

DECLARATION THAT MUTUAL GAINS BARGAINING IS UNRESOLVED

[This declaration is taken to be a notification of an industrial dispute to which Chapter 3 of the *Industrial Relations Act 1996* applies: s 129Q]

COMMISSION DETAILS

Industrial Relations Commission of New South Wales

Case number

FILING DETAILS

| | |
|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Details of the facilitator or party making the declaration | [name] [telephone] [email] |
| Role | <input type="checkbox"/> Member of the Commission <input type="checkbox"/> Third-Party Facilitator <input type="checkbox"/> Party |
| #Representative | [Name of representative] [industrial organisation or firm] |
| Other party contact | [name] [telephone] [email] |
| Other party representative | [Name of representative] [industrial organisation or firm] |
| #Additional parties if applicable | [name] [telephone] [email] [Name of representative] [industrial organisation or firm] |
| Award or enterprise agreement | [name of award(s) or enterprise agreement(s)] |
| Current or recent applications to the Commission relevant to the proposed mutual gains bargaining | [title] [case number] |

DECLARATION

I declare that mutual gains bargaining is unresolved.

[Where the declaration is made by a facilitator or one or both of the parties] I confirm that before declaring that mutual gains bargaining is unresolved, I have consulted the Commission by:

- (a) preparing and giving to the Commission a draft of this notice and the attached report; and
- (b) discussing the matter with [the President/the President's delegate].

REPORT

I attach a report which specifies the following:

- (a) whether, in the opinion of the person making the declaration, the parties have bargained in good faith,
- (b) which matters remain in dispute in the negotiations,
- (c) whether, in the opinion of the person making the declaration, the parties have negotiated in accordance with the principles of mutual gains bargaining,
- (d) other issues the person making the declaration considers relevant.

SIGNATURE

Signature legal representative

Signature of or on behalf of party
if not legally represented

Capacity [eg solicitor, authorised officer of industrial
organisation]

Date of signature [date]

NOTICE OF CONSENT

Other party [name]

Signature of legal representative

Signature of or on behalf of party
if not legally represented

Capacity [eg solicitor, authorised officer of industrial
organisation]

Date of signature [date]

LISTING DETAILS

The parties will be advised of the date, time and place when the Commission will conduct a compulsory conference. Any enquiries should be made to the Industrial Relations Commission Registry on (02) 8688 3516.

NOTES TO PARTIES

1. The notifier must serve a copy of the notification on the other parties to the dispute.
2. Any dispute must concern an industrial matter, as defined in s 6 of the Industrial Relations Act 1996. Part 5 of the Industrial Commission Rules 2022 deals with dispute notifications, and the parties should refer to that Part in serving and being served with this notification.
3. If the respondent does not enter an appearance when this matter is listed before the Commission, or if there is no attendance by a party or their counsel, solicitor or agent at the time and place specified in this notice or as notified to the parties subsequently, the proceedings may be heard in their absence and an order may be made against the party who fails to appear.
4. Parties must comply with the Practice Notes of the Commission. The Practice Notes may be found at the following website:
<https://www.irc.nsw.gov.au/irc/practice-and-procedures/practice-notes.html>.

REGISTRY ADDRESS

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|----------------|-------------------------------------------------------------------------------------|
| Street address | Industrial Relations Commission Level 10, 10 Smith Street Parramatta NSW 2150 |
| Postal address | PO Box 927 Parramatta NSW 2124 |
| Telephone | 02 8688 3516 |