

Form 40 Version 2	Application for certification of agreement Industrial Relations Act 1999, section 156 (Form to apply for certification of an agreement)	R.139(1)
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QUEENSLAND INDUSTRIAL RELATIONS COMMISSION
Industrial Relations Act 1999,s 156.

(name of employer party, and ACN)

AND

(name of employee party or parties)
(No.CA of 20)

APPLICATION FOR CERTIFICATION OF THE
(TITLE OF AGREEMENT)
- CERTIFIED AGREEMENT

TO: The Industrial Registrar, Industrial Registry, Level 18, Central Plaza 2, 66 Eagle Street,
(Corner Creek and Elizabeth Streets), Brisbane 4000, GPO Box 373, Brisbane Q 4001
Phone: (07) 3227 8060, Fax: (07) 3221 6074

THE AGREEMENT, attachment A, having been made under the *Industrial Relations Act 1999* on
, **BETWEEN**
(day, month and year the last party signed it) *(name of employer party)*

ACN **AND**
(other party or parties)

All the parties to the agreement now seek certification of the agreement under chapter 6, part 1 of the Act. The information required under the Industrial Relations Regulations 2000, section 9 and any other information in support of the application is set out in the affidavit of
(name of person swearing affidavit) which is the attachment marked B.

(If there is or was a certified agreement or agreements covering all or some of the employees to be covered by the attached agreement the following information must also be given, regulation, section 9 (3) & R.139(1)(d))

[Particulars of current or previous certified agreement(s)]

- (a) *(agreement name)* *(agreement number CA)*
- (b) *(agreement name)* *(agreement number CA)*

This agreement [replaces] [does not replace] the agreement(s) in (a), (b) etc above]

Signed [by] [an behalf of] the applicant

(print name)

Dated:

(day, month and year)

Form 40, R.139(1).

Attachment A

(See Chapter 6, part 1, of the Act, regulation, part 4 & rules, part 10, in particular r.140)

End note: This agreement must be accompanied by an identical copy of the agreement on computer disk, r.140(i). If you want a copy of the filed agreement returned you must give an original and 3 copies to the industrial registry.

Attachment B

I, _____, the deponent,
(full name of person making affidavit)

of _____
(address)

_____ [make oath] [solemnly and sincerely affirm and
(position, title, office etc)
declare] as follows –

1. I am [a] [the] [an] _____ of _____
(position, title, office etc) (organisation, corporation, association, business etc)
and I am authorised under the Act and rules to make this affidavit.

2. The agreement, attachment A [is] [is not] [for a new business] [a project agreement] [or] [a multi-employer agreement].

3. The agreement [is] [is not] made with [an (or: insert number of employee organisations that are parties)] employee organisation[s].

4. [The full name[s] and addresses of the employee organisation[s] [is] [are] –

5. The employer, _____ ACN _____]
(full name of employer) (ACN number)
of _____
(address of employer)

is in the _____ industry.
(name of industry)

6. The name of the [relevant] [designated award] is the _____
(name of award)

7. The [address] [addresses] at which the employees to be covered by the agreement [are] [are to be] employed [is] [are] below: (this information need not be given for State government employees)

8. The number of female employees to be covered by the agreement is _____
(no. of female employees)

9. The number of male employees to be covered by the agreement is _____
(no. of male employees)

10. The number of apprentices to be covered by the agreement is _____
(no. of apprentices)

11. The number of trainees to be covered by the agreement is _____
(no. of trainees)

12. The name and address of each employer to be bound by the agreement is _____
(set out all names and addresses)

13. (This information must be given if the agreement is a project agreement and the project or proposed project has a principal contractor) [The principal contractor's name and address is _____]
(name and address of principal contractor)]

14. (If the agreement was negotiated for another person) [The person who negotiated the agreement was

_____]
(full name and title, position, office etc of person who negotiated the agreement)

of _____]
(organisation, corporation, association, business, department etc)
and the person for whom it was negotiated was _____]

(full name and title, position, office etc of the person for whom the agreement was negotiated)
of
(organisation, corporation, association, business, department etc).

15. [The average percentage by which the wages of the employees to be covered by the agreement will increase under the agreement compared with wages before the agreement is
(% increase)]
16. [The average percentage by which the wages of the employees to be covered by the agreement will decrease under the agreement compared with wages before the agreement is
(% decrease)]
17. The nominal expiry date of the agreement is
(for nominal expiry date see s 156(1)(e) of the Act).
18. The steps taken to ensure compliance with section 143 of the Act were:
19. (If applicable) [The steps taken to ensure compliance with section 144 were:
]
20. (For a project agreement under s 145 of the Act) [The person nominated by the 'single bargaining unit' to represent the employee organisations in negotiations was
(name of representative)
and the steps taken to negotiate with the representative were
]
21. (For an agreement between the employer and the employees) [The employer did not coerce, or attempt to coerce, any relevant employee not to make a request to a relevant employee organisation to be represented by the employee organisation in negotiating with the employer about the agreement].
22. (For an agreement between the employer and the employees) [The employer did not coerce, or attempt to coerce, any relevant employee into withdrawing a request made by the employee to a relevant employee organisation for the relevant employee organisation to represent the employee in negotiating the agreement].
23. The procedures for preventing and settling disputes are set out in clause[s]
(insert number of clause[s] or as the case may be)
24. The requirements for equal remuneration of employees under section [156(1)(l)] [or]
[156(1)(m)] have been met.
25. The agreement attached passes the no-disadvantage test under chapter 6, part 1, division 3 of the Industrial Relations Act 1999.
26. The further information in support of this application is
(set out any other information supporting the application)

I [swear] [affirm] that the facts set out above are true.

(Signature)
Deponent

[**SWORN**] [**AFFIRMED**] by the deponent at (place) on (day, month and year)
before me

(Signature)

[Justice of the peace] [commissioner for declarations] [lawyer] (other)

(Last page)

PARTICULARS OF THE EMPLOYER

Name: ABN:

Business address:

Address for service:

Phone number or contact phone number:

Fax number *(if any)*:

E-mail address *(if any)*:

[IF EMPLOYER HAS AN AGENT *(An appointment of agent form must accompany this application, R 12(1)(l)*

Employer's agent's name:

and corporation or business name:

Agent's business address:

Address for service:

Phone: Fax:

E-mail address *(if any)*:]

PARTICULARS OF OTHER [PARTY] [PARTIES] *(The following information must be provided. If there is more than 1 other party this information must be given for each other party except if the agreement is between an employer and the employees then - only particulars of the employees' representative should be given).*

Name:

Position, title, office etc: *(if applicable)*

Organisation, corporation, association, department business etc: *(if applicable)*

Residential or business address:

Address for service:

Phone or contact phone number:

Fax number: *(if any)*

E-mail address *(if any)*:]