

PRACTICE NOTE NUMBER 2 OF 2018

INDUSTRIAL REGISTRAR

APPROVAL TO ENGAGE IN PROTECTED INDUSTRIAL ACTION

This Practice Note applies where an employee organisation: seeks the approval of the Industrial Registrar for a process to be approved under s 235(2) of the *Industrial Relations Act 2016* (Qld); and/or, makes an application under s 235(1) of the *Industrial Relations Act 2016* (Qld) to engage in industrial action.

Before engaging in protected industrial action the employee organisation proposing the industrial action must have a process approved by the Industrial Registrar which will allow its members to express their democratic views on the proposed industrial action.

1. For the Industrial Registrar to consider a process for approval made by an individual employee organisation under s 235(2) the process must:
 - i. be supplied to the Industrial registrar in a soft copy—i.e. a Word document; and
 - ii. allow the relevant members of the employee organisation to express their democratic views.
2. Prior to the process being undertaken the process must be supplied to and approved by the Industrial Registrar.
3. A process will not be retrospectively approved.
4. A process undertaken without the approval of the Industrial Registrar will not satisfy s 235(1)(a).
5. A process once undertaken will only be considered an expression of the support for the industrial action which was, at that time, proposed to the employees who participated in the process.
6. Subject to 7 below, a process once approved by the Industrial Registrar will remain approved for the purposes of s 235.
7. Where an employee organisation wishes to undertake a process which is different to one previously approved by the Industrial Registrar then the employee organisation must have the entirety of the different process approved. If approved the different process entirely replaces the previously approved process.
8. An application to engage in protected industrial action made under s 235(1) must be in the current approved form and cannot be filed with the

Industrial Registry until the approved s 235(2) process has been completed.

9. Any evidence in support of an application made under s 235(1) must be in an affidavit conforming with the *Industrial Relations (Tribunals) Rules 2011* (Qld) and filed together with the application to engage in protected industrial action.
10. An application to engage in protected industrial action must be executed by a person with capacity under the rules of the employee organisation.
11. On application by an employee organisation, the Industrial Registrar will approve for relevant members of the employee organisation to access protected industrial action up to the time at which an agreement covering their employment is certified or determined by the Queensland Industrial Relations Commission.
12. This Practice Note will commence operation immediately.

M. P. Shelley
Industrial Registrar
19 October 2018