

STATUTORY RULES.

1947. No. .

REGULATIONS UNDER THE COMMONWEALTH CONCILIATION AND ARBITRATION ACT 1904-1947.*

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 1904-1947*.

Dated this *eight*
day of *October*, 1947.

W. J. MCKELL

Governor-General.

By His Excellency's Command,

(Sgd.) *K. E. McKenna*

for and on behalf of the Attorney-General.

CONCILIATION AND ARBITRATION REGULATIONS.

1. These Regulations may be cited as the Conciliation and Arbitration Regulations. Citation.
2. These Regulations shall come into operation on the eighth day of October, 1947. Commencement.
- 3.—(1.) The Conciliation and Arbitration Regulations (being Statutory Rules 1928, No. 81, as amended by Statutory Rules 1929, No. 28; 1930, Nos. 97 and 101; 1931, No. 118; 1938, No. 88; 1939, No. 63; 1940, No. 92; and 1943, Nos. 18 and 270) and the Conciliation and Arbitration (Inspectors) Regulations (being Statutory Rules 1934, No. 156, as amended by Statutory Rules 1940, Nos. 153 and 292; and 1946, No. 99) are repealed. Repeal and saving.
- (2.) Any application, proceeding or matter made or commenced in accordance with the Regulations repealed by this regulation, or with the Rules of Court in force under the *Commonwealth Conciliation and Arbitration Act 1904-1946*, and pending at the commencement of these Regulations may be proceeded with and completed in accordance with these Regulations.
4. These Regulations are divided into Parts, as follows:— Parts.
 - Part I.—Preliminary (Regulations 1-6).
 - Part II.—Procedure of Conciliation Commissioners.
 - Division 1.—General (Regulations 7-14).
 - Division 2.—Procedure in Particular Matters (Regulations 15-28).
 - Part III.—Procedure of the Court.
 - Division 1.—General (Regulations 29-51).
 - Division 2.—Procedure in Particular Matters (Regulations 52-66).

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Division 3.—Appeals.

Sub-division A.—Appeals from Acts or Decisions of Registrar (Regulation 67).

Sub-division B.—Appeals under the Re-establishment and Employment Act 1945 (Regulations 68-72).

Sub-division C.—Appeals from Courts Generally (Regulations 73-92).

Division 4.—Costs (Regulations 93-95).

Division 5.—Execution and Attachment (Regulations 96-105).

Part IV.—Organizations (Regulations 106-136).

Part V.—Inspectors (Regulations 137-144).

Part VI.—Miscellaneous (Regulations 145-163).

5.—(1.) In these Regulations, unless the contrary intention ^{Definitions.} appears—

“Commissioner for Affidavits” means a person authorized under the law of the Commonwealth or of a State or Territory of the Commonwealth to take affidavits or declarations;

“Justice of the Peace” means a Justice of the Peace of a State or part of a State or of a Territory of the Commonwealth;

“the Act” means the *Commonwealth Conciliation and Arbitration Act 1904-1947*; and

“the Registrar” means the Industrial Registrar, and includes a Deputy Industrial Registrar and, for the purposes of Part IV. of these Regulations, means, in relation to an organization or branch of an organization—

(a) where the organization is registered at the Principal Registry—the Industrial Registrar or a Deputy Industrial Registrar stationed at the Principal Registry; or

(b) in any other case—the Deputy Industrial Registrar in charge of the Registry in which the organization is registered.

(2.) Any reference in these Regulations to the Registry or Registrar in a Territory of the Commonwealth shall, in relation to the Australian Capital Territory, be read as a reference to the Registry or Registrar in the State of New South Wales.

6.—(1.) Any reference in these Regulations to a form shall be read ^{References to forms.} as a reference to a form in the First Schedule to these Regulations.

(2.) Strict compliance with any form shall not be necessary and substantial compliance shall be sufficient.

PART II.—PROCEDURE OF CONCILIATION COMMISSIONERS.

Division 1.—General.

7.—(1.) Every determination, decision, finding or direction made ^{Award or order to be signed.} by a Conciliation Commissioner in or for the purpose of the prevention or settlement of an industrial dispute shall be forthwith reduced to writing and embodied by the Conciliation Commissioner making the

determination, decision, finding or direction in an order or award, and that order or award shall bear the date of the making thereof and shall be signed by the Conciliation Commissioner.

(2.) If a Conciliation Commissioner dies, or if a Conciliation Commissioner ceases to be a Conciliation Commissioner, after a determination, decision, finding or direction has been made by him and the order or award has not been reduced to writing or has not been signed by him, an order or award, recording the determination, decision, finding or direction so made, signed by the Registrar, and stamped with the stamp of the Conciliation Commissioners, shall have effect as if the order or award had been signed by the Conciliation Commissioner.

8. The original of every order or award made by a Conciliation Commissioner shall be retained by the Registrar with all other documents relating to the proceeding in which the order or award was made. Order or award to be retained by Registrar.

9.—(1.) There shall be a stamp bearing the words “Commonwealth Conciliation and Arbitration Act—Conciliation Commissioners”. Stamp of Conciliation Commissioners.

(2.) The stamp shall be in the control of the Registrar and shall be affixed by him to orders and awards made by a Conciliation Commissioner.

10. Except as otherwise prescribed, or unless a Conciliation Commissioner otherwise directs, parties shall effect service of all documents. Service to be effected by parties.

11. Where personal or other service of any document is required by the Act or these Regulations or otherwise, and it appears to a Conciliation Commissioner that prompt service cannot be effected, the Conciliation Commissioner may make such order for substituted or other service, or for the substitution for the service otherwise required of notice by letter, telegram, public advertisement or otherwise, as he thinks just. Directions as to service.

12. A proceeding before a Conciliation Commissioner may be withdrawn by the party who initiated the proceeding by leave of the Conciliation Commissioner or upon a consent in writing to the withdrawal being signed by each of the parties, filed with the Registrar and approved by the Conciliation Commissioner. Withdrawal of proceeding.

13. A person shall not take away, without the permission of the Conciliation Commissioner, any exhibit lodged in connexion with a proceeding before a Conciliation Commissioner. Exhibits.

14.—(1.) Where a Conciliation Commissioner orders any costs to be paid by a person, the Conciliation Commissioner shall, in the order or by a later order, assess the amount of the costs to be paid. Amounts allowable for costs.

(2.) In assessing the amount of any costs, a Conciliation Commissioner shall have regard to the provisions of the Second Schedule to these Regulations as well as to the provisions of paragraph (e) of section 40 of the Act.

(3.) An order of a Conciliation Commissioner for the payment of costs may be filed in the Court and shall thereupon have effect in all respects and be enforceable as if it were an order of the Court.

Division 2.—Procedure in Particular Matters.

15.—(1.) A notification to a Conciliation Commissioner or to the Registrar under section 14 of the Act may be given orally, by telegraph or in writing, and no particular form need be used, but the person giving the notification shall state therein the parties to the industrial dispute and the industrial matter the subject of the dispute. Notification under section 14 of the Act.

(2.) Any such notification may be in accordance with Form 1.

(3.) Where any such notification is made to the Registrar, he shall forthwith bring it under the notice of the Chief Conciliation Commissioner and of such Conciliation Commissioner as is appropriate having regard to any assignment, allocation or direction made or given under section 11 or 12 of the Act.

(4.) Where any such notification is given directly to a Conciliation Commissioner, he shall forthwith bring it to the notice of the Chief Conciliation Commissioner and the Registrar.

16.—(1.) An application for a conference under section 15 of the Act may be in accordance with Form 2 and shall specify the parties to the industrial dispute and the industrial matter the subject of the dispute. Application under section 15 of the Act.

(2.) Any such application may be made by filing the application in writing with the Registrar, who shall forthwith bring the matter under the notice of the Chief Conciliation Commissioner and of such Conciliation Commissioner as is appropriate having regard to any assignment, allocation or direction made or given under section 11 or 12 of the Act.

17.—(1.) Where—

(a) for the purposes of sub-section (2.) of section 14 of the Act, it appears to a Conciliation Commissioner that an industrial dispute has occurred or is likely to occur, or, in pursuance of sub-section (5.) of that section, a Conciliation Commissioner has ascertained whether or not an industrial dispute exists or is threatened, impending or probable; or Record of findings under section 14.

(b) a Conciliation Commissioner has ascertained, in pursuance of either of those sub-sections, the parties to any such industrial dispute and the matters which form the subject of that dispute,

he shall make and sign a record of the matters so appearing or ascertained, and the Registrar shall keep that record with any other documents relating to the matter.

(2.) Where, after a Conciliation Commissioner has made any record under this regulation, he is of opinion that that record should be varied by the addition of further parties or otherwise, he shall make and sign a varied record accordingly.

(3.) The record or varied record, or a copy thereof certified by the Registrar to be a true copy, shall be *prima facie* evidence of the facts mentioned therein as appearing to, or ascertained by, the Conciliation Commissioner.

18.—(1.) Where a Conciliation Commissioner has been unable to settle a dispute by conciliation, that Conciliation Commissioner or another Conciliation Commissioner may, either of his own motion or Notice to parties of hearing of dispute.

upon the application of a party to the dispute, fix a time and place for hearing the parties to the dispute, and persons alleged to be parties, with a view to settlement of the dispute by arbitration.

(2.) Thereupon the Registrar may on behalf of the Conciliation Commissioner, either at the direction of the Conciliation Commissioner or on the application of a party, issue a notice in accordance with Form 3 to any person appearing to be, or alleged to be, a party to the dispute.

(3.) A notice under the last preceding sub-regulation shall be served—

- (a) if it is issued on the application of a party—by that party;
or
- (b) if it is issued at the direction of the Conciliation Commissioner—by the Registrar or any other person thereunto authorized by the Registrar.

19.—(1.) On the date fixed for the hearing, the Conciliation Commissioner shall—

Procedure on date fixed for hearing.

- (a) after hearing all persons who attend before him as parties, or alleged parties, to the dispute as to the matters mentioned in sub-regulation (1.) of regulation 17 of these Regulations, review his previous conclusions as to those matters and make any necessary alterations to the record of his previous conclusions or, if he has not previously done so, ascertain and record his conclusions on those matters as provided in regulation 17 of these Regulations;
- (b) determine whether the whole or any part of the evidence or argument is to be presented in writing;
- (c) after giving to the parties appearing before him an opportunity of presenting their views as to the periods which are reasonably necessary for the fair and adequate presentation of the cases of the parties, determine the periods which are so necessary and inform the parties of their obligation to present their cases within the periods respectively determined; and
- (d) proceed to hear the parties and settle the dispute by arbitration.

(2.) If it appears to the Conciliation Commissioner that any person who has not been notified under the last preceding regulation is or may be a party to the dispute, he may adjourn the proceedings for the purpose of enabling a notification in a similar form to be given to that person, requiring that person to appear at the time and place to which the proceedings are adjourned, and shall not make an award expressed to bind any such person unless that person—

- (a) has been so notified and has had an opportunity of being heard in relation to the dispute; or
- (b) is a party to the dispute and has appeared or has been represented before the Conciliation Commissioner on the hearing of the dispute.

20. Where a Conciliation Commissioner has formed the opinion that—

Reference of certain matters to Court.

- (a) an industrial dispute has occurred or is likely to occur or is threatened, impending or probable;

- (b) the matters which form the subject of the industrial dispute are or include any matter specified in section 13 of the Act; and
- (c) the settlement or prevention of the dispute cannot be effected without the making of an order or award altering that matter,

he shall, by writing signed by him and filed with the Registrar, refer so much of the industrial dispute as relates to that matter to the Court.

21.—(1.) A reference by a Conciliation Commissioner to the Court of a question of law, or a question as to whether he has jurisdiction under the Act in any matter, shall be in writing signed by the Conciliation Commissioner and filed with the Registrar, and shall set out—

Reference of questions of law to Court.

- (a) full particulars of the matter in relation to which the question has arisen;
- (b) any findings of fact made by the Conciliation Commissioner in relation to the matter which may be relevant to the question;
- (c) a short statement of the contentions of the parties on the question;
- (d) if relevant to the question, the terms of any order or award made or proposed to be made by the Conciliation Commissioner in the matter; and
- (e) a precise statement of the question on which the opinion of the Court is sought,

and shall be accompanied by a copy of the notes (if any) of the evidence and argument before the Conciliation Commissioner relevant to the question.

(2.) Before referring any such question to the Court, a Conciliation Commissioner shall, unless it is impracticable so to do, consult the Chief Conciliation Commissioner as to the terms in which the question is to be so referred.

22.—(1.) An application to a Conciliation Commissioner for a declaration that any term of an order or award shall be a common rule of any industry shall be made by filing with the Registrar a form of application in accordance with Form 4 or, with the consent of the Conciliation Commissioner, by oral application to him.

Application for a common rule.

(2.) Forthwith upon the making of any such application, the Registrar or Conciliation Commissioner shall bring the matter under the notice of the Chief Conciliation Commissioner.

(3.) When such an application is made the applicant shall apply to a Conciliation Commissioner for directions as to—

- (a) the persons (if any) to whom notice, other than the *Gazette* notice, of the application shall be given;
- (b) the times within which that notice is to be served on those persons and the form of the notice;
- (c) the publications (if any), other than the *Gazette*, in which notice of the application shall be published;
- (d) the time, manner and form in which the notice in the *Gazette* and in any such other publication shall be given; and
- (e) the time and place for hearing the application.

(4.) The notification to be published in the *Gazette* and in the other publications (if any), and (with any necessary modifications) the notice of the application directed to be served on any person, shall, subject to any directions of the Conciliation Commissioner, be in accordance with Form 5.

23.—(1.) The applicant shall, in accordance with the directions given under the last preceding regulation and with these Regulations, serve the notices (if any) directed to be served. Service and publication.

(2.) The Registrar shall, on behalf of the Conciliation Commissioner, cause the notice to be published in the *Gazette* and the other publications (if any).

24. Unless a Conciliation Commissioner otherwise directs, a person claiming to be interested in, and desiring to be heard on, an application of the nature mentioned in regulation 22 of these Regulations shall, before the day fixed for the hearing, file with the Registrar a notice in accordance with Form 6 and shall at the same time serve a copy of the notice upon the applicant. Notice of objections, &c., to application for common rule.

25.—(1.) For the purposes of section 49 of the Act—

- (a) an application for the setting aside of an award or any of the terms of an award shall be made by filing with the Registrar a notice in accordance with Form 7; and
- (b) an application for variation of the terms of an award shall be made by filing with the Registrar a notice in accordance with Form 8.

Application for variation or setting aside of award or variation of agreement.

(2.) An application to a Conciliation Commissioner under section 104 of the Act for variation of an industrial agreement shall be made by filing with the Registrar a notice in accordance with Form 9.

(3.) Forthwith upon the making of any application referred to in this regulation, the Registrar shall bring the matter under the notice of the Chief Conciliation Commissioner and of such Conciliation Commissioner as is appropriate having regard to any assignment, allocation or direction made or given under section 11 or 12 of the Act.

(4.) When a Conciliation Commissioner has fixed a time and place for hearing the application, the Registrar shall complete the form of notice filed and furnish a copy thereof to the applicant for the purpose of service.

26.—(1.) The time prescribed for the purposes of paragraph (c) of section 50 of the Act in relation to awards of Conciliation Commissioners shall be fourteen days after the service on the person concerned of the notification referred to in that paragraph. Prescribed time, and service, under s. 50.

(2.) A summons or notification for the purposes of paragraph (b) or (c) of section 50 of the Act, in relation to an industrial dispute which is dealt with by a Conciliation Commissioner, may be served or given—

- (a) in the manner authorized by regulation 148, 149 or 150 of these Regulations, as the case may require, for the service of documents; or
- (b) in accordance with an order made by a Conciliation Commissioner under regulation 11 of these Regulations.

27.—(1.) A summons to a witness may be in accordance with Summons to witness. Form 10.

(2.) Service shall be effected by serving on the witness a copy of the summons signed by the Conciliation Commissioner or by the Registrar.

(3.) Any number of witnesses may be included in one summons, but the copy served need contain only the name of the witness upon whom it is served.

28. Where no procedure is prescribed by the Act or these Regulations Where procedure not prescribed. in relation to any matter to be dealt with by a Conciliation Commissioner, the Conciliation Commissioner may, in relation to that matter, direct the procedure to be followed.

PART III.—PROCEDURE OF THE COURT.

Division I.—General.

29.—(1.) There shall be a seal of the Court, bearing the Royal Seal of Court. Arms, with the words “The Seal of the Commonwealth Court of Conciliation and Arbitration, Australia”.

(2.) The seal shall be in the custody of the Industrial Registrar, and shall be affixed by him to orders and awards of the Court, and to such other documents as the Court or a Judge directs.

30.—(1.) There shall be a stamp of the Court, bearing the words, Stamp of Court. “The Stamp of the Commonwealth Court of Conciliation and Arbitration, Australia”.

(2.) The stamp of the Court shall be used on all documents issued by the Registrar.

31.—(1.) The vacations and holidays of the Court shall be the same Vacations. as those of the High Court.

(2.) If the Court or a Judge considers it necessary, Court or Chamber business may be taken during vacation.

32. Where none of these Regulations is applicable, the practice for High Court practice. the time being of the High Court of Australia shall, except, in any particular case, where the Court or a Judge otherwise directs, regulate as far as is practicable the practice of the Court.

33.—(1.) For the purposes of section 24 of the Act, the matters of Jurisdiction of a single Judge. practice or procedure with respect to which the jurisdiction of the Court may be exercised by a single Judge shall be those matters in relation to which these Regulations provide that a power or function may be exercised by a Judge.

(2.) A Judge may exercise the powers and functions of the Court in relation to any matter of practice or procedure—

(a) which, under the High Court Rules, would, if it arose in the High Court, be exercisable by a single Justice of the High Court; or

(b) included in the powers conferred by paragraph (j), (k), (l), (m) or (p) of section 40 of the Act.

34. A Judge may, in relation to any matter before the Court Judge may extend prescribed time. (whether constituted by one judge or by more judges than one) extend any prescribed time, whether or not the prescribed time has already expired.

35. All documents filed in the Court and all copies thereof shall be on foolscap paper with a quarter margin, written, typewritten or printed on one side only, and having not less than two folios nor more than five folios of 72 words on each page, and divided into convenient paragraphs with the number of the paragraph written on the inner edge of the margin. Form of documents.

36.—(1.) Not less than two days before the date fixed for the hearing of any matter by the Court (except when the jurisdiction of the Court is exercised by a single Judge) every party who has filed any document in the matter shall (if he has not already done so) lodge in the Registry in the State or Territory of the Commonwealth in which the matter is to be heard four copies of each such document. Documents for use of Court.

(2.) A Judge may, on the application of any party, exempt that party from compliance with the requirements of the last preceding sub-regulation.

(3.) An application under the last preceding sub-regulation shall be supported by affidavit and may, in the discretion of the Judge, be made *ex parte*.

37.—(1.) Except where otherwise provided, every summons and application in the Court shall be supported by an affidavit or affirmation. Affidavit to accompany documents.

(2.) A copy of every affidavit and affirmation filed shall be served on the other parties (if any) with the summons or application to which it relates.

38. The provisions of the Rules of the High Court relating to affidavits shall apply, as far as applicable, to all affidavits and affirmations in the Court. Affidavits.

39. In any proceeding before the Court, other than the hearing of an industrial dispute, in which oral evidence is to be called, the party intending to call that evidence shall— Notice of intention to give oral evidence.

- (a) indorse on the process notice of his intention to do so; or
- (b) not less than two clear days before the hearing, file a notice of that intention, and serve a copy of the notice upon the other party or parties.

40.—(1.) The party who initiates proceedings shall have the carriage thereof and of all orders and awards made therein. Carriage of proceedings.

(2.) Where the party so entitled to the carriage fails to take any step within the time fixed by these Regulations, or by the Court, a Judge or the Registrar, the Registrar may commit the carriage to any other party to the proceeding.

41. The Registrar shall either personally, or by such officer as he directs acting in his name and in his behalf— Registrar to deal with process.

- (a) receive and submit to the Court all applications made to the Court;
- (b) issue all summonses, warrants and writs;
- (c) register all awards, orders and judgments of the Court;
- (d) affix the seal of the Court to all orders, awards and other appropriate documents; and
- (e) keep a record of the proceedings of the Court.

42.—(1.) Where, in a proceeding before the Court, it is necessary or desirable for the proceeding to be transferred from one Registry to another, the Court or a Judge may direct the transfer of the proceeding and of any necessary documents. Transfer of proceedings.

(2.) Upon the giving of such a direction, the Registrar of the Registry from which the proceeding is transferred shall forthwith transmit to the other Registry the documents referred to in the direction. In a case of urgency, in lieu of so transmitting the documents, the Registrar of the former Registry may transmit to the latter Registry, by telegraph, the contents of the documents or a summary thereof.

(3.) Upon any direction under this regulation, the proceeding shall continue in the Registry to which it has been transferred until the Court or a Judge directs the further transfer or re-transfer of the proceeding.

(4.) No fees shall be payable by any party in connexion with any such transfer.

43. Except as otherwise prescribed, or unless the Court or a Judge otherwise directs, parties shall effect service of all documents. Service to be effected by parties.

44. Where personal or other service of any document is required by the Act or these Regulations or otherwise, and it appears to the Court or a Judge that prompt service cannot be effected, the Court or the Judge may make such order for substituted or other service, or for the substitution of notice by letter, telegram, public advertisement or otherwise, as it or he thinks just. Direction as to service.

45. Every summons, and every rule to show cause, shall be served at least two clear days before the return day thereof, unless the Court or a Judge gives leave for shorter service. Time for service of summons.

46. A person shall not take any exhibits out of court without an order of a Judge. Exhibits.

47.—(1.) The Registrar shall, if the Court or a Judge so directs, settle the minutes of an order or award of the Court or a Judge. Settlement by Registrar.

(2.) If any party is dissatisfied as to the form in which the minutes have been settled, he may, within two clear days after the settlement thereof, apply to the Court or Judge to vary the minutes as settled.

48. The Registrar shall give to the parties such notice of his intention to settle an order or award as he thinks proper but may, in any case in which he thinks it expedient so to do, settle and pass any order or award without notice to any party. Appointment to settle order or award.

49.—(1.) Every order or award of the Court or a Judge shall be signed by one or more of the members of the Court who took part in the decision, or by the Judge, as the case may be, and shall also bear the seal of the Court. Order or award to be signed and sealed.

(2.) If a Judge dies or ceases to hold office after an order has been made by that Judge and the order has not been signed by him, an order in terms of the order so made signed by the Registrar and sealed with the seal of the Court shall have effect as if the order had been signed by the Judge.

50. The original of every order or award made by the Court or a Judge shall be retained by the Registrar with all other documents relating to the proceeding in which the order or award was made. Order or award to be retained by Registrar.

51. A proceeding before the Court or a Judge may be withdrawn by the party who initiated the proceeding by leave of the Court or Judge, as the case may be, or upon a consent in writing to the withdrawal being signed by each of the parties, filed with the Registrar and approved by the Court or a Judge. Withdrawal of process.

Division 2.—Procedure in Particular Matters.

52.—(1.) Where, in accordance with regulation 20 of these Regulations, an industrial dispute is referred, in whole or in part, by a Conciliation Commissioner to the Court, or where the Court becomes aware of the existence of an industrial dispute involving any of the matters referred to in section 25 of the Act, the Court or a Judge may, either of its or his own motion or upon the application of a party, fix a time and place for hearing by the Court of the parties to the dispute. Dispute within jurisdiction of Court.

(2.) Thereupon the Registrar may, at the direction of the Court or a Judge or at the request of a party, issue a summons in accordance with Form 11, directed to a party or person alleged to be a party to the dispute.

(3.) A summons under the last preceding sub-regulations shall be served—

- (a) if it is issued at the request of a party—by that party; or
- (b) if it is issued at the direction of the Court or a Judge—by the Registrar or any person thereunto authorized by the Registrar.

(4.) On the day fixed for the hearing, the Court shall make such preliminary determinations and give such directions as are necessary (including determinations and directions under sub-sections (3.) and (4.) of section 36 of the Act) and may adjourn the proceedings for the purpose of enabling the parties to present their cases in accordance with those directions.

53. Where, in pursuance of section 30 of the Act, the Registrar refers a matter before him to the Court for decision, the Court or a Judge shall fix a time and place for hearing the matter, and shall give such directions to the Registrar as to it or him seem proper for notifying any parties interested in the matter of the time and place so fixed. Matters referred to Court by Registrar.

54. An application under section 33 of the Act shall be by summons in accordance with Form 12, and shall be supported by an affidavit setting out the grounds on which the suspension or cancellation is sought. Application for suspension or cancellation of award.

55.—(1.) An application to the Court for a declaration that any term of an order or award shall be a common rule in any industry shall be made by filing with the Registrar a notice in accordance with Form 13 or, with the consent of the Court, by application in open court. Application for a common rule.

(2.) When such an application is made the applicant shall apply to a Judge for directions as to—

- (a) the persons (if any) to whom notice, other than the *Gazette* notice, of the application, shall be given;
- (b) the times within which that notice is to be served on those persons and the form of the notice;
- (c) the publications (if any), other than the *Gazette*, in which notice of the application shall be published;
- (d) the time, manner and form in which the notice in the *Gazette* and in any such other publication shall be given; and
- (e) the time and place for hearing the application.

(3.) The notification to be published in the *Gazette* and in the other publications (if any), and (with any necessary modifications) the notice of the application directed to be served on any person, shall, subject to any directions of the Court or a Judge, be in accordance with Form 14.

56.—(1.) The applicant shall, in accordance with the directions given under the last preceding regulation and with these Regulations, serve the notices (if any) directed to be served. Service and publication.

(2.) The Registrar shall, on behalf of the Court, cause the notice to be published in the *Gazette* and the other publications (if any).

57. Unless the Court or a Judge otherwise directs, a person claiming to be interested in, and desiring to be heard on, an application of the nature mentioned in regulation 55 of these Regulations shall, before the day fixed for the hearing, file with the Registrar a notice in accordance with Form 15, and shall at the same time serve a copy of the notice upon the applicant. Notice of objections, &c., to application for common rule.

58. For the purposes of section 49 of the Act, an application for the setting aside or variation of the terms of an award shall be by summons in accordance with Form 16 or 17, as the case requires, and shall be supported by an affidavit setting out the grounds on which the setting aside or variation is sought. Setting aside and variation of awards.

59.—(1.) The time prescribed for the purposes of paragraph (c) of section 50 of the Act in relation to awards of the Court shall be fourteen days after service on the person concerned of the notification referred to in that paragraph. Prescribed time, and service, under s. 50.

(2.) A summons or notification for the purposes of paragraph (b) or (c) of section 50 of the Act, in relation to an industrial dispute which is dealt with by the Court, may be served or given—

- (a) in the manner authorized by regulation 148, 149 or 150 of these Regulations, as the case may require, for the service of documents; or
- (b) in accordance with an order made by the Court or a Judge under regulation 44 of these Regulations.

60.—(1.) Every application for the recovery of a penalty for any breach or non-observance of an order or award shall be by summons in accordance with Form 18. Proceeding for penalty or offence.

(2.) Proceedings before the Court in respect of an offence against the Act (including these Regulations) shall be instituted by summons in accordance with Form 19.

(3.) The affidavit or affirmation in support of a summons under the last preceding sub-section shall charge the defendant with the offence alleged.

61.—(1.) An application to a Judge under section 71 of the Act shall be in accordance with Form 20. Adoption of rules.

(2.) Where power to adopt rules has been given under section 71 of the Act, the Judge may fix a time within which the rules shall be adopted.

(3.) Every association which has adopted rules in pursuance of power granted by a Judge shall, within fourteen days after their adoption, lodge with the Registrar three copies of the rules so adopted, verified by statutory declaration, together with a copy of the Judge's order.

62. An application under section 88 of the Act shall be by summons in accordance with Form 21, but it shall not be necessary to support the summons by affidavit. Recovery of contribution.

63.—(1.) Proceedings under paragraph (b) or (c) of section 29, under section 80 or 81, or under sub-section (1.) of section 83, or under section 89, of the Act shall be by rule in accordance with Form 22 calling upon the person or organization concerned to show cause why the order should not be made. Procedure under ss. 29 (b) and (c), 80, 81, 83 (1.) and 89.

(2.) An application for a rule specified in the last preceding sub-regulation may be made to the Court or a Judge *ex parte* upon the filing of an affidavit verifying the facts upon which the application is based.

(3.) The affidavit in support of an application under section 80 of the Act shall set forth—

- (a) the rule or rules sought to be disallowed;
- (b) the ground specified in that section upon which the application is founded; and
- (c) a short statement of the reasons relied on by the applicant.

(4.) The affidavit in support of a complaint under section 81 of the Act shall set forth—

- (a) the rule or rules the performance or observance of which is in question;
- (b) the nature of the order sought; and
- (c) a short statement of the grounds relied on by the applicant, including the facts relied on by the applicant as establishing the obligation of the person against whom the order is sought to perform or observe the rule or rules in question.

64. All applications to the Court or a Judge for which no other method of procedure is provided by these Regulations shall, unless otherwise directed by a Judge, be made by summons in accordance with Form 23. General method of procedure.

65.—(1.) A summons to a witness shall be in accordance with a form approved by the Registrar. Summons to witness.

(2.) Service shall be effected by serving on the witness a copy of the summons signed by the Registrar and stamped with the stamp of the Court.

(3.) Any number of witnesses may be included in one summons, but the copy served need contain only the name of the witness upon whom it is served.

66. Where a form is not prescribed for any document, or where a prescribed form is not suitable to the circumstances of a particular case, the form shall be such as the Court or a Judge directs or approves for the purposes of a particular case. Where form not prescribed.

Division 3.—Appeals.

SUB-DIVISION A.—APPEALS FROM ACTS OR DECISION OF REGISTRAR.

67.—(1.) An application under paragraph (e) of section 29 of the Act for leave to appeal to the Court shall be made within twenty-one days after the act or decision sought to be appealed against by— Appeals from Registrar.

(a) lodging with the Registrar from whose act or decision the appeal is sought to be brought an application in accordance with Form 24; and

(b) serving a copy of the application on all parties directly affected by the act or decision.

(2.) The Court shall fix a time and place for the hearing of the application and the Registrar shall give notice thereof to the appellant and to the other parties directly affected by the act or decision.

(3.) The Registrar may, if the Court thinks fit, be heard on the application for leave to appeal.

(4.) If leave to appeal is granted by the Court, the appeal shall be instituted within fourteen days after the granting of leave.

(5.) The appeal shall be instituted by—

(a) lodging with the Registrar from whose act or decision the appeal is brought a notice in accordance with Form 25; and

(b) serving a copy of the notice on all parties directly affected by the act or decision.

(6.) The Court shall fix a time and place for the hearing of the appeal and the Registrar shall give notice thereof to the appellant and to the other parties directly affected by the act or decision.

(7.) The Registrar may, if the Court thinks fit, be heard on the hearing of the appeal.

(8.) The Court's order on the appeal shall be lodged with the Registrar whose decision has been appealed against, and that Registrar shall do all things necessary to be done on his part to carry the order into effect.

SUB-DIVISION B.—APPEALS UNDER THE RE-ESTABLISHMENT AND
EMPLOYMENT ACT 1945.

68. In this Sub-division, “the Court” means a single Judge exercising the jurisdiction of the Court. References to the Court.

69.—(1.) An application under section 29 of the *Re-establishment and Employment Act 1945* for special leave to appeal shall be made in court before a single Judge upon a day to be fixed by him. Application for special leave to appeal.

(2.) Before applying to the Court, the applicant shall file in the Registry of the Court in the State or Territory of the Commonwealth in which the order in question was made an affidavit in accordance with Form 26 setting forth the relevant facts and the grounds relied upon in support of the application.

(3.) A copy of that order and of the depositions, written transcript or official notes of evidence, if any, in the Court against whose order it is desired to appeal shall be exhibited to the affidavit.

(4.) When any such affidavit is filed in a District Registry, the Deputy Registrar shall forthwith advise the Industrial Registrar of the filing of the affidavit and the nature of the proceedings.

(5.) Where the evidence given in the court from which the appeal is brought is material for the purposes of the appeal and no depositions, written transcript or official notes of that evidence are available, the affidavit shall set forth an account of the evidence given in that court, but that affidavit may be answered on affidavit by any respondent.

(6.) Any such answering affidavit shall be filed with the Registrar within ten days after service of the notice of appeal, or of notice of the appeal, on the respondent filing the affidavit or within ten days after service on him of notice of the setting down of the appeal, whichever is the later.

70.—(1.) Upon the filing of the affidavit, the Court shall fix a date for the hearing of the application. Hearing of application.

(2.) The Court may decide to hear the application either *ex parte* or upon notice to the respondent, and the applicant shall be advised accordingly.

(3.) If the application is to be heard upon notice, a copy of the affidavit and exhibits referred to in the last preceding regulation shall, not less than two clear days or such longer period as the Judge directs before the date fixed for hearing, be served by the applicant upon the respondent, together with notice in accordance with Form 27 of the date upon which the application will be heard.

71.—(1.) When the Court grants special leave to appeal, it may— Hearing of the appeal.

(a) if the case is one in which notice of the application for leave was given to the respondent—proceed to hear the appeal forthwith; or

(b) in any case—fix a date for hearing the appeal and give such directions as it considers necessary.

(2.) Where the Court fixes a date for hearing the appeal, the applicant shall give notice to the respondent in accordance with Form 28.

72.—(1.) The Court shall have full discretionary power to receive further evidence upon questions of fact, which evidence may be taken either by oral examination in Court, by affidavit, or by deposition taken before an examiner or commissioner. Powers of Court.

(2.) The Court, upon the hearing of an appeal, shall have power to draw inferences of fact, and to give any judgment and make any order which ought to have been given or made in the first instance, and to make such further or other order as the case requires.

(3.) The powers specified by the last preceding sub-regulation may be exercised by the Court notwithstanding that the appellant asks that part only of the decision may be reversed or varied, and may be exercised in favour of all or any of the respondents or parties, including respondents or parties who have not appealed from or complained of the decision.

SUB-DIVISION C.—APPEALS FROM COURTS GENERALLY.

73. This Sub-division shall not apply to any appeal to which Sub-division B of this Division applies. Certain appeals not affected.

74.—(1.) An appeal to the Court from a judgment or order of any other Court shall be instituted by notice of appeal. Mode of instituting appeals.

(2.) The appellant may, by the notice of appeal, appeal from the whole or any part of the judgment or order, and the notice of appeal shall state whether the whole or part only of the judgment or order is complained of, and in the latter case shall specify the part complained of.

(3.) The notice of appeal shall state shortly the grounds on which the appellant intends to rely.

75. Unless otherwise directed by the Court or a Judge, an appeal shall be heard at the Capital City of the State, or the principal city or town of the Territory, from a court of which the appeal is brought. Place for hearing appeals.

76.—(1.) The notice of appeal shall be served upon all parties directly affected by the appeal. To whom notice to be given.

(2.) It shall not be necessary to serve parties not so affected, but the Court may direct notice of the appeal to be served on all or any parties to the cause or matter, or upon any person not a party, and in the meantime may postpone or adjourn the hearing of the appeal upon such terms as are just, and may give such judgment and make such order as might have been given or made if the persons served with such notice had been originally parties. A person on whom notice of an appeal is so directed to be served shall, for the purposes of this Sub-division, be deemed to be a respondent.

(3.) Any notice of appeal may be amended at any time as the Court thinks fit.

(4.) The appellant shall, before setting down the appeal, file an affidavit of service in the Registry of the Court in the State or Territory of the Commonwealth in which the decision appealed from was given.

77. The notice of appeal shall be served within twenty-one days Time. after the date on which the judgment or order appealed from was pronounced.

78. A notice of appeal and all subsequent proceedings on appeals shall be entitled "In the Commonwealth Court of Conciliation and Arbitration, on appeal from" (naming the court from which the appeal is brought) and shall also be entitled as between the party appellant and the party respondent. Title of appeals.

79. The appellant shall, within the time prescribed for serving the notice of appeal, file a copy of the notice of appeal in the court from which the appeal is brought and also in the Registry of the Court in the State or Territory of the Commonwealth in which the decision appealed from was given. Notice to Registrar.

80.—(1.) The appellant shall file with the copy of the notice of appeal filed in the court from which the appeal is brought an affidavit setting out sufficient facts to show that the judgment or order is one from which an appeal lies to the Court, and shall file a copy of the affidavit with the copy of the notice of appeal in the Registry of the Court. Appealable nature of judgment to be shown by affidavit.

(2.) Where the evidence given in the court from which the appeal is brought is material for the purposes of the appeal and no depositions, written transcript or official notes of that evidence are available, the affidavit shall set forth an account of the evidence given in that court, but that affidavit may be answered on affidavit by any respondent.

(3.) Any such answering affidavit shall be filed with the Registrar within ten days after service of the notice of appeal, or of notice of the appeal, on the respondent filing the affidavit or within ten days after service on him of notice of the setting down of the appeal, whichever is the later.

(4.) Where notice of appeal to the Court is given in any case in which an appeal cannot be brought to the Court, the Court or a Judge may set aside the notice.

81 Upon compliance by the appellant with the five last preceding regulations, the appeal shall be deemed to be instituted. When appeal deemed to be instituted.

82.—(1.) The Court or a Judge may, on the application of a respondent, order the appellant to give security to its or his satisfaction for the costs of the appeal. Security for costs may be ordered.

(2.) Where an order for security for costs has not been complied with, the Court may dismiss or refuse to hear the appeal.

83.—(1.) The proper officer of the court from which the appeal is brought shall forthwith after the filing in that court of a copy of the notice of appeal transmit to the Registrar of the Registry of the Court in the State or Territory of the Commonwealth in which the judgment or order was given a certified copy of all such documents as are required for the hearing of the appeal. Transmission of documents.

(2.) If the appeal is directed to be heard elsewhere than in the State or Territory, the Registrar shall transmit the copies to the Registrar of the Registry situated in the place where the appeal is to be heard.

(3.) A statement of the reasons of the court for the decision shall, if available, be included in the documents so transmitted.

(4.) Upon application of the appellant and upon payment of the prescribed fee (if any), the proper officer of the court from which the appeal is brought shall supply to the appellant a list of the documents referred to in the last preceding sub-regulation and a certified copy of any of those documents which are not in the possession of the appellant.

84.—(1.) The appeal shall be set down by the appellant for hearing at a sitting of the Court appointed for hearing appeals at the place at which it is to be heard. Setting down appeal for hearing.

(2.) Unless the Court or a Judge otherwise directs, the appeal shall be set down for the first such sitting appointed to be held after the expiration of one month from the institution of the appeal, unless the respondent consents to its being heard at an earlier sitting.

(3.) If the appellant does not set down the appeal for hearing at that sitting, or does not, at least three weeks before the day appointed for holding the sitting, give notice to the respondent that he has done so (unless the respondent consents to take shorter notice) the respondent, or any respondent, if more than one, may apply to the Court, at any place at which it may be sitting, by motion upon notice for an order dismissing the appeal for want of prosecution.

85.—(1.) Notwithstanding anything contained in this Sub-division, the Court or a Judge may direct or permit the legal argument in connexion with an appeal to be presented in whole or in part in writing, and, where the argument is to be presented wholly in writing, it shall not be necessary for the appeal to be set down for hearing or for the parties to appear on the hearing of the appeal either personally or by counsel. Written argument on appeals.

(2.) The Court or a Judge may give any consequential directions with respect to the procedure in an appeal to which the last preceding sub-regulation applies.

86.—(1.) It shall not be necessary for a respondent to give notice of motion by way of cross appeal, but if a respondent intends upon the hearing of an appeal to contend that the decision appealed from should be varied, he shall, not less than twenty-one days before the day for which the appeal is set down for hearing, give notice of his intention to such of the parties as may be affected by the contention. Cross appeals.

(2.) The omission to give such a notice shall not diminish the powers of the Court when hearing the appeal, but may, in the discretion of the Court, be ground for an adjournment of the appeal or for a special order as to costs.

(3.) A copy of the notice shall be filed in the Registry.

87.—(1.) Five days at least before the day for which the appeal is set down for hearing the appellant shall, unless otherwise ordered— Transcript to be lodged.

(a) lodge in the Registry situated in the place where the appeal is to be heard four copies of a transcript setting out the notice of appeal, the affidavit of the appellant, the documents referred to in regulation 83 of these Regulations and any affidavit or notice filed or given by a respondent; and

(b) serve two copies of that transcript upon each respondent or upon his solicitor.

(2.) Persons suing or defending jointly shall be deemed a single party for the purpose of this regulation.

88.—(1.) An interlocutory judgment or order from which there has been no appeal shall not operate to prevent the Court, upon hearing an appeal, from giving such decision upon the appeal as is just. Powers of Court.

(2.) The Court shall have full discretionary power to receive further evidence upon questions of fact, which evidence may be taken either by oral examination in Court, by affidavit, or by deposition taken before an examiner or commissioner.

(3.) The Court, upon the hearing of an appeal, shall have power to draw inferences of fact, and to give any judgment and make any order which ought to have been given or made in the first instance, and to make such further or other order as the case requires.

(4.) The powers specified by the last preceding sub-regulation may be exercised by the Court notwithstanding that the notice of appeal asks that part only of the decision may be reversed or varied, and may be exercised in favour of all or any of the respondents or parties, including respondents or parties who have not appealed from or complained of the decision.

89.—(1.) When an appeal has been duly instituted, the execution of the judgment or order appealed from shall be stayed until the determination of the appeal. Stay of proceedings.

(2.) The Court or a Judge may nevertheless give leave to prosecute the judgment or order upon the party desiring to prosecute it giving security to its or his satisfaction to abide the decision of the Court on the hearing of the appeal.

90. Subject to this Sub-division, the provisions of Divisions 1, 2, 4 and 5 of Part III., and of Part VI., of these Regulations shall, so far as they are applicable to appeals, apply to the procedure of the Court in appeals to which this Sub-division applies. Application of Parts III. and V.

91. Notwithstanding anything contained in these Regulations, the Court or a Judge may expedite the hearing of any appeal of which notice has been filed in the Court, whether the appeal has been duly instituted or not. Expediting appeals.

92. An order dismissing an appeal with costs for want of prosecution may be drawn up and signed by the Registrar on the application of the appellant without other warrant than this regulation, but if notice of cross appeal or notice of intention to move to vary the decision appealed from has been given, the order shall not be drawn up without the consent of the party giving that notice. Dismissal for want of prosecution on applicant's application.

Division 4.—Costs.

93. Where the Court or a Judge orders any costs of any proceedings to be paid to a party, the Court or the Judge may either fix the amount of the costs to be paid or direct the costs to be taxed and give directions as to the basis of the taxation. Orders as to costs.

94.—(1.) In all cases in which the Court or a Judge orders any party to pay any other party the costs of any matter and does not wholly fix the amount of those costs, either party may forthwith obtain an appointment before the Registrar for the taxation of the bill of costs as between party and party, and the bill may be taxed by the Registrar without any special order for that purpose. Taxation of costs.

(2.) The party so obtaining the appointment shall give to each party entitled to be heard on the taxation, or his solicitor, notice of the appointment as directed by the Registrar and shall, at the same time, serve a copy of the bill to be taxed on that party or solicitor.

(3.) The jurisdiction of the Court to grant leave to appeal to the Court from any taxation of costs by the Registrar, may be exercised by a single Judge.

95. Where the costs are to be taxed, there may be allowed, in addition to any other amount properly allowable—

- (a) the amount of Court fees paid by that party;
- (b) witnesses' expenses in accordance with the provisions of the Second Schedule to these Regulations; and
- (c) a sum in respect of any item specified in the Second Schedule to these Regulations ascertained in accordance with that Schedule.

Division 5.—Execution and Attachment.

96. In any case where an order for the payment of money is made by the Court, the party in whose favour the order has been made may issue a writ of execution in accordance with Form 29.

97. Before issuing a writ of execution, the creditor shall file with the Registrar an account or statement, verified by affidavit, of what is justly due under the order.

98. A writ of execution shall not be issued until the order of the Court for or in respect of the enforcement of which execution is sought has been signed and a copy of the writ filed.

99. A writ of execution—

- (a) shall bear the date of the day on which it is issued;
- (b) shall be tested in the name of the Chief Judge; and
- (c) may be made returnable immediately after the execution thereof.

100.—(1.) A writ of execution, if unexecuted, shall remain in force for one year only from its issue, unless renewed in accordance with this regulation.

(2.) Any such writ may, at any time before its expiration, by leave of a Judge, be renewed by the party issuing it for one year from the date of the renewal, and so on from time to time during the continuance of the renewed writ, either by being marked with the seal of the Court, bearing the date of the renewal, or by that party giving a written notice of the renewal to the Marshal of the High Court, signed by the party or his solicitor, and bearing the seal of the Court.

(3.) A writ of execution so renewed shall have effect, and be entitled to priority, according to the time of the original delivery thereof.

101. Every writ of execution shall be endorsed with the name and the address or registered office of the party actually suing out the same, or the name and address of the solicitor of that party, and, when a solicitor sues out the writ as agent for any other solicitor, with the name and address of that other solicitor.

102. Every writ of execution shall be directed to the Marshal of the High Court or to such other person as is authorized to levy the money due and payable under the order, and shall state the amount to be levied.

103.—(1.) A writ of sequestration may be issued on a special order of a Judge to be obtained on motion upon an affidavit of the circumstances of the case. Writ of sequestration.

(2.) It shall not be necessary to serve the person against whom such a writ is sought to be issued with notice of the motion unless a Judge so directs.

104. The Court or a Judge, on summons taken out by any person affected by a breach or non-payment specified in this regulation, may order that a writ of attachment shall issue— Writ of attachment.

(a) where the Court has granted an injunction against any person under paragraph (c) of section 29 of the Act, and that person has committed an act in breach of the injunction; or

(b) where a person has failed to pay money ordered by the Court to be paid, and the Court or a Judge, as the case may be, is satisfied that he has means to pay the money, or is evading or attempting to evade payment thereof.

105.—(1.) All writs of attachment ordered by the Court or a Judge to be issued shall be issued forthwith by the Registrar. Issue of writ of attachment.

(2.) Every such writ shall be in accordance with Form 30 and shall be directed to the Marshal of the High Court.

(3.) The Marshal shall bring before the Court any person arrested upon a writ of attachment on the first day on which the Court sits next after the arrest or as soon afterwards as practicable, and the person shall thereupon be dealt with in such manner as the Court thinks fit.

(4.) Nothing in this regulation shall prevent the Marshal from taking bail for the appearance of the person arrested.

PART IV.—ORGANIZATIONS.

106. The following shall be the conditions to be complied with by an association applying for registration as an organization:— Conditions of registration.

(a) 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, in relation to the association, for—

(i) the election of a committee of management of the association and of its branches and of officers of the association and of its branches under a system of voting which makes adequate provision for absent voting;

(ii) the powers and duties of the committees and of officers;

(iii) the manner of summoning meetings of members and of the committees;

(iv) the removal of members of committees and of officers;

- (v) the control of committees of the association and its branches by the members of the association and the members of the branches respectively;
 - (vi) the mode in which industrial agreements and other documents may be executed by or on behalf of the association;
 - (vii) the power of submitting industrial disputes to conciliation or arbitration under the Act;
 - (viii) the times when, and the terms on which, persons shall become or cease to be members;
 - (ix) the mode in which the property of the association is to be controlled and its funds invested;
 - (x) the yearly or other more frequent audit of the accounts;
 - (xi) the conditions under which funds may be disbursed for ordinary and extraordinary purposes;
 - (xii) the keeping of a register of the members arranged, where there are branches of the association, according to branches;
 - (xiii) the office of the association and of each of its branches; and
 - (xiv) the repeal and alteration of, and addition to, the rules.
- (b) The rules of an association may provide that a person shall not be eligible to be a candidate for any office in the association if there is reasonable ground for believing that—
- (i) within twelve months prior to the date of his nomination, he was a member of any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organized government; or
 - (ii) he himself advocates or encourages, or has, within twelve months prior to the date of his nomination, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organized government.
- (c) The rules of an association may provide that a person shall not be eligible to hold or continue to hold office in the association if there is reasonable ground for believing that—
- (i) he is a member of any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organized government; or

- (ii) he himself advocates or encourages, or has, within twelve months prior to the date of his election, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organized government.
- (d) The rules of an association may also provide for any other matter not contrary to law.
- (e) Two associations shall not be registered as organizations under the same name.
- (f) 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.
- (g) Every application for registration shall be in duplicate and shall be accompanied by—
 - (i) two copies of a list of the members of the association so far as known to those signing the application;
 - (ii) two copies of a list of the officers of the association, showing the postal addresses and occupations of the officers;
 - (iii) two copies of a list of the branches of the association, showing the name under which each branch is carried on, the situation of its office, and the names and addresses of its officers;
 - (iv) two copies of the rules of the association and of every branch thereof; and
 - (v) two copies of a resolution in favour of registration of the association as an organization passed in accordance with the rules by a majority of the members present at a general meeting of the association or by an absolute majority of the committee of management of the association.

107.—(1.) The application for registration shall be in accordance with Form 31 or 32, whichever is applicable to the case, and shall be declared 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.

108. 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.

109. The Registrar shall cause to be advertised in the *Gazette* a notice, in accordance with Form 33, of the receipt of the application for registration. Advertisement of application.

110.—(1.) An 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 34, to the registration of the association. Objection 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 grounds:—

- (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 to 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 each ground of objection shall be given.

(4.) The objector shall be restricted to the grounds specified in the notice of objection unless the Registrar, on application in that behalf and for reasons shown by the objector, otherwise permits.

(5.) If the objector is an organization, the objection shall be under the seal of the organization or under the hands of two officers authorized to sign the notice of objection.

111. The objector shall lodge with the notice of objection statutory declarations in support thereof setting forth shortly the facts upon which the objector relies in respect of each ground of objection, and shall serve copies of the notice of objection and of the statutory declarations on the applicants. Evidence in support of objection.

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

113.—(1.) The Registrar shall fix a day for hearing the objection, and shall give notice thereof to the objector and to the applicants. Hearing.

(2.) On the hearing the Registrar shall hear the parties if they are present and desire to be heard, and, subject to the Act and these regulations, shall decide the matter.

(3.) The Registrar may, in his discretion, permit any party to call oral evidence.

114. The Registrar shall not refuse to grant an application for registration until he has given the applicants an opportunity of being heard in support of it. Right of applicants to be heard.

115. An association shall not be registered as an organization unless the Registrar is satisfied— Registration.

- (a) that it is a voluntary and *bona 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.

116. The certificate of registration of an association as an organization shall be in accordance with Form 35. Certificate of registration.

117. Each Deputy Industrial Registrar shall, forthwith after the registration by him of an association as an organization, forward to the Industrial Registrar, at the Principal Registry— Advice of registration.

- (a) an advice, in accordance with Form 36, of the registration of the organization;
- (b) one copy of the list of members of the organization;
- (c) a list of the officers of the organization, showing the postal addresses and occupations of the officers;
- (d) 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 each branch;
- (e) one copy of the rules of the organization and of its branches; and
- (f) 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 organization.

118.—The manner in which an organization may change its name or the conditions of eligibility for membership or the description of the industry in connexion with which it is registered shall be by complying with any relevant rules of the organization, but no such change shall become effective unless and until the approval of the Registrar to the change has been given. Change of name, of conditions of eligibility for membership or of industry in connexion with which registered.

119.—(1.) An application for the approval of the Registrar under the last preceding regulation shall be in accordance with Form 37, 38 or 39, as the case requires. Application for approval of Registrar.

(2.) Every such application shall be under the seal of the organization or under the hands of two officers of the organization authorized to sign the application, and shall be accompanied by the prescribed fee and a statutory declaration setting forth the facts on which the applicant relies.

(3.) The Registrar shall cause a notice of the receipt of the application in accordance with Form 40, 41 or 42, as the case requires, to be advertised in the *Gazette*.

(4.) The duplicate of every application and of the statutory declaration 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 43, 44 or 45, as the case requires, to the application.

(6.) The notice of objection shall set out particulars of the grounds of objection, and the objector shall be restricted to the grounds specified in the notice of objection unless the Registrar, on application in that behalf and for reasons shown by the objector, otherwise permits.

(8.) If the objector is an organization, the notice of objection shall be under the seal of the organization or under the hands of two officers authorized to sign the notice of objection.

(9.) 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.

(10.) The Registrar by whom the matter is to be heard shall fix a day for the hearing of the application and shall give notice thereof to the applicant and the objector.

(11.) The Industrial Registrar or, in such cases as he directs, a Deputy Industrial Registrar, shall hear the parties and, subject to the Act and these Regulations, shall decide the matter.

120. An organization shall keep the following records:—

- (a) a list of its members showing their names, the dates upon which they became members and, so far as known to the Secretary of the organization, their postal addresses from time to time;
- (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 office of each branch and the names and addresses of the officers of each branch;
- (d) an account in proper form of its receipts and payments and of all its funds and effects; and
- (e) the rules of the organization and any alteration thereof.

Records to be kept by organization.

Penalty: Twenty pounds.

121. Every branch of an organization shall keep the following records:— Records to be kept by branches.

- (a) a list of the names, postal addresses and occupations of the committee of management, 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;
- (b) an account in proper form of its receipts and payments and of all its funds and effects; and
- (c) the rules of the branch and any alterations thereof.

122. The keeping by a branch of the records required by the Act or these Regulations shall, so far as those records extend, be regarded as the keeping of those records by the organization to the intent that it shall not be necessary that the records of any branch shall be duplicated by the organization. Keeping of records by branches and organizations.

123. Within twenty-one days after a change has taken place in the members of the committee of management or in the officers of an organization or branch thereof, or in the persons holding, whether as trustees or otherwise, any property of the organization or branch, or in which the organization or branch has a beneficial interest, the organization or branch, as the case may be, shall forward to the Registrar a statement of the change together with a complete list of the names, postal addresses and occupations of the committee of management and 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.

Penalty: Two pounds for each week in default.

124. The account of the receipts, payments, funds and effects of an organization or branch of an organization required by section ninety-one of the Act to be filed with the Registrar shall be so filed within twenty-one days after the first audit in each year of the accounts of the organization or branch. Accounts to be filed.

125.—The copy of the records (other than the account referred to in the last preceding regulation) required by section 91 of the Act to be filed with the Registrar shall be so filed in the month of January in each year. Time for filing lists.

126.—(1.) All documents lodged or filed with or furnished to the Registrar in accordance with the requirements of Part VI. of the Act or this Part shall be in duplicate and (except as otherwise provided by the Act or these Regulations) shall be open to public inspection during office hours on payment of the prescribed fee. Filing of documents, &c.

(2.) 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.

(3.) Every document so lodged, filed or furnished by an organization or branch shall be verified by a statutory declaration made by the Secretary or by a duly authorized officer of the organization or branch.

127. An organization registered before the twenty-fourth day of May, 1940, may at any time alter its rules so far as is necessary to include the provisions contained in paragraph (b) or (c) of regulation 106 of these Regulations.

Alteration of rules of certain organizations.

128.—(1.) Where, in pursuance of any rule of an organization containing any of the provisions specified in paragraph (b) or (c) of regulation 106 of these Regulations, a person is declared to be ineligible for an office in the organization or to hold or continue to hold office in the organization, that person may appeal to the Registrar against that decision.

Appeal to Registrar.

(2.) If any appeal made in pursuance of the last preceding sub-regulation is allowed, the Registrar may extend, for such time as he thinks fit, the time prescribed by the rules of the organization for the holding of the election for which the appellant had nominated, and may make an order declaring that any person returned as elected has not been duly elected.

(3.) Upon the making of any such declaration, the person named in the order shall be deemed not to have been duly elected.

129.—(1.) Within fourteen days after an alteration has been made in the rules of an organization or branch, or within such extended time as is allowed by the Registrar, the organization or branch shall forward to the Registrar two copies of the alteration.

Filing of rules and alterations thereof.

(2.) The statutory declaration verifying the alteration shall state that the copies are true copies of the alteration, and that the alteration was made in accordance with the rules of the organization or of the branch, as the case may be, and the manner in which compliance with the relevant rules was attained.

(3.) The Registrar may refuse to register such an alteration unless the provisions of this regulation are complied with.

130.—(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 power—

General power 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 these 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.) Where any such power is exercised on the application of a party, it may be exercised on such terms, as to payment of fees and costs and otherwise, as the Registrar thinks just.

131. An order by the Registrar for the payment of costs may be filed in the Court and shall thereupon have effect in all respects and be enforceable as if it were an order of the Court.

Recovery of costs.

132. 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 or branch received by him.

Copies of returns.

133.—(1.) Every organization and every branch thereof shall have a registered office. Registered office.

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

(3.) Any change of the situation of the registered office of an organization or a branch thereof shall be notified to the Registrar by the Secretary or other authorized officer of the organization or branch.

134. Service of a document under this Part may be effected by post and service shall be deemed to be effected by properly addressing, pre-paying, 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.

135. Where Part VI. of the Act or this Part requires 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.

136.—(1.) A person shall not wilfully make any false statement in any document lodged or filed with the Registrar under this Part. Offences.

Penalty: One hundred pounds or imprisonment for six months.

(2.) Nothing in this Part shall relieve any person from any punishment to which he is otherwise liable under any law of the Commonwealth or of a State or Territory of the Commonwealth.

PART V.—INSPECTORS.

137. In this Part, “Inspector” means an Inspector under section 64 of the Act, (whether appointed before or after the commencement of these Regulations) and includes the Senior Inspector and an Inspector-in-Charge. Definition.

138.—(1.) Every Inspector shall be appointed by the Attorney-General. Appointment of Inspectors.

(2.) The Attorney-General may appoint an Inspector to be the Senior Inspector.

(3.) The Attorney-General may appoint an Inspector to be the Inspector-in-Charge for a State or Territory of the Commonwealth.

(4.) Subject to this regulation, an Inspector shall be appointed for a term not exceeding three years.

(5.) The appointment of an Inspector may be terminated on the ground of misbehaviour or incapacity.

(6.) An Inspector shall, in the first instance, be appointed on probation for a period of three months, but his appointment may be annulled at any time during that period.

(7.) After the expiration of the period of probation, the appointment may be either confirmed or annulled, or the period of probation may be extended for a further period not exceeding three months.

(8.) The appointment may be either confirmed or annulled at any time during the extended period of probation.

(9.) Upon the expiration of the extended period of probation, the appointment (if it has not been confirmed or annulled in pursuance of the last preceding sub-regulation) shall be either confirmed or annulled.

(10.) Every Inspector, Senior Inspector and Inspector-in-Charge holding office immediately before the commencement of these Regulations shall continue in office as if appointed under these Regulations.

139.—(1.) The annual salary of an Inspector shall, subject to this regulation, be such amount as is from time to time determined by the Attorney-General. Salaries of Inspectors.

(2.) The salaries payable in pursuance of this regulation shall be subject to variation in accordance with the provisions of regulation 106A of the Commonwealth Public Service Regulations.

140. The Attorney-General or a person authorized by him may grant to an Inspector in or for each year leave of absence for recreation for any period or periods not exceeding eighteen days (based on a working week of six days), exclusive of Sundays and holidays. Recreation leave.

141.—(1.) The Attorney-General or a person authorized by him may grant to an Inspector (not being an Inspector to whom regulation 144 of these Regulations applies), on production of such medical evidence (if any) as the person granting the leave requires, leave of absence for illness in accordance with the following scale:— Sick leave.

	Working days' leave on full pay.	Working days' leave on half pay.	Working days' leave on third pay.
On date of appointment	6	4	3
On completion of six months' service	6	4	3
On completion of twelve months' service	12	8	6
On completion of each additional twelve months' service	12	8	6

(2.) The periods of leave referred to in the last preceding sub-regulation shall be cumulative.

142. There shall be payable to an Inspector the same travelling allowances as would be payable to him if he were an officer of the Public Service of the Commonwealth receiving salary at the same rate as is received by the Inspector. Travelling allowances.

143. An Inspector who is required to use his own motor car or cycle for the purpose of carrying out his duties under the Act shall be paid the same allowances in respect thereof as would be payable to him if he were an officer of the Public Service of the Commonwealth. Motor car allowances.

144. If an officer of the Public Service of the Commonwealth is appointed as an Inspector, his service as an Inspector shall, for the purpose of determining his existing and accruing rights, be counted as service in the Public Service of the Commonwealth. Preservation of rights of officers of Commonwealth Public Service.

PART VI.—MISCELLANEOUS.

145.—(1.) Subject to the Act, the Registrar or a Conciliation Commissioner may, in relation to any proceeding before him, and the Court or a Judge may, in relation to any proceeding before the Court, in special circumstances, and either absolutely or subject to conditions, exempt any person from compliance with any procedural requirement of these Regulations. Power to waive procedural requirements, and effect of non-compliance.

(2.) Subject to the Act, non-compliance with any of these Regulations, or with any rule of practice for the time being in force, shall not render void any proceedings before the Court, a Judge, a Conciliation Commissioner or the Registrar, but the proceedings may be set aside either wholly or in part as irregular, or amended, or otherwise dealt with in such manner and upon such terms as the Court, a Judge, a Conciliation Commissioner or the Registrar, as the case may be, thinks fit.

146. Except where otherwise provided by these Regulations or directed by a Judge or a Conciliation Commissioner, if any document is required by the Act or these Regulations to be taken out, made or signed, or any step is required to be taken, by any person, organization, branch or company, that document may be taken out, made or signed, or that step taken, on behalf of that person, organization, branch or company— Signing of documents, &c., on behalf of persons, organizations, &c.

- (a) in the case of a person—by that person or by any other person authorized by him in writing;
- (b) in the case of an organization or branch—by a person thereunto duly authorized by or in accordance with the rules of the organization or branch; and
- (c) in the case of a company not being an organization—by the officer or person duly authorized under the seal of the company to represent it under the Act, or in the proceedings.

147. Every document which is filed in connexion with any matter before the Court or a Conciliation Commissioner shall be indorsed with the name and address of the party filing it, and that address shall be deemed to be filed by that party as the address for service of that party. Indorsement of documents.

148. Service of any document upon a person other than a body corporate shall be effected by— Service upon persons.

- (a) leaving it with that person;
- (b) tendering it to that person;
- (c) leaving it with any person apparently above the age of fourteen years at the residence or usual place of business of the person intended to be served, or, where that person has filed an address for service, at that address; or
- (d) where that person has filed an address for service, by posting it in a prepaid registered letter addressed to that person at that address.

149. Service of any document upon a body corporate (not being an organization) shall be effected by— Service upon corporations.

- (a) leaving it with the secretary of the body corporate;
- (b) tendering it to the secretary of the body corporate; or
- (c) posting it in a prepaid registered letter to the secretary of the body corporate at the registered office of the body corporate, or, where the body corporate has filed an address for service, at that address.

150. Service of any document upon an organization or branch of an organization shall be effected by— Service upon organizations.

- (a) leaving it with the secretary of the organization or branch;
- (b) tendering it to the secretary of the organization or branch; or
- (c) posting it in a prepaid registered letter to the secretary of the organization or branch at the registered office of the organization or branch or, where the organization or branch has filed an address for service, at that address.

151. Every order or award declaring that any order or award, or any term of an order or award, shall be a common rule of an industry, shall, when signed, be published by the Registrar in the *Gazette*, and in such newspapers as are directed. Publication of common rule.

152.—(1.) The Principal Registry and each District Registry shall be open on ordinary working days from 10 o'clock in the morning to 3 o'clock in the afternoon. Office hours.

(2.) When the time for doing any act or taking any proceeding in or at a Registry expires on a day on which the Registry is not open and by reason thereof the act or proceeding cannot be done or taken on that day, the act or proceeding shall, so far as regards the time of doing or taking it, be held to be duly done or taken if done or taken on the next day on which the Registry is open.

153. The duplicate of an industrial agreement filed in the office of the Industrial Registrar or in the office of an organization shall be open to inspection, without payment of any fee, at any time at which that office is open for business. Inspection of industrial agreements.

154.—(1.) The fees to be demanded and paid in respect of matters under the Act or these Regulations shall be those set out in the Third Schedule to these Regulations. Fees.

(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.

155. All affidavits and evidence which have previously been made or taken and read in the Court or before a Conciliation Commissioner upon any proceedings in a dispute or matter may be used before the Registrar in all references and applications to and proceedings before him. Previous documents may be used.

156.—(1.) Every order of the Registrar shall be signed by him and stamped with the stamp of the Court. Order of Registrar.

(2.) For the purpose of enforcement, and until varied or discharged by the Registrar or by the Court on appeal, every order of the Registrar shall be deemed to be an order of the Court.

157.—(1.) There shall be payable to each Judge on account of his expenses in travelling in the discharge of the duties of his office away from the city where the Principal Registry is situated, such sums as the Judge certifies under his hand to have been actually expended, subject to the following conditions:— Travelling expenses of Judges and Conciliation Commissioners

- (a) when accompanied by his Associate, the rate of payment shall not exceed the rate of Four pounds and four shillings per day (exclusive of fares for conveyance);
- (b) when not accompanied by his Associate, the rate of payment shall not exceed the rate of Three pounds and three shillings per day; and
- (c) when travelling by steamer or by railway, the fare in respect of which includes subsistence, the rate of payment shall not exceed one-quarter of the rate specified in condition (a) or (b), as the case may be.

(2.) There shall be payable to each Conciliation Commissioner, on account of his expenses in travelling in the discharge of the duties of his office away from the city where the Principal Registry is situated, such sum as the Conciliation Commissioner certifies to have been actually expended, subject to the following conditions:—

- (a) the rate of payment shall not exceed the rate of Two pounds and two shillings per day (exclusive of fares for conveyance); and
- (b) when travelling by steamer or by railway, the fare in respect of which includes subsistence, the rate of payment shall not exceed one-quarter of the rate specified in condition (a).

(3.) The Attorney-General, or a person authorized by the Attorney-General to act under this sub-regulation, may, for the purposes of this regulation, substitute, in the case of any particular Judge or Conciliation Commissioner, any other city or place for the city where the Principal Registry is situated.

158.—(1.) Except as provided in this regulation, the Chairman or Deputy Chairman of any Board of Reference appointed under any order or award shall be paid a fee of Two pounds two shillings for each sitting of the Board with a maximum of Four pounds four shillings for any one day, and shall be paid travelling expenses at the rate of One pound ten shillings per day and fares actually and properly paid by him. Fees to Chairman of Board of Reference.

(2.) Where the Chairman or Deputy Chairman of a Board of Reference is a person employed in accordance with the *Commonwealth Public Service Act 1922-1947*, or employed by an authority of the Commonwealth, he shall, if his appointment has been approved by the Minister administering the Department in which he is employed, or by the authority by which he is employed, as the case may be, be entitled to receive a fee of Two pounds two shillings for

every day on which he acts as Chairman or Deputy Chairman, together with travelling allowance at the rate applicable to him as such an employee.

(3.) Where the Chairman or Deputy Chairman of a Board of Reference is a person, or member of a class of persons, to whom the Governor-General, in pursuance of section eight of the *Commonwealth Public Service Act 1922-1947*, has declared the provisions of that Act shall not apply, he shall be paid such salary and be entitled to travelling expenses at such rates as the Board of Commissioners, appointed in pursuance of that Act, determines.

159. Where a matter has been referred to a Local Industrial Board for investigation and report, there shall be payable—

- (a) to the Chairman of the Board—a fee of Two pounds two shillings for each sitting of the Board; and
- (b) to each member of the Board, including the Chairman, (not being an officer of a Registry of the Court or a Conciliation Commissioner), while engaged away from his home on the business of the Board—a travelling allowance at the rate of One pound ten shillings per day together with fares actually and properly paid by him.

Fees of Chairman and travelling allowances of members of Local Industrial Boards.

160. Representatives of parties summoned to compulsory conferences under section 15 of the Act shall be paid living expenses (if incurred) at the rate of One pound ten shillings per day, the amount of salary, wages or earnings actually lost during the time occupied in travelling and attending any such conference, and fares actually and properly paid by them.

Expenses to persons summoned to compulsory conferences.

161. All payments under regulations 158, 159 and 160 of these Regulations, including fares, shall be made only on the certificate of the Registrar.

Industrial Registrar to certify payments.

162. Information collected and compiled, and the results of research carried out, by the Office of Economic and Industrial Research shall be furnished, upon request, to—

- (a) a Judge, Conciliation Commissioner or Registrar; or
- (b) any other person who, or organization which, in the opinion of the officer in charge of the Office, requires the information or results—
 - (i) for the purpose of any matter in which that person or organization is concerned which is or may come before the Court or a Conciliation Commissioner; or
 - (ii) for any purpose for which that officer, in his discretion, considers it desirable that the information or results should be furnished.

Information compiled by Office of Economic and Industrial Research.

163.—(1.) Subject to sub-regulation (3.) of this regulation, a person voting at any ballot ordered by the Court under section 72 of the Act shall not show the ballot-paper to any person, or permit any person to see the ballot-paper, while he is marking it or after he has marked it, and a person shall not, directly or indirectly, request or

Offences in connexion with secret ballots.

require or induce any other person to show the ballot-paper to him, or to permit him to see it, while the ballot-paper is being marked or after it has been marked.

Penalty: Ten pounds.

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

Penalty: Ten pounds.

(3.) Nothing in sub-regulation (1.) of this regulation shall apply to any act performed by any officer in the course of his duty in relation to any ballot.

THE SCHEDULES.

FIRST SCHEDULE.

Regulation 15. FORM 1.

Commonwealth Conciliation and Arbitration Act 1904-1947.

NOTIFICATION TO CONCILIATION COMMISSIONER OR REGISTRAR OF INDUSTRIAL DISPUTE OR SITUATION.

In pursuance of section 14 of the *Commonwealth Conciliation and Arbitration Act 1904-1947* [state name of organization or employer or Minister giving notification] hereby notifies you of the existence of an industrial dispute [or industrial situation which is likely to give rise to an industrial dispute] between [set out the names and addresses of all parties to the industrial dispute or affected by the industrial situation, as the case may be] with respect to the following matters:—

[Set out in numbered paragraphs particulars of the matters in dispute. If the matters consist of claims, set out the party by whom, and the party against whom, the claims are made, and the nature of the claims, in numbered paragraphs.]

Dated the day of 19 .

Signature of notifier.

To the Industrial Registrar [or Deputy Industrial Registrar]
at [state Registry]

or

To—
[State name of Conciliation Commissioner]
Conciliation Commissioner.

Regulation 16. FORM 2.

Commonwealth Conciliation and Arbitration Act 1904-1947.

APPLICATION FOR COMPULSORY CONFERENCE.

In pursuance of section 15 (1.) of the *Commonwealth Conciliation and Arbitration Act 1904-1947* [set out name of party making application] hereby makes application for a compulsory conference of the following persons, namely, [names of person whom it is desired should attend] for the purpose of preventing or settling an industrial dispute between [set out name of party making application] and [set out the names and addresses of all other parties to the industrial dispute] with respect to the following matters:—

[Set out in numbered paragraphs particulars of the matters in dispute. If the matters consist of claims, set out the party by whom, and the party against whom, the claims are made, and the nature of the claims, in numbered paragraphs.]

Dated the day of 19 .

Signature of applicant.

FIRST SCHEDULE—continued.

Regulation 18.

FORM 3.

Commonwealth Conciliation and Arbitration Act 1904-1947.

NOTICE TO PERSON TO APPEAR AS A PARTY TO AN INDUSTRIAL DISPUTE.

Take notice that you are alleged to be a party to an industrial dispute in relation to the following industrial matters (or in which the following claims are being made by [set out names of claimants] against [set out names of other parties]) viz.:-

[Set out matters or claims]

You are hereby summoned to appear before [name of Conciliation Commissioner], Conciliation Commissioner, as a party to the dispute at _____ o'clock in the _____ noon on _____ the _____ day of _____, 19____, at _____, being the time and place fixed for hearing the parties to the dispute.

If you do not, within fourteen days after service on you of this notification, satisfy the Conciliation Commissioner that you are not a party to the industrial dispute, you will be bound by any award made by him in settlement of the said dispute.

Registrar.

To—

[Each of the persons and organizations abovementioned or name and address of person to whom notice to be given.]

Regulation 22.

FORM 4.

Commonwealth Conciliation and Arbitration Act 1904-1947.

APPLICATION TO CONCILIATION COMMISSIONER FOR COMMON RULE.

In the matter of

[set out title of award which is desired to be declared a common rule]

And in the matter of the order or award in the above matter dated the _____ day of _____, 19____.

[Name of applicant] hereby applies to [name of Conciliation Commissioner] for a declaration that the terms hereinafter mentioned (or the whole of the terms as the case requires) determined by the abovementioned order or award shall be a common rule of the [state industry]* in the _____ Territory.

* Strike out if inapplicable.

* TERMS REFERRED TO.

Reference No.	Subject.

[Signature.]

To the Registrar or Deputy Registrar at [state Registry].

FIRST SCHEDULE—continued.

Regulation 22.

FORM 5.

*Commonwealth Conciliation and Arbitration Act 1904-1947.*NOTICE OF APPLICATION TO CONCILIATION COMMISSIONER FOR
COMMON RULE.

In the matter of

[set out title of order or award which is desired to be declared a common rule]

Notice is hereby given that *[name of applicant]* has made application for a declaration that the terms hereinafter mentioned *[or the whole of the terms (as the case requires)]* determined by the above-mentioned order or award shall be a common rule of the *[state industry]* * in the Territory.

A copy of the order or award may be inspected at the office of the Registrar, Registry, free of charge. * Strike out if inapplicable.

All persons and organizations interested and desiring to be heard in the application may, on or before the day of (on which date I will be available at at o'clock in the noon for the purpose of hearing such persons) appear or be represented before me.

Persons and organizations not so appearing or represented will be bound by any order or award made by me in the matter which is applicable to them.

* TERMS REFERRED TO.

Reference No.	Subject.

Dated this day of 19 Conciliation Commissioner.

Regulation 24.

FORM 6.

Commonwealth Conciliation and Arbitration Act 1904-1947.

NOTICE OF APPEARANCE ON APPLICATION FOR COMMON RULE.

In the matter of

[set out title of award which is sought to be declared a common rule]

And in the matter of an application to declare the award in the above matter dated the day of 19 *[or part thereof]* a common rule of the *[state industry]*.

Take notice that *[name]* claims to be interested in, and desires to be heard on the hearing of, the application for a common rule in the above matter.

The nature of my interest is as follows:—

[State shortly.]

The matters upon which I desire to be heard are as follows:—

[State shortly.]

*I intend to object to the application so far as it relates to the following matters:— * Strike out if inapplicable.

[State shortly.]

*The nature of my objections shortly is as follows:—

[State shortly.]

[Signature.]

To the Registrar or Deputy Registrar at *[state Registry]*.

FIRST SCHEDULE—continued.

Regulation 25.

FORM 7.

*Commonwealth Conciliation and Arbitration Act 1904-1947.*NOTICE OF APPLICATION TO CONCILIATION COMMISSIONER FOR THE
SETTING ASIDE OF AN AWARD OR PART THEREOF.

In the matter of

[*set out the title of award which is sought to be set aside*]And in the matter of an application for the setting aside of the award (or part
of the award) in the above matter dated the _____ day of _____,
19 _____.

To the persons and organizations bound by the above-mentioned award:

You are hereby required to attend before [*name of Conciliation Commissioner*],
Conciliation Commissioner, at _____ in the State of _____,
at _____ o'clock in the _____ noon, on _____ the
day of _____ 19 _____, to indicate whether or not you object to an
application by [*name of applicant*] for the setting aside of the above-mentioned
award (or the following part of the above-mentioned award).NOTE.—If the award is sought to be set aside in part only, particulars
to be set out.Dated at _____ the _____ day of _____ 19 _____
Registrar.

Regulation 25.

FORM 8.

*Commonwealth Conciliation and Arbitration Act 1904-1947.*NOTICE OF APPLICATION TO CONCILIATION COMMISSIONER FOR
VARIATION OF AWARD.

In the matter of

[*Set out title of award which is sought to be varied.*]And in the matter of an application for variation of the award in the above
matter dated the _____ day of _____ 19 _____.

To the persons and organizations bound by the above-mentioned award:

You are hereby required to attend before [*name of Conciliation Commissioner*],
Conciliation Commissioner, at _____ in the State of _____,
at _____ o'clock in the _____ noon on _____ the
day of _____ 19 _____, to indicate whether or not you object to an
application by [*name of applicant*] for variation of the above-mentioned award
in the following respects:—[*Set out in numbered paragraphs particulars of variations sought.*]Dated at _____ the _____ day of _____ 19 _____
Registrar.

Regulation 25.

FORM 9.

*Commonwealth Conciliation and Arbitration Act 1904-1947.*NOTICE OF APPLICATION TO CONCILIATION COMMISSIONER FOR THE
VARIATION OF AN INDUSTRIAL AGREEMENT TO BRING IT INTO
CONFORMITY WITH A COMMON RULE.In the matter of an Industrial Agreement between [*set out names of parties to
agreement*] dated the _____ day of _____, 19 _____:And in the matter of an application for variation of the said industrial
agreement.To the persons and organizations bound by the above-mentioned industrial
agreement:You are hereby required to attend before [*name of Conciliation Commis-
sioner*], Conciliation Commissioner, at _____ in the State of _____ at
_____ o'clock in the _____ noon on _____ the _____ day of _____, 19 _____, to
indicate whether or not you object to an application by [*name of applicant*]
for variation of the above-mentioned agreement in the manner hereinafter set
forth in order to bring it into conformity with [*set out particulars of common
rule*].

The variations sought are as follows:—

[*Set out in numbered paragraphs particulars of variations sought.*]Dated at _____ the _____ day of _____, 19 _____
Registrar.

FIRST SCHEDULE—continued.

Regulation 27.

FORM 10.

Commonwealth Conciliation and Arbitration Act 1904-1947.

SUMMONS TO WITNESS.

[Title of Proceedings.]

To [names of witnesses].

You are hereby summoned to attend before [name of Conciliation Commissioner], Conciliation Commissioner, at _____ in the State of _____, at _____ o'clock in the _____ noon on the _____ day of _____, 19____, and so from day to day until the hearing of the above-mentioned matter is completed or until you are excused from further attendance, to give evidence on behalf of [name of party].

*You are required to bring with you and produce the following books, documents and things:—[Set out books, etc., required]. * Strike out if inapplicable.

Dated the _____ day of _____, 19____.

Conciliation Commissioner
[or Registrar].

Regulation 52.

FORM 11.

SUMMONS TO PARTY TO AN INDUSTRIAL DISPUTE REFERRED TO THE COURT.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of an Industrial Dispute between [names of parties].

To [name of person to whom summons directed]:

Take notice that you are alleged to be a party to an industrial dispute in relation to the following industrial matters (or in which the following claims are being made by [set out names of claimants] against [set out names of other parties]) viz:—

[Set out matters or claims.]

You are hereby summoned to appear as a party to the above dispute before the Commonwealth Court of Conciliation and Arbitration, at _____ in the State of _____ on the _____ day of _____, 19____, at _____ o'clock in the _____ noon, being the time and place fixed by the Court for hearing the parties to the dispute.

If you do not, within fourteen days after service on you of this summons, satisfy the Court that you are not a party to the dispute, you will be bound by any award made by the Court in settlement of the said dispute.

Dated at _____ this _____ day of _____, 19____.
Registrar.

Regulation 54.

FORM 12.

SUMMONS FOR CANCELLATION OR SUSPENSION OF AWARD OR ORDER OR PART THEREOF.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of

[set out title of award (or order) which is sought to be cancelled or suspended]

And in the matter of an application for cancellation [or suspension] of the award [or order] in the above matter dated _____ day of _____ 19____.

To the persons and organizations bound by the above-mentioned award [or order]:

You are hereby summoned to appear before the Commonwealth Court of Conciliation and Arbitration at _____ in the State of _____ at _____ o'clock in the _____ noon on the _____ day of _____ 19____, to show cause why the above-mentioned award [or order] [or the following part of the above-mentioned award or order] should not be cancelled [or suspended].

NOTE.—If the award or order is sought to be cancelled or suspended in part only, particulars to be set out.

Dated at _____ the _____ day of _____, 19____.
Registrar.

FIRST SCHEDULE—continued.

Regulation 55.

FORM 13.

APPLICATION TO COURT FOR COMMON RULE.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of

[set out title of award (or order) which is desired to be declared a common rule]
And in the matter of the order or award in the above matter dated the
day of , 19 .

[Name of applicant] hereby applies to the Commonwealth Court of Concilia-
tion and Arbitration for a declaration that the terms hereinafter mentioned (or
the whole of the terms, as the case requires) determined by the above-mentioned
order or award shall be a common rule of the [state industry]* in the
Territory.

* Strike out
if inapplicable.

*TERMS REFERRED TO.

Reference No.	Subject.

Signature.

To the Registrar or Deputy Registrar at [state registry].

Regulation 55.

FORM 14.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

NOTICE OF APPLICATION FOR COMMON RULE.

In the matter of

[set out title of order or award which is desired to be declared a common rule]

Notice is hereby given that [name of applicant] has made application to the
Court for a declaration that the terms hereinafter mentioned (or the whole
of the terms, as the case requires) determined by the above-mentioned order or
award shall be a common rule of the [state industry]* in the Territory.

* Strike out if
inapplicable.

A copy of the order or award may be inspected at the office of the Registrar,
Registry, free of charge.

All persons and organizations interested and desiring to be heard in the
application may, on or before the day of (on which date at
at o'clock in the noon the Court will sit for the
purpose of hearing such persons) appear or be represented before the Court.

Persons and organizations not so appearing or represented will be bound by
any order or award made by the Court in the matter which is applicable to
them.

* TERMS REFERRED TO.

Reference No.	Subject.

Dated this

day of

, 19 .

For the Court,

Registrar.

FIRST SCHEDULE—*continued.*

Regulation 57.

FORM 15.

NOTICE OF APPEARANCE ON APPLICATION FOR COMMON RULE.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of

[*set out title of award or order which is sought to be declared a common rule*]
 And in the matter of an application to declare the award [*or order*] in the
 above matter dated the day of 19

[*or part thereof*] a common rule of the [*state industry*].

Take notice that [*name*] claims to be interested in, and desires to be heard
 on the hearing of, the application for a common rule in the above matter.

The nature of my interest is as follows:—

[*State shortly.*]

The matters upon which I desire to be heard are as follows:—

[*State shortly.*]

*I intend to object to the application so far as it relates to the following matters:— * Strike out if
 inapplicable.

[*State shortly.*]

*The nature of my objections shortly is as follows:—

[*State shortly.*]

[Signature.]

To the Registrar or Deputy Registrar at [*state registry*].

Regulation 58.

FORM 16.

SUMMONS FOR SETTING ASIDE OF AWARD OR PART THEREOF.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of

[*set out the title of award which is sought to be set aside*]

And in the matter of an application for the setting aside of the award [*or part*
 of the award] in the above matter dated the day of , 19 .
 To the persons and organizations bound by the above-mentioned award:

You are hereby summoned to appear before the Commonwealth Court of
 Conciliation and Arbitration at in the State of
 at o'clock in the noon, on the
 day of , 19 , to show cause why the above award [*or the*
 following part of the above award] should not be set aside.

NOTE.—If the award is sought to be set aside in part only, particulars
 to be set out.

Dated at the day of 19 .
 Registrar.

Regulation 58.

FORM 17.

SUMMONS FOR VARIATION OF AWARD.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of

[*set out title of award which is sought to be varied*]

And in the matter of an application for variation of the award in the
 above matter dated the day of 19 .

To the persons and organizations bound by the above-mentioned award:

You are hereby summoned to appear before the Commonwealth Court of
 Conciliation and Arbitration at in the State of
 at o'clock in the noon on the
 day of 19 , to show cause why the above-mentioned award
 should not be varied in the following respects:—

[*Set out in numbered paragraphs particulars of variations sought.*]

Dated at the day of 19 .
 Registrar.

FIRST SCHEDULE—continued.

Regulation 60.

FORM 18.

SUMMONS TO ANSWER CLAIM FOR PENALTY.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of the *Commonwealth Conciliation and Arbitration Act 1904-1947*.

Claimant

and

Respondent.

To the above-named [*name of respondent*].

You are hereby summoned to appear before the Commonwealth Court of Conciliation and Arbitration, at _____ in the State of _____ on _____ the _____ day of _____ 19____, at _____ o'clock in the _____ noon to answer a claim made by the abovenamed claimant [*name of claimant*] as [*state qualification to sue for penalty*] that a penalty be imposed upon you under the abovenamed Act for that you on the _____ day of _____ 19____, at _____ did commit a breach of [*or did fail to observe*] [*state shortly the award, order, or direction alleged to be broken*] in that you [*state shortly breach alleged*].

Dated at _____ the _____ day of _____ 19____.

Registrar.

Regulation 60.

FORM 19.

SUMMONS TO ANSWER CHARGE OF AN OFFENCE.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

Informant

and

Defendant.

To the above-named [*name of defendant*].

You are hereby summoned to appear before the Commonwealth Court of Conciliation and Arbitration at _____ in the State of _____ on _____ the _____ day of _____, 19____, to answer a charge of the above-named informant that you, on the _____ day of _____, 19____, at _____ did [*state shortly the nature of the alleged offence, following, as far as possible, the wording of the section or regulation creating the offence*].

Dated at _____, 19____ the _____ day of _____.

Registrar.

Regulation 61.

FORM 20.

APPLICATION FOR POWER TO ADOPT RULES.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of an application by [*name of association*] for power to adopt rules.

The [*name of association*], which has applied to be registered as an organization, hereby applies to a Judge of the Commonwealth Court of Conciliation and Arbitration for power to adopt the following rules as part of its rules to enable it to comply with the prescribed conditions:—

[*Set out text of proposed rules.*]

Dated at _____ the _____ day of _____, 19____.

On behalf of the [*name of association*].

To—

A Judge of the Commonwealth Court of Conciliation and Arbitration.

FIRST SCHEDULE—*continued*.

Regulation 62.

FORM 21.

SUMMONS FOR RECOVERY OF SUBSCRIPTIONS, ETC., BY AN ORGANIZATION.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of [*name of organization*], an organization registered under the *Commonwealth Conciliation and Arbitration Act 1904-1947*.

To [*name of person against whom order sought*]:

You are hereby summoned to appear before the Commonwealth Court of Conciliation and Arbitration at _____ in the State of _____ on _____ the _____ day of _____ 19 _____, at _____ o'clock in the _____ noon, to show cause why you should not be ordered to pay to the said organization the sum of _____ computed as in the particulars attached hereto, being the amount of fines, penalties, or subscriptions due and payable by you to the said organization in pursuance of the rules of the said organization.

Dated at _____ this _____ day of _____, 19 _____.
Registrar.

PARTICULARS OF CLAIM REFERRED TO.

On behalf of [*name of organization*].

Regulation 63.

FORM 22.

RULE TO SHOW CAUSE.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of the *Commonwealth Conciliation and Arbitration Act 1904-1947*.

Claimant

and

Respondent.

It is hereby ordered that [*name of respondent*] appear before the Commonwealth Court of Conciliation and Arbitration at _____ in the State of _____ on _____ the _____ day of _____ 19 _____, at _____ o'clock in the _____ noon, to show cause why [*state nature of relief required*], upon the grounds set forth in the affidavit of _____ sworn the _____ day of _____ 19 _____, filed herein.

Dated at _____ the _____ day of _____, 19 _____.
By the Court, _____
Judge.

Regulation 64.

FORM 23.

GENERAL FORM OF SUMMONS.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of

[*set out title of award or order or name of parties to matter*]

and in the matter of

[*set out nature of application.*]

To [*name of party to whom summons directed*]:

You are hereby summoned to appear before the Commonwealth Court of Conciliation and Arbitration, at _____ in the State of _____ on _____ the _____ day of _____ 19 _____, at _____ o'clock in the _____ noon, on the hearing of an application by [*name of applicant*] for [*state shortly the nature of the application to be made*], upon the grounds set forth in the affidavit of _____ sworn the _____ day of _____ 19 _____, and filed herein.

Dated at _____ this _____ day of _____ 19 _____.
Registrar.

FIRST SCHEDULE—continued.

Regulation 67.

FORM 24.

APPLICATION TO COURT FOR LEAVE TO APPEAL FROM ACT OR
DECISION OF REGISTRAR.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of

[state brief particulars of matter in which leave to appeal is sought.]

Application is hereby made by [name of applicant] for leave to appeal against the following act [or decision] of [set out title of Registrar] at [set out Registry in charge of Registrar] done [or given] on the day of 19 , namely [set out particulars of act or decision sought to be appealed against].

The grounds of this application are as follow:—

[Set out grounds of application in numbered paragraphs.]

Dated at the day of 19 .

Signature of applicant.

To the Commonwealth Court of Conciliation and Arbitration.

Regulation 67.

FORM 25.

APPEAL TO THE COURT FROM ACT OR DECISION OF REGISTRAR.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of

[state brief particulars of matter in which appeal is brought].

An appeal is hereby made by [name of appellant] against the following act [or decision] of [set out title of Registrar] at [set out Registry in charge of Registrar] done [or given] on the day of 19 , namely [set out particulars of act or decision appealed against].

The grounds of this appeal are as follow:—

[Set out grounds of appeal in numbered paragraphs.]

Dated at the day of , 19 .

Signature of appellant.

To the Commonwealth Court of Conciliation and Arbitration.

Regulation 69.

FORM 26.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SPECIAL LEAVE
TO APPEAL.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of a proposed appeal under section 29 of the *Re-establishment and Employment Act 1945*.

between

[Name of proposed appellant]

and

[Name of proposed respondent]

I [set out full name, private address and occupation of the proposed appellant] being duly sworn make oath and say as follows:—

[Set out in numbered paragraphs the relevant facts including—

- (i) the name of the court from which the appeal is to be brought;
- (ii) the date of the decision in question;
- (iii) the effect of that decision;
- (iv) grounds intended to be relied upon in support of the appeal;
- (v) whether the applicant desires on the hearing of the appeal to adduce evidence not called in the court below.]

NOTE.—The affidavit should exhibit (where available) the depositions, written transcript or official notes of evidence in the court below.

FIRST SCHEDULE—*continued.*

Regulation 70.

FORM 27.

NOTICE TO PROPOSED RESPONDENT IF THE APPLICATION
FOR SPECIAL LEAVE IS TO BE MADE ON NOTICE.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of a proposed appeal under section 29 of the
Re-establishment and Employment Act 1945

between

[*Name of proposed appellant*]

and

[*Name of proposed respondent*]To [*set out name and address of proposed respondent*]:

Take notice that an application will be made to the above-mentioned Court at [*set out locality and address of Court at which application will be made*] on the _____ day of _____ 19____ at _____ o'clock in the noon or so soon thereafter as this application may be heard for an order granting [*name of applicant*] special leave to appeal from an order of the [*insert title of court which gave the decision from which special leave to appeal is sought*] given or made on [*insert date*] whereby [*set out effect of latter order*] upon the following grounds:—

[*Set out grounds as stated in affidavit.*]

Dated this _____ day of _____, 194 .

Signature of applicant or his legal representative.

This notice is given on behalf of the proposed appellant [*insert name*] whose address for service is [*set out address for service.*]

Regulation 71.

FORM 28.

NOTICE TO RESPONDENT AFTER SPECIAL LEAVE HAS BEEN
GRANTED AND A DATE FOR HEARING FIXED BY THE COURT.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of an appeal under section 29 of the
Re-establishment and Employment Act 1945

between

[*Name of appellant*]

and

[*Name of respondent*]To [*set out name and address of respondent*].

Take notice that pursuant to special leave under section 29 above-mentioned granted to the appellant by this Court on the [*insert date upon which special leave to appeal was granted*] application will be made to the Commonwealth Court of Conciliation and Arbitration at [*set out locality and address of the Court at which the appeal will be heard*] on the [*insert date fixed by the Court for the hearing*] at [*insert time on that date fixed for the hearing*] by way of appeal against the order of the [*insert title of court the decision of which is the subject of special leave to appeal*] given or made on the [*insert date of decision*] for an order by the said Commonwealth Court of Conciliation and Arbitration reversing or modifying [*omit whichever is irrelevant*] the order appealed against on the following grounds:—

[*set out grounds as stated in affidavit in support of application for leave*]

Dated this _____ day of _____ 19 .

Signature of appellant or his legal representative.

This notice is given on behalf of the appellant [*insert name*] whose address for service is [*set out address for service.*]

FIRST SCHEDULE—*continued.*

Regulation 96.

FORM 29.

WRIT OF EXECUTION.

No. .

BEFORE THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.
GEORGE THE SIXTH, ETC.

To the Marshal of the High Court of Australia:

Whereas by an order of the Commonwealth Court of Conciliation and Arbitration, dated the day of 19 , it was directed that A.B. should pay to C.D. the sum of £ together with costs (if any) on the day of , 19 .

This is to command you to levy of the lands and goods of A.B. the sum of £ to satisfy C.D. for the said amount so ordered to be paid to him by the said A.B., and after levy duly made thereof to have that money before us in our said Court at in the State of immediately after the execution hereof, to be rendered to the said C.D.

Witness , Chief Judge of Our said Court
at , this day of 19 .

Registrar.

£ s. d.

Debt	..	..	..	..	..	..
Costs	..	..	..	..	..	..
Writ of Execution	..	..	..	..	..	..
Levy	..	..	..	..	..	..

Besides Marshal's fees, poundage, and other expenses.

Regulation 105.

FORM 30.

WRIT OF ATTACHMENT.

BEFORE THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.
GEORGE THE SIXTH, ETC.

To the Marshal of the High Court of Australia.

We direct you to attach A.B. of so that you may have him before us in the Commonwealth Court of Conciliation and Arbitration on the first day on which the Court shall sit next after the arrest of the said A.B., or as soon thereafter as is practicable. And have you there this writ.

Witness , Chief Judge of Our said Court, at in
the State of this day of 19 .

By the Court,

Registrar.

For [State ground on which writ issued.]

Regulation 107.

FORM 31.

COMMONWEALTH OF AUSTRALIA.

*Commonwealth Conciliation and Arbitration Act 1904-1947.*APPLICATION FOR THE REGISTRATION OF AN ASSOCIATION OF
EMPLOYERS AS AN ORGANIZATION.

We [set out names, in full, addresses and occupations of applicants] hereby make application for the registration of an association called [set out the name of the association] the office of which is situated at [set out place which is to be registered office] as an organization of employers under the *Commonwealth Conciliation and Arbitration Act 1904-1947* and we declare as follows:—

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

FIRST SCHEDULE—*continued*.

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 accompanying this application 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 and of the branches thereof.

5. That on the day of 19 , 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 or Territory of the Commonwealth 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 107.

FORM 32.

COMMONWEALTH OF AUSTRALIA.

Commonwealth Conciliation and Arbitration Act 1904-1947.

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

We [*set out names in full, addresses, and occupations of applicants*] hereby make application for the registration of an association called [*set out the name of the association*] the office of which is situated at [*set out place which is to be registered office*] as an organization of employees under the *Commonwealth Conciliation and Arbitration Act 1904-1947*, and we declare as follows:—

1. That the said association is an association of employees in or in connexion with the [*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 accompanying this application 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 and of the branches thereof.

FIRST SCHEDULE—continued.

5. That on the _____ day of _____ 19____, 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 or Territory of the Commonwealth 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 109.

FORM 33.

COMMONWEALTH OF AUSTRALIA.

Commonwealth Conciliation and Arbitration Act 1904-1947.

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 1904-1947* for the registration of an association called [set out name of association] as an organization of [set out employers or employees, as the case requires] in or in connexion with the industry of [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 110.

FORM 34.

COMMONWEALTH OF AUSTRALIA.

Commonwealth Conciliation and Arbitration Act 1904-1947.

NOTICE OF OBJECTION TO THE REGISTRATION OF AN ASSOCIATION
AS AN ORGANIZATION.

Take notice that [set out name of objecting organization or person and its or his address and his occupation] objects to the registration of [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 [set out the particulars];
- (b) That the prescribed conditions for registration have not been complied with by the association in that [set out particulars];
- (c) That an organization, namely [set out 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

FIRST SCHEDULE—*continued.*

(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 at this day of 19 .

Signature of Objector(s).

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

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

Regulation 116.

FORM 35.

COMMONWEALTH OF AUSTRALIA.

*Commonwealth Conciliation and Arbitration Act 1904-1947.*CERTIFICATE OF REGISTRATION OF AN ASSOCIATION AS AN ORGANIZATION OF EMPLOYERS [or EMPLOYEES, *as the case may be*].

I [set out name and title of Registrar] hereby certify that on the day of One thousand nine hundred and an association called [set out the name of the association] was, at the Principal Registry [or at the District Registry in the State of], registered by that name under the *Commonwealth Conciliation and Arbitration Act 1904-1947*, as an organization of 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*].

Regulation 117.

FORM 36.

COMMONWEALTH OF AUSTRALIA.

District Registry,

, 19 .

Memorandum for—

The Industrial Registrar,
Principal Registry,
Melbourne.

I have registered an association called the [set out name of association] as an organization under the *Commonwealth Conciliation and Arbitration Act 1904-1947*, according to the particulars set out below, and I forward herewith a copy of the list of members of the association, a list of 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.

FIRST SCHEDULE—*continued*.

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 registered office—

Deputy Industrial Registrar.

Regulation 119.

FORM 37.

COMMONWEALTH OF AUSTRALIA.

Commonwealth Conciliation and Arbitration Act 1904-1947.

APPLICATION FOR CONSENT TO THE CHANGE OF NAME OF AN ORGANIZATION.

Application is hereby made by [*set out name of organization*] for consent to the change of the name of the said organization to [*set out proposed new name*].

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

[*Set out grounds in numbered paragraphs.*]

Dated at the day of 19 .

Signature(s).

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

Regulation 119.

FORM 38.

COMMONWEALTH OF AUSTRALIA.

Commonwealth Conciliation and Arbitration Act 1904-1947.

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

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

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

[*Set out grounds in numbered paragraphs.*]

Dated at the day of , 19 .

Signature(s).

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

FIRST SCHEDULE—*continued.*

Regulation 119.

FORM 39.

COMMONWEALTH OF AUSTRALIA.

*Commonwealth Conciliation and Arbitration Act 1904-1947.*APPLICATION FOR CONSENT TO THE CHANGE OF THE DESCRIPTION
OF THE INDUSTRY IN CONNEXION WITH WHICH AN
ORGANIZATION IS REGISTERED.

Application is hereby made by [*set out name of organization*] for consent to the change of the description of the industry in connexion with which the organization is registered from the following:—[*insert present description*] to the following:—[*insert proposed description*].

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

[*Set out grounds in numbered paragraphs.*]

Dated at the day of , 19 .

Signature(s).

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

Regulation 119.

FORM 40.

COMMONWEALTH OF AUSTRALIA.

Commonwealth Conciliation and Arbitration Act 1904-1947.

Principal (or District) Registry.

[Place and date.]

NOTICE OF APPLICATION FOR CONSENT TO 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 1904-1947* for consent to the change of name of an organization called [*set out name of organization*] to [*set out proposed new name.*]

Any person who desires to object to the application 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.]

Regulation 119.

FORM 41.

COMMONWEALTH OF AUSTRALIA.

Commonwealth Conciliation and Arbitration Act 1904-1947.

Principal (or District) Registry.

[Place and date.]

NOTICE OF APPLICATION FOR CONSENT TO THE 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 1904-1947* for consent to the change of the conditions of eligibility for membership of [*set out name of organization*] from the following:—[*set out present conditions of eligibility for membership*] to the following:—[*insert proposed conditions of eligibility for membership.*]

Any person who desires to object to the application 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.]

FIRST SCHEDULE—*continued*.

Regulation 119.

FORM 42.

COMMONWEALTH OF AUSTRALIA.

Commonwealth Conciliation and Arbitration Act 1904-1947.

Principal (or District) Registry.

[Place and date.]

NOTICE OF APPLICATION FOR CONSENT TO THE 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 1904-1947* for consent to the change of the description of the industry in connexion with which [set out name of organisation] is registered from the following:—[insert present description] to the following:—[insert proposed description.]

Any person who desires to object to the application 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.]

Regulation 119.

FORM 43.

COMMONWEALTH OF AUSTRALIA.

Commonwealth Conciliation and Arbitration Act 1904-1947.

NOTICE OF OBJECTION TO APPLICATION FOR CONSENT TO THE CHANGE OF NAME OF AN ORGANIZATION.

Take notice that [set out name of objecting organization or person, and its or his address and his occupation] objects to the application for consent to the change of name of [set out name of organization applying for a change of name] on the following grounds, namely:—

[set out grounds in numbered paragraphs.]

Dated at the day of 19 .

Signature(s).

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 under the hands of two officers authorized to sign the objection.

FIRST SCHEDULE—continued.

Regulation 119.

FORM 44.

COMMONWEALTH OF AUSTRALIA.

*Commonwealth Conciliation and Arbitration Act 1904-1947.*NOTICE OF OBJECTION TO APPLICATION FOR CONSENT TO THE
CHANGE OF THE CONDITIONS OF ELIGIBILITY FOR MEMBERSHIP
OF AN ORGANIZATION.

Take notice that [*set out name of objecting organization or person, and its or his address, and his occupation*] objects to the application for consent to the change of conditions of eligibility for membership of [*set out name of organization applying for the change*], on the following grounds, namely:—

[*set out grounds in numbered paragraphs.*]

Dated at the day of 19 .

Signature(s).

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 under the hands of two officers authorized to sign the objection.

Regulation 119.

FORM 45.

COMMONWEALTH OF AUSTRALIA.

*Commonwealth Conciliation and Arbitration Act 1904-1947.*NOTICE OF OBJECTION TO APPLICATION FOR CONSENT TO THE
CHANGE OF THE DESCRIPTION OF THE INDUSTRY IN CONNEXION
WITH WHICH AN ORGANIZATION IS REGISTERED.

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

[*Set out grounds in numbered paragraphs.*]

Dated at the day of 19 .

Signature(s).

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 under the hands of two officers authorized to sign the objection.

Regulations 14, 95.

THE SECOND SCHEDULE.

COSTS.

	£	s.	d.
For preparing document (including bill of costs), per folio ..	..	0	1 6
Copies (per folio) .. .. .	..	0	0 3
Attending filing document .. .. .	..	0	2 6
Service of any document (in addition to mileage where chargeable) ..	..	0	2 0
Attendance of party at Court, per diem, not exceeding ..	..	1	1 0
Attendance on taxation of bill of costs .. .. .	..	0	10 6

SECOND SCHEDULE—*continued.*

WITNESSES' EXPENSES.

ALLOWANCES TO WITNESSES.

The allowances to witnesses shall be the same as in the Supreme Court of the State or Territory of the Commonwealth where the witnesses are in attendance unless, for special reasons, the Court or Conciliation Commissioner directs that some other allowance be made.

Regulation 154.

THE THIRD SCHEDULE.

FEES PAYABLE AT REGISTRAR'S OFFICE.

	£	s.	d.
On filing any document for which no other fee is provided (other than a notification under section 14 of the Act)	0	1	0
Search	0	1	0
Inspection of documents (other than an award)	0	1	0
On every summons or writ issued (including filing fee)	0	1	0
On every order (including filing fee)	0	1	0
Affixing seal or stamp to any document	0	1	0
Filing every application under section 15 of the Act	0	1	0
On lodging or filing every declaration or affidavit	0	1	0
Renewing writ of execution	0	1	0
For certificate of Registrar	0	1	0
Taxing costs	0	5	0
Service of any document (in addition to mileage where chargeable)	0	1	0
On every rule of Court (including filing fee)	0	1	0
Publication of advertisement—Actual cost.			
On lodging application for registration of an organization or for change of name or conditions of eligibility for membership of an organization or of description of industry in connexion with which it is registered	0	5	0
On lodging notice of objection to registration of an organization or to change of name or conditions of eligibility for membership or of description of industry in connexion with which it is registered ..	0	5	0
On the registration of an association as an organization	1	0	0
On filing every industrial agreement	0	1	0
Office copies of documents, where copy is prepared by applicant ..	0	1	0
Office copies of documents, where copy is prepared by Registrar, per folio of 72 words	0	0	3

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.