

### 3. Lodgement of agreements for registration or approval

- (1) This regulation applies to an agreement that is —
  - (a) a workplace agreement;
  - (b) an agreement under section 23 (1) or 24 (1) of the Act;
  - (c) a collective workplace agreement to which Part 2A of the Act applies; or
  - (d) an agreement under section 23 (1) of the Act as applied by section 40J (1) of the Act.
- (2) A person who wishes to lodge an agreement with the Commissioner for registration, or with the Tribunal for approval, as is applicable to the case, must do so in accordance with subregulations (3), (4) and (5).
- (3) An agreement must be accompanied by a completed application to register or to approve, as is applicable to the case, in the form of Form 1 in Schedule 1 unless the Commissioner is of the view that the information required to be set out in Form 1 is adequately contained in the lodged agreement or in any other accompanying document.
- (4) A collective workplace agreement to which Part 2A of the Act applies or an agreement under section 23 (1) as applied by section 40J (1) of the Act must be accompanied by the information required to be set out in Form 2 in Schedule 1.
- (5) An agreement or any accompanying form or document may be lodged —
  - (a) by presenting a signed copy of it at the Commissioner's registry office between the hours of 8.30 a.m. and 5.00 p.m. from Monday to Friday, except on a day that is a public holiday or a public service holiday;
  - (b) by posting a signed copy of it by registered post addressed to the Commissioner's registry office; or
  - (c) by sending a facsimile of the original document by facsimile transmission to the Commissioner's registry office.
- (6) Unless the contrary is proved, lodgement of an agreement or any accompanying form or document by registered post is to be treated as being effected at the time when the post would have been delivered in the ordinary course of delivery of registered post.
- (7) Where an agreement or any accompanying form or document ("**document**") is sent by facsimile transmission, lodgement of the document is to be treated as being effected upon completion of the transmission of the document unless it is subsequently established by or on behalf of the Commissioner that the document was not in fact received by the registry office facsimile machine or that the facsimile received was not legible or complete.
- (8) The Commissioner may refuse to accept an agreement for registration or lodgement unless —
  - (a) it is typed on one side only of the paper; and
  - (b) it is in the English language.

*[Regulation 3 inserted in Gazette 9 June 1998 pp.3145-6.]*