Form A85

Model Referral agreement (Industrial Referral Agreement)

|  |  |
| --- | --- |
| **Case Number**(SAET use only) |  |

#### 1. This referral agreement is made between:

[set out the names and addresses of each party]

[PARTY A]

|  |
| --- |
|  |

[PARTY B]

|  |
| --- |
|  |

 [PARTY C]

|  |
| --- |
|  |

[ensure that all parties are described]

#### 2. The parties agree that in the event that general disputes, matters or questions arise between them in relation to:

(a) industrial matters (including the making of a determination about the levels of remuneration, conditions of employment or other industrial matters); **and/or**

(b) industrial disputes (including by settling a dispute about whether appropriate remuneration has been paid to a person under a contract of employment or whether there has been a breach of a condition of employment); **and/or**

(c) questions whether, on the balance of probabilities, the dismissal of an employee was harsh, unjust or unreasonable;

and they are unable to resolve such matters, disputes or questions, the assistance of SAET will be sought to resolve the matters, disputes or questions;

**OR**

#### 3. The parties agree that a particular matter, dispute or question about

(here set out the description of the nature of the particular matter, dispute or question)

|  |
| --- |
|  |

will be referred to SAET for assistance in the event that the parties are unable to resolve such matter, dispute or question.

(select par 2 for a general referral or par 3 for a particular referral)

#### 4. The parties agree that the SAET may act as a:

(here set out whether the SAET may act as a conciliator, mediator, or arbitrator or any combination of those functions)

|  |
| --- |
|  |

#### 5. The parties agree that:

(a) SAET may make recommendations to the parties; and/or

(b) SAET may make determinations or orders; and/or

(c) the parties agree to accept and observe any determination made by SAET,

(strike out whichever is inapplicable)

#### 6. The parties agree that in assisting with the resolution of the matter, dispute or question SAET may perform or exercise such functions or powers with respect to the matter as SAET might exercise in the exercise of tis jurisdiction under s 26 of the Fair Work Act 1994

 (strike out whichever is inapplicable)

“without limitation or exclusion”

or

“subject to the following limitation, or exclusion/s” (provide details)

#### 7. The parties agree that where a matter, dispute or question is referred to SAET for assistance it will be dealt with by:

[name of SAET Member/a Member of SAET nominated by the President of SAET] (delete as appropriate)

#### 8. This agreement will operate from:

<date> to <date> .

#### DATED: <date agreement signed> .

### Party A or authorised representative

|  |  |
| --- | --- |
| Name |  |
| Signature |  |
| Date |  |
| Witness name |  |
| Witness signature |  |

### Party B or authorised representative

|  |  |
| --- | --- |
| Name |  |
| Signature |  |
| Date |  |
| Witness name |  |
| Witness signature |  |

### Party C or authorised representative

|  |  |
| --- | --- |
| Name |  |
| Signature |  |
| Date |  |
| Witness name |  |
| Witness signature |  |

Signed by or on behalf of [Party A] by its )

authorised representative in the presence of ) Signature of [Party A] or

 authorised representative

…………………………………… ………………………………………………

Signature of witness Name of [Party A] or authorised

representative (BLOCK LETTERS)

…………………………………….

Name of witness (BLOCK LETTERS)

Signed by or on behalf of [Party B] by its )

authorised representative in the presence of ) Signature of [Party B] or

 authorised representative

…………………………………… ………………………………………………

Signature of witness Name of [Party B] or authorised

representative (BLOCK LETTERS)

…………………………………….

Name of witness (BLOCK LETTERS)

Signed by or on behalf of [Party C] by its )

authorised representative in the presence of ) Signature of [Party C] or

 authorised representative

…………………………………… ………………………………………………

Signature of witness Name of [Party C] or authorised

representative (BLOCK LETTERS)

…………………………………….

Name of witness (BLOCK LETTERS)