

STATUTORY RULES.

1928. No. 81.

REGULATIONS UNDER THE COMMONWEALTH CONCILIATION AND ARBITRATION ACT 1904-1928.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Commonwealth Conciliation and Arbitration Act 1904-1928*, to come into operation forthwith, *on and from 13th August, 1928.*

Dated this *tenth* day of *August*, 1928.

(Sd) Stoneham

Governor General.

By His Excellency's Command,

J. G. H. Stoneham

Attorney-General.

CONCILIATION AND ARBITRATION REGULATIONS.

1. These Regulations may be cited as the Conciliation and Arbitration Regulations. Short title.
2. The Conciliation and Arbitration Regulations (being Statutory Rules 1913, No. 331, as amended by Statutory Rules 1915, No. 89; and 1926, No. 111) are repealed. Repeal.
3. In these Regulations, unless the contrary intention appears— Definitions.
 - "Application for registration" means an application for the registration of an association as an organization under the Act;
 - "Commissioner for Affidavits" means a person authorized under the law of the Commonwealth or of a State to take affidavits or declarations;
 - "Justice of the Peace" means a Justice of the Peace of the Commonwealth or part of the Commonwealth or of a State or part of a State;
 - "Statutory declaration" means a statutory declaration made by virtue of any law of the Commonwealth or of a State authorizing a declaration to be made otherwise than in the course of a judicial proceeding;
 - "The Act" means the *Commonwealth Conciliation and Arbitration Act 1904-1928*, as amended from time to time;
 - "The Registrar" means the Industrial Registrar and includes a Deputy Industrial Registrar and, in reference to an organization or branch, means the Registrar of the District in which the organization or branch is registered.

4. An allowance at the rate of Two pounds and two shillings per day shall be payable to the Chief Judge and each other Judge whilst travelling in the discharge of the duties of his office away from the city where the Principal Registry is situated; ^{Travelling expenses of the Chief Judge and other Judges.} *provided that the Attorney General may, for the purpose of this Regulation, substitute, in the case of a particular*

5. The Principal Registry and each District Registry shall be open on ordinary working days from 10 a.m. to 3 p.m., and on Saturdays from 10 a.m. to 12 noon. ^{Office hours.} *judge, any other city for the city where the*

6. The following shall be the conditions to be complied with by associations applying for registration as organizations:— ^{Conditions of registration.} *Principal Registry is situated.*

I. The affairs of the association shall be regulated by rules specifying the industry in connexion with which the association is formed, the purposes for which it is formed and the conditions of eligibility for membership thereof and providing for the following matters in relation to the association:—

- (a) The election of a committee of management of the organization and of its branches and of officers of the organization and of its branches under a system of voting which makes adequate provision for absent voting;
- (b) The powers and duties of the committees and of officers;
- (c) The manner of summoning meetings of members and of the committees;
- (d) The removal of members of committees and of officers;
- (e) The control of committees of organizations by the members of the organizations and the control of committees of branches by the members of the branches;
- (f) The mode in which industrial agreements and other documents may be executed by or on behalf of the association;
- (g) The power of bringing industrial disputes before the Court;
- (h) The times when and terms on which persons shall become or cease to be members;
- (i) The mode in which the property is to be controlled and the funds invested;
- (j) The yearly or other more frequent audit of the accounts;
- (k) The conditions under which funds may be disbursed for ordinary and extraordinary purposes;
- (l) The keeping of a register of the members arranged, where there are branches of the association, according to branches;
- (m) The office of the association and of each of its branches; and
- (n) The repeal and alteration of, and addition to, the rules.

II. The rules of an association may also provide for any other matter not contrary to law.

III. No two associations shall be registered as organizations under the same name.

IV. An application, in the prescribed form, for registration of an association as an organization shall be made to the Industrial Registrar, or to the Deputy Industrial Registrar in charge of the Registry in the State where the office of the association is situated, and shall be signed by two or more officers of the association.

V. Every application for registration ~~shall be in duplicate and~~ shall be accompanied by—

- (a) two copies of—
 - (i) a list of the members of the association so far as known to those signing the application;
 - (ii) a list of the officers of the association showing the postal addresses and occupations of the officers respectively; and
 - (iii) a list of the branches of the organization showing the name under which each branch is carried on, the situation of the registered office thereof, and the names and addresses of the officers of the branches;
- (b) two copies of the rules of the association and of every branch thereof; and
- (c) two copies of a resolution passed in accordance with the rules by a majority of the members present at a general meeting of the association, in favour of registration of the association as an organization; or
- (d) two copies of a resolution passed by an absolute majority of the committee of management of the association, in favour of registration of the association as an organization.

7.—(1) The application for registration shall be in accordance with Form 1 or Form 2 applicable to the case, and shall be declared to by the applicants before the Registrar, a Justice of the Peace or a Commissioner for Affidavits.

Application for registration.

(2) Each document accompanying the application for registration shall be marked with the date of the declaring of the application and the signatures of the persons signing it, and of the Registrar, Justice of the Peace, or Commissioner for Affidavits before whom it is declared.

(3) The application shall be lodged with the Registrar, and shall be accompanied by the prescribed fee, and the Registrar shall note on the application the date and hour of its receipt.

(4) The duplicate of every application lodged with a Deputy Industrial Registrar shall forthwith be forwarded by him to the Industrial Registrar.

8. Applications for registration shall be dealt with as far as practicable in the order in which they are received.

Order in which applications dealt with.

9. The Registrar shall cause to be advertised in the *Gazette* a notice, ^{Advertisement of application.} in accordance with Form 3, of the receipt of the application for registration.

10. —(1) Any organization or person may, within thirty days after the advertisement of the notice of the receipt of the application for registration, lodge with the Registrar a notice of objection, in accordance with Form 4, to the registration of the association. ^{Objections to registration.}

(2) The grounds of objection shall be set out in the notice and shall be confined to one or more of the following: —

- (a) That the association is not an association capable of registration under the Act;
- (b) That the prescribed conditions for registration have not been complied with by the association;
- (c) That an organization to which the members of the association might conveniently belong has already been registered; or
- (d) That the rules of the association or any of them—
 - (i) are contrary to law or an order or award;
 - (ii) are tyrannical or oppressive;
 - (iii) would prevent or hinder members of the association from observing the law or the provisions of an order or award; or
 - (iv) impose unreasonable conditions upon the membership of any member or upon any applicant for membership.

(3) Particulars of the grounds of objection shall in each case be given.

11. The objector shall lodge with the notice of objection statutory ^{Evidence in support of objection.} declarations in support thereof and shall serve copies of the notice of objection and of the statutory declarations on the applicants.

12. Within fourteen days after service of the notice of objection the applicants may lodge with the Registrar statutory ^{Evidence in reply.} declarations in answer to the objection, and shall serve copies thereof on the objector.

13. The Registrar shall fix a day for hearing the objection, and shall ^{Hearing.} give notice thereof to the objector and to the applicants. On the hearing the Registrar shall hear the parties if they are present and desire to be heard, and, subject to the Act, shall decide the matter.

14. The Registrar shall not refuse to grant an application for re- ^{Right of applicants to be heard.} gistration until he has given the applicants an opportunity of being heard in support of it.

15. No association shall be registered as an organization until the ^{Registration.} Registrar is satisfied—

- (a) that it is a voluntary and *bonâ fide* association within the meaning of the Act;
- (b) that it is an association for furthering or protecting the interests of its members; and

- (c) that it is not wholly or partially formed, organized, supported, maintained, or conducted, directly or indirectly, for the purpose, or with the view, of opposing, injuring, or prejudicing the interests of employers or employees, as the case may be, whose interests it purports to represent, further, or protect.

16. The certificate of registration of an association as an organization shall be in accordance with Form 5. Certificate of registration.

17. An application to the Registrar to apply to the Court for the cancellation of the registration of an organization shall be in accordance with Form 6. Application for cancellation of registration.

18. Each Deputy Industrial Registrar shall, forthwith after the registration of any association as an organization, forward to the Industrial Registrar, at the Principal Registry, an advice, in accordance with Form 7, of the registration of the organization, and one copy of the list of members of the association, a list of the officers of the association showing the postal addresses and occupations of the officers respectively, a list of the branches of the association showing the name under which each branch is carried on, the situation of the registered office thereof, and the names and addresses of the officers of the branches respectively, one copy of the rules of the association and of its branches, and one copy of the resolution in favour of registration of the association as an organization; and the Industrial Registrar shall thereupon enter in the Register of Organizations kept by him particulars of the registration of the association. Advice of registration.

19.—(1) Any organization may apply to the Registrar for the change of its name or of the conditions of eligibility for membership or of the description of the industry in connexion with which it is registered, in accordance with Form 8, 9 or 10, as the case requires. Change of name or of conditions of eligibility for membership.

(2) Every application shall be signed by two or more officers of the association and ~~shall be in duplicate~~ and shall be accompanied by the prescribed fee and a statutory declaration or declarations setting forth the facts on which the applicant relies. 9

(3) The Registrar shall cause a notice of the receipt of the application in accordance with Form 11, 12 or 13, as the case requires, to be advertised in the *Gazette*.

(4) The duplicate of every application and of the statutory declaration or declarations in support thereof, lodged with a Deputy Industrial Registrar, shall forthwith be forwarded by him to the Industrial Registrar.

(5) Any organization or person interested may, within twenty-one days after the advertisement of the notice of the receipt of the application, lodge with the Registrar a notice of objection in accordance with Form 14, 15 or 16, as the case requires, to the change of name or conditions of eligibility of membership or description of the industry in connexion with which the organization is registered.

(6) The objector shall lodge with the notice of objection a statutory declaration or declarations in support thereof, and shall serve a copy of the notice of objection and of the statutory declaration or declarations on the applicant.

(7) The Industrial Registrar shall fix a day for the hearing of the application and shall give notice thereof to the applicant and the objector. On the hearing the Industrial Registrar shall hear the parties and, subject to the Act, shall decide the matter.

20. Every organization shall keep the following records:-

Records to be kept by organization.

- (a) A list of its members showing their names, the dates upon which they became members and their postal addresses; and any changes thereof;
- (b) A list of the names, postal addresses and occupations of its committee of management; of its officers and of every person holding, whether as trustee or otherwise, property of the organization or property in which the organization has any beneficial interest;
- (c) A list of the branches of the organization showing the name under which each branch is carried on, the situation of the registered offices thereof and the names and addresses of the officers of the branches respectively; and
- (d) An account in proper form of its receipts and payments and of all its funds and effects.

21. Every branch of an organization shall keep the following records:—

Records to be kept by branches.

- (a) The rules of the branch and any alterations thereof;
- (b) A list of the names, postal addresses and occupations of the committee of management; a list of its officers and of every person holding, whether as trustee or otherwise, any property of the branch or property in which the branch has any beneficial interest; and
- (c) An account in proper form of its receipts and payments and of all its funds and effects.

22.—(1) The keeping by a branch of the records required by the Act and these Regulations shall so far as such records extend be regarded as the keeping of such records by the organization to the intent that it shall not be necessary that the records of any branch should be duplicated by the organization.

Keeping of records by branches and organizations.

(2) Where a list of members has been filed in accordance with the Act and these Regulations and the members of a branch are included therein and shown separately as members of that particular branch, such filing shall be deemed to be compliance by the branch with the Act.

23. Within fourteen days after a change has taken place in the members of the committee of management, officers of an organization or branch thereof, the organization or branch, as the case may be, shall forward to the Registrar a statement in duplicate of such change together with ~~two copies of~~ the complete list of the names, postal addresses and occupations of the committee of management, officers and of every person holding, whether as trustee or otherwise, any property of the organization or branch, as the case may be, or in which the organization or branch has a beneficial interest,

Changes in officers, &c., to be notified.

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24.—(1) The account of the receipts, payments, funds and effects of an organization or branch of an organization required by section seventy-two of the Act to be filed with the Registrar shall be so filed within fourteen days of the periodical audit of the accounts of the organization or branch.

Accounts to be filed.

(2) The report of the auditor required by section 72A of the Act to be filed with the Registrar shall be so filed within fourteen days from the date thereof.

25.—(1) All documents lodged or filed with or furnished to the Registrar in accordance with the requirements of the Act or these Regulations shall be in duplicate and (except applications under section fifty-six c of the Act and documents relating thereto, and except as otherwise provided by the Act or Regulations) shall be open to public inspection during office hours on payment of the prescribed fee and any person may, on application to the Registrar, and on payment of the prescribed fee, obtain an office copy or a certified copy of any document open to public inspection.

Filing of documents, &c.

(2) Any documents so lodged or filed with or furnished to the Registrar by an organization shall be under the seal of the organization or the hands of two officers authorized to sign the document.

26. Every organization shall file with the Registrar in the month of January in each year a list of the branches of the organization. Such list shall contain the particulars set forth in paragraph (c) of regulation 20, and shall be verified by the statutory declaration of the secretary of the organization.

List of branches to be filed.

27. Every association which has adopted rules in pursuance of power granted by a Judge shall lodge with the Registrar three copies of the rules so adopted, verified by statutory declaration, and a copy of the Judge's order.

Lodging of adopted rules.

28. Every organization registered at the commencement of the *Commonwealth Conciliation and Arbitration Act 1928* shall within twelve months from the date of these Regulations alter its rules so far as is necessary to comply with the conditions set out in Schedule B of the Act, or as prescribed.

Alterations of rules of organizations.

29.—(1) Within three months after the date of the commencement of the *Commonwealth Conciliation and Arbitration Act 1928*, every organization shall lodge with the Registrar a statement in duplicate of the rules then in force governing the respective branches of the organization. The statement shall be verified by the statutory declaration of the secretary of the organization.

Filing of rules and alterations thereof.

(2) Within fourteen days after any alteration has been made in the rules of an organization or branch, the organization or branch shall forward to the Registrar two copies of the alterations verified by the statutory declaration of the secretary of the organization or branch, as the case may be.

(3) The statutory declaration shall state that the copies are true copies of the alterations, and that the alterations were made in accordance with the rules of the organization or of the branch, as the case may be.

30.—(1) For the purpose of giving effect to the Act, the Registrar shall, in relation to any application or proceeding with which he is authorized to deal, have the following powers:—

General powers of Registrar.

- (a) To call witnesses before him, and take evidence on oath;
- (b) To adjourn any matter or hearing;

- (c) To amend or give leave to amend any application, notice, or other document;
- (d) To extend the time fixed by the Regulations for the lodging of any document or the doing of any act (whether that time has expired or not); and
- (e) To order any party to pay to any other party such reasonable sum for costs as he thinks just.

(2) The above powers, if exercised on the application of a party, may be exercised on such terms, as to payment of fees and costs and otherwise, as the Registrar thinks just.

31. The costs ordered by the Registrar shall be a debt due by the party against whom they are awarded to the party to whom they are awarded, and may be sued for and recovered by him in any Commonwealth or State Court of competent jurisdiction. Recovery of costs.

32. Each Deputy Industrial Registrar shall forward to the Industrial Registrar at the Principal Registry one copy of all returns, alterations of rules, and notices of change in the registered office of an organization, received by him. Copies of returns.

33.—(1) An application to the Court for directions for the conduct of a secret ballot of an organization or a branch thereof under section 56B of the Act shall be in accordance with Form 18, and filed with the Industrial Registrar, and the prescribed fee paid thereon shall be *shall be paid* Application for secret ballot under s. 56B.

(2) The application shall be supported by a statutory declaration setting forth the facts relied upon by the applicants and shall be accompanied by ~~the~~ membership cards, contribution cards, pence cards, union badges or buttons, receipts for subscriptions, or other evidence that the applicants are members of the organization or branch in respect of which the application is made. The statutory declaration shall also set out all facts ~~relevant to the application bearing upon the bona fides~~ of the applicants. *relied upon to establish it*

34. An application to the Registrar for directions that a secret ballot be taken by an organization or branch thereof under section 56c of the Act may be sent to the Registrar by ordinary prepaid post, and shall be accompanied by the prescribed fee. The application shall set forth the question upon which the ballot is desired, the facts relied upon ~~and all facts relevant to the application bearing upon the bona fides~~ of the applicants and shall be accompanied by the membership cards, contribution cards, pence cards, union badges or buttons, receipts for subscriptions or other evidence that the applicants are members of the organization or branch in respect of which the application is made. The Registrar may require the applicants to verify by statutory declaration to be made before him or other competent person any statements contained in the application. *including all facts relied upon to establish* Application for secret ballot under s. 56c.

35.—(1) A complaint to the Court under section 56E of the Act shall be in accordance with Form 19 and filed with the Industrial Registrar, and the prescribed fee paid thereon. Complaint to Court under s. 56E.

(2) The application shall be supported by a statutory declaration setting forth the facts relied upon ~~and all facts relevant to the application bearing upon the membership and bona fides~~ of the applicants. *including all facts relied upon to establish*

36. Any membership cards, contribution cards, pence cards, union badges or buttons, or receipts for subscriptions lodged with the Registrar under these Regulations shall be returned to the persons lodging the same as soon as practicable. Return of membership cards, &c.

37. Any ballot-papers used in a secret ballot directed by a Court or Judge shall not be disclosed to any person other than a person authorized by direction of the Court to deal with or inspect them. Ballot-papers.

38.— An application under section thirty-four of the Act for the appointment by the Chief Judge of a Conciliation Committee shall be in accordance with Form J7. Application for appointment of Conciliation Committee.

(2) The application shall be supported by statutory declaration to be filed therewith verifying the matters stated in the application and setting forth the circumstances out of which the application arises. A copy of the statutory declaration shall be lodged with the Registrar at the time the original thereof is filed.

(3) The application shall contain—

- (a) the correct names and addresses of those persons on whose behalf the application is made;
- (b) the industrial dispute or matter in relation to which the appointment of the Committee is desired;
- (c) the industry, branch or section of the industry and the locality in relation to which the appointment of the Committee is desired;
- (d) the names, addresses and occupations of persons nominated for appointment to the Committee on behalf of the applicant; and
- (e) an address for service of the applicant within one mile of the Principal Registry of the Court.

(4) The application may also contain the name, address, and occupation of a person nominated by the applicant for appointment as Chairman of the Committee.

(5) On receipt of such an application the Registrar shall forthwith submit it to the Chief Judge and shall thereafter give such notice thereof to such persons or parties as the Chief Judge directs.

(6) The Chief Judge may request the parties to attend before him to discuss the terms of the appointment of the Committee.

39.— (1) The following fees shall be paid to the Registrar in respect of matters under the Act and Regulations:— Fees.

		<i>£</i>	<i>s.</i>	<i>d.</i>
On lodging application for registration or for change of name or conditions of eligibility for membership of an organization or description of industry in connexion with which it is registered	0	5	0	
On lodging notice of objection to registration or to change of name or conditions of eligibility for membership or description of industry in connexion with which it is registered	0	5	0	
On lodging each declaration	0	1	0	
On every written order by the Registrar	0	1	0	
On the registration of an association as an organization	1	0	0	

	£	s.	d.
On application for a secret ballot	0	5	0
For inspection of documents (other than an award) lodged or filed in any Registry	0	1	0
For inspection of an award, or variation of an award ..	0	0	6
For certificate of the Registrar	0	1	0
On filing each industrial agreement	0	1	0
On filing any document in respect of which no other fee is provided	0	1	0
For office copies of documents, where copy is prepared by applicant	0	1	0
For office copies of documents, where copy is prepared by Registrar, per folio	0	0	3

(2) The fees payable under these Regulations shall be paid in advance, and the Registrar may refuse to receive or issue any document, to do any act, or permit any inspection in respect of which a fee is payable until the fee is paid.

40.—(1) Each organization shall have a registered office.

Registered office.

(2) Unless the Registrar is notified to the contrary, the office notified in the application for registration shall be deemed to be the registered office of the organization.

(3) Any change of the situation of the registered office shall be notified to the Registrar.

41. Service of any document under these Regulations may be effected by post, and service shall be deemed to be effected by properly addressing, prepaying, and posting the document as a registered letter, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Service by Post.

42. Where the Act or these Regulations require any document to be lodged or filed with the Registrar, the document may be lodged or filed by leaving it with the Registrar, or by sending it in a prepaid registered letter properly addressed to him.

Lodging of documents with the Registrar.

43.—(1) Except as hereinafter provided, the Chairman of any Board of Reference, appointed under any award or order made in pursuance of the Act, shall be paid a fee of Two guineas for each sitting of the Board, and shall be paid travelling expenses at the rate of Fifteen shillings per day and fares actually and properly paid by him.

Fees to Chairman of Board of Reference.

(2) Where the Chairman of a Board of Reference is a public servant of the Commonwealth, he shall, if his appointment has been approved by the Minister of the Department to which he belongs, be entitled to receive a fee of One guinea per day, together with travelling allowance in accordance with the Commonwealth Public Service Regulations.

(3) Representatives of parties summoned to compulsory conferences under section 16A of the Act shall be entitled to living expenses at the rate of Fifteen shillings per day, the amount of salary, wages or earnings actually lost during the time occupied in travelling and attending any such conference, and to fares actually and properly paid by them.

44. The Chairman of a Conciliation Committee, not being a person who is also a Conciliation Commissioner, shall receive a fee of Two guineas in respect of each day on which he presides over a meeting of the Committee and, while engaged away from his home on the business of the Committee, shall receive Fifteen shillings per day as travelling expenses, together with fares actually and properly paid by him. Remuneration of Chairman of Conciliation Committee.

45.—(1) Where a qualified person is appointed by the Registrar to make a special audit of the accounts of an organization or any branch thereof, he shall make such special audit and report thereon to the Registrar appointing him, and for the purpose of making such special audit may call for and inspect at the office of the organization or branch or at the Registry of the Court all books, papers, documents, accounts or vouchers whatsoever necessary for the purpose of enabling him to ascertain the true financial position of the organization or branch. Special audit.

(2) Any person appointed to conduct, and who conducts, a special audit under section 72A of the Act, shall be entitled to receive as remuneration a fee of Three guineas in respect of each day on which he is so engaged, subject to an increase by the Industrial Registrar where he considers the circumstances warrant an increase.

46. All payments under the last three preceding regulations, including fares, shall be made only on the certificate of the Registrar. Industrial Registrar to certify payments.

47. Reference to Forms in these Regulations are to the Forms in the Schedule, which Forms may be used where applicable. Strict compliance with the Forms in the Schedule shall not be necessary, and the Registrar shall have power to permit the use of any form which, in his opinion, substantially complies with the Regulations. Forms.

48. Any person who wilfully makes any false statement in any document lodged or filed with the Registrar shall be guilty of an offence, and liable, on summary conviction, to imprisonment with or without hard labour for any term not exceeding six months. Nothing in these Regulations shall relieve any person from any punishment to which he may be otherwise liable under the laws of the Commonwealth or of a State. Offences.

THE SCHEDULE.

Regulation 7.

FORM 1.

COMMONWEALTH OF AUSTRALIA.

The Commonwealth Conciliation and Arbitration Act 1904-1928.

APPLICATION FOR THE REGISTRATION OF AN ASSOCIATION OF EMPLOYERS AS AN ORGANIZATION.

We [here set out names, in full, addresses and occupations of applicants] hereby make application for the registration of an association called [here set out the

name of the association] as an organization of employers under the *Commonwealth Conciliation and Arbitration Act 1904-1928*, and we declare as follows:—

1. That the said association is an association of employers in or in connexion with the [*here set out name of industry*].

2. That the members of the said association have in the aggregate throughout the six months next preceding the date of this application employed on an average taken per month not less than one hundred employees in that industry.

3. That the copies of the lists of—

- (a) the members of the association;
- (b) the officers of the association; and
- (c) the branches of the association.

and the particulars set forth in regard thereto, are to the best of our knowledge and belief true and correct statements of the matters respectively stated therein.

4. That the copies of the rules of the association and of the branches thereof accompanying this application are true and correct copies of the rules of the association.

5. That on the day of 19 [*here set out*
a resolution was passed in accordance with the rules by a majority of the members present at a general meeting of the association in favour of registration of the association as an organization *or* a resolution was passed by an absolute majority of the Committee of Management of the said association in favour of registration of the association as an organization] and that the copies of that resolution accompanying this application are true and correct copies thereof.

6. That we, the applicants, are officers of the association, and are authorized to make this application.

And we make this application conscientiously believing the statements therein to be true.

Signatures of Applicants—

*Declared before me at the day of 19 .

NOTE.—To be addressed to the Industrial Registrar, or to the Deputy Industrial Registrar in charge of the Registry in the State where the office of the association is situated.

*To be made before the Registrar, a Justice of the Peace, a Commissioner for Affidavits or a Commissioner for Declarations.

Regulation 7.

FORM 2.

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Conciliation and Arbitration Act 1904-1928*.

APPLICATION FOR THE REGISTRATION OF AN ASSOCIATION OF
EMPLOYEES AS AN ORGANIZATION.

WE [*here set out names in full, addresses, and occupations of applicants*] hereby make application for the registration of an association called [*here set out the name of the association*] as an organization of employees under the *Commonwealth Conciliation and Arbitration Act 1904-1928*, and we declare as follows:—

1. That the said association is an association of employees in or in connexion with the [*here set out name of industry*].

2. That the number of employees in or in connexion with the said industry who are members of the association is not less than one hundred.

3. That the copies of the lists of—
 (a) the members of the association;
 (b) the officers of the association; and
 (c) the branches of the association,

and the particulars set forth in regard thereto, are to the best of our knowledge and belief true and correct statements of the matters respectively contained therein.

4. That the copies of the rules of the association and of the branches thereof accompanying this application are true and correct copies of the rules of the association.

5. That on the _____ day of _____ 19 [here set out a resolution was passed in accordance with the rules by a majority of the members present at a general meeting of the association in favour of registration of the association as an organization or a resolution was passed by an absolute majority of the Committee of Management of the said association in favour of registration of the association as an organization] and that the copies of that resolution accompanying this application are true and correct copies thereof.

6. That we, the applicants, are officers of the association, and are authorized to make this application.

And we make this application conscientiously believing the statements therein to be true.

Signatures of Applicants—

*Declared before me at _____ the _____ day of _____ 19 .

NOTE.—To be addressed to the Industrial Registrar, or to the Deputy Industrial Registrar in charge of the Registry in the State where the office of the association is situated.

*To be made before the Registrar, a Justice of the Peace, a Commissioner for Affidavits or a Commissioner for Declarations.

FORM 3.

Regulation 9.

COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

[Principal or District] Registry
 [Place and date].

NOTICE OF APPLICATION FOR THE REGISTRATION OF AN ASSOCIATION
 AS AN ORGANIZATION.

NOTICE is hereby given that application has been made to me under the *Commonwealth Conciliation and Arbitration Act 1904-1928* for the registration of an association called [here set out name of association] as an organization of [here set out employers or employees, as the case requires] in or in connexion with the industry of [here set out name of industry]. Any person who desires to object to the registration of the association may do so by lodging with me a notice of objection in the prescribed form and statutory declarations in support thereof within thirty days after the publication of this advertisement, and by serving on the association copies of the notice of objection and statutory declarations so lodged.

Industrial Registrar or Deputy Industrial Registrar, as the case requires.

Regulation 10.

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Conciliation and Arbitration Act 1904-1928*.
 NOTICE OF OBJECTION TO THE REGISTRATION OF AN ASSOCIATION
 AS AN ORGANIZATION.

TAKE notice that [*here set out name of objecting organization or person and its or his address and his occupation*] object to the registration of [*here set out the name of the association applying for registration*] as an organization under the above Act on the following grounds, namely:—

- (a) That the association is not an association capable of registration under the Act in that [*here set out the particulars*];
- (b) That the prescribed conditions for registration have not been complied with by the association in that [*here set out particulars*];
- (c) That an organization namely [*here set out the name of the organization*] to which the members of the association might conveniently belong has been registered in the State of _____ under the said Act; or
- (d) That the rules of the association which are specified hereunder—
 - (i) are contrary to law or an order or award;
 - (ii) are tyrannical or oppressive;
 - (iii) would prevent or hinder members of the association from observing the law or the provisions of an order or award; or
 - (iv) impose unreasonable conditions upon the membership of any member or upon any applicant for membership.

(*Set out under each heading the rules to which the objection is alleged to apply*).

Dated this _____ day of _____ 19 _____

Signature of Objector:

To the (Industrial Registrar or Deputy Industrial Registrar, *as the case requires*).

NOTE.—Any ground not applicable may be struck out. Where the objector is an organization the objection shall be under the seal of the organization or the hands of two officers authorized to sign the notice of objection.

FORM 5.

Regulation 16.

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Conciliation and Arbitration Act 1904-1928*.
 CERTIFICATE OF REGISTRATION OF AN ASSOCIATION AS AN
 ORGANIZATION OF (EMPLOYERS OR EMPLOYEES, AS THE CASE
 MAY BE).

I [*here set out name and title of Registrar*] hereby certify that on the _____ day of _____ One thousand nine hundred and _____ an association called [*here set out the name of the association*] was [*here set out at the Principal Registry or at the District Registry in the State of _____*] registered by that name under the *Commonwealth Conciliation and Arbitration Act 1904-1928*, as an organization of [*here set out employers or employees, as the case requires*].

Dated at _____ in the State of _____ this _____ day of _____ 19 _____

Industrial Registrar or Deputy Industrial Registrar, *as the case requires*.

FORM 6.

Regulation 17.

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Conciliation and Arbitration Act 1904-1928*.
 APPLICATION TO THE REGISTRAR TO APPLY TO THE COURT FOR
 THE CANCELLATION OF THE REGISTRATION OF AN ORGANIZA-
 TION.

APPLICATION is hereby made by [*here set out the name of organization or person and its or his address and his occupation*] to you to apply to the Commonwealth Court of Conciliation and Arbitration for the cancellation of the registration of

an organization called [*here set out name of organization*] which is registered under the above Act at [*here set out the name of the Registry at which the organization was registered*] as an organization of [*here set out employers or employees, as the case requires*].

The grounds upon which this application is founded are as follows:—[*here set out grounds in numbered paragraphs*].

Dated the day of 19 .

Signature—

NOTE.—To be addressed to the Industrial Registrar or to a Deputy Industrial Registrar, and to be signed by the applicant, or, where the applicant is an organization, to be under the seal of the organization or the hands of two of its officers who are authorized to sign the application.

FORM 7.

Regulation 18.

COMMONWEALTH OF AUSTRALIA.

District Registry,

, 19 .

SIR,

I have the honour to inform you that I have registered an association called the [*here set out name of association*] as an organization under the *Commonwealth Conciliation and Arbitration Act 1904-1928*, according to the particulars set out below, and I forward herewith a copy of the list of members of the association, a list of the officers of the association showing the postal addresses and occupations of the officers respectively, a list of the branches of the association showing the name under which each branch is carried on, the situation of the registered office thereof and the names and addresses of the officers of the branches respectively, one copy of the rules of the association and of its branches, and one copy of the resolution in favour of registration of the association as an organization.

Particulars.

Registered number of organization—
Date of registration—
Name of organization—
Employers or employees—
Name of industry—
Conditions of eligibility for membership—
State—
Situation of office—

I have the honour to be,

Sir,

Your obedient servant,

Deputy Industrial Registrar.

The Industrial Registrar,
Principal Registry, Melbourne.

FORM 8.

Regulation 19 (1).

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Conciliation and Arbitration Act 1904-1928*.

APPLICATION FOR THE CHANGE OF NAME OF AN ORGANIZATION.

APPLICATION is hereby made by [*here set out name of organization*] for the change of name of the said organization to [*here set out change required*].

The grounds upon which this application is founded are as follows:—[*here set out grounds in numbered paragraphs*].

Dated the day of 19 .

Signature—

NOTE.—To be addressed to the Industrial Registrar or to the Deputy Industrial Registrar in charge of the Registry in the State where the organization was registered, and to be under the seal of the organization or the hands of two of its officers who are authorized to sign the application.

Regulation 19 (1).

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Conciliation and Arbitration Act 1904-1928*.

APPLICATION FOR CHANGE OF THE CONDITIONS OF ELIGIBILITY FOR MEMBERSHIP OF AN ORGANIZATION.

APPLICATION is hereby made by [*here set out name of organization*] for the change of the conditions of eligibility for membership of the organization from the following:—[*here insert present conditions of membership*] to the following:—[*here insert proposed conditions of membership*].

The grounds upon which this application is founded are as follows:—

[*Here set out grounds in numbered paragraphs.*]

Dated the day of , 19 .

Signatures—

NOTE.—To be addressed to the Industrial Registrar or to the Deputy Industrial Registrar in charge of the Registry in the State where the organization was registered, and to be under the seal of the organization or the hands of two officers who are authorized to sign the application.

Regulation 19 (1).

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Conciliation and Arbitration Act 1904-1928*.

APPLICATION FOR CHANGE OF THE DESCRIPTION OF THE INDUSTRY IN CONNEXION WITH WHICH AN ORGANIZATION IS REGISTERED.

APPLICATION is hereby made by (*here set out name of organization*) for the change of the description of the industry in connexion with which the organization was registered from the following:—(*here insert present description*) to the following:—(*here insert proposed description*).

The grounds upon which this application is founded are as follows:—

(*Here set out grounds in numbered paragraphs.*)

Dated the day of 19 .

Signatures.

NOTE.—To be addressed to the Industrial Registrar or to the Deputy Industrial Registrar in charge of the Registry in the State where the organization was registered, and to be under the seal of the organization or the hands of two officers who are authorized to sign the application.

Regulation 19 (3).

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Conciliation and Arbitration Act 1904-1928*.

(Principal or District) Registry
(Place and Date)

NOTICE OF APPLICATION FOR THE CHANGE OF NAME OF AN ORGANIZATION.

NOTICE is hereby given that application has been made to me under the *Commonwealth Conciliation and Arbitration Act 1904-1928* for the change of name of an organization called [*here set out name of organization*] to [*here set out change required*].

Any person who desires to object to the change of name of the organization may do so by lodging with me a notice of the objection in the prescribed form, and a statutory declaration in support thereof within twenty-one days after the publication of this advertisement, and by serving on the organization copies of the notice of objection and statutory declaration so lodged.

Industrial Registrar or
Deputy Industrial Registrar, *as the case requires.*

FORM 12.

Regulation 19 (3).

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Conciliation and Arbitration Act 1904-1928.*(Principal or District) Registry
(Place and date)NOTICE OF APPLICATION FOR CHANGE OF THE CONDITIONS OF
ELIGIBILITY FOR MEMBERSHIP OF AN ORGANIZATION.

NOTICE is hereby given that application has been made to me under the *Commonwealth Conciliation and Arbitration Act 1904-1928* for the change of the conditions of eligibility for membership of (*here set out name of organization*) from the following:—(*here set out present conditions of eligibility for membership*) to the following:—(*here insert conditions of eligibility for membership proposed*).

Any person who desires to object to the proposed change may do so by lodging with me a notice of the objection in the prescribed form, and a statutory declaration in support thereof within twenty-one days after the publication of this advertisement, and by serving on the organization copies of the notice of objection and statutory declaration so lodged.

Industrial Registrar or
Deputy Industrial Registrar, *as the case requires.*

FORM 13.

Regulation 19 (3).

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Conciliation and Arbitration Act 1904-1928.*(Principal or District) Registry
(Place and date)NOTICE OF APPLICATION FOR CHANGE OF THE DESCRIPTION OF THE
INDUSTRY IN CONNEXION WITH WHICH AN ORGANIZATION IS
REGISTERED.

NOTICE is hereby given that application has been made to me under the *Commonwealth Conciliation and Arbitration Act 1904-1928* for the change of the description of the industry in connexion with which (*here set out name of organization*) is registered from the following:—(*here insert present description*) to the following:—(*here insert proposed description*).

Any person who desires to object to the proposed change may do so by lodging with me a notice of the objection in the prescribed form, and a statutory declaration in support thereof within twenty-one days after the publication of this advertisement, and by serving on the organization copies of the notice of objection and statutory declaration so lodged.

Industrial Registrar or
Deputy Industrial Registrar, *as the case requires.*

FORM 14.

Regulation 19 (5).

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Conciliation and Arbitration Act 1904-1928.*NOTICE OF OBJECTION TO THE CHANGE OF NAME OF AN
ORGANIZATION.

TAKE notice that [*here set out name of objecting organization or person, and its or his address and his occupation*] object to the change of name of [*here set out name of organization applying for a change of name*] on the following grounds, namely:—

(*Here set out grounds in numbered paragraphs.*)

Dated the day of 19

Signature—

To the [Industrial Registrar or Deputy Industrial Registrar, *as the case requires.*]

NOTE.—Where the objector is an organization, the objection shall be under the seal of the organization or the hands of two officers authorized to sign the objection.

Regulation 19 (5).

FORM 15.

COMMONWEALTH OF AUSTRALIA.

*The Commonwealth Conciliation and Arbitration Act 1904-1928.*NOTICE OF OBJECTION TO THE CHANGE OF THE CONDITIONS OF
ELIGIBILITY FOR MEMBERSHIP OF AN ORGANIZATION.

TAKE notice that [*here set out name of objecting organization or person, and its or his address, and his occupation*] object to the change of conditions of eligibility for membership of (*here set out name of organization applying for such change*), on the following grounds, namely:—

(*Here set out grounds in numbered paragraphs.*)

Dated the day of 19 .

Signature.

To the (Industrial Registrar or Deputy Industrial Registrar, *as the case requires*).

NOTE.—Where the objector is an organization, the objection shall be under the seal of the organization or the hands of two officers authorized to sign the objection.

FORM 16.

Regulation 19 (5).

COMMONWEALTH OF AUSTRALIA.

*The Commonwealth Conciliation and Arbitration Act 1904-1928.*NOTICE OF OBJECTION TO THE CHANGE OF THE DESCRIPTION OF
THE INDUSTRY IN CONNEXION WITH WHICH AN ORGANIZATION
IS REGISTERED.

TAKE notice that [*here set out name of objecting organization or person, and its or his address, and his occupation*] object to the change of the description of the industry in connexion with which (*here set out name of organization applying for change*) is registered, on the following grounds, namely:—

(*Here set out grounds in numbered paragraphs.*)

Dated the day of 19 .

Signature.

To the (Industrial Registrar or Deputy Industrial Registrar, *as the case requires*).

NOTE.—Where the objector is an organization, the objection shall be under the seal of the organization or the hands of two officers authorized to sign the objection.

Regulation 33.

FORM 17.

The Commonwealth Conciliation and Arbitration Act 1904-1928.

IN THE MATTER OF an application for a Secret Ballot of an organization (or of a branch of an organization) under section 56B of the Act.

AND IN THE MATTER OF [*Name of applicant or applicants*], Applicants, and [*Name of organization or of branch, as the case may be*], Respondents.

WHEREAS it is provided by section 56A of the *Commonwealth Conciliation and Arbitration Act 1904-1928* that any ten members of an organization or a branch thereof may, when any vote is taken or about to be taken in any election of the committee or officers of the organization or of the branch or in respect of any resolution proposed for adoption by the organization or branch, as the case may be, demand, either verbally or in writing, that the vote be taken by secret ballot:

And whereas by section 56B of the said Act it is provided that where an organization or branch fails to hold a secret ballot after a demand has been so made, the Court may give directions for the conduct of a secret ballot:

And whereas ten members of [*here set out organization or branch, as the case may be*] demanded that a vote be taken by secret ballot in the election of the committee (or officers) of such organization (or branch) (or in respect of the following resolution proposed for adoption by such organization (or branch)):— [*here set out resolution*].

And whereas such organization failed to hold a secret ballot as demanded:

Application is accordingly hereby made by (or on behalf of) [*Names of applicant or applicants*] to the Court for an order directing the conduct of a secret ballot under the control of an officer of the Court of the members of the said

abovenamed organization (or branch) and under such conditions as the Court may direct upon the following matter:—[*Here set out the matters upon which the organization (or branch) has after demand under section 56A of the Act failed to hold a secret ballot.*]

In support whereof a statutory declaration (or declarations) of made herein the day of 19 , has (or have) this day been filed herein.

Dated this day of 19 .
Signed.

Applicant (or on behalf of).

This application is filed by on behalf of the within named applicant whose address for service is

FORM 18.

Regulation 35.

The Commonwealth Conciliation and Arbitration Act 1904-1928.

IN THE MATTER OF AN application under section 56E of the Act for a declaration avoiding an alleged ballot and directing a further ballot.

AND IN THE MATTER OF [Name of applicant or applicants] Applicant (s), and [Name of organization or of branch, as the case may be], Respondent.

APPLICATION is hereby made by (or on behalf of) [Names of applicants] to the Court for an order declaring void a secret ballot of the abovenamed organization (or branch) taken by the said organization (or branch) on or about the [date] upon the question (or questions) [*here set out questions upon which the ballot was taken*] AND DIRECTING the conduct of a secret ballot under the control of an officer of the Court in such manner as the Court may direct upon the said question (or question).

Upon the grounds [*here set out grounds in numbered paragraphs*].

In support whereof a statutory declaration (or statutory declarations) of made the day of 19 has (or have) this day been filed herein.

Signed

Applicant (or Applicants).

This application is filed by (or on behalf of) the within named applicants whose address for service is

Regulation 38.

FORM 19.

COMMONWEALTH OF AUSTRALIA.

The Commonwealth Conciliation and Arbitration Act 1904-1928.

APPLICATION FOR APPOINTMENT OF A CONCILIATION COMMITTEE.

APPLICATION is hereby made to the Industrial Registrar by [*here set out names and addresses of persons or organization applying*] for the appointment by the Chief Judge of a Conciliation Committee for the prevention or settlement of industrial disputes in the (*here set out description of industry or branch or section of the industry involved*) [or the prevention or settlement of an industrial dispute in the (*here set out description of industry or branch or section of the industry involved*) relating to (*here set out particular dispute*)] in which industry the above applicant [or members of the above organization] is [or are] engaged as employer [s] or employee [s]

The applicant desires that the Conciliation Committee shall consist of members, and recommends (*here set out names, addresses and occupations of persons to the number of at least one-half the total number suggested for appointment as representatives of the applicant on such Committee*).

In support whereof a statutory declaration of the day of 19 , made the day of 19 , has this day been filed herein.

Dated the day of 19 .

Signature.

To the Industrial Registrar.

This application is filed by on behalf of the within named applicant, whose address for service is

NOTE.—To be addressed to the Industrial Registrar in charge of the Registry in the State where the dispute is threatened or occurs, and to be signed by the applicant, or where the applicant is an organization to be under the seal of the organization or the hands of two officers of the organization authorized to sign the application.

By Authority: H. J. GREEN, Government Printer, Canberra.