

1991—No. 28

INDUSTRIAL ARBITRATION ACT 1940—REGULATION

(Relating to applications for approval for registration of enterprise agreements)

NEW SOUTH WALES



[Published in Gazette No. 18 of 25 January 1991]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Industrial Arbitration Act 1940, has been pleased to make the Regulation set forth hereunder.

JOHN FAHEY
Minister for Industrial Relations.

The Industrial Arbitration (General) Regulations are amended:

(a) by inserting before Regulation 132 the following Regulations:

Applications for approval for registration of enterprise agreements

131B. (1) An application to the commission for approval for registration of an enterprise agreement must be in Form 71.

(2) Regulation 38 does not apply to an application under this Regulation.

Fee for copying from register of enterprise agreements

131C. For the purpose of section 13L (3) of the Act, the fee for copying a document kept in the register of enterprise agreements is:

- (a) \$10; or
 - (b) \$2 for each page copied,
- whichever is the greater amount.

(b) by inserting after Form 70 the following Form:

INDUSTRIAL ARBITRATION ACT 1940

Form 71

(Reg. 131B)

*BEFORE THE INDUSTRIAL COMMISSION
OF NEW SOUTH WALES*

No. of 199

IN THE MATTER of an application
for approval for registration of an
enterprise agreement between (list
names of all parties to the enterprise
agreement)

AND IN THE MATTER of the
Industrial Arbitration Act 1940.

**APPLICATION FOR APPROVAL FOR REGISTRATION OF
AN ENTERPRISE AGREEMENT**

1. STATUS OF THE ENTERPRISE AGREEMENT

Indicate whether agreement is:

New Agreement

Variation to Earlier Agreement

(Number:)

2. APPLICATION OF ENTERPRISE AGREEMENT

A. NAMES OF ALL PERSONS PARTY TO THE AGREEMENT:

Employer

Name and Registered Office:

Workplace Address:

Contact Officer: Phone Number:

Employees

Indicate whether agreement is with:

Industrial union(s) Individual employees Works committee

(If individuals, or if space otherwise insufficient, attach list headed "Employee Parties to Enterprise Agreement")

1. Name:

Address: Phone Number:

2. Name:

Address: Phone Number:

B. DOES THE AGREEMENT APPLY TO ALL EMPLOYEES OR ALL INTENDING EMPLOYEES AT ALL WORKPLACES OF THE EMPLOYER?

YES

NO

If NO, specify:

(a) which trades or occupations:

.....

(b) which workplaces:

.....

(If space insufficient, attach list headed "Application of Enterprise Agreement to trade or occupations/workplace".)

3. DATE ENTERPRISE AGREEMENT ENTERED INTO:

.....

4. DETAILS OF AWARDS AND INDUSTRIAL AGREEMENTS APPLYING TO THE WORK BUT FOR THE ATTACHED

LIST ALL AWARDS AND INDUSTRIAL AGREEMENTS THAT WOULD APPLY TO THE WORK BUT FOR THE ATTACHED AGREEMENT:

.....

.....

.....

(If space insufficient, attach list headed "Currently applicable awards and industrial agreements".)

5. DETAILS OF THE SECRET BALLOT APPROVING THE AGREEMENT (if industrial union is not a party)

1. Date of secret ballot approving agreement:
2. General description of eligible voters (trade or occupational categories, workplace locations):
3. Number of eligible voters:

- 4. Number and percentage of approving voters:
- 5. Name and address of returning officer:
- 6. Details of how ballot was conducted:

6. DETAILS OF THE SECRET BALLOT SUPPORTING THE FORMATION OF A WORKS COMMITTEE (if applicable)

- 1. Date of secret ballot supporting formation:
- 2. General description of eligible voters (trade or occupational categories, workplace locations):
- 3. Number of eligible voters:
- 4. Number and percentage of approving voters:
- 5. Name and address of returning officer:
- 6. Details of how ballot was conducted:

7. DETAILS OF THE ENTERPRISE AGREEMENT

Which clause:

- 1. Identifies the parties to the agreement? Clause number:
- 2. Identifies the enterprise for which the agreement is made?
Clause number:
- 3. Identifies the trades or occupations which the agreement covers?
Clause number:
- 4. Provides for avoidance and settling of disputes? Clause number:
.....

- 5. Declares the agreement not to be entered into under duress? Clause number:
- 6. Fixes conditions of employment? Clause number(s):
- 7. Identifies each award and industrial agreement that fixes conditions of employment that will apply to employees bound by the agreement but are not fixed by the agreement? Clause number(s):
.....
- 8. Specifies the nominal term of the agreement? Clause number:
.....

8. DETAILS OF THE PERSON MAKING THIS APPLICATION

Name:

Address: Phone Number:

(NOTE: This address will be used to contact you regarding the listing of this matter. You should ensure that it is accurate.)

If you are not a party to the agreement in your own right, in what capacity are you making this application?:

Industrial union officer

Authorised by works committee

Other

Specify:

CERTIFICATE AS TO TRUTH AND ACCURACY

I,

of.....

hereby certify that the contents of this application are true and correct.

Signed:

Date:.....

NOTES: 1. You are required to lodge this completed form and 2 copies, together with the original signed enterprise agreement and 2 copies, with the Industrial Registrar

2. You will be advised of the time and place when the Industrial Commission will hear this application. Any inquiries should be made to the Clerk to the Industrial Commission, telephone

.....

EXPLANATORY NOTE

The purpose of this Regulation is to amend the Industrial Arbitration (General) Regulations so as:

- (a) to prescribe the form of application to the Industrial Commission for approval for the registration of an enterprise agreement; and
- (b) to provide that directions for service need not be obtained in connection with any such application; and
- (c) to set the fee payable for copying a document kept in the register of enterprise agreements.
