

APPENDIX 1 - FILING DOCUMENTATION FOR CERTIFIED AGREEMENTS

Due to change in practices only an original plus one copy (which will be returned to the filer after certification) of the following documents are required to be filed with the QIRC.

Step	Action	Notes
1	Prepare the draft certified agreement	Copies of actual certified agreements can be obtained from the QIRC web site.
2.	Complete an Application Form 40 (This form comprises part of your Agreement)	<p>The Industrial Relations (Tribunals) Rules provide the model for the application.</p> <p>Rules 139 & 140 of the Industrial Relations (Tribunals) Rules prescribes that the Registrar may accept a document for filing <u>only</u> if the document:</p> <p>Rule 139 –</p> <ul style="list-style-type: none"> (a) is in the approved form; and (b) is signed by or for the applicant; and (c) is accompanied by the original and 2 copies of the proposed certified agreement; and (d) if there is or was a certified agreement or agreements covering some or all of the employees to be covered by the agreement – <ul style="list-style-type: none"> (i) the name and agreement number of the certified agreement or agreements; and (ii) a statement as to whether the new certified agreement replaces the existing agreement or agreements. <p>Rule 140 –</p> <ul style="list-style-type: none"> (a) is on A4 (210 mm x 297 mm) paper; and (b) is on 1 side of the page only; and (c) is in Times New Roman font; and (d) is in 10 point font size; and (e) has only fully justified text; and (f) has a 2 cm margin on each side; and (g) has a 1.25 cm wide header, containing only the page number, in the centre of the page; and (h) does not contain a logo or other embellishment; and (i) is accompanied by an identical copy of the agreement on computer disk. <p>including:-</p> <ul style="list-style-type: none"> • the name of the matter • a short description of the nature of the document; and • the name, address, telephone number and fax number of the party filing the document; • if the person filing the document is a party's agent, - a statement to that effect and the party's address for service (form attached); and • the address of the Registrar's office <p><i>An electronic example of an Agreement in the approved form can be obtained via the Website.</i></p>
3.	Practice notes were introduced by the QIRC to further assist persons or parties in their administrative dealing with the Commission.	Practice note 6 Certified Agreements. This practice note provides guidance about certain filing and hearing requirements.

Step	Action	Notes
4.	Prepare and attach an affidavit	All applications for certified agreements must be accompanied by an affidavit containing the information outlined in this publication. The affidavit forms part of the Application form 40 and is attached to the agreement. Note: also the Commission requires you to lodge copies of policies as well as documentation relevant to the ballot process.
5.	Prepare a letter to the Registry (optional) and attach the original and 1 copy of each document together with an electronic copy in word document format.	Note: Registry accepts a copy of Certified Agreement in Word version emailed to QIRC Registry in lieu of a copy on computer disk as compliance with rule 140. Note: Non-compliance with Rules 139 & 140 may result in your agreement not being accepted or a delay in hearing the matter.
6.	Post or deliver the documentation to the Queensland Industrial Registrar.	The Queensland Industrial Registrar's Office is located on: 18 th Floor, Central Plaza 2 66 Eagle Street (Cnr Creek and Elizabeth Streets) Brisbane Qld 4000. The postal address is: GPO Box 373, Brisbane Qld 4001
7.	The Industrial Registrar will stamp the documents and allocate a case number.	The case number denotes the category of application eg. a "CA" number is for a certified agreement.
8.	The Commission will set a hearing date and Industrial Registrar will advise parties of the details.	Applicants can usually expect to receive notification of the hearing date and other relevant details within a 2 week period subject to all requirements being met.
9.	Prepare submission(s) for QIRC hearing	Parties to the agreement or their agents are usually required to present a short statement in support of their application. The presiding member may also have questions concerning aspects of the negotiations, conditions etc.
10.	On certification of an Agreement.	1. Any amendments of a formal or clerical nature that are minor will be notated on the Agreement by the Commission Member. 2. Once an agreement has been certified the Commission will issue a certificate specifying: (i) the date of hearing(s) of the application to certify the Agreement; (ii) the parties to the Agreement; (iii) the name of any industrial organization of employees that becomes bound by the Agreement pursuant to s. 166(2) of the Act; (iv) the date of operation of the Agreement (that is, the date the agreement is certified); (v) the nominal date of expiry of the Agreement; (vi) the date of certification of the Agreement; (vii) whether the Agreement was amended; (viii) any undertakings that were given in order to make the Agreement certifiable; and (ix) the number and title of any agreement cancelled as a result of the Agreement being certified. 3. A copy of the abovementioned certificate shall be:

Step	Action	Notes
		<ul style="list-style-type: none"> • published on the QIRC website; • sent to all of the parties to the Agreement, including those industrial organizations of employees that have become bound by the Agreement; and • placed on the Registry file. <p>4. A copy of the approved certified agreement shall be:</p> <ul style="list-style-type: none"> • published on the QIRC website; and • placed on the Registry file.

Note: The Acts Interpretation Act 1954, Section 49 (Forms) states that strict compliance with a form is not necessary and substantial compliance is sufficient.