

Form 14
Application for Approval of Enterprise Agreement

**BEFORE THE INDUSTRIAL RELATIONS COMMISSION
OF NEW SOUTH WALES**

No. IRC of 20
*(Add Title as required by
Schedule 1)*

**APPLICATION FOR
APPROVAL OF
ENTERPRISE AGREEMENT**

Filed by *(Name of person,
corporation, organisation or
other body filing the document)*

Contact name *(Name of person
conducting the matter)*

Address
Telephone
Facsimile
DX

*(and if solicitors or agents are
acting, add)
by their agents*

Name
Address
Telephone
Facsimile
DX

A. The applicant seeks the approval of the Industrial Relations Commission for the Enterprise Agreement entitled:
(name of Agreement)
(a copy of which is attached)

B. Made between the following parties *(or, the parties in the attached Schedule)*:
(1) The employer(s)
(name, and address of employer parties)
and
(2) The organisation(s)
(name, and address of industrial organisation parties)
or
(3) The employees
(name, and address of employee parties)
In each case, include a contact name and address so that Notice of the hearing can be given to all parties

C. The attached Statement of Particulars sets out details of this agreement.
(The application may not be accepted if this Statement is not completed fully)

D. The applicant

1. Name *(Full name)*
2. Capacity in which applicant applies *(eg, employer, organisation, peak council)*
3. Address
4. Solicitor or agent *(include details of any solicitor or agent acting, including where an industrial organisation is the applicant the name of the secretary or other authorised officer acting as contact officer for the agreement)*
5. Address for service

.....
(Signature)
(Capacity in which signed, eg. applicant, Secretary of State peak council, etc).

Dated: *(date)*

NOTE:
A copy of this application, the Statement of Particulars and the Affidavit required by Rule 7.1 should be served on any parties to the agreement who are not signatories to this application.

Form 14 *continued*

TO THE PARTIES:

(name each party to the agreement).

(1) Application has been made to the Commission for approval of the attached enterprise agreement. You are listed as a party to that agreement. Please ensure that your address and contact details are correct, as these will be used to notify you of the hearing.

(2) Unless the time, place and date of hearing are endorsed on this application, the parties will be subsequently advised of the date time and place when the Commission will hear this application. Any enquiries should be made to the Industrial Relations Commission List Clerk, telephone *(number)*.

(Add, where necessary, form of Appointment for Hearing)

continued

STATEMENT OF PARTICULARS

- (1) The nominal term of the agreement is:
- (2) Does the agreement vary an earlier enterprise agreement? If so
 - (a) What is that agreement number?
 - (b) When does that agreement expire?
- (3) What awards, enterprise agreements, former industrial agreements or other instruments apply to the work covered by the proposed agreement? (*SET OUT NAMES IN FULL*)
- (4) Does the agreement cover:
 - (a) employees of a single employer?
 - (b) employees of two or more associated employers? (if so, give details of association)
 - (c) employees engaged in a project? (if so, give details of the project, including its expected life)
 - (d) public sector employees?
- (5) Does the agreement cover all employees?
- (6) If the agreement is with individual employees:
 - (a) When was notice given to the Industrial Registrar that an agreement was proposed or under negotiation? Give Registration Number, if known.
 - (b) Give details of the secret ballot to approve the agreement, including the date of the ballot, the method of voting, the name and address of the returning officer and the results of the ballot.
- (7) (*For statistical purposes only. An estimate is acceptable*)
 - (a) How many employees will be covered by the Enterprise Agreement?
 - (b) What percentage of employees covered by the Enterprise Agreement is female?
 - (c) What percentage of employees covered by the Enterprise Agreement is from a Non English Speaking background?

NOTE: Rule 7.1 provides:

7.1 (1) An application for approval of an enterprise agreement must be accompanied by an affidavit:

- (a) that identifies the award or awards, if any, over which the agreement will prevail, and any other agreement that will be rescinded or replaced by the agreement, if approved, and
- (b) that compares the conditions of employment under the agreement with those that would otherwise apply under the relevant awards or (if there are no such awards) under the relevant employment conditions, and
- (c) that sets out, briefly but specifically, the basis on which it is contended that:
 - (i) the conditions of employment under the agreement, when compared with those that would otherwise apply under the relevant awards or (if there are no such awards) under the relevant employment conditions, do not, considered as a whole, result in a net detriment to the employees covered by the agreement, and
 - (ii) the agreement complies with any relevant statutory requirements, including those of the Anti-Discrimination Act 1977, and
 - (iii) the parties understand the effect of the agreement, and
 - (iv) the parties did not enter into the agreement under duress, and
 - (v) the agreement complies with any principles set by the Commission under section 33 of the Act, or, if the agreement does not meet those principles, that any departure from those principles does not prejudice the interests of any of the parties to the agreement.
- (2) If the agreement does not cover all of the employees of the employer or employers concerned, the affidavit must also state the basis on which it is contended that the Commission is not prevented from approving the agreement under section 35 (2) of the Act.