



Statutory Rules 1994 No. 80¹

**Rules of the Australian Industrial Relations
Commission² (Amendment)**

I, MICHAEL MOORE, Acting President of the Australian Industrial Relations Commission, make the following Rules under the *Industrial Relations Act 1988*.

Dated 25 March 1994.

M. MOORE
Acting President

1. Commencement

1.1 These Rules commence on 30 March 1994.

2. Amendment

2.1 The Rules of the Australian Industrial Relations Commission are amended as set out in these Rules.

3. New rule 2AA

3.1 After rule 2, insert:

Rules cease to have effect on 30 December 1994

“2AA. These Rules cease to have effect on 30 December 1994.”

4. Rule 2A (Interpretation)

4.1 Insert the following definition:

“**‘Australian Industrial Registry Bulletin’** means the publication prepared and published by the Registrar, setting out:

- (a) notices required by these Rules to be published in that way; and
- (b) other information concerning notice of matters before the Commission or the practice and procedure of the Commission;”.

5. Rule 7 (Commission acting on own motion)

5.1 Subrule 7 (2):

Omit the subrule, substitute:

“(2) If a Full Bench or the Commission acts on its own initiative under paragraph 170MM (2) (a) or 170NN (2) (a) or subparagraph 170PO (2) (b) (i) of the Act, the Commission must notify a Registrar in writing of its action.

“(3) The Registrar must process the matter as if it were an application under paragraph 170MM (2) (b) or 170NN (2) (b) or subparagraph 170PO (2) (b) (ii) of the Act.”.

6. Rule 8 (Assignment of industries and members)

6.1 Subrule 8 (2):

Omit “Vice President’s”, substitute “Organisations”.

7. New rules 8A and 8B

7.1 After rule 8, insert:

**RULE 8A DECLARATION OF AVAILABILITY TO
PERFORM FUNCTIONS OF BARGAINING
DIVISION OR ASSIGNMENT OF OTHER WORK
TO BARGAINING DIVISION**

“A declaration, or determination, of the President in writing under section 170QD or 170QG of the Act:

- (a) must be kept by the Industrial Registrar; and
- (b) may be inspected by any person at any time at which the Principal Registry is open to the public.

**RULE 8B MATTERS TO BE DEALT WITH BY
BARGAINING DIVISION**

- “(1) If, in proceedings in the Commission:
- (a) a member of the Commission is not exercising the powers of the Bargaining Division; and
 - (b) a party to the proceedings decides to seek the exercise of the powers of the Bargaining Division;
- the party must notify the member immediately, in writing, of the party’s decision.
- “(2) If a member of the Bargaining Division, or a person made available to the Division:
- (a) commences to exercise powers of conciliation in relation to a matter; and
 - (b) is aware that a member of the Commission, not exercising the powers of that Division, has dealt with the matter, or with a related matter;
- the first-mentioned member, or the person, must notify the President, the head of the relevant panel and the member mentioned in paragraph (b) that the powers of conciliation are to be exercised in relation to the matter.”.

8. Rule 21A (Application to review a contract)

8.1 Omit the rules.

9. Rules 23, 23A and 23B

9.1 Omit the rules.

10. Rules 24, 24A, 25, 26 and 26A

10.1 Omit the rules, substitute:

RULE 24 APPLICATION TO SET ASIDE OR VARY AWARDS

- “(1) An application to set aside or vary an award under section 113 of the Act must be in accordance with Form R7.
- “(2) On the Commission fixing a time and place for hearing of the application, a Registrar must give a copy of the application and completed notice of hearing to the applicant.
- “(3) The applicant must serve a copy of the application and a copy of the completed notice of hearing on all other parties to the award.

**RULE 24A APPLICATION FOR VARIATION OF AWARD TO
GIVE EFFECT TO AGREEMENT NEGOTIATED
UNDER ENTERPRISE FLEXIBILITY PROVISION**

- “(1) An application to the Commission under section 113 of the Act for variation of an award, as it applies to an enterprise or workplace, for the purpose of giving effect to an agreement made under a provision included in the award under section 113A of the Act must be in accordance with Form R7A and be accompanied by a copy of the agreement.
- “(2) Each party to the agreement must lodge with the application a statutory declaration, made by a person authorised by the party to do so:
- (a) indicating the facts establishing the basis on which the Commission can be satisfied that the requirements of subsection 113B (2) of the Act have been met; and
 - (b) stating which organisations of employees are parties to the award.
- “(3) On the Commission fixing a time and place for the hearing of the application, a Registrar must, as directed by the Commission, give notice of the time and place so fixed to the parties to the agreement as well as to each organisation of employees that is a party to the award and any other person as the Commission directs.

RULE 25 NOTIFICATION OF BOYCOTT DISPUTES

- “(1) A notification of a boycott dispute under section 163A of the Act may be given orally subject to subrule (4), or in writing, including by facsimile, in accordance with Form R5.
- “(2) If the notification is given orally, a Registrar or member of the Commission must record the details of the notification.
- “(3) On receipt of the notification:
- (a) a Registrar or a member of the Commission to whom the notification is given must record or endorse the notification, as the case requires, with the time and date of its receipt; and
 - (b) if the notification is given to a member of the Commission—the member must, as soon as

practicable give the notification, in its written form, to a Registrar; and

- (c) the Registrar must immediately send, and may do so by facsimile, a copy of the notification, or record of notification, endorsed with the date and time at which it was initially received, to persons identified in the notification and to such other parties as the Commission directs.

“(4) The notification must state the parties to the dispute, the matters in dispute, and any other relevant information.

“(5) If an oral notification is given, the notifier must confirm the notification in writing in accordance with Form R5 as soon as practicable.

“(6) If the Commission has issued a certificate under section 163D of the Act, the certificate must be kept by a Registrar and a copy of the certificate must be given to the parties to the proceedings.

RULE 26 NOTICE TO BRING AN ACTION IN TORT

“(1) Written notice to a member of the Commission or a Registrar under subsection 166A(3) of the Act about an intention to bring an action in tort must be in accordance with Form R5A.

“(2) On receipt of the notice:

- (a) a Registrar or a member of the Commission to whom the notice is given must endorse the notice with the time and date of its receipt; and
- (b) if the notice is given to a member of the Commission—the member must, as soon as practicable give the notice to a Registrar; and
- (c) the Registrar must immediately send, and may do so by facsimile, a copy of the notice endorsed with the date and time at which it was initially received by the Commission, to each organisation of employees referred to in the notice.

“(3) If the Commission has issued a certificate under subsection 166A(6) of the Act, the certificate must be kept by a Registrar and a copy of the certificate must be given to the parties to the dispute.”.

11. New rules 30A to 30V (inclusive)

11.1 After rule 30, insert:

“PROMOTING BARGAINING AND FACILITATING AGREEMENTS: CERTIFIED AGREEMENTS

RULE 30A APPLICATION FOR CERTIFICATION OF AGREEMENT

- “(1) An application to the Commission under subsection 170MA (4) of the Act for the certification of an agreement must be:
- (a) in accordance with Form R6; and
 - (b) accompanied by a copy of the memorandum of agreement signed by the parties to the agreement.
- “(2) Each party to the agreement must lodge with the application a statutory declaration made by a person authorised by the party to do so.
- “(3) The statutory declaration must:
- (a) either:
 - (i) identify the dispute in settlement, part settlement or prevention of which the agreement is made, and the matters which are being settled by the terms agreed; or
 - (ii) identify the facts on which it is asserted that the agreement is between parties to an industrial situation and is for preventing the situation from giving rise to an industrial dispute between them; and
 - (b) indicate whether each of the requirements of section 170MC of the Act necessary for certification of the agreement has been met (including whether circumstances exist that result in one or more of the requirements in subsection 170MC (1) of the Act not having been met) and the facts on which that opinion is based; and
 - (c) deal with each of the requirements of section 170MC of the Act in a separate numbered paragraph which identifies the part of the section to which the opinion and facts referred to in that paragraph relate; and
 - (d) state whether or not employees who might be relevant employees within the meaning of

- subsection 170MG (2) of the Act are covered by the agreement; and
- (e) identify the employees referred to in paragraph (d) who are women, whose first language is not English or who are young persons; and
 - (f) state whether the employees referred to in paragraph (d) were consulted about the agreement and informed about the matters referred to in subsection 170MG (3) of the Act and, if so, by what means; and
 - (g) identify any employees whose interests may not have been taken into account in the negotiations; and
 - (h) if the agreement applies only to a single business, part of a single business, or a single place of work—include a statement by the relevant employer or employers identifying those organisations of employees entitled to represent the industrial interests of employees covered by the agreement which have members employed in the business, part of the business or the place of work concerned.

- “(4) On the Commission fixing the time and place for hearing of the application, a Registrar must, as directed by the Commission, give notice of the time and place so fixed to:
- (a) the parties to the agreement; and
 - (b) such other interested persons and organisations of employees as the Commission may direct.

RULE 30B EXTENSION OF CERTIFIED AGREEMENTS

- “(1) An application under subparagraph 170MJ (2) (b) (i) of the Act for the approval of the Commission for the extension of a certified agreement must be:
- (a) in accordance with Form R6A; and
 - (b) accompanied by a written statement signed by all the parties to the agreement signifying their agreement to the extension.
- “(2) A notification under subparagraph 170MJ(2)(b)(ii) of the extension of a certified agreement must be:
- (a) in accordance with Form R6B; and
 - (b) accompanied by a written statement signed by all the parties to the agreement signifying their agreement to the extension.

- “(3) If the agreement applies only to a single business, part of a single business or a single place of work, the applicant party or parties to the agreement must lodge with the application under subrule (1) a statutory declaration made by a person authorised by the party or parties to do so which:
- (a) identifies the organisations of employees entitled to represent the industrial interests of employees covered by the agreement which have members employed in the business, part of the business, or place of work concerned; and
 - (b) states whether one or more awards bind an employer who is party to the agreement in respect of work performed in that business, part of that business or place of work concerned; and
 - (c) if one or more awards bind an employer—identify the award or awards.
- “(4) On the Commission fixing a time and place for hearing of the application, a Registrar must, as directed by the Commission, give notice of the time and place so fixed to:
- (a) the parties to the agreement; and
 - (b) an organisation of employees that is entitled under section 170MB of the Act to be heard; and
 - (c) such other interested persons and organisations of employees as the Commission may direct.

RULE 30C APPLICATION FOR APPROVAL OF VARIATION OF CERTIFIED AGREEMENT AS PROVIDED IN THE AGREEMENT

- “(1) An application under section 170ML of the Act for the approval of a variation to a certified agreement must be:
- (a) in accordance with Form R6C; and
 - (b) accompanied by a copy of the variation or varied agreement.
- “(2) If the agreement applies only to a single business, part of a single business or a single place of work, the applicant party or parties to the agreement must lodge with the application under subrule (1) a statutory declaration made by a person authorised by the party or parties to do so which:
- (a) identifies the organisations of employees entitled to represent the industrial interests of employees covered by the agreement which have members

employed in the business, part of the business, or place of work concerned; and

- (b) states whether one or more awards bind an employer who is party to the agreement in respect of work performed in that business, part of that business or place of work concerned; and
- (c) if one or more awards bind an employer—identify the award or awards.

“(3) On the Commission fixing a time and place for hearing of the application, a Registrar must, as directed by the Commission give notice of the time and place so fixed to:

- (a) the parties to the agreement; and
- (b) an organisation of employees that is entitled under section 170MB of the Act to be heard; and
- (c) such other interested persons and organisations of employees as the Commission may direct.

RULE 30D REVIEW OF CERTIFIED AGREEMENT ON APPLICATION BY PARTY TO THE AGREEMENT

“(1) An application under paragraph 170MM (2) (b) of the Act for review of the operation of a certified agreement must be in accordance with Form R6D.

“(2) On the Commission fixing a time and place for hearing of the application, a Registrar must give a copy of the application and completed notice of hearing to the applicant.

- “(3) The applicant must serve a copy of the application and a copy of the completed notice of hearing on all other parties to the certified agreement.

RULE 30E DECLARATION THAT PARTY IS NO LONGER BOUND BY CERTIFIED AGREEMENT

- “(1) An application for a declaration under subsection 170MM (6) of the Act that a party is no longer bound by a certified agreement must be in accordance with Form R6E.
- “(2) On the Commission fixing a time and place for hearing of the application, a Registrar must give a copy of the application and completed notice of hearing to the applicant.
- “(3) The applicant must serve a copy of the application and a copy of the completed notice of hearing on all other parties to the certified agreement.

RULE 30F CERTIFIED AGREEMENTS MAY BE TERMINATED BY PARTIES

- “(1) A notification under subsection 170MN (1) of the Act that a party to an agreement does not want to remain bound by the agreement must be:
- (a) in accordance with Form R6F; and
 - (b) accompanied by a written statement signed by all the parties to the agreement signifying their consent.
- “(2) A notification under subsection 170MN (2) of the Act that all the parties to an agreement want the agreement to be terminated must be in accordance with Form R6G.
- “(3) A Registrar must, if and as directed by the Commission, give notice of the time and place of any hearing of the notification to the parties to the agreement.

**“PROMOTING BARGAINING AND FACILITATING
AGREEMENTS: ENTERPRISE FLEXIBILITY AGREEMENTS**

**RULE 30G APPLICATION FOR APPROVAL OF
IMPLEMENTATION OR VARIATION OF
ENTERPRISE FLEXIBILITY AGREEMENT**

- “(1) An application to the Commission under section 170NA of the Act for approval of implementation of an enterprise flexibility agreement, or, under section 170NM of the Act, for variation of an enterprise flexibility agreement, must be:
- (a) in accordance with Form R8; and
 - (b) accompanied by a copy of the instrument of agreement signed by the employer.
- “(2) The employer must lodge with the application a statutory declaration made by a person authorised to do so.
- “(3) The statutory declaration must:
- (a) state whether the applicant employer is a constitutional corporation carrying on an enterprise to which the agreement applies; and
 - (b) indicate whether each of the requirements of section 170NC of the Act necessary for the approval of the implementation of the agreement has been met (including whether circumstances exist that result in one or more of the requirements of subsection 170NC (1) of the Act not having been met) and the facts on which that opinion is based; and
 - (c) deal with each of the requirements of section 170NC of the Act in a separate numbered paragraph which identifies the part of the section to which the opinion and facts referred to in that paragraph relate; and
 - (d) identify any award which binds the employer in respect of work performed in the affected enterprise; and

- (e) identify any organisation of employees which is an eligible union within the meaning of section 170LB of the Act; and
- (f) state whether each organisation that was an eligible union was:
 - (i) notified of the negotiations leading to the agreement; or
 - (ii) given a reasonable opportunity to take part in the negotiations and to agree to be bound by the agreement; and
- (g) state whether or not employees who might be relevant employees within the meaning of subsection 170NG (2) of the Act are covered by the agreement; and
- (h) identify the employees referred to in paragraph (g) who are women, whose first language is not English or who are young persons; and
- (i) state whether the employees referred to in paragraph (g) were consulted about the agreement and informed about the matters referred to in subsection 170NG (3) of the Act and, if so, by what means; and
- (j) identify any employees whose interests may not have been taken into account in the negotiations.

- “(4) When the application is lodged, a Registrar must:
- (a) prepare and publish, within 7 working days, a notice in accordance with Form R8A stating that the application has been made; and
 - (b) for the purposes of subsection 170NB (2) of the Act, publish, as soon as practicable, the notice in the Australian Industrial Registry Bulletin.

- “(5) On the Commission fixing a time and place for the hearing of the application, a Registrar must:
- (a) give notice of the time and place so fixed to the applicant and, as directed by the Commission, to each eligible union of whose existence the Commission is aware; and
 - (b) forward a copy of the notice, as directed by the Commission, to the office of each organisation of employees known to the Commission to be bound by an award that binds the employer in respect of work performed in the enterprise.

RULE 30H EXTENSION OF ENTERPRISE FLEXIBILITY AGREEMENTS

- “(1) An application under section 170NK of the Act for the extension of an enterprise flexibility agreement must be in accordance with Form R8B.
- “(2) The employer must lodge with the application a statutory declaration made by a person authorised to do so.
- “(3) The statutory declaration must:
 - (a) identify any award which binds the employer in respect of work performed in the affected enterprise; and
 - (b) identify any organisation of employees which is an eligible union within the meaning of section 170LB of the Act; and
 - (c) indicate the facts which establish a basis for the Commission to be satisfied that the requirements of subsection 170NK (1) of the Act are met.
- “(4) On the Commission fixing a time and place for the hearing of the application, a Registrar must:
 - (a) give notice of the time and place so fixed to the applicant and, as directed by the Commission, to each eligible union of whose existence the Commission is aware; and
 - (b) forward a copy of the notice, as directed by the Commission, to the office of each organisation of employees known to the Commission to be bound by an award that binds the employer in respect of work performed in the enterprise.

**RULE 30J REVIEW OF ENTERPRISE FLEXIBILITY
AGREEMENT ON APPLICATION BY PERSON
BOUND BY THE AGREEMENT**

- “(1) An application under paragraph 170NN (2) (b) of the Act for review of the operation of an enterprise flexibility agreement must be in accordance with Form R8C.
- “(2) On the Commission fixing a time and place for hearing of the application, a Registrar must give a copy of the application and completed notice of hearing to the applicant.
- “(3) The applicant must serve a copy of the application and a copy of the completed notice of hearing on all other persons bound by the enterprise flexibility agreement.

**RULE 30K DECLARATION THAT PARTY IS NO LONGER
BOUND BY ENTERPRISE FLEXIBILITY
AGREEMENT**

- “(1) An application for a declaration under subsection 170NN (6) of the Act that a person bound by an enterprise flexibility agreement is no longer bound by it must be in accordance with Form R8D.
- “(2) On the Commission fixing a time and place for hearing of the application, a Registrar must give a copy of the application and completed notice of hearing to the applicant.
- “(3) The applicant must serve a copy of the application and a copy of the completed notice of hearing on all other persons bound by the enterprise flexibility agreement.

**RULE 30L ENTERPRISE FLEXIBILITY AGREEMENT MAY
BE TERMINATED BY CONSENT**

- “(1) A notification under section 170NO of the Act that a person be no longer bound by an enterprise flexibility agreement, or that it be terminated, must be in accordance with Form R8E.
- “(2) On the Commission fixing a time and place for hearing of the application, a Registrar must, as directed by the Commission, give notice of the time and place of the hearing of the notification to the notifier, and to such other persons bound by the agreement, in such manner as the Commission directs.

**“PROMOTING BARGAINING AND FACILITATING
AGREEMENTS: IMMUNITY FROM CIVIL LIABILITY**

**RULE 30M NOTICE OF INITIATION OF BARGAINING
PERIOD**

“Notice to the Commission under subsection 170PD (2) of the Act initiating a bargaining period must be in accordance with Form R8F.

**RULE 30N NOTICE TO REGISTRAR OF AUTHORISATION
TO ENGAGE IN INDUSTRIAL ACTION**

- “(1) A notice to the Registrar under section 170PK of the Act of the giving of authorisation to engage in

industrial action must be in accordance with Form R8G.

“(2) The notice must be lodged promptly in the Registry.

RULE 30P APPLICATION TO SUSPEND OR TERMINATE BARGAINING PERIOD

“(1) An application to the Commission under subsection 170PO (2) of the Act to suspend or terminate a bargaining period must be in accordance with Form R8H.

“(2) The applicant must serve a copy of the application on the other negotiating parties.

“(3) On the Commission fixing the time and place for hearing of the application, a Registrar must, as directed by the Commission, give notice of the time and place so fixed to the negotiating parties.

“MINIMUM ENTITLEMENTS OF EMPLOYEES

RULE 30Q APPLICATION FOR MINIMUM WAGE ORDER

“(1) An application under section 170AD of the Act for a minimum wage order must be in accordance with Form R10A.

“(2) The applicant must, if practicable:

- (a) state in the application whether the Commission is to be asked to exercise the power in section 170AH of the Act; and
- (b) if the Commission is to be asked to exercise that power—identify the dispute and the likely parties to the dispute which will be prevented by the making of the order.

“(3) The applicant must serve a copy of the application and a notice in accordance with Form R10B on:

- (a) each trade union whose rules entitle it to represent the industrial interests of any of the employees concerned; and
- (b) each organisation or association representing employers of any of those employees; and
- (c) any other person on whom the Commission directs service.

- “(4) On the Commission fixing a time and place for the hearing of the application, a Registrar must:
- (a) publish, for the purposes of subsection 170AE (5) of the Act, a notice in accordance with Form R10B in the *Gazette*; and
 - (b) give a copy of the notice to the applicant; and
 - (c) give any additional notice in such form and manner as the Commission thinks fit.
- “(5) If the Commission makes an order under section 170AC of the Act, a Registrar must, if the Commission directs, publish the order in the *Gazette* and in such other form and manner (if any) as the Commission thinks fit.
- “(6) Before making an order exercising the power under section 170AH of the Act, the Commission must record the industrial dispute to be prevented and the likely parties to the dispute.

RULE 30R APPLICATION FOR ORDERS REQUIRING
EQUAL REMUNERATION FOR WORK OF
EQUAL VALUE

- “(1) An application under section 170BD of the Act for an order requiring equal remuneration for work of equal value must be in accordance with Form R10C.
- “(2) The applicant must, if practicable:
- (a) state in the application whether the Commission is to be asked to exercise the power under section 170BI of the Act; and
 - (b) if the Commission is to be asked to exercise that power—identify the dispute and likely parties to the dispute which will be prevented by making the order.
- “(3) The applicant must serve a copy of the application and a notice in accordance with Form R10D on:
- (a) each trade union whose rules entitle it to represent the industrial interests of any of the employees concerned; and
 - (b) each organisation or association representing employers of any of those employees; and
 - (c) the Sex Discrimination Commissioner; and
 - (d) any other person on whom the Commission directs service.

- “(4) On the Commission fixing a time and place for the hearing of the application, a Registrar must:
- (a) publish a notice in accordance with Form R10D in the *Gazette*; and
 - (b) give a copy of the notice to the applicant; and
 - (c) give any additional notice in such form and manner as the Commission thinks fit.
- “(5) If the Commission makes an order under section 170BC of the Act, a Registrar must, if the Commission directs, publish the order in the *Gazette* and in such other form and manner (if any) as the Commission thinks fit.
- “(6) Before making an order exercising the power under section 170BI of the Act, the Commission must record the industrial dispute to be prevented and the likely parties to the dispute.

RULE 30S COMMISSION TO CONCILIATE IN RESPECT OF UNLAWFUL TERMINATION

- “(1) If, under subsection 170ED (1) of the Act, the Court refers to the Commission for conciliation a matter to which an application under section 170EA of the Act relates, the Commission must:
- (a) fix a time and place for the hearing; and
 - (b) give such directions to a Registrar as it thinks proper for notifying the parties to the application of the time and place so fixed.
- “(2) If the Commission issues a certificate under subsection 170ED (2) of the Act:
- (a) the Commission must give a copy of the certificate to each of the parties; and
 - (b) the Commission must give the certificate to a Registrar; and
 - (c) the Registrar must give the certificate to the Registrar of the Court.
- “(3) If the matter has been settled by conciliation:
- (a) the Commission must, if practicable, require the parties to reduce the terms of settlement to writing; and
 - (b) the Commission must advise a Registrar that the matter has been settled; and
 - (c) the Registrar must:
 - (i) notify the Registrar of the Court; and

- (ii) forward to the Court any written terms of settlement.

**RULE 30T APPLICATION FOR EMPLOYMENT
TERMINATION ORDERS BY COMMISSION
CREATING RULES OF GENERAL APPLICATION**

- “(1) An application under section 170FB of the Act for an employment termination order by the Commission creating rules of general application must be in accordance with Form R10E.
- “(2) The applicant must serve a copy of the application and a notice in accordance with Form R10F on:
 - (a) each trade union whose rules entitle it to represent the industrial interests of any of the employees concerned; and
 - (b) each organisation or association representing employers of any of those employees; and
 - (c) any other person on whom the Commission directs service.
- “(3) On the Commission fixing a time and place for the hearing of the application, a Registrar must:
 - (a) publish a notice in accordance with Form R10F in the *Gazette*; and
 - (b) provide a copy of the notice to the applicant; and
 - (c) give any additional notice in such form and manner as the Commission thinks fit.
- “(4) If the Commission makes an order under section 170FA of the Act, a Registrar must, if the Commission directs publish the order in the *Gazette* and in such other form and manner (if any) as the Commission thinks fit.

**RULE 30U ORDERS BY COMMISSION WHERE EMPLOYER
FAILS TO CONSULT TRADE UNION ABOUT
TERMINATIONS**

- “(1) An application under section 170GB of the Act for an order where an employer fails to consult about termination must be in accordance with Form R10G.
- “(2) The applicant must serve a copy of the application on the employer and on each trade union which could also have made such an application under section 170GB.

- “(3) On the Commission fixing a time and place for hearing of the application, a Registrar must give notice of the time and place so fixed to the applicant, the employer and each relevant trade union.

RULE 30V REGISTER OF ORDERS MADE BY THE COMMISSION UNDER PART VIA—MINIMUM ENTITLEMENTS OF EMPLOYEES

- “(1) The Industrial Registrar must keep at the Principal Registry a Register of Orders made by the Commission under Part VIA of the Act.
- “(2) The Register may be inspected by any person at any time when the Principal Registry is open to the public.”.

12. Rule 32 (Application for cancellation or suspension of an award)

12.1 Omit the rule, substitute:

RULE 32 APPLICATION FOR CANCELLATION OR SUSPENSION OF AN AWARD

- “(1) An application under section 187 of the Act for the cancellation or suspension of an award must be in accordance with Form R9.
- “(2) On the Commission fixing a time and place for hearing of the application, a Registrar must give a copy of the application and the completed notice of hearing to the applicant.
- “(3) The applicant must serve a copy of the application and a copy of the completed notice of hearing on all other parties to the award.”.

RULE 32A VARIATION OF COMMON RULE—PRESCRIBED TIME

“For the purposes of subsection 142(8) of the Act, the period prescribed is 28 days.”.

13. Schedule

13.1 Forms R5 to R8B (inclusive):

Omit the Forms, substitute:

RULE 25

FORM R5

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

NOTIFICATION OF AN ALLEGED BOYCOTT DISPUTE

TO: *[insert name of Registrar or Member of Commission]*

Under section 163A of the Act *[insert name of party notifying dispute]*
notifies you of the existence of an alleged boycott dispute between:

[insert name and address of all parties to the alleged dispute]

concerning:

[set out details of the contravention of sections 162 and/or 163 which has occurred, is occurring, or is threatened, impending or probable, including the industrial matters in dispute]

The following persons are, to the best of the knowledge and belief of the notifier, persons who are entitled under section 163C to be a party to the proceeding:

[set out name and address of such persons]

Cite the award(s) relevant to the dispute (if applicable).

Dated _____ 199_.

Signature of notifier

RULE 26

FORM R5A

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**GIVING OF WRITTEN NOTICE OF INTENTION TO TAKE
ACTION IN TORT**

TO: *[insert name of Registrar or member of Commission]*

Under section 166A of the Act *[insert name of party giving notice]* gives you notice of its intention to bring an action in tort against *[insert name of organisation(s) and/or the names of officer(s), member(s), or employee(s) of [insert name of organisation(s)]] and other persons** in respect of conduct by *[insert details of conduct to be subject of action, including name and address of all alleged parties to the dispute or disputes to which the conduct relates]*.

Cite the award(s) relevant to the dispute (if applicable).

Dated _____ 199_.

Signature of notifier

* omit if inapplicable

RULE 30A**FORM R6**

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

APPLICATION FOR CERTIFICATION OF AGREEMENT

IN the matter: *[insert title of the matter and original dispute number(s)]*

Application is made by *[insert the name of the party or parties to the agreement]* for the certification of the attached memorandum of agreement reached in settlement (or part settlement) of this matter.

* The memorandum of agreement applies only to a single business, part of a single business or a single place of work.

Dated _____ 199_.

Signature of applicant(s)

Note: In respect of each party to the agreement, the application must be accompanied by statutory declarations of the type described in subrule 30A (3).

* Omit if inapplicable

RULE 30B

FORM R6A

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

APPLICATION FOR EXTENSION OF CERTIFIED AGREEMENT

IN the matter of *[insert title of certified agreement and case number]*.

Application is made by *[insert name of party or parties to the agreement]* for approval of the extension of the period of operation of the abovementioned agreement which is an agreement that applies only to a single business, part of a single business or a single place of work from *[insert date of expiry of period of operation]* until *[insert date]*.

Dated _____ 199_ .

Signature of applicant(s)

Note: The application must be accompanied by a written statement signed by all the parties to the agreement signifying their agreement to the extension and a statutory declaration of the type described in subrule 30B (3).

RULE 30B**FORM R6B**

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**NOTIFICATION OF EXTENSION OF CERTIFIED AGREEMENT**

IN the matter of *[insert title of certified agreement and case number]*

Notification is hereby given by *[insert name of notifier(s)]* that the parties to the abovementioned agreement agree to extend the period of operation of the agreement from *[insert date of expiry of period of operation]* until *[insert date]*

Dated _____ 199_ .

Signature of notifier(s)

Note: The notification must be accompanied by a written statement signed by all the parties to the agreement signifying their agreement to the extension.

RULE 30C

FORM R6C

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION FOR APPROVAL OF VARIATION OF
CERTIFIED AGREEMENT AS PROVIDED IN THE AGREEMENT**

IN the matter of: *[insert title of the certified agreement and case number]*

Application is made by *[insert name of parties to the agreement]* to vary the abovementioned agreement as provided in the agreement in the manner set out in the attachment.

The grounds on which this application is made are as follows.

[set out in numbered paragraphs the grounds]

Dated _____ 199_ .

Signature of parties
to the agreement

Note: The application must be accompanied by a statutory declaration of the type described in subrule 30C (2).

RULE 30D**FORM R6D**

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**REVIEW OF AGREEMENT ON APPLICATION BY PARTY TO
THE CERTIFIED AGREEMENT**

IN the matter of: *[insert title of the certified agreement and case number]*

Application is made by *[insert name of applicant]* for review of the operation of this agreement.

The grounds on which this application is made are as follows:

[set out in numbered paragraphs the grounds]

Dated _____ 199_ .

Signature of applicant

To all parties bound by this agreement.

You are hereby notified that this application will be heard by *[insert name of member of the Commission]* at *[time]* on *[date]* at *[place]* and that you may appear and be heard at the time and place so fixed.

Dated _____ 199_ .

Member of the Commission
or Registrar

RULE 30E

FORM R6E

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION FOR A DECLARATION THAT A PARTY IS NO
LONGER BOUND BY CERTIFIED AGREEMENT**

IN the matter of: *[insert title of certified agreement and case number]*

Application is made by *[insert name of applicant]* for an order declaring that the applicant be no longer bound by the abovementioned agreement.

The grounds on which this application is made are as follows:

[set out in numbered paragraphs the grounds including particulars of the industrial action taken in relation to a matter dealt with in the agreement and effect on the applicant and the grounds upon which the Commission may be satisfied that the making of the declaration would be in the public interest]

Dated _____ 199_ .

Signature of applicant

To the parties bound by the abovementioned agreement

You are hereby notified that the abovementioned application will be heard by *[Commission member]* at *[time]* on *[date]* at *[place]* and that you may appear and be heard at the time and place so fixed.

Dated _____ 199_ .

Member of Commission or Registrar

RULE 30F**FORM R6F**

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**NOTIFICATION THAT PARTY DOES NOT WANT TO REMAIN
BOUND BY CERTIFIED AGREEMENT**

IN the matter of: *[insert title of the certified agreement and case number]*

Notification is given by *[insert name of notifier]* who is a party to this agreement, that it does not want to remain bound by the agreement. This notification is given with the consent of all relevant parties.

[set out in numbered paragraphs the grounds upon which it is claimed that it would be in the public interest for the party to be no longer bound]

Dated _____ 199_ .

Signature of notifier

Note: The notification must be accompanied by a written statement signifying the consent of the parties.

RULE 30F

FORM R6G

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**NOTIFICATION BY PARTIES THAT CERTIFIED AGREEMENT
BE TERMINATED**

IN the matter of: *[insert title of the certified agreement and case number]*

Notification is given by *[insert name of all the parties to this agreement]*
that they seek an order declaring that the agreement is terminated.

*[set out in numbered paragraphs the grounds upon which it is claimed
that it would be in the public interest for the agreement to be terminated]*

Dated _____ 199_ .

Signature of parties to agreement

RULE 24**FORM R7**

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

APPLICATION TO SET ASIDE OR VARY AN AWARD

IN the matter of: *[insert the title of the award]*

Application is made by *[insert the name of the organisation or person]*
*[*for the setting aside/variation]* of the abovementioned award.

The grounds on which this application is made are as follows:

[set out in numbered paragraphs the grounds]

Dated _____ 199_.

Signature of applicant

* omit whichever is inapplicable

To the persons and organisations bound by the abovementioned award.

You are hereby notified that the abovementioned application will be heard
by *[insert name of Commission Member]* at *[time]* on *[date]* at *[place]*
and that you may appear and be heard at the time and place so fixed.

Dated _____ 199_.

Member of Commission or Registrar

RULE 24A

FORM R7A

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION FOR VARIATION OF AWARD TO GIVE EFFECT
TO AGREEMENT NEGOTIATED UNDER ENTERPRISE
FLEXIBILITY PROVISION**

IN the matter of: *[insert title of award and original dispute number]*

Application is made by *[insert name of applicant]* to vary the abovementioned award for the purpose of giving effect to the attached agreement negotiated under the enterprise flexibility provision of the above award.

Dated _____ 199_ .

Signature of applicant(s)

Note: In respect of each party to the agreement, the application must be accompanied by statutory declarations of the type described in subrule 24A (2).

RULE 30G**FORM R8**

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION FOR APPROVAL OF IMPLEMENTATION OR
VARIATION OF ENTERPRISE FLEXIBILITY AGREEMENT**

IN the matter: *[insert name and address of applicant employer
corporation, and the title of the agreement]*

Application is made by *[insert the name of the employer]* for the approval of implementation*/variation* of the attached enterprise flexibility agreement which applies to *[insert the site(s) or establishment(s) to which the agreement applies]*.

The award(s) binding upon the applicant employer in respect of work performed in the enterprise to which the agreement applies is (are):

[set out name of award(s)]

Dated _____ 199_.

Signature of applicant

Note: The application must be accompanied by statutory declarations of the type described in subrule 30G (3).

* omit whichever is inapplicable

RULE 30G

FORM R8A

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**NOTICE OF APPLICATION TO APPROVE IMPLEMENTATION
OR VARIATION OF
ENTERPRISE FLEXIBILITY AGREEMENT**

IN the matter of: *[insert name and address of applicant employer corporation and the title of the agreement]*

Notice is hereby given—

- (a) that on *[date]* the Commission has received an application for approval of implementation* / variation* of the abovementioned agreement which applies to *[insert the site(s) or establishment(s) to which the agreement applies]*;
- (b) that the matter will be heard at (*[time]*, *[date]* and *[place]**) (a time, date and place to be fixed which may be ascertained by contacting a Registrar within office hours*); and
- (c) that any organisation of employees bound by the following awards *[insert name of awards]* that binds the employer in respect of work performed in the enterprise and wishing to be heard in relation to the granting of approval is invited to the abovementioned hearing.

Registrar

* omit whichever is inapplicable

RULE 30H**FORM R8B**

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION FOR EXTENSION OF ENTERPRISE
FLEXIBILITY AGREEMENT**

IN the matter of: *[insert title agreement]*

Application is made by *[insert name of applicant employer corporation]*
that the period of operation of the abovementioned agreement be extended
from *[insert date of expiry of period of operation]* until *[insert date]*.

The employees bound by the agreement have on or before *[specify date]*
genuinely agreed to the proposed extension.

Dated _____ 199_ .

Signature of applicant

- Note:
- (i) The specified day must not be more than 7 days before the day when the application is made.
 - (ii) The application must be accompanied by a statutory declaration of the type described in subrule 30H (3).

RULE 30J

FORM R8C

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**REVIEW OF AGREEMENT ON APPLICATION BY PERSON
BOUND BY THE ENTERPRISE FLEXIBILITY AGREEMENT**

IN the matter of: *[insert title of the agreement]*

Application is made by *[insert name of applicant]* for review of the operation of this agreement.

The grounds on which this application is made are as follows:

[set out in numbered paragraphs the grounds]

Dated _____ 199_ .

Signature of applicant

To all persons bound by this agreement.

You are hereby notified that this application will be heard by *[insert name of member of the Commission]* at *[time]* on *[date]* at *[place]* and that you may appear and be heard at the time and place so fixed.

Dated _____ 199_.

Member of the Commission or Registrar

RULE 30K**FORM R8D**

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**APPLICATION FOR A DECLARATION THAT A PERSON IS
NO LONGER BOUND BY AN ENTERPRISE FLEXIBILITY
AGREEMENT**

IN the matter of: *[insert title of agreement]*

Application is made by *[insert name of applicant]* for an order declaring that the applicant be no longer bound by the abovementioned agreement.

The grounds on which this application is made are as follows:

[set out in numbered paragraphs the grounds, including particulars of the industrial action taken in relation to a matter dealt with in the agreement and effect on the applicant and the grounds upon which the Commission may be satisfied that the making of the declaration would be in the public interest]

Dated _____ 199_ .

Signature of applicant

To the persons bound by the abovementioned agreement

You are hereby notified that the abovementioned application will be heard by *[insert name of Commission Member]* at *[time]* on *[date]* at *[place]* and that you may appear and be heard at the time and place so fixed.

Dated _____ 199_.

Member of Commission or Registrar

RULE 30L

FORM R8E

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**NOTIFICATION THAT PERSON(S) DO(ES) NOT WANT TO
REMAIN BOUND BY ENTERPRISE FLEXIBILITY AGREEMENT**

IN the matter of: *[insert title of agreement]*

Notification is given by *[insert name of notifier/persons]* who is/are bound by this agreement, *[that it/they do(es) not want to remain bound by the agreement*] [that they want the agreement terminated*]*. This notification is given with the consent of all relevant persons.

[set out in numbered paragraphs the grounds upon which it is claimed that it would be in the public interest for the person(s) to be no longer bound or for the agreement to be terminated as the case may be]

Dated _____ 199 ____.

Signature of person(s) bound
by agreement

* omit whichever is inapplicable

RULE 30M**FORM R8F**

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

NOTICE OF INITIATION OF BARGAINING PERIOD

Notice is hereby given to the Australian Industrial Relations Commission, that *[insert name and address of initiating party]* is:

- (1) an employer / organisation of employees*
- (2) involved in an industrial dispute found in *[insert case number of relevant finding]* and is a party to the following award(s) *[insert title of relevant award(s)]*
- (3) in which *[insert name of organisation of employees/employer*]* is also involved,

and intends to try, or to continue to try:

- (a) to reach agreement under Division 2 of Part VIB of the Act with *[insert names and addresses of other parties]* in settlement of the industrial dispute referred to in paragraph (4) hereunder in so far as it involves the employees that are employed in the single business/part of the single business/at the single place of work described in paragraph (4) hereunder; and
 - (b) to have any agreement so reached certified under Division 2 of Part VIB of the Act.
- (4) particulars as specified in section 170PE are:

[set out particulars]

Dated _____ 199_.

Signature of initiating party

* omit whichever is inapplicable

RULE 30N

FORM R8G

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**NOTICE OF THE GIVING OF AUTHORISATION TO ENGAGE
IN INDUSTRIAL ACTION**

IN the matter of a bargaining period between *[insert names of negotiating parties]* arising in matter* *[insert the bargaining case number*]*.

Under paragraph 170PK (1) (c) notice is hereby given to the Registrar that the members of *[insert name of organisation of employees]* have been authorised to engage in industrial action, within the bargaining period, against *[insert name of particular employer]*.

The authorisation was given by *[insert name of the relevant committee of management of the organisation or person authorised by such committee to authorise the action]* in accordance with *[insert reference to the rule under which the action is authorised, if the organisation's rules provide for how industrial action is to be authorised]*.

Signature of person giving notice

* omit if inapplicable

RULE 30P**FORM R8H**

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION TO SUSPEND OR TERMINATE BARGAINING
PERIOD**

IN the matter of a bargaining period between *[insert names of negotiating parties]* arising in matter* *[insert the bargaining case number*]*.

Application is made by *[insert name of applicant]* for an order of the Commission to suspend or terminate the abovementioned bargaining period.

The grounds on which this application is made are as follows:

[set out in numbered paragraphs the grounds and particulars of the grounds]

Dated _____ 199_.

Signature of applicant

* omit if inapplicable

13.2 After Form R10, insert:

RULE 30Q

FORM R10A

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

APPLICATION FOR MINIMUM WAGE ORDER

Application is made by *[insert the name of the employee or a trade union whose rules entitle it to represent the industrial interests of employees included in the group to be covered by the order]* for the making of an order setting, for the undermentioned group of employees the *[same minimum wage for all employees in a group specified in the order*]* *[different minimum wages for different categories of employees in a group specified in the order*]*.

The order sought is:

[set out the terms of the order sought including the group(s) of employees to be specified in the order]

The grounds on which this application is made are as follows:

[set out in numbered paragraphs the grounds including particulars of the grounds on which it is claimed that at least some of the employees in the group are not ineligible under subsection 170AE(3)]

The applicant seeks that the power of the Commission under section 170AH to prevent an industrial dispute about minimum wages for employees be exercised.**

The following trade unions and employer organisations or associations are, to the best of the knowledge and belief of the applicant, entitled to express their views in relation to the application under subsection 170AE (4):

[set out trade unions and employer organisations or associations entitled to express their views]

The following employer(s) are, to the best of the knowledge and belief of the applicant, entitled to be heard in relation to the making of the order under subsection 170AE(5):

[set out employer(s) entitled to be heard]

The following organisations and persons are likely to be a party / parties to the dispute to be prevented:**

[set out organisations and persons likely to be a party/parties to the dispute]

Dated _____ 199_.

Signature of applicant

* omit whichever is inapplicable

** omit if inapplicable

RULE 30Q

FORM R10B

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**NOTICE OF HEARING FOR APPLICATION FOR MINIMUM
WAGE ORDER**

IN the matter of:

[insert case number]

Notice is hereby given—

- (a) that on *[date]* the Commission has received an application for a minimum wage order in respect of the undermentioned group of employees:

[set out group of employees];
- (b) that the matter will be heard at *[time]* on *[date]* at *[place]* before *[insert name of Commission Member];*
- (c) that each trade union 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 is invited to attend the Commission on the abovementioned date; 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 is invited to attend the Commission on the abovementioned date.

A copy of the application may be inspected at the Australian Industrial Registry at the following place(s) at *[address]* free of charge.

Registrar

RULE 30R**FORM R10C**

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**APPLICATION FOR ORDER REQUIRING EQUAL
REMUNERATION FOR WORK OF EQUAL VALUE**

Application is made by *[insert the name of the employee or trade union whose rules entitle it to represent the industrial interests of employees to be covered by the order]** for the making of an order for employee(s) covered by the order that there will be equal remuneration for work of equal value.

The order sought is:

[set out the terms of the proposed order including the employee(s) to be covered by the order]

The grounds on which this application is made are as follows:

[set out in numbered paragraphs the grounds including particulars of the grounds on which it is claimed that no adequate alternative remedy exists under section 170BE]

The applicant seeks that the power of the Commission under section 170BI to prevent an industrial dispute about equal remuneration for work of equal value for employees be exercised.**

The following trade unions and employer organisations or associations may, to the best of the knowledge and belief of the applicant, have an interest in the matter:

[set out trade unions and employer organisations or associations which may have an interest in the matter]

The following employer(s) may, to the best of the knowledge and belief of the applicant, have an interest in the matter:

[set out employer(s) who may have an interest in the matter]

The following organisations and persons are likely to be a party/parties to the dispute to be prevented**:

[set out organisations and persons likely to be a party/parties to the dispute]

Dated_____ 199_.

Signature of applicant

* [or the Sex Discrimination Commissioner]

** omit if inapplicable

RULE 30R**FORM R10D**

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**NOTICE OF HEARING FOR APPLICATION FOR ORDER FOR
EQUAL REMUNERATION FOR WORK OF EQUAL VALUE**

IN the matter of:

[insert case number]

Notice is hereby given—

- (a) that on *[date]* the Commission has received an application for an order for equal remuneration for work of equal value in respect of the undermentioned employee(s):

[set out employee(s) to be covered];
- (b) that the matter will be heard at *[time]* on *[date]* at *[place]* before *[insert name of Commission Member];* and
- (c) that each trade union 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 be heard in relation to the application is invited to attend the Commission on the abovementioned date; and
- (d) that any employer of employees to be covered by the order and wishing to be heard in relation to the application is invited to attend the Commission on the abovementioned date.

A copy of the application may be inspected at the Australian Industrial Registry at the following place(s) at *[address]* free of charge.

Registrar

RULE 30T

FORM R10E

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION FOR EMPLOYMENT TERMINATION ORDER
BY COMMISSION CREATING RULES OF GENERAL
APPLICATION**

Application is made by *[insert the name of the employee, or trade union whose rules entitle it to represent the industrial interests of such employee(s) to be covered by the order]* for the making of an order giving effect to *[Article 12 of the Termination of Employment Convention in so far as it relates to a severance allowance or separation benefits in relation to the termination of employment of employees*]* *[Article 13 of the Termination of Employment Convention in relation to the termination of employment of employees*]* in respect of the undermentioned employee(s).

The order sought is:

[set out terms of the order sought including the employee(s) to be covered by the order]

The grounds on which this application is made are as follows:

[set out in numbered paragraphs the grounds including particulars of the grounds on which it is claimed that no adequate alternative mechanism exists under section 170FC]

The following trade unions and employer organisations or associations may, to the best of the knowledge and belief of the applicant, have an interest in the matter:

[set out trade unions and employer organisations or associations which may have an interest in the matter]

The following employer(s) may, to the best of the knowledge and belief of the applicant, have an interest in the matter:

[set out employer(s) who may have an interest in the matter]

Dated _____ 199_.

Signature of applicant

* omit whichever is inapplicable

RULE 30T**FORM R10F**

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**NOTICE OF HEARING FOR APPLICATION FOR
EMPLOYMENT TERMINATION ORDER CREATING RULES
OF GENERAL APPLICATION**

IN the matter of:

[insert case number]

Notice is hereby given—

- (a) that on *[date]* the Commission has received an application for an employment termination order giving effect to *[Article 12 of the Termination of Employment Convention in so far as it relates to a severance allowance or separation benefits in relation to the termination of employment of employees*]* *[Article 13 of the Termination of Employment Convention in relation to the termination of employment of employees*]* in respect of the undermentioned employee(s):

[set out employee(s) to be covered by the order];
- (b) that the matter will be heard at *[time]* on *[date]* at *[place]* before *[insert name of Commission Member];*
- (c) that each trade union 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 be heard in relation to the application is invited to attend the Commission on the abovementioned date; and

- (d) that any employer of employees to be covered by the order and wishing to be heard in relation to the application is invited to attend the Commission on the abovementioned date.

A copy of the application may be inspected at the Australian Industrial Registry at the following place(s) at *[address]* free of charge.

Registrar

* omit whichever is inapplicable

RULE 30U**FORM R10G**

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**APPLICATION FOR ORDER WHERE EMPLOYER FAILS TO
CONSULT TRADE UNION ABOUT TERMINATIONS**

Application is made by *[insert the name of the employee, or trade union whose position is to be affected by the order or trade union whose rules entitle it to represent the industrial interests of such employees]* for the making of an order where the employer fails to consult *[insert name of trade union]* about terminations.

The order sought is:

[set out terms of the order sought and name and address of employer]

The grounds on which this application is made are as follows:

[set out in numbered paragraphs the grounds including the particulars of the grounds on which it is claimed that no adequate alternative remedy exists under section 170GC]

Dated _____ 199_.

Signature of applicant

13.3 Forms R21 and R22:

Omit the forms, substitute:

REGULATION 48

FORM R21

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION FOR CONSENT TO THE CHANGE OF NAME OF
AN ORGANISATION**

Application is made by *[insert name of organisation]* for consent to the change of the name of the said organisation to:

[set out proposed new name]

Dated _____ 199_.

Signatures*
[or Common Seal]*

* An application shall be sealed with the common seal of the organisation or be signed by 2 officers of the organisation who are authorised by the organisation to sign the application.

Note: The application is to be accompanied by a written statement, signed by one of the above, setting out the proposed name and the reason for the proposal, and providing details concerning compliance with the rule altering procedure, and stating that the particulars set out in the application are true and correct to the best of the knowledge and belief of the signatory.

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REGULATION 48**FORM R22**

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION FOR CONSENT TO THE ALTERATION OF
ELIGIBILITY RULES OF AN ORGANISATION**

Application is made by *[insert name of organisation]* for consent to the alteration of the eligibility rules of the organisation

from the following:

[insert present rules that relate to the conditions of eligibility for membership and the description of industry (if any) in connection with which the organisation is registered]

to the following:

[insert proposed rules that relate to the conditions of eligibility for membership and the description of industry (if any) in connection with which the organisation is registered]

Dated _____ 199_.

Signatures*
[or Common Seal]*

* An application must be sealed with the common seal of the organisation or be signed by 2 officers of the organisation who are authorised by the organisation to sign the application.

Note The application shall be accompanied by a written statement, signed by one of the above, setting out, in sufficient particularity to allow the proposal to be properly considered, the following:

1. The particulars of the proposed alteration.
2. The reason for the proposed alteration.
3. The effect of the proposed alteration.

and providing details concerning compliance with the rule altering procedure and stating that the particulars set out in the application are true and correct to the best knowledge and belief of the signatory.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 30 March 1994.
2. Statutory Rules 1989 No. 46 as amended by 1992 No. 391.