



TASMANIA

ENTERPRISE AGREEMENTS

GUIDELINES FOR THE PARTIES

(Prepared by the Tasmanian Industrial Commission as at 24 June 2002)

INDEX

Applications lodged under s.61H of the Act

Statutory Declaration

Guidelines for the conduct of secret ballots

- Form I - List of voters
- Form II - Voter Declaration
- Form III - s.61D(2) Ballot Paper
- Form IV - s.61O(3) Ballot Paper
- Form V - s.61P(2) Ballot Paper
- Form VI - s.61R(2) Ballot Paper
- Form VII - s.61S(4)(b) Ballot Paper
- Form VII1 - s.61T(2) Ballot Paper
- Form IX - s.61U(1) Ballot Paper
- Form X - s.61V Ballot Paper
- Form XI - s.61Y(1) Ballot Paper
- Form XII - s.61Z(1) Ballot Paper
- Form XIII - Nomination Form - Employee Committee
- Form XIV - Self Nomination Form
- Form XV - s.61T(2) and 61U(1) Returning Officer's Declaration And Report
- Form XVI - s.61D(2) Returning Officer's Declaration And Report

Summary of Part VI of the *Industrial Relations Act 1984*

Draft Statement of Awareness



Tasmanian Industrial Commission

APPLICATIONS LODGED UNDER s.61H OF THE ACT

Parties to an Enterprise Agreement wishing to have the agreement approved must, when lodging their application, provide the Registrar of the Commission with the following:

1. The original agreement signed by the parties.
2. The Returning Officers Report (Form XV).
3. The Returning Officers Report (Form XVI) if applicable.
4. A sample of the Ballot Paper used in the ballot.
5. The request to waive the Secret Ballot (five or less employees) if applicable.
6. The Statutory Declaration in the prescribed form.
7. A "Statement of Awareness", signed by all parties to the Enterprise Agreement, to satisfy the Commissioner hearing the matter that the parties are aware of their entitlements and obligations under Part IVA of the Act, as well as being aware of any changes to conditions of employment that would otherwise apply.
8. Sufficient copies of the Enterprise Agreement to enable the Registrar of the Commission to forward a copy to all persons whose name appears on the List of Voters (Form I) and the Minister. This will be undertaken at the time the parties are being notified of the hearing. [s.61I(1)(a) and 6II(I)(b)]
9. Two sets of self-adhesive labels addressed in the name of all persons whose name appears on the List of Voters (Form I) and the Minister.



Tasmania

STATUTORY DECLARATION

I (insert full name)
of(insert full
name and address of employer including ACN number where appropriate or
agent for and on behalf of the employer)

do solemnly and sincerely declare that I provided each employee, whose
name appears on the LIST OF VOTERS (Form I) (see attachment A), at least two
weeks before the ballot to approve the
(insert full name of agreement), the following information:

- 1. A statement detailing the employees entitlements and obligations under
Part IVA of the Industrial Relations Act 1984, titled, A SUMMARY OF PART
IVA OF THE INDUSTRIAL RELATIONS ACT 1984 (see Attachment B); and
2. The changes to existing conditions of employment which will result from the
agreement taking effect, titled, COMPARISON DOCUMENT (see Attachment
C); and
3. The proposed XYZ ENTERPRISE AGREEMENT 2001 (see Attachment D).

and I make this Solemn Declaration by virtue of Section 14 of the "Oaths
Act 2001" conscientiously believing the statement contained therein to
be true in every respect.

Signed.....

Declared at..... this day of
..... 200 .

Before me
.....
(rank or capacity)

This Declaration may be made before a Justice of the Peace, a Commissioner for
Declarations, or a Police Officer.

GUIDELINES FOR THE CONDUCT OF SECRET BALLOTS

(S.61ZD(1) *Industrial Relations Act 1984*)

GENERAL PROVISIONS

1. Nature

These guidelines are interim procedures only. They are subject to continuing review and possible change over time, either in whole or in part, having regard to further submissions of interested parties and to operating experience.

2. Purpose

Part IVA of the *Industrial Relations Act 1984* requires the conduct of secret ballots in the following circumstances -

- (a) Concerning enterprise agreements:
 - (i) To approve a proposed enterprise agreement, *s.61D(2)*.
 - (ii) To extend a registered enterprise agreement, *s.61O(3)*.
 - (iii) To vary a registered enterprise agreement, *s.61P(2)*.
 - (iv) To terminate a registered enterprise agreement, *s.61R(2)*.
 - (v) To agree to an enterprise agreement concerning a new enterprise, *s.61S(4)(b)*.
- (b) Concerning employee committees
 - (i) To support a decision to form an employee committee, *s.61T(2)*.
 - (ii) To elect an employee committee, *s.61U(1)*.
 - (iii) For the periodic election of an employee committee, *s.61V*.
 - (iv) To fill casual vacancies on the employee committee, *s.61Y(1)*.
 - (v) To dissolve an employee committee, *s.61Z(1)*.
- (c) Concerning any secret ballot:

If, within 14 days after a ballot has been held, the Registrar receives a written complaint from any person entitled to vote in the ballot, alleging certain specified irregularities in the conduct of the ballot, then, if he is satisfied such irregularities exist, he may arrange for the conduct of a further secret ballot, *s.61ZD(2)*.

3. Roll

- (1) The employer shall, in consultation with the employees, prepare and certify as correct (Form I), a list of employees eligible to vote.
- (2) The list of eligible voters shall contain the following details -
 - (a) full name in alphabetical order of surname;
 - (b) employment classification, i.e., full-time, part-time or casual; and
 - (c) if for a postal ballot, the full residential address and if different, the full postal address.
- (3) The roll must be available for inspection by the employees as early as possible prior to the ballot.

4. Returning Officer

- (1) A Returning Officer shall be appointed by agreement of those who intend to participate in a secret ballot to conduct the ballot and determine the result.
- (2) A Returning Officer may be any adult person, or the Chief Electoral Officer of Tasmania, who may act by nominee.
- (3) Where the Returning Officer is not the Chief Electoral Officer of Tasmania, or his nominee, that person shall be one who -
 - (a) has no interest, whether direct or indirect, in the result of the secret ballot, and
 - (b) is, and is seen to be, independent of those who intend to participate in the secret ballot.

5. Guidelines for Returning Officers

- (1) WORKPLACE BALLOTS
 - (a) Obtain and exhibit certified list of voters.
 - (b) Arrange date/time for ballot.
 - (c) Settle form of question(s) and prepare ballot papers.
 - (d) Conduct ballot.
 - (e) Certify result.

(2) POSTAL BALLOTS

- (a) Obtain certified list of voters and details of question(s) to be put.
- (b) Arrange printing of voter declarations (Form II), ballot papers, envelopes and preparation of material for despatch (1 to 2 weeks depending on numbers of voters and complexity of ballot).
- (c) Close ballot 2 weeks after material posted.
- (d) Count ballot papers and certify result 1 or 2 days after close of ballot.

6. Disagreements Concerning Application of Interim Procedures

A Returning Officer or the intending participants in a secret ballot may refer any disagreements concerning the application of these procedures to the Registrar of the Commission for resolution.

PROVISIONS CONCERNING CONDUCT OF SECRET BALLOTS FOR ENTERPRISE AGREEMENTS

7. Advertising

Details of any proposed enterprise agreement, including the proposal(s) to be put to the voters and the timetable for the ballot, shall as a minimum requirement be advertised by leaflet delivered to each employee who is eligible to vote as early as possible prior to the ballot.

8. Setting Timetable for Ballot

The Returning Officer shall fix the timetable for the ballot, the details of which must be included in the leaflet delivered to each employee in accordance with paragraph 7, Advertising.

9. Conduct of Ballot

- (1) The form of ballot paper shall be substantially in accordance with one or more of Forms III to VII as appropriate.
- (2) The ballot may be conducted at the workplace or by post at a time and place agreed between the intending participants and the Returning Officer.
- (3) In the case of a workplace ballot, the Returning Officer shall mark off the voter's name on the certified list of voters at the time of issuing the ballot papers.
- (4) In the case of a postal ballot, the Returning Officer shall mark off the voter's name on the certified list of voters upon receiving the ballot envelope.

10. Scrutiny

(1) WORKPLACE BALLOTS

At the close of the ballot the Returning Officer shall open the ballot box, remove the ballot papers and count them in the presence of the persons at the meeting.

(2) POSTAL BALLOTS

- (a) At the close of the ballot the Returning Officer shall check the declaration of the voter and mark the name on the voters roll.
 - (b) If the voter's declaration is in order the declaration shall be removed from the envelope.
 - (c) If the voter's declaration is not in order it shall be marked as to the reason and set aside.
 - (d) When the examination of the declarations is complete the envelopes admitted shall be opened and the papers placed in a ballot box. When all admitted envelopes have been opened the ballot box shall be opened and the papers counted.
- (3) Notwithstanding the instructions on the ballot paper, no paper shall be rejected as informal if, in the opinion of the Returning Officer after taking into account any objection of a scrutineer, the voter's intention is clear.
- (4) The employer and the employees may appoint such number of scrutineers as they deem appropriate, subject to the approval of the Returning Officer.
- (5) As soon as practicable after the scrutiny the Returning Officer, together with such scrutineers who may wish to do so, shall certify the result in a manner substantially in accordance with Form XV and send a copy of the certificate to the parties to the agreement.

PROVISIONS CONCERNING CONDUCT OF SECRET BALLOTS FOR EMPLOYEE COMMITTEES

11. Advertising

- (1) The advertising for any ballot concerning an employee committee shall include -
- (a) details of the closing date for nominations and timetable for the ballot;
 - (b) nomination forms, if written nominations are required; and
 - (c) where applicable, candidates' personal details, if required by candidates.

- (2) The advertising material referred to in paragraph (1) above must be delivered to each employee who is eligible to vote as early as possible prior to the ballot.
- (3) The Returning Officer shall determine, in consultation with the candidates, the form and content of candidates' personal details.

12. Nominations

- (1) Any advertisement calling for nominations for membership of an employee committee shall include details of the closing date of nominations and the availability of nomination forms.
- (2) Candidates shall be employees in a single enterprise in any one or more classes of employment who intend to enter into an enterprise agreement.
- (3) Other than in the case of postal ballots, nominations for which shall be in writing, nominations should be in writing unless the Returning Officer determines otherwise.
- (4) If written nominations are required, nomination forms (Form XIII) must be delivered to each employee in accordance with paragraph 11, Advertising.
- (5) The Returning Officer shall determine the time for lodgment of nominations.

13. Setting Timetable for Ballot

The Returning Officer shall fix the timetable for the ballot, details of which must be delivered to each employee in accordance with paragraph 11, Advertising.

14. Conduct of Ballot

- (1) The form of ballot paper shall be substantially in accordance with one or more of Forms VIII to XII as appropriate.
- (2) The ballot may be conducted at the workplace, or by post, at a time and place agreed between the employees and the Returning Officer.
- (3) In the case of a workplace ballot, the Returning Officer shall mark off the voter's name on the certified list of voters at the time of issuing the ballot papers.
- (4) In the case of a postal ballot, the Returning Officer shall mark off the voter's name on the certified list of voters upon receiving the ballot envelope.

15. Method of Voting

Where a secret ballot concerns the election of members of an employee committee -

- (a) voters shall number the candidates in order of preference; and
- (b) votes of the least favoured candidate shall be distributed in turn until one candidate receives a majority of votes.

16. Scrutiny

(1) WORKPLACE BALLOTS

At the close of the ballot the Returning Officer shall open the ballot box, remove the ballot papers and count them in the presence of the persons at the meeting.

(2) POSTAL BALLOTS

- (a) At the close of the ballot the Returning Officer shall check the declaration of the voter and mark the name on the voters roll.
 - (b) If the voter's declaration is in order the declaration shall be removed from the envelope.
 - (c) If the voter's declaration is not in order it shall be marked as to the reason and set aside.
 - (d) When the examination of the declarations is complete the envelopes admitted shall be opened and the papers placed in a ballot box. When all admitted envelopes have been opened the ballot box shall be opened and the papers counted.
- (3) Notwithstanding the instructions on the ballot paper, no papers shall be rejected as informal if, in the opinion of the Returning Officer after taking into account any objection of a scrutineer, the voter's intention is clear.
 - (4) The participants in the ballot may appoint such number of scrutineers as they deem appropriate, subject to the approval of the Returning Officer.
 - (5) As soon as practicable after the scrutiny the Returning Officer, together with such scrutineers who may wish to do so, shall certify the result in a manner substantially in accordance with Form XIV and send a copy of the certificate to the employees.

LIST OF VOTERS
(Exclude employer and or working directors)

| NAME | CLASSIFICATION (eg Retail Employee or Bakery Assistant) | NATURE OF EMPLOYMENT (eg Full-time or Part-time or Casual or Seasonal or Fixed Term) | HOME ADDRESS (including Postcode) |
|-------------|--|--|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

I hereby certify that the above list is a complete list of all the employees of
(name of firm)

as at eligible to vote in the enterprise agreement
(date)
ballot to be held on 200 .
(date)

.....
(signature of employer)

.....
(Print name in full)

phone (03) fax (03)
(employer's contact phone & fax numbers)

VOTER DECLARATION

(To be attached to envelope marked "BALLOT PAPER")

(name of employer)
ENTERPRISE AGREEMENT

I hereby certify that *(print name in full)* is entitled to vote in the ballot to be held on

.....
(Signature of Returning Officer)

.....
(Signature of voter)

NB This certificate will be removed after the voter's details have been checked and **before** the envelope is opened and the ballot paper removed.

**INDUSTRIAL RELATIONS ACT 1984
SECTION 61D(2)**

PROPOSED ENTERPRISE AGREEMENT BETWEEN:
.....
.....

B A L L O T P A P E R

Draw a circle around either "Yes" or "No" below:

It is proposed that the enterprise agreement be approved.

Do you approve this proposal? Yes No

RO Initials.....

**INDUSTRIAL RELATIONS ACT 1984
SECTION 61O(3)**

ENTERPRISE AGREEMENT BETWEEN:
.....
.....

B A L L O T P A P E R

Draw a circle around either "Yes" or "No" below:

It is proposed to extend the registered enterprise agreement.

Do you approve this proposal? Yes No

RO Initials.....

**INDUSTRIAL RELATIONS ACT 1984
SECTION 61P(2)**

ENTERPRISE AGREEMENT BETWEEN:
.....
.....

B A L L O T P A P E R

Draw a circle around either "Yes" or "No" below:

It is proposed to vary the registered enterprise agreement.

Do you approve this proposal? Yes No

RO Initials.....

**INDUSTRIAL RELATIONS ACT 1984
SECTION 61R(2)**

ENTERPRISE AGREEMENT BETWEEN:
.....
.....

B A L L O T P A P E R

Draw a circle around either "Yes" or "No" below:

It is proposed to terminate the registered enterprise agreement.

Do you approve this proposal? Yes No

RO Initials.....

**INDUSTRIAL RELATIONS ACT 1984
SECTION 61S(4)(b)**

PROPOSED ENTERPRISE AGREEMENT BETWEEN:
.....
.....

B A L L O T P A P E R

Draw a circle around either "Yes" or "No" below:

It is proposed that the enterprise agreement be agreed to.

Do you approve this proposal? Yes No

RO Initials.....

**INDUSTRIAL RELATIONS ACT 1984
SECTION 61T(2)**

PROPOSED ENTERPRISE AGREEMENT BETWEEN:
.....
.....

B A L L O T P A P E R

Draw a circle around either "Yes" or "No" below:

It is proposed to form an employee committee to represent the employees of ABC Co. Pty. Ltd. who intend to enter into an enterprise agreement.

Do you approve this proposal? Yes No

RO Initials.....

**INDUSTRIAL RELATIONS ACT 1984
SECTION 61U(1)**

PROPOSED ENTERPRISE AGREEMENT BETWEEN:
.....

B A L L O T P A P E R

For the election of members of an employee committee.
(Insert number)

Instructions

Number the boxes 1 to in the order of your choice.

- | | |
|--------------------------|------------------------|
| <input type="checkbox"/> | BEIGE , John |
| <input type="checkbox"/> | ORANGE , Philip |
| <input type="checkbox"/> | BLUE , Bruce |
| <input type="checkbox"/> | RED , Julie |
| <input type="checkbox"/> | YELLOW , Jane |

REMEMBER number **every** box to make your vote count.

RO Initials.....

INDUSTRIAL RELATIONS ACT 1984
SECTION 61V

ENTERPRISE AGREEMENT BETWEEN:
.....

B A L L O T P A P E R

For the election of
(insert number)..... employee committee.

Instructions

Number the boxes 1 to in the order of your choice.

BEIGE, John

ORANGE, Philip

BLUE, Bruce

YELLOW, Jane

REMEMBER number **every** box to make your vote count.

RO Initials.....

INDUSTRIAL RELATIONS ACT 1984
SECTION 61Y(1)

PROPOSED*/ENTERPRISE AGREEMENT BETWEEN:
.....

B A L L O T P A P E R

For the election to fill
(insert number)..... casual vacancy/vacancies* on the
employee committee.

Instructions

Number the boxes 1 to in the order of your choice.

BEIGE, John

TAN, Sandra

ORANGE, Philip

FAWN, Janine

REMEMBER number **every** box to make your vote count.

* Delete whichever word is not applicable.

RO Initials.....

SELF NOMINATION FORM

To the Returning Officer,

I, *(print full name and address)* nominate myself as a candidate for the Employee Committee of

.....
(Name of Employer)

.....
(Signature)

.....
(Date)

ABC COMPANY PTY. LTD.

RESULT OF SECRET BALLOT HELD PURSUANT TO SECTIONS 61T(2) AND 61U(1) OF THE INDUSTRIAL RELATIONS ACT, 1984

RETURNING OFFICER'S DECLARATION AND REPORT

I, appointed as Returning Officer
(Name)
by.....declare that I conducted
a secret ballot for.....pursuant
to Rules determined by the Registrar under Section 61ZD(1) of the Act, with the
following result:

Number of employees eligible to vote

Number of employees who voted

Number of ballots rejected as informal

Number of votes in favour of the proposal

Number of votes against the proposal

Names of candidates elected to the Employee Committee

.....
.....
.....
.....

Date of Ballot

Method of Ballot

SIGNED AT: THIS DAY OF200 .

.....
(Signature of Returning Officer)

.....
(Name in full of Scrutineer) Signature

.....
(Name in full of Scrutineer) Signature

ABC COMPANY PTY. LTD.

**RESULT OF SECRET BALLOT HELD PURSUANT TO SECTIONS 61D(2)
OF THE INDUSTRIAL RELATIONS ACT, 1984**

RETURNING OFFICER'S DECLARATION AND REPORT

I, (Name) appointed as Returning Officer
by.....declare
that I conducted a secret ballot to approve a proposed enterprise agreement
pursuant to Rules determined by the Registrar under Section 61ZD(1) of the Act,
with the following result:

Number of employees eligible to vote
Number of employees who voted
Number of ballots rejected as informal
Number of votes in favour of the proposal
Number of votes against the proposal
Percentage of employees eligible to vote
who were in favour of the proposal

Date of Ballot

Method of Ballot

SIGNED AT: THIS DAY OF200 .

.....
(Signature of Returning Officer)

..... Signature

..... Signature

A BRIEF SUMMARY OF PART IVA OF THE INDUSTRIAL RELATIONS ACT 1984

The provisions relating to enterprise agreements are to be found in Part IVA of the *Industrial Relations Act 1984* (the Act), in Sections 61A to 61ZE.

WHAT DOES AN ENTERPRISE AGREEMENT DO?

(Purpose and effect – ss.61B and 61M)

An enterprise agreement is an agreement negotiated between employers and employees about conditions of employment. The agreement can specify some or all of the conditions of employment for employees covered by the agreement.

If there is an award which applies to employees covered by the agreement, the enterprise agreement can replace some or all of the conditions of that award.

It is possible to have both an award and an enterprise agreement at the same time. For example, there may be an agreement that just covers leave provisions, with the award setting out all of the other conditions. Sometimes an agreement may cover something that is not in the award at all, such as redundancy provisions.

An enterprise agreement can cover all employees at a workplace, or just employees within sections of the workplace.

An enterprise agreement is a legally binding document, in the same way that an award is. All employees and employers who are party to the agreement are bound by it, and it is enforceable under the Act.

WHO ARE THE PARTIES TO AN ENTERPRISE AGREEMENT?

(s.61D)

An enterprise agreement can be made between the employer and:

- an individual employee, or;
- a union or unions on behalf of the employees, or;
- all employees at the workplace, or;
- employees within a section of the workplace

An enterprise agreement can also be made between an employer and a committee of employees, provided that at least 60% of the employees vote to establish that committee of employees.

Once an agreement is approved by the Tasmanian Industrial Commission it covers existing and future employees for the life of the agreement.

WHAT IS THE VOTING PROCESS?

(ss.61D, 61O, 61P, 61R, 61S, 61T, 61Y, 61Z)

Before an agreement can be made or varied all employees party to the agreement vote on whether or not the agreement should be made.

The vote is conducted by secret ballot, except when the agreement is with a union or an individual employee.

The Commission must be satisfied that the secret ballot was properly conducted. Any person who believes that the ballot was not properly conducted can notify the Commission and ask for a new ballot to be conducted by an independent person.

Sixty per cent of the employees must vote in favour of the agreement before it can be approved.

The same voting process applies to the election of employee committees.

If there are five or less employees the Registrar can waive the necessity for a secret ballot if all the relevant people request it.

WHAT IS AN EMPLOYEE COMMITTEE?

(ss.61T, 61U, 61W, 61X, 61Y, 61Z)

Employees are entitled to be represented by an employee committee. The committee can then represent all of the employees when negotiating an agreement and in all matters relating to the making, varying or terminating of an agreement.

WHAT MUST BE IN THE AGREEMENT?

(s.61E)

An enterprise agreement must include certain provisions. It must:

- say who the parties to the agreement are;
- identify the enterprise;
- state all the classes of employment, eg the type of work performed and whether part-time, casual, full time work etc;
- say how long the agreement will last for;
- set out the new conditions of employment which will apply;
- set out the procedures to be followed for resolving grievances and disputes.

WHO MUST SIGN THE AGREEMENT?

(s.61G)

An enterprise agreement must be in writing and signed by or on behalf of all the parties to the agreement.

HOW LONG CAN AN AGREEMENT LAST?

(ss.61O and 61P)

An agreement can last for any period up to a maximum of five years.

Once the agreement expires the enterprise reverts to whatever award or other industrial agreement would apply had the enterprise agreement not been in place.

An enterprise agreement can come to an end before the specified date, provided that the parties agree. If there had been a secret ballot to establish the agreement, then there needs to be a secret ballot to terminate the agreement before the due date. At least 60% of the employees must vote in favour of terminating the agreement early **and** the employer must agree.

A similar process applies if the agreement is to be terminated or varied. Variations remain in force for the life of the original enterprise agreement.

WHAT IS THE FORMAL PROCESS?

(s.61H and 61I)

An enterprise agreement must be lodged with the Registrar.

The Commissioner sets a hearing date, notifies the parties and forwards a copy of the agreement to the parties.

At the hearing the Commissioner will listen to what the parties have to say, and must be satisfied that:

- the enterprise agreement contains all of the required provisions;
- it meets the minimum standards;
- the bargaining process was fair and appropriate;
- no duress was applied during the negotiations;
- the parties to the agreement are aware of their entitlements and obligations under the agreement and the Act;
- the parties are aware of any changes to their existing conditions of employment;

- the parties to the agreement received a summary of any changes to their existing conditions of employment at least two weeks before the secret ballot;
- the agreement is fair in all the circumstances.

If the Commissioner is satisfied that the above requirements have been met, he or she will approve the enterprise agreement and notify all of the parties, and the Minister, in writing.

IS THERE A "COOLING OFF" PERIOD?

(s.61K)

A party may withdraw from the agreement within 14 days after receiving the Commissioner's notice of approval of the agreement. The notice of intention to withdraw from the agreement must be in writing and must be lodged with the Registrar.

At least 60% of the employees to whom the agreement applies must agree to the withdrawal.

REGISTRATION

(s.61L)

Once the Commissioner has approved the enterprise agreement, it must then be registered by the Registrar. The Registrar is unable to register the agreement until 14 days after the agreement is approved, or if a written complaint about the conduct of the ballot has been received.

AFTER THE AGREEMENT IS APPROVED

(ss.61Q and 61ZE)

After the enterprise agreement is registered, the employer must display a copy of the agreement in the workplace, in a place where it is easily able to be seen by all employees.

All new employees who will be covered by the agreement must be advised, by the employer, that the agreement exists and they must either be given a copy of the agreement or a summary of the agreement. That summary must be accurate and simply expressed.

DRAFT STATEMENT OF AWARENESS

As parties to the **(XYZ)** Enterprise Agreement 2002, we submit this written statement to satisfy you that we are aware of our entitlements and obligations under our enterprise agreement and Part IVA of the *Industrial Relations Act 1984*, as well as being aware of any changes to conditions of employment that would otherwise apply.

1. COMPARISON OF ENTERPRISE AGREEMENT TO AWARD COVERAGE

As a **(retail)** business, the **(Retail Trades Award)** is the award that would apply if it were not for our enterprise agreement.

To satisfy you that we are aware of our entitlements and obligations under our agreement and the differences between the agreement and conditions of employment that would otherwise apply, we have been provided with a document which summarises and compares the **(Retail Trades Award)** with the **(XYZ)** Enterprise Agreement 2002 (see attachment A). We have also been provided with a copy of the agreement and a detailed briefing by **(XYZ)**.

The briefing, agreement and comparison were all provided at least two weeks before the secret ballot to approve the agreement.

2. PART IVA OF THE INDUSTRIAL RELATIONS ACT 1984

To assist us understand Part IVA, we have been provided with a SUMMARY OF PART IVA OF THE INDUSTRIAL RELATIONS ACT 1984 (see Attachment B). In addition, this submission highlights the sections of the Act that we believe are most relevant to our agreement:

Parties - we acknowledge that an employee party to an enterprise agreement could have sought assistance or presentation from a union or any other person.

Content - we consider that our agreement includes all of the conditions of employment required.

Minimum Conditions - we submit that our agreement clearly satisfies s.61F of the Act where applicable.

Withdrawal - we acknowledge that either party to the agreement may withdraw from the agreement within 14 days after it has been approved and that we must notify you and each other of such action.

Registration and Effect - we understand that once approved, you will register our agreement unless a withdrawal notice is received. We also acknowledge that a registered enterprise agreement is enforceable as if it were an award.

