

Application for Reconsideration (Form 5 v2)

Contract Cleaning Industry (Portable Long Service Leave) Act 2005 ("Act") – Section 91

This form is used to apply for reconsideration of a decision made by the authority.

TIME LIMITS

Most applications must be made within 45 days after the decision was given however, there are no time limits on applications relating to the register of workers.
Please see the reverse of this application for further details.

APPLICANT DETAILS

Full name:

Worker/Employer number (if applicable):

Address:

Phone Number:

Alternate phone number:

(If you are applying for reconsideration on behalf of another person, please attach an authority to act on their behalf).

DETAILS OF ORIGINAL DECISION

Please briefly describe the decision you would like reconsidered. You do not have to do this if you have a copy of the decision (for example a letter, notice or other document) which you attach to this application.

Date of decision:

Who made the decision:

What was the decision about?

REASONS FOR APPLICATION

What are your reasons for requesting a reconsideration? Please provide any information the authority may need to decide the application. If required, please attach supporting documents to this application.

PLEASE NOTE

For additional information on aspects of the reconsideration process, please see the reverse of this form.

Please submit applications within the required time and with any supporting documentation by either:

1. FAXING it to

Attention: Manager Legal Services on 07 3212 6844, or

2. POSTING it to

Attention: Manager Legal Services

The Contract Cleaning Industry (Portable Long Service Leave) Authority

PO Box 512

Lutwyche QLD 4030

The authority will send you a letter acknowledging the application and advising when the reconsideration decision will be made and the details of an officer you may contact with any queries.

SIGNATURE OF APPLICANT

DATE

PART 8 Division 2 - Internal reconsideration of original decision

Section 91 - Reconsideration of original decision of authority

(1) A person who is aggrieved by an original decision of the authority (an *aggrieved person*) may apply for a reconsideration of the decision (an *application for reconsideration*).

(2) The application must—

- (a) be made in the approved form to the authority—
 - (i) if the original decision relates to information contained in a notice given to the aggrieved person under section 67(2)¹—within 6 months after the notice is given to the person; or
 - (ii) if the original decision relates to an entry in the register of workers—at any time; or
 - (iii) otherwise—within 45 days after the original decision is made or given; and
- (b) be supported by enough information to enable the authority to decide the application.

(3) However, if the authority is satisfied there are special circumstances, the authority may decide the time for applying for a reconsideration be changed to a later stated time.

(4) If the authority decides the employer or a worker of the aggrieved person may have an interest in the application, the authority must give notice of the application (the *reconsideration notice*) and supporting documents to the employer or worker (the *recipient*).

(5) The reconsideration notice must inform the recipient that submissions on the application may be made to the authority before a stated day at least 14 days after the application is made to the authority.

(6) If the recipient makes a submission on the application, the authority must provide a copy of the submission to the aggrieved person and allow the aggrieved person at least 7 days after the copy is given to the aggrieved person to make a further submission to the authority.

(7) Within 45 days after receiving the application, the authority must—

- (a) review the original decision; and
- (b) consider the application and any submissions properly made; and
- (c) make a decision (the *reconsidered decision*) to—
 - (i) confirm or revoke the original decision; or
 - (ii) vary the original decision in a way the authority considers appropriate; and
- (d) give an information notice about the reconsidered decision to the aggrieved person and any recipient of a reconsideration notice.

(8) However, the authority is taken to have refused the application for reconsideration if, within 45 days after receiving the application, the authority—

- (a) does not give the aggrieved person an information notice about the reconsidered decision; and
- (b) has not asked the aggrieved person for further information about the reconsideration.

(9) If the authority asks for further information about the reconsideration and does not give the aggrieved person an information notice about the reconsidered decision, the authority is not taken to have refused the application for reconsideration until 60 days after the authority receives the application.

(10) An application for a reconsideration of an original decision does not stay the decision.

(11) Despite the *Acts Interpretation Act 1954*, section 27A², the application must not be dealt with by—

- (a) the person who made the original decision; or
- (b) a person in a less senior office than the person who made the original decision.

¹ Section 67 (Notice to registered workers about service credits)

² *Acts Interpretation Act 1954*, section 27A (Delegation of powers)