

17. Proceedings before industrial magistrate

- (1) A complainant to whom a certificate has been issued under regulation 16 (3) may initiate proceedings before an industrial magistrate by lodging a complaint and the certificate with the industrial magistrate.
- (2) Written notice of any hearing before an industrial magistrate is to be given to the industrial agent concerned and to the complainant not later than 14 days before the hearing.
- (3) The notice is to set out the time and place of the hearing and short particulars as to the matter to be heard and the procedures to be followed in hearing that matter.
- (4) The industrial magistrate is to make a determination as to whether or not, on the balance of probabilities, the industrial agent has failed to comply with a condition subject to which the agent was registered.
- (5) If an industrial magistrate finds that an industrial agent has failed to comply with a condition subject to which the agent was registered the industrial magistrate may —
 - (a) reprimand the industrial agent; or
 - (b) cancel the registration and, in addition, disqualify the industrial agent —
 - (i) for a specified period; or
 - (ii) until the fulfilment of any condition which may be imposed by the industrial magistrate,from being registered as an industrial agent.
- (6) If proceedings are initiated against an industrial agent and no finding is made against the industrial agent, the industrial magistrate may order the complainant who initiated the proceedings to pay all or parts of the costs of that industrial agent in respect of the proceedings and such sum, not exceeding \$500, as the industrial magistrate may fix in or towards defraying the costs of the proceedings.
- (7) Costs ordered to be paid under this regulation are recoverable in a court of competent jurisdiction as a debt payable by the person ordered to pay the costs.