of the most recent audit report or relevant accounts for the applicant's counterpart federal body lodged under the Commonwealth Registered Organisations Act, section 268, certified by the president or secretary of the counterpart federal body as being a true copy; and
- (c) be accompanied by a copy of a letter from the registry of the Australian commission to the applicant's counterpart federal body acknowledging the lodging of the documents with the Australian commission.

104 Amendment of r 206 (Application for exemption from accounting or audit obligations for an employer organisation that is a corporation)

- (1) Rule 206, heading, after 'corporation'—

insert—

—Act, s 820

- (2) Rule 206(1), 'section 590'—

omit, insert—

section 820

- (3) Rule 206(1), 'part 12, divisions 2 and 3'—

omit, insert—

part 11, division 6, subdivisions 3 and 4

[s 105]

105 Amendment of r 207 (Application for exemption from requirement that electoral commission conduct election)

Rule 207, ‘section 594’—

omit, insert—

section 812

106 Amendment of r 208 (Application to submit proposed amalgamation to a ballot)

Rule 208, note, from ‘the Act’—

omit, insert—

section 841 of the Act.

107 Amendment of r 219 (Application for deregistration)

Rule 219, ‘section 639(1)’—

omit, insert—

section 879(1)

108 Amendment of r 220 (Statistical information)

Rule 220(3), ‘30 days’—

omit, insert—

14 days

109 Omission of pt 15 (Industrial agreements)

Part 15—

omit.

110 Amendment of r 222 (Student’s work permit)

Rule 222(1), ‘section 695’—

omit, insert—

section 978

111 Amendment of r 223 (Aged or infirm person's permit)

(1) Rule 223(1)(a), 'section 696(1)'—

omit, insert—

section 979(1)

(2) Rule 223(1)(b), 'section 696(4)'—

omit, insert—

section 979(4)

(3) Rule 223(2), 'section 696(6)'—

omit, insert—

section 979(7)

112 Insertion of new pt 19, div 4

Part 19—

insert—

**Division 4 Transitional provisions for
Industrial Relations
(Tribunals) (Reform of Act)
Amendment Rule 2017**

240 Continuation of r 159 for Act, s 1020

Rule 159, as in force before the commencement, continues to apply in relation to conduct to which section 1020 of the Act applies.

241 Existing proceedings and proceedings not started

(1) This section applies to a proceeding to which section 1023 or 1024 of the Act applies.

- (2) These rules, as in force immediately before the commencement, continue to apply in relation to the proceeding.

242 Continuation of pt 3, div 1 and r 188

Part 3, division 1 and rule 188, as in force before the commencement, continue to apply in relation to a fee received by a private employment agent before the commencement.

113 Amendment of sch 1 (Fees in the court, commission or registry)

Schedule 1, item 1—

omit, insert—

1 Filing—

- | | |
|---|-------|
| (a) an application made by a party or inspector, under section 471 of the Act, to amend or declare void (wholly or partly) a contract | 51.50 |
| (b) an application for directions, as mentioned in section 552 of the Act, relating to an application mentioned in paragraph (a) | 18.10 |

114 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *leave to appeal* and *objector—*

omit.

- (2) Schedule 2—

insert—

anti-discrimination commissioner means the Anti-Discrimination Commissioner under the *Anti-Discrimination Act 1991*.

complaint referral means a referral of a complaint under the *Anti-Discrimination Act*

1991, section 155(4), 164A(3)(a), 166(1) or 167(4)(b) or (5).

leave to appeal means—

- (a) the court's leave to appeal under section 557(2) or (4) of the Act; or
 - (b) the full bench's leave to appeal under section 560(2) of the Act.
- (3) Schedule 2, definition *appeal act*, paragraph (d)—
omit.
 - (4) Schedule 2, definition *appeal act*, paragraphs (e) to (h)—
renumber as paragraphs (d) to (g).
 - (5) Schedule 2, definition *approved form*, 'section 708'—
omit, insert—
section 989
 - (6) Schedule 2, definition *enabling Act*, paragraph (f)—
omit.
 - (7) Schedule 2, definition *enabling Act*—
insert—
(aa) the *Anti-Discrimination Act 1991*; or
 - (8) Schedule 2, definition *enabling Act*—
insert—
(ba) the *Further Education and Training Act 2014*; or
 - (9) Schedule 2, definition *enabling Act*, paragraphs (aa) to (h)—
renumber as paragraphs (b) to (i).
 - (10) Schedule 2, definition *stay of a decision under appeal or review*, paragraph (a), 'section 347'—
omit, insert—
section 566

[s 114]

- (11) Schedule 2, definition *stay of a decision under appeal or review*, paragraph (c)—
omit.
- (12) Schedule 2, definition *stay of a decision under appeal or review*, paragraphs (d) to (g)—
renumber as paragraphs (c) to (f).

ENDNOTES

- 1 Made by the Governor in Council on 23 February 2017.
- 2 Notified on the Queensland legislation website on 24 February 2017.
- 3 The administering agency is Queensland Treasury.

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