



NUMBER:

Form 46 – Application for certification of agreement

Industrial Relations Act 2016, section 189

Industrial Relations (Tribunals) Rules 2011, rule 172(1)

Version 3

Name of employer party	
AND	
Name of employee party/parties	

Application for the certification of the

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(insert name of certified agreement)

THE AGREEMENT, attachment A, having been made under the *Industrial Relations Act 2016*

on	
between	
and	

All the parties to the agreement now seek certification of the agreement under chapter 4, part 5 of the Act. The information required under the Industrial Relations Regulations 2011, regulation 6 and any other information in support of the application is set out in the affidavit of

which is 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 6 & Rule.172(1)(d).

Particulars of current or previous certified agreement(s)	
(a)	
(b)	
(c)	

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

Signature	
Print Name	
Date	

Attachment A

(see Chapter 4, part 5 of the Act, regulation 6, and rules part 10, in particular rule 173)

NOTE: This agreement must be accompanied by an identical copy of the proposed instrument in electronic form – rule 173(i).

NOTE: The signatories page is to include the printed name for each signature to the agreement.
(including the officer signing and the witness)

Attachment B

I	
of	

[make oath and say] [solemnly and sincerely affirm and declare] as follows:

1. 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 employee organisation.
4. The industry in which the employer is engaged

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5. The name of the relevant/designated award is

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6. The address/addresses at which the employees to be covered by this agreement are/are to be employed is/are below:

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7. The number of male and female employees to be covered by the agreement is:

Male		Female	
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8. The number of apprentices and trainees employees to be covered by the agreement is:

Apprentices		Trainees	
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9. The name and address of each employer to be bound by the agreement is:

10. This information must be given if the agreement is a project agreement and the project or proposed project has a principal contractor.

Principal Contractor's Name	
Address	

11. If the agreement was negotiated for another person, the person who negotiated the agreement was:

Name	
Position	
Organisation	

and the person for whom the agreement was negotiated was

Name	
Position	
Organisation	

12. The average percentage by which the wages of the employees to be covered by the agreement will increase or decrease under the agreement compared with wages before the agreement is:

Increase		Decrease	
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13. The steps taken to ensure compliance with section 169 of the Act were:

14. If applicable, the steps taken to ensure compliance with section 171 of the Act were:

15. For a project agreement under section 172 of the Act, the person nominated by the 'single bargaining unit' to represent the employee organisation was:

and the steps taken to negotiate with the representative were:

16. For an agreement between the employer and 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.

17. For an agreement between the employer and 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.

18. The procedures for preventing and settling disputes are set out in clause/s:

19. The agreement attached passes the no-disadvantage test under chapter 4, part 1, division 3 of the Industrial Relations Act 2016.

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

Signature	
Name	
Date	

Taken by:

Sworn/Affirmed by the deponent at:		
on:		
Signature		
Print Name		
Date		
Justice of the peace/commissioner for declarations/lawyer/other qualified person		

Name of organisation filing the agreement	
Name of contact person	
Postal address	
Suburb/Town	
Postcode	
Phone number	
Fax number	
Mobile number	
Email address	