



# Australian Industrial Relations Commission Rules 2007<sup>1</sup>

## Select Legislative Instrument 2007 No. 1

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I, GEOFFREY MICHAEL GIUDICE, President of the Australian Industrial Relations Commission, acting after consultation with members of the Australian Industrial Relations Commission, make these Rules under section 124 of the *Workplace Relations Act 1996*.

Dated 10 January 2007

G.M. GIUDICE  
President  
Australian Industrial Relations Commission

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## Part 1 Preliminary

### 1 Citation

These Rules are the *Australian Industrial Relations Commission Rules 2007*.

### 2 Commencement

These Rules commence on the day after they are registered.

### 3 Interpretation

In these Rules:

*Act* means the *Workplace Relations Act 1996*.

*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 Bulletin; and
- (b) other information concerning notice of matters before the Commission or the practice and procedure of the Commission.

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**OHS (CE) Act** means the *Occupational Health and Safety (Commonwealth Employment) Act 1991*.

**PSL Act** means the *Petroleum (Submerged Lands) Act 1967*.

**Pre-reform Act** means the *Workplace Relations Act 1996* before the commencement of the *Workplace Relations Amendment (Work Choices) Act 2005* on 27 March 2006.

**RAO Regulations** means the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*.

**RAO Schedule** means Schedule 1 to the *Workplace Relations Act 1996*.

**Regulations** means the *Workplace Relations Regulations 2006*.

#### **4 Seals of Commission**

- (1) The seal mentioned in subsection 123 (1) of the Act must be:
- (a) in the form represented below; and



- (b) kept in the custody of the President; and
  - (c) affixed to these Rules and other documents, as the President directs.
- (2) A duplicate seal mentioned in subsection 123 (2) of the Act must be affixed to such documents as the Commission directs.

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- (3) The Deputy Industrial Registrar in charge of a registry must have custody of a seal that must:
  - (a) as nearly as practicable, be of the same design as the design of the seal of the Commission; and
  - (b) in respect of the Principal Registry — bear the words ‘Principal Registry’; and
  - (c) in respect of any other registry — bear the word “Registry” prefixed with the name of the State or Territory where the registry is situated.
- (4) A seal of the kind described in subrule (3) must be affixed, by the appropriate registry, to:
  - (a) a decision, determination, award, certificate or order that has been reduced to writing; and
  - (b) any other document, as the Commission directs.
- (5) If a document is required by these Rules to have the seal affixed, that requirement is satisfied if a facsimile of the seal is affixed on the document by electronic means, by or at the direction of, the person affixing the seal.

**5 Forms**

- (1) Subject to subrule (3), a form in Schedule 1 must be used if it is applicable.
- (2) An application for which no specific form is provided in the Regulations, the RAO Regulations or these Rules must be in accordance with Form R59.
- (3) It is sufficient compliance with these Rules as to the form of a document if the document is substantially in accordance with the required form of the document or has only such variations as the nature of the case requires.

**6 Relief from Rules**

The Commission may dispense with compliance with any of the requirements of these Rules before or after the occasion for compliance arises.

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**7 Directions on manner and form of procedure**

- (1) If:
- (a) a person wishes to commence a proceeding or take any step in a proceeding; and
  - (b) either:
    - (i) the manner, or form, of procedure is not prescribed by the Act, the Regulations, the RAO Regulations or these Rules or by or under any other Act; or
    - (ii) the person is in doubt as to the manner, or form, of procedure;
- the Commission may, on application by the person, give directions.
- (2) A step taken in accordance with a direction of the Commission is regular and sufficient.

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## **Part 2                      Australian Industrial Relations Commission**

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

- (1) If the Commission acts on its own initiative in accordance with section 91 of the Act, the Commission must notify a Registrar in writing.
- (2) The Registrar notified under subrule (1) must process the matter as if it were an application under the relevant section of the Act which provides that the Commission may perform a function or exercise a power, on the Commission's own initiative.

### **9                      Assignment of industries and members**

- (1) If the President assigns an industry or group of industries to a panel of members of the Commission under section 95 of the Act, the President must record the assignment in writing.
- (2) If the President assigns a Presidential Member to the Organisations Panel under section 14 of the RAO Schedule, the President must record the assignment in writing.
- (3) A record of an assignment made under subrule (1) or (2) must be kept by the Industrial Registrar.

### **10                    Delegation by President**

If the President makes a delegation under section 96 of the Act, a copy of the instrument of delegation must be kept by the Industrial Registrar.

## **Part 3                      Appeals, Reviews and References**

### **11              Review on application by Minister**

The procedure to be followed in an application under section 114 of the Act must be generally in accordance with the procedure prescribed by rule 13.

### **12              Restraining State industrial authorities**

- (1) An application for an order under section 117 of the Act must be signed by, or on behalf of, the applicant and must state:
  - (a) the name of the State industrial authority concerned; and
  - (b) the name of the matter being dealt with, or about to be dealt with, by the authority; and
  - (c) whether it is a matter before the Commission under the Act or the Registration and Accountability of Organisations Schedule; and
  - (d) the names of the parties; and
  - (e) the grounds in support of the application.
- (2) An order restraining a State industrial authority must be served by a Registrar on the authority as soon as practicable after the making of the order.

### **13              Appeals to Full Bench**

- (1) An appeal to a Full Bench under section 120 or 121 of the Act must be instituted by lodging with a Registrar a notice of appeal in accordance with Form R1 and 3 copies of the notice, together with 3 copies of a paginated appeal book containing:
  - (a) the award, order or decision under appeal; and
  - (b) the statement of the reasons for the award, order or decision; and

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- (c) the transcript of the evidence and argument in the proceedings from which the appeal is brought, or the relevant extract from the transcript; and
  - (d) each document that:
    - (i) was an exhibit, or a written submission, in the proceedings; and
    - (ii) relates to the grounds of appeal set out in the notice.
- (2) An appeal must be instituted:
  - (a) within 21 days after the date of the award, order or decision appealed against; or
  - (b) on application — within such further time as is allowed by a Full Bench.
- (3) An application to a Full Bench for leave to institute an appeal after the 21 days mentioned in paragraph (2) (a) or (b) must be in accordance with Form R2.
- (4) If an applicant seeks a stay of the whole or part of the award, order or decision pending the determination of the appeal, the notice of appeal must include an application to that effect.
- (5) On lodging a notice of appeal, the applicant must, as soon as practicable, serve:
  - (a) a copy of the notice of appeal and the appeal book lodged in accordance with subrule (1) on the other parties, and any intervener, in the proceedings from which the appeal is brought; and
  - (b) except in the case of an appeal against an order under Subdivision B of Division 4 of Part 12 of the Act, a copy of the notice of appeal on the Minister.
- (6) On the Commission fixing a time and place for the hearing of the appeal, a Registrar must give notice of the time and place so fixed to:
  - (a) the applicant; and
  - (b) the other parties, and any intervener, who appeared in the proceedings from which the appeal is brought; and
  - (c) such other persons, if the Commission so directs; and

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- (d) except in the case of an appeal against an order under Subdivision B of Division 4 of Part 12 of the Act, the Minister.

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**Part 4                      Australian Industrial Registry****14                      References by Registrar**

If a Registrar refers a matter or question to the President for decision under section 145 of the Act, the Commission must:

- (a) fix a time and place for the hearing; and
- (b) give any directions to a Registrar that it thinks proper for notifying persons interested in the matter or question of the time and place so fixed.

**15                      Appeals from Registrar**

- (1) An appeal from a Registrar under section 147 of the Act must be instituted by lodging with a Registrar a notice of appeal in accordance with Form R3.
- (2) An appeal must be made within 21 days after the date of the decision or act appealed against, or of the Registrar's refusal or failure to make a decision or do any act arising under the Act.
- (3) If an applicant seeks a stay of the whole or part of the decision or act concerned pending the determination of the appeal, the notice of appeal must include an application to that effect.
- (4) On lodging a notice of appeal, the applicant must, as soon as practicable, serve a copy of the notice on the other parties, and any intervener, in the proceedings from which the appeal is brought.
- (5) On the Commission fixing a time and place for the hearing of the appeal, a Registrar must give notice of the time and place so fixed:
  - (a) to the applicant; and
  - (b) as the presiding member directs, to the other parties, and any intervener, who appeared in the proceedings from which the appeal is brought; and
  - (c) to such other persons, if the Commission so directs.

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- (6) The Registrar against whose decision the appeal is made may, if the Commission thinks fit, be heard on the hearing of the appeal.

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**Part 5 Industrial Action****16 Notice of initiation of bargaining period**

A notice, under subsection 423 (3) of the Act, initiating a bargaining period may be in accordance with Form R4.

*Note* If the notice initiating the bargaining period to the Commission is given by a bargaining agent, the notice must be accompanied by a document stating the name(s) of the employee(s) on whose behalf the agent is acting.

**17 Application for an order to restrict initiation of a new bargaining period**

- (1) An application to the Commission, under subsection 429 (4) or (5) of the Act, to restrict a bargaining period must be in accordance with Form R5.
- (2) The applicant must serve a copy of the application on the other negotiating parties as soon as practicable after the application is filed.
- (3) On the Commission fixing a time and place for the hearing of the application, a Registrar must give notice, as directed by the Commission, of the time and place so fixed to the former negotiating parties.

**18 Application for an order to suspend, terminate or extend the suspension of a bargaining period**

- (1) An application to the Commission for an order under section 430, 431, 432 or 433 of the Act must be made:
  - (a) if the application is to suspend or terminate a bargaining period — in accordance with Form R6; or
  - (b) if the application is to extend the suspension of a bargaining period — in accordance with Form R7.
- (2) The applicant must serve a copy of the application on all negotiating parties as soon as practicable after the application is filed.

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

**19 Notice terminating or suspending the bargaining period**

- (1) A notice to terminate or suspend the bargaining period must be:
  - (a) made:
    - (i) if the notice is terminating the bargaining period under subsection 430 (6) of the Act — in accordance with Form R8; or
    - (ii) if the notice is suspending the bargaining period under subsection 432 (6) of the Act — in accordance with Form R9; and
  - (b) signed by a member of the Commission.
- (2) If the Commission issues a notice under either subsections 430 (6) or 432 (6) of the Act the Commission must give a copy of the notice to each of the negotiating parties.

**20 Notice to Registrar of authorisation to engage in industrial action**

- (1) A notice to the Registrar, under paragraph 446 (1) (c) of the Act, of the giving of the authorisation to engage in industrial action must be in accordance with Form R10.
- (2) The notice must be lodged promptly in the Industrial Registry.

**21 An application for an order for protected action ballot to be held**

- (1) An application under section 451 of the Act must be in accordance Form R11.
- (2) The applicant must serve a copy of the application but not the attachments on the employer and any person nominated to conduct the ballot within 24 hours of lodging the application in the Commission.

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**22 An application to add or remove names from the roll of voters for a protected action ballot**

- (1) An application for a declaration under section 468 of the Act must be made:
  - (a) if the application is for a declaration under subsection 468 (2) of the Act — in accordance with Form R13; or
  - (b) if the application is for a declaration under subsection 468 (3) of the Act — in accordance with Form R14.
- (2) A copy of the application must be served on the negotiating parties, the authorised ballot agent and the independent adviser, if any, nominated in the ballot order.

**23 An application to vary or revoke the order for a protected action ballot**

- (1) An application to vary or revoke the order for a protected action ballot must be made:
  - (a) if the application is to vary the order for a protected action ballot under section 469 of the Act — in accordance with Form R15.
  - (b) if the application is to revoke the order for a protected action ballot under section 470 of the Act — in accordance with Form R16.
- (2) A copy of the application must be served, as soon as practicable after the application is lodged, on the negotiating parties, the authorised ballot agent and the independent adviser, if any, nominated in the ballot order.

**24 Application for order to stop or prevent industrial action**

- (1) An application under subsection 496 (4) or subclause 51 (2) of Schedule 6 to the Act for an order to stop or prevent industrial action must be in accordance with Form R17.

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- (2) On the Commission fixing a time and place for the hearing of the application, a Registrar must give a copy of the application, and the completed notice of hearing, to the applicant.
- (3) Subject to an order for substituted service under rule 73, the applicant must serve a copy of the application and completed notice of hearing on all persons against whom the order is sought as soon as practicable after the application is filed.

**Regulation 25**

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**Part 6 Awards****25 Application to vary, revoke or suspend an award**

- (1) An application to vary, revoke or suspend an award under section 119, 553, 554, 556, 557, 558, 559, 560, 566 or 812 of the Act must be in accordance with Form R18.
- (2) On the Commission fixing a time and place for the 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 of the completed notice of hearing on the other parties to the award.

**26 Application to vary or revoke a transitional award**

- (1) An application to vary or revoke a transitional award under clause 29, 30 or 31 of Schedule 6 to the Act must be in accordance with Form R19.
- (2) On the Commission fixing a time and place for the 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 of the completed notice of hearing on the other parties to the transitional award.

**27 Application for an order for a transitional award to cease to be binding**

- (1) An application under clause 58 or 59 of Schedule 6 to the Act for an order for a transitional award to cease to be binding on the transitional employer must be in accordance with Form R20.
- (2) On the Commission fixing a time and place for the hearing of the application, a Registrar must give a copy of the application, and the completed notice of hearing, to the applicant.

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- (3) The applicant must serve a copy of the application and of the completed notice of hearing on the employees and organisations bound by the transitional award.

**28 Variation of common rules**

- (1) For subclause 85 (3) of Schedule 6 to the Act and subsection 142 (4) of the pre-reform Act as it continues to apply under clause 84 of Schedule 6 to the Act, a notice of objection to a variation of a common rule must be in accordance with Form R23.
- (2) For subclause 85 (7) of Schedule 6 to the Act and subsection 142 (8) of the pre-reform Act as it continues to apply under clause 84 of Schedule 6 to the Act, the prescribed period is 28 days.

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## **Part 7                      Minimum Entitlements of Employees**

### **29              Application for order requiring equal remuneration for work of equal value**

- (1) An application under section 625 of the Act for an order requiring equal remuneration for work of equal value must be in accordance with Form R25.
- (2) On the Commission fixing a time and place for the conciliation or hearing of the application, a Registrar must:
  - (a) publish in the Australian Industrial Registry Bulletin a notice in accordance with Form R26; and
  - (b) give a copy of the notice to the applicant; and
  - (c) give additional notice, as the Commission directs.
- (3) If the Commission makes an order under section 627 of the Act and directs that the order be published, a Registrar must publish the order in the Australian Industrial Registry Bulletin and in any other way that the Commission directs.

## **Part 8                      Termination of Employment**

### **30                      Form of application under section 643 of the Act**

- (1) An application under section 643 of the Act must be made in accordance with Form R27.
- (2) An application mentioned in subrule (1) that is not signed by the applicant may be accepted if the application is made by a solicitor, trade union or other representative of the applicant.
- (3) An application that is lodged out of time must include a statement of the reasons why the Commission should accept the application.

### **31                      Notice of employer's appearance**

- (1) The employer must file a notice of appearance in accordance with Form R28.
- (2) The notice of appearance must be filed within 7 days after service of the application on the employer by the Registry.
- (3) A motion to dismiss the application for want of jurisdiction must be made in accordance with Form R29 and is taken to be made on the date of filing.
- (4) A motion to dismiss the application on the ground that it is frivolous, vexatious or lacking in substance must be made in accordance with Form R30 and is taken to be made on the date of filing.
- (5) As soon as practicable after filing a notice of appearance and any motion for dismissal of the application, an employer must give to the applicant, a copy of the notice and motion.
- (6) If possible, a Registrar must give a copy of the employer's notice of appearance and any motion to the parties at the same time as the parties are first given notice under rule 34.

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- (7) A notice that is not signed by the employer may be accepted if the notice is prepared and signed by a solicitor, employer organisation or other representative of the employer.
- (8) The Commission may permit an employer to appear (at any stage of a conciliation, arbitration or related proceeding under Subdivision B of Division 4 of Part 12 of the Act) despite the employer's failure to file a notice of appearance.
- (9) An employer who failed to file a Notice of Employers' Appearance within the time allowed subrule (2), may be heard subject to such conditions as are imposed by the Commission.

**32 Notice of representative's appearance**

- (1) A person seeking to represent a party to a conciliation, arbitration or a related proceeding under Subdivision B of Division 4 of Part 12 of the Act, may enter an appearance by filing a notice of representative's appearance in accordance with Form R31.
- (2) The notice may be filed before the date fixed for the conciliation, arbitration or related proceeding.
- (3) As soon as practicable after filing a notice of representative's appearance, a person representing a party must give to the other party, a copy of the notice.
- (4) If a Registrar is able, the Registrar must give a copy of the notice of representative's appearance to the parties at the same time as the parties are first given notice of the time and place fixed for the conciliation, arbitration or related proceeding under rule 34.
- (5) The Commission may permit a representative to appear (at any stage of a conciliation, arbitration or related proceeding) on behalf of a party despite the representative's failure to file a notice of representative's appearance.
- (6) A notice of change of representative's appearance is entered by filing a notice in accordance with Form R31.

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**33 Role of representative in relation to conciliation**

- (1) A person seeking to represent an applicant must:
  - (a) promptly advise the applicant of the importance of the applicant being present in person at the conciliation proceeding; and
  - (b) have sufficient authority to deal with the matter on behalf of the applicant.
- (2) A person seeking to represent the employer must:
  - (a) promptly advise the employer of the importance of the employer, or a responsible officer of the employer, being present at the conciliation proceeding; and
  - (b) have sufficient authority to deal with the matter on behalf of the employer.

**34 Notice of conciliation, arbitration or related proceeding**

- (1) Subject to subrule (4), for the purposes of conducting a conciliation, arbitration or related proceeding under Subdivision B of Division 4 of Part 12 of the Act, the Commission must fix a time and place for the hearing of the matter to which an application under section 643 of the Act relates.
- (2) On the Commission fixing a time and place for the hearing of the matter, a Registrar must give notice, as directed by the Commission, of the time and place so fixed to the parties to the application.
- (3) The Commission may direct that additional documentation, as it considers necessary, must accompany the notice given under subrule (2).
- (4) Nothing in this rule prevents the Commission from conciliating a matter otherwise than by convening a hearing.
- (5) For this rule, **hearing** includes a conference, or a proceeding conducted in private.

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**35 Settlement by conciliation**

If a matter is settled by conciliation under subsection 650 (1) of the Act, the Commission must require the parties to reduce the terms of settlement to writing, if it is practicable to do so.

**36 Discontinuance of matter**

- (1) For subsection 643 (16) of the Act, an applicant may discontinue a matter by filing a notice of discontinuance in accordance with Form R32.
- (2) As soon as practicable after filing a notice of discontinuance, an applicant must give to the employer, a copy of the notice.

**37 Election to proceed to arbitration or to begin court proceedings**

- (1) An election by an applicant under section 651 of the Act must be in accordance with Form R33.
- (2) As soon as practicable after lodging an election, an applicant must, give to the employer, a copy of the notice of election.

**38 Costs**

- (1) An application for an order for costs under section 658 of the Act must be made in accordance with Form R34.
- (2) The Commission may order that costs be taxed in accordance with Schedule 7 to the Regulations.
- (3) The Commission may allow an item of work done or service performed to be costed at a lower rate than the rate (if any) specified for the item in Schedule 7 to the Regulations, if the lower rate is reasonable in the circumstances of the case.
- (4) The power of the Commission to tax costs must be exercised only by a Presidential Member nominated, by signed instrument, by the President to be responsible for the exercise of the power.

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**39 Security for the payment of costs**

- (1) The Commission may, on application, order a party who made an application under section 643 of the Act, or who began proceedings relating to an application under section 643 of the Act, to give security for the payment of costs that may be awarded against him or her.

*Note* The Commission will not ordinarily make such an order before the conclusion of conciliation proceedings.

- (2) An application to give security for the payment of costs must be made in accordance with Form R35.
- (3) The security must be of such amount, and given at such time and in such manner and form, as the Commission directs.
- (4) The Commission may reduce or increase the amount of security ordered to be given and may vary the time at which, or manner or form in which, the security is to be given.
- (5) Without prejudice to other powers the Commission may exercise, if the Commission orders a party to provide security for costs, it may order that the application under section 643 of the Act or the proceedings begun in relation to the application under section 643, as the case may be, be adjourned until security is provided or adjourned indefinitely.
- (6) The powers of the Commission under this rule may not be exercised by a member who has dealt, or is dealing, with the application under section 643 of the Act or proceedings relating to the application under section 643, unless directed by:
  - (a) the President; or
  - (b) another Presidential Member nominated, in writing, by the President.

*Note* For examples of proceedings under section 643 of the Act, see subsection 658 (10) of the Act.

**40 Orders by Commission where employer fails to inform or consult trade union about terminations**

- (1) An application for an order under section 668 of the Act must be in accordance with Form R36.

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- (2) The applicant must serve a copy of the application on the employer and on each trade union that could, under section 668 of the Act, also have made an application.
- (3) On the Commission fixing a time and place for the hearing of the application, a Registrar must give notice of the time and place so fixed to:
  - (a) the applicant; and
  - (b) the employer; and
  - (c) each trade union to which subrule (2) applies.

## **Part 9                      Dispute Resolution**

### **41                      Dispute resolution to be conducted by the Commission under Part 13 of the Act or a pre-reform instrument**

- (1) An application under subsection 696 (5), 699 (1), 704 (1) or 709 (1) of the Act to have the Commission conduct a dispute resolution process must be in accordance with Form 5 of Schedule 1 to the Regulations.

*Note* For convenience, Form 5 of Schedule 1 to the Regulations is appended as part of these Rules and follows Form R36.

- (2) An application to have the Commission conduct a dispute resolution process under a pre-reform instrument (certified agreement or Australian Workplace Agreement) must be in accordance with Form R37.
- (3) Where all parties to the dispute wish to have the dispute resolution process conducted by a particular member or members of the Commission an application lodged in accordance with subrule (1) may, with the consent of all parties to the dispute, include a request that the matter be allocated to that member or members.

*Note* It is advisable to nominate more than one member in case the preferred member is not available.

### **42                      Disputes under Model Dispute Resolution Process – Notification to the Industrial Registrar where parties unable to agree on a provider**

Notification under subsection 696 (3) of the Act to the Industrial Registrar where parties are unable to agree on a provider must be in accordance with Form R38.

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**43 Notification of industrial dispute involving a transitional employer arising from a log of claims**

- (1) A notification of an industrial dispute under clause 33 of Schedule 6 to the Act arising out of service of a log of claims must be in accordance with Form R39.
- (2) The notification must be accompanied by:
  - (a) a copy of the letter of demand; and
  - (b) a copy of the log of claims; and
  - (c) a copy of the list of persons served in accordance with these Rules; and
  - (d) a statement, by a person having knowledge of the facts, asserting the service; and
  - (e) a statement, by an officer of the organisation serving the log of claims having knowledge of the facts and authorised for the purpose by the committee of management of the organisation, that the letter of demand and log of claims were served with the authority of the organisation; and
  - (f) a statement by an officer of the organisation serving the log of claims:
    - (i) that the officer believes each person served is an excluded employer within the meaning of Schedule 6 to the Act; and
    - (ii) that the officer believes each person served is bound by a transitional award(s) within the meaning of Schedule 6 to the Act; and
    - (iii) containing the name of the transitional award or awards.

**44 Notification of other industrial disputes involving a transitional employer**

- (1) A notification of an industrial dispute under clause 33 of Schedule 6 to the Act, other than a dispute of the kind mentioned in rule 43, may be given orally, in writing, by facsimile transmission or any other means the Commission considers acceptable.

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- (2) The notification must disclose:
  - (a) the parties to the alleged industrial dispute; and
  - (b) the matters in dispute; and
  - (c) the titles of transitional awards that bind the transitional employer in respect of the transitional employees, and the grounds for alleging that the employer is a transitional employer within the meaning of Schedule 6; and
  - (d) any other relevant information.
- (3) If the Commission is being asked to deal with the matter on the basis of an earlier finding of dispute, the case number of that dispute must be stated.
- (4) If an oral notification is given, the notifier must confirm the notification in accordance with Form R39.

**45 Notice of proceedings for dealing with a dispute involving a transitional employer**

- (1) If the dispute is not a dispute mentioned in rule 43, a Registrar must give notice, as the Commission directs, to each person alleged to be a party to the dispute.
- (2) If the dispute is a dispute of the kind mentioned in rule 43, on the Commission fixing a time and place for the proceedings dealing with a dispute, a Registrar must give notice, as directed by the Commission, of the time and place so fixed to the notifier.
- (3) The notifier must serve a copy of the notice on each person alleged to be a party to the dispute.
- (4) A Registrar must give a notice of hearing of a dispute to the Minister, if the dispute is to be dealt with by a Full Bench.

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**Part 10 Right of Entry****46 Application for permit to enter and inspect premises**

- (1) An application under section 740 of the Act for a permit to enter and inspect premises must be in accordance with Form R40.
- (2) The application must include a declaration signed by the member of the committee of management and the official in respect of whom the application is made setting out all relevant information in relation to the matters specified in subsection 742 (2) of the Act.

**47 Application for revocation, suspension or for the imposition of conditions on a permit to enter and inspect premises**

An application under section 744 of the Act must be in accordance with Form R41.

**48 Application for an order for access to non-member records**

An application under paragraph 748 (9) (a) of the Act must be in accordance with Form R42.

**49 Application for an exemption from requirement to provide entry notice**

An application under section 750 of the Act must be in accordance with Form R43.

**50 Application for orders in relation to abuse of system**

An application under section 770 of the Act must be in accordance with Form R44.

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**51      Application for orders in relation to unreasonable requests by occupier or affected employer**

An application under section 771 of the Act must be in accordance with Form R45.

**52      Application for orders in relation to a dispute about the operation of Part 15 of the Act**

An application under section 772 of the Act must be in accordance with Form R46.

**53      Notice of proceedings for dealing with right of entry**

On the Commission fixing a time and place for proceedings dealing with right of entry, a Registrar must give notice, of the time and place so fixed, to such organisations and persons as directed by the Commission.

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**Part 11 Representation Rights****54 Application to make or vary orders in relation to representation rights of organisations of employees or transitionally registered associations**

- (1) An application for an order under section 133 of the RAO Schedule or subregulation 2.1 (1) of Division 1, Part 2, Chapter 6 or subregulation 2.4 (1) of Division 2, Part 2, Chapter 6 of the Regulations, must be in accordance with Form R47.
- (2) An application to vary an order under subclause 133 (2) of the RAO Schedule or regulation 2.2 of Division 1, Part 2, Chapter 6 or subregulation 2.4 (3) of Division 2, Part 2, Chapter 6 of the Regulations, must be in accordance with Form R48.
- (3) The applicant must serve a copy of the application on any organisation, transitionally registered association of employees or person who may have an interest in the matter.
- (4) On the Commission fixing a time and place for the hearing of the application, a Registrar must give notice of the time and place so fixed to any organisation or person, as the Commission directs.

## **Part 12                      Variation and Termination of Pre-Reform Instruments**

### **55                      Variation of pre-reform certified agreement on application of person bound by the agreement**

- (1) An application under subsection 170MD (6) of the pre-reform Act, as continued in force under paragraph 2 (1) (i) or 13 (1) (k) of Schedule 7 to the Act for an order to vary a pre-reform certified agreement must be in accordance with Form R49.
- (2) On the Commission fixing a time and place for the 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 of the completed notice of hearing on the other persons bound by the pre-reform certified agreement.

### **56                      Termination of pre-reform certified agreement at any time**

- (1) An application under section 170MG of the pre-reform Act, as continued in force under paragraph 2 (1) (k) or 13 (1) (n) of Schedule 7 to the Act, for the approval of the Commission to terminate a pre-reform certified agreement must be:
  - (a) in accordance with Form R50 and made by:
    - (i) the employer; or
    - (ii) if one or more organisations of employees are bound by the pre-reform certified agreement — one of the organisations; and
  - (b) accompanied by:
    - (i) a statutory declaration, made by a person authorised to do so, that states the facts on the basis of which the Commission can be satisfied that the requirement of subsection 170MG (3) of the pre-reform Act, as continued in force under paragraph 2 (1) (k)

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- or 13 (1) (n) of Schedule 7 to the Act has been met; and
  - (ii) if one or more organisations of employees are bound by the pre-reform certified agreement — a statement signed by the employer, and each organisation, that they agree to the termination.
- (2) A Registrar must give notice, if and as directed by the Commission, of the time and place for any hearing of the application to:
- (a) the employer; and
  - (b) if one or more organisations of employees are bound by the pre-reform certified agreement — each organisation; and
  - (c) any other person subject to the pre-reform certified agreement.

**57 Termination of pre-reform certified agreement in public interest after nominal expiry date**

- (1) An application under subsection 170MH (1) of the pre-reform Act, as continued in force under paragraph 2 (1) (k) or 13 (1) (n) of Schedule 7 to the Act to have a pre-reform certified agreement terminated must be made in accordance with Form R51.
- (2) If the application is made by an appointed representative of a majority of the employees whose employment is subject to the pre-reform certified agreement, the application must be accompanied by a statutory declaration, made by the representative, that states the facts on the basis of which the Commission can be satisfied that the representative:
- (a) has been appointed by the employees concerned; and
  - (b) is acting in accordance with their direction.
- (3) A Registrar must give notice, if and as directed by the Commission, of the time and place for any hearing of the application to:
- (a) the employer; and

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- (b) if one or more organisations of employees are bound by the pre-reform certified agreement — each organisation; and
- (c) any other person subject to the pre-reform certified agreement.

**58 Termination of agreement in a way provided under certified agreement after nominal expiry date**

- (1) An application under subsection 170MHA (1) of the pre-reform Act, as continued in force under paragraph 2 (1) (k) or 13 (1) (n) of Schedule 7 to the Act to have the termination of a pre-reform agreement approved must be:
  - (a) in accordance with Form R52; and
  - (b) accompanied by a statutory declaration, made by a person authorised to do so, that states the facts on the basis of which the Commission can be satisfied that the requirements of paragraphs 170MHA (1) (a) and (b) of the pre-reform Act, as continued in force under paragraph 2 (1) (k) or 13 (1) (n) of Schedule 7 to the Act have been met.
- (2) A Registrar must give notice, if and as directed by the Commission, of the time and place for any hearing of the application to:
  - (a) the employer; and
  - (b) if one or more organisations of employees are bound by the pre-reform agreement — each organisation; and
  - (c) any other person subject to the pre-reform agreement.

**59 Application to terminate an Australian Workplace Agreement**

- (1) An application under subsection 170VM (3) of the pre-reform Act as it continues to apply because of paragraph 17 (1) (c) of Schedule 7 to the Act for the Commission to terminate an Australian Workplace Agreement must be:
  - (a) made in accordance with Form R53; and
  - (b) accompanied by a copy of the Australian Workplace Agreement.

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- (2) A Registrar must give notice, if and as directed by the Commission, to the parties to the agreement.

**60 Application for revocation of an award made under section 170MX of the Act**

- (1) An application under subsection 170MZ (4) of the pre-reform Act as continued by subparagraph 23 (2) (b) of Schedule 7 to the Act for revocation of a section 170MX award must be in accordance with Form R54.
- (2) On the Commission fixing a time and place for the hearing of the application, a Registrar must give notice of the time and place so fixed to such organisations and persons as the Commission directs.

**61 Request for Commission to terminate a section 170MX award**

- (1) A request, under subsection 170MZ (5) of the pre-reform Act as continued by subparagraph 23 (2) (b) of Schedule 7 to the Act, to terminate a section 170MX award must be in accordance with Form R55.
- (2) On the Commission fixing a time and place for the hearing of the request, a Registrar must give notice of the time and place so fixed to such organisations and persons as the Commission directs.

## **Part 13                      State Instruments**

### **62                      Application to vary a Preserved State Agreement**

- (1) An application to vary a preserved State Agreement under clause 17 or 18 of Schedule 8 to the Act must be in accordance with Form R56.
- (2) On the Commission fixing a time and place for the 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 of the completed notice of hearing on the other parties bound by the preserved State agreement.

### **63                      Application to vary a Notional Agreement Preserving State Awards**

- (1) An application to vary a notional agreement preserving State awards under clause 40 or 41 of the Schedule 8 to the Act must be in accordance with Form R57.
- (2) On the Commission fixing a time and place for the 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 of the completed notice of hearing on the other parties bound by the notional agreement or as directed by the Commission.

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**Part 14                      Transmission of Business****64                      Application for an order as to whether an incoming employer is to be bound by a pre-reform certified agreement, a State transitional instrument or a collective agreement.**

- (1) An application for an order under section 590 of the Act or clause 14 or 23 of Schedule 9 to the Act must be in accordance with Form R58.
- (2) On the Commission fixing a time and place for the 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 the completed notice of hearing, on the person and organisations as determined by section 594 of the Act or clause 18 or 27 of Schedule 9 as applicable.

## **Part 15                      Miscellaneous**

### **65                      Summons to witness**

- (1) A summons, under paragraph 111 (1) (n) of the Act, may be issued only with the approval of a member of the Commission.
- (2) The summons must be:
  - (a) in accordance with Form R60; and
  - (b) signed by a member of the Commission or a Registrar.
- (3) Any number of persons may be included in the same summons.
- (4) Service of the summons must be effected by serving on each person named in the summons a copy of the summons in accordance with rule 72.

### **66                      Order for production of documents**

- (1) An order for the production of documents or things under paragraph 111 (1) (o) of the Act may be issued only with the approval of a member of the Commission.
- (2) The order must be:
  - (a) in accordance with Form R61; and
  - (b) signed by a member of the Commission or a Registrar.
- (3) Any number of documents or things may be included in the same order.
- (4) Service of the order must be effected by serving on each person named in the order a copy of the order in accordance with Rule 72.

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**67 Settlement of award or order**

- (1) If a Full Bench directs that a draft award or order be settled by a Registrar, the party who was the applicant, or the party directed by the Full Bench, must, within 14 days (or such further time as the Registrar allows) after the direction was given, lodge the draft award or order in the Industrial Registry.
- (2) If a member of the Commission directs a party to lodge a draft award or order, that party must, within 14 days (or such further time as the member allows) after the direction was given lodge the draft award or order in the Industrial Registry.
- (3) A Registrar must, within 14 days after the draft award or order is lodged, give the parties notice of the Registrar's intention to settle the draft.
- (4) If the party who is required so to do fails to lodge the draft award or order within the time prescribed by this rule, the Registrar must give the parties notice of the Registrar's intention to settle the draft.
- (5) Despite subrule 68 (3), a draft award or order may be lodged in an electronic format approved by the Commission.

**68 Documents**

- (1) Except as otherwise provided by these Rules, or as directed by the Commission, a document for use in the Commission must be lodged, with 2 copies, in the Industrial Registry.
- (2) A document required to be lodged under Divisions 1 and 2 of Part 3, or Division 1 of Part 5, of the RAO Regulations must be lodged, with one copy, in the Industrial Registry.
- (3) A document lodged for use in the Commission must be:
  - (a) on white international A4 size paper; and
  - (b) typewritten, clearly written or reproduced, on one side of the paper.

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**69 Filing and lodging electronically**

- (1) A document that is required or permitted to be filed by these Rules for use in the Commission may be lodged electronically in the Industrial Registry.
- (2) A document is lodged electronically in the Industrial Registry by:
  - (a) completing and submitting a web-based form made available on the Commission's Internet page at <http://www.airc.gov.au> in accordance with the instructions accompanying the form; or
  - (b) emailing the document in accordance with subrule (3).
- (3) An email mentioned in paragraph (2) (b) must:
  - (a) be sent to an email address approved by the Industrial Registrar; and
  - (b) include the document to be filed as an attachment, in Rich Text Format or another format approved by the Industrial Registrar; and
  - (c) state, in the email:
    - (i) the name, address, telephone number and facsimile number (if any) of the natural person sending the email; and
    - (ii) an email address to which the Commission or the Registry can send notices or other documentation; and
    - (iii) if the document is an originating application — that fact, together with the State or Territory Registry in which the document is to be filed; and
    - (iv) if the document relates to an existing matter — the file number of the matter.
- (4) A statutory declaration that is required by these Rules may be lodged or filed electronically by sending an image of the statutory declaration in accordance with subrule (2).
- (5) If a document is lodged in accordance with subrule (2), a Registrar must send an acknowledgement of filing to the lodging party by email.

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- (6) A document lodged electronically is taken not to have been filed until the acknowledgement of filing mentioned in subrule (5) has been sent.
- (7) If a document that is lodged under this rule and accepted at the Registry is a document that, under these Rules, is required to be:
  - (a) signed or stamped by the Commission or Registry; and
  - (b) returnable to the lodging party;a Registrar must:
  - (c) if the sender requests that the document be held for collection — make a paper copy of the document and hold it for collection for 7 days; or
  - (d) if the sender does not request the document to be held for collection, or having made a request does not collect the document within 7 days — return the document by sending it electronically to the email address of the lodging party.
- (8) A person who lodges a document electronically in the Industrial Registry must retain a paper copy of:
  - (a) the document; and
  - (b) either:
    - (i) the receipt that indicates the document was delivered; or
    - (ii) the email as a 'sent item' showing the transmission address and the date and time of transmission; and
  - (c) produce the paper copy of the documents retained under paragraphs (a) and (b), as directed by the Commission.
- (9) For this rule, the Industrial Registrar must publish in the Australian Industrial Registry Bulletin notice of:
  - (a) any email address that is approved for the lodgement and filing of documents electronically; and
  - (b) any format in which electronic versions of documents will be accepted by the Industrial Registry.

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**70 Filing and lodging by facsimile transmission**

- (1) A document that is required or permitted to be filed by these rules for use in the Commission may be lodged by facsimile transmission in the Industrial Registry.
- (2) The Registrar must approve at least one facsimile number for each Registry for the purpose of receiving documents.
- (3) A document sent to a Registry by facsimile transmission must be:
  - (a) sent to an approved facsimile number for the Registry; and
  - (b) accompanied by a cover sheet clearly stating:
    - (i) the sender's name, postal address, document exchange number (if any), telephone number and facsimile number; and
    - (ii) the number of pages transmitted; and
    - (iii) the processing of the document required.
- (4) If the document is in an existing proceeding, it must be sent to an approved facsimile number for the Registry which is the proper place for the proceeding.
- (5) If the document is required to be signed or stamped, and is accepted at the Registry, the Registrar must:
  - (a) make one copy of the document; and
  - (b) if the sender requests that the document be held for collection — hold it for collection for 7 days; and
  - (c) if the sender does not request the document to be held for collection, or having made a request does not collect the document within 7 days — return the document by sending it:
    - (i) by facsimile transmission to the facsimile number stated on the cover sheet; or
    - (ii) if there is no facsimile number stated, to the postal address stated on the cover sheet.
- (6) A person who sends a document to a Registry by facsimile transmission must:
  - (a) keep the original document and the transmission report evidencing successful transmission; and

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- (b) produce the original document or the transmission report as directed by the Commission.
- (7) If the Commission directs that the original document be produced, the first page of the document must be endorsed with:
  - (a) a statement that the document is the original of a document sent by facsimile transmission; and
  - (b) the date that the document was sent by facsimile transmission.

**71 Name and address of party**

Each document that is lodged by a party in connection with a matter before the Commission must state the name and address for service, phone number, facsimile number (if any) and email address (if any) of the party.

**72 Service of documents**

- (1) Except as otherwise provided by these Rules, or as directed by the Commission, a party must serve a document lodged under these Rules.
- (2) Service of a document on an individual, a body corporate or an organisation or branch of an organisation, must be effected by:
  - (a) leaving the document with the individual to whom it is addressed, the secretary of the body corporate or the secretary of the organisation or branch; or
  - (b) tendering the document to the individual to whom it is addressed, the secretary of the body corporate or the secretary of the organisation or branch; or
  - (c) leaving the document:
    - (i) with an individual, apparently above the age of 15 years, at the residence, or usual place of business, of the individual intended to be served; or
    - (ii) at the registered office of the body corporate or the office of the organisation or branch; or

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- (iii) in a proceeding in which the individual, body corporate or organisation or branch has lodged an address for service — at that address; or
- (d) posting the document in a prepaid envelope sent by registered post to:
  - (i) the residence, or usual place of business, of the individual intended to be served; or
  - (ii) the secretary, at the registered office of the body corporate or at the office of the organisation or branch; or
  - (iii) in a proceeding in which the individual, body corporate or organisation or branch has lodged an address for service — at that address; or
- (e) by facsimile transmission of the document to a facsimile number:
  - (i) currently published by the party being served as his, her or its facsimile number; or
  - (ii) advised by the party being served as his, her or its facsimile in response to a request for a facsimile number made immediately before the transmission of the document; or
  - (iii) appearing as the facsimile number of the party being served on a document lodged in the Commission by that party in the same matter;

provided that a transmission record showing the successful transmission is retained and produced if required by the Commission; or
- (f) by emailing the document to an email address:
  - (i) currently published by the party being served as his, her or its email address; or
  - (ii) advised by the party being served as his, her or its email address in response to a request for an email address made immediately before the transmission of the document; or
  - (iii) appearing as the email address of the party being served on a document lodged in the Commission by that party in the same matter

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provided that the party serving the document prints the email as a 'sent item' showing the transmission address and the date and time of transmission and that document so printed is retained and produced if required by the Commission; or

(g) if:

- (i) the person to be served is an employee of the party serving the document; and
- (ii) a common form of communication between the employer and the employee is by email to a particular email address; and
- (iii) it is reasonable for the employer to expect that an email to that email address will be received by the employee;

then service on that individual may be effected by email to that email address provided that employer prints the email as a 'sent item' showing the transmission address and the date and time of transmission and that the document so printed is retained and produced if required by the Commission.

(3) For subrule (2):

**registered office**, in relation to such a body corporate, means the principal office or the principal place of business of the body corporate.

**secretary**, in the case of a body corporate that is a body corporate established under a law of the Commonwealth or of a State or Territory of the Commonwealth, means the secretary, clerk or other proper officer of the body corporate.

(4) If service of a document is effected by posting the document to the person to whom it is directed, service of the document must, unless the contrary is proved, be taken to have been effected at the time when the letter containing the document would, in the ordinary course of post, be delivered at the address to which it is posted.

(5) In any proceeding, a certificate under the hand of:

- (a) a person occupying, or performing the duties of, the office of a General Manager, Australian Postal Corporation; or

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- (b) a person authorised in writing by such a person to give a certificate under this subrule;

stating that a letter posted (postage being prepaid) at a specified time, on a specified day, at a specified place and addressed to a specified address would, in the ordinary course of post, have been delivered at that address on a specified day is evidence of the facts stated.

- (6) For subrule (5), a document purporting to be a certificate mentioned in that subrule must, unless the contrary is proven, be taken:
  - (a) to be such a certificate; and
  - (b) to have been duly given.

**73 Directions as to service**

- (1) If provision is made for personal, or other, service of a document in a proceeding before the Commission, the Commission may, on the application of a party, make an order for substituted, or other, service of notice by letter, facsimile transmission, email, public advertisement or otherwise, for the purpose of bringing the document to the notice of the person to be served.
- (2) The application mentioned in subrule (1) must be:
  - (a) in accordance with Form R62; and
  - (b) supported by a written statement that the person making the application is authorised to do so.
- (3) If the Commission makes an order under subrule (1), the Commission may direct that the notice contain particulars specified by the Commission.

**74 Requirement to fix time and place for hearing**

- (1) If the Commission is required to fix a time and place for the hearing of a matter, the Commission must:
  - (a) fix a time that is at least 10 working days after a Registrar is able to give notice of the time and place for hearing to, as the case requires:
    - (i) the parties to the proceedings; or

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- (ii) a party required to serve notice on another party, or other parties, to the proceedings; and
  - (b) fix a place that takes into account the convenience of any person who may be required to participate in the proceedings.
- (2) The Commission is not required to comply with subrule (1) if:
- (a) the Act otherwise requires; or
  - (b) taking into consideration the urgency or importance of the matter, it is not reasonably practicable to do so; or
  - (c) it is otherwise inconvenient to the persons in the proceedings.
- (3) Failure to comply with subrule (1) does not affect the validity of any act done by the Commission in relation to the matter.
- (4) Unless these Rules provide to the contrary, a party required to serve notice on another party, or other parties, to the proceedings must serve the notice as soon as practicable.

**75 Electronic signatures**

- (1) If a document, other than a statutory declaration, is required by these Rules to be signed, that requirement is satisfied if a facsimile of the signature is affixed on the document by electronic means by, or at the direction of, the signatory.
- (2) If a decision or determination is required by sections 567, 680, 777, 337K of Schedule 1 and Clause 61 of Schedule 6 to the Act to be signed by a Member of the Commission, that requirement is satisfied if a facsimile of the signature is affixed on the decision or determination by electronic means by, or at the direction of, the signatory.

**76 Approved forms — Regulations**

For a provision of the Regulations mentioned in an item in the table, the approved form is the form:

- (a) the number of which is mentioned in column 3 of the item; and

**Regulation 77**

(b) that is described in column 4 of the item.

<b>Item</b>	<b>Provision of Regulations</b>	<b>Number of form</b>	<b>Description of form</b>
1	Chapter 1 subregulation 9.7 (1)	R12	Declaration by applicant for a secret ballot order
2	Chapter 3 subregulation 7.7 (2)	R21	Notice of hearing of application to vary a common rule award
3	Chapter 3 subregulation 7.7 (2)	R22	Notice of variation of common rule award
4	Chapter 3 subregulation 7.7 (2)	R24	Declaration of common rule application not binding on organisation or person

*Note* The Regulations prescribe Form 5 of Schedule 1 to the Regulations for Chapter 2, regulation 13.2 of those Regulations (Application to have an alternative dispute resolution process conducted by the Commission).

## **77 Approved forms — RAO Regulations**

For a provision of the RAO Regulations mentioned in an item in the table, the approved form is the form:

- (a) the number of which is mentioned in column 3 of the item; and
- (b) that is described in column 4 of the item.

<b>Item</b>	<b>Provision of RAO Regulations</b>	<b>Number of form</b>	<b>Description of form</b>
1	paragraph 21 (1) (a)	R69	Application by an association of employers for registration as an organisation

**Regulation 77**

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<b>Item</b>	<b>Provision of RAO Regulations</b>	<b>Number of form</b>	<b>Description of form</b>
2	paragraph 21 (1) (a)	R70	Application by an association of employees (other than an enterprise association) for registration as an organisation
3	paragraph 21 (1) (a)	R71	Application by an enterprise association of employees for registration as an organisation
4	paragraph 23 (2) (a)	R72	Notice of objection to the registration of an association
5	paragraph 27 (a)	R73	Application for leave to change name*/and to alter rules*
6	paragraph 34 (1) (a)	R74	Application for cancellation of registration
7	paragraph 34 (5) (a)	R75	Notice of objection to the cancellation of registration
8	paragraph 35 (1) (a)	R76	Application for cancellation of registration
9	paragraph 36 (4) (a)	R77	Notice of objection to the cancellation of registration
10	paragraph 60 (2) (a)	R78	Ballot paper chosen by organisation in relation to proposed amalgamation
12	paragraph 60 (2) (b)	R79	Ballot paper in relation to proposed amalgamation

**Regulation 79**

<b>Item</b>	<b>Provision of RAO Regulations</b>	<b>Number of form</b>	<b>Description of form</b>
13	paragraph 60 (3) (a)	R80	Ballot paper chosen by organisation and containing alternative provision in relation to proposed amalgamation
14	paragraph 60 (3) (b)	R81	Ballot paper containing an alternative provision in relation to proposed amalgamation
15	paragraph 121 (1) (a)	R82	Application for consent to change the name of an organisation
16	paragraph 121 (1) (b)	R83	Application for consent to the alteration of eligibility rules of an organisation
17	paragraph 128 (1) (a)	R84	Application for certificate under section 180 of the RAO Schedule
18	paragraph 129 (3) (a)	R85	Application for renewal of certificate under section 180 of the RAO Schedule

**78 Repeal of the Rules of the Australian Industrial Relations Commission**

Statutory Rules 1999 Nos. 1, 71 and 276; 2000 No. 170; 2001 Nos. 39, 101 and 332; 2003 Nos. 6, 7, 86 and 298; 2004 Nos. 6 and 280; 2005 No. 151 are repealed.

**79 Transitional provision**

A document that is lodged, or a proceeding that is commenced, before the commencement of these Rules, may be taken by the Commission to be a document properly filed, or a proceeding properly commenced.

**Regulation 80**

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**Part 16                      Occupational Health And  
Safety (Commonwealth  
Employment) Act 1991****80                      Referral of disagreement concerning manner of  
establishing or varying a designated work group**

- (1) A referral of a disagreement, under subsection 24 (4) of the OHS (CE) Act, to the Commission as the reviewing authority must be made in accordance with Form R63.
- (2) In resolution of the matter of disagreement, the Commission may invite Comcare to participate in any proceedings.

**81                      Appeals to Commission**

- (1) An appeal, under section 48 of the OHS (CE) Act, to the Commission as the reviewing authority must be instituted by lodging with a Registrar a notice of appeal in accordance with Form R64 and 3 copies of the notice, together with 3 copies of:
  - (a) the investigator's decision under appeal; and
  - (b) any notices issued relating to the decision under appeal; and
  - (c) any other document in the possession of the appellant that is relevant to the decision under appeal.
- (2) An appeal must be instituted within 14 days after the date of the decision appealed against or, on application, within such further time as is allowed by the Commission.
- (3) An application to the Commission for leave to institute an appeal after the 14 days mentioned in subrule (2) must be made in accordance with Form R65.
- (4) If an appellant seeks an order under subsection 48 (3) of the OHS (CE) Act (that is, an order that the making of the appeal does affect the operation of the decision or prevent the taking of action to implement the decision), the notice of appeal must include an application to that effect.

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**Regulation 81**

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- (5) If a person seeks an order under subsection 48 (4) or (5) of the OHS (CE) Act (that is, an order that the operation of the relevant notice under section 29, or the relevant decision under section 47, of that Act, as the case may be, not be suspended pending determination of the appeal), the notice of appeal must include an application to that effect.
- (6) On lodging a notice of appeal under subsection 48 (1) of the OHS (CE) Act, the appellant must, as soon as practicable, serve a copy of the documents lodged in accordance with subrule (1) on:
  - (a) the investigator who made the decision under appeal; and
  - (b) the relevant employer affected by the decision; and
  - (c) any person to whom a notice has been issued under subsection 29 (2), or subsection 47 (1), of the OHS (CE) Act; and
  - (d) if there is a designated work group that includes an employee affected by the decision:
    - (i) the health and safety representative for that group; and
    - (ii) the involved union in relation to that group; and
  - (e) if there is no designated work group that includes an employee affected by the decision — the involved union in relation to an employee of the employer, being an employee who is affected by the decision; and
  - (f) a person who owns a workplace, plant, substance or thing to which the decision relates; and
  - (g) the Chief Executive Officer of Comcare; and
  - (h) the First Assistant Secretary, Australian Government Employment Group of the Department of Employment and Workplace Relations.
- (7) On lodging a notice of appeal under subsection 48 (2) of the OHS (CE) Act, the appellant must, as soon as practicable, serve a copy of the notice of appeal and documents lodged in accordance with subrule (1) on:
  - (a) the investigator who made the decision under appeal; and
  - (b) the relevant employer affected by the decision; and

**Regulation 81**

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- (c) if there is a designated work group that includes an employee affected by the decision:
    - (i) the health and safety representative for that group; and
    - (ii) the involved union in relation to that group; and
  - (d) if there is no designated work group that includes an employee affected by the decision — the involved union in relation to an employee of the employer, being an employee who is affected by the decision; and
  - (e) the Chief Executive Officer of Comcare; and
  - (f) the First Assistant Secretary, Australian Government Employment Group of the Department of Employment and Workplace Relations.
- (8) On the Commission fixing a time and place for the hearing of the appeal, a Registrar must give notice to:
- (a) the appellant; and
  - (b) the investigator who made the decision under appeal; and
  - (c) if there is a designated work group that includes an employee affected by the decision:
    - (i) the health and safety representative for that group; and
    - (ii) the involved union in relation to that group; and
  - (d) if there is no designated work group that includes an employee affected by the decision — the involved union in relation to an employee of the employer, being an employee who is affected by the decision; and
  - (e) the Chief Executive Officer of Comcare; and
  - (f) the First Assistant Secretary, Australian Government Employment Group of the Department of Employment and Workplace Relations; and
  - (g) any other person, if the Commission so directs.

## **Part 17                      *Petroleum (Submerged Lands) Act 1967***

### **82                      Referral of disagreement concerning manner of establishing or varying a designated work group**

- (1) A referral of a disagreement, under subsection 12 (4) of Schedule 7 to the PSL Act, to the Commission as the reviewing authority must be made in accordance with Form R66.
- (2) In resolution of the matter of disagreement, the Commission may invite the National Offshore Petroleum Safety Authority to participate in any proceedings.

### **83                      Appeals to Commission**

- (1) An appeal, under section 37 of Schedule 7 to the PSL Act, to the Commission as the reviewing authority must be instituted by lodging with a Registrar a notice of appeal in accordance with Form R67 and 3 copies of the notice, together with 3 copies of:
  - (a) the OHS inspector's decision under appeal; and
  - (b) any notices issued relating to the decision under appeal; and
  - (c) any other document in the possession of the appellant that is relevant to the decision under appeal.
- (2) An appeal must be instituted within 14 days after the date of the decision appealed against or, on application, within such further time as is allowed by the Commission.
- (3) An application to the Commission for leave to institute an appeal after the 14 days mentioned in subrule (2) must be made in accordance with Form R68.

**Regulation 83**

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- (4) If an appellant seeks an order under subsection 37 (3) of Schedule 7 to the PSL Act, (that is, an order that the making of the appeal does affect the operation of the decision or prevent the taking of action to implement the decision), the notice of appeal must include an application to that effect.
- (5) If a person seeks an order under subsection 37 (4) or (5) of Schedule 7 to the PSL Act, (that is, an order that the operation of the relevant notice under section 17 of Schedule 7, or the relevant decision under section 36 of Schedule 7, to that Act, as the case may be, not be suspended pending determination of the appeal), the notice of appeal must include an application to that effect.
- (6) On lodging a notice of appeal under subsection 37 (1) of Schedule 7 to the PSL Act, the appellant must, as soon as practicable, serve a copy of the documents lodged in accordance with subrule (1) on:
  - (a) the OHS inspector who made the decision under appeal; and
  - (b) the operator of the facility or any employer (other than the operator) affected by the decision; and
  - (c) any person to whom a notice has been issued under subsection 17 (2) or 36 (1) of Schedule 7 to the PSL Act; and
  - (d) if there is a designated work group having a group member affected by the decision:
    - (i) the health and safety representative for that group; and
    - (ii) the workforce representative for that group; and
  - (e) if there is no designated work group, and a member of the workforce affected by the decision has requested a workforce representative — that workforce representative; and
  - (f) a person who owns a workplace, plant, substance or thing to which the decision relates; and
  - (g) the Chief Executive Officer of the National Offshore Petroleum Safety Authority.

**Regulation 83**

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- (7) On lodging a notice of appeal under subsection 37 (2) of Schedule 7 to the PSL Act, the appellant must, as soon as practicable, serve a copy of the notice of appeal and documents lodged in accordance with subrule (1) on:
- (a) the OHS inspector who made the decision under appeal; and
  - (b) if there is a designated work group having a group member affected by the decision:
    - (i) the health and safety representative for that group; and
    - (ii) the workforce representative for that group; and
  - (c) if there is no designated work group, and a member of the workforce affected by the decision has requested a workforce representative — that workforce representative; and
  - (d) the Chief Executive Officer of the National Offshore Petroleum Safety Authority; and
- (8) On the Commission fixing a time and place for the hearing of the appeal, a Registrar must give notice to:
- (a) the appellant; and
  - (b) the OHS inspector who made the decision under appeal; and
  - (c) if there is a designated work group having a group member affected by the decision:
    - (i) the health and safety representative for that group; and
    - (ii) the workforce representative for that group; and
  - (d) if there is no designated work group, and a member of the workforce affected by the decision has requested a workforce representative — that workforce representative; and
  - (e) the Chief Executive Officer of the National Offshore Petroleum Safety Authority; and
  - (f) any other person, if the Commission so directs.

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**Schedule 1****Forms**

(subrule 5 (1))

**Form R1**Rule 13 of the *Australian Industrial Relations Commission Rules**Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**NOTICE OF APPEAL UNDER  
SECTION 120 OR 121 OF THE ACT**

IN the matter of:

*[title of matter and case number]***Applicant**

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Name of  
applicant:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

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---

Notice of an appeal is given against [\* *the decision, award, order or opinion made or act or refusal or failure to make a decision or do an act*] by [*name of member of the Commission*] at [*place*] on [*date*] in this matter.

The grounds of this appeal are as follows:

*[Set out in numbered paragraphs the grounds including particulars of the grounds on which it is claimed that the matter is of such importance that, in the public interest, leave to appeal should be granted.]*

Dated

20

*[Signature of applicant]*

\*The applicant must detail the particulars of the matter(s) being appealed by way of specific reference to the categories listed in subsection 120 (1) or 121 (1) of the Act.

*Note* If it is intended to seek a stay of the whole or part of the award, order or decision pending the determination of the appeal, the notice of appeal must include an application to that effect, as set out below:

‘Application is also made for an order that the operation of [*Set out the whole or part of the award, order or decision*] be stayed pending the determination of this appeal or until further order of the Commission.’

Dated

20 .

*[Signature of applicant]*

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## Form R2

Rule 13 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### APPLICATION FOR AN EXTENSION OF TIME FOR INSTITUTING APPEAL

IN the matter of:

*[title of matter and case number]*

#### **Applicant**

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Name of  
applicant:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made for an extension of time for instituting an appeal against [\* *the decision, award, order or opinion made or act or refusal or failure to make a decision or do an act*] by [*name of member of Commission*] at [*place*] on [*date*] in this matter.

---

The grounds of this application are as follows:

*[Set out in numbered paragraphs the grounds on which it is claimed an extension of time should be granted.]*

Dated

20 .

*[Signature of applicant]*

\*The applicant must detail the particulars of the matter(s) being appealed by way of specific reference to the categories listed in subsection 120 (1) or 121(1) of the Act.

---

## Form R3

Rule 15 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

# NOTICE OF APPEAL UNDER SECTION 147 OF THE ACT

IN the matter of:

[*title of matter*]

### **Applicant**

---

Name of  
applicant:  
Address

Contact Person:

[*also include the name of any firm of solicitors or agent acting for the applicant*]

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Notice of an appeal is given against [*\* the decision made or act or refusal or failure to make a decision or do an act*] by [*name of Registrar*] at [*place*] on [*date*] in this matter.

---

The grounds of this appeal are as follows:

*[Set out in numbered paragraphs the grounds including particulars of each ground.]*

Dated

20 .

*[Signature of applicant]*

\* The appellant must detail the particulars of the matter(s) being appealed.

*Note* If it is intended to seek a stay of the whole or part of the decision or act concerned pending the determination of the appeal, the notice of appeal must include an application to that effect, as set out below:

‘Application is also made for an order that the operation of *[Set out the whole or any part of the decision or act concerned]* be stayed pending the determination of this appeal or until further order of the Commission.’

Dated

20 .

*[Signature of applicant]*

---

## Form R4

Rule 16 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### NOTICE TO INITIATE A BARGAINING PERIOD (section 423 of the Act)

#### Initiating Party

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Name:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the initiating party]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

The Initiating Party is: (tick one)

- ☐ an employer
- ☐ an organisation of employees
- ☐ an employee acting on his or own behalf and on behalf of other employees
- ☐ an authorised agent acting on behalf of one or more employees (see Note 1)

**The Industry in which the Employer is engaged is:**

---

## Other Negotiating Party/Parties

---

Name:

Street Address

Contact Person: *[if known]*

Phone No: *[if known]*

Facsimile No:  
*[if known]*

Mobile No:  
*[if known]*

Email address: *[if known]*

---

*[Repeat details for each other negotiating party. If the Initiating Party is an employer, then a schedule listing or describing the employees at the time whose employment will be subject to the proposed agreement should be attached - see paragraph 423 (4) (b) of the Act]*

**TAKE NOTICE** that the Initiating Party intends to try to make a collective agreement to which s 423 of the Act applies with the Other Negotiating Party/Parties under section 322 [or section 323] of the Act.

### Required Particulars (s 426 of the Act)

- (a) the single business or part of the single business to be covered by the proposed collective agreement.  
*[Please specify]*
- (b) the types of employees whose employment will be subject to the proposed collective agreement and any other persons who will be bound by the proposed collective agreement.  
*[Please specify]*
- (c) the matters that the initiating party proposes should be dealt with by the proposed collective agreement.  
*[Please specify. If necessary, a separate document may be attached.]*



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## Form R5

Rule 17 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR AN ORDER TO RESTRICT THE INITIATION OF A NEW BARGAINING PERIOD** (section 429 of the Act)

IN the matter of a former bargaining period between [*names of former negotiating parties*]

arising in matter [*the former bargaining period case number*].

#### **Applicant**

---

Name of  
applicant:

Address

Contact Person:

[also include the name of any firm of solicitors or agent acting for the initiating party]

Phone No:

Facsimile No:

Mobile No:

Email address:

---

**Application is made for an order of the Commission to:**

☐ not allow the initiation of a new bargaining period or

☐ attach conditions to any new 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, including the basis upon which the application is made under subsection 429 (4) or (5) of the Act]*

Dated

20 .

*[Signature of applicant]*

*[A copy of the notice under paragraph 428 (b) of the Act must be attached.]*

---

## Form R6

Rule 18 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR AN ORDER TO SUSPEND OR TERMINATE A BARGAINING PERIOD** (sections 430 to 433 of the Act)

#### **Applicant**

---

Name:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

#### **Other Negotiating Party/Parties**

---

Name:

Address

Contact Person:

Phone No:

---

Facsimile No:

[*if known*]

Mobile No:

[*if known*]

Email address:

[*if known*]

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[*repeat details for each party*]

**The business or part of business to which the application relates:**

[*Please specify*]

**The Bargaining Period(s) to which the application relates (optional):**

*Note* The Applicant does not have to specifically identify the bargaining periods to which this application relates: subsection 430 (10) of the Act. However, it would assist the expeditious resolution of this application if the 'BP' matter number(s) are included here or copies of the relevant notice(s) initiating a bargaining period are attached to this application.

**Application is made to suspend and/or terminate:**

- ☐ the above specified bargaining period(s), or
- ☐ whatever bargaining periods apply to the above specified business or part thereof.

**Circumstance(s) relied upon by Applicant:**

Please tick one or more boxes:

- ☐ subsection 430 (2) of the Act — Failure to genuinely try and reach agreement etc.
- ☐ subsection 430 (3) of the Act — Industrial action endangering life etc
- ☐ subsection 430 (7) of the Act — Employees are not members nor eligible to be members of organisation
- ☐ subsection 430 (8) of the Act — Demarcation dispute

- 
- ☐ section 431 of the Act — Pattern bargaining
  - ☐ section 432 of the Act — ‘Cooling off’ - suspension would assist in resolving matters at issue
  - ☐ section 433 of the Act — Significant harm to a third party

**Particulars of the circumstance(s):**

*[Please give a brief description of the facts alleged to constitute the specified circumstance(s)]*

Dated

20 .

*[Signature of applicant]*

---

## Form R7

Rule 18 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR AN ORDER FOR AN EXTENSION OF A SUSPENSION OF A BARGAINING PERIOD** (subsections 432 (3) and s 433 (4) of the Act)

#### **Applicant**

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Name:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

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#### **Other Negotiating Party/Parties**

---

Name:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

---

Facsimile No:  
[if known]

Mobile No:  
[if known]

Email address: [if known]

---

*[repeat details for each party]*

**The Applicant applies for an extension of the suspension of the bargaining period ordered by:**

*[insert the name of the member who made the order]*

On [date] in Print [PR [insert print number] copy attached.  
of order] ]

**The period of the extension of suspension sought is:** *[insert duration]*

**Circumstances that make an extension of the suspension appropriate (paragraph 432 (3) (b) and paragraph 433 (4) (b) of the Act):**

*[Please give a brief description of the basis on which the Commission ought be satisfied that an extension of the suspension is appropriate]*

Dated

20 .

*[Signature of  
applicant]*

**Note A COPY OF THIS APPLICATION MUST BE SERVED ON OTHER NEGOTIATING PARTIES.**

---

## Form R8

Rule 19 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### NOTICE UNDER SUBSECTION 430 (6) OF THE ACT

**Matter No:**

*[insert matter No.]*

**To:**

*[list all negotiating parties]*

The Commission has made an Order under subsection 430 (1) and (3) of the Act.

[PR *[insert print number ]* ]

terminating the bargaining period between the parties on the basis that industrial action is threatening or would threaten to

*[complete as appropriate: 'endanger the life, the personal safety or health, or the welfare, of the population or of part of it' and/or 'cause significant damage to the Australian economy or an important part of it']*.

The effect of Division 8 of Part 9 of the Act is that the Commission must make a Workplace Determination in accordance with section 503 and section 504 of the Act if the parties are unable to resolve their differences in the negotiating period provided for in section 502 of the Act.

A Workplace Determination made by the Commission will bind the negotiating parties and all employees whose employment is subject to the determination as if it were a collective agreement in operation. It will contain terms that, in the opinion of the Full Bench that makes the determination, deal with the matters at issue between the parties. The Workplace Determination must not contain any terms other than those required by section 504 of the Act.

You are advised that you, the negotiating parties, may agree to submit the matters at issue between the parties to an alternative dispute resolution process conducted by the Commission or another provider (Part 13 of the Act).

If all negotiating parties agree that they wish to submit the matters in issue between the parties to an alternative dispute resolution process conducted by the Commission the parties should complete the attached form of application to have the Commission conduct a dispute resolution process and forward it to the Commission by facsimile to [fax number] or by email to [email address].

Date

20 .

*[signature of member]*

COMMISSIONER *[or as appropriate]*

---

## Form R9

Rule 19 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### NOTICE UNDER SUBSECTION 432 (6) OF THE ACT

**Matter No:**

*[insert matter No.]*

**To:**

*[list all negotiating parties]*

#### **[EITHER]**

The Commission has made an order under subsection 432 (1) of the Act.  
[PR *[insert print number]* ]

suspending the bargaining period between the parties.

#### **[OR]**

The Commission has made an order under subsection 432 (3) of the Act.  
[PR *[insert print number]* ]

extending the suspension of the bargaining period between the parties.

#### **[AND]**

The negotiating parties may agree to submit the matters at issue between the parties to an alternative dispute resolution process conducted by the Commission or another provider (Part 13 of the Act).

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If all negotiating parties agree that they wish to submit the matters in issue between the parties to an alternative dispute resolution process conducted by the Commission the parties should complete the attached form of application to have the Commission conduct a dispute resolution process and forward it to the Commission by facsimile to [*fax number*] or by email to [*email address*].

Date

20 .

[*signature of member*]

COMMISSIONER [*or as appropriate*]

---

## Form R10

Rule 20 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

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

IN the matter of a bargaining period between  
[*names of negotiating parties*]

arising in matter [*bargaining case number*]

#### Notifier

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Name of notifier:

Address

Contact Person:

[*also include the name of any firm of solicitors or agent acting for the notifier*]

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Under paragraph 446 (1) (c) of the Act, notice is given to the Registrar that the members of [*name of organisation of employees*]

have been authorised to engage in industrial action, within the bargaining period, against [*name of particular employer*].

---

The authorisation was given by [*name of the relevant committee of management of the organisation or person authorised by that 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*]

---

## Form R11

Rule 21 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### APPLICATION FOR AN ORDER FOR A PROTECTED ACTION BALLOT TO BE HELD

(Section 451 of the Act)

Commission Case/File Number: BP

#### Applicant(s)

---

Name:

Address for service

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant(s)]*

Phone No:

Facsimile No:

Mobile No:

Email address:

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Is the applicant acting as agent for an employee or employees?

☐ Yes ☐ No

If the applicant is an employee or group of employees, does the application have the support of at least the prescribed number of employees (subsection 451 (4) of the Act)?

☐ Yes ☐ No

---

*Note* For the following groups of employees, the prescribed number is:

- (a) fewer than 80 employees — 4 employees;
- (b) 80 to 5 000 employees — 5% of employees;
- (c) more than 5 000 employees — 250 employees.

## **Employer**

The application relates to a proposed protected action ballot among employees of the following employer:

---

Name:

Address

Contact Person: *[if known]*

Phone No:

Facsimile No:  
*[if known]*

Mobile No:  
*[if known]*

Email address: *[if known]*

---

## **Questions to be put, including the nature of industrial action proposed (paragraph 452 (1) (a) of the Act)**

*[set out the question(s) to be put in the ballot, including the nature of the industrial action]*

## **Types of employees to be balloted (paragraph 452 (1) (b) of the Act)**

*[set out details of the types of employees to be balloted]*

## **Proposed Authorised Ballot Agent (see subsection 452 (2) and section 480 of the Act) — (optional)**

Australian Electoral Commission.

**[OR]**

The Applicant

**[OR]**

---

Name:

Address

Contact Person:

Phone No:

Facsimile No:

Mobile No:

Email address:

---

**Proposed Authorised Independent Adviser (see paragraph 463 (1) (e) and section 481 of the Act)**

If the Applicant has nominated him, her or itself to conduct the ballot, the person nominated by the Applicant to be the **authorised independent adviser** for the ballot:

---

Name:

Address

Contact Person: *[if known]*

Phone No:

Facsimile No:

*[if known]*

Mobile No:

*[if known]*

Email address: *[if known]*

---

**Additional information:**

Estimate of number of employees eligible to be balloted:

Describe briefly the approximate number and location of worksites at which employees work:

Other circumstances relevant to what may be appropriate orders and directions for the Commission to issue in conjunction with the application:

*[eg shift patterns or usual modes of communication with employees that may affect how effective notification to employees may occur]*

---

**Attachments (subsections 453 (1) and (3) of the Act)**

The following documents are attached and marked as indicated:

- ‘A’ A copy of the notice under section 423 of the Act initiating a bargaining period with the employer. [*attach a copy of the notice*]
- ‘B’ A copy of the particulars that accompanied that notice. [*attach a copy of the particulars required by section 426 of the Act*]
- ‘C’ If the applicant is an organisation of employees, a written notice showing that the application has been duly authorised by a committee of management of the organisation or by someone authorised by such a committee to authorise the application. [*attach a copy of the notice*]
- ‘D’ A declaration complying with subsection 453 (4) and Chapter 2, Regulation 9.7, of the *Workplace Relations Regulations 2006*. [*attach a copy of the declaration*]

and, where the applicant is acting as agent for one or more employees,

- ‘E’ a copy of the names of the employee(s) represented by the applicant as agent (subsection 453 (3) of the Act). [*attach a copy of the list of names*]

Dated

20 .

[*Signature of  
applicant*]

*Note* A copy of this application (but not the attachments) must be served on the employer and any person nominated to conduct the ballot within 24 hours of lodging this application with the commission (section 454) of the Act.

---

## Form R12

Chapter 2, regulation 9.7, *Workplace Relations Regulations 2006*

*Workplace Relations Act 1996* (the *Act*)

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### DECLARATION BY APPLICANT FOR A PROTECTED ACTION BALLOT ORDER

**Subsections 453 (1) and (4) of the Act and  
Chapter 2, regulation 9.7 of the *Workplace  
Relations Regulations 2006***

**Giving false or misleading information is a serious offence.  
[See section 137.1 of the *Criminal Code*].**

**[EITHER]**

On [insert date]  
I [insert name]  
of, [insert address]

under subsection 453 (1) of the *Workplace Relations Act 1996* declare  
that the industrial action to which the application relates is not for the  
purpose of supporting or advancing claims to include in the proposed  
collective agreement any prohibited content.

**[OR]**

On [insert date]  
I [insert name]  
of, [insert address]

under subsection 453 (1) of the *Workplace Relations Act 1996* declare  
that the industrial action to which the application relates does not involve  
claims for prohibited content.

---

Declared by me at [*insert place*]

[*Signature of  
declarant*]

---

## Form R13

Rule 22 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION FOR A DECLARATION  
THAT A PERSON IS ENTITLED TO BE  
INCLUDED ON THE ROLL OF VOTERS  
FOR A PROTECTED ACTION BALLOT  
(Subsection 468 (2) of the Act)**

**Commission Case/File Number: BP**

**Applicant(s)**

---

Name:

Address for service

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

---

**Protected Action Ballot Order to which this application relates**

This application relates to a protected action ballot order made by *[insert name of the member who made the order]* on *[insert date]* in [PR *[insert print number of order]* ] ('the Ballot Order'),

a copy of which is attached.

The Applicant(s) apply for a declaration that each is entitled to have his or her name included in the roll of voters for the protected action ballot to be held under the Ballot Order.

The basis upon which the Applicants contend that their names should be included on the roll of voters is:  
*[briefly specify basis for contention as to entitlement to be included on the roll of voters]*

Dated 20 .

*[Signature of  
applicant]*

*Note* A copy of this application must be served on the negotiating parties, the authorised ballot agent and the independent adviser, if any, nominated in the ballot order.

---

## Form R14

Rule 22 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR A DECLARATION THAT A PERSON IS NOT ENTITLED TO BE INCLUDED ON THE ROLL OF VOTERS FOR A PROTECTED ACTION BALLOT**

**(Subsection 468 (3) of the Act)**

**Commission Case/File Number: BP**

#### **Applicant**

---

Name:

Address for service

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

---

## Protected Action Ballot Order to which this application relates

This application relates to a protected action ballot order made by *[insert name of the member who made the order]*

on *[insert date]* in [PR *[insert print number of order]* ] ('the Ballot Order'),

a copy of which is attached.

## Capacity in which applicant applies

The Applicant is (tick one):

- ☐ a negotiating party
- ☐ the authorised ballot agent
- ☐ a person whose name appears on the roll of voters prepared in connection with the ballot to which the Ballot Order relates.

## Person(s) challenged

The Applicant applies for a declaration that the following persons are not entitled to have their names included on the roll of voters for the protected action ballot to be held under the Ballot Order:  
*[list names voters being challenged and contact details]*

The basis upon which the Applicant contends that the names of these persons should not be included on the roll of voters is:  
*[briefly specify basis for challenge to inclusion on the roll of voters]*

Dated 20 .

*[Signature of applicant]*

*Note* A copy of this application must be served on the negotiating parties, the authorised ballot agent and the independent adviser, if any, nominated in the ballot order.

---

## Form R15

Rule 23 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR A VARIATION TO A PROTECTED ACTION BALLOT ORDER** (Section 469 of the Act)

**Commission Case/File Number: BP**

#### **Applicant**

---

Name:

Address for service

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

The Applicant for a variation is (tick one)

- ☐ the applicant for the original protected ballot order
- ☐ the authorised ballot agent

---

The Applicant for a variation applies for a variation of the protected action ballot order made by

[insert name of the member who made the order] on [insert date] in [PR [insert print number of order] ]

a copy of which is attached. [attach copy of order]

**The variations sought are:**

[specify the variations sought]

**The reasons for the variation**

[briefly outline the reasons for the variation]

Dated

20 .

[Signature of  
applicant]

---

## Form R16

Rule 23 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION TO REVOKE A PROTECTED ACTION BALLOT ORDER** (Section 470 of the Act)

**Commission Case/File Number: BP**

#### **Applicant(s)**

---

Name:

Address for service

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant/s]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Is the applicant acting as agent for an employee or employees?

☐ Yes ☐ No

---

The Applicant applies for a revocation of the protected action ballot order made by

[*insert name of the member who made the order*] on [*insert date*] in [PR [*insert print number of order*] ]

a copy of which is attached. [*attach copy of order*]

Dated 20 .

[*Signature of applicant/s*]

---

## Form R17

Rule 24 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### APPLICATION FOR AN ORDER TO STOP OR PREVENT INDUSTRIAL ACTION

IN the matter of:

- \* industrial action engaged in by *[insert names of parties against whom order is sought]* in respect of work carried out by employees of *[insert name of employer]*

#### **Applicant**

---

Name of applicant:

Address for service

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made for an order under subsection 496 (4)\* or subclause 51 (2) of Schedule 6\* to the Act in the following terms:

*[Set out terms of order]*

---

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

*[Set out the grounds in numbered paragraphs, including details of:*

- *the industrial action which is happening, or is threatened, impending or probable; and*
- *how the applicant is a person affected, or likely to be affected (directly or indirectly), by the industrial action.]*

Dated

20 .

*[Signature of applicant]*

*\* omit whichever is inappropriate*

To:

\*each person in the application against whom an order is sought, and

\*such other person or persons, as the Commission directs.

You are hereby notified that the abovementioned application will be heard by the Commission

at [time]

on [date],

at [place],

and that you may appear and be heard at the time and place so fixed.

Dated

20 .

[Signature]

Member of Commission  
[or Registrar]

\*Omit whichever is inapplicable.

---

## Form R18

Rule 25 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATIONS TO VARY, REVOKE OR SUSPEND AN AWARD OR ORDER**

**(Sections 119, 553, 554, 556, 557, 558, 559, 560, 566 and 812  
of the Act)**

IN the matter  
of:

[*Title of Award*]

#### **Applicant**

---

Name of the applicant:

[*employer, employee or  
organisation bound*]

Address for service

Contact Person:

[*also include the name of any firm of solicitors or agent acting for the applicant*]

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made for the \*variation/\*revocation or suspension of the  
abovementioned award or order in the following terms:

[*Set out the terms of the variation or revocation sought*]

Indicate the section or sections of the Act relied upon to make this application:

- |                                |                                |                                |                                |
|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| <input type="checkbox"/> s 119 | <input type="checkbox"/> s 553 | <input type="checkbox"/> s 554 | <input type="checkbox"/> s 556 |
| <input type="checkbox"/> s 557 | <input type="checkbox"/> s 558 | <input type="checkbox"/> s 559 | <input type="checkbox"/> s 560 |
| <input type="checkbox"/> s 566 | <input type="checkbox"/> s 812 |                                |                                |

The grounds on which this application is made are as follows:  
[Set out in numbered paragraphs the grounds]

Dated 20 .

[Signature of  
applicant]

\*Omit whichever is inapplicable.

---

**To the employers, employees and organisations bound by  
the abovementioned award:**

You are hereby notified that the abovementioned application will be  
heard by

[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

20 .

[*Signature*]

Member of Commission  
[*or* Registrar]

---

## Form R19

Rule 26 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### APPLICATION TO VARY OR REVOKE A TRANSITIONAL AWARD

(Clauses 29, 30 and 31 of Schedule 6 to the Act)

IN the matter  
of:

*[Title of Transitional Award]*

#### Applicant

---

Name of applicant:

Address for service

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made for the \*variation/\*revocation of the  
abovementioned transitional award in the following terms:

*[Set out the terms of the variation or revocation sought]*

---

Indicate the clause or clauses relied upon to make this application:

- ☐ clause 29 of Schedule 6 to the Act
- ☐ clause 30 of Schedule 6 to the Act
- ☐ clause 31 of Schedule 6 to the Act

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

*[Set out in numbered paragraphs the grounds]*

Dated

20 .

*[Signature of  
applicant]*

---

**To the persons and organisations bound by the  
abovementioned transitional award:**

You are hereby notified that the abovementioned application will be  
heard by

*[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

20 .

*[Signature]*

Member of Commission

*[or Registrar]*

---

**Form R20**Rule 27 of the *Australian Industrial Relations Commission Rules**Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION FOR AN ORDER FOR A  
TRANSITIONAL AWARD TO CEASE TO  
BE BINDING****(Clauses 58 and 59 of Schedule 6 to the Act )**IN the matter  
of:*[Title of Transitional Award]***Applicant**

---

Name of applicant:  
*[transitional employer,  
transitional employees  
or party to the  
industrial dispute]*

Address for service

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

---

Application is made for an order to cease to be bound by the abovementioned transitional award in the following terms:

*[Set out the terms of the Order sought]*

Indicate the clause or clauses relied upon to make this application:

☐ clause 58 of Schedule 6 to the Act

☐ clause 59 of Schedule 6 to the Act

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

*[Set out in numbered paragraphs the grounds]*

Dated

20 .

*[Signature of  
applicant]*

---

**To the employers, employees and organisations bound by the abovementioned transitional award:**

You are hereby notified that the abovementioned application will be heard by

*[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

20 .

---

[*Signature*]  
Member of Commission  
[*or Registrar*]

---

## Form R21

Chapter 3, regulation 7.7, *Workplace Relations Regulations 2006*

*Workplace Relations Act 1996* (the *Act*)

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### NOTICE OF HEARING OF APPLICATION TO VARY A COMMON RULE AWARD

IN the matter of:

*[title and code number of award and case number]*

AND in the matter of an application to vary the abovementioned award.

Notice is given:

- (a) that this matter involves the variation of the term (or each of the terms) of the above-mentioned award referred to in the Schedule below; and
- (b) that the term (or each of the terms) so referred to is (or are) a common rule in Victoria for the *[specify industry]* industry, in relation to employers and employees within the meaning of *section 858 of the Workplace Relations Act 1996*; and
- (c) the matter will be heard  
at *[time]*  
on *[date]*  
before *[name]*

A copy of the award (or order) may be inspected free of charge at the Australian Industrial Registry at *[address]*

or at the following places:

**SCHEDULE  
TERMS TO BE VARIED**

Clause Number.	Subject	Substance of variation
----------------	---------	------------------------

Dated

20 .

[Signature]

Registrar

---

## Form R22

Chapter 3, regulation 7.7, *Workplace Relations Regulations 2006*

*Workplace Relations Act 1996 (the Act)*

### AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION **NOTICE OF VARIATION OF COMMON RULE AWARD**

IN the matter of:

[*title and code number of award and case number*]

AND in the matter of the variation of the above award(s).

Notice is given

- (a) that the Commission has varied the term (or terms) of the above-mentioned award(s) referred to in the Schedule below; and
- (b) that the variation(s) will be a common rule in Victoria for the [*specify industry*] industry, in relation to employers and employees within the meaning of section 858 of the *Workplace Relations Act 1996*; and
- (c) that any organisation or person interested and having an objection to the variation(s) binding that person or organisation and wanting to be heard in relation to the abovementioned variation is invited to lodge with the Commission a notice of that objection.

A copy of the award(s) may be inspected free of charge at the office of the Australian Industrial Registry

at [*address*]

or at the office of the Australian Industrial Registry in any capital city.

---

**SCHEDULE OF TERMS TO BE VARIED**

Print Number

---

Award code and variation number	Clause number	Subject	Substance of variation	Date of effect
--	------------------	---------	---------------------------	-------------------

---

Dated

20 .

[Signature]

Registrar

*Note* The prescribed time for lodging an objection to a variation is 28 days after the publication of this notice.

---

## Form R23

Rule 28 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### NOTICE OF OBJECTION TO VARIATION OF A COMMON RULE

IN the matter of:

*[title and code number of award and case number]*

AND in the matter of an application to vary the above award [or part thereof].

#### Objector

---

Name of objector:

*[organisation or  
person interested]*

Address for service

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the objector]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Notice is given of an objection to the variation binding  
*[name of organisation or person interested]*.

The grounds on which this objection is made are as follows:  
*[Set out in numbered paragraphs the grounds of objection].*

Dated 20 .

[Signature]

*Note* The prescribed time for lodging an objection to a variation is 28 days after the publication of this notice.

---

## Form R24

Chapter 3, regulation 7.9, *Workplace Relations Regulations 2006*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### DECLARATION OF COMMON RULE APPLICATION NOT BINDING ON ORGANISATION OR PERSON

IN the matter of:

[*title and code number of award and case number*]

AND in the matter of the variation of the abovementioned award

Notice is given

- (a) that, on [*date*] the Commission varied the term (or terms) of the above-mentioned award referred to in the Schedule below; and
- (b) that the variation is (or will be) a common rule in Victoria for the [*specify industry*] industry, in relation to employers and employees within the meaning of section 858 of the *Workplace Relations Act 1996*; and
- (c) that, on [*date*] the Commission, in accordance with subclause 85(5) of Schedule 13 of the *Workplace Relations Act 1996*

**or**

*subsection 142(6) of the pre-reform Workplace Relations Act 1996 as it continues to apply because of clause 84 of Schedule 6 to the Workplace Relations Act 1996,*

---

declared that the variation (or part thereof) is not binding on  
[*person or organisation*].

**SCHEDULE**  
**TERMS TO BE VARIED**

Print Number

---

Clause No.	Subject	Substance of variation
------------	---------	------------------------

---

Dated 20 .

[*Signature*]

Registrar

---

## Form R25

Rule 29 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR ORDER REQUIRING EQUAL REMUNERATION FOR WORK OF EQUAL VALUE (Sections 624 and 625 of the Act)**

#### **Applicant**

---

Name of applicant:

*[employee or trade union  
whose rules entitle it to  
represent the industrial  
interests of employees to be  
covered by the order (or the  
Sex Discrimination  
Commissioner)]*

Address for service

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made 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 625 of the Act]*

No proceedings for an alternative remedy have begun under another provision of the Act or under another law of the Commonwealth or under a law of a State or Territory/Proceedings or the proceedings for an alternative remedy have been discontinued or failed for want of jurisdiction.\*

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

20 .

*[Signature of applicant]*

---

## Form R26

Rule 29 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **NOTICE OF CONCILIATION OR HEARING FOR APPLICATION FOR ORDER FOR EQUAL REMUNERATION FOR WORK OF EQUAL VALUE (Sections 624 and 625 of the Act)**

IN the matter of:  
[*case number*]

Notice is given—

- (a) that on [*date*] the Commission 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 conciliated/heard [*delete as appropriate*]  
at [*time*]  
on [*date*]  
at [*place*]  
before [*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 [address] free of charge.

[Signature]

Registrar

---

## Form R27

Rule 30 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR RELIEF IN RELATION TO TERMINATION OF EMPLOYMENT (Section 643 of the Act)**

<b>Commission use only</b>
File number
Date received

In making this claim you (*the applicant*) should be aware that:

- an application must not be made on the ground that the termination was harsh, unjust or unreasonable where the employee was employed by an employer (including any related employer) who employed 100 or fewer employees (subsections 643 (10) to (12) of the Act).
- an application must not be made on the ground that the termination was harsh, unjust or unreasonable where the employee was terminated for genuine operational reasons or for reasons that include genuine operational reasons (subsections 643 (8) to (9) of the Act).
- specified categories of employees are excluded from making a claim under the Termination of Employment provisions of the Act (sections 638 and 639, subsections 643 (6) and (7) and section 674 of the Act).
- an application must be lodged within 21 days after the day on which the termination took effect. In some circumstances the Commission can allow an extension of time (subsection 643 (14) or (15) of the Act).
- The Commission may make an order for costs in certain circumstances (see section 658 of the Act).
- A fee is payable on lodgment of this application with the Commission unless a Registrar is satisfied that the applicant will suffer serious hardship if he or she pays the fee. The lodgment fee varies with the consumer price index. The current amount of the lodgment fee can be found on the Commission's website. The lodgment fee is refundable under certain circumstances (subsection 644 (7) of the Act)

Details in relation to these matters are available from the Industrial Registry or from the Commission's website at [www.airc.gov.au](http://www.airc.gov.au).

Details of Employee (the applicant)	
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> 1 Full name	Family name:  Given names:
2 Address of applicant	    Postcode:
3 Phone or fax number(s)	Business hours ( ) After hours ( ) Mobile: Fax ( ) Email:
4 Date of birth	day/month/year                      /                      /
5 First language	English <input type="checkbox"/> other <input type="checkbox"/> ( <i>specify</i> ) Is an interpreter needed? Yes <input type="checkbox"/> No <input type="checkbox"/> Is there a family member or friend who can assist you? Yes <input type="checkbox"/> No <input type="checkbox"/>
Details of Employer (the respondent)	
6 Name of employer's business, company, corporation, authority or agency Contact person's name	
7 Employer's trading address or registered office	Postcode:  Phone ( )                      Fax ( ) Email:
Details of employment	
8 Work performed for employer (occupation)	
9 Place of work	Suburb/town:                      Postcode:
10 Date when you first worked for employer	/                      /
11 Date when you last worked for employer	/                      /

<p>12 Date termination of employment took effect</p> <p>Did you receive written notice of termination/ separation certificate?</p>	<p style="text-align: center;">/      /</p> <p><i>State the date when you think the termination of employment took effect if the date is different from the date when you last worked.</i></p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes I attach a copy <input type="checkbox"/></p>
<p><b>Extension of time</b></p>	
<p>13 This section must be completed if the application is lodged more than 21 days after the day on which the termination took effect (see item 12). In such cases, the Commission may decide to dismiss the application without a hearing. [s647]</p> <p>My reason/s for seeking an extension of time to lodge this application is/are: [Write here or attach document]</p>	
<p><b>Details of your representative or union</b></p>	
<p>14 Is anyone representing you?</p>	<p>No <input type="checkbox"/> go to item 18 / Yes <input type="checkbox"/> go to item 15</p>
<p>15 Name of legal firm, union or other representative</p>	
<p>16 Name of contact person at legal firm, union or other representative</p>	
<p>17 Contact details of legal firm, union or other representative</p>	<p style="text-align: right;">Postcode:</p> <p>Phone ( )      Fax ( ) Email:</p>

Grounds for application			
18	Grounds upon which this application is based	<p>Identify the ground or grounds under subsection 643 (1) of the Act upon which this application is based:</p> <p><input type="checkbox"/> (a) on the ground that the termination was harsh, unjust or unreasonable; and/or</p> <p>(b) on the ground of an alleged contravention of:</p> <p><input type="checkbox"/> section 659 (discrimination or other prohibited reasons); and/or</p> <p><i>[Write here the paragraph(s) in subsection .659 (2) of the Act on which the applicant relies]</i></p> <p><input type="checkbox"/> section 660 (failure to notify Centrelink); and/or</p> <p><input type="checkbox"/> section 661 (failure to give notice of termination);</p>	
19	In respect of each ground identified, give a statement in summary form of the material facts on which the applicant relies.	<i>[Write here or attach document]</i>	
Relief sought			
20	What are you seeking?	<input type="checkbox"/> reinstatement	<input type="checkbox"/> an amount in relation to the remuneration lost, or likely to have been lost, by you, because of the termination <input type="checkbox"/> other - <i>give details</i>

Declaration	
<p>I declare that no proceedings in respect of the termination that is the subject of this claim have been commenced (other than proceedings that have since been discontinued or have failed for want of jurisdiction) by me or on my behalf under any other provision of the <i>Workplace Relations Act 1996</i> or under any other law of the Commonwealth or of a State or Territory.</p> <p><b>I further declare that all the facts in this application are correct and complete to the best of my knowledge and belief.</b></p>	
<p><i>The employee must sign this declaration unless the application was prepared by a legal firm, union or other representative of the employee.</i></p>	<p>[Signature of employee]</p> <p>Date     /     /</p>
	<p>[Signature of legal firm, union or other representative]</p> <p>Date     /     /</p>

If this application was prepared by a legal practitioner, has a contingency fee agreement [*see section 656 of the Act*] been entered into?

Yes ☐ No ☐

If this application was prepared by a representative other than a legal practitioner, has a costs arrangement [*see section 656 of the Act*] been entered into? Yes ☐ No ☐

*See next page for lodgement fee details*

Commission Matter No. U\_\_\_\_\_

**Fee** Section 644 of the *Workplace Relations Act 1996* requires a fee to be paid on lodgment of this application with the Commission unless a Registrar has, in effect, approved the waiving of the fee (in which case a copy of the Registrar's approval should accompany this application).

If an application is lodged by facsimile transaction, credit card details must be provided for payment of the fee (if any).

If an application is lodged electronically in accordance with Rule 80, credit card details must

**not** be provided on this form. Payment of the fee (if any) can only be made via the Commission's Internet page at <http://www.airc.gov.au>

- ☐ **cash**  
☐ **cheque/money order** (to be made payable to Collector of Public Monies, Australian Industrial Registry)  
☐ **Bankcard** ☐ **Visa** ☐ **Mastercard**  
**Card Number** \_\_\_\_\_  
**Card Expiry Date** \_\_\_\_ / \_\_\_\_

**Cardholder's Name** .....

**Signature** .....

Any refund of the lodgement fee [see subsection 644 (8) of the Act] will be forwarded to the applicant at the address nominated in item 2.

**COMMISSION USE ONLY**

Receipt Number: ..... / Credit Transaction

Processed: .....

**Note** A copy of this completed form (and any attachments) will be forwarded to your former employer.

PLEASE RETAIN A COPY OF THIS DOCUMENT FOR YOUR OWN RECORDS

## Form R28

Rule 31 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### NOTICE OF EMPLOYER'S APPEARANCE (Section 643 of the Act)

Commission use only

File number

Date received

*Please place a tick or cross, where necessary, in the boxes below.*

#### Application details (as stated in Form R27)

1 Former employee's full name as appearing on employee's application

2 Commission Case/File Number

U

#### Details of Employer

3 Employer named on application

4 Has the applicant given the employer's correct name?

Yes ☐ No ☐

If no, correct name is

5 Employer's address

Postcode:

6 Details of contact person	<p>[Family name] [Given names]</p> <p>Phone ( )</p> <p>Fax ( )</p> <p>Mobile:</p> <p>Email:</p>
7 Employer's status	<p><input type="checkbox"/> Company</p> <p>ACN _____</p> <p><input type="checkbox"/> Partnership</p> <p><input type="checkbox"/> Sole trader</p> <p><input type="checkbox"/> Government Authority</p> <p><input type="checkbox"/> Other (specify)</p>
8 Was the employer named in item 3 or 4 above the employer of the applicant at the time of termination?	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, what was the name and address of employer at time of termination?</p>
<b>Details of employer's representative</b>	
9 Is anyone representing the employer?	<p>Yes <input type="checkbox"/> go to item 10</p> <p>No <input type="checkbox"/> go to item 13</p>
10 Name of legal firm, employer organisation or other representative	
11 Name of contact person at legal firm, employer organisation or other representative	
12 Contact details of legal firm, employer organisation or other representative	<p>Postcode:</p> <p>Phone ( )</p>

<b>Reasons for termination</b>	
13 In summary form specify the facts on which the respondent relies and admit or dispute, either with or without qualification, each part of the claim made by the applicant.	<i>[Write here or attach document]</i>
<b>Late lodgment objection (if applicable)</b>	
<p>14 If the application was lodged in the Commission more than 21 days after the day on which the termination took effect, the applicant must seek an extension of time for lodgment. The Commission may decide to dismiss the application without a hearing [section 647 of the Act] .</p> <p>Please indicate whether the employer objects to the Commission extending the time for lodgment.</p> <p><input type="checkbox"/> I object to the Commission extending the time for lodgment and also object to conciliation before determination of the application to extend time; OR</p> <p><input type="checkbox"/> I object to the Commission extending the time for lodgment but do <u>not</u> object to conciliation before determination of the application to extend time; OR</p> <p><input type="checkbox"/> I do not object to the Commission extending the time for lodgment.</p>	
<b>Dismissal for want of jurisdiction or application is frivolous, vexatious or lacking in substance (if applicable)</b>	
<p><i>Note</i> If the employer intends to move for the dismissal of the application for want of jurisdiction, Form R29 must be completed and filed.</p> <p>If the employer intends to move for the dismissal of the application on the ground that the application is frivolous, vexatious or lacking in substance, Form R30 must be completed and filed.</p>	

Declaration	
<b>I declare that all the facts in this notice are correct and complete to the best of my knowledge and belief.</b>	
<i>The employer must sign this declaration unless the application was prepared by a legal firm, employer organisation or other representative of the employer.</i>	<i>[Signature of employer]</i>  Date     /     /
	<i>[Signature of legal firm, employer organisation or other representative]</i>  Date     /     /

If this notice was prepared by a legal practitioner, has a contingency fee agreement [see section 656 of the Act] been entered into?

Yes ☐ No ☐

If this notice was prepared by a representative other than a legal practitioner, has a costs arrangement [see section 656 of the Act] been entered into? Yes ☐ No ☐

*Note* This form must be lodged with the Commission within 7 days of receipt of Form R27. As soon as practicable after lodging the form, the employer must give a copy of the form to the applicant.

<p><b>PLEASE RETAIN A COPY OF THIS DOCUMENT FOR YOUR OWN RECORDS</b></p>
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## Form R29

Subrule 31 (3) of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### NOTICE OF MOTION TO DISMISS THE APPLICATION FOR WANT OF JURISDICTION (Section 645 of the Act)

<b>Commission use only</b>
File number
Date received

<b>Commission Case/File Number: U</b>
<b>The employer moves for the dismissal of the employee's application on the following jurisdictional ground(s):</b>
[Write here and/or attach document(s)]
<b>Summary of facts in support of ground(s):</b>
[Write here and/or attach document(s)]

<b>Particular cost that would be caused to the business of the employer in attending a hearing</b>
Specify the cost to the business of the employer in attending a hearing on this motion to dismiss the employee's application on the above stated grounds:  [Write here and/or attach document(s)]
<b>Objection to conciliation occurring before this motion is dealt with</b>
Does the employer object to conciliation before this motion is dealt with by the Commission?
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable (see section 649)

<b>Declaration</b>	
<b>I declare that all the facts in this notice are correct and complete to the best of my knowledge and belief.</b>	
<i>The employer must sign this notice unless a legal firm, employer organisation or other representative has prepared the notice.</i>	[Signature of employer]  Date     /     /
	[Signature of legal firm, employer organisation or other representative]  Date     /     /

*Note* A motion to dismiss the application for want of jurisdiction is taken to have been made on the date of filing. The employer must serve a copy of the notice of motion on the applicant as soon as practicable after the notice of motion has been filed.

PLEASE RETAIN A COPY OF THIS DOCUMENT FOR YOUR OWN RECORDS

## Form R30

Subrule 31 (4) of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### NOTICE OF MOTION TO DISMISS THE APPLICATION AS FRIVOLOUS, VEXATIOUS OR LACKING IN SUBSTANCE (Section 646 of the Act)

**Commission use only**

File number

Date received

**Commission Case/File Number: U**

**The employer moves for the dismissal of the employee's application, to the extent that it is made on the ground in paragraph 643 (1) (a) of the Act (i.e. harsh, unjust or unreasonable), on the ground that it is frivolous, vexatious or lacking in substance**

**Summary of facts in support:**

[Write here and/or attach document(s)]

**Particular cost that would be caused to the business of the employer in attending a hearing**

Specify the cost to the business of the employer in attending a hearing on this motion to dismiss the employee's application on the above ground:

[Write here and/or attach document(s)]

<b>Objection to conciliation occurring before this motion is dealt with</b>	
Does the employer object to conciliation before this motion is dealt with by the Commission?	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	
<b>Declaration</b>	
<b>I declare that all the facts in this notice are correct and complete to the best of my knowledge and belief.</b>	
<i>The employer must sign this notice unless a legal firm, employer organisation or other representative has prepared the notice.</i>	[Signature of employer]  Date     /     /
	[Signature of legal firm, employer organisation or other representative]  Date     /     /

*Note* A motion to dismiss the application on the ground that it is frivolous, vexatious or lacking in substance is taken to have been made on the date of filing. The employer must serve a copy of the notice of motion on the applicant as soon as practicable after the notice of motion has been filed.

PLEASE RETAIN A COPY OF THIS DOCUMENT FOR YOUR OWN RECORDS

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## Form R31

Rule 32 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### NOTICE OF REPRESENTATIVE'S APPEARANCE

Commission use only
Date received

**Commission Case/File Number: U**

In the matter of

*[name of employee]*

and

*[name of employer]*

Name of representative entering appearance\*/ change of  
appearance\*

Name of contact person (*if different from name of  
representative*):

Address for service of representative:

Phone ( )

Fax ( )

Email:

Appearance is entered on behalf of applicant\*/respondent\*.

Please indicate whether the representative is

☐ a legal practitioner:

If so, has the representative been retained by the party for whom the appearance is entered under a contingency fee agreement as to the practitioner's costs? ☐ Yes ☐ No

☐ a representative other than a legal practitioner:

If so, has the representative been retained by the party for whom the appearance is entered under a costs arrangement (as defined in subsection 656 (5) of the Act) as to the representative's costs? ☐ Yes ☐ No

Signature of representative:

Date of this Notice:     /     /

\* Omit whichever is inapplicable.

*Note* As soon as practicable after filing the notice, a copy must be given to the other party.

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## Form R32

Rule 36 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### NOTICE OF DISCONTINUANCE (Subsection 643 (16) of the Act)

Commission use only
Date received

Commission Case/File Number: U

In the matter of

[*name of employee*]

and

[*name of employer*]

The Applicant

\*wholly discontinues this matter

\*wholly discontinues this matter as part of the terms of settlement agreed to.

Dated:

Signed:

*[applicant/legal firm/union or other representative]*

\* Omit whichever is inapplicable.

*Note* As soon as practicable after filing this notice in the industrial registry a copy of this notice must be given to the employer.

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## Form R33

Rule 37 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### NOTICE OF ELECTION TO PROCEED TO ARBITRATION OR TO BEGIN COURT PROCEEDINGS (Section 651 of the Act)

Commission use only
Date received

**Commission Case/File Number: U**

In the matter of

[*name of employee*]

and

[*name of employer*]

Under section 651 of the Act and further to the certificate issued by the Commission under subsection 650 (2) on [*date of certificate*], the Applicant elects as follows:<sup>1</sup>

(*Indicate your election by marking the appropriate box or boxes*)

- A. ☐ The Applicant elects to proceed to arbitration in the Commission on the ground that the termination of his or her employment was harsh, unjust or unreasonable within the meaning of paragraph 643 (1) (a) of the Act.<sup>2</sup>

- 
- B. ☐ The Applicant elects to begin proceedings in the Federal Court of Australia or the Federal Magistrates Court for an order under section 665 of the Act in respect of the contraventions of section 659 of the Act (discrimination etc.) or section 660 of the Act (failure to notify Centrelink ) alleged in the application.
- C. ☐ The Applicant elects to begin proceedings in a court of competent jurisdiction for an order under section 665 of the Act in respect of the contravention of section 661 of the Act (employer to give notice of termination) alleged in the application.
- D. ☐ The Applicant elects to do none of the above.

Date: 20 .

[signature]

Applicant [*or Applicant's legal firm, union or other representative*]

**NOTES:**

1. See section 651 of the Act in relation to the election an applicant must make after receiving a certificate under subsection 650 (2) of the Act.
2. An applicant cannot make both elections 'A' and 'B'.
3. **The applicant has 7 days from the date the certificate under subsection 650 (2) of the Act is issued to lodge this Notice of Election in the Industrial Registry (or 28 days if the certificate identifies the ground of an alleged contravention of section 659 of the Act as a ground on which conciliation is, or is likely to be, unsuccessful). The Notice of Election can be lodged either personally, or by post, facsimile transmission or email. THE APPLICATION FOR RELIEF IN RESPECT OF TERMINATION OF EMPLOYMENT WILL BE TAKEN TO HAVE BEEN DISCONTINUED IF THE NOTICE OF ELECTION IS NOT LODGED WITHIN THAT PERIOD. The Commission is not**

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**permitted to extend time for lodging a Notice of Election required to be lodged within 7 days — see subsection 651 (8) of the Act.**

4. As soon as possible after lodging this notice in the Industrial Registry a copy of this notice must be given to the employer.
5. In the event that an applicant elects to begin court proceedings, the lodgment of this Notice of Election in the Industrial Registry will not have the effect of commencing any such court proceedings. Consequently, in addition to the lodgment of this Form in the Industrial Registry (and the giving of a copy to the employer), the applicant must commence such proceedings before an appropriate court within 14 days after the lodgment of an election under subsection 651 (6) of the Act, or within such period as a court allows on an application made during or after those 14 days. There is no requirement to include the document entitled '*ASSESSMENT OF MERITS ACCOMPANYING A CERTIFICATE ISSUED UNDER SECTION 650 OF THE ACT*' when lodging an application in a court under section 663 of the Act.

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## Form R34

Rule 38 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### APPLICATION FOR ORDER FOR COSTS (Section 658 of the Act)

Commission use only
Date received

**Commission Case/File Number: U**

In the matter of

[*name of employee*]

and

[*name of employer*]

Details of Applicant	
1. Name of applicant [ <i>person seeking an order for costs</i> ]	
2. Address to which documents should be sent	Postcode:
3. Phone or fax number(s)	Business hours ( ) After hours ( ) Mobile: Fax ( ) Email:

<b>Details of any Representative of Applicant</b>	
4. Name of legal firm, union, employer organisation or other representative	
5. Name of contact person at legal firm, union, employer organisation or other representative	
6. Contact details of legal firm, union, employer organisation or other representative	<div style="text-align: right;">Postcode:</div> <div>Phone ( )                      Fax ( )</div> <div>Email:</div>

Application is made for an order for costs incurred in respect of an application under section 643 of the Act.

The order is sought under

*[insert the particular subsection or subsections of section 658 of the Act that is or are applicable]*

against

*[insert name of party and/or representative against whom order is to be made ]*

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

*[Write here or attach document setting out in numbered paragraphs the grounds upon which the application for costs is based]*

Dated

20 .

*[Signature of applicant or representative]*

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## Form R35

Rule 39 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### APPLICATION FOR SECURITY FOR THE PAYMENT OF COSTS (Section 658 of the Act)

Commission use only
Date received

Commission Case/File Number: U

In the matter of

[*name of employee*]

and

[*name of employer*]

Details of Applicant	
1. Name of applicant [ <i>person seeking an order for security for the payment of costs</i> ]	
2. Address to which documents should be sent	Postcode:

3. Phone or fax number(s)	Business hours ( ) After hours ( ) Mobile: Fax ( ) Email:
<b>Details of any Representative of Applicant</b>	
4. Name of legal firm, union, employer organisation or other representative	
5. Name of contact person at legal firm, union, employer organisation or other representative	
6. Contact details of legal firm, union, employer organisation or other representative	Postcode: Phone ( )      Fax ( ) Email:

Application is made for an order for security for the payment of costs.

The order is sought in respect of

*[insert the particular application under section 643 of the Act or the particular proceedings begun in relation to an application under section 643 of the Act (see subsection 658 (10) of the Act), as the case may be, for which the order is sought]*

against

*[name of party against whom order is to be made]*

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

*[Write here or attach document setting out in numbered paragraphs the grounds upon which the application for security for the payment of costs is based]*

Dated

20 .

*[Signature of applicant or representative]*

---

**Form R36**Rule 40 of the *Australian Industrial Relations Commission Rules**Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION FOR ORDER IF  
EMPLOYER FAILS TO INFORM OR  
CONSULT TRADE UNION ABOUT  
TERMINATION  
(Subsection 668 (2) of the Act)**

Commission use only
Date received

**Commission Case/File Number: U**

<b>Details of Applicant</b>	
1. Name of applicant [employee or trade union]	
2. Address to which documents should be sent	Postcode:
3. Phone or fax number(s)	Business hours ( ) After hours ( ) Mobile: Fax ( ) Email:

<b>Details of any Representative of Applicant</b>	
4. Name of legal firm, union or other representative	
5. Name of contact person at legal firm, union or other representative	
6. Contact details of legal firm, union or other representative	<div style="text-align: right;">Postcode:</div> <div>Phone ( )                      Fax ( )</div> <div>Email:</div>
<b>Details of Employer</b>	
7. Name of employer's business, company, corporation, authority or agency	
8. Details of contact person	
9. Employer's trading address or registered office	<div style="text-align: right;">Postcode:</div> <div>Phone ( )                      Fax ( )</div> <div>Email:</div>

Application is made for an order against the employer under subsection 668 (2) of the Act.

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

*[Write here or attach document setting out in numbered paragraphs the grounds, including the particulars of the grounds, on which it is claimed that no alternative remedy exists within the meaning of section 671 of the Act]*

Dated

20 .

*[Signature of applicant or representative]*

---

**FORM 5**  
**of Schedule 1 to the *Workplace Relations Regulations 2006***  
**(appended here for ease of reference)**

**Form 5**  
***Workplace Relations Regulations 2006***

**Regulation 13.2**

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION TO HAVE A DISPUTE  
RESOLUTION PROCESS CONDUCTED**

*[Name of applicant]*

applies to the Commission to have a dispute resolution process conducted  
under Division

*[insert Division No. 3, 4 or 5]*

of Part 13 of the *Workplace Relations Act 1996*.

The matter in dispute relates to: *[description of matters in dispute]*.

*Note* Identify:

(a) the provision(s) in the Workplace Relations Act to which the dispute  
relates (for example, a particular entitlement that is guaranteed by the  
Australian Fair Pay and Conditions Standard); or

(b) the award or workplace agreement to which the dispute relates.

The parties to the matter in dispute are *[description of parties]*.

*Note* If the application relates to collective bargaining negotiations, identify the other  
persons or organisations with whom you propose to reach an agreement.

The following steps of the dispute settling process have been taken:

*[List the steps taken and enclose a copy of the dispute settling process].*

---

The type(s) of assistance sought from the AIRC is or are:  
[*Describe the assistance*].

*Note* The types of assistance that the AIRC might provide can be varied by agreement while the dispute resolution process is underway.

Dated

[*Applicant's signature*]

---

## Form R37

Subrule 41 (2) of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION TO HAVE A DISPUTE  
RESOLUTION PROCESS CONDUCTED —  
PRE-REFORM INSTRUMENT  
(CERTIFIED AGREEMENT OR  
AUSTRALIAN WORKPLACE  
AGREEMENT)**

### Applicant

---

Name of applicant

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

**and**

---

**Other relevant party(s) to the dispute**

---

Name of party

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the other party]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

**Application is made to the Commission to have a dispute resolution process conducted under the following agreement:**

*[Name of Agreement]***Type of Agreement:**☐ Certified Agreement☐ Australian Workplace Agreement**The dispute settlement procedure is at clause(s):***[specify clause(s) and attach copy]***The matter(s) in dispute relate(s) to:***[description of matter(s) in dispute].*

**The dispute relates to the application of the following clause(s) of the agreement:** *[specify clause(s)]*

**The following steps of the dispute settlement procedure have been taken:**

*[List the steps taken].*

---

Dated

20 .

*[Applicant's signature]*

---

## Form R38

Rule 42 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **NOTIFICATION TO INDUSTRIAL REGISTRAR THAT PARTIES ARE UNABLE TO AGREE ON WHO IS TO CONDUCT ALTERNATIVE DISPUTE RESOLUTION PROCESS**

**(Subsection 696 (3) of the Act)**

**TO: THE INDUSTRIAL REGISTRAR**

#### **Notifier**

---

Name of  
notifier:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the notifier]*

Phone No:

Facsimile No:

Mobile No:

Email address:

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---

**Other Parties to dispute:**

---

Name:

Street Address

Contact Person:

Phone No:

Facsimile No:

Mobile No:

Email address:

---

*[Repeat details for each other negotiating party]*

Under subsection 696 (3) of the Act, notice is given that the following parties are conducting a dispute resolution process in accordance with the Model Dispute Resolution Process in Division 2 of Part 13 of the Act and cannot agree on who is to conduct the alternative dispute resolution process.

**Nature of the Dispute:***[Brief description of the nature of the dispute]*

The provision of the Workplace Relations Act or the term of the award, workplace agreement or workplace determination by which the model dispute resolution process applies to the dispute (see subsection 694 (2)):  
*[identify the provision or term]*

Dated:

20 .

*[Signature]**[Name]* on behalf of *[Notifying Party]*

---

## Form R39

Rule 43 and 44 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **NOTIFICATION OF AN ALLEGED INDUSTRIAL DISPUTE** (Clause 33 of Schedule 6 to the Act)

You are notified of the existence of an alleged industrial dispute between:

#### **Notifier**

---

Name of  
notifier:

*[organisation,  
employer or  
Minister]*

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the notifier]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

---

**and**

**Other party(s) to the industrial dispute\***

---

Name of  
party(s):

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the party(s)]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

**concerning**

*[\*matters in dispute including any claims]*

Transitional awards binding on the parties to the dispute are  
*[Insert the titles of the awards]*

State whether industrial action has been taken, is being taken or is threatened.

\*\*The Commission is asked to deal with this matter on the basis of an earlier finding of dispute in matter C .

Dated

20 .

[Signature of notifier]

---

\* The original and 2 copies of the notification of an alleged industrial dispute arising from the service of a log of claims should be accompanied by 2 copies of:

- the letter of demand;
- the log of claims;
- the list of persons served in accordance with the Rules of the Commission;
- a statement as to service by a person having knowledge of the facts; and
- a statement, by an officer having knowledge of the facts and authorised for the purpose by the committee of management of the organisation serving the log of claims, that the letter of demand and log were served with the authority of the organisation;
- a statement, by an officer of the organisation serving the log of claims:
  - (a) that the officer believes each person served is an excluded employer within the meaning of Schedule 6 to the Act; and
  - (b) that the officer believes each person served is bound by a transitional award(s) within the meaning of Schedule 6 to the Act; and
  - (c) containing the name of the transitional award or awards.

\*\* Omit if inapplicable.

---

## Form R40

Rule 46 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### APPLICATION FOR PERMIT TO ENTER AND INSPECT PREMISES

(Section 740 of the Act and  
regulation 15.2 of the *Workplace Relations Regulations*  
2006)

**I,**

[ *name of member of the Committee of Management* ],

being a member of the Committee of Management of the –

[ *insert name of organisation\*/ transitionally registered State  
association\**  ],

an organisation registered under

[ *Schedule 1 to the Act\** ]

**or**

[ *transitionally registered under Schedule 10 to the Act\**  ]

apply, under Division 2 of Part 15 of the Act for a Right of Entry permit  
for the following official (“**the proposed permit holder**”):-

---

Name: [Insert name of official]

Office/Position: [Insert office held or position in which employed]

\* Omit whichever is inapplicable.

**Declaration by member of committee of management**

I, [name] of [address], [office or position]

declare that, having made proper inquiries (including inquiries of the proposed permit holder) and having reviewed the records of the organisation, declare that the proposed permit holder is a fit and proper person to hold a right of entry permit in that, to the best of my knowledge and belief, the proposed permit holder:

- (a) has received appropriate training about the rights and responsibilities of a permit holder, namely:

*[Describe the training received, its content and the form in which it was delivered. If this is the first permit sought on or after 27 March 2006 you should provide documentary copies of the relevant training material. In subsequent applications it may be sufficient to refer to the material previously provided to the Industrial Registry on [date]].*

- (b) has never been convicted of an offence against an industrial law;
- (c) has never been convicted of an offence against a law of the Commonwealth, a State, a Territory or a foreign country, involving:
- (i) entry onto premises; or
  - (ii) fraud or dishonesty; or

- 
- (iii) intentional use of violence against another person or intentional damage or destruction of property;
  - (d) has never been ordered to pay a penalty under this Act or any other industrial law in respect of his conduct nor has any other person been ordered to pay a penalty in respect of such conduct;
  - (e) has not had revoked, suspended or been made subject to conditions, any permit issued under Part 15 of the Act or Part IX of the pre-reform Act;
  - (f) has not had cancelled, suspended or had imposed conditions on a right of entry for industrial or occupational health and safety purposes, by any court, or other person or body, under a State or Territory industrial law or an OHS law; and
  - (g) has not been disqualified, by any court, or other person or body, under a State or Territory industrial law or an OHS law, from exercising, or applying for, a right of entry for industrial or occupational health and safety purposes under that law.

Dated: 20 .

[Signature]

[Title of Office]

[Note: adjust declaration as appropriate to reflect the true facts]

### **Declaration by proposed permit holder**

I, [name] of [address], [office or position]

declare that:

- (a) I have received the training about the rights and responsibilities of a permit holder referred to in the declaration above.
- (b) I have never been convicted of an offence against an industrial law;

- 
- (c) I have never been convicted of an offence against a law of the Commonwealth, a State, a Territory or a foreign country, involving:
- (i) entry onto premises; or
  - (ii) fraud or dishonesty; or
  - (iii) intentional use of violence against another person or intentional damage or destruction of property;
- (d) I have never been ordered to pay a penalty under this Act or any other industrial law in respect of his conduct nor has any other person been ordered to pay a penalty in respect of such conduct;
- (e) I have not had revoked, suspended or been made subject to conditions, any permit issued under Part 15 of the Act or Part IX of the pre-reform Act;
- (f) I have not had cancelled, suspended or had imposed conditions on a right of entry for industrial or occupational health and safety purposes, by any court, or other person or body, under a State or Territory industrial law or an OHS law; and
- (g) I have has not been disqualified, by any court, or other person or body, under a State or Territory industrial law or an OHS law, from exercising, or applying for, a right of entry for industrial or occupational health and safety purposes under that law.

Dated: 20 .

[Signature]

[Office/Position]

[Note: adjust declaration as appropriate to reflect the true facts]

---

## Form R41

Rule 47 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR REVOCATION OR SUSPENSION OF PERMIT TO ENTER AND INSPECT PREMISES, OR FOR CONDITIONS TO BE IMPOSED ON PERMIT**

(Section 744 of the Act and  
regulation 15.4 of the *Workplace Relations Regulations*  
2006)

#### **Applicant**

---

Name of  
workplace  
inspector:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

---

Application is made to

revoke a permit\* /

suspend the permit for a specified time\*

*<specify the period of suspension> /*

impose conditions on the permit (whether or not the permit is already  
suspended\*

in respect of

*[name of permit holder, office held, name of the organisation/appropriate  
branch of the organisation].*

The grounds on which application is made are as follows:

Date: 20 .

*[Signature]*

*\*Omit if inapplicable*

---

## Form R42

Rule 48 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR AN ORDER FOR ACCESS TO NON-MEMBER RECORDS** (Paragraph 748 (9) (a) of the Act)

#### **Applicant**

---

Name of  
applicant:

*[permit holder,  
organisation]*

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made for an order under paragraph 748 (9) (a) of the Act for access to non-member records in respect of *[ insert name of employer and premises ]*.

Summary of grounds for the order as sought (set out in numbered paragraphs).

---

Copy of Draft order attached? Yes / No

Date:

20 .

[Signature]

---

## Form R43

Rule 49 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR AN EXEMPTION FROM THE REQUIREMENT TO PROVIDE ENTRY NOTICE** (Section 750 of the Act)

#### **Applicant**

---

Name of  
organisation:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

An application is made for an exemption certificate in respect of the entry onto premises under section 750 of the Act to investigate a suspected breach or breaches at the following premises:

*Identify the premises to which the application relates:*

---

*Set out the particulars of the suspected breach or breaches to the application relates:*

State the grounds on which it is alleged that advance notice of entry onto the premises under section 750 of the Act might result in the destruction, concealment or alteration of relevant evidence:

Dated:

20 .

[Signature]

---

## Form R44

Rule 50 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR ORDERS IN RELATION TO ABUSE OF SYSTEM (Section 770 of the Act)**

#### **Applicant**

---

Name of  
workplace  
inspector:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made against *[insert name of organisation, or official of the organisation]* for an order under section 770 of the Act for abuse of system.

Summary of grounds for the order as sought (set out in numbered paragraphs).

---

Copy of Draft order attached? Yes / No

Date:

20 .

[Signature]

---

## Form R45

Rule 51 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION FOR ORDERS IN  
RELATION TO UNREASONABLE  
REQUESTS BY OCCUPIER OR  
EMPLOYER AFFECTED  
(Section 771 of the Act)**

### Applicant

---

Name of  
applicant:

*[permit holder/  
official of the  
organisation]*

Official position  
held

Organisation

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

---

**Employer:**

---

Name of  
employer:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the employer]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made for orders in respect of the rights under subsection 771 (1) of the Act.

Summary of grounds for the order as sought (set out in numbered paragraphs):

Copy of Draft order attached? Yes / No

Dated:

20 .

[Signature]

---

## Form R46

Rule 52 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR ORDERS IN RELATION TO A DISPUTE ABOUT THE OPERATION OF PART 15 OF THE ACT (Section 772 of the Act)**

#### **Applicant**

---

Name of applicant:

- ☐ permit holder;
- ☐ permit holder's  
organisation;
- ☐ an affected employer;
- ☐ an occupier of, or an  
employer who employs  
employees who carry out  
work on, OHS premises

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

---

**Other Party:**

---

Name of  
party(s):

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the party(s)]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made for orders for the purposes of settling disputes about the operation of Part 15 of the Act.

Summary of grounds on which the order is sought (set out in numbered paragraphs):

Is a draft order attached? Yes / No

Dated:

20 .

[Signature]

---

## Form R47

Rule 54 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR AN ORDER IN RELATION TO REPRESENTATION RIGHTS OF ORGANISATIONS OF EMPLOYEES OR TRANSITIONALLY REGISTERED ASSOCIATIONS**

**(Section 133 of the RAO schedule)**

**and**

**(Chapter 6, subregulation 2.1 (3) and 2.4 (1)  
of the *Workplace Relations Regulations 2006*)**

#### **Applicant**

---

Name:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

---

**Application is made for the following order:**

*[Set out terms of order sought including detail of the demarcation dispute in relation to which the jurisdiction to make an order is to be exercised]*

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

*[Set out the grounds in numbered paragraphs]*

The following organisations and persons may have an interest in this matter:

*[Set out names of organisations, transitionally registered association of employees and persons which may have an interest in this matter]*

Dated

20 .

*[Signature of applicant]*

---

## Form R48

Rule 54 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION TO VARY ORDER IN  
RELATION TO REPRESENTATION  
RIGHTS OF ORGANISATIONS OF  
EMPLOYEES OR TRANSITIONALLY  
REGISTERED ASSOCIATIONS**

**(Subsection 133 (2) of the RAO schedule)**

**and**

**(Chapter 6, regulation 2.2 and subregulation 2.4 (3)  
of the *Workplace Relations Regulations 2006*)**

### **Applicant**

---

Name:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

---

**Application is made to vary order\*:**

*[Set out terms of the variation order sought including detail of the demarcation dispute in relation to which the jurisdiction to make an order is to be exercised]*

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

*[Set out the grounds in numbered paragraphs]*

The following organisations and persons may have an interest in this matter:

*[Set out names of organisations, transitionally registered associations of employees and persons which may have an interest in this matter]*

Dated

20 .

*\*attach copy of order to be varied*

*[Signature of applicant]*

---

## Form R49

Rule 55 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION FOR ORDER TO VARY  
PRE-REFORM CERTIFIED AGREEMENT  
BY A PERSON BOUND BY THE  
AGREEMENT  
(Subsection 170MD (6) of the Pre-reform Act)**

IN the matter of:

*[title of certified agreement and code number]*

### **Applicant**

---

Name:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made under subsection 170MD (6) of the pre-reform Act, as continued in force under paragraph 2 (1) (i) or 13 (1) (k) of Schedule 7 to the Act for an order to vary the abovementioned 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 20 .

[Signature of applicant]

---

To all persons bound by this agreement.

You are notified that this application will be heard by [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 20 .

[Signature]

Member of Commission

[or Registrar]

---

## Form R50

Rule 56 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR APPROVAL OF TERMINATION OF PRE-REFORM CERTIFIED AGREEMENT (Section 170MG of the Pre-reform Act)**

IN the matter of:

*[title of certified agreement and code number]*

#### **Applicant**

---

Name:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made for approval under section 170MG of the pre-reform Act, as continued in force under paragraph 2 (1) (k) or 13 (1) (n) of Schedule 7 to the Act, for the termination of the abovementioned agreement.

---

Dated

20 .

*[Signature of applicant]*

*Note* The application must be accompanied by:

- (a) a statutory declaration made by a person authorised to do so which indicates the facts establishing a basis for the Commission to be satisfied that a valid majority of the employees whose employment is subject to the agreement at the time genuinely approve its termination (see subsection 170MG (3) of the pre-reform Act, as continued in force under paragraph 2 (1) (k) or 13 (1) (n) of Schedule 7 to the Act); and
- (b) if one or more organisations are bound by the agreement, a written statement signed by the employer and the one or more organisations signifying their agreement to the termination.

---

## Form R51

Rule 57 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR TERMINATION OF PRE-REFORM CERTIFIED AGREEMENT IN PUBLIC INTEREST AFTER NOMINAL EXPIRY DATE**

**(Subsection 170MH (1) of the Pre-reform Act)**

IN the matter of:

*[title of certified agreement and code number]*

#### **Applicant**

---

Name:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made under subsection 170MH (1) of the pre-reform Act, as continued in force under paragraph 2 (1) (k) or 13 (1) (n) of Schedule 7 to the Act, for the abovementioned agreement to be terminated.

---

The nominal expiry date of the agreement was *[date]*

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

*[Set out in numbered paragraphs the grounds upon which it is claimed that it is not contrary to the public interest to terminate the agreement]*

Dated

20 .

*[Signature of applicant]*

*Note* If the application is made by an appointed representative of a majority of the employees whose employment is subject to the agreement, the application must be accompanied by a statutory declaration made by the representative which indicates the facts which establish a basis for the Commission to be satisfied that the representative has been appointed by the employees concerned and is acting in accordance with their direction.

---

## Form R52

Rule 58 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION FOR APPROVAL OF  
TERMINATION OF PRE-REFORM  
CERTIFIED AGREEMENT IN A WAY  
PROVIDED UNDER AGREEMENT AFTER  
NOMINAL EXPIRY DATE**

IN the matter of:

*[title of certified agreement and code number]*

### **Applicant**

---

Name:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made for approval under subsection 170MHA (1) of the pre-reform Act, as continued in force under paragraph 2(1)(k) or 13(1)(n) of Schedule 7 to the Act, for the termination of the abovementioned agreement.

---

The nominal expiry date of the agreement was *[date]*

Dated 20 .

*[Signature of applicant]*

*Note* The application must be accompanied by a statutory declaration made by a person authorised to do so which indicates the facts which establish a basis for the Commission to be satisfied that the requirements of paragraphs 170MHA(1) (a) and (b) of the pre-reform Act, as continued in force under paragraph 2(1)(k) or 13(1)(n) of Schedule 7 to the Act, are complied with.

---

## Form R53

Rule 59 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR TERMINATION OF PRE-REFORM AUSTRALIAN WORKPLACE AGREEMENT IN THE PUBLIC INTEREST AFTER NOMINAL EXPIRY DATE**

IN the matter of:

the Australian workplace agreement between [*insert names of parties*]

#### **Applicant**

---

Name:

Address

Contact Person:

[also include the name of any firm of solicitors or agent acting for the applicant]

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made under subsection 170VM (3) of the pre-reform Act as it continues to apply because of paragraph 17(1) ( c) of Schedule 7 to the Act, for the abovementioned agreement to be terminated.

---

The nominal expiry date of the agreement was *[date]*

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

*[set out in numbered paragraphs the grounds upon which it is claimed that it is not contrary to the public interest to terminate the agreement]*

Dated

20 .

*[Signature of applicant]*

*Note* Please include full contact details of both parties to the agreement. A copy of the Australian workplace agreement must also accompany this application.

---

## Form R54

Rule 60 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### APPLICATION FOR REVOCATION OF A SECTION 170MX AWARD

In the matter of [*name of section 170MX award*]

#### **Applicant**

---

Name of  
applicant:

Address

Contact Person:

[also include the name of any firm of solicitors or agent acting for the applicant]

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made under subsection 170MZ (4) of the pre-reform Act, as continued by paragraph 23(2)(b) of Schedule 7 to the Act, for revocation of the abovementioned award.

---

The grounds on which this application is made are as follows:  
[*Set out the grounds in numbered paragraphs*]

Dated

20 .

[*Signature of applicant*]

---

## Form R55

Rule 61 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### REQUEST TO TERMINATE SECTION 170MX AWARD

In the matter of [*name of section 170MX award*]

#### Applicant

---

Name of  
applicant:

Address

Contact Person:

[*also include the name of any firm of solicitors or agent acting for the applicant*]

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is given under subsection 170MZ (5) of the pre-reform Act, as continued by paragraph 23(2)(b) of Schedule 7 to the Act, requesting the Commission terminate the abovementioned award.

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

[*Set out the grounds in numbered paragraphs*]

---

Dated

20 .

*[Signature of applicant]*

---

## Form R56

Rule 62 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### APPLICATION TO VARY A PRESERVED STATE AGREEMENT

(Act, Schedule 8, and Clauses 17 and 18 )

IN the matter  
of:

*[Title of Preserved State Agreement]*

#### **Applicant**

---

Name of applicant

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made for the variation of the abovementioned preserved  
State agreement in the following terms:

*[Set out the terms of the variation sought]*

---

Indicate the clause or clauses of the Act relied upon to make this application:

☐ Sch 8, cl.17      ☐ Sch 8, cl.18

The grounds on which this application is made are as follows:  
[*Set out in numbered paragraphs the grounds*]

Dated 20 .

[*Signature of applicant*]

To the persons and organisations bound by the  
abovementioned notional agreement:

You are hereby notified that the abovementioned application will be  
heard

by [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 20 .

[*Signature*]

Member of Commission  
[*or Registrar*]

---

## Form R57

Rule 63 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION TO VARY A NOTIONAL AGREEMENT PRESERVING STATE AWARDS**

**(Act, Schedule 8, and Clauses 40 and 41)**

IN the matter  
of:

*[Title of notional agreement preserving State awards]*

#### **Applicant**

---

Name of applicant

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made for the variation of the abovementioned notional agreement in the following terms:

*[Set out the terms of the variation sought]*

---

Indicate the clause or clauses of the Act relied upon to make this application:

☐ Sch 8, cl.40      ☐ Sch 8, cl.41

The grounds on which this application is made are as follows:  
[Set out in numbered paragraphs the grounds]

Dated 20 .

[Signature of applicant]

---

To the persons and organisations bound by the  
abovementioned notional agreement:

You are hereby notified that the abovementioned application will be  
heard

by [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 20 .

[Signature]

Member of Commission  
[or Registrar]

---

## Form R58

Rule 64 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996 (the Act)*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION FOR AN ORDER AS TO WHETHER AN INCOMING EMPLOYER SHOULD BE BOUND BY A COLLECTIVE AGREEMENT, PRE-REFORM CERTIFIED AGREEMENT OR A STATE TRANSITIONAL INSTRUMENT**

**(Act, section 590, Schedule 9, and clauses 14 and 23)**

IN the matter  
of:

*[Title of \*collective agreement/ \*pre-reform certified  
agreement/\*State transitional instrument]*

#### **Applicant**

---

Name of applicant:  
*[outgoing employer,  
incoming employer,  
transferring employee  
or organisation]*

Address

---

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made for an order relating to the abovementioned  
\*collective agreement/\*pre-reform certified agreement/\*State transitional  
instrument in the following terms:  
*[Set out the terms of the order sought]*

Indicate the clause or clauses of the Act relied upon to make this  
application:

☐ s.590

☐ Sch 9, cl.14

☐ Sch 9, cl.23

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

*[Set out in numbered  
paragraphs the grounds]*

Dated

20 .

*[Signature of applicant]*

To the persons and organisations bound by the  
abovementioned agreement:

You are hereby notified that the abovementioned application will be  
heard

by [*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

20 .

[*Signature*]

Member of Commission  
[*or Registrar*]

---

## Form R59

Rule 5 of the *Australian Industrial Relations Commission Rules*  
*Workplace Relations Act 1996*  
[or other legislation as appropriate]

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### APPLICATION

*(no specific form provided)*

#### Applicant

---

Name:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

#### Respondent/s

---

Name:

Address

Contact Person:

Phone No:

Facsimile No:

Mobile No:

Email address:

---

**Provision under which application is made:**

**Relevant industrial instrument(s) (if any):**

**Order or relief sought:**

**Grounds upon which the applicant relies:**

*[Set out in numbered paragraphs the grounds and particulars]*

Dated

20 .

*[Signature of applicant]*

---

## Form R60

Rule 65 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996*

### AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION SUMMONS TO WITNESS

IN the matter of:

*[title of matter and case number]*

To *[name(s), address(es) and position(s) of witness(es)]*

You are summoned to attend before *[name of member of the Commission]* at *[time]* on *[date]* at *[place]* and so from day to day until the hearing of the abovementioned matter is completed or until you are excused from further attendance, to give evidence on behalf of *[name of party]*.

Dated

20 .

*[Signature]*

Member of Commission  
[or Registrar]

This summons has been issued at the request of [ *name of party who made the request*]

\_\_\_\_\_

---

## Form R61

Rule 66 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### ORDER FOR PRODUCTION OF DOCUMENTS OR THINGS

IN the matter of:

*[title of matter and case number]*

To *[name(s), address(es) and position(s)]*

You are required to produce the following documents or things before  
*[name of member of the Commission]* at *[time]* on *[date]* at *[place]*.

*(Set out documents or things required)*

[Note: Instead of attending at the hearing to produce the documents or things, you may produce them to an officer of the Australian Industrial Registry at the place of the hearing not later than 4pm on the day before the day mentioned above. If it is difficult for you to get to the Commission before 4pm on that day, you should contact the Registry to make other delivery arrangements.]

Dated

20 .

*[Signature]*

Member of Commission

*[or Registrar]*

This order has been issued at the request of *[name of party who made the request]*

---

## Form R62

Rule 73 of the *Australian Industrial Relations Commission Rules*

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### APPLICATION FOR AN ORDER FOR SUBSTITUTED SERVICE

IN the matter of:

*[title of matter and case number]*

#### **Applicant**

---

Name:

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the applicant]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Application is made for an order for substituted service for the service otherwise required by the Australian Industrial Relations Commission Rules in the above matter and that service upon the undermentioned parties be good and sufficient service and be effected by

*[Set out method of service]:*

*[Set out names and addresses]*

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

*[Set out the grounds in numbered paragraphs, including particulars of the number of parties to the award and difficulties likely to be encountered in effecting prompt service to all those parties under the Commission's Rules and details showing that the parties Set out above or their representatives appeared when the award was previously before the Commission.]*

Dated

20 .

*[Signature of applicant]*

*Note* The application should be supported by a written statement in the following terms:

I, *[name]*, am the *[position held]*, of *[name of organisation, company etc]* and I am authorised to act in this matter.

*[Signature of applicant]*

---

## Form R63

Rule 80 of the *Australian Industrial Relations Commission Rules*

*Occupational Health and Safety (Commonwealth Employment)  
Act 1991*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
REVIEWING AUTHORITY

### **REFERRAL OF DISAGREEMENT CONCERNING MANNER OF ESTABLISHING OR VARYING A DESIGNATED WORK GROUP**

Notice is given under subsection 24 (4) of the OHS (CE) Act by [*name of notifier*] of a disagreement in the course of consultation concerning the manner of establishing or varying a designated work group.

The parties to the consultation are:

[*names, addresses and contact details of parties to the consultation*]

Dated

20 .

[*Signature of notifier*]

\_\_\_\_\_

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## Form R64

Rule 81 of the *Australian Industrial Relations Commission Rules*

*Occupational Health and Safety (Commonwealth Employment)  
Act 1991*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
REVIEWING AUTHORITY

### NOTICE OF APPEAL UNDER SECTION 48

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

Notice of an appeal under section 48 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* is given by  
*[name, address and contact details of appellant]*

against a decision of  
*[name of investigator]*,

an investigator, on  
*[date of decision]*

to  
*[Insert details of decision with specific reference to the categories listed in paragraphs 48 (1) (a)-(f) or 48 (2) (a)-(b)].*

I make the appeal as I am *[Insert details of the basis on which the appellant claims the right to appeal with specific reference to the categories listed in paragraphs 48 (1) (g)-(n) or 48 (2) (c)-(e)].*

The grounds of this appeal are as follows:  
*[Set out in numbered paragraphs the grounds on which the appeal is based]*

---

A copy of this Notice of appeal and documents lodged in accordance with subrule 76 (1) will as soon as practicable be served on the following persons:

*[Insert names, addresses and contact details of persons required to be served under subrule 76(6) or (7) as the case may be]*

Dated

20 .

*[Signature of appellant]*

*Note* If it is intended to seek an order under subsection 48 (3) of the Act that the making of the appeal affect the operation of the decision or prevent the taking of action to implement the decision, the notice of appeal must include an application to that effect, as set out below:

“Application is also made for an order that the making of the appeal affect the operation of the decision or prevent the taking of action to implement the decision.”

If it is intended to seek an order under subsection 48 (4) or (5) of the Act that the operation of the decision under section 47, or notice under section 29, of the Act, as the case may be, not be suspended pending determination of the appeal, the notice of appeal must include an application to that effect, as set out below:

“Application is also made for an order under

\* subsection 48 (4) that the operation of the decision under section 47

\* subsection 48 (5) that the operation of a notice under section 29 of the Act not be suspended pending determination of the appeal.”

\* Omit whichever is inapplicable.

---

## Form R65

Rule 81 of the *Australian Industrial Relations Commission Rules*

*Occupational Health and Safety (Commonwealth Employment)  
Act 1991*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
REVIEWING AUTHORITY

### APPLICATION FOR AN EXTENSION OF TIME FOR INSTITUTING AN APPEAL

IN the matter of:

*[title of matter]*

Application is made by

*[name, address and contact details of appellant]*

for an extension of time for instituting an appeal against a decision of

*[name of investigator]* an investigator,

on

*[date of decision]*

to

*[details of decision with specific reference to the categories listed in  
paragraphs 48 (1) (a)-(f) or 48 (2) (a)-(b)].*

I make the application as I am

*[Insert details of the basis on which the appellant claims the right to  
appeal with specific reference to the categories listed in paragraphs  
48 (1) (g)-(n) or 48 (2) (c)-(e)].*

The grounds of this application are as follows:

*[Set out in numbered paragraphs the grounds on which it is claimed an  
extension of time should be granted]*

---

Dated

20 .

*[Signature of appellant]*

---

---

## Form R66

Rule 82 of the *Australian Industrial Relations Commission Rules*

*Petroleum (Submerged Lands) Act 1967*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
REVIEWING AUTHORITY

### **REFERRAL OF DISAGREEMENT CONCERNING MANNER OF ESTABLISHING OR VARYING A DESIGNATED WORK GROUP**

Notice is given under subsection 12 (4) of Schedule 7 to the *Petroleum (Submerged Lands) Act 1967* by [name of notifier] of a disagreement in the course of consultation concerning the manner of establishing or varying a designated work group.

The parties to the consultation are:

[names, addresses and contact details of parties to the consultation]

Dated

20 .

[Signature of notifier]

\_\_\_\_\_

---

## Form R67

Rule 83 of the *Australian Industrial Relations Commission Rules*

*Petroleum (Submerged Lands) Act 1967*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
REVIEWING AUTHORITY

### NOTICE OF APPEAL UNDER SECTION 37 OF SCHEDULE 7

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

Notice of an appeal under section 37 of Schedule 7 to the *Petroleum (Submerged lands) Act 1967* is given by  
*[name, address and contact details of appellant]*

against a decision of

*[name of OHS inspector]*, an OHS inspector,

on

*[date of decision]*

to *[Insert details of decision with specific reference to the categories listed in paragraphs 37 (1) (a)-(f) or 37 (2) (a)-(b) of Schedule 7]*.

I make the appeal as I am

*[Insert details of the basis on which the appellant claims the right to appeal with specific reference to the categories listed in paragraphs 37 (1) (g)-(n) or 37 (2) (c)-(e) of Schedule 7]*.

The grounds of this appeal are as follows:

*[Set out in numbered paragraphs the grounds on which the appeal is based]*

---

A copy of this Notice of appeal and documents lodged in accordance with subrule 76B (1) will as soon as practicable be served on the following persons:

*[Insert names, addresses and contact details of persons required to be served under subrule 76B(6) or (7) as the case may be]*

Dated 20 .

*[Signature of appellant]*

*Note* If it is intended to seek an order under subsection 37 (3) of Schedule 7 to the Act that the making of the appeal affect the operation of the decision or prevent the taking of action to implement the decision, the notice of appeal must include an application to that effect, as set out below:

“Application is also made for an order that the making of the appeal affect the operation of the decision or prevent the taking of action to implement the decision.”

If it is intended to seek an order under subsection 37 (4) or (5) of Schedule 7 to the Act that the operation of the decision under section 36 of Schedule 7, or notice under section 17 of Schedule 7, to the Act, as the case may be, not be suspended pending determination of the appeal, the notice of appeal must include an application to that effect, as set out below:

“Application is also made for an order under

\* subsection 37 (4) of Schedule 7 that the operation of the decision under section 36 of Schedule 7

\* subsection 37 (5) of Schedule 7 that the operation of a notice under section 17 of Schedule 7

of the Act not be suspended pending determination of the appeal.”

\* Omit whichever is inapplicable.

---

## Form R68

Rule 83 of the *Australian Industrial Relations Commission Rules*

*Petroleum (Submerged Lands) Act 1967*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
REVIEWING AUTHORITY

### APPLICATION FOR AN EXTENSION OF TIME FOR INSTITUTING AN APPEAL

IN the matter of:

*[title of matter]*

Application is made by *[name, address and contact details of appellant]*

for an extension of time for instituting an appeal against a decision of  
*[name of OHS inspector]* an OHS inspector,

on *[date of decision]*

to *[details of decision with specific reference to the categories listed in paragraphs 37 (1) (a)-(f) or 37(2) (a)-(b) of Schedule 7]*.

I make the application as I am *[Insert details of the basis on which the appellant claims the right to appeal with specific reference to the categories listed in paragraphs 37 (1) (g)-(n) or 37 (2) (c)-(e) of Schedule 7]*.

The grounds of this application are as follows:

*[Set out in numbered paragraphs the grounds on which it is claimed an extension of time should be granted]*

---

Dated 20 .

*[Signature of appellant]*

---

## Form R69

Regulation 21 of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION BY AN ASSOCIATION OF  
EMPLOYERS FOR REGISTRATION AS  
AN ORGANISATION**

We,  
[full names, addresses and occupations of applicants],

make application for the registration of an association of employers  
called  
[name of the association],

the office of which is situated at  
[address of the office of the association],

as an organisation under the *Workplace Relations Act 1996*, and we state  
as follows :

(a) that the association meets the criteria required by  
paragraphs 19(1) (a), (c) and (e)-(j) inclusive of the RAO Schedule;  
[Set out in respect of each of the paragraphs the grounds on which the  
association relies]

(b) that the eligibility rules of the association are:  
[Insert the rules of the association that relate to the conditions of  
eligibility for membership and the description of the industry (if any) in  
connection with which the association is proposed to be registered];

(c) that we, the applicants, are officers of the association, and are authorised to make this application.

Dated

20 .

[Signatures of applicants\*]

Offices held:

*\*Note This application must be signed by at least 2 persons authorised to sign the application and must contain the declaration required by paragraph 21(1)(b) of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.*

---

## Form R70

Regulation 21 of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION BY AN ASSOCIATION OF EMPLOYEES (OTHER THAN AN ENTERPRISE ASSOCIATION) FOR REGISTRATION AS AN ORGANISATION**

We,  
[*full names, addresses and occupations of applicants*],

make application for the registration of an association of employees  
called  
[*name of the association*],

the office of which is situated at  
[*address of the office of the association*],

as an organisation under the *Workplace Relations Act 1996*, and we state  
as follows :

- (a) that the association meets the criteria required by  
paragraphs 19(1) (a), (b) and (d)-(j) inclusive of the RAO  
Schedule;

[*Set out in respect of each of the paragraphs the grounds on which the  
association relies*]

---

(b) that the eligibility rules of the association are:

*[Insert the rules of the association that relate to the conditions of eligibility for membership and the description of the industry (if any) in connection with which the association is proposed to be registered];*

(c) that we, the applicants, are officers of the association, and are authorised to make this application.

Dated

20 .

*[Signatures of applicants\*]*

Offices held:

*\*Note This application must be signed by at least 2 persons authorised to sign the application and must contain the declaration required by paragraph 21(1) (b) of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.*

\_\_\_\_\_

---

## Form R71

Regulation 21 of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **APPLICATION BY AN ENTERPRISE ASSOCIATION OF EMPLOYEES FOR REGISTRATION AS AN ORGANISATION**

We,  
[*full names, addresses and occupations of applicants*],

make application for the registration of an association of employees  
called  
[*name of the association*],

the office of which is situated at  
[*address of the office of the association*],

as an organisation under the *Workplace Relations Act 1996*, and we state  
as follows :

(a) that the association meets the criteria required by section 20 of the  
RAO Schedule;  
[*Set out in respect of each of the paragraphs the grounds on which the  
association relies*]

---

(b) that the eligibility rules of the association are:

*[Insert the rules of the association that relate to the conditions of eligibility for membership and the description of the industry (if any) in connection with which the association is proposed to be registered];*

(c) that we, the applicants, are officers of the association, and are authorised to make this application.

Dated

20 .

*[Signatures of applicants\*]*

Offices held:

*\*Note* This application must be signed by at least 2 persons authorised to sign the application and must contain the declaration required by paragraph 21(1) (b) of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*.

---

## Form R72

Regulation 23 of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### NOTICE OF OBJECTION TO THE REGISTRATION OF AN ASSOCIATION

IN the matter of:

*[insert name of association seeking registration and case number]*

#### Objector

---

Name of objector:

*[organisation,  
association or person  
interested in lodging  
the notice of  
objection]*

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the objector]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Notice is given of an objection to the registration of the association.

---

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

*[Set out in numbered paragraphs the grounds of objection, the particulars of each ground of objection and briefly state the facts the objector relies on for each ground of objection.]*

Dated

20 .

.....  
Signature(s) or Common Seal  
(see regulation 13 of the *Workplace  
Relations (Registration and  
Accountability of Organisations)  
Regulations 2003*)

---

## Form R73

Regulation 27 of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

*Workplace Relations Act 1996*

### AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION **APPLICATION FOR LEAVE TO CHANGE NAME\* /AND TO ALTER RULES\***

The [*name of association*],

which has applied for registration as an organisation, applies to the designated Presidential Member for leave to change its name\*/to alter its rules\*/to change its name and alter its rules\* to enable it to comply with the Act\*/and to remove a ground of objection taken by an objector under the Regulations\*/and by the designated Presidential Member\*.

Particulars of the proposed change of name\*/and alterations of the rules\* are as follows:

[*Set out text of proposed change or alterations.*]

Dated

20 .

[*Signature*]

\* Omit if inapplicable.

\_\_\_\_\_

---

## Form R74

Paragraph 34 (1) (a) of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

*Workplace Relations Act 1996*

### AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

## APPLICATION FOR CANCELLATION OF REGISTRATION

Application is made by  
[*name of organisation*]

under paragraph 30(1)(a) of the RAO Schedule for the cancellation of its registration.

The full particulars of the circumstances that entitle the organisation to make the application are as follows:

[*set out the full particulars*]

Dated

20 .

[*Signatures or Common Seal*]\*

\* An application must be sealed with the common seal of the organisation or be signed by a person authorised to sign the application.

*Note* The application is to contain a declaration signed by an officer of the organisation authorised to sign the declaration verifying the facts stated in the application.

---

## Form R75

Paragraph 34 (5) (a) of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### NOTICE OF OBJECTION TO THE CANCELLATION OF REGISTRATION OF AN ORGANISATION

IN the matter of:

*[insert name of organisation seeking cancellation and case number]*

#### Objector

---

Name of objector:

*[person interested in  
lodging the notice of  
objection]*

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the objector]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Notice is given of an objection to the cancellation of registration of the organisation.

---

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

*[Set out in numbered paragraphs the grounds of objection, the particulars of each ground of objection and briefly state the facts the objector relies on for each ground of objection.]*

Dated

20 .

.....  
Signature(s) or Common Seal  
(see regulation 13 of the *Workplace  
Relations (Registration and  
Accountability of Organisations)  
Regulations 2003*)

---

## Form R76

Paragraph 35 (1) (a) of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

*Workplace Relations Act 1996*

### AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

## **APPLICATION FOR CANCELLATION OF REGISTRATION OF AN ORGANISATION**

Application is made by

[*insert name of organisation, person interested or Minister making application*]

under paragraph 30(1)(b) of the RAO Schedule for the cancellation of the registration of the [*insert name of organisation*].

The full particulars of the circumstances that entitle the applicant to make the application are as follows:

[*set out the full particulars*]

Dated

20 .

.....  
Signature(s) or Common Seal  
(see regulation 13 of the *Workplace  
Relations (Registration and  
Accountability of Organisations)  
Regulations 2003*)

*Note* The application is to contain a declaration signed by the applicant or a person authorised by the applicant verifying the facts stated in the application.

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## Form R77

Paragraph 36 (4) (a) of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### NOTICE OF OBJECTION TO THE CANCELLATION OF REGISTRATION OF AN ORGANISATION

IN the matter of:

*[insert name of organisation subject to the application for cancellation  
and case number]*

#### Objector

---

Name of objector:

*[person interested in  
lodging the notice of  
objection]*

Address

Contact Person:

*[also include the name of any firm of solicitors or agent acting for the objector]*

Phone No:

Facsimile No:

Mobile No:

Email address:

---

Notice is given of an objection to the cancellation of the organisation.

---

The grounds on which this objection is made are as follows:  
*[Set out in numbered paragraphs the grounds of objection, the particulars of each ground of objection and briefly state the facts the objector relies on for each ground of objection.]*

Dated

20 .

.....  
Signature(s) or Common Seal  
(see regulation 13 of the *Workplace  
Relations (Registration and  
Accountability of Organisations)  
Regulations 2003*)

---

## Form R78

Paragraph 60 (2) (a) of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **BALLOT PAPER CHOSEN BY ORGANISATION IN RELATION TO PROPOSED AMALGAMATION**

BALLOT OF MEMBERS OF

(Name of organisation whose members are  
voting)

(Initials, or facsimile  
of initials, of the  
person conducting  
the ballot)

BALLOT PAPER IN RELATION TO PROPOSED AMALGAMATION

*Directions to voter*

1. Record your vote on the ballot paper as follows:  
if you approve the amalgamation referred to in the question set out below, place a tick (✓) or a cross (×) in the space provided opposite the word 'YES';  
if you do not approve the amalgamation referred to in the question set out below, place a tick (✓) or a cross (×) in the space provided opposite the word 'NO'.
2. Do not place on this paper any mark or writing by which you may be identified.

3. Mark only one square.

QUESTION FOR VOTERS:

DO YOU APPROVE THE PROPOSED AMALGAMATION OF *(name of organisation whose members are voting)* WITH THE FOLLOWING ORGANISATION(S), NAMELY, *(name of organisation or each organisation with which amalgamation is proposed)*, IN ACCORDANCE WITH THE SCHEME FOR AMALGAMATION A COPY OF THE OUTLINE OF WHICH HAS BEEN SENT TO YOU WITH THIS BALLOT PAPER?

YES	
NO	

---

## Form R79

Paragraph 60 (2) (b) of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **BALLOT PAPER IN RELATION TO PROPOSED AMALGAMATION**

BALLOT OF MEMBERS OF

*(Name of organisation whose members are  
voting)*

*(Initials, or facsimile  
of initials, of the  
person conducting  
the ballot)*

**BALLOT PAPER IN RELATION TO PROPOSED AMALGAMATION**

*Directions to voter*

1. Record your vote on the ballot paper as follows:  
if you approve the amalgamation referred to in the question set out below, write 'YES' in the space provided opposite the question;  
if you do not approve the amalgamation referred to in the question set out below, write 'NO' in the space provided opposite the question.

---

2. Do not place on this paper any mark or writing by which you may be identified.

QUESTION FOR VOTERS:

DO YOU APPROVE THE PROPOSED  
AMALGAMATION OF (*name of organisation whose  
members are voting*) WITH THE FOLLOWING  
ORGANISATION(S), NAMELY, (*name of organisation or  
each organisation with which amalgamation is proposed*),  
IN ACCORDANCE WITH THE SCHEME FOR  
AMALGAMATION A COPY OF THE OUTLINE OF  
WHICH HAS BEEN SENT TO YOU WITH THIS

☐

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## Form R80

Paragraph 60 (3) (a) of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **BALLOT PAPER CHOSEN BY ORGANISATION AND CONTAINING AN ALTERNATIVE PROVISION IN RELATION TO PROPOSED AMALGAMATION**

BALLOT OF MEMBERS OF

(Name of organisation whose members are  
voting)

(Initials, or facsimile  
of initials, of the  
person conducting  
the ballot)

### **BALLOT PAPER IN RELATION TO PROPOSED AMALGAMATION**

*Directions to voter*

1. This paper contains [*number*] ballot papers. Record your vote on each ballot paper as follows:

if you approve the amalgamation referred to in the question set out in the ballot paper, place a tick (‘✓’) or a cross (‘×’) in the space provided opposite the word ‘YES’;

if you do not approve the amalgamation referred to in the question set out in the ballot paper, place a tick (‘✓’) or a cross (‘×’) in the space provided opposite the word ‘NO’.

2. Do not place on this paper any mark or writing by which you may be identified.
3. Mark only one square on each ballot paper.

QUESTION FOR VOTERS:

DO YOU APPROVE THE PROPOSED AMALGAMATION OF *(name of organisation whose members are voting)* WITH THE FOLLOWING ORGANISATIONS NAMELY, *(name of each organisation with which amalgamation is proposed)*, IN ACCORDANCE WITH THE SCHEME FOR AMALGAMATION A COPY OF THE OUTLINE OF WHICH HAS BEEN SENT TO YOU WITH THIS BALLOT PAPER?

YES	
NO	

QUESTION FOR VOTERS:

IF THE PROPOSED AMALGAMATION IN RELATION TO WHICH YOU HAVE JUST RECORDED YOUR VOTE DOES NOT TAKE PLACE, DO YOU APPROVE THE AMALGAMATION OF *(name of organisation whose members are voting)* WITH THE OTHER ORGANISATIONS CONCERNED IN THE AMALGAMATION WHOSE MEMBERS GIVE A SIMILAR APPROVAL?

YES	
NO	

---

## Form R81

Paragraph 60 (3) (b) of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

### **BALLOT PAPER CONTAINING AN ALTERNATIVE PROVISION IN RELATION TO PROPOSED AMALGAMATION**

BALLOT OF MEMBERS OF

(*Name of organisation whose members are  
voting*)

(*Initials, or facsimile  
of initials, of the  
person conducting  
the ballot*)

### **BALLOT PAPER IN RELATION TO PROPOSED AMALGAMATION**

*Directions to voter*

1. This paper contains [*number*] ballot papers. Record your vote on each ballot paper as follows:

if you approve the amalgamation referred to in the question set out in the ballot paper, write 'YES' in the space provided opposite the question;

if you do not approve the amalgamation referred to in the question set out in the ballot paper, write 'NO' in the space provided opposite the question.

---

2. Do not place on this paper any mark or writing by which you may be identified.

QUESTION FOR VOTERS:

DO YOU APPROVE THE PROPOSED AMALGAMATION OF *(name of organisation whose members are voting)* WITH THE FOLLOWING ORGANISATION(S), NAMELY, *(name of organisation with which amalgamation is proposed)*, IN ACCORDANCE WITH THE SCHEME FOR AMALGAMATION A COPY OF THE OUTLINE OF WHICH HAS BEEN SENT TO YOU WITH THIS BALLOT PAPER?

☐

QUESTION FOR VOTERS:

IF THE PROPOSED AMALGAMATION IN RELATION TO WHICH YOU HAVE JUST RECORDED YOUR VOTE DOES NOT TAKE PLACE, DO YOU APPROVE THE AMALGAMATION OF *(name of organisation whose members are voting)* WITH THE OTHER ORGANISATIONS CONCERNED IN THE AMALGAMATION WHOSE MEMBERS GIVE A SIMILAR APPROVAL?

☐

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## Form R82

Regulation 121 of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

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

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

[*Set out proposed new name and the reason for the proposal*]

Dated

20 .

[*Signature or Common Seal*]

\* An application must be sealed with the common seal of the organisation or be signed by a person authorised to sign the application.

*Note* The application is to contain a declaration that the change or alteration was made in accordance with the rules of the organisation and stating the action taken under those rules to make the change and verifying the facts stated in the application.

---

## Form R83

Regulation 121 of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

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

Application is made by  
[*name of organisation*]

for consent to the alteration of the eligibility rules of the organisation 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 as if the application had been granted and the alterations to the rules were in force, showing in distinctive characters each alteration for which consent is sought.*]\*

Dated

20 .

[*Signature or Common Seal*] \*\*

\*Each alteration for which consent is sought must be highlighted using distinctive characters. For example, deleted or replaced text may be highlighted using ~~striketrough~~ formatting and new text may be highlighted using underlining or *italics* (provided there is no ambiguity with the formatting).

\*\*An application must be sealed with the common seal of the organisation or be signed by a person authorised to sign the application.

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*Note* The application should also set 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 contain a declaration that the alteration was made in accordance with the rules of the organisation and stating the action taken under those rules to make the alteration and verifying the facts stated in the application.



# Form R85

Regulation 129 of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*

## *Workplace Relations Act 1996*

# APPLICATION FOR RENEWAL OF CERTIFICATE UNDER SECTION 180 OF THE RAO SCHEDULE

I,  
[full name]  
of [private address]

(Telephone Nos: Business \_\_\_\_\_ Home \_\_\_\_\_),

apply under section 180 of the RAO Schedule, to renew a certificate to the effect that my conscientious beliefs do not allow me to be a member of an association of a kind described in paragraph 18(a) or 18(b) of the RAO Schedule.

My occupation is

The name and address of my business/employer\* is

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

[Set out in numbered paragraphs the grounds and particulars]

I attach a statutory declaration verifying the information stated in this application.

Dated \_\_\_\_\_ 20\_\_.

[Signature of applicant]

\*Omit whichever is inapplicable.

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.frli.gov.au](http://www.frli.gov.au).