

FORMAT OF AWARDS

PN 9

PRACTICE NOTE

30 June 2004

Objective

The objective of this Practice Note is to provide guidance about the format of Awards to parties that seek to file an application for the making of a new award.

The requirements set out below also apply to an application to amend an existing award.

Scope

This Practice Note is to be read in conjunction with the following:

- (i) Chapter 5, Parts 1-3 of the *Industrial Relations Act 1999*.
- (ii) Sections 9, 131B and 132 of the *Industrial Relations (Tribunals) Rules 2000*.

Sample Award

Attached is an example (for illustrative purposes only) titled Sample Award – State 2004 which conforms with the standard format. It is to be read in conjunction with the explanatory notes below.

Explanatory Notes

(i) Award Title

The title of the Award is to provide a clear yet concise description of the industry, employer or callings to be covered. A title must include reference to the geographic coverage of the Award, e.g. State, South-Eastern Division or excluding South-East Queensland. The year the Award is to be made is also to be included.

(ii) Arrangement

- Awards are to be arranged into eleven (11) Parts and, if relevant, Schedules. The clauses found under each of the Parts are to be listed in the order in which they appear in the sample award, unless a particular clause is irrelevant to the award. The titles of the clauses are to be as they appear in the attached sample.

- Where no clauses are relevant to a particular Part, the following must appear under the Part heading:

“No provisions inserted in this Award relevant to this Part.”

These words must appear in the Arrangement of the Award and the body of the Award.

- The heading of each Part is to be typed in bold print.
- Clause titles are to be typed in bold lower case.
- The heading of a clause is to be typed in lower case and italics.

(iii) Terminology

- Clauses are to be numbered by a decimal system, e.g. 5.1.1. The first number refers to the Part of the Award in which the clause is found. The second number denotes the clause number and the third number refers to the subclause.
- Phrases such as “of/in this clause”, “in subclause” or “in paragraph (i) above” are obsolete and are not to be used. Instead, refer to the specific provision, e.g. clause 4.2.1(a)(i).

(iv) Clause Types

The attached sample award designates each clause as either:

- Mandatory;
- Mandatory – model clause;
- Model clause – inserted on a case by case basis;
- Recommended – not a model clause; and
- Recommended – if relevant or applicable.

Clauses that are shown as “Mandatory” must be included in the Award with the clause title being that shown in the sample. The wording that is included is also mandatory.

Clauses that are designated as “Mandatory – model clause” are ones that were developed during the first round of Award Review. A model clause is one that is not prescriptive but, in practical terms, the wording is expected to be adopted by the parties in the absence of an alternative that is acceptable to the parties. A party that wishes to depart from the provisions of a model clause must seek the approval of the Commission and the consent of the other party(s) to the Award.

The notation “Model clause – inserted on a case by case basis” refers to those situations where a party wishes to include a clause, the subject of which is dealt with by a model clause. In such cases, the model clause is to be inserted. The notation recognises that the clause will not be required in all awards, only where it is relevant.

Clauses that are noted as “Recommended – if relevant or applicable” in the sample award are only to be included if they pertain to the proposed Award.

(iv) More Information

For more information about the required format and style of awards, log on to:

http://www.qirc.qld.gov.au/awards_review/index.htm

Gender Neutral Language

Awards are to be written in gender neutral terminology and be free of discriminatory provisions. The use of expressions such as “he/she” or “his or her” are to be avoided in favour of phrases such as “the employee”. Where gender neutral language results in clumsy wording, the clause should be redrafted to provide clarity and conciseness.

Process

The application for a new award is to contain the wording from the heading “QUEENSLAND INDUSTRIAL RELATIONS COMMISSION to the heading SAMPLE AWARD – STATE 2004”. It is also to include the details listed at the end of the sample award from the date onwards.

An application for the making of a new award shall be examined by the Registry to ensure conformity with this Practice Note and other requirements. Where problems are identified the Registry shall contact the applicant to advise of the changes/ corrections that need to be made. Only when the Registry is satisfied that the application conforms with these requirements will the application be allocated to a Member for hearing.

Compliance with this Practice Note will assist in ensuring that the application is heard as expeditiously as possible.

This Practice Note will be effective as and from 1 July 2004.

Dated 30 June 2004.

D.M. LINNANE
Vice President.