

Queensland



Subordinate Legislation 1997 No. 288

Workplace Relations Act 1997

INDUSTRIAL COURT RULES 1997

TABLE OF PROVISIONS

Rule		Page
PART 1—PRELIMINARY		
1	Short title	8
2	Commencement	8
3	Proceedings to which rules apply	8
4	Purpose of rules	8
5	If manner or form not prescribed	9
6	Definitions	9
PART 2—REPRESENTATION		
7	Appointing an agent	10
8	Representation by agent generally and in proceedings	10
9	Signing documents for organisations or associations	11
10	No representation by struck off lawyers	11
PART 3—FILING		
11	Filing documents	12
12	Ways of filing	13
13	Registrars functions on filing	13
14	Document becomes a record on filing	14
15	Address for service	14
PART 4—FEES		
16	Fees in the court, commission or registrar's office	14
17	Fees in Industrial Magistrates Court	14

PART 5—APPLICATIONS

Division 1—General requirements

18	Proceedings commenced by application	15
19	Form of applications	16
20	Affidavits	17

Division 2—Specific requirements

21	Applications for certificate as to requested representation	17
22	Applications to enterprise commissioner for injunction	18
23	Application for determination of designated award	18
24	Applications to give effect to enterprise flexibility provision	18
25	Applications for order setting minimum wage	18
26	Applications for order ensuring equal remuneration	19
27	Applications for order giving effect to articles 12 and 13 of Convention . .	19
28	Applications for order for contravention of s 228 of the Act	20
29	Applications for order for contravention of s 248 of the Act	20
30	Applications to amend or void contracts	20
31	Applications to compel compliance or restrain breaches	21
32	Applications for reopenings	21
33	Applications for interpretation	21
34	Applications for stay of decision pending appeal	21
35	Applications to waive notice of intention to enter workplace	22
36	Applications for relevant workplace certificate	22
37	Request to refer matter to full bench	23

PART 6—CARRIAGE OF PROCEEDINGS

38	Who has carriage of proceedings	23
----	---	----

PART 7—DIRECTIONS ORDERS

39	Directions orders	24
40	Hearing of parties	26
41	Further directions	26
42	Non-compliance with directions order	26

PART 8—SERVICE

43	Who is to serve	26
----	---------------------------	----

44	Service of directions orders on applicant	26
45	Service of process	27
46	Service by an officer of the court	28
47	Substituted service	28
48	Time for service	28
49	Proof of service	29

PART 9—APPLICATION FOR NOTICE OF HEARING

50	Application for notice of hearing	29
----	---	----

PART 10—RESPONSE

51	Response	30
----	--------------------	----

PART 11—AMENDMENTS

52	Amending application before hearing	31
53	Amending application during hearing	31
54	Form of amendments	31
55	Serving amended application	32
56	Objecting to amended application	32
57	Determination of amended application	32

**PART 12—PRACTICES OF THE COURT, COMMISSION AND
REGISTRY**

58	Sittings	33
59	Chambers	33
60	Using recording devices	33
61	Vacations and holidays	34
62	Practice notes	34
63	Assignment of court and commission matters	34
64	Joining matters	34
65	Commission acting on own initiative	35
66	Extension or abridgment of time	35
67	Seals	35
68	Exhibits	35
69	Correcting errors	36
70	Continuance of proceedings	36
71	Reserved decision	36

72	Publishing decisions etc.	37
73	Powers and duties of officers of the court and commission	37
	PART 13—INDUSTRIAL AGREEMENTS	
74	Application for amendment	38
75	Termination agreement	38
	PART 14—CERTIFIED AGREEMENTS	
76	Application for certification	38
77	Application for approval of amendment	39
78	Application for extension of nominal expiry date	40
79	Notice of hearing	40
80	Sealing of agreements	40
81	Registrar's records	40
82	Notice or application for termination of agreement	41
83	Notice of intention to initiate bargaining period	41
84	Notice of authorisation to engage in industrial action	41
85	Application to suspend or terminate bargaining period	41
	PART 15—QUEENSLAND WORKPLACE AGREEMENTS	
86	Application	42
87	Filing by fax	42
	PART 16—INDUSTRIAL DISPUTES	
	<i>Division 1—Notice of industrial dispute</i>	
88	Notice of industrial dispute	43
89	Conciliation conferences	43
	<i>Division 2—Action for settling industrial disputes</i>	
90	Mediation conference	43
	PART 17—COMPULSORY CONFERENCES	
91	Summons for compulsory conferences	45
92	Discontinuance if applicant fails to attend compulsory conference	45
	PART 18—CLAIMS FOR RECOVERY OF MONEY BEFORE MAGISTRATES	
93	Proceedings for offences	46
94	Claims	46
95	Summons	47

96	Substituted service	47
97	Hearing and decision	48
98	Application of Justices Act	48
99	WorkCover Queensland	48
100	Adjournment	49
101	Enforcement of order on claim for damages	49
	PART 19—PERMITS	
102	Student's work permit	50
103	Aged or infirmed person's permit	50
	PART 20—REGISTRAR	
104	Office	51
105	Stamp	51
106	Functions	51
107	Powers	52
	PART 21—APPEALS GENERALLY	
108	Form of appeal	53
109	Commencing appeal	53
	PART 22—PRESIDENT'S LEAVE TO APPEAL	
110	Application for leave to appeal	54
111	Notice of opposition	54
112	Application refused	54
	PART 23—APPEALS FROM COMMISSION, COMMISSIONER OR REGISTRAR	
113	Filing	55
114	Record for purposes of appeal	55
	PART 24—APPEALS FROM MAGISTRATE	
115	Filing	56
116	Undertaking	56
117	Documents	56
	PART 25—EVIDENCE AND AFFIDAVITS	
118	Evidence on affidavit	57
119	Limitation of affidavit	57
120	Form of affidavit	58

121	Annexures	58
122	Alterations and erasures	58
123	Affidavits by illiterate or blind persons	59
124	Affidavits by non-English speaking persons	59
125	Dates and amounts in affidavits	59
126	Specified time for filing affidavits	59
127	Summons to witnesses	59
128	Inspection of material	60
129	Allowance for attendance and expenses	60
130	Powers for evidence	61
	PART 26—COSTS AND EXPENSES	
131	Costs and expenses	61
	PART 27—DISCONTINUING APPLICATIONS	
132	Discontinuance—unheard unlawful dismissal applications	62
133	Discontinuance otherwise	62
134	Other cases of discontinuance	63
	PART 28—LAPSE OF APPLICATION	
135	Lapse after 6 months delay	63
136	Lapse after 1 year delay	63
	PART 29—PUBLICATION AND INSPECTION OF DOCUMENTS	
137	Prohibiting publication or search—Act, s 456	64
138	Searching and copying records	64
	PART 30—REGISTER OF ORDERS RELATING TO DISMISSALS	
139	Register	65
	PART 31—AUTHORISATION OF INDUSTRIAL OFFICERS	
140	Application for an authorisation	65
	PART 32—SECRET BALLOTS ON STRIKE ACTION	
141	Application	66
142	Conducting secret ballot	66
	PART 33—TRANSITIONAL	
143	Continuance of proceedings and appointments	67

SCHEDULE 1	68
FEEES IN THE COURT, COMMISSION OR REGISTRAR'S OFFICE	
SCHEDULE 2	70
FORMS	

PART 1—PRELIMINARY

Short title

1. These rules may be cited as the *Industrial Court Rules 1997*.

Commencement

2. These rules commence on 1 September 1997.

Proceedings to which rules apply

3.(1) These rules apply to all proceedings before the court, commission and registrar.¹

(2) Subject to the *Justices Act 1886* and *Magistrates Courts Act 1921*, these rules apply to all proceedings about industrial matters before a magistrate.

Purpose of rules

4.(1) The purpose of these rules is to provide an orderly and consistent way of approaching the issues likely to be dealt with by the court, commission, magistrates or registrar.

(2) In particular, these rules aim to encourage the effective disposition of the business of the court, commission, magistrates and registrar (the “tribunal”) by ensuring—

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

¹ Certain provisions of the *Industrial Court Rules 1990* relating to industrial agreements and enterprise flexibility agreements continue to apply: see the Act, chapter 16, parts 3 (Existing industrial agreements) and 5 (Existing EFAs).

If manner or form not prescribed

5. If the manner or form of a procedure, or of a step to be taken in a procedure, is not prescribed by the Act, these rules or other legislation, the manner or form is that approved by—

- (a) the registrar, under the direction of the court or commission; or
- (b) a magistrate.

Definitions

6. In these rules²—

“appellant”—

- (a) means a party appealing against a decision and subsequent order; and
- (b) includes a person directed by the court or commission to have carriage of the appeal, or a proceeding arising out of the appeal.

“applicant” means a person applying for relief.

“association” includes an organisation that is not an industrial organisation.

“filed” means—

- (a) for a QWA—filed with the registrar or employment advocate; or
- (b) otherwise—filed with the registrar.

“form” means a form—

- (a) in schedule 2; or
- (b) approved in accordance with these rules.

“proceeding” includes a matter.

“respondent” means a person—

- (a) against whom relief is claimed in an application; or
- (b) named as respondent in a proceeding.

² Words defined in the Act have the same meaning in these rules.

“sealed” means marked with the seal of the court or commission.

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

PART 2—REPRESENTATION

Appointing an agent

7.(1) A person, by filing a form 2 or 15, may appoint any of the following as their agent—

- (a) an individual;
- (b) an authorised representative of an incorporated body;
- (c) an authorised representative of a partnership or business registered in Queensland.

(2) Only 1 copy of a form 15 need be filed.

(3) An appointment under these rules may be for—

- (a) a specified matter; or
- (b) a specified or indefinite period.

(4) The person may withdraw the appointment, at any time, by written notice filed in the registrar’s office.

Representation by agent generally and in proceedings

8.(1) Any document required to be made or signed, or any step in a proceeding required to be taken, by a person under the Act may only be made, signed or taken by—

- (a) for an individual—the individual or the individual’s agent; or
- (b) for a corporation—
 - (i) a member or officer of the corporation authorised, under its seal, to represent it; or
 - (ii) the corporation’s agent; or

(c) for an organisation—

(i) the secretary or another officer of the organisation, if—

(A) the name and position of the secretary or officer has been notified by a current return lodged with the registrar; and

(B) the secretary or officer is authorised, and acting, in accordance with the organisation's rules; or

(ii) the organisation's agent; or

(d) for an association—

(i) the secretary or another officer of the association, if the secretary or officer is authorised, and acting, in accordance with the association's rules; or

(ii) the association's agent; or

(e) for an organisation affiliated with a peak council applying for a general ruling or declaration of policy—the peak council's agent.

(2) This section applies unless the Act or these rules otherwise provide.

Signing documents for organisations or associations

9. If a document is made or signed by an organisation or association under these rules, it must be made or signed in accordance with the rules of the organisation or association.

No representation by struck off lawyers

10. A party may not be represented in a proceeding by a person who has been struck off the roll of barristers or solicitors.

PART 3—FILING

Filing documents

11.(1) The registrar may accept a document for filing only if the document—

- (a) is on A4 (210 mm x 297 mm) paper; and
- (b) has a margin of at least 1 cm; and
- (c) is written, typewritten or printed on 1 side only; and
- (d) is clearly legible; and
- (e) is well spaced and divided into convenient paragraphs, containing numbered paragraphs for each new topic on the inner edge of the margin; and
- (f) is titled according to the appropriate form in schedule 2; and³
- (g) includes—
 - (i) the name of the matter; and
 - (ii) a short description of the nature of the document; and
 - (iii) the name, address, telephone number and fax number of the party filing the document; and
 - (iv) if the person filing the document is a party's agent—a statement to that effect and the party's address for service; and
 - (v) the address of the registrar's office; and
- (h) is attached to a backing sheet in form 1.

(2) A document must be presented for filing in triplicate unless otherwise required by—

- (a) these rules; or
- (b) a direction of the court, commission or registrar.

³ See the *Acts Interpretation Act 1954*, section 49 (Forms) which states strict compliance with a form is not necessary and substantial compliance is sufficient.

(3) The registrar may refuse to accept a document for filing if it does not comply with—

- (a) the Act; or
- (b) another Act that allows access to the commission; or
- (c) these rules.

(4) A document is filed when the appropriate fee (if any) is paid and the document is stamped by the registrar.

Ways of filing

12.(1) A document may be filed by—

- (a) delivering it the registrar's office; or
- (b) posting it to the registrar's office with a written request that the document be filed; or
- (c) if expressly allowed by the court, commission or registrar—transmitting it to the registrar's office by fax, electronic mail or another method, subject to the original document being tendered.

(2) This rule does not apply to a notice of dispute given to a magistrate under section 239(2)⁴ of the Act.

Registrars functions on filing

13.(1) The registrar must assign to the first document filed in a proceeding an individual identifying number prefixed by a letter denoting the category of proceedings.

(2) The registrar must—

- (a) commence a new series of numbers each year; and
- (b) maintain a distinct series of letters for each category of proceedings.

⁴ Under section 239(2) (Notice of industrial dispute) of the Act, a magistrate who receives a notice must immediately notify the registrar of the particulars contained in the notice.

Document becomes a record on filing

14.(1) A document becomes a record and may be used in the court, commission or registrar's sittings only if it, or a copy of it, has been filed.

(2) Subrule (1) applies unless the court, commission or registrar otherwise allows.

Address for service

15. Subject to rule 45,⁵ the address for service of a party under these rules is the address or fax number stated on a document filed by the party.

PART 4—FEES**Fees in the court, commission or registrar's office**

16. The fees payable in the court, commission or registrar's office are in schedule 1.

Fees in Industrial Magistrates Court

17.(1) This rule applies if a fee is payable in the Industrial Magistrates Court for—

- (a) a complaint, application, claim for recovery of money under rule 94,⁶ summons or other process; or
- (b) a proceeding for—
 - (i) an offence against, or sum payable under, the *Vocational Education, Training and Employment Act 1991*; or
 - (ii) an offence against the *Pastoral Workers' Accommodation Act 1980*; or

⁵ Rule 45 (Service of process)

⁶ Rule 94 (Claims)

- (iii) an offence against the *Workers' Accommodation Act 1952*;
or
- (iv) an offence against the *Workplace Health and Safety Act 1995*.

(2) The fee is the same as the fee payable for a similar process under the *Justices Act 1886*.

PART 5—APPLICATIONS

Division 1—General requirements

Proceedings commenced by application

18.(1) A proceeding before the court, commission or registrar must be commenced by an application in forms 1 and 2.

(2) Subrule (1) does not apply—

- (a) if the court, the commission, the registrar, the Act or these rules otherwise requires; or
- (b) to an industrial dispute notification under part 16.⁷

(3) In this rule—

“proceeding before the court” includes—

- (a) an application for the hearing and determination of an offence before the court; and
- (b) an application for a prerogative writ; and
- (c) an appeal.

⁷ Part 16 (Industrial disputes)

Form of applications**19.(1)** An application must—

- (a) be divided into consecutively numbered paragraphs, each detailing, as far as is convenient, a separate matter; and
- (b) state concisely the material facts relied on to support the application; and
- (c) identify the relevant provisions of any legislation or industrial instrument that relates to the application; and
- (d) state the relief sought by the applicant; and
- (e) if the relief sought includes a claim for a decision of the court, commission or registrar—state the decision sought; and
- (f) seek directions on any issues that the applicant considers necessary to expedite the proceeding.⁸

(2) An application must be supported by an affidavit.**(3)** If practicable, the affidavit must be incorporated in the application.**(4)** The affidavit must—

- (a) identify the applicant; and
- (b) state the applicant's authority to make the application; and
- (c) affirm that the statement of material facts relied on in the application is, to the best of the deponent's knowledge, information and belief, true and correct; and
- (d) be on oath or affirmation of the deponent; and
- (e) for an affidavit supporting an application under section 218⁹ of the Act—state the respondent's name, address and phone number.

⁸ Also see rule 11 (Filing documents) for the other information that must be included in a document filed in the registrar's office.

⁹ Section 218 (Application to remedy unlawful dismissal) of the Act

Affidavits

20.(1) An affidavit must be filed with the registrar unless the court or commission otherwise allows.

(2) The party filing the affidavit must immediately serve a copy of the affidavit on the other parties to the proceeding.

Division 2—Specific requirements**Applications for certificate as to requested representation**

21.(1) An application for a certificate under section 21¹⁰ of the Act must be made before the agreement is made.

(2) The application must be in form 27.

(3) The affidavit accompanying the application must also state—

(a) for an application by an employer organisation—

(i) the name and membership number of each employee who has requested representation by the organisation under section 20(5)¹¹ of the Act; and

(ii) the date of the request; or

(b) for an application by an employer—

(i) the name of each employee who has withdrawn a request for representation by their organisation and the date of the withdrawal; or

(ii) why the conditions in section 20(5)(a) and (b) cease to be met.

(4) The applicant must not serve an affidavit under subrule (3) on the other party to the proceeding.

(5) The certificate must be in—

¹⁰ Section 21 (Certificate as to requested representation) of the Act

¹¹ Section 20 (Agreement with employees) of the Act

- (a) for an application by an employee organisation—form 28; or
- (b) for an application by an employer—form 29.

Applications to enterprise commissioner for injunction

22. An application under section 99 of the Act must state the facts and circumstances of the contravention, or anticipated contravention, of chapter 2, part 2¹² of the Act.

Application for determination of designated award

23. An application under section 120 or 121¹³ of the Act must be in form 30.

Applications to give effect to enterprise flexibility provision

24. An application under section 133¹⁴ of the Act must be accompanied by—

- (a) an affidavit stating the facts and circumstances relied on in support of the application; and
- (b) a copy of the agreement negotiated under the award.

Applications for order setting minimum wage

25.(1) The affidavit accompanying an application for an order under section 142¹⁵ of the Act must also state the name of the employee organisation whose rules entitle it to represent the industrial interests of employees to be covered by the order.

¹² Section 99 (Injunctions) of the Act
Chapter 2, part 2 (Queensland workplace agreements) of the Act

¹³ Section 120 (Determination of designated awards for certified agreement) of the Act
Section 121 (Determination of designated awards for QWA) of the Act

¹⁴ Section 133 (Inclusion of enterprise flexibility provisions in awards) of the Act

¹⁵ Section 142 (Orders setting minimum wages) of the Act

(2) The registrar must—

- (a) give the applicant notice, in form 3, of the time and date fixed by the commission for hearing the application; and
- (b) give other notices the commission considers appropriate, including by industrial gazette notice.

(3) If the commission makes an order in response to the application, the registrar must publish the order in the industrial gazette.

Applications for order ensuring equal remuneration

26.(1) The affidavit accompanying an application for an order under section 151¹⁶ of the Act must also state the name of the employee organisation whose rules entitle it to represent the industrial interests of employees to be covered by the order.

(2) The registrar must—

- (a) give the applicant notice, in form 4, of the time and date fixed by the commission for hearing the application; and
- (b) give other notices the commission considers appropriate, including by industrial gazette notice.

(3) If the commission makes an order in response to the application, the registrar must publish the order in the industrial gazette.

Applications for order giving effect to articles 12 and 13 of Convention

27.(1) The affidavit accompanying an application for an order under section 227¹⁷ of the Act must also state the name of the employee organisation whose rules entitle it to represent the industrial interests of employees to be covered by the order.

(2) The registrar must—

- (a) give the applicant notice, in form 5, of the time and date fixed by the commission for hearing the application; and

¹⁶ Section 151 (Orders requiring equal remuneration) of the Act

¹⁷ Section 227 (Orders giving effect to articles 12 and 13 of Convention) of the Act

- (b) give other notices the commission considers appropriate, including by industrial gazette notice.

(3) If the commission makes an order in response to the application, the registrar must publish the order in the industrial gazette.

Applications for order for contravention of s 228 of the Act

28. The affidavit accompanying an application for an order under section 228¹⁸ of the Act must also state—

- (a) the name of the employee organisation whose rules entitle it to represent the industrial interests of employees to be covered by the order; and
- (b) the facts and circumstances of the contravention of section 228 of the Act.

Applications for order for contravention of s 248 of the Act

29. The affidavit accompanying an application for an order under section 249¹⁹ of the Act must also state the facts and circumstances of the contravention of section 248²⁰ of the Act.

Applications to amend or void contracts

30. An application under section 290²¹ of the Act must state—

- (a) how the contract—
 - (i) is not covered by an industrial instrument; or
 - (ii) is designed to, or does, avoid the provisions of an industrial instrument; and
- (b) how the contract's conditions are harsh, unconscionable or unfair.

¹⁸ Section 228 (Orders if employer does not consult about proposed dismissals) of the Act

¹⁹ Section 249 (Orders the commission may make) of the Act

²⁰ Section 248 (Payments for strikes) of the Act

²¹ Section 290 (Power to amend or void contracts) of the Act

Applications to compel compliance or restrain breaches

31. An application under section 291²² of the Act must state the facts relied on.

Applications for reopenings

32. An application under section 294²³ of the Act must state the grounds relied on for the reopening.

Applications for interpretation

33. An application under section 299(1) or (2)²⁴ of the Act must state—

- (a) the title of any relevant Act, industrial instrument or related document, and the number of the clause or clauses under which the question arises; and
- (b) the agreed facts relied on in the application; and
- (c) the questions to be answered.

Applications for stay of decision pending appeal

34.(1) An application for an order under section 365²⁵ of the Act must be a separate application to—

- (a) the application for leave to appeal; or
- (b) the appeal.

(2) The application must contain—

- (a) details of the interest of the person applying; and
- (b) any other facts and circumstances relevant to the exercise of the court's jurisdiction for ordering the stay.

²² Section 291 (Power to grant injunctions) of the Act

²³ Section 294 (Procedures for reopening) of the Act

²⁴ Section 299 (Interpretation of awards and certified agreements) of the Act

²⁵ Section 365 (President may stay decisions when leave sought) of the Act

Applications to waive notice of intention to enter workplace

35.(1) An application to the registrar under section 400(3)²⁶ of the Act must state—

- (a) the applicant's name; and
- (b) the name and address of the applicant's organisation; and
- (c) the employer's name and address.

(2) The affidavit accompanying the application must also state—

- (a) that a named employee, employed at the workplace, is a member of the organisation; and
- (b) the employee's membership number; and
- (c) that the employee carries on a registered calling of the organisation at the workplace; and
- (d) whether the employee is—
 - (i) a casual employee; or
 - (ii) an employee engaged by the hour or day; and
- (e) the emergent reasons why it is impracticable for the applicant to give the required notice.

(3) If the registrar approves the application, the registrar's waiver must be in form 31.

Applications for relevant workplace certificate

36.(1) An application to the registrar for a certificate under section 400(4) of the Act must state—

- (a) the applicant's name; and
- (b) the name and address of the applicant's organisation; and
- (c) the employer's name and address.

(2) The affidavit accompanying the application must also state—

²⁶ Section 400 (Right of entry—authorised industrial officer) of the Act

- (a) that a named employee, employed at the workplace, is a member of the organisation; and
- (b) the employee's membership number; and
- (c) that the employee carries on a registered calling of the organisation at the workplace; and
- (d) whether the employee is—
 - (i) a casual employee; or
 - (ii) an employee engaged by the hour or day; and
- (e) the reasons why the certificate is required to enable the applicant to enter the workplace.

(3) If the registrar approves the application, the registrar's certificate must be in form 32.

Request to refer matter to full bench

37. A request to the chief commissioner to refer a matter to a full bench must be made in—

- (a) an application commencing a proceeding; or
- (b) an application for a directions order under part 7;²⁷ or
- (c) another way approved by the commission or registrar.

PART 6—CARRIAGE OF PROCEEDINGS

Who has carriage of proceedings

38.(1) An applicant has carriage of a proceeding unless—

- (a) the court, commission or registrar orders another person to have the carriage; or
- (b) the court or commission orders the registrar to have the carriage.

²⁷ Part 7 (Directions orders)

(2) The person who has carriage of a proceeding must take all necessary steps in the proceeding until—

- (a) their discontinuance by leave of the court, commission or registrar; or
- (b) the final determination of the proceeding by the court, commission or registrar.

PART 7—DIRECTIONS ORDERS

Directions orders

39.(1) The court, commission or registrar may make a directions order on any matter before the court, commission or registrar.

(2) A party may apply to the court, commission or registrar for a directions order.

(3) A directions order may, for example, relate to the following—

- (a) specifying the parties who are to be served with applications, related material or other documents;
- (b) requiring evidence of the service by the filing of a signed service copy of the directions order;
- (c) another matter relating to service of an application;
- (d) scheduling of conferences, mediation conferences, preliminary hearings and hearings before the court, commission or registrar;
- (e) requiring further and better particulars of an application;
- (f) requiring the applicant to file and serve all material in affidavit form to be relied on in support of the application;
- (g) requiring the respondent to file and serve material in reply to the material served in support of an application together with all material in affidavit form to be relied on in response to the application, including areas of conflict and agreement and which may include a counter proposal;

- (h) requiring the applicant to file and serve material in reply to the respondent's material;
- (i) requiring the parties—
 - (i) to confer to facilitate the course of the hearing by agreeing on matters that can be agreed on; and
 - (ii) to identify points in issue; and
 - (iii) to report back in writing;
- (j) requiring the parties to file written outlines of submissions about the subject matter of the application;
- (k) requiring—
 - (i) evidence to be given by affidavit; or
 - (ii) statements, in affidavit form, of the primary evidence of a witness to be filed and served;
- (l) requiring the parties to notify each other as to which deponents are required for examination or cross-examination;
- (m) requiring—
 - (i) the identification of the provisions of any relevant legislation or industrial instruments; and
 - (ii) a list of cases to be relied on in support of or in response to proceedings to be provided;
- (n) requiring submissions in writing to justify the necessity to carry out inspections or hearings at other locations;
- (o) directing discovery, inspection or exchange of relevant material or documents if there is no agreement to provide discovery, inspection or exchange;
- (p) requiring the matter to be dealt with by a full bench.

(4) An application for a directions order about something mentioned in subrule (3)(e) to (p) must be in a separate application to the initial application.

(5) A party applying for directions under this rule must give a draft of the directions order sought to—

- (a) the court, commission or registrar; and
- (b) any other party.

Hearing of parties

40. The court, commission or registrar may hear parties to a proceeding before making a directions order if it is considered necessary or appropriate.

Further directions

41. The court, commission or registrar may make a further directions order, at any time after a directions order has been made, if it is considered necessary or appropriate.

Non-compliance with directions order

42. If the applicant in a proceeding fails to comply with a directions order, the court, commission or registrar may strike out the matter.

PART 8—SERVICE

Who is to serve

43.(1) The party by or for whom a document is filed or issued in a proceeding before the court, commission or registrar must serve the document on the other parties to the proceeding.

(2) Subrule (1) does not apply if the court, commission or registrar otherwise directs.

Service of directions orders on applicant

44.(1) The registrar may serve a copy of a directions order on the applicant by notifying the party that a sealed copy of the directions order is available for collection at the registrar's office.

- (2) The registrar is then taken to have served the directions order—
- (a) 48 hours after the order is made available for collection; or
 - (b) within another time specified by the registrar in the notice.

Service of process

- 45.(1)** Process, other than a summons, must be served on a person by—
- (a) leaving it with or tendering it to—
 - (i) for an individual—the person; or
 - (ii) for a corporation—its secretary or manager; or
 - (iii) for an organisation or association—its secretary; or
 - (b) leaving it with a person, apparently over the age of 16, at—
 - (i) for an individual—the residence or usual place of business of the person; or
 - (ii) for a corporation—its registered office; or
 - (iii) if the individual, corporation, organisation or association has filed an address for service—the address for service; or
 - (iv) any other address endorsed on filed documents as the person's address for service; or
 - (c) posting it, in a prepaid envelope, by certified mail or security post to the person at the place mentioned in paragraph (b); or²⁸
 - (d) posting it in another way to the person at the place mentioned in paragraph (b), unless otherwise directed by the court, commission or registrar; or
 - (e) faxing it to the person at the place mentioned in paragraph (b), unless otherwise directed by the court, commission or registrar; or
 - (f) electronically mailing it to the person at the place mentioned in paragraph (b), unless otherwise directed by the court, commission

²⁸ See the *Acts Interpretation Act 1954*, section 39A (Meaning of service by post etc.)

or registrar.

(2) A summons must be served in accordance with subrule (1)(a), (b) or (c).

(3) The charge for service under this rule must be paid by the party required to serve the process.

Service by an officer of the court

46. An officer of the court, when required by the registrar, must serve any process or other document required to be served.

Substituted service

47.(1) The court, commission or registrar may order substituted service if—

- (a) service of process is required by the Act; and
- (b) the court, commission or registrar is satisfied service can not be effected in accordance with these rules.

(2) Substituted service may be effected in any way ordered, including for example, lettergram, phone or public advertisement.

(3) If the court, commission or registrar orders substituted service, the court, commission or registrar may direct the particulars to be served.

Time for service

48.(1) An application under section 218²⁹ of the Act, must be served as soon as practicable, but within 7 days,³⁰ after it is filed.

(2) An application for a directions order under rule 51,³¹ must be served as soon as practicable, but within 7 days, after the directions order is made.

(3) Other documents required to be served under these rules must be

²⁹ Section 218 (Application to remedy unlawful dismissal) of the Act

³⁰ See the *Acts Interpretation Act 1954*, section 38 (Reckoning of time)

³¹ Rule 51 (Response)

served as soon as practicable, but at least 2 clear days before—

- (a) the return day of the document; or
- (b) the day on which it is proposed to move or apply.

(4) Despite subrules (1) to (3), the court, commission or registrar may direct a document be served in a shorter time.

Proof of service

49.(1) As soon as practicable after serving an application under section 218 of the Act or a directions order, the applicant must complete the endorsement printed on the back of the order by swearing the affidavit contained in it.

(2) The endorsed order must be filed with the registrar as soon as practicable after service.

(3) If the court, commission or registrar considers it necessary, service may be proven in another way.

(4) However, in the absence of evidence to the contrary, the endorsed order is evidence the parties named in the endorsement have been served.

PART 9—APPLICATION FOR NOTICE OF HEARING

Application for notice of hearing

50.(1) The applicant may apply at any time to the registrar for a time and place to be fixed for the hearing of the application.

(2) The registrar may fix a date and place if the registrar—

- (a) is satisfied all necessary procedures have been completed; or
- (b) otherwise considers it appropriate.

(3) The registrar must give the applicant and other parties notice of the time and place as soon as practicable after it is fixed.

(4) The notice may be—

- (a) given orally; or
- (b) served in writing.

PART 10—RESPONSE

Response

51.(1) If the court, commission or registrar considers it appropriate to help effectively dispose of an application, the court, commission or registrar may direct a party to file a response to the application by a specified time.

(2) A response must be in form 6 and specifically—

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

(3) A response may contain a counter proposal or cross claim in response to the matters raised in the application.

(4) If the response contains a counter proposal or cross claim, the proposal or claim must be set out in enough detail to clearly specify the nature of relief sought.

(5) A respondent must file the original and 2 copies of the response and serve a copy immediately on the applicant and any other parties directed.

(6) If a party fails to file a response in the specified time, the court, commission or registrar may impose terms on the party about the party's participation in the proceeding.

PART 11—AMENDMENTS

Amending application before hearing

52.(1) An application may be amended, before a hearing, by the applicant filing a replacement application that incorporates the proposed amendments.

(2) The replacement application must replace the whole of the application.

(3) The registrar may make a further directions order if the registrar considers it necessary based on the contents of the replacement application.

Amending application during hearing

53.(1) After the hearing of an application has started, an applicant may apply to the court, commission or registrar who is hearing the application for leave to amend the application.

(2) An amendment may be allowed or disallowed on the terms the court, commission or registrar considers appropriate.

(3) However, if the proposed amendments substantially alter the scope and nature of the claim, the applicant must file a replacement application that incorporates the proposed amendments.

Form of amendments

54.(1) An amendment must be distinguished from the original text by—

- (a)** if text is being added—underlining the added text; or
- (b)** if text is being deleted—crossing out the deleted text.

(2) An amended application must contain the words ‘Amended the day of 19 ...’ at the top of the document.

(3) Also, the amended application must contain the following words instead of item 1 on the form 2—

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

under [section/s of the Act] by substituting the following instead and attach as schedule 1 to this application/make* a full statement of my claim.’.

Serving amended application

55.(1) The amended application must be served on each party named in any directions order.

(2) If, when the amended application is filed, the original application has not been served on a party named in the order, the party must also be served with the original application.

Objecting to amended application

56.(1) A party served with an amended application may object to the amendment—

- (a) by notice filed within 7 days after being served; or
- (b) if the application is scheduled for hearing within the 7 days—at the hearing.

(2) A notice of objection must—

- (a) be in the form of a response in form 6; and
- (b) specify whether the objection is to the whole or part (and, if so, which part) of the proposed amended application; and
- (c) concisely state the reasons for the objection.

(3) The party must serve the notice of objection on the applicant immediately.

Determination of amended application

57.(1) If an objection is made in accordance with rule 56(1), the court, commission or registrar (after hearing the party who objected) may allow or disallow the proposed amendment of an application.

(2) The decision must be made by—

- (a) if the hearing of the application has not started—the registrar; or

- (b) if the hearing has started—the court, commission or registrar hearing the application.

(3) The court, commission or registrar may make the decision subject to the terms the court, commission or registrar considers appropriate.

(4) If no objection is made in accordance with rule 56(1), the amendment is taken to be authorised.

PART 12—PRACTICES OF THE COURT, COMMISSION AND REGISTRY

Sittings

58.(1) The court, commission or registrar may sit—

- (a) at any time; and
- (b) at any place in the State; and
- (c) at any other place if the court, commission or registrar considers it necessary.

(2) Notice of a sitting must be—

- (a) posted in a conspicuous place in or near the registrar's office; or
- (b) published as directed by the court, commission or registrar.

Chambers

59.(1) This rule does not apply to the hearing of offences.

(2) The president, a member of the commission or the registrar may exercise jurisdiction in chambers.

Using recording devices

60. A person who is not an accredited officer of the State Reporting Bureau must not use a recording device in a hearing or conference, unless the court, commission or registrar allows it.

Vacations and holidays

61.(1) The vacations and holidays of the court and commission are the same as the Supreme Court, Brisbane but may be rearranged by approval of the president or chief commissioner.

(2) However, the court or commission may deal with business arising during a vacation if the court or commission considers it necessary.

Practice notes

62. The court, commission or registrar may, by industrial gazette notice, issue practice notes for the guidance of parties to any proceedings.

Assignment of court and commission matters

63. Every matter commenced must be assigned to—

- (a) if commenced in the court—the president or the full court; and
- (b) if commenced in the commission—a member or members of the commission in a way approved by the president or chief commissioner.

Joining matters

64.(1) A party to a matter may apply to the court or commission for the matter to be joined with another matter.

(2) The court or commission may order matters to be joined if it considers—

- (a) substantially the same question is involved in all the matters; or
- (b) the decision in 1 matter is likely to determine or seriously impact on the other; or
- (c) it is appropriate or desirable.

(3) When joining matters, it is not necessary for—

- (a) a written order for joinder to be made; or
- (b) the parties to consent.

(4) If a party claims to be adversely affected by the joinder of matters, the party may apply to separate the matters by advising the registrar and any other affected party in writing before the hearing of the matter.

Commission acting on own initiative

65. If the commission acts on its own initiative—

- (a) the member of the commission must notify the registrar in writing; and
- (b) the registrar must record the matter and take any action the commission directs.

Extension or abridgment of time

66.(1) A party to a matter before the court, commission or registrar may apply to the court, commission or registrar to extend or abridge the time prescribed for doing anything.

(2) The application may be joined with an application under part 5, division 1.³²

Seals

67.(1) There is to be a seal of the court that imprints the words ‘Official Seal’, ‘Industrial Court’ and ‘Queensland’.

(2) There is to be a seal of the commission that imprints the words ‘Official Seal’ and ‘Queensland Industrial Relations Commission’.

Exhibits

68. A party to a proceeding must not take an exhibit out of the court, commission or registrar’s office without an order of the court, commission or registrar.

³² Part 5 (Applications), division 1 (General requirements)

Correcting errors

69.(1) The court, commission or registrar may correct an error in an industrial instrument, order or direction.

(2) The court, commission or registrar may act on—

- (a) the initiative of the court, commission or registrar; or
- (b) the application of an interested party.

(3) In this section—

“error” means a clerical mistake, misnomer, inaccurate description, omission or other manifest defect or irregularity.

Continuance of proceedings

70.(1) A proceeding in the court, commission or before the registrar does not end because of the death of a party who is an individual.³³

(2) The proceeding, by order of the court, commission or registrar, continues on the terms the court, commission or registrar considers appropriate.

Reserved decision

71.(1) If a decision has been reserved in a proceeding—

- (a) the decision may be given at—
 - (i) any continuation or adjournment of the court, commission or sittings of the registrar; or
 - (ii) any subsequent holding of the proceeding, or
- (b) the president, commissioners or registrar may forward a signed decision to the registrar’s office.

(2) On receiving a signed decision, the registrar must file it and deliver it to the parties.

³³ For a corporation, see section 471B (Stay of proceedings and suspension of enforcement process) of the Corporations Law.

(3) The filed decision has the same force and effect as if it had been pronounced by the president, commissioner or registrar.

Publishing decisions etc.

72.(1) The registrar must publish in the industrial gazette—

- (a) a decision of the court, commission or registrar; and
- (b) notice of the making or amendment of a certified agreement; and
- (c) notice of the amendment of an enterprise flexibility agreement.

(2) Despite subrule (1)(a), the registrar must not publish a decision or interpretation about a QWA or ancillary document in a way that discloses the identity of either party to the QWA or document.

(3) Despite subrule (1)(b) and (c), the registrar must publish the agreement, or amendment, if a commissioner directs.

(4) The court, commission or registrar may, in the public interest or for another reason the court, commission or registrar considers appropriate—

- (a) withhold publication of a document; or
- (b) modify a document, before publication, in a way that does not affect the essence of the document.

(5) In this section—

“decision” means—

- (a) a decision, order, industrial instrument, declaration, interpretation, amendment, general ruling or notice; or
- (b) any other document that the court, commission or registrar determines.

Powers and duties of officers of the court and commission

73. Officers of the court and commission have the powers and must perform the duties—

- (a) specified by the Act; or
- (b) that the court or commission determines.

PART 13—INDUSTRIAL AGREEMENTS

Application for amendment

74. An application under section 504(3)³⁴ of the Act must—

- (a) be accompanied by—
 - (i) a copy of the industrial agreement; and
 - (ii) the written agreement amending the industrial agreement; and
- (b) state the names of, and be signed by, the parties to the industrial agreement.

Termination agreement

75. A written agreement under section 504(5) of the Act must be accompanied by a notice in form 33.

PART 14—CERTIFIED AGREEMENTS

Application for certification

76.(1) An application for certification of an agreement must—

- (a) be in form 8; and
- (b) be signed by or for all parties to the agreement; and
- (c) be accompanied by³⁵—
 - (i) the original and 2 copies of the proposed certified agreement; and

³⁴ Section 504 (Existing industrial agreement continues) of the Act

³⁵ Also see the *Workplace Relations Regulation 1997*, section 4 (Certifying an agreement—Act, s 25) for a list of the other documents that must accompany the application.

- (ii) if the agreement is replacing an existing certified agreement—the affidavit mentioned in the *Workplace Relations Regulation 1997*, section 4 exhibiting a copy of the existing certified agreement.

(2) If the applicant wants a copy of the filed agreement returned, the applicant must present an extra copy to the registrar.

Application for approval of amendment

77.(1) An application for approval of an amendment of a certified agreement must be in form 9.

(2) The application must be accompanied by an affidavit by each applicant that states—

- (a) the amendment was made as required by sections 33, 34 or 36 of the Act;³⁶ and
- (b) the name of the relevant or designated award; and
- (c) the nominal expiry date of the amended certified agreement; and
- (d) the steps taken to ensure—
 - (i) section 34(3)(a) of the Act has been complied with; and
 - (ii) section 61³⁷ of the Act has not contravened; and
- (e) where the procedures for preventing and settling disputes can be found in the agreement; and
- (f) the steps taken to ensure section 25(7)³⁸ of the Act has not been contravened in relation to the amendment; and
- (g) the persons who negotiated the amendment and the persons for whom they acted.

³⁶ Section 33 (Extending the nominal expiry date) of the Act
Section 34 (Amending a certified agreement) of the Act
Section 36 (Other options open to commission instead of refusing to approve amendment of an agreement) of the Act

³⁷ Section 61 (Coercion of persons to make, amend or terminate certified agreements etc.) of the Act

³⁸ Section 25 (Certifying an agreement) of the Act

(3) The applicant must present the original and 2 copies of the application, amendment and affidavit for filing.

(4) If the applicant wants a copy of the filed application and amendment returned, the applicant must present an extra copy to the registrar.

Application for extension of nominal expiry date

78.(1) An application under section 33 of the Act must be in form 10.

(2) The application must be accompanied by an affidavit by each applicant stating that a valid majority of the employees whose employment is subject to the agreement at the time genuinely approve its extension.

Notice of hearing

79. The registrar must give notice of the time and place fixed by the commission for hearing an application under this part to—

- (a) the parties to the agreement; and
- (b) anyone else the commission directs be given notice.

Sealing of agreements

80. If the commission certifies an agreement or approves an amended certified agreement, the commission must sign and seal the agreement.

Registrar's records

81. The registrar must keep a record of certified agreements, noting—

- (a) the file number given to the agreement; and
- (b) the date it was certified; and
- (c) the term of the agreement; and
- (d) whether the certified agreement has been amended; and
- (e) whether the term of the agreement has been extended; and
- (f) whether the existing certified agreement has been replaced by another certified agreement.

Notice or application for termination of agreement

82.(1) A notice under section 37 or 38³⁹ of the Act or an application under section 39 of the Act must be in form 11.

(2) A notice under section 37 of the Act must be accompanied by an affidavit by each applicant stating that a valid majority of the employees whose employment is subject to the agreement at the time genuinely approve its termination.

(3) An application under section 39 of the Act must be accompanied by an affidavit by each applicant stating the way in which section 39(1) of the Act has been complied with.

Notice of intention to initiate bargaining period

83. A notice under section 40⁴⁰ of the Act must be—

- (a) in form 12; and
- (b) filed before the bargaining period starts.

Notice of authorisation to engage in industrial action

84. A notice under section 49⁴¹ of the Act must be in form 13.

Application to suspend or terminate bargaining period

85. An application under section 54(8)⁴² of the Act must be accompanied by an affidavit detailing the circumstances that support the application.

³⁹ Section 37 (Terminating a certified agreement on or before its nominal expiry date) or section 38 (Terminating a certified agreement after its nominal expiry date) of the Act

⁴⁰ Section 40 (Initiation of bargaining period) of the Act
Also see section 41 of the Act for a list of the particulars that must accompany the notice.

⁴¹ Section 49 (Industrial action must be properly authorised) of the Act

⁴² Section 54 (Power of commission to suspend or terminate bargaining period) of the Act

PART 15—QUEENSLAND WORKPLACE AGREEMENTS

Application

86.(1) This section applies to a QWA or ancillary document.

(2) A QWA must be—

- (a) in form 34; and
- (b) accompanied by—
 - (i) a form 39 completed by the employer; and
 - (ii) 1 form 40 for each employee who made the agreement, completed by the employer.

(3) An ancillary document must be in—

- (a) for an amendment agreement—form 35; and
- (b) for an extension agreement—form 36; and
- (c) for a termination agreement—form 37; and
- (d) for a termination notice—form 38.

(4) A QWA, whether or not it replaces another QWA, must be signed by all parties to it.

(5) The person filing a QWA or ancillary document must present the original and 1 copy of it for filing.

Filing by fax

87.(1) A QWA, ancillary document or a document accompanying the QWA or ancillary document may be filed by fax.

(2) However, the original of each document must be sent immediately to the office of the registrar or employment advocate to which they were faxed.

PART 16—INDUSTRIAL DISPUTES

Division 1—Notice of industrial dispute**Notice of industrial dispute**

88.(1) A notice under section 239⁴³ of the Act must also state—

- (a) the subject matter of the dispute and the issues involved; and
- (b) the phone numbers of the parties to the dispute; and
- (c) the industrial instruments affected; and
- (d) whether any dispute settling procedures apply and have been followed.

(2) The notice must be immediately served by the notifier on all other relevant parties to the dispute.

(3) Rule 11(2)⁴⁴ does not apply to the notice.

Conciliation conferences

89.(1) If a party to an industrial dispute requests a conference, the registrar must notify the parties of the time and place set for the conference.

(2) Despite rule 88, the commission's power to convene a conference or otherwise exercise jurisdiction is not restricted by an error or omission in the notice.

Division 2—Action for settling industrial disputes**Mediation conference**

90.(1) For section 242⁴⁵ of the Act, a commissioner or magistrate may confer with the parties to an industrial dispute and take whatever necessary steps—

- (a) to help the parties resolve the dispute; or

⁴³ Section 239 (Notice of industrial dispute) of the Act

⁴⁴ Rule 11 (Filing documents)

⁴⁵ Section 242 (Mediation by commissioner or magistrate) of the Act

- (b) to ensure all avenues of resolution have been explored before proceeding to arbitration; or
- (c) to facilitate the conduct of any necessary arbitration proceedings by exploring ways of effectively conducting the hearings; or
- (d) to help the parties resolve any other outstanding issues.

(2) A commissioner or magistrate may resolve other outstanding issues only if—

- (a) the commissioner or magistrate considers the mediation is desirable in the public interest; and
- (b) all parties to the cause—
 - (i) consent, which consent can not be withdrawn except with the leave of the commissioner or magistrate; and
 - (ii) agree to the specific issues to be dealt with in the process of consultation; and
 - (iii) agree to accept any resolution achieved by the process, including consenting to any formal orders.

(3) The commissioner or magistrate may direct a record be taken of the conference.

(4) The outcome of the conference may be incorporated in the record or issued separately in writing.

(5) The outcome of the conference may be given effect by—

- (a) an order of the commissioner or magistrate; or
- (b) another way the commissioner or magistrate considers appropriate.

(6) The commissioner or magistrate may stop acting under this rule at any time.

(7) This rule does not limit the jurisdiction of, or the obligations placed on, a commissioner or magistrate by chapter 6, part 2⁴⁶ of the Act.

⁴⁶ Chapter 6 (Industrial disputes), part 2 (Action for settling industrial disputes) of the Act

PART 17—COMPULSORY CONFERENCES

Summons for compulsory conferences

91. A summons to attend a compulsory conference must be in—

- (a) for section 219⁴⁷ of the Act—form 19; or
- (b) for section 243⁴⁸ of the Act—form 18.

Discontinuance if applicant fails to attend compulsory conference

92.(1) This section applies if the applicant does not attend a compulsory conference held under section 219⁴⁹ of the Act.

(2) The commission, after giving the applicant an opportunity to be heard, may order that the applicant is taken to have discontinued the proceeding.

PART 18—CLAIMS FOR RECOVERY OF MONEY BEFORE MAGISTRATES

Proceedings for offences

93. A proceeding before a magistrate for an offence, including a proceeding for the enforcement of penalties imposed or orders made for the offence, must be dealt with as required by section 460⁵⁰ of the Act and these rules.

⁴⁷ Section 219 of the Act requires a conference to be held for each application for unlawful dismissal.

⁴⁸ Section 243 of the Act requires a conference to be held if it would be desirable to prevent or settle an industrial dispute.

⁴⁹ Section 219 (Conciliation before application heard) of the Act

⁵⁰ Section 460 (Offence proceeding generally) of the Act

Claims

94.(1) This part applies to the following proceedings—

- (a) a claim for wages or other moneys payable to an employee and unpaid;
- (b) a claim for damages sustained by an employee because the employer failed to pay the employee's wages;
- (c) a claim for moneys deducted from an employee's wages, with the employee's authority, to be paid by the employer for the employee but unpaid;
- (d) a claim for the amount of superannuation contribution that is unpaid, or an amount that is just and fair for the employer's failure to pay superannuation contributions, and any reasonable costs associated with the fund;
- (e) a claim for damages for breach of an agreement made under an industrial instrument;
- (f) the recovery of penalties and amounts payable to WorkCover under the *WorkCover Act 1996*.

(2) The proceeding must be commenced by a complaint in form 21 made before a justice.

(3) The complaint must be made by—

- (a) the complainant; or
- (b) a person authorised in writing by the complainant.

(4) The matters in subrule (1) may be joined in 1 complaint.

Summons

95.(1) When a complaint is made before a justice, the justice may issue a summons directed to the defendant requiring the defendant to appear before a magistrate at a stated time and place to answer the complaint and to be further dealt with according to law.

(2) The summons together with a copy of the complaint must be served on the defendant.

(3) For a proceeding under the *WorkCover Act 1996* mentioned in

rule 94(1)(f), the summons must require the defendant to appear before a magistrate at the court within—

- (a) the Magistrates Courts District in which the defendant resides or has its registered office; or
 - (b) a division of the Brisbane Magistrates Courts District that is nearest to the defendant's place of residence or registered office.
- (4) The *Justices Act 1886*, section 56⁵¹ applies to service of a summons.

Substituted service

96.(1) This section applies if a magistrate, in a proceeding before an Industrial Magistrates Court, considers service of a summons, notice, order or other document (the “**document**”) can not be effected promptly by personal service.

(2) The magistrate may order—

- (a) substituted service of the document; or
- (b) notice of the document be given by letter, telex, fax, electronic mail, advertisement in an appropriate newspaper, or otherwise, instead of service.

(3) Service or notice in accordance with the order is sufficient service of the person required to be served.

(4) An application for an order under this rule must be supported by an affidavit that states the grounds on which the application is made.

Hearing and decision

97. The proceeding must be heard and determined by a magistrate.

Application of Justices Act

98.(1) The provisions of the *Justices Act 1886* about the following apply to a proceeding under rule 94—

⁵¹ *Justices Act 1886*, section 56 (Service of summonses)

- (a) the commencement of proceedings, other than as to the time within which proceedings may be instituted under section 423 or 435⁵² of the Act;
- (b) the summoning of witnesses;
- (c) the hearing and determination of a simple offence by justices;
- (d) the enforcement of the decision of justices relating to a simple offence and the recovery of any penalty or amount ordered to be paid for the offence and the consequences of default in paying the penalty or amount;⁵³
- (e) all forms.

(2) For subrule (1), the magistrate has the powers of a stipendiary magistrate in relation to simple offences.

WorkCover Queensland

99. Despite rule 98, the provisions of the *Justices Act 1886* about the following do not apply to a proceeding under rule 94(1)(f) or to the enforcement of the magistrate's decision—

- (a) the limitation of time within which complaints may be made;
- (b) the ordering of imprisonment—
 - (i) in default of observance of a justice's order for payment of an amount; and
 - (ii) in default of sufficient distress to satisfy the amount ordered to be paid.

Adjournment

100. If the magistrate can not attend at the time appointed for the hearing of a proceeding, the clerk of the court may adjourn the proceeding to a suitable date before a magistrate.

⁵² Section 423 (Recovery of wages) or section 435 (Magistrate's power for unpaid superannuation contribution) of the Act

⁵³ Also see section 424 of the Act which deals with the enforcement of an order of a magistrate for the payment of money.

Enforcement of order on claim for damages

101.(1) This rule applies if a magistrate orders an amount be paid for breach of an agreement made under an award.

(2) The person to whom the amount is payable may obtain from the Industrial Magistrates Court a certificate stating—

- (a) the amount payable; and
- (b) the persons by and to whom the amount is payable.

(3) The certificate must be signed by—

- (a) the magistrate; or
- (b) the clerk of the court.

(4) On the certificate being filed in the Industrial Magistrates Court, or another court with civil jurisdiction to the extent of the amount of damages, the certificate is enforceable as—

- (a) if filed in the Industrial Magistrates Court—an order of the Industrial Magistrates Court; or
- (b) if filed in another court—a judgment of the other court.

PART 19—PERMITS

Student's work permit

102.(1) An application for a permit under section 470⁵⁴ of the Act must be in form 25.

(2) Only 1 copy of the application need be filed.

(3) An appeal to the commission against the registrar's decision not to issue a permit must be in form 2.

(4) A student's work permit must—

- (a) be in form 41; and

⁵⁴ Section 470 (Student's work permit) of the Act

- (b) state any conditions to which the permit is subject.

Aged or infirmed person's permit

103.(1) An application for a permit under section 471(1)⁵⁵ of the Act must be—

- (a) in form 22; and
- (b) filed with a magistrate.

(2) Notice of hearing of the application must be in form 23.

(3) An aged or infirm persons permit must be in form 24.

(4) An application to cancel a permit under section 471(6) of the Act must be in form 2.

PART 20—REGISTRAR

Office

104.(1) The registrar must keep the registrar's office at the place where the court or commission is held at Brisbane.

(2) The registrar's office must be open on the days and for the hours appointed by the court or commission.

Stamp

105.(1) The registrar must have a stamp.

(2) The stamp must mark a document that it is used on with—

- (a) the words 'Industrial Registrar' and 'Queensland'; and
- (b) the date.

⁵⁵ Section 471 (Aged or infirm persons permits) of the Act

Functions

106. The registrar must—

- (a) sign and issue summonses and warrants and other processes of the court, commission or for proceedings before the registrar; and
- (b) register all records, orders and industrial instruments; and
- (c) keep minutes and notes of the proceedings of the court or commission, when required; and
- (d) have the custody of the registrar's stamp and seals of the court and commission; and
- (e) affix the stamp or seals to documents filed in, or issued from, the court, commission or registrar's office; and
- (f) take charge, and keep an account, of all amounts—
 - (i) paid or payable under the Act or these rules; and
 - (ii) paid into or out of the court, commission or registrar's office under the Act or these rules; and
- (g) examine all affidavits filed in compliance with an order of the commission; and
- (h) act in court as registrar, when required.

Powers

107.(1) For a matter in which the court, commission or registrar has jurisdiction under the Act or these rules, or under a reference by the court or commission, the registrar may—

- (a) summon persons as witnesses; and
- (b) take affidavits; and
- (c) examine parties and witnesses; and
- (d) adjourn a matter or hearing; and
- (e) amend or give leave to amend an application, notice, or other proceeding; and
- (f) extend the time prescribed for lodging a document or doing an act (whether or not the time has expired); and

- (g) make an order about the following—
 - (i) an interlocutory proceeding to be taken before the hearing;
 - (ii) the costs of an interlocutory proceeding;
 - (iii) the issues to be submitted to the court or commission;
 - (iv) the naming and joinder of parties;
 - (v) the persons to be served with notice of proceedings;
 - (vi) particulars of the claims of parties;
 - (vii) admissions;
 - (viii) discovery;
 - (ix) interrogatories;
 - (x) inspection of documents;
 - (xi) examination of witnesses;
 - (xii) the place, time and nature of a hearing; and
- (h) issue, in form 20, a show cause notice under section 351(7)⁵⁶ of the Act; and
- (i) generally do all things the registrar considers appropriate.

(2) If the registrar exercises a power under subrule (1) on the application of a party, the registrar may exercise the power on the terms the registrar considers appropriate.

PART 21—APPEALS GENERALLY

Form of appeal

108.(1) An appeal from a decision of the commission, a commissioner, a magistrate or the registrar, or to the commission against a stand-down, must be in form 42.

⁵⁶ Section 351 (Enforcing commission's orders) of the Act

(2) The appeal must—

- (a) comply with the requirements for an application under rule 19(1);⁵⁷ and
- (b) state whether the appeal is from the whole or part (and which part) of the decision; and
- (c) state concisely the grounds of the appeal; and
- (d) state the decision the appellant wants instead of the decision appealed from.⁵⁸

Commencing appeal

109. An appeal is commenced on the filing of the appeal.⁵⁹

PART 22—PRESIDENT’S LEAVE TO APPEAL

Application for leave to appeal

110.(1) An application for the president’s leave to appeal must be in form 2.

(2) The application must contain—

- (a) the grounds of the appeal (other than error of law or excess, or want, of jurisdiction); and
- (b) the facts and circumstances relied on to argue that the matter is of such importance that an appeal should be brought in the public interest; and
- (c) if it is contended that the matter is of particular urgency—the reasons for the urgency.

⁵⁷ Rule 19 (Form of applications)

⁵⁸ See part 8 (Service) for the requirements in relation to service of the appeal.

⁵⁹ See section 370 of the Act for the time within which an appeal must be commenced.

Notice of opposition

111. A respondent opposing the granting of the president's leave to appeal must—

- (a) file with the registrar a notice of opposition in form 6; and
- (b) state the grounds of the opposition and the facts and circumstances relied on to support the grounds.

Application refused

112. If the president refuses to grant leave to appeal—

- (a) the appeal is taken to have been struck out; and
- (b) a further application for leave to appeal, or appeal, can not be filed for the subject matter of the struck out appeal.

PART 23—APPEALS FROM COMMISSION, COMMISSIONER OR REGISTRAR

Filing

113. An appeal from a decision of the commission, a commissioner⁶⁰ or the registrar must be filed in the registrar's office.

Record for purposes of appeal

114.(1) For the appeal, the record consists of the following—

- (a) the notice of appeal;
- (b) the originating processes (including any amendment) instituting the proceedings the subject of the appeal;

⁶⁰ An appeal against a decision of a commissioner on a ground other than error of law, or excess or want of jurisdiction, requires the president's leave: see section 362 (Appeals from commissioner to full bench with leave) of the Act.

- (c) the order or industrial instrument that is the subject of the appeal;
- (d) any published reasons for the decision being appealed;
- (e) any industrial instrument or statement of principle mentioned in the published reasons;
- (f) any transcript of the evidence given in the proceedings;
- (g) the list of exhibits and the exhibits in the proceedings;
- (h) any affidavit filed in the appeal.

(2) The court, commission or registrar may direct that the record be supplemented by other material.

(3) Any party to the appeal may seek a direction under subrule (2).

PART 24—APPEALS FROM MAGISTRATE

Filing

115. An appeal from a decision of a magistrate must be filed with the magistrate.

Undertaking

116.(1) When filing the appeal with the magistrate, the appellant must enter into an undertaking—

- (a) with or without surety for \$200 or another amount that the magistrate directs; and
- (b) to prosecute the appeal without delay; and
- (c) to submit to the decision of the court or commission; and
- (d) to pay the costs awarded by the court or commission.

(2) If the appellant is in custody, the appellant must be released on the undertaking under subrule (1).

(3) The appellant must appear before a magistrate at the place where the

proceedings were heard within a reasonable time (not less than 10 days after the decision of the court or commission is given), unless the decision appealed against is reversed.

(4) The appellant may enter into the undertaking—

- (a) before the same or another magistrate at the place where the proceedings were heard; or
- (b) if there is no magistrate available at the place where the proceedings were heard—before the clerk of the court or the registrar.

Documents

117.(1) On filing an appeal with the magistrate, the applicant must promptly serve the appeal on the other respondent or party.

(2) On receipt of the appeal, the magistrate must promptly—

- (a) advise the registrar of it; and
- (b) transmit to the registrar the original and 1 copy of the following—
 - (i) the appeal;
 - (ii) the undertaking;
 - (iii) the complaint;
 - (iv) the depositions;
 - (v) the exhibits (if practicable);
 - (vi) the records of the proceeding, including any other proceeding, before the magistrate;
 - (vii) the magistrate's decision.

PART 25—EVIDENCE AND AFFIDAVITS

Evidence on affidavit

118.(1) Evidence may be given by affidavit if the court, commission or registrar so directs.

(2) However, if required by the court, commission or registrar, the deponent must appear to give evidence or for cross-examination.

(3) If the deponent does not appear as required, the affidavit can not be used in evidence without the leave of the court, commission or registrar.

Limitation of affidavit

119. A person, in an affidavit, may only make—

- (a) for an affidavit used in an interlocutory matter or application—statements to the best of the deponent's own knowledge, information or belief; or
- (b) otherwise—statements of facts of their own knowledge.

Form of affidavit

120. An affidavit must—

- (a) be in—
 - (i) if it is part of an application—form 2; or
 - (ii) otherwise—form 14; and
- (b) comply with part 3; and
- (c) be in the first person; and
- (d) state that the person is authorised to make the statement if the person swears an affidavit on behalf of another person or entity; and
- (e) state the day on which, and place where, it was sworn or affirmed;
- (f) if it extends to a second or subsequent sheet, each separate sheet must be signed at the base by the deponent and by the person before whom the affidavit was sworn or affirmed.

Annexures

121. A document annexed to an affidavit must—

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

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

Alterations and erasures

122. All alterations, erasures or interlineation contained in an affidavit, and made before the swearing of the affidavit, must be initialled by—

- (a) the person making the affidavit; and
- (b) the person before whom the affidavit is sworn.

Affidavits by illiterate or blind persons

123.(1) If an affidavit is sworn by a person who is illiterate or blind, the person before whom the affidavit is sworn must certify to that fact in form 14.

(2) The affidavit can not be used in evidence without the certificate unless the court, commission or registrar otherwise decides.

Affidavits by non-English speaking persons

124.(1) If an affidavit is sworn by a non-English speaking person, a translator must also swear an affidavit testifying to the true English translation of the affidavit.

(2) The affidavit can not be used in evidence without the translator’s affidavit unless the court, commission or registrar otherwise decides.

Dates and amounts in affidavits

125. Dates and amounts may be written in an affidavit in words or figures.

Specified time for filing affidavits

126. If an affidavit must be filed within a specified time, an affidavit filed after that time can not be used in evidence unless the court, commission or registrar otherwise decides, with or without conditions.

Summons to witnesses

127.(1) On the application of a party, or by direction of the president or a commissioner, the registrar must issue a summons to a person to appear and give evidence before the court, commission or registrar.

(2) Only 1 witness's name may be inserted in each summons.

(3) The summons must be in form 17.

(4) A summons may require the person named in it to produce to the court, commission or registrar any document that—

(a) relates to the matter; and

(b) is in the person's possession or control.

Inspection of material

128.(1) A document produced to the court, commission or registrar, whether produced voluntarily or pursuant to summons, may be inspected by—

(a) the court, commission or registrar; and

(b) any party that the court, commission or registrar allows.

(2) However, information obtained from the document must not be made public without the permission of the court, commission or registrar.

(3) If the president, a commissioner or the registrar considers that part of a document does not relate to a matter in issue, the president, a commissioner or the registrar may order the part be closed.

Allowance for attendance and expenses

129.(1) A person who is summoned and attends the court or commission is entitled to—

- (a) the person's reasonable expenses of travelling to attend; and
 - (b) the allowance payable to a witness in a civil action in the Supreme Court.
- (2) If the person is summoned on the application of a party—
- (a) the party who applied for the summons is responsible for paying the allowance and expenses to the person; and
 - (b) if the expenses are not paid before the person attends, the person has a lawful excuse under section 440⁶¹ of the Act for disobeying the summons.
- (3) If the person is summoned on the initiative of the court, commission or registrar—
- (a) the court, commission or registrar is responsible for paying the allowance and expenses to the person; and
 - (b) any failure to pay the allowance or expenses before the person attends is not a lawful excuse under section 440 of the Act for disobeying the summons.

Powers for evidence

130.(1) The court, commission or registrar may take evidence on oath, affirmation or declaration.

- (2) The commission may dispense with evidence on any matter—
- (a) on which all parties have agreed in writing; or
 - (b) for which the commission considers evidence is unnecessary.⁶²

PART 26—COSTS AND EXPENSES

⁶¹ Section 440 (Contempt by witness) of the Act

⁶² Also see section 335 of the Act under which the commission or an Industrial Magistrates Court are not bound by the rules of evidence. Also see section 456 of the Act which deals the tendering of confidential material in evidence.

Costs and expenses

131. The court or commission may allow costs and expenses, in relation to proceedings and other matters to which these rules apply—

- (a) as fixed by the court or commission; or
- (b) by reference to a designated scale for proceedings in the District Court or Magistrates Court; or
- (c) by reference to the scale for similar proceedings in the Supreme Court; or
- (d) on any other basis the court or commission decides.

PART 27—DISCONTINUING APPLICATIONS**Discontinuance—unheard unlawful dismissal applications**

132.(1) This rule applies to an application under section 218⁶³ of the Act.

(2) The applicant may, at any time before the start of a hearing of an application, discontinue the application by filing a notice in form 43.

(3) The notice may be filed by fax.

(4) However, the original notice must be sent immediately to the registrar's office.

(5) Unless the application is discontinued at a conference held under section 219⁶⁴ of the Act, the applicant must serve the notice on the other parties immediately.

Discontinuance otherwise

133.(1) This rule applies to an application before the court, commission or registrar to which rule 132 does not apply.

⁶³ Section 218 (Application to remedy unlawful dismissal) of the Act

⁶⁴ Section 219 (Conciliation before application heard) of the Act

(2) The applicant may ask to be allowed to discontinue the matter by filing a written request with the registrar.

(3) When filing the request, the applicant must forward a copy of the request (by any method mentioned in part 8) to each of the parties to the application.

(4) A party may object to the discontinuance by written notice to the registrar within 14 days after being notified of the application for discontinuance.

(5) If no party objects within the 14 days, the court, commission or registrar hearing the matter may allow the matter to be discontinued.

(6) If a matter is allowed to be discontinued, the court, commission or registrar hearing the matter must endorse the file to that effect.

(7) If an objection is received within the 14 days, the court, commission or registrar hearing the matter may allow or disallow the application for discontinuance on the terms the court, commission or registrar considers appropriate.

Other cases of discontinuance

134. Despite rules 132 and 133, the court, commission or registrar may at any time in a hearing, allow the applicant to discontinue a matter on the terms the court, commission or registrar considers appropriate.

PART 28—LAPSE OF APPLICATION

Lapse after 6 months delay

135.(1) This rule applies if—

- (a) an application has been filed in the court, commission or registrar's office; and
- (b) no action has been taken for 6 months since the last action was taken in the application.

(2) If a party wishes to take action after the end of the 6 months, the party

must first give every other party 1 month's notice of intention to take action.

Lapse after 1 year delay

136.(1) This rule applies if—

- (a) an application has been filed in the court, commission or registrar's office; and
- (b) no action has been taken for 1 year since the last action was taken in the application.

(2) A party may only take further action with an order of the court, commission or registrar.

(3) The registrar may, by at least 21 days written notice, require the applicant to show cause why the application should not be struck out.

(4) After considering any representations by the applicant, the court, commission or registrar may—

- (a) list the application for hearing, with or without directions; or
- (b) strike out the application.

(5) If the application is struck out, the registrar must—

- (a) give the applicant written notice of that fact; and
- (b) notify the other parties of that fact by industrial gazette notice.

PART 29—PUBLICATION AND INSPECTION OF DOCUMENTS

Prohibiting publication or search—Act, s 456

137. A copy of a direction under section 456⁶⁵ of the Act must be posted in a conspicuous place at—

- (a) the registrar's office; or

⁶⁵ Section 456 (Confidential material tendered in evidence) of the Act

- (b) the court house in the city or town where the court, commission or registrar sat or is sitting.

Searching and copying records

138.(1) If a person is not a party to, or bound by, a proceeding, the person may not search the documents in the proceeding without the registrar's prior approval.

(2) If the registrar approves, a person may obtain a certified copy of a document filed with the registrar.

(3) The registrar may require at least 7 days notice to produce the certified copy.

PART 30—REGISTER OF ORDERS RELATING TO DISMISSALS

Register

139.(1) The registrar must keep a register of orders made by the commission under chapter 5⁶⁶ of the Act.

(2) The register may be inspected by anyone whenever the registrar's office is open to the public.

PART 31—AUTHORISATION OF INDUSTRIAL OFFICERS

Application for an authorisation

⁶⁶ Chapter 5 (Dismissals) of the Act

140.(1) An application for an authorisation under section 392⁶⁷ of the Act must be in form 16.

(2) Only 1 copy of the application need be filed.

(3) A separate application must be filed for each person to be authorised.

PART 32—SECRET BALLOTS ON STRIKE ACTION

Application

141. An application under section 244⁶⁸ of the Act must be form 2.

Conducting secret ballot

142.(1) This section applies if the registrar or a magistrate is directed to conduct a secret ballot under section 244 of the Act.

(2) Anything done by a person for the registrar or magistrate in relation to the ballot must be done in the registrar's or magistrate's name.

(3) The registrar or magistrate is the returning officer at the ballot.

(4) The returning officer must compile a roll of persons entitled to vote at the ballot from—

(a) the registers kept under section 396⁶⁹ of the Act and section 382⁷⁰ of the repealed Act; or

(b) any other list requested by the registrar or magistrate.

(5) The returning officer may—

(a) appoint presiding officers, poll clerks, scrutineers, and other persons as officers to assist in the taking of the ballot; and

⁶⁷ Section 392 (Authorising industrial officers) of the Act

⁶⁸ Section 244 (Secret ballot on strike action) of the Act

⁶⁹ Section 396 (Employee register) of the Act

⁷⁰ Section 382 (Register of members and officers) of the repealed Act

- (b) appoint a person appointed under paragraph (a) as a deputy returning officer.
- (6) Only the following persons may enter the ballot room—
 - (a) persons who are present to vote;
 - (b) the returning officer;
 - (c) persons appointed under subrule (5).
- (7) The returning officer or deputy must give a voter—
 - (a) a voting paper in form 26; and
 - (b) anything else necessary for taking the ballot.
- (8) A voter is entitled to 1 vote only.
- (9) The ballot may be taken only by voting papers.
- (10) The returning officer or deputy must, as soon as practicable after the poll closes, count the votes received.
- (11) The returning officer must keep custody of all voting papers, rolls, and documents used at the ballot.

PART 33—TRANSITIONAL

Continuance of proceedings and appointments

- 143.(1)** A proceeding or appointment commenced before the commencement of these rules continues.
- (2) Action may be taken in relation to the proceeding or appointment as if they were commenced under these rules.
- (3) In this section—
“appointment” means an appointment of an agent.

SCHEDULE 1

FEES IN THE COURT, COMMISSION OR REGISTRAR'S OFFICE

	rule 16
	\$
1. Restructuring progress application	19.00
2. Filing application for—	
(a) summons	14.00
(b) directions or other order	10.50
(c) certificate of registrar	10.50
(d) authorisation	10.50
3. Filing—	
(a) response	6.20
(b) amended application	19.00
(c) application not otherwise stated	33.00
(d) affidavit (not contained in an application)	4.40
(e) opposition or objection to an application	7.20
4. Search or inspection of document	3.40
5. Photocopying—each page30
6. Filing notice of—	
(a) concurrence with industrial agreement; or	
(b) retirement from industrial agreement; or	
(c) initiation of bargaining period; or	
(d) authorisation to engage in industrial action	
(e) termination of a certified agreement or EFA	14.00
7. Certified agreement—	
(a) certification or amendment	28.50
(b) application for extension or termination	14.00
8. EFA—	
(a) amendment	28.50
(b) filing notice of intention to retire or withdraw	14.00
(c) filing application to withdraw by party affected by industrial action	14.00

SCHEDULE 1 (continued)

(d) filing application for amendment or termination by a full bench	14.00
---	-------

SCHEDULE 2

FORMS

rule 6

Form 1
 BACKING SHEET FOR ALL MATTERS
 (Application No. of 19 . .)

INDUSTRIAL COURT*
 QUEENSLAND INDUSTRIAL RELATIONS COMMISSION*
 INDUSTRIAL REGISTRAR*
 Level 14, Central Plaza 2, 66 Eagle Street, Brisbane 4000
 (GPO Box 373, Brisbane 4001)

Workplace Relations Act 1997

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

.....

[TITLE OF MATTER]

Filed by:

[Name of person filing and title of the corporation, organisation or association]

Contact name:

[Name of person conducting the matter—if different to the above]

Address:

Phone:

Facsimile no:

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

SCHEDULE 2 (continued)

Form 2
APPLICATIONINDUSTRIAL COURT*
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION*
INDUSTRIAL REGISTRAR*

INDUSTRIAL MAGISTRATES COURT HELD AT. *

Workplace Relations Act 1997

(Application No. of 19 . .)

TO: The Registrar, Industrial Registrar's Office, Level 14, Central Plaza 2, 66
Eagle Street, (corner Creek and Elizabeth Streets), Brisbane 4000 and such
other persons as the registrar may direct.*TO: The registrar of the Industrial Magistrates Court held at
. [insert address].*TAKE NOTICE THAT I/WE. [Name and
address of applicant(s), agent(s) or solicitor(s) responsible for the conduct of the matter]

of

[Name of firm—if applicable] being authorised to represent

.

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

1. Apply for

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

to

[State name of industrial instrument, (if applicable)—attach schedule if necessary]

[Please underline name]

under [section/s of Act]

and attach hereto as schedule 1 to this application/herein make* a full statement of
my claim.

[Specify—

(a) relief sought (i.e.: remedy or outcome sought by applicant); and

(b) concise statement of material facts relied on to support the application; and

(c) the pertinent provisions of any legislation or industrial instrument said to be
relevant. ([Only include for applications before the court or involving
contentious matters before the commission or registrar].)2. #Further I apply for directions as to the conduct of this application in relation to the
following matters—

(a) parties;

(b) service of documents;

SCHEDULE 2 (continued)

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

Additionally, I make oath and swear as follows—

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

.....
[Signature of applicant]

.....
[Title of office held]

Signed and sworn by the abovenamed deponent at
this day of, 19
before me—

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

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

* Delete whichever is not applicable.

Does not apply in the case of amended applications under part 11.

§ This note is to be included when applicable, for example, in applications in which directions or other orders are sought.

NOTE 2: A person who authorises another person to be their agent in any case before the court, commission or registrar must do so in accordance with part 2 of the rules. If a person is authorised to be an agent in an application using form 2, the following appointment of agent must be included in the application:

I/we [insert name in block letters]
of

..... [insert name/title of corporation/organisation/association and address]

have been authorised to make or sign any document, process or step and/or to appear and act for

[insert name of person/organisation/corporation, etc. for who agent is appointed] of

..... [insert address]

as agent for the following matter/term*

..... [insert title and number of specific matter/time period/indefinite period].

Dated at this day of, 19

.....
[Signature of authorising party]

SCHEDULE 2 (continued)

Form 3

NOTICE OF HEARING FOR APPLICATION FOR MINIMUM WAGE ORDER
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1997, s 142

IN the matter of B of 19

Notice is given—

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

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

[Signature]
Registrar

SCHEDULE 2 (continued)

Form 4

NOTICE OF HEARING FOR APPLICATION FOR ORDER TO ENSURE EQUAL
REMUNERATION FOR WORK OF EQUAL VALUE

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1997, s 151

IN the matter of B. of 19

Notice is given—

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

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

[Signature]
Registrar

SCHEDULE 2 (continued)

Form 5
NOTICE OF HEARING FOR APPLICATION FOR TERMINATION ORDER
CREATING RULES OF GENERAL APPLICATION

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1997, s 227

IN the matter of B. of 19

Notice is given—

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

.
[set out employees to be covered]; and

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

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

[Signature]
Registrar

* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 6
RESPONSE

INDUSTRIAL COURT*
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION*
INDUSTRIAL REGISTRAR*

Workplace Relations Act 1997

(No of 19..)

RESPONSE AND/OR COUNTER PROPOSAL*

TO: The Registrar, Industrial Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane 4000 (GPO Box 373, Brisbane 4001, and

TO:
[Name and address of applicant(s), agent(s) or solicitor(s) responsible for the conduct of the matter]

TAKE NOTICE THAT I
[Name and address of respondent]

of
[Name of firm—if applicable]

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

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

AND/OR*

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

[Specify—

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

Additionally, I make oath and swear as follows—

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

SCHEDULE 2 (continued)

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

.....
[Signature of respondent]

.....
[Title of office held]

Signed and sworn by the abovenamed deponent at
this day of , 19
before me—

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

* Delete whichever is not applicable.

SCHEDULE 2 (continued)

Form 7
OPPOSITION/OBJECTION*

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION
Workplace Relations Act 1997

(No of 19..)

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

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

TAKE NOTICE THAT I
[Name and address of objector]

of
[Name of firm—if applicable]

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

1. The particulars to the opposition/objection* are
.
.

[Specify—

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

[Attach schedule if necessary.]

Additionally, I/we make oath and swear as follows—

- 2. I/we am fully authorised in compliance with the Act and the rules of court to make this opposition/objection*.
- 3. The statement of material facts relied on to support this opposition/objection* is to the best of my/our knowledge, information and belief, true and correct.

.
[Signature of objector]

.
[Title of office held]

Signed and sworn by the abovenamed deponent at
this day of, 19
before me—

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

* Delete whichever is not applicable.

NB—1. When this opposition/objection is lodged by an industrial organisation, it must be under the seal of the industrial organisation or be signed by 2 persons authorised by the industrial organisation to sign this opposition/objection.

SCHEDULE 2 (continued)

2. When this opposition/objection is lodged by a corporation, other than an industrial organisation it must be signed by a person authorised by the corporation to sign that opposition/objection.
3. When this opposition/objection is lodged by any other person, it must be signed by that person.

* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 8
APPLICATION FOR CERTIFICATION OF AGREEMENT
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1997, s 25

.....

[Name of employer party]

AND

.....

[Name of employee party]

(No. of 19 ..)

.....

[TITLE OF CERTIFIED AGREEMENT]

COMMISSIONER

(Approved)

APPLICATION FOR CERTIFICATION OF AGREEMENT

THIS AGREEMENT, made under the *Workplace Relations Act 1997* on
[date] [the day the first party signed it], between
and witnesses that the parties
agree as follows [list matters agreed to]—

Signed for} [Signature] [Title]
..... } [Print name]

In the presence of—
[Signature]
[Print name of witness]

Signed for} [Signature] [Title]
..... } [Print name]

In the presence of—
[Signature]
[Print name of witness]

This agreement is certified under the *Workplace Relations Act 1997*, chapter 2 part 1.
....., Commissioner.

Filed on [date], certified by the commission and given
Register No. of [year], in the Certified Agreements Register.

..... [Date]
Registrar

Operative date: [date]

NOTE: The parties to the agreement must supply supporting evidence or material
mentioned in the *Workplace Relations Regulation 1997*, section 4 and
rule 19(4) of these rules when filing the application.

SCHEDULE 2 (continued)

Form 9
APPLICATION TO AMEND CERTIFIED AGREEMENT
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1997, s 34

.....
[Name of employer party]

AND

.....
[Name of employee party]

(No. of 19 ..)

.....
[TITLE OF CERTIFIED AGREEMENT]

COMMISSIONER

(Approved)

TAKE NOTICE that we the parties to the certified
agreement of [date], Register No of [year],
and expiring on [date], apply to amend the agreement.

[Date]

Signed for} [Signature] [Title]
..... } [Print name]

In the presence of—

[Signature]

[Print name of witness]

Signed for} [Signature] [Title]
..... } [Print name]

In the presence of—

[Signature]

[Print name of witness]

This amendment is approved under the *Workplace Relations Act 1997*, section 34.

.....
Commissioner

SCHEDULE 2 (continued)

Form 10
EXTENSION OF CERTIFIED AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1997, s 33

.....
[Name of employer party]
AND
.....
[Name of employee party]

(No. of 19 ..)

.....
[TITLE OF CERTIFIED AGREEMENT]

COMMISSIONER

(Approved)

TAKE NOTICE that I/we* a party/the parties* to the certified agreement of
..... [date], Register No.of ... [year], and expiring on [date],
apply for an extension of operation of the agreement until [date].
..... [date]

[Date]

Signed for} [Signature] [Title]
..... } [Print name]

In the presence of—

[Signature]
[Print name of witness]

Signed for} [Signature] [Title]
..... } [Print name]

In the presence of—

[Signature]
[Print name of witness]

.....
Commissioner

* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 11

TERMINATION OF CERTIFIED AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1997, ss 37–39

.....

[Name of employer party]

AND

.....

[Name of employee party]

(No. of 19 ..)

.....

[TITLE OF CERTIFIED AGREEMENT]

REGISTRAR

(Filed)

NOTICE OF/APPLICATION FOR* TERMINATION OF A CERTIFIED
AGREEMENT

TAKE NOTICE that I/we*a party/the parties* to the certified agreement of [date], Register No.of [year], and expiring/that expired* on [date], and having given notice to [name] on [date] of termination of the agreement*, apply for approval/give notice* of the termination of the agreement.

..... [date]

Signed for} [Signature] [Title]
 } [Print name]

In the presence of—

[Signature]

[Print name of witness]

Signed for} [Signature] [Title]
 } [Print name]

In the presence of—

[Signature]

[Print name of witness]

Filed on [date]

[Signature]

Registrar

* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 13

NOTICE OF AUTHORISATION TO ENGAGE IN INDUSTRIAL ACTION
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION*Workplace Relations Act 1997, s 49*

In the matter of a bargaining period between

.....
[insert names of negotiating parties and the date on which a notice of initiation of bargaining was filed].

Under s 49(1)(c) of the Act, notice is given to the registrar that the members of [insert name of organisation of employees] were authorised on [insert date of authorisation] to engage in industrial action within the bargaining period against [insert name of particular employer] for the purposes of negotiating a certified agreement under chapter 2, part 1, division 7 of the Act.

[date]

Signed for}

[Signature] [Title]

..... }

[Print name]

In the presence of—

[Signature]

.....
[Print name of witness]

* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 14
GENERAL FORM OF AFFIDAVITINDUSTRIAL COURT*
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION*
INDUSTRIAL REGISTRAR**Workplace Relations Act 1997*
AFFIDAVIT.....
[Name of applicant]

AND

.....
[Name of respondent]

(No. of 19 ..)

.....
[Title of industrial instrument—if applicable]

I, A.B., of [state address], a [state occupation] (or we, A.B., of [state address], a [state occupation] and C.D., of [state address], a [state occupation], severally) make oath and say as follows—

(And I, the said A.B., for myself say—)

1. I am etc. [State the facts in consecutively numbered paragraphs]

(And I, the said C.D., for myself say—)

.....
DeponentSigned and sworn by the abovenamed deponent or by both (or all) of the abovenamed deponents at this

day of 19 ... before me—

.....
A justice of the peace/commissioner for declarations/lawyerOr.....
[Signature of A.B.].....
[Signature of C.D.]Signed and sworn by the abovenamed deponent A.B., at,
this day of, and by the abovenamed deponent
C.D., at this day of, 19 ...
before me—.....
A justice of the peace/commissioner for declarations/lawyer

SCHEDULE 2 (continued)

Or

[*In the case of an illiterate or blind deponent*]
[*Signature/mark of A.B*]

Sworn by the abovenamed deponent A.B., before me at ,
this day of , and I certify that this affidavit was
first read to the said A.B., in my presence, who seemed perfectly to understand the
same, and who made this signature (or mark) before me—

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

* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 15

APPOINTMENT OF AGENT

INDUSTRIAL COURT*

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION*

INDUSTRIAL REGISTRAR*

Workplace Relations Act 1997, s 334

INDUSTRIAL MAGISTRATES COURT HELD AT *

TO: The Registrar, Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street
(corner Creek and Elizabeth Streets), Brisbane 4000 (GPO Box 373, Brisbane
4001).*

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

TAKE NOTICE THAT
[Full name in block letters]

of
[Title of corporation/organisation/association etc.*]

.....
[Address]

is authorised to make or sign any document, process or step and/or to appear and act
for
[Name of person/corporation/organisation/association etc.* for whom agent is
appointed] of
[Address]

as agent for the following matter/term*
[Title and number of specific matter/time period/indefinite period]

Dated at this day of, 19 ...

.....
Signature of authorising party

* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 16
APPLICATION FOR AUTHORISATION
INDUSTRIAL REGISTRAR

Workplace Relations Act 1997, s 392
Workplace Relations Regulation 1997, s 40

TO: The Registrar, Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street
(corner Creek and Elizabeth Streets), Brisbane 4000 (GPO Box 373, Brisbane
4001).

TAKE NOTICE THAT WE
[Name and address of applicants]

.....
being president and secretary respectively of
[name of organisation]
apply for a certificate of authorisation on behalf of
[full name]. [position held] an
officer/employee* of the abovenamed organisation under section 392 of the Act.
Additionally we make oath and swear as follows that—

- (a) the two (2) passport sized (4.5 cm x 3.5 cm) photographs attached are of the person to be authorised; and
- (b) the signatures appearing below are genuine signatures of the person to be authorised; and
- (c) we are authorised in compliance with the Act and the rules of court to make this application.

.....
President
.....
Secretary

Signed and sworn by the abovenamed deponents at
this day of, 19 before me—

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

- Note 1: Securely attach photographs in a sealed envelope to this application. Do NOT staple through the photographs.
- Note 2: Ensure the photographs are signed on their reverse by the person to be authorised.
- Note 3: Ensure signatures do not extend beyond the 4.5 cm signature x 1.5 cm boundaries of the drawn box.

Signature

Signature 1

Signature

Signature 2

* Delete whichever does not apply

SCHEDULE 2 (continued)

Form 17
SUMMONS—GENERAL FORMINDUSTRIAL COURT*
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION*
INDUSTRIAL REGISTRAR**Workplace Relations Act 1997*

(No. of 19 ..)

SUMMONS

TO of ,

IN THE MATTER OF

You are summoned to appear before the Industrial Court/the Queensland Industrial Relations Commission* situated on Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane 4000, on the day of, 19, at a.m./p.m.*, or so soon thereafter as the court/commission* may hear the summons on the application of [*applicant for issue of summons*] in the above matter.

Dated at this day of, 19

[Signature]

Registrar

* Delete whichever does not apply.

- *The summons is to bear the seal of the court or commission*

- * Delete whichever is not applicable
- *The summons is to bear the seal of the commission or the stamp of the magistrate.*

- * Delete whichever is not applicable
- *The summons is to bear the seal of the commission or the stamp of the magistrate.*

SCHEDULE 2 (continued)

Form 20
NOTICE TO SHOW CAUSE UNDER SECTION 351(7) OF THE ACT

QUEENSLAND INDUSTRIAL COURT

Workplace Relations Act 1997, s 351(7)

TO:
of

IN THE MATTER OF

TAKE NOTICE THAT you are called to show cause to the Full Industrial Court on
the day of, 19 ..,
at. . . . a.m./p.m.* as to why you have failed to substantially comply with the order of
the Queensland Industrial Relations Commission dated the day of
....., 19 . . , and why you should not be dealt with under section 352
of the Act.

Dated at this day of, 19 ...

[Signature]
Registrar

- The notice is to bear the seal of the Court.

SCHEDULE 2 (continued)

Form 21
COMPLAINT

INDUSTRIAL MAGISTRATES COURT HELD AT

*Workplace Relations Act 1997, ss 310(a)(vi), 423 **

COMPLAINT AND SUMMONS ON A CLAIM FOR DAMAGES FOR BREACH OF
AGREEMENT MADE UNDER AN INDUSTRIAL INSTRUMENT*

COMPLAINT AND SUMMONS ON AN APPLICATION FOR RECOVERY OF
WAGES ETC. DUE*

In the Industrial Magistrates Court at
between complainant of
and defendant of
The complaint of
of

The complainant [*here state the subject matter, which should not allege an offence*]

The complainant applies to the Industrial Magistrate for an order directing the said
defendant to pay in full the amount payable, particulars of which are annexed.

.....
[Signature of complainant]

.....
[Signature of applicant]

.....
[Title of office held]

Signed and sworn/made* by the complainant at
this day of , 19 before me—

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

SUMMONS

To of
You are commanded, in Her Majesty's name to appear before an Industrial
Magistrate at the Industrial Magistrates Court at ,
on the day of ,
19, at a.m./p.m.* to answer the complaint and to be
further dealt with according to law.

Dated at , on the day of , 19

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

* Delete whichever is not applicable

Form 21 continues over page

SCHEDULE 2 (continued)

OATH OF SERVICE

I, [full name],
of [address],
..... [occupation], do swear that on the day of
....., 19....., I served the defendant with a
copy of the summons and copy of the complaint on which the summons was issued
and particulars of claim, by—

- *(a) delivering a copy of it to the defendant personally;
- *(b) leaving a copy of it with for the
defendant, who could not be reasonably found, at being the
defendant's place of residence*/place of business last known to me*/usual
place of residence*/usual place of business*.
- *(c) leaving a copy of it at the registered office of the company at
- *(d) certified mail/security post* by posting at a.m./p.m.*, at the
post office at, a true copy of the summons addressed to the
defendant at being the defendant's residence*/place of
business* last known to the complainant, at least 21 days before the date on
which the defendant is, by the summons, required to appear.

.....
Deponent

Signed and sworn by the deponent at
in the State of this day of
....., 19..... before me—

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

OATH BY COMPLAINANT

[To be completed when service is effected by paragraph (d) above]

I, [full name],
the complainant, do swear that
being the address to which the copy of this summons was posted is the defendant's
address last known to me because of information to my knowledge as the result of
investigations—or [insert details]

.....
Complainant

Signed and sworn by the complainant at
in the State of this day of
....., 19.... before me—

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

* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 22

APPLICATION BY AGED OR INFIRM PERSON

INDUSTRIAL MAGISTRATES COURT HELD AT
Workplace Relations Act 1997, s 471

APPLICATION BY AN AGED OR INFIRM PERSON FOR A PERMIT TO WORK
 FOR LESS THAN THE MINIMUM WAGE PRESCRIBED BY AN AWARD

I, [name of applicant],
 of [address of applicant],
 [occupation of applicant],
 considering myself unable to earn the minimum wages provided for by an industrial
 instrument that applies to the calling of
 [describe calling in which the applicant wishes to be employed], apply to
 [insert the name of the Industrial Magistrate to whom the application is
 made], being an Industrial Magistrate, for a written permit to work as a
 [insert the class of work at which applicant wishes to be employed] in the calling, for
 less than the provided wages, for a period of [state period for which
 permit is wanted] months, and in support of my application, I solemnly and sincerely
 declare as follows—

- (1) I am [state age of applicant] years of age.
- (2) I am infirm because of [here describe nature of infirmity].
- (3) Having regard to my age or my infirmity, I believe the work I will be
 able to do in the class of work in the calling during the period will not
 be worth more than [insert rate per hour, day, or week] per
- (4) I am a member of the organisation of employees* known as

 [insert name of organisation, or if applicant is not a member of any
 organisation of employees, write in the words 'I am not a member of any
 organisation of employees*'].

And I make this declaration conscientiously believing the same to be true, and by
 virtue of the provisions of the *Oaths Act 1867*.

.....
 Applicant/industrial inspector*

Made and declared by the deponent at
 this day of, 19 before me—

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

Received into the office of the Industrial Magistrate at on the day of
, 19, and filed as application No. of 19
 Permit issued on the day of, 19 No. of 19

* Delete whichever is not applicable.

SCHEDULE 2 (continued)

Form 23
NOTICE OF HEARING

INDUSTRIAL MAGISTRATES COURT HELD AT

Workplace Relations Act 1997, s 471

NOTICE OF HEARING OF APPLICATION BY AGED OR INFIRM PERSON

TO:
 Take notice that on the day of, 19,
 at a.m./p.m.*, at the Court House, I will hear any objections to the
 granting of a permit applied for by—

 particulars of whose application are annexed.

Particulars of application

Name and address of person
 Age years.
 Now in the employment of at
 Period of which permit is asked for
 Reason of application
 Calling in which applicant wishes to be employed
 Applicant declares the work able to be done in the calling during the period will not
 be worth more than per
 Dated at this day of, 19

.....
Industrial Magistrate

- NOTE 1: Please acknowledge receipt of this notice.
 NOTE 2: Notice to be drawn in duplicate, 1 copy for service, the other to be
 filed.
 (As to service of notice, see parts 8 and 12 of the rules of court, made
 under the *Workplace Relations Act 1997*.)
 NOTE 3: Notice to be addressed to the secretary of the organisation of
 employees of the calling in which applicant wishes to be employed.
 NOTE 4: The date of hearing must not be more than 7 nor less than 3 days from
 date of notice.
 NOTE 5: Objections may be raised by any authorised representative of the
 organisation of employees concerned.

A copy of this notice, addressed to
 was posted on the day of, 19

.....
Clerk of Magistrates Court

SCHEDULE 2 (continued)

Form 24
PERMIT

INDUSTRIAL MAGISTRATES COURT HELD AT

*Workplace Relations Act 1997, s 471*PERMIT FOR AN AGED OR INFIRM EMPLOYEE TO WORK FOR LESS THAN
THE MINIMUM WAGE PRESCRIBED BY AN AWARD

In the Industrial Magistrates Court at

Permit No. of 19

....., of, has a stated inability to earn the minimum wage provided for by an industrial instrument that applies to the calling of, has applied to me, an Industrial Magistrate, for a permit to work as a in the calling for less than the provided wage for a period of months, and has declared that he/she* is years of age and is infirm because of and that he/she* believes the work he/she* will be able to do at the class of work in the calling will not be worth more than \$. . per . . . , and that he/she* is a member of the organisation of employees known as
[or that he/she* is not a member of any organisation of employees]

I grant a permit to the applicant to work at the class of work in the calling for a wage at the rate of \$ per for a period of on the conditions following, namely—

And I am notifying the applicant and the secretary of the organisation of employees* having coverage of the calling of my decision to grant the permit.

Signed at, in the State, this day of, 19

Industrial Magistrate

NOTE—this permit should be made out and signed in triplicate, 1 handed to the applicant, 1 sent to the secretary of the organisation of employees concerned, and 1 filed for record.

The officer charged by the Industrial Magistrate with the duty should post the copy for the organisation of employees in a prepaid registered letter to the secretary of the organisation at the last-known office of the organisation, and endorse on the copy kept for record a statement that it was so posted, with the date of posting (see rules of court, or deliver it personally to the secretary, making a similar endorsement of the fact, with date.

* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 25

APPLICATION FOR PERMIT TO WORK BY STUDENT
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION*Workplace Relations Act 1997, s 470*

TO: The Registrar, Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street
(corner Creek and Elizabeth Streets), Brisbane 4000 (GPO Box 373, Brisbane
4001).

[This section to be completed by student]

I,
[insert full name]

of
[insert postal address]

apply for a permit to work at the calling, for the period and for the wages set out
below.

Dated at this day of, 19 ...

[Signature of applicant]

[This section to be completed by registrar of relevant tertiary institution/college]

I, the registrar,
[insert full name]

.....
[insert name of tertiary institution/college]

certify that a period of technical training in the calling of
..... [insert occupation or job description]
at the establishment of

[employer's business name]

of
[Address]

between, 19 ... and, 19 ...

is required to enable the applicant to complete his/her course
..... [insert title of course],
at the tertiary institution/college*.

The student will be paid a wage of not less than [insert wage]
per week of hours [insert hours to be worked per week].

.....
Registrar of tertiary institution/college*

NOTE 1: This application is only to be completed if the proposed training is in a
calling regulated by an industrial instrument of the Queensland
Industrial Relations Commission.

NOTE 2: All information required above *must* be completed before filing the
application.

NOTE 3: This is not an application under the *Vocational Education and Training
(Industry Placement) Act 1992*.

* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 26
VOTING PAPER FOR BALLOT UNDER SECTION 244 OF THE ACT
Workplace Relations Act 1997, s 244

VOTING PAPER

In the matter of a strike in the calling of—

.....
.....

because [*concisely state reason*]
.....
.....
.....
.....

Are you in favour of the strike?

YES ☐
NO ☐

Directions

Mark a tick “√” in the square opposite the word “YES” if you are in favour of the strike or in the square opposite the word “NO” if you are not in favour.

Should a tick “√” be marked in both squares, or should such mark be placed outside the squares, the voting paper shall be informal and invalid.

SCHEDULE 2 (continued)

Form 27

APPLICATION FOR CERTIFICATE AS TO REQUESTED
REPRESENTATION/CERTIFICATE AS TO CESSATION OF REQUESTED
REPRESENTATION*

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1997, s 21

TO: The Registrar, Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street
(corner Creek and Elizabeth Streets), Brisbane 4000 (GPO Box 373, Brisbane
4001)

- * (i) APPLICATION for the issue of a certificate under section 21(1)(a) of the
Workplace Relations Act 1997 is made by—

.....
[insert name and address of industrial organisation]
concerning a request/s under section 20(5) of the *Workplace Relations Act 1997*
for the above organisation to represent the employee(s) who is/are a member/s
of this organisation for the purposes of meeting and conferring with the
employer of the employee(s), namely—

.....
[insert name and address of employer]
about a proposed agreement titled—

.....
[insert name/title of proposed certified agreement]

OR

- * (ii) Application for the issue of a certificate under section 21(1)(b) of the
Workplace Relations Act 1997 is made by—

.....
[insert name and address of employer]
for cessation of the requirement pursuant to section 20(6) of the Act for the
employer to give a reasonable opportunity to—

.....
[insert name and address of industrial organisation]
to meet and confer about a proposed certified agreement titled—

.....
[insert name/title of proposed certified agreement]
because the requirement in section 20(7) no longer applies.

[Signature of applicant]

[Print name]

[Title of office held]

[Date]

- * Delete whichever does not apply

- An affidavit must accompany this application under rules 19 and 21.

- The certificate is to bear the stamp of the Registrar.

- The certificate is to bear the stamp of the Registrar.

SCHEDULE 2 (continued)

Form 30

APPLICATION FOR DETERMINATION OF DESIGNATED AWARD FOR THE
PURPOSES OF A CERTIFIED AGREEMENT/QUEENSLAND WORKPLACE
AGREEMENT (QWA)*

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Workplace Relations Act 1997, ss 120 and 121*IN the matter of a proposed certified agreement/Queensland Workplace Agreement
(QWA)* between—

.....

.....

[insert name and address of employer]; and

.....

.....

[insert name/s of organisation of employees/employee/various employees].*Application is made for the Queensland Industrial Relations Commission/an
Enterprise Commissioner* to determine an award that is appropriate for the purposes
of deciding whether a certified agreement/Queensland Workplace Agreement
(QWA)* passes the no-disadvantage test.The kind of work that the person/s who is/are* under the proposed agreement is/are*
engaged in is—

.....

[insert name of occupation or calling, or provide a brief outline of the work performed].

To the best of my knowledge and belief, the—

.....

*[insert name of award]*may be appropriate for the purposes of deciding whether the certified
agreement/QWA* passes the no-disadvantage test.

[Signature of applicant]

[Print name]

[Title of office held]

[Date]

* Delete whichever does not apply.

SCHEDULE 2 (continued)

Form 31
WAIVER

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Workplace Relations Act 1997, s 400(3)*TO:
[insert name of authorised officer]Authorised industrial officer of
.....
[insert name and address of industrial organisation]I,
[insert name of Industrial Registrar]Industrial Registrar, pursuant to section 400 of the *Workplace Relations Act 1997* (the Act), and being satisfied that, for reasons shown, it is impracticable for you to give forty-eight (48) hours notice of your intention to enter the workplace of/at*.....
.....
[insert name and address of employer and workplace]

to exercise a power under section 401 of the Act, do waive the requirement of section 400(2) of the Act, namely the requirement to give the employer at least forty-eight (48) hours notice of your intention to enter the relevant workplace.

Dated at this day of , 19 ..

[Signature]
Registrar

- * Delete whichever does not apply
- The waiver is to bear the stamp of the Registrar.

- The certificate is to bear the stamp of the Registrar.

SCHEDULE 2 (continued)

Form 33

TERMINATION OF INDUSTRIAL AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1997, (Section 504(5)).....
[insert name of employer party]

AND

.....
[insert name of employee party]

(No. IA of 19 . . .)

.....
[TITLE OF INDUSTRIAL AGREEMENT]

NOTICE OF TERMINATION OF INDUSTRIAL AGREEMENT

TAKE NOTICE that we,.....
[insert name of parties to industrial agreement being terminated]

parties to the industrial agreement of [insert date],

Register No. IA of [insert year],

and expiring on [insert date], give notice that the parties have

agreed to terminate the industrial agreement, effective from
[insert date].

Dated [insert date]

Signed for} [Signature]

. [Title]

.
[Print name]

SCHEDULE 2 (continued)

In the presence of— [Signature]
.....
[Print name of witness]

Signed for} [Signature]
..... [Title]
.....
[Print Name]

In the presence of— [Signature]
.....
[Print name of witness]

Signed for} [Signature]
..... [Title]
.....
[Print name]

In the presence of— [Signature]
.....
[Print name of witness]

Filed on [insert date]

[Signature]
Registrar

SCHEDULE 2 (continued)

Form 34

QUEENSLAND WORKPLACE AGREEMENT (QWA)

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Workplace Relations Act 1997, (chapter 2, part 2)*THIS agreement, made under the *Workplace Relations Act 1997* between—

.....

..... [employer]
 [insert name of employer—an employer must be an individual, or a corporation—a
 trading name is not sufficient]

AND

.....

.....
 [insert either [name of employee]—employee OR “the employees listed in the
 attached schedule A”]

witnesses that the parties agree as follow—

.....

.....

.....

[List the matter agreed to. Include those required by sections 75 and 76 of the
Workplace Relations Act 1997 to be included in a QWA].

(SIGNATURES)

In the presence of—

..... [Employer]
.....
[Print name]	[Print name]
..... [Date] [Date]

OR

SCHEDULE 2 (continued)

Signed on behalf of the employer—

In the presence of—

.....

.....

.....

.....

[Print name]

[Print name]

..... [Date]

..... [Date]

AND

In the presence of—

..... [Employee]

.....

.....

.....

[Print name]

[Print name]

..... [Date]

..... [Date]

OR

Those employees whose signatures, printed names and dates of signing appear in the attached Schedule A and are accompanied by the signature, printed name and date of signing of the person who witnessed the signature of each employee, who are party to this agreement.

This agreement is approved under chapter 2, part 2 of the *Workplace Relations Act 1997*.

[Signature]

Enterprise Commissioner

..... [Date]

Filed on [insert date], and given Register No.

[insert Register No.] in the Queensland Workplace Agreements Register.

[Signature]

Registrar

SCHEDULE 2 (continued)

Form 35
QUEENSLAND WORKPLACE AGREEMENT (QWA) AMENDMENT
AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1997, (chapter 2, part 2)

TAKE NOTICE that we

.....
[insert name of employer—an employer must be an individual, or a corporation—a trading name is not sufficient]

AND

..... [Name of employee]

.....
[insert either name of employee OR “and the employees listed in the attached Schedule A”]

the parties to a Queensland Workplace Agreement, Registered No.

[insert QWA No.] and expiring on [insert date],

have agreed to amend the QWA in the following manner—

.....
.....
[Outline the matters agreed by the parties which amend the specified QWA. Include those required by sections 75 and 76 of the Workplace Relations Act 1997 to be included or amended].

(SIGNATURES)

In the presence of—

..... [Employer]

.....

.....
[Print name]

.....
[Print name]

..... [Date]

..... [Date]

OR

SCHEDULE 2 (continued)

Signed on behalf of the employer—

.....

.....

[Print name]

..... [Date]

In the presence of—

.....

.....

[Print name]

..... [Date]

AND

In the presence of—

..... [Employee]

.....

[Print name]

..... [Date]

.....

.....

[Print name]

..... [Date]

OR

Those employees whose signatures, printed names and dates of signing appear in the attached Schedule A and are accompanied by the signature, printed name and date of signing of the person who witnessed the signature of each employee, who are party to this agreement.

This agreement is approved under chapter 2, part 2 of the *Workplace Relations Act 1997*.

[Signature]

Enterprise Commissioner

..... [Date]

Filed on and given Register No.

[insert date]

[insert Register No.].

[Signature]

Registrar

SCHEDULE 2 (continued)

Form 36

QUEENSLAND WORKPLACE AGREEMENT (QWA) EXTENSION AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1997, (chapter 2, part 2)

TAKE NOTICE that we

.....
[insert name of employer—an employer must be an individual, or a corporation—a trading name is not sufficient]

AND

..... [Name of employee]

.....
[insert either name of employee OR “and the employees listed in the attached schedule A”]

the parties to a Queensland Workplace Agreement, Registered No.

[insert QWA No.] and expiring on *[insert nominal date]*,

have agreed to extend the nominal expiry date specified in the QWA to
[insert date].

(SIGNATURES)

In the presence of—

..... [Employer]

.....
 [Print name] [Print name]

..... [Date] [Date]

OR

SCHEDULE 2 (continued)

Signed on behalf of the employer—

.....

.....

[Print name]

..... [Date]

In the presence of—

.....

.....

[Print name]

..... [Date]

AND

In the presence of—

..... [Employee]

.....

[Print name]

..... [Date]

.....

.....

[Print name]

..... [Date]

OR

Those employees whose signatures, printed names and dates of signing appear in the attached Schedule A, and are accompanied by the signature, printed name and date of signing of the person who witnessed the signature of each employee, who are party to this extension agreement.

This extension agreement is approved under chapter 2, part 2, of the *Workplace Relations Act 1997*.

[Signature]

Enterprise Commissioner

..... [Date]

Filed on [insert date] and given Register No.

[insert Register No.].

* Note the requirements of section 76 of the Act concerning time limits for extension agreements.

SCHEDULE 2 (continued)

Form 37
QUEENSLAND WORKPLACE AGREEMENT (QWA) TERMINATION
AGREEMENT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1997, (chapter 2, part 2)

TAKE NOTICE that we

.....

[insert name of parties]

being the parties to a Queensland Workplace Agreement, Registered No.

[insert QWA No.] and expiring on [insert nominal expiry date],

agree to terminate the QWA at the end of the day on which an approval notice is

issued for the termination agreement or on

[insert relevant date].*

(SIGNATURES)

In the presence of—

..... [Employer]

.....

.....

.....

[Print name]

[Print name]

..... [Date]

..... [Date]

OR

Signed on behalf of the employer—

In the presence of—

.....

.....

.....

.....

[Print name]

[Print name]

..... [Date]

..... [Date]

AND

SCHEDULE 2 (continued)

	In the presence of—
..... [Employee]
.....
[Print name]	[Print name]
..... [Date] [Date]

OR

Those employees whose signatures, printed names and dates of signing appear in the attached schedule A, and are accompanied by the signature, printed name and date of signing of the person who witnessed the signature of each employee, who are party to this termination agreement.

This termination agreement is approved under chapter 2, part 2, of the *Workplace Relations Act 1997*.

[Signature]
Enterprise Commissioner
..... [Date]

Filed on [insert date] and given Register No.
[insert Register No.].

- Note that under the provisions of section 80 of the Act, the termination agreement takes effect at the later of the two times specified.

* Delete whichever does not apply.

- The party filing this notice should be acquainted with the requirements of section 80 of the Act.
- * Delete whichever does not apply
- ** Note that under section 80(4) of the Act, the termination notice takes effect at the end of the 28th day after the party filing the termination notice gave notice to the other party of the termination notice being filed.

SCHEDULE 2 (continued)

Form 39

EMPLOYER FILING APPLICATION

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION
QUEENSLAND WORKPLACE AGREEMENT (QWA)*Workplace Relations Act 1997***PART 1—EMPLOYER DETAILS****Introductory notes**

You are required to complete this form if you wish to file an individual or collective QWA or QWAs for consideration by an Enterprise Commissioner. The form is in two parts—

Part 1 seeks information about the employer's business and the steps the employer took in making the QWA or QWAs—

Part 2 seeks information about the employees covered by the QWA or QWAs, and the contents of the QWAs themselves.

The Enterprise Commissioner will use the information in parts 1 and 2 of the form to help decide whether the Commissioner can approve the QWA or QWAs. Please refer to page 11 of the "Guide for Employers" for information on what the Enterprise Commissioner needs to be satisfied of in approving a QWA.

Because the Enterprise Commissioner has to assess QWAs on an individual basis, you will need to fill in part 2 of the form for each employee covered by the QWA or QWAs. You can get additional copies of parts 1 or 2 of the Employer Filing Application form by ringing, or calling at any of the offices listed at the end of this form.

Please note that you are required to sign an employer declaration which states, among other things, that the QWAs that you are filing comply with section 75 of the *Workplace Relations Act 1997*.

Section 75 of the *Workplace Relations Act 1997* provides that—

- The employer must ensure the QWA includes the provisions about discrimination prescribed under a regulation.
- If the QWA does not in fact include the prescribed provisions about discrimination, the QWA is taken to include the provisions.
- The employer must ensure the QWA does not include any provisions that prohibit or restrict disclosure of details of the QWA by either party to another person.
- The employer must ensure that the QWA includes a dispute resolution procedure.
- If the QWA does not include a dispute resolution procedure, the QWA is taken to

SCHEDULE 2 (continued)

include the model dispute resolution procedure prescribed under a regulation.

- A dispute resolution procedure that is included in a QWA may confer powers on the Enterprise Commissioner to settle disputes between the parties to the QWA about the application or interpretation of the QWA. The Commissioner may exercise those powers.

See pages 17–19 of the “Guide for Employers” for copies of the model anti-discrimination provision and the model dispute resolution procedure.

- 1 What is the legal or registered name of the employer which is filing this Queensland Workplace Agreement (QWA)?

- 2 Do you have an Australian Company Number (A.C.N.) or a Queensland Registered Business Number (R.B.N.)?

No ☐ **Go to next question**

Yes ☐ What is the number?

A.C.N.

R.B.N.

- 3 What is your registered business address?

Postcode

- 4 What is the address of the worksite(s) at which this QWA will apply? (*If more than one worksite is involved, give addresses for each worksite*)

Postcode

Postcode

Postcode

- 5 Does your business operate under a trading name or names?

No ☐ **Go to next question**

Yes ☐ What is the trading name used at the worksite or premises where the QWA will apply? (*Give details of the trading name(s) applicable to each worksite listed in question 4.*)

- 6 Where would you like future correspondence to be sent?

Registered business address ☐

Go to next question

Worksite address ☐

Go to next question

The address below ☐

below if insufficient space please

SCHEDULE 2 (continued)

Postcode

- 7 What is the name of the contact officer in your organisation for questions about the QWA.

Name

Position

Phone Number

Fax Number

 ()

 ()

- 8 What does your organisation make or do? (*For example, a shop selling clothes, a factory making chocolate.*)

Type of activity

- 9 Approximately how many employees does the whole organisation named in question 1 employ at all of its sites?

Less than 20 ☐20-99 ☐100 or more ☐

- 10 How was the effect of the respective QWAs explained to the employee(s)? Tell us **in detail** what steps were taken by the employer to explain the QWA, including the time frame in which these occurred, under the **three** headings set out

- 12 Is this QWA in the same terms as

provide information on a separate sheet and attach to this application.)

Provision of written information

Group discussion/workplace meetings

Individual discussions/meetings

- 11 Did the employee(s) have the opportunity to ask questions about the QWA?

No ☐Yes ☐ *Give details*

The information provided in this form is

SCHEDULE 2 (continued)

another employee's QWA that has been filed and approved?

No ☐ **Go to 14**

Yes ☐ **Go to next question**

13 What was the number assigned to that QWA when it was filed?

Number

14 Did the employer appoint in writing a person to act as the employer's bargaining agent (someone to negotiate on the employer's behalf) when making this QWA(s)?

No ☐ **Go to 14**

Yes ☐ **Go to next question**

15 Who was the employer's bargaining agent?

An employer organisation ☐
 A lawyer ☐
 A consultant ☐
 Other ☐
 (Please specify)

16 Employer Declaration

Note: If the employer is a body corporate, the employer declaration must be made by a duly authorised officer of the body corporate.

I declare that:

Where to send the Employer Filing

provided in good faith and to the best of my knowledge is true and free of error.

The QWA(s) between the employer and employee(s) referred to in Parts 1 and 2 of the Employer Filing Application form comply with section 75 of the Workplace Relations Act 1997 (See introductory notes for details of section 75)

Each employee referred to in Part 2 of the Employee Filing Application was given a copy of the information statement prepared by the Employment Advocate at least (insert number)_____ days before they signed the QWA(s).

Name of person making declaration

Given Name

Surname or Family Name

Position

Signature

Date

Cairns

SCHEDULE 2 (continued)
Application form and your QWA(s)

When you have completed Part 1–Employer Details, and Part 2–Employee Details for each employee who is a party to the QWA(s) that you are filing, the forms, together with two (2) copies of your QWA(s) should be delivered or posted to:

Industrial Registrar's Office

Level 14 Central Plaza 2
66 Eagle Street (Cnr Creek Street)
(GPO Box 373, Brisbane, Q, 4001)
Telephone (07) 3227 8060

Employment Advocate

Level 14, Citibank Centre
199 Charlotte Street, Brisbane
(GPO Box 69, Brisbane, Q, 4001)
Telephone (07) 3225 2296
Fax (07) 3221 6764

District Industrial Inspectors -

North Brisbane
Level 4, Lutwyche City Shopping Centre
543 Lutwyche Road, Brisbane
(PO Box 820, Lutwyche, Q, 4030)
Telephone (07) 3247 9450

South Brisbane

Block C, Garden Square
643 Kessels Road, Upper Mt Gravatt
(PO Box 6500, Mt Gravatt, Q, 4122)
Telephone (07) 3872 0050

Ayr – Court House

Queen Street
(PO Box 639, Ayr, Q, 4807)
Telephone (077) 835 337

Bundaberg

11 Bourbong Street
(PO Box 955, Bundaberg, Q, 4670)
Telephone (071) 537 100

Nambour

2nd Floor, State Government Building
17-19 Sheridan Street
(PO Box 894, Cairns, Q, 4870)
Telephone (070) 523 233

Emerald

Clerana Centre
Cnr Clermont and Anakie Streets
(PO Box 1073, Emerald, Q, 4720)
Telephone (079) 823 188

Gladstone

Level 2, State Government Centre
Cnr Roseberry St & Oaka Lane
(Locked Mail Bag 15, Gladstone, Q, 4680)
Telephone (079) 760 701

Gympie

Lands Office Building
26 Channon Street
(PO Box 49, Gympie, Q, 4570)
Telephone (07) 5482 1842

Ipswich

New Court House
Cnr East & Limestone Streets
(PO Box 226, Ipswich, Q, 4305)
Telephone (07) 3280 1819

Mackay

1st Floor, Post Office Square
Cnr Sydney & Gordon Streets
(PO Box 1749, Mackay, Q, 4740)
Telephone (079) 518 060

Maryborough

63-65 Ellena Street
(PO Box 521, Maryborough, Q, 4650)
Telephone (071) 237 717

Mount Isa

75 Camooweal Street
(PO Box 2249, Mount Isa, Q, 4825)
Telephone (077) 446 836

SCHEDULE 2 (continued)

1st Floor Centenary Square
52-64 Currie Street
(PO Box 501, Nambour, Q, 4560)
Telephone (07) 5470 8844

Rockhampton

Level 2 State Government Building
209 Bolsover Street
(Locked Mail Bag 7, Rockhampton, Q,
4700)
Telephone (079) 319 750

Roma

116 McDowall Street
(PO Box 697, Roma, Q, 4455)
Telephone (076) 221 140

Southport

10 Cloyne Road
(PO Box 419, Southport, Q, 4215)
Telephone (07) 5583 5050

Toowoomba

2nd Floor James Cook Centre
Herries and Ruthven Streets
(PO Box 32, Toowoomba, Q, 4350)
Telephone (076) 323 833

Townsville

254 Ross River Road
Aitkenvale
(Locked Mail Bag 15, Aitkenvale, Q,
4814)
Telephone (077) 506 060

Warwick

Government Offices
Guy and Fitzroy Streets
(PO Box 57, Warwick, Q, 4370)
Telephone (076) 611 433

SCHEDULE 2 (continued)

Form 40

EMPLOYER FILING APPLICATION

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION
QUEENSLAND WORKPLACE AGREEMENT (QWA)*Workplace Relations Act 1997***PART 2—EMPLOYEE DETAILS****Introductory Notes**

You will need to fill in Part 2—Employee Details for each employee covered by the QWA or QWAs that you are filing.

Please refer to page 11 of the “Guide for Employers” for information on what the Enterprise Commissioner needs to be satisfied of in approving a QWA.

- 1 Name of the employee covered by this QWA?

Given Name

Family or Surname

- 2 Is the employee male or female?

Male ☐

Female ☐

- 3 What is the employee's date of birth (if under 21 years)?

Day Month Year

 / /

- 4 What is the employee's home address?

Postcode

- 5 What is the Employee's nominated postal address? (If the same as home address write as above)

Postcode

- 6 What is the employee's telephone number?

Work

 ()

Home

 ()

- 7 Is the employee covered by a State or Federal award?

If you don't know the answer to the above question refer to page 7 of the “Guide for Employers.”

No ☐ **Go to next question**

Yes ☐ **Go to 9**

SCHEDULE 2 (continued)

- 8 *If there is no award covering the employee you must apply to the Enterprise Commissioner to have an award nominated as the award against which the QWA must be assessed to determine whether it passes the no disadvantage test.*

Inquiries as to the appropriate award should first be made to the Employment Advocate or the Employment Advocate's designated representative. (See Step 1 Page 7 of the "Guide for Employers") (Please see end of this form for list of Offices of Employment Advocate and Representatives)

What is the name of the award determined by the Enterprise Commissioner?

Award Title In Full

Go to 10

- 9 List the award which covers the employee's work.

Award Title In Full

- 10 What is the employee's job title or award classification?

Award classification (including level—if applicable)

Job title if different from award classification

- 11 What are the main tasks that the employee does in this job? (*Describe as fully as possible. For Managers, state main activities controlled.*)

Main Tasks (e.g. book keeping, supervising technicians)

- 12 Are there any enterprise bargaining agreements certified by the Queensland Industrial Relations Commission that apply to the employee?

No ☐ **Go to 14**

Yes ☐ **Go to next question**

- 13 What is the full name of the certified agreement and its expiry date?

Name of Agreement

Expiry Date of Agreement

/ /

Does the QWA change any employment conditions (e.g., long service leave) that

SCHEDULE 2 (continued)

are contained in State laws that apply to the employee?

No ☐ **Go to next question**

Yes ☐ **List State Laws**

15 Have the wages of this employee either increased or decreased under the QWA?

No ☐ **Go to 17**

Yes ☐ **Go to next question**

16 By what percentage did the Wages—

Increase ☐ or

Decrease ☐

17 Describe how the QWA differs from the awards in questions 8 and 9, or any relevant State law(s) listed in question 14 in the following four areas. (If insufficient space please provide information on a separate sheet and attach to this application)

Pay

(e.g. base rates, allowances, overtime/shift/penalty rates, casual rates)

Hours

(e.g. ordinary time hours of work, span of hours, rest breaks)

Leave

(e.g. annual leave, personal/carer's leave (including sick leave), long service leave)

Other Differences Affecting Conditions of Employment

(e.g. new classifications, superannuation)

SCHEDULE 2 (continued)

- 18 Is the employee undertaking an apprenticeship or traineeship under a formal apprenticeship/traineeship agreement?

No ☐ **Go to 23**

Yes ☐ **Attach the training agreement**

- 19 *The Workplace Relations Act 1997 allows Queensland Workplace Agreements to be based on special new minimum wages for apprentices and trainees. These minimum wages are calculated by applying a determination of an Approving Authority to the relevant or designated award.*

Is the employee undertaking an apprenticeship or traineeship under these new arrangements?

(Refer to page 12 of the "Guide for Employers" for information on the training wage system and Approving Authorities.)

No ☐ **Go to 23**

Yes ☐ **Go to next question**

- 20 Has the wage rate contained in the QWA been calculated by applying a determination of an Approving Authority to the relevant or designated award rate?

No ☐ **Go to 22**

Yes ☐ **Go to next question**

- 21 What percentage of the relevant award rate, as determined by the Approving Authority, has been used?

%

- 22 Does the QWA include wage progression criteria determined by an Approving Authority which are different from the progression criteria in the relevant or designated award?

No ☐

Yes ☐

- 23 Is the rate of pay based on the supported wage system for people with disabilities?

(Some workers with disabilities are eligible for a special wage system. For an explanation of the Supported Wage System please refer to page 12 of the "Guide for Employers.")

No ☐

Yes ☐ **Attach the wage assessment form**

- 24 How many ordinary hours (excluding overtime) per week does this employee usually work?

Hours

--

- 25 Is the employee employed on a casual or part-time basis?

Casual Part-time

No ☐

No ☐

Yes ☐

Yes ☐

SCHEDULE 2 (continued)

26 Is the employee covered by this QWA a new employee?

No ☐ **Go to 29**

Yes ☐ **Go to next question**

27 On what date did the new employee, or will the new employee commence work?

Date

 / /

28 Did the new employee receive this QWA at least 5 days before signing it?

No ☐ **Go to 32**

Yes ☐ **Go to 32**

29 Did the existing employee receive this QWA at least 14 days before signing it?

No ☐

Yes ☐

30 Does the QWA replace a previous QWA between this employer and the employee?

No ☐ **Go to 32**

Yes ☐ **Go to next question**

31 What was the number assigned to the previous QWA when it was filed?

Number

32 Did the employee appoint in writing a person to act as his or her bargaining agent (someone to negotiate on their behalf) in relation to this QWA?

No ☐

Yes ☐

33 Who was the bargaining agent used by the employee?

Someone from a union,
e.g. a union delegate, shop
steward or union official ☐

A friend or family member ☐

A lawyer or consultant ☐

Other ☐

(Please specify)

SCHEDULE 2 (continued)

Offices of Employment Advocate and Representatives:

Employment Advocate
 Level 14, Citibank Centre
 199 Charlotte Street, Brisbane
 (GPO Box 69, Brisbane, Q, 4001)
 Telephone (07) 3225 2296
 Fax (07) 3221 6764

**Representatives -
 District Industrial Inspectors at-
 North Brisbane**

Level 4, Lutwyche City Shopping
 Centre
 543 Lutwyche Road, Brisbane
 (PO Box 820, Lutwyche, Q, 4030)
 Telephone (07) 3247 9450

South Brisbane

Block C, Garden Square
 643 Kessels Road, Upper Mt Gravatt
 (PO Box 6500, Mt Gravatt, Q, 4122)
 Telephone (07) 3872 0050

Ayr - Court House

Queen Street
 (PO Box 639, Ayr, Q, 4807)
 Telephone (077) 835 337

Bundaberg

11 Bourbong Street
 (PO Box 955, Bundaberg, Q, 4670)
 Telephone (071) 537 100

Cairns

2nd Floor, State Government Building
 17-19 Sheridan Street
 (PO Box 894, Cairns, Q, 4870)
 Telephone (070) 523 233

Emerald

Clerana Centre
 Cnr Clermont and Anakie Streets
 (PO Box 1073, Emerald, Q, 4720)
 Telephone (079) 823 188

Gladstone

Level 2, State Government Centre
 Cnr Roseberry St & Oaka Lane
 (Locked Mail Bag 15, Gladstone, Q,
 4680)
 Telephone (079) 760 701

Gympie

Lands Office Building
 26 Channon Street
 (PO Box 49, Gympie, Q, 4570)
 Telephone (07) 5482 1842

Ipswich

New Court House
 Cnr East & Limestone Streets
 (PO Box 226, Ipswich, Q, 4305)
 Telephone (07) 3280 1819

Mackay

1st Floor, Post Office Square
 Cnr Sydney & Gordon Streets
 (PO Box 1749, Mackay, Q, 4740)
 Telephone (079) 518 060

Maryborough

63-65 Ellena Street
 (PO Box 521, Maryborough, Q, 4650)
 Telephone (071) 237 717

Mount Isa

75 Camooweal Street
 (PO Box 2249, Mount Isa, Q, 4825)
 Telephone (077) 446 836

SCHEDULE 2 (continued)

Nambour

1st Floor Centenary Square
52-64 Currie Street
(PO Box 501, Nambour, Q, 4560)
Telephone (07) 5470 8844

Rockhampton

Level 2 State Government Building
209 Bolsover Street
(Locked Mail Bag 7, Rockhampton, Q,
4700)
Telephone (079) 319 750

Roma

116 McDowall Street
(PO Box 697, Roma, Q,
4455) Telephone (076) 221 140

Southport

10 Cloyne Road
(PO Box 419, Southport, Q, 4215)
Telephone (07) 5583 5050

Toowoomba

2nd Floor James Cook Centre
Herries and Ruthven Streets
(PO Box 32, Toowoomba, Q, 4350)
Telephone (076) 323 833

Townsville

254 Ross River Road
Aitkenvale
(Locked Mail Bag 15, Aitkenvale, Q,
4814)
Telephone (077) 506 060

Warwick

Government Offices
Guy and Fitzroy Streets
(PO Box 57, Warwick, Q, 4370)
Telephone (076) 611 433

SCHEDULE 2 (continued)

Form 41

STUDENT'S WORK PERMIT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1997, s 470.....
[insert date].....
.....
[insert name and address of student]a student of
[insert name of the tertiary education institution at which the student is pursuing the
course of study]is permitted to work at the calling of
[insert calling or occupation]in the workshop or factory of
.....
[insert name employer and address of workplace],

between [insert start date] and [insert end date],

at a wage of not less than \$ [insert dollar amount] per week of
..... [insert number of hours].The conditions to which the permit is subject are
.....
.....
[insert conditions if any][Signature]
[Registrar]

- The permit is to bear the stamp of the registrar.

SCHEDULE 2 (continued)

Form 42
APPEAL

QUEENSLAND INDUSTRIAL COURT

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1997

(No of 19 . .)

TO: The Registrar, Industrial Registrar's Office, Level 14, Central Plaza 2, 66 Eagle Street (corner Creek and Elizabeth Streets), Brisbane 4000 (GPO Box 373, Brisbane 4001), and such other persons as the Registrar may direct.

TAKE NOTICE THAT I/we*

[insert name and address of appellant, agent or solicitor responsible for the carriage and conduct of the appeal]

of

[insert name of firm—if applicable]

being authorised to represent

[insert name of person/s /corporation/s /industrial organisation/s /industrial association/s /organisation/s /(etc.)]

appeal from

[specify whether the whole or a part, and if a part, which part]

of the

[insert decision or judgment of the Court or Commission]

given on *[insert date]*.

The grounds of appeal are

[specify concisely the grounds of appeal].

The relief/judgment* sought is

[specify the relief or judgment sought in place of the decision or judgment appealed from, including any special or particular order as to costs].

Signed and sworn by the abovenamed deponent at

the day of, 19, before me.

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

* Delete whichever does not apply.

*Delete the wording in brackets if not applicable.

ENDNOTES

1. Made by the president on 27 August 1997.
2. Notified in the gazette on 1 September 1997.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Training and Industrial Relations.